

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

THIRTY-EIGHTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Monday, June 7, 2004

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

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
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
Total—39		

ABSENT

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

Prayer

The prayer was offered by Rev. Jennifer Jones, 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 Bajoie, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of hearing House Bill No. 1659 in the Committee on Education without the required 24 hour notice.

Messages from the Governor

The following messages from the Governor were received and read as follows:

STATE OF LOUISIANA
Office of the Governor

June 4, 2004

The Honorable President and Members of the Senate

Ladies and Gentlemen:

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

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

Sincerely,
Kathleen Babineaux Blanco
Governor

Baton Rouge Port Commission, Greater

John "Randy" Brian	Charles D'Agostino
Joseph Delpit	Alvin Dragg
Larry Johnson, Sr.	Charles Thibaut
Chucky Tillis	

Boxing and Wrestling Commission, State

Bobby Dupre	Anthony Embanato, Jr.
Deirdre Gogarty	Fielding Lewis
Larry Scrubbs, Sr.	Oscar Shoenfelt

East Jefferson Levee District, Board of Commissioners

Alan Alario	Nicholas Baroni
Patrick Bossetta	Allen Jaeger
Charles Miller	

Fifth Louisiana Levee District, Board of Commissioners for the

Sam Hill	James Kelly, Sr.
Jack Mabray, Jr.	Barry Maxwell
Paul Meeks	Reynold Minsky
Frederick "Ted" Schneider	Morris Wilson

Mineral Board, State

Thomas L. Arnold, Jr.

Regents, Board of

W. Clinton "Bubba" C. Raspberry, Jr.

School Board Member, District 13, Parish of Evangeline

Georgianna L. Wilson

Strawberry Marketing Board, Louisiana

Michael Doss	William Fletcher
Lucy King	Anthony Liuzza

June 7, 2004

Jack Liuzza, Sr.
Chris Olah
Byron Wild, Jr.

Eric Morrow
Nathan Wall

Terrebonne Levee & Conservation District, Board of Commissioners of the

Tony Alford
Walton "Buddy" Daisy
Willis Henry
Jack Moore
Jodie Teuton

Willie Bonvillain, Jr.
Leward "Sou" Henry
Allan Luke
Gilbert Talbot, Sr.

West Jefferson Levee District Board of Commissioners
Milton J. Cheramie

**Privilege Report of the
Legislative Bureau**

June 7, 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. We advise and suggest the following amendments to the engrossed bills.

HOUSE BILL NO. 26—
BY REPRESENTATIVES BOWLER AND QUEZAIRE
AN ACT

To amend and reenact R.S. 32:412(A)(1), (2), (5), and (6) and (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), (ee), and (ii)(aa), (cc), (dd)(I), and (ee), relative to driver's license fees; to provide for continuation of fees and provisions for use of those fees beyond the date for termination of certain additional fee; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 104—
BY REPRESENTATIVES TOOMY AND FRITH
AN ACT

To amend and reenact R.S. 1:55(E)(1)(b), relative to state holidays for the offices of clerks of court; to provide that the offices of district, parish, and city clerks of court shall be closed on any day that the governor proclaims a state holiday; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 160—
BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 56:435.1(A), (C), and (G), to enact R.S. 56:435.1.1, and to repeal R.S. 56:435.1(H), relative to oyster harvesting; to authorize the use of certain dredges in Calcasieu Lake; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 176—
BY REPRESENTATIVE KENNEY
AN ACT

To enact R.S. 33:2711.20, relative to municipal sales and use taxes; to authorize the governing authority of the village of Baskin to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 290—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 47:463.44(A), relative to special prestige license plates; to provide relative to issuance of the Louisiana educators special prestige license plate; to provide relative to eligibility requirements for issuance of such plate; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 429—
BY REPRESENTATIVE DOVE
AN ACT

To enact R.S. 49:214.7, relative to the coastal restoration and preservation program; to establish a program for barrier islands and shorelines stabilization and preservation; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 430—
BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 18:1505.2(L)(2), relative to prohibitions against campaign contributions loans, and transfers of funds by certain persons substantially interested in the gaming industry in this state; to provide that such prohibitions do not apply to contributions, loans, or transfers of funds to certain accounts of political committees of recognized political parties organized under laws of another jurisdiction; to provide limitations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 441—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 42:284(B), relative to local finance; to provide relative to the requirement that certain parish officials and entities submit expenditure reports to the parish governing authority and clerk of court; to exempt parish sheriffs from certain requirements; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 487—
BY REPRESENTATIVES T. POWELL, SCALISE, AND SCHNEIDER
AN ACT

To enact R.S. 17:3048.1(X), to establish an additional means for certain students to qualify for a Tuition Opportunity Program for Students Opportunity, Performance, and Honors awards; to provide relative to award eligibility, applicability, limitations,

effectiveness, and payment amounts; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 610—

BY REPRESENTATIVES DANIEL, KATZ, AND ST. GERMAIN
AN ACT

To amend and reenact R.S. 33:4169(A)(1) and (B)(1), relative to water and sewerage collection; to require certain provisions in agreements between water and sewerage service providers; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 661—

BY REPRESENTATIVE GEYMANN
AN ACT

To enact R.S. 33:130.72(D) and (E), relative to the Ward One Economic Development Board of Calcasieu Parish; to provide for filling of vacancies, removal, and appointment of board members; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 666—

BY REPRESENTATIVE CRANE
AN ACT

To enact R.S. 17:3805(F), relative to the Education Excellence Fund; to provide that fund amounts and related investment earnings credited for a recipient entity shall revert to the fund whenever the entity no longer meets the conditions required for it to be eligible for fund allocations; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 756—

BY REPRESENTATIVE KENNEY
AN ACT

To enact R.S. 25:215(B)(13), relative to the Caldwell Parish Library; to transfer the administration of and accounting functions for funds of the library from the Caldwell Parish Police Jury to the Caldwell Parish Library Board of Control; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 788—

BY REPRESENTATIVE PIERRE
AN ACT

To enact R.S. 49:214.30(C)(9), relative to issuance of coastal use permits; to authorize consideration of an applicant's compliance history prior to issuance of such permit; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 881—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 32:408(A)(8)(introductory paragraph) and (b), relative to issuance of drivers' licenses; to provide relative to knowledge and skills test specifications for issuance of certain classes of drivers' licenses; to exempt drivers of certain vehicles from test specifications; to provide relative to qualifications for such exemptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 903—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 32:1311(D)(introductory paragraph), (1)(introductory paragraph) and (a), and (2)(a), relative to vehicle inspections; to provide for exemptions from inspection requirements; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 915—

BY REPRESENTATIVES BAYLOR AND K. CARTER
AN ACT

To amend and reenact R.S. 56:1687.1, relative to the office of state parks; to remove provisions relative to the posting of boundaries of certain lands under the jurisdiction of the office of state parks; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 921—

BY REPRESENTATIVES BAYLOR AND K. CARTER
AN ACT

To amend and reenact R.S. 56:1685(B)(1)(w), (C), and (D), to enact R.S. 56:1685(B)(1)(x) and (y), and to repeal R.S. 56:1685(E), relative to the office of state parks; to provide for the classification of holdings; to revise the lists of state historic sites, state parks, and state preservation areas; to remove recognition of certain special holdings; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 950—

BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 38:2862, 2866, 2868, 2869(3), (4), and (10)(introductory paragraph) and (d) and (g), and 2870 and to repeal R.S. 38:2869(10)(e), relative to the Claiborne Parish Watershed District; to provide relative to the purposes of the district; to provide relative to the board of commissioners of the district; to provide relative to qualifications, term limits, and removal of board members; to provide relative to the powers of the board; to provide relative to rules and regulations promulgated by the board and the enforcement thereof; to provide relative to civil service status of employees; to provide for violations and penalties; and to provide for related matters.

Reported without amendments.

June 7, 2004

HOUSE BILL NO. 962—
BY REPRESENTATIVE E. GUILLORY
AN ACT

To amend and reenact R.S. 33:130.551(A) and (B) and 130.552(A)(1) and (2), relative to the North Lake Charles Economic Development District; to change the name of the district; to provide for the membership of the board; to provide for termination of existing board terms; to establish initial terms for new board members; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 974—
BY REPRESENTATIVES ARNOLD AND TUCKER
AN ACT

To enact R.S. 33:4570.21, to create the Algiers Park Commission; to provide relative to the purpose, membership, and powers of the commission; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 975—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 38:2874, relative to the Claiborne Parish Watershed District; to authorize the Wildlife and Fisheries Commission to regulate the commercial and recreational use of nets and traps on Lake Claiborne; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1041—
BY REPRESENTATIVES TUCKER, ARNOLD, BAYLOR, FUTRELL,
KATZ, LAMBERT, MARCHAND, AND RITCHIE
AN ACT

To enact R.S. 33:4734 and 4780.51, relative to municipal and parish zoning; to provide for advance notice of zoning actions to certain military installations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1066—
BY REPRESENTATIVES BAYLOR AND K. CARTER
AN ACT

To amend and reenact R.S. 36:207(A)(4)(a) and R.S. 56:1681(A)(2) and (3), (B)(1), and (C), relative to state parks; to change the appointment process of the assistant secretary of the office of state parks; to change the membership of the State Parks and Recreation Commission; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 1066 by Representative Baylor

AMENDMENT NO. 1

On page 2, line 16, change "Four members to be appointed by the lieutenant governor at large," to "Four members, at large, to be appointed by the governor,"

HOUSE BILL NO. 1082—
BY REPRESENTATIVE BURNS
AN ACT

To amend and reenact R.S. 33:102, 106, and 109 and to enact R.S. 33:101(5), 103.1, and 109.1, relative to parish and municipal planning commissions; to provide relative to training requirements of members of such commissions and members of advisory boards to such commissions; to provide relative to master plans adopted by such commissions; to provide relative to the relationship between such master plans and plans of the state and other political subdivisions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1127—
BY REPRESENTATIVES BURRELL, BAYLOR, GLOVER,
JEFFERSON, LAMBERT, MARCHAND, AND RITCHIE
AN ACT

To enact Chapter 5-M of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.101 through 380.106, and R.S. 36:744(X) and 801.17, to create the McNeill Street Pumping Station Museum in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1180—
BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 24:513(I)(1)(a) and (c)(ii), (iii), and (iv), relative to the powers and duties of the legislative auditor; to provide relative to discretion of auditor to determine frequency of audit and level of assurance required, depending on amount of revenue received by auditee; to provide relative to amounts of revenue received by auditee; to provide relative to frequency of audits and levels of assurances required for audits; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1193—
BY REPRESENTATIVE K. CARTER
AN ACT

To enact Chapter 15 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:3001 through 3004, relative to wages; to create the Equal Pay Commission; to provide for its membership; to provide for meetings; to provide for findings and recommendations; to provide for the termination of the commission; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1197—
BY REPRESENTATIVES BAYLOR AND K. CARTER
AN ACT

To amend and reenact R.S. 25:341(D), (E), (F), and (G), 342(A)(1) and (B)(2), and 343, and R.S. 36:207(A)(1) and (2), 208(C), and 909 and to enact R.S. 25:341(H), relative to the Louisiana State Museum; to change the appointment process of certain members of the museum's board of directors and the museum's professional director; to provide for the director's salary; to provide relative to board meetings; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1325—
BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 39:1303(A), 1307(A), and 1311(A)(introductory paragraph), relative to budgetary procedures for political subdivisions; to provide for the applicability of certain requirements for public participation in the budgetary process; to provide for the applicability of certain requirements related to budgetary authority and control; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1414—
BY REPRESENTATIVE CROWE
AN ACT

To amend and reenact R.S. 38:1674.16(D)(2), relative to drainage districts in St. Tammany Parish; to authorize an increase in the additional maintenance and operation tax levied by the St. Tammany Parish Drainage District No. 4; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1432—
BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 39:1217.1, relative to public contracts for local depositing authorities; to delete certain exemptions for local depositing authorities located in a parish or municipality with a population of less than one hundred thousand; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1438—
BY REPRESENTATIVE MURRAY
AN ACT

To repeal R.S. 23:1021(12) and 1225(D), relative to workers' compensation benefits; to repeal provisions that provide for a reduction or offset of workers' compensation benefits payable to professional athletes.

Reported without amendments.

HOUSE BILL NO. 1454—
BY REPRESENTATIVE KENNEY
AN ACT

To enact R.S. 33:4712.10, relative to naming a welcoming center; to authorize the municipal governing authority in certain municipalities to name a welcoming center in honor of a legislator; to provide limitations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1532—
BY REPRESENTATIVE TUCKER
AN ACT

To direct the Department of Transportation and Development to limit certain access along a state highway; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1599—
BY REPRESENTATIVE BAUDOIN
AN ACT

To amend and reenact R.S. 32:196, relative to traffic violations; to prohibit certain persons or means of conveyance attaching to vehicles upon a highway; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1620—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 46:2583(A)(1) and to enact R.S. 47:463.4.3, relative to mobility impaired persons; to prohibit the manufacture, sale, possession, or use of counterfeit mobility-impaired parking placards; to provide relative to penalties for violations; to dedicate a certain portion of fines; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1713 (Substitute for House Bill No. 215 by Representative Gray)—

BY REPRESENTATIVES GRAY, ALEXANDER, CROWE, DOWNS, FANNIN, HONEY, KENNEY, T. POWELL, RITCHIE, JANE SMITH, AND TRAHAN
AN ACT

To repeal R.S. 17:52.2, 171, 172, 173, 335, 429, and 430, and Subparts J and K of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:349.1 through 349.5 and R.S. 17:350.2 through 350.14, respectively, relative to the operation and control of schools; to repeal certain unconstitutional provisions relative to the operation and control of schools and other obsolete provisions relative to the operation of schools and trade or vocational schools on a segregated basis; 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 Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

Messages from the House

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

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

June 7, 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 the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 199— BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 52:5, relative to jurisdiction over land sited in the state but under custody of the United States; to remove the sunset provision for entering into written agreements to cede concurrent jurisdiction to the United States; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 132— BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 37:2805(B)(1)(f) and (g), and (E), and 2808 and to repeal R.S. 37:2805(G), relative to chiropractors; to provide for certain licensure requirements; to provide for reciprocity licenses; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 433— BY SENATOR THEUNISSEN AND REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 36:610(J) and Subpart A-1 of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:360.1 through 360.3, relative to non-indigenous aquatic species; to create the Louisiana Aquatic Invasive Species Council and the Louisiana Aquatic Invasive Species Advisory Task Force; to provide for their powers, duties, functions, and responsibilities; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 488— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 23:1021(6) and to enact R.S. 23:1021(13), relative to workers' compensation; to provide with respect to definitions; to provide for the definition of "owner operators"

who provide transportation services; to exempt "owner operators" from being classified as employees; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 810— BY SENATOR FONTENOT

AN ACT

To enact R.S. 33:2721.14, relative to sales and use taxes; to authorize certain parishes to increase sales and use taxes; to provide for voter approval; to provide for an effective date; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 35— BY SENATORS N. GAUTREAUX, CAIN, B. GAUTREAUX, MALONE, MCPHERSON AND MICHOT

AN ACT

To enact R.S. 56:699.7, relative to firearm and hunter education; to allow the Department of Wildlife and Fisheries to offer instruction for safely riding "four wheeler" or all-terrain vehicles in the firearm and hunter education program; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 45— BY SENATOR SMITH

AN ACT

To enact R.S. 56:409, relative to wildlife and fisheries; to authorize the Saline Lake Game and Fish Preserve Commission, and the Grant Parish Police Jury, under the supervision of the Department of Wildlife and Fisheries, to place triploid grass carp in certain lakes; and to provide for related matters.

Reported without amendments.

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

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. 682— BY REPRESENTATIVE TOWNSEND AND SENATORS BARHAM AND MALONE

AN ACT

To amend and reenact R.S. 56:115(A) and to enact R.S. 56:108, relative to hunting for deer or turkey; to provide for the issuance and use of harvest records, which authorize the taking of deer or turkey; to provide for penalties; to provide the season for taking deer; and to provide for related matters.

