

OFFICIAL JOURNAL  
OF THE  
**SENATE**  
OF THE  
STATE OF LOUISIANA

**TWELFTH DAY'S PROCEEDINGS**

Twenty-Ninth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Thursday, April 24, 2003

The Senate was called to order at 9:00 o'clock A.M., by Hon. John Hainkel, President of the Senate.

**ROLL CALL**

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

**PRESENT**

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeyer	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, B	Theunissen
Dean	Jones, CD	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—32		

**ABSENT**

Bajoie	Hines	Tarver
Bean	Holden	
Fields	Romero	
Total—7		

The President of the Senate announced there were 32 Senators present and a quorum.

**Prayer**

The prayer was offered by Bishop Robert Meunch, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator Lambert, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**  
**ASKING CONCURRENCE IN**  
**HOUSE CONCURRENT RESOLUTIONS**

April 24, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 125—**

BY REPRESENTATIVE GALLOT

**A CONCURRENT RESOLUTION**

To commend the Tennessee Walking Horse, Sundrop Country, and his owners, Dr. Harry Woodall and Mary Woodall of Homer, for winning the title of 2002 World Grand Champion Plantation Pleasure Lite Shod Walking Horse at the Sixty-Fourth Annual Walking Horse National Celebration in Shelbyville, Tennessee, and for being named "The Lite Shod Horse of the Year".

**HOUSE CONCURRENT RESOLUTION NO. 126—**

BY REPRESENTATIVE MARTINY

**A CONCURRENT RESOLUTION**

To declare May 7, 2003, as Boys and Girls Club Day in the state of Louisiana.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Concurrent Resolutions**

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House of Representatives with a view of acting on same:

**HOUSE CONCURRENT RESOLUTION NO. 125—**

BY REPRESENTATIVE GALLOT

**A CONCURRENT RESOLUTION**

To commend the Tennessee Walking Horse, Sundrop Country, and his owners, Dr. Harry Woodall and Mary Woodall of Homer, for winning the title of 2002 World Grand Champion Plantation Pleasure Lite Shod Walking Horse at the Sixty-Fourth Annual Walking Horse National Celebration in Shelbyville, Tennessee, and for being named "The Lite Shod Horse of the Year".

The resolution was read by title; lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 126—**

BY REPRESENTATIVE MARTINY

**A CONCURRENT RESOLUTION**

To declare May 7, 2003, as Boys and Girls Club Day in the state of Louisiana.

The resolution was read by title; lies over under the rules.

**House Bills and Joint Resolutions**  
**on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

**HOUSE BILL NO. 27—**

BY REPRESENTATIVES HILL, BOWLER, FAUCHEUX, FRITH, AND WALSWORTH

**AN ACT**

To enact R.S. 49:170.8, relative to state symbols; to provide that mayhaw jelly and cane jelly are the official state jellies of Louisiana; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Agriculture.

**HOUSE BILL NO. 72—**

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact R.S. 9:196, relative to tutorship by nature; to authorize a natural tutor to act in matters involving not more than ten thousand dollars; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 223—**

BY REPRESENTATIVE MURRAY  
AN ACT

To enact Code of Civil Procedure Article 4061.1, relative to natural tutors; to provide exceptions from qualifying in certain circumstances; to provide for the filing of petitions for delictual actions on behalf of minors; to provide for the form of the petition; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 233—**

BY REPRESENTATIVES ILES AND WELCH  
AN ACT

To amend and reenact R.S. 46:1409(B)(5) and 1413(E), relative to child care facilities; to prohibit discrimination against breast-fed babies; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 271—**

BY REPRESENTATIVE PITRE  
AN ACT

To amend and reenact R.S. 56:649.3, relative to hunting and fishing licenses; to expand the privileges accorded under the combination lifetime hunting and sports fishing license; to provide for recreational fishing gear licenses; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 273—**

BY REPRESENTATIVE TOOMY AND SENATOR LENTINI  
AN ACT

To amend and reenact R.S. 16:51(A)(1), (2), (4), (7), (16), (17), (19), (22), (23), (24), (26), (32), (36), and (41), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 291—**

BY REPRESENTATIVE TOOMY  
AN ACT

To enact R.S. 49:191(14)(introductory paragraph) and (a) and to repeal R.S. 49:191(12)(b), relative to the Department of Justice, including provisions to provide for the re-creation of the Department of Justice and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 406—**

BY REPRESENTATIVE L. JACKSON  
AN ACT

To amend and reenact R.S. 40:2018.1(A), (B)(1)(introductory paragraph) and (a) and (b), (E), and (F), relative to the Louisiana Commission on HIV and AIDS; to change the name of the commission to the Louisiana Commission on HIV, AIDS and Hepatitis C; to add hepatitis C to the responsibilities of the commission; to provide for membership on the commission; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 469—**

BY REPRESENTATIVE SALTER  
AN ACT

To amend and reenact R.S. 56:643(B)(2), relative to hunting and fishing licenses; to provide for qualifications for a license available to state residents on active military duty; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 509—**

BY REPRESENTATIVE MARTINY  
AN ACT

To enact R.S. 14:2(13)(gg), (hh), (ii), (jj), (kk), (ll), (mm), (nn), and (oo), relative to crimes of violence; to add certain crimes to the listing of crimes designated as crimes of violence; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 560—**

BY REPRESENTATIVES JACK SMITH AND PIERRE  
AN ACT

To enact R.S. 34:851.36, relative to boating; to require boating safety courses for persons operating certain motorboats; to provide penalties for violations; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 562—**

BY REPRESENTATIVES JACK SMITH AND PIERRE  
AN ACT

To repeal R.S. 34:851.8 and 851.31(B), relative to the operation of a motorboat; to repeal a prohibition on operation of a motorboat while intoxicated; and to repeal certain penalty provisions.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 589—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 1:55(E)(1)(d), relative to legal holidays; to require the clerk of court in the parishes of St. James and St. John the Baptist to close their offices on days proclaimed by the governor to be a holiday; to provide for an exception; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 801—**

BY REPRESENTATIVE TOOMY  
AN ACT

To enact Chapter 1-C of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:61, relative to the Judicial Council of the Supreme Court of Louisiana; to require the council to establish guidelines for the approval of the creation of new judgeships and offices of commissioner, magistrate, and hearing officer; to require the council to provide information to the appropriate standing committees of the legislature; to provide for exceptions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 815—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 14:64.3, relative to attempted armed robbery; to provide for enhanced penalties when a firearm is used in the commission of the crime; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 841—**

BY REPRESENTATIVE ANSARDI  
AN ACT

To amend and reenact R.S. 22:212(7)(c), relative to health and accident insurance; to provide relative to the method of delivery of health and accident insurance policies to policyholders by insurers or agents; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1021—**

BY REPRESENTATIVES DEVILLIER, BRUCE, AND MURRAY  
AN ACT

To amend and reenact R.S. 14:81.1(F) and 283(D) and R.S. 44:4.1(B)(26) and (27) and to enact R.S. 14:283(E) and R.S. 46:1845, relative to evidence of child pornography, obscenity, and video voyeurism; to declare that certain items of evidence are contraband; to provide for the seizure and disposition of contraband involving child pornographic, video voyeuristic, and obscene evidence; to provide relative to the privacy of victims; to provide for limitation of access to pornographic, video voyeuristic, or obscene evidence; to provide for the disposition of such evidence; to provide for definitions; to provide for a contradictory hearing; to provide for the disposition of evidence; to provide for the issuance of a court order; to provide for guidelines to be used when deciding whether to limit access to certain evidentiary items; to provide for exceptions to the public records law; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1103—**

BY REPRESENTATIVE FRUGE  
AN ACT

To amend and reenact R.S. 9:4753, relative to privileges; to provide for the lien on proceeds recovered on account of injuries; to provide for the requirements necessary to effectuate the lien; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1142—**

BY REPRESENTATIVE DOWNER  
AN ACT

To enact R.S. 40:2405(F), relative to peace officer training requirements; to provide for a suspension of training requirements for certain Louisiana National Guard military police during certain emergency circumstances; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1174—**

BY REPRESENTATIVE DAMICO  
AN ACT

To amend and reenact R.S. 30:2011(D)(9) and to enact R.S. 36:254(A)(15) and 354(A)(18), relative to significant discharges or releases; to require the secretaries of Departments of Environmental Quality, Health and Hospitals, and Natural Resources to give public notice of certain discharges and releases; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Environmental Quality.

**HOUSE BILL NO. 1293—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 15:705(A)(2), relative to inmates who are incarcerated in parish prisons; to provide that either the sheriff or the governing authority of the parish may obtain reimbursement for certain expenses from inmates in parish prisons; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 1331—**

BY REPRESENTATIVE WINSTON  
AN ACT

To enact R.S. 40:34(B)(1)(h)(vi), relative to birth certificates; to provide for the inclusion of the name of the father; to provide for certain evidence and procedures; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1434—**

BY REPRESENTATIVES HEBERT AND MORRISH  
AN ACT

To amend and reenact R.S. 22:642, relative to assignment of policies; to provide for viatical settlement providers; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1435—**

BY REPRESENTATIVES HEBERT AND BAYLOR  
AN ACT

To amend and reenact R.S. 22:163(A)(1), relative to life insurance policies; to provide for morality, interest, and other standards; to provide for policies; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1436—**  
BY REPRESENTATIVES HEBERT AND FAUCHEUX  
AN ACT

To enact R.S. 22:170(D) and 176(14), relative to standard provisions of life insurance policies and group life policies; to provide for lump sum payment to the beneficiary; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1485—**  
BY REPRESENTATIVES HEBERT AND FRUGE  
AN ACT

To amend and reenact R.S. 22:6(16), relative to credit insurance; to provide for definitions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1537—**  
BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact R.S. 22:675(C)(2) and (5), relative to insurance; to provide for stop-loss; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1579—**  
BY REPRESENTATIVE NEVERS  
AN ACT

To enact R.S. 10:9-309(14) and 9-311(a)(4) and Part IV-A of Chapter 4 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:852.1 through 852.23, to provide for titling and registering boats and outboard motors; to provide for declaration of policy; to provide for the use of funds; to provide for definitions; to provide for registration and certificates of title; to provide for cancellation and surrender of certificates of title; to provide for security interests; to provide for rules; to provide for penalties; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 1750—**  
BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 47:301(10)(w), (13)(j), and (18)(j), relative to local sales and use taxes; to provide for definitions relative to the taxation of the sale of other disposition of certain tangible personal property by a dealer in connection with the sale or use of mobile telecommunications services; to provide for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE BILL NO. 4—**  
BY SENATOR MCPHERSON  
AN ACT

To amend and reenact R.S. 43:111.1, relative to public advertising; to prohibit the expenditure of any state funds for advertisement which mentions any elected official whether elected or appointed; to prohibit expenditure of public funds by any public entity for advertisement which mentions any elected official whether elected or appointed; to provide exceptions; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Ullo, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 23—**  
BY SENATOR MARIONNEAUX  
AN ACT

To amend and reenact R.S. 24:14(G) and to enact R.S. 24:14(K), relative to Senate confirmation; to require certain persons appointed to boards and commissions who require Senate confirmation be reconfirmed at the beginning of each legislative term; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 23 by Senator Marionneaux

AMENDMENT NO. 1

On page 2, line 9, after "reconfirmation" insert "either"

AMENDMENT NO. 2

On page 2, line 10, after "office" insert "whichever is later"

On motion of Senator Ullo, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 30—**  
BY SENATOR CAIN  
AN ACT

To amend and reenact R.S. 18:425, 541 and 542, relative to the opening and closing of the polls; to provide for the termination of voting; to provide for additional compensation of commissioners; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 30 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 18:" delete the remainder of the line and insert "424(E) and 425(E), relative to the compensation of election commissioners; to provide"

AMENDMENT NO. 2

On page 1, delete line 3, in its entirety

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 18:" delete the remainder of the line and insert "424(E) and 425(E) are hereby amended and reenacted"

AMENDMENT NO. 4

On page 1, between lines 8 and 9, insert the following:

"§424. Commissioners-in-charge  
\* \* \*

E. Compensation. A commissioner-in-charge shall receive one hundred ~~fifty~~ **seventy-five** dollars for each election in which he serves.  
\* \* \*

AMENDMENT NO. 5

On page 2, delete line 5 through 20 in their entirety

On motion of Senator Ullo, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 60—**  
BY SENATOR LENTINI

A JOINT RESOLUTION

Proposing to amend Article 1, Section 4 of the Constitution of Louisiana, relative to the right to property; to provide that no person may enter or remain in or upon the private property of another without authorization, either express, legal or implied; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 60 by Senator Lentini

AMENDMENT NO. 1

On page 1, lines 2 and 11, change "Article 1" to "Article I"

AMENDMENT NO. 2

On page 3, line 13, change "Article 1" to "Article I"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 71—**  
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:666(A), relative to the offense driving while intoxicated; to provide for penalties for any person who refuses to submit to a chemical test after he is involved in a fatal crash or a crash resulting in serious injury which involves alcohol; to require that such penalties be the same as those imposed for a first offense violation of driving while intoxicated; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, after "offense" add "of"

AMENDMENT NO. 2

On page 1, line 3, after "penalties for" delete the remainder of the line and add "such offense in the case of a fatal crash or a crash"

AMENDMENT NO. 3

On page 1, delete line 4

AMENDMENT NO. 4

On page 1, line 13, after "(a)" add "(i)"

AMENDMENT NO. 5

On page 2, line 2, after "wherein a" delete "traffic"

AMENDMENT NO. 6

On page 2, line 3, after "injury" insert "in a crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of conveyance"

AMENDMENT NO. 7

On page 2, at the beginning of line 7, change "direct that a chemical test be conducted" to "~~direct that a chemical test be conducted~~ **perform or cause to be performed a chemical test or tests of a such person's blood, breath, urine, or other bodily substance for the purpose of determining the alcoholic content of his blood and the presence of any abused substance or controlled substance as set forth in R.S. 41:964 in his blood**"

AMENDMENT NO. 8

On page 2, between lines 10 and 11, add the following:

**"(i) As used in this Section "law enforcement officer" shall include, but not be limited to, any commissioned local or state police officer, wildlife enforcement agent, sheriff, deputy sheriff, marshal, deputy marshal, or state park warden.**

**"(b) The law enforcement officer shall inform the person who is required to submit to such testing of the consequences of a refusal to submit to any testing as required by this Paragraph."**

AMENDMENT NO. 9

On page 2, at the beginning of line 12, change "(b)" to "(c)"

AMENDMENT NO. 10

On page 2, line 13, after "this" change "Subsection" to "Paragraph"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 72—**  
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 15:307(B), relative to ignition interlock devices; to provide relative to the installation of ignition interlock devices as a requirement of probation for operating a vehicle while intoxicated; to prohibit the mail order purchase of such a device; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 72 by Senator Dupre

AMENDMENT NO. 1

On page 2, line 17, after "or" change "indirect" to "in direct"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 98—**  
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 14:63 and to repeal R.S. 14:63.1, 63.2, 63.5, 63.6, 63.7, 63.8, 63.9, 63.10, and 63.12, relative to criminal trespass; to provide for the crime of unauthorized entry;

to provide for penalties; to provide exemptions; to provide for the limitation of liability of owners, lessees, and custodians; to delete certain specific types of crimes of trespass; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 98 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 11, after "\$63" change "Criminal Trespass Unauthorized entry" to "Criminal Trespass"

AMENDMENT NO. 2

On page 2, at the end of line 17 change "In defense" to "It shall be an affirmative defense"

AMENDMENT NO. 3

On page 2, line 19, after "Section," delete the remainder of the line and add "that the accused"

AMENDMENT NO. 4

On page 4, line 13, after "employee" add ", public utility employee"

AMENDMENT NO. 5

On page 4, line 17, after "employee" add ", public utility employee"

AMENDMENT NO. 6

On page 4, between lines 21 and 22, add the following:

"(7) Any person exercising the mere right of passage to an enclosed estate, as otherwise provided by law."

AMENDMENT NO. 7

On page 5, delete lines 7 through 10 and add the following:

"(2) A person, affiliate, employee, agent or contractor of any business which is regulated by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communication Commission under the Cable Reregulation Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude or any property located on the immovable property which belongs to such a business."

AMENDMENT NO. 8

On page 5, line 11, after "salesman" add ", real estate licensee"

AMENDMENT NO. 9

On page 5, line 12, after "delivery" add ", conducting business"

AMENDMENT NO. 10

On page 5, line 15, after "delivery" add ", to conduct business"

AMENDMENT NO. 11

On page 5, between lines 18 and 19, add the following:

"(5) The owner of domestic livestock or his employees or agents while in the process of retrieving his domestic livestock that have escaped from an area fenced to retain such domestic livestock."

"(6) The owner of a domestic animal while in the sole process of merely retrieving his domestic animal from immovable property and not having a firearm or other weapon in his possession or on his person."

AMENDMENT NO. 12

On page 6, line 12, after the comma "," and before "imprisonment" change "and" to "or"

AMENDMENT NO. 13

On page 8, delete lines 17 through 19

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 99—

BY SENATORS CAIN AND FONTENOT  
AN ACT

To amend and reenact R.S. 38:3098(A), relative to ground water wells; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 99 by Senator Cain and Fontenot

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert in lieu thereof the following:

"R.S. 38:3091, 3092, 3093, 3094(B)(1) and (4), 3096(A), (A)(2) and (C), 3098(A), and R.S. 49:968(B)(11), to enact R.S. 38:3097.1 through 3097.7, and to repeal R.S. 36.4(X), R.S. 38:3094(B)(5) and (6) and R.S. 38:3099.1 through 3099.4, relative to ground water wells; to create the Ground Water Conservation Commission and provide for the membership, powers, duties, and functions of the commission; to provide for declarations of critical ground water areas and provide for incentives in such areas; to provide for well applications in critical ground water areas; and to"

AMENDMENT NO. 2

On page 1, line 5, after "Section 1." delete the remainder of the line and insert in lieu thereof the following:

"R.S. 38:3091, 3092, 3093, 3094(B)(1) and (4), 3096(A), (A)(2) and (C), 3098(A), and R.S. 49:968(B)(11) are hereby amended and reenacted and R.S. 38:3097.1 through 3097.7 are hereby enacted to read"

AMENDMENT NO. 3

On page 1, between lines 6 and 7, insert the following:

"§3091. Legislative findings; purpose

The **conservation and** utilization of ground water resources is hereby found and declared to be a matter of public interest. **An adequate supply of ground water is necessary for the health of the population and the development of a strong economy. A statewide policy is therefore necessary to protect, conserve, and allow for replenishment of fresh water aquifers.**

It is the purpose of this chapter to provide for the efficient administration, **conservation, utilization** and gathering of data concerning ground water resources of the State of Louisiana.

§3092. Definitions

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this chapter:

(1) "Persons" means any natural person, corporation, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

(2) "Ground water" is water suitable for any beneficial purpose percolating below the earth's surface **which contains fewer than 10,000 mg./l total dissolved solids.**

(3) "Well" or "water well" shall mean any well drilled or constructed for the principal purpose of producing ground water.

(4) "Beneficial purpose" or "beneficial use" means the **technologically feasible** use of ground water for domestic, municipal, industrial, agricultural, recreational or therapeutic purposes.

(5) "User" means any person making any beneficial use of ground water in excess of fifty thousand gallons for any day during any calendar year from a well or wells owned or operated by such person or from a well or wells owned or operated solely for the production of water used by such person.

(6) "Director" means the ~~director of the Department of Public Works of the State of Louisiana~~ **assistant secretary of the office of public works and intermodal transportation within the Department of Transportation and Development**, or his designated representative.

**R.S. 38:3092(7) is all proposed new law.**

(7) "Commission" means the Ground Water Conservation Commission.

**R.S. 38:3092(8) is all proposed new law.**

(8) "Commissioner" means the Commissioner of Conservation.

**R.S. 38:3092(9) is all proposed new law.**

(9) "Replacement well" means a well which is drilled with the same size pipe to replace a well which is no longer operable and is to be abandoned.

**R.S. 38:3092(10) is all proposed new law.**

(10) "Domestic use" means the use of water for ordinary household purposes, including human consumption, washing, the watering of domestic live stock, poultry and animals, and the watering of home gardens for consumption by the household.

**R.S. 38:3092(11) is all proposed new law.**

(11) "Sustainability" means the development and use of ground water in a manner that can be maintained for the present or future time without causing unacceptable environmental economic, social or health consequences.

**R.S. 38:3092(12) is all proposed new law.**

(12) "Critical ground water area" means an area which under current usage and normal environmental conditions, sustainability of an aquifer is not being maintained due to either the movement of a salt water front, water level decline or subsidence resulting in unacceptable environmental, economic, social or health impact, or causing serious adverse impact to the aquifer considering the areal and temporal extent of all such impacts.

**R.S. 38:3092(13) is all proposed new law.**

(13) "Large well" means a well with an exterior casing size of eight inches or greater in diameter.

§3093. Administration; authority

This chapter shall be administered by the **commissioner of the office of conservation with the exception of water well registration set forth in R.S. 38:3094 which shall be administered by director the assistant secretary of the Louisiana Department of Public Works office of public works and intermodal transportation.**

The director shall have authority to enforce the provision of this Chapter.

§3094. **Rules and regulations; powers of director** Water well registration

\* \* \*

B. In addition to the specific regulatory matters set forth in Subsection A of this Section, the director shall have authority to do, as required, the following:

(1) To make, after notice and hearing, and to enforce all reasonable rules, regulations, or orders necessary from time to time to achieve ~~the purposes of this chapter.~~ **accurate water well registration information.**

\* \* \*

(4) To cooperate with **the Ground Water Conservation Commission and the commissioner of conservation** and other governmental units and agencies of this state, with governments and agencies of other states and of the United States, and with private agencies for the purpose of utilizing and conserving the ground waters of the state.

\* \* \*

§3096. Violations; penalty; jurisdiction; attorney general to conduct suit; complicity

A. Whoever knowingly and willfully violates a provision of this chapter, or a rule, regulation, or order of the director or ~~a board made hereunder~~ **order of the commission or order of the commissioner**, shall be subject to a civil penalty of not more than one thousand dollars a day for each day of violation and for each act of violation, if a penalty for the violation is not otherwise provided in this Chapter.

\* \* \*

(2) Suit shall be at the direction of the director or ~~board~~ **commissioner**, as may be appropriate, and shall be instituted and conducted in his or its name by the attorney general or by the district attorney of the district under the direction of the attorney general.

