

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

**SECOND DAY'S PROCEEDINGS**

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

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Tuesday, March 28, 2006

The House of Representatives was called to order at 5:00 P.M., by the Honorable Yvonne Dorsey, Speaker Pro Tempore of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

PRESENT

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

|             |            |           |
|-------------|------------|-----------|
| Durand      | Martiny    | Walsworth |
| Erdey       | McDonald   | White     |
| Fannin      | McVea      | Winston   |
| Farrar      | Montgomery | Wooton    |
| Total - 102 |            |           |
|             | ABSENT     |           |

|           |         |
|-----------|---------|
| Alario    | Hopkins |
| Total - 2 |         |

The Speaker announced that there were 102 members present and a quorum.

**Prayer**

Prayer was offered by Rep. Hunter.

**Pledge of Allegiance**

Rep. Winston 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. Morrish, the reading of the Journal was dispensed with.

On motion of Rep. Morrish, the Journal of March 27, 2006, 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**

March 28, 2006

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. 4, 5, 7, and 12

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 MICHOT  
A CONCURRENT RESOLUTION

To commend Amanda Harb of Lafayette, Louisiana for having been named a recipient of the 2006 Prudential Spirit of Community Award, as a top youth volunteer in Louisiana.

Read by title.

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

**SENATE CONCURRENT RESOLUTION NO. 5—**

BY SENATOR MICHOT

**A CONCURRENT RESOLUTION**

To commend Tara Doucet of Lafayette, Louisiana for having been named a recipient of the 2006 Prudential Spirit of Community Award, as a top youth volunteer in Louisiana.

Read by title.

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

**SENATE CONCURRENT RESOLUTION NO. 7—**

BY SENATOR CHEEK

**A CONCURRENT RESOLUTION**

To designate March 2006 as "Kidney Cancer Awareness Month."

Read by title.

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

**SENATE CONCURRENT RESOLUTION NO. 12—**

BY SENATORS ELLINGTON, ADLEY, AMEDEE, BOASSO, DUPRE, B. GAUTREAUX, HEITMEIER, KOSTELKA AND THEUNISSEN AND REPRESENTATIVE QUEZAIRE

**A CONCURRENT RESOLUTION**

To recognize and commend Anthony "Tony" Culp on the occasion of his retirement as the director of the aviation section at the Department of Transportation and Development.

Read by title.

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

**Message from the Senate**

**HOUSE CONCURRENT RESOLUTIONS**

March 28, 2006

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. 3  
Returned without amendments

House Concurrent Resolution No. 4  
Returned without amendments

House Concurrent Resolution No. 6  
Returned without amendments

House Concurrent Resolution No. 7  
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. 17  
Returned without amendments

House Concurrent Resolution No. 18  
Returned without amendments

House Concurrent Resolution No. 19  
Returned without amendments

House Concurrent Resolution No. 20  
Returned without amendments

House Concurrent Resolution No. 21  
Returned without amendments

House Concurrent Resolution No. 22  
Returned without amendments

House Concurrent Resolution No. 23  
Returned without amendments

House Concurrent Resolution No. 24  
Returned without amendments

House Concurrent Resolution No. 25  
Returned without amendments

House Concurrent Resolution No. 26  
Returned without amendments

House Concurrent Resolution No. 27  
Returned without amendments

House Concurrent Resolution No. 32  
Returned without amendments

House Concurrent Resolution No. 33  
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. 39  
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 RESOLUTION NO. 11— BY REPRESENTATIVE HEBERT

##### A RESOLUTION

To adopt House Rule 8.29 of the Rules of Order of the House of Representatives to provide that the motion for final passage of the Capital Outlay Bill or to concur in amendments or adopt any conference committee report on such bill is not in order under certain circumstances.

Read by title.

Lies over under the rules.

#### HOUSE RESOLUTION NO. 12— BY REPRESENTATIVE HEBERT

##### A RESOLUTION

To adopt House Rule 10.10 of the Rules of Order of the House of Representatives to require the tally of votes to be visible to each member in the chamber while voting.

Read by title.

Lies over under the rules.

#### HOUSE RESOLUTION NO. 13— BY REPRESENTATIVE HEBERT

##### A RESOLUTION

To amend and readopt House Rule 6.2 of the Rules of Order of the House of Representatives to limit the service of a chairman of a committee.

Read by title.

Lies over under the rules.

#### HOUSE RESOLUTION NO. 14— BY REPRESENTATIVE HEBERT

##### A RESOLUTION

To amend House Rule 6.14(A) of the Rules of Order of the House of Representatives to provide for the membership of the conference committee on the General Appropriation Bill and on the Capital Outlay Bill.

Read by title.

Lies over under the rules.

