

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

THIRD DAY'S PROCEEDINGS

**Forty-third Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

House of Representatives
State Capitol
Baton Rouge, Louisiana

Wednesday, February 21, 2018

The House of Representatives was called to order at 3:18 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

Mr. Speaker	Franklin	Leger
Abraham	Gaines	Leopold
Abramson	Garofalo	Lyons
Amedee	Gisclair	Mack
Anders	Glover	Magee
Armes	Hall	Marcelle
Bacala	Harris, J.	Marino
Bagley	Harris, L.	McFarland
Bagneris	Havard	Miguez
Berthelot	Hazel	Miller, D.
Billiot	Henry	Miller, G.
Bouie	Hensgens	Morris, Jay
Brass	Hilferty	Morris, Jim
Brown, C.	Hill	Norton
Brown, T.	Hoffmann	Pearson
Carpenter	Hollis	Pierre
Carter, G.	Horton	Pope
Carter, R.	Howard	Pugh
Carter, S.	Hunter	Reynolds
Chaney	Huval	Richard
Cox	Ivey	Schexnayder
Crews	Jackson	Shadoin
Cromer	James	Smith
Danahay	Jefferson	Stagni
Davis	Jenkins	Stefanski
DeVillier	Johnson	Stokes
Dwight	Jones	Talbot
Edmonds	Jordan	Thibaut
Emerson	Landry, N.	Thomas
Falconer	Landry, T.	Wright
Foil	LeBas	Zeringue

Total - 93

The Speaker announced that there were 93 members present and a quorum.

Prayer

Prayer was offered by Rep. Jenkins.

Pledge of Allegiance

Rep. Johnson 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 20, 2018, 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 RESOLUTION NO. 4—
BY REPRESENTATIVE MORENO
A RESOLUTION**

To express the condolences of the House of Representatives upon the death of Robert F. Talbot, Jr.

Read by title.

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

Reports of Committees

The following reports of committees were received and read:

Suspension of the Rules

Rep. Garofalo moved to suspend the rules to allow the House to receive the report from the committee on Civil Law and Procedure at this time, which motion was agreed to.

Report of the Committee on
Civil Law and Procedure

February 21, 2018

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Civil Law and Procedure to submit the following report:

House Bill No. 15, by Barras (Joint Resolution)
Reported with amendments. (8-0)

RAYMOND E. GAROFALO, JR.
Chairman

RULE 6.8(A) REPORT
OF THE HOUSE COMMITTEE ON CIVIL LAW AND
PROCEDURE
ON HOUSE BILL NO. 15

February 21, 2018

I. SUMMARY OF JOINT RESOLUTION

This report is for House Bill No. 15 of the 2018 Extraordinary Session by Representative Barras, proposing to amend Article VII,

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Section 10(C)(1) and to repeal Article VII, Section 10.3(A)(1) of the Constitution.

HB 15 provides for changes in the expenditure limit calculation.

II. CONCLUSION

The proposed measure cannot be accomplished statutorily.

HB 15 proposes to change the method of determining the expenditure limit in order to provide a growth factor for the expenditure limit, and proposes to eliminate the required uses of monies in excess of the expenditure limit. Since the constitution currently provides for the expenditure limit, the proposed changes can only be accomplished through an amendment to the constitution.

III. OTHER PENDING MEASURES

Total joint resolutions introduced: 1

Total joint resolutions reported
by other standing committees: 1

HB 15 is the only joint resolution introduced this extraordinary session.

IV. RECOMMENDATION

With Amendments X

Without Amendments

Suspension of the Rules

Rep. Garofalo moved to suspend the rules to take up the House Bills and Joint Resolutions on Second Reading Reported by Committee contained in the report at this time, which motion was agreed to.

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. 15—

BY REPRESENTATIVE BARRAS

A JOINT RESOLUTION

Proposing to amend and reenact Article VII, Section 10(C)(1) of the Constitution of Louisiana and to repeal Article VII, Section 10.3(A)(1) of the Constitution of Louisiana, relative to the expenditure limit; to change the method of determining the expenditure limit; to provide for the determination of the growth factor of the expenditure limit; to cap the growth of the expenditure limit; to eliminate required uses of monies in excess of the expenditure limit; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Engrossed House Bill No. 15 by Representative Barras

AMENDMENT NO. 1

On page 2, at the end of line 25, change "the next" to "each"

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

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

Suspension of the Rules

On motion of Rep. Jim Morris, 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 21, 2018

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. 10, by James
Reported with amendments. (19-0)

House Bill No. 24, by Smith, P.
Reported with amendments. (13-3)

House Bill No. 27, by Smith, P.
Reported favorably. (16-0)

House Bill No. 28, by Smith, P.
Reported with amendments. (16-0-1)

JAMES H. "JIM" MORRIS
Vice Chairman

Suspension of the Rules

Rep. Jim Morris moved to suspend the rules to take up House Bills and Joint Resolutions on Second Reading Reported by Committee contained in the committee report at this time, which motion was agreed to.

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. 10—

BY REPRESENTATIVE JAMES

AN ACT

To enact R.S. 47:293(4)(d), relative to individual income tax; to define federal income tax liability for purposes of calculating individual income tax liability; to require certain federal disaster losses to be included in the calculation of federal income tax liability; to provide for applicability; to provide for an effective date; 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. 10 by Representative James

AMENDMENT NO. 1

On page 1, line 17, after "after" but before "and" delete "December 31, 2015" and insert "December 31, 2014"

AMENDMENT NO. 2

On page 2, line 5, after "on" and before "but" delete "January 1, 2016," and insert "January 1, 2015,"

On motion of Rep. Jim Morris, the amendments were adopted.