\* \* \*

C. If the ~~Department of Transportation and Development, office of public works~~ director or commissioner, has reasonable grounds for believing that there has been a violation of this Chapter or any rules or regulations adopted pursuant thereto, the department shall give written notice to the person alleged to be in violation and shall conduct a hearing on such alleged violation, such hearing to be conducted in accordance with the Administrative Procedure Act. The **applicable** department shall have the authority to assess a civil penalty not to exceed one hundred dollars for each violation and for each day of violation. Such notice shall identify the provisions of this Chapter or regulation issued hereunder alleged to be violated and the facts alleged related thereto. The notice shall be served in the manner required by law for the service of process upon a person in a civil action, and may be accompanied by an order of the department requiring described remedial action which, if taken within the time specified in such order, will effect compliance with the requirements of this Chapter and regulations issued thereunder. Such order shall become final within thirty days from the service thereof unless a request for hearing as provided elsewhere in this Chapter is made within such time. In lieu of such order, the **applicable** department may require the person or persons named in such notices to appear at a hearing at a time and place specified in the notice.

\* \* \*

§3097.1 Ground Water Conservation Commission; membership, terms

**R.S. 38:3097.1 is all proposed new law.**

A. The Ground Water Conservation Commission is hereby created in the Office of Conservation in the Department of Natural Resources and shall be composed of the following members:

- (1) The governor or his designee.
- (2) The commissioner of the Department of Agriculture and Forestry or his designee.
- (3) The secretary of the Department of Economic Development or his designee.
- (4) The secretary of the Department of Environmental Quality or his designee.
- (5) The secretary of the Department of Health and Hospitals or his designee.
- (6) The secretary of the Department of Transportation and Development or his designee.

(7) One member appointed by the governor from a list of three nominations submitted jointly by the Louisiana Chemical Association, the Louisiana Mid-Continent Oil & Gas Association, the Louisiana Association of Business and Industry, and the Louisiana Pulp & Paper Association.

(8) One member appointed by the governor from a list of three nominations submitted by the Louisiana Landowners Association.

(9) One member appointed by the governor from a list of three nominations submitted by the Police Jury Association of Louisiana.

(10) One member appointed by the governor from a list of three nominations submitted by the Louisiana Municipal Association.

(11) One member appointed by the governor from a list of three names submitted by the Louisiana Farm Bureau and who is a farmer actively engaged in farming in the geographical area of the state underlain by the Chicot aquifer.

(12) One member appointed by the governor from a list of three nominations submitted by the Sparta Ground Water Conservation District Board of Commissioners.

(13) One member appointed by the governor from a list of three nominations submitted by the board of commissioners of the Capital Area Ground Water District.

(14) One member, appointed by the governor, who is a geologist or a reservoir engineer with expertise in ground water resource management.

(15) Commissioner of Conservation, or is designee.

B.(1)Except as provided in this Section, the terms of the commission members who are not ex officio members of the commission shall be four years. The designee of the governor shall serve a term concurrent with that of the governor making the appointment.

(2) At its initial meeting, the commission shall determine by a majority vote from those members appointed pursuant to Paragraphs (7) through (14) of Subsection A of this Section, four members to serve initial terms of two years. Thereafter, each member shall be appointed for a term of four years.

(3) All appointments to the commission shall be subject to Senate confirmation.

C. A vacancy in the membership of the commission shall be filled for the unexpired term in the same manner as the original appointment. No member shall serve more than two consecutive full terms except that each member shall serve until his successor has been appointed and begins serving. If a vacancy occurs and a successor is not appointed within sixty days of the vacancy, the governor shall appoint a successor to the commission for the unexpired term.

D. The commission shall be domiciled in Baton Rouge, but may hold public meetings elsewhere in the state. Eight members shall constitute a quorum for the transaction of any and all business at any regular or special meeting of the commission.

E. The commission shall elect a chairman from among its membership who shall serve a term of two years. The commission may elect other officers as it deems necessary from among its membership.

F. Members of the commission shall receive no compensation for serving on the commission. However, except for the governor, each member shall be reimbursed for vouchered travel, lodging, and other expenses for attendance at commission meetings at the rate established by the division of administration for state employees.

G. The commission may appoint advisory committees as deemed necessary by the commission.

§3097.2. Powers, duties, and functions of the commissioner

**R.S. 30:3097.2 is all proposed new law.**

A. The commissioner shall administer and enforce the provisions related to the designation of a critical ground water area and implementation of regulations and restrictions of such area and shall promulgate such rules or regulations necessary to implement the provisions to the Administrative Procedure Act. The commissioner shall perform the following activities:

(1) Establish rules and regulations for ground water use and large well spacing in critical ground water areas.

(2) Conduct all hearings consistent with the open meetings law.

(3) Establish regulations for making application to the commissioner for siting and drilling large wells in a critical ground water area and for notification of all interested parties of commissioner decisions.

(4) Take testimony under oath from any person appearing before the commission at any hearing, investigation, or proceeding before the commissioner.

B. The commissioner may request assistance from the Department of Transportation and Development, the Department of Environmental Quality, the Department of Health and Hospitals, and such other state agencies, boards, commissions, or departments as may be necessary to obtain data and such other information as may be necessary to assist the commission in implementing the provisions of this Section. Each state agency, board, commission, or department shall provide such assistance as requested by the commission.

C. The commissioner shall provide staff for the Ground Water Conservation Commission in order that the commission may fulfill its duties and mission.

D. The commissioner shall serve as a member of the Ground Water Conservation Commission. The commissioner shall recuse himself from voting on anything related to R.S. 38:3097.3(A).

§3097.3 Review of decisions by the commission; additional duties; superseding authority

**R.S. 38:3097.3 is all proposed new law.**

A. Within sixty days after the commissioner issues an order pursuant to R.S. 38:3097.4 or 3097.6, a petition for review may be filed with the commission by the owner of the affected well or proposed well which may be significantly and adversely impacted by the commission's order.

(1) Following review of the application for review of the commissioner's order, the commission shall conduct a hearing on the merits of the order.

(2) The commission shall either affirm or reject the commissioner's order within 60 days after the filing of a petition for review.

(3) The proper venue for appeals of the commission's order shall be the 19th Judicial District Court.

B. The commission shall have the following additional duties:

(1) Prepare a drought and emergency contingency plan to insure an adequate supply of water during times of drought.

(2) To conduct studies and investigations of all problems concerning ground water resources of the state, either on his own motion or by request of a ground water conservation district, local governing body or agency, or other state agency.

(3) To prepare a conservation plan for the future beneficial use of ground water and to insure sustainability of all the state's aquifers.

(4) To provide education and educational material regarding the need to conserve ground water.

C. The commission shall have superseding authority over the regional aquifer commissions provided for in R.S. 38:3076 and R.S. 38:3087.136 and such other regional or aquifer ground water commissions that the legislature shall create. The commission shall, however, solicit and receive the advice and expertise of the aquifer commissions.

§3097.4 Declaration of a critical ground water area

**R.S. 38:3097.4 is all proposed new law.**

A. The following parties may file a petition with the commissioner to obtain a critical ground water area designation for all or part of an aquifer:

(1) Any local or municipal governing authority.

(2) Any aquifer commission which is recognized by statute.

(3) Any citizen who has collected a petition of support with no less than 20% of the signatures of users living in the geographic area situated over the aquifer.

B. The petition for designation of a critical ground water area shall be filed with the commissioner of conservation. The commissioner shall promulgate rules as to the form and contents of the petition.

C. The commissioner shall conduct a hearing on the petition and receive evidence from the petitioner and any other interested party.

D. If the commissioner determines that a critical ground water area is necessary to achieve sustainability of all or part of the aquifer, the commissioner shall issue an order declaring the following:

(1) The geographic boundaries within the aquifer which are deemed critical areas.

(2) A plan of action for achieving sustainability within the critical area.

E. The Commissioner may request large users within the critical area to determine whether any economically and technologically feasible alternative sources exist and develop a voluntary remediation proposal to reduce their consumption and dependence on groundwater.

§3097.5 Incentives in critical ground water area and alternative surface water resources

**R.S. 38:3097.5 is all proposed new law.**

A. The legislature finds and declares that the state has been blessed with abundant water resources, which if allocated properly, should suffice to meet the needs of both current and future users. Further, pursuant to the legislative finding that the effective management and planning in the utilization of the state's water resources is a matter of public interest and the declaration that the state must have a comprehensive ground water management program, the legislature finds and declares that the most effective approach to such a comprehensive ground water management program should be the creation of incentives to reduce the need for ground water use and alternative surface water resources for current and future users of the state's water resources. It is the intent of the legislature that provisions for incentives and plans for alternative surface water resources be included in any comprehensive water management plan or system implemented in Louisiana.

B. In accordance with the legislative intent provided herein, the commissioner of Conservation shall develop and submit to the legislature an incentive program and plans to provide existing users of the state's ground water resources with alternative surface water resources for use, where feasible and practical, in lieu of ground water. The commissioner shall develop this program and plan in conjunction with the following state agencies: Department of Transportation and Development, Department of Environmental Quality, Department of Wildlife and Fisheries, Department of Health and Hospitals, Department of Agriculture and the Department of Natural Resources.

C. In developing the incentive program and plan for alternative surface water resources, the commissioner shall:

(1) Conduct an evaluation of the state's surface and ground water resources and the current and projected demands on the state's overall water resources.

(2) Consider the current and future surface water needs in the state, including but not limited to environmental, coastal, navigation, agricultural, industrial, and local governmental needs.

(3) Consider all potential water resources, including but not limited to surface water, recycled water and alternative technologies and evaluate the incentives or capital outlays necessary to assure the availability and use of such water resources.

(4) Consider state and local tax incentives and tax credits appropriate to encourage existing users to reduce demand for ground water resources.

(5) Consider private investment and incentives necessary to fund the utilization of surface water resources in lieu of ground water resources; recreational use.

(6) Prioritize the most feasible, economical, and timely programs and plan to achieve the goal of reduced ground water demand in the state.

D. The commissioner shall submit this incentive program and plans for alternative surface water resources to the legislative oversight committees for their review prior to January 2004, and portions of the program and plan, which require statutory implementation, shall be prepared for legislative consideration during the 2004 Regular Session of the Legislature.

§3097.6. New well applications in critical ground water areas

**R.S. 38:3097.6 is all proposed new law.**

A. Except as provided in R.S. 38:3097.7, no user shall drill a new large well within an area designated as a critical ground water area unless an application is submitted and approved by the commissioner.

B. No application to drill a ground water well or extract water from a freshwater aquifer shall be issued by the commissioner except as provided in this Section. Each application to drill a large well under this Chapter shall be filed with the commissioner on such form as may be approved by the commissioner. Each application shall contain the following information and such other information as the commissioner deems necessary:

(1) The projected well capacity, the maximum amount of ground water to be extracted from each well per day and the maximum amount of water to be extracted from each well per water year.

(2) The applicant shall state that the applicant is unable to use an alternative source of water, including surface water or grey water and

that there is no technologically and economically feasible alternative sources of water that can reasonably be used.

C.(1) The commissioner shall provide for public notice and if requested, conduct a public hearing on the proposed application within sixty days after the filing of the completed application with the commissioner.

(2) Notice of the public hearing on an application filed with the commissioner shall be published, in the official journal of the state, and in the official journal of the parish in which the well is located or will be drilled. In addition, notice of such public hearing shall be forwarded by certified mail, return receipt requested, to the parish governing authority of the parish in which the well is located or is to be drilled.

D. Prior to issuance of any order regarding the application under this Section, the commissioner shall consider the spacing and location of the new well to existing wells and the effect of depletion of the aquifer, in operability, or other detrimental effects such existing wells.

E. Upon completion of the hearing, if one is held, the commissioner shall issue a written report summarizing the pertinent facts in the application, the determination as to each application, the ruling of the commissioner on each application, and the reasons in support of such ruling. Such information shall be made available to the public. As to any application filed under this Section, the commissioner shall do one of the following:

(1) Approve the petition to drill the well or extract water from the aquifer.

(2) Deny the petition to drill the well or extract water from the aquifer.

(3) Grant conditional approval to drill a well or extract water from the aquifer subject to such reductions or conditions as may be imposed by the commissioner. Failure of an applicant to comply with a reduction or condition imposed by the commissioner within the time period prescribed by the commissioner shall revoke the conditional approval.

F. An application by a large well user seeking to drill or maintain large multiple water wells in order to provide ground water for a single industrial enterprise, a single business enterprise, or for a single farm, shall be considered an application for one well for purposes of this Section, however, the application filed under this Section shall include the total number of wells to be drilled or maintained by the applicant.

**§3097.7. Replacement wells**

**R.S. 38:3097.7 is all proposed new law.**

A. The owner of an existing water well may construct or drill a replacement water well provided the owner converts the existing well to a nonregulated use or plugs the existing well in a manner prescribed by the commission immediately after completion of construction or drilling of the replacement well and the replacement well becomes operational.

B. If the replacement well is in a "critical area," the owners shall notify the director by providing a notice of construction of the replacement well stating the location and ownership interests of the existing well and the replacement well and such other information as the director may require.

\* \* \*

**AMENDMENT NO. 4**

On page 2, after line 5, insert the following:

"Section 2. R.S. 49:968(B)(11) is hereby amended and reenacted to read as follows:

§968. Review of agency rules; fees

\* \* \*

B.

\* \* \*

(11) The Department of Natural Resources and all of the agencies made a part of it shall submit the report to the House Committee on Natural Resources and the Senate Committee on Natural Resources. **For exercises of the commissioner of conservation's rule making authority pursuant to Chapter 13-A**

of Title 38 of the Louisiana Revised Statutes of 1950, however, the department shall submit the report to the House Committee on the Environment and the Senate Committee on Environmental Quality.

\* \* \*

Section 3. R.S. 36.4(X), R.S. 38:3094(B)(5) and (6) and R.S. 38:3099.1 through 3099.4, are hereby repealed in their entirety.

Section 4. This Act shall become effective on July 1, 2003; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2003, or on the day following such approval by the legislature, whichever is later."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 108—**  
BY SENATOR HOYT

AN ACT

To enact Part VIII of Chapter 4 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:571.50 through 571.52, relative to district courts; to authorize each judicial district to establish job intervention programs for first-time offenders convicted of certain offenses; to provide for program administration; to provide for eligibility; to specify conditions of participation; to require each participant to enter into a probation agreement; to provide for the terms of such an agreement; to provide for the responsibilities of any participating employer; to provide for program evaluation; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 108 by Senator Hoyt

AMENDMENT NO. 1

On page 2, line 12, after "first-time" change "offender" to "offenders"

AMENDMENT NO. 2

On page 3, line 17, after "violent" change "misdemeanor where" to "offense as provided by Subparagraph (B)(8)(a) of this Section for which"

AMENDMENT NO. 3

On page 6, delete lines 23 through 27 and add the following:

"(a) The crime charged is not a crime of violence as defined in R.S. 14:2(13), a crime of domestic abuse as defined in the R.S. 46:2132(3), a crime of simple burglary of an inhabited dwelling as defined in R.S. 14:62.2, a crime of aggravated kidnapping of a child as defined in R.S. 14:44.2, or a crime of operating a vehicle while intoxicated as defined by R.S. 14:98 and R.S. 14:98.1 that resulted in death"

AMENDMENT NO. 4

On page 7, delete lines 1 through 3

AMENDMENT NO. 5

On page 7, at the beginning of line 4, change "(c)" to "(b)"

AMENDMENT NO. 6

On page 7, at the beginning of line 7, change "(d)" to "(c)"

AMENDMENT NO. 7

On page 9, line 10, after "revocation" delete the comma ","

AMENDMENT NO. 8

On page 12, between lines 1 and 2, insert the following:

"(iii) A written statement from the employer that no worker will be displaced by this program."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 143—**  
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 14:98(B)(2), (C)(2) and (K), R.S. 15:306(A), and R.S. 32:378.2(A)(2)(a)(i) and 667(B)(1) and (3) and to enact R.S. 32:414(A)(1)(c), relative to driving while intoxicated; to provide relative to penalties for first or second offense driving while intoxicated under certain circumstances; to increase the time for suspension of driver's licenses for such offenses; to authorize a restricted license under certain conditions; to prohibit a restricted license under certain circumstances; to require the installation of an ignition interlock device for such authorization; to require installation of an ignition interlock device during certain periods of suspension; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 143 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 15:306(A)", delete the comma ","

AMENDMENT NO. 2

On page 1, at the beginning of line 3, change "R.S. 32:378.2(A)(2)(a)(i) and" to "R.S. 32:"

AMENDMENT NO. 3

On page 2, at the end of line 15, change "at least one" to "not less than seven hundred and fifty dollars nor more than"

AMENDMENT NO. 4

On page 3, line 7, after "fined" change "three" to "one"

AMENDMENT NO. 5

On page 6, line 9, after "Section 3." change "R.S. 32:378.2(A)(2)(a)(i) and" to "R.S. 32:"

AMENDMENT NO. 6

On page 6, delete lines 12 through 27

AMENDMENT NO. 7

On page 7, delete lines 1 through 21

AMENDMENT NO. 8

On page 8, line 3, after "of" delete "more than"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 179—**  
BY SENATOR DUPRE

AN ACT

To enact R.S. 32:59 and Code of Criminal Procedure Art. 814(A)(60), relative to motor vehicles and criminal procedure; to provide relative to the Highway Regulatory Act; to create the offense of aggressive driving; to provide penalties; to provide for a responsive verdict to reckless operation of a vehicle; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 179 by Senator Dupre

##### AMENDMENT NO. 1

On page 2, delete lines 9 and 10

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

##### **SENATE BILL NO. 245—**

BY SENATOR HAINKEL

##### AN ACT

To amend and reenact R.S. 22:636.2(A)(3), 636.4(E)(2)(a), 1382(A)(3)(a)(iv), 1401, 1402, 1403(D), 1404, 1404.1, 1404.2, 1404.3, 1405(A), (C), (D)(2) and (5), (G), and (I)(1)(a) and (2), 1406(A), (B), (C), (D)(7), and (E), 1406.1, 1406.2(1), the introductory paragraph of R.S. 22:1406.2(2), R.S. 22:1406.3(B) and (C), 1406.6(A), 1406.7, 1406.8(A) and (D), 1406.10, 1406.11, 1406.12, 1407, 1408(A) and (C), 1409(A), (B), (D), (E), and (G), the introductory paragraph of R.S. 22:1410(A), R.S. 22:1410(A)(1), (B) and (C), 1411, 1412(B), 1413(B), 1414(B), 1415, 1417(A) and (B), 1417.1, 1418, 1419(B), 1420, 1422, 1422.1, 1423(A), (B), and (E), 1424, 1431, 1432(1), the introductory paragraph of R.S. 22:1432(2), R.S. 22:1432(6), 1436(A) and (B), 1437(A)(1) and (2)(g) and (B), 1438(A)(1) and (C), 1440, 1441, 1442, 1443, 1444, 1446, 1447, 1459(A), and 2092.5(C)(2), R.S. 23:1392(1) and (8)(a) and 1395(A), R.S. 32:430(M) and 1043(A), R.S. 40:1299.44(A)(2)(b), (c), and (f) and (6)(a) and 1308(C)(6), to enact R.S. 22:1402.1, 1402.2, and 1402.3, and to repeal R.S. 22:15(B)(1)(h), 1406(F), 1450.4, and 1450.5, relative to insurance rate regulation; to limit the authority of the Louisiana Insurance Rating Commission; to provide for transition of certain functions, duties, and obligations from the commission to the Department of Insurance; to limit the authority of the department; to replace the commission with the department for receipt of certain reports, plans, and revenues; to permit the department to review and approve certain filings; to eliminate the rate making requirements for certain property and casualty insurers; to permit the department to enforce certain rate reductions; to permit the attorney general to represent the citizens of the state before the department; to provide for appeals to the Louisiana Insurance Rating Commission; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Tarver, the bill was read by title, ordered engrossed, and passed to a third reading.

##### **SENATE BILL NO. 296—**

BY SENATOR DARDENNE

##### AN ACT

To amend and reenact R.S. 37:786(A) through (E) and to enact R.S. 37:786(F) through (I), relative to the practice of dentistry; to provide for judicial review of decisions made by the board of dentistry; to provide for procedures; to provide for the furnishing of security; to provide for the filing of additional evidence; to provide for reversal or modification of board decisions under certain specified circumstances; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 296 by Senator Dardenne

##### AMENDMENT NO. 1

On page 2, lines 12 and 15, change "**must**" to "**shall**"

##### AMENDMENT NO. 2

On page 4, line 6, after "**be**" delete the remainder of the line and insert "**is dismissed as abandoned.**"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

##### **SENATE BILL NO. 343—**

BY SENATOR MCPHERSON

##### AN ACT

To amend and reenact R.S. 29:281, relative to veterans' affairs; to establish the military honors funerals for veterans; to provide relative to the duties of the adjutant general with regard to the program; to provide for eligibility; to provide for compensation for members of the Louisiana Guard with respect to the program; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Ullo, the bill was read by title, ordered engrossed, and passed to a third reading.

##### **SENATE BILL NO. 381—**

BY SENATOR SCHEDLER

##### AN ACT

To amend and reenact R.S. 30:2011(A)(3) and (D)(23), 2074(A)(4) and (B)(8), 2080, 2081, 2083, and R.S. 40:2821(B)(4) and (5), 2822(1), 2824, 2825(A)(2)(c) and (f), 2826(A), (B), (D), (E), and (F), and to enact R.S. 36:254.1, relative to public health and safety; to provide for the transfer of authority from the Department of Environmental Quality to the Department of Health and Hospitals relative to the administering of the fund; to authorize the Department of Health and Hospitals to issue tax-exempt debt relative to the fund; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. On motion of Senator Cain, the bill was read by title, ordered engrossed, and passed to a third reading.