#### HOUSE CONCURRENT RESOLUTION NO. 40— BY REPRESENTATIVE HONEY

##### A CONCURRENT RESOLUTION

To commend the members of the Southern University women's basketball team and their coaches and staff for their outstanding achievements during the 2005-2006 season, which included the Southwestern Athletic Conference championship and their advancement to the National Collegiate Athletic Association tournament.

Read by title.

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

Ordered to the Senate.

#### HOUSE CONCURRENT RESOLUTION NO. 41— BY REPRESENTATIVE HONEY

##### A CONCURRENT RESOLUTION

To commend the members of the Southern University men's basketball team and their coaches and staff for their outstanding achievements during the 2005-2006 season, which included the Southwestern Athletic Conference championship and their advancement to the National Collegiate Athletic Association tournament.

Read by title.

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

Ordered to the Senate.

#### HOUSE CONCURRENT RESOLUTION NO. 42— BY REPRESENTATIVE GALLOT

##### A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Dr. Charles A. Berry of Grambling.

Read by title.

On motion of Rep. Gallot, 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 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. 209—

##### BY REPRESENTATIVE KLECKLEY AN ACT

To enact R.S. 38:1758.1, relative to gravity drainage districts in Calcasieu Parish; to provide relative to the governance of such districts; and to provide for related matters.

Read by title.

#### HOUSE BILL NO. 1129—

##### BY REPRESENTATIVE THOMPSON AN ACT

To enact R.S. 56:1705, relative to state funds; to establish the Poverty Point Reservoir Development Fund as a special treasury fund; to provide for the deposit and use of monies in the fund; and to provide for related matters.

Read by title.

#### HOUSE BILL NO. 1130—

##### BY REPRESENTATIVE RICHMOND AN ACT

To enact Chapter 27-F of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.100 through 9039.111, relative to local and regional economic development; to provide for the creation of local and regional economic development districts that may operate on a local, municipal, parish, or multiparish basis to promote economic development statewide; to provide for definitions; to provide for the appointment of members to the board of the local and regional economic development districts; to provide for the boards' functions, powers, and duties; to authorize the boards to exercise the power of taxation, levy assessments on property, and collect certain fees; to authorize the districts to undertake certain projects for the promotion of local and regional economic development activities; to provide procedures for the

issuance of bonds, notes, certificates, or other evidences of indebtedness; and to provide for related matters.

Read by title.

**HOUSE BILL NO. 1131—**  
BY REPRESENTATIVE ANSARDI  
AN ACT

To amend and reenact Civil Code Articles 2323(A) and 2324(B) and Code of Civil Procedure Articles 1005 and 1812(C)(2), relative to civil liability; to provide for the allocation of fault; to provide for affirmative defenses; to provide relative to special verdicts; and to provide for related matters.

Read by title.

**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. 7—**  
BY REPRESENTATIVE M. POWELL  
A RESOLUTION

To amend and readopt House Rule 8.27(A) and (C) of the Rules of Order of the House of Representatives and to adopt House Rule 8.27(D) of the Rules of Order of the House of Representatives, to provide that the motion to suspend the requirement that the question of consideration of a conference committee report lie over until the next legislative day is a debatable motion; and to provide certain procedures for certain limited conference committee reports and other specified reports received on the last day of a session.

Read by title.

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

**HOUSE RESOLUTION NO. 10—**  
BY REPRESENTATIVE STRAIN  
A RESOLUTION

To amend and readopt House Rule 8.27(C) of the Rules of Order of the House of Representatives to require that, upon request, a conference committee report received on the last two days of the session shall lie over for no less than thirty minutes.

Read by title.

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

**HOUSE CONCURRENT RESOLUTION NO. 2—**  
BY REPRESENTATIVE SMILEY  
A CONCURRENT RESOLUTION

To urge and request the legislative auditor in the auditing of state agencies, as that term is defined in R.S. 39:2, to include in the performance of such audits an examination of the fiscal efficiency of the entity by determining the relationship between fees charged and services rendered and to report entities levying excessive fees to the Legislative Audit Advisory Council and to the appropriate legislative oversight committees.

Read by title.

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

**HOUSE CONCURRENT RESOLUTION NO. 5—**  
BY REPRESENTATIVE GRAY  
A CONCURRENT RESOLUTION

To urge and request the House Committee on Administration of Criminal Justice and the Senate Committee on Judiciary B to

meet and function as a joint committee to study and recommend policy directives for the state of Louisiana regarding issues related to juvenile competency, which may include the implementation of a pilot project to develop a process of competency determination, restoration, and mental health intervention, recommendations for a plan of statewide implementation, and determination of the cost of implementation.

Read by title.

Under the rules, the above resolution was referred to the Committee on Administration of Criminal Justice.

**HOUSE CONCURRENT RESOLUTION NO. 8—**  
BY REPRESENTATIVE LAFONTA  
A CONCURRENT RESOLUTION

To amend the Department of Economic Development, Small and Emerging Business Development Program rules to extend the period of time that a business may benefit from the program and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

Read by title.

Under the rules, the above resolution was referred to the Committee on Commerce.

**HOUSE CONCURRENT RESOLUTION NO. 16—**  
BY REPRESENTATIVE LANCASTER  
A CONCURRENT RESOLUTION

To direct state agencies to provide to the division of archives, records management, and history of the Department of State all locations where their public records are stored and to direct such division to work in cooperation with the Louisiana Geographical Information Center to develop mapping relative to such locations.

Read by title.

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

**HOUSE CONCURRENT RESOLUTION NO. 28—**  
BY REPRESENTATIVE JOHN SMITH  
A CONCURRENT RESOLUTION

To authorize and request the Louisiana State Law Institute to study and make recommendations to the legislature on the laws of usufruct and naked ownership especially in light of Hurricanes Katrina and Rita.

Read by title.

Under the rules, the above resolution was referred to the Committee on Civil Law and Procedure.

**HOUSE CONCURRENT RESOLUTION NO. 29—**  
BY REPRESENTATIVE ODINET  
A CONCURRENT RESOLUTION

To suspend until sixty days after the final adjournment of the 2007 Regular Session of the Legislature of Louisiana, the provisions R.S. 56:433(B)(1) and (C) and 435.1.1(C) insofar as they specify a date for closure of the oyster harvest on the public seed grounds and to authorize the Wildlife and Fisheries Commission to open or re-open oyster harvest season in those parts of the natural reefs where there are sufficient quantities of oysters available for harvest.

Read by title.

Under the rules, the above resolution was referred to the Committee on Natural Resources.

**HOUSE CONCURRENT RESOLUTION NO. 30—**

BY REPRESENTATIVE GRAY

**A CONCURRENT RESOLUTION**

To urge and request the House Committee on Labor and Industrial Relations and the Senate Committee on Labor and Industrial Relations to meet and function as a joint committee to study domestic abuse and its effect in the workplace and to submit a report of its findings and recommendations to the governor and the legislature prior to the 2007 Regular Session of the legislature.

Read by title.

Under the rules, the above resolution was referred to the Committee on Labor and Industrial Relations.

**HOUSE CONCURRENT RESOLUTION NO. 31—**

BY REPRESENTATIVE ROBIDEAUX

**A CONCURRENT RESOLUTION**

To direct the attorney general to examine the interaction between the applicable provisions of Title 47 of the Louisiana Revised Statutes of 1950 regarding income taxes and the provisions of the Louisiana Election Code and determine what, if any, implications exist if a displaced citizen files a nonresident or part-year resident state income tax form, particularly one listing an out-of-state address, and is registered to vote in Louisiana and votes in Louisiana elections; to design an appropriate notice to displaced citizens which simply and concisely outlines any such implications; and to expeditiously mail such notice to all displaced citizens of Louisiana with an out-of-state address in accordance with the most current list of such persons obtained by the attorney general from the Federal Emergency Management Agency.

Read by title.

Under the rules, the above resolution was referred to the Committee on Judiciary.

**HOUSE CONCURRENT RESOLUTION NO. 34—**

BY REPRESENTATIVE GARY SMITH

**A CONCURRENT RESOLUTION**

To direct the Department of Environmental Quality and the office of environmental education to cooperate with Keep Louisiana Beautiful, Incorporated to conduct a campaign to educate the public to prevent cigarette litter.

Read by title.

Under the rules, the above resolution was referred to the Committee on Environment.

### **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. 1124—**

BY REPRESENTATIVE FRITH

**AN ACT**

To enact R.S. 9:348, relative to children; to provide relative to visitation orders; to provide for missed visitation due to certain military active duty; to require compensatory days of visitation in such instances; to require negotiation between parents; to provide for court intervention in certain circumstances; to authorize court-ordered mediation; to provide relative to court costs; to provide for definitions; and to provide for related matters.

Read by title.

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

**HOUSE BILL NO. 1125—**

BY REPRESENTATIVE DARTEZ

**AN ACT**

To amend and reenact R.S. 14:81(A) and (C) and to enact R.S. 14:81(D) through (J), relative to indecent behavior with juveniles; to amend elements of the crime to provide that reasonable belief that the victim is under the age of seventeen is sufficient to commit the crime of indecent behavior with a juvenile; to provide for definitions; to provide with respect to defenses for the crime of indecent behavior with juveniles; to provide for certain exceptions; to provide that evidence seized resulting from the commission of the crime of indecent behavior with juveniles is considered contraband; to require sex offender registration if convicted for the crime of indecent behavior with juveniles; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

**HOUSE BILL NO. 1126—**

BY REPRESENTATIVE DARTEZ

**AN ACT**

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2006-2007 to be used to pay certain consent judgments against the Department of Transportation and Development; and to provide for related matters.