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

HOUSE BILL NO. 1695 (Substitute for House Bill No. 1085 by Representative Murray)—
BY REPRESENTATIVES MURRAY AND JEFFERSON
AN ACT

To amend and reenact R.S. 9:355.5, 355.8, 355.12(A)(6), and 355.13 and to repeal R.S. 9:355.12(A)(10), relative to relocating the residence of a child; to eliminate certain determining factors; to provide for court authorization; to prohibit certain persons from objecting; to provide for the burden of proof; and to provide for related matters.

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

HOUSEBILL NO. 1721 (Substitute for House Bill No. 1684 by Representative Gary Smith)—
BY REPRESENTATIVE GARY SMITH
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 4720.59, relative to St. Charles Parish; to provide with respect to blighted property; to authorize St. Charles Parish to acquire and dispose of such property under certain circumstances; to provide definitions; and to provide for related matters.

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

Senator Holden in the Chair
House Concurrent Resolutions
on Second Reading

The following House Concurrent Resolutions were read and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 244—
BY REPRESENTATIVE MONTGOMERY
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office for citizens with developmental disabilities, to review and assess whether it would be beneficial to transfer the management of Northwest Louisiana Developmental Center to a private, nonprofit management entity and to report their findings to the House and Senate Health and Welfare Committees on or before November 1, 2004.

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

HOUSE CONCURRENT RESOLUTION NO. 265—
BY REPRESENTATIVE PITRE
A CONCURRENT RESOLUTION

To urge and request the State Land Office to prioritize its surveying efforts so as to complete the coastal parishes first.

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

HOUSE CONCURRENT RESOLUTION NO. 267—
BY REPRESENTATIVE MCVEA
A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of state police, to provide for the re-routing of traffic on Louisiana Highway 10 during the Clinton Community Market event.

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

HOUSE CONCURRENT RESOLUTION NO. 268—
BY REPRESENTATIVE LAMBERT
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of United States Army Specialist James Peter Lambert.

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

ROLL CALL

The roll was called with the following result:

YEAS

Amedee	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Cain	Hainkel	Mount
Chaisson	Holden	Nevers
Dardenne	Hollis	Schedler
Duplessis	Jones	Smith
Dupre	Kostelka	Theunissen
Ellington	Malone	Ullo
Fontenot	Marionneaux	
Total—26		

NAYS

Total—0

ABSENT

Mr. President	Cheek	Jackson
Adley	Cravins	Lentini
Bajoie	Fields	Romero
Barham	Heitmeier	
Boissiere	Irons	
Total—13		

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

HOUSE CONCURRENT RESOLUTION NO. 271—
BY REPRESENTATIVE HUTTER
A CONCURRENT RESOLUTION

To urge and request the Norfolk Southern Railroad to abide by and honor the new curfews imposed by the United States Coast Guard for the St. Claude Avenue, Florida Avenue, and Judge Seeber or Claiborne Avenue bridges in St. Bernard Parish.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Malone
Amedee	Fontenot	Marionneaux
Boasso	Gautreaux, B	McPherson
Cain	Gautreaux, N	Michot
Chaisson	Hainkel	Mount
Cheek	Holden	Nevers
Cravins	Hollis	Schedler
Dardenne	Jackson	Smith
Duplessis	Jones	Theunissen
Dupre	Kostelka	Ullo
Total—30		

NAYS

Total—0

ABSENT

Mr. President	Boissiere	Irons
Bajoie	Fields	Lentini
Barham	Heitmeier	Romero
Total—9		

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

HOUSE CONCURRENT RESOLUTION NO. 272— BY REPRESENTATIVES WINSTON, BAUDOIN, BOWLER, BROOME, BRUCE, K. CARTER, DARTEZ, DOERGE, DORSEY, DURAND, GRAY, HUTTER, JEFFERSON, KATZ, MARCHAND, JANE SMITH, ST. GERMAIN, AND WALKER AND SENATORS HAINKEL, BAJOIE, CHEEK, DUPLESSIS, IRONS, JACKSON, AND MOUNT

A CONCURRENT RESOLUTION

To commend Pat Mackey up on her retirement as Chief Executive Officer of the Girl Scout Council of Southeast Louisiana after more than twenty-seven years of dedicated service.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Malone
Amedee	Fontenot	Marionneaux
Boasso	Gautreaux, B	McPherson
Cain	Gautreaux, N	Michot
Chaisson	Hainkel	Mount
Cheek	Heitmeier	Nevers
Cravins	Holden	Schedler
Dardenne	Hollis	Smith
Duplessis	Jackson	Theunissen
Dupre	Jones	Ullo
Total—30		

NAYS

Total—0

ABSENT

Mr. President	Boissiere	Kostelka
Bajoie	Fields	Lentini
Barham	Irons	Romero
Total—9		

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

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. 69—

BY REPRESENTATIVE ANSARDI AN ACT

To amend and reenact Children's Code Articles 607(A), 666(B), 884(B), and 1016(B), relative to the protection of children; to provide with respect to counsel appointed for a child; to provide for adjudication orders of a child's family in need of services; to provide for the right to counsel when the child is in the custody of the state; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 108—

BY REPRESENTATIVE FAUCHEUX AN ACT

To amend and reenact Code of Civil Procedure Article 2412(A), relative to garnishments; to provide for notice of garnishment to the judgment debtor; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 126—

BY REPRESENTATIVES ANSARDI AND LANCASTER AN ACT

To amend and reenact R.S. 13:3727, relative to the admissibility of evidence; to provide for the presumption of originality; to provide for the period of time for which an instrument is required to be recorded; 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 Engrossed House Bill No. 126 by Representative Ansardi

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 13:3727" insert " and 3733.1(A)(4) and (G)(1)(d)"

AMENDMENT NO. 2

On page 1, line 4, after "recorded;" insert "to provide relative to the definition of reproduction; to provide relative to the admissibility of a substitute check;"

AMENDMENT NO. 3

On page 1, line 6, change "is" to "and 3733.1(A)(4) and (G)(1)(d) are"

AMENDMENT NO. 4

On page 2, after line 3, add the following:

* * *

§3733.1. Financial institution records; reproductions; record keeping ; admissibility into evidence; definitions

A. As used in this Section the following terms shall have the following meanings:

* * *

(4) "Reproduction" means a counterpart, duplicate, or copy, or a durable medium for making a counterpart, duplicate, or copy, produced from the same impression as the original, or from the same matrix, or produced or obtained by any photographic, photostatic, microfilm, microcard or miniature or microphotographic process, or by any mechanical or electronic recording or re-recording, electronic or optical imaging, chemical process or other process or technique which accurately reproduces the original or forms or creates a durable medium for so reproducing the original, including but not limited to computer and other printouts, and counterparts, duplicates, copies, and other output generated or produced by or from an electronic imaging system such as counterparts, duplicates, or copies produced or obtained from optical disks. A reproduction shall also mean a substitute check as defined under the federal Check Clearing for the 21st Century Act and Regulation CC, 12 CFR 229.2(zz).

* * *

G.(1) A reproduction of a promissory note, negotiable instrument, letter of credit, certificated security, document of title, or a certificate of title pertaining to a motor vehicle shall not be deemed to be an original of such record for the following purposes:

* * *

(d) Use of the record in a judicial proceeding or action involving a claim based on such record, unless the original has been lost, stolen, or inadvertently destroyed. However, a reproduction of a check, as defined in R.S. 10:3-104, that has been destroyed by a financial institution in the regular course of its business activities shall be deemed to be an original of such check in a judicial proceeding or action involving a claim based on or involving such check. However, a substitute check, as defined in the federal Check Clearing for the 21st Century Act and Regulation CC, 12 CFR 229.2(zz), may be deemed to be an original of such check in a judicial proceeding or action involving a claim based on or involving such check.

* * *

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 128—

BY REPRESENTATIVES ANSARDI AND LANCASTER
AN ACT

To amend and reenact Code of Civil Procedure Article 4134(A) and to enact Code of Civil Procedure Article 4134(D), relative to tutorship; to provide for the recordation of a certificate of inventory; to require the inclusion of certain information; to provide for the prescription of the minor's mortgage; to provide for the cancellation of the mortgage; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 129—

BY REPRESENTATIVES ANSARDI AND LANCASTER
AN ACT

To amend and reenact R.S. 9:5166, relative to judgments; to provide for the partial cancellation of judgments; to provide for the filing of an affidavit; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 161—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To enact R.S. 13:2588, relative to justices of the peace; to authorize justices of the peace to charge a fee for performing marriage ceremonies; to establish a maximum fee which justices of the peace may charge for performing marriage ceremonies; 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 Reengrossed House Bill No. 161 by Representative Fauchaux

AMENDMENT NO. 1

On page 1, after line 10, insert

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 165—
BY REPRESENTATIVES ANSARDI AND LANCASTER
AN ACT

To enact R.S. 9:5169.1, relative to mortgages; to provide for the erasure of mortgages; to provide for the form for erasure; to provide for the execution of a release by the holder of the promissory note; to require the cancellation of a mortgage by the clerks of court and recorder of mortgages; to provide for an exemption from liability; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 166—
BY REPRESENTATIVES ANSARDI AND LANCASTER
AN ACT

To amend and reenact R.S. 20:1(D), relative to the homestead exemption from seizure; to provide for the waiver of the homestead exemption; to provide for the separate property of a spouse; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 169—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact Code of Civil Procedure Article 1235.1, relative to service of process on persons; to provide procedures for service on incarcerated persons; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 182—
BY REPRESENTATIVE JACKSON
AN ACT

To enact R.S. 13:1904.1, relative to the destruction of certain records in the City Court of Baton Rouge; to authorize the clerk of court to destroy certain civil and criminal records; to provide for time limitations in the destructions of records; to provide for requirements prior to destruction; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 254—
BY REPRESENTATIVES ANSARDI AND LANCASTER
AN ACT

To amend and reenact R.S. 9:2092(B)(2), relative to trust instruments; to provide for the effect against third parties for the failure of an inter vivos trust instrument to be in proper form; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 964—
BY REPRESENTATIVES WHITE, MCVEA, AND HONEY
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(1) and (H), relative to the jurisdiction of city courts; to increase the jurisdictional amount in dispute in the City Court of Zachary; to increase the jurisdictional amount of a city court with territorial jurisdiction in a city with a certain population; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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. 1495—
BY REPRESENTATIVE BADON
AN ACT

To amend and reenact Code of Civil Procedure Article 2293(C), relative to notice of seizure of immovable property; to provide for notice to be given to tenants of seized property; 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 Engrossed House Bill No. 1495 by Representative Badon

AMENDMENT NO. 1

On page 1, line 2, change "Article 2293(C)" to "Article 2293(B)"

AMENDMENT NO. 2

On page 1, line 6, change "Article 2293(C)" to "Article 2293(B)"

AMENDMENT NO. 3

On page 1, delete lines 10 through 17, and insert the following in lieu thereof:

"B. After the seizure of property, the sheriff shall serve promptly upon the judgment debtor a written notice of the seizure and a list of the property seized, in the manner provided for service of citation. If service cannot be made on the judgment debtor or his attorney of record, the court shall appoint an attorney upon whom service may be made. In addition to the written notice of seizure to be served on the judgment debtor as provided herein, the sheriff shall also serve upon any occupants or tenants of the seized property a notice indicating that the subject property has been seized. Such service shall be accomplished by directing the notice to "occupants" of the seized premises and if the service cannot be served personally or by domiciliary service upon the occupants, such service shall be accomplished by posting the notice upon the principal entrance to the seized premises."

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

Reconsideration

On motion of Senator Chaisson, pursuant to the previous notice given, the vote by which the following bill failed to pass on Friday, June 4, 2004 was reconsidered.

HOUSE BILL NO. 358—
BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 27:28(B)(3) and (J) and to enact R.S. 27:28(K), relative to suitability standards for gaming licenses, permits, or contracts; to remove disqualification based on current status of returns or payment of federal taxes; to provide for the consideration of the current status in filing applicable tax returns and the payment of taxes and penalties in suitability determinations; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Boissiere	Fields	Lentini
Chaisson	Fontenot	Malone
Cheek	Gautreaux, B	Marionneaux
Cravins	Gautreaux, N	McPherson
Dardenne	Holden	Schedler
Duplessis	Jackson	Theunissen
Dupre	Jones	Ullo
Ellington	Kostelka	
Total—23		

NAYS

Amedee	Hainkel	Nevers
Boasso	Michot	Smith
Cain	Mount	
Total—8		

ABSENT

Mr. President	Barham	Irons
Adley	Heitmeier	Romero
Bajoie	Hollis	
Total—8		

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

Special Order of the Day

The following House 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:

HOUSE BILL NO. 1468—
BY REPRESENTATIVE TOWNSEND
AN ACT

To enact Part VI-F of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:250.51 through 250.62, relative to health insurance; to provide relative to

prompt payment of health insurance claims submitted by pharmacies or pharmacists; to provide with respect to usage of nationally recognized benchmarks to calculate the reimbursement to be paid to pharmacies or pharmacists by health insurance issuers; to provide for definitions; to provide with respect to violations, cease and desist orders, and penalties; to provide for coordination of benefits; to provide for recoupment; and to provide for related matters.

Floor Amendments Sent Up

Senator Cravins sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Reengrossed House Bill No. 1468 by Representative Townsend

AMENDMENT NO. 1

On page 5, line 5, change “fifteenth” to “tenth”

On motion of Senator Cravins, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Amedee	Fields	Lentini
Boasso	Fontenot	Malone
Boissiere	Gautreaux, B	Marionneaux
Cain	Gautreaux, N	McPherson
Chaisson	Heitmeier	Michot
Cheek	Holden	Mount
Cravins	Hollis	Nevers
Dardenne	Irons	Schedler
Duplessis	Jackson	Smith
Dupre	Jones	Theunissen
Ellington	Kostelka	Ullo
Total—33		

NAYS

Hainkel
Total—1

ABSENT

Mr. President	Bajoie	Romero
Adley	Barham	
Total—5		

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

June 7, 2004

**Senate Bills and Joint Resolutions
Returned from the House
of Representatives with Amendments**

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE BILL NO. 58—

BY SENATORS BARHAM AND N. GAUTREAUX
AN ACT

To enact R.S. 40:2010.8(A)(23) and 2010.10, relative to nursing homes; to add to the residents' bill of rights the right to have a copy of the most recent Department of Health and Hospitals annual licensing survey results provided by the facility; to require that the most recent Department of Health and Hospitals annual licensing survey results be provided to all residents, potential residents, and their sponsors; to provide procedure in the case of failure to make such a document available; and to provide for related matters.

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

SENATE BILL NO. 117—

BY SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 56:31.1(E) and 39, relative to wildlife violations; to provide for the use of the first two dollars of any penalty or fine imposed for violations involving fish and wildlife in the state; to create the Fish and Wildlife Violations Reward Fund as a special fund in the state treasury; to provide for appropriations from the fund and for the use of monies in the fund; to authorize the Department of Wildlife and Fisheries to execute a cooperative endeavor agreement to administer and implement a fish and wildlife reward program; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Reengrossed Senate Bill No. 117 by Senator McPherson

AMENDMENT NO. 1

On page 2, line 11, delete "(a)"

AMENDMENT NO. 2

On page 2, delete lines 16 and 17 in their entirety

AMENDMENT NO. 3

On page 2, line 22, change "imposed" to "as provided" and on line 23, change "pursuant to" to "in"

AMENDMENT NO. 4

On page 3, delete lines 9 through 16 in their entirety and insert in lieu thereof the following:

"E.(1) No person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a

person who submits a report of alleged criminal activity to the department and the person who accepts the report on behalf of the department nor shall any person be required to produce any records, documentary evidence, opinions, or decisions related to such privileged communication in connection with any criminal case or proceedings or by way of any discovery procedure."

