

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

**FOURTH DAY'S PROCEEDINGS**

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

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Wednesday, February 13, 2008

The House of Representatives was called to order at 5:00 P.M., by the Honorable Jim Tucker, Speaker of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

**PRESENT**

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

Foil Franklin Total - 99	Lorusso McVea	Williams Wooton
	ABSENT	
Cazayoux Jackson M. Total - 5	LaFonta Marchand	Willmott

The Speaker announced that there were 99 members present and a quorum.

**Prayer**

Prayer was offered by Rep. Katz.

**Pledge of Allegiance**

Rep. Leger 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. Henry Burns, the reading of the Journal was dispensed with.

On motion of Rep. Henry Burns, the Journal of February 12, 2008, was adopted.

**Petitions, Memorials and  
Communications**

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

**Message from the Senate**

**SENATE BILLS**

February 13, 2008

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 No. 5

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. 5—**

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1112(A), the introductory paragraph of R.S. 42:1112(B), and 1120, relative to recusal from voting for certain elected officials; to eliminate authorization for certain elected officials to vote upon certain matters which would otherwise present a conflict of interest; to require filing of a statement of recusal; 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. 14—**  
BY REPRESENTATIVE RICHMOND  
A RESOLUTION

To amend and readopt House Rule 5.4 of the Rules of Order of the House of Representatives to require that equal time be allowed for questions by members of the House if the governor or another person addresses the House while in session.

Read by title.

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

**Introduction of House Bills  
and Joint Resolutions**

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

**HOUSE BILL NO. 92—**  
BY REPRESENTATIVE MORRELL  
AN ACT

To amend and reenact R.S. 42:1141(B)(1)(a) and (C), relative to the Board of Ethics; to provide for private investigations by panels in certain circumstances; to require the board to appoint such panels in certain circumstances; to provide for recommendations by such panel to the board in certain circumstances; to place certain restrictions on members of such panels; and to provide for related matters.

Read by title.

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

**HOUSE BILL NO. 93—**  
BY REPRESENTATIVE MORRELL  
AN ACT

To amend and reenact R.S. 42:1141(E)(12), relative to procedures of the Board of Ethics; to provide relative to the discovery of information obtained pursuant to private investigations of a public servant or other person who is charged with a violation by the board; and to provide for related matters.

Read by title.

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

**HOUSE BILL NO. 94—**  
BY REPRESENTATIVE SAM JONES  
AN ACT

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

Read by title.

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

**House 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. 27—**  
BY REPRESENTATIVE WADDELL  
AN ACT

To amend and reenact R.S. 44:5, relative to public records; to provide for the application of the laws relative to public records to the office of the governor; to provide that exemption from such laws applies solely to the executive office of the governor; to provide for definitions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 28—**  
BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BILLIOT, TIM BURNS, CHAMPAGNE, DOERGE, DOVE, HENRY, HINES, LABRUZZO, LIGI, NOWLIN, PEARSON, RICHARD, SMILEY, JANE SMITH, TALBOT, AND WILLIAMS  
AN ACT

To amend and reenact R.S. 24:57 and R.S. 49:77 and to enact R.S. 18:1505.6(D), R.S. 24:58(E), R.S. 42:1124.1(D), and R.S. 49:78(E), relative to criminal violations of laws within the jurisdiction of the Board of Ethics; to provide that conviction for the knowing filing of certain false documents pursuant to such laws makes the violator guilty of the crime of filing false public documents and subject to the penalties therefor; to require the board or panel to forward to the appropriate district attorney a copy of its findings when it finds probable cause to believe a criminal violation of laws under the board's jurisdiction has occurred and to provide for access to the board's records of such violations by the district attorney; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 28 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 49:77" delete the comma "," and insert "and"

AMENDMENT NO. 2

On page 1, line 3, delete "and to repeal R.S. 42:1124.1(C),"

AMENDMENT NO. 3

On page 3, delete lines 26 through 29 and on page 4, delete lines 1 and 2

AMENDMENT NO. 4

On page 4, at the beginning of line 3, change "Section 7." to "Section 5."