##### **SENATE BILL NO. 421—**

BY SENATOR MCPHERSON

##### AN ACT

To amend and reenact R.S. 37:2157(A)(2), relative to exemptions from licensure by the Louisiana State Licensing Board for Contractors; to clarify that the owners of property are exempt from licensure for certain constructions or improvements to their property; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

##### **SENATE BILL NO. 479—**

BY SENATOR CHAISSON

##### AN ACT

To amend and reenact R.S. 32:300(A) and to enact R.S. 32:300(F), relative to alcoholic beverages; to prohibit passengers in motor vehicles from possessing open alcoholic beverage containers; to prohibit such persons from consuming alcoholic beverages; to provide for exceptions; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

April 24, 2003

SENATE BILL NO. 482—  
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 27:302(A)(5)(j), relative to the Video Draw Poker Devices Control Law; to provide with respect to description and specification of devices; to provide for use of thermal printers in video gaming devices and other alternate means of capturing duplicate information of a ticket voucher; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Cravins, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 554—  
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 14:98(K)(1) and (K)(2)(a) and the introductory paragraph of 334(A), R.S. 32:378.2(A)(1) and (2)(a), 414(A)(1)(b) and (3)(c) and (B)(2)(b), 415.1(A)(1)(introductory paragraph), 430(E) and (F)(1), 667(B)(3), and 668(B)(1)(c), to enact R.S. 14:98(C)(4) and to repeal R.S. 15:306, relative to driver's licenses; to prohibit any person placed on probation or had his license suspended for a second or subsequent offense of driving while intoxicated from obtaining a restricted driver's license; to remove the exception allowing such person to obtain a restricted license if an ignition interlock device is installed on his motor vehicle; to authorize a license at the conclusion of such license suspension with the installation of an ignition interlock device; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 554 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 5, after "R.S. 14:98(C)(4)" add "and (K)(4)"

AMENDMENT NO. 2

On page 1, line 8, after "subsequent" change "offense" to "conviction"

AMENDMENT NO. 3

On page 2, at the end of line 1, add "and (K)(4)"

AMENDMENT NO. 4

On page 3, at the end of line 3, add "**The court shall notify the office of motor vehicles within the Department of Public Safety and Corrections when the offender has completed such sanctions.**"

AMENDMENT NO. 5

On page 3, line 7, after the comma "," add "the division of administrative law within"

AMENDMENT NO. 6

On page 5, line 19, after "first" change "offense" to "conviction"

AMENDMENT NO. 7

On page 6, at the end of line 3, add "division of administrative law within the"

AMENDMENT NO. 8

On page 6, line 22, change "offense" to "conviction"

AMENDMENT NO. 9

On page 7, at the end of line 18, add "division of administrative law within the"

AMENDMENT NO. 10

On page 9, line 5, after "second" change "offense" to "conviction"

AMENDMENT NO. 11

On page 9, line 11, after "first" change "offense" to "conviction"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 567—

BY SENATOR LENTINI

AN ACT

To enact R.S. 22:1514.3, relative to insurance policies; to provide for the surrender of a defendant for non-payment of premium; to provide for certain notification requirements upon surrender; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 567 by Senator Lentini

AMENDMENT NO. 1

On page 2, at the end of line 3, add "A bail bond producer shall not surrender a client for nonpayment of a premium."

On motion of Senator Tarver, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 590—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 37:793(A)(1) and (2), (B)(1), (2), and (3), (D)(1) and (F), and to enact R.S. 37:795(B)(2)(q) and (r), relative to dentistry; to provide with respect to the administration of certain types of anesthesia; to provide for new fees; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 590 by Senator Dardenne

AMENDMENT NO. 1

On page 2, line 4, delete the word "single"

AMENDMENT NO. 2

On page 2, line 10, delete the word "single"

AMENDMENT NO. 3

On page 2, line 12, delete the word "single"

AMENDMENT NO. 4

On page 4, line 7, change "parental" to "parenteral"

AMENDMENT NO. 5

On page 4, line 17, change "dental healthcare provider" to "dentist"

AMENDMENT NO. 6

On page 5, lines 21 and 22, change "dental healthcare providers" to "dentists"

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 596—**  
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 13:352(C), relative to court of appeal clerks; to provide for reimbursement to judges of the courts of appeal for expenses incurred while on official duty; to provide that such reimbursement be payable out of self-generated funds; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 601—**  
BY SENATOR LENTINI

AN ACT

To enact R.S. 22:1142.1, relative to insurers; to provide for certain licensing requirements for the solicitation of bail; to provide for certain prohibited activities; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Tarver, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 663—**  
BY SENATOR HEITMEIER

AN ACT

To enact R.S. 27:3(24), relative to the Louisiana Gaming Control Law; to provide for a definition of a "Louisiana business", "Louisiana company", or "Louisiana corporation"; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 663 by Senator Heitmeier

AMENDMENT NO. 1

On page 2, at the end of line 3, insert: "If the headquarters of the business, company, or corporation is domiciled outside of Louisiana the business, company, or corporation shall employ at least twenty-five employees who are residents of Louisiana to qualify as a "Louisiana business", "Louisiana company", or "Louisiana corporation"."

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 668—**  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 45:844.12(4), relative to "telephone solicitation"; to provide an exception for telemarketing calls that do not complete a sale during the call; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 668 by Senator Heitmeier

AMENDMENT NO. 1

On page 1, line 14, delete "encouraging"

AMENDMENT NO. 2

On page 2, line 1, delete "encouraging"

AMENDMENT NO. 3

On page 2, line 17 after "**purchaser**" insert "**at the seller's place of business**"

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 698—**  
BY SENATOR ULLO

AN ACT

To enact R.S. 40:2009.20(D), relative to abuse and neglect laws; to require hospitals to display laws which require mandatory reporting instances of abuse and neglect; to provide for such requirement to be permanently displayed in emergency rooms; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 721—**  
BY SENATOR HAINKEL

AN ACT

To enact R.S. 22:1401.1 and repeal R.S. 22:1401(J)(2) and (3), relative to property and casualty insurance; to provide for a flexible rating process governed by the commissioner; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 721 by Senator Hainkel

AMENDMENT NO. 1

On page 1, delete line 2 and insert "To amend and reenact R.S. 22:1401(J)(2), (3), and (4) and to enact R.S. 22:1401(J)(6), relative to"

AMENDMENT NO. 2

On page 1, line 3, after "insurance" delete the remainder of the line and insert in lieu thereof the following: "rates; to provide for the Louisiana Insurance Rating Commission; to provide for flexible rating; to provide for file and use; to provide for limitations; to provide for procedures; to provide for reports;"

AMENDMENT NO. 3

On page 1, line 4, delete "governed by the commissioner;"

AMENDMENT NO. 4

On page 1, line 6, after "Section 1." delete the remainder of the line and insert in lieu thereof the following:

"R.S. 22:1401(J)(2), (3), and (4) are hereby amended and reenacted and R.S. 22:1401(J)(6) is hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 1, delete line 7 and insert in lieu thereof the following:



On page 2, between lines 8 and 9 insert the following:

"Section 2. Part VIII-B of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:310 is hereby enacted to read as follows:"

On motion of Senator Ullo, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 756—**  
BY SENATOR HOYT

AN ACT

To amend and reenact R.S. 14:43(A) and the introductory paragraph of R.S. 14:43.1(A), relative to rape and sexual battery; to provide relative to the crime of simple rape; to provide relative to the crime of sexual battery; to provide relative to the spouse of the offender; to repeal the exception that such relationship precludes the occurrence of such crimes; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 756 by Senator Hoyt

AMENDMENT NO. 1

On page 3, line 3, after "where" add "the act is consensual but" and after "person" add ", who is not the spouse of the offender,"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 786—**

BY SENATORS MICHOT, CRAVINS, AND HOYT AND REPRESENTATIVES PINAC, ALEXANDER, BAUDOIN, BROOME, BRUCE, DANIEL, DURAND, FLAVIN, PIERRE, AND WALSWORTH  
AN ACT

To enact Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.21 through 844.27, relative to an information and referral system; to provide for the authority of the Public Service Commission, to create a planning board to make recommendations to the commission, to provide for the requirements of the system and procedure for its planning, implementation, operation, and associated costs; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 786 by Senator Michot

AMENDMENT NO. 1

On page 1, line 3 change "844.27" to "844.25"

AMENDMENT NO. 2

On page 1, line 11 change "844.27" to "844.25"

AMENDMENT NO. 3

Delete page 2 in its entirety and on page 3, delete line 1.

AMENDMENT NO. 4

On page 3, line 2 change "§844.22" to "§844.21"

AMENDMENT NO. 5

On page 3, line 27 change "§844.23" to "§844.22"

AMENDMENT NO. 6

On page 4, line 3 after "operation of" delete the remainder of the line and at the beginning of line 4 delete "as possible"

AMENDMENT NO. 7

On page 4, line 6 after "operation of" delete the remainder of the line.

AMENDMENT NO. 8

On page 4, line 8 delete "approval" and insert "consideration"

AMENDMENT NO. 9

On page 4, between lines 19 and 20 insert the following:

"(10) Louisiana Chapter of the Association of Public Safety Communication Officers.

(11) Louisiana Chapter of the National Emergency Number Association."

AMENDMENT NO. 10

On page 4, line 24 change "Five" to "Six"

AMENDMENT NO. 11

On page 4, line 26 change "five" to "six"

AMENDMENT NO. 12

On page 5, line 1 change "45:844.24(B)" to "45:844.23(B)"

AMENDMENT NO. 13

On page 5, line 2 change "§844.24" to "§844.23"

AMENDMENT NO. 14

On page 5, line 7 after "statewide" delete "regionally based"

AMENDMENT NO. 15

On page 5, line 10 after "statewide" delete "regionally based"

AMENDMENT NO. 16

On page 5, line 18 after "statewide" delete "regionally based"

AMENDMENT NO. 17

On page 5, line 24 at the beginning of the line delete "regionally based"

AMENDMENT NO. 18

On page 5, line 25 after "establishing" delete "and"

AMENDMENT NO. 19

On page 5, line 26 at the beginning of the line delete "authorizing funding for" and after "a statewide" delete "regionally based"

AMENDMENT NO. 20

On page 5, line 27 after "system" insert "and establishing a funding mechanism" and after "shall" delete "abolish" and insert "be abolished"

AMENDMENT NO. 21

On page 6, delete lines 3 through 14 in their entirety.

AMENDMENT NO. 22

On page 6, line 15 change "§844.26" to "§844.24"

AMENDMENT NO. 23

On page 6, at the beginning of line 17 delete "Each regional" and insert "The"

AMENDMENT NO. 24

On page 6, line 19 after "resources" delete "of the regional and state community" and insert "in the state"

AMENDMENT NO. 25

On page 6, line 24 change "§844.27" to "§844.25"

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 796—**  
BY SENATOR CRAVINS

AN ACT

To enact 15:574.23, relative to parole; to create a Louisiana Juvenile Risk Review Panel; to provide for membership of the panel; to provide for the powers and duties of the panel; to provide for the adoption of rules; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 796 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 2, after "enact" delete "15:574.23" and insert in lieu thereof "R.S. 15:906.1"

AMENDMENT NO. 2

On page 1, line 2, after "relative to" delete "parole" and insert "juvenile institutions"

AMENDMENT NO. 3

On page 1, line 7, after "R.S." delete "15:574.23" and insert in lieu thereof "R.S. 15:906.1"

AMENDMENT NO. 4

On page 1, line 8, change "574.23." to "906.1"

AMENDMENT NO. 5

On page 1, line 9, change "15:574.23" to "15:906.1"

AMENDMENT NO. 6

On page 1, line 10 after "A." insert the following:

"(1) The legislature hereby finds that in order to improve our juvenile justice system it is necessary that every juvenile in the custody of the Department of Public Safety and Corrections be regularly reviewed by a Louisiana Juvenile Risk Review Panel in order to determine whether the level of confinement for a juvenile can be reduced or whether the juvenile has been placed in the least restrictive level of confinement consistent with the circumstances of the case, the needs of the child, and the protection of the best interests of society and the safety of the public within the state."

AMENDMENT NO. 7

On page 1, line 10 before "The Louisiana Juvenile Risk Review Panel" insert "(2)"

AMENDMENT NO. 8

On page 1, line 13, after "creation of" and before the period "." delete "the panel" and insert in lieu thereof "not more than two risk review panels"

AMENDMENT NO. 9

On page 2, line 3, change "One" to "A" and after "psychologist" and before the period "." insert "or psychiatrist, who has professional training or experience working with adolescents and children"

AMENDMENT NO. 10

On page 2, line 4, after "psychologists" insert "or psychiatrists"

AMENDMENT NO. 11

On page 2, line 7, change "One" to "The"

AMENDMENT NO. 12

On page 3, line 7, after "who is" and before the comma "," delete "confined in a juvenile facility of any kind" and insert in lieu thereof "in the custody of the Department of Public Safety and Corrections"

AMENDMENT NO. 13

On page 3, at the beginning of line 8, delete "released from confinement" and insert in lieu thereof "transferred to a less restrictive setting"

AMENDMENT NO. 14

On page 3, line 10, after "violation of" and before the colon ":" delete "either" and insert in lieu thereof "any of the following offenses"

AMENDMENT NO. 15

On page 3, between lines 16 and 17 insert the following:

"(7) A sex offense as defined in R.S. 15:540 et seq. when the victim is under the age of eighteen at the time of the commission of the offense."

AMENDMENT NO. 16

On page 3, delete lines 17 through 20.

AMENDMENT NO. 17

On page 3, line 26, at the end of the line delete "apply" and insert in lieu thereof "be"

AMENDMENT NO. 18

On page 3, line 27, at the beginning of the line delete "and be"

AMENDMENT NO. 19

On page 4, delete lines 12 through 15

AMENDMENT NO. 20

On page 4, line 16, change "(6)" to "(4)"

AMENDMENT NO. 21

On page 4, line 19, change "(7)" to "(5)" and change "a recommendation" to "the decision"

AMENDMENT NO. 22

On page 4, between lines 20 and 21 insert the following:

"(6) Procedures for notifying the local district attorney, any registered crime victim, the court, and appropriate local law enforcement authorities, and the juvenile's parent or legal guardian no less than ten days prior to a juvenile's hearing before the risk review panel so that those persons and agencies can provide information to the panel for its consideration."

AMENDMENT NO. 23

On page 4, between lines 20 and 21 insert the following:

"I. When a panel has determined that a juvenile offender will not present a risk of danger to society if transferred to a less restrictive setting, the panel shall order that the juvenile be moved from a secure institution to a less restrictive setting, which shall include, but not be limited to, any secure or non-secure facility or program operated by the state or a non-profit entity operating under contract with the state, or the physical custody of the juvenile's parent or guardian with the supervision of juvenile probation and parole officers and subject to appropriate conditions of parole.

J. The order of the panel shall be a final and binding decision. The department shall be responsible for executing the order of the panel. No further action of the court shall be required to effectuate the transfer ordered by the panel. However, the department shall advise the committing court of the transfer within two business days of the panel's decision.

K. Nothing in this Section shall be construed to restrict the authority of the court provided for in Chapter 17 of the Children's Code or any other provision of law relative to the modification of orders of disposition. The authority of the panel provided for in this Section is supplemental to, not in place of, the court's authority to modify dispositions. No order of a panel shall remove a juvenile from the legal custody of the department.

AMENDMENT NO. 24

On page 4, delete lines 21 through 27

AMENDMENT NO. 25

On page 5, delete line 1

AMENDMENT NO. 26

On page 5, line 2, change "J." to "L."

On motion of Senator Cravins, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 843—**  
BY SENATOR MCPHERSON

## AN ACT

To amend and reenact R.S. 45:844.14(A)(1), relative to the Telephone Solicitation Relief Act of 2001; provides relative to listing procedures; repeals the five dollar initial listing and renewal charge; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 853—**  
BY SENATOR ELLINGTON

## AN ACT

To enact Chapter 34 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5400 through 5414, relative to particular classes of actions and cases; to provide for an inactive docket registry; to provide for medical criteria for certain civil claims; to provide for civil claims involving exposure to asbestos; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 853 by Senator Ellington

AMENDMENT NO. 1

On page 2, line 9, after "Health" and before "and" change "(NOSH)" to "(NIOSH)" and at the end of line 9, change "NOSH" to "NIOSH"

AMENDMENT NO. 2

On page 4, line 25, delete "licensed in this state and"

AMENDMENT NO. 3

On page 5, line 15 after "opacities" and before "graded" change "(s,t)" to "(s.t.u.)"

AMENDMENT NO. 4

On page 5, between lines 23 and 24 insert the following:

"B. The provisions of this Chapter shall apply to all actions commenced on or after the effective date of this Chapter, and any action pending on the effective date which has not been set for trial prior to March 28, 2003.

C. Any action commenced before the effective date of this Chapter, which has been set for trial prior to March 28, 2003, will be governed by the applicable law in effect before the effective date of this Chapter, and that law is continued in effect for that purpose."

AMENDMENT NO. 5

On page 5, line 24, change "B" to "D"

AMENDMENT NO. 6

On page 6, at the end of line 26 after "abandonment" add "and"

AMENDMENT NO. 7

On page 7, line 7, change "a sworn" to "an"

AMENDMENT NO. 8

On page 7, line 15, after "exposure" delete the remainder of the line and insert a period "." and delete lines 16 through 19 in their entirety

AMENDMENT NO. 9

On page 7, line 20, change "(6)" to "(4)"

AMENDMENT NO. 10

On page 7, delete lines 21 and 22 in their entirety

AMENDMENT NO. 11

On page 7, line 24, delete "sworn"

AMENDMENT NO. 12

On page 8, line 12 change "sworn" to "written" and after "physician" delete the remainder of the line

AMENDMENT NO. 13

On page 8, line 15, after "of" delete "cancer" and insert "lung cancer, esophageal cancer, laryngeal cancer and/or colon cancer"

AMENDMENT NO. 14

On page 8, delete lines 16 through 23 and insert in lieu thereof the following:

"(a) A medical report issued by a physician certified in internal medicine, oncology, pulmonary medicine, or pathology showing the diagnosis of the cancer as a primary cancer.

(b) A statement in the medical report verifying that the claimant has demonstrated a reliable history of exposure to asbestos and an adequate latency period for the development of the cancer, not less than fifteen years from first exposure to asbestos.

(c) A statement in the medical report verifying that a clinical or pathological diagnosis of underlying asbestosis has been made.

(d) A statement that to a reasonable degree of medical certainty that the diagnosed cancer was substantially caused by exposure to asbestos fibers.

(3) Any claim qualifying under the provisions of this Section, which has been placed on the active docket will be given preferential treatment by the court and a preferential trial setting will be assigned."

AMENDMENT NO. 15

On page 10, between lines 15 and 16, insert the following:

"(1) A medical report certified by a physician board-certified in internal or pulmonary medicine which contains a diagnosis of asbestosis or diffuse pleural thickening, based at a minimum on clinical evidence of asbestosis or radiological evidence of diffuse pleural thickening, or a pathological diagnosis of asbestosis by a board-certified pathologist, which diagnosis is consistent with the provision set forth in this Chapter.

(2) A physical examination of the claimant by the physician rendering the diagnosis that sets forth all of the following:

(a) A detailed medical history that includes nonoccupational causes of lung and pleural changes, and that documents the claimant's smoking history.

(b) A reliable history of exposure that:

(i) Is based on a detailed occupational and exposure history taken from the claimant by the physician rendering the diagnosis or, if the claimant is deceased, by the person most knowledgeable about those histories, including all known trades and all principal places of employment for the claimant involving airborne contaminants.

(ii) Indicates whether each employment involved exposures to airborne contaminants, including asbestos fibers and other disease-causing dusts that can cause pulmonary impairment, and indicates the nature, duration, and level of any such exposure.

(iii) A verification that a least fifteen years have elapsed between the claimant's first exposure to asbestos and the time of diagnosis.

(c) A statement by the diagnosing physician that the claimant's medical findings and impairment were not more probably the result of other causes revealed by the claimant's employment and medical history."

AMENDMENT NO. 16

On page 10, line 16 change "(1)" to "(3)"

AMENDMENT NO. 17

On page 10, delete lines 22 through 25 in their entirety

AMENDMENT NO. 18

On page 10, line 26 change "(3)" to "(4)"

AMENDMENT NO. 19

On page 11, line 9, after "opacities" change "(s,t)" to "(s,t,u)"

AMENDMENT NO. 20

On page 11, line 9, change "2/1" to "1/1"

AMENDMENT NO. 21

On page 11, line 10, after "scale" delete the period "." and insert the following: "and a restrictive impairment from asbestosis and sets forth the specific pulmonary function test finding that the doctor relies upon and establishes that the claimant has restrictive impairment; and d) a restrictive pattern of lung impairment with a forced vital capacity below the lower limit of normal or a diffusing capacity below the lower limit of normal; and

(5) "Copies of the B-reading, the pulmonary function tests (including printouts of the flow volume loops and other measurements taken) and the diagnosing physician's detailed narrative medical report and diagnosis shall be attached to any petition for removal."

AMENDMENT NO. 22

On page 11, line 17, after "standards." delete the remainder of the line and delete line 18 in its entirety and insert "Any adjustment relative to pulmonary function testing with respect to race shall reflect the guidelines recommended by the American Thoracic Society."

AMENDMENT NO. 23

On page 15, delete lines 18 through 25 in their entirety

AMENDMENT NO. 24

On page 15, line 26, before "The" insert the following:

"Section 2. (A) Severability. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provision, item, or application.

(B) Rules for the implementation of the inactive docket."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 866—**

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 37:3003(B)(1), relative to the State Board of Medical Examiners and occupational therapists; to provide for direct access to the services of occupational therapists; to eliminate the necessity for a referral to occupational therapy services; to increase the categories of medical professionals who can refer to occupational therapists; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 895—**

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 51:924(A), relative to economic development; to provide for membership of the State Board of Commerce and Industry; to provide for terms of office; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 901—**

BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 40:1300.26 and 1300.46, relative to health; to authorize adoption of ordinances regulating smoking in the workplace and public places; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 957—**

BY SENATORS CRAVINS, BAOJIE, JONES, C. D., LENTINI, MICHOT, AND MOUNT AND REPRESENTATIVES LANDRIEU, HUNTER, MARTINY, AND WINSTON

AN ACT

To amend and reenact R.S. 15:906(A) and R.S. 46:2601(A)(1), 2603(A) and (B)(2), and 2604 and Children's Code Articles 810 and 897.1, to enact Part XII of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1111, Chapter 14 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1461 through 1464, Subpart C-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:251 and 252, Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:671 through 673, Part I of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2600, R.S. 46:2605.1, 2605.2, 2605.3 and 2605.4, and Part III of Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2608 through 2611, to designate Part II of Chapter 45, comprising R.S. 46:2601 through 2606 as "Part II. Children's Cabinet, Children's Budget, and Affiliated Boards", and to repeal R.S. 15:906(B) and R.S. 46:2607, all relative to the reform of juvenile justice; to create the Juvenile Justice Reform Act of 2003; to establish juvenile detention standards and licensing procedures; to establish interagency agreements for sharing of juvenile information; to create the Joint Legislative Juvenile Justice Policy Priority Committee, including a plan for the recommendation of a Department of Children, Youth, and Families; to create the Education/Juvenile Justice Partnership Act; to continue beyond August 15, 2003, the Children's Cabinet; to provide definitions for certain provisions governing

the Children's Cabinet; to provide with respect to the powers and duties of the Children's Cabinet; to provide with respect to the preparation of the children's budget; to create the Children's Cabinet Research Council; to create the Louisiana Juvenile Justice Planning and Coordination Board; to create nine regional juvenile justice planning and coordination advisory boards; to provide for the standardization of service regions; to create the Louisiana Children's Children, Youth, and Families Investment Fund, to create the Community-based Sanctions and Services Grant Program; to provide with respect to waiver of counsel for children; to provide with respect to disposition after adjudication of certain felony-grade delinquent acts; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 957 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 15:906(A)" to "R.S. 15:901(D)(1), 906(A), and 908(A),"

AMENDMENT NO. 2

On page 1, line 3, change "Children's Code Articles 810 and 897.1," to "Children's Code Articles 801, 810, 897(A)(introductory paragraph), (B)(1)(c), (C)(introductory paragraph), (D), and (E), 897.1, 898(B) and (C)(2) and (4), and 909,"

AMENDMENT NO. 3

On page 1, line 4, change "Part XII" to "Part XI-A"

AMENDMENT NO. 4

On page 1, line 5, change "R.S. 15:1111," to "R.S. 15:1110"

AMENDMENT NO. 5

On page 2, line 1, change "R.S. 15:906(B) and R.S. 46:2607," to "R.S. 15:906(B), R.S. 46:2607, and Children's Code Article 901(E),"

AMENDMENT NO. 6

On page 3, line 1, change "R.S. 15:906(A) is" to "R.S. 15:901(D)(1), 906(A), and 908(A) are"

AMENDMENT NO. 7

On page 3, at the beginning of line 2, change "XII" to "XI-A"

AMENDMENT NO. 8

On page 3, line 3, change "R.S. 15:1111," to "R.S. 15:1110,"

AMENDMENT NO. 9

On page 3, between lines 5 and 6, insert the following:

"§901. Juvenile reception and diagnostic center; establishment, commitment of juveniles, substance abuse inpatient program, order, report, fact of commitment  
\* \* \*

D.(1) Upon commitment to the Department of Public Safety and Corrections, the department shall have sole custody of the child and; ~~except as provided for in Children's Code Article 897.1,~~ shall determine the child's placement, care, and treatment, and the expenditures to be made therefor, through appropriate examinations, tests, or evaluations conducted under the supervision of the department. The department shall comply with Chapter 2 of Title VII-A and Chapter 17 of Title VIII of the Children's Code for any modification of the original disposition when the adjudicated juvenile has been placed in the custody of the department. ~~The department shall not modify any disposition under Children's Code Article 897.1.~~  
\* \* \*

AMENDMENT NO. 10

On page 3, after line 26, insert the following:

"§908. Student furlough program

A. ~~Except as provided for in Children's Code Article 897.1, the~~ The secretary for the Department of Public Safety and Corrections may authorize a temporary furlough to deserving students of any juvenile institution, unless, after receiving notification of the proposed furlough, the juvenile court having jurisdiction notifies the department of its objection. The temporary furlough is to serve as a rehabilitative tool to assist the child in maintaining family and community relations during the period of his commitment. A temporary furlough as provided herein is not to be considered a release from commitment and does not affect the jurisdiction of the juvenile court or the authority of the department as to the children granted a temporary furlough.  
\* \* \*

AMENDMENT NO. 11

On page 4, at the beginning of line 1, change "PART XII." to "PART XI-A"

AMENDMENT NO. 12

On page 4, at the beginning of line 3, change "§1111." to "§1110."

