

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

FIFTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Thursday, March 13, 2008

The House of Representatives was called to order at 3:00 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 | McVea |
| Abramson | Geymann | Mills |
| Anders | Gisclair | Monica |
| Armes | Greene | Montoucet |
| Arnold | Guillory, E. | Morrell |
| Aubert | Guillory, M. | Morris |
| Badon, A. | Guinn | Norton |
| Badon, B. | Hardy | Nowlin |
| Baldone | Harrison | Pearson |
| Barras | Hazel | Perry |
| Barrow | Henderson | Peterson |
| Billiot | Henry | Ponti |
| Burford | Hill | Pope |
| Burns, H. | Hines | Pugh |
| Burrell | Hoffmann | Richard |
| Carmody | Honey | Richardson |
| Carter | Howard | Richmond |
| Cazayoux | Hutter | Ritchie |
| Champagne | Jackson G. | Robideaux |
| Chandler | Jackson M. | 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 | LaFonta | St. Germain |
| Dove | Lambert | Talbot |
| Downs | LeBas | Trahan |
| Edwards | Leger | Waddell |
| Ellington | Ligi | White |

| | | |
|-------------|----------|----------|
| Fannin | Little | Williams |
| Foil | Lorusso | Willmott |
| Franklin | Marchand | Wooton |
| Total - 102 | | |

ABSENT

| | | |
|-----------|---------|---------|
| Burns, T. | Lopinto | Templet |
| Total - 3 | | |

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

Prayer

Prayer was offered by Rep. Connick.

Pledge of Allegiance

Rep. Hines 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. Honey, the reading of the Journal was dispensed with.

On motion of Rep. Honey, the Journal of March 12, 2008, was adopted.

**Petitions, Memorials and
Communications**

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

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

March 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 adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 10 and 11

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. 10—

BY SENATOR LONG

A CONCURRENT RESOLUTION

To commend the players, statisticians, and coaches of the 2007-2008 Calvin High School Lady Cougars Basketball Team on winning the Girls Class C High School Basketball State Championship.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 11—

BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To memorialize the commissioner of the Internal Revenue Service and the Congress of the United States to take action to provide that refundable credits received by Louisiana homeowners to offset Louisiana Citizens Property Insurance Assessments on their homeowner's insurance premiums because of the

unprecedented damage and destruction of homes in the recent hurricanes shall not be considered as income for federal tax purposes.

Read by title.

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

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. 12—
BY REPRESENTATIVE NORTON

A RESOLUTION

To express the condolences and heartfelt sorrow of the House of Representatives upon the death of Willie C. Glover III of Shreveport.

Read by title.

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

HOUSE RESOLUTION NO. 13—
BY REPRESENTATIVE RICHARD

A RESOLUTION

To commend Pastor Walter Rose upon his thirtieth anniversary as pastor of First Assembly of God in Thibodaux.

Read by title.

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

HOUSE RESOLUTION NO. 14—
BY REPRESENTATIVE GALLOT

A RESOLUTION

To commend New Hope Missionary Baptist Church in Homer upon the celebration of its nineteenth anniversary and to honor its church members and leaders for their unity and devotion to their faith community.

Read by title.

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

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Appropriations

March 13, 2008

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 11, by Michot
Reported with amendments. (20-0) (Regular)

JAMES R. "JIM" FANNIN
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Ways and Means

March 13, 2008

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Ways and Means to submit the following report:

Senate Bill No. 5, by Marionneaux
Reported favorably. (18-0) (Regular)

Senate Bill No. 7, by Chaisson
Reported with amendments. (10-0) (Regular)

Senate Bill No. 10, by Marionneaux
Reported favorably. (17-0) (Regular)

Senate Bill No. 12, by Marionneaux
Reported favorably. (17-0) (Regular)

HUNTER V. GREENE
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Privileged Report of the Legislative Bureau

March 13, 2008

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Bill No. 5
Reported without amendments.

Senate Bill No. 7
Reported without amendments.

Senate Bill No. 10
Reported without amendments.

Senate Bill No. 11
Reported without amendments.

Senate Bill No. 12
Reported without amendments.

Respectfully submitted,
WAYNE WADDELL
Chairman

Senate Instruments on Second Reading Returned from the Legislative Bureau

Rep. Jane Smith asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions on second reading just returned from the Legislative Bureau, with a view of acting on the same:

SENATE BILL NO. 5—
BY SENATORS MARIONNEAUX, KOSTELKA, MICHOT, NEVERS, SCALISE AND WALSWORTH
AN ACT

To enact R.S. 47:293(9)(a)(xiv), (xv), and (xvi), 297.10, 297.11, and 297.12, relative to individual income tax; to provide for a deduction from state income taxes for certain elementary and secondary education tuition and fees; to provide for a deduction for state income taxes for certain public school and home-school educational expenses; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 7—

BY SENATORS CHAISSON, MICHOT, SCALISE AND WALSWORTH
AN ACT

To amend and reenact R.S. 47:301(3)(i)(ii)(bb), relative to the definition of the term "manufacturer" for purposes of eligibility for the state sales and use tax exclusions from the terms "cost price" and "sales price" for purchases of machinery and equipment used in manufacturing; to provide that the term "manufacturer" shall include persons who have North American Industrial Classification System codes within the information Section 51, or the manufacturing Sectors 511-511110, as they existed in 2002, assigned either by the Louisiana Department of Labor, if the persons are required to register with the Louisiana Department of Labor for purposes of unemployment insurance, or by the Louisiana Department of Revenue, as determined from federal income tax data, if the persons are not required to register with the Department of Labor for purposes of unemployment insurance; 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 Engrossed Senate Bill No. 7 by Senator Chaisson

AMENDMENT NO. 1

On page 1, delete line 7 and insert "within the information Sector 511110, as they"

AMENDMENT NO. 2

On page 2, line 16, after "Sector" delete "51, the manufacturing Sectors 511-511110" and insert "511110"

AMENDMENT NO. 3

On page 2, line 24, after "information Sector" delete the remainder of the line, and on line 25, delete "manufacturing Sectors 511-511110" and insert "511110"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 10—

BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CROWE, DONAHUE, DORSEY, DUPLESSIS, ERDEY, N. GAUTREAUX, GRAY, HEBERT, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, RISER, SCALISE, SHAW, SMITH AND WALSWORTH
AN ACT

To amend and reenact R.S. 47:602(A) and (G), 603(A)(2), 605(C), and 609(A) and to repeal R.S. 47:603, relative to the corporation franchise tax; to accelerate the elimination of borrowed capital

from taxable capital; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 11—

BY SENATORS MICHOT, ALARIO, CHEEK, DONAHUE, DUPRE, N. GAUTREAUX, JACKSON, LONG, MURRAY, SCALISE, SMITH AND WALSWORTH

AN ACT

To amend and reenact R.S. 47:481 and R.S. 48:196(A) and to enact R.S. 48:77, relative to the dedication of revenues to transportation related matters; to provide for the deposit into and allowable uses thereof of certain monies into the Transportation Trust Fund, the Transportation Mobility Fund, and the State Highway Improvement Fund; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Reengrossed Senate Bill No. 11 by Senator Michot

AMENDMENT NO. 1

On page 2, between lines 18 and 19, insert the following:

"(1) Ninety-three percent to the Transportation Trust Fund to be appropriated and expended as follows:"

AMENDMENT NO. 2

On page 2, at the beginning of line 19, change "(1) Thirty" to "(a) Not less than thirty"

AMENDMENT NO. 3

On page 2, line 19, after "avails" and before "deposited" delete "shall be"

AMENDMENT NO. 4

On page 2, line 20, after "Section" and before "shall" delete "and"

AMENDMENT NO. 5

On page 2, line 21, after "capacity" and before "projects" delete "and/or safety"

AMENDMENT NO. 6

On page 2, line 21, after "projects." delete the remainder of the line and delete lines 22 through 24 in their entirety

AMENDMENT NO. 7

On page 2, at the beginning of line 25, change "(2)" to "(b)"

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AMENDMENT NO. 8

On page 2, line 25, after "avails" and before "deposited" delete "shall be"

AMENDMENT NO. 9

On page 2, line 26, after "Section" and before "shall" delete "and"

AMENDMENT NO. 10

On page 2, delete line 29 and insert the following:

"(c) The remainder of the total avails deposited in the"

AMENDMENT NO. 11

On page 3, line 1, after "Section" and before "shall" delete "and"

AMENDMENT NO. 12

On page 3, line 2, after "projects" delete the remainder of the line and delete lines 3 and 4 and insert a period "."

AMENDMENT NO. 13

On page 3, at the beginning of line 5, change "(4)" to "(3)"

AMENDMENT NO. 14

On page 3, line 5, after "percent" delete the remainder of the line and delete line 6 in its entirety and insert "to the Transportation Mobility Fund."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 12—

BY SENATORS MARIONNEAUX, ADLEY, DORSEY, ERDEY, KOSTELKA, LONG, MICHOT, MORRISH, RISER, SHAW AND WALSWORTH

AN ACT

To amend and reenact R.S. 47:301(3)(i)(i), 13(k)(i), and 28(a), relative to sales and use tax of the state and statewide political subdivisions; to provide for an accelerated reduction of the sales price, cost price, gross proceeds derived from a lease or rental, monthly lease or rental price paid, and the monthly lease or rental price contracted or agreed to by way of an exclusion of certain manufacturing machinery and equipment; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

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. 3—

BY SENATOR SCALISE

AN ACT

To amend and reenact R.S. 47:293(4), relative to the federal income tax reductions provided for in Section 6428 of the Internal Revenue Code as enacted in the federal Economic Stimulus Act of 2008; to provide that such federal income tax reductions shall not decrease the federal income tax deduction; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 9—

BY SENATORS MARIONNEAUX, ADLEY, DORSEY, ERDEY, KOSTELKA, LONG, MICHOT, MORRISH, RISER, SHAW AND WALSWORTH

AN ACT

To enact R.S. 47:293(4)(c), relative to the federal income tax deduction for individual income tax; and to provide for related matters.

Read by title.

Motion

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

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. 15—

BY REPRESENTATIVE FRANKLIN

A RESOLUTION

To strongly urge and request the Calcasieu Parish School Board to seriously consider reopening Lake Charles-Boston High School in Lake Charles, Louisiana.

Read by title.

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

Privileged Report of the Committee on Enrollment

March 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. 7—

BY REPRESENTATIVE FOIL

A RESOLUTION

To commend the Soil and Water Research Unit of the United States Department of Agriculture's Agricultural Research Service in Baton Rouge, Louisiana, for the importance of its work and its benefits to agriculture and the environment in Louisiana and the Mississippi River Basin.

HOUSE RESOLUTION NO. 8—
BY REPRESENTATIVE GEYMANN

A RESOLUTION

To commend CHRISTUS St. Patrick Hospital in Lake Charles upon the celebration of its centennial anniversary.

HOUSE RESOLUTION NO. 9—

BY REPRESENTATIVES JANE SMITH AND HENRY BURNS

A RESOLUTION

To commend Dr. Jack Bagent of Bossier Parish upon his induction into the Louisiana 4-H Hall of Fame and to congratulate him on many years of dedicated and highly productive service to the Louisiana 4-H organization and the LSU AgCenter.

HOUSE RESOLUTION NO. 10—

BY REPRESENTATIVES HENRY BURNS AND JANE SMITH

A RESOLUTION

To commend Albert Doughty, mayor of Benton, upon his induction into the Louisiana 4-H Hall of Fame and to congratulate him on his many years of dedicated and highly productive service to the 4-H organization and the LSU AgCenter.

HOUSE RESOLUTION NO. 11—

BY REPRESENTATIVE ROY

A RESOLUTION

To commend the Rapides High School boys basketball team upon winning the Class B state basketball championship and to congratulate the Mustangs on a sensational 2007-2008 season.

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.

Privileged Report of the Committee on Enrollment

March 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 Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 7—

BY REPRESENTATIVE ROSALIND JONES

A CONCURRENT RESOLUTION

To commend Wossman Wildcats for winning the Class 3A state championship.

Respectfully submitted,

WAYNE WADDELL
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.

Adjournment

On motion of Rep. Trahan, at 3:30 P.M., the House agreed to adjourn until Friday, March 14, 2008, at 9:00 A.M.

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

ALFRED W. SPEER
Clerk of the House

