

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

SIXTEENTH DAY'S PROCEEDINGS

**Thirtieth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, April 28, 2004

The Senate was called to order at 1:30 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneau
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—38		

ABSENT

Bajoie
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

Prayer

The prayer was offered by Rev. Jan C. Holloway, 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 Fields, 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

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 27, 2004

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 83—
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION
To designate August, 2004, as Adrenoleukodystrophy Awareness Month.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 85—
BY SENATOR ADLEY

A CONCURRENT RESOLUTION
To express the condolences of the Legislature of Louisiana to the parents of Jason Kavanaugh Willis and the parents of Sarah Margaret Madden Willis on the death of their children.

Reported without amendments.

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

**Introduction of Resolutions,
Senate and Concurrent**

Senator Hainkel asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 47—
BY SENATOR HAINKEL

A RESOLUTION
To commend the players, coaches, and managerial personnel of the 2003-2004 Brother Martin High School Boys Basketball Team on winning the State 5-A Boys State Basketball Championship for the first time in thirty years.

On motion of Senator Hainkel, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 86—
BY SENATOR NEVERS

A CONCURRENT RESOLUTION
To urge and requests retailers within the state of Louisiana to promote Louisiana dairy products.

The resolution was read by title. Senator Nevers moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Marionneau
Adley	Fontenet	Michot
Amedee	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Cain	Hainkel	Schedler
Chaisson	Hollis	Smith
Dardenne	Irons	Theunissen
Duplessis	Jackson	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—28		

NAYS

Total—0

ABSENT

Bajoie	Cravins	Kostelka
Barham	Heitmeier	McPherson
Boissiere	Holden	Romero
Cheek	Jones	
Total—11		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 87—
BY SENATOR IRONS

A CONCURRENT RESOLUTION

To proclaim the month of May as "National Foster Care Month".

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	Marionneau
Adley	Fields	Michot
Amedee	Fontenet	Mount
Barham	Gautreaux, B	Nevers
Boasso	Gautreaux, N	Schedler
Cain	Hainkel	Smith
Chaisson	Hollis	Theunissen
Cheek	Irons	Ullo
Duplessis	Jackson	
Dupre	Lentini	
Total—28		

NAYS

Total—0

ABSENT

Bajoie	Heitmeier	Malone
Boissiere	Holden	McPherson
Cravins	Jones	Romero
Dardenne	Kostelka	
Total—11		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

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 28, 2004

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. 1266—

BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 49:214.30(C)(2)(a) and 214.42(C) and (D), relative to coastal management; to provide relative to notification of multiple landowners of proposed activities under a coastal use permit; to provide for use of the funds in the Coastal Mitigation Account; and to provide for related matters.

HOUSE BILL NO. 114—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 22:1404(3)(d)(iii), relative to automobile liability insurance rates; to provide for discounts; to provide for defensive driving; to provide for senior drivers; and to provide for related matters.

HOUSE BILL NO. 137—

BY REPRESENTATIVE WALKER
AN ACT

To amend and reenact R.S. 15:541(1) and 542.1(H)(3)(b), relative to registration of sex offenders; to provide with respect to the length of time certain sex offenders are required to register; to provide for the definition of "aggravated offense"; and to provide for related matters.

HOUSE BILL NO. 1297—

BY REPRESENTATIVES TOWNSEND AND CAZAYOUX
AN ACT

To amend and reenact R.S. 1:13 and R.S. 13:3712(A) and to enact R.S. 24:177, all relative to interpretation of laws; to specifically provide that certain elements of a bill are not law; to provide with respect to audio and video recordings of legislative proceedings; to provide with respect to legislative intent; to define the extent to which certain elements of a bill are

considered to determine legislative intent; and to provide for related matters.

HOUSE BILL NO. 1246—

BY REPRESENTATIVES LAFLEUR, CAZAYOUX, BALDONE, K. CARTER, DOWNS, ERDEY, FAUCHEUX, FLAVIN, GALLOT, HAMMETT, LANCASTER, PITRE, GARY SMITH, JACK SMITH, STRAIN, THOMPSON, TOWNSEND, AND WALSWORTH

AN ACT

To amend and reenact R.S. 42:1132(D), 1134(N), and 1157(A)(1) and (3) and to enact R.S. 24:55(G) and Part IV of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:71 through 78, relative to the regulation of lobbying; to provide for the regulation of lobbying in state government; to provide for the reporting of certain expenditures by principals and employers of lobbyists; to provide for lobbying of the executive branch; to provide for definitions; to provide for registration, reporting, and disclosure; to provide for administration and enforcement; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 1015—

BY REPRESENTATIVES LANCASTER, BROOME, HAMMETT, SALTER, AND THOMPSON

AN ACT

To amend and reenact R.S. 24:56 and 56.1 and to enact R.S. 18:1505.2(Q), (R), and (S) relative to campaign finance; to prohibit certain persons from accepting certain campaign contributions during certain legislative sessions; to prohibit the governor from accepting certain campaign contributions during certain legislative sessions and for a certain time period thereafter; to prohibit statewide elected officials and public service commissioners from receiving campaign contributions during certain legislative sessions; to prohibit a legislator from accepting certain campaign contributions during certain legislative sessions; to prohibit a legislator from soliciting certain campaign contributions during certain legislative sessions; to prohibit the offer or providing of certain campaign contributions to a legislator during certain legislative sessions; to provide relative to notice of certain fundraising functions; to provide for penalties and enforcement; to provide exceptions; and to provide for related matters.

HOUSE BILL NO. 1244—

BY REPRESENTATIVE TRICHE

AN ACT

To enact R.S. 14:102.19, relative to offenses affecting the public sensibility; to create the crime of hog and canine fighting; to provide for exceptions; to provide for penalties; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 1338—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 56:700.12(4) and (5) and 700.13(C) and to enact R.S. 56:700.13(F), relative to the Oyster Lease Damage Evaluation Board; to provide for biological surveys of oyster leases; to authorize such surveys to be conducted 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. 114—

BY REPRESENTATIVE ODINET

AN ACT

To amend and reenact R.S. 22:1404(3)(d)(iii), relative to automobile liability insurance rates; to provide for discounts; to provide for defensive driving; to provide for senior drivers; and to provide for related matters.

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

HOUSE BILL NO. 137—

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 15:541(1) and 542.1(H)(3)(b), relative to registration of sex offenders; to provide with respect to the length of time certain sex offenders are required to register; to provide for the definition of "aggravated offense"; and to provide for related matters.

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

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BY REPRESENTATIVES LANCASTER, BROOME, HAMMETT, SALTER, AND THOMPSON

AN ACT

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

HOUSE BILL NO. 1246—

BY REPRESENTATIVES LAFLEUR, CAZAYOUX, BALDONE, K. CARTER, DOWNS, ERDEY, FAUCHEUX, FLAVIN, GALLOT, HAMMETT, LANCASTER, PITRE, GARY SMITH, JACK SMITH, STRAIN, THOMPSON, TOWNSEND, AND WALSWORTH
AN ACT

To amend and reenact R.S. 42:1132(D), 1134(N), and 1157(A)(1) and (3) and to enact R.S. 24:55(G) and Part IV of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:71 through 78, relative to the regulation of lobbying; to provide for the regulation of lobbying in state government; to provide for the reporting of certain expenditures by principals and employers of lobbyists; to provide for lobbying of the executive branch; to provide for definitions; to provide for registration, reporting, and disclosure; to provide for administration and enforcement; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 1266—

BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 49:214.30(C)(2)(a) and 214.42(C) and (D), relative to coastal management; to provide relative to notification of multiple landowners of proposed activities under a coastal use permit; to provide for use of the funds in the Coastal Mitigation Account; and to provide for related matters.

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

HOUSE BILL NO. 1297—

BY REPRESENTATIVES TOWNSEND AND CAZAYOUX
AN ACT

To amend and reenact R.S. 1:13 and R.S. 13:3712(A) and to enact R.S. 24:177, all relative to interpretation of laws; to specifically provide that certain elements of a bill are not law; to provide with respect to audio and video recordings of legislative proceedings; to provide with respect to legislative intent; to define the extent to which certain elements of a bill are considered to determine legislative intent; and to provide for related matters.

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

HOUSE BILL NO. 1338—

BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 56:700.12(4) and (5) and 700.13(C) and to enact R.S. 56:700.13(F), relative to the Oyster Lease Damage Evaluation Board; to provide for biological surveys of oyster leases; to authorize such surveys to be conducted by the board; 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 28, 2004

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. 108—

BY REPRESENTATIVES FUTRELL, BEARD, DOVE, DOWNS, ERDEY, FANNIN, M. GUILLORY, KATZ, LAMBERT, PITRE, QUEZAIRE, AND SMILEY

A CONCURRENT RESOLUTION

To express the Legislature of Louisiana's support for Baton Rouge's request for the maximum extension of the deadline by which the nonattainment area must switch to use of reformulated gasoline.

HOUSE CONCURRENT RESOLUTION NO. 144—

BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To commend Melissa McConnell of Baton Rouge for her outstanding accomplishments and for proudly representing the state as Miss Louisiana USA 2004.

HOUSE CONCURRENT RESOLUTION NO. 147—

BY REPRESENTATIVE GEYMAN AND SENATOR MOUNT
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Jeffrey Lynn "Jeff" Parker of Lake Charles.

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. 108—

BY REPRESENTATIVES FUTRELL, BEARD, DOVE, DOWNS, ERDEY, FANNIN, M. GUILLORY, KATZ, LAMBERT, PITRE, QUEZAIRE, AND SMILEY

A CONCURRENT RESOLUTION

To express the Legislature of Louisiana's support for Baton Rouge's request for the maximum extension of the deadline by which the nonattainment area must switch to use of reformulated gasoline.

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

HOUSE CONCURRENT RESOLUTION NO. 144—
BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To commend Melissa McConnell of Baton Rouge for her outstanding accomplishments and for proudly representing the state as Miss Louisiana USA 2004.

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

HOUSE CONCURRENT RESOLUTION NO. 147—
BY REPRESENTATIVE GEYMAN AND SENATOR MOUNT

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Jeffrey Lynn "Jeff" Parker of Lake Charles.

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

**House Bills and Joint Resolutions
to be referred to the Legislative Bureau**

The following House Bills and Joint Resolutions were read by title and acted upon as follows:

HOUSE BILL NO. 599—
BY REPRESENTATIVES GARY SMITH AND PIERRE AND SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 56:1855(L), relative to scenic rivers; to authorize certain environmental remediation activities on Bayou Trepagnier; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 340, was read by title and referred to the Legislative Bureau.

**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. 42—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 14:35.3(B)(2), relative to the crime of domestic abuse battery; to define "household member" to include certain minor children; and to provide for related matters.

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

HOUSE BILL NO. 43—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To enact R.S. 14:30(A)(9) and to amend and reenact R.S. 14:30(B), relative to homicide; to provide with respect to the crime of first degree murder; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 556—
BY REPRESENTATIVES CRANE AND DORSEY
AN ACT

To amend and reenact Section 1(B) of Act No. 991 of the 1999 Regular Session of the Legislature, relative to the authority granted to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to impose specified increases in tuition amounts at the university laboratory school; to remove exceptions relative to the payment of certain authorized amount increases provided for certain families based on gross annual household income; to provide for the applicability of exceptions previously authorized by law; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 561—
BY REPRESENTATIVES WALSWORTH, KATZ, AND THOMPSON
AN ACT

To enact R.S. 14:61, relative to unauthorized entry of a critical infrastructure; to define unauthorized entry of a critical infrastructure; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 787—
BY REPRESENTATIVE HUNTER
AN ACT

To enact R.S. 24:7, relative to the legislature; to provide relative to committee meetings; to allow certain committee meetings to be conducted by video conference; to allow each house of the legislature to adopt rules to facilitate meetings by video conference; and to provide for related matters.

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

HOUSE BILL NO. 896—
BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 27:30.3 and to repeal R.S. 27:114 and 365(5), relative to the monitoring and reading of certain electronic gaming devices; to provide that electronic gaming devices at certain gaming establishments shall be linked by telecommunication to a central computer system for purposes of monitoring and reading device activities; to provide for the assessment and collection of fees; to provide for the adoption of rules; to provide for exceptions; and to provide for related matters.

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

HOUSE BILL NO. 925—
BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 15:542(B)(6), relative to notification by sex offenders; to provide with respect to posting of notices in certain places of business; and to provide for related matters.

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

KEN HOLLIS
Chairman

HOUSE BILL NO. 1135—
BY REPRESENTATIVES LAFLEUR AND MURRAY
AN ACT

To amend and reenact R.S. 22:622.2, relative to automobile liability insurance; to provide for coverage; to provide for prohibitions on limitations; to provide for public policy; and to provide for related matters.

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

HOUSE BILL NO. 1302—
BY REPRESENTATIVES MURRAY, JEFFERSON, AND MARCHAND
AN ACT

To enact Chapter 13-D of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4720.51 through 4720.71, and to repeal Act No. 170 of the 1968 Regular Session, as amended, and to repeal all Acts amending such Act including Act No. 299 of the 1972 Regular Session, Act Nos. 571 and 572 of the 1980 Regular Session, Act No. 155 of the 1984 Regular Session, Act Nos. 65 and 135 of the 1994 Third Extraordinary Session, Act Nos. 30 and 375 of the 1995 Regular Session, Act No. 101 of the 1997 Regular Session, and Act Nos. 266 and 968 of the 2003 Regular Session, relative to the city of New Orleans; to codify the provisions of the New Orleans Community Improvement Act; and to provide for related matters.

On motion of Senator Ullo, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

April 28, 2004

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

SENATE BILL NO. 366—
BY SENATOR HINES
AN ACT

To amend and reenact R.S. 40:1484.4(C)(4)(c) and (e), relative to air-supported structures; to increase and to impose new fines for violations; and to provide for related matters.

Reported with amendments.

Respectfully submitted,

REPORT OF COMMITTEE ON
INSURANCE

Senator Cain, Chairman on behalf of the Committee on Insurance, submitted the following report:

April 28, 2004

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

SENATE BILL NO. 130—
BY SENATOR HAINKEL
AN ACT

To amend and reenact R.S. 33:1448(G), relative to group insurance for sheriffs and deputy sheriffs; to remove the requirement that the sheriff of any parish with a population of between one hundred thousand and one hundred two thousand pay certain premium costs of specified group insurance for certain retired officials and employees; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 157—
BY SENATORS CAIN, IRONS, ADLEY, BAJOIE, MICHOT, SMITH AND KOSTELKA
AN ACT

To amend and reenact R.S. 22:253(A) and to enact R.S. 22:253(A)(1) and (2); relative to funeral policies and burial insurance; to provide for payment of benefits to policy holders; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 215—
BY SENATOR FIELDS
AN ACT

To enact R.S. 22:652.5, relative to automobile insurance; to prohibit use of credit information in determining whether to refuse to issue or renew; to increase premiums, or cancel coverage on a policy; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 655—
BY SENATOR DARZENNE
AN ACT

To amend and reenact R.S. 33:1352(3) and (5), 1353(A)(1), (3), (4) and (B), 1355, 1356, 1357, 1359(A), (B), (D), and (E), and 1360; and to repeal R.S. 33:1352(6) relative to self insurance programs for local housing authorities; relative to administration of self insurance funds; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 711—

BY REPRESENTATIVE BROOME
AN ACT

To amend and reenact R.S. 22:669(A)(4) and (B), relative to certain mandated insurance benefits for mental illness; to provide relative to payable benefits and reimbursement for certain services provided by a social worker; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAMES DAVID CAIN
Chairman

REPORT OF COMMITTEE ON

HEALTH AND WELFARE

Senator McPherson, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 28, 2004

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 8—

BY SENATOR ELLINGTON
A CONCURRENT RESOLUTION

To establish the Commission on Men's Health to study and make recommendations relative to improving the health of men living in Louisiana and to require the commission to report such recommendations.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 28—

BY SENATOR MICHOT
A CONCURRENT RESOLUTION

To encourage the private sector to increase the number of options for long-term care and to urge Louisiana insurance companies to increase the options available for coverage of long-term care.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 36—

BY SENATOR N. GAUTREUX
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study the feasibility and the fiscal impact of raising the Medicaid eligibility income level to one hundred percent of the federal poverty level for those with disabilities.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATOR FIELDS
A CONCURRENT RESOLUTION

To urge and request that the Department of Health and Hospitals study the feasibility of passing on to the uninsured the reduced

prices the state pays for prescription drugs for Medicaid beneficiaries.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 43—

BY SENATOR N. GAUTREUX
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to adopt by rule a procedure for an expedited Medicaid application process.

Reported favorably.

SENATE BILL NO. 46—

BY SENATOR THEUNISSEN
AN ACT

To enact Subpart G-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:200, relative to the use of electric personal assistive mobility devices; to provide for the operation of such devices by those individuals with mobility impairments; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 631—

BY SENATOR JONES
AN ACT

To amend and reenact R.S. 23:1127(C)(1) and (3) and (D) and to enact R.S. 23:1021(14), relative to medical case managers; to provide for clarification of the availability of medical records for medical case managers; to provide a definition of medical case managers; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 701—

BY SENATOR BAJOE
AN ACT

To enact R.S. 46:1441.14, relative to family child care providers; to provide for required participation in orientation sessions; to provide that orientation programs shall be approved by the Department of Social Services or the Department of Education; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 770—

BY SENATOR FIELDS
AN ACT

To enact R.S. 17:1519.2(B)(1)(i), relative to University Medical Center in Baton Rouge; to provide for the establishment of such an entity; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 815—

BY SENATOR SCHEDLER
AN ACT

To enact R.S. 36:259(II) and Chapter 59 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3651 through 3663, relative to the certification of employee assistance professionals; to provide for definitions; to create the Board of Certified Employee Assistance Professionals; to provide for authority of the board; to provide for professional certification requirements; to provide for operation of the board; to provide for procedures for disciplinary action; to provide for confidentiality of records; to provide for protection for the practice of other professions; to provide for prohibited acts and penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 822—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 32:661(A)(2)(b), relative to toxicology screens on victims of all traffic fatalities; to provide for the use of the most current scientific testing available to determine content of alcohol at the time of death; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 826—

BY SENATOR JACKSON

AN ACT

To enact R.S. 40:5.12, relative to public health; to provide for the creation of an advisory board to establish a standard school health form; to provide for members of the advisory board; to provide for duties of the advisory board; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 840—

BY SENATOR JACKSON

AN ACT

To enact R.S. 40:1300.163(F), relative to hepatitis C education; to encourage educational initiatives regarding veterans; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JOE MCPHERSON
Chairman

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. 94—

BY SENATOR LENTINI

AN ACT

To amend and reenact the Louisiana Code of Civil Procedure, relative to civil law and procedure; 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. 94 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 2, after "Procedure" insert "Arts. 1038 and 3601"

AMENDMENT NO. 2

On page 1, line 3, after the semicolon ";" insert " relative to suits against the state; to provide relative to a finding that the expenditure of such state funds would create a deficit; to require an affidavit certifying such finding; to authorize any party in the suit to traverse any such affidavit; to require a summary proceeding for such action to traverse;

AMENDMENT NO. 3

On page 1, line 5, after "Procedure" change "Art. 1038 is" to "Arts. 1038 and 3601 are"

AMENDMENT NO. 4

On page 1, after line 14, add the following:

" * * *

Art. 3601. Injunction, grounds for issuance; preliminary injunction; temporary restraining order ; **affidavit required; authorization to traverse**

A. An injunction shall issue in cases where irreparable injury, loss, or damage may otherwise result to the applicant, or in other cases specifically provided by law; ~~provided, however, that,~~

B. no No court shall have jurisdiction to issue, or cause to be issued, any temporary restraining order, preliminary injunction, or permanent injunction against any state department, board or agency, or any officer, administrator or head thereof, or any officer of the state of Louisiana in any suit involving the expenditure of public funds under any statute or law of this state to compel the expenditure of state funds when the director of such department, board or agency, or the governor **or their respective designees** shall certify **by affidavit** that the expenditure of such funds would have the effect of creating a deficit in the funds of said agency or be in violation of the requirements placed upon the expenditure of such funds by the legislature. **The court shall initially determine whether the suit is one involving the expenditure of public funds under any statute or law of this state to compel the expenditure of state funds. Any party in the suit may traverse, by summary proceeding, any affidavit submitted pursuant to this Paragraph, and after such traversal the court shall determine whether the contents of the affidavit, as traversed, are sufficient to invoke the prohibition against injunctive relief set forth in this Paragraph.**

C. During the pendency of an action for an injunction the court may issue a temporary restraining order, a preliminary injunction, or both, except in cases where prohibited, in accordance with the provisions of this Chapter.