AMENDMENT NO. 13

On page 12, line 19, after "Secondary" insert "Education"

AMENDMENT NO. 14

On page 15, at the end of line 13, change "implemented by" to "presented to"

AMENDMENT NO. 15

On page 15, line 14, after "legislature" insert "for consideration"

AMENDMENT NO. 16

On page 18, at the end of line 22, change "contain" to "address"

AMENDMENT NO. 17

On page 31, line 11, after "Police," and before "Victims" insert "the Independent Juvenile Probation Officers, the Independent Juvenile Detention Centers,"

AMENDMENT NO. 18

On page 34 between lines 12 and 13, insert the following:

"(k) A representative of the Independent Juvenile Probation Officers and a representative of the Independent Juvenile Detention Centers, if the respective entity exists in the applicable region."

AMENDMENT NO. 19

On page 34, at the beginning of line 13, change "(k)" to "(l)"

AMENDMENT NO. 20

On page 43, line 16, change "Children's Code Articles 810 and 897.1" to "Children's Code Articles 801, 810, 897(A)(introductory paragraph), (B)(1)(c), (C)(introductory paragraph), (D), and (E), 897.1, 898(B) and (C)(2) and (4), and 909"

AMENDMENT NO. 21

On page 43, between lines 17 and 18, insert the following:

"Art. 801. Purpose  
The purpose of this Title is to accord due process to each child who is accused of having committed a delinquent act and, ~~except as provided for in Article 897.1,~~ to insure that he shall receive, preferably in his own home, the care, guidance, and control that will be conducive to his welfare and the best interests of the state and that in those instances when he is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which the parents should have given him."

April 24, 2003

AMENDMENT NO. 22

On page 43, line 23, after "interest" delete the period "." and insert in lieu thereof ", and a parent or guardian has first been afforded a reasonable opportunity to consult with the child and the child's counsel."

AMENDMENT NO. 23

On page 44, line 17, after "counsel in" delete the remainder of the line and lines 18 and 19 and on line 20, delete "criminal court prosecution or in" and insert the following: "any case or proceeding which may result in an institutional commitment of the juvenile or in any case or proceeding where the juvenile may be subject to transfer for criminal court prosecution or in"

AMENDMENT NO. 24

On page 44, after line 24, insert the following:

"Art. 897. Disposition after adjudication of a felony-grade delinquent act

A. After adjudication of any a felony-grade delinquent act other than those described in Article 897.1, the court may:

B. As conditions of probation, if ordered pursuant to Subparagraph A(3) of this Article:

(1) The court shall impose all of the following restrictions:

(c) Prohibit the child from possessing a firearm or carrying a concealed weapon, if he has been adjudicated for any of the following offenses and probation is not otherwise prohibited: first or second degree murder; manslaughter; aggravated battery; aggravated, forcible, or simple rape; aggravated crime against nature; aggravated kidnapping; aggravated arson; aggravated or simple burglary; armed or simple robbery; burglary of a pharmacy; burglary of an inhabited dwelling; unauthorized entry of an inhabited dwelling; or any violation of the Uniform Controlled Dangerous Substances Law which is a felony or any crime defined as an attempt to commit one of these enumerated offenses.

C. Except as provided for in Article 897.1, the The court may commit the child to the custody of a private or public institution or agency. When commitment is to be made to a private institution or agency, the court shall:

D. Except as provided for in Article 897.1, the The court may commit the child to the custody of the Department of Public Safety and Corrections, with or without a recommendation that the child be placed in alternative care facilities through the department's client placement process or be referred to appropriate placement resources in the Department of Social Services.

E. Except as provided for in Article 897.1, the The court may impose but suspend the execution of the whole or part of any order of commitment and place the child on probation subject to any of the terms and conditions authorized under Paragraph B of this Article."

AMENDMENT NO. 25

On page 45, between lines 21 and 22, insert the following:

"Art. 898. Duration of a disposition based on a felony-grade adjudication

B. When modification and parole is not prohibited by Article 897.1, if If an order of commitment to the custody of the Department of Public Safety and Corrections is subsequently modified and the child is placed on parole, the maximum term of parole shall be the remainder of the sentence originally imposed.

C. These maximums do not apply if:

(2) A portion of an order of commitment was suspended, when permitted by law, in which case the term of parole shall end when the time period so suspended has elapsed.

(4) The judgment expires by its own terms, is modified when permitted by law, or is vacated.

Art. 909. Modification authority; in general

Except as provided for in Article 897.1, after After the entry of any order of disposition, the court retains the power to modify it, including changing the child's legal custody, suspending all or part of any order of commitment, discharging conditions of probation, or adding any further condition authorized by Article 897(B) or 899(B). It may also terminate an order of disposition at any time while it is still in force."

AMENDMENT NO. 26

On page 45, line 22, change "R.S. 15:906(B) and R.S. 46:2607" to "R.S. 15:906(B), R.S. 46:2607, and Children's Code Article 901(E)"

On motion of Senator Cravins, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

On motion of Senator Cravins, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 966— BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 46:2601(A)(3), 2602(A) and (B)(7), (D), and (E), 2603(A), 2604(B)(4), 2605(B)(7), (10), (20), (26), (37), and (38), (C) and (E), and 2607, and to enact R.S. 46:2602(B)(12) and 2604(E), relative to the Children's Cabinet; to provide for its duties; to provide for the membership of the cabinet; to revise membership on the advisory board; to extend the termination date of the cabinet; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 966 by Senator Schedler

AMENDMENT NO. 1

On page 7, between lines 24 and 25, insert the following:

"(39) A representative of the Institute for Infant and Early Childhood Mental Health at Tulane University.

(40) A representative of the Louisiana Primary Care Association."

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 974— BY SENATOR SCHEDLER

AN ACT

To enact R.S. 46:153.5 relative to Mental Health Rehabilitation Program providers; to provide for mandatory accreditation of providers of mental health rehabilitation services by an accreditation body; to provide authorization for rulemaking; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 974 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 2 insert a comma after "46:153.5"

AMENDMENT NO. 2

On page 1, line 10, delete "Moratorium"

AMENDMENT NO. 3

On page 1, delete lines 11 through 15 and insert the following:

"The secretary is authorized to promulgate rules and regulations requiring any provider participating in the Mental Health Rehabilitation Program and providing mental health rehabilitation services to be accredited by an accreditation body. The rules shall be"

AMENDMENT NO. 4

On page 2, delete lines 1 through 9

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 1029—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 51:2452(A), 2453(1)(b)(i), and 2453(4), relative to the quality jobs program; to provide that out-of-state employees relocating to Louisiana qualify as "new direct jobs" under the "Louisiana Quality Jobs Program Act"; to provide for technical and grammatical changes and for an effective date; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

House Bills and Joint Resolutions on Second Reading Reported by Committees

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE BILL NO. 779—

BY REPRESENTATIVES DEWITT, BRUNEAU, AND LANCASTER

AN ACT

To amend and reenact R.S. 24:35.5(A)(11), (12), (13), (19), (20), (21), (62), (72), (73), (74), (75), (77), (82), (89), (91), (93), (94), (95), (96), (97), (98), (99), (100), and (101) and (B) as enacted by Act No. 3 of the Second Extraordinary Session of 2001, to provide with respect to the composition of House of Representative Districts 11, 12, 13, 19, 20, 21, 62, 72, 73, 74, 75, 77, 82, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, and 101, all to legislatively adopt, approve, and ratify the agreement of the parties in The Louisiana House of Representatives, et al. v. John Ashcroft, et al., CA No. 1:02CV00062 (United States District Court for the District of Columbia) to secure a consent declaratory judgment in said matter; to provide for effective dates; and to generally and specifically and otherwise provide with respect thereto.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Recess

On motion of Senator Boissiere, the Senate took a recess until 2:00 o'clock P.M.

After Recess

The Senate was called to order at 2:00 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

Table listing present members: Mr. President, Adley, Barham, Boissiere, Cain, Chaisson, Cravins, Dardenne, Dean, Dupre, Ellington, Fontenot, Gautreaux, Heitmeier, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, CD, Lambert, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Schedler, Smith, Theunissen, Thomas, Ullo. Total—32

ABSENT

Table listing absent members: Bajoie, Bean, Fields, Hines, Holden, Romero, Tarver. Total—7

The President of the Senate announced there were 32 Senators present and a quorum.

Senate Business Resumed

Petitions, Memorials and Communications

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

STATE OF LOUISIANA

Office of the Governor

April 23, 2003

The Honorable President and Members of the Senate

Ladies and Gentlemen:

I have appointed the persons on the attached list to the offices indicated.

In compliance with Article IV, Section 5(H)(3) of the Louisiana Constitution of 1974, I do hereby present these names for your review.

Sincerely, M. J. "MIKE" FOSTER, JR. Governor

Accountants of Louisiana, State Board of Certified Public

Sasser, Ernest F.

Addictive Disorders, Commission on

Blewer, Jr., Edwin L. Reilly, Sr., Kevin P.

Dubois, Charles J. Richardson, Rupert F.

**Aging, Louisiana Executive Board on**  
Aguillard, Noah Gehbauer, Peggy B.  
Williams, June S.

**Airport Authority, Louisiana Board of Commissioners of the**  
Adams, Brad A. Black, Stephen G.  
Cancienne, Paul Gross, III, Roy J.  
Hymel, Jr., Dale Jones, Larry  
LaSalle, Shelby Latimer, Jason  
McCarthy, Terry Richard, Roger P.  
Ship, Earl Smith, Bernadette J.  
Smith, H. Lewis

**Allen Parish Reservoir District Board of Commissioners**  
Beard, Philip W. Farris, Jr., Allie M. "Buddy"  
Hollins, Matthew Roland Pelican, Gary G.  
Reeves, Billy R.

**Animal Welfare Commission; Louisiana**  
Balsamo, DVM, TM, Gary Campos, Vickie  
Cole, Hilton M. Ghere, Bryan D.  
Gothard, Judge Sol Gros, DVM, Robert C.  
Mercer, Claude Moore, Barbara  
Plauche, Kristin T. Strange, Pam Miller  
Wood, Pinckney A.

**Architectural Examiners, State Board of**  
Cardone, Jr., John E. White, Julian T.  
Tumlin, Knox H.

**Atchafalaya Basin Levee District, Board of Commissioners of the**  
Judice, Jackie P. Raymond, John T.

**Aviation Advisory Commission, Governor's**  
Killebrew, Charles

**Barber Examiners, Board of**  
Lott, LaBarbara W.

**Baton Rouge Port Commission, Greater**  
Tillis, Chucky

**Bayou D'Arbonne Lake Watershed District Commission**  
Hunt, III, Alex "Trott" T. Roark, William E.

**Bossier Levee District, Board of Commissioners of the**  
Loftin, Kenneth A.

**Cane River Waterway District**  
Lott, Jr., Luther "Buddy" Matt, Sr., Derrit D.

**Capital Area Groundwater Conservation District, Board of Commissioners for the**  
Brewer, Barry P. DeLaney, Ronald "Matt" M.  
Norsworthy, James Steib, John  
Stoma, Samuel K.

**Capital Area Human Services District**  
Askins, Rev. Louis C. Carpenter, Dana  
Chustz, Mark Constantin, OSF, Sister Linda  
Durbin, Larry Hurst, Gail M.  
Matassa, Christine

**Child Death Review Panel**  
Ramagos, Paul W.

**Chiropractic Examiners, Louisiana Board of**  
Clawson, Patrick S. Murphy, John L.

**Clinical Laboratory Personnel Committee**  
DuPlantis, Brennan J. Jarreau, Patsy C.

Matherne, Terry P. Stears, Roxanna M.

**Coastal Restoration and Conservation, Governor's Advisory Commission on**  
Beaullieu, Charles "Ted" T. Coleman, (Dr.) James M.  
Coreil, Paul D. Curole, Windell A.  
Davis, Mark Desselle, Stephanie  
Dupre, Merlin M. Duval, II, C. Berwick  
Edwards, III, William P. Falgout, Ted M.  
Fischer, R. Montgomery Jenkins, William L.  
LaGrange, Gary P. LeBlanc, Lori E.  
Leonard, Wayne McHenry, Paul C.P.  
Methvin, Stacy P. Milling, R. King  
Montegut, Ryan Pitre, Jr., (Rep) Loulan J.  
Roach, Randall E. Tripp, James T.  
Trowbridge, Jr., Newman Voisin, Jr., Wilson P.  
Wallace, William B. Wiley, Joseph C.  
Zaubrecher, Linda G.

**Commerce & Industry, Board of**  
Cornett, Harold L. Holyfield, Linda  
Johnson, Gerald McCarthy, Thomas "Mac" F.  
Tannehill, Joe

**Community and Technical Colleges, Board of Supervisors of**  
Franklin, Carl Henry Smith, Stephen C.

**Constable, Justice of the Peace, Ward 1, Parish of Avoyelles**  
Sanders, Reginald Lee

**Constable, Justice of the Peace, Ward 3, Parish of Vernon**  
Jeanne, Allen Shane

**Contractors, State Licensing Board for**  
Bagas, Thaddeus M. Farve, Arthur E.  
Lambert, Donald G. Lemoine, Leonard K.  
Talbot, Byron E. Wilson, Bertrand A.

**Counselors Board of Examiners, Louisiana Licensed Professional**  
Ceasar, Paul T. Roberts, Brenda Faye T.  
Williams, June M.

**Crab Task Force**  
Bauer, Sr., Gary M. Benfield, Mark C.  
Champagne, Gerald Colletti, Jay  
Comardelle, Michael J. Cramer, III, William J.  
Frosch, Sr., Mark A. Guillory, Vincent  
Horst, Jerald Keithly, Jr., Walter R.  
Lavergne, David R. Lightell, Sr., Arthur T.  
Mayne, Jeff S. Meek, Roy T.  
Peterson, Peter L. Rich, James  
Sandras, Louis Terrebonne, George  
Watts, Keith M. Wilkins, James G.

**Deaf, Louisiana Commission for the**  
Covello, Thelma Scanlan

**Dentistry, Louisiana State Board of**  
Donald, Dennis E. McVea, Jr., Conrad P.  
Pearce, James Wascom, Vance L.

**Developmental Disabilities Council, Louisiana**  
Bailey, Dwayne Hymel, Nicole  
Pippins, Linda Rose Wallace, James E.

**Dietetics and Nutrition, Louisiana State Board of Examiners in**  
Enault, Cecelia E. Pope, Janet F.

**Division of Administrative Law**  
Wise, Ann

**Domestic Terrorism Advisory Committee**

Browning, Jr., H. "Butch" Flynn, Edward J.  
Hall, David T. Krogstad, (Dr.) Donald J.  
Langlinais, Wilfred Nelson, Gordon E.  
Normand, Newell D. Simpson, Bobby R.  
Thompson, (Rep) Francis C.

**DWI-Vehicular Homicide, Governor's Task Force on**  
Duffy, Michael

**Economic Development Corporation, Louisiana**  
Ferrara, Greg Jones, Terry D.

**Economic Development Council, Louisiana**  
Chamberlin, Robert W. Dudley, Zazell  
Fenstermaker, William H. Johnson, Barbara  
Knapp, Adam Lafont, Victor R.  
Lower, Dennis Lyles, Jr., Lloyd "Jimmy" J.  
Roberts, Kenneth J. Schween, Jr., John R.  
Simpson, Bobby R.

**Education Estimating Conference**  
Wang, Michael**Education, Board of Control for Southern Regional**  
Clausen, Sally

**Election Supervisors, Parish Boards of**  
Delk, Sheila Dugas, Richard T.  
Evans, Claire R. Friloux, Kevin M.  
Honea, Diane Howe, Donna L.  
Polk, Dianne

**Employment Security Board of Review**  
Fredlund, Ray**Engineering and Land Surveying Board, Louisiana Professional**  
Stelly, C.L. Jack

**Environmental Education Commission**  
Bihm, Charlotte R. Dearbone, Jonathan W.  
Fellows, William David Grau, Brenda L.  
Handley, Lawrence R. Nixon, Brenda  
Pitre, Jed Roddy, Jr., Knight P.  
Tizzard, Marie E. Whittington, Melissa M.  
York, Jane D.

**Environmental Quality, Department of**  
Bohlinger, Hall

**Fluoridation Advisory Board**  
Hays, III, DDS, R. Southey Little, DDS, John T.  
Taylor, DDS, John F.

**Funding & Efficiency of the Dept. of Environmental Quality  
Advisory Task Force**  
Bickham, III, Thomas C. Bond, Brian A.  
Bourgeois, Carroll P. Brandt, James C.  
Burroughs, David Cain, (Sen.) James D.  
Damico, (Rep) N. J. Dodds, Barbara  
Durrett, Richard I. Graham, David W.  
Guidry, Jr., George H. Harrell, Ron A.  
Jarrell, Melanie Marchand, James E.  
Martin, Richard P. Metcalf, Richard T.  
Miller, Paul Orr, Marylee  
Perkins, Jr., William H. Reilly, Sean E.  
Stewart, Byron Taylor, Michael  
Vandersteen, Charles "Buck" A. Walker, Micah  
Wascom, Kathleen R. Wilkins, James G.

**Gaming Control Board, Louisiana**

Lastrapes, Jr., William D. Morgan, Marcia D.

**Geographic Information Systems Council**

Norby, Aaron T.

**Governor, Office of the**

Jabour, Russel K. Kopplin, Andrew D.

**Grand Isle Port Commission**

Cheramic, Josie Gaspard, Jr., Dudley A.  
Richoux, Sr., Irvin J.

**Group Benefits Policy and Planning Board**

Quinlan, William O.

**Health Education Authority of Louisiana (HEAL)**

Andonie, Jack A. Kelleher, Jr., Harry B.  
Kitchen, Catherine West, Roderick K.

**Health Works Commission, Louisiana**

Kitchen, Catherine

**Hearing Aid Dealers, Louisiana Board for**

Sasser, Dianne P.

**Hearing Impaired Infants, Early Identification Advisory Council  
on**

Faulkner, Jan Hughes, Kathy G.  
Spedale, (Dr.) Steven B. Watson, Amy

**HIV and AIDS, Louisiana Commission on**

Blutcher, Dimitre Lemoine, Anne L.  
Peach, June W. Wiley, Lisa V.

**Hospice Care, Advisory Committee on**

Croncy, Tammy E. DiMaggio, John F.  
Durante, MD, Laurence Edmonds, W. Thomas  
Guedry, Edgar P. Petersen, Patricia L.  
Schedler, Stephanie Tugwell, Barbara Anne (Bobbie)

**Human Rights, Louisiana Commission on**

Meche, James K.

**Humanities, Louisiana Endowment for the**

Earhart, Philip C. Ewing, Rosemary U.  
Jenkins, William L. Morein-Wood, Janet

**Independent Living Council, Statewide**

Archaga, Yavonka Beverly, Huey P.  
Delaune, James R. Goodman, Charles A.  
Granger, Mitchell L. Kenny, Julia  
Martin, David Millington, Michael J.  
Morris, Johnnie A. Prockner, Debbie  
Ragas, Bernard F. Ritter, Kenneth P.  
Theriot, Elizabeth B. VanKerkoff, Scott

**Indigent Defense Assistance Board**

Hamilton, Leo C. Kemp, III, Duncan S.

**Interagency Coordinating Council, State**

Joseph, Mary T. Mount, (Sen.) Willie L.

**Interstate Adult Offender Supervision, State Council for**

Canaday, G. Michael Krasnoff, Sanford  
Powers, Eugenie C. Stalder, Richard L.

**Investment in Infrastructure for Economic Prosperity  
Commission, Louisiana**

Cohoon, Derrell D.

**Jefferson Parish Human Services Authority**  
Langenbeck, Lucille B. Mancuso, Carol D.  
Rush, Frances

**John Kelly Grand Bayou Reservoir District**  
Gaddis, Edgar S. Huckabay, Jackie D.  
Mosely, Rose S.

**Kenner Naval Museum Commission**  
Breax, Timothy G. Duplantis, Albert "Bert"  
Faucheux, Jr., Lewis J. Polito, Henry

**Lafourche Basin Levee District, Board of Commissioners of the**  
Orgeron, David J.

**Lake Charles Harbor and Terminal District, Board of Commissioners of the**  
Langley, Jr., Hillery J. Rideaux, Ozie

**Law Enforcement and the Administration of Criminal Justice, Commission on**  
Compass, (Supt.) Edwin

**Library, Board of Commissioners of the Louisiana State**  
Bienvenu, Millard Brown, Georgia W.  
Peltier, Ann A.

**Local Education Governance & Administration Task Force**  
Wang, Michael

**Lottery Corporation, Board of Directors of the Louisiana State**  
Bauer, Carl W. Bollinger, Brandi L.  
Temple, Linda H.

**Louisiana State University and Agricultural and Mechanical College, Board of Supervisors**  
Anderson, Kent Boudreaux, Jr., Bernard E.  
Chabert, Marty J. Segura, Perry  
Weems, III, Charles S.

**Massage Therapy, Louisiana Board of**  
Green, Donna M. Hymel, Claudette C.  
Kershaw, Tammy C. Suba, Christopher  
Tessier, Janet P. Tucker, Juanita B.

**Medicaid Pharmaceutical & Therapeutics Committee**  
Lemoine, Brenda G. Tilton, Ann Henderson

**Medical Advisory Board, Louisiana**  
Hauskins, MD, Larry Ostrick, OD, David Michael  
Sandefur, James D. Sugar, MD, Max

**Medical Assistance Trust Fund Advisory Council, Louisiana**  
Brown, Ken Folse, Susie

**Medical Professional Liability, Commission on**  
Abbott, Kathy M. Banks, Raynando L.  
Barrios, Dawn M. Belleau, (Dr.) Charles D.  
Bradley, Jr., C. William David, Robert J.  
LeBlanc, Lorraine C. Mang, Jr., Hebert J.  
Rosenberg, Kimberly Wooten Stassi, II, John A.  
White, III, MD, Frederick J. Williams, Jr., Elton L.

**Member of the School Board, District 10, Parish of Jackson**  
Robinson, Harvey T.

**Midwifery, Louisiana Advisory Committee on**  
Acree, Kathleen S. Cook, Sally E.  
Freiji Mouawad, Rula Gonsoulin, MD, Whitney Joseph  
Lastrapes, Anne Richard, Misty  
Trammell, Emmy H.

**Mineral Board, State**  
Easterly, III, Ernest S.

**Motor Vehicle Commission, Louisiana**  
White, Clويد

**Museum Board of Directors, State**  
Adler, II, Coleman E. Lupin, Ellis Ralph

**Music Commission, Louisiana**  
Hudspeth, Sr., MD, Ted Joseph

**N.O./B.R. Steamship Pilots for the Mississippi, Board of Examiners**  
Daniels, Edgar D. Shows, Jr., Henry G.

**Natchitoches Parish Port Commission**  
Todd, Sr., Pat S.

**Natural Resources, Department of**  
Welsh, James H.

**New Orleans & Baton Rouge Steamship Pilots**  
Alario, Kevin George Armentor, Duncan O.  
Brown, Jason Anthony Brown, III, Willie Bradford  
Cefalu, Chad Vincent Doyle, Chad Anthony  
Gagnon, Dean James Heitmeier, Cory Francis  
Koll, Kevin Cassard Ledet, Jr., Curtis Julian  
Navarro, Jr., Don Anthony Pecue, III, Henry Fuqua  
Ponamsky, Derek Edward Schick, Casey E. Clayton  
Sickels, III, Richard Lee

**NFL Stadium Advisory Commission, Louisiana**  
Darnell, Micheal C. Davallier, Daniel E.  
Hoolahan, Paul Mestayer, Suzanne  
Nagin, (Mayor) Ray Perez, Sharon B.  
Perry, J. Stephen

**Non-Indigenous Aquatic Species Advisory Task Force, Louisiana**  
Barrett-O'Leary, Marilyn Carter, Patricia A.  
Clark, David W. Demas, Charles R.  
Dozier, Hallie Ensminger, Allan B.  
Fossey, Stuart Gallwey, Patrick J.  
Graham, Jr., Henry T. Grandy, Gregory M.  
Hindrichs, Albert E. Johnston, Peter M.  
Lanctot, Randy P. Lowery, David  
Lukens, Ronald R. Marchand, James E.  
McElroy, Mark G. Meffert, Douglas J.  
Meyers, John Rick, (Dr.) Hans  
Saucier, Michael Simoneaux, Bobby L.  
Spitzer, William E. St. L. O'Brien, Gregory M.  
St. Pe', Kerry Stoma, Samuel K.

**North Lafourche Conservation Levee & Drainage District**  
Adams, Ronald J. Champagne, Richard P.

**Nursing Facility Administrators, Board of Examiners for**  
Gamburg, Harold J.

**Nursing, Louisiana State Board of**  
Ashby, Tommie Jean Bourgeois, Patsy M.  
Ford, Deborah Olds, Deborah Dianne  
Rosenthal, Frankie Steele, Nora F.

**Office Facilities Corporation**  
Jones, Jerry W.

**Oilfield Site Restoration Commission**  
Martin, Richard P.

**Optometry Examiners, Louisiana State Board of**  
Shaw, Lacy B.

**Orleans Levee District, Board of Levee Commissioners of the**  
Coleman, Thomas B.

**Oyster Task Force**  
Marchand, James E.

**Patient's Compensation Fund Oversight Board**  
Belleau, (Dr.) Charles D. Berger, CPA, Mark D.  
Cosse', III, Clark R.

**Peace Officer Standards and Training, Council on**  
Compass, (Supt.) Edwin

**Pharmacy, Louisiana Board of**  
Aron, Carl W. Greco, Joseph V.  
Hall, Jacqueline L. McKay, Marty R.  
Mills, Fred H.

**Physical Fitness and Sports, Governor's Council on**  
Boudreaux, Robert W. Boyer, John  
Breaux, Gerald P. Jenkins, Kenneth W.  
Kluka, Darlene A. Morton, Ralph L.  
Pardue, Stacey Simmons, Jr., James W.  
Stuart, Eric Jon Whitfield, MD, Rani Gregory

**Physical Therapy Examiners, State Board of**  
Adams, Patricia H. Reynolds, Charles A.

**Pilots Association Fee Commission, New Orleans-Baton Rouge Steamship**  
Boston, Kelvin J. Brown, Christopher R.  
Brown, Jr., Willie B. Daniels, Edgar D.  
Rieder, Chris A. Shirah, Jr., David Cordell  
Shows, Jr., Henry G. Watson, III, William O.

**Plumbing Board, State**  
Rolston, Robert W.

**Practical Nurse Examiners, State Board of**  
Dunn, Gwendolyn M. Fore, Sharron K.  
Laws, Ann V.

**Private Employment Service Advisory Council, Louisiana**  
Palmer, Harold D.

**Private Investigators, Louisiana State Board of**  
Chauvin, Douglas J.

**Psychologists, La State Board of Examiners of**  
Bouillion, PhD, Kenneth R.

**Racing Commission, Louisiana State**  
Colomb, Jr., Lester J.

**Real Estate Commission, Louisiana**  
Baque', William J. Boyd, Bill G.  
Tucker, Jr., William E.

**Red River Parish Port Commission**  
Dill, Joseph A. Glover, Jerry L.  
Jackson, Jr., Tandy E.

**Regents, Board of**  
Roberts, Jr., William T. Strong, Pat A.  
Toups, Roland M.

**Rehabilitation Council, Louisiana**  
Byrd, Brian Comeaux, George P.

County, Russel J. Ellis, Tommy  
Granger, Mitchell L. Guillory, Catherine  
Hicks, Jr., Donald E. Martin, David K.  
McGough, Allison Monk, Charles K.  
Owens, Jr., James R. Partain, Carla S.  
Perry, Nellie Stokes Wise, Bonnie Y.

**Retirement Development Commission, Louisiana**  
Hendricks, James

**Risk Review Panel - North, Louisiana**  
Cunningham, Jr., W. Peyton

**River Port Pilot Commissioners and Examiners, Board of (Calcasieu)**  
Didier, Daryl B. Palmer, Brett A.

**River Port Pilot Commissioners for the Port of New Orleans, Board of**  
Cramond, James E.

**River Port Pilots for the Port of New Orleans**  
Armstrong, James E. Barto, Christopher F.  
Jeane, Daniel A. Williams, Sr., Errol O.

**River Region Cancer Screening and Early Detection District**  
Childers, Dianne R. Lambert, Jessica

**Sanitarians, Louisiana State Board of Examiners for**  
Fagan, Charles "Merl"

**Seafood Promotion and Marketing Board, Louisiana (1981)**  
Dejean, Robert J. Samanie, III, Robert J.  
Schwab, Don C.

**Shorthand Court Reporters, Board of Examiners of Certified**  
Holdridge, (Judge) Guy McManus, Cyndie L.  
Orgeron, Glenn P. Pilant, Clyde R.

**Small Business Task Force, Louisiana**  
Williamson, Timothy H.

**Social Work Examiners, Louisiana State Board of Certified**  
Aultman, Jr., E. Taylor Shellington, Jacqueline R.

**South Lafourche Levee District, Board of Commissioners of the**  
Faulk, Bob A.

**South Tangipahoa Parish Port Commission**  
McKaskle, Charles R.

**Southern Rapid Rail Transit Commission, Formerly LA-MISS-AL Transit Comm**  
Barrow, Willie Romano, Stephen A.  
Schedler, (Sen.) Tom Waddell, (Rep.) Wayne  
Woodruff, Jr., Roy W.

**Southern University, Board of Supervisors of**  
Anderson, Johnny G. Bilberry, Jr., Jesse B.  
Kiefer, Anne Z. Lawson, Myron  
Miller, Louis

**Sparta Groundwater Conservation District**  
Culpepper, William T. Durrett, Richard I.  
Jacob, George H. McDonald, Olevia D.  
Price, Bobby E. Rolfe, Jr., George W.  
Stevens, Joe Paul

**Speech Pathology and Audiology, Louisiana Board of Examiners of**  
Kimball, Suzanne H. Phillips, Kerri R.

Robottom, Natalie H.

**Strawberry Marketing Board, Louisiana**

Fletcher, William E.  
Morrow, Eric M.

Lumino, Henry J.  
Olah, Chris

**Substance Abuse Counselors, Louisiana State Board of Certification for**

Calvert, Ellen  
Hayward, Kathleen G.  
Roy, III, MD, A. Kennison

French, Chris  
Olbrich, MD, Gary D.

**Tax Commission, Louisiana**

Farley, Jewette

**Technology Access by Individuals with Disabilities, Advisory Council for**

Bagot, Susan

**Television Authority, Louisiana Educational**

Carter, S.J., James C.

Duhon, Clara F.

**Tensas Basin Levee District, Board of Commissioners of the**

Harwell, Robert N.

**Terrebonne Levee & Conservation District, Board of Commissioners of the**

Redmond, Bert J.

**Tourism Development Commission, Louisiana**

Brewer, Leslie T.

Ney, Ralph H.

**Transportation Authority, Louisiana**

Braxton, Rodney C.  
Rogers, J. Kent

Danos, Garret "Hank" H.

**Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board**

Groce, Robert E.

Kuyoro, Andrew O.

**Uniform Payroll Insurance Commission**

Reynolds, Allen H.

**University of Louisiana System Board of Supervisors**

Bollinger, Donald T.  
Smith, Eunice W.

Parker, D. Wayne  
Woods, Michael H.

**Used Motor Vehicle and Parts Commission, Louisiana (1984)**

Kimball, Kevin H.

**Veterinary Medicine Examiners, Louisiana Board of**

Bernard, (Dr.) Patrick R.

**Vocational Rehabilitation Counselors Board of Examiners, Louisiana Licensed Professional**

Bryars, Ashley E.

**Water Well Drillers, Advisory Committee on the Regulation & Control of**

Bourque, Herschel

Williamson, Sr., Larry D.

**West Jefferson Levee District, Board of Commissioners of the**

Beerbohm, Darrel

**Wholesale Drug Distributors, Louisiana Board of**

Brooks, Randall

Crates, William S.

**Wildlife and Fisheries Commission, Louisiana**

Mouton, Henry M.

**Women's Policy and Research Commission, Louisiana**

Durand, (Rep.) Sydnie Mae

Magnus, MD, PhD, Jeanette H.

**Workforce Commission, Louisiana**

Bumphus, PhD, Walter G.

Freeman, John L.

**STATE OF LOUISIANA**

Department of Environmental Quality

August 29, 2002

Office of the Governor

P.O. Box 94004

Baton Rouge, LA 70804-9004

ATT: M.J. "Mike" Foster, Jr., Governor

Dear Governor Foster:

In accordance with La. R.S. 36:235, I am appointing Mr. Robert Hannah to serve as Deputy Secretary in the Department of Environmental Quality. Mr. Hannah has been with the Department for many years serving in several positions, most recently as Administrator of the Environmental Planning Division in the Office of Environmental Assessment. He is well qualified to serve in this position and his appointment will be effective September 1, 2002, coinciding with my appointment as Secretary on the same date.

If additional information is required, please advise.

Thank you.

Sincerely,  
L. HALL BOHLINGER  
Deputy Secretary

**Privilege Report of the  
Legislative Bureau**

April 24, 2003

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 267—**  
BY REPRESENTATIVE FRITH  
AN ACT

To amend and reenact R.S. 47:302.23(B), relative to the hotel/motel sales tax dedications in Vermilion Parish; to correct the name of an entity to which funds are allocated; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 847—**  
BY REPRESENTATIVES JOHN SMITH AND SALTER  
AN ACT

To enact R.S. 17:1603, to designate a building on the Leesville/Fort Polk campus of Northwestern State University as the "Chester Creighton Owen Building"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1010—**

BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:633(9)(d)(i), (ii), and (iii), to change the source of price data used to annually adjust the severance tax rate on natural gas, natural gasoline, casinghead gasoline, and other natural gas "liquids"; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1148—**

BY REPRESENTATIVE ERDEY  
AN ACT

To amend and reenact Section 9(B)(12) of Act No. 73 of the 2002 Regular Session of the Louisiana Legislature, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in Livingston Parish for Fiscal Year 2002-2003; to provide for the retroactive application of this Act; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title and passed to a third reading.

**Rules Suspended**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Introduction of  
Senate Concurrent Resolutions**

The following Senate Concurrent Resolutions, were introduced and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 56—**

BY SENATOR CAIN  
A CONCURRENT RESOLUTION

To urge and request the Federal Railroad Administration to halt all remote control locomotive operations in Louisiana until certain safety considerations have been met.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Transportation.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

April 24, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 30—**

BY REPRESENTATIVE BAUDOIN  
AN ACT

To amend and reenact R.S. 56:104(A)(8) and 302.1(C)(2)(d), relative to hunting and fishing licenses; to provide that certain additional disabled persons may receive hunting and fishing licenses for a reduced fee; and to provide for related matters.

**HOUSE BILL NO. 75—**

BY REPRESENTATIVE MURRAY  
AN ACT

To enact R.S. 1:55(E)(4), relative to legal holidays; to provide that the Municipal Court of New Orleans and the Traffic Court of New Orleans shall have the same legal holidays as the Civil District Court for the parish of Orleans and the Criminal District Court for the parish of Orleans; and to provide for related matters.

**HOUSE BILL NO. 181—**

BY REPRESENTATIVE FLAVIN  
AN ACT

To enact R.S. 45:163(C)(5) through (8), relative to the enforcement agents of the Public Service Commission; to provide that those enforcement agents shall be commissioned law enforcement officers; to provide for the powers of those enforcement agents, including the authority to carry weapons; to provide for the qualifications of those enforcement agents; to provide for the training of those enforcement agents; and to provide for related matters.

**HOUSE BILL NO. 420—**

BY REPRESENTATIVES MURRAY AND HEATON  
AN ACT

To enact R.S. 13:1222, relative to the clerk of the Orleans Parish Civil District Court; to authorize the clerk to purchase or lease two motor vehicles for the use of the office and to pay the premiums on the insurance for those motor vehicles; and to provide for related matters.

**HOUSE BILL NO. 464—**

BY REPRESENTATIVE MARTINY  
AN ACT

To enact R.S. 27:311.1, relative to the Video Draw Poker Devices Control Law; to provide relative to requirements for submitting certain information when filing an application for an additional license; to provide for applicability; and to provide for related matters.

**HOUSE BILL NO. 664—**

BY REPRESENTATIVE CAZAYOUX  
AN ACT

To amend and reenact R.S. 13:3049(B)(1)(b) and (2)(a) and to enact R.S. 13:3049(B)(1)(e), relative to jury service in criminal and civil trials; to increase the daily compensation for serving on a jury; to increase the jury filing fees in civil cases to the clerk of court; to increase the amount deposited into the registry of the court; to provide for an additional fee in criminal cases; and to provide for related matters.

**HOUSE BILL NO. 796—**

BY REPRESENTATIVE MARTINY  
AN ACT

To enact R.S. 14:231, relative to offenses against property; to create the crime of air bag fraud; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

**HOUSE BILL NO. 1009—**

BY REPRESENTATIVE SCHWEGMANN  
AN ACT

To enact R.S. 14:34.5.1, relative to offenses against the person; to create the crime of battery of a bus operator; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

April 24, 2003

**HOUSE BILL NO. 1296—**

BY REPRESENTATIVE TRICHE  
AN ACT

To enact R.S. 47:296.2 and R.S. 56:647(C), relative to the suspension or denial of recreational hunting and fishing licenses; to provide for the suspension, revocation, or denial of the issuance of certain licenses for failure to pay the individual income tax; to provide for promulgation of rules; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1393—**

BY REPRESENTATIVE DURAND  
AN ACT

To amend and reenact R.S. 37:919 and to enact R.S. 37:918(18), relative to the Louisiana State Board of Nursing; to provide for the authority of the board relative to the purchase or sale of immovable property and any improvements; to provide for the domicile of the offices that administer the provisions adopted by the board; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 30—**

BY REPRESENTATIVE BAUDOIN  
AN ACT

To amend and reenact R.S. 56:104(A)(8) and 302.1(C)(2)(d), relative to hunting and fishing licenses; to provide that certain additional disabled persons may receive hunting and fishing licenses for a reduced fee; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 75—**

BY REPRESENTATIVE MURRAY  
AN ACT

To enact R.S. 1:55(E)(4), relative to legal holidays; to provide that the Municipal Court of New Orleans and the Traffic Court of New Orleans shall have the same legal holidays as the Civil District Court for the parish of Orleans and the Criminal District Court for the parish of Orleans; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 181—**

BY REPRESENTATIVE FLAVIN  
AN ACT

To enact R.S. 45:163(C)(5) through (8), relative to the enforcement agents of the Public Service Commission; to provide that those enforcement agents shall be commissioned law enforcement officers; to provide for the powers of those enforcement agents, including the authority to carry weapons; to provide for the qualifications of those enforcement agents; to provide for the training of those enforcement agents; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 420—**

BY REPRESENTATIVES MURRAY AND HEATON  
AN ACT

To enact R.S. 13:1222, relative to the clerk of the Orleans Parish Civil District Court; to authorize the clerk to purchase or lease two motor vehicles for the use of the office and to pay the premiums on the insurance for those motor vehicles; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 464—**

BY REPRESENTATIVE MARTINY  
AN ACT

To enact R.S. 27:311.1, relative to the Video Draw Poker Devices Control Law; to provide relative to requirements for submitting certain information when filing an application for an additional license; to provide for applicability; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 664—**

BY REPRESENTATIVE CAZAYOUX  
AN ACT

To amend and reenact R.S. 13:3049(B)(1)(b) and (2)(a) and to enact R.S. 13:3049(B)(1)(e), relative to jury service in criminal and civil trials; to increase the daily compensation for serving on a jury; to increase the jury filing fees in civil cases to the clerk of court; to increase the amount deposited into the registry of the court; to provide for an additional fee in criminal cases; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 796—**

BY REPRESENTATIVE MARTINY  
AN ACT

To enact R.S. 14:231, relative to offenses against property; to create the crime of air bag fraud; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1009—**

BY REPRESENTATIVE SCHWEGMANN  
AN ACT

To enact R.S. 14:34.5.1, relative to offenses against the person; to create the crime of battery of a bus operator; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1296—**

BY REPRESENTATIVE TRICHE  
AN ACT

To enact R.S. 47:296.2 and R.S. 56:647(C), relative to the suspension or denial of recreational hunting and fishing licenses; to provide for the suspension, revocation, or denial of the issuance of certain licenses for failure to pay the individual income tax; to provide for promulgation of rules; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1393—**

BY REPRESENTATIVE DURAND  
AN ACT

To amend and reenact R.S. 37:919 and to enact R.S. 37:918(18), relative to the Louisiana State Board of Nursing; to provide for the authority of the board relative to the purchase or sale of immovable property and any improvements; to provide for the

domicile of the offices that administer the provisions adopted by the board; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**LOCAL AND MUNICIPAL AFFAIRS**

Senator Johnson, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

April 24, 2003

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

**SENATE BILL NO. 808—**  
BY SENATOR JOHNSON

AN ACT

To enact R.S. 33:9038.24, relative to special districts; to create the Lake Forest Plaza District; to provide for the powers and duties of the district; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 821—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 33:130.401(A), 130.402(A)(1) and (F), 130.403(10), 130.404(A)(1), (B)(1),(2) and(3) and 130.406(B)(2), to enact R.S. 33:130.403 (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (23), and 130.404 (C), (D), and (E), and to rename Subpart B-17 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, all relative to the St. Tammany Parish Economic and Industrial Development District; to provide for the name of the district, its powers, and purpose; to clarify its membership requirements; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 829—**  
BY SENATOR BARHAM

AN ACT

To enact Part XXVI of Chapter 13 of Title 38, consisting of R.S. 38:3087.190 through 3087.194, relative to water conservation; to create the Morehouse Parish Lake Commission; to provide for powers, membership, officers, terms, meetings, and compensation of the commission; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 868—**  
BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 33:9072(D)(1)(a) and (2), relative to the Lake Forest Estates Improvement District; to provide for a majority approval of any fees or taxes imposed within the district; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 870—**  
BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 33:9073.1(B) and (E), relative to the Huntington Park Subdivision Improvement District; to clarify the boundaries of the district; to provide for a majority approval by the electors of the district of any fees or taxes imposed within the district; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 873—**  
BY SENATOR JOHNSON

AN ACT

To enact R.S. 33:4880, relative to illegal dumping; to authorize the governing authority for the parish of Orleans to increase the fine for illegal dumping; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1020—**  
BY SENATOR ULLO

AN ACT

To enact R.S. 33:423.13, relative to powers and duties of the chief of police in the town of Grand Isle; to authorize the chief of police in the town of Grand Isle to hire and fire his personnel; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JON D. JOHNSON  
Chairman

**Rules Suspended**

Senator Smith asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 411 from the Committee on Local and Municipal Affairs.

**SENATE BILL NO. 411—**  
BY SENATOR SMITH

AN ACT

To enact R.S. 33:2495.1, 2495.2, 2499.1, 2555.1, 2555.2, and 2559.1, relative to civil service; to provide for firefighter and police civil service personnel in municipalities with a population size below two hundred fifty thousands; to provide for extra compensation in certain situations; to provide special provisions for probationary employees; to provide for notice prior to termination; and to provide for related matters.

On motion of Senator Smith, the bill was read by title and withdrawn from the files of the Senate.

**Rules Suspended**

Senator Romero asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 987 from the Committee on Natural Resources.

**SENATE BILL NO. 987—**  
BY SENATOR ROMERO

AN ACT

To enact Chapter 11-B of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:2362.1 through 2362.6, relative to public works and improvements; to provide for the creation of the Henderson Lake Commission; to provide for membership; to provide for definitions; to provide for commission authority; and to provide for related matters.

On motion of Senator Romero, the bill was read by title and withdrawn from the files of the Senate.

April 24, 2003

Rules Suspended

Senator Irons asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate and Concurrent Resolutions on Second Reading to be Adopted, Subject to Call

The following Senate and Concurrent Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Irons asked that Senate Concurrent Resolution No. 50 be called from the Calendar at this time.

SENATE CONCURRENT RESOLUTION NO. 50—

BY SENATOR IRONS

A CONCURRENT RESOLUTION

To designate May 7, 2003 as "Louisiana Day to Prevent Teen Pregnancy and Score Big".

The resolution was read by title. Senator Irons moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Malone
Adley Fontenot Marionneaux
Barham Gautreaux Michot
Boissiere Hollis Mount
Cain Hoyt Smith
Chaisson Irons Theunissen
Cravins Johnson Thomas
Dardenne Jones, CD Ullio
Dupre Lambert
Total—26

NAYS

Total—0

ABSENT

Bajoie Hines Romero
Bean Holden Schedler
Dean Johnson Tarver
Fields Jones, B
Heitmeier McPherson
Total—13

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Regular Order of the Day Resumed

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

SENATE BILL NO. 927—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 24:35.1(A)(36) and (37), relative to senate districts; to provide for the redistricting of Senate Districts 36 and 37; to provide for the effectiveness of this Act; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Lentini
Adley Fontenot Malone
Barham Gautreaux Marionneaux
Boissiere Hollis McPherson
Cain Hoyt Michot
Chaisson Irons Mount
Cravins Johnson Smith
Dardenne Jones, B Theunissen
Dean Jones, CD Thomas
Dupre Lambert Ullio
Total—30

NAYS

Total—0

ABSENT

Bajoie Heitmeier Romero
Bean Hines Schedler
Fields Holden Tarver
Total—9

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

SENATE BILL NO. 81—

BY SENATOR HOYT

AN ACT

To repeal R.S. 18:402(F)(5), relative to election dates; to eliminate the January and July election dates for bond, tax or other proposition elections; and to provide for related matters.

The bill was read by title. Senator Hoyt moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dean Marionneaux
Barham Gautreaux McPherson
Cain Hollis Michot
Chaisson Hoyt Ullio
Dardenne Malone

Total—14

NAYS

Adley	Heitmeier	Lentini
Boissiere	Irons	Mount
Cravins	Johnson	Schedler
Dupre	Jones, B	Smith
Ellington	Jones, CD	Theunissen
Fontenot	Lambert	Thomas

Total—18

ABSENT

Bajoie	Hines	Tarver
Bean	Holden	
Fields	Romero	

Total—7

The Chair declared the bill failed to pass.

**Notice of Reconsideration**

Senator Hoyt, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

**SENATE BILL NO. 104—**

BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 13:3881(A)(2)(d), relative to seizures; to provide for an exemption in bankruptcy proceedings for a motor vehicle valued at seven thousand five hundred dollars or less; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Gautreaux	Malone
Barham	Heitmeier	Marionneau
Boissiere	Hollis	McPherson
Cain	Hoyt	Michot
Chaisson	Irons	Mount
Dardenne	Johnson	Schedler
Dean	Jones, B	Smith
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Thomas
Fontenot	Lentini	Ullo

Total—30

NAYS

Total—0

ABSENT

Mr. President	Cravins	Holden
Bajoie	Fields	Romero
Bean	Hines	Tarver

Total—9

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 113—**

BY SENATOR DUPRE

AN ACT

To enact R.S. 32:414(P), relative to motor vehicles; to provide for the suspension of a driver's license for certain criminal violations; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneau
Barham	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo

Total—30

NAYS

Total—0

ABSENT

Bajoie	Fields	Jones, B
Bean	Hines	Romero
Cravins	Holden	Tarver

Total—9

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Lambert in the Chair**

**SENATE BILL NO. 134—**

BY SENATOR HOYT

AN ACT

To enact R.S. 9:2781.2, relative to privileges; to provide for enforcement and collection of fees due a certified real estate appraiser; to provide for a privilege on certain immovable property; to provide for recordation of notice of privilege; to provide for ranking of the privilege; and to provide for related matters.

The bill was read by title. Senator Hoyt moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Marionneau
Adley	Heitmeier	McPherson
Barham	Hollis	Michot
Boissiere	Hoyt	Mount
Cain	Irons	Schedler
Chaisson	Johnson	Smith
Dardenne	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Ullo

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Fontenot Total—29	Malone  NAYS	
Dean Total—1	ABSENT	
Bajoie Bean Cravins Total—9	Fields Hines Holden	Lambert Romero Tarver

The Chair declared the bill was passed. The title was read and adopted. Senator Hoyt moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 138—**  
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 22:2016(A) and to enact R.S. 22:215.24, relative to health insurance; to provide for health insurance coverage for services rendered by registered nurse first assistants; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

	YEAS	
Mr. President	Heitmeier	Lentini
Barham	Hollis	Malone
Cain	Irons	Marionneaux
Cravins	Johnson	Mount
Dardenne	Jones, B	Schedler
Ellington	Jones, CD	Theunissen
Gautreaux	Lambert	
Total—20		
	NAYS	
Boissiere	Fontenot	Thomas
Chaisson	Hoyt	Ullo
Dean	Michot	
Dupre	Smith	
Total—10		
	ABSENT	
Adley	Fields	McPherson
Bajoie	Hines	Romero
Bean	Holden	Tarver
Total—9		

Before announcement of the vote Senator Ellington asked to be voted no on the bill but was inadvertently voted yes by the Secretary of the Senate. After Senator Ellington questioned the vote, and under Rule 12.8 of the Rules of the Senate, the President ordered a poll of the vote of each member without debate.

**ROLL CALL**

The roll was called with the following result:

	YEAS	
Mr. President	Hollis	Malone
Chaisson	Johnson	Marionneaux
Cravins	Jones, B	McPherson

Dardenne Gautreaux Heitmeier Total—18	Jones, CD Lambert Lentini  NAYS	Mount Schedler Theunissen
Adley Barham Boissiere Cain Dean Total—14	Dupre Ellington Fontenot Hoyt Irons  ABSENT	Michot Smith Thomas Ullo

Bajoie Bean Fields Total—7	Hines Holden Romero	Tarver
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The Chair declared the bill failed to pass.

**Notice of Reconsideration**

Senator Dardenne, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

**SENATE BILL NO. 171—**  
BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 9:2799(A)(2) and (B)(1), relative to limitation of liability for damages from donated food; to provide for the limitation of liability for damages from donated food for certain designated distributors; to provide that the definition of a "food bank" include distributing edible products to nonprofit agencies that serve seniors; to provide that the definition of a "food bank" include nonprofit agencies that redistribute edible products to the needy, the ill, the handicapped, infants, and seniors, or to individuals or families who otherwise need emergency food assistance; and to provide for related matters.

On motion of Senator B. Jones, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 178—**  
BY SENATOR DUPRE

AN ACT

To amend R.S. 14:99, relative to offenses effecting the public safety; to provide relative to reckless operation of a vehicle; to provide relative to the penalties for such offense; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 178 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, following "amend" and before "R.S. 14:99" insert "and reenact"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Dupre moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Adley	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ullo
Total—30		

**NAYS**

Jones, CD  
Total—1

**ABSENT**

Bajoie	Hines	Romero
Bean	Holden	Tarver
Fields	Jones, B	
Total—8		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 211—**  
BY SENATOR BOISSIERE

**AN ACT**

To enact R.S. 24:802(E), relative to the Louisiana Commission on Intergovernmental Relations; to authorize and provide for the establishment of an executive committee of the commission; to provide for its functions and duties; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Theunissen
Dardenne	Jones, CD	Thomas
Dean	Lambert	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—31		

**NAYS**

Total—0

**ABSENT**

Bajoie	Hines	Romero
Bean	Holden	Tarver
Fields	Jones, B	

Total—8

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 232—**  
BY SENATOR HAINKEL

**AN ACT**

To amend and reenact R.S. 40:1299.41(A)(1), (8), and (9), relative to medical malpractice; to provide changes in definitions of certain terms; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Hainkel sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 232 by Senator Hainkel

AMENDMENT NO. 1

On page 2, line 12, after "company," insert "**management company**."

AMENDMENT NO. 2

On page 2, line 13, delete "**on behalf of**" and insert "**for**"

AMENDMENT NO. 3

On page 2, between lines 16 and 17, insert the following:

"(3) "Patient" means a natural person, **including a nursing home resident**, who receives or should have received health care from a licensed health care provider, under contract, expressed or implied.

\* \* \*

AMENDMENT NO. 4

On page 2, line 18, after "**any**" insert "**unintentional**" and after "**violation of a**" insert "**standard of care defined by a Louisiana**" and delete "**, state or federal**"

AMENDMENT NO. 5

On page 2, lines 20 and 21, delete "**or nursing home resident**"

AMENDMENT NO. 6

On page 2, line 22, delete "**or nursing home resident**," and add a comma after "**monitoring**"

AMENDMENT NO. 7

On page 2, line 23, delete "**and/or**" and "**or nursing**"

AMENDMENT NO. 8

On page 2, line 24, delete "**home resident**,"

AMENDMENT NO. 9

On page 3, line 7, delete "**during residency in a nursing home**" and insert "**by any health care provider**"

On motion of Senator Hainkel, the amendments were adopted.

The bill was read by title. Senator Hainkel moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

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Mr. President	Heitmeier	McPherson
Adley	Hollis	Michot
Barham	Hoyt	Mount
Boissiere	Irons	Schedler
Cain	Johnson	Smith
Chaisson	Jones, B	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	
Gautreaux	Malone	
Total—25		

NAYS

Cravins	Jones, CD	Ullo
Dean	Marionneaux	
Total—5		

ABSENT

Bajoie	Fields	Holden
Bean	Fontenot	Romero
Dardenne	Hines	Tarver
Total—9		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Personal Privilege**

Senator Fontenot asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 232. He had intended to vote yea on the bill. He asked that the Official Journal so state.

**Mr. President in the Chair**

**SENATE BILL NO. 237—**  
BY SENATOR SCHEDLER  
AN ACT

To repeal Chapter 28 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2721 through 2736, relative to Certification of Private Review Agents Performing Utilization Review; to abrogate certification by the Department of Health and Hospitals of such private review agents performing utilization review; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Barham	Hollis	Michot
Boissiere	Hoyt	Mount
Cain	Irons	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dean	Jones, CD	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Fontenot	Malone	
Total—31		

NAYS

Total—0

ABSENT

Bajoie	Fields	Romero
Bean	Hines	Tarver
Dardenne	Holden	
Total—8		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 256—**  
BY SENATOR DARDENNE  
AN ACT

To enact R.S. 42:1159, relative to electronic access to certain information of the Board of Ethics; to require the Board of Ethics to make certain information accessible to the public via the Internet; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 263—**  
BY SENATOR SCHEDLER  
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(e); relative to the Department of Health and Hospitals, including provisions to provide for the re-creation of the Department of Health and Hospitals and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Malone
Adley	Heitmeier	Marionneaux
Barham	Hollis	Michot
Boissiere	Hoyt	Mount
Cain	Irons	Schedler
Chaisson	Johnson	Smith
Dupre	Jones, CD	Theunissen
Ellington	Lambert	Thomas
Fontenot	Lentini	Ullo
Total—27		

NAYS

Dean  
Total—1

ABSENT

Bajoie	Fields	McPherson
Bean	Hines	Romero
Cravins	Holden	Tarver
Dardenne	Jones, B	
Total—11		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 291—**

BY SENATOR SMITH AND REPRESENTATIVES FANNIN AND TOWNSEND

AN ACT

To enact R.S. 49:170.8, relative to state symbols; to provide that the annual "Uncle Earl's Hog Dog Trials" held in the city of Winnfield, Louisiana, shall be the official state "Uncle Earl's Hog Dog Trials"; to designate the fourth weekend in March of every year as "Uncle Earl's Hog Dog Trials Weekend" in the state; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Total—27		

NAYS

Total—0

ABSENT

Bajoie	Fields	Lentini
Bean	Hines	McPherson
Cravins	Holden	Romero
Dardenne	Jones, B	Tarver
Total—12		

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 295—**

BY SENATOR DARDENNE

AN ACT

To amend and reenact Code of Criminal Procedure Art. 571.1 and 572 and to enact Code of Criminal Procedure Art. 572.1, relative to time limitations of prosecution; to repeal such limitations on certain offenses under certain conditions; to provide for definitions; to provide for retroactive application of provisions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 301—**

BY SENATOR BAJOIE

AN ACT

To amend and reenact R.S. 46:56(F)(7), relative to the confidentiality of client records; to authorize the release of non-identifying medical or genetic information from the department's records to a former foster child or his representative; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 301 by Senator Bajoie

AMENDMENT NO. 1

On page 1, following line 15, insert asterisks " \* \* \* "

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Mount moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Ullo
Total—27		

NAYS

Total—0

ABSENT

Bajoie	Fields	Lambert
Bean	Hines	McPherson
Cravins	Holden	Romero
Dardenne	Jones, B	Tarver
Total—12		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Mount moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 314—**

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 39:198(D)(3), relative to contracts for fiscal intermediary services in processing claims of health care providers; to provide for modification of the initial term of fiscal intermediary contracts; to provide for the option to extend a fiscal intermediary contract for successive twelve-month terms; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Johnson	Smith

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Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Total—30		

NAYS

Total—0

ABSENT

Bajoie	Fields	Jones, B
Bean	Hines	Romero
Dardenne	Holden	Tarver
Total—9		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 322—**  
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.47(G)(4), relative to medical review panels; to provide for certain written reasons to be included in expert opinions rendered by the medical review panel; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Barham	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Fontenot	Malone	
Total—29		

NAYS

Total—0

ABSENT

Bajoie	Fields	Romero
Bean	Hines	Tarver
Boissiere	Holden	
Dardenne	Jones, B	
Total—10		

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 354—**  
BY SENATORS MCPHERSON AND CAIN

AN ACT

To enact R.S. 9:2795.1(A)(6)(d) and 2795.3, relative to limitations on liability; to provide for definitions; to provide for immunity from liability for an equine activity sponsor, an equine professional, or other person for injuries or death; to provide for exceptions; to require warning signs; to provide for failure to comply with the warning requirement; and to provide for related matters.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 354 by Senator McPherson

AMENDMENT NO. 1

On page 5, line 10, following "(2)" delete the remainder of the line and on line 11, change "or other person had failed" to "Failed"

AMENDMENT NO. 2

On page 5, line 15, following "(3)" and before "in" change "Owns, leases, rents, or otherwise is" to "Owned, leased, rented, or otherwise was"

AMENDMENT NO. 3

On page 5, line 21, following "(4)" and before "an" change "Commits" to "Committed"

AMENDMENT NO. 4

On page 5, line 24, following "Intentionally" and before "the" change "injuries" to "injured"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator McPherson moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Theunissen
Dean	Jones, CD	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—29		

NAYS

Marionneaux  
Total—1

ABSENT

Bajoie	Fields	Jones, B
Bean	Hines	Romero
Dardenne	Holden	Tarver
Total—9		

The Chair declared the amended bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 378—**  
BY SENATOR SCHEDLER

AN ACT

To enact R.S. 40:2009, relative to facilities participating in the Medicaid Residential Treatment Option; to provide for mandatory accreditation of facilities providing residential supports and services by either Joint Commission on the Accreditation of Health Care Organizations or the Council on the Accreditation of Rehabilitation; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Total—30		

**NAYS**

Total—0

**ABSENT**

Bajoie	Fields	Jones, B
Bean	Hines	Romero
Dardenne	Holden	Tarver
Total—9		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 383—**  
BY SENATOR SCHEDLER

**AN ACT**

To amend and reenact Children's Code Art. 603(13)(b), relative to children in need of care; to provide for mandatory reporting by a member of the clergy; to provide for a confidential communication exception to the mandatory reporter designation; and to provide for related matters.

On motion of Senator Schedler, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 405—**  
BY SENATORS CHAISSON AND DUPRE  
**AN ACT**

To amend and reenact R.S. 14:98(D)(1)(a), (c), and (e) and (E)(1)(a), (c), and (e) and to enact R.S. 15:571.3(C)(6) and (7), relative to operating a vehicle while intoxicated; to increase the length of mandatory imprisonment for third, fourth, and subsequent offenses; to prohibit diminution of sentence for such terms of imprisonment; to change required suspension of sentence to an option of the court; to require additional outpatient substance abuse treatment for such offenders; to authorize the treating physician of such offenders to determine the intensity of such treatment; to authorize the courts to impose immediate sanctions on such offenders during home incarceration; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 405 by Senator Chaisson

**AMENDMENT NO. 1**

On page 3, line 19, following "for" and before "served" change "term" to "time"

**AMENDMENT NO. 2**

On page 5, line 9, following "collaboration" and before "the" insert "with"

**AMENDMENT NO. 3**

On page 5, at the end of line 19, change "or" to "of"

**AMENDMENT NO. 4**

On page 5, line 21, following "for" and before "served" change "term" to "time"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Chaisson moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Total—30		

**NAYS**

Total—0

**ABSENT**

Bajoie	Fields	Jones, B
Bean	Hines	Romero
Dardenne	Holden	Tarver
Total—9		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 412—**  
BY SENATOR SMITH

**AN ACT**

To amend and reenact R.S. 24:513(I)(1)(c)(i)(aa), relative to audit requirements; to provide that monies received from rural development grants shall not be included in the computation of threshold limits for audit requirements; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	McPherson
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April 24, 2003

Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lambert	Ullo
Fontenot	Marionneaux	
Total—26		

NAYS

Dean	Lentini	Malone
Total—3		

ABSENT

Mr. President	Fields	Romero
Bajoie	Hines	Tarver
Bean	Holden	
Dardenne	Jones, B	
Total—10		

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Ellington in the Chair**

**HOUSE BILL NO. 418—**  
BY REPRESENTATIVE MURRAY  
AN ACT

To enact R.S. 15:539, relative to sexual offenders; to require that an offender convicted of a sex offense serve a portion of the sentence of incarceration at a Department of Public Safety and Corrections facility; to provide for definitions; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Fontenot	Malone	
Total—29		

NAYS

Total—0

ABSENT

Mr. President	Fields	Romero
Bajoie	Hines	Tarver
Bean	Holden	
Dardenne	Jones, B	
Total—10		

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 419—**  
BY SENATORS MCPHERSON, FIELDS AND ROMERO  
AN ACT

To enact R.S. 9:2716, relative to contracts; to provide for the terms for continuation of certain contracts; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 419 by Senator McPherson

AMENDMENT NO. 1

On page 2, line 2, following "this" and before "shall" change "Chapter" to "Section"

On motion of Senator Lambert, the amendments were adopted.

**Floor Amendments Sent Up**

Senator McPherson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 419 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 8, change "no" to "a"

AMENDMENT NO. 2

On page 1, line 9, after "contract" and before the comma "," insert "or collective bargaining agreement"

AMENDMENT NO. 3

On page 1, line 9, after "contract," delete the remainder of the line and insert the following: "which contains an automatic renewal clause, shall have an option to cancel the automatic renewal upon giving a thirty day notice at any time after such automatic renewal or the"

AMENDMENT NO. 4

On page 1, delete lines 10 through 12

AMENDMENT NO. 5

On page 1, line 13, delete "The"

AMENDMENT NO. 6

On page 2, line 1, after "Any" delete the remainder of the line and delete line 2 and insert the following: "automatic renewal in violation of this Chapter shall be void and the contract shall continue on a month-to-month basis."

On motion of Senator McPherson, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Hoyt sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hoyt to Engrossed Senate Bill No. 419 by Senator McPherson

AMENDMENT NO. 1

On page 2, after line 7, insert the following:

"E. The provisions of this Section shall not apply to contracts where the initial contract clearly and conspicuously discloses on its face that the contract will be automatically renewed."

On motion of Senator Hoyt, the amendments were adopted.

Floor Amendments Sent Up

Senator Adley sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 419 by Senator McPherson

AMENDMENT NO. 1

In Senate Floor Amendment No. 3 proposed by Senator McPherson and adopted by the Senate on April 24, 2003, on page 1, line 10, change "thirty day" to "sixty day"

On motion of Senator Adley, the amendments were adopted.

The bill was read by title. Senator McPherson moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Chaisson, Hollis, Total—6; Hoyt, Jones, CD; Lentini, McPherson

NAYS

Adley, Barham, Boissiere, Cain, Cravins, Dean, Ellington, Total—20; Fontenot, Gautreaux, Heitmeier, Irons, Malone, Marionneaux, Michot; Mount, Schedler, Smith, Theunissen, Thomas, Ullo

ABSENT

Mr. President, Bajoie, Bean, Dardenne, Dupre, Total—13; Fields, Hines, Holden, Johnson, Jones, B; Lambert, Romero, Tarver

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator McPherson, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

Personal Privilege

Senator C. Jones asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on

Senate Bill No. 419. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

SENATE BILL NO. 420—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 22:10, relative to health insurance; to require the Department of Insurance to provide an annual assessment of state and federal health issues relating to a patient's bill of rights; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Adley, Barham, Boissiere, Cain, Chaisson, Cravins, Dupre, Ellington, Total—27; Fontenot, Gautreaux, Hollis, Hoyt, Irons, Jones, CD, Lambert, Lentini, Malone; Marionneaux, McPherson, Michot, Mount, Schedler, Smith, Theunissen, Thomas, Ullo

NAYS

Dean, Total—1

ABSENT

Bajoie, Bean, Dardenne, Fields, Total—11; Heitmeier, Hines, Holden, Johnson; Jones, B, Romero, Tarver

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 440—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 49:1115(A)(4),(9),(10),(15), and (16), and 1119, and to repeal R.S. 49:1115(A)(14), relative to the office of the lieutenant governor; to provide for changes to the SERVE Commission; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 440 by Senator Mount

AMENDMENT NO. 1

On page 1, line 2 change "(10), (15), and (16)" to "(10), (14), and (15)"; and on line 3, change "49:1115(A)(14)" to "49:1115(A)(16)"

AMENDMENT NO. 2

On page 1, line 7, change "(10), (15), and (16)" to "(10), (14), and (15)"

April 24, 2003

AMENDMENT NO. 3

On page 2, line 14, following "be" delete the remainder of the line

AMENDMENT NO. 4

On page 3, line 2, change "49:1115(A)(14)" to "49:1115(A)(16)"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Mount moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley, Barham, Boissiere, Cain, Chaisson, Cravins, Dean, Dupre, Ellington, Fontenot, Total—28

NAYS

Total—0

ABSENT

Mr. President, Bajoie, Bean, Dardenne, Total—11

The Chair declared the amended bill was passed. The title was read and adopted. Senator Mount moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

SENATE BILL NO. 466—

BY SENATOR HOLLIS

AN ACT

To repeal R.S. 6:829, relative to savings and loan association investments; to repeal the restriction on investments in non-liquid assets; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Adley, Barham, Boissiere, Cain, Chaisson, Cravins, Dean, Dupre, Fontenot, Gautreaux, Heitmeier, Hoyt, Irons, Jones, B, Jones, CD, Lambert, Lentini, Marionneaux, McPherson, Michot, Mount, Schedler, Smith, Theunissen, Thomas, Ullo

Ellington, Total—29

Malone

NAYS

Total—0

ABSENT

Bajoie, Bean, Dardenne, Fields, Total—10; Hines, Holden, Hollis, Johnson; Romero, Tarver

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 473—

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 9:391.1(A), relative to children conceived after the death of a parent; to provide that a child conceived after the death of a parent has all of the rights of a child as if the child had been in existence at the time of the death of the parent including the capacity to inherit from the deceased parent; to provide for the Louisiana State Law Institute to draft comments; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 474—

BY SENATOR THOMAS

AN ACT

To amend and reenact R.S. 22:5(9)(b), relative to the payment of professional malpractice or public liability claims by statewide hospital associations; to provide that the payment of claims against hospitals which are members of the association and members of societies of the association shall not be deemed to be insurance; and to provide for related matters.

The bill was read by title. Senator Thomas moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Adley, Barham, Boissiere, Cain, Chaisson, Cravins, Dean, Dupre, Ellington, Total—30; Fontenot, Gautreaux, Heitmeier, Hollis, Hoyt, Irons, Jones, B, Jones, CD, Lambert, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Schedler, Smith, Theunissen, Thomas, Ullo

NAYS

Total—0

ABSENT

Bajoie, Bean, Dardenne, Total—9; Fields, Hines, Holden; Johnson, Romero, Tarver

The Chair declared the bill was passed. The title was read and adopted. Senator Thomas moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 485—**  
BY SENATOR HOLLIS

AN ACT

To enact R.S. 6:506(E) and 507(D), relative to financial institution branch offices; to provide for leased branch offices; to provide for waiver of certain closure requirements; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneau
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Jones, CD	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Total—29		

NAYS

Total—0

ABSENT

Bajoie	Hines	Romero
Bean	Holden	Tarver
Dardenne	Johnson	
Fields	Jones, B	
Total—10		

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 486—**  
BY SENATORS HOLLIS AND MICHOT  
AN ACT

To amend and reenact R.S. 6:714(A), (C), and (F) and 1188(C), relative to officers of savings and loan associations and savings banks; to provide for officers; to provide for election by the board of directors; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneau
Barham	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Jones, B	Smith

Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Total—30		

NAYS

Total—0

ABSENT

Bajoie	Fields	Johnson
Bean	Hines	Romero
Dardenne	Holden	Tarver
Total—9		

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 487—**  
BY SENATORS HOLLIS AND MICHOT  
AN ACT

To amend and reenact R.S. 6:231(C), relative to amendments to the articles of incorporation of banks; to provide a procedure for after-the-fact approval of amendments to articles; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Jones, B	Theunissen
Dean	Jones, CD	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—29		

NAYS

Total—0

ABSENT

Bajoie	Hines	Romero
Bean	Holden	Tarver
Dardenne	Johnson	
Fields	Marionneau	
Total—10		

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 489—**  
BY SENATORS HOLLIS AND MICHOT  
AN ACT

To amend and reenact R.S. 6:937 and 1207, relative to dividends and capital surplus; to revise certain dividend and capital surplus requirements; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

April 24, 2003

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Jones, B	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Total—30		

NAYS

Total—0

ABSENT

Bajoie	Fields	Johnson
Bean	Hines	Romero
Dardenne	Holden	Tarver
Total—9		

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator Lambert in the Chair

SENATE BILL NO. 493—  
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:822(2)(r), relative to loans and investments by associations; to increase the percentage of assets of associations of which loans entered into by the association may not exceed; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Jones, B	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Fontenot	Malone	
Total—29		

NAYS

Total—0

ABSENT

Mr. President	Fields	Romero
Bajoie	Hines	Tarver
Bean	Holden	
Dardenne	Johnson	

Total—10

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 495—  
BY SENATORS HOLLIS AND HEITMEIER  
AN ACT

To repeal R.S. 6:124.1(B), relative to financial condition statements; to delete certain requirements from financial condition statements regarding community reinvestment ratings; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Irons	Schedler
Chaisson	Jones, B	Smith
Cravins	Jones, CD	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Fontenot	Marionneaux	
Total—28		

NAYS

Total—0

ABSENT

Mr. President	Fields	Johnson
Bajoie	Hines	Romero
Bean	Holden	Tarver
Dardenne	Hoyt	
Total—11		

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 496—  
BY SENATORS HOLLIS AND HEITMEIER  
AN ACT

To amend and reenact R.S. 6:351(C) and 352.1(A), (B)(introductory paragraph), and (H)(2) and to repeal R.S. 6:352.1(H)(3) and (4), relative to share exchanges; to revise the definition of share exchange procedures between state financial institutions; to require commissioner approval for share exchanges; to require shareholder approval for share exchanges; to eliminate certain filing requirements with the commissioner; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	McPherson
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Barham	Heitmeier	Michot
Boissiere	Hollis	Mount
Cain	Irons	Schedler
Chaisson	Jones, B	Smith
Cravins	Jones, CD	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Fontenot	Marionneaux	
Total—28		

NAYS

Total—0

ABSENT

Mr. President	Fields	Johnson
Bajoie	Hines	Romero
Bean	Holden	Tarver
Dardenne	Hoyt	
Total—11		

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 500—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 28:567(E) and R.S. 40:2103(C), 2116(D), and 2116.32(F)(2), and to enact R.S. 40:1300.143(3)(c), relative to moratoria on the licensing of mental health clinics and centers, long-term care hospital facilities, nursing facilities, and home health agencies; to extend the moratorium through July 1, 2008; to provide for a moratorium on the designation of rural hospitals for the purpose of the Rural Hospital Preservation Act; and to provide for related matters.

On motion of Senator Schedler, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 508—**  
BY SENATORS C. JONES AND CRAVINS

AN ACT

To enact R.S. 15:574.22(G)(4), relative to parole; to provide relative to the Louisiana Risk Review Panel; to provide relative to offenders serving a sentence of life imprisonment; to authorize application of such offenders to the risk review panel under certain conditions; to provide for exceptions; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 508 by Senator C. Jones

AMENDMENT NO. 1

On page 2, between lines 1 and 2, insert asterisks " \* \* \* "

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator C. Jones moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Ellington	McPherson
Barham	Fontenot	Michot
Boissiere	Gautreaux	Mount
Cain	Hollis	Schedler
Chaisson	Hoyt	Theunissen
Cravins	Irons	Thomas
Dean	Jones, CD	
Dupre	Malone	
Total—22		

NAYS

Lentini	Smith	Ullo
Total—3		

ABSENT

Mr. President	Heitmeier	Lambert
Bajoie	Hines	Marionneaux
Bean	Holden	Romero
Dardenne	Johnson	Tarver
Fields	Jones, B	
Total—14		

The Chair declared the amended bill was passed. The title was read and adopted. Senator C. Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 623—**  
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 24:772(A), relative to reports to the legislature; to require that e-mail notification of reports be sent to members of the legislature; to require agencies to offer publications in an electronic format; and to provide for related matters.

The bill was read by title. Senator Michot moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Fontenot	Malone
Barham	Gautreaux	McPherson
Boissiere	Hollis	Michot
Cain	Hoyt	Mount
Chaisson	Irons	Schedler
Cravins	Jones, B	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Total—27		

NAYS

Total—0

ABSENT

Mr. President	Fields	Johnson
Bajoie	Heitmeier	Marionneaux
Bean	Hines	Romero
Dardenne	Holden	Tarver
Total—12		

The Chair declared the bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

SENATE BILL NO. 634—

BY SENATOR CAIN AND REPRESENTATIVE JOHNS  
AN ACT

To amend and reenact R.S. 27:353, relative to Pari-Mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to provide with respect to definitions; to define an emergency evacuation route; and to provide for related matters.

Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cain to Engrossed Senate Bill No. 634 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 27:353" to "R.S. 27:353(2) and to enact R.S. 27:353(4.1)"

AMENDMENT NO. 2

On page 1, line 7, change "R.S. 27:353" to "R.S. 27:353(2)" and between "reenacted" and "to" insert "and R.S. 27:353(4.1) is hereby enacted"

AMENDMENT NO. 3

On page 2, line 9, change "(12)" to "(4.1)"

On motion of Senator Cain, the amendments were adopted.

The bill was read by title. Senator Cain moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	McPherson
Barham	Hollis	Michot
Boissiere	Hoyt	Mount
Cain	Irons	Schedler
Cravins	Johnson	Theunissen
Dean	Jones, CD	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Fontenot	Marionneaux	
Total—25		

NAYS

Adley	Chaisson	Smith
Total—3		

ABSENT

Bajoie	Heitmeier	Lambert
Bean	Hines	Romero
Dardenne	Holden	Tarver
Fields	Jones, B	
Total—11		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 684—

BY SENATOR ULLO

AN ACT

To enact R.S. 28:53.2(F), relative to civil immunity; to exempt a coroner, his support staff and law enforcement officers from civil liability for forceful entry to secure protective custody; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 685—

BY SENATOR ULLO

AN ACT

To enact R.S. 33:1563(L), relative to civil immunity; to provide for civil immunity for coroner and supporting staff while in the performance of their duties; to require persons or entities alleging improper conduct to show by clear and convincing evidence and proof of conduct which is without rational basis; to provide standards for civil action; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 685 by Senator Ullo

AMENDMENT NO. 1

On page 1, line 14, following "liability" and before "resulting" delete "for"

AMENDMENT NO. 2

On page 2, line 16, following "alleging" and before "a lack" insert "bad faith or" and following "good faith" delete the remainder of the line

AMENDMENT NO. 3

On page 2, line 18, following "good faith" and before "shall" insert a comma ","

AMENDMENT NO. 4

On page 2, line 25, following "fact" and before "specific" insert a hyphen "-"

AMENDMENT NO. 5

On page 3, line 4, following "defendant's" and before "lack" insert "bad faith or" and following "good faith" delete "or bad faith"

AMENDMENT NO. 6

On page 3, line 6, following "faith" and before "shall" insert a comma ","

On motion of Senator Lambert, the amendments were adopted.

Floor Amendments Sent Up

Senator Ullo sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ullo to Engrossed Senate Bill No. 685 by Senator Ullo

AMENDMENT NO. 1

On page 2, line 16, delete "its opposite,"

AMENDMENT NO. 2

On page 2, delete line 18, and insert "convincing evidence. "Bad faith" or "lack of good faith", as used in this Paragraph, means"

AMENDMENT NO. 3

On page 3, delete lines 1 through 7, and insert the following:

"(c) By maintaining the burden of establishing the defendant's bad faith or lack of good faith.

(6) Issues of immunity are issues of law and must be disposed of preliminarily as a matter of law."

AMENDMENT NO. 4

On page 3, line 8, change "(6)" to "(7)" and on line 11, change "(7)" to "(8)"

On motion of Senator Ullo, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 685 by Senator Ullo

AMENDMENT NO. 1

On page 3, after line 13, insert the following:

"(8) The immunity provided for herein shall apply only for acts occurring on or after August 15, 2003."

On motion of Senator Marionneaux, the amendments were adopted.

The bill was read by title. Senator Ullo moved final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Hollis	Mount
Barham	Hoyt	Schedler
Cravins	Johnson	Smith
Dupre	Lambert	Theunissen
Ellington	Lentini	Thomas
Fontenot	Malone	Ullo
Heitmeier	Michot	
Total—20		

NAYS

Adley	Chaisson	Irons
Boissiere	Dean	Jones, CD
Cain	Gautreaux	Marionneaux
Total—9		

ABSENT

Bajoie	Hines	Romero
Bean	Holden	Tarver
Dardenne	Jones, B	
Fields	McPherson	

Total—10

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Rules Suspended**

Senator Adley asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Introduction of Senate Bills and Joint Resolutions**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

**SENATE BILL NO. 1046—**  
BY SENATOR B. JONES

AN ACT

To enact Part III-F of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:135 through 135.6, relative to expropriation; to authorize expropriation of property by a declaration of taking by cities with a population size between twenty thousand five hundred twenty-five and twenty thousand five hundred fifty; to provide for the contents of a petition for expropriation; to provide for title to such property; to provide for notice and contesting of expropriation procedures by current land owners; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

**Introduction of Senate Concurrent Resolutions**

The following Senate Concurrent Resolutions, were introduced and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 57—**  
BY SENATOR THOMAS

A CONCURRENT RESOLUTION

To continue the efforts of the Task Force on the Working Uninsured to study and make further recommendations regarding possible solutions to Louisiana's serious problem of many working citizens who are without health insurance.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Health and Welfare.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS**

April 24, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 12—**

BY REPRESENTATIVE CROWE  
AN ACT

To enact R.S. 17:85.2, relative to naming a curriculum center; to authorize the parish school board in certain parishes to name a curriculum center in honor of a former educator and coach; to provide limitations; and to provide for related matters.

**HOUSE BILL NO. 97—**

BY REPRESENTATIVE NEVERS  
AN ACT

To enact R.S. 17:85.2, relative to naming a high school football stadium; to authorize the city school board in certain cities to name a high school football stadium in honor of a former coach; to provide limitations; and to provide for related matters.

**HOUSE BILL NO. 539—**

BY REPRESENTATIVE ODINET  
AN ACT

To enact R.S. 17:85.2, relative to naming a high school football stadium; to authorize the parish school board in certain parishes to name a high school football stadium in honor of a former coach; to provide limitations; and to provide for related matters.

**HOUSE BILL NO. 559—**

BY REPRESENTATIVE PIERRE AND SENATOR ROMERO  
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(i), relative to the Department of Wildlife and Fisheries, including provisions to provide for the re-creation of the Department of Wildlife and Fisheries and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

**HOUSE BILL NO. 792—**

BY REPRESENTATIVE L. JACKSON  
AN ACT

To enact R.S. 17:1603, relative to state buildings; to provide that the administration building at Southern University at Shreveport be renamed the Dr. Leonard C. Barnes Administration Building; and to provide for related matters.

**HOUSE BILL NO. 896—**

BY REPRESENTATIVE PIERRE AND SENATOR ROMERO  
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(j), relative to the Department of Natural Resources, including provisions to provide for the re-creation of the Department of Natural Resources and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

**HOUSE BILL NO. 721—**

BY REPRESENTATIVES WINSTON AND STRAIN AND SENATOR THOMAS  
AN ACT

To enact R.S. 49:149.27, relative to public buildings; to provide that the building in Covington known as the St. Tammany Livestock Show Facility be renamed as the Bobby Fletcher Agricultural Center; and to provide for related matters.

**HOUSE BILL NO. 22—**

BY REPRESENTATIVES STRAIN AND CURTIS  
AN ACT

To amend and reenact R.S. 32:197(B), relative to the operation of bicycles; to require certain bicycle riders to travel in one lane of traffic; to prohibit bicycle riders from impeding the movement of traffic; and to provide for related matters.

**HOUSE BILL NO. 39—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 33:447.6, relative to the mayor's court of the town of Gramercy; to authorize an increase in court costs for violations of municipal ordinances; to require the local governing authority to authorize the increase in court costs by adoption of an ordinance; and to provide for related matters.

**HOUSE BILL NO. 71—**

BY REPRESENTATIVE LANCASTER  
AN ACT

To amend and reenact R.S. 18:443.1(B), 443.2(7), 444(I), 445(A)(3) and (4), and 464(C)(4), relative to committees of recognized political parties; to provide with respect to the applicability of provisions of law relative to the establishment, composition, apportionment, and election of, qualifying fees for, and vacancies on such committees; to provide with respect to the number and apportionment of state central committees; and to provide for related matters.

**HOUSE BILL NO. 38—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 33:447.6, relative to the mayor's court of the town of Lutcher; to authorize an increase in court costs for violations of municipal ordinances; to require the local governing authority to authorize the increase in court costs by adoption of an ordinance; and to provide for related matters.

**HOUSE BILL NO. 124—**

BY REPRESENTATIVE DOERGE  
AN ACT

To enact R.S. 33:449, relative to mayors' courts; to create a mayor's court of the village of Heflin in Webster Parish; to provide for jurisdiction of the court; to provide for the power and authority of the mayor; and to provide for related matters.

**HOUSE BILL NO. 125—**

BY REPRESENTATIVE ANSARDI  
AN ACT

To designate a portion of Louisiana Highway 48 as Reverend Richard Wilson Drive; and to provide for related matters.

**HOUSE BILL NO. 164—**

BY REPRESENTATIVE PINAC  
AN ACT

To enact R.S. 6:506(E) and 507(D), relative to financial institution branch offices; to provide for leased branch offices; to provide for waiver of certain closure requirements; and to provide for related matters.

**HOUSE BILL NO. 185—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 6:231(C), relative to amendments to the articles of incorporation of banks; to provide a procedure for after-the-fact approval of amendments to articles; and to provide for related matters.

**HOUSE BILL NO. 188—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 6:285(A), (C)(1), and (F), 714(A), (C), and (F), and 1188(C), relative to officers of certain financial institutions; to provide for officers; to provide for election by the board of directors; and to provide for related matters.

**HOUSE BILL NO. 190—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 6:351(C) and 352.1(A), (B)(introductory paragraph), and (H), relative to share exchanges; to revise the definition of share exchange procedures between state financial institutions; to require commissioner approval for share exchanges; to require shareholder approval for share exchanges; to eliminate certain filing requirements with the commissioner; and to provide for related matters.

**HOUSE BILL NO. 200—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 33:1236(49)(b)(i), relative to derelict structures; to authorize the governing authority of the parish of Bossier to compel or require property owners to repair or demolish such structures and to charge the property owners therefor; to provide for the collection of such charges and enforcement thereof; and to provide for related matters.

**HOUSE BILL NO. 225—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 6:217(B) and (C), 232(C), 352.1(H)(4), 361(B)(2), 364.1(B), 365.1(A)(4), 366(E), 367(B)(7), 706(D), (E), and (F), 721(C)(4), (D), and (F), 862, 863(B), 868(E), 938(C), 1273(C), and 1284(5), relative to financial institution filing requirements; to eliminate document filing requirements with the secretary of state; and to provide for related matters.

**HOUSE BILL NO. 240—**

BY REPRESENTATIVE GALLOT  
AN ACT

To enact R.S. 32:63(C), relative to speed limits; to establish the speed limit on Louisiana Highway 150 within the city limits of the city of Grambling; and to provide for related matters.

**HOUSE BILL NO. 282—**

BY REPRESENTATIVES DEWITT AND MURRAY  
A JOINT RESOLUTION

Proposing to amend Article XII, Section 8.1(C)(1)(f) and (g) of the Constitution of Louisiana and to repeal Article XII, Section 8.1(C)(1)(h), relative to the Louisiana Workers' Compensation Corporation; to provide for appointment of members to the board of directors; to remove provision for the appointment of a representative from the state office of risk management; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

**HOUSE BILL NO. 306—**

BY REPRESENTATIVES DEWITT AND MURRAY  
AN ACT

To amend and reenact R.S. 23:1398(A)(4) and (5) and (D) and to repeal R.S. 23:1398(A)(6), relative to Louisiana Workers' Compensation Corporation; to provide for the appointment of members to the board of directors; to provide for the submission of nominees for the board of directors; to repeal the provision that allows for the appointment of a representative from the office of risk management; and to provide for related matters.

**HOUSE BILL NO. 313—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 6:937 and 1207, relative to dividends and capital surplus; to revise certain dividend and capital surplus requirements; and to provide for related matters.

**HOUSE BILL NO. 327—**

BY REPRESENTATIVE LANCASTER  
AN ACT

To amend and reenact R.S. 42:141(A) and (B), 161, and 162(A), relative to the oath of office taken by a public officer; to provide for when a public official shall take the oath of office and who may administer the oath; and to provide for related matters.

**HOUSE BILL NO. 334—**

BY REPRESENTATIVE PINAC  
AN ACT

To repeal R.S. 3:3654(E)(3) and (4)(e), relative to financing statements for farm products; to repeal the requirement of the signature of the debtor; to repeal the requirement of a general property description; and to provide for related matters.

**HOUSE BILL NO. 379—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 13:2582(A), relative to justices of the peace; to require a high school diploma or equivalent as a qualification for office; to provide for applicability; and to provide for related matters.

**HOUSE BILL NO. 400—**

BY REPRESENTATIVE BRUNEAU  
AN ACT

To amend and reenact R.S. 18:104(F), 451.1, 532.1(C)(3)(b) and (G)(2)(d), 1922(B), and 1941(A) and to enact R.S. 18:1941(C) and 1942, relative to preclearance of reapportionment and redistricting plans; to require certain notice thereof to the secretary of state; to change references to the Department of Justice; and to provide for related matters.

**HOUSE BILL NO. 405—**

BY REPRESENTATIVE L. JACKSON  
AN ACT

To amend and reenact Sections 4 and 5 of Act No. 573 of the 1975 Regular Session of the Legislature, as amended by Act No. 554 of the 1978 Regular Session of the Legislature, Act No. 411 of the 1980 Regular Session of the Legislature, and Act No. 163 of the 1984 Regular Session of the Legislature, relative to the Downtown Development District of the city of Shreveport; to provide with respect to the responsibility of the Downtown Development Authority to encourage and aid in the preservation, revitalization, and beautification of property within the Downtown Development District; to provide with respect to the authority to provide financial assistance for such preservation, revitalization, and beautification; and to provide for related matters.

**HOUSE BILL NO. 424—**

BY REPRESENTATIVES PITRE AND WALSWORTH  
A JOINT RESOLUTION

Proposing to amend Article I, Section 4 of the Constitution of Louisiana, to authorize the legislature to place limitations on the extent of recovery for the taking of, or loss or damage to, property rights affected by coastal wetlands conservation, management, preservation, enhancement, creation, or restoration activities; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

**HOUSE BILL NO. 445—**

BY REPRESENTATIVES WELCH AND DANIEL  
AN ACT

To enact R.S. 13:992.1, relative to court costs in the Nineteenth Judicial District Court; to authorize the Nineteenth Judicial District Court and the clerk of court of the Nineteenth Judicial District Court to impose additional costs of court and service charges in certain civil matters; to provide for collection of such costs and charges; to establish a judicial building fund; to provide for the dedication and disbursement of such funds; and to provide for related matters.

April 24, 2003

**HOUSE BILL NO. 450—**

BY REPRESENTATIVE DOWNER  
AN ACT

To amend and reenact R.S. 32:418, relative to the office of motor vehicles; to provide for registration of certain persons with the United States Selective Service when applying for a driver's license, permit, or identification card; to provide for registration of other persons upon reaching eighteen years; and to provide for related matters.

**HOUSE BILL NO. 478—**

BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact R.S. 47:1703.1(A), relative to registration of the homestead exemption; to require the assessor in Jefferson Parish to provide a form for the permanent registration of the homestead exemption; and to provide for related matters.

**HOUSE BILL NO. 483—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 9:3550(B)(3), (E)(1) and (2), and (F) and to repeal R.S. 9:3530(A)(4), relative to insurance premium finance companies; to provide for an origination fee; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 12—**

BY REPRESENTATIVE CROWE  
AN ACT

To enact R.S. 17:85.2, relative to naming a curriculum center; to authorize the parish school board in certain parishes to name a curriculum center in honor of a former educator and coach; to provide limitations; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 22—**

BY REPRESENTATIVES STRAIN AND CURTIS  
AN ACT

To amend and reenact R.S. 32:197(B), relative to the operation of bicycles; to require certain bicycle riders to travel in one lane of traffic; to prohibit bicycle riders from impeding the movement of traffic; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 38—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 33:447.6, relative to the mayor's court of the town of Lutchter; to authorize an increase in court costs for violations of municipal ordinances; to require the local governing authority to authorize the increase in court costs by adoption of an ordinance; and to provide for related matters.

The bill was read by title; lies over under the rules.

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AN ACT

To enact R.S. 33:447.6, relative to the mayor's court of the town of Gramercy; to authorize an increase in court costs for violations of municipal ordinances; to require the local governing authority to authorize the increase in court costs by adoption of an ordinance; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 71—**

BY REPRESENTATIVE LANCASTER  
AN ACT

To amend and reenact R.S. 18:443.1(B), 443.2(7), 444(I), 445(A)(3) and (4), and 464(C)(4), relative to committees of recognized political parties; to provide with respect to the applicability of provisions of law relative to the establishment, composition, apportionment, and election of, qualifying fees for, and vacancies on such committees; to provide with respect to the number and apportionment of state central committees; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 97—**

BY REPRESENTATIVE NEVERS  
AN ACT

To enact R.S. 17:85.2, relative to naming a high school football stadium; to authorize the city school board in certain cities to name a high school football stadium in honor of a former coach; to provide limitations; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 124—**

BY REPRESENTATIVE DOERGE  
AN ACT

To enact R.S. 33:449, relative to mayors' courts; to create a mayor's court of the village of Heflin in Webster Parish; to provide for jurisdiction of the court; to provide for the power and authority of the mayor; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 125—**

BY REPRESENTATIVE ANSARDI  
AN ACT

To designate a portion of Louisiana Highway 48 as Reverend Richard Wilson Drive; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 164—**

BY REPRESENTATIVE PINAC  
AN ACT

To enact R.S. 6:506(E) and 507(D), relative to financial institution branch offices; to provide for leased branch offices; to provide for waiver of certain closure requirements; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 185—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 6:231(C), relative to amendments to the articles of incorporation of banks; to provide a procedure for after-the-fact approval of amendments to articles; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 188—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:285(A), (C)(1), and (F), 714(A), (C), and (F), and 1188(C), relative to officers of certain financial institutions; to provide for officers; to provide for election by the board of directors; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 190—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:351(C) and 352.1(A), (B)(introductory paragraph), and (H), relative to share exchanges; to revise the definition of share exchange procedures between state financial institutions; to require commissioner approval for share exchanges; to require shareholder approval for share exchanges; to eliminate certain filing requirements with the commissioner; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 200—**

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 33:1236(49)(b)(i), relative to derelict structures; to authorize the governing authority of the parish of Bossier to compel or require property owners to repair or demolish such structures and to charge the property owners therefor; to provide for the collection of such charges and enforcement thereof; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 225—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:217(B) and (C), 232(C), 352.1(H)(4), 361(B)(2), 364.1(B), 365.1(A)(4), 366(E), 367(B)(7), 706(D), (E), and (F), 721(C)(4), (D), and (F), 862, 863(B), 868(E), 938(C), 1273(C), and 1284(5), relative to financial institution filing requirements; to eliminate document filing requirements with the secretary of state; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 240—**

BY REPRESENTATIVE GALLOT

AN ACT

To enact R.S. 32:63(C), relative to speed limits; to establish the speed limit on Louisiana Highway 150 within the city limits of the city of Grambling; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 282—**

BY REPRESENTATIVES DEWITT AND MURRAY

A JOINT RESOLUTION

Proposing to amend Article XII, Section 8.1(C)(1)(f) and (g) of the Constitution of Louisiana and to repeal Article XII, Section 8.1(C)(1)(h), relative to the Louisiana Workers' Compensation Corporation; to provide for appointment of members to the board of directors; to remove provision for the appointment of a representative from the state office of risk management; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 306—**

BY REPRESENTATIVES DEWITT AND MURRAY

AN ACT

To amend and reenact R.S. 23:1398(A)(4) and (5) and (D) and to repeal R.S. 23:1398(A)(6), relative to Louisiana Workers' Compensation Corporation; to provide for the appointment of members to the board of directors; to provide for the submission of nominees for the board of directors; to repeal the provision that allows for the appointment of a representative from the office of risk management; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 313—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:937 and 1207, relative to dividends and capital surplus; to revise certain dividend and capital surplus requirements; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 327—**

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 42:141(A) and (B), 161, and 162(A), relative to the oath of office taken by a public officer; to provide for when a public official shall take the oath of office and who may administer the oath; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 334—**

BY REPRESENTATIVE PINAC

AN ACT

To repeal R.S. 3:3654(E)(3) and (4)(e), relative to financing statements for farm products; to repeal the requirement of the signature of the debtor; to repeal the requirement of a general property description; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 379—**

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact R.S. 13:2582(A), relative to justices of the peace; to require a high school diploma or equivalent as a qualification for office; to provide for applicability; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 400—**

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 18:104(F), 451.1, 532.1(C)(3)(b) and (G)(2)(d), 1922(B), and 1941(A) and to enact R.S. 18:1941(C) and 1942, relative to preclearance of reapportionment and redistricting plans; to require certain notice thereof to the secretary of state; to change references to the Department of Justice; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 405—**

BY REPRESENTATIVE L. JACKSON

AN ACT

To amend and reenact Sections 4 and 5 of Act No. 573 of the 1975 Regular Session of the Legislature, as amended by Act No. 554 of the 1978 Regular Session of the Legislature, Act No. 411 of the 1980 Regular Session of the Legislature, and Act No. 163 of the 1984 Regular Session of the Legislature, relative to the Downtown Development District of the city of Shreveport; to

provide with respect to the responsibility of the Downtown Development Authority to encourage and aid in the preservation, revitalization, and beautification of property within the Downtown Development District; to provide with respect to the authority to provide financial assistance for such preservation, revitalization, and beautification; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 424—**  
BY REPRESENTATIVES PITRE AND WALSWORTH  
A JOINT RESOLUTION

Proposing to amend Article I, Section 4 of the Constitution of Louisiana, to authorize the legislature to place limitations on the extent of recovery for the taking of, or loss or damage to, property rights affected by coastal wetlands conservation, management, preservation, enhancement, creation, or restoration activities; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 445—**  
BY REPRESENTATIVES WELCH AND DANIEL  
AN ACT

To enact R.S. 13:992.1, relative to court costs in the Nineteenth Judicial District Court; to authorize the Nineteenth Judicial District Court and the clerk of court of the Nineteenth Judicial District Court to impose additional costs of court and service charges in certain civil matters; to provide for collection of such costs and charges; to establish a judicial building fund; to provide for the dedication and disbursement of such funds; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 450—**  
BY REPRESENTATIVE DOWNER  
AN ACT

To amend and reenact R.S. 32:418, relative to the office of motor vehicles; to provide for registration of certain persons with the United States Selective Service when applying for a driver's license, permit, or identification card; to provide for registration of other persons upon reaching eighteen years; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 478—**  
BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact R.S. 47:1703.1(A), relative to registration of the homestead exemption; to require the assessor in Jefferson Parish to provide a form for the permanent registration of the homestead exemption; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 483—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 9:3550(B)(3), (E)(1) and (2), and (F) and to repeal R.S. 9:3530(A)(4), relative to insurance premium finance companies; to provide for an origination fee; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 539—**  
BY REPRESENTATIVE ODINET  
AN ACT

To enact R.S. 17:85.2, relative to naming a high school football stadium; to authorize the parish school board in certain parishes to name a high school football stadium in honor of a former coach; to provide limitations; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 559—**  
BY REPRESENTATIVE PIERRE AND SENATOR ROMERO  
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(i), relative to the Department of Wildlife and Fisheries, including provisions to provide for the re-creation of the Department of Wildlife and Fisheries and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 721—**  
BY REPRESENTATIVES WINSTON AND STRAIN AND SENATOR THOMAS  
AN ACT

To enact R.S. 49:149.27, relative to public buildings; to provide that the building in Covington known as the St. Tammany Livestock Show Facility be renamed as the Bobby Fletcher Agricultural Center; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 792—**  
BY REPRESENTATIVE L. JACKSON  
AN ACT

To enact R.S. 17:1603, relative to state buildings; to provide that the administration building at Southern University at Shreveport be renamed the Dr. Leonard C. Barnes Administration Building; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 896—**  
BY REPRESENTATIVE PIERRE AND SENATOR ROMERO  
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(j), relative to the Department of Natural Resources, including provisions to provide for the re-creation of the Department of Natural Resources and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

April 24, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 129— BY REPRESENTATIVE NEVERS A CONCURRENT RESOLUTION

To honor the foster parents of the year 2003 in each region and to express the appreciation of the legislature for their valuable contribution to strengthening family life in Louisiana;

HOUSE CONCURRENT RESOLUTION NO. 130— BY REPRESENTATIVE THOMPSON A CONCURRENT RESOLUTION

To urge and request the House and Senate Transportation, Highways and Public Works Committees and the House and Senate Committees on Agriculture, Forestry, Aquaculture, and Rural Development to work with the Department of Transportation and Development, the Department of Agriculture and Forestry, the Governor's Aviation Advisory Commission, representatives of the telecommunication industry, farmers, and the general public to study the practicality and feasibility of identifying and requiring the registering and marking of communication towers less than two hundred feet in height.

Respectfully submitted, ALFRED W. SPEER Clerk of the House of Representatives

House Concurrent Resolutions on First Reading

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 129— BY REPRESENTATIVE NEVERS A CONCURRENT RESOLUTION

To honor the foster parents of the year 2003 in each region and to express the appreciation of the legislature for their valuable contribution to strengthening family life in Louisiana;

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 130— BY REPRESENTATIVE THOMPSON A CONCURRENT RESOLUTION

To urge and request the House and Senate Transportation, Highways and Public Works Committees and the House and Senate Committees on Agriculture, Forestry, Aquaculture, and Rural Development to work with the Department of Transportation and Development, the Department of Agriculture and Forestry, the Governor's Aviation Advisory Commission, representatives of the telecommunication industry, farmers, and the general public to study the practicality and feasibility of identifying and requiring the registering and marking of communication towers less than two hundred feet in height.

The resolution was read by title; lies over under the rules.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON TRANSPORTATION, HIGHWAYS, AND PUBLIC WORKS

Senator Heitmeier, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

April 24, 2003

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

SENATE BILL NO. 28— BY SENATOR DUPRE AND REPRESENTATIVE PITRE AN ACT

To enact R.S. 47:463.111, relative to motor vehicles; to provide relative to the issuance of license plates; to create the "America's WETLAND" prestige license plate to promote Louisiana's coastal wetlands and coastal wetland restoration; to provide relative to the fee for such plates; to provide for the design of such plates; to authorize the promulgation of rules and regulations; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 41— BY SENATOR MCPHERSON AN ACT

To amend and reenact R.S. 48:217(A), relative to roads and highways; to provide for the acquisition of rights-of-way on certain highway projects; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 44— BY SENATOR MCPHERSON AN ACT

To amend and reenact R.S. 48:252(A)(2) and (B)(1), relative to roads and highways; provides for alternate bids on highway project contracts; requires quarterly reports on the bids; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 48— BY SENATORS HAINKEL AND LAMBERT AN ACT

To name the Interstate 10 bridge over the Mississippi River at Baton Rouge for Congressman Jimmy Morrison; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 123— BY SENATORS DUPRE, CHAISSON, GAUTREAUX AND ROMERO AND REPRESENTATIVES BALDONE, DOWNER AND PITRE AN ACT

To amend and reenact R.S. 47:463(A)(3), relative to license plates; to provide that the official Louisiana license plate shall be the "America's WETLAND" license plate; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 141— BY SENATOR DUPRE AN ACT

To enact R.S. 32:408(B)(4)(c), relative to school bus drivers; to provide for a restriction to commercial driver's licenses for operation only of a school bus; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 208—**

BY SENATOR MARIONNEAUX  
AN ACT

To amend and reenact the introductory paragraph of R.S. 32:387.7, R.S. 32:387.7(3), the introductory paragraph of R.S. 32:387.9, R.S. 32:387.9(3) and (5), and to enact R.S. 32:387.7(5) and 387.9(6), relative to special permits; to provide for the issuance of special sugarcane and agronomic or horticultural permits to operators of vehicles; to provide for the specificity of such permits; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 280—**

BY SENATOR BEAN  
AN ACT

To amend R.S. 34:3160(D), relative to ports; to increase the maximum term of certain contracts, leases, and other agreements which may be entered into by the Caddo-Bossier Parishes Port Commission; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 323—**

BY SENATOR LENTINI  
AN ACT

To amend and reenact R.S. 48:279, relative to highways; to provide relative to night time construction and maintenance work on limited access highways; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 339—**

BY SENATOR IRONS  
AN ACT

To enact R.S. 47:463.111, relative to motor vehicle license plates; to provide for a special prestige license plate for Invest in Children; to provide for its charge; to provide for the distribution and use of the monies; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 353—**

BY SENATOR MCPHERSON  
AN ACT

To enact R.S. 32:408(B)(6), relative to driver's licenses; to provide for the office of motor vehicles to issue a temporary driver's permit under certain conditions; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 583—**

BY SENATOR MARIONNEAUX  
AN ACT

To amend and reenact the introductory paragraph of R.S. 2:654(B) and 654(C), (F), (H)(3), and (J), and to enact R.S. 2:654(B)(14) and (15), relative to the Louisiana Airport Authority; to provide for representation from certain parishes on the board of commissioners; to provide for the term of office of each new member; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 729—**

BY SENATOR MCPHERSON  
AN ACT

To amend and reenact R.S. 32:387.5, relative to special permits; to authorize vehicles traveling under special permits to use a portion of Interstate 49 as an alternate route for certain highways; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 993—**

BY SENATOR THEUNISSEN  
AN ACT

To amend and reenact R.S. 34:202, relative to the Lake Charles Harbor and Terminal District; to provide with respect to the members of the board of commissioners; to provide for vacancies on the board; to provide with respect to removal of board members; and to provide for related matters.

Reported by substitute.

**SENATE BILL NO. 1043—**

BY SENATOR CAIN  
AN ACT

To designate a portion of Louisiana Highway 394 in Beauregard Parish as the "Clayton Iles Memorial Highway".

Reported favorably.

Respectfully submitted,  
FRANCIS C. HEITMEIER

**REPORT OF COMMITTEE ON**

**EDUCATION**

Senator Theunissen, Chairman on behalf of the Committee on Education, submitted the following report:

April 24, 2003

To the President and Members of the Senate:

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

**SENATE BILL NO. 7—**

BY SENATOR THEUNISSEN AND REPRESENTATIVES JOHN SMITH  
AND MCDONALD  
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(a)(iii), relative to the Tuition Opportunity Program for Students; to provide for the time period in which a nonresident on active duty with the United States Armed Forces who is stationed in Louisiana under permanent change of station orders must change his military records to establish Louisiana as his official home of record in order for a dependent child to be eligible for an award; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 46—**

BY SENATOR MCPHERSON  
AN ACT

To enact R.S. 17:3048.1(W), relative to the Tuition Opportunity Program for Students; to provide for the use of awards at eligible Louisiana colleges and universities by students who are otherwise qualified for a program award and who enroll as first-time freshmen in an out-of-state college or university; to provide conditions and limitations; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 82—**

BY SENATOR THEUNISSEN  
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(e)(vi), and (B)(2)(b)(vi) and (c)(vi), relative to the Tuition Opportunity Program for Students; to include certain agriscience courses as a science option in the core curriculum; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 166—**  
BY SENATOR FIELDS

AN ACT

To enact R.S. 17:10.5, relative to school accountability; to establish the School Testing Right to Know law; to provide for the release to the public of school-by-school or district-by-district elementary and secondary school standardized test scores; to provide for the release of certain school or district level data; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 364—**  
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(a)(iii), relative to the Tuition Opportunity Program for Students; to provide relative to the duration of residency required for independent students and a parent of a dependent student; to provide relative to the eligibility of the dependent child of a member of the United States armed forces who is not and does not become a resident of the state, but who lives in the state under permanent change of station orders; to revise certain language; to revise certain citizenship requirements; to reinstate awards to certain students based on citizenship status; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 365—**  
BY SENATOR THEUNISSEN AND CRANE  
AN ACT

To amend and re-enact R.S. 17:3021 and to enact R.S. 17: 3023(C), relative to the powers and duties of the Louisiana Student Financial Assistance Commission; to require the development and maintenance of a comprehensive state student aid plan that supports the Louisiana's Master Plan for Public Postsecondary Education; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 398—**  
BY SENATOR FONTENOT

AN ACT

To enact R.S. 17:17, relative to the State Department of Education; to require the employment of a physical education coordinator; to provide for recommendations regarding such coordinator; to require that submission of a state physical activity plan; to require public elementary schools to provide daily activity ; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 459—**  
BY SENATORS CAIN, MCPHERSON, MOUNT, SCHEDLER AND THEUNISSEN

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(a)(iii), relative to the Tuition Opportunity Program for Students; to provide relative to the eligibility of the dependent child of a member of the United States armed forces who is not and does not become a resident of the state, but who lives in the state under permanent change of station orders; to revise certain language; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 471—**  
BY SENATORS HOYT, THEUNISSEN AND THOMAS AND REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 9:154(A)(15) and (C), R.S. 17:3092(1) and (12), 3096(C), 3098(B)(2), and 3129.4(C)(1), and R.S. 44:4.1(8), and to enact R.S. 9:154(A)(16), R.S. 17:3093(D)(1)(i), 3096(A)(1)(e) and (E)(3)(d), and 3098(B)(3), relative to the Student Tuition Assistance and Revenue Trust Program; to provide for administration of the program; to provide for certain education savings accounts to be presumed as abandoned property; to provide for and expand program participation; to provide for interest on accounts; to provide for refunds upon termination; to provide for the designation of beneficiaries; to exclude certain records pertaining to education savings accounts from the public records law; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
GERALD J. THEUNISSEN  
Chairman

**REPORT OF COMMITTEE ON**

**LABOR AND INDUSTRIAL RELATIONS**

Senator C. Jones, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

April 24, 2003

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

**SENATE BILL NO. 512—**  
BY SENATOR C. JONES

AN ACT

To amend and reenact R.S. 23:1514(F), relative to unemployment compensation; to provide with respect to worker training funds; to provide for incentives for contracting with a qualified minority training firm; to provide for definitions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 771—**  
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 23:1127(C)(2), relative to workers' compensation; to provide with respect to medical examinations; to require any party scheduling a conference to bear the responsibility of paying any fees charged; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 824—**  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 23:1600(6)(a)(i), relative to unemployment benefits; to clarify law relative to prohibiting certain temporary teachers from receiving unemployment benefits during summer vacation between school terms; and to provide for related matters.

Reported favorably.

April 24, 2003

**SENATE BILL NO. 940—**  
BY SENATOR C. JONES

AN ACT

To enact R.S. 23:1514(F), relative to unemployment compensation; to provide with respect to worker training funds; to provide for customized training for all employees; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

**Rules Suspended**

Senator Irons asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 629 from the Committee on Judiciary C.

**SENATE BILL NO. 629—**  
BY SENATOR IRONS

AN ACT

To amend and reenact Code of Criminal Procedure Art. 707, relative to criminal procedure; to provide relative to certain criminal trials; to provide relative to a motion of continuance in such trials, to require certain conditions for the granting of such motion; and to provide for related matters.

On motion of Senator Irons, the bill was read by title and withdrawn from the files of the Senate.

**Motion to Recommit**

Senator Chaisson asked for and obtained a suspension of the rules and recommitted Senate Bill No. 480 from the Committee on Judiciary B to the Committee on Judiciary C.

**Rules Suspended**

Senator Gautreaux asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 1499 from the Committee on Agriculture.

**HOUSE BILL NO. 1499—**

BY REPRESENTATIVES PITRE, DURAND, BAUDOIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN  
AN ACT

To enact R.S. 3:4617(D) and (E), relative to the labeling of food products; prevents advertisement or sale of certain food products; provides relative to the definition of "cajun"; restricts use of the term "cajun" in advertising certain food products; prohibits deceptive packaging; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 777, was read by title and lies over under the rules.

**Rules Suspended**

Senator Michot asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 1183 from the Committee on Commerce, Consumer Protection and International Affairs.

**HOUSE BILL NO. 1183—**

BY REPRESENTATIVES PINAC, ALEXANDER, BAUDOIN, BROOME, BRUCE, DANIEL, DURAND, FLAVIN, PIERRE, WALSWORTH, CROWE, DEVILLIER, FANNIN, FRITH, SCHWEGMANN, AND GARY SMITH AND SENATORS MICHOT, CRAVINS, AND HOYT  
AN ACT

To enact Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.21 through 844.25, relative to an information and referral system; to provide for the authority of the Public Service Commission, to create a planning board to make recommendations to the commission, to provide for the requirements of the system and procedure for its planning, implementation, operation, and associated costs; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 786, was read by title and lies over under the rules.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Bajoie	½ Day	Bean	1 Day
Fields	1 Day	Hines	1 Day
Holden	1 Day	Romero	1 Day
Tarver	1 Day		

**Adjournment**

Senator Lambert moved that the Senate adjourn until Monday, April 28, 2003, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Monday, April 28, 2003.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk