

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

FIFTEENTH 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

Monday, June 3, 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	Gallot	Perkins
Alario	Glover	Psychaud
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	Romero
Bowler	Hudson	Salter
Broome	Hunter	Scalise
Bruce	Hutter	Schneider
Bruneau	Iles	Schwegmann
Capella	Jackson, L	Shaw
Carter, K	Jackson, M	Smith, G.—56th
Carter, R	Johns	Smith, J.D.—50th
Cazayoux	Katz	Smith, J.H.—8th
Crane	Kennard	Smith, J.R.—30th
Crowe	Kenney	Sneed
Curtis	LaFleur	Stelly
Damico	Lancaster	Strain
Daniel	Landrieu	Swilling
Dartez	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	Odinet	
Total—103		

ABSENT

Devillier	Thompson
Total—2	

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

Prayer

Prayer was offered by Rev. Roy Betmiller.

Pledge of Allegiance

Rep. Hutter 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. Alario, the reading of the Journal was dispensed with.

On motion of Rep. Alario, the Journal of May 30, 2002, was adopted.

**Petitions, Memorials and
Communications**

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

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

May 30, 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. 35
Returned without amendments.

House Concurrent Resolution No. 57
Returned without amendments.

House Concurrent Resolution No. 58
Returned without amendments.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

May 31, 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. 35, 43, and 47

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Honey, 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. 35—
BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the Wireless Classroom Project being implemented in the state of Georgia and the feasibility of implementing similar pilot programs in Louisiana.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 43—
BY SENATOR C. JONES

A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals to take all steps necessary to maximize the reimbursement to schools of the cost of administering and providing medical and related services needed by Medicaid-eligible special education students.

Read by title.

On motion of Rep. Rodney Alexander, and under a suspension of the rules, the above resolution was referred to the Committee on Health and Welfare, under the rules.

SENATE CONCURRENT RESOLUTION NO. 47—
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to reapply for a Medicaid Infrastructure Grant for calendar years 2003 through 2006 to develop the infrastructure necessary to establish and implement an optional categorically needy Medicaid eligibility group for working individuals with disabilities, commonly referred to as the Medicaid Buy-in program.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative R. Alexander to Original Senate Concurrent Resolution No. 47 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 16, after "programs" delete the remainder of the line and delete lines 17 through 19 and insert a semicolon ";" and "and" and the following:

"WHEREAS, the Department of Health and Human Services, Center for Medicare and Medicaid Services, has grant funds available to states to assist in the planning and designing of Medicaid Buy-in programs which require no state matching funds for such infrastructure development; and"

On motion of Rep. Rodney Alexander, the amendments were adopted.

On motion of Rep. Rodney Alexander, and under a suspension of the rules, the resolution, as amended, was concurred in.

Privileged Report of the Legislative Bureau

June 3, 2002

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Bill No. 36
Reported without amendments.

Senate Bill No. 47
Reported without amendments.

Senate Bill No. 48
Reported without amendments.

Senate Bill No. 58
Reported without amendments.

Senate Bill No. 78
Reported with amendments.

Respectfully submitted,

JOE SALTER
Chairman

**Senate Instruments on Second Reading
Returned from the Legislative Bureau**

Rep. Broome asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions on second reading just returned from the Legislative Bureau, with a view of acting on the same:

SENATE BILL NO. 36—
BY SENATOR FIELDS

AN ACT

To enact Part III of Chapter 29 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9097, relative to the levy of taxes in East Baton Rouge Parish; to authorize the levy of a tax or parcel fee in a specified area of the city; to provide relative to the amount, duration, collection, and use of revenue from such tax or fee; to authorize the creation of a special taxing district for the Concord Homeowners Association; to provide for the boundaries, purpose, and taxing authority of the district; and to provide for related matters.

Read by title.

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

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 47—
BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 33:9072(D)(1) and to enact R.S. 33:9076, relative to the levy of taxes in municipalities; to authorize the levy and renewal of taxes or parcel fees in specified areas or special districts within such municipalities; to provide relative to the amount, duration, collection, and use of revenue from such taxes or fees; to provide for the term of the special tax or fee; and to provide for related matters.

Read by title.

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

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 48—
BY SENATOR JOHNSON

AN ACT

To enact R.S. 33:9073.1, relative to the levy of taxes in municipalities; to authorize the levy and renewal of taxes or parcel fees in specified areas or special districts within such municipalities; to provide relative to the amount, duration, collection, and use of revenue from such taxes or fees; to create special taxing districts; to provide for the creation, boundaries, governance, and purpose of such districts; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Reengrossed Senate Bill No. 48 by Senator Johnson

AMENDMENT NO. 1

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

"Notice of intention to introduce this Act has been published."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 58—
BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 47:603, relative to the corporation franchise tax; to exclude from borrowed capital certain indebtedness of vehicle, boat, and equipment dealers; to provide for an effective date; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 78—

BY SENATOR JOHNSON AND REPRESENTATIVE LUCAS

AN ACT

To enact R.S. 33:2740.54, relative to economic development; to create an economic development district in the lower ninth ward of the city of New Orleans; to provide for governance and administration of the district; to provide for the powers and duties of the governing authority, including the authority to levy taxes and issue bonds subject to voter approval; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Engrossed Senate Bill No. 78 by Senator Johnson

AMENDMENT NO. 1

On page 1, between lines 7 and 8, insert the following:

"Notice of intention to introduce this Act has been published."

