

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

TWELFTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Thursday, May 17, 2007

The House of Representatives was called to order at 1:00 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	Gallot	Odinot
Alario	Geymann	Pierre
Alexander	Gray	Pinac
Anders	Greene	Pitre
Ansardi	Guillory, E.J.	Powell, M.
Arnold	Guillory E.L.	Powell, T.
Badon	Guillory, M.	Quezaire
Baldone	Harris	Richmond
Barrow	Heaton	Ritchie
Baudoin	Hebert	Robideaux
Baylor	Hill	Romero
Beard	Honey	Scalise
Bowler	Hunter	Schneider
Bruce	Hutter	Smiley
Burns	Jackson	Smith, G.
Burrell	Jefferson	Smith, J.D.—50th
Carter, K.	Johns	Smith, J.H.—8th
Carter, R.	Katz	Smith, J.R.—30th
Cazayoux	Kennard	St. Germain
Chandler	Kenney	Strain
Crane	Kleckley	Thompson
Crowe	LaBruzzo	Toomy
Curtis	LaFleur	Townsend
Damico	LaFonta	Trahan
Dartez	Lambert	Triche
Doerge	Lancaster	Tucker
Dorsey	Lorusso	Waddell
Dove	Marchand	Walker
Downs	Martiny	Walsworth
Durand	McDonald	Williams
Erdey	McVea	White
Fannin	Montgomery	Winston

Farrar	Morrell	Wooton
Fauchoux	Morris	
Frith	Morrish	
Total - 103		

ABSENT

Daniel	DeWitt
Total - 2	

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

Prayer

Prayer was offered by Rev. Gil Arthur.

Pledge of Allegiance

Rep. Williams 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. Gray, the reading of the Journal was dispensed with.

On motion of Rep. Doerge, and under a suspension of the rules, the Journal of May 16, 2007, was corrected to reflect her as voting yea on the floor amendment by Rep. Hebert to House Bill No. 678.

On motion of Rep. Gray, the Journal of May 16, 2007, 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**

May 17, 2007

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. 3, 35, and 57

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. 3—

BY SENATORS B. GAUTREAU, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, N. GAUTREAU, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, LENTINI, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES SALTER, SCHNEIDER, JANE SMITH AND WALSWORTH

A CONCURRENT RESOLUTION

To authorize the board of trustees of the Teachers' Retirement System of Louisiana to grant cost-of-living increases to eligible benefit recipients; to provide for the maximum amount of such increase; and to provide for an effective date.

Read by title.

Lies over under the rules.

SENATE CONCURRENT RESOLUTION NO. 35—
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to engage in a cooperative effort with other public and private organizations and institutions in establishing the Louisiana Health Care Quality Forum.

Read by title.

Lies over under the rules.

SENATE CONCURRENT RESOLUTION NO. 57—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To proclaim May 22, 2007, as Junior League of Louisiana Day.

Read by title.

Lies over under the rules.

Message from the Senate

SENATE BILLS

May 17, 2007

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 Senate Bills:

Senate Bill Nos. 53, 95, 139, 207, 229, 280, 298, 319, and 334

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

**Senate Bills and Joint Resolutions
on First Reading**

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 53—

BY SENATORS DUPRE, AMEDEE, BAJIOIE, BARHAM, BOASSO, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, B. GAUTREAU, N. GAUTREAU, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MICHOT, MOUNT, MURRAY, QUINN, ROMERO, SCHEDLER, SHEPHERD, THEUNISSEN AND ULLO AND REPRESENTATIVES BALDONE AND DARTEZ

AN ACT

To enact Subpart F-1 of Part II-A of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:99.25 through 99.43, inclusive; to provide relative to finance; to provide relative to the issuance of certain bonds; to create the Louisiana Coastal Protection and Restoration Financing Corporation and provide for its powers, duties, functions, and effects; to provide for composition and membership of the corporation; to provide definitions, terms, conditions, and procedures; to provide for a board and staffing; to provide for the issuance of bonds and security for payment of bonds; to provide relative to dedication of certain amounts for coastal protection and restoration; to provide for bond validation actions; to provide for tax exemptions; to provide for the sale of certain assets; to provide for ancillary contracts and derivative instruments; and to provide for related matters.

Read by title.

SENATE BILL NO. 95—
BY SENATOR AMEDEE

AN ACT

To enact R.S. 32:412.2, relative to driver's licenses; to exempt certain service-connected disabled veterans from the payment of fees for a driver's license; to provide exceptions; and to provide for related matters.

Read by title.

SENATE BILL NO. 139—
BY SENATOR SHEPHERD

AN ACT

To amend and reenact R.S. 22:635.3(C) and enact R.S. 22:1426, relative to homeowner's insurance; to provide for calculation of certain time periods; to require certain insurers who write homeowner's insurance to sell homeowner's coverage to certain veterans and military personnel; and to provide for related matters.

Read by title.

SENATE BILL NO. 207—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 32:298, 402(B)(1)(a), 416, and 417(A), relative to motor vehicles; to provide relative to persons who drive without a license; to provide for unlicensed persons who operate farm equipment on highway shoulders; to provide for unlicensed minors who drive with a licensed parent or guardian; and to provide for related matters.

Read by title.

SENATE BILL NO. 229—
BY SENATOR LENTINI

AN ACT

To enact R.S. 22:1407(L), relative to insurance rates; to require that rate filings be limited to use of one hundred year hurricane catastrophe simulation models; to provide terms, conditions and effects; and to provide for related matters.

Read by title.

SENATE BILL NO. 280—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 48:251(B), 251.9(A)(1), 252(A), (B)(1)(a), (2), (3)(a), (4), and (6), (C)(1), (2)(b), (E)(introductory paragraph), (F), (G), 253, and 255(C), to enact R.S. 48:252(H), and to repeal R.S. 48:255(B)(7), relative to the Department of Transportation and Development; to provide relative to the bidding of department projects; to provide relative to electronic bidding and its procedures; to provide relative to advertisement and invitation for bids; to increase the contract limit; to require bid bonds under certain circumstances; to delete certain obsolete references; and to provide for related matters.

Read by title.

SENATE BILL NO. 298—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 40:531(E), relative to tenant commissioners for local housing authorities; to provide for the appointment of tenant commissioners to local housing authorities; to provide for an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 319—

BY SENATORS MURRAY, DUPLESSIS AND SHEPHERD
AN ACT

To enact Subpart J of Part VI of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:300.31 and 300.32, relative to the Sewerage and Water Board of New Orleans; to provide for the "Crescent Cover Logo"; to provide for remedies; to provide for penalties; and to provide for related matters.

Read by title.

SENATE BILL NO. 334—

BY SENATORS SHEPHERD, QUINN, LENTINI AND ULLO AND REPRESENTATIVES ANSARDI, DAMICO, HARRIS, LABRUZZO, MARTINY, TOOMY AND TUCKER
AN ACT

To enact R.S. 33:1373, relative to the procedures for eliminating deleterious property; to provide with respect to enforcing health, safety and welfare ordinances in Jefferson Parish, or otherwise enforcing ordinances relating to violations of public health, housing, fire code, environmental, building code, zoning, historic district, permitting, vegetation and nuisance ordinances in Jefferson Parish; to provide for definitions; to provide for an effective date; and to provide for related matters.

Read by title.

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. 43—

BY REPRESENTATIVE JOHNS
A RESOLUTION

To commend the efforts of the organizers of the Louisiana Hugh O'Brien Youth Leadership seminars and to recognize May 25, 2007, as Hugh O'Brien Youth Leadership Day in the state of Louisiana.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 111—

BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA
A CONCURRENT RESOLUTION

To express the condolences of the legislature upon the death of Jo Anne Maxwell of Ruston.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 112—

BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA
A CONCURRENT RESOLUTION

To express the condolences of the legislature upon the death of Pat Ray Cardwell of Ruston.

Read by title.

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

Ordered to the Senate.

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. 36—

BY REPRESENTATIVE BOWLER
A RESOLUTION

To adopt House Rule 6.8(I) of the Rules of Order of the House of Representatives to provide for the recommittal of legislative instruments which propose that the state join an interstate compact to the Committee on House and Governmental Affairs.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 109—

BY REPRESENTATIVE JEFFERSON
A CONCURRENT RESOLUTION

To urge and request the State Bond Commission to study the feasibility of providing the full faith and credit of the state for claims and legal obligations of Louisiana Citizens Property Insurance Corporation and to report its findings to the Legislature of Louisiana no later than April 1, 2008.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 110—

BY REPRESENTATIVE HEATON
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary, whether by amendment to or suspension of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to provide for a waiver for Louisiana and its local governments of the requirement of providing matching funds for Federal Emergency Management Agency disaster relief assistance due to the damages and destruction caused by Hurricane Katrina or Rita.

Read by title.

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

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 8—

BY SENATORS HEITMEIER AND HINES
A CONCURRENT RESOLUTION

To urge and request each public postsecondary education institution to develop and implement a comprehensive emergency response and crisis communication plan and be prepared to respond in a decisive, timely, and appropriate manner to emergency and life-threatening situations and events that may occur on campus.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 34—

BY SENATORS B. GAUTREAU, DUPRE AND ULLO
A CONCURRENT RESOLUTION

To urge and request the Coastal Protection and Restoration Authority and other appropriate entities to consider the feasibility of

certain activities in implementing coastal protection and restoration projects.

Read by title.

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

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. 15—
BY SENATOR HINES

AN ACT

To enact R.S. 25:212.1, to authorize the governing authority of Allen Parish to name a branch library plaza in honor of a living person; to provide limitations; 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 Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 36—
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 13:621.4, relative to the Fourth Judicial District Court; to provide for composition of the court; to add two additional judgeships to the Fourth Judicial District Court; to provide for elections; to provide relative to terms of office; to provide terms, conditions, and procedures; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 39—
BY SENATORS LENTINI, CASSIDY, CHAISSON, B. GAUTREAUX, HOLLIS, JACKSON, KOSTELKA, MOUNT, QUINN AND SCHEDLER AND REPRESENTATIVES ANSARDI, BADON, BURNS, KATZ, KENNARD, LABRUZZO, JANE SMITH, TOOMY, TUCKER AND WALSWORTH

AN ACT

To enact R.S. 14:102.23 and to repeal R.S. 14:102.1(D), relative to criminal offenses; to provide relative to the criminal code and to offenses against the state; to provide relative to the prohibition of certain activities and the penalties provided therefor; to provide relative to offenses against animals and affecting the public sensibility; to create the crime of cockfighting; to provide relative to the prosecution of such crime; to provide for definitions; to prohibit transportation of certain animals for certain purposes; to prohibit certain activities related to cockfighting; to provide relative to cruelty to animals; to provide relative to penalties, conditions, and requirements; 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.

Rep. Scalise objected.

Returned to the calendar under the rules.

SENATE BILL NO. 41—
BY SENATOR ADLEY

AN ACT

To enact R.S. 33:381(C)(28), relative to the village of Bienville; to provide for abolishing, subject to election, the office of chief of police; 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 Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 76—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:2011, relative to wildlife and fisheries; to provide relative to payments to the Department of Wildlife and Fisheries for certain dredging of fill sand or fill material; to provide relative to exemptions; to provide relative to exemptions from payments for certain coastal restoration and protection activities; to provide terms, conditions, procedures, and requirements; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 91—
BY SENATOR NEVERS AND REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 46:52.1(C)(1)(b) and 286.13(1), (2), and (5), relative to children; to provide relative to the care of abused and neglected children; to provide relative to the care of children by foster parents and the rights of foster parents as caregivers; to provide certain definitions, requirements, terms, conditions, and procedures; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 116—
BY SENATORS THEUNISSEN, B. GAUTREAUX, HINES, ELLINGTON, MOUNT, BARHAM, BOASSO, CRAVINS AND HOLLIS AND REPRESENTATIVES SALTER, FRITH, JOHNS, JANE SMITH, GEYMANN, ELCIE GUILLORY, KLECKLEY, MORRISH AND WALSWORTH

AN ACT

To enact R.S. 11:542.1 and 883.1.1, relative to cost-of-living increases; to provide for cost-of-living increases payable from the employee experience accounts of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to authorize the boards of trustees of such systems to grant supplemental increases from such accounts payable July 1, 2007; 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.