Read by title.

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

**HOUSE BILL NO. 1128—**

BY REPRESENTATIVE STRAIN

**AN ACT**

To amend and reenact R.S. 3:3203(E) and R.S. 47:301(16)(f) and to enact R.S. 3:3221(G), relative to the registration of pharmaceuticals with the Department of Agriculture and Forestry; to prohibit certain pharmaceuticals and vaccines from being classified or registered as pesticides; to provide relative to sales tax exempt pharmaceuticals; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

### **Motion**

On motion of Rep. Cazayoux, the Committee on Education was discharged from further consideration of House Bill No. 345.

**HOUSE BILL NO. 345—**

BY REPRESENTATIVE CAZAYOUX

**A JOINT RESOLUTION**

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, to authorize the investment in stocks of certain endowed funds of institutions of higher education; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

On motion of Rep. Cazayoux, the bill was recommitted to the Committee on Appropriations.

**Motion**

On motion of Rep. Durand, the Committee on Health and Welfare was discharged from further consideration of House Bill No. 477.

**HOUSE BILL NO. 477—**

BY REPRESENTATIVE DURAND  
AN ACT

To amend and reenact R.S. 36:251(A), (B), and (C)(1), 253, 254(A)(11) and (12)(b) and (c) and (B)(9), 254.1(C)(4), 254.2, 256(A) and (B), 257(A), 258(A), and 259, relative to the Department of Health and Hospitals; to change the name of the Department of Health and Hospitals to the Department of Health; to provide for an effective date; and to provide for related matters.

Read by title.

**Motion**

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

**Reports of Committees**

The following reports of committees were received and read:

**Report of the Committee on Appropriations**

March 28, 2006

To the Speaker and Members of the House of Representatives:

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

House Bill No. 332, by Alario  
Reported favorably. (11-0) (Regular)

House Bill No. 333, by Alario  
Reported favorably. (11-0) (Regular)

House Bill No. 465, by Alario  
Reported favorably. (11-0) (Regular)

House Bill No. 661, by Alario  
Reported favorably. (13-0) (Regular)

House Bill No. 774, by Alario  
Reported favorably. (13-0) (Regular)

House Bill No. 947, by Alario  
Reported favorably. (12-0) (Regular)

House Bill No. 1127, by Alario  
Reported favorably. (11-0) (Regular)

CHARLES W. DEWITT, JR.  
Acting Chairman

**Privileged Report of the Committee on Enrollment**

March 28, 2006

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. 3—**

BY REPRESENTATIVE PINAC  
A RESOLUTION

To declare May 2, 2006, as "FFA Day" at the Louisiana House of Representatives and to commend the current state officers of the Future Farmers of America (FFA) organization.

**HOUSE RESOLUTION NO. 4—**

BY REPRESENTATIVE JOHNS  
A RESOLUTION

To commend Frank Mathews upon being named Distinguished Person of the Year by the DeQuincy Chamber of Commerce.

**HOUSE RESOLUTION NO. 5—**

BY REPRESENTATIVE HILL  
A RESOLUTION

To commend B. R. Harvey for his dedicated service to the Vernon Parish School Board and his outstanding achievements in education.

**HOUSE RESOLUTION NO. 6—**

BY REPRESENTATIVE FANNIN  
A RESOLUTION

To commend the Calvin High School girls basketball team upon winning the 2006 Class C state championship.

**HOUSE RESOLUTION NO. 8—**

BY REPRESENTATIVE SALTER  
A RESOLUTION

To urge and request the House Select Committee on Homeland Security to study the feasibility of a statewide special needs registry.

**HOUSE RESOLUTION NO. 9—**

BY REPRESENTATIVE PIERRE  
A RESOLUTION

To commend the members of the Holy Rosary Institute class of 1966 upon the occasion of their fortieth class reunion.

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.

**Leave of Absence**

Rep. Alario - 1 day

Rep. Hopkins - 1 day

**Adjournment**

On motion of Rep. Kenney, at 5:31 P.M., the House agreed to adjourn until Wednesday, March 29, 2006, at 4:00 P.M.

The Speaker Pro Tempore of the House declared the House adjourned until 4:00 P.M., Wednesday, March 29, 2006.

ALFRED W. SPEER  
Clerk of the House