D. Except as otherwise provided by law, an application for injunctive relief shall be by petition."

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. 125—

BY SENATOR ULLO AND REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 15:587.1(E), relative to Louisiana Child Protection Act; to provide that a nonpublic entity shall comply with the provisions of the Louisiana Child Protection Act; to provide that the head of any nonpublic entity who fails to comply with the provision of the Louisiana Child Protection Act shall be fined; and to provide for related matters.

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

SENATE BILL NO. 139—

BY SENATOR SCHEDLER
AN ACT

To amend and reenact R.S. 15:574.2(B)(1), relative to the vote required to grant parole; to provide for a vote of the full board in certain cases; 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.139 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 5, change "enacted " to "amended and reenacted"

AMENDMENT NO. 2

On page 2, line 2, after "**peace officer**" insert "**who, at the time of the crime, is acting within the course and scope of his employment as a peace officer**" and after "**14:30(B)**" insert "**and**"

AMENDMENT NO. 3

On page 2, line 3, after "**department**" insert "**nor any such former peace officer convicted of such a crime of violence**"

AMENDMENT NO. 4

On page 2, line 4, after "**except**" delete the comma

AMENDMENT NO. 5

On page 2, line 5, after "**chairman**" delete the comma

AMENDMENT NO. 6

On page 2, after line 6, insert:
" * * *

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

SENATE BILL NO. 150—

BY SENATOR JONES
AN ACT

To enact R.S. 18:1300.24, relative to gaming elections; to authorize the municipality of Richwood in Ouachita Parish to call and conduct a referendum election on a proposition to allow the operation of video draw poker devices in the municipality; to provide for the procedures for the calling and conducting of such

election; to provide for the effectiveness of the results of the election; and to provide for related matters.

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

SENATE BILL NO. 177—

BY SENATOR HAINKEL
AN ACT

To amend and reenact Chapters 8 and 9 of Title II of Book III of the Civil Code, comprising Articles 1734 through 1750, and 1754 through 1755, to enact Chapter 8 of Title II of Book III of the Civil Code, comprising Article 1734, relative to donations made by marriage contract by third persons to future spouses or to future spouses and their children and donations made between future or present spouses; 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. 177 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 2, after "Code," change "comprising" to "to be comprised of Articles 1734 through 1743, and 1744 through 1751, relative to donations; to provide relative to donation made inter vivos in contemplation of marriage by third persons; to provide relative to interspousal donation; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 3 through 7

AMENDMENT NO. 3

On page 1, line 9, after "Code," change "comprising" to "to be comprised of Articles 1734 through 1743 and 1744 through 1751, are hereby amended and reenacted to read as follows:"

AMENDMENT NO. 4

On page, delete lines 10 through 17 and delete page 2 and add the following in lieu thereof:

~~"CHAPTER 8—OF DONATIONS MADE BY MARRIAGE CONTRACT TO THE HUSBAND OR WIFE, AND TO THE CHILDREN TO BE BORN OF THE MARRIAGE~~

~~Art. 1734. Donations inter vivos by marriage contract; effect as to unborn children~~

~~Every donation inter vivos, though made by marriage contract to the husband and wife or to either of them, is subject to the general rules prescribed for the donations made under that title. It can not take effect for the benefit of children not yet born.~~

~~Art. 1735. Donations by marriage contract stipulated to take effect at donor's death~~

~~Fathers and mothers, the other ascendants, the collateral relations of either of the parties to the marriage, and even strangers, may give the whole or a part of the property they shall leave on the day of their decease, both for the benefit of the parties, and for that of the children to be born of their marriage, in case the donor survive the donee.~~

~~Such a donation, though made for the benefit of the parties to the marriage, or for one of them, is always, in case of the survivorship of~~

the donor, presumed to be made for the benefit of the children, or descendants to proceed from that marriage.

Art. 1736. Extent of irrevocability of donation by marriage contract

A donation, in the form specified in the preceding article, is irrevocable only in this sense, that the donor can no longer dispose of the objects comprised in the donation on a gratuitous title unless it be for moderate sums, by way of recompense or otherwise.

The donor retains till death the full liberty of selling and mortgaging, unless he has formally barred himself of it in the whole or in part.

Art. 1737. Donation of present and future property with annexed statement of donor's debts, rights of donee

A donation in favor of marriage may be made cumulatively of the property present and future, provided, that to the act be annexed a statement of the debts and charges of the donor, existing on the day of the donation, in which case the donee, on the decease of the donor, may accept merely the present property, renouncing the surplus of the property of the donor.

Art. 1738. Obligations of donee in absence of donor's statement of debts

If the statement, mentioned in the preceding article, has not been annexed to the act containing a donation of present and future property, the donee shall be obliged to accept or reject that donation wholly; and in case of acceptance, he shall claim only the property existing on the day of the donor's decease, and he shall be liable to the payment of all the charges and debts of the succession.

Art. 1739. Presumed acceptance of donation by marriage contract

Donations made by marriage contract can not be impeached or declared void on pretense of a want of acceptance.

Art. 1740. Nullity of donation in default of marriage.

Every donation made in favor of marriage falls, if the marriage does not take place

Art. 1741. Failure of donation to spouse by survival of donor.

Donations made to the husband or the wife, on the terms of Articles 1735 and 1737, fall if the donor survive the donee and his or her posterity

Art. 1742. Reduction of donations to disposable portion

All donations made to a married couple by their marriage contract, are, at the time of the opening of the succession of the donor, reducible to the portion that the law permitted him to dispose of.

CHAPTER 8. OF DONATIONS INTER VIVOS MADE IN CONTEMPLATION OF MARRIAGE BY THIRD PERSONS

Chapter 8 is all proposed new law

Section 1. In General

Art. 1734. Donations in contemplation of marriage by third persons; in general

Civil Code Art. 1734 is all proposed new law.

Any third person may make a donation *inter vivos* in contemplation of a prospective marriage in accordance with the provisions of this Chapter. Such a donation shall be governed by the rules applicable to donations *inter vivos* in general, including the rules pertaining to the reduction of donations that exceed the disposable portion, but only insofar as those general rules are not modified by the following articles.

A donation *inter vivos* by a third person in contemplation of a prospective marriage that is not made in accordance with the provisions of this Chapter shall be governed solely by the rules applicable to donations *inter vivos* in general.

Art. 1735. Form

Civil Code Art. 1735 is all proposed new law.

The donation shall be made by a single instrument in authentic form. The instrument, which shall expressly state that the donor makes the donation in contemplation of the marriage of the prospective spouses, shall be signed at the same time and at the same place by the donor and by both of the prospective spouses.

The donation need not be accepted in express terms.

Art. 1736. Condition

Civil Code Art. 1736 is all proposed new law.

The donation shall be made subject to the suspensive condition that the prospective marriage shall take place.

Section 2. Donations of Present Property

Art. 1737. Beneficiaries

Civil Code Art. 1737 is all proposed new law.

The donor may donate any of his present property to both or one of the prospective spouses. The donation may not, however, be made to their common descendants, whether already born or to be born.

Section 3. Donations of Property to be left at Death

Art. 1738. Beneficiaries

Civil Code Art. 1738 is all proposed new law.

The donor may donate all or any of the property that he will leave at his death (1) to both or one of the prospective spouses or (2) to both or one of them and, in the event that they or he predecease the donor or, once the donor's succession is opened, they or he either renounce the donation or are declared unworthy to receive it, to their common descendants, whether already born or to be born.

Such a donation is presumed to be made in favor of the common descendants of the spouses, even if, in the act of donation, the donor does not mention them.

Art. 1739. Limited irrevocability

Civil Code Art. 1739 is all proposed new law.

A donation of property that the donor will leave at his death is irrevocable only in the sense that the donor may no longer dispose of the property by gratuitous title, save for dispositions of modest value. Nevertheless, the donor remains the owner of the property and, as such, retains the full liberty of disposing of it by onerous title, in the absence of an express stipulation to the contrary.

Art. 1740. Division following substitution of common descendants

Civil Code Art. 1740 is all proposed new law.

If the common descendants of the spouses find themselves substituted to both or one of the spouses, the property to which the common descendants are entitled shall be divided among them in accordance with the provisions of Chapter 2 of Title I of Book III.

Art. 1741. Caducity; causes and effects

Civil Code Art. 1741 is all proposed new law.

If every one of the donees, including the substitutes, predeceases the donor or, once the donor's succession is opened, renounces the donation or is declared unworthy to receive it, the donation becomes of no effect at all. The object of the donation falls to the donor's heirs or legatees, as the case may be.

If the donation has been made to both spouses and to their common descendants, and if one of the spouses predeceases the donor or, once the donor's succession is opened, renounces the donation or is declared unworthy to receive it, the donation becomes of no effect only with respect to that spouse. To the extent, accretion takes place in favor of the surviving spouse, if the donation has been made to the spouses jointly, or substitution takes place in

favor of their common descendants, if the donation has been made to the spouses separately.

If the donation has been made to both spouses, but not to their common descendants, and if one of the spouses predeceases the donor or, once the donor's succession is opened, renounces the donation or is declared unworthy to receive it, the donation becomes of no effect only with respect to that spouse. To that extent, the object of the donation accretes to the surviving spouse, if the donation has been made to the spouses jointly, or falls to the donor's heirs or legatees, as the case may be, if the donation has been made to the spouses separately.

If the donation has been made to one spouse only and to the spouses' common descendants, and if the donee spouse predeceases the donor or, once the donor's succession is opened, renounces the donation or is declared unworthy to receive it, the donation becomes of no effect with respect to the donee spouse. Substitution takes place in favor of the spouses' common descendants.

Art. 1742. Acceptance or renunciation of succession

Civil Code Art. 1742 is all proposed new law.

The donee of a donation of property that the donor will leave at his death has the right to accept or renounce the succession of the donor in accordance with the provisions of Chapter 6 of Title I of Book III.

Art. 1743. Universal succession; liability for estate debts

Civil Code Art. 1743 is all proposed new law.

The donee of a universal or general donation of property that the donor will leave at his death, as a universal successor of the donor, is answerable for the debts of the estate of the donor in accordance with the provisions of Chapter 13 of Title I of Book III.

CHAPTER 9--OF DONATIONS BETWEEN MARRIED PERSONS,EITHER BY MARRIAGE CONTRACT OR DURING THE MARRIAGE

~~Art. 1743. Reciprocal donations between spouses~~

~~Married persons can, by marriage contract, make to each other reciprocally, or the one to the other, what donations they think proper, under the modifications hereafter expressed.~~

~~Art. 1744. Donations by marriage contract of present property, survivorship of donee~~

~~Every donation inter vivos, of present property, made between married persons by marriage contract, shall not be deemed to be done on the condition of the survivorship of the donee, if that condition be not formally expressed, and it is subject to all the rules above prescribed for those kinds of donations.~~

~~Art. 1745. Donations by marriage contract of present or future property~~

~~A donation of property in future, or of property present and in future, made between married persons by marriage contract, whether simple or reciprocal, shall be subject to the rules established by the preceding chapter, with regard to similar donations made to them by a third person, except that it shall not be transmissive to the children, the issue of the marriage, in case of the death of the donee before the donor.~~

~~Art. 1746. Disposable portion between spouses~~

~~One of the married couple may, either by marriage contract or during the marriage, give to the other, in full property, all that he or she might give to a stranger.~~

~~Art. 1747. Emancipated minor, capacity to give by marriage contract~~

~~The husband or wife, if a minor emancipated, can, by marriage contract, give to the other, either by simple or by reciprocal donation,~~

~~whatever can be given by a party who has attained the age of majority.~~

~~Art. 1748. Unemancipated minor, authorization to give by marriage contract~~

~~A minor, not emancipated, can give only with the consent of those relations whose consent is requisite for the validity of the marriage; and with that consent, he or she can give all that the law permits a married person of full age to give to his or her consort.~~

~~If the relations, whose consent is necessary, be dead, the minor not emancipated can not give without the authorization of a court of justice.~~

* * *

~~Art. 1750. Irrevocability of donations, effect of birth of children~~

~~Those donations shall not be revoked by the birth of children, provided they do not exceed the quantum, which married persons are permitted to dispose of to each other, to the prejudice of their forced heirs, as is above provided~~

* * *

~~Art. 1754. Disguised donations or through persons interposed prohibited~~

~~Husbands and wives can not give to each other, indirectly, beyond what is permitted by the foregoing dispositions.~~

~~All donations disguised, or made to persons interposed, shall be null and void.~~

~~Art. 1755. Donees considered as persons interposed~~

~~All donations, made by one of the married parties to the children or to any one of the children of the other party by a former marriage, and such as are made by the donor to relations to whom the other party is presumptive heir on the day of the donation, although the latter may not survive the relation who is the donee, shall be deemed made to persons interposed.~~

CHAPTER 9. OF INTERSPOUSAL DONATIONS INTER VIVOS

Chapter 9 is all proposed new law.

Art. 1744. Donations between future or present spouses; in general

Civil Code Art. 1744 is all proposed new law.

A person may make a donation *inter vivos* to his future or present spouse in contemplation of or in consideration of their marriage in accordance with the provisions of this Chapter. Such a donation shall be governed by the rules applicable to donations *inter vivos* in general, including the rules that pertain to the reduction of donations that exceed the disposable portion, but only insofar as those general rules are not modified by the following articles.

A donation *inter vivos* by a person to his future or prospective spouse in contemplation of or in consideration of their marriage that is not made in accordance with the provisions of this Chapter shall be governed solely by the rules applicable to donations *inter vivos* in general.

Art. 1745. Applicability of rules on donations in contemplation of marriage by third person

Civil Code Art. 1745 is all proposed new law.

The provisions of Chapter 8 of this Title shall apply *mutatis mutandis* to such donations, with the following modifications.

Art. 1746. Objects and beneficiaries

Civil Code Art. 1746 is all proposed new law.

The donation, which may consist any of the donor's present property or all or any of the property that the donor will leave at his death, may be made to the donor's future or present spouse. The donation may not, however, be made to their common descendants, whether already born or to be born.

Art. 1747. Form

Civil Code Art. 1747 is all proposed new law.

The donation shall be made by a single instrument in authentic form. The instrument, which shall expressly state that the donor makes the donation in contemplation of his prospective marriage or in consideration of his present marriage, as the case may be, shall be signed at the same time and at the same place by the donor and by the donee.

The donation need not be accepted in express terms.

Art. 1748. Right of return

Civil Code Art. 1748 is all proposed new law.

If the donation consists of present property, it is presumed not to have been made subject to the resolutive condition that the donor survive the donee or survive the donee and his descendants.

If the donation consists of property that the donor will leave at his death, it shall be made subject to the resolutive condition that the donor survive the donee.

Art. 1749. Donation of property to be left at death; caducity

Civil Code Art. 1749 is all proposed new law.

When the donation consists of property that the donor will leave at his death, it becomes of no effect and the object thereof thereupon falls to the heirs or legatees of the donor spouse, as the case may be, if the donee predeceases the donor or, once the donor's succession is opened, renounces the donation or is declared unworthy to receive it.

Art. 1750. Donations of property to be left at death made during marriage; revocability

Civil Code Art. 1750 is all proposed new law.

A donation made during marriage of property that the donor will leave at his death is freely revocable, notwithstanding any stipulation to the contrary.

Art. 1751. Disguised donations and donations to persons interposed

Civil Code Art 1751 is all proposed new law.

A donation of property that the donor will leave at his death is absolutely null if it is disguised or made to a person interposed to his spouse.

The following are reputed to be such person interposed:

(1) a child of the donee spouse who is not among the spouses' common children; or

(2) a person to whom the donee spouse is a presumptive successor at the time when the donation is made, even if the donee spouse does not thereafter survive that person."

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. 228—

BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 9:4204 and to enact R.S. 9:4210(E), relative to arbitration; to provide relative to grounds for appeal; to include certain circumstances as such grounds; to establish a minimum fee for arbitrators; 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. 228 by Senator Fields

AMENDMENT NO. 1

On page 1, line 2, after "To" delete "amend and reenact R.S. 9:4204 and to"

AMENDMENT NO. 2

On page 1, line 4, after "grounds;" delete "to establish a minimum fee for arbitrators;"

AMENDMENT NO. 3

On page 1, line 7, after "1." delete "R.S. 9:4204 is hereby amended and reenacted and"

AMENDMENT NO. 4

On page 1, delete lines 9 through 17

AMENDMENT NO. 5

On page 2, delete lines 1 through 6

AMENDMENT NO. 6

On page 2, delete line 12 and insert "**E. Where the opinion is contrary to law and evidence, or is based upon**"

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. 274—

BY SENATORS LENTINI AND HOLDEN
AN ACT

To amend and reenact Ch.C. Arts. 615(E)(2) and (3), relative to the disposition of child abuse investigatory reports; provides that reports determined not to be justified are handled similarly to those found to be inconclusive; to provide for an effective date; 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. 274 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 2, after "615" change "and 616" to "(E)(2) and (3)"

AMENDMENT NO. 2

On page 1, line 7, after "615" change "and 616" to "(E)(2) and (3)"

AMENDMENT NO. 3

On page 2, line 7, after "Paragraph," change "if" to "**if all**"

AMENDMENT NO. 4

On page 2, line 8, after "regarding" change "abuse or neglect from" to "~~abuse or neglect from~~" and after "report" insert "**shall be maintained by the department for seven years from the date of the determination, unless a subsequent inconclusive or not justified report is received during that period, in which case information from all reports with such determinations will be maintained until the youngest child in the alleged victim's family attains the age of eighteen years or seven years from the**"

date of the latest determination, whichever is longer. If information from an inconclusive or not justified report"

AMENDMENT NO. 5

On page 2, delete lines 12 through 29

AMENDMENT NO. 6

On page 3, delete lines 1 through 8

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. 282—
BY SENATOR DARDENNE**

AN ACT

To amend and reenact Code of Civil Procedure Arts. 1201(C) and 1672(C), relative to service of citation; to provide relative to the manner in which service of citation shall be requested; to require the payment of fees for such service; 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. 282 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 12, after "defendants" delete the remainder of the line and delete line 13 and insert "**and all fees or costs of the clerk required for such service shall be paid** within ninety days of"

AMENDMENT NO. 2

On page 2, line 5, after "requested" delete the remainder of the line and delete line 6 and insert "**and the cost to accomplish such service has not been paid** within the time"

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. 345—
BY SENATOR CHAISSON**

AN ACT

To amend and reenact R.S. 27:306(A)(4)(c)(ii), relative to the Video Draw Poker Devices Control Law; to provide for requirements for qualified truck stop facilities; to provide for necessary restaurant criteria; 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. 345 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "reenact" insert "the introductory paragraph of" and after "(c)(ii)" insert "and to enact R.S. 27:306(A)(4)(c)(ii)(ee)"

AMENDMENT NO. 2

On page 1, line 6, after "Section 1." insert "The introductory paragraph of" and after "reenacted" insert "and R.S. 27:306(A)(4)(c)(ii)(ee) is hereby enacted"

AMENDMENT NO. 3

On page 1, delete lines 16 and 17 and insert the following: "(ii) It must have an on-site restaurant, **with all of which for the purposes of qualifying as a qualified truck stop facility, shall be required to have only** the following features:"

AMENDMENT NO. 4

On page 2, line 3, after "open" and before "twelve" insert "**at least**"

AMENDMENT NO. 5

On page 2, between line 4 and 5 insert the following: "**R.S. 27:306(A)(4)(c)(ii)(ee) is all proposed new law.**
(ee) Operates a fully equipped kitchen which includes but is not limited to a range, an oven, and refrigerated storage appliances used for the preparation of foods for on-premises or immediate consumption."

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

**SENATE BILL NO. 370—
BY SENATOR LENTINI**

AN ACT

To amend and reenact the introductory paragraph of R.S. 40:1299.39.1(C)(1) and the introductory paragraph of R.S. 40:1299.47(C), relative to medical review panels; to provide for the appointment of the attorney member of such panel; to authorize such appointment by the plaintiff attorney under certain 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. 370 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 2, after "introductory" change "paragraph" to "paragraphs" and after "R. S." delete the remainder of the line and insert in lieu thereof "40:1299.39.1(A)(4) and (C)(1) and the"

AMENDMENT NO. 2

On page 1, line 3, after "introductory" change "paragraph of R.S. 40:1299.47(C)" to "paragraphs of R.S. 40:1299.47(A)(4) and (C)"

AMENDMENT NO. 3

On page 1, line 8, after "1." delete the remainder of the line and add in lieu thereof "The introductory paragraphs of R.S. 40:1299.39.1(A)(4) and (C)(1) and the introductory paragraphs of R.S. 40:1299.47(A)(4) and (C)"

AMENDMENT NO. 4

On page 1, at the beginning of line 9, delete "paragraph of R.S. 40:1299.47(C)"

AMENDMENT NO. 5

On page 1, between lines 10 and 11 insert the following:

"A.

