



HOUSE NOTES

The Latest News from the State Capitol
Louisiana House of Representatives
May 4, 2007

House committees began hearings this week with full agendas. The House Ways & Means Committee heard testimony concerning five similar bills which seek to repeal the state's gift tax. Chairman Taylor Townsend told the committee that he would hear testimony on these and other tax break bills but would not take a vote on them until there is a clearer picture of the state's "overall fiscal status" and an idea of how much these proposals will affect the state's budget. The Legislative Fiscal Office said the state will lose almost \$4 million per year if the gift tax is repealed and, although they don't have a firm figure, all tax breaks could add up to several billion dollars.

Next Monday's agenda includes 27 bills that seek to provide for deductibility of excess federal itemized deductions that were eliminated by the "Stelly Plan."

The House Commerce Committee met to discuss proposed changes and concerns with the state's newly enacted Uniform Construction Code. [House Bill 704](#) has been filed to address some of the concerns with the new law. No action was taken on the legislation.

TAX BREAKS

Current law provides for a phase-out of sales tax on manufacturing machinery and equipment with the tax fully eliminated by Fiscal Year 2011.

* [House Bill 633](#) provides an

immediate, full sales and use tax exclusion for machinery and equipment of motor vehicle manufacturers with a North American Industry Classification System Code beginning with 3361. This legislation was proposed to help GM's expansion in Shreveport. The *tooling in a compression mold process* would be considered manufacturing machinery and equipment. Political subdivisions may provide for an exemption of such equipment, as well. The bill would become effective with the governor's signature.

House Bill 633 passed the Ways & Means Committee and awaits action by the full House.

* [House Bill 368](#) provides for an individual income tax exclusion for monies received from the Road Home Program. The amount of monies received from the program as administered by the office of community development, division of administration for repair or reconstruction of the taxpayer's primary residence due to damages from the 2005 hurricanes would be subtracted from the taxpayer's adjusted gross income unless the monies are already excluded.

Passed by the House Ways & Means Committee, the bill awaits further action by the full House.

SUPPLEMENTAL PAY

* [House Bill 4](#) would increase the current supplemental pay for municipal police, firefighters and deputy sheriffs from \$300 per

month to \$450 per month. This includes full-time harbor police officers, fireboat employees, and bridge police officers who are paid at least \$800 per month, and who have completed one year of service and are post-certified.

Additionally, salaries for commissioned Wildlife and Fisheries law enforcement agents; commissioned law enforcement officers of Public Safety and Corrections; and commissioned law enforcement officers employed by public institutions of higher education would be increased by an amount equal to the supplemental pay increase, subject to State Civil Service Commission approval and appropriations. Every tribal council-certified, full-time law enforcement officer employed by any municipality or tribe hired after March 31, 1986 would receive the state extra compensation. State Police salaries would not be included in the pay increase.

House Bill 4 was approved by the House Appropriations Committee and is pending House floor action.

COCKFIGHTING

* The House Agriculture Committee amended and passed [House Bill 108](#) which bans promoting or conducting cockfighting. The original bill called for an immediate ban but the committee passed an amendment that calls for an 18-month phase out. Violation of the proposed law carries a fine of not more than \$1,000 or imprisonment for not more than six months, or both.

The bill now heads to the full House for further debate.

ELECTIONS

* [House Bill 347](#) increases the pay for election commissioners-in-charge and certified commissioners who serve at polling places on election day. The compensation for a commissioner-in-charge will be \$250, however, a commissioner-in-charge who serves at more than one precinct will receive

\$300. A commissioner who receives general training will receive \$100 and a commissioner who receives specific training for a particular election they are working, will receive \$200.

The bill has passed the House & Governmental Affairs Committee and heads to the House for further debate.

VOTING

* [House Bill 575](#) would require the secretary of state to prepare and mail a standard application with sufficient instructions and spaces for information necessary to apply to vote absentee by mail, at least 20 days before each primary election and at least 13 days before each general election, to each registered voter in an area of the state which has an issue or candidate on the ballot and who has not previously applied to vote absentee by mail in that election. The bill also provides instructions for returning the ballot to the appropriate registrar.

House Bill 575 is pending action by the full House.

* [House Bill 248](#) extends the time in which early voting application and early voting may occur. Under present law, early voting is defined as the period of time 12 days to six days prior to any scheduled election. This legislation changes the time period to 14 days to seven days prior to any scheduled election. The bill also provides that any election expenses incurred by the registrar of voters and any of his permanent staff for working any Saturday on which early voting is conducted will be paid by the state. The committee passed the bill and sent it to the full House for further consideration.

* [House Bill 619](#) would provide for a longer time period for displaced voters to respond to a challenge by mail.

The bill gives a displaced voter forty-two days after the date on which the challenge notice was mailed to appear and show cause, if the registrant informs the

registrar within twenty-one days after the date on which the notice was mailed that he is temporarily displaced from his parish of residence by the effects of a gubernatorially-declared state of emergency; or, if the registrant previously submitted an affidavit attesting that he was temporarily displaced from his parish of residence by reason of a state of emergency with an application to vote by mail. The legislation also removes the provision that this application to vote by mail is only valid for one year following February 23, 2006 as well as the present law that says any voter who has voted absentee by mail who has not voted during early voting at the registrar's office or at the polls on election day shall not be considered to have previously voted in the parish in which he is registered.

Additionally, any registered voter temporarily displaced from his parish of residence because of a declared state of emergency would be allowed to vote during early voting in an election for which he is eligible, at any office of the registrar in any parish that has a population of one hundred thousand or more, when he submits with his early voting application and the affidavit attesting to his displacement due to a state of emergency and expects to be out of his parish of registration during early voting and on election day.

The secretary of state would be required to assist the registrars of voters in conducting such early voting.

Approved by the House and Governmental Affairs Committee, House Bill 619 has gone to the full House for consideration.

CRIME

* [House Bill 21](#) provides that convictions for the crime of stalking are not subject to probation, parole, or suspension of sentence or expungement. The bill also increases certain stalking penalties. One increase is in the case of anyone who stalks a

victim under the age of 18. Currently, that penalty is imprisonment for not more than one year, with or without hard labor and a fine of not more than \$2,000 or both. The proposed law increases the penalty to not less than one year nor more than three years without benefit of probation, parole, or suspension of sentence and retains the fine. The penalty is also increased for anyone who is found, beyond a reasonable doubt, to have placed the victim in fear of death or bodily injury by actually using or having in his possession a dangerous weapon or has placed the victim in reasonable fear of death or bodily injury. The current fine is \$1,000 or imprisonment with or without hard labor, or both is increased to not less than one year nor more than five years with or without hard labor without benefit of probation, parole, or suspension of sentence. A second conviction within seven years of a prior conviction carries a penalty of imprisonment, with or without hard labor, for not less than 5 years nor more than 20 years, without benefit of probation, parole, or suspension of sentence. A third or subsequent conviction occurring within seven years would carry a life sentence, with or without hard labor, and a fine of \$5,000. The legislation also removes the requirement that the third conviction occur within seven years of a prior conviction.

The bill was unanimously approved by the Criminal Justice committee and heads to the House floor for further consideration.

* Anyone convicted of armed robbery after August 15, 2007 will not be eligible for parole consideration under [House Bill 164](#) which was approved by the Criminal Justice committee.

The bill awaits House consideration.