

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

**NINTH DAY'S PROCEEDINGS**

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

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Friday, March 23, 2012

The House of Representatives was called to order at 12:01 A.M., by the Honorable Chuck Kleckley, Speaker of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

PRESENT

Mr. Speaker	Garofalo	Miller
Abramson	Geymann	Montoucet
Adams	Gisclair	Moreno
Anders	Guillory	Morris, Jay
Armes	Guinn	Morris, Jim
Arnold	Harris	Norton
Badon	Harrison	Ortego
Barras	Havard	Pearson
Barrow	Hazel	Pierre
Berthelot	Henry	Ponti
Billiot	Hensgens	Pope
Bishop, S.	Hill	Price
Bishop, W.	Hodges	Pugh
Broadwater	Hoffmann	Pylant
Brossett	Hollis	Reynolds
Brown	Honore	Richard
Burford	Howard	Richardson
Burns, H.	Hunter	Ritchie
Burns, T.	Huval	Robideaux
Burrell	Jackson, G.	Schexnayder
Carmody	Jackson, K.	Schroder
Carter	James	Seabaugh
Champagne	Jefferson	Shadoin
Chaney	Johnson	Simon
Connick	Jones	Smith
Cox	Lambert	St. Germain
Cromer	Landry, N.	Talbot
Danahay	Landry, T.	Thibaut
Dixon	LeBas	Thierry
Dove	Leger	Thompson
Edwards	Leopold	Whitney

Fannin	Ligi	Williams, A.
Foil	Lopinto	Williams, P.
Franklin	Lorusso	Willmott
Gaines	Mack	
Total - 104		

The Speaker announced that there were 104 members present and a quorum.

**Prayer**

Prayer was offered by Rep. Hoffman.

**Pledge of Allegiance**

Rep. Hill led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

**HOUSE BILL NO. 974—**

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE, CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX, SCHRODER, SEABAUGH, TALBOT, AND THOMPSON AND SENATORS ALARIO AND APPEL

AN ACT

To amend and reenact R.S. 17:54(B)(1)(b)(i) and (iii), 81(A) and (P)(1), 81.4, 229, and 414.1, 441, 442, 443, and 444(B)(1), to enact R.S. 17:418 and 532(C), and to repeal R.S. 17:44, 45, 81(I), 154.2, 235.1(E), 346.1, 419, 419.1, 420, 421, 421.1, 421.2, 421.3, 421.5, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 431, 444(A) and (B)(2) and (3), 446, 461 through 464, and 1207, relative to elementary and secondary education; to provide with respect to teachers and other school employees; to provide with respect to local school superintendents, their employment, and their duties and responsibilities; to provide relative to local school boards and their functions and powers; to provide relative to school personnel decisions; to provide relative to school board reduction in force policies; to provide with respect to the salaries and compensation of teachers and other school employees; to provide relative to tenure for school employees and the removal of tenured and nontenured teachers; to provide for effectiveness; and to provide for related matters.

Read by title.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Smith to Engrossed House Bill No. 974 by Representative Carter

AMENDMENT NO. 1

On page 5, between lines 7 and 8, insert the following:

"(7) Each local superintendent and school principal shall make all employment-related decisions and recommendations in consultation with his executive team."

Rep. Smith moved the adoption of the amendments.

Rep. Dove objected.

By a vote of 39 yeas and 61 nays, the amendments were rejected.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Dixon to Engrossed House Bill No. 974 by Representative Carter

AMENDMENT NO. 1

On page 13, line 26, after "superintendent" delete the period "." and insert "and to all court costs and attorney fees relating to his tenure action."

Rep. Dixon moved the adoption of the amendments.

Rep. Dove objected.

By a vote of 43 yeas and 57 nays, the amendments were rejected.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Edwards to Engrossed House Bill No. 974 by Representative Carter

AMENDMENT NO. 1

On page 11, line 3, delete "in order to be deemed eligible to acquire tenure."

AMENDMENT NO. 2

On page 11, line 4, delete "must be"

AMENDMENT NO. 3

On page 11, line 5, after "3905" delete the period "." and insert "shall be granted tenure."

AMENDMENT NO. 4

On page 11, line 17, change "may" to "shall"

AMENDMENT NO. 5

On page 11, line 17, after "tenure" delete the remainder of the line and insert "if any of the following applies:"

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

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Pope to Engrossed House Bill No. 974 by Representative Carter

AMENDMENT NO. 1

On page 2, line 10, after "of" and before "or 'F'" change "'C', 'D'," to "'D'"

AMENDMENT NO. 2

On page 2, line 13, after "of" and before "or 'F'" change "'C', 'D'," to "'D'"

AMENDMENT NO. 3

On page 2, line 15, after "of" and before "or 'F'" change "'C', 'D'," to "'D'"

Rep. Pope moved the adoption of the amendments.

Rep. Dove objected.

By a vote of 49 yeas and 55 nays, the amendments were rejected.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Dixon to Engrossed House Bill No. 974 by Representative Carter

AMENDMENT NO. 1

On page 4, line 13, after "(a)" delete "Delegate" and insert "Except as provided in Subparagraph (c) of this Paragraph, delegate"

AMENDMENT NO. 2

On page 4, between lines 24 and 25, insert the following:

"(c) Make recommendations with respect to hiring, termination, and other personnel actions applicable to school support personnel to the local public school board, and the board shall take personnel actions only upon the recommendation of the superintendent. Such personnel are entitled to file a grievance in accordance with procedures adopted pursuant to R.S. 17:100.4 with respect to any such action."

Rep. Dixon moved the adoption of the amendments.

Rep. Dove objected.

By a vote of 38 yeas and 62 nays, the amendments were rejected.

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

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Ortego to Engrossed House Bill No. 974 by Representative Carter

AMENDMENT NO. 1

On page 14, between lines 19 and 20, insert the following:

"Section 4. The provisions of Sections 1 through 3 of this Act shall be implemented as a three-year pilot program in certain city, parish, and other local public school systems to be selected by the state superintendent of education based on criteria established by the State Board of Elementary and Secondary Education. Such pilot program shall be administered by the state board pursuant to rules and regulations adopted by the board in accordance with the Administrative Procedure Act. The state board shall submit a written report of its findings, conclusions, and recommendations relative to such pilot program, including any recommendations for related legislation, to the House Committee on Education and the Senate Committee on Education by not later than sixty days prior to the beginning of the 2015 Regular Session of the Legislature."

AMENDMENT NO. 2

On page 14, line 20, change "Section 4." to "Section 5."

AMENDMENT NO. 3

On page 14, line 23, change "Section 5." to "Section 6."

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

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. Speaker	Foil	Moreno
Abramson	Garofalo	Morris, Jay
Adams	Harris	Pearson
Arnold	Havard	Ponti
Badon	Hazel	Pugh
Barras	Henry	Pylant
Berthelot	Hensgens	Richard
Billiot	Hodges	Richardson
Bishop, S.	Hoffmann	Robideaux
Broadwater	Hollis	Schexnayder
Brown	Howard	Schroder
Burford	Huval	Seabaugh
Burns, H.	Jackson, G.	Simon
Burns, T.	Jefferson	St. Germain
Carmody	Lambert	Talbot
Carter	Landry, N.	Thibaut
Champagne	Leger	Thierry
Chaney	Leopold	Thompson
Connick	Ligi	Whitney
Cromer	Lopinto	Willmott
Dove	Lorusso	
Fannin	Miller	
Total - 64		

NAYS

Anders	Guillory	Morris, Jim
Armes	Guinn	Norton
Barrow	Harrison	Ortego
Bishop, W.	Hill	Pierre
Brossett	Honore	Pope
Burrell	Hunter	Price
Cox	Jackson, K.	Reynolds
Danahay	James	Ritchie
Dixon	Johnson	Shadoin
Edwards	Jones	Smith
Franklin	Landry, T.	Williams, A.
Gaines	LeBas	Williams, P.
Geymann	Mack	
Gisclair	Montoucet	
Total - 40		

ABSENT

Greene  
Total - 1

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Carter 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. Leger, the rules were suspended in order to take up and consider Petitions, Memorials, and Communications at this time.

**Petitions, Memorials, and Communications**

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

**Message from the Senate**

**SENATE BILLS**

March 22, 2012

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. 193, 581, and 610

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. 193—**  
BY SENATORS GUILLORY AND THOMPSON  
AN ACT

To enact R.S. 47:463.155, relative to special prestige motor vehicle license plates; to provide for the creation, issuance, and design of such license plates for the Phi Beta Sigma Fraternity, Inc.; to provide relative to the fee and distribution of fees for such plates; to authorize the promulgation of rules and regulations; and to provide for related matters.

Read by title.

**SENATE BILL NO. 581—**  
BY SENATORS APPEL AND ALARIO AND REPRESENTATIVES CARTER AND KLECKLEY  
AN ACT

To enact Part X-A of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:407.21 through 407.25, relative to early childhood education; to provide for the creation of an early childhood care and education network; to provide for the purposes of such network and the duties and responsibilities of certain state agencies related thereto; to provide relative to early childhood education programs and standards; to provide for an accountability system for early childhood education programs; to provide relative to a quality rating system for certain day care centers; to provide for legislative findings and intent; and to provide for related matters.

Read by title.

**SENATE BILL NO. 610—**  
BY SENATOR RISER  
AN ACT

To amend and reenact R.S. 47:120.37(A), (C), and (D), relative to the Department of Revenue; to provide for distribution dates for donations from individual state income tax returns to donees; and to provide for related matters.

Read by title.

**Suspension of the Rules**

On motion of Rep. Henry, the rules were suspended in order to take up and consider Introduction of Resolutions, House and House Concurrent at this time.

**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:

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### **HOUSE CONCURRENT RESOLUTION NO. 50—**

BY REPRESENTATIVE HENRY

#### **A CONCURRENT RESOLUTION**

To urge and request the National Football League to reconsider the penalties imposed upon the New Orleans Saints.

Read by title.

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

Ordered to the Senate.

### **HOUSE CONCURRENT RESOLUTION NO. 51—**

BY REPRESENTATIVES KATRINA JACKSON, BARROW, BURRELL, DIXON, GAINES, GUILLORY, HARRISON, HONORE, HUNTER, JAMES, TERRY LANDRY, LEBAS, LEGER, NORTON, PIERRE, PRICE, REYNOLDS, SMITH, ALFRED WILLIAMS, AND PATRICK WILLIAMS AND SENATOR BROOME

#### **A CONCURRENT RESOLUTION**

To suspend until sixty days after the date of adoption of this Resolution, in areas where a Medicaid Coordinated Care Network has not been implemented as of the date of adoption of this Resolution, the provisions of Chapters 31 through 40 of Subpart 3 of Part I of Title 50 of the Louisiana Administrative Code, relative to Medicaid coordinated care.

Read by title.

Lies over under the rules.

### **Privileged Report of the Committee on Enrollment**

March 22, 2012

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. 11—**

BY REPRESENTATIVES ARNOLD AND HENRY

#### **A RESOLUTION**

To commend Taiwan's participation as an observer in the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change.

### **HOUSE RESOLUTION NO. 13—**

BY REPRESENTATIVES STUART BISHOP, BARRAS, NANCY LANDRY, TERRY LANDRY, MONTOUCET, ORTEGO, PIERRE, AND ROBIDEAUX

#### **A RESOLUTION**

To commend the St. Thomas More High School girls basketball team of Lafayette upon winning the Class 4A state championship.

Respectfully submitted,

HAROLD RITCHIE  
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. Billiot, at 12:45 A.M., the House agreed to adjourn until Monday, March 26, 2012, at 4:00 P.M.

The Speaker of the House declared the House adjourned until 4:00 P.M., Monday, March 26, 2012.

ALFRED W. SPEER  
Clerk of the House