* * *

(4) The commissioner shall notify the claimant and all named defendants **by registered or certified mail, return receipt requested**, of any of the following information:

* * *

AMENDMENT NO. 6

On page 1, line 15, after "for" insert "**or a representative of**"

AMENDMENT NO. 7

On page 1, delete line 17, and insert "**attorney for the plaintiff within forty-five days of the date of receipt of the notification to the health care provider and the insurer that the required filing fee has been received by the commissioner or the patients compensation board as required by R.S. 40:1299.39.1(A)(1)(c)**"

AMENDMENT NO. 8

On page 2, at the beginning of line 1, delete "**R.S. 40:1299.39.1(A)(3)(c)**"

AMENDMENT NO. 9

On page 2, line 3, after "**panel**," and before "**if**" insert "**Such notice to the health care provider and the insurer shall be sent by registered or certified mail, return receipt requested.**"

AMENDMENT NO. 10

On page 2, between lines 6 and 7, insert the following:

"A.

* * *

(4) The board shall notify the claimant and all named defendants **by registered or certified mail, return receipt requested**, of any of the following information:

* * *

AMENDMENT NO. 11

On page 2, line 11, after "**for**" insert "**or representative of**"

AMENDMENT NO. 12

On page 2, delete line 13 and insert "**plaintiff within forty-five days of the date of receipt of the notification to the health care provider and the insurer that the required filing fee has been received by the patients compensation board as required by R.S. 40:1299(A)(1)(c)**"

AMENDMENT NO. 13

On page 2, at the beginning of line 14, delete "**40:1299.39.1(A)(3)(c)**"

AMENDMENT NO. 14

On page 2, line 15, after "**convening the panel**" and before "**if**" insert "**Such notice to the health care provider and the insurer shall be sent by registered or certified mail, return receipt requested.**"

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. 562—

BY SENATOR FONTENOT

AN ACT

To enact R.S. 30:2075.4, relative to installers and maintenance providers of onsite treatment systems; to require a bi-annual license; to provide qualifications and requirements for such licenses; 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. 562 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 2, between "To" and "enact" insert "amend and reenact R.S. 40:31.32(D) and to"

AMENDMENT NO. 2

On page 1, line 2, change "30:2075.4" to "40:1154(C)"

AMENDMENT NO. 3

On page 1, line 3, change "bi-annual" to "biennial"

AMENDMENT NO. 4

On page 1, line 3, between "license" and the semi-colon ";" insert "and fee"

AMENDMENT NO. 5

On page 1, line 6, delete "30:2075.4" and insert in lieu thereof: "40:31.32(D) is hereby amended and reenacted and R.S. 40:1154(C)"

AMENDMENT NO. 6

On page 1, delete lines 7 through 17, and insert in lieu thereof the following:

"§31.32. Individual sewerage fees

* * *

D. The **As provided in R.S. 40:1154(C), the** department shall charge and collect for each sewerage installer, **maintenance, and combination** license issued ~~an annual~~ **a biennial** fee of ~~one~~ **two** hundred dollars payable by the individual seeking licensure.

* * *

AMENDMENT NO. 7

On page 2, delete lines 1 through 26 and insert in lieu thereof: "§1154. Sewage treatment systems; effluent limiters to reducers; disinfectants

* * *

R.S. 40:1154(C) is all proposed new law.

C. The department shall, pursuant to the provisions of R.S. 40:31.32(D) and the Administrative Procedure Act, issue the following license:

(1) An installer's license to those manufacturers and installers of those sewage treatment systems approved by the department in Subsections (A) and (B) of this Section.

(2) A maintenance license to those who service and maintain those sewage treatment systems as provided by the department in Subsections (A) and (B) of this Section.

(3) A combined license for those individuals who install, as well as service and maintain, those sewage treatment systems approved by the department in Subsections (A) and (B) of this Section."

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

SENATE BILL NO. 581—
BY SENATOR SCHEDLER

AN ACT

To enact Civil Code Art. 2713(C), relative to obligations of the lessee; to provide relative to eviction; to provide relative to failure to comply with a notice of eviction; to require lessee to pay court costs in such instances; 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. 581 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 3, delete "notice" and insert "order"

AMENDMENT NO. 2

On page 1, delete lines 10 through 12 and insert "C. If a lessee persists in remaining on the property after order has been given that he be expelled, the lessee who is not the prevailing party in a resulting action shall be required to pay any court cost related to his expulsion."

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. 609—
BY SENATOR BAJOIE

AN ACT

To amend and reenact Ch.C. Art. 610(B)(8) and (D) and to enact Ch.C. Art. 610(B)(9), relative to child abuse reporting; to require that additional information be included in child abuse reports; to require the Department of Social Services to provide an optional written form for mandatory reporting; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 616—
BY SENATOR CHAISSON

AN ACT

To enact R.S. 27:306(A)(7)(b) and (c), relative to the Video Draw Poker Devices Control Law; to provide for qualified truck stop facilities; to provide for calculation of monthly fuel sales average

for device number determinations at truck stops; to provide for exceptions; 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. 616 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact the introductory paragraph of R.S. 27:306(A)(4)(c)(vi) and to"

AMENDMENT NO. 2

On page 1, line 7, after "Section 1." insert "The introductory paragraph of R.S. 27:306(A)(4)(c)(vi) is hereby amended and reenacted and"

AMENDMENT NO. 3

On page 1, between lines 9 and 10, insert the following:

"(4) * * *

(c) As used in this Section a qualified truck stop facility shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor trailers, and which also meets all of the following criteria:

* * *

(vi) It must have at least four of the following amenities, **except for reason of force majeure affecting the ability to maintain the amenities for a reasonable period of time following the interruption of such ability:**

* * *

AMENDMENT NO. 4

On page 1, line 10, delete "(a)"

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

SENATE BILL NO. 628—
BY SENATOR BAJOIE

AN ACT

To amend and reenact Ch.C. Art. 611(A), relative to child abuse reporting and investigation; to limit liability against persons who report child abuse under certain circumstances; and to provide for related matters.

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

SENATE BILL NO. 633—
BY SENATOR KOSTELKA

AN ACT

To enact R.S. 14:75, relative to nonpayment of child support obligations; to enact the Deadbeat Parents Punishment Act of Louisiana; to create the crime of failure to pay legal child support obligation; to provide for presumptions; to provide for

penalties; to provide for restitution; to provide for venue; to provide for definitions; and to provide for related matters.

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

SENATE BILL NO. 638—
BY SENATOR BAJOIE

AN ACT

To amend and reenact Children's Code Art. 610(A) and (E), relative to child abuse mandatory reporting procedure; to permit reporting to both the local child protection unit and the local or state law enforcement agency; to provide relative to cases which are reported in error; to require that such cases be reported to the appropriate agency; 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. 638 by Senator Bajoie

AMENDMENT NO. 1

On page 2, at the end of line 12, change "**reported**" to "**promptly communicated**"

AMENDMENT NO. 2

On page 2, at the beginning of line 13, delete "**immediately by the agency**" and after "department" insert "**in accordance with a written working agreement developed between the local law enforcement agency and child protection unit**"

AMENDMENT NO. 3

On page 2, line 14, after "refer" change "**immediately report**" to "**promptly communicate**"

AMENDMENT NO. 4

On page 2, line 16, after "agency" change "and" to "**in accordance with a written working agreement developed between the local child protection unit and law enforcement agency. The local child protection unit**"

AMENDMENT NO. 5

On page 2, line 19, after "coroner." delete the remainder of the line and add in lieu thereof "**Reports involving a felony-grade crime against a child shall be promptly communicated to the appropriate law enforcement authorities as part of the interagency protocols for multidisciplinary investigations of child abuse and neglect in each judicial district as provided in Children's Code Articles 509 and 510.**"

AMENDMENT NO. 6

On page 2, delete lines 20 through 25

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. 685—
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 15:574.2(A)(1) and (B)(1), relative to board of parole; to provide for changes to the vote requirement needed to grant parole; 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. 685 by Senator Jones

AMENDMENT NO. 1

On page 1, line 3, after "parole;" insert "to provide with regard to the qualifications of the board members;"

AMENDMENT NO. 2

On page 1, line 15, change "~~One of the seven~~" to "One of the seven"

AMENDMENT NO. 3

On page 1, line 16, change "~~members shall be appointed from a list of at least three names submitted by Victims~~" to "members shall be appointed from a list of at least three names submitted by Victims"

AMENDMENT NO. 4

On page 1, line 17, change "~~and Citizens Against Crime, Inc.~~" to "and Citizens Against Crime, Inc. The board shall be representative of the state's population by race and gender to ensure diversity as nearly as practicable, except as required to comply with a federal court order. In addition, the residences of the members shall be geographically distributed across the state. In appointing members, qualifications, expertise, and experience relative to the mission of the board shall be considered."

AMENDMENT NO. 5

On page 2, at the beginning of line 7, after "panel" change "; a" to "; A"

AMENDMENT NO. 6

On page 2, line 7, after "**vote of**" and before "**shall**" delete "~~those present~~" and insert in lieu thereof "**the panel members**" and after "**parole**" delete "~~Three~~" and insert "**, except in the case the applicant for parole was convicted of a crime of violence, as defined in R.S. 14:2(13), or the crime of vehicular homicide, as defined in R.S. 14:32.1, or the crime of vehicular negligent injuring, as defined in R.S. 14:39.1, or the crime of first degree vehicular negligent injuring, as defined in R.S. 14:39.2 in which case**"

AMENDMENT NO. 7

On page 2, delete lines 8 through 10 and insert the following: "~~Three~~ **three** votes of a three-member panel shall be required to grant parole, or, if the number exceeds a three-member panel, a unanimous vote of those present shall be required to grant parole."

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

SENATE BILL NO. 820—

BY SENATOR MARIONNEAUX
AN ACT

To amend and reenact R.S. 27:25(E), relative to hearings conducted by the Louisiana Gaming Control Board Hearing Office; to provide that the decision of a hearing officer on any dispute shall not be appealable by the state; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Marionneaux, 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. 154—

BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 14:112.2 and 112.3, relative to the fraudulent portrayal of a law enforcement officer; to create the crime of fraudulent portrayal of a law enforcement officer; to create the crime of aiding and abetting fraudulent portrayal of a law enforcement officer; to provide for penalties; to provide for definitions; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. 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.