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

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 29—**

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BILLIOT, TIM BURNS, DOERGE, DOVE, HENRY, HINES, LABRUZZO, LIGI, NOWLIN, PEARSON, RICHARD, SMILEY, JANE SMITH, AND WILLIAMS  
AN ACT

To amend and reenact R.S. 42:1132(B)(1)(a) and (4) and to enact R.S. 42:1132(B)(5), relative to the Board of Ethics; to provide for qualifications for selection and service on the Board of Ethics; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 29 by Representative Tucker

AMENDMENT NO. 1

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

"district. Of those seven, the governor shall appoint at least three members each of whom has been licensed to practice law in this state for at least five years at the time of his appointment."

AMENDMENT NO. 2

On page 3, line 3, after "No member of the board" insert "appointed after the effective date of this Paragraph"

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

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 33—**

BY REPRESENTATIVE PETERSON  
AN ACT

To amend and reenact R.S. 42:1170(C), relative to ethics education; to provide for certain qualifications and requirements for ethics designees in certain agencies; to require certain training for such persons; to provide for the manner and procedure for designating such persons; to require certain notifications; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 33 by Representative Peterson

AMENDMENT NO. 1

On page 1, line 11, after "Each" and before "state" insert "agency head of a"

AMENDMENT NO. 2

On page 2, line 5, after "enforced." delete "No" and insert "On and after January 1, 2009, no"

AMENDMENT NO. 3

On page 2, at the beginning of line 11, before "each designee" insert "on and after January 1, 2009."

AMENDMENT NO. 4

On page 2, line 13, delete "The head of each" and insert "Each agency head of a"

AMENDMENT NO. 5

On page 2, line 21, delete "The head of each department" and insert "The agency head of each department"

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

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

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 41—**

BY REPRESENTATIVES TUCKER, PETERSON, GALLOT, BILLIOT, TIM BURNS, DOERGE, DOVE, HENRY, HINES, LABRUZZO, LIGI, NOWLIN, PEARSON, RICHARD, SMILEY, JANE SMITH, AND WILLIAMS  
AN ACT

To amend and reenact R.S. 42:1141(C), (D), (E), and (F) and to enact R.S. 49:992.1 and 994(E), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide for proceedings related to such enforcement; to provide for the powers, functions, and duties of the board relative to such enforcement; to provide for the powers, functions, and duties of the division of administrative law relative to such enforcement; to provide for the conduct of hearings and procedures related thereto; to provide relative to appeals; to provide relative to effectiveness; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 41 by Representative Tucker

AMENDMENT NO. 1

On page 1, line 2, delete "and 1142(A)"

## Page 4 HOUSE

4th Day's Proceedings - February 13, 2008

### AMENDMENT NO. 2

On page 1, line 11, delete "and 1142(A)"

### AMENDMENT NO. 3

On page 2, delete lines 24 through 27 and insert the following:

"If the administrative law judge determines that a violation has occurred, he shall determine what authorized penalties or other sanctions, if any, should be imposed."

### AMENDMENT NO. 4

On page 3, delete lines 12 through 17 and insert the following:

"and prescribes authorized penalties or other sanctions, the board shall, within forty-five days of the issuance of the determination by the administrative law judge, issue a decision adopting the determination of the administrative law judge."

### AMENDMENT NO. 5

On page 4, line 2, change "Paragraph (3) of Subsection C" to "Paragraph (C)(3)"

### AMENDMENT NO. 6

On page 7, delete lines 13 through 29 and on page 8, delete lines 1 through 3

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

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

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 48—**

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

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

Read by title.

Reported without amendments by the Committee on Civil Law and Procedure.

On motion of Rep. Tim Burns, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

### **HOUSE BILL NO. 64—**

BY REPRESENTATIVES ABRAMSON, BILLIOT, CROMER, HARDY, HAZEL, HENDERSON, HINES, LEGER, LORUSSO, MORRELL, PETERSON, AND ST. GERMAIN  
AN ACT

To enact R.S. 42:1114.4, relative to financial disclosure; to require certain disclosures by certain elected officials; to provide for the content of such disclosures; to provide for penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on House and Governmental Affairs.

The committee amendments were read as follows:

### **HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 64 by Representative Abramson

### AMENDMENT NO. 1

On page 1, line 2, after "R.S. 42:1114.4" insert a comma "," and delete "and 1124.1(A)(2)(c),"

### AMENDMENT NO. 2

On page 1, line 6, delete "and 1124.1(A)(2)(c) are" and insert "is"

### AMENDMENT NO. 3

On page 1, line 16, after "capacity" delete the comma "," and delete the remainder of the line and delete lines 17 and 18 and insert "for compensation and the amount of such compensation."

### AMENDMENT NO. 4

On page 2, line 6, after "capacity" delete the comma "," and delete the remainder of the line and delete line 7 and insert "for compensation and the amount of such compensation."

### AMENDMENT NO. 5

On page 2, delete lines 12 through 24 and insert the following:

"(2) The information required to be disclosed by this Section shall be filed each year as part of the elected official's annual financial disclosure statement required by this Part, and this Section shall be subject to the provisions for enforcement and penalties applicable to such financial disclosure statement."

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

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

Under the rules, placed on the regular calendar.

### **Introduction of House Bills and Joint Resolutions**

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

### **HOUSE BILL NO. 95—**

BY REPRESENTATIVE HINES  
AN ACT

To amend and reenact R.S. 18:1463(C)(3) and 1505.3(D)(3) and to enact Part VIII of Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1541 through 1544, relative to campaign finance; to provide relative to expenditures for certain campaign advertisements by any person who is not a candidate or the principal or subsidiary committee of a candidate; to require that certain statements be included in such advertisements; to provide for penalties; and to provide for related matters.

Read by title.

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

### Reports of Committees

The following reports of committees were received and read:

#### Report of the Committee on House and Governmental Affairs

February 13, 2008

To the Speaker and Members of the House of Representatives:

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

House Bill No. 7, by Tucker  
Reported favorably. (17-0) (Regular)

House Bill No. 43, by Peterson  
Reported favorably. (12-0) (Regular)

House Bill No. 52, by Peterson  
Reported with amendments. (16-0) (Regular)

House Bill No. 58, by Morrell  
Reported with amendments. (16-0) (Regular)

House Bill No. 62, by Hardy  
Reported favorably. (7-5) (Regular)

House Bill No. 65, by Greene  
Reported with amendments. (15-0) (Regular)

House Bill No. 72, by Barrow  
Reported with amendments. (10-0) (Regular)

House Bill No. 73, by White  
Reported with amendments. (10-0) (Regular)

House Bill No. 74, by Connick  
Reported with amendments. (16-0) (Regular)

House Bill No. 78, by Leger  
Reported with amendments. (17-0) (Regular)

House Bill No. 89, by Richard  
Reported favorably. (17-0) (Regular)

House Bill No. 90, by Dixon  
Reported favorably. (16-0) (Regular)

House Bill No. 91, by Morrell  
Reported with amendments. (16-0) (Regular)

RICHARD "RICK" GALLOT, JR.  
Chairman

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

February 13, 2008

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. 80, by Morrell  
Reported with amendments. (10-0) (Regular)

JEAN-PAUL "JP" MORRELL  
Chairman

### Privileged Report of the Committee on Enrollment

February 13, 2008

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

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

The following House Resolutions have been properly enrolled:

#### HOUSE RESOLUTION NO. 12—

BY REPRESENTATIVE DIXON  
A RESOLUTION

To commend Dr. Khem Aggarwal for his extraordinary contributions to higher education across this nation and in the state of Louisiana.

#### HOUSE RESOLUTION NO. 13—

BY REPRESENTATIVES CONNICK, HENRY, LIGI, MORRELL,  
PETERSON, AND TEMPLET  
A RESOLUTION

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

Respectfully submitted,

WAYNE WADDELL  
Chairman

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

### Adjournment

On motion of Rep. Trahan, at 5:20 P.M., the House agreed to adjourn until Thursday, February 14, 2008, at 9:00 A.M.

The Speaker of the House declared the House adjourned until 9:00 A.M., Thursday, February 14, 2008.

ALFRED W. SPEER  
Clerk of the House