AMENDMENT NO. 2

On page 7, line 3, after "approved by" and before "the city" delete "a majority of"

AMENDMENT NO. 3

On page 7, at the end of line 3, after "council" insert a period "." and delete the remainder of line 3, and the beginning of line 4, delete "who vote on the proposition at such election." and insert the following:

"The tax shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code."

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 78 by Senator Johnson

AMENDMENT NO. 1

On page 4, line 27, following "for" and before "Orleans" delete "the"

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

On motion of Rep. Broome, the bill, as amended, was ordered 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 CONCURRENT RESOLUTION NO. 63—
BY REPRESENTATIVE TRICHE

A CONCURRENT RESOLUTION

To create a task force to study the current trends in admissions and re-admissions to and discharges from developmental centers and the community capacity to meet the needs of persons with developmental disabilities who are involved with the judicial system, as well as persons with complex medical and behavioral problems being admitted to state developmental centers; and to make recommendations from these findings for supports/services planning and policy development.

Read by title.

Under the rules, the above resolution was referred to the Committee on Health and Welfare.

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. 42—
BY SENATOR FONTENOT

AN ACT

To enact R.S. 47:6016, relative to tax credits; to grant a refundable credit against income and corporate franchise tax for the purchase of certain items from certain contractors employing inmate labor; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

SENATE BILL NO. 57—
BY SENATOR THOMAS

AN ACT

To amend and reenact R.S. 47:305(D)(5), relative to exclusions and exemptions from sales and use taxes; to provide or authorize an exemption for the sale, administration, or procurement of certain prescription drugs from local sales taxes; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

SENATE BILL NO. 72—
BY SENATOR MALONE

AN ACT

To enact R.S. 33:2711.15, relative to municipal sales and use taxes; to authorize the governing body of the city of Shreveport to levy and collect an additional sales and use tax; to provide for voter approval; to provide for terms and renewals; to provide for a termination date of such authority; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 86 (Substitute for Senate Bill No. 84 by Senator Ellington)—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 47:301(10)(v), (13)(g) and (h), and (18)(i), relative to sales and use taxes; to provide for the taxation of the sale or other disposition of certain tangible personal property by a dealer in connection with the sale or use of mobile telecommunications services; to provide for applicability of the Act to certain claims and actions; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

Reconsideration

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

HOUSE BILL NO. 100—
BY REPRESENTATIVES DAMICO AND DOWNER AND SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 32:412(A)(1), (2), (5), and (6) and (B)(1), (2), and (7)(e) and to enact R.S. 30:2532(B)(3), relative to drivers' licenses; to increase the fee for issuance and renewal of drivers' licenses; to require funds from such fee increase to be forwarded to the Keep Louisiana Beautiful Fund; to provide relative to the use of such funds; and to provide for related matters.

Read by title.

On motion of Rep. Damico, the vote by which the above House Bill failed to pass on the previous legislative day was reconsidered.

Returned to the calendar under the rules.

Suspension of the Rules

On motion of Rep. Pierre, the rules were suspended in order to take up and consider Senate Concurrent Resolutions on Third Reading for Final Consideration at this time.

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. 39—
BY SENATOR ROMERO AND REPRESENTATIVE PIERRE
A CONCURRENT RESOLUTION

To approve the Coastal Wetlands Conservation and Restoration Plan for Fiscal Year 2002-2003, as adopted by the Wetlands Conservation and Restoration Authority.

Read by title.

Rep. Pierre moved the concurrence of the resolution.

By a vote of 87 yeas and 0 nays, the resolution was concurred in.

House Bills and Joint Resolutions Returned from the Senate with Amendments

The following House Bills and Joint Resolutions returned from the Senate with amendments to be concurred in by the House were taken up and acted upon as follows:

HOUSE BILL NO. 82—
BY REPRESENTATIVES DANIEL, DIEZ, FAUCHEUX, FLAVIN, FUTRELL,
HEBERT, HUDSON, QUEZAIRE, AND WALSWORTH
AN ACT

To amend and reenact R.S. 47:301(16)(g)(iii) and (iv), relative to the sales and use tax; to extend the definition of tangible personal property as it applies to excluding certain transactions relating to manufactured homes to all tax authorities in the state; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 95—
BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 47:301(10)(t) and (18)(h), relative to state sales and use taxes; to define retail sale and use to exclude the acquisition and distribution of telephone directories distributed free of charge by advertising companies not affiliated with telephone service providers; to provide for an effective date; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 95 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 2, after "47:301(10)(t)" insert ", (14)(f),"

AMENDMENT NO. 2

On page 1, line 6, after "date;" insert "to define cold storage relative to the imposition of sales taxes;"

AMENDMENT NO. 3

On page 1, line 8, after "47:301(10)(t)" insert ", (14)(f),"

AMENDMENT NO. 4

On page 2, between lines 7 and 8 insert:

"(14) "Sales of services" means and includes the following:

* * *

(f) The furnishing of cold storage space, except that space which is furnished pursuant to a bailment arrangement and the furnishing of the service of preparing tangible personal property for cold storage where such service is incidental to the operation of storage facilities; and

* * *"

Rep. Hammett moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

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	Hill	Quezaire
Baylor	Honey	Richmond
Bear	Hopkins	Riddle
Bowler	Hudson	Salter
Broome	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
Devillier	Landrieu	Swilling
Diez	LeBlanc	Thompson
Doerge	Lucas	Toomy
Downer	Martiny	Townsend
Durand	McDonald	Triche
Erdey	McVea	Tucker
Farrar	Montgomery	Waddell
Faucheux	Morrell	Walsworth
Flavin	Morrish	Welch
Frith	Murray	Winston
Fruge	Nevers	Wright
Total—99		

NAYS

Total—0

ABSENT

Bruce	Hebert	Romero
Dartez	McCallum	Wooton
Total—6		

The amendments proposed by the Senate were concurred in by the House.

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.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 141 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 13, after "purposes of" insert "computing the apportionment percents provided by Subsections A through F of"

AMENDMENT NO. 2

On page 4, line 15, after "(a)" change "The" to "For purposes of computing the apportionment percents provided by Subsections A through F of this Section, the"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Engrossed House Bill No. 141 by Representative Hammett

AMENDMENT NO. 1

On page 1, line 3, delete "(L) and" and delete "and (m)"

AMENDMENT NO. 2

On page 1, line 4, delete "telephone, television," and insert "television"

AMENDMENT NO. 3

On page 1, line 8, delete "and (L) are" and insert "is"

AMENDMENT NO. 4

On page 1, delete lines 12 through 17

AMENDMENT NO. 5

On page 2, delete lines 1 through 27

AMENDMENT NO. 6

On page 3, delete lines 1 through 11

AMENDMENT NO. 7

On page 3, line 12, delete "L." and insert "K."

AMENDMENT NO. 8

On page 6, line 2, change "and (m) are" to "is"

AMENDMENT NO. 9

On page 6, delete lines 18 through 27

AMENDMENT NO. 10

On page 7, delete lines 1 through 27

AMENDMENT NO. 11

On page 8, delete lines 1 through 5

AMENDMENT NO. 12

On page 8, line 6, delete "(f)" and insert "(e)"

AMENDMENT NO. 13

On page 10, line 17, delete "(g)" and insert "(f)"

AMENDMENT NO. 14

On page 10, line 20, delete "(h)" and insert "(g)"

AMENDMENT NO. 15

On page 10, line 23, delete "(i)" and insert "(h)"

AMENDMENT NO. 16

On page 10, line 25, delete "(j)" and insert "(i)"

AMENDMENT NO. 17

On page 11, line 4, delete "(k)" and insert "(j)"

AMENDMENT NO. 18

On page 11, line 8, delete "(l)" and insert "(k)"

AMENDMENT NO. 19

On page 11, line 10, delete "(m)" and insert "(l)"

Rep. Hammett moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Nevers
Alario	Fruge	Odinet
Alexander, E	Futrell	Peychaud
Alexander, R	Gallot	Pierre
Ansardi	Glover	Pinac

Arnold	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammett	Quezaire
Baylor	Heaton	Richmond
Beard	Hill	Riddle
Bowler	Honey	Salter
Broome	Hopkins	Schneider
Bruce	Hunter	Schwegmann
Bruneau	Hutter	Shaw
Capella	Iles	Smith, G.—56th
Carter, K	Jackson, L	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	McDonald	Tucker
Durand	McVea	Waddell
Erdey	Montgomery	Walsworth
Farrar	Morrrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wright
Total—96		

NAYS

Romero	Scalise
Total—2	

ABSENT

Dartez	Jackson, M	Wooton
Hebert	McCallum	
Hudson	Perkins	
Total—7		

The amendments proposed by the Senate were concurred in by the House.

HOUSE BILL NO. 190—
BY REPRESENTATIVE M. JACKSON
AN ACT

To enact R.S. 47:201.1(E), relative to individual income tax; to authorize an exemption from composite return and payment requirements for nonresident partners or members for publicly traded partnerships; to provide for an effective date; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 190 by Representative M. Jackson

AMENDMENT NO. 1

On page 1, line 3, delete "return and"

AMENDMENT NO. 2

On page 1, line 12, delete "composite return and"

AMENDMENT NO. 3

On page 1, at the end of line 15, after "number" delete the remainder of the line and insert a period "." and delete line 16, and insert:

"The secretary may request"

AMENDMENT NO. 4

On page 2, line 1, change "The" to "If granted, the"

AMENDMENT NO. 5

On page 2, at the end of line 4, insert:

"The secretary may revoke the exemption if the secretary determines that the nonresident partners are not filing and paying individual income taxes on their own behalf."

AMENDMENT NO. 6

On page 2, between lines 4 and 5, insert:

"(3) Publicly traded partnerships shall file a composite return that includes all nonresident partners who were partners on December thirty-first of the year prior to the due date of the return."

AMENDMENT NO. 7

On page 2, line 5, change "(3)" to "(4)"

Rep. Michael Jackson moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

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

Flavin	Morrish	Wright
Frith	Murray	
Fruge	Nevers	
Total—97		

NAYS

Total—0

ABSENT

Carter, R	McCallum	Welch
Dartez	Psychaud	Wooton
Hebert	Smith, J.H.—8th	
Total—8		

The amendments proposed by the Senate were concurred in by the House.

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. 175—
BY REPRESENTATIVES DEWITT, HAMMETT, LEBLANC, PINAC, AND DIEZ

AN ACT

To enact Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:336 through 339, and to enact R.S. 47:340, all relative to the state sales and use tax; to reduce the tax on certain transactions when certain revenue growth is achieved; to provide for a tax reduction schedule; to provide for the deposit of funds to offset certain reductions; to provide for the effectiveness of certain exemptions to the tax; to provide for an effective date; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Alario, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 4—
BY REPRESENTATIVE ALARIO
AN ACT

To amend and reenact R.S. 47:601, relative to the corporation franchise tax; to phase in a reduction of the tax; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Alario, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 241—
BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, DURAND, FAUCHEUX, FLAVIN, FRITH, GUILLORY, HEBERT, HUTTER, JOHNS, LEBLANC, MORRISH, ODINET, PIERRE, PINAC, PITRE, ROMERO, GARY SMITH, JACK SMITH, STELLY, TRICHE, AND WOOTON AND SENATORS CHAISSON, DUPRE, GAUTREAUX, HOYT, MOUNT, ROMERO, THEUNISSEN, AND ULLO
AN ACT

To enact R.S. 56:506 and to repeal R.S. 56:505, relative to seafood taken in state waters or imported into the state; to levy an excise tax on shrimp taken in state waters or imported into the state; to

provide for the administration, collection, and enforcement of the tax; to provide for civil and criminal penalties; to provide for use of the avails derived from the tax; to repeal the severance tax on saltwater shrimp taken in state waters; to provide for an effective date; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Alario, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 223—
BY REPRESENTATIVE DIEZ
AN ACT

To amend and reenact R.S. 47:462(B)(3)(a), 463(A)(1)(b) and (2), and 481, relative to the vehicle registration license tax; to provide for an additional tax on certain trucks and private passenger vehicles; to provide for disposition of the proceeds of the tax; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Diez, the bill was withdrawn from the files of the House.

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 the disposition of the proceeds of the tax; to provide for submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

On motion of Rep. Diez, the bill was withdrawn from the files of the House.

HOUSE BILL NO. 24—
BY REPRESENTATIVE ALARIO
A JOINT RESOLUTION

Proposing to amend Article VII, Section 20(A)(1) of the Constitution of Louisiana, to increase the homestead exemption in accordance with the increase in the Consumer Price Index; 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.

Motion

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

HOUSE BILL NO. 31—
BY REPRESENTATIVE STELLY
A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(A) and to add Article VII, Section 2.2 of the Constitution of Louisiana, relative to the limitations on the power of taxation; to provide for the limitation of the rates and brackets for the individual income tax; to prohibit the imposition of state sales and use tax on certain items; to provide for the submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Stelly, and under a suspension of the rules, consideration of the above bill was deferred at this time.

HOUSE BILL NO. 55—
BY REPRESENTATIVE FAUCHEUX
AN ACT

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

Read by title.

Rep. Fauchaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Fruge	Murray	Wooton
Futrell	Nevers	Wright
Total—102		
	NAYS	
Total—0		
	ABSENT	
Carter, R	Daniel	Smith, J.D.—50th
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Fauchaux 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. 58—
BY REPRESENTATIVE HEBERT
A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(G)(1)(a)(ii) and (iii) and (2)(a) of the Constitution of Louisiana, to provide that persons qualifying for the special assessment level for certain persons aged sixty-five and older shall apply for such assessment every five years; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 178—
BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 47:305(D)(1)(t), relative to sales and use taxes; to provide for an exclusion for certain dental devices; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 225—
BY REPRESENTATIVES DURAND, BAYLOR, FAUCHEUX, GLOVER,
HILL, L. JACKSON, AND ODINET
AN ACT

To amend and reenact R.S. 47:297(H)(2) and (3), relative to the individual income tax; to provide a credit for dentists who practice in designated underserved areas; and to provide for related matters.

Read by title.

Rep. Durand moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Pierre
Alexander, E	Glover	Pinac
Ansardi	Green	Pitre

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

NAYS

Total—0

ABSENT

Alexander, R	Martiny
Kennard	Peychaud
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 234—
BY REPRESENTATIVE DANIEL
AN ACT

To enact R.S. 47:301(10)(v), (13)(g) and (h), and (18)(i), relative to sales and use taxes; to provide for the taxation of the sale or other disposition of certain tangible personal property by a dealer in connection with the sale or use of mobile telecommunications services; to provide for applicability of the tax to certain existing claims and actions; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 256—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To enact Chapter 42 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9601 through 9610, and R.S. 45:781(C) and to amend and reenact R.S. 47:301(14)(i)(ii)(bb)(XV) and R.S. 45:781(A), relative to the taxation of telecommunications services; to create and establish a Louisiana Communications Tax District; to provide for the governance of the district by a board of directors; to provide for the authority, duties, powers, and responsibilities of the district and its board of directors; to authorize the district to levy and collect a statewide excise tax on all communications services in lieu of other local taxes, charges, or fees imposed on providing communications services; to provide for the distribution of the proceeds of such tax to the local governmental subdivisions of the state; to prohibit the enforcement of existing obligations to pay certain local taxes, charges, and fees; to provide that local governmental subdivisions shall have and retain the authority to regulate and manage their roads and rights-of-way in exercising their police power; to provide for definitions; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Salter, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Salter on behalf of the Legislative Bureau to Engrossed House Bill No. 256 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 4, following "47:301(14)(i)(ii)(bb)(XV)" and before "and" insert ", as amended by Section 1 of Act 1175 of the 2001 Regular Session,"

AMENDMENT NO. 2

On page 10, line 6, following "through" and before "of" change "E" to "D"

AMENDMENT NO. 3

On page 14, line 9, following "47:301(14)(i)(ii)(bb)(XV)" and before "is" insert ", as amended by Section 1 of Act 1175 of the 2001 Regular Session,"

AMENDMENT NO. 4

On page 14, between lines 11 and 12 insert the following:

"As used in this Chapter the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:"

AMENDMENT NO. 5

On page 18, line 3, following "Section 5." and before "Act" change "This" to "Sections 2 and 3 of this"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Montgomery to Engrossed House Bill No. 256 by Representative Montgomery

AMENDMENT NO. 1

On page 12, line 12, after "Section;" and before "and" insert the following:

"payments made by communications service providers to local governmental subdivisions in settlement of franchise fee lawsuits entered into prior to the effective date of this Act;"

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

Suspension of the Rules

On motion of Rep. Walsworth, 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.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Daniel to Engrossed House Bill No. 256 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 4, after "(XV)" and before "and", insert ", 301(14)(i)(ii)(cc)(II)(bbb),"

AMENDMENT NO. 2

On page 14, line 9, after "(XV)", delete the remainder of the line and insert "and 301(14)(i)(ii)(cc)(II)(bbb) are hereby amended and"

AMENDMENT NO. 3

On page 16, between lines 14 and 15, insert the following:

"(cc)(I)

* * *

(II) Notwithstanding any provision of law to the contrary, with respect to sales of interstate telecommunication services to any person for use in the operation of one or more call centers:

* * *

(bbb) The tax imposed pursuant to this Chapter shall not exceed ~~twenty-five~~ twelve thousand five hundred dollars per calendar year with respect to such sales reflected on bills submitted on or after July 1, 2003.

* * *"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Daniel to Engrossed House Bill No. 256 by Representative Montgomery

AMENDMENT NO. 1

On page 13, at the end of line 26, insert the following:

"A local governmental subdivision may, in the exercise of its police power, require a provider of communications services to relocate communications facilities within a road or road right-of-way to facilitate improvements to such a road maintained by the local governmental subdivision, with all costs and expenses related thereto being the responsibility of the communications services provider."

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

Point of Order

Rep. Crowe asked for a ruling from the Chair as to whether House Bill No. 256 would require a favorable vote of two-thirds of the elected members.

Ruling of the Chair

The Chair ruled that under Art. 6, Sec. 30.1(B), the collection of a tax on behalf of the state requires the favorable vote of two-thirds of the elected members. This bill does not collect a tax on behalf of the state and therefore requires a favorable vote of a majority of the elected members.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Hammett	Morrell
Alexander, R	Honey	Morrish
Baylor	Hunter	Murray
Broome	Iles	Odinot
Curtis	Jackson, L	Pinac
Dartez	Kennedy	Salter
Doerge	Landrieu	Toomy
Durand	Lucas	Townsend
Gallot	McVea	
Glover	Montgomery	
Total—28		

NAYS

Alario	Fruge	Pitre
Alexander, E	Futrell	Powell
Ansardi	Green	Quezaire
Arnold	Guillory	Richmond
Baldone	Heaton	Romero
Bear	Hebert	Scalise
Bowler	Hill	Schneider
Bruneau	Hopkins	Schwegmann
Capella	Hutter	Shaw
Carter, R	Jackson, M	Smith, G.—56th
Cazayoux	Katz	Strain
Crane	LaFleur	Swilling
Crowe	Lancaster	Thompson
Damico	LeBlanc	Triche
Diez	McCallum	Tucker
Downer	McDonald	Waddell

Farrar
Faucheux
Frith
Total—56

Nevers
Perkins
Pierre

Walsworth
Winston
Wright

ABSENT

Baudoin
Bruce
Carter, K
Daniel
Devillier
Erdey
Flavin
Total—21

Hudson
Johns
Kennard
Martiny
Peychaud
Riddle
Smith, J.D.—50th

Smith, J.H.—8th
Smith, J.R.—30th
Sneed
Stelly
Welch
Wooton

The Chair declared the above bill failed to pass.

Rep. Futrell moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

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

Suspension of the Rules

On joint motion of Reps. Hebert, Richmond, Swilling, and Thompson and under a suspension of the rules, the above roll call was corrected to reflect them as voting nay.

Speaker Pro Tempore Bruneau in the Chair

HOUSE BILL NO. 31—
BY REPRESENTATIVE STELLY
A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(A) and to add Article VII, Section 2.2 of the Constitution of Louisiana, relative to the limitations on the power of taxation; to provide for the limitation of the rates and brackets for the individual income tax; to prohibit the imposition of state sales and use tax on certain items; to provide for the submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Stelly, 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. Shaw sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Shaw to Engrossed House Bill No. 31 by Representative Stelly

AMENDMENT NO. 1

On page 3, at the end of line 9 insert the following:

"The schedule of brackets provided for in Title 47 of the Louisiana Revised Statutes shall be annually increased by an amount equal to the Consumer Price Index, as determined by the secretary of the Department of Revenue based on nationally published reports."

Rep. Shaw moved the adoption of the amendments.

Rep. Stelly objected.

By a vote of 31 yeas and 64 nays, the amendments were rejected.

Rep. Stelly moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker
Alario
Alexander, R
Arnold
Baldone
Baudoin
Baylor
Broome
Bruce
Carter, K
Cazayoux
Curtis
Damico
Daniel
Dartez
Diez
Doerge
Durand
Erdey
Farrar
Faucheux
Flavin
Frith
Futrell
Gallot
Total—73

Glover
Green
Guillory
Hammett
Heaton
Hill
Honey
Hopkins
Hudson
Hunter
Iles
Jackson, L
Jackson, M
Johns
Kenney
LaFleur
Landrieu
LeBlanc
Lucas
McDonald
McVea
Montgomery
Morrell
Morrish
Murray

Nevers
Odinet
Perkins
Peychaud
Pierre
Pinac
Pitre
Powell
Quezaire
Richmond
Riddle
Salter
Schwegmann
Smith, G.—56th
Smith, J.D.—50th
Stelly
Strain
Swilling
Thompson
Townsend
Triche
Welch
Wooton

NAYS

Alexander, E
Ansardi
Bead
Bowler
Bruneau
Capella
Carter, R
Crane
Crowe
Downer
Total—29

Fruge
Hebert
Hutter
Katz
Kennard
Lancaster
McCallum
Romero
Scalise
Schneider

Shaw
Smith, J.H.—8th
Smith, J.R.—30th
Toomy
Tucker
Waddell
Walsworth
Winston
Wright

ABSENT

Devillier
Total—3

Martiny
Sneed

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. Stelly 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. Hutter, and under a suspension of the rules, the above roll call was corrected to reflect her as voting nay.

HOUSE BILL NO. 36—
BY REPRESENTATIVE STELLY

AN ACT

To amend and reenact R.S. 47:32(A), 112(A), 287.445(C), 293(6)(a)(iv) and (7), 295, and 1623(D) and to repeal R.S. 47:112(B) and (C), 293(2) and (6)(a)(i), and 296, relative to the individual income tax; to revise the tax brackets; to repeal the deduction for excess federal itemized deductions; to authorize the secretary of the Department of Revenue to promulgate income tax and withholding tax tables; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Stelly moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Guillory	Murray
Alexander, R	Hammett	Nevers
Arnold	Heaton	Odinet
Baldone	Hill	Peychaud
Baudoin	Honey	Pierre
Baylor	Hopkins	Pinac
Broome	Hudson	Powell
Carter, K	Hunter	Quezaire
Cazayoux	Hutter	Richmond
Curtis	Iles	Riddle
Damico	Jackson, L	Salter
Daniel	Jackson, M	Schwegmann
Dartez	Johns	Smith, G.—56th
Diez	Kennard	Smith, J.D.—50th
Doerge	Kenney	Smith, J.H.—8th
Durand	LaFleur	Stelly
Erdey	Landrieu	Strain
Farrar	LeBlanc	Swilling
Faucheux	Lucas	Thompson
Flavin	McDonald	Townsend
Frith	McVea	Welch
Gallot	Montgomery	Wooton
Glover	Morrell	
Green	Morrish	
Total—70		

NAYS

Alario	Fruge	Shaw
Alexander, E	Futrell	Smith, J.R.—30th
Ansardi	Hebert	Toomy
Beard	Katz	Triche
Bowler	Lancaster	Tucker
Bruneau	McCallum	Waddell
Capella	Perkins	Walsworth
Carter, R	Pitre	Winston
Crane	Romero	Wright
Crowe	Scalise	
Downer	Schneider	
Total—31		

ABSENT

Bruce	Martiny
Devillier	Sneed
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. Stelly 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. Johns, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

Speaker DeWitt in the Chair

HOUSE BILL NO. 241—

BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, DURAND, FAUCHEUX, FLAVIN, FRITH, GUILLORY, HEBERT, HUTTER, JOHNS, LEBLANC, MORRISH, ODINET, PIERRE, PINAC, PITRE, ROMERO, GARY SMITH, JACK SMITH, STELLY, TRICHE, AND WOOTON AND SENATORS CHAISSON, DUPRE, GAUTREAUX, HOYT, MOUNT, ROMERO, THEUNISSEN, AND ULLO

AN ACT

To enact R.S. 56:506 and to repeal R.S. 56:505, relative to seafood taken in state waters or imported into the state; to levy an excise tax on shrimp taken in state waters or imported into the state; to provide for the administration, collection, and enforcement of the tax; to provide for civil and criminal penalties; to provide for use of the avails derived from the tax; to repeal the severance tax on saltwater shrimp taken in state waters; to provide for an effective date; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Downer, 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. Downer moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander, E	Glover	Pierre
Alexander, R	Green	Pinac
Ansardi	Guillory	Pitre
Arnold	Hammett	Powell
Baldone	Heaton	Quezaire
Baudoin	Hebert	Richmond
Baylor	Hill	Riddle
Beard	Honey	Romero
Bowler	Hopkins	Salter
Broome	Hudson	Scalise
Bruce	Hunter	Schneider
Bruneau	Hutter	Schwegmann
Capella	Iles	Shaw
Carter, K	Jackson, L	Smith, G.—56th
Carter, R	Jackson, M	Smith, J.D.—50th

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Cazayoux	Johns	Smith, J.H.—8th
Crane	Katz	Smith, J.R.—30th
Crowe	Kennard	Sneed
Curtis	Kenney	Stelly
Damico	LaFleur	Strain
Daniel	Lancaster	Swilling
Dartez	Landrieu	Thompson
Devillier	LeBlanc	Toomy
Diez	Lucas	Townsend
Doerge	Martiny	Triche
Downer	McCallum	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walsworth
Farrar	Montgomery	Welch
Fauchoux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Früge	Odinet	
Total—104		

NAYS

Morrell
Total—1

ABSENT

Total—0

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. Downer 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. 58—
BY REPRESENTATIVE HEBERT

A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(G)(1)(a)(ii) and (iii) and (2)(a) of the Constitution of Louisiana, to provide that persons qualifying for the special assessment level for certain persons aged sixty-five and older shall apply for such assessment every five years; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hebert to Engrossed House Bill No. 58 by Representative Hebert

AMENDMENT NO. 1

On page 1, line 2 after "Section" and before "of" change "18(G)(1)(a)(ii) and (iii) and (2)(a)" to "18(G)(1)(a) and (2)(a)"

AMENDMENT NO. 2

On page 1, line 5 after "shall" delete the remainder of the line and insert "not be required to reapply and requalify annually; to provide for"

AMENDMENT NO. 3

On page 1, at the beginning of line 12, change "18(G)(1)(a)(ii) and (iii) and (2)(a)" to "18(G)(1)(a) and (2)(a)"

AMENDMENT NO. 4

On page 1, delete lines 17 and 18 and insert the following:

"(a)(i) The assessment of residential property receiving the homestead exemption which is owned and occupied by any person or persons sixty-five years of age or older and who meet all of the other requirements of this Section shall not be increased above the total assessment of that property for the first year that the owner qualifies for and receives the special assessment level, ~~unless the owner fails to qualify for and receive the special assessment level in a subsequent year. Such property of an owner who has failed to qualify for the special assessment level in one year and who requalifies in a subsequent year shall be assessed at the level at which it was assessed for the most recent year the owner failed to receive the special assessment level.~~"

AMENDMENT NO. 5

On page 2, line 11 after "Government." delete the remainder of the line and delete lines 12 through 14

AMENDMENT NO. 6

On page 2, line 16 after "level" and before "by" delete "once every five years"

AMENDMENT NO. 7

On page 2, at the end of line 24, delete "eligible" and delete lines 25 and 26 and insert "the owner of the property."

AMENDMENT NO. 8

On page 3, at the end of line 9, delete "apply for" and delete lines 10 through 12 and insert "not be required to reapply annually. (Amends Article VII, Section 18(G)(1)(a) and (2)(a))"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Odinet
Alario	Gallot	Perkins
Alexander, E	Glover	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	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		

NAYS

Total—0

ABSENT

Total—0

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

HOUSE BILL NO. 178—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 47:305(D)(1)(t), relative to sales and use taxes; to provide for an exclusion for certain dental devices; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

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

Suspension of the Rules

On motion of Rep. Pinac, the rules were suspended in order to take up and consider Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

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

Message from the Senate

HOUSE BILLS

May 31, 2002

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

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 157
Returned with amendments.

House Bill No. 169
Returned with amendments

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

**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. 37—

BY REPRESENTATIVE PINAC

A RESOLUTION

To commend Earl G. Romero upon receiving the Crowley Chamber of Commerce "Humanitarian of the Year" award.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 64—

BY REPRESENTATIVES MORRELL, BAYLOR, BROOME, K. CARTER, CURTIS, GALLOT, GLOVER, GREEN, GUILLORY, HONEY, HUDSON, HUNTER, L. JACKSON, M. JACKSON, LUCAS, MURRAY, PIERRE, QUEZAIRE, RICHMOND, SWILLING, AND WELCH AND SENATORS BAJOIE, BOISSIERE, CRAVINS, C. FIELDS, HOLDEN, IRONS, JOHNSON, C. JONES, AND TARVER

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the family of thirteen-year-old Tellis Lowell Green of Baton Rouge.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 65—

BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To memorialize the United States Congress and United States Department of Agriculture to keep open the USDA Agricultural Research Service Honeybee Breeding, Genetics, and Physiology Laboratory in Baton Rouge, Louisiana.

Read by title.

On motion of Rep. Bruce, 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 Ways and Means

June 3, 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. 153, by Richmond
Reported with amendments. (11-0-1) (Regular)

Senate Bill No. 11, by Hines
Reported favorably. (9-0-1) (Regular)

Senate Bill No. 13, by Dupre
Reported favorably. (9-0-1) (Regular)

Senate Bill No. 18, by Romero (Joint Resolution)
Reported favorably. (11-0-1)

Senate Bill No. 31, by B. Jones
Reported favorably. (9-0-1) (Regular)

Senate Bill No. 39, by Romero
Reported with amendments. (10-0-1) (Regular)

Senate Bill No. 49, by B. Jones
Reported favorably. (9-0-1) (Regular)

Senate Bill No. 71, by Bajoie
Reported favorably. (9-0-1) (Regular)

BRYANT O. HAMMETT, JR.
Chairman

The above Senate Bills reported favorably or with amendments, except Senate Bill No. 18, were referred to the Legislative Bureau.

Suspension of the Rules

On motion of Rep. Hammett, 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. 153—
BY REPRESENTATIVE RICHMOND
AN ACT

To enact R.S. 47:6015, relative to tax credits; to provide for a tax credit from income and corporation franchise taxes for certain low-income community investments; 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. 153 by Representative Richmond

AMENDMENT NO. 1

On page 2, line 18, after "(a)" and before "percent" change "two" to "one"

AMENDMENT NO. 2

On page 2, line 19, after "(b)" and before "percent" change "three" to "two"

AMENDMENT NO. 3

On page 3, between lines 12 and 13, insert the following:

"E. The aggregate amount of credits for all taxpayers during any taxable year shall not exceed five million dollars."

AMENDMENT NO. 4

On page 3, at the beginning of line 13, change "E." to "F."

AMENDMENT NO. 5

On page 3, at the beginning of line 23, change "F." to "G."

AMENDMENT NO. 6

On page 4, at the end of line 2, insert "The provisions of this Act shall become null and void on August 31, 2006."

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.

Suspension of the Rules

On motion of Rep. Hammett, the rules were suspended in order to take up and consider Senate Bills on Second Reading Reported by Committee at this time.

Senate Bills on Second Reading Reported by Committee

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

SENATE BILL NO. 18—
BY SENATOR ROMERO
A JOINT RESOLUTION

Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; to exempt drilling rigs used exclusively for the exploration and development of minerals outside the territorial limits of the state; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Privileged Report of the Committee on Enrollment

June 3, 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 Concurrent Resolutions have been properly enrolled:

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.

HOUSE CONCURRENT RESOLUTION NO. 57— BY REPRESENTATIVE R. ALEXANDER

A CONCURRENT RESOLUTION

To memorialize the Louisiana congressional delegation to request the United States Department of Agriculture to authorize the inclusion of fresh fruits and vegetables to the foods provided to women and children participating in the Special Supplemental Nutrition Program of Women, Infants, and Children (WIC).

HOUSE CONCURRENT RESOLUTION NO. 58— BY REPRESENTATIVE R. ALEXANDER

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to provide prescription drug coverage to qualified Medicare beneficiaries on a pilot basis and to provide for the areas covered in the pilot.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

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

Privileged Report of the Committee on Enrollment

June 3, 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 Bills have been properly enrolled:

HOUSE BILL NO. 12— BY REPRESENTATIVES HAMMETT AND THOMPSON

AN ACT

To amend and reenact Section 2 of Act No. 45 of the 1998 Regular Session of the Legislature, as amended by Section 1 of Act No. 7 of the 2000 Regular Session of the Legislature, relative to the

imposition of the occupational license tax on utilities selling electricity or gas in more than one municipality; to extend the applicability of the law; and to provide for related matters.

HOUSE BILL NO. 130—

BY REPRESENTATIVES MONTGOMERY, FAUCHEUX, HILL, AND THOMPSON

AN ACT

To amend and reenact R.S. 47:305(D)(1)(i) and (H), relative to the sales and use tax; to provide relative to trucks and automobiles used as demonstrators; and to provide for related matters.

HOUSE BILL NO. 135—

BY REPRESENTATIVES MONTGOMERY, FAUCHEUX, HILL, AND THOMPSON

AN ACT

To amend and reenact Section 3 of Act No. 12 of the 1996 Regular Session of the Legislature, as amended by Act No. 10 of the 1998 Regular Session of the Legislature and by Act No. 28 of the 2000 Regular Session of the Legislature, relative to sales and use tax; to extend the time limitation of the exclusion for certain transactions involving motor vehicles purchased for subsequent lease; to provide for an effective date; and to provide for related matters.

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.

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.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Adjournment

On motion of Rep. Kenney, at 4:20 P.M., the House agreed to adjourn until Tuesday, June 4, 2002, at 2:30 P.M.

The Speaker of the House declared the House adjourned until 2:30 P.M., Tuesday, June 4, 2002.

ALFRED W. SPEER
Clerk of the House