AMENDMENT NO. 5

On page 4, line 2, change "any" to "an appropriate"

Senator McPherson moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Adeley	Fields	Lentini
Amedee	Fontenot	Malone
Boasso	Gautreaux, B	Marionneaux
Boissiere	Gautreaux, N	McPherson
Cain	Hainkel	Michot
Chaisson	Heitmeier	Mount
Cheek	Holden	Nevers
Cravins	Hollis	Schedler
Dardenne	Irons	Smith
Duplessis	Jackson	Theunissen
Dupre	Jones	Ullo
Ellington	Kostelka	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Barham
Bajoie	Romero
Total—4	

The Chair declared the amendments proposed by the House were concurred in. Senator McPherson moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 120—

BY SENATOR MCPHERSON
AN ACT

To enact R.S. 56:1847(58), (59), (60), (61), (62), and (63), relative to state natural and scenic rivers; to include certain waters within the state natural and scenic rivers system; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Engrossed Senate Bill No. 120 by Senator McPherson

AMENDMENT NO. 1

On page 1, lines 2 and 6, change "(62), and (63)" to "and (62)"

AMENDMENT NO. 2

On page 1, line 12, change "Whisky" to "Ouiska"

AMENDMENT NO. 3

On page 1, delete lines 15 and 16 in their entirety

AMENDMENT NO. 4

On page 1, line 17, change "(61)" to "(60)"

AMENDMENT NO. 5

On page 2, line 2, change "(62)" to "(61)"

AMENDMENT NO. 6

On page 2, line 3, change "Whisky" to "Ouiska"

AMENDMENT NO. 7

On page 2, line 5, change "(63)" to "(62)"

Senator McPherson moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

	YEAS	
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Boasso	Gautreaux, B	McPherson
Boissiere	Gautreaux, N	Michot
Cain	Heitmeier	Mount
Chaisson	Holden	Nevers
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Ellington	Lentini	
Total—34		
	NAYS	
Total—0		
	ABSENT	
Mr. President	Barham	Romero
Bajoie	Hainkel	
Total—5		

The Chair declared the amendments proposed by the House were concurred in. Senator McPherson moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 145—

BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 9:2795.4(A)(3) and (F), relative to limitation of liability; to provide relative to motorized off-road vehicle activities; to increase the weight limitation on vehicles involved in such activities; and to provide for related matters.

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

SENATE BILL NO. 164—

BY SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 14:91.1(A)(2) and to enact R.S. 15:538(D), relative to sexually violent predators and sexual offenders; to provide that sexually violent predators and sexual offenders remain at least one thousand feet away from certain locations; to provide for certain probation conditions; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 164 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 15:538(D)" and before the comma "," insert "and 550"

AMENDMENT NO. 2

On page 1, line 5, after "conditions;" and before "and" insert "to provide with respect to a pilot program for certain sex offenders and violent offenders;"

AMENDMENT NO. 3

On page 1, line 16, after "R.S. 15:538(D)" and before "hereby" change "is" to "and 550 are"

AMENDMENT NO. 4

On page 2, line 3, after "R.S. 15:538(D)" and before "is" insert "and 550"

AMENDMENT NO. 5

On page 2, between lines 18 and 19, insert the following:

"(d) Communicating, either in written or oral form, with the victim or a family member of the victim, unless the victim consents to such communication in writing."

AMENDMENT NO. 6

On page 3, after line 20, add the following:

* * *

§550. Pilot program; location tracking and crime correlation based electronic monitoring supervision program for certain sex and violent offenders

A. The Department of Public Safety and Corrections shall implement a pilot program using a location tracking and crime correlation based electronic monitoring supervision program for the

sex offenders and violent offenders specified in Paragraph B(1) of this Section.

B. An offender may be eligible for participation in the pilot program under the following conditions:

(1) The defendant has been convicted of a sex offense as defined in R.S. 15:541, a crime of violence as defined in R.S. 14:2, or domestic abuse battery as defined in R.S. 14:35.3.

(2) The department shall make a determination as to whether the offender is particularly likely to respond affirmatively to participation in the pilot program.

(3) The court shall determine that location tracking and crime correlation based electronic monitoring supervision of the defendant is more suitable than imprisonment.

C.(1) The department shall develop, adopt and promulgate rules and regulations in compliance with the Administrative Procedure Act for the development, implementation, and administration of the pilot program.

(2) Such rules and regulations shall include but not be limited to the following:

(a) A participant in the program shall be supervised and may be subject to any of the conditions of probation or parole. The conditions of location tracking and crime correlation based electronic monitoring supervision may include any condition reasonably related to implementing or monitoring a sentence of home incarceration, including curfew, home visitations by persons designated by the court, and limitations on the offender's activities outside of the home.

(b) The program shall include the use of location tracking and crime correlation based electronic monitoring devices.

(c) A participant may be required to obtain employment and may be required to pay a reasonable supervision fee to the supervising agency to defray the cost of his location tracking and crime correlation based electronic monitoring supervision or the cost of the required electronic monitoring.

(d) A participant shall be given the conditions of his location tracking and crime correlation based electronic monitoring supervision in writing and shall be required to agree in writing to the conditions.

(e) If the participant violates the conditions of location tracking and crime correlation based electronic monitoring supervision, the court, on motion of the state or its own motion, may, after contradictory hearing, modify the sentence to impose a sentence of imprisonment.

(f) In the event of revocation and sentence to imprisonment, the offender shall not receive credit for time served under home incarceration.

D.(1) The pilot program created pursuant to this Section shall be evaluated with regard to security, beneficial and detrimental effects on the offender, projected probable effects on deterrence, cost, labor intensiveness, and other relevant measures of effectiveness. Such evaluation shall provide the required information on a project basis as well as compared to traditional imprisonment.

(2) A report of the evaluation of the program shall be presented to the Joint Legislative Committee on the Budget, the Senate Committee on the Judiciary, Section C, and the House Committee on the Administration of Criminal Justice not later than thirty days prior to the first day of the 2005 Regular Session of the Legislature.

E. The provisions of this Section shall be implemented only to the extent that funding is available."

Senator N. Gautreaux moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Adeley	Fields	Lentini
Amedee	Fontenot	Malone
Boasso	Gautreaux, B	Marionneaux
Boissiere	Gautreaux, N	McPherson
Cain	Hainkel	Michot
Chaisson	Heitmeier	Mount
Cheek	Holden	Nevers
Cravins	Hollis	Schedler
Dardenne	Irons	Smith
Duplessis	Jackson	Theunissen
Dupre	Jones	Ullo
Ellington	Kostelka	

Total—35

NAYS

Total—0

ABSENT

Mr. President	Barham
Bajoie	Romero

Total—4

The Chair declared the amendments proposed by the House were concurred in. Senator N. Gautreaux moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 392—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2116(B)(1) and (D) and to enact R.S. 40:2116(H), relative to the facility need review process; to provide with respect to the facility need review process; to provide with respect to beds in adult residential centers; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Engrossed Senate Bill No. 392 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 14, after "facility beds" insert "and" and at the end of the line after "residential" insert "care homes as defined in R.S. 40:2153."

AMENDMENT NO. 2

On page 1, at the beginning of line 15, delete "centers."

AMENDMENT NO. 3

On page 2, line 4, after "additional" delete "nursing facilities or beds in"

AMENDMENT NO. 4

On page 2, line 11, after "nursing" and before "beds" delete "home" and insert "facility" and after "any" but before "provider" insert "nursing facility"

AMENDMENT NO. 5

On page 2, at the beginning of line 12, delete "of nursing home care" and at the end of the line, delete "newly constructed"

AMENDMENT NO. 6

On page 2, line 13, after "residential" and before "beds" delete "center" and insert "care home" and after "beds" and before "be" delete "which will" and insert ", either through new construction or through renovation and conversion. Such replacement shall"

Senator McPherson moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Amedee	Fields	Kostelka
Boasso	Fontenot	Lentini
Boissiere	Gautreaux, B	Malone
Cain	Gautreaux, N	Marionneaux
Chaisson	Hainkel	McPherson
Cheek	Heitmeier	Mount
Cravins	Holden	Nevers
Dardenne	Hollis	Schedler
Duplessis	Irons	Smith
Dupre	Jackson	Theunissen
Ellington	Jones	Ullo
Total—33		

NAYS

Total—0

ABSENT

Mr. President	Bajoie	Michot
Adley	Barham	Romero
Total—6		

The Chair declared the amendments proposed by the House were concurred in. Senator McPherson moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 484—

BY SENATORS HINES, N. GAUTREAUX AND SCHEDLER
AN ACT

To enact Chapter 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2801 through 2803, relative to the Louisiana Interagency Task Force on the Future of Family Medicine; to provide for creation of the task force; to provide for definitions; to provide for the composition of the task force; to provide for duties and powers of the task force; to provide

for reporting deadlines and a termination date for the task force; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 484 by Senator Hines

AMENDMENT NO. 1

On page 1, lines 2 and 9, following "30 of" and before "the Louisiana" insert "Title 40 of"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Durand to Reengrossed Senate Bill No. 484 by Senator Hines, et al.

AMENDMENT NO. 1

On page 1, line 2, after "30" and before "of" insert "of Title 40"

AMENDMENT NO. 2

On page 1, line 9, after "30" and before "of" insert "of Title 40"

AMENDMENT NO. 3

On page 3, delete lines 19 and 20 in their entirety

Senator Hines moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Boasso	Gautreaux, B	McPherson
Boissiere	Gautreaux, N	Michot
Cain	Heitmeier	Mount
Chaisson	Holden	Nevers
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—35		

NAYS

Total—0

ABSENT

Bajoie	Hainkel
Barham	Romero
Total—4	

The Chair declared the amendments proposed by the House were concurred in. Senator Hines moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 550— BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 3:2364(B)(1) and (3) and to enact R.S. 3:2364(D)(6), (7), and (8), relative to the Louisiana Animal Welfare Commission; to provide for the funding, membership, and duties of the commission; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Reengrossed Senate Bill No. 550 by Senator Irons

AMENDMENT NO. 1

On page 1, line 2, after "(6)" delete the comma "," and the remainder of the line and insert "and (7),"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, delete "(8),"

AMENDMENT NO. 3

On page 1, line 8, after "(6)" delete the comma and change "(7), and (8)" to "and (7)"

AMENDMENT NO. 4

On page 3, delete lines 3 and 4 in their entirety

Senator Irons moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Adley, Amedee, Boasso, Boissiere, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Dupre, Ellington, Total—34; Fields, Fontenot, Gautreaux, B, Gautreaux, N, Heitmeier, Holden, Hollis, Irons, Jackson, Jones, Kostelka, Lentini; Malone, Marionneaux, McPherson, Michot, Mount, Nevers, Schedler, Smith, Theunissen, Ullo

NAYS

Total—0

ABSENT

Table with 3 columns: Mr. President, Bajoie, Total—5; Barham, Hainkel; Romero

The Chair declared the amendments proposed by the House were concurred in. Senator Irons moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

SENATE BILL NO. 877 (Substitute for Senate Bill No. 511 by Senator Ellington)—

BY SENATORS ELLINGTON AND MICHOT

AN ACT

To enact Chapter 8-K of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.40 through 844.54, relative to telecommunications; to create the "Local Government Fair Competition Act"; to provide for legislative findings; to provide for definitions; to provide limitations for providing certain cable television, telecommunications, and advanced services; to establish procedures for offering certain cable television, telecommunications, and advanced services; to provide for public hearings; to provide certain quality of service standards; to provide for enforcement and appeal; 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. 877 by Senator Ellington

AMENDMENT NO. 1

On page 14, line 10, following "operations of" delete "a"

AMENDMENT NO. 2

On page 14, line 25, following "subscribers" and before "one" delete "a"

On motion of Senator Lentini, 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. 877 by Senator Ellington

AMENDMENT NO. 1

On page 7, line 6 change "45:844.48(2)(f)" to "45:844.48(2)(d)"

AMENDMENT NO. 2

On page 7, line 7 change "45:844.48(2)(e)" to "45:844.48(2)(d)"

AMENDMENT NO. 3

On page 14, line 25 after "subscribers" delete "a"

AMENDMENT NO. 4

On page 16, line 16 after "Subparagraphs" change "(5)" to "(4)"

AMENDMENT NO. 5

On page 17, line 13 after "provider" delete "solely"

AMENDMENT NO. 6

On page 18, line 20 change "45:844.42(4)" to "45:844.42(7)"

On motion of Senator Ellington, the amendments were adopted.

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

Adley	Fields	Lentini
Amedee	Fontenot	Malone
Boasso	Gautreaux, B	Marionneaux
Boissiere	Gautreaux, N	McPherson
Cain	Hainkel	Michot
Chaisson	Heitmeier	Mount
Cheek	Holden	Nevers
Cravins	Hollis	Schedler
Dardenne	Irons	Smith
Duplessis	Jackson	Theunissen
Dupre	Jones	Ullo
Ellington	Kostelka	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Barham
Bajoie	Romero
Total—4	

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 BILL NO. 878 (Substitute for Senate Bill No. 705 by Senator Jackson)—

BY SENATOR JACKSON

AN ACT

To enact R.S. 33:9110, relative to communication districts; to provide for definitions; to require multi-line phone systems to provide

automatic location information; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bajoie	Barham	Romero
Total—3		

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

Mr. President in the Chair

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Marionneaux asked that Senate Bill No. 820 be called from the Calendar at this time for its final passage.

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Holden
Adley	Fields	Jackson
Boissiere	Fontenot	Jones
Chaisson	Gautreaux, B	Marionneaux
Cheek	Gautreaux, N	
Total—14		

NAYS

Amedee	Ellington	Mount
Barham	Hainkel	Nevers
Boasso	Irons	Romero
Cain	Kostelka	Schedler
Cravins	Lentini	Smith
Dardenne	Malone	Theunissen
Duplessis	Michot	Ullo
Total—21		

ABSENT

Bajoie	Hollis
Heitmeier	McPherson
Total—4	

The Chair declared the bill failed to pass. Senator Dardenne moved to reconsider the vote by which the bill failed to pass and laid the motion on the table.

Called from the Calendar

Senator Lentini asked that Senate Bill No. 182 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 182—

BY SENATOR LENTINI (On Recommendations of the Louisiana State Law Institute)

AN ACT

To amend and reenact Civil Code Arts. 1493(A) and 1582 and to repeal Civil Code Arts. 1493(E) and 1582.1, relative to the different modes of acquiring the ownership of things; to provide relative to the validity of testaments; to provide relative to witness to testaments; to provide relative to forced heirs; to provide for permanently incapable persons as forced heirs; to provide for spouses as witnesses to testaments; to provide for transitional rules; 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 to Engrossed Senate Bill No. 182 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 2, change "1582" to "1582.1" and at the end of the line change "Arts." to "Art."

AMENDMENT NO. 2

On page 1, line 3, delete "and 1582.1"

AMENDMENT NO. 3

On page 1, line 9, change "1582" to "1582.1"

AMENDMENT NO. 4

On page 2, delete lines 4 through 8 and add the following in lieu thereof:

"Art. 1582.1. Persons prohibited from witnessing; effect ~~A spouse of a legatee may not be a witness to any testament. A~~ **person may not be a witness to a testament if that person is a spouse of a legatee at the time of the execution of the testament.** The fact that a witness is the spouse of a legatee does not invalidate the testament; however, a legacy to a witness' spouse is invalid **if the witness is the spouse of the legatee at the time of the execution of the testament. If the legacy is invalid under the provisions of this Article, and if the legatee would be an heir in intestacy, the legatee may receive the lesser of this intestate share or legacy in the testament.**"

AMENDMENT NO. 5

On page 2, line 9, after "1493(E)" change "and 1582.1 are" to "is"

On motion of Senator Lentini, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Amedee	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Dupre	Kostelka	Ullo
Ellington	Lentini	
Total—35		

NAYS

Cain	Irons
Total—2	

ABSENT

Bajoie	Duplessis
Total—2	

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

Called from the Calendar

Senator Lentini asked that Senate Bill No. 781 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 781—
BY SENATOR LENTINI

AN ACT

To enact R.S. 15:567.1, relative to capital cases; to provide with respect to mental incapacity to proceed to execution; to provide for procedures authorizing a defendant to raise the issue of mental incapacity to proceed to execution; to provide for the filing of a petition and to provide for the contents of that petition; to provide with respect to the burden of proof and the introduction of evidence; to provide for the submission of certain records, data, reports, and other information; to provide for a waiver of confidentiality and privilege with respect to information submitted; to provide for an independent psychological or psychiatric examination; to provide for the dismissal of the petition in certain circumstances; to provide with respect to treatment of a defendant found to be incompetent to proceed to execution; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneau
Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Heitmeier	Schedler
Cheek	Hollis	Smith
Cravins	Jackson	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Total—32		

NAYS

Fields	Irons	Kostelka
Holden	Jones	
Total—5		

ABSENT

Bajoie	Boissiere
Total—2	

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

House Bills and Joint Resolutions on Third Reading and Final Passage

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

HOUSE BILL NO. 833—
BY REPRESENTATIVE HUNTER

AN ACT

To repeal R.S. 23:1601(10)(b), relative to unemployment compensation; to remove the provision which requires a fifty percent discount in unemployment benefits after an individual requalifies for benefits subsequent to a disqualification for the use of illegal drugs.

Floor Amendments Sent Up

Senator Holden sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Holden to Engrossed House Bill No. 833 by Representative Hunter

AMENDMENT NO. 1

On page 1, line 2, between "To" and "repeal" insert "amend and reenact R.S. 23:1652 and to"

AMENDMENT NO. 2

On page 1, line 2, between "compensation;" and "to remove" insert "to provide relative to the per diem paid to the members of the Board of Review for Employment Security;"

AMENDMENT NO. 3

On page 1, line 5, between "drugs" and the period "." insert "; and to provide for related matters"

AMENDMENT NO. 4

On page 1, between lines 6 and 7 insert "Section 1. R.S. 23:1652 is hereby amended and reenacted to read as follows:

§1652. Board of review; appointment and qualification of members; per diem compensation

The board of review shall consist of five members appointed by the governor, with the consent of the Senate. The governor shall, immediately after the effective date of this Section, appoint the initial five members for overlapping terms of two, three, four, five and six years each. Their successors shall be appointed for six years each. The board shall elect a chairman; the election is to be held within thirty days after July one of each odd-number year. The board of review shall be composed of a representative from the public generally, two representatives from labor, and two representatives from management, each of whom shall be regarded as fairly representative because of his vocation, employment, or affiliation. Three members shall constitute a quorum. Each member shall be paid from the Employment Security Administration Fund ~~sixty~~ **ninety** dollars per day of active service plus necessary travel expenses

subject to the approval of the secretary, in conformity with agency travel regulations. The governor may at any time, after notice and hearing, and by and with the consent of the Senate, remove any member for cause. Vacancies shall be immediately filled for the unexpired terms by appointment by the governor, by and with the consent of the Senate."

AMENDMENT NO. 5

On page 1, line 7, change "Section 1." to "Section 2."

AMENDMENT NO. 6

On page 1, line 8, change "Section 2." to "Section 3."

On motion of Senator Holden, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President	Holden	Lentini
Dupre	Jackson	
Fields	Jones	
Total—7		
	NAYS	
Adley	Dardenne	Kostelka
Amedee	Duplessis	Malone
Barham	Ellington	Marionneaux
Boasso	Fontenot	Michot
Boissiere	Gautreaux, B	Nevers
Cain	Gautreaux, N	Romero
Chaisson	Hainkel	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Total—27		
	ABSENT	
Bajoie	McPherson	Ullo
Heitmeier	Mount	
Total—5		

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Jones, 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.

Senator Jones in the Chair

HOUSE BILL NO. 1550—

BY REPRESENTATIVE HEATON
AN ACT

To enact R.S. 32:403.5, relative to drivers' licenses; to provide for the issuance of drivers' licenses to persons using bioptic telescopic lenses; to provide conditions and limitations for licensing; to provide driving restrictions; and to provide for related matters.

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

HOUSE BILL NO. 198—

BY REPRESENTATIVES BRUNEAU, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, R. CARTER, CAZAYOUX, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DORSEY, DOVE, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GEYMAN, GLOVER, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HUNTER, HUTTER, JACKSON, JOHNS, KATZ, KENNEY, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MURRAY, ODINET, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WALSWORTH, WHITE, WINSTON, AND WRIGHT
AN ACT

To amend and reenact R.S. 47:1206 and to repeal Chapter 14 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:1201 through 1212, relative to the gift tax; to phase in a reduction and repeal of the gift tax; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

	YEAS	
Adley	Dardenne	Michot
Barham	Hainkel	Schedler
Boasso	Irons	Theunissen
Boissiere	Kostelka	
Cain	Malone	
Total—13		
	NAYS	
Mr. President	Fields	Lentini
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	Mount
Chaisson	Gautreaux, N	Nevers
Cheek	Heitmeier	Romero
Cravins	Holden	Smith
Duplessis	Hollis	Ullo
Dupre	Jackson	
Ellington	Jones	
Total—25		
	ABSENT	
McPherson		
Total—1		

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator Irons, 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, she would move to reconsider the vote by which the bill failed to pass.

Mr. President in the Chair

HOUSE BILL NO. 935—

BY REPRESENTATIVE SCHNEIDER

AN ACT

To enact R.S. 11:267(A)(4), relative to the Louisiana Assessors' Retirement Fund; to provide for investing of funds in equity and for an indexing strategy; and to provide for related matters.

Floor Amendments Sent Up

Senator Boissiere sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bossiere to Engrossed House Bill No. 935 by Representative Schneider

AMENDMENT NO. 1

On page 1, line 2, change "enact R.S. 11:267(A)(4)," to "amend and reenact R.S. 11:267(A) and to repeal R.S. 11:267(D),"

AMENDMENT NO. 2

On page 1, line 2, after "relative to" delete "the Louisiana Assessors' Retirement Fund;" and insert in lieu thereof "certain state and statewide public retirement systems;"

AMENDMENT NO. 3

On page 1, line 9, delete "R.S. 11:267(A)(4) is hereby enacted" and insert "R.S. 11:267(A) is hereby amended and reenacted"

AMENDMENT NO. 4

On page 1, line 11, after "Section" delete ", except Subsection D,"

AMENDMENT NO. 5

On page 1, between lines 14 and 15, insert:
 "(5) State Police Pension and Relief Fund.
 (6) Municipal Employees' Retirement System.
 (7) Municipal Police Employees' Retirement System.
 (8) Parochial Employees' Retirement System.
 (9) Firefighters' Retirement System.
 (10) District Attorneys' Retirement System."

AMENDMENT NO. 6

On page 1, between lines 15 and 16, insert "Section 2. R.S. 11:267(D) is hereby repealed."

AMENDMENT NO. 7

On page 1, line 16, change "Section 2." to "Section 3."

AMENDMENT NO. 8

On page 1, line 17, after "Retirement Fund" insert ", State Police Pension and Relief Fund, Municipal Employees' Retirement System, Municipal Police Employees' Retirement System, Parochial Employees' Retirement System, Firefighters' Retirement System, and District Attorneys' Retirement System"

AMENDMENT NO. 9

On page 2, line 1, change "Section 3." to "Section 4."

Senator Boissiere moved adoption of the amendments.

Senator Barham objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lentini
Bajoie	Gautreaux, B	Marionneaux
Boissiere	Gautreaux, N	Nevers
Chaisson	Heitmeier	Romero
Cravins	Holden	Theunissen
Duplessis	Jackson	
Dupre	Jones	
Total—19		

NAYS

Adley	Ellington	Mount
Amedee	Fontenot	Schedler
Barham	Kostelka	Smith
Cain	Malone	Ullo
Dardenne	Michot	
Total—14		

ABSENT

Boasso	Hainkel	Irons
Cheek	Hollis	McPherson
Total—6		

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Boasso	Gautreaux, B	Michot
Boissiere	Gautreaux, N	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith

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Duplessis	Jackson	Theunissen
Dupre	Jones	Ullo
Total—33		
	NAYS	
Barham	Hainkel	Malone
Dardenne	Kostelka	
Total—5		
	ABSENT	
Adley		
Total—1		

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

HOUSE BILL NO. 976—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To enact R.S. 11:1332, relative to the Louisiana State Police Pension and Retirement System; to authorize the board of trustees to use interest earnings on investments in excess of normal requirements to provide a cost-of-living increase; to provide limitations; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Boissiere sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Boissiere to Engrossed House Bill No. 976 by Representative Schneider

AMENDMENT NO. 1

On page 2, line 1, after "R.S. 11:242." insert "**If the legislative actuary disagrees with the determination of the system's actuary, a cost-of-living increase shall not be granted.**

C. Prior to granting a cost-of-living increase in accordance with the provisions of this Section, the board of trustees shall have legislative approval. Upon approval."

AMENDMENT NO. 2

On page 2, line 1, after "R.S. 11:242." change "Payments" to "payments"

On motion of Senator Boissiere, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President	Dupre	Lentini
Adley	Ellington	Malone

Amedee	Fields	Marionneau
Bajoie	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	
Total—38		

NAYS

Total—0

ABSENT

Hainkel
Total—1

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

HOUSE BILL NO. 1295—
BY REPRESENTATIVE ALARIO
AN ACT

To amend and reenact R.S. 42:1001, 1002(2), (4), and (5), 1003 through 1005, and 1008 through 1011, to enact R.S. 42:1002(12), (13), and (14), and to repeal R.S. 42:1006 and 1007, relative to the federal-state agreement for old age and survivors benefits for state employees; to provide for the inclusion of disability and health insurance benefits in such agreement; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneau
Bajoie	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	
Total—38		
	NAYS	
Total—0		

ABSENT

Hainkel
Total—1

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

HOUSE BILL NO. 1700 (Substitute for House Bill No. 1130 by Representative Daniel)—

BY REPRESENTATIVE DANIEL
AN ACT

To enact R.S. 47:1837.1, relative to the Louisiana Tax Commission; to establish a pilot program for creation of a statewide ad valorem tax assessment database for publication on the Internet; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	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	
Total—38		

NAYS

Total—0

ABSENT

Hainkel
Total—1

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

HOUSE BILL NO. 39—
BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact Civil Code Article 1582.1, relative to donations; to provide for witnesses; to prohibit persons from witnessing testaments; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Irons
Total—1

ABSENT

Gautreaux, B
Total—2

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

HOUSE BILL NO. 40—
BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact Code of Civil Procedure Article 971(A)(3) and (B), relative to the special motion to strike; to provide for admissibility of the court's determination in evidence; to provide for attorney fees and costs; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jones
Adley	Dupre	Kostelka
Amedee	Ellington	Lentini
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Heitmeier	Schedler

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Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Total—36		

NAYS

Marionneaux
Total—1

ABSENT

Holden
Total—2

Malone

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

HOUSE BILL NO. 103—

BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 13:782(A)(1)(introductory paragraph) and (e) and to enact R.S. 13:782(A)(1)(f), relative to annual compensation of clerks of court; to provide for alternative population data for establishing the maximum compensation rate; to provide the maximum compensation rates in certain parishes; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Jones
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Boissiere	Gautreaux, B	Michot
Cain	Gautreaux, N	Mount
Chaisson	Heitmeier	Nevers
Cheek	Holden	Romero
Cravins	Hollis	Theunissen
Duplessis	Irons	Ullo
Total—27		

NAYS

Adley	Dardenne	Kostelka
Barham	Ellington	Malone
Boasso	Hainkel	Smith
Total—9		

ABSENT

Jackson
Total—3

Lentini

Schedler

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

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.

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

Rules Suspended

Senator Chaisson asked for and obtained a suspension of the rules for the purpose of taking up House Bill No. 1290 out of regular order.

HOUSE BILL NO. 1290—

BY REPRESENTATIVE TOWNSEND
AN ACT

To enact R.S. 37:930(G), relative to certified registered nurse anesthetists; to provide for administering anesthetic; and to provide for related matters.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed House Bill No. 1290 by Representative Townsend

AMENDMENT NO. 1

On page 1, line 8 after "G." delete the remainder of the line and lines 9 through 22

AMENDMENT NO. 2

On page 2, delete lines 1 through 29

AMENDMENT NO. 3

On page 3, delete lines 1 through 3

AMENDMENT NO. 4

On page 3, line 4, delete "(3)"

Senator McPherson moved adoption of the amendments.

Senator Chaisson objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux, B	Malone
Cheek	Hainkel	McPherson
Cravins	Hollis	Michot
Dardenne	Jackson	Mount

Fields	Jones	Nevers
Total—15		
	NAYS	
Adley	Duplessis	Kostelka
Amedee	Dupre	Lentini
Bajoie	Ellington	Marionneaux
Barham	Fontenot	Romero
Boasso	Gautreaux, N	Smith
Boissiere	Heitmeier	Theunissen
Cain	Holden	Ullo
Chaisson	Irons	
Total—23		

Schedler
Total—1

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Hainkel	Jackson
Total—2	

ABSENT

Total—0

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

HOUSE BILL NO. 532—
BY REPRESENTATIVES JOHNS, BOWLER, AND WALKER
AN ACT

To amend and reenact R.S. 9:315.16, relative to child support; to provide for the review of the child support guidelines; to

provide for the membership of the committee; and to provide for related matters.

The bill was read by title. Senator N. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	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	
Total—38		

NAYS

Total—0

ABSENT

Hainkel
Total—1

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

HOUSE BILL NO. 541—
BY REPRESENTATIVES LAFLEUR AND DORSEY
AN ACT

To enact Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:555 and 556, relative to sexual assault; to create the Louisiana Sexual Assault Task Force; to provide for its membership; to provide for meetings; to provide for duties; to provide for reporting requirements; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
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Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Dupre	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Duplessis	Schedler
Total—2	

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

HOUSE BILL NO. 677—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 13:3049(B)(2)(a) and (e) and Code of Civil Procedure Article 1734.1(A), relative to civil jury trials; to provide for the expenses related to jury trials; to provide for the payment of jurors; to provide for the cash deposit; and to provide for related matters.

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

HOUSE BILL NO. 736—

BY REPRESENTATIVE LAFLEUR
AN ACT

To amend and reenact R.S. 56:31 and 31.1, relative to class one violations; to provide for penalties for class one violations of the hunting and fishing laws; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Heitmeier	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith

Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Hainkel	Nevers
Total—2	

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

HOUSE BILL NO. 762—

BY REPRESENTATIVES WINSTON AND DURAND
AN ACT

To amend and reenact Children's Code Article 685(B), relative to children in need of care; to provide for compliance with federal provisions in cost of care and treatment matters; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Hainkel	Nevers
Total—2	

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

Rules Suspended

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

Introduction of Resolutions, Senate and Concurrent

Senator Bajoie 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. 113—

BY SENATORS HAINKEL, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BOISSIERE, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HINES, HOLDEN, HOLLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To extend the condolences of the Senate of the Louisiana Legislature to the family of Medal of Honor Recipient Raymond Michael "Mike" Clausen, Jr.

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

SENATE RESOLUTION NO. 114—

BY SENATOR HAINKEL

A RESOLUTION

To commend Donald Ray Hale upon the occasion of his retirement as the Senior Governmental Affairs Executive for Entergy Corporation, formerly known as Louisiana Power and Light, after more than thirty years of service.

