OFFICIAL JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF LOUISIANA

THIRTEENTH DAY'S PROCEEDINGS

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

> House of Representatives State Capitol Baton Rouge, Louisiana

Monday, February 29, 2016

The House of Representatives was called to order at 3:07 P.M., by the Honorable Taylor Barras, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

Falconer Leger Leopold Foil

Total - 103

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

Prayer

Prayer was offered by Rep. Guinn.

Pledge of Allegiance

Rep. Jenkins 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. Hill, the reading of the Journal was dispensed with.

On motion of Rep. Hill, the Journal of February 26, 2016, was adopted.

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 CONCURRENT RESOLUTION NO. 9-

USE CONCURRENT RESOLUTION NO. 9—
BY REPRESENTATIVES BARRAS, ABRAHAM, ABRAMSON, ADAMS, AMEDEE, ANDERS, ARMES, BACALA, BAGLEY, BAGNERIS, BERTHELOT, BILLIOT, BISHOP, BOUIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, CROMER, DANAHAY, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, FALCONER, FOIL, FRANKLIN, GAINES, GAROFALO, GISCLAIR, GLOVER, GUINN, HALL, JIMMY HARRIS, LANCE HARRIS, HAVARD, HAZEL, HENRY, HENSGENS, HILFERTY, HILL, HODGES, HOFFMANN, HOLLIS, HORTON, HOWARD, HUNTER, HUVAL, IVEY, JACKSON, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, ROBERT JOHNSON, JONES, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LEOPOLD, LOPINTO, LYONS, MACK, MAGEE, MARCELLE, MONTOUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, PEARSON, PIERRE, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, SIMON, SMITH, STOKES, TALBOT, THIBAUT, WHITE, WILLMOTT, AND ZERINGUE

A CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of state representative Rodnette "Ronnie" Bethley Edwards.

Read by title.

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

Ordered to the Senate.

House Bills and Joint Resolutions on Second Reading to be Referred

The following House Bills and Joint Resolutions on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

Motion

On motion of Rep. Broadwater, the Committee on Ways and Means was discharged from further consideration of House Bill No.

HOUSE BILL NO. 8-

BY REPRESENTATIVE BROADWATER A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(A) of the Constitution of Louisiana, relative to income taxation; to provide with respect

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to the deductibility of federal income taxes paid for purposes of computing state income taxes; to provide for applicability; to provide for an effective date; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Broadwater, the bill was withdrawn from the files of the House.

Motion

On motion of Rep. Broadwater, the Committee on Ways and Means was discharged from further consideration of House Bill No.

HOUSE BILL NO. 17— BY REPRESENTATIVE BROADWATER

AN ACT

To amend and reenact R.S. 47:293(3), relative to the individual income tax; to reduce the amount of the deduction for excess federal itemized personal deductions; to provide for applicability; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Broadwater, the bill was withdrawn from the files of the House.

Motion

On motion of Rep. Broadwater, the Committee on Ways and Means was discharged from further consideration of House Bill No.

HOUSE BILL NO. 88— BY REPRESENTATIVE BROADWATER

AN ACT
To amend and reenact R.S. 47:241, 287.69, 293(10), 300.6(A), and 300.7(A) and to repeal R.S. 47:55(5), 287.79, 287.83, 287.85, 287.442(B)(1), 293(4) and (9)(a)(ii), 296.1(B)(3)(c), and 298, relative to income tax; to provide relative to the deductibility of federal income taxes; to repeal deductibility of federal income taxes paid for purposes of calculating individual and corporate income taxes; to provide for applicability; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Broadwater, the bill was withdrawn from the files of the House.

Suspension of the Rules

On motion of Rep. Stokes, 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:

Suspension of the Rules

On motion of Rep. Stokes, and under a suspension of the rules, the following bill was taken up out of its regular order at this time.

HOUSE BILL NO. 39—

BY REPRESENTATIVES STOKES AND WILLMOTT AN ACT

To amend and reenact R.S. 47:551, relative to automobile rental tax; to levy an automobile rental tax; to provide for collection and distribution of the tax; to provide for certain definitions; to authorize promulgation of rules; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Danahay to Engrossed House Bill No. 39 by Representative Stokes

AMENDMENT NO. 1

Delete House Floor Amendment No. 1 by Representative Danahay (#356)

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative James to Engrossed House Bill No. 39 by Representative Stokes

AMENDMENT NO. 1

Delete House Floor Amendment No. 1 by Representative James (#439)

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hunter to Engrossed House Bill No. 39 by Representative Stokes

AMENDMENT NO. 1

Delete House Floor Amendment No. 1 by Representative Hunter (#561)

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Foil Lyons Franklin Abraham Mack

Abramson Adams Amedee Anders Armes Bacala Bagley Bagneris Berthelot Billiot Bouie Broadwater Brown C	Gaines Garofalo Gisclair Glover Hall Harris, J. Havard Hazel Henry Hilferty Hoffmann	Magee Marcelle McFarland Miguez Miller, D. Miller, G. Montoucet Moreno Morris, Jay Morris, Jim Pearson Pierre Pone
Bagley	Havard	Montoucet
Bagneris	Hazel	Moreno
Billiot	Hilferty	Morris, Jim
Brown, C.	Hollis	Pope
Brown, T.	Horton	Price
Carpenter	Hunter	Pugh
Carter, G. Carter, R.	Huval Ivev	Pylant Reynolds
Carter, S.	Jackson	Schexnayder
Chaney	James	Shadoin
Connick	Jefferson	Smith
Cox	Jenkins Johnson P	Stokes Talbot
Danahay Davis	Johnson, R. Jones	Thibaut
DeVillier	Landry, T.	White
Dwight	Leger	Willmott
Falconer	Lopinto	Zeringue
Total - 84		

NAYS

Bishop Guinn Norton Coussan Hodges Richard Cromer Howard Schroder Edmonds Johnson, M. Seabaugh Emerson Landry, N. Total - 14

ABSENT

Carmody Hensgens LeBas Simon Harris, L. Leopold Total - 6

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Consent to Correct a Vote Record

Rep. Hunter requested the House consent to record his vote on final passage of House Bill No. 39 as yea, which consent was unanimously granted.

HOUSE BILL NO. 96-

BY REPRESENTATIVE RICHARD

AN ACT

To enact Subpart G of Part II of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1591 and 1624(C), relative to professional, personal, and consulting services procurement; to require a reduction in the dollar amount of certain professional, personal, and consulting service contracts; to provide for the submission of periodic reports; to provide for exceptions; to provide for certain conditions of contract approval; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Cox gave notice of his intention to call House Bill Nos. 27 and 28 from the calendar on Tuesday, March 1, 2016.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Ivey gave notice of his intention to call House Bill Nos. 78, 79, 103, 106, 115, and 117 from the calendar on Tuesday, March 1, 2016.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Jackson gave notice of her intention to call House Bill Nos. 23,24,84,101, and 121 from the calendar on Tuesday, March 1, 2016.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. James gave notice of his intention to call House Bill Nos. 19, 46, and 47 from the calendar on Tuesday, March 1, 2016.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Leger gave notice of his intention to call House Bill Nos. 5, 14, 32, 33, and 34 from the calendar on Tuesday, March 1, 2016.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Montoucet gave notice of his intention to call House Bill No. 64 from the calendar on Tuesday, March 1, 2016.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Jay Morris gave notice of his intention to call House Bill No. 61 and House Concurrent Resolution No. 4 from the calendar on Tuesday, March 1, 2016.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Stokes gave notice of her intention to call House Bill Nos. 75, 76, 80, and 104 from the calendar on Tuesday, March 1, 2016.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Thibaut gave notice of his intention to call House Bill Nos. 81, 114, and 125 from the calendar on Tuesday, March 1, 2016.

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:

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Message from the Senate HOUSE CONCURRENT RESOLUTIONS

February 29, 2016

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

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 8 Returned without amendments

Respectfully submitted,

GLENN A. KOEPP Secretary of the Senate

Message from the Senate

ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

February 29, 2016

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 No. 5

Respectfully submitted,

GLENN A. KOEPP Secretary of the Senate

Senate Concurrent Resolutions Lying Over

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATOR COLOMB

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of State Representative Ronnie

Read by title.

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

Suspension of the Rules

On motion of Rep. Abramson, the rules were suspended in order to take up and consider Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Ways and Means

February 29, 2016

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:

House Bill No. 71, by Barras Reported with amendments. (17-0)

> NEIL C. ABRAMSON Chairman

Suspension of the Rules

On motion of Rep. Abramson, the rules were suspended in order to take up House Bills contained in the committee report at this time.

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. 71—

BY REPRESENTATIVES BARRAS, ABRAMSON, BISHOP, BROADWATER, DANAHAY, DAVIS, HILFERTY, PUGH, STOKES, AND

AN ACT To amend and reenact R.S. 51:1787(A)(2)(a) and (B)(3)(b), relative to the Enterprise Zone Program; to provide for eligibility; to reduce the amount of certain tax credits; to provide for applicability; to provide for effectiveness; 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. 71 by Representative Barras

AMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "relative" delete "R.S. 51:1787(A)(2)(a) and (B)(3)(b)," and insert "R.S. 51:1787(A)(2)(a) and (3) and (B)(3)(a)(ii) and (c) and (d) an 51:1787(A)(1)(c) and (B)(3)(d),"

AMENDMENT NO. 2

On page 1, at the end of line 3, insert "provide for computation of average annual employment; to"

AMENDMENT NO. 3

On page 1, line 7, after "Section 1." delete the remainder of the line and insert "R.S. 51:1787(A)(2)(a) and (3) and (B)(3)(a)(ii) and (c) and (5) are hereby amended and reenacted and R.S. 51:1787(A)(1)(c) and (B)(3)(d) are hereby enacted"

AMENDMENT NO. 4

On page 1, delete lines 13 through 19 in their entirety, delete page 2 in its entirety and on page 3, delete lines 1 through 9 in their entirety and insert the following:

"(1) For either:

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- (c)(i) For projects for which the advance notification is filed on or after April 1, 2016, the amount of the rebate of sales and use taxes and the investment income tax credit granted pursuant to the provisions of this Section shall not exceed the sum of the following:
- (aa) One hundred thousand dollars per net new job created under this Chapter.
- (bb) One thousand dollars per full-time job retained by the business enterprise that existed prior to the effective date of the contract. A business shall retain an existing full-time job for a minimum of three years after the effective date of the contract to be eligible to receive the benefit authorized by this Subitem.
- (ii) A business shall not receive any sales and use tax rebate or refundable investment income tax credit until it has provided all documentation, including filing the annual certification report as required by rule, and has shown proof of the creation of the net new jobs or retention for a minimum of three years of an existing full-time job.
- (iii) For purposes of determining the maximum rebate or income tax credit allowed, each net new job and each retained full-time job shall only be counted once. The limitation provided for in this Subparagraph shall only apply to the sales and use tax rebates and refundable investment income tax credits granted to businesses participating in the Enterprise Zone Program.

* * *

Except as provided in Subparagraph (b) of this Paragraph, for a two thousand five hundred dollar tax credit per net new employee as determined by the company's average annual employment reported under the Louisiana Employment Security Law during the taxable year for which credit is claimed. For projects for which the advance notification form is filed on or after April 1, 2016, the amount of the credit provided for in this Subparagraph shall be two thousand dollars per net new employee, unless each net new employee for which the credit is claimed meets the qualifications of Items (ii) and (iii) of Subparagraph (a) of Paragraph (3) of Subsection (B) of this Section. The amount of the credit for each net new employee meeting these qualifications shall be three thousand five hundred dollars. This tax credit may be applied to any state income tax liability or any state corporate franchise tax liability, but not liabilities for penalty or interest, due or outstanding at the time the credit is generated. However, credits may be applied to a due or outstanding tax liability attributable to tax years prior to the year in which the credit is generated only if the tax liability is the result of an assessment, administrative, or judicial proceeding by the Department of Revenue after an audit, provided that no further interest or penalty shall be accrued on such tax liability after the credit is generated. If the entire credit cannot be used in the year claimed, the remainder may be applied against the income tax or corporate franchise tax for the succeeding ten taxable years or until the entire credit is used, whichever occurs first. These credits shall also apply to those tax liabilities, but not liabilities for penalty or interest, identified in tax years where existing contracts generate the credit.

e tay credit provided in Paragraph (2) of this Subs

- (3) The tax credit provided in Paragraph (2) of this Subsection shall be applicable <u>as follows:</u>
- (a) For projects for which an advance notification was filed before April 1, 2016, only to a position within the state that did not previously exist in the business enterprise and that is filled by a person who is a citizen of the United States and who is domiciled in Louisiana, or who is a citizen of the United States and becomes domiciled in Louisiana within sixty days after his employment in such position, performing duties in connection with the operation of the business enterprise as a regular, full-time employee.

- (b) For projects for which an advance notification was filed on or after April 1, 2016, only to a position within the state that is in excess of the median statewide number of employees of the business, including affiliates, that did not previously exist in the business enterprise prior to the contract effective date and that is filled by a person who is a citizen of the United States and who is domiciled in Louisiana, or who is a citizen of the United States and becomes domiciled in Louisiana within sixty days after his employment in such position, performing duties in connection with the operation of the business enterprise as a regular, full-time employee.
- (c) The total number of credits allowed to a business enterprise for employees who are citizens of the United States and who become domiciled in Louisiana within sixty days after employment shall not exceed fifty percent of the total number of credits allowed to the business enterprise under the contract.
- B. The board may enter into the contracts provided in Subsection A of this Section provided that:

* *

(3)(a) The business certifies that at least fifty percent of its employees meet at least one of the following qualifications:

* *

(ii) Were receiving some form of public assistance Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC), or Medicaid benefits during the sixmonth period prior to employment.

* * *

- (c) Notwithstanding any other provision of law to the contrary, a business that is assigned a North American Industry Classification Code of 5613 or 721, and whose advance notification is not filed before April 1, 2016, shall be ineligible to receive benefits pursuant to the provisions of this Section.
- (d) The certifications required by Subparagraph (a) of this Paragraph shall be updated annually if the business is to continue receiving the benefits of this Chapter.

* *

- (5)(a) Except as provided in Subparagraph (b) of this Paragraph, the business creates a <u>either</u>:
- (i) A minimum of the lesser of five net new permanent jobs to be in place within the first two years of the contract period, as determined by the company's average annual employment reported under the Louisiana Employment Security Law.
- (ii) The number of net new jobs equal to a minimum of ten percent of the existing employees, minimum of one, within the first year of the contract period, as determined by the company's average annual employment reported under the Louisiana Employment Security Law.
- (b) For purposes of Subparagraph (a) of this Paragraph, the methodology for determining a company's average annual employment shall be established by department rule.
- (c) A business which has an estimated construction period for its building greater than two years may, for good cause shown, obtain an extension of not more than two years to comply with the requirements of Subparagraph (a) of this Paragraph.
- (c)(d) Provided the business entering the contract provided in Subsection A of this Section is a nonprofit organization organized to finance the development and construction of buildings and

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infrastructure to serve a public institution of higher education, the new permanent jobs required in Subparagraph (B)(6)(a) (B)(5)(a) of this Section may be created by the public institution of higher education.

(d) (e) The provisions of this Section shall be applicable to all contracts entered into under the provisions of Subsection A after January 1, 2002.

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

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

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

SIGNED SENATE CONCURRENT RESOLUTIONS

February 29, 2016

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

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 4

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP Secretary of the Senate

The Senate Concurrent Resolutions contained herein were signed by the Speaker of the House.

Privileged Report of the Committee on Enrollment

February 29, 2016

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. 15–

BY REPRESENTATIVE CARPENTER A RESOLUTION

To recognize Saturday, March 12, 2016, as Sigma Gamma Rho Sorority Youth Day in the state of Louisiana.

HOUSE RESOLUTION NO. 16—

BY REPRESENTATIVE BILLIOT

A RESOLUTION

To commend the Reverend Damian Brown for his service as pastor of Little Zion Baptist Church of Avondale.

Respectfully submitted,

CHRIS HAZEL 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

February 29, 2016

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. 8— BY REPRESENTATIVES DWIGHT, ABRAHAM, DANAHAY, AND FRANKLIN AND SENATORS JOHNS AND MORRISH A CONCURRENT RESOLUTION

To commend John Rudd upon the retirement of his McNeese State University basketball jersey number, 52, and its placement among the Honored Numbers of the institution's athletic finest.

Respectfully submitted,

CHRIS HAZEL 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. Henry, the rules were suspended to permit the Committee on Appropriations to meet on Tuesday, March 1, 2016, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill No. 111

Suspension of the Rules

On motion of Rep. Abramson, the rules were suspended to permit the Committee on Ways and Means to meet on Tuesday, March 1, 2016, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill No. 87

Adjournment

On motion of Rep. Billiot, at 4:35 P.M., the House agreed to adjourn until Tuesday, March 1, 2016, at 2:00 P.M.

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The Speaker of the House declared the House adjourned until 2:00 P.M., Tuesday, March 1, 2016.

ALFRED W. SPEER Clerk of the House