HOUSE BILL NO. 355—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 15:571.4(B)(1), relative to diminution of sentence; to authorize the forfeiture of good time in certain circumstances involving escape; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. 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.

Reconsideration

On motion of Senator Fontenot, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, April 27, 2004 was reconsidered.

SENATE BILL NO. 247—

BY SENATOR FONTENOT
AN ACT

To amend and reenact R.S. 3:472(4) and (5), 473, 474, 476, and 478(A), and to repeal R.S. 3:472(6) and (7), relative to the Louisiana Strawberry Marketing Board; to provide for the membership, powers, and duties of the board; to provide relative to assessments on the sale of strawberries; to provide for the powers of the commissioner of agriculture and forestry; to provide for penalties; and to provide for related matters.

On motion of Senator Fontenot, the bill was read by title and returned to the Calendar, subject to call.

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. 768—

BY SENATOR HOLLIS
AN ACT

To enact R.S. 6:966.1, relative to additional default remedies; to provide for a notice of repossession; to provide for contents; to provide for fees; and to provide for related matters.

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 768 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 17, change "two" to "three"

Senator N. Gautreaux moved adoption of the amendments.

Senator Hollis objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux, B	Lentini
Chaisson	Gautreaux, N	McPherson
Cheek	Heitmeier	Nevers
Duplessis	Jones	
Fontenot	Kostelka	
Total—13		

NAYS

Adley	Ellington	Michot
Amedee	Fields	Mount
Boasso	Hainkel	Schedler
Boissiere	Holden	Smith
Cain	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jackson	

Dupre	Malone
Total—22	

ABSENT

Bajoie	Marionneaux
Barham	Romero

Total—4

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Engrossed Senate Bill No. 768 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 15 delete "sheriff" and insert "appropriate law enforcement officer"

AMENDMENT NO. 2

On page 1, at the end of line 15 insert the following. "For purposes of this Section, the jurisdiction concerning the appropriate law enforcement officer shall be determined by the clerk of court according to the debtor's last known address."

AMENDMENT NO. 3

On page 1, line 17 delete "sheriff" and insert "appropriate law enforcement officer"

On motion of Senator Heitmeier, the amendments were adopted.

The bill was read by title. Senator Hollis moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Fields	McPherson
Boasso	Fontenot	Michot
Cain	Gautreaux, B	Nevers
Chaisson	Gautreaux, N	Schedler
Cheek	Holden	Smith
Dardenne	Hollis	Theunissen
Duplessis	Jackson	Ullo
Dupre	Kostelka	
Ellington	Lentini	
Total—25		

NAYS

Adley	Hainkel	Malone
Amedee	Heitmeier	Mount
Boissiere	Irons	
Cravins	Jones	
Total—10		

ABSENT

Mr. President	Marionneaux
Bajoie	Romero
Total—4	

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator Hollis, 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.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

SENATE BILL NO. 374—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:965(C)(3) and (4), and 966, and to enact R.S. 6:965(C)(5) and (6), and (D), relative to additional default remedies; to provide for definitions; to provide for procedures for taking possession of collateral upon default; to provide for repossession licenses; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 374 by Senator Hollis

AMENDMENT NO. 1

On page 5, line 11, following "(1)" and before "Any" change "(i)" to "(a)"

AMENDMENT NO. 2

On page 5, line 14, following beginning of line and before "On" change "(ii)" to "(b)"

On motion of Senator Lentini, 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. 374 by Senator Hollis

AMENDMENT NO. 1

On page 5, line 11, after "person" delete the remainder of the line

On motion of Senator McPherson, the amendments were adopted.

Floor Amendments Sent Up

Senator Duplessis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Duplessis to Engrossed Senate Bill No. 374 by Senator Hollis

AMENDMENT NO. 1

On page 6, line 16, after "property." delete "If" and insert the following: "**The secured party shall immediately return the personal effects upon request of the debtor.**"

On motion of Senator Duplessis, the amendments were adopted.

Senator Heitmeier in the Chair

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. 374 by Senator Hollis

AMENDMENT NO. 1

On page 2, line 11 between "collateral" and the period "." insert "shall constitute breach of peace by the repossessor"

On motion of Senator Hainkel, the amendments were adopted.

The bill was read by title. Senator Hollis moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Fields	Marionneaux
Boasso	Fontenot	McPherson
Cain	Gautreaux, B	Michot
Chaisson	Hainkel	Nevers
Cheek	Holden	Schedler
Dardenne	Hollis	Smith
Duplessis	Jackson	Theunissen
Dupre	Lentini	Ullo
Ellington	Malone	
Total—26		

NAYS

Adley	Gautreaux, N	Mount
Amedee	Heitmeier	Romero
Boissiere	Irons	
Cravins	Jones	
Total—10		

ABSENT

Mr. President	Bajoie	Kostelka
Total—3		

The Chair declared the amended 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.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 3, was taken up and acted upon as follows:

SENATE BILL NO. 559—

BY SENATORS ELLINGTON AND SMITH AND REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 36:802.6 and R.S. 44:4.1(B)(1), and to enact Part XVI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:559.1 through 559.14, and R.S. 36:629(Q), relative to aquacultural development; to create the Louisiana Aquaculture Coordinating Council; to provide for the membership, organization, powers, and duties of the Louisiana Aquaculture Coordinating Council; to provide for the powers of the commissioner of the Department of Agriculture and Forestry; to require certain aquatic producers to obtain a license or permit; to provide for the cost and issuance of such license or permit; to establish criteria for inspecting licensed facilities; to provide for the deposit and disbursement of fees and penalties; to enumerate violations; to provide for investigations of facilities; to provide civil penalties for violations; and to provide for related matters.

Floor Amendments Sent Up

Senator Ellington sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Engrossed Senate Bill No. 559 by Senator Ellington

AMENDMENT NO. 1

In Senate Floor Amendment No. 3 proposed by Senator Ellington and adopted by the Senate on April 26, 2004, on page 2, delete lines 13, 14 and 15 and insert the following: "council, commissioner or secretary shall require the approval of the commission's action in hearings before a joint legislative committee on Agriculture, Forestry, Aquaculture and Rural Development and before a joint legislative committee on Natural Resources."

On motion of Senator Ellington, the amendments were adopted.

Floor Amendments Sent Up

Senator Ellington sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Engrossed Senate Bill No. 559 by Senator Ellington

AMENDMENT NO. 1

On page 9, between lines 26 and 27, insert the following: "(5) Whether the Department of Wildlife and Fisheries can insure the enforcement of current rules and regulations regarding the taking of gamefish and maintain and preserve the species to the same extent as currently existed prior to the passage of this Act."

On motion of Senator Ellington, 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. 559 by Senator Ellington

AMENDMENT NO. 1

On page 1, lines 4 and 16, change "559.13" to "559.14"

AMENDMENT NO. 2

On page 15, between lines 12 and 13, insert the following: "\$559.14. Application

R.S. 3:559.14 is all proposed new law.

The provisions of this Part shall not apply to any freshwater game fish as provided in R.S. 56:327(A)(1)(a)."

Senator McPherson moved adoption of the amendments.

Senator Ellington objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing yeas for Amedee, Barham, Boasso, Boissiere, Cain, Cheek, Cravins, Dardenne, Duplessis, Dupre, Fields, Total—31, Fontenet, Gautreaux, N, Hainkel, Heitmeier, Holden, Hollis, Irons, Jackson, Jones, Kostelka, Lentini, Malone, McPherson, Michot, Mount, Nevers, Romero, Schedler, Theunissen, Ullo, Total—31

NAYS

Table listing nays for Mr. President, Adley, Total—6, Chaisson, Ellington, Gautreaux, B, Smith

ABSENT

Table listing absent for Bajoie, Total—2, Marionneaux

The Chair declared the amendments were adopted.

Senator Malone moved that Senate Bill No. 559 be recommitted to the Committee on Natural Resources.

Senator Ellington objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing yeas for Boissiere, Cain, Cravins, Duplessis, Gautreaux, N, Total—15, Hainkel, Irons, Lentini, Malone, McPherson, Michot, Mount, Nevers, Romero, Ullo

NAYS

Table listing nays for Mr. President, Adley, Amedee, Barham, Boasso, Chaisson, Cheek, Dardenne, Total—22, Dupre, Ellington, Fields, Fontenet, Gautreaux, B, Heitmeier, Holden, Hollis, Jackson, Jones, Kostelka, Schedler, Smith, Theunissen

ABSENT

Table listing absent for Bajoie, Total—2, Marionneaux

The Chair declared the Senate refused to recommit the bill.

Motion

Senator McPherson moved to return the amended bill to the Involuntary Calendar.

Senator Ellington objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing yeas for Boissiere, Cain, Cravins, Duplessis, Hainkel, Total—14, Heitmeier, Jones, Lentini, Malone, Marionneaux, McPherson, Mount, Schedler, Ullo

NAYS

Table listing nays for Mr. President, Adley, Amedee, Dupre, Ellington, Fields, Irons, Jackson, Kostelka

Barham	Fontenot	Michot
Boasso	Gautreaux, B	Nevers
Chaisson	Gautreaux, N	Romero
Cheek	Holden	Smith
Dardenne	Hollis	Theunissen
Total—24		

ABSENT

Bajoie
Total—1

The Chair declared the Senate refused to return the amended bill to the Involuntary Calendar.

The bill was read by title. Senator Ellington moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Jones
Adley	Ellington	Kostelka
Amedee	Fontenot	Michot
Barham	Gautreaux, B	Nevers
Boissiere	Holden	Smith
Chaisson	Hollis	Theunissen
Cheek	Irons	
Duplessis	Jackson	
Total—22		

NAYS

Boasso	Hainkel	Mount
Cain	Heitmeier	Romero
Cravins	Lentini	Schedler
Dardenne	Malone	Ullo
Fields	Marionneau	
Gautreaux, N	McPherson	
Total—16		

ABSENT

Bajoie
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senate Resolutions
on Second Reading
Reported by Committees**

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

**SENATE RESOLUTION NO. 36—
BY SENATOR BARHAM**

A RESOLUTION

To urge and request the Louisiana congressional delegation to end the abuse of tort law against the firearms industry.

Reported favorably by the Committee on Judiciary A.

The resolution was read by title. On motion of Senator Barham, the resolution was adopted.

**Senate Resolutions on
Third Reading
and Final Passage**

The following Senate Resolutions on third reading and final passage were taken up and acted upon as follows:

SENATE RESOLUTION NO. 14—

BY SENATORS MOUNT, HAINKEL, HINES, LENTINI AND SCHEDLER

A RESOLUTION

To urge and request the president of the Senate to establish a committee and appoint the membership thereof to study, review, and make recommendations to revise the Senate Rules of Order.

The resolution was read by title.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed Senate Resolution No. 14 by Senator Mount

AMENDMENT NO. 1

On page 2, line 7, after "members" insert "and the secretary of the Senate shall be an ex officio member"

On motion of Senator Mount, the amendments were adopted.

On motion of Senator Mount, the amended resolution was read by title and adopted.

Rules Suspended

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

Messages from the House

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

Message from the House

CONCURRING IN
SENATE CONCURRENT RESOLUTIONS

April 28, 2004

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 87—
BY SENATOR IRONS

A CONCURRENT RESOLUTION

To proclaim the month of May as "National Foster Care Month".

Reported without amendments.

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

Privilege Report of the
Legislative Bureau

April 27, 2004

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. 585—
BY REPRESENTATIVE HOPKINS
AN ACT

To enact R.S. 27:325 and to repeal R.S. 27:307(E), relative to the Video Draw Poker Devices Control Law; to authorize certain advertising by video draw poker licensees; to authorize the promotion of the play of video draw poker devices; to repeal advertising restrictions on the outside of video draw poker establishments; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Resolutions,
Senate and Concurrent

Senator Kostelka asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 48—
BY SENATOR KOSTELKA

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Mrs. Pearl Fennell Bower Corry.

On motion of Senator Kostelka, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 88—
BY SENATOR AMEDEE

A CONCURRENT RESOLUTION

To urge and request that Louisiana State University Health Sciences Center - New Orleans and Tulane University Health Sciences Center cooperate with Aneurysm Outreach, Inc., a Louisiana nonprofit organization dedicated to mobilizing people and resources to eradicate aneurysms, by assisting in the provision of portable ultrasound technology and necessary staff to develop a system to provide aneurysm screening statewide for those considered to be most at risk.

The resolution was read by title. Senator Amedee moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns listing names of senators and their votes (Yeas, Nays, Absent). Includes Mr. President, Ellington, Malone, Adley, Fields, Marionneaux, Amedee, Fontenot, McPherson, Barham, Gautreaux, B, Michot, Boasso, Gautreaux, N, Mount, Boissiere, Heitmeier, Nevers, Cain, Holden, Romero, Chaisson, Hollis, Schedler, Cheek, Irons, Smith, Cravins, Jackson, Theunissen, Dardenne, Jones, Ullo, Duplessis, Kostelka, Dupre, Lentini, Total—37.

NAYS

Total—0

ABSENT

Table with 2 columns listing names of senators and their votes (Absent). Includes Bajoie, Hainkel, Total—2.

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 89—
BY SENATOR IRONS

A CONCURRENT RESOLUTION

To designate May, 2004 as "Louisiana Month to Prevent Teen Pregnancy".

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	Fields	Marionneaux
Amedee	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Bajoie	Hainkel
Total—2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

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 28, 2004

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. 247—
BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 14:67.2(A) and (C)(introductory paragraph) and to enact R.S. 14:67.2(B)(4), relative to theft; to provide with respect to theft of animals; to authorize courts to order restitution in certain circumstances; and to provide for related matters.

HOUSE BILL NO. 346—
BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:3041(I)(1), relative to third-party administrators; to provide for surety bonds; and to provide for related matters.

HOUSE BILL NO. 352—
BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:5(10) and 215(A)(1)(a)(iv) and (vi), relative to health insurance; to provide with respect to coverage provided through an employee benefit trust, a multiple benefit trust, or an association; and to provide for related matters.

HOUSE BILL NO. 196—
BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 27:306(A)(5)(b) and to repeal R.S. 27:306(A)(5)(d), relative to the Video Draw Poker Devices Control Law; to authorize the leasing or subleasing of fuel facilities at qualified truck stop facilities; and to provide for related matters.

HOUSE BILL NO. 442—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 37:2706(A)(2), 2707(A)(2), and 2708(A)(2), relative to social workers; to extend the time within which experienced social workers who graduated from nonaccredited schools can seek registration, certification, and licensure; and to provide for related matters.

HOUSE BILL NO. 651—
BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:87(A), (B), and (F) and to repeal R.S. 30:87(G), relative to oilfield site restoration fees; to increase such fee after a certain date; and to provide for related matters.

HOUSE BILL NO. 655—
BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:560, relative to natural gas distribution; to provide relative to pipeline safety inspection fees; to provide relative to the amounts and imposition of such fees; and to provide for related matters.

HOUSE BILL NO. 656—
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 30:503(12) and to enact R.S. 30:503(13) and (14), relative to the regulation of natural gas distribution; to define certain distribution systems; and to provide for related matters.

HOUSE BILL NO. 669—
BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:93, relative to oilfield siterestoration; to provide relative to sites eligible for restoration; to provide relative to recovery of restoration costs; and to provide for related matters.

HOUSE BILL NO. 738—
BY REPRESENTATIVE MARTINY
AN ACT

To enact Code of Criminal Procedure Article 775.1, relative to mistrials; to provide for an automatic twenty-four-hour stay of proceedings following declaration of a mistrial; 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. 196—
BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 27:306(A)(5)(b) and to repeal R.S. 27:306(A)(5)(d), relative to the Video Draw Poker Devices Control Law; to authorize the leasing or subleasing of fuel facilities at qualified truck stop facilities; and to provide for related matters.

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

HOUSE BILL NO. 247—
BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 14:67.2(A) and (C)(introductory paragraph) and to enact R.S. 14:67.2(B)(4), relative to theft; to provide with respect to theft of animals; to authorize courts to order restitution in certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 346—
BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:3041(I)(1), relative to third-party administrators; to provide for surety bonds; and to provide for related matters.

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

HOUSE BILL NO. 352—
BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:5(10) and 215(A)(1)(a)(iv) and (vi), relative to health insurance; to provide with respect to coverage provided through an employee benefit trust, a multiple benefit trust, or an association; and to provide for related matters.

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

HOUSE BILL NO. 442—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 37:2706(A)(2), 2707(A)(2), and 2708(A)(2), relative to social workers; to extend the time within which experienced social workers who graduated from nonaccredited schools can seek registration, certification, and licensure; and to provide for related matters.

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

HOUSE BILL NO. 651—
BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:87(A), (B), and (F) and to repeal R.S. 30:87(G), relative to oilfield site restoration fees; to increase such fee after a certain date; and to provide for related matters.

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

HOUSE BILL NO. 655—
BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:560, relative to natural gas distribution; to provide relative to pipeline safety inspection fees; to provide relative to the amounts and imposition of such fees; and to provide for related matters.

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

HOUSE BILL NO. 656—
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 30:503(12) and to enact R.S. 30:503(13) and (14), relative to the regulation of natural gas distribution; to define certain distribution systems; and to provide for related matters.

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

HOUSE BILL NO. 669—
BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:93, relative to oilfield site restoration; to provide relative to sites eligible for restoration; to provide relative to recovery of restoration costs; and to provide for related matters.

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

HOUSE BILL NO. 738—
BY REPRESENTATIVE MARTINY
AN ACT

To enact Code of Criminal Procedure Article 775.1, relative to mistrials; to provide for an automatic twenty-four-hour stay of proceedings following declaration of a mistrial; and to provide for related matters.

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

House Concurrent Resolutions

Senator Dardenne asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolution received from the House earlier today.

HOUSE CONCURRENT RESOLUTION NO. 108—
BY REPRESENTATIVES FUTRELL, BEARD, DOVE, DOWNS, ERDEY, FANNIN, M. GUILLORY, KATZ, LAMBERT, PITRE, QUEZAIRE, AND SMILEY

A CONCURRENT RESOLUTION

To express the Legislature of Louisiana's support for Baton Rouge's request for the maximum extension of the deadline by which the nonattainment area must switch to use of reformulated gasoline.

The resolution was read by title. Senator Dardenne moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Cheek	Holden	Romero
Cravins	Hollis	Schedler
Dardenne	Jackson	Smith
Duplessis	Jones	Theunissen
Dupre	Kostelka	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bajoie	Chaisson	Irons
Total—3		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 28, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

SENATE BILL NO. 3—
BY SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 43:111.1, relative to public media advertising; to prohibit the expenditure of any state funds for media advertisement which uses the name, likeness, or voice of any public official whether elected or appointed; to prohibit expenditure of public funds by any public entity for media advertisement which uses the name, likeness, or voice of any public official whether elected or appointed; to provide for penalties for violation of this provision; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 27—
BY SENATOR MCPHERSON
AN ACT

To enact R.S. 24:653(K) and Part VIII-B of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:310, relative to legislative review; to require private entities to provide to the legislature information relative to the expenditure of revenue generated from the operation, management, or control of public lands or facilities; to require the division of administration to develop a reporting form; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 39—
BY SENATOR MCPHERSON
AN ACT

To enact R.S. 24:653(K), and to enact Subpart E of Part I of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:17.1, relative to cooperative endeavor agreements; to require the commissioner of administration to provide a system of tracking certain cooperative endeavor agreements; to provide definitions; to provide for review and approval of certain cooperative endeavor agreements by the Joint Legislative Committee on the Budget; and to provide for related matters.

Reported favorably.

April 28, 2004

SENATE BILL NO. 171—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 47:1832 (A), relative to the tax commission; to provide for the membership of such commission; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 202—
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), 110(B)(1), 197, 402(B), (C)(introductory paragraph), (F)(2) and (G), 431(A)(1)(b), 433(G)(1) and (H)(1)(introductory paragraph), 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, 467(introductory paragraph) and (2), 468(A), 552(A)(introductory paragraph), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (D), 1308(A)(2)(a), 1311(D)(5)(a), 1314(C)(1) and (2) and (D), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17) and to enact R.S. 18:1275.1 through 1275.23, relative to elections; to provide for a party primary system of elections for congressional offices, including provisions to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; for qualification of candidates for congressional office having no party affiliation in the general election; for election in the general election by plurality vote; for voting for congressional offices by a voter registered as affiliated with the party in the party primary elections; to provide for voting of unaffiliated voters in party primaries; to provide for election dates; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 337—
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.

Reported with amendments.

SENATE BILL NO. 351—
BY SENATORS SMITH AND MCPHERSON AND REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 24:513(A)(2) and (I)(1)(a) and R.S. 38:322, relative to audit reports of state agencies, departments, boards and commissions included in the Comprehensive Annual Financial Report; to prescribe the audit requirements of certain state entities; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 388—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 36:4(AA) and R.S. 49:210.2, relative to the office of the governor; to create the office of the coordinator of faith-based programs within the office of the governor; to provide for the duties and responsibilities of the coordinator; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 458—
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), 110(B)(1), 197, 402(B), (C)(introductory paragraph), (F)(2) and (G), 431(A)(1)(b), 433(G)(1) and (H)(1)(introductory paragraph), 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2), 435(A)(1) and (B), 436, 453, 467(introductory paragraph) and (2), 468(A), 552(A)(introductory paragraph), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (D), 1308(A)(2)(a), 1311(D)(5)(a), 1314(C)(1) and (2) and (D), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17) and to enact R.S. 18:1275.1 through 1275.23, relative to elections; to provide for a party primary system of elections for congressional offices, including provisions to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; for qualification of candidates for congressional office having no party affiliation in the general election; for election in the general election by plurality vote; for voting for congressional offices by a voter registered as affiliated with the party in the party primary elections; to provide for voting of unaffiliated voters in party primaries; to provide for election dates; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 471—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 18:1505.2(A), relative to elections; to provide for the imposition of a penalty on a person who makes a campaign contribution through or in the name of another person; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 561—
BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 18:424(E) and 18:425(E), and to enact R.S. 18:425.2, relative to the authority of parish boards of election supervisors to provide for two commissioners to work half of an election day; to authorize any parish board of election supervisors in the event of a shortage of commissioners to create two equal work shifts for commissioners; to authorize such parish board of election supervisors to select commissioners to serve one or two shifts on an election day; to provide for the

compensation of such commissioners; to require the State Board of Election Supervisors to prescribe uniform rules for the selection, scheduling, and procedures for creating two equal shifts for commissioners on election day; to provide for the compensation of such commissioners; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 693—

BY SENATOR DUPRE

AN ACT

To amend R.S. 18:1280.21 and 18:1280.25; to provide relative to the presidential preference primary; to provide relative to the participation of persons registered as an independent or not otherwise registered in a recognized political party; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHARLES D. JONES
Chairman

Rules Suspended

Senator B. Gautreaux asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 206 from the Committee on Natural Resources.

SENATE BILL NO. 206—

BY SENATOR B. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:8(81), and 325.3(B), and to enact R.S. 56:326(A)(4), relative to red drum; to authorize certain commercial taking or landing; to establish a commercial quota for red drum caught by any legal gear; and to provide for related matters.

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

Rules Suspended

Senator B. Gautreaux asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 333 from the Committee on Natural Resources.

SENATE BILL NO. 333—

BY SENATOR B. GAUTREAUX

AN ACT

To enact R.S. 9:2791.1, relative to access to a private waterway; to provide certain limited access for the purposes of certain recreational activities; to provide definitions, terms, conditions, requirements, and procedures; to provide relative to limited liability of the owner; and to provide for related matters.

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

Rules Suspended

Senator B. Gautreaux asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 853 from the Committee on Natural Resources.

SENATE BILL NO. 853—

BY SENATOR B. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:8(81) and 325.3(B), and to enact R.S. 56:326(A)(4), relative to red drum; to authorize certain commercial taking or landing; to establish a commercial quota for red drum caught; and to provide for related matters.

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 28, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 63—

BY REPRESENTATIVE GARY SMITH

A CONCURRENT RESOLUTION

To urge and request the office of motor vehicles and the State Board of Elementary and Secondary Education to include in their training and testing of drivers' information relative to sharing the road with motorcycles and tractor/trailer trucks.

HOUSE CONCURRENT RESOLUTION NO. 71—

BY REPRESENTATIVE JACK SMITH

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install traffic warning devices at certain locations in St. Mary Parish.

HOUSE CONCURRENT RESOLUTION NO. 82—

BY REPRESENTATIVES TUCKER, ANSARDI, BOWLER, DAMICO, LANCASTER, MARTINY, AND TOOMY AND SENATORS BOISSIERE, HOLLIS, LENTINI, AND ULLO

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to extend Louisiana Highway 3046 in Jefferson Parish to the northern foot of the Causeway Boulevard at Airline Drive interchange overpass and to assume responsibility for maintenance of such overpass.

HOUSE CONCURRENT RESOLUTION NO. 117—

BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To commend the students, parents, teachers, school and school system administrators, and the school board of St. Tammany Parish for achieving the highest District Performance Score in the state.

HOUSE CONCURRENT RESOLUTION NO. 118—
BY REPRESENTATIVE K. CARTER

A CONCURRENT RESOLUTION

To declare the week of May 10 through 16, 2004, to be Cover the Uninsured Week in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 124—
BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To recognize May 9 through May 15, 2004, as Police Week and May 15, 2004, as Peace Officers Memorial Day, to commend law enforcement officers, and to encourage all citizens to join in the week's special commemorative tributes.

HOUSE CONCURRENT RESOLUTION NO. 125—
BY REPRESENTATIVE HOPKINS

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of James Patton "Pat" Parker.

HOUSE CONCURRENT RESOLUTION NO. 126—
BY REPRESENTATIVE HOPKINS

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of John Jones Doles, Jr. of Plain Dealing.

HOUSE CONCURRENT RESOLUTION NO. 127—
BY REPRESENTATIVE GRAY

A CONCURRENT RESOLUTION

To commend the Louisiana Endowment for the Humanities.

HOUSE CONCURRENT RESOLUTION NO. 129—
BY REPRESENTATIVES PITRE, TRICHE, BALDONE, AND DOVE
AND SENATOR DUPRE

A CONCURRENT RESOLUTION

To express the condolences of the Louisiana Legislature on the death of Detective Chaney Champagne of Lockport.

HOUSE CONCURRENT RESOLUTION NO. 130—
BY REPRESENTATIVES PITRE, TRICHE, BALDONE, AND DOVE
AND SENATOR DUPRE

A CONCURRENT RESOLUTION

To express the condolences of the Louisiana Legislature on the death of Detective Sergeant Kurt "Woody" Harrelson of Raceland.

HOUSE CONCURRENT RESOLUTION NO. 135—
BY REPRESENTATIVE ANSARDI

A CONCURRENT RESOLUTION

To commend the Junior Leagues in Louisiana and throughout this country and to proclaim and recognize April 28, 2004, as Junior League Day.

HOUSE CONCURRENT RESOLUTION NO. 136—
BY REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences of the Louisiana Legislature upon the death of Sanford "Sandy" Krasnoff.

HOUSE CONCURRENT RESOLUTION NO. 138—
BY REPRESENTATIVE GARY SMITH AND SENATOR CHAISSON

A CONCURRENT RESOLUTION

To commend the Hahnville High School football team and coaches upon winning the Class 5A State Football Championship.

HOUSE CONCURRENT RESOLUTION NO. 142—

BY REPRESENTATIVES FRITH, FLAVIN, GEYMAN, E. GUILLORY, JOHNS, HILL, AND MORRISH AND SENATORS THEUNISSEN, CAIN, AND MOUNT

A CONCURRENT RESOLUTION

To express condolences and heartfelt sorrow of the Legislature of Louisiana upon the death of Jennings Bryan Jones, Jr.

HOUSE CONCURRENT RESOLUTION NO. 106—

BY REPRESENTATIVES RICHMOND, BADON, BAYLOR, BURRELL, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HONEY, HUNTER, JEFFERSON, MARCHAND, MORRELL, MURRAY, PIERRE, QUEZAIRE, AND SHEPHERD

A CONCURRENT RESOLUTION

To commend Mr. Pat Swilling upon his induction into the Georgia Sports Hall of Fame.

HOUSE CONCURRENT RESOLUTION NO. 109—

BY REPRESENTATIVES FRITH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BOISSIERE, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HANKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAU, MCPHERSON, MICHOT, MOUNT, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of United States Army Staff Sergeant Toby Wayne Mallet of Kaplan.

HOUSE CONCURRENT RESOLUTION NO. 111—

BY REPRESENTATIVES BAUDOIN, ALEXANDER, BROOME, K. CARTER, DURAND, FRITH, M. GUILLORY, LAFLEUR, PINAC, ROMERO, ST. GERMAIN, TRAHAN, AND TRICHE

A CONCURRENT RESOLUTION

To recognize the third week of September as Acadian Heritage Week in celebration of the valuable contributions Acadian people have made to the culture of the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 112—

BY REPRESENTATIVE HONEY AND SENATORS FIELDS AND HOLDEN

A CONCURRENT RESOLUTION

To commend the Southern University Lady Jaguars bowling team upon the completion of their remarkable season and placing fifth in the 2004 National Collegiate Athletic Association Women's National Bowling Championship.

HOUSE CONCURRENT RESOLUTION NO. 114—

BY REPRESENTATIVES FAUCHEUX AND QUEZAIRE

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Karen George Milazzo of Litcher.

HOUSE CONCURRENT RESOLUTION NO. 116—
BY REPRESENTATIVE MCVEA AND SENATOR ELLINGTON
A CONCURRENT RESOLUTION

To commend Duke Energy's Texas Eastern Transmission, LP affiliate on the donation of 3.63 acres of land to Fire Protection District No. 1 of West Feliciana Parish.

and asked that the President of the Senate affix his signature to the same.

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

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

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 28, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 79—
BY SENATOR ELLINGTON AND REPRESENTATIVE R. CARTER
A CONCURRENT RESOLUTION

To commend Duke Energy Gas Transmission Corporation's Texas Eastern Transmission, LP affiliate on the donation of 3.63 acres of land to the Fire Protection District No. 1 in West Feliciana Parish.

SENATE CONCURRENT RESOLUTION NO. 80—
BY SENATOR HOLLIS
A CONCURRENT RESOLUTION

To designate April 27, 2004 as "Louisiana Electric Cooperative Day" at the legislature.

SENATE CONCURRENT RESOLUTION NO. 81—
BY SENATOR KOSTELKA
A CONCURRENT RESOLUTION

To commend and congratulate Glen Erroll Neville upon the occasion of his forty-fifth anniversary in banking in Louisiana.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bajoie 1 Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Thursday, April 29, 2004, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Thursday, April 29, 2004.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk