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

HOUSE BILL NO. 24—

BY REPRESENTATIVE SMITH

AN ACT

To repeal R.S. 47:305.54, 305.58, and 305.62, relative to state sales and use tax; to repeal certain state sales and use tax holidays.

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. 24 by Representative Smith

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and insert the following:

"amend and reenact R.S. 47:305.62(A) and (B) and to repeal R.S. 47:305.54 and 305.58, relative to sales and use taxes, to provide with respect to"

AMENDMENT NO. 2

On page 1, at the end of line 3, before the period "." insert a semicolon ";" and insert the following:

"to provide with respect to the scope and limits of certain sales and use tax holidays; to repeal certain state sales and use tax holidays; to provide for an effective date; and to provide for related matters"

AMENDMENT NO. 3

On page 1, between lines 4 and 5, insert the following:

"Section 1. R.S. 47:305.62(A) and (B) are hereby amended and reenacted to read as follows:

§305.62. Exemption; Annual Louisiana Second Amendment ~~Weekend~~ and General Sales and Use Tax Holiday

A. This Act shall be known as the Annual Louisiana Second Amendment ~~Weekend~~ and General Sales and Use Tax Holiday Act.

B.(1) Notwithstanding any other provisions of law to the contrary, the sales and use tax levied by the state of Louisiana and its political subdivisions shall not apply to the first two thousand five hundred dollars of the sales price or cost price of any consumer purchases of tangible personal property, including firearms, ammunition, and hunting supplies, that occur each calendar year on the first consecutive Friday through Sunday of ~~September~~ August.

(2) (a) For purposes of this Section, "consumer purchases" shall mean purchases by individuals of firearms, ammunition, and hunting supplies not for business purposes. Consumer purchases shall not include the purchase of animals for the use of hunting.

(3) (b) For the purposes of this Section, "hunting supplies" shall mean purchases of any tangible personal property for the use of hunting, including but not limited to archery, off-road vehicles, and vessels such as ATVs, airboats, and pirogues, accessories, animal feed, apparel, shoes, bags, float tubes, binoculars, tools, firearm and archery cases, firearm and archery accessories, range finders, knives, decoys, treestands, blinds, chairs, optics, hearing protection and enhancements, holsters, belts, slings and miscellaneous gear.

(4) (c) For purposes of this Section, "firearms" shall mean a shotgun, rifle, pistol, revolver, or other handgun.

(3) Except as otherwise provided in Paragraph (2) of this Subsection, for purposes of this Section, "consumer purchases" shall mean purchases of items of tangible personal property other than vehicles subject to license and title. Consumer purchases shall not include the purchase of meals furnished for consumption on the premises where purchased, including to-go orders.

AMENDMENT NO. 4

On page 1, delete line 5 in its entirety, and insert the following:

"Section 2. R.S. 47:302.54 and 305.58 are hereby repealed in their entirety."

AMENDMENT NO. 5

On page 1, at the beginning of line 6, delete "Section 2." and insert "Section 3."

On motion of Rep. Jim Morris, the amendments were adopted.

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

HOUSE BILL NO. 27—

BY REPRESENTATIVE SMITH

AN ACT

To amend and reenact R.S. 47:1061(A)(1), relative to telecommunication taxes; to provide with respect to the rate of the tax levied on certain telecommunications devices and services; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

HOUSE BILL NO. 28—

BY REPRESENTATIVE SMITH

AN ACT

To amend and reenact R.S. 47:1061(A)(1) and (2), relative to telecommunication taxes; to levy a tax on certain mobile devices and mobile device cards; to provide for collection and

remittance of the tax; to provide for an effective date; 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. 28 by Representative Smith

AMENDMENT NO. 1

On page 1, line 21, after "cards" delete the period "." and delete the remainder of the line in its entirety, delete line 22 in its entirety, and on page 2, delete lines 1 through 10 in their entirety and insert the following:

"in the amount of one dollar and fifty cents per retail transaction. For purposes of this Subparagraph, the term "retail transaction" shall mean each individual purchase of a prepaid mobile device or prepaid mobile device card."

On motion of Rep. Jim Morris, the amendments were adopted.

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

Privileged Report of the Committee on Enrollment

February 21, 2018

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. 2—
BY REPRESENTATIVE BAGLEY

A RESOLUTION

To commend the Sabine Parish school system for its many outstanding accomplishments in the 2016-2017 school year.

HOUSE RESOLUTION NO. 3—
BY REPRESENTATIVE BILLIOT

A RESOLUTION

To commend Pastor Donald R. Jones for his outstanding accomplishments and achievements as a business and spiritual leader in Jefferson Parish.

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 21, 2018

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. 3—
BY REPRESENTATIVE PIERRE

A CONCURRENT RESOLUTION

To commend the Lafayette High School "Mighty Lion" Marching Band upon the momentous occasion of being selected to perform in the 92nd Annual Macy's Thanksgiving Day Parade in 2018.

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.

Leave of Absence

Rep. Coussan - 3 days

Adjournment

On motion of Rep. Billiot, at 3:29 P.M., the House agreed to adjourn until Thursday, February 22, 2018, at 5:00 P.M.

The Speaker of the House declared the House adjourned until 5:00 P.M., Thursday, February 22, 2018.

ALFRED W. SPEER
Clerk of the House