

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

THIRD DAY'S PROCEEDINGS

Thirty-eighth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974

House of Representatives
State Capitol
Baton Rouge, Louisiana

Tuesday, March 22, 2011

The House of Representatives was called to order at 9:00 A.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	Fannin	Monica
Anders	Foil	Montoucet
Armes	Franklin	Moreno
Arnold	Gallot	Morris
Aubert	Geymann	Norton
Badon, A.	Gisclair	Nowlin
Badon, B.	Guillory	Pearson
Baldone	Guinn	Ponti
Barras	Hardy	Pope
Barrow	Harrison	Pugh
Billiot	Hazel	Richard
Bishop	Henry	Richardson
Brossett	Hill	Ritchie
Burford	Hoffmann	Schroder
Burns, H.	Honore	Seabaugh
Burns, T.	Howard	Simon
Burrell	Jackson G.	Smiley
Carmody	Johnson	Smith, G.
Carter	Jones, R.	Smith, J.
Champagne	Jones, S.	St. Germain
Chandler	Katz	Talbot
Chaney	Kleckley	Templet
Cortez	LaBruzzo	Thibaut
Cromer	Lambert	Thierry
Danahay	LeBas	White
Dixon	Leger	Williams
Doerge	Ligi	Willmott
Downs	Little	Wooton
Edwards	Lorusso	
Ellington	McVea	
Total - 88		

The Speaker announced that there were 88 members present and a quorum.

Prayer

Prayer was offered by Rep. Rosalind Jones.

Pledge of Allegiance

Rep. Billiot 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 March 21, 2011, was adopted.

Privileged Report of the Committee on Enrollment

March 22, 2011

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. 5—

BY REPRESENTATIVE AUBERT
A RESOLUTION

To commend the White Castle High School boys' basketball team upon winning the 2011 Class 1A state championship.

HOUSE RESOLUTION NO. 6—

BY REPRESENTATIVE AUBERT
A RESOLUTION

To commend the St. James High School girls' basketball team upon winning the 2011 Class 3A state championship.

Respectfully submitted,

JEAN DOERGE
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.

**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. 9—

BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 3:3021, relative to provisions of Title 3 (Agriculture and Forestry) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 10—
BY REPRESENTATIVE BARROW
AN ACT

To amend and reenact R.S. 25:752, 767(A), and 1253(A)(1)(r), relative to provisions of Title 25 (Libraries, Museums, and other Scientific and Cultural Facilities) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Municipal, Parochial and Cultural Affairs.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Municipal, Parochial and Cultural Affairs to Original House Bill No. 10 by Representative Barrow

AMENDMENT NO. 1

On page 1, line 2, between "R.S. 25:752" and "and" insert a comma "," and insert "767(A),"

AMENDMENT NO. 2

On page 1, line 9, between "R.S. 25:752" and "and" insert a comma "," and insert "767(A),"

AMENDMENT NO. 3

On page 2, between lines 5 and 6, insert the following:

"§767. Exemptions

A. None of the provisions of this Part shall apply to or affect in any way any municipality or parish ~~with a population of less than five hundred thousand persons~~ except the city of New Orleans and the parishes of Franklin, Tensas, LaSalle, Catahoula, Concordia, and Caldwell. None of the provisions of this Part shall apply to or affect in any way the Vieux Carre' Section or Vieux Carre' Commission of the city of New Orleans as defined by Article XIV, Section 22A of the Constitution of Louisiana of 1921, nor shall the limitation of one historic preservation district commission as set forth in R.S. 25:756(1) apply ~~in governmental units with a population in excess of four hundred thousand persons~~ to the city of New Orleans.

* * *

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 14—
BY REPRESENTATIVES HUTTER AND DOWNS
AN ACT

To amend and reenact R.S. 2:135.2 and 347, relative to provisions of Title 2 (Aeronautics) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 15—
BY REPRESENTATIVES HUTTER AND DOWNS
AN ACT

To amend and reenact R.S. 32:294(A), 391(C), 393(F)(1), 398(K)(1)(b), 412(A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I), 429(A)(2), 1252(7)(b)(i) and (ii), and 1733(A), relative to provisions of Title 32 (Motor Vehicles and Traffic Regulations) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; and to provide for related matters.

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 16—
BY REPRESENTATIVES HUTTER AND DOWNS
AN ACT

To amend and reenact R.S. 34:851.27(B)(8), 3521(A), and 3522(A), relative to provisions of Title 34 (Navigation and Shipping) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 17—BY REPRESENTATIVES HUTTER AND DOWNS
AN ACT

To amend and reenact R.S. 48:512(C), 1309.2(A)(2), and 2106(A), relative to provisions of Title 48 (Roads, Bridges and Ferries) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 18—BY REPRESENTATIVE KATZ
AN ACT

To amend and reenact R.S. 40:401.1, 404.1, 490(C), 531(A)(2), (B), and (C), 537(A)(3), 1241(A)(2), 1496(G)(1), 1498(E) and (F), 1501.5(A), 1502.14, 1502.15(A), and 1509 and to repeal R.S. 40:404, relative to provisions of Title 40 (Public Health and Safety) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to repeal provisions that are outdated or obsolete; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 18 by Representative Katz

AMENDMENT NO. 1

On page 1, lines 2 and 10, after "40:404.1," delete "404(A),"

AMENDMENT NO. 2

On page 1, line 4, after "1509" delete the comma "," and insert "and to repeal R.S. 40:404,"

AMENDMENT NO. 3

On page 1, line 7, after "areas;" insert "to repeal provisions that are outdated or obsolete;"

AMENDMENT NO. 4

On page 2, delete lines 4 through 9 in their entirety

AMENDMENT NO. 5

On page 7, after line 18, insert the following:

"Section 2. R.S. 40:404 is hereby repealed in its entirety."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 19—BY REPRESENTATIVE KATZ
AN ACT

To amend and reenact R.S. 28:53(G)(7)(introductory paragraph), 215.1, and 478(E)(introductory paragraph), relative to the provisions of Title 28 (Mental Health) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 20—BY REPRESENTATIVE KATZ
AN ACT

To amend and reenact R.S. 46:1081(A) and 1091(A)(1) and (B)(1)(b), relative to provisions of Title 46 (Public Welfare and Assistance) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to repeal provisions that are outdated or obsolete; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 21—BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:413(15), 721.1(A), 1511, 1562(A) and (C), 1752(B)(3), and 1921(A)(3)(a)(ii), relative to provisions of Title 11 (Consolidated Public Retirement Systems) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 22—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact Code of Criminal Procedure Articles 161(B), 211.6(A), 324(B) and (C), 336(B)(introductory paragraph), and 404.1(A), relative to provisions of the Code of Criminal Procedure which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 23—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 14:90(B), relative to provisions of Title 14 (Louisiana Criminal Code) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to adjust population categories to retain applicability; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 24—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 15:81(F), 542(B), 542.1.2(A)(introductory paragraph), 545(A)(1), 571.7(A), 574.5(E), 574.15(A)(1), 643(A), and 645(B) and to repeal R.S. 15:804(C), relative to provisions of Title 15 (Criminal Procedure) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to repeal provisions that are outdated or obsolete; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 25—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 27:93(A)(5)(introductory paragraph), 203, and 205(26), relative to provisions of Title 27 (Louisiana Gaming Control Law) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 26—
BY REPRESENTATIVE BARROW
AN ACT

To amend and reenact R.S. 33:103(C)(1)(j)(introductory paragraph) and (l), 112(C)(1)(a), 121, the heading of Subpart B-32 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.601(4), 130.602(A)(1) and (7), the heading of Subpart B-36 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.721(A), the heading of Subpart B-41 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.781(A), the heading of Subpart L of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 140.181, 151, 172(F)(1), 365, 423.11, 423.14, 423.20, 423.21, 441.30, 447.2, 1236(60), (62)(a), and (63)(a), 1236.5, 1236.20(A)(1)(introductory paragraph) and (C)(3)(a), 1243(A)(1) and (B)(1), 1324(9), 1415(G), 1429.1, 1448(G)(1), 1521(introductory paragraph), 1573, 1967(C), 1976(introductory paragraph), 1992(D), 2213(H), 2423(A), 2536.3(introductory paragraph), 2569, 2582(A)(1) and (2), 2584(B), 2586, 2711(B) and (D)(1), 2711.7(A), 2711.16(A), 2717.18, 2721.7(A)(1), 2721.14, 2737.52(A), 2737.56(A), 2737.66(A) and (C)(1), 2737.71(A), 2737.73(A), 2737.74(A) and (B), 2738.84(A)(2) and (3), 2738.85(A)(1), 2740.18(A)(1), 2740.18.1(A), 2740.34(A), 2740.35(A)(1), 2740.36(B), 2740.37(B)(1), 2740.61, 3892(A), the heading of Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, 4159.10(B)(introductory paragraph), 4169(C), 4175(B)(1), 4305(B)(2), the heading of Subpart F of Part I of Chapter 10 of Title 33 of the Louisiana Revised Statutes of 1950, 4311, 4546.2(D), 4561.1, 4562.1(A) and (B), 4562.2(A) and (B), 4564(D), 4570.11(A) and (B)(1)(a) through (d), 4574(B)(40) and (F)(1)(b)(iii), 4574.1.1(A)(40), (42), and (45), (N)(1), (Q), and (R), 4574.2(D), 4574.19, 4579(A), 4709.21(A), 4712.15, 4717(B), 4720.161(Q)(7), 4722(B)(introductory paragraph) and (C), 4780.51(A), 4785(B), 4790, 4877, 4879(B) and (C), 5062(A), 7551, 7602(4), (8)(a), (9), (10), and (11), 7603(14), 7604(A), 9033.3(A) and (N), 9036(B), 9037.1, 9038.31(3), 9038.41(A) and (B)(introductory paragraph), 9038.55, 9038.61(A), 9053.1(A), 9073.1(A), 9076(A), and 9611(A) and to repeal Subpart B-31 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.591 through 130.599, 130.601(5), 1221(B), 1415(F), 1521.1(D), 1992(A)(11), 2213(I), 2625, 2740.48, and 7603(20), relative to Title 33 (Municipalities and Parishes) of the

Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; to repeal provisions that are outdated or obsolete; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 27—

BY REPRESENTATIVE PUGH

AN ACT

To amend and reenact R.S. 33:423.21, relative to Title 33 (Municipalities and Parishes) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population category; to specify applicability to Independence of a provision relative to the authority of the police chief to take certain personnel actions; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

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

Under the rules, placed on the regular calendar.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Appropriations

March 22, 2011

To the Speaker and Members of the House of Representatives:

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

House Bill No. 11, by Fannin
Reported with amendments. (16-0) (Regular)

House Bill No. 12, by Fannin
Reported with amendments. (18-0) (Regular)

House Bill No. 13, by Fannin
Reported favorably. (18-0) (Regular)

JAMES R. "JIM" FANNIN
Chairman

Adjournment

On motion of Rep. Billiot, at 9:30 A.M., the House agreed to adjourn until Wednesday, March 23, 2011, at 5:00 P.M.

The Speaker of the House declared the House adjourned until 5:00 P.M., Wednesday, March 23, 2011.

ALFRED W. SPEER
Clerk of the House

