

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

**THIRD DAY'S PROCEEDINGS**

**Thirty-first Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Wednesday, April 27, 2005

The House of Representatives was called to order at 3:00 P.M., by the Honorable Joe R. Salter, Speaker of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

PRESENT

Mr. Speaker	Faucheux	Morrish
Alario	Frith	Odinet
Alexander	Gallot	Pierre
Ansardi	Geymann	Pinac
Arnold	Glover	Pitre
Badon	Gray	Powell, M.
Baldone	Greene	Powell, T.
Barrow	Guillory, E.	Quezairé
Baudoin	Guillory, M.	Richmond
Baylor	Hammett	Ritchie
Beard	Heaton	Robideaux
Bowler	Hebert	Romero
Bruce	Hill	Scalise
Bruneau	Honey	Schneider
Burns	Hopkins	Shepherd
Burrell	Hunter	Smiley
Carter, K.	Hutter	Smith, G.
Carter, R.	Jackson	Smith, J.D.—50th
Cazayoux	Jefferson	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Cravins	Katz	St. Germain
Crowe	Kennard	Strain
Curtis	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell

Dove	Marchand	Walker
Downs	Martiny	Walsworth
Durand	McDonald	White
Erdey	McVea	Winston
Fannin	Montgomery	Wooton
Farrar	Morrell	Wright
Total - 105		

ABSENT

Total - 0

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

**Prayer**

Prayer was offered by Rep. Alexander.

**Pledge of Allegiance**

Rep. Mickey Guillory 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. John Smith, the reading of the Journal was dispensed with.

On motion of Rep. Jefferson, the Journal of April 26, 2005, was adopted.

**Petitions, Memorials and  
Communications**

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

**Message from the Senate**

**ASKING CONCURRENCE IN  
SENATE CONCURRENT RESOLUTIONS**

April 26, 2005

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. 8, 9, 21, 22, and 24

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Message from the Senate**

**HOUSE CONCURRENT RESOLUTIONS**

April 27, 2005

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. 2  
Returned without amendments

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House Concurrent Resolution No. 3  
Returned without amendments

House Concurrent Resolution No. 5  
Returned without amendments

House Concurrent Resolution No. 6  
Returned without amendments

House Concurrent Resolution No. 8  
Returned without amendments

House Concurrent Resolution No. 9  
Returned without amendments

House Concurrent Resolution No. 10  
Returned without amendments

House Concurrent Resolution No. 11  
Returned without amendments

House Concurrent Resolution No. 12  
Returned without amendments

House Concurrent Resolution No. 13  
Returned without amendments

House Concurrent Resolution No. 14  
Returned without amendments

House Concurrent Resolution No. 15  
Returned without amendments

House Concurrent Resolution No. 16  
Returned without amendments

House Concurrent Resolution No. 20  
Returned without amendments

House Concurrent Resolution No. 23  
Returned without amendments

House Concurrent Resolution No. 24  
Returned without amendments

House Concurrent Resolution No. 26  
Returned without amendments

House Concurrent Resolution No. 30  
Returned without amendments

House Concurrent Resolution No. 32  
Returned without amendments

House Concurrent Resolution No. 33  
Returned without amendments

House Concurrent Resolution No. 34  
Returned without amendments

House Concurrent Resolution No. 35  
Returned without amendments

House Concurrent Resolution No. 36  
Returned without amendments

House Concurrent Resolution No. 37  
Returned without amendments

House Concurrent Resolution No. 38  
Returned without amendments

House Concurrent Resolution No. 40  
Returned without amendments

House Concurrent Resolution No. 42  
Returned without amendments

House Concurrent Resolution No. 45  
Returned without amendments

House Concurrent Resolution No. 46  
Returned without amendments

House Concurrent Resolution No. 47  
Returned without amendments

House Concurrent Resolution No. 48  
Returned without amendments

House Concurrent Resolution No. 49  
Returned without amendments

House Concurrent Resolution No. 55  
Returned without amendments

House Concurrent Resolution No. 57  
Returned without amendments

House Concurrent Resolution No. 59  
Returned without amendments

House Concurrent Resolution No. 60  
Returned without amendments

House Concurrent Resolution No. 61  
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP  
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 CONCURRENT RESOLUTION NO. 63—**

BY REPRESENTATIVE DANIEL

#### **A CONCURRENT RESOLUTION**

To urge and request public bodies and any agents acting on behalf of public bodies to be open and honest with the public about applicants and candidates for public positions of authority and to discontinue the practice of oral only contacts and interviews, the sole purpose of which is to circumvent the laws relative to public records and the fundamental and constitutional right of the citizens of Louisiana to observe the deliberations of public bodies and examine public documents.

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 64—**

BY REPRESENTATIVE BADON

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Department of Environmental Quality to strictly enforce laws and rules and regulations concerning the storage and proper disposal of construction, demolition, and debris waste.

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 65—**

BY REPRESENTATIVE JACK SMITH

**A CONCURRENT RESOLUTION**

To direct the Department of Transportation and Development to install a traffic signal at the intersection of Railroad Avenue and US Highway 90 in Patterson, Louisiana.

Read by title.

Lies over under the rules.

### Introduction of House Bills and Joint Resolutions

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

**HOUSE BILL NO. 542—**

BY REPRESENTATIVE JOHNS

**AN ACT**

To amend and reenact R.S. 33:4574.1.1(A)(25) and 4574.11(B)(1), (C)(1), and (E)(2) and to enact R.S. 33:4574.1.1(O), relative to the Southwest Louisiana Convention and Visitors Bureau; to authorize the governing authority of the bureau to increase the hotel occupancy tax; to provide relative to the use of certain proceeds resulting from the increase in the rate of the tax; to provide with respect to the tax on complimentary hotel rooms; and to provide for related matters.

Read by title.

**HOUSE BILL NO. 819—**

BY REPRESENTATIVE DANIEL

**AN ACT**

To amend and reenact R.S. 47:6007(C)(4)(b), relative to the Louisiana motion picture investor tax credit; to decrease the processing fee authorized for the transfer of credits; to provide for the payment of the fee; and to provide for related matters.

Read by title.

**HOUSE BILL NO. 820—**

BY REPRESENTATIVE DOVE

**AN ACT**

To amend and reenact R.S. 33:130.252(A)(1) and (2)(e) and (B) and 130.261(C), to enact R.S. 33:130.261(D) and (E), and to repeal R.S. 33:130.255(A)(4), relative to the Terrebonne Economic Development Authority; to provide relative to the appointment and qualifications of members of the board of commissioners and filling board vacancies; to provide relative to the annual budget, financial reports, and expropriation powers of the authority; and to provide for related matters.

Read by title.

### Reports of Committees

The following reports of committees were received and read:

**Report of the Committee on Civil Law and Procedure**

April 27, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Civil Law and Procedure to submit the following report:

House Bill No. 334, by T. Powell  
Reported favorably. (7-0) (Regular)

House Bill No. 506, by J.R. Smith  
Reported with amendments. (7-0) (Regular)

House Bill No. 541, by Dartez  
Reported favorably. (8-0) (Regular)

House Bill No. 686, by R. Carter  
Reported with amendments. (7-1-1) (Regular)

GLENN ANSARDI  
Chairman

### House and House Concurrent Resolutions

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

**HOUSE RESOLUTION NO. 13—**

BY REPRESENTATIVE PITRE

**A RESOLUTION**

To urge and request the Department of Transportation and Development to grant permission to the Lafourche Parish governing authority to install and maintain, at the parish's expense, flashing red lights above stop signs at certain intersections along Louisiana Highway 3235 in Ward 10 of Lafourche Parish.

Read by title.

Under the rules, the above resolution was referred to the Committee on Transportation, Highways and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 56—**

BY REPRESENTATIVE HILL AND SENATOR HINES

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to designate a portion of Louisiana Highway 10 in Oakdale, Louisiana, as the "Dr. George B. Mowad Memorial Highway" and to erect proper signage along this route reflecting this designation.

Read by title.

Under the rules, the above resolution was referred to the Committee on Transportation, Highways and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 58—**

BY REPRESENTATIVE MONTGOMERY

**A CONCURRENT RESOLUTION**

To urge and request the Department of Public Safety and Corrections, office of motor vehicles, to inform applicants for issuance and renewal of Louisiana drivers' licenses of the availability of forms in driver's license examining offices for applicants to make declarations concerning life-sustaining procedures and the living will designation on the reverse side of the license.

Read by title.

Under the rules, the above resolution was referred to the Committee on Transportation, Highways and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 62—**  
BY REPRESENTATIVE CRAVINS

**A CONCURRENT RESOLUTION**

To direct the clerk of the House of Representatives and the secretary of the Senate, upon the death of a legislator, to notify each legislator who represents in whole or in part the area formerly represented by the deceased legislator about any capital outlay requests the deceased legislator had submitted for inclusion in the capital outlay budget or Capital Outlay Bill for the current fiscal year and for the next fiscal year.

Read by title.

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

**House Bills and Joint Resolutions on  
Second Reading to be Referred**

The following House Bills and Joint Resolutions on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

**HOUSE BILL NO. 255—**  
BY REPRESENTATIVE ANSARDI  
**AN ACT**

To repeal Part VIII of Chapter 2 of Subtitle IV of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:3251 through 3267, to repeal provisions relative to the Firemen's Pension and Relief Fund for the City of Kenner; to provide for disposition of monies remaining to the credit of the fund; to provide for an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Retirement.

**HOUSE BILL NO. 717—**  
BY REPRESENTATIVE MCDONALD  
**AN ACT**

To enact Part XXXI of Chapter 13 of Title 38, to be comprised of R.S. 38:3087.281 through 3087.294, to create the Bayou Desiard Lake Restoration Commission as a political subdivision of the state; to provide relative to the purpose and boundaries of the commission; to provide for a board of commissioners to manage the commission; to provide for powers and duties of the commission and board; to provide relative to the power of taxation and the issuance of bonds; to prohibit certain actions; to provide for penalties; to provide relative to the commission's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

**HOUSE BILL NO. 742—**  
BY REPRESENTATIVES K. CARTER, GRAY, AND JEFFERSON  
**AN ACT**

To enact Chapter 27-C of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.51 through 9039.67, and to repeal R.S. 36:109(M) and Part III of Chapter 6 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:811 through 813.1, relative to the Greater New Orleans Health and Biosciences Economic Development District; to

create and provide for such district and its board of commissioners and their powers, duties, functions, and responsibilities; to repeal provisions providing for the Louisiana Biomedical Research and Development Park Commission; 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. 815—**  
BY REPRESENTATIVE ALARIO  
**AN ACT**

To amend and reenact R.S. 47:293(6)(a)(i) and (7) and to enact R.S. 47:293(2) and 302(T), relative to state taxes; to impose a sales tax on food and utilities and dedicate the proceeds for teacher, faculty, and school support personnel pay increases; to provide for an individual income tax deduction for home mortgage interest and charitable deductions; to provide for effective dates; and to provide for related matters.

Read by title.

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

**HOUSE BILL NO. 816—**  
BY REPRESENTATIVE JOHNS  
**AN ACT**

To amend and reenact R.S. 37:1184, relative to the Pharmacy Practice Act; to provide for changes in the fee schedule; and to provide for related matters.

Read by title.

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

**HOUSE BILL NO. 817—**  
BY REPRESENTATIVE HAMMETT  
**AN ACT**

To enact R.S. 47:1675 and to repeal R.S. 47:287.34, relative to income and corporation franchise tax credits; to provide for eligibility and application of the tax credits; to provide general administrative provisions for tax credits; to provide for an effective date; and to provide for related matters.

Read by title.

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

**HOUSE BILL NO. 818—**  
BY REPRESENTATIVE JACKSON  
**AN ACT**

To enact R.S. 27:287.87, relative to the corporation income tax; to provide for a deduction for interest, dividends, and profits from sales and exchanges of capital assets consisting of incorporeal property or rights; to provide for an effective date; and to provide for related matters.

Read by title.

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

**Motion**

On motion of Rep. LaBruzzo, the Committee on Civil Law and Procedure was discharged from further consideration of House Bill No. 300.

**HOUSE BILL NO. 300—**  
BY REPRESENTATIVES LABRUZZO AND ANSARDI  
AN ACT

To amend and reenact R.S. 9:202 and 204, relative to marriage officiants; to provide for an application and certificate to perform marriage ceremonies; to provide for the required information from the applicant; to provide for the approval and issuing of a certificate; to provide for the invalidity of mail-order or Internet ordinations and licenses; and to provide for related matters.

Read by title.

**Motion**

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

**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. 117—**  
BY REPRESENTATIVE FRITH  
AN ACT

To amend and reenact Sections 9(B)(14) and 10(D)(23) of Act No. 590 of the 2004 Regular Session of the Louisiana Legislature, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in Vermilion Parish for Fiscal Year 2004-2005; to provide for retroactive application of this Act; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Appropriations.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 128—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:301(3)(i)(ii)(bb), relative to the state sales and use tax; to define manufacturer to include certain exemptions for manufacturing machinery and equipment; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 131—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To repeal R.S. 47:305.5, relative to the exemption from state and local sales and use tax for materials used in the construction of the Toledo Bend Dam Project; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 132—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To repeal R.S. 47:305.22, relative to the exemption from sales tax on certain types of mobile, motorized equipment that retail dealers withdraw from inventory for rental as a method of promoting sales; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 156—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:605.1(A), relative to the corporation franchise tax; to specify the amount of excess related party debt that shall be included in capital stock and surplus and undivided profits; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Under the rules, placed on the regular calendar

**HOUSE BILL NO. 513—**  
BY REPRESENTATIVES HAMMETT, BOWLER, DANIEL, DEWITT, ERDEY, FAUCHEUX, GEYMANN, HEATON, HEBERT, JOHNS, KENNEY, LANCASTER, MARTINY, MCDONALD, ODINET, JACK SMITH, TOWNSEND, AND WOOTON AND SENATORS CHEEK, ELLINGTON, B. GAUTREAUX, N. GAUTREAUX, HINES, MICHOT, MOUNT, AND SCHEDLER  
AN ACT

To repeal R.S. 47:301(16)(i)(iv), relative to state sales and use tax; to remove restrictions on exclusion from state and local sales and use taxes for digital television and digital radio conversion equipment; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 719—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To repeal R.S. 47:303(B)(6), relative to the sales tax recovery charge on automobile rental contracts; to provide for an effective date; and to provide for related matters.

Read by title.

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Reported favorably by the Committee on Ways and Means.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 741—**  
BY REPRESENTATIVE DURAND  
AN ACT

To amend and reenact R.S. 47:305.10(F), relative to the sales and use tax; to provide for the exemption from taxation for certain repairs to property used in offshore areas; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Under the rules, placed on the regular calendar.

### **Petitions, Memorials and Communications**

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

### **Message from the Senate**

#### **SIGNED SENATE CONCURRENT RESOLUTIONS**

April 27, 2005

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

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 17 and 18

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

The Senate Concurrent Resolutions contained herein were signed by the Speaker of the House.

### **Privileged Report of the Committee on Enrollment**

April 27, 2005

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

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

The following House Resolutions have been properly enrolled:

**HOUSE RESOLUTION NO. 14—**  
BY REPRESENTATIVE WINSTON  
A RESOLUTION

To recognize May 1 through 8, 2005, as Cover the Uninsured Week.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

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

### **Adjournment**

On motion of Rep. Downs, at 3:25 P.M., the House agreed to adjourn until Thursday, April 28, 2005, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Thursday, April 28, 2005.

ALFRED W. SPEER  
Clerk of the House