SENATE BILL NO. 134—
BY SENATOR ADLEY

AN ACT

To enact R.S. 40:1505.2, relative to the Springhill Fire Protection District No. 11 in Webster Parish; to provide for an increase in fire service charge fee, subject to a vote of the electors within the district; 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 Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 168—
BY SENATOR KOSTELKA

AN ACT

To amend and reenact R.S. 33:1236(21)(b)(i) and (e)(i), relative to Ouachita Parish; to provide with respect to the authorization of the Ouachita Parish governing authority to adopt ordinances to compel property owners to cut grass and noxious weeds on their property in certain clearly established residential areas; 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 Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 187—
BY SENATOR ULLO

AN ACT

To amend and reenact Children's Code Arts. 791.1, the introductory paragraph of 791.2, 791.4(A) and 791.5(A), relative to truancy and assessment and service centers; to clarify the role of Families in Need of Services in relation to truancy and assessment and service centers; to remove certain service organizations from required participation; to provide relative to the termination of the program and reporting requirements; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 204—
BY SENATORS CRAVINS, BROOME, HOLLIS, MICHOT, MOUNT, NEVERS AND QUINN AND REPRESENTATIVES BAUDOIN, DOERGE, MICKEY GUILLORY, HEBERT, STRAIN AND TOOMY

AN ACT

To amend and reenact R.S. 22:635.3(C) and 636.2(D) and to enact R.S. 22:635.3(D) and 636.2(E), relative to homeowners insurance; to provide for nonrenewal or cancellation of certain homeowners insurance policies; to provide for changes in homeowners insurance policy deductibles; to provide for premium quotes involving homeowners policies and policy deductibles; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 238—
BY SENATORS MCPHERSON AND HINES AND REPRESENTATIVES SALTER, TOWNSEND, DORSEY, DURAND, LAFLEUR, CAZAYOUX, ST. GERMAIN, ELCIE GUILLORY, HILL AND PINAC

AN ACT

To enact Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.51, relative to state funds; to establish the Health Care Redesign Fund as a special treasury fund; to provide for the deposit, use, and investment of monies in 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 Appropriations.

SENATE BILL NO. 327—
BY SENATOR JACKSON

AN ACT

To enact R.S. 33:4712.14, to authorize the governing authority of the city of Shreveport to name the civic center in honor of a living person; to provide limitations; 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 Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 329—
BY SENATOR ADLEY

AN ACT

To enact R.S. 33:2494.1 and R.S. 33:2494.2, to provide for promotion procedures for the Bossier City Fire Department; to provide for evaluation of employees in entry level competitive classes to establish such employees' order of promotion; to provide that certain promotions in the Bossier City Fire Department shall be based on divisional seniority; to provide that promotion in the communication division shall be competitive; to provide that promotion in the suppression division shall be based on departmental seniority; 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 and House Concurrent Resolutions
Reported by Committee**

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 20—
BY REPRESENTATIVE BOWLER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to repeal the federal Real ID Act of 2005.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

HOUSE CONCURRENT RESOLUTION NO. 46—
BY REPRESENTATIVE GARY SMITH

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to lower the speed limit on Louisiana Highway 628 in St. John the Baptist Parish.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Concurrent Resolution No. 46 by Representative Gary Smith

Page 6 HOUSE

12th Day's Proceedings - May 17, 2007

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "the" delete "direct" and insert "urge and request"

AMENDMENT NO. 2

On page 2, at the beginning of line 18, delete "authorize and direct" and insert "urge and request"

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

On motion of Rep. Quezaire, the resolution, as amended, was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 72—

BY REPRESENTATIVE HUTTER
A CONCURRENT RESOLUTION

To direct the United States Army Corps of Engineers to immediately begin the process of closing the Mississippi River Gulf Outlet, the " MRGO".

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

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. 26—

BY REPRESENTATIVE ARNOLD
A JOINT RESOLUTION

Proposing to amend Article VII, Section 23(C) of the Constitution of Louisiana, to limit certain increases in millage rates; 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 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. 26 by Representative Arnold

AMENDMENT NO. 1

On page 2, delete lines 1 and 2 and insert the following:

"the aggregate increase in the cost of living as reflected in the official Consumer Price Index for All Urban Consumers as published by the government of the United States since the last time the provisions of Article VII, Section 18(F) of the Constitution of Louisiana were last implemented for all property and only after a public hearing"

On motion of Rep. Townsend, 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.

HOUSE BILL NO. 27—

BY REPRESENTATIVES ARNOLD, BADON, BURRELL, CURTIS,
MONTGOMERY, ODINET, AND JANE SMITH
AN ACT

To amend and reenact R.S. 47:1705(B), relative to ad valorem taxes; to limit the ability of taxing authorities to increase ad valorem tax millages; 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. 27 by Representative Arnold

AMENDMENT NO. 1

On page 1, delete lines 15 and 16 and insert the following:

"collected is no larger than the aggregate increase in the cost of living as reflected in the official Consumer Price Index for All Urban Consumers as published by the government of the United States since the last time the provisions of Article VII, Section 18(F) of the Constitution of Louisiana were last implemented for all property and only"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 99—

BY REPRESENTATIVE CROWE
AN ACT

To enact R.S. 32:289, relative to operating motor vehicles; to prohibit the use of a cellular phone while operating a motor vehicle in a school zone during posted hours; to provide for certain exceptions; to provide for penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Bill No. 99 by Representative Crowe

AMENDMENT NO. 1

On page 1, line 17, change "C." to "B."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 231—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:303(E)(1) and 304(A) and to enact R.S. 47:305.56, relative to sales and use taxes; to provide relative to the collection of sales and use taxes on off-road vehicles; to exempt certain purchases of off-road vehicles from collection of state sales and use taxes; 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. 231 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:303(E)(1)" and before "and" insert "and 304(A)"

AMENDMENT NO. 2

On page 1, line 8, after "R.S. 47:303(E)(1)" delete "is" and insert "and 304(A) are"

AMENDMENT NO. 3

On page 2, between lines 3 and 4, insert the following:

"§304. Treatment of tax by dealer

A. The tax levied in this Chapter shall be collected by the dealer from the purchaser or consumer, except as provided for the collection of tax on motor vehicles in R.S. 47:303 and the collection of tax on property leased or rented for use offshore in R.S. 47:301(4)(d)(ii). The dealer shall collect the sales tax on off-road vehicles and remit them directly to the Department of Public Safety and Corrections upon application for certificate of title and registration as required for the registration and licensing of other vehicles under the provisions of Subsection B of this Section. The dealer shall collect the sales taxes on off-road vehicles from out-of-state residents who purchase off-road vehicles in this state and remit the sales taxes due directly to the Department of Revenue, unless the requirements of the sales and use tax exemption provided for in R.S. 47:305.56 are met.

* * *

AMENDMENT NO. 4

On page 2, delete line 8 in its entirety and insert the following:

"that he has paid or will pay the sales and use tax on the off-road vehicle in the state in which he is domiciled within sixty days after the date of purchase or delivery, whichever is later. A valid out-

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 260—
BY REPRESENTATIVE JACK SMITH
A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(C)(19) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; to provide an exemption for certain jewelry; 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.

Reported favorably by the Committee on Ways and Means.

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

HOUSE BILL NO. 315—
BY REPRESENTATIVE LAFLEUR
AN ACT

To enact R.S. 47:463.135, relative to motor vehicle prestige license plates; to provide relative to the creation and issuance of the "Chez nous autres" prestige license plate; to provide relative to the design of the plate; to authorize the promulgation of rules and regulations; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Bill No. 315 by Representative LaFleur

AMENDMENT NO. 1

On page 1, line 11, after "nous autres" delete the remainder of the line and insert in lieu thereof "plate, provided there is a minimum of one thousand applicants for such plate."

AMENDMENT NO. 2

On page 1, delete line 12 in its entirety and insert in lieu thereof "The license"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 348—
BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 4:61(B) and (C), 63, 64, 65(A), (B), and (C)(3), (4), and (5), 67(A) and (C)(1), 70, 72, 73, 75, 76, 79, 81, 82, 83, and 85 and to enact R.S. 4:61(F), 82.1, and 82.2, relative to the boxing commission; to provide for authority; to provide for exemption from civil liability; to provide for duties of secretary; to provide for bond requirements; to provide for license fees and taxes; to provide for physicians; to provide for seating for the commission; to provide for sham contests; to provide relative to events coordinators, referees, and judges; to provide for criminal penalties and injunctions; to provide for definitions; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 348 by Representative Daniel

AMENDMENT NO. 1

On page 1, line 5, delete "provide for domicile; to"

AMENDMENT NO. 2

On page 2, line 10, delete "parish of East Baton Rouge" and insert "city of New Orleans"

AMENDMENT NO. 3

On page 5, line 18, after "(3)" change "The certificate shall be filed at the commission office in New Orleans" to "~~The certificate shall be filed at the commission office in New Orleans~~"

AMENDMENT NO. 4

On page 5, line 19, delete "Baton Rouge" and change "with the application for the license" to "~~with the application for the license.~~"

AMENDMENT NO. 5

On page 8, line 28, after "commission and" delete the remainder of the line and insert "those persons necessary to work the event."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 404—

BY REPRESENTATIVE DAMICO
AN ACT

To enact R.S. 9:5167(F), relative to cancellation of mortgages and privileges; to require the recorder of mortgages to cancel mortgages and vendor's privileges under certain circumstances; to authorize title insurers to file cancellations of mortgages and vendor's privileges; to authorize certain persons to execute an affidavit of cancellation; to provide for the contents of the affidavit of cancellation; to provide for the liability of persons executing an affidavit of cancellation; to provide for the indemnification of persons relying on the affidavit of cancellation; and to provide for related matters.

Read by title.

Reported by substitute by the Committee on Civil Law and Procedure.

The substitute was read by title as follows:

HOUSE BILL NO. 961 (Substitute for House Bill No. 404 by Representative Damico)—

BY REPRESENTATIVES DAMICO AND SALTER
AN ACT

To enact R.S. 9:5168, relative to cancellation of mortgages and privileges, to require the recorder of mortgages to cancel mortgages and vendor's privileges under certain circumstances; to authorize the filing of cancellations of mortgages and vendor's privileges; to authorize certain persons to execute an

affidavit of cancellation; to provide for the contents of the affidavit of cancellation; to provide a limitation of liability for clerks of court and recorders of mortgages; to provide for the indemnification of persons relying on the affidavit of cancellation; and to provide for related matters.

Read by title.

On motion of Rep. Ansardi, the substitute was adopted and became House Bill No. 961 by Rep. Damico, on behalf of the Committee on Civil Law and Procedure, as a substitute for House Bill No. 404 by Rep. Damico.

Under the rules, lies over in the same order of business.