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

SENATE CONCURRENT RESOLUTION NO. 146—

BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To recognize and commend Ann Knapp for her accomplishments and contributions to the Board of Supervisors of Community and Technical Colleges and for her tenure as the chair during 2002-2003 and 2003-2004.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Lentini
Adley Ellington Malone

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

NAYS

Total—0

ABSENT

Hainkel Nevers
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

PASSED SENATE BILLS AND JOINT RESOLUTIONS

June 7, 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 the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 735— BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2117.1(4), relative to licensure of end stage renal disease (ESRD) facilities; to exempt penal and correctional facilities from the requirements of licensure as end stage renal disease (ESRD) facilities; to provide for an effective date; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 146— BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 9:2801.2, relative to partition of community property; to provide for the valuation of goodwill as an asset in the partition of community property for certain businesses; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 381—
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.41(A)(16), relative to medical malpractice; to provide relative to the Patient's Compensation Fund; to include students being trained as paramedics under the coverage of such fund; to provide for the definition of "ambulance service"; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 18—
BY SENATORS MCPHERSON AND ELLINGTON AND REPRESENTATIVE FARRAR

AN ACT

To designate a portion of Louisiana Highway 28 East located in central Louisiana as "Korean War Veterans Memorial Highway"; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 437—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 13:4291(A), (B)(1), and (C), relative to execution; to provide with respect to child support payments; to provide for judgments for such payments; to provide for the initiation of prescription on certain child support judgements; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 692—

BY SENATORS BARHAM, CHEEK, CRAVINS, JONES, LENTINI, MARIONNEAUX, ADLEY, AMEDEE, BOASSO, BOISSIERE, CAIN, DARDENNE, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, IRONS, JACKSON, KOSTELKA, MALONE, MCPHERSON, MICHOT, MOUNT, NEVERS, ROMERO, SMITH, THEUNISSEN AND ULLO

AN ACT

To amend and reenact R.S. 14:329.6(E) and to enact Part XII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 23:1017 through 1017.6, relative to offenses affecting the public; to require employers of first responders to homeland security emergencies to maintain the employment, pay rate levels, pensions, and benefits for those first responders; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 370—
BY SENATOR LENTINI

AN ACT

To amend and reenact 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), 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 without amendments.

SENATE BILL NO. 2—

BY SENATORS MCPHERSON, CAIN, B. GAUTREAU, N. GAUTREAU, MALONE, MICHOT AND ROMERO

A JOINT RESOLUTION

Proposing to add Article I, Section 27 of the Constitution of Louisiana, relative to the declaration of rights; to preserve the freedom to hunt, fish, and trap, subject to regulation, restriction, or prohibition imposed pursuant to law; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported without amendments.

SENATE BILL NO. 28—
BY SENATOR DUPRE

AN ACT

To enact R.S. 48:229(A)(11), relative to transportation; to provide relative to priority reports on construction projects; to provide relative to factors to be considered in the order of priorities; to add as a factor the safe evacuation of population when necessitated by catastrophic events; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 186—
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 9:4502 (A)(1), relative to privileges on movables; to provide relative to the privilege for making or repairing movable goods; to provide relative to marine vessels, trailers, and equipment; to provide for remedy for debt due on such items; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 371—
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.43(A)(1), (2), (3), (4), and (5), (B)(1), and (C), relative to medical malpractice; to provide relative to future medical benefits; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 17—
BY SENATOR B. GAUTREAU

AN ACT

To designate Louisiana Highway 1013 located in Assumption Parish as "Reedy Road"; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 382—
BY SENATOR LENTINI

AN ACT

To enact R.S. 40:1299.39.2 and 1299.49, relative to medical review panels; to provide relative to state and private medical claims; to provide for such claims for the same patient and the same injury; to limit review to one panel in such cases; to provide for an effective date; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 762—
BY SENATOR B. GAUTREUX
AN ACT

To authorize and provide for the transfer of certain state property in Assumption Parish to the Assumption Parish Police Jury; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 94—
BY SENATOR LENTINI
AN ACT

To amend and reenact the Louisiana Code of Civil Procedure Arts. 1038 and 3601, relative to civil law and procedure; 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; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 711—
BY SENATOR MCPHERSON
AN ACT

To enact R.S. 40:2009.22, relative to Medicaid nursing home beds being dually certified; to provide for nursing home operators to be required to dually certify beds that are certified for Medicaid reimbursement; to provide for a permissive grace period; to provide for penalties for failure to dually certify; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 861—
BY SENATORS N. GAUTREUX, LENTINI AND ROMERO
AN ACT

To amend and reenact R.S. 9:315.40(9) and 315.41(A) and to enact R.S. 9:315.40(4)(d), relative to child support; to provide relative to the suspension of licenses for nonpayment of child support; to provide for definitions; to include licenses for the operation of motorboats, sailboats, and trailers in the definition of licenses; to provide for the suspension of such additional licenses; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 21—
BY SENATOR DUPRE
AN ACT

To amend and reenact R.S. 9:5167.2, relative to the cancellation of mortgage inscription; to limit certain mortgage inscription cancellation requirements to residential mortgages; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 4—
BY SENATOR MCPHERSON
AN ACT

To enact R.S. 38:2225.2, relative to public contracts; to prohibit the state and any state or local entity from using the "design-build" concept unless specifically authorized by law; to prohibit the state and any state or local entity from executing agreements to purchase unimproved property which agreement requires the successful design and construction of a structure prior to transfer of title unless specifically authorized by law; and to provide for related matters.

Reported with amendments.

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

June 7, 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. 143—
BY SENATOR ADLEY
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install a traffic signal at the intersection of Louisiana Highways 160 and 371 in Cotton Valley, Louisiana.

Reported without amendments.

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

Message from the House

HOUSE CONFEREES APPOINTED

June 7, 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 appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 1363 by Representative Winston:

Representatives Winston, Durand and Scalise.

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

Message from the House

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

June 7, 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. 740—
BY REPRESENTATIVE WADDELL
AN ACT

To amend and reenact R.S. 17:6(A)(11), relative to the general powers of the State Board of Elementary and Secondary Education; to require the board to adopt rules and regulations; to provide that certain public high school students who fail to pass the high school graduation exit exam shall be awarded a certificate of attendance; to specify that nothing shall prohibit such a student from being issued a diploma upon successful passage of the graduation exit exam; to provide that nothing shall interfere with any local public school board's authority to adopt policies relative to participation by students in graduation ceremonies; and to provide for related matters.

**HOUSE BILL NO. 1717 (Substitute for House Bill No. 1554
by Representative Walsworth)—**
BY REPRESENTATIVES WALSWORTH AND KATZ
AN ACT

To enact R.S. 32:387.17, relative to special permits; to authorize issuance of special permits for trucks hauling containerized cargo intended for international trade; to authorize the Department of Transportation and Development to promulgate certain rules and regulations; to provide for certain limitations; and to provide for related matters.

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 740—
BY REPRESENTATIVE WADDELL
AN ACT

To amend and reenact R.S. 17:6(A)(11), relative to the general powers of the State Board of Elementary and Secondary Education; to require the board to adopt rules and regulations; to provide that certain public high school students who fail to pass the high school graduation exit exam shall be awarded a

certificate of attendance; to specify that nothing shall prohibit such a student from being issued a diploma upon successful passage of the graduation exit exam; to provide that nothing shall interfere with any local public school board's authority to adopt policies relative to participation by students in graduation ceremonies; and to provide for related matters.

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

**HOUSE BILL NO. 1717 (Substitute for House Bill No. 1554
by Representative Walsworth)—**
BY REPRESENTATIVES WALSWORTH AND KATZ
AN ACT

To enact R.S. 32:387.17, relative to special permits; to authorize issuance of special permits for trucks hauling containerized cargo intended for international trade; to authorize the Department of Transportation and Development to promulgate certain rules and regulations; to provide for certain limitations; and to provide for related matters.

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

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**

June 7, 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. 274—
BY REPRESENTATIVE DURAND
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to amend its rules to provide that funeral costs in certain instances shall be considered an allowable cost for providers who incur such expenses.

HOUSE CONCURRENT RESOLUTION NO. 276—
BY REPRESENTATIVES TUCKER, STRAIN, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CRANE, CROWE, DOVE, DOWNS, ERDEY, FLAVIN, FUTRELL, GEYMAN, HUTTER, JOHNS, KATZ, KENNARD, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, TOOMY, TRAHAN, WADDELL, WALSWORTH, WHITE, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, CHEEK, DARDENNE, FONTENOT, HAINKEL, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, ROMERO, SCHEDLER, AND THEUNISSEN
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of President Ronald Reagan and to express enduring appreciation for his singular contributions and achievements.

HOUSE CONCURRENT RESOLUTION NO. 277—
BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals not to count official state holidays against the annual and therapeutic leave days provided for residents of ICFs/MR.

HOUSE CONCURRENT RESOLUTION NO. 278—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of motor vehicles, to study the fees and taxes imposed by Louisiana and other states on pickup trucks and sport utility vehicles (SUVs), and to report its findings and recommendations to the Legislature of Louisiana prior to the convening of the 2005 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 280—
BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to erect directional signage on West Judge Perez Drive in Arabi, Louisiana indicating the exit to St. Louise de Marillac Elementary School.

HOUSE CONCURRENT RESOLUTION NO. 121—
BY REPRESENTATIVE QUEZAIRE

A CONCURRENT RESOLUTION

To authorize and direct the Department of Public Safety and Corrections to include the image of a pelican on the standard private passenger motor vehicle license plate.

HOUSE CONCURRENT RESOLUTION NO. 143—
BY REPRESENTATIVE LAFLEUR

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate Louisiana Highway 167 within Evangeline Parish as a Blue Star Memorial Highway in honor of the citizens of Evangeline Parish who have served, are now serving, or will serve in the armed forces of the United States and to authorize placement of a Blue Star Memorial Highway monument along this route.

HOUSE CONCURRENT RESOLUTION NO. 154—
BY REPRESENTATIVE WINSTON

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to seek immediate funding to widen and replace the two-lane bridge located along Louisiana Highway 21 which crosses the Tchefuncte River in St. Tammany Parish.

HOUSE CONCURRENT RESOLUTION NO. 174—
BY REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To urge and request the chairman of the Greater New Orleans Expressway Commission, commonly referred to as "The Causeway Commission" to comply with current law providing for the free and unhampered passage by firemen on toll bridges and ferries.

HOUSE CONCURRENT RESOLUTION NO. 186—
BY REPRESENTATIVE QUEZAIRE

A CONCURRENT RESOLUTION

To urge and request the governor to support the Sea Point container transfer facility project.

HOUSE CONCURRENT RESOLUTION NO. 190—
BY REPRESENTATIVE DOWNS

A CONCURRENT RESOLUTION

To request the Department of Transportation and Development to erect "slower traffic keep right" signs on all state highways with four or more lanes.

HOUSE CONCURRENT RESOLUTION NO. 193—
BY REPRESENTATIVE STRAIN

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install a traffic signal at the intersection of Louisiana Highways 442, 443, and 40 in Loranger, Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVES DORSEY, DARTEZ, FARRAR, RICHMOND,
SHEPHERD, AND WHITE

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of state police, to develop rules for the coordination of investigations and the sharing of information regarding the investigation of possible "serial killers" and unsolved murders.

HOUSE CONCURRENT RESOLUTION NO. 182—
BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To recognize the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees (BCCM), the Bayou Lafourche Band of the BCCM, the Grand Caillou/Dulac Band of the BCCM, known collectively as the "BCCM tribes", and the Pointe-au-Chien Indian Tribe (PACIT).

HOUSE CONCURRENT RESOLUTION NO. 211—
BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To urge and request the commissioner of conservation, the Louisiana Municipal Association, and the Police Jury Association to study compliance by Louisiana cities, towns, villages, and special districts in an underground utility regional damage prevention program.

HOUSE CONCURRENT RESOLUTION NO. 17—
BY REPRESENTATIVE ALARIO

A CONCURRENT RESOLUTION

To urge and request members of the legislature and statewide elected officials to voluntarily substitute teach in a public elementary or secondary school of the state.

HOUSE CONCURRENT RESOLUTION NO. 107—
BY REPRESENTATIVES BROOME AND MURRAY

A CONCURRENT RESOLUTION

To request the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs to meet and function as a joint committee to study the conditions in the Louisiana housing finance market and address the issues and concerns relative to protecting Louisiana citizens from predatory lending practices.

HOUSE CONCURRENT RESOLUTION NO. 148—
BY REPRESENTATIVES BURRELL, JEFFERSON, AND MARCHAND
A CONCURRENT RESOLUTION

To urge and request the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Local and Municipal Affairs to meet and function as a joint committee to study and make recommendations for the creation of a state office of urban reengineering and reinvestment, including but not limited to its structure, powers, duties, functions, responsibilities, and funding, and in conducting such study to obtain assistance, information, and recommendations from certain organizations and agencies.

HOUSE CONCURRENT RESOLUTION NO. 206—
BY REPRESENTATIVES WALKER AND DURAND
A CONCURRENT RESOLUTION

To create the Louisiana Dental Association Task Force on Enteral Conscious Sedation to study the revisions to the Dental Practice Act regarding adult enteral conscious sedation.

HOUSE CONCURRENT RESOLUTION NO. 215—
BY REPRESENTATIVE MURRAY
A CONCURRENT RESOLUTION

To request the House and Senate Committees on Labor and Industrial Relations to meet and function as a joint committee to study the hiring and procurement practices of the gaming industry and submit a report of its findings to the Legislature of Louisiana on or before thirty days prior to the 2005 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 197—
BY REPRESENTATIVES CRANE, BROOME, SALTER, AND HUNTER AND SENATORS HOLDEN AND ULLO
A CONCURRENT RESOLUTION

To create the Adult Learning Task Force within the office of the governor for the purpose of reviewing policies and programs related to adult learning in the state of Louisiana and to provide that the task force shall submit a written report to the Legislature of Louisiana on the state of adult learning in Louisiana by not later than January 30, 2005.

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. 17—
BY REPRESENTATIVE ALARIO
A CONCURRENT RESOLUTION

To urge and request members of the legislature and statewide elected officials to voluntarily substitute teach in a public elementary or secondary school of the state.

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

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVES DORSEY, DARTEZ, FARRAR, RICHMOND, SHEPHERD, AND WHITE
A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of state police, to develop rules for the coordination of investigations and the sharing of information regarding the investigation of possible "serial killers" and unsolved murders.

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BY REPRESENTATIVE QUEZAIRE
A CONCURRENT RESOLUTION

To authorize and direct the Department of Public Safety and Corrections to include the image of a pelican on the standard private passenger motor vehicle license plate.

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BY REPRESENTATIVE LAFLEUR
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate Louisiana Highway 167 within Evangeline Parish as a Blue Star Memorial Highway in honor of the citizens of Evangeline Parish who have served, are now serving, or will serve in the armed forces of the United States and to authorize placement of a Blue Star Memorial Highway monument along this route.

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

HOUSE CONCURRENT RESOLUTION NO. 182—
BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To recognize the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees (BCCM), the Bayou Lafourche Band of the BCCM, the Grand Caillou/Dulac Band of the BCCM, known collectively as the "BCCM tribes", and the Pointe-au-Chien Indian Tribe (PACIT).

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

HOUSE CONCURRENT RESOLUTION NO. 186—
BY REPRESENTATIVE QUEZAIRE

A CONCURRENT RESOLUTION

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BY REPRESENTATIVE DOWNS

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BY REPRESENTATIVES CRANE, BROOME, SALTER, AND HUNTER AND SENATORS HOLDEN AND ULLO

A CONCURRENT RESOLUTION

To create the Adult Learning Task Force within the office of the governor for the purpose of reviewing policies and programs related to adult learning in the state of Louisiana and to provide that the task force shall submit a written report to the Legislature of Louisiana on the state of adult learning in Louisiana by not later than January 30, 2005.

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BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To urge and request the commissioner of conservation, the Louisiana Municipal Association, and the Police Jury Association to study compliance by Louisiana cities, towns, villages, and special districts in an underground utility regional damage prevention program.

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BY REPRESENTATIVE MURRAY

A CONCURRENT RESOLUTION

To request the House and Senate Committees on Labor and Industrial Relations to meet and function as a joint committee to study the hiring and procurement practices of the gaming industry and submit a report of its findings to the Legislature of Louisiana on or before thirty days prior to the 2005 Regular Session.

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

HOUSE CONCURRENT RESOLUTION NO. 274—
BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to amend its rules to provide that funeral costs in certain instances shall be considered an allowable cost for providers who incur such expenses.

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

HOUSE CONCURRENT RESOLUTION NO. 276—
BY REPRESENTATIVES TUCKER, STRAIN, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CRANE, CROWE, DOVE, DOWNS, ERDEY, FLAVIN, FUTRELL, GEYMAN, HUTTER, JOHNS, KATZ, KENNARD, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, TOOMY, TRAHAN, WADDELL, WALSWORTH, WHITE, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, CHEEK, DARDENNE, FONTENOT, HAINKEL, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, ROMERO, SCHEDLER, AND THEUNISSEN

A CONCURRENT RESOLUTION

June 7, 2004

To express sincere and heartfelt condolences upon the death of President Ronald Reagan and to express enduring appreciation for his singular contributions and achievements.

