

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

SECOND DAY'S PROCEEDINGS

Thirty-sixth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974

House of Representatives
State Capitol
Baton Rouge, Louisiana

Monday, February 11, 2008

The House of Representatives was called to order at 4:00 P.M., by the Honorable Jim Tucker, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

Mr. Speaker	Gisclair	Monica
Abramson	Greene	Montoucet
Anders	Guillory, E.	Morrell
Armes	Guillory, M.	Morris
Arnold	Guinn	Norton
Aubert	Hardy	Nowlin
Badon, A.	Harrison	Pearson
Badon, B.	Hazel	Perry
Baldone	Henderson	Peterson
Barras	Henry	Ponti
Barrow	Hill	Pope
Billiot	Hines	Pugh
Burford	Hoffmann	Richard
Burns, H.	Honey	Richardson
Burns, T.	Howard	Richmond
Burrell	Hutter	Ritchie
Carter	Jackson G.	Robideaux
Cazayoux	Jackson M.	Roy
Champagne	Johnson	Schroder
Chandler	Jones, R.	Simon
Chaney	Jones, S.	Smiley
Connick	Katz	Smith, G.
Cortez	Kleckley	Smith, J.
Cromer	LaBruzzo	Smith, P.
Danahay	LaFonta	St. Germain
Doerge	Lambert	Talbot
Dove	LeBas	Templet
Downs	Leger	Trahan
Edwards	Ligi	Waddell
Ellington	Little	White
Fannin	Lopinto	Williams
Foil	Lorusso	Willmott

Franklin	Marchand	Wooton
Gallot	McVea	
Geymann	Mills	
Total - 103		

ABSENT

Dixon
Total - 1

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

Prayer

Prayer was offered by Rep. Honey.

Pledge of Allegiance

Rep. Edwards 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. Baldone, the reading of the Journal was dispensed with.

On motion of Rep. Baldone, the Journal of February 10, 2008, was adopted.

Petitions, Memorials and Communications

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

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

February 11, 2008

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. 1
Returned without amendments

House Concurrent Resolution No. 2
Returned without amendments

House Concurrent Resolution No. 3
Returned without amendments

House Concurrent Resolution No. 4
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

February 11, 2008

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

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

Senate Concurrent Resolution No. 4

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 4—
BY SENATOR CROWE AND REPRESENTATIVE WOOTON
A CONCURRENT RESOLUTION

To commend and congratulate the South Plaquemines High School Hurricanes football team for winning the Class 1A State Football Championship.

Read by title.

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

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

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

HOUSE CONCURRENT RESOLUTION NO. 7—
BY REPRESENTATIVE HOFFMANN
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 8—
BY REPRESENTATIVE WOOTON AND SENATOR CROWE
A CONCURRENT RESOLUTION

To commend and congratulate the South Plaquemines High School Hurricanes football team for winning the Class 1A state football championship.

Read by title.

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

Ordered to the Senate.

**Introduction of House Bills
and Joint Resolutions**

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

HOUSE BILL NO. 77—

Withdrawn from the files of the House prior to introduction.

HOUSE BILL NO. 78—
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 18:1485(C), relative to certain campaign finance reporting requirements; to require certain reports to be filed electronically; to provide relative to procedures for the filing of such reports; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 79—
BY REPRESENTATIVE MORRELL
AN ACT

To enact R.S. 42:1120.4, relative to conflicts of interest; to authorize members of certain boards and commissions in New Orleans to recuse themselves from voting; to establish procedures for filing a statement of recusal; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 80—
BY REPRESENTATIVES MORRELL, ABRAMSON, LEGER, AND PETERSON
AN ACT

To enact Chapter 44 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9611 through 9615, relative to certain local entities; to provide relative to certain powers of a local ethics entity, ethics review board, or office of inspector general in certain municipalities; 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.

HOUSE BILL NO. 81—
BY REPRESENTATIVE MORRELL
AN ACT

To amend and reenact R.S. 42:1132(B)(introductory paragraph) and (2)(a), relative to the Board of Ethics; to require the board membership to include at least three members licensed to practice law in this state; to provide relative to nominations; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 82—
BY REPRESENTATIVE MORRELL
AN ACT

To enact R.S. 42:1141(C)(3), relative to procedures of the Board of Ethics; to provide relative to certain information relied upon by the board; to provide for requests for such information; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 83—
BY REPRESENTATIVE MORRELL
AN ACT

To enact R.S. 42:1144, relative to procedures of the Board of Ethics; to provide relative to hearings of the board; to provide relative to the role of the trial attorney; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 84—
BY REPRESENTATIVE SAM JONES
AN ACT

To amend and reenact R.S. 42:1114.1(B)(2) and to enact R.S. 42:1114(D) and 1124(G), relative to financial disclosure by public servants pursuant to the Code of Governmental Ethics; to except from disclosure requirements information related to any income, property, business enterprise, or other interests of a public servant's spouse included in a prenuptial agreement; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 85—
BY REPRESENTATIVE SAM JONES
AN ACT

To enact R.S. 42:1116(D), relative to conflicts of interest; to prohibit statewide elected officials and legislators from appointing campaign contributors to certain positions; to provide for penalties; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 86—
BY REPRESENTATIVE SAM JONES
AN ACT

To amend and reenact R.S. 42:1124.1(A)(2)(b) and 1157(A)(4)(a) and to enact R.S. 42:1124.2, relative to financial disclosure; to require certain disclosures by certain members of certain boards and commissions; to provide for the content of such disclosures; to provide for procedures by the Board of Ethics relative to such disclosures; to provide for penalties; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 87—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 42:1141(C), (D), (E), and (F) and to enact R.S. 42:1142(E) and R.S. 49:992.1, relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide for proceedings related to such enforcement; to provide for the powers, functions, and duties of the board relative to such enforcement; to provide for the powers, functions, and duties of the division of administrative law relative to such enforcement;

to provide for the conduct of hearings and procedures related thereto; to provide relative to appeals; to provide relative to effectiveness; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

HOUSE BILL NO. 88—
BY REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 42:1134(P), relative to the Board of Ethics; to prevent retaliation against employees for reporting improper acts; to provide procedures for the receipt of complaints; to require a toll-free hotline and electronic mail address for reporting complaints; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

**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. 9—
BY REPRESENTATIVES CONNICK, HENRY, LIGI, MORRELL,
PETERSON, AND TEMPLET
A CONCURRENT RESOLUTION

To urge and request the legislative auditor to conduct a performance audit on the Crescent City Connection Division within the Louisiana Department of Transportation and Development.

Read by title.

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

Ordered to the Senate.

HOUSE RESOLUTION NO. 11—
BY REPRESENTATIVE RICHMOND
A RESOLUTION

To amend and readopt House Rules 14.32(B) and 14.51 of the Rules of Order of the House of Representatives to require a person testifying before a committee to submit a sworn written statement affirming the truth of his testimony.

Read by title.

On motion of Rep. Gallot, and under a suspension of the rules, the above resolution was referred to the Committee on House and Governmental Affairs, under the rules.

Reports of Committees

The following reports of committees were received and read:

**Report of the Committee on
Retirement**

Monday, February 11, 2008

To the Speaker and Members of the House of Representatives:

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

House Bill No. 48, by Greene (Joint Resolution)
Reported with amendments. (10-0) (Regular)

JOEL C. ROBIDEAUX
Chairman

Suspension of the Rules

On motion of Rep. Robideaux, 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. 48—

BY REPRESENTATIVES GREENE, CHAMPAGNE, HENRY, AND LIGI
A JOINT RESOLUTION

Proposing to amend Article X, Section 29(E)(5)(a) of the Constitution of Louisiana, to provide relative to state and statewide retirement systems and public officials and employees in such systems; to provide for the forfeiture of retirement benefits for such persons who are convicted of certain felonies; 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 Retirement.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 48 by Representative Greene

AMENDMENT NO. 1

On page 2, delete line 5 in its entirety and insert "benefits by any member convicted of a felony associated with the member's public service."

AMENDMENT NO. 2

On page 2, delete lines 15 and 16 in their entirety and insert:

"by any member of a Louisiana public retirement system, plan, or fund who is convicted of a felony associated with the member's public service."

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

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

Report of the Committee on House and Governmental Affairs

February 11, 2008

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on House and Governmental Affairs to submit the following report:

House Bill No. 1, by Tucker
Reported with amendments. (17-0) (Regular)

House Bill No. 2, by Tucker
Reported with amendments. (18-0) (Regular)

House Bill No. 3, by Tucker
Reported with amendments. (18-0) (Regular)

House Bill No. 6, by Tucker
Reported favorably. (16-0) (Regular)

House Bill No. 8, by Tucker
Reported favorably. (16-0) (Regular)

House Bill No. 22, by Champagne
Reported favorably. (15-0) (Regular)

House Bill No. 23, by Leger
Reported with amendments. (16-0) (Regular)

House Bill No. 56, by Tucker
Reported favorably. (16-0) (Regular)

RICHARD "RICK" GALLOT, JR.
Chairman

Privileged Report of the Committee on Enrollment

February 11, 2008

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. 1—

BY REPRESENTATIVES TUCKER, PETERSON, CARTER, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CAZAYOUX, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMAN, GISCLAIR, GREENE, ELBERT GUILLORY, MICKY GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, SAM JONES, ROSALIND JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MARCHAND, MCVEA, MILLS, MONICA, MONTOU CET, MORRELL, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON

A CONCURRENT RESOLUTION

To commend and congratulate the LSU Tigers football team and Coach Les Miles upon winning the 2007 Bowl Championship Series national championship.

HOUSE CONCURRENT RESOLUTION NO. 2—

BY REPRESENTATIVE BURRELL
A CONCURRENT RESOLUTION

To commend Centenary College of Louisiana upon the occasion of Founders' Day and the celebration of its first one hundred years of excellence in the Shreveport-Bossier community.

HOUSE CONCURRENT RESOLUTION NO. 3—

BY REPRESENTATIVE MILLS AND SENATOR HEBERT
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Jefferson J. DeBlanc, Medal of Honor recipient, of St. Martinville.

HOUSE CONCURRENT RESOLUTION NO. 4—

BY REPRESENTATIVE CARTER AND SENATORS ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, GRAY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAU, MARTINY, MCPHERSON, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON, AND WALSWORTH

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Gustave Anthony "Gus" Piazza, Sr., of Baton Rouge.

Respectfully submitted,

WAYNE WADDELL
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.

Introduction of House Bills and Joint Resolutions

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

HOUSE BILL NO. 89—

BY REPRESENTATIVE RICHARD
AN ACT

To enact R.S. 18:1505.2(I)(4) and to repeal R.S. 18:1505.2(O), relative to the use of campaign funds to pay certain fines, fees, and penalties; to prohibit the use of such funds to pay fines, fees, and penalties assessed pursuant to the Campaign Finance Disclosure Act; to provide for penalties; to repeal provisions that authorize the supervisory committee to prohibit the use of campaign funds to pay fines, fees, or penalties assessed for violations of the Campaign Finance Disclosure Act; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

Suspension of the Rules

On motion of Rep. Tim Burns, the rules were suspended to permit the Committee on Civil Law and Procedure to meet and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill Nos. 48 and 69

Suspension of the Rules

On motion of Rep. Gallot, the rules were suspended to permit the Committee on House and Governmental Affairs to meet and consider the following legislative instruments without giving the notice required by House Rule 14.24(A):

House Bill Nos. 18, 27, 28, 29, 30, 33, 36, 41, 52, 64, 71, and 76

Leave of Absence

Rep. Dixon - 1 day

Adjournment

On motion of Rep. Trahan, at 4:30 P.M., the House agreed to adjourn until Tuesday, February 12, 2008, at 5:00 P.M.

The Speaker of the House declared the House adjourned until 5:00 P.M., Tuesday, February 12, 2008.

ALFRED W. SPEER
Clerk of the House