HOUSE BILL NO. 407—

BY REPRESENTATIVES K. CARTER, DOWNS, GRAY, JACKSON, AND MCDONALD
AN ACT

To amend and reenact Section 3 of Act No. 527 of the 2003 Regular Session of the Legislature and Section 2 of Act No. 363 of the 2004 Regular Session of the Legislature, relative to increased fees for issuance and renewal of drivers' licenses; to extend the sunset date of a fee used to fund litter reduction efforts; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 413—

BY REPRESENTATIVES TUCKER AND ARNOLD
AN ACT

To amend and reenact R.S. 38:330.1(C)(1)(introductory paragraph) and (b) and (L) and 330.8 and to repeal R.S. 38:330.1(F)(5), relative to the Southeast Louisiana Flood Protection Authority-West Bank; to provide for management of the affairs of the authority; to provide relative to residency requirements for members of the authority; to provide relative to involvement of certain members in decisions of the board; to provide relative to compensation of members; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Bill No. 413 by Representative Tucker

AMENDMENT NO. 1

On page 2, line 12, after "geologist" insert a period "." and delete the remainder of the line

AMENDMENT NO. 2

On page 4, line 4, between "The" and "annual" insert "proceeds from the"

AMENDMENT NO. 3

On page 4, delete lines 5 through 8

AMENDMENT NO. 4

On page 4, between lines 10 and 11, insert the following:

"(3) The tax proceeds received by the Southeast Louisiana Flood Protection Authority-West Bank pursuant to Paragraph (2) of this Subsection shall be used for the operation and maintenance of levees and for other flood control activities in the West Bank of Orleans Parish and for the liquidation of the debt and liabilities of the Orleans Levee District existing as of January 1, 2007, including any liabilities stemming from causes of action that arose prior to January 1, 2007."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 428—

BY REPRESENTATIVES JOHN SMITH, BALDONE, AND JACK SMITH AND SENATOR MALONE

AN ACT

To amend and reenact R.S. 56:643(B) and to enact R.S. 47:297.7, relative to individual income tax credits for hunting and fishing licenses; to provide for a refundable tax credit for amounts paid by certain military service members and their dependents for certain Louisiana hunting and fishing licenses; to provide relative to the fees paid by certain military service members for certain hunting and fishing licenses; 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. Townsend, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 498—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 51:911.22(10)(introductory paragraph), 911.22(11), 911.24(C)(2), 912.25(introductory paragraph), and 912.27(B) and to enact R.S. 51:911.22(10)(e), relative to manufactured housing; to provide for changes to definitions; to provide for licensing relative to retailers and developers; to provide for changes to hurricane wind zones relative to manufactured housing; to provide for exclusion of certain individuals relative to installation of manufactured homes; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 498 by Representative Anders

AMENDMENT NO. 1

On page 1, line 3, change "912.27(B) and" to "912.27(B),"

AMENDMENT NO. 2

On page 1, line 4, after "51:911.22(10)(e)" and before the comma "," insert "and Subpart C of Part XIV of Chapter 2 of Title 51 of the

Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:912.51 through 912.53, and to repeal R.S. 51:911.26(I)"

AMENDMENT NO. 3

On page 1, line 7, after "homes;" and before "and" insert "to provide for the Manufactured Housing State Administrative Agency;"

AMENDMENT NO. 4

On page 1, line 12, after "51:911.22(10)(e)" delete "is" and insert in lieu thereof "and Subpart C of Part XIV of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:912.51 through 912.53 are"

AMENDMENT NO. 5

On page 3, after line 3, insert the following:

"SUBPART C. MANUFACTURED HOUSING STATE ADMINISTRATIVE AGENCY"**§912.51. Definitions**

As used in this Subpart, the following definitions shall apply:

(1) "Louisiana state plan" means the document which outlines the process by which the state administrative agent shall ensure the effective handling of consumer complaints and other information that relates to noncompliance, defects, or imminent safety hazards, together with any responsibility delegated to the state administrative agent.

(2) "State Administrative Agency" means the agency created within the office of the governor of the state of Louisiana which has sole responsibility for administering the Louisiana state plan pursuant to the federal standards enforcement program.

(3) "State administrative agent" means the director of the state administrative agency.

§912.52. Louisiana state administrative agent

A. The Louisiana State Administrative Agency is hereby created within the office of the governor. The state administrative agent, hereafter referred to as "agent", shall be the director of the Louisiana state administrative agency and shall be the sole state agency responsible for administering the federal standards enforcement program.

B. The agent shall be appointed by the governor with the consent of the Senate. The term of office for the agent shall be coterminous with that of the governor making his appointment. The agent shall serve until his successor is appointed and qualified. In the event of any vacancy, whether by death, resignation, removal, expiration of term, or otherwise, the vacancy shall be filled for the unexpired portion of the term in the manner provided herein.

C. The agent shall take and subscribe to the oath of office required of public officials.

D. The agent is hereby vested with the powers and authority necessary and proper to enable the agent to fully and effectively carry out and enforce the provisions and objectives of the Louisiana state plan administered on behalf of the United States Department of Housing and Urban Development, hereafter referred to as "HUD". The agent is hereby authorized and empowered to adopt and promulgate all reasonable rules and regulations to accomplish the objectives of the Louisiana state plan. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any others necessary to the attainment thereof. All rules and

regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act. Oversight review shall be conducted by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

E. The power and authority of the agent shall include but not be limited to the following:

(1) Working with manufactured home consumers, manufacturers, retailers, developers, salesmen, and installers to hear consumer complaints and other information that relates to noncompliance, defects, or imminent safety hazards as set forth in 24 CFR Part 3282, Subpart I. The agent may make final determinations regarding consumer complaints.

(2) The right to enter at a reasonable time and inspect all factories, warehouses, or establishments in the state in which manufactured homes are manufactured.

(3) Imposing civil and criminal penalties payable to the state through the Louisiana Manufactured Housing Commission as provided for in 42 U.S.C. 5410.

(4) Establishing necessary notification and corrective procedures under 24 CFR Part 3282, Subpart I.

(5) Providing oversight as prescribed by law of remedial actions carried out by manufacturers and a manufacturer's handling of consumer complaints as to plants located within the state.

(6) Establishing a monitoring inspection fee in accordance with the guidelines established by the secretary of HUD and providing for participation in the federal fee distribution system.

§51:912.53. Administrative and enforcement of the state plan; powers; applicability

A. The agent shall be charged with the adoption, administration, and enforcement of the state plan, pursuant to the federal standards enforcement program and any other rules and regulations necessary for the administration and enforcement of the state plan. The standards adopted shall be in conformity with the standards promulgated pursuant to 24 CFR Part 3280 and 24 CFR Part 3282. The agent shall discharge this duty consistent with the rules and regulations promulgated by HUD.

B. The agent may adopt, pursuant to the Administrative Procedure Act, such rules and regulations as are necessary to enforce the standards promulgated under the state plan and any other rules and regulations necessary for the administration and enforcement of the state plan not inconsistent with the provisions of the federal standards enforcement program.

C. Except as otherwise provided for in this Subpart, the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 shall apply to the administration and enforcement of this Subpart.

Section 2. R.S. 51:911.26(I) is hereby repealed in its entirety."

On motion of Rep. Pinac, the amendments were rejected.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 628—

BY REPRESENTATIVE K. CARTER AND SENATOR DUPLESSIS
AN ACT

To amend and reenact R.S. 38:281(9), 291(K)(1), 330.12(A), and 336(A) and to enact R.S. 38:281(10), relative to the Orleans Levee District; to clarify and provide for the ownership and

management of certain property of the district; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 629—

BY REPRESENTATIVES RITCHIE AND PINAC
AN ACT

To enact Part IV-D of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.51 through 1730.66, relative to industrialized buildings; to provide legislative findings; to provide for definitions; to provide for rules and regulations relative to industrialized buildings; to provide for third-party inspectors and design review agencies; to provide for standards of construction for industrialized buildings; to provide for enforcement of the building code; to provide for enforcement of building code amendments; to provide for design review; to provide for equivalent methods of compliance; to provide for inspections of industrialized buildings; to provide for decals or insignia on modules; to provide for reciprocity of industrialized buildings; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 629 by Representative Ritchie

AMENDMENT NO. 1

On page 1, line 3, change "1730.65" to "1730.66"

AMENDMENT NO. 2

On page 1, line 9, change "dispute resolution" to "equivalent methods of compliance"

AMENDMENT NO. 3

On page 1, line 14, change "1730.65" to "1730.66"

AMENDMENT NO. 4

On page 2, line 18, after "means" delete the remainder of the line in its entirety, delete line 19 in its entirety, and insert "a structure used for any purpose other than a single or multifamily residence or accessory to a single or multifamily residence."

AMENDMENT NO. 5

On page 3, line 21, after "manufacturers or" and before "of" change "buildings" to "dealers"

AMENDMENT NO. 6

On page 3, line 22, after "Third-party" change "inspectors and design review agencies" to "providers"

AMENDMENT NO. 7

On page 3, delete lines 23 through 28 in their entirety and insert "Third-party providers shall be registered with the council in accordance with R.S. 40:1730.35."

AMENDMENT NO. 8

On page 4, delete lines 2 through 7 in their entirety and insert the following:

"A. Industrialized buildings constructed after January 1, 2007, shall meet or exceed the requirements of the building code and the requirements of the state fire marshal in accordance with R.S. 40:1574 through 1593.

B. Industrialized buildings constructed prior to January 1, 2007, shall meet or exceed the requirements established by the parish or municipality in which the building is to be located at the time of construction of the industrialized building. In addition, compliance with the wind and flood provisions of the 2003 International Building Code shall be required as a minimum standard. A change in the use of an industrialized building shall be subject to the requirements established for renovations.

C. Documentation indicating the date of construction of the industrialized building shall be presented to the building official upon application for a permit."

AMENDMENT NO. 9

On page 5, line 5, change "design review agency" to "third-party provider"

AMENDMENT NO. 10

On page 5, line 6, after "buildings" delete the remainder of the line in its entirety and insert "for compliance with the building code."

AMENDMENT NO. 11

On page 5, delete lines 8 through 11 in their entirety

AMENDMENT NO. 12

On page 5, line 12, change "B." to "A."

AMENDMENT NO. 13

On page 5, line 14, change "this Section" to "R.S. 40:1730.59"

AMENDMENT NO. 14

On page 5, between lines 14 and 15, insert the following:

"B. The state fire marshal may establish reasonable plan review fees in order to implement provisions of this Section."

AMENDMENT NO. 15

On page 5, line 15, change "Dispute resolution" to "Equivalent methods of compliance"

AMENDMENT NO. 16

On page 5, delete lines 16 through 18 in their entirety

AMENDMENT NO. 17

On page 5, line 20, change "shall" to "may"

AMENDMENT NO. 18

On page 5, line 22, after "construction," delete the remainder of the line in its entirety and delete lines 23 through 26 in their entirety

AMENDMENT NO. 19

On page 6, line 3, after "construction" and before "of industrialized" delete "and installation"

AMENDMENT NO. 20

On page 6, line 7, after "inspect the" and before "of" change "installation" to "construction"

AMENDMENT NO. 21

On page 6, line 20, change "shall" to "may"

AMENDMENT NO. 22

On page 8, after line 14, insert the following:

"§1730.66. State fire marshal authority

A. Nothing in this Part shall be construed to prevent the state fire marshal from enforcing the fire protection, life safety, handicapped accessibility, and high-rise laws of this state.

B. Nothing in this Part shall be construed as to prevent the state fire marshal from enforcing the Commercial Building Energy Conservation Code as provided in R.S. 40:1730.41 et seq."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 718—

BY REPRESENTATIVE BAYLOR

AN ACT

To amend and reenact R.S. 13:4712, relative to abatement of public nuisances; to authorize any mayor and any chief of police of a municipality to petition for an injunction or order of abatement of a nuisance; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 751—

BY REPRESENTATIVES HONEY AND GALLOT

AN ACT

To amend and reenact Children's Code Articles 1243(A) and 1264, relative to intrafamily adoptions; to expand petitioners to include second and third cousins; to provide for grandparent visitation; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 751 by Representative Honey

AMENDMENT NO. 1

On page 1, line 2, after "Code" and before the comma "," change "Article 1243(A)" to "Articles 1243(A) and 1264"

AMENDMENT NO. 2

On page 1, line 3, after the semicolon ";" and before "and" insert "to provide for grandparent visitation;"

AMENDMENT NO. 3

On page 1, line 6, after "Code" and before "hereby" change "Article 1243(A) is" to "Articles 1243(A) and 1264 are"

AMENDMENT NO. 4

On page 1, after line 18, insert the following:

"Art. 1264. Post-adoption visitation rights of grandparents

Notwithstanding any provision of law to the contrary, the natural parents of a deceased party to a marriage dissolved by death whose child is thereafter adopted, ~~and~~ the parents of a party who has forfeited the right to object to the adoption of his child pursuant to Article 1245, and the parents of a party whose child has been adopted pursuant to the laws governing intrafamily adoptions may have limited visitation rights to the minor child so adopted."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 766—

BY REPRESENTATIVE FANNIN
AN ACT

To amend and reenact R.S. 32:409.1(A)(2)(d)(x)(ff), relative to driver's licenses, to change the eligibility of citizens of other countries for a driver's license; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 778—

BY REPRESENTATIVE PITRE
AN ACT

To amend and reenact R.S. 47:820.5.2(B)(3) and (4), (C), (E), and (F)(1) and (2) and to enact R.S. 47:820.5.4, relative to the imposition and collection of tolls; to assess and provide for collection of tolls on trailers on the Crescent City Connection; to authorize the Louisiana Transportation Authority to impose and collect tolls on the LA 1 Project; to provide for definitions; to provide enforcement procedures and methods; to provide for

liable persons; to provide for hearings and appeals; to provide for use of certain evidence; to provide for methods of collection; to provide for administrative fees and late charges; to provide for the deposit of tolls and fees collected; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 780—

BY REPRESENTATIVE FAUCHEUX AND SENATOR CHAISSON
AN ACT

To enact R.S. 9:203(E)(5), relative to marriage officiants, judges, and justices of the peace; to provide for the extension of authority for certain federal judges to preside over a marriage ceremony for a particular period of time; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 796—

BY REPRESENTATIVE GRAY
AN ACT

To amend and reenact R.S. 13:2575(C)(1) and 2576(A)(1), relative to administrative adjudication of certain ordinance violations; to provide for the enforcement of liens and privileges; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 796 by Representative Gray

AMENDMENT NO. 1

On page 2, line 3, after the period "." insert the following:

"The remedies established in this Chapter are nonexclusive and may be pursued independently of each other and in addition to other remedies provided by law. In order for the lien and privilege to arise, the order, judgment, notice of judgment, or lien shall be final and not subject to appeal when recorded in the mortgage office."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 897—

BY REPRESENTATIVE KENNARD
AN ACT

To amend and reenact R.S. 32:414.2(A)(1)(a) and (b)(ii), (2), (4), (6), and (9)(a) and (D) and to repeal R.S. 32:414.2(E), relative to commercial driver's licenses; to require disqualification of commercial driving privileges for certain offenses; to provide with respect to suspension and revocation of driving privileges under commercial driver's licenses; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

Under the rules, placed on the regular calendar.

Reconsideration

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

HOUSE BILL NO. 484—

BY REPRESENTATIVE TRICHE
AN ACT

To enact R.S. 27:403, relative to promotional poker tournaments; to authorize certain licensed premises to make available tables and certain areas of the licensed premises for the purpose of the conducting of promotional poker tournaments; to provide for limitations; to provide for applicability; to provide for definitions; to provide with respect to advertising promotional poker tournaments; to provide for an exception for Orleans Parish; and to provide for related matters.

Read by title.

On motion of Rep. Triche, 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.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Triche gave notice of his intention to call House Bill No. 484 from the calendar for future action.

Speaker Salter in the Chair

Suspension of the Rules

On motion of Rep. Frith, the rules were suspended in order to take up and consider House Bills and Joint Resolutions on Third Reading and Final Passage at this time.

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. 29—

BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 47:302(R) and 321(H) and to enact R.S. 47:331(P)(3), relative to the state sales and use tax; to provide relative to the effectiveness of the exemption for certain farm

irrigation equipment; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Frith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Odinot
Alario	Geymann	Pierre
Alexander	Gray	Pinac
Anders	Greene	Pitre
Ansardi	Guillory, E.J.	Powell, M.
Arnold	Guillory E.L.	Powell, T.
Badon	Guillory, M.	Quezaire
Baldone	Harris	Richmond
Barrow	Heaton	Ritchie
Baudoin	Hebert	Robideaux
Beard	Hill	Romero
Bowler	Honey	Scalise
Bruce	Hunter	Smiley
Burns	Hutter	Smith, G.
Carter, K.	Jackson	Smith, J.D.—50th
Carter, R.	Jefferson	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Chandler	Katz	Strain
Crane	Kennard	Thompson
Crowe	Kenney	Toomy
Curtis	LaBruzzo	Townsend
Damico	LaFleur	Trahan
Dartez	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Lorusso	Walker
Downs	Marchand	Walsworth
Durand	Martiny	Williams
Erdey	McDonald	White
Fannin	McVea	Winston
Farrar	Montgomery	Wooton
Faucheux	Morrell	
Frith	Morrish	
Total - 97		

NAYS

Total - 0

ABSENT

Baylor	DeWitt	Schneider
Burrell	Kleckley	St. Germain
Daniel	Morris	
Total - 8		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Frith 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. 73—

BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact Title XVII of Book III of the Louisiana Civil Code, to be comprised of Civil Code Articles 3071 through 3083, relative to compromise; to provide for definitions; to

Page 14 HOUSE

12th Day's Proceedings - May 17, 2007

provide for formal requirements; to provide for the effects of a compromise; to provide for the object of a compromise; to provide for the scope of a compromise; to provide for the interpretation of a compromise; to provide for renunciation of rights; to provide for after-acquired rights; to provide for tender and acceptance of a lesser sum; to provide for the preclusive effect of a compromise; to provide for the effect on a novation; to provide for the rescission of a compromise; to provide for prescription of rights affected by the compromise; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 117— BY REPRESENTATIVES MONTGOMERY AND TOWNSEND AN ACT

To enact R.S. 47:818.14(A)(4), relative to the gasoline tax; to provide for an exemption for gasoline used in the manufacture of certain premixed two-cycle engine fuel; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Montgomery moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. Speaker, Alario, Alexander, Anders, Ansardi, Arnold, Badon, Baldone, Barrow, Baudoin, Beard, Bowler, Bruce, Burns, Burrell, Carter, K., Carter, R., Cazayoux, Chandler, Crane, Crowe, Curtis, Damico, Dartez, Doerge, Dorsey, Dove, Downs, Durand, Erdey, Fannin, Farrar, Total - 96. Middle column: Frith, Gallot, Geymann, Gray, Greene, Guillory, E.J., Guillory E.L., Guillory, M., Harris, Hebert, Hill, Honey, Hunter, Hutter, Jefferson, Johns, Katz, Kennard, Kenney, Kleckley, LaBruzzo, LaFleur, LaFonta, Lambert, Lancaster, Lorusso, Marchand, Martiny, McDonald, McVea, Montgomery, Morris. Right column: Morrish, Pierre, Pinac, Pitre, Powell, M., Powell, T., Quezaire, Richmond, Ritchie, Robideaux, Romero, Scalise, Schneider, Smiley, Smith, G., Smith, J.D.-50th, Smith, J.H.-8th, Smith, J.R.-30th, St. Germain, Strain, Thompson, Toomy, Townsend, Trahan, Tucker, Waddell, Walker, Walsworth, Williams, White, Winston, Wooton.

NAYS

Total - 0

ABSENT

Table with 3 columns: Baylor, Daniel, DeWitt, Total - 9. Middle column: Faucheux, Heaton, Jackson. Right column: Morrell, Odinet, Triche.

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Montgomery 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. 141— BY REPRESENTATIVE TOWNSEND AN ACT

To amend and reenact Section 3 of Act No. 60 of the 2002 Regular Session of the Legislature of Louisiana, as amended and reenacted by Act No. 12 of the 2004 First Extraordinary Session of the Legislature of Louisiana, relative to the income and franchise tax credits for costs associated with the rehabilitation of certain historic structures; to provide for the taxable periods in which the credit may be taken; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Townsend to Engrossed House Bill No. 141 by Representative Townsend

AMENDMENT NO. 1

On page 1, at the end of line 13, change "2011" to "2012"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. Speaker, Alario, Alexander, Anders, Ansardi, Arnold, Badon, Baldone, Barrow, Baudoin, Beard, Bowler, Bruce, Burns, Burrell, Carter, K., Carter, R., Cazayoux, Chandler, Crane. Middle column: Geymann, Gray, Greene, Guillory, E.J., Guillory E.L., Guillory, M., Harris, Heaton, Hebert, Hill, Honey, Hunter, Hutter, Jefferson, Johns, Katz, Kennard, Kenney, Kleckley, LaBruzzo. Right column: Pierre, Pinac, Pitre, Powell, M., Powell, T., Quezaire, Richmond, Ritchie, Robideaux, Romero, Scalise, Schneider, Smiley, Smith, G., Smith, J.D.-50th, Smith, J.H.-8th, St. Germain, Strain, Thompson, Toomy.

Curtis	LaFleur	Townsend
Damico	LaFonta	Trahan
Dartez	Lambert	Triche
Doerge	Lancaster	Tucker
Dorsey	Lorusso	Waddell
Dove	Marchand	Walker
Downs	Martiny	Walsworth
Durand	McDonald	Williams
Erdey	McVea	White
Fannin	Montgomery	Winston
Farrar	Morris	Wooton
Frith	Morrish	
Gallot	Odinet	
Total - 97		

NAYS

Total - 0

ABSENT

Baylor	DeWitt	Morrell
Crowe	Faucheux	Smith, J.R.-30th
Daniel	Jackson	
Total - 8		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Townsend 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. 203—
BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact Code of Civil Procedure Articles 1424, 1425, 1460, 1461, and 1462 and R.S.13:3205 and to enact Code of Civil Procedure Article 1633.1, relative to discovery; to provide for the scope of discovery; to provide exceptions to disclosure; to provide remedies for inadvertent disclosure; to provide for discovery of experts; to provide for discovery of electronically stored information; to provide for live trial testimony by video; to provide for delivery of process by commercial carrier; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 215—
BY REPRESENTATIVE GEYMANN
AN ACT

To amend and reenact R.S. 40:1730.28(A)(introductory paragraph) and (3) and to enact R.S. 40:1730.28(C), relative to the state uniform construction code; to provide for adoption of the design criteria requirements prescribed by the International Residential Code as part of the state uniform construction code; to provide for authority of local governments to adopt additional provisions of the code; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 270—
BY REPRESENTATIVES ALARIO AND THOMPSON
AN ACT

To amend and reenact R.S. 51:1286(C)(1) and to repeal R.S. 51:1286(C)(3), (5), and (6), relative to the Louisiana Tourism Promotion District; to remove the limitation on the amount of the proceeds of the sales and use tax levied by the district dedicated and pledged to specific purposes; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Odinet
Alario	Gallot	Pierre
Alexander	Geymann	Pinac
Anders	Gray	Pitre
Ansardi	Greene	Powell, M.
Arnold	Guillory, E.J.	Powell, T.
Badon	Guillory E.L.	Quezaire
Baldone	Guillory, M.	Richmond
Barrow	Harris	Ritchie
Baudoin	Heaton	Robideaux
Beard	Hebert	Romero
Bowler	Hill	Scalise
Bruce	Honey	Smiley
Burns	Hunter	Smith, G.
Burrell	Hutter	Smith, J.D.-50th
Carter, K.	Jefferson	Smith, J.H.-8th
Carter, R.	Johns	Smith, J.R.-30th
Cazayoux	Katz	St. Germain
Chandler	Kennard	Strain
Crane	Kenney	Thompson
Crowe	Kleckley	Toomy
Curtis	LaBruzzo	Townsend
Damico	LaFleur	Trahan
Dartez	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Lorusso	Walsworth
Downs	Marchand	Williams
Durand	Martiny	White
Erdey	McVea	Winston
Farrar	Montgomery	Wooton
Faucheux	Morrish	
Total - 95		

NAYS

Schneider
Total - 1

ABSENT

Baylor	Fannin	Morrell
Daniel	Jackson	Morris
DeWitt	McDonald	Walker
Total - 9		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario 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. Morrell, 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.