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

HOUSE CONCURRENT RESOLUTION NO. 277—
BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals not to count official state holidays against the annual and therapeutic leave days provided for residents of ICFs/MR.

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

HOUSE CONCURRENT RESOLUTION NO. 278—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of motor vehicles, to study the fees and taxes imposed by Louisiana and other states on pickup trucks and sport utility vehicles (SUVs), and to report its findings and recommendations to the Legislature of Louisiana prior to the convening of the 2005 Regular Session.

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

HOUSE CONCURRENT RESOLUTION NO. 280—
BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to erect directional signage on West Judge Perez Drive in Arabi, Louisiana indicating the exit to St. Louise de Marillac Elementary School.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

RETIREMENT

Senator Boissiere, Chairman on behalf of the Committee on Retirement, submitted the following report:

June 7, 2004

To the President and Members of the Senate:

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

SENATE BILL NO. 352—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:416(A)(3)(c), relative to the Louisiana State Employees' Retirement System; to provide with respect to reemployment of retired members; to provide with respect to earnings limitations; repayment of excess earnings, and

notifications by the employing agency; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 622—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:102(A) and (B)(3)(d), and 542(A), (B), (C)(1)(introductory paragraph), and (D), relative to state retirement systems; to provide relative to payment of unfunded accrued liabilities of the Louisiana State Employees' Retirement System; to provide for amortization of unfunded accrued liabilities over a forty-year period or in accordance with standards promulgated by the Governmental Accounting Standards Board from the time of occurrence; to include negative employee experience account balances in the unfunded accrued liability; to provide for experience account credits; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 623—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:102(A) and (B)(3)(d), and 883.1(A), (B), (C)(1)(introductory paragraph), and (D), relative to state retirement systems; to provide relative to payment of unfunded accrued liabilities of the Teachers' Retirement System of Louisiana; to provide for amortization of unfunded accrued liabilities over a thirty-year period or in accordance with standards promulgated by the Governmental Accounting Standards Board from the time of occurrence; to include negative employee experience account balances in the unfunded accrued liability; to provide for experience account credits; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 836—

BY REPRESENTATIVES GLOVER AND HOPKINS
AN ACT

To amend and reenact R.S. 11:3724(8), as enacted by Act No. 74 of the 1991 Regular Session of the Legislature of Louisiana, relative to the Police Pension and Relief Fund of the City of Shreveport; to provide relative to survivor benefits; to repeal R.S. 11:3724(8) as amended and reenacted by prior Acts of the Legislature of Louisiana; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 870—

BY REPRESENTATIVES TUCKER, DOERGE, GALLOT, HEBERT, HILL, KENNARD, MONTGOMERY, JOHN SMITH, ST. GERMAIN, TRAHAN, TRICHE, AND WALSWORTH AND SENATOR BOISSIERE
AN ACT

To amend and reenact R.S. 11:2257(F)(2) and (H), relative to the Firefighters' Retirement System; to provide definitions of terms; to remove the authorization for retired members to participate in the Deferred Retirement Option Plan; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 938—
BY REPRESENTATIVE TUCKER
AN ACT

To enact R.S. 11:266.1(E), relative to the state retirement systems; to provide relative to investment requirements; to provide for reporting; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 984—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 11:1423(C), relative to the Louisiana Assessors' Retirement Fund; to provide relative to retirement options; to provide relative to option reductions; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1006—
BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY
AN ACT

To amend and reenact R.S. 11:62(introductory paragraph) and (9), relative to employee contribution rates; to authorize the board of trustees of the Sheriffs' Pension and Relief Fund to increase the employee contribution rate in consultation with the fund's actuary; to specify a maximum rate allowable; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1271—
BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 11:62(introductory paragraph) and (5)(c) and R.S. 24:36(A), relative to employees of the state legislature who are members of the Louisiana State Employees' Retirement System; to provide for an increase in the employee contribution rate and accrual rate for certain members of the system; to provide for leave conversion for legislative employees; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
LAMBERT BOISSIERE, JR.
Chairman

**REPORT OF COMMITTEE ON
REVENUE AND FISCAL AFFAIRS**

Senator Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

June 7, 2004

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE BILL NO. 845—
BY SENATOR FONTENOT
AN ACT

To amend and reenact R.S. 51:2453(4) and to enact R.S. 51:2453(6) and 2460(C) and (D), relative to the Louisiana Quality Jobs Programs Act; to expand the definition of "new direct job" to include employees of a facility management contractor in certain instances; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 858—
BY SENATORS KOSTELKA AND MICHOT AND REPRESENTATIVE WALSWORTH
AN ACT

To enact R.S. 51:2453(1)(a)(i)(dd), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 77—
BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 15:255(A)(1) and (D)(1) and to enact R.S. 15:255(A)(4), relative to fees paid to off-duty law enforcement officers who are witnesses in criminal cases; to require the witness fees to only be paid from the specified fund; and to provide for related matters.

Reported with amendments.

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.

Reported favorably.

HOUSE BILL NO. 797—
BY REPRESENTATIVES TUCKER, K. CARTER, ERDEY, FUTRELL, JOHNS, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DURAND, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HILL, HONEY, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, LABRUZZO, LANCASTER, MARCHAND, MARTINY, MCDONALD, MURRAY, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SHEPHERD, GARYSMITH, JACKSMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, WALKER, WALSWORTH, AND WHITE
AN ACT

To enact R.S. 22:1425, relative to automobile liability insurance; to provide for active military personnel; to provide for premium discounts; to provide for rebates; to provide for rules and regulations; to provide for the authority of the commissioner of insurance; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 846—
BY REPRESENTATIVE MORRISH
AN ACT

To amend and reenact R.S. 30:2418(G), (H)(3) and (4), (I), (J), and (O)(3), relative to waste tires; to provide for fees collected on the sale of tires; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1101—
BY REPRESENTATIVES ANSARDI, DAMICO, MARTINY, AND
WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO
AN ACT

To enact R.S. 33:2740.18.2, relative to the hotel occupancy tax; to authorize the Jefferson Parish Council to levy and collect an additional hotel occupancy tax within Jefferson Parish; to provide for the purposes for which the proceeds of the tax may be used; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1478—
BY REPRESENTATIVES WHITE, ALARIO, ALEXANDER, ANSARDI,
ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BOWLER,
BRUCE, BRUNEAU, BURNS, BURRELL, R. CARTER, CRANE,
CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE,
DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FARRAR, FAUCHEUX,
FLAVIN, FRITH, FUTRELL, GALLOT, GEYMANN, GLOVER, GRAY,
E. GUILLORY, M. GUILLORY, HEBERT, HILL, HONEY, HOPKINS,
HUDSON, HUNTER, HUTTER, JEFFERSON, JOHNS, KATZ,
LABRUZZO, LAFLEUR, LAMBERT, MARCHAND, MARTINY,
MCDONALD, MCVEA, MONTGOMERY, MORRELL, MURRAY,
ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE,
RICHMOND, RITCHIE, SALTER, SCALISE, SHEPHERD, SMILEY,
GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST.
GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN,
TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH,
WINSTON, WOOTON, AND WRIGHT
AN ACT

To amend and reenact R.S. 51:2453(4) and to enact R.S. 51:2453(6) and 2460(C) and (D), relative to the Louisiana Quality Jobs Programs Act; to expand the definition of "new direct job" to include employees of a facility management contractor in certain instances; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1718 (Substitute for House Bill No. 1606
by Representative G. Smith)—**
BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 47:1852(B), 1852.1, and 1856(A)(1) and to enact R.S. 47:1856(G), relative to the assessment of public service properties for ad valorem taxation; to specify filing requirements for certain reports; to increase the penalty for failure to timely file reports; to specify procedures for protesting assessments; and to provide for related matters.

Reported favorably.

Respectfully submitted,
WILLIE MOUNT
Chairman

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

Senator Boissiere asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 352—
BY SENATOR BOISSIERE
AN ACT

To amend and reenact R.S. 11:416(A)(3)(c), relative to the Louisiana State Employees' Retirement System; to provide with respect to reemployment of retired members; to provide with respect to earnings limitations; repayment of excess earnings, and notifications by the employing agency; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 352 by Senator Boissiere

AMENDMENT NO. 1

On page 2, line 3 after "appointed by" delete "a" and insert in lieu thereof "the secretary of state to fill the position of commissioner of elections shall be exempt"

AMENDMENT NO. 2

On page 2, delete line 4 in its entirety

AMENDMENT NO. 3

On page 2, line 6, after "reemployment" delete the period "." and insert ", but he shall not be eligible to rejoin the system, nor shall his retirement benefits be enhanced by such reemployment."

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

SENATE BILL NO. 622—
BY SENATOR BOISSIERE
AN ACT

To amend and reenact R.S. 11:102(A) and (B)(3)(d), and 542(A), (B), (C)(1)(introductory paragraph), and (D), relative to state retirement systems; to provide relative to payment of unfunded accrued liabilities of the Louisiana State Employees' Retirement System; to provide for amortization of unfunded accrued liabilities over a forty-year period or in accordance with standards promulgated by the Governmental Accounting Standards Board from the time of occurrence; to include negative employee experience account balances in the unfunded accrued liability; to provide for experience account credits; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 622 by Senator Boissiere

AMENDMENT NO. 1

On page 1, line 3, after "and (D)," insert "and to enact R.S. 11:102(B)(5),"

AMENDMENT NO. 2

On page 1, line 14, after "amended and reenacted" insert "and R.S. 11:102(B)(5) is hereby enacted"

AMENDMENT NO. 3

On page 3, line 9, change "forty" to "thirty"

AMENDMENT NO. 4

On page 3, at the end of line 14, insert "**Beginning with the year ending June 30, 2004 and for each fiscal year thereafter, the outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph shall be amortized as a level dollar amount.**"

AMENDMENT NO. 5

On page 3, between lines 15 and 16, insert the following:
"R.S. 11:102(B)(5) is all proposed new law.

(5) Notwithstanding the provisions of this Section, the employer contribution rate for the Louisiana State Employees' Retirement System shall not be less than fifteen and one-half percent per year until such time as the initial unfunded accrued liability is fully funded. At the end of each fiscal year, the excess between the minimum employer contribution as required by the Constitution of Louisiana and the employer contribution for the fiscal year as determined under this Subsection shall be accumulated in an Employer Credit Account. The annual employer contribution required in accordance with this Subsection, or the constitutional minimum if greater, may be utilized to fund the employer contribution in excess of the fifteen and one-half percent minimum required contribution for the fiscal year to the extent the Employer Credit Account has a positive balance. Subject to legislative approval, the Employer Credit Account also may be used to reduce the initial unfunded accrued liability.

* * *

AMENDMENT NO. 6

On page 4, line 8, after "trustees shall" delete "**may** grant"

AMENDMENT NO. 7

On page 4, line 9, after "**this Section,**" insert the following: "**may recommend to the Senate and House committees on retirement that the system grant**"

AMENDMENT NO. 8

On page 4, line 13, after "system's actuary," delete the remainder of the line and insert in lieu thereof "**a cost-of-living increase shall not be granted.**"

AMENDMENT NO. 9

On page 4, delete lines 14 through 18 in their entirety and insert in lieu thereof the following:

"Prior to granting a cost-of-living increase in accordance with the provisions of this Section, the board of trustees shall have legislative approval."

AMENDMENT NO. 10

On page 5, delete lines 13 through 15 in their entirety

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

SENATE BILL NO. 623—
 BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:102(A) and (B)(3)(d), and 883.1(A), (B), (C)(1)(introductory paragraph), and (D), relative to state retirement systems; to provide relative to payment of unfunded accrued liabilities of the Teachers' Retirement System of Louisiana; to provide for amortization of unfunded accrued liabilities over a thirty-year period or in accordance with standards promulgated by the Governmental Accounting Standards Board from the time of occurrence; to include negative employee experience account balances in the unfunded accrued liability; to provide for experience account credits; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 623 by Senator Boissiere

AMENDMENT NO. 1

On page 1, line 3, after "and (D)," insert "and to enact R.S. 11:102(B)(5),"

AMENDMENT NO. 2

On page 1, line 14, after "amended and reenacted" insert "and R.S. 11:102(B)(5) is hereby enacted"

AMENDMENT NO. 3

On page 3, at the end of line 14, insert "**Beginning with the fiscal year ending June 30, 2004 and for each fiscal year thereafter, the outstanding balances of amortization bases established pursuant to Items (i) through (iv) of this Subparagraph shall be amortized as a level dollar amount.**"

AMENDMENT NO. 4

On page 3, between lines 15 and 16, insert the following:
"R.S. 11:102(B)(5) is all proposed new law.

(5) Notwithstanding the provisions of this Section, the employer contribution rate for the Teachers' Retirement System of Louisiana shall not be less than fifteen and one-half percent per year until such time as the initial unfunded accrued liability is fully funded. At the end of each fiscal year, the excess between the minimum employer contribution as required by the Constitution of Louisiana and the employer contribution for the fiscal year as determined under this Subsection shall be accumulated in an Employer Credit Account. The Employer Credit Account shall be credited and accumulate interest at the actuarial rate of return earned by the system annually. The annual employer contribution required in accordance with this Subsection, or the constitutional minimum if greater, may be utilized to fund the employer contribution in excess of the fifteen and one-half percent minimum required contribution for the fiscal year to the extent the Employer Credit Account has a positive balance. Subject

to legislative approval, the Employer Credit Account also may be used to reduce the initial unfunded accrued liability.

* * *

AMENDMENT NO. 5

On page 4, line 10, after "trustees shall" delete "may grant"

AMENDMENT NO. 6

On page 4, line 11, after "this Section," insert the following: "may recommend to the Senate and House committees on retirement that the system grant"

AMENDMENT NO. 7

On page 4, line 15, after "system's actuary," delete the remainder of the line and insert in lieu thereof, "a cost-of-living increase shall not be granted."

AMENDMENT NO. 8

On page 4, line 16, delete "vote of the Louisiana Public Retirement Systems' Actuarial Committee." and insert in lieu thereof the following: "Prior to granting a cost-of-living increase in accordance with the provisions of this Section, the board of trustees shall have legislative approval."

AMENDMENT NO. 9

On page 5, at the end of line 3, delete "The"

AMENDMENT NO. 10

On page 5, delete lines 4 and 5 in their entirety

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

SENATE BILL NO. 845—

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 51:2453(4) and to enact R.S. 51:2453(6) and 2460(C) and (D), relative to the Louisiana Quality Jobs Programs Act; to expand the definition of "new direct job" to include employees of a facility management contractor in certain instances; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed Senate Bill No. 845 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 2, after "2453(4) and" insert "2454(C)(1)," and at the end of the line insert "and to repeal R.S. 51:2454(C)(2),"

AMENDMENT NO. 2

On page 1, line 8, after "2453(4)" change "is" to "and 2454(C)(1) are"

AMENDMENT NO. 3

On page 2, line 21, after "portion of" delete the remainder of the line and insert "their work for the"

AMENDMENT NO. 4

On page 3, line 3, after "Program," delete the remainder of the line, delete line 4, and at the beginning of line 5, delete "of the company's employees."

AMENDMENT NO. 5

On page 3, line 7, delete "contractor's" and delete line 8, and insert "to the employer and the"

AMENDMENT NO. 6

On page 3, line 11, after "shall", delete "not"

AMENDMENT NO. 7

On page 3, line 12, change "more than one" to "multiple" and after "management" insert "contracts"

AMENDMENT NO. 8

On page 3, delete lines 14 through 19, and insert the following: "(viii) The employer's rebate for new direct jobs provided for through one or more facility management contracts shall be computed using eighty percent of the benefit rate as defined in R.S. 51:2453(3)."

AMENDMENT NO. 9

On page 3, line 27, change "a manufacturing" to "another"

AMENDMENT NO. 10

On page 3, line 28, after "facility" insert a period "." and delete the remainder of the line, delete line 29, and on page 4, delete lines 1 and 2, and insert:

* * *
§2454. Rebate approval
* * *

C.(1)(a) No contract shall be executed pursuant to under this Chapter with an employer who has defaulted on or otherwise not repaid any loan or other obligation involving public funds nor with any employer who has ever declared bankruptcy under which an obligation of the employer to pay or repay public funds or monies was discharged as part of such bankruptcy.

(b) No contract shall be executed under this Chapter with any employer who is in default on any filing or payment with or to the state or any of its agencies or political subdivisions and in which an assessment or judgment that is final and nonappealable has been rendered, and remains outstanding, in favor of the state, or any of its agencies, or political subdivisions.

(c) Violation of the provisions of this Subsection (C) shall void the contract and any rebates paid to the employer prior to the date of discovery of such violation shall be added to the income tax liability of the employer for the taxable year in which the discovery occurred, with interest from the date of violation, and the employer shall receive no further rebates pursuant to this Chapter."

AMENDMENT NO. 11

On page 4, after line 21, insert the following: "Section 2. The provisions of R.S. 51:2454(C)(2) are hereby repealed."

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

SENATE BILL NO. 858—
BY SENATORS KOSTELKA AND MICHOT AND REPRESENTATIVE WALSWORTH

AN ACT

To enact R.S. 51:2453(1)(a)(i)(dd), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed Senate Bill No. 858 by Senator Kostelka

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 51:2454(C)(1), to" and after "(dd)" insert ",and to repeal R.S. 51:2454(C)(2)"

AMENDMENT NO. 2

On page 1, line 6, after "Section 1." insert "R.S. 51:2454(C)(1) is hereby amended and reenacted and"

AMENDMENT NO. 3

On page 2, line 5, change "2004" to "2005"

AMENDMENT NO. 4

On page 2, after line 13, insert the following:
"§2454. Rebate approval
* * *

C.(1)(a) No contract shall be executed pursuant to ~~under~~ this Chapter with an employer who has defaulted on or otherwise not repaid any loan or other obligation involving public funds nor with any employer who has ever declared bankruptcy under which an obligation of the employer to pay or repay public funds or monies was discharged as part of such bankruptcy.

(b) No contract shall be executed under this Chapter with any employer who is in default on any filing or payment with or to the state or any of its agencies or political subdivisions and in which an assessment or judgment that is final and nonappealable has been rendered, and remains outstanding, in favor of the state, or any of its agencies, or political subdivisions.

(c) Violation of the provisions of this Subsection (C) shall void the contract and any rebates paid to the employer prior to the date of discovery of such violation shall be added to the income tax liability of the employer for the taxable year in which the discovery occurred, with interest from the date of violation, and the employer shall receive no further rebates pursuant to this Chapter.

AMENDMENT NO. 5

On page 2, line 15, after "Section 2." delete the remainder of the line and insert the following:

"R.S. 51:2454(C)(2) is hereby repealed."

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 7, 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. 96—
BY REPRESENTATIVES GARYSMITH, FAUCHEUX, AND ROMERO
A CONCURRENT RESOLUTION

To memorialize the United States Supreme Court and the United States Congress to take all necessary measures to preserve the phrase "one nation under God" in the Pledge of Allegiance.

HOUSE CONCURRENT RESOLUTION NO. 99—
BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION
To urge and request the City Council of New Orleans to review the City Domicile Ordinance of the Code of the City of New Orleans and to consider amending it to permit any qualified resident of the state of Louisiana to be employed at the Louis Armstrong International Airport.

HOUSE CONCURRENT RESOLUTION NO. 120—
BY REPRESENTATIVES QUEZAIRE, FANNIN, HONEY, KENNEY, M. POWELL, T. POWELL, RITCHIE, JANE SMITH, AND TRAHAN AND SENATOR AMEDEE

A CONCURRENT RESOLUTION
To create the Louisiana Incentives for New Ventures and Economic Stimulation (INVEST) Commission to study the issue of transforming sixteenth section lands into generators of education funding and economic development in the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 123—
BY REPRESENTATIVE CAZAYOUX

A CONCURRENT RESOLUTION
To urge and request the Department of Public Safety and Corrections, office of motor vehicles, to distribute pertinent forms and information to activated military personnel regarding their motor vehicles, including affidavits of nonuse and surrender of license plates.

HOUSE CONCURRENT RESOLUTION NO. 132—
BY REPRESENTATIVES HONEY AND QUEZAIRE
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install a left turn lane on Louisiana Highway 19 at Cunard Avenue.

HOUSE CONCURRENT RESOLUTION NO. 145—
BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION
To urge and request the Department of Transportation and Development to maintain its timeline to complete the new Florida Avenue Bridge, which is part of the Transportation

Infrastructure Model for Economic Development program, by 2010.

HOUSE CONCURRENT RESOLUTION NO. 146—
BY REPRESENTATIVE TOWNSEND AND SENATOR SMITH
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to take certain actions to reduce invasive aquatic weeds in Saline Lake.

HOUSE CONCURRENT RESOLUTION NO. 160—
BY REPRESENTATIVE BURRELL
A CONCURRENT RESOLUTION

To memorialize the United States Congress to enact federal legislation prohibiting the use of traffic signal preemption devices by the motoring public.

HOUSE CONCURRENT RESOLUTION NO. 176—
BY REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION

To create a task force to explore the feasibility of, and model policies relative to, the development of a marine aquaculture industry in the Gulf of Mexico that utilizes offshore oil and gas platforms for culturing marine organisms.

HOUSE CONCURRENT RESOLUTION NO. 264—
BY REPRESENTATIVES HONEY AND HUNTER
A CONCURRENT RESOLUTION

To recognize October 28, 2004, as the 2004 National Student/Parent Mock Election Day and to urge and request full and enthusiastic participation by students, teachers, and parents in the Mock Election activities being held from August until October of 2004.

HOUSE CONCURRENT RESOLUTION NO. 128—
BY REPRESENTATIVES WINSTON, CURTIS, DOERGE, DORSEY, DURAND, GRAY, E. GULLORY, KATZ, LABRUZZO, MCDONALD, STRAIN, WADDELL, AND WALKER AND SENATOR JACKSON
A CONCURRENT RESOLUTION

To continue the implementation of the "No Wrong Door" plan authorized by Act 726 of the 2003 Regular Session and in addition, to allow the Joint Legislative Committee on the Budget and any involved executive departments an opportunity to review the "No Wrong Door" plan and its implementation and provide written comments to the Department of Social Services by September, 2004.

HOUSE CONCURRENT RESOLUTION NO. 155—
BY REPRESENTATIVE BRUCE AND SENATOR JACKSON
A CONCURRENT RESOLUTION

To urge and request state agencies to participate in the Early Childhood Comprehensive Systems initiative to establish and promote early childhood development programs.

HOUSE CONCURRENT RESOLUTION NO. 260—
BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To commend Matthew Parish for his dedicated service to the community and to congratulate him on his selection as Emergency Medical Technician of the Year by the Louisiana Veterans of Foreign Wars.

HOUSE CONCURRENT RESOLUTION NO. 261—
BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To commend Chief Robert D. Crowe of St. Tammany Fire Protection District No. 11 for his dedicated service to the community and to congratulate him on his selection as Firefighter of the Year by the Louisiana Veterans of Foreign Wars.

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.

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

June 7, 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 Bills and Joint Resolutions:

HOUSE BILL NO. 5—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 15:145(B)(3), relative to contract attorneys for judicial district indigent defender boards; to delete the requirement that any contract attorney be a resident of the judicial district; and to provide for related matters.

HOUSE BILL NO. 33—
BY REPRESENTATIVE FARRAR
AN ACT

To amend and reenact R.S. 14:93(A), relative to the crime of cruelty to juveniles; to provide for additional grounds for violations for the intentional or negligent exposure to a clandestine laboratory operation; and to provide for related matters.

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.

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.

HOUSE BILL NO. 58—

BY REPRESENTATIVE TRICHE
AN ACT

To provide with respect to the Early Retirement and Payroll Reduction Act; to provide for a reduction in state employment and for early retirement of members of the Louisiana State Employees' Retirement System, including but not limited to provisions for eligibility, retirement benefits, restrictions on hiring of new employees, abolition of vacated positions, reductions in appropriated funds, and funding; and to provide for related matters.

HOUSE BILL NO. 96—

BY REPRESENTATIVES CRANE, SCHNEIDER, AND THOMPSON
AND SENATOR ULLO

AN ACT

To enact R.S. 37:2950(D)(1)(a)(xiv), relative to professions and occupations; to add the State Board of Elementary and Secondary Education to the list of exempt agencies from the general prohibition against the state disqualifying an applicant for employment or for a license, permit, or certificate for an occupation, trade, or profession solely based upon a prior criminal record; and to provide for related matters.

HOUSE BILL NO. 137—

BY REPRESENTATIVES WALKER AND DORSEY
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. 181—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 33:1448(G) and to enact R.S. 33:1448(O), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and deputy sheriffs in St. Charles Parish; and to provide for related matters.

HOUSE BILL NO. 193—

BY REPRESENTATIVE SALTER
AN ACT

To amend and reenact R.S. 38:2238.2(A)(2)(a), relative to procurement of used fire and emergency response vehicles and equipment by local political subdivisions; to provide with respect to the public notice of the request for proposals; and to provide for related matters.

HOUSE BILL NO. 205—

BY REPRESENTATIVE FUTRELL
AN ACT

To amend and reenact R.S. 47:1568(B), relative to state taxation; to increase the time period for payment of certain taxes due; and to provide for related matters.

HOUSE BILL NO. 213—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:1954(A)(introductory paragraph) and (C)(1), (3), (4), and (5), relative to a special education advisory panel; to specify that the panel shall be appointed by the State

Board of Elementary and Secondary Education; to specify that the panel shall advise the State Board of Elementary and Secondary Education in certain matters; and to provide for related matters.

HOUSE BILL NO. 234—

BY REPRESENTATIVES BRUNEAU AND HEATON
AN ACT

To amend and reenact R.S. 33:9075(B), (D)(1)(a) and (c), and (F)(1)(a), (b), and (d), relative to the Lake Oaks Subdivision Improvement District; to provide for district boundaries the membership of the board of commissioners, the vote of district electors necessary to levy a parcel fee, the maximum amount, the duration, and renewal of such fee, and elections for fee approval and renewal; and to provide for related matters.

HOUSE BILL NO. 235—

BY REPRESENTATIVE BRUNEAU
AN ACT

To enact R.S. 33:9091.7, relative to the Lakeshore Crime Prevention District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

HOUSE BILL NO. 257—

BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:3022(A)(1)(introductory paragraph) and 3093(B)(2), relative to the membership of the Louisiana Student Financial Assistance Commission; to increase the membership of the Louisiana Student Financial Assistance Commission; to provide relative to commission members serving on the Louisiana Tuition Trust Authority; and to provide for related matters.

HOUSE BILL NO. 283—

BY REPRESENTATIVES WINSTON, R. CARTER, MCVEA, T. POWELL, AND STRAIN

AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(1)(dd), relative to the Tangipahoa Parish Tourist and Film Commission; to increase the maximum rate of hotel occupancy tax which the commission is authorized to levy; and to provide for related matters.

HOUSE BILL NO. 285—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 32:1720.1, relative to towing and storage of motor vehicles; to provide relative to stored motor vehicles; to remove certain requirements applicable to surrender of such vehicles to a secured party; and to provide for related matters.

HOUSE BILL NO. 302—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 17:10.4(A) and (D)(2), relative to the distinguished educators program; to establish a deadline for the selection of distinguished educators from among active employees of city, parish, and other local public school boards; to require certain notice to a city, parish, or other local public

school board whenever an active employee of the school board is selected; to limit in any year in which selections are made the number of persons serving as distinguished educators who are from any one city, parish, or other local public school board; to provide relative to the applicability of such limitation; and to provide for related matters.

HOUSE BILL NO. 335—
BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(F) and (H), relative to the jurisdiction of city courts; to increase the jurisdictional amount in dispute in the City Court of Sulphur; and to provide for related matters.

HOUSE BILL NO. 370—
BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact R.S. 35:202, relative to non-attorney notaries; to provide relative to the timely filing of the annual report and payment of fees; to provide for the enforcement of untimely filing; to provide for the failure to file; to provide for notice; to provide for the suspension of the notarial commission; to provide for special commission status; and to provide for related matters.

HOUSE BILL NO. 373—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 11:185(C), relative to state and statewide retirement systems; to provide for definitions; to provide for changes to the educational requirements for the boards of trustees of the systems; and to provide for related matters.

HOUSE BILL NO. 384—
BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact R.S. 32:80(B), relative to school buses; to provide relative to the use of visual stop-indicator signals on school buses; and to provide for related matters.

HOUSE BILL NO. 391—
BY REPRESENTATIVES MURRAY AND MARCHAND
AN ACT

To amend and reenact R.S. 9:4821(1) and R.S. 13:2575(B)(2)(f), (C), and (F) and 2576 and to enact R.S. 13:4367, relative to the administrative adjudication of public health, housing, and environmental violations; to provide for applicability of certain provisions to municipalities with a population greater than four hundred fifty thousand; to provide relative to administrative hearings; to provide for waiver of collection or enforcement of liens; to provide for release given to subsequent purchasers; and to provide for related matters.

HOUSE BILL NO. 396—
BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 33:4096(B)(2), (D), and (E) and 4121(B)(2), (D), and (E), relative to the New Orleans Sewerage and Water Board; to provide with respect to certain limitations on issuing water and sewerage revenue bonds; and to provide for related matters.

HOUSE BILL NO. 450—
BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 56:424(E)(2) and 433(J), relative to taking oysters; to require the use of a vessel monitoring system by a person convicted of violations of the laws governing the taking of oysters; and to provide for related matters.

HOUSE BILL NO. 485—
BY REPRESENTATIVES BRUNEAU, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BEARD, BOWLER, BURNS, BURRELL, CAZAYOUX, CRANE, CROWE, DAMICO, DANIEL, DORSEY, DOWNS, DURAND, ERDEY, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMANN, GLOVER, E. GUILLORY, HEATON, HEBERT, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNEY, LAFLEUR, LANCASTER, MARTINY, MONTGOMERY, MURRAY, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, GARY SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TRICHE, TUCKER, WADDELL, WALKER, WINSTON, AND WRIGHT
AN ACT

To amend and reenact R.S. 33:2621, relative to taxes on motor vehicles; to authorize the governing authority of a municipality or of a district created by it; to exempt motor vehicles owned by persons sixty-five years of age or older from general or special ad valorem taxes levied by the municipality or by a district created by it; and to provide for related matters.

HOUSE BILL NO. 494—
BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 3:4631(E), 40:5.3(E) and (F), and 56:449(A) and (C), relative to the National Shellfish Sanitation Program; to remove from the statutes references to the standards as adopted by the program; and to provide for related matters.

HOUSE BILL NO. 556—
BY REPRESENTATIVES CRANE AND DORSEY AND SENATORS DARDENNE AND MARIONNEAUX
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.

HOUSE BILL NO. 565—
BY REPRESENTATIVE FARRAR (BY REQUEST)
AN ACT

To amend and reenact R.S. 17:87.8(A)(introductory paragraph), relative to procedures for renting or leasing of sixteenth section school lands by local school boards for hunting or trapping purposes; to remove Rapides Parish from the list of parishes excepted from such provisions; and to provide for related matters.

HOUSE BILL NO. 570—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 17:270(A) and 271(A)(2) and R.S. 32:402.1(A)(introductory paragraph) and (1) and (2)(introductory paragraph), 402.2, 407(A)(2)(a), and 408(A)(1), relative to driver education, training, and testing; to require instruction relative to sharing the road with motorcycles and tractor/trailer trucks during driver education, training, improvement, and remediation programs; and to provide for related matters.

HOUSE BILL NO. 620—

BY REPRESENTATIVE PIERRE
AN ACT

To enact R.S. 49:213.10(C), relative to venue; to provide for proper venue for certain actions where the state is a party; and to provide for related matters.

HOUSE BILL NO. 626—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To enact R.S. 32:666(C), relative to refusal to submit to chemical tests; to provide with respect to law enforcement officers who are appointed as ex officio notaries public; and to provide for related matters.

HOUSE BILL NO. 649—

BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 36:354(E)(2), relative to powers and duties of the secretary of the Department of Natural Resources; to authorize the training and certification of home energy raters by the office of the secretary; and to provide for related matters.

HOUSE BILL NO. 650—

BY REPRESENTATIVE PIERRE
AN ACT

To repeal R.S. 49:954.2, to repeal the provisions of the Unified Oil and Gas Development Regulatory Index; and to provide relative to validity of certain actions.

HOUSE BILL NO. 653—

BY REPRESENTATIVE PIERRE
AN ACT

To enact R.S. 56:424(H), relative to taking of oysters; to authorize the Department of Natural Resources to sample oyster leases for matters related to coastal restoration; and to provide for related matters.

HOUSE BILL NO. 654—

BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:706, relative to fees paid for the hazardous liquid pipeline program; to provide for review and revision of the annual inspection fee; 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 site restoration; 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. 693—

BY REPRESENTATIVES DAMICO, ANSARDI, MARTINY, TOOMY, TUCKER, AND WOOTON AND SENATORS BOISSIERE, HAINKEL, HEITMEIER, HOLLIS, LENTINI, AND ULLO
AN ACT

To amend and reenact R.S. 33:9129 and to enact R.S. 33:9108(D), relative to communication districts; to provide with respect to the Jefferson Parish Communication District; to authorize the Jefferson Parish Council to adopt, by ordinance or resolution, provisions of the general law relating to communication districts for the use, benefit, operation, and enhancement of the Jefferson Parish Communication District; to make certain provisions of general law applicable to the parish, the council, and the district; and to provide for related matters.

HOUSE BILL NO. 700—

BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1378(B), relative to the Second Injury Fund; to provide for clarification of the prescriptive period for filing notice; and to provide for related matters.

HOUSE BILL NO. 790—

BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1378(E), relative to the second injury fund; to provide for venue of Second Injury Board appeals; and to provide for related matters.

HOUSE BILL NO. 823—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 23:1034.2(F) as amended by Act 454 of the 1989 Regular Session, and to repeal R.S. 23:1034.2(F) as amended by Act 25 of the 1989 Regular Session relative to payment for workers' compensation medical benefits; to provide for medical benefits; to provide with respect to reimbursement schedule; to provide for consolidation; to provide for venue; and to provide for related matters.

HOUSE BILL NO. 825—

BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1378(A)(8)(b), relative to the second injury fund; to provide for the submission of requests for settlement approval; and to provide for related matters.

HOUSE BILL NO. 832—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To enact Parts VIII and IX of Chapter 6 of Subtitle III of Title 11, to be comprised of R.S. 11:2151 through 2157, relative to the Registrars of Voters Employees' Retirement System; to provide with respect to qualification of the pension plan and trust of the retirement system under Section 401(a) of the Internal Revenue Code; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 908—

BY REPRESENTATIVE HUNTER AND SENATOR JONES
AN ACT

To repeal R.S. 23:1131, relative to wage records; to repeal provision allowing for the release of earnings records and information of workers' compensation claimants.

HOUSE BILL NO. 916—

BY REPRESENTATIVES CAZAYOUX, BAYLOR, GLOVER, AND JACKSON
AN ACT

To enact R.S. 33:2186, relative to the rights of fire employees; to provide relative to investigations of fire employees; to provide for rights to attend hearings; to provide for time limitations on completing an investigation; to provide for extensions of time; and to provide for related matters.

HOUSE BILL NO. 936—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 11:106(C)(introductory paragraph), relative to the Louisiana Assessors' Retirement Fund; to provide for the use of excess funds when the board of trustees increases the net direct employer contribution rate; to provide for a retroactive effective date; and to provide for related matters.

HOUSE BILL NO. 949—

BY REPRESENTATIVE FANNIN
AN ACT

To amend and reenact R.S. 11:1751(E), relative to the Municipal Employees' Retirement System; to allow certain persons to opt out of otherwise mandatory participation; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 970—

BY REPRESENTATIVE ALARIO
AN ACT

To amend and reenact R.S. 47:1908(A)(26) and (C), to increase the expense allowance of the assessor of Jefferson Parish; and to provide for related matters.

HOUSE BILL NO. 979—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To enact R.S. 11:446(F), relative to survivor benefits for the Louisiana State Employees' Retirement System; to provide for a default designated beneficiary and exceptions; to provide for a default joint and survivor benefit; to establish the benefit due a surviving spouse of a deceased member; and to provide for related matters.

HOUSE BILL NO. 982—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 11:225, relative to the Louisiana State Employees' Retirement System; to provide for the return to active service by any disability retiree; and to provide for related matters.

HOUSE BILL NO. 983—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 11:1455(B), relative to the Louisiana Assessors' Retirement Fund; to provide for a lump sum repayment of withdrawn employee contributions; and to provide for related matters.

HOUSE BILL NO. 1096—

BY REPRESENTATIVES TOOMY AND DOVE
AN ACT

To amend and reenact R.S. 33:1981(A) and to enact R.S. 33:1981(C)(3), relative to benefits payable to firemen killed in the line of duty; to provide for firefighting activities included within the scope and performance of official duties as a fireman; and to provide for related matters.

HOUSE BILL NO. 1184—

BY REPRESENTATIVES CAZAYOUX, BAYLOR, GLOVER, AND JACKSON
AN ACT

To amend and reenact R.S. 33:2477(4) and (5) and 2537(4) and (5), relative to municipal fire and police civil service; to provide for the length of time within which municipal fire and police civil service boards shall conduct certain investigations; and to provide for related matters.

HOUSE BILL NO. 1200—

BY REPRESENTATIVES LAFLEUR, THOMPSON, AND CAZAYOUX AND SENATORS HANKEL, HOLDEN, BARHAM, DARDENNE, AND THEUNISSEN
AN ACT

To amend and reenact R.S. 39:81 and to enact R.S. 11:176, relative to state and statewide public retirement systems; to require each such retirement system to submit its operating budget to the Joint Legislative Committee on the Budget; to provide for review and approval of state system budgets and review of statewide system budgets; to provide for contents; to provide for modifications; and to provide for related matters.

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. 1310—
BY REPRESENTATIVE SALTER
AN ACT

To authorize the state of Louisiana to forgive a portion of the mortgage payment and to redirect certain payments due to the state from the Coushatta Industrial Development Corporation for the purposes of the further economic development of the city of Coushatta under certain circumstances; 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.

HOUSE BILL NO. 1369—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 23:76(A), (B), and (C)(1), (4), (5), and (6) and to enact R.S. 23:76(C)(2)(g) and (h), relative to occupational forecasting; to provide for Occupational Forecasting Conference; to provide for information on occupational projections; to provide for additional principals to the conference; to provide for evaluation of labor market data; to provide for voting approval; to provide for a final report; and to provide for related matters.

HOUSE BILL NO. 1419—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:1838(introductory paragraph), relative to the Louisiana Tax Commission; to authorize the continued assessment and collection of fees assessed in connection with services performed by the commission; and to provide for related matters.

HOUSE BILL NO. 1461—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 32:389(D)(2), relative to weights and standards stationary scale police; to provide relative to appointment of the panel that reviews citations issued by weights and standards stationary scale police officers; and to provide for related matters.

HOUSE BILL NO. 1474—
BY REPRESENTATIVES DOVE AND BALDONE AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 17:3351(A)(5)(b)(iii), to provide relative to tuition and mandatory attendance fee amounts established by the Board of Supervisors of Community and Technical Colleges and applicable to students enrolled in certain technical community colleges under the board's supervision and management; to provide limitations; to require certain reports;

to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1564—
BY REPRESENTATIVE SALTER
AN ACT

To authorize the transfer and sale of certain immovable improvements owned by the state and located on property in Red River Parish; and to provide for related matters.

HOUSE BILL NO. 1640—
BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 42:1123(22)(a), relative to exceptions from ethics laws for elected officials of certain municipalities to enter into certain transactions; to provide for a mayor or member of a governing authority of certain municipalities to enter into certain transactions; to increase the population size of the municipalities included in the exception; and to provide for related matters.

HOUSE BILL NO. 1698 (Substitute for House Bill No. 847 by Representative Hunter)—
BY REPRESENTATIVE HUNTER AND SENATOR JONES
AN ACT

To amend and reenact R.S. 23:1378(A)(1), (2), (3), and (7), relative to the Second Injury Fund; to revise reimbursement provisions; to provide for prescriptive periods; to revise reserves on approved claims; and to provide for related matters.

HOUSE BILL NO. 14—
BY REPRESENTATIVE BRUCE
AN ACT

To amend and reenact the heading of Chapter 5-L of Title 25 of the Louisiana Revised Statutes of 1950 and R.S. 25:380.91, 380.92(A) and (C)(2), 380.93(B)(5) and (C)(1), 380.94, 380.95(A), (B), and (C)(1), (2)(b)(iii), and (3), and 380.96 and R.S. 36:744(W) and 801.16(A)(1) and (2) and (C), relative to the Mansfield Women's College Museum in the Department of State; to change the name of the museum; and to provide for related matters.

HOUSE BILL NO. 24—
BY REPRESENTATIVES BRUNEAU AND HEATON
AN ACT

To enact R.S. 33:9091.7, relative to the Lakewood Crime Prevention and Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

HOUSE BILL NO. 59—
BY REPRESENTATIVE BRUCE
AN ACT

To enact R.S. 25:215(B)(13), relative to the DeSoto Parish Library; to transfer the administration of and accounting functions for funds of the library from the DeSoto Parish Police Jury to the DeSoto Parish Library Board of Control; and to provide for related matters.

June 7, 2004

HOUSE BILL NO. 105—

BY REPRESENTATIVE SALTER
AN ACT

To amend and reenact R.S. 56:325(A)(11), relative to the taking of channel catfish; to provide relative to recreational possession limits for channel catfish caught in Toledo Bend Reservoir; and to provide for related matters.

HOUSE BILL NO. 142—

BY REPRESENTATIVES JACK SMITH, ALARIO, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BROOME, BURRELL, K. CARTER, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FRITH, FUTRELL, GALLOT, GRAY, E. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, MARCHAND, MCVEA, MONTGOMERY, MORRELL, MURRAY, ODINET, PIERRE, PINAC, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SALTER, SHEPHERD, GARY SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, TOWNSEND, TRAHAN, WADDELL, WALKER, WHITE, AND WOOTON

AN ACT

To amend and reenact R.S. 32:217(B), relative to pedestrians' rights and duties on public streets or highways; to provide that traffic shall yield to a person who requires a wheelchair for transportation and who is crossing a street; and to provide for related matters.

HOUSE BILL NO. 553—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 32:1252(10) and 1254(N)(1)(a) and to enact R.S. 32:1254.1(D), relative to motor vehicles; to revise the definition of "franchise"; to provide for the effect of enactments and rules on licensees; to provide relative to warranty and sales incentive audits; and to provide for related matters.

HOUSE BILL NO. 699—

BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 13:3715.1(B)(6), relative to medical or hospital records; to provide for records related to substance or alcohol abuse, education, training, treatment, rehabilitation, or research; and to provide for related matters.

HOUSE BILL NO. 878—

BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 46:56(B)(3), relative to client case records; to provide for the Department of Social Services' authorization to share access; and to provide for related matters.

HOUSE BILL NO. 986—

BY REPRESENTATIVE HEBERT
AN ACT

To amend and reenact R.S. 22:250.2(E)(2)(b) and (c), 250.11(E), and 250.15(A) and to enact R.S. 22:250.4(F), relative to standards for health benefits for mothers and newborns; to provide with respect to coverage of a newborn child; and to provide for related matters.

HOUSE BILL NO. 1160—

BY REPRESENTATIVE ALARIO
AN ACT

To enact R.S. 33:423.14 and 2569, relative to the police department in certain municipalities; to provide that the position of assistant police chief shall be in the unclassified service; to provide for the

appointment and duties of such person; and to provide for related matters.

HOUSE BILL NO. 1253—

BY REPRESENTATIVES PINAC, CROWE, DOERGE, FLAVIN, FRITH, JACKSON, MARCHAND, T. POWELL, RITCHIE, SHEPHERD, GARY SMITH, STRAIN, TRAHAN, WADDELL, WHITE, AND WINSTON

AN ACT

To enact R.S. 32:1254(N)(3)(k), relative to motor vehicle dealer disclosure; to provide relative to dealer participation in finance charges; and to provide for related matters.

HOUSE BILL NO. 1285—

BY REPRESENTATIVES JEFFERSON, BROOME, BURNS, CURTIS, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, KATZ, LABRUZZO, McDONALD, AND STRAIN AND SENATORS BAJOEI, CHEEK, N. GAUTREAUX, JACKSON, MCPHERSON, AND SCHEDLER

AN ACT

To amend and reenact R.S. 40:1299.1(B), relative to testing of newborns; to require the Department of Health and Hospitals to increase the number of tests required on newborns; and to provide for related matters.

HOUSE BILL NO. 1388—

BY REPRESENTATIVES ALARIO AND SALTER AND SENATORS HEITMEIER AND HINES

AN ACT

To amend and reenact R.S. 42:455(A)(2)(b), relative to payroll deductions; to provide payroll deductions for certain domestic companies; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1439—

BY REPRESENTATIVES DOWNS AND SALTER
AN ACT

To amend and reenact R.S. 22:1194.2(A), relative to the Louisiana Consortium of Insurance and Financial Services; to provide for appointment of board members; to provide for legislative appointments; and to provide for related matters.

HOUSE BILL NO. 1501—

BY REPRESENTATIVE ALARIO AND SENATOR ULLO
AN ACT

To enact R.S. 33:4712.10, relative to naming an administrative building; to authorize the parish governing authority in certain parishes to name an administrative building in honor of a former parish president; to provide limitations; and to provide for related matters.

HOUSE BILL NO. 1512—

BY REPRESENTATIVE ALARIO AND SENATOR ULLO
AN ACT

To enact R.S. 33:4712.10, relative to naming an entryway or entry plaza to parish administrative buildings; to authorize the parish governing authority in certain parishes to name a common entryway or plaza for parish administrative buildings in honor of a former parish councilman; to provide limitations; and to provide for related matters.

HOUSE BILL NO. 574—

BY REPRESENTATIVES MORRISH, BRUCE, ROMERO, AND SCALISE

AN ACT

To amend and reenact R.S. 15:572.4(D), relative to reprove and pardon of offenders; to provide with respect to the time periods in which certain offenders may apply for a pardon or commutation of sentence; and to provide for related matters.

HOUSE BILL NO. 575—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315(C)(3) and 315.5, relative to child support awards; to provide for the definition of ordinary expenses; to provide for the definition of extraordinary expenses; and to provide for related matters.

HOUSE BILL NO. 750—

BY REPRESENTATIVES DURAND AND MURRAY

AN ACT

To amend and reenact R.S. 40:41(B) and (C)(2) and 61(A)(4) and to enact R.S. 40:41(J), relative to vital statistics; to provide for judicial use of birth certificates; to provide for judicial use of death certificates; to clarify that an attorney may obtain birth or death certificates in a record only if he represents persons authorized to inspect or receive such certificates; to provide for the Department of Health and Hospitals to use vital statistic information; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 994—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 14:222.1, relative to the crime of unauthorized interception, interference with, or retransmission of services offered over a cable television system; to provide for definitions; to provide for penalties for violations; to provide relative to disposition of equipment; to provide for an effective date; to provide for elements of the crime; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 1039 (Duplicate of Senate bill No. 348)—

BY REPRESENTATIVE MONTGOMERY AND SENATOR SMITH AND COAUTHORED BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact R.S. 27:52(2)(g) and to enact Chapter 3-C of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.3:284 through 286, relative to Louisiana agricultural development; to provide for definitions; to prohibit limitations on agricultural and aquacultural markets; to provide relative to the Riverboat Gaming Commission; and to provide for related matters.

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 Bills and Joint Resolutions contained herein were signed by the President of the Senate.

Adjournment

Senator Ullo moved that the Senate adjourn until Tuesday, June 8, 2004, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Tuesday, June 8, 2004.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk