

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

SECOND DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Monday, November 7, 2005

The House of Representatives was called to order at 5:00 P.M., by the Honorable Joe R. Salter, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

Mr. Speaker	Faucheux	Morrell
Alario	Frith	Morrish
Alexander	Gallot	Odinot
Ansardi	Geymann	Pierre
Arnold	Glover	Pinac
Badon	Gray	Pitre
Baldone	Greene	Powell, M.
Barrow	Guillory, E.	Powell, T.
Baudoin	Guillory, M.	Quezaire
Baylor	Hammett	Richmond
Beard	Harris	Ritchie
Bowler	Heaton	Robideaux
Bruce	Hebert	Romero
Bruneau	Hill	Scalise
Burns	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Crane	Jefferson	Smith, J.R.—30th
Cravins	Johns	St. Germain
Crowe	Katz	Strain
Curtis	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Darte	LaBruzzo	Trahan
DeWitt	LaFleur	Triche
Doerge	LaFonta	Tucker
Dorsey	Lambert	Waddell
Dove	Lancaster	Walker

Downs	Marchand	Walsworth
Durand	Martiny	White
Erdey	McDonald	Winston
Fannin	McVea	Wooton
Farrar	Montgomery	Wright
Total - 105		

ABSENT

Total - 0

The Speaker announced that there were 105 members present and a quorum.

Prayer

Prayer was offered by Rep. Hunter.

Pledge of Allegiance

Rep. Walsworth 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. Kleckley, the reading of the Journal was dispensed with.

On motion of Rep. Hill, the Journal of November 6, 2005, 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**

November 6, 2005

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. 2

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

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

Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 2—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

To commend and congratulate Richard M. "Mark" Newton upon the occasion of his retirement as assessor of Grant Parish.

Read by title.

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

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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. 23—

BY REPRESENTATIVE K. CARTER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to increase the coverage limit for a single-family structure under the National Flood Insurance Program from two hundred fifty thousand dollars to five hundred thousand dollars.

Read by title.

On motion of Rep. Karen Carter, and under a suspension of the rules, the above resolution was referred to the Committee on Insurance, under the rules.

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVE K. CARTER

A CONCURRENT RESOLUTION

To urge and request the Louisiana Property and Casualty Insurance Commission to study and to work to bring more insurers who write supplemental flood insurance coverage into the state of Louisiana.

Read by title.

On motion of Rep. Karen Carter, and under a suspension of the rules, the above resolution was referred to the Committee on Insurance, under the rules.

Introduction of House Bills and Joint Resolutions

The following named members introduced the following House Bills and Joint Resolutions, which were read the first time by their titles, and placed upon the calendar for their second reading:

HOUSE BILL NO. 105—

BY REPRESENTATIVE HEBERT

AN ACT

To enact R.S. 38:2212.7, relative to limitations on contracts for public work that are advertised and let by the division of administration and other public entities in response to a gubernatorially declared disaster or emergency; to limit the portion of a public contract amount that may be retained by the contractor if he subcontracts for disaster recovery work; and to provide for related matters.

Read by title.

HOUSE BILL NO. 106—

BY REPRESENTATIVE TRICHE

AN ACT

To provide for supplemental appropriations for the Board of Regents out of the State General Fund by Statutory Dedications from the Higher Education Initiatives Fund for Fiscal Year 2005-2006; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Triche, the rules were suspended in order to refer the bill to committee at this time.

Under the rules, the bill was referred to the Committee on Appropriations.

HOUSE BILL NO. 107—

BY REPRESENTATIVE SCALISE

AN ACT

To amend and reenact R.S. 47:609(A), relative to the corporation franchise tax; to provide for the computation of borrowed capital which includes extraordinary debt incurred by corporations directly affected by Hurricanes Katrina and Rita; to provide for an effective date; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Scalise, the rules were suspended in order to refer the bill to committee at this time.

Under the rules, the bill was referred to the Committee on Ways and Means.

HOUSE BILL NO. 108—

BY REPRESENTATIVES SCALISE, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER, AND THEUNISSEN

AN ACT

To enact R.S. 47:305.54 and to repeal R.S. 47:305.54, relative to the state sales and use tax; to provide that the state sales or use tax shall not apply to manufacturing machinery and equipment purchased, leased, or rented by manufacturers for use in the replacement of hurricane-damaged equipment; to provide for the applicability of certain definitions; to provide for an effective date and expiration date for the Act; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Scalise, the rules were suspended in order to refer the bill to committee at this time.

Under the rules, the bill was referred to the Committee on Ways and Means.

HOUSE BILL NO. 109—

BY REPRESENTATIVE TRAHAN

AN ACT

To amend and reenact R.S. 51:1402, 1404, 1405(B) and (C), 1406(3), 1407, 1408, 1409(A), (B), and (D), 1410, 1411(A) and (C), 1412(A) and (C), 1416, and 1417, relative to the Unfair Trade Practices and Consumer Protection Law; to provide relative to the duties of the Governor's Consumer Protection Division and its director; to provide for penalties for violations against persons aged sixty-five or older; to provide for service of investigative demands and subpoenas; to provide for penalties for violation of an assurance of voluntary compliance; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 110—

BY REPRESENTATIVE SCALISE

AN ACT

To provide for reductions to certain appropriations from the State General Fund and other funds for Fiscal Year 2005-2006; to reduce appropriations for support of the Office of Urban Affairs

and Development and the Office of Rural Development; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Scalise, the rules were suspended in order to refer the bill to committee at this time.

Under the rules, the bill was referred to the Committee on Appropriations.

HOUSE BILL NO. 111—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 51:1422, relative to consumer protection; to provide for insurance; to provide for principles; to provide for a bill of rights; and to provide for related matters.

Read by title.

HOUSE BILL NO. 112—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 22:1471.1, relative to property insurance; to require a statement of explanation; to provide for coverage; to provide for mitigation; and to provide for related matters.

Read by title.

HOUSE BILL NO. 113—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 51:1422, relative to cease and desist orders for the attorney general; to provide for unfair and deceptive trade practices; to provide for emergencies; to provide for homeowners' insurance; to provide for cancellations; to provide for nonrenewals; to provide for the authority of the attorney general; to provide for violations and penalties; and to provide for related matters.

Read by title.

HOUSE BILL NO. 114—

BY REPRESENTATIVE DORSEY
AN ACT

To amend and reenact R.S. 15:542(F), relative to registration of sex offenders; to provide for enhanced penalties for failure to register as a sex offender; and to provide for related matters.

Read by title.

HOUSE BILL NO. 115—

BY REPRESENTATIVE BAYLOR AND SENATOR FIELDS
AN ACT

To amend and reenact R.S. 33:2711.9(B)(3) and to repeal R.S. 33:4574.1(A)(1)(d), 4574.1.1(E), 4574.9(C)(1)(d), 4574.12(D)(1)(d), 4574.13(C)(1)(d), and 4575.3(20)(d), relative to hotel occupancy taxes; to delete the exemption of certain rooms from hotel occupancy tax in certain parishes; and to provide for related matters.

Read by title.

HOUSE BILL NO. 116—

BY REPRESENTATIVE SCALISE
AN ACT

To amend and reenact Section 5 of Act 182 of the 2005 Regular Session of the Legislature, relative to state fees; to provide for the effective date of the Healthcare Affordability Act and certain provisions of law ancillary thereto; to provide for an effective date; and to provide for related matters.

Read by title.

HOUSE BILL NO. 117—

BY REPRESENTATIVES SCALISE, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER, AND THEUNISSEN

AN ACT

To amend and reenact R.S. 47:287.85(C)(2) and 293(3), relative to income tax of estates and trusts, corporations, and individuals; to provide that the deduction from state income taxes for federal income tax shall not be reduced by the amount of certain federal disaster relief tax credits; to provide for an effective date; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Scalise, the rules were suspended in order to refer the bill to committee at this time.

Under the rules, the bill was referred to the Committee on Ways and Means.

HOUSE BILL NO. 118—

BY REPRESENTATIVE LAMBERT
AN ACT

To enact R.S. 48:250.4, relative to contracts let by the Department of Transportation and Development; to authorize the Department of Transportation and Development to utilize the design-build method to construct transportation projects under certain circumstances; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Lambert, the rules were suspended in order to refer the bill to committee at this time.

Under the rules, the bill was referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 119—

BY REPRESENTATIVE CAZAYOUX
AN ACT

To amend and reenact R.S. 47:287.85(C)(2) and 293(3), relative to income tax of estates and trusts, corporations, and individuals; to provide that the deduction from state income taxes for federal income tax shall not be reduced by the amount of certain federal disaster relief tax credits; to provide for an effective date; and to provide for related matters.

Read by title.

Suspension of the Rules

On motion of Rep. Cazayoux, the rules were suspended in order to refer the bill to committee at this time.

Under the rules, the bill was referred to the Committee on Ways and Means.

HOUSE BILL NO. 120—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To enact Subpart O of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:321, relative to Deferred Retirement Option Plans of public retirement systems in the state; to allow certain plan participants who have not separated from service to withdraw the monies in their plan accounts; to provide relative to such monies for

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income tax purposes; to provide for an effective date; and to provide for related matters.

Read by title.

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:

HOUSE BILL NO. 81—

BY REPRESENTATIVE ARNOLD

AN ACT

To enact R.S. 39:1034.1, relative to the Board of Liquidation, City Debt, for the city of New Orleans; to prohibit increases in millage rates for the year 2006, under certain circumstances and the collection of taxes based upon such millage rates; and to provide for related matters.

Called from the calendar.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

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. 25—

BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To direct the Department of Public Safety and Corrections to promulgate rules in accordance with the Administrative Procedure Act to establish a plan to be implemented in times of emergency with regard to convicted sex offenders who are on supervised probation or parole.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 26—

BY REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2005 First Extraordinary Session of the Legislature of Louisiana the provisions of R.S. 4:214.1 relative to the minimum number of live racing days.

Read by title.

On motion of Rep. Pinac, and under a suspension of the rules, the above resolution was referred to the Committee on Commerce, under the rules.

HOUSE CONCURRENT RESOLUTION NO. 27—

BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to grant to victims of Hurricane Rita similar tax relief as that provided by the Katrina Emergency Tax Relief Act of 2005, and to include distributions from DROP accounts to active state and local government employees who are members

of public retirement systems and who are victims of Hurricane Katrina or Hurricane Rita as eligible retirement plan distributions, and to permit such distributions from tax-qualified plans.

Read by title.

On motion of Rep. Schneider, and under a suspension of the rules, the above resolution was referred to the Committee on Ways and Means, under the rules.

Privileged Report of the Committee on Enrollment

November 7, 2005

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. 3—

BY REPRESENTATIVE CROWE

A RESOLUTION

To commend Cleco Corporation and its subcontractors for their outstanding work in St. Tammany Parish following Hurricane Katrina.

Respectfully submitted,

DONALD RAY KENNARD

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.

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. 28—

BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to allow the Stafford Act to provide for payment of regular pay to essential personnel.

Read by title.

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

Ordered to the Senate.

Adjournment

On motion of Rep. Kenney, at 5:40 P.M., the House agreed to adjourn until Tuesday, November 8, 2005, at 5:00 P.M.

The Speaker of the House declared the House adjourned until 5:00 P.M., Tuesday, November 8, 2005.

ALFRED W. SPEER

Clerk of the House