HOUSE BILL NO. 321—

BY REPRESENTATIVES BURRELL, ALEXANDER, BAYLOR, BRUCE, DOERGE, MONTGOMERY, MORRIS, JANE SMITH, TOOMY, WADDELL, AND WILLIAMS

AN ACT

To amend and reenact R.S. 9:165(C), relative to the Unclaimed Property Leverage Fund; to provide for uses of monies deposited into the fund; to provide for the deposit of monies into the fund; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Engrossed House Bill No. 321 by Representative Burrell

AMENDMENT NO. 1

On page 1, delete lines 16 and 17 and insert "Monies in the fund shall be used in accordance with an appropriation by the legislature for either of the following purposes:"

AMENDMENT NO. 2

On page 2, line 15, delete "(c)"

AMENDMENT NO. 3

On page 2, at the end of line 27, insert the following:

"The treasurer is authorized and directed on the effective date of this Act to deposit into the Unclaimed Property Leverage Fund from the state general fund the sum of thirty million dollars."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Toomy to Engrossed House Bill No. 321 by Representative Burrell

AMENDMENT NO. 1

On page 2, delete lines 15 through 19 in their entirety

Rep. Toomy moved the adoption of the amendments.

Rep. Burrell objected.

By a vote of 70 yeas and 28 nays, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Odinet
Alario	Geymann	Pierre
Alexander	Greene	Pinac

Anders	Guillory, E.J.	Pitre
Ansardi	Guillory E.L.	Powell, M.
Arnold	Guillory, M.	Powell, T.
Badon	Harris	Quezaire
Baldone	Heaton	Richmond
Barrow	Hebert	Ritchie
Baudoin	Hill	Robideaux
Beard	Honey	Romero
Bowler	Hunter	Scalise
Bruce	Hutter	Schneider
Burns	Jefferson	Smith, G.
Burrell	Johns	Smith, J.D.—50th
Carter, K.	Katz	Smith, J.H.—8th
Carter, R.	Kennard	Smith, J.R.—30th
Cazayoux	Kenney	St. Germain
Chandler	Kleckley	Strain
Crane	LaBruzzo	Thompson
Crowe	LaFleur	Toomy
Damico	LaFonta	Townsend
Dartez	Lambert	Trahan
Doerge	Lancaster	Triche
Dorsey	Lorusso	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Erdey	McVea	Williams
Fannin	Montgomery	White
Farrar	Morrell	Winston
Faucheux	Morris	Wooton
Frith	Morrish	

Total - 98

NAYS

Total - 0

ABSENT

Baylor	DeWitt	Smiley
Curtis	Gray	
Daniel	Jackson	
Total - 7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Burrell 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. 361—

BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact Section 2 of Act No. 479 of the 2005 Regular Session of the Legislature, relative to individual income tax credits for costs associated with the rehabilitation of certain owner-occupied residential structures; to provide for the taxable periods in which the credit may be taken; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Townsend to Engrossed House Bill No. 361 by Representative Townsend

AMENDMENT NO. 1

On page 1, at the end of line 11, change "2011" to "2012"

On motion of Rep. Townsend, the amendments were adopted.
Rep. Townsend moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	Pierre
Alario	Gray	Pinac
Alexander	Greene	Pitre
Anders	Guillory, E.J.	Powell, M.
Ansardi	Guillory E.L.	Powell, T.
Arnold	Guillory, M.	Quezaire
Badon	Harris	Richmond
Baldone	Heaton	Ritchie
Barrow	Hebert	Robideaux
Baudoin	Hill	Romero
Beard	Honey	Scalise
Bowler	Hunter	Schneider
Bruce	Hutter	Smiley
Burns	Jackson	Smith, G.
Carter, K.	Jefferson	Smith, J.D.—50th
Carter, R.	Johns	Smith, J.H.—8th
Cazayoux	Katz	Smith, J.R.—30th
Chandler	Kennard	St. Germain
Crane	Kenney	Strain
Crowe	Kleckley	Thompson
Curtis	LaFleur	Toomy
Damico	LaFonta	Townsend
Dartez	Lambert	Trahan
Doerge	Lancaster	Triche
Dorsey	Lorusso	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Erdey	McVea	Williams
Fannin	Montgomery	White
Farrar	Morrell	Winston
Faucheux	Morris	Wooton
Frith	Morrish	
Gallot	Odinet	

Total - 100

NAYS

Total - 0

ABSENT

Baylor	Daniel	LaBruzzo
Burrell	DeWitt	

Total - 5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Townsend 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. 366—
BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact R.S. 25:1226.4(C)(1) and (2) and 1226.6(A), relative to tax exemptions; to provide for the extension of the Atchafalaya Trace Heritage Area Development Zone tax exemption; to increase the tax credit related to the operations of the cottage industry within the development zone; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Townsend to Engrossed House Bill No. 366 by Representative Townsend

AMENDMENT NO. 1

On page 2, line 16, change "2011" to "2012"

AMENDMENT NO. 2

On page 2, at the beginning of line 20, change "2011" to "2012"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Morrish
Alario	Gallot	Pinac
Alexander	Geymann	Pitre
Anders	Gray	Powell, M.
Ansardi	Greene	Powell, T.
Arnold	Guillory E.L.	Quezaire
Badon	Guillory, M.	Richmond
Baldone	Harris	Ritchie
Barrow	Heaton	Robideaux
Baudoin	Hebert	Romero
Beard	Hill	Scalise
Bowler	Honey	Schneider
Bruce	Hunter	Smiley
Burns	Hutter	Smith, G.
Burrell	Jackson	Smith, J.D.—50th
Carter, K.	Jefferson	Smith, J.H.—8th
Carter, R.	Johns	Smith, J.R.—30th
Cazayoux	Katz	St. Germain
Crane	Kennard	Strain
Crowe	Kenney	Thompson
Curtis	Kleckley	Toomy
Damico	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
Doerge	LaFonta	Triche
Dorsey	Lancaster	Tucker
Dove	Lorusso	Waddell
Downs	Marchand	Walker
Durand	Martiny	Walsworth
Erdey	McDonald	Williams
Fannin	McVea	White
Farrar	Montgomery	Winston
Faucheux	Morris	

Total - 95

NAYS

Total - 0

ABSENT

Baylor	Guillory, E.J.	Pierre
Chandler	Lambert	Wooton
Daniel	Morrell	
DeWitt	Odinet	

Total - 10

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Townsend 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. 401—
BY REPRESENTATIVE TRAHAN
AN ACT

To enact R.S. 32:414.6, relative to penalties for motor vehicle violations; to provide for the assessment of additional penalties on certain drivers and for collection of such penalties; to provide for the dedication of the funds collected; to provide for the responsibilities of the office of motor vehicles; and to provide for related matters.

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Trahan gave notice of his intention to call House Bill No. 401 from the calendar for future action.

HOUSE BILL NO. 408—
BY REPRESENTATIVES CAZAYOUX, K. CARTER, AND GRAY
AN ACT

To amend and reenact R.S. 51:2352(1) and (4), 2353(A), (B)(3), (C), and (D), and 2354(A)(1) and Section 2 of Act No. 8 of the 2002 First Extraordinary Session, to enact R.S. 51:2354(C) and (D) and 2355, and to repeal R.S. 51:2352(3), 2353(E), and 2354(A)(2) and (3), relative to the Technology Commercialization Credit; to provide for definitions; to provide for a refundable tax credit on new jobs created; to eliminate certain investment requirements; to expand the time period of the credit; to increase the percentage of the credit; to provide for prohibitions on certain other tax credits and exemptions; to provide for effectiveness of the credit; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Cazayoux to Engrossed House Bill No. 408 by Representative Cazayoux

AMENDMENT NO. 1

On page 1, delete lines 2 through 4 and at the beginning of line 5, delete "and 2354(A)(2) and (3)," and insert the following:

"To enact Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2351 through 2356,"

AMENDMENT NO. 2

On page 1, line 5, after "Credit;" insert "to provide for legislative findings and purposes;"

AMENDMENT NO. 3

On page 1, line 6, after "definitions;" insert the following:

"to provide for the reestablishment of the Technology Commercialization Credit Program;"

AMENDMENT NO. 4

On page 1, delete lines 12 through 20, delete pages 2 through 4 and on page 5, delete lines 1 through 5 and insert the following:

"Section 1. Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2351 through 2356, is hereby enacted to read as follows:

PART VI. TECHNOLOGY COMMERCIALIZATION
CREDIT PROGRAM

§2351. Legislative findings and purposes

A. The legislature finds that:

(1) The state is making investments in university research, but has no strategy for commercializing the resulting technologies.

(2) University professors often take their research and leave the state to create new companies and new jobs elsewhere, robbing the university of a creative and valued faculty member and the state of the ability to benefit from homegrown economic development potential.

B. This Part is intended to achieve the following purposes:

(1) To induce companies purchasing the rights to commercialize technology produced at a Louisiana university to locate and grow their businesses in Louisiana.

(2) To expand the economy of the state by enlarging its base of technology and research-based businesses.

(3) To enlarge the number of quality jobs available to an uneducated workforce to retain the presence of young people educated in Louisiana colleges and universities.

(4) To attract and retain the finest research faculty to Louisiana universities.

§2352. Definitions

In this Part, the following terms shall have the meaning provided in this Section, unless the context clearly requires otherwise:

(1) "Commercialization costs" means investment in machinery and equipment, all expenditures associated with obtaining the rights to use or the use of technology, including fees related to patents, copyrights, and licenses, payments to Louisiana universities for research agreements, and payments to third-party Louisiana research or clinical trial companies.

(2) "Machinery and equipment" means machinery or equipment that is a capital asset used in a trade or business subject to depreciation under federal tax law that is placed in service and used in Louisiana.

(3)(a) "Taxpayer" means a natural person, business, corporation, or other business entity that seeks to or has become qualified to claim a credit on any income or corporation franchise tax liability against taxes owed to Louisiana.

(b) "Taxpayer applicant" means the taxpayer who earns, applied for, and is awarded tax credits based on investment in machinery and equipment as provided in this Part.

(c) "Taxpayer claimant" means the taxpayer who claims the tax credit granted pursuant to this Part against tax liability.

(4) "Technology" means the product or intellectual property owned or research sponsored at a regionally accredited college, technical school, or university located in Louisiana or any product or intellectual property to which significant development or enhancement occurred in Louisiana.

§2353. Technology Commercialization Credit and Jobs Program; establishment; qualifications; administration

A. Qualifying individuals or businesses that invest in the commercialization of Louisiana technology in Louisiana may earn, apply for, and be granted a refundable tax credit on any income or corporation franchise tax liability and earn a refundable tax credit based on new jobs created. Qualifying research centers that develop Louisiana technology to be commercialized may earn, apply for, and be granted a refundable tax credit based on new jobs created. Such credits shall be earned and granted for a period of not less than five tax years as provided in this Part. The administration of applications for these credits and the provision of these credits shall be called the Technology Commercialization Credit and Jobs Program.

B.(1) The Technology Commercialization Credit and Jobs Program shall be implemented and administered by the Department of Economic Development. In compliance with the Administrative Procedure Act and this Part, the department shall adopt and promulgate such rules as are necessary for the efficient and effective administration of this program in keeping with the purposes for which it is enacted.

(2) In providing for the implementation and administration of the program, the department shall work closely with the secretary of the Department of Revenue.

(3) Such rules shall include provisions for:

(a) The Department of Economic Development to certify the eligibility of any applicant for receipt of the tax credit provided for in this Part and the qualification of any claimant to claim the credit against state tax liability.

(b) The presentation of an applicant's eligibility certification and any other documentation required to be applied for and earn or claim a credit.

(c) The sale of certified technology commercialization credits to other taxpayers.

C.(1) To qualify for a technology commercialization credit for four tax years, all of the following qualifications shall be required by each applicant:

(a) The investment in commercialization costs, including investment by purchase or lease of machinery and equipment which is placed into and maintained in service in Louisiana that is directly related to the production of technology or is used to produce resources essential to the production of technology.

(b) An agreement with a Louisiana regionally accredited college, technical school, university, or research company to commercialize or research a technology.

(c) An investment, pursuant to Subparagraph (a) of this Paragraph, of no more than two hundred fifty thousand dollars in Louisiana shall be eligible for this credit.

(2) To qualify for a technology commercialization credit for five additional years immediately succeeding the first five years as provided in Paragraph (1) of this Subsection, the applicant shall demonstrate that it will continue to increase the number of jobs of the applicant in Louisiana and continue to meet the requirements of Paragraph (1) of this Subsection.

(3) To qualify for a refundable tax credit based on new jobs created for five years, all of the following qualifications shall be required:

(a) The applicant must meet the requirements of Paragraph (1) of this Subsection or be a nonprofit or governmental research center approved by the secretary of the Department of Economic Development.

(b) The applicant must create a minimum of five new direct jobs in this state as defined by R.S. 51:2453(4).

(c) The applicant must offer a basic health benefits plan to the individuals it employs in new direct jobs in this state, and the plan shall be approved and meet the requirements that may be established by the Department of Economic Development.

(d) The new direct jobs shall pay an average minimum of fifty thousand dollars per year in wages to qualify for the new jobs refundable tax credit, excluding wages to a person who owns more than thirty percent of the equity of the applicant.

(4) To qualify for a new jobs refundable tax credit for five additional years immediately succeeding the first five years as provided in Paragraph (3) of this Subsection, the applicant shall demonstrate that it continues to meet the requirements of such Paragraph, and the statutory minimum wage requirement shall be increased by twelve percent.

D. No technology commercialization refundable tax credit or refundable tax credit based on jobs shall be earned, applied for, and granted for more than ten consecutive tax years with regard to the same location.

E.(1) A taxpayer who earns, applies for, and is granted a credit pursuant to Paragraph (C)(1) of this Section who fails to meet the requirement of not less than two million dollars in investment in commercialization costs, including machinery and equipment by the end of the fourth tax year after the first year in which the machinery and equipment is placed in service, shall repay to Louisiana the amount of all technology commercialization credits claimed and credited against tax liability, shall forfeit all other technology commercialization credits earned and retained for future use, and shall be liable to the state for the price obtained for any such credits sold.

(2) A taxpayer who earns, applies for, and is granted a credit pursuant to Paragraph (C)(2) of this Section who fails to meet the requirement of not less than two hundred fifty thousand dollars of investment by the end of each year in which a tax credit is granted shall not be eligible for any tax credit in that taxable year, shall repay any amounts allowed as a credit for that year, and shall cease to qualify for any further such credit for investment in that location.

§2354. Technology commercialization credit; amount; duration; forfeit

A. Except as provided in Subsection B of this Section, the taxpayer may earn and apply for and, if qualified, be granted a refundable credit which may be applied to any income or corporation franchise tax liability owed to the state by the taxpayer seeking to claim the credit, equal in value to forty percent of the amount of money invested by the taxpayer applicant in commercialization costs for one business location.

B.(1) Whenever a tax credit is claimed against taxes, whether by the taxpayer applicant or by a subsequent taxpayer claimant, the total of all credits applied in any tax year may not exceed fifty percent of the total of all Louisiana income and corporation franchise taxes due by such taxpayer in that year after reduction of the amount by the sum of all other credits allowed against the tax, except any tax payments made by or on behalf of the taxpayer.

Page 20 HOUSE

12th Day's Proceedings - May 17, 2007

(2) A tax credit granted pursuant to this Part shall expire and have no value or effect on tax liability beginning with the twenty-first tax year after the tax year in which it was originally earned, applied for, and granted."

AMENDMENT NO. 5

On page 6, between lines 11 and 12, insert the following:

"§2356. Expiration date of credit

There shall be no tax credits granted or earned under this Part after December 31, 2011."

AMENDMENT NO. 6

On page 6, delete lines 12 through 19

AMENDMENT NO. 7

On page 6, at the beginning of line 20, change "Section 4." to "Section 2."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. Speaker, Gallot, Odinet, Alario, Geymann, Pierre, Alexander, Gray, Pinac, Anders, Greene, Pitre, Ansardi, Guillory, E.J., Powell, M., Arnold, Guillory E.L., Powell, T., Badon, Guillory, M., Quezaire, Baldone, Harris, Richmond, Barrow, Heaton, Ritchie, Baudoin, Hebert, Robideaux, Beard, Hill, Romero, Bowler, Honey, Scalise, Bruce, Hunter, Schneider, Burns, Hutter, Smiley, Burrell, Jefferson, Smith, G., Carter, K., Johns, Smith, J.D.-50th, Carter, R., Katz, Smith, J.H.-8th, Cazayoux, Kenney, Smith, J.R.-30th, Crane, Kleckley, St. Germain, Crowe, LaBruzzo, Strain, Curtis, LaFleur, Thompson, Damico, LaFonta, Toomy, Dartez, Lambert, Townsend, Doerge, Lancaster, Trahan, Dorsey, Lorusso, Triche, Dove, Marchand, Tucker, Downs, Martiny, Waddell, Durand, McDonald, Walker, Erdey, McVea, Walsworth, Fannin, Montgomery, Williams, Farrar, Morrell, Winston, Fauchoux, Morris, Wooton, Frith, Morrish.

Total - 98

NAYS

Total - 0

ABSENT

Table with 3 columns: Baylor, DeWitt, White, Chandler, Jackson, Daniel, Kennard, Total - 7

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Cazayoux 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. 422—

BY REPRESENTATIVES JANE SMITH, BEARD, BURNS, DOVE, DOWNS, GREENE, HUTTER, KATZ, KENNARD, LAMBERT, MORRIS, PITRE, M. POWELL, SMILEY, ST. GERMAIN, AND TUCKER

AN ACT

To amend and reenact R.S. 32:664(A) and (B), relative to tests for suspected drunken driving; to provide with respect to persons qualified to perform such tests; and to provide for related matters.

Read by title.

Rep. Jane Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. Speaker, Geymann, Odinet, Alario, Gray, Pierre, Alexander, Greene, Pinac, Anders, Guillory, E.J., Pitre, Ansardi, Guillory E.L., Powell, M., Arnold, Guillory, M., Powell, T., Badon, Harris, Quezaire, Baldone, Heaton, Richmond, Barrow, Hebert, Ritchie, Baudoin, Hill, Robideaux, Beard, Honey, Romero, Bowler, Hunter, Scalise, Bruce, Hutter, Schneider, Burns, Jackson, Smiley, Carter, K., Jefferson, Smith, G., Carter, R., Johns, Smith, J.D.-50th, Cazayoux, Katz, Smith, J.H.-8th, Crane, Kenney, Smith, J.R.-30th, Crowe, Kleckley, St. Germain, Curtis, LaBruzzo, Strain, Damico, LaFleur, Thompson, Dartez, LaFonta, Toomy, Doerge, Lambert, Townsend, Dorsey, Lancaster, Trahan, Dove, Lorusso, Triche, Downs, Marchand, Tucker, Durand, Martiny, Waddell, Erdey, McDonald, Walker, Fannin, McVea, Walsworth, Farrar, Montgomery, Williams, Fauchoux, Morrell, White, Frith, Morris, Winston, Gallot, Morrish.

Total - 98

NAYS

Total - 0

ABSENT

Baylor	Daniel	Wooton
Burrell	DeWitt	
Chandler	Kennard	
Total - 7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Jane Smith 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. 451—
BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 45:1177(A)(2) and (3) and (C), 1180(A) and (B), and 1181(A) and to repeal R.S. 45:1177(D) and (E), 1177.1, and 1178, relative to the Public Service Commission; to provide for an increase in inspection and supervision fees; to repeal the Economics and Rate Analysis Division and Hearing Examiners Division Supplemental Fee Fund; to repeal certain provisions regarding inspection and supervision fees for railroads; and to provide for related matters.

Read by title.

Rep. Pinac moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Morrell
Anders	Gallot	Odinet
Arnold	Gray	Pierre
Badon	Guillory, E.J.	Pinac
Baldone	Guillory E.L.	Pitre
Barrow	Harris	Powell, T.
Baudoin	Hebert	Quezaire
Bruce	Honey	Richmond
Burrell	Hunter	Ritchie
Carter, K.	Jackson	Smith, G.
Cazayoux	Jefferson	St. Germain
Chandler	Johns	Thompson
Curtis	Kenney	Trahan
Dartez	LaFleur	Tucker
Dorsey	LaFonta	Walker
Dove	Lambert	Williams
Downs	Lancaster	White
Durand	Marchand	
Fannin	Montgomery	
Total - 55		

NAYS

Alexander	Katz	Schneider
Bowler	Kennard	Smiley
Carter, R.	Kleckley	Smith, J.D.—50th
Crane	LaBruzzo	Smith, J.H.—8th
Crowe	Lorusso	Smith, J.R.—30th
Doerge	McDonald	Strain
Erdey	McVea	Toomy
Farrar	Morris	Townsend
Faucheux	Morrish	Waddell
Geymann	Powell, M.	Walsworth
Greene	Robideaux	Winston
Hill	Romero	Wooton
Hutter	Salise	
Total - 38		

ABSENT

Alario	Burns	Guillory, M.
Ansardi	Damico	Heaton
Baylor	Daniel	Martiny
Beard	DeWitt	Triche
Total - 12		

The bill, not having received a two-thirds vote of the elected members, failed to pass.

Motion to reconsider pending.

HOUSE BILL NO. 486—

BY REPRESENTATIVES FANNIN, MCDONALD, MORRIS, CHANDLER, ANDERS, AND TOWNSEND AND SENATOR SMITH
AN ACT

To amend and reenact R.S. 40:1730.23(A), 1730.24(B), and 1730.34(C) and to enact R.S. 40:1730.28(C), relative to the state uniform construction code; to provide for enforcement by plan review and inspection; to provide for alternative enforcement; to provide for agreements between homeowners and third-party providers; to provide for mandatory enforcement only with respect to new construction, reconstruction, and additions; to provide for creation of a council web site and publishing of third-party providers; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 486 by Representative Fannin

AMENDMENT NO. 1

On page 4, line 21, following "shall" change "only be mandatory" to "be mandatory only"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Fannin to Engrossed House Bill No. 486 by Representative Fannin

AMENDMENT NO. 1

On page 1, line 3, after "40:1730.28(C)" and before the comma "," insert "and (D)"

AMENDMENT NO. 2

On page 1, line 7, after "and additions;" insert "to prohibit the council from adopting excluded parts of the code;"

AMENDMENT NO. 3

On page 1, line 11, after "R.S. 40:1730.28(C)" delete "is" and insert "and (D) are"

AMENDMENT NO. 4

On page 2, line 15, after "of the" and before "contractor" insert "Louisiana licensed"

Page 22 HOUSE

12th Day's Proceedings - May 17, 2007

AMENDMENT NO. 5

On page 3, line 3, after "of the" and before "contractor" insert "Louisiana licensed"

AMENDMENT NO. 6

On page 3, between lines 10 and 11 insert the following:

"(e) The provisions of this Paragraph shall become null and void on December 31, 2010."

AMENDMENT NO. 7

On page 5, between lines 2 and 3, insert the following:

"D. The council shall not adopt any part excluded by the provisions of this Section with respect to any code provided for in this Section. Further, any rule that adopts or has been adopted to add an excluded part of a code shall be deemed invalid."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Kenney to Engrossed House Bill No. 486 by Representative Fannin

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 40:1730.23(A)" and before the comma "," insert "and (B)"

AMENDMENT NO. 2

On page 1, line 4, after "alternative enforcement;" insert "to clarify an exemption for manufactured housing;"

AMENDMENT NO. 3

On page 1, line 10, after "R.S. 40:1730.23(A)" and before the comma "," insert "and (B)"

AMENDMENT NO. 4

On page 3, between lines 10 and 11 insert the following:

"B. Nothing in this Part shall conflict with the Federal Department of Housing and Urban Development's regulations regarding manufactured housing construction or the provisions of R.S. 51:912.21 et seq., as it relates to manufactured housing installation. Further, it is the intent of the legislature that any service, renovation, repair, or warranty work performed on a manufactured home shall be handled under the appropriate federal standards governing manufactured housing construction or state standards governing installation, and all such work be under the jurisdiction of the Louisiana Manufactured Housing Commission. Additionally, the exemption for manufactured housing provided for in this Subsection shall extend to and include driveways, steps, decks, or other similar accessory structures or work, but shall not include any additional living area or other type of heated and cooled space outside of the original footprint of the manufactured home."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hebert to Engrossed House Bill No. 486 by Representative Fannin

AMENDMENT NO. 1

On page 1, line 3, delete "40:1730.28(C)" and insert "40:1730.28(A)(3) and (C)"

AMENDMENT NO. 2

On page 1, line 6, after "enforcement" delete the remainder of the line and on line 7, delete "and additions" and insert "only with respect to hurricane resistant provisions"

AMENDMENT NO. 3

On page 1, line 11, after "reenacted and" delete "R.S. 40:1730.28(C)" and insert "R.S. 40:1730.28(A)(3) and (C)"

AMENDMENT NO. 4

On page 4, between lines 18 and 19 insert the following:

"A. ~~The~~ Except as provided in Paragraph (3) of this Subsection, the council shall adopt and amend only the latest editions of the following as the state uniform construction code:

* * *

(3) ~~International Residential Code, not including Parts I-Administrative, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The appendices of that code may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption, with the exception of Appendix J, Existing Buildings and Structures, which is hereby adopted by this reference. The design criteria requirements for high wind regions contained in Section R301.2.1.1 of the 2003 edition of the International Residential Code are hereby adopted as amended in this Paragraph. The design criteria requirements adopted in this Paragraph shall remain in effect until the 2009 edition of the International Residential Code is published, at which time the council shall adopt the design criteria requirements for high wind regions contained in the 2009 edition. Thereafter, the council shall adopt the design criteria requirements for high wind regions contained in the latest edition of the International Residential Code. For the purposes of this Part, IRC Paragraph, Section R301.2.1.1 (Design Criteria) of the 2003 edition of the International Residential Code shall be amended as follows and shall only apply to the International Residential Code, 2003 edition to include the following:~~

(a) ~~Amendment of R301.2.1.1 (Design Criteria):~~

(b)(a) Item 6, the American Concrete Institute, *Guide to Concrete Masonry Residential Construction in High Winds Areas*, shall be added.

(c)(b) Item 7, Institute for Business & Home Safety, *Optional Code-plus Fortified for Safer Living*, shall be added.

(d)(c) Item 8, Federal Alliance for Safe Homes, *Optional Code-plus Blueprint for Safety*, shall be added."

AMENDMENT NO. 5

On page 4, delete lines 20 through 28 in their entirety, on page 5, delete lines 1 and 2 in their entirety and insert the following:

"C. Except for Part VII-Plumbing of the International Residential Code which is hereby excluded from use on a statewide basis, nothing in this Part shall prohibit a parish or municipality from adopting parts or appendices of the International Residential Code in addition to those made mandatory in Paragraph (A)(3) of this Section."

Rep. Hebert moved the adoption of the amendments.

Rep. Fannin objected.

By a vote of 38 yeas and 58 nays, the amendments were rejected.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Geymann to Engrossed House Bill No. 486 by Representative Fannin

AMENDMENT NO. 1

On page 1, delete line 16 through 19 in their entirety and insert the following:

"Except as provided in Subparagraph (2)(a) of this Subsection, all municipalities and parishes shall use building code enforcement officers to enforce the provisions of this Part. Enforcement procedures by code enforcement officers shall include examination or review of plans, drawings, or specifications; the conducting of inspections; and the issuance, denial, or revocation of permits.

(2)(a) Any parish within the state whose boundaries lie completely north of the one hundred ten mile per hour wind line, as shown in the American Society of Civil Engineers (ASCE-7) basic wind speeds map published in Part III of the latest edition of the International Residential Code, may enforce the provisions of the International Residential Code as adopted in this Part by certification of intended compliance and certification of completion and compliance as described in Subparagraph (b) of this Paragraph."

Rep. Geymann moved the adoption of the amendments.

Rep. Pinac objected.

By a vote of 38 yeas and 58 nays, the amendments were rejected.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Winston to Engrossed House Bill No. 486 by Representative Fannin

AMENDMENT NO. 1

On page 1, line 2, after "1730.24(B)," and before "and" insert "1730.28(A)(5),"

AMENDMENT NO. 2

On page 1, line 7, after "additions;" and before "to" insert "to require adherence to the International Plumbing Code;"

AMENDMENT NO. 3

On page 1, line 10, after "1730.24(B)," and before "and" insert "1730.28(A)(5),"

AMENDMENT NO. 4

On page 4, between lines 18 and 19, insert the following:

"A. The council shall adopt and amend only the latest editions of the following as the state uniform construction code:

* * *

(5) ~~The Louisiana State Plumbing Code [Part XIV (Plumbing) of the State Sanitary Code] as amended by the state health officer acting through the office of public health of the Department of Health and Hospitals. Nothing in this Part shall be construed so as to prevent the state health officer from enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility~~ The International Plumbing Code.

* * *"

Point of Order

Rep. Smiley asked for a ruling from the Chair as to whether the above amendments were germane to the subject matter contained in the bill as introduced.

Ruling of the Chair

The Chair ruled that the above amendments were germane to the subject matter contained in the bill as introduced.

Rep. Winston moved the adoption of the amendments.

Rep. Fannin objected.

By a vote of 13 yeas and 82 nays, the amendments were rejected.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Kleckley to Engrossed House Bill No. 486 by Representative Fannin

AMENDMENT NO. 1

In House Floor Amendment No. 6 proposed by Representative Fannin and adopted by the House on May 17, 2007, on page 1, line 15 change "2010" to "2008"

Rep. Kleckley moved the adoption of the amendments.

Rep. Fannin objected.

By a vote of 43 yeas and 48 nays, the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Morrell
Alario	Gallot	Morris
Anders	Geymann	Odinot
Badon	Guillory, E.J.	Powell, M.

Beard	Guillory, M.	Richmond
Bowler	Hebert	Smith, G.
Bruce	Hill	Smith, J.D.—50th
Burrell	Hunter	Smith, J.H.—8th
Carter, R.	Hutter	Smith, J.R.—30th
Chandler	Katz	St. Germain
Curtis	Kenney	Strain
Damico	Kleckley	Thompson
Dartez	LaFleur	Townsend
Doerge	Marchand	Triche
Downs	McDonald	Waddell
Fannin	McVea	
Farrar	Montgomery	
Total - 49		

NAYS

Alexander	Greene	Quezaire
Ansardi	Guillory E.L.	Ritchie
Arnold	Honey	Robideaux
Baldone	Jackson	Romero
Barrow	Jefferson	Scalise
Baudoin	Johns	Schneider
Burns	Kennard	Smiley
Carter, K.	LaFonta	Toomy
Cazayoux	Lambert	Trahan
Crane	Lancaster	Tucker
Crowe	Lorusso	Walker
Dove	Martiny	Walsworth
Durand	Morrish	Williams
Erdey	Pinac	White
Fauchoux	Pitre	Winston
Gray	Powell, T.	Wooton
Total - 48		

ABSENT

Baylor	Dorsey	LaBruzzo
Daniel	Harris	Pierre
DeWitt	Heaton	
Total - 8		

Failed to pass.

Motion to reconsider pending.

Suspension of the Rules

On joint motion of Reps. Karen Carter, Gray, and Jackson and under a suspension of the rules, the above roll call was corrected to reflect them as voting nay.

HOUSE BILL NO. 505—
BY REPRESENTATIVE RICHMOND
AN ACT

To amend and reenact R.S. 47:301(3)(i)(ii)(bb)(I), relative to the sales and use tax; to authorize an exemption for certain manufacturers; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Walsworth to Engrossed House Bill No. 505 by Representative Richmond

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:301(3)(i)(ii)(bb)(I)," insert "301(10)(x), and 331(P)(2) and to enact R.S. 47:302(U) and 321(K),"

AMENDMENT NO. 2

On page 1, line 3, after "manufacturers;" insert the following:

"to provide for an exclusion for all purchases of fuels and gases, including butane or propane; to provide for the effectiveness and applicability of the exemptions for electric power or energy, natural gas, water, and steam;"

AMENDMENT NO. 3

On page 1, line 5, after "R.S. 47:301(3)(i)(ii)(bb)(I)" insert a comma "," and delete the remainder of the line and insert "301(10)(x), and 331(P)(2) are hereby amended and reenacted and R.S. 47:302(U) and 321(K) is hereby enacted to read as"

AMENDMENT NO. 4

On page 2, after line 6 insert the following:

"(10)

* * *

(x) For purposes of the sales and use tax imposed by the state or any political subdivision whose boundaries are coterminous with those of the state, the terms "retail sale" or "sale at retail" shall not include the sale or purchase by a consumer person of any fuel or gas, including but not limited to butane and propane, ~~for residential use by the consumer.~~

* * *

§302. Imposition of tax

* * *

U. Notwithstanding the provisions of Subsection R of this Section or any other provision of this Chapter to the contrary, for taxable periods beginning on or after July 1, 2007, the exemptions to the tax levied by this Section for electric power or energy, natural gas, steam, and water shall be applicable, operative, and effective.

* * *

§321. Imposition of tax

* * *

K. Notwithstanding the provisions of Subsection H of this Section or any other provision of this Chapter to the contrary, for taxable periods beginning on or after July 1, 2007, the exemptions to the tax levied by this Section for electric power or energy, natural gas, steam, and water shall be applicable, operative, and effective.

* * *

§331. Imposition of tax

* * *

P.

* * *

(2) For the period July 1, 2004, through December 31, 2005, the exemptions to the tax levied by this Section for steam, water, electric power or energy, and natural gas shall be inapplicable, inoperable, and of no effect as to eighty percent of the tax levied by this Section. Except as provided for in Subsection R of this Section, for the period January 1, 2006, through ~~June 30, 2009~~ June 30, 2007, the

exemptions to the tax levied by this Section for sales of electric power or energy and natural gas shall be inapplicable, inoperable, and of no effect as to thirty percent of the tax levied by this Section. For the period January 1, 2006, through ~~June 30, 2009~~ June 30, 2007, the exemptions to the tax levied by this Section for sales of steam and water shall be inapplicable, inoperable, and of no effect as to eighty percent of the tax levied by this Section. Notwithstanding any other provision of this Chapter to the contrary, for all taxable periods beginning on or after July 1, 2007, the exemptions to the tax levied by this Section for electric power or energy, natural gas, steam, and water shall be applicable, operative, and effective.

* * *

Point of Order

Rep. Townsend asked for a ruling from the Chair as to whether the above amendments were germane to the subject matter contained in the bill as introduced.

Ruling of the Chair

The Chair ruled that the above amendments were not germane to the subject matter contained in the bill as introduced.

On motion of Rep. Walsworth, the amendments were withdrawn.

Rep. Richmond moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Morrish
Alario	Gallot	Odinet
Alexander	Geymann	Pierre
Anders	Gray	Pinac
Ansardi	Greene	Pitre
Arnold	Guillory, E.J.	Powell, M.
Badon	Guillory E.L.	Powell, T.
Baldone	Guillory, M.	Quezaire
Barrow	Harris	Richmond
Baudoin	Hebert	Ritchie
Baylor	Hill	Robideaux
Beard	Honey	Romero
Bowler	Hunter	Scalise
Bruce	Hutter	Schneider
Burns	Jackson	Smiley
Burrell	Jefferson	Smith, G.
Carter, K.	Johns	Smith, J.D.—50th
Carter, R.	Katz	Smith, J.H.—8th
Cazayoux	Kennard	Smith, J.R.—30th
Chandler	Kenney	St. Germain
Crane	Kleckley	Strain
Crowe	LaBruzzo	Thompson
Curtis	LaFleur	Toomy
Damico	LaFonta	Townsend
Dartez	Lambert	Trahan
Doerge	Lancaster	Triche
Dorsey	Lorusso	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Erdey	McVea	Williams
Fannin	Montgomery	White
Farrar	Morrell	Winston
Faucheux	Morris	Wooton
Total - 102		

NAYS

Total - 0

ABSENT

Daniel	DeWitt	Heaton
Total - 3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Richmond 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. 531—

BY REPRESENTATIVES MONTGOMERY AND MORRIS
AN ACT

To amend and reenact R.S. 9:165(C), relative to the Unclaimed Property Leverage Fund; to dedicate a portion of collections from the sale of unclaimed property to the fund; to provide for the deposit of monies into the fund; to provide for uses of monies deposited into the fund; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Richmond to Engrossed House Bill No. 531 by Representative Montgomery

AMENDMENT NO. 1

On page 2, line 12, after "Interstate" and before "in the city" change "220" to "20"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Morrish
Alario	Gallot	Odinet
Alexander	Geymann	Pierre
Anders	Gray	Pinac
Ansardi	Greene	Pitre
Arnold	Guillory, E.J.	Powell, M.
Badon	Guillory E.L.	Powell, T.
Baldone	Guillory, M.	Quezaire
Barrow	Harris	Richmond
Baudoin	Heaton	Ritchie
Beard	Hill	Robideaux
Bowler	Honey	Romero
Bruce	Hunter	Scalise
Burns	Hutter	Smiley
Burrell	Jackson	Smith, G.
Carter, K.	Johns	Smith, J.D.—50th
Carter, R.	Katz	Smith, J.H.—8th
Cazayoux	Kennard	St. Germain
Chandler	Kenney	Strain
Crane	Kleckley	Thompson
Crowe	LaBruzzo	Toomy
Curtis	LaFleur	Townsend

Damico	LaFonta	Trahan
Dartez	Lambert	Triche
Doerge	Lancaster	Tucker
Dorsey	Lorusso	Waddell
Dove	Marchand	Walker
Downs	Martiny	Walsworth
Durand	McDonald	Williams
Erdey	McVea	White
Fannin	Montgomery	Winston
Farrar	Morrell	Wooton
Faucheux	Morris	
Total - 98		

NAYS

Total - 0

ABSENT

Baylor	Hebert	Smith, J.R.—30th
Daniel	Jefferson	
DeWitt	Schneider	
Total - 7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Montgomery 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.

Acting Speaker Gallot in the Chair

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. 44—
BY REPRESENTATIVE DURAND
A RESOLUTION

To commend Henri Clay Bienvenu for his outstanding accomplishments and dedication upon his retirement from the Teche News.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 113—
BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To urge and request the Louisiana Horticulture Commission to amend its rules regarding licensure of retail florists to allow automated florist vending systems to operate without a licensed retail florist present to sell floral arrangements.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 114—
BY REPRESENTATIVE MONTGOMERY
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to calculate the total value of all benefits, in addition to salary, provided to Louisiana teachers as part of their total compensation, including but not limited to retirement benefits (including Deferred Retirement Option Plan benefits), survivor

benefits, health insurance, dental and optical coverage, life insurance, Section 125 flexible benefits plans, worker's compensation, leaves of absence, incentive pay, supplemental pay, and continuing education programs and to submit a written report of such calculation, detailing the benefits included, to the House Committee on Education and the Senate Committee on Education by not later than October 1, 2007.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 115—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION

To create a study committee to study and make recommendations with respect to autism spectrum disorders.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 116—
BY REPRESENTATIVE TRICHE
A CONCURRENT RESOLUTION

To direct the Department of Transportation and Development to install a traffic light at the intersection of Louisiana Highway 648 and Holiday Drive in Thibodaux, Louisiana.

Read by title.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and read:

**Report of the Committee on
Judiciary**

May 17, 2007

To the Speaker and Members of the House of Representatives:

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

House Bill No. 296, by Bruce
Reported favorably. (16-0-1) (Regular)

House Bill No. 392, by Morrell
Reported favorably. (9-0-1) (Regular)

House Bill No. 488, by LaFleur
Reported with amendments. (13-1-1) (Regular)

House Bill No. 579, by St. Germain
Reported favorably. (6-4-1) (Regular), to be recommitted to the Committee on Appropriations

House Bill No. 846, by Bruce
Reported with amendments. (16-0-1) (Regular)

JOSEPH F. TOOMY
Chairman

**Report of the Committee on
Labor and Industrial Relations**

May 17, 2007

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

House Bill No. 651, by Curtis
Reported favorably. (7-0) (Regular)

House Bill No. 832, by Hunter
Reported with amendments. (7-0) (Regular)

WILLIE HUNTER, JR.
Chairman

**Report of the Committee on
Municipal, Parochial and Cultural Affairs**

May 17, 2007

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Municipal, Parochial and Cultural Affairs to submit the following report:

House Bill No. 201, by Crowe
Reported favorably. (7-0-1) (Local & Consent)

House Bill No. 336, by Montgomery
Reported with amendments. (7-0-1) (Regular)

House Bill No. 375, by Toomy
Reported favorably. (7-0-1) (Regular)

House Bill No. 406, by Frith
Reported favorably. (10-0-1) (Local & Consent)

House Bill No. 455, by Toomy
Reported with amendments. (8-0-1) (Regular)

House Bill No. 490, by Gray
Reported with amendments. (8-0-1) (Local & Consent)

House Bill No. 491, by Barrow
Reported favorably. (7-0-1) (Local & Consent)

House Bill No. 552, by Frith
Reported with amendments. (10-0-1) (Local & Consent)

House Bill No. 567, by Frith
Reported favorably. (9-0-1) (Local & Consent)

House Bill No. 694, by Carter, K.
Reported favorably. (8-0-1) (Regular)

House Bill No. 746, by Carter, R.
Reported favorably. (8-0-1) (Regular)

House Bill No. 802, by Beard
Reported with amendments. (8-0-1) (Regular)

CLARA G. BAUDOIN
Vice Chairman

Privileged Report of the Committee on Enrollment

May 17, 2007

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. 37—

BY REPRESENTATIVES SALTER, DORSEY, ALARIO, ALEXANDER, ANDERS, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CHANDLER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GRAY, GREENE, ELBERT GUILLORY, ELCIE GUILLORY, MICKEY GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, LORUSSO, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRIS, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WILLIAMS, WINSTON, AND WOOTON

A RESOLUTION

To commemorate the seventy-fifth anniversary of the dedication of the Louisiana State Capitol on Wednesday, May 16, 2007, and to celebrate the pride, honor, and hope that the building brings to the citizens of the state of Louisiana.

HOUSE RESOLUTION NO. 38—

BY REPRESENTATIVE LORUSSO
A RESOLUTION

To commend the University of New Orleans and to recognize Thursday, May 17, 2007, as UNO Day at the Louisiana House of Representatives.

HOUSE RESOLUTION NO. 39—

BY REPRESENTATIVE GALLOT
A RESOLUTION

To express the condolences of the House of Representatives upon the death of Willard Price Goree, Sr.

HOUSE RESOLUTION NO. 40—

BY REPRESENTATIVE DOWNS
A RESOLUTION

To express the condolences of the House of Representatives upon the death of Mabel Bowling McGuire of Ruston.

HOUSE RESOLUTION NO. 41—

BY REPRESENTATIVE BRUCE
A RESOLUTION

To commend Stephanie Hennigan of Shreveport, Miss Louisiana State Fair Queen.

HOUSE RESOLUTION NO. 42—

BY REPRESENTATIVE MORRISH
A RESOLUTION

To commend Jay Philip Byler upon the highly memorable occasion of his graduation from Lake Arthur High School in Lake Arthur, Louisiana.

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.

Privileged Report of the Committee on Enrollment

May 17, 2007

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. 83—

BY REPRESENTATIVE SALTER AND SENATOR HINES

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to continue the current United States sugar program in the 2007 Farm Bill.

HOUSE CONCURRENT RESOLUTION NO. 108—

BY REPRESENTATIVE FANNIN AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To commend the Quitman High School golf team upon winning the 2007 Class B state championship.

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.

Suspension of the Rules

On motion of Rep. Alario, the rules were suspended to permit the Committee on Appropriations to consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill No. 228

Leave of Absence

Rep. Daniel - 1 day

Adjournment

On motion of Rep. Kenney, at 4:36 P.M., the House agreed to adjourn until Monday, May 21, 2007, at 2:00 P.M.

Acting Speaker Gallot of the House declared the House adjourned until 2:00 P.M., Monday, May 21, 2007.

ALFRED W. SPEER
Clerk of the House