

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

SIXTH DAY'S PROCEEDINGS

**Thirty-First Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 3, 2005

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

ROLL CALL

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

PRESENT

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

ABSENT

Hollis	Romero
Total - 2	

The President of the Senate announced there were 35 Senators present and a quorum.

Prayer

The prayer was offered by Pastor John Pierre, 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

**Introduction of Senate Bills
and Joint Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 335—
BY SENATOR MOUNT

AN ACT

To enact R.S. 47:53.3, relative to individual income taxes; to exclude from the computation of income monies derived from certain royalties attributable to certain creative or intellectual efforts or activities; to provide that the exclusion have a term of three years; and to provide for related matters.

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

SENATE BILL NO. 336—
BY SENATOR MALONE

AN ACT

To enact R.S. 47:337.10(J), relative to exemptions from sales and use tax levied by certain political subdivisions of the state; to provide an exemption from such tax for certain transactions related to certain inhibitors; and to provide for related matters.

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

**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. 66—
BY SENATOR BAJOIE

A RESOLUTION

To commend Delta Sigma Theta Sorority, Inc., for its achievements and community service and to designate May 4, 2005, as Delta Sigma Theta Sorority "Red and White" Day at the Senate of the Legislature of Louisiana.

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

SENATE CONCURRENT RESOLUTION NO. 37—
BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend the American Bowling Congress (ABC) for locating and conducting the 102nd ABC Tournament at the Baton Rouge River Center.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Amedee	Dupre	Marionneaux
Bajoie	Ellington	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Adley	Hollis
Fields	Romero
Total - 4	

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

Messages from the House

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

Message from the House

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

May 3, 2005

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. 117—
BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact Sections 9(B)(14)(Vermilion Parish) and 10(D)(23) of Act No. 590 of the 2004 Regular Session of the Louisiana Legislature, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in Vermilion Parish for Fiscal Year 2004-2005; to provide for retroactive application of this Act; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 334—
BY REPRESENTATIVE T. POWELL

AN ACT

To amend and reenact R.S. 35:407, relative to ex officio notaries public; to provide that municipal police departments are exempt from giving bond for certain ex officio notaries; and to provide for related matters.

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

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

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

HOUSE BILL NO. 117—
BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact Sections 9(B)(14)(Vermilion Parish) and 10(D)(23) of Act No. 590 of the 2004 Regular Session of the Louisiana Legislature, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in Vermilion Parish for Fiscal Year 2004-2005; to provide for retroactive application of this Act; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 334—
BY REPRESENTATIVE T. POWELL

AN ACT

To amend and reenact R.S. 35:407, relative to ex officio notaries public; to provide that municipal police departments are exempt from giving bond for certain ex officio notaries; and to provide for related matters.

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

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

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

HOUSE BILL NO. 128—
BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:301(3)(i)(ii)(bb), relative to the state sales and use tax; to define manufacturer to include certain exemptions for manufacturing machinery and equipment; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 131—
BY REPRESENTATIVE HAMMETT

AN ACT

To repeal R.S. 47:305.5, relative to the exemption from state and local sales and use tax for materials used in the construction of the Toledo Bend Dam Project; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 132—
BY REPRESENTATIVE HAMMETT

AN ACT

To repeal R.S. 47:305.22, relative to the exemption from sales tax on certain types of mobile, motorized equipment that retail dealers withdraw from inventory for rental as a method of promoting sales; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 156—
BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:605.1(A), relative to the corporation franchise tax; to specify the amount of excess related party debt that shall be included in capital stock and surplus and undivided profits; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 506—
BY REPRESENTATIVE JOHN SMITH

AN ACT

To amend and reenact R.S. 35:392.1(B), relative to ex officio notaries public; to provide for the authority of a clerk of court and deputy clerk of court as ex officio notaries public; to remove provisions relative to the validity of documents notarized within the course and scope of employment; 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.

HOUSE BILL NO. 513—
BY REPRESENTATIVES HAMMETT, BOWLER, DANIEL, DEWITT, ERDEY, FAUCHEUX, GEYMAN, HEATON, HEBERT, JOHNS, KENNEY, LANCASTER, MARTINY, MCDONALD, ODINET, JACK SMITH, TOWNSEND, AND WOOTON AND SENATORS CHEEK, ELLINGTON, B. GAUTREAU, N. GAUTREAU, HINES, MICHOT, MOUNT, AND SCHEDLER

AN ACT

To repeal R.S. 47:301(16)(i)(iv), relative to state sales and use tax; to remove restrictions on exclusion from state and local sales and use taxes for digital television and digital radio conversion

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

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

HOUSE BILL NO. 541—
BY REPRESENTATIVE DARTEZ
AN ACT

To amend and reenact R.S. 9:1515(A), relative to the employer's payment of deceased employees' last wages to the surviving spouse or children of the deceased; to delete the limitation on the amount paid by the employer; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 686—
BY REPRESENTATIVE R. CARTER
AN ACT

To amend and reenact Code of Civil Procedure Article 1734(A) and R.S. 13:3044(B)(5)(b)(ii), relative to the bond for costs related to a civil jury trial; to change the time for filing the bond; to provide for the date of mailing the jury summons; 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.

HOUSE BILL NO. 719—
BY REPRESENTATIVE HAMMETT
AN ACT

To repeal R.S. 47:303(B)(6), relative to the sales tax recovery charge on automobile rental contracts; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 741—
BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact R.S. 47:305.10(F), relative to the sales and use tax; to provide for the exemption from taxation for certain repairs to property used in offshore areas; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

RETIREMENT

Senator B. Gautreaux, Chairman on behalf of the Committee on Retirement, submitted the following report:

May 2, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 7—
BY SENATOR BOASSO
AN ACT

To amend and reenact R.S. 11:62(5)(e) and (11)(c), 403(5), 429, 441(A), 444(A)(1)(a) and (C)(10)(a), 447(A), 537(A), 701(5)(a) and (b), 710(C), 761(A), 768(B)(2), 781(A)(2), and 786(A), to

enact R.S. 11:181.1 and to repeal R.S. 11:231(A)(1), 511 and 822, relative to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide relative to the Retirement Preservation Act; to provide for legislative intent; to determine and set required employee contributions; to define average compensation; to provide for retirement eligibility; to provide for computation of retirement benefits; to provide for limitations on compensation increases for purposes of determining average compensation; to provide relative to interest paid on refunds of contributions; to require notice of reemployment of certain retirees; to prohibit participation in the Deferred Retirement Option Plan by certain persons; to provide with respect to the administration and responsibility for the proper operation of the retirement systems; to create one board of trustees; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 135—
BY SENATOR DARDENNE
AN ACT

To amend and reenact R.S. 11:471(A) and to enact R.S. 11:441(G), relative to Louisiana State Employees' Retirement System; to provide with respect to survivors benefits; to provide with respect to eligibility for retirement for new members; to require new members to have ten years of service at age sixty to be eligible for retirement; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 305—
BY SENATOR BOASSO
AN ACT

To amend and reenact R.S. 11:181, to enact R.S. 11:186 through 186.5, and to repeal R.S. 11:511 through 517 and 821 through 826, relative to Louisiana State Employees' Retirement System and Teachers' Retirement System of Louisiana; to provide with respect to the administration of the retirement systems; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
D.A. "BUTCH" GAUTREAUX
Chairman

**REPORT OF COMMITTEE ON
FINANCE**

Senator Heitmeier, Chairman on behalf of the Committee on Finance, submitted the following report:

May 2, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 44—
BY SENATOR LENTINI
AN ACT

To enact R.S. 39:362.1, relative to state owned motor vehicles and aircraft; to require the approval of the Joint Legislative Committee on the Budget for the purchase of certain vehicles for use by any statewide elected official; to provide for an effective date; and to provide for related matters.

Reported favorably.

May 3, 2005

SENATE BILL NO. 51—
BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 33:1981(C)(1) and 2201(C)(1), and the name of Subpart A-1 of Subpart A of Part II and the name of Subpart A-1 of Subpart A of Part III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, relative to certain payments made to survivors of certain first responders; to increase the amount of payments provided as financial security to the surviving spouse or parents of firemen and law enforcement officers in certain cases; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 201—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 40:600.6(A)(26)(b) and to enact R.S. 40:600.6(A)(4)(b)(x) and Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.27 and 600.28, relative to the Louisiana Housing Finance Agency; to create the Louisiana Habitat for Humanity Loan Purchase Program; to provide for the purposes, funding, and procedures of the loan purchase program; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 216—
BY SENATORS DUPRE AND HINES

AN ACT

To enact Part III of Chapter 2 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:120 through 122, Subpart I of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.31, and R.S. 47:306.2, relative to military affairs; to provide relative to military family assistance; to create and provide for donations to the Louisiana Military Family Assistance Fund; to create the Louisiana Military Family Assistance Board, and provide for its composition, powers, and duties; to provide relative to the manner and procedure for distributing money from the fund; to provide terms, procedures, definitions, conditions, and requirements; to provide relative to donation of tax refunds and donations in excess of tax due; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
FRANCIS C. HEITMEIER
Chairman

REPORT OF COMMITTEE ON
JUDICIARY B

Senator Marionneau, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

May 3, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 139—
BY SENATOR JONES

AN ACT

To enact R.S. 40:2405.5, relative to Peace Officer Standards and Training; to provide a training course for law enforcement interaction with mentally ill and developmentally disabled persons; to provide for course requirements; to provide for

implementation and reporting requirements; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ROBERT MARIONNEAUX, JR
Chairman

REPORT OF COMMITTEE ON
ENVIRONMENTAL QUALITY

Senator Fontenot, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 3, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 309—
BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 30:2418 (H)(3), and (I)(2), relative to waste tires; to provide for the disbursement of funds from the waste tire fund; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
HEULETTE "CLO" FONTENOT
Chairman

Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees

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

SENATE BILL NO. 19—
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(e)(xiii), relative to the Louisiana Tuition Opportunity Program for Students curriculum; to specify the subjects in the core curriculum available as an elective in the subjects of math and science for receipt of a program award for students graduating during or after a specified school year; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 19 by Senator Theunissen

AMENDMENT NO. 1

On page 1, line 2, between "R.S. 17:3048.1(A)(1)(e)(xiii)" and "relative" insert "and to enact R.S. 17:3048.1(A)(1)(e)(xiv)"

AMENDMENT NO. 2

On page 1, line 8, between "reenacted" and "to" insert "and R.S. 17:3048.1(A)(1)(e)(xiv) is hereby enacted"

AMENDMENT NO. 3

On page 2, line 25, between "Geometry," and "Calculus" delete "Trigonometry"

AMENDMENT NO. 4

On page 2, between lines 27 and 28, insert the following:

“(xiv) Trigonometry will no longer be included in the core curriculum for students graduating after the 2004-2005 school year.”

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

SENATE BILL NO. 30—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 47:44.1(A), relative to income tax; to recognize and affirm an administrative construction regarding an exemption for annual retirement income by making the Act retroactive; to provide for an exemption for couples filing jointly; 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 Original Senate Bill No. 30 by Senator Adley

AMENDMENT NO. 1

On page 1, line 10, after "age or older" delete ", **or twelve thousand dollars if received**" and at the beginning of line 11, delete "**by a husband, a wife, or both filing a joint return.**"

AMENDMENT NO. 2

On page 1, line 12, after "income taxation." insert "**When both the husband and wife are sixty-five years of age or older and file a joint return, twelve thousand dollars of annual retirement income shall be exempt from state income taxation regardless of which spouse received the income.**"

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

SENATE BILL NO. 39—
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 24:971(B)(1), 972(A)(18), (B) and (C), and 973(A)(1), and to enact R.S. 24:972(A)(23) and 973(B), relative to the Louisiana Commission on Civic Education; to increase membership; to provide for purposes, powers and duties; and to provide for related matters.

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

SENATE BILL NO. 45—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 33:4754(C)(1)(a), relative to liens for removal and securing dangerous structures by certain parishes and municipalities; to include the Terrebonne Parish assessor within the definition of "equivalent officer" for the purposes of certain actions; and to provide for related matters.

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

SENATE BILL NO. 54—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 38:3086.23(A) and (B) and to enact R.S. 38:3086.22(D), relative to the Bayou Lafourche Fresh Water District; to authorize the inclusion of Terrebonne Parish within the district under certain terms, conditions and requirements; to provide relative to membership and composition of the district board; to require prior approval of the Terrebonne Parish

Council and voters of Terrebonne Parish; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 54 by Senator Dupre

AMENDMENT NO. 1

On page 3, at the beginning of line 11, delete "Two" and insert "One" and delete "commissioners" and insert "commissioner"

AMENDMENT NO. 2

On page 3, line 11, after "be" insert "a" and delete "residents" and insert "resident"

AMENDMENT NO. 3

On page 3, line 14, delete "These" and insert "This" and on line 15 delete "commissioners" and insert "commissioner"

AMENDMENT NO. 4

On page 3, at the beginning of line 16, delete "Two" and insert "One" and delete "commissioners" and insert "commissioner"

AMENDMENT NO. 5

On page 3, line 19, delete "These" and insert "This" and on line 20, delete "commissioners" and insert "commissioner"

AMENDMENT NO. 6

On page 3, between lines 20 and 21 insert the following:

"(d) One commissioner shall be a resident of the parish of Terrebonne who shall be appointed by the governor from a list of at least two names submitted by the Terrebonne Parish President, subject to ratification by the Terrebonne Parish Council, who shall represent that area of Terrebonne Parish north of the Intracoastal Waterway. This commissioner shall reside in that portion of the parish.

(e) One commissioner shall be a resident of the parish of Terrebonne who shall be appointed by the governor from a list of at least two names submitted by the Terrebonne Parish President, subject to ratification by the Terrebonne Parish Council, who shall represent that area of Terrebonne Parish south of the Intracoastal Waterway. This commissioner shall reside in that portion of the parish.

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

SENATE BILL NO. 57—
BY SENATOR DUPLESSIS

AN ACT

To enact Part XIII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1018.1 and 1018.2, relative to employment; to provide with respect to the federal Earned Income Tax Credit; to require employers to inform new employees of the federal Earned Income Tax Credit at the time of hire; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 57 by Senator Duplessis

AMENDMENT NO. 1

On page 1, line 4, after "Credit" and before the ";," insert "and the Advance Earned Income Credit"

AMENDMENT NO. 2

May 3, 2005

On page 1, line 5, after "Credit" insert "and the Advance Earned Income Credit"

AMENDMENT NO. 3

On page 1, line 11, after "Credit" insert "AND THE ADVANCE EARNED INCOME CREDIT"

AMENDMENT NO. 4

On page 1, line 16, after "full-time" and before "employees." insert "or part-time"

AMENDMENT NO. 5

On page 2, between lines 2 and 3, insert "(4) "AEIC" means Advance Earned Income Credit."

AMENDMENT NO. 6

On page 2, line 5, after "EITC" and before "and" insert "or the AEIC."

AMENDMENT NO. 7

On page 2, between lines 17 and 18, insert "C. Whoever violates the provisions of R.S. 23:1018.2, shall be fined not less than one hundred dollars and no more than five hundred dollars per violation."

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

SENATE BILL NO. 65— BY SENATOR KOSTELKA

AN ACT

To enact R.S. 17:85.11, relative to powers and duties of school boards; to authorize the Ouachita Parish School Board to name an athletic facility at the former Calhoun High School in honor of Jerry Lee Lovett, Sr.; and to provide for related matters.

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

SENATE BILL NO. 79— BY SENATOR DUPRE

AN ACT

To enact R.S. 33:9356, relative to veterans' memorial districts; to provide relative to the Veterans' Memorial District of Ward 10 of Lafourche Parish; to provide for a board of commissioners; to provide relative to board membership, composition, selection, powers and duties, and to provide for related matters.

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

SENATE BILL NO. 100— BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 29:36.1(A) and (B), relative to exemption from tuition charges for service in the Louisiana National Guard; to extend eligibility for tuition exemption charges to include the period of commitment in the inactive ready reserve; and to provide for related matters.

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

SENATE BILL NO. 129— BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 17:3095(A)(1)(b), (c) and (2) and to enact R.S. 47:293(6)(a)(viii) and 1205(D), relative to enhancements to the Louisiana Student Tuition Assistance and Revenue Trust Program; to increase the taxable state income exclusion for married couples; to allow certain deposits over five years to be

excluded from the state gift tax provisions so as to conform with the federal gift tax provisions; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 129 by Senator Nevers

AMENDMENT NO. 1

On page 1, line 2, after "(b)" delete ", (c)" and after "to enact" insert "R.S. 17:3095(A)(1)(c) and"

AMENDMENT NO. 2

On page 1, line 6, after "federal gift tax provisions;" insert "to provide with regard to the disbursement of funds from accounts established pursuant to such program;"

AMENDMENT NO. 3

On page 1, line 9, after "(b)" delete ", (c)" and after "(2)" change "is" to "are" and after "reenacted" insert " and R.S. 17:3095(A)(1)(c) is hereby enacted"

AMENDMENT NO. 4

On page 1, line 12, delete "(a)"

AMENDMENT NO. 5

On page 2, line 6, change "files" to "file"

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

SENATE BILL NO. 137— BY SENATOR DARLENNE

AN ACT

To enact R.S. 22:1265 (D) and R.S. 33:1359 (F), relative to certain premium taxes paid on excess insurance premiums; to exempt premiums paid by certain interlocal risk management agencies; and to provide for related matters.

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

SENATE BILL NO. 218— BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 39:330(B)(3) and (4) and to enact R.S. 39:330(B)(5) and 330.4, relative to property control; to provide for the acquisition of surplus computer equipment by certain public educational institutions; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 218 by Senator Dupre

AMENDMENT NO. 1

On page 1, delete lines 12 and 13 and insert the following: "B. * * *"

AMENDMENT NO. 2

On page 2, line 15, delete "A."

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

SENATE BILL NO. 224—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 47:303(D) and R.S. 56:6(21), and 303(D) and (E), and to enact R.S. 34:851.2(12) and 851.37, relative to a system of special certificate agents; to provide for such agents to collect motorboat or sailboat registration certificate fees and to issue registration certificates and decals; to provide for such agents to collect commercial fisherman's license fees and to issue commercial fisherman's licenses, and to provide for related matters.

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

SENATE BILL NO. 236—

BY SENATOR ULLO AND REPRESENTATIVE CRANE

AN ACT

To enact R.S. 17:7.1(B)(3), relative to certification of principals; to provide for experience requirements; to provide for exceptions and recommendation requirements; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 236 by Senator Ullo

AMENDMENT NO.1

On page 1, line 2, between "(3)" and ",relative" insert "and (4)"

AMENDMENT NO. 2

On page 1, line 6, delete "is" and insert "and (4) are"

AMENDMENT NO. 3

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

"(4) A principal who holds valid out-of-state certification as a principal, and who applies to the State Board of Elementary and Secondary Education for certification as a principal, shall be granted a three-year nonrenewable provisional certificate to be used while such principal completes the requirements set forth in this Subsection."

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

SENATE BILL NO. 239—

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 17:24.10 and 3995(C), relative to charter schools; to authorize all types of charter schools to apply directly to the state Department of Education to participate in the LA 4 program; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 239 by Senator Ullo

AMENDMENT NO.1

On page 1, line 4, after "program;" insert "to provide with regard to the compliance of a charter school with the terms of a grant;"

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

SENATE BILL NO. 249—
BY SENATOR MOUNT

AN ACT

To authorize and provide for the transfer of certain immovable property located in Calcasieu Parish from the Chennault International Airport Authority to the Board of Supervisors of Community and Technical Colleges, for the use and benefit of its Sowela Campus, in exchange for forgiveness of a certain debt owed by the authority to the state of Louisiana; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 251—
BY SENATOR MALONE

AN ACT

To enact Part 6 of Chapter 13 of Title 31 of the Louisiana Revised Statutes of 1950, comprised of R.S. 31:216, relative to mineral rights and interests; to provide relative to certain unsolicited offers for lease or purchase of mineral rights or interests; to provide certain terms, conditions, requirements, and effects of such unsolicited offers; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 251 by Senator Malone

AMENDMENT NO.1

On page 2, line 10, after "B." and before "**An unsolicited**" insert "**An unsolicited offer by mail for the lease or purchase of a mineral right or interest shall be sent by certified mail, return receipt requested.**"

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

SENATE BILL NO. 311—
BY SENATOR BOASSO

AN ACT

To amend and reenact R.S. 27:392(B)(4) and to enact Chapter 12-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1370 through 1377, all relative to waterways infrastructure and development; to create the Louisiana Waterways Infrastructure and Development Fund and the Louisiana Waterways Infrastructure Development Bank; to provide for the dedication of certain gaming proceeds to the fund; to provide funding for waterways and infrastructure development from various sources; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 311 by Senator Boasso

AMENDMENT NO.1

On page 2, line 26 change "waterway" to "waterside"

AMENDMENT NO. 2

On page 2, line 27 delete "**and waterway related transportation**" and insert "**whose sole purpose is for the transportation of goods, people, and cargo for intrastate, interstate, and international commerce.**"

AMENDMENT NO. 3

On page 2, line 28 delete "projects."

AMENDMENT NO. 4

On page 3, line 3, after "bank," insert "However, monies for infrastructure and development activities shall only be allocated to ports that have been created by an act of the Legislature."

AMENDMENT NO. 5

On page 3, delete lines 9 through 12 and insert "C. The first twenty million dollars of the monies transferred to the fund each fiscal year pursuant to the provisions of Paragraph (D)(1) of this Section and monies accruing to the fund as a result of Paragraph (D)(3) of this Section shall be allocated to the Port Construction and Development Priority Program as provided for in Chapter 47 of Title 34 of the Louisiana Revised Statutes."

AMENDMENT NO. 6

On page 3, line 17, delete "four" and insert "twenty-four"

AMENDMENT NO. 7

On page 3, line 18, delete "eight" and insert "twenty-eight"

AMENDMENT NO. 8

On page 3, line 18, delete "twelve" and insert "thirty-two"

AMENDMENT NO. 9

On page 3, line 19, delete "sixteen" and insert "thirty-six"

AMENDMENT NO. 10

On page 3, line 20, delete "twenty" and insert "forty"

AMENDMENT NO. 11

On page 3, delete lines 24 and 25 and insert "Fiscal Year 2007-2008; nineteen million dollars in Fiscal Year 2008-2009; twenty-four million dollars in Fiscal Year 2009-2010 and each fiscal year thereafter."

AMENDMENT NO. 12

On page 4, line 16, after "to" insert "retain and"

AMENDMENT NO. 13

On page 4, delete lines 22 through 25 and insert as follows: "(1) Seven voting members, one from each of the congressional districts of the state, appointed by the governor.

(a) Each member shall have a minimum of twenty years experience in one or a combination of the following in each district: trade, commerce, economic development or industry.

(b) The principal place of business of the member shall be in the district.

(c) The member may not be employed for compensation by any local, state, or federal entity.

(d) The members shall not hold any elective local, state, or federal office or be an officer in a political party or organization. Any member who qualifies as a candidate for a public office or offers himself as an officer in a political party or organization shall be deemed to have resigned from the board by virtue of such action.

(e) The initial terms, as determined by lot at the first meeting of the board, shall be as follows: two members shall serve a term of two years; two members shall serve a term of three years; and three members shall serve a term of four years.

(f) Following their initial terms, each member shall serve a term of five years, but in no case shall a member serve more than one consecutive term of office.

(g) When a vacancy has not been filled within one hundred days of its occurrence, the board, by a majority vote, may appoint a qualified individual to fill the vacancy.

(h) Any member may be removed from office by a majority vote of the board and only for cause, and on charges preferred against him in writing and after a public hearing and proof of the sufficiency of such charges. Any member so removed shall have the right to test in the courts the sufficiency of the charges and evidence tendered in support thereof.

(i) Each appointment by the governor shall be submitted to the Senate for confirmation."

AMENDMENT NO. 14

On page 5, between lines 25 and 26 insert "E. Members of the board shall be reimbursed for reasonable travel expenses as determined by rules of the board."

AMENDMENT NO. 15

On page 7, delete lines 5 through 7, and insert "by the staff of the University of New Orleans College of Urban and Public Affairs who shall provide the board"

On motion of Senator Malone, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

Motion

Senator Bajoie moved that the Senate proceed to the House of Representatives to meet in Joint Session.

Joint Session of the Legislature

The joint session of the legislature was called to order at 2:15 P.M. by the Honorable Don Hines, President of the Senate.

On motion of Sen. Bajoie, the calling of the roll on the part of the Senate was dispensed with.

On motion of Rep. Dorsey, the calling of the roll on the part of the House was dispensed with.

The President of the Senate introduced the Honorable Pascal Calogero, Chief Justice of the Louisiana Supreme Court, who addressed the joint session of the legislature.

After Joint Session

ROLL CALL

The Senate was called to order by the President of the Senate with the following Senators present:

PRESENT

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneau
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

ABSENT

Hollis	Romero
Total - 2	

The President of the Senate announced there were 35 Senators present and a quorum.

Senate Business Resumed After Joint Session

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON JUDICIARY C

Senator Chaisson, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 3, 2005

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 23— BY SENATOR JACKSON

A CONCURRENT RESOLUTION

To continue and provide for the Louisiana Task Force on Indigent Defense Services.

Reported favorably.

SENATE BILL NO. 24—

BY SENATORS CAIN, CHEEK, DUPRE, HAINKEL, HOLLIS, KOSTELKA, MCPHERSON, MICHOT AND MOUNT AND REPRESENTATIVES BADON, BALDONE, BAUDOIN, BRUCE, DARTEZ, FRITH, GEYMAN, HILL, HUTTER, KENNEY, MCDONALD, MONTGOMERY, T. POWELL, JACK SMITH AND WALSWORTH

AN ACT

To amend and reenact R.S. 3:1355(A) and to enact R.S. 3:1355(B), R.S. 14:67.19.1 and R.S. 40:962.1.2, relative to certain controlled dangerous substances; to prohibit the unauthorized possession of anhydrous ammonia for use in the sale of certain controlled dangerous substances; to restrict the sale of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers and salts of optical isomers used in the manufacture of methamphetamines; to require that pharmacies maintain records on purchases of certain restricted substances used to manufacture methamphetamine; to provide exceptions for substances formulated so as to prevent conversion of certain active ingredients; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 156— BY SENATOR CHAISSON

AN ACT

To enact R.S. 14:67.4, relative to crimes; to make theft of encoded credit card information a crime; to criminalize the use of a scanning device or re-encoder to capture encoded information from a magnetic strip; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 166— BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 14:122.2(A) and (B), relative to threatening a public official; to include electronic communications threatening a public official; to provide for increased penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 203— BY SENATOR DUPRE

AN ACT

To enact R.S. 14:62.5(C), relative to looting; to provide penalties when looting occurs during a declaration of state of emergency; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 226— BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact the introductory paragraph of R.S. 15:574.4(A)(2)(a), and R.S. 40:967(B)(1), (4) and (5) and 981.2(C), relative to certain controlled dangerous substances; to increase the penalty for the manufacture, possession or distribution of oxycodone; to authorize offenders to participate in the intensive incarceration program; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 282— BY SENATOR JONES

AN ACT

To amend and reenact R.S. 42:1414 and to enact R.S. 15:308; relative to penalties for conviction of certain offenses; to provide for the removal of a state, district, parish, ward, or municipal employee; to provide for the discretion of the state, district, parish, ward, or municipality to maintain or terminate an employee convicted of a nonviolent felony; to provide for retroactive application of certain penalty provisions as applied to defendants who were convicted or who were sentenced prior to June 15, 2001; to provide for period within which to file a motion for amendment, modification, or reconsideration of sentence; to provide for amendment of sentences in accordance with more lenient penalty provisions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 317— BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 15:574.4(H)(4)(o), relative to fees paid by parolees for parole supervision costs; to provide for reduction of the supervision fee amount; to provide terms and conditions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 323— BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 15:146(B)(1), 147(A)(1)(b), (c), (d), (e), (f) and (g), 148(B), 151(B)(1), (2), (3), (5), 151.1(A) and (C), 151.2(C), (E), (F) and (G) and to enact R.S. 15:145.1 and 147(A)(1)(h) and (i) and 151.2(H) and to repeal R.S. 15:151(B)(6), relative to indigent defenders; to provide for special reporting requirements; to provide for definitions; to provide for a cost to be assessed in certain cases; authorizes judicial district indigent defender boards to recoup funds; to provide for members of the Indigent Defense Assistance Board; to provide the board with certain duties and powers; to provide for quorum requirements; to provide for staggered terms of the membership; and to provide for related matters.

Reported with amendments.

Respectfully submitted, JOEL T. CHAISSON II Chairman

Senate Resolutions to be Adopted, Subject to Call

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

Called from the Calendar

Senator Marionneaux asked that Senate Resolution No. 18 be called from the Calendar at this time.

May 3, 2005

SENATE RESOLUTION NO. 18—

BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Sergeant Robert J. Mogensen upon his death in Operation Enduring Freedom.

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

Called from the Calendar

Senator Ellington asked that Senate Resolution No. 11 be called from the Calendar at this time.

SENATE RESOLUTION NO. 11—

BY SENATORS ELLINGTON, HINES, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A RESOLUTION

To designate the Senate Briefing Room as the "John J. Hainkel, Jr. Room."

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

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. 142—

BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 33:4720.17(C)(4), 4720.31(C)(4), and 4720.47(D)(4), and R.S. 47:2183.1, relative to tax sales of immovable property and acquisition of adjudicated property from a political subdivision; to provide relative to a tax debtor or other person seeking to redeem such property; to require such person to pay certain costs incurred relative to a tax sale; to require such person to pay certain costs incurred during acquisition of adjudicated property from a political subdivision; and to provide for related matters.

Floor Amendments Sent Up

Senator Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jones to Engrossed Senate Bill No. 142 by Senator Theunissen

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 33:4720.17(C)(4)" and insert in lieu thereof "R.S. 33:2862.1 through 2862.11, inclusive, 4720.17(C)(4)"

AMENDMENT NO. 2

On page 1, line 7, delete "and to" and insert "to provide certain terms, conditions, procedures and requirements relative to acquisition of certain property; and to"

AMENDMENT NO. 3

On page 1, line 10, delete "R.S. 33:4720.17(C)(4)" and insert in lieu thereof "R.S. 33:2862.1 through 2862.11, inclusive, 4720.17(C)(4)"

AMENDMENT NO. 4

On page 1, between lines 11 and 12, insert the following:

"§2862.1. Residential property

La. R.S. 33:2862.1 through La. R.S. 33:2862.6 and La. R.S. 33:2862.10 shall affect unredeemed residential property adjudicated to a municipality for five years or more.

§2862.2. Application to purchase; deposit

Whenever any person desires to purchase any unredeemed property adjudicated to a municipality for unpaid taxes due, charges pursuant to La. R.S. 33:1236 or paving and other local improvement assessments for which the adjudication was made, he shall, with an application to purchase, deposit with the tax collector of the municipality, an amount of money sufficient to cover the expenses of the sale, including advertising, taxes due, and other costs associated with said sale as evidence of good faith in the application.

The tax collector shall determine the amount of money to be deposited.

§2862.3. Notice

Upon deposit made to purchase unredeemed property, the tax collector shall immediately notify the tax debtor, and other interested parties, by publication in the official journal of the parish, that he, through the municipality, will take actual corporeal possession of the property so adjudicated to the municipality for five years or more and that ownership will be transferred to a specifically named individual. Said advertisement shall be published two consecutive days. The advertisement shall set forth the description of the subject property and the terms of the sale. Proof of publication shall be obtained by the municipality.

When the mortgagee is identified in a mortgage that is publicly recorded, constructive notice by publication shall be supplemented by notice mailed to the mortgagee's last known available address by certified mail, return service requested, or by personal service.

§2862.4. Affidavit

After a lapse of ten days from the last date of publication of notice described in La. R.S. 33:2862.3, or from the arrival of the return of service card or from the return of the unopened certified letter(s), the tax collector for the municipality shall declare by affidavit that a certain particularly described property is no longer subject to redemption and that five years or more have lapsed since the recording of the proces verbal in the conveyance records of the clerk of court. A certified copy of the proces verbal shall be attached to the affidavit.

The affidavit shall list the last known owners prior to the tax adjudication and any other interested parties.

The affidavit shall also state the following, when applicable:

- 1. That notice of delinquency had been sent or published on a certain date;
2. If applicable, that the tax collector provided notice to each person holding a properly recorded mortgage;
3. That the advertisement for tax sale occurred on a certain date and was published in the official journal of the parish;
4. That the subject property was advertised and offered for sale and failed to sell on a certain date;
5. That the subject property was appraised for a particular amount, if applicable, and advertised for sale a second time on a certain date and failed to sell;
6. That the proces verbal was recorded in the conveyance records of the clerk of court on a certain date;
7. That a particularly named individual has applied to purchase said property and has deposited a certain amount to cover the expenses of the sale, including advertising, taxes due, and other costs associated with said sale; and
8. That notice was provided in accordance with La. R.S. 33:2862.3.

A copy of the proof of publication, as required by La. R.S. 33:2862.3, shall be submitted with the affidavit. When applicable, the return of service card or a copy of the unopened certified letter(s) shall be submitted with the affidavit.

§2862.5. Ex parte order of possession and transfer of ownership

Upon the presentation of the affidavit, the attached certified copy of the proces verbal, the proof of publication to any judge of competent jurisdiction (such jurisdiction to be determined by

the value of the immovables therein described and not the amount of the taxes) and, when applicable, the return of service card or the unopened certified letter(s), the judge shall, in chambers, grant an ex parte order of possession and transfer of ownership.

The order shall place the municipality in possession of the subject property, thereby authorizing the city to conduct a sale to the named purchaser.

§2862.6. Effect of ex parte order of possession and transfer of ownership

The granting of the ex parte order of possession and transfer of ownership shall vest in the purchaser an absolute and perfect title to the property conveyed, without any claim thereto by any former owner and free of all mortgages, liens, privileges and encumbrances whatsoever.

Any former owner, including his heirs, assignees or other successors, shall be subject to the mortgages, liens, privileges and encumbrances if the former owner possessed the property at the time it became burdened.

§2862.7. Third persons

The ex parte order of possession and transfer of ownership shall have effect against third persons from the time it is filed for registry in the office of the clerk of court.

§2862.8. Commercial property

La. R.S. 33:2862.1 through La. R.S. 33:2862.10 shall affect unredeemed commercial property adjudicated to the municipality for five years or more.

§2862.9. Sale of commercial property

The sale of unredeemed commercial property shall not be for less than two-thirds of the appraised value, plus advertising costs, taxes owed and other costs associated with said sale.

§2862.10. Failure to purchase

If, after the notice of intent to take actual corporeal possession of property and to transfer ownership has been published in the official journal of the parish, the applicant or the potential purchaser declines to purchase the subject property, but before the signing of the ex parte order of possession and transfer of ownership, he shall be responsible for paying the cost of advertisement and any other costs associated with the preparation of the sale of the unredeemed property to him.

Said property will revert to the status of adjudicated property and the last known tax debtor shall be liable for the condition of the property.

§2862.11. Donation of adjudicated property

The provisions of La. R.S. 33:2862.1 through La. R.S. 33:2862.10 shall apply to the unredeemed property adjudicated to a nonprofit organization which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit organization."

On motion of Senator Jones, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	

Total - 35
NAYS

Total - 0
ABSENT

Hollis
Total - 2
Romero

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

SENATE BILL NO. 151—
BY SENATOR N. GAUTREAUX
AN ACT

To enact Part III-A of Chapter 1 of Title 29 of the Louisiana Revised Statutes of 1950, comprised of R.S. 29:311 through 319, relative to military, naval, and veterans' affairs; to provide certain exemptions from some terms and conditions of certain contracts entered into by active duty military personnel, and members of the Armed Forces Reserve and Louisiana National Guard who are activated pursuant to an executive order of the president of the United States, act of Congress, or state law; 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	Dardenne	Malone
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Ellington	Michot
Barham	Fields	Mount
Boasso	Fontenot	Murray
Broome	Gautreaux B	Nevers
Cain	Gautreaux N	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo

Total - 33
NAYS

Total - 0
ABSENT

Heitmeier
Hollis
Total - 4
Jackson
Romero

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.

SENATE BILL NO. 153—
BY SENATOR MICHOT
AN ACT

To enact Code of Civil Procedure Art. 258, relative to clerks of court and official recorders; to provide relative to the filing of any recordable written instrument submitted by certain entities of the state or federal government or by certain financial institutions; to authorize the electronic filing and recording of such instruments; to require certification of conformity of such instruments to form and content required by law; to require certain endorsement of such filed instruments; to provide for procedures relative to receipt of such filed instruments; to provide relative to the effectiveness of such filed instruments; and to provide for related matters.

May 3, 2005

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 153 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, between "Art. 258" and ", relative" insert "and to repeal Act No. 543 of the 1980 Regular Session of the Legislature as amended by Act No. 706 of the 1993 Regular Session of the Legislature"

AMENDMENT NO. 2

On page 1, line 9, between "instruments;" and "and" insert "to repeal the authority of the Lafayette Parish Clerk of Court to employ an attorney at law;"

AMENDMENT NO. 3

On page 2, after line 17, add the following:
"Section 2. Act No. 543 of the 1980 Regular Session of the Legislature, as amended by Act No. 927 of the 1985 Regular Session of the Legislature and as amended by Act No. 706 of the 1993 Regular Session of the Legislature is hereby repealed.
Section 3. Section 2 of 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 Michot, the amendments were adopted.

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 153 by Senator Michot

AMENDMENT NO. 1

On page 1, line 16, after "written instrument" insert "except, but not limited to, original maps, plats, property descriptions, or photographs as related to the work of a professional surveyor engaged in the "Practice of Land Surveying" as defined in R.S. 37:682"

On motion of Senator Michot, the amendments were adopted.

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 153 by Senator Michot

AMENDMENT NO. 1

On page 1, line 15 after "mortgages," insert "hereinafter referred to as "recorder","

AMENDMENT NO. 2

On page 1, line 17, after "department," insert "political subdivision,"

AMENDMENT NO. 3

On page 2, line 4, after "certify to the" delete "clerk of court, register of conveyances or" and after "recorder" delete "of mortgages,"

AMENDMENT NO. 4

On page 2, line 10, after "other than" insert "during"

AMENDMENT NO. 5

On page 2, line 13, delete "mailbox" insert "mail"

AMENDMENT NO. 6

On page 2, line 16, after "instrument" delete "itself"

On motion of Senator Michot, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members voting YEAS: Mr. President, Adley, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Schedler, Smith, Theunissen, Ullo.

Total - 35

NAYS

Total - 0

ABSENT

Table listing names of members voting ABSENT: Hollis, Romero.

Total - 2

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

SENATE BILL NO. 196— BY SENATORS BARHAM AND KOSTELKA AN ACT

To amend and reenact Civil Code Article 466, relative to immovables; to provide relative to the definition of component parts of immovables; to provide relative to which items are considered permanently attached parts; 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. 196 by Senator Barham

AMENDMENT NO. 1

On page 1, line 15, after "installations" insert ",

AMENDMENT NO. 2

On page 2, line 13, following "Louisiana" and before "as" change "Civil Code" to "State Law Institute"

On motion of Senator Lentini, the amendments were adopted.

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

SENATE BILL NO. 200—

BY SENATOR BAJOIE

A JOINT RESOLUTION

Proposing to add Article VII, Section 21(C)(19) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; to provide an exemption for certain artwork; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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. 200 by Senator Bajoie

AMENDMENT NO.1

On page 1, line 7, change "occurring" to "concurring"

AMENDMENT NO. 2

On page 1, line 16, following "**artwork**" and before "**including**" insert "**listed as a consignment article by an art dealer.**"

AMENDMENT NO. 3

On page 2, line 1, following "endeavor" insert "." and delete line 2 in its entirety

On motion of Senator Lentini, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

NAYS

Total - 0

ABSENT

Hollis
Total - 2
Romero

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

SENATE BILL NO. 250—

BY SENATOR MOUNT

AN ACT

To amend and reenact Section 2 of Act No. 15 of the 1996 Regular Session of the Legislature, as amended by Act No. 47 of the 1998 Regular Session of the Legislature, Act No. 33 of the 2000 Regular Session of the Legislature, and Act No. 141 of the 2003 Regular Session of the Legislature, relative to sales and use taxes; to provide for the continued exclusion from state and local sales and use taxes certain transactions concerning certain private and parochial elementary and secondary schools; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 250 by Senator Mount

AMENDMENT NO.1

On page 1, line 2, delete "amend and reenact" and insert "repeal"

AMENDMENT NO. 2

On page 1, line 13, after "hereby" delete the remainder of the line and insert "repealed."

AMENDMENT NO. 3

On page 1, delete lines 14 through 17 and on page 2, delete lines 1 through 5

On motion of Senator Dardenne, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

NAYS

Total - 0

ABSENT

Hollis
Total - 2
Romero

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

May 3, 2005

SENATE BILL NO. 316—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:1837.1(A)(1), the introductory paragraph of (B), (B)(1), (C), and (D), relative to the Louisiana Tax Commission; to require a statewide ad valorem tax assessment database for publication on the Internet; to provide for an effective date; and to provide for related matters.

Senator McPherson in the Chair

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 316 by Senator Mount

AMENDMENT NO. 1

On page 1, line 2, after "(B)," delete "(B)(1),"

AMENDMENT NO. 2

On page 1, line 7, after "(B)," delete "(B)(1),"

AMENDMENT NO. 3

On page 2, delete lines 4 and 5 in their entirety

AMENDMENT NO. 4

On page 2, delete line 24 and insert "**D. Effective January 1, 2006, all parishes which have participated in the program shall**"

AMENDMENT NO. 5

On page 3, at the end of line 3 insert "**The proposed assessment lists posted on the Louisiana Tax Commission website are for informational purposes only and any failure to have the proposed assessment lists posted on the Louisiana Tax Commission website shall not give rise to any claim and/or contest regarding the assessed value of any property or the taxes due thereon.**"

On motion of Senator Mount, the amendments were adopted.

Floor Amendments Sent Up

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

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 316 by Senator Mount

AMENDMENT NO. 1

On page 1, line 3, after "(D)" insert "and to enact R.S. 47:1837.1(F)"

AMENDMENT NO. 2

On page 1, line 8, after "reenacted" insert "and R.S. 47:1837.1(F) is hereby enacted"

AMENDMENT NO. 3

On page 3, after line 4, insert:

"F. The Louisiana Tax Commission shall not sell, lease, rent, or otherwise convey or transfer to any individual or other entity for use in a business any of the information received by it pursuant to the provisions of this Section."

On motion of Senator N. Gautreaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 316 by Senator Mount

AMENDMENT NO. 1

On page 3, after line 4, insert the following:

"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 Mount, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 32		

NAYS

Cain	Fontenot	Marionneaux
Total - 3		

ABSENT

Hollis	Romero
Total - 2	

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

SENATE BILL NO. 92—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 36:477(C)(1), relative to the Department of Social Services; to provide with respect to the office of community services and its role in providing for the public child welfare functions of the state; to provide with respect to preventive services to prevent child abuse and neglect and family strengthening and support services; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Nevers sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Nevers and Cain to Engrossed Senate Bill No. 92 by Senator Nevers

AMENDMENT NO. 1

On page 1, line 14, after "services;" insert "voluntary"

On motion of Senator Nevers, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	

Total - 35

NAYS

Total - 0

ABSENT

Hollis	Romero
--------	--------

Total - 2

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

Senator Bajoie in the Chair

SENATE BILL NO. 265—
BY SENATOR HINES AND REPRESENTATIVE DURAND
AN ACT

To amend and reenact R.S. 37:1041(C)(2) and (4) and to enact R.S. 37:1041(C)(5), relative to the practice of optometry; to provide for modifications in current definitions; to provide for a definition of ophthalmic surgery; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Lentini
Adley	Duplessis	Marionneaux
Amedee	Dupre	McPherson
Bajoie	Ellington	Michot
Barham	Fields	Mount
Boasso	Fontenot	Murray
Broome	Gautreaux B	Nevers
Cain	Gautreaux N	Schedler
Chaisson	Heitmeier	Smith
Cheek	Jackson	Theunissen
Cravins	Jones	Ullo

Total - 33

NAYS

Total - 0

ABSENT

Hollis	Malone
--------	--------

Kostelka	Romero
Total - 4	

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

Mr. President in the Chair

Rules Suspended

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

Messages from the House

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 3, 2005

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. 29—
BY SENATOR N. GAUTREAU AND REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of former State Senator James E. Fontenot.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 30—
BY SENATOR BAJOIE
A CONCURRENT RESOLUTION

To invite Chief Justice Pascal Calogero of the Louisiana Supreme Court to address a joint session of the legislature.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 31—
BY SENATOR MOUNT
A CONCURRENT RESOLUTION

To commend McNeese State University School of Nursing on the occasion of its fiftieth anniversary of training nurses to serve in the health care delivery system in Louisiana and throughout the nation.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 34—
BY SENATORS DARDENNE, AMEDEE, BOASSO, MALONE AND MICHOT AND REPRESENTATIVES M. GUILLORY, HAMMETT, MONTGOMERY, T. POWELL, QUEZAIRE, ROBIDEAUX AND SCHNEIDER
A CONCURRENT RESOLUTION

To commend the recipients of the 2005 Louisiana Young Heroes Award.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 37—
BY SENATOR DARDENNE
A CONCURRENT RESOLUTION

To commend the American Bowling Congress (ABC) for locating and conducting the 102nd ABC Tournament at the Baton Rouge River Center.

May 3, 2005

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 33—

BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To continue and revise the Cameron Parish Economic Development Task Force for the purpose of studying and making recommendations relative to economic development in Cameron Parish.

Reported without amendments.

Respectfully submitted, ALFRED W. SPEER

Clerk of the House of Representatives

Introduction of Senate Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 337—

BY SENATOR ELLINGTON

AN ACT

To enact R.S. 47:301(7)(j), (10)(y) and (z), and (18)(k) and (l), relative to exclusions from the sales and use tax of the state and political subdivisions of the state; to provide for an exclusion from state sales tax for certain property used in energy conservation; to provide for an exclusion from the sales and use tax of all tax authorities for certain fuels and feedstock; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 3, 2005

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. 21—

BY REPRESENTATIVE HILL

AN ACT

To enact R.S. 33:4574.14, relative to the Allen Parish Tourist Commission; to provide for the payment of per diem to members of the commission; to limit the number of meetings for which per diem will be paid; and to provide for related matters.

HOUSE BILL NO. 26—

BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 33:1236(55)(c), relative to the fees required to be charged by the clerk of court of East Feliciana Parish and remitted to the parish governing authority; to specify that the fees shall cover expenses of the office of the clerk; and to provide for related matters.

HOUSE BILL NO. 64—

BY REPRESENTATIVE DOERGE

AN ACT

To amend and reenact R.S. 25:151(B)(1) and (C) and to enact R.S. 25:151(B)(3), relative to the Webster Parish Library; to provide relative to the disposition of surplus library books; to authorize the library, subject to the approval of its governing board, to sell such books; to provide relative to the disposition of proceeds collected from such sales; to provide relative to the location of such sales; and to provide for related matters.

HOUSE BILL NO. 83—

BY REPRESENTATIVE KLECKLEY

AN ACT

To enact R.S. 13:2079.1, relative to the office of the Ward Three marshal of the city court of Lake Charles; to provide for the uses of fees and costs collected in civil matters; to authorize the deposit of these fees and costs into a separate account; to authorize payment of a supplemental salary for deputy marshals from the salary of the marshal; to authorize payment for office expenses and other expenses useful to the conduct of the office; and to provide for related matters.

HOUSE BILL NO. 126—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 33:1448.1(A), (B)(introductory paragraph), (C)(1) and (2), (D), (E), and (G)(1) and (2), relative to the Bossier Parish Retired Employees Insurance Fund; to provide relative to eligible retired sheriffs and retired deputy sheriffs; to increase the total amount of principal and earnings in the Bossier Parish Retired Employees Insurance Fund; to provide for the limitations on withdrawal and appropriation of monies; to provide for limitations on equity and fixed income investments; to provide for the membership and election of the investment advisory board and the filling of vacancies thereon; and to provide for related matters.

HOUSE BILL NO. 185—

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 1:55(E)(1)(e), relative to legal holidays for clerks of court in Vermilion Parish; to require the clerk of court of the Fifteenth Judicial District Court and the clerk of court for the City Court of Abbeville in Vermilion Parish to close their offices in observance of the Cattle Festival; to provide for an exception; and to provide for related matters.

HOUSE BILL NO. 205—

BY REPRESENTATIVE JEFFERSON

AN ACT

To enact R.S. 33:9091.9, relative to the Twinbrook Security 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 the imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

HOUSE BILL NO. 206—

BY REPRESENTATIVE JEFFERSON

AN ACT

To enact R.S. 33:9091.9, relative to the Touro Bouligny Security 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 the imposition and collection of taxes and for the use thereof; and to provide for related matters.

HOUSE BILL NO. 227—

BY REPRESENTATIVE CRAVINS

AN ACT

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

HOUSE BILL NO. 241—

BY REPRESENTATIVE DOWNS

AN ACT

To amend and reenact R.S. 33:4574(B)(18) and 4574.1.1(A)(18), relative to Lincoln Parish; to change the name of the parish tourist commission; to authorize the parish tourist commission to increase the hotel occupancy tax; and to provide for related matters.

HOUSE BILL NO. 298—

BY REPRESENTATIVE TRICHE

AN ACT

To enact R.S. 33:1448(P), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and retired deputy sheriffs in Lafourche Parish; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

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

HOUSE BILL NO. 21—

BY REPRESENTATIVE HILL

AN ACT

To enact R.S. 33:4574.14, relative to the Allen Parish Tourist Commission; to provide for the payment of per diem to members of the commission; to limit the number of meetings for which per diem will be paid; and to provide for related matters.

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

HOUSE BILL NO. 26—

BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 33:1236(55)(c), relative to the fees required to be charged by the clerk of court of East Feliciana Parish and remitted to the parish governing authority; to specify that the fees shall cover expenses of the office of the clerk; and to provide for related matters.

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

HOUSE BILL NO. 64—

BY REPRESENTATIVE DOERGE

AN ACT

To amend and reenact R.S. 25:151(B)(1) and (C) and to enact R.S. 25:151(B)(3), relative to the Webster Parish Library; to provide relative to the disposition of surplus library books; to authorize the library, subject to the approval of its governing board, to sell such books; to provide relative to the disposition of proceeds collected from such sales; to provide relative to the location of such sales; and to provide for related matters.

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

HOUSE BILL NO. 83—

BY REPRESENTATIVE KLECKLEY

AN ACT

To enact R.S. 13:2079.1, relative to the office of the Ward Three marshal of the city court of Lake Charles; to provide for the uses of fees and costs collected in civil matters; to authorize the deposit of these fees and costs into a separate account; to authorize payment of a supplemental salary for deputy marshals from the salary of the marshal; to authorize payment for office expenses and other expenses useful to the conduct of the office; and to provide for related matters.

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

HOUSE BILL NO. 126—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 33:1448.1(A), (B)(introductory paragraph), (C)(1) and (2), (D), (E), and (G)(1) and (2), relative to the Bossier Parish Retired Employees Insurance Fund; to provide relative to eligible retired sheriffs and retired deputy sheriffs; to increase the total amount of principal and earnings in the Bossier Parish Retired Employees Insurance Fund; to provide for the limitations on withdrawal and appropriation of monies; to provide for limitations on equity and fixed income investments; to provide for the membership and election of the investment advisory board and the filling of vacancies thereon; and to provide for related matters.

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

HOUSE BILL NO. 185—

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 1:55(E)(1)(e), relative to legal holidays for clerks of court in Vermilion Parish; to require the clerk of court of the Fifteenth Judicial District Court and the clerk of court for the City Court of Abbeville in Vermilion Parish to close their offices in observance of the Cattle Festival; to provide for an exception; and to provide for related matters.

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

HOUSE BILL NO. 205—

BY REPRESENTATIVE JEFFERSON

AN ACT

To enact R.S. 33:9091.9, relative to the Twinbrook Security 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 the imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

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

HOUSE BILL NO. 206—

BY REPRESENTATIVE JEFFERSON

AN ACT

To enact R.S. 33:9091.9, relative to the Touro Bouligny Security 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 the imposition and collection of taxes and for the use thereof; and to provide for related matters.

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

HOUSE BILL NO. 227—

BY REPRESENTATIVE CRAVINS

AN ACT

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

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

HOUSE BILL NO. 241—

BY REPRESENTATIVE DOWNS

AN ACT

To amend and reenact R.S. 33:4574(B)(18) and 4574.1.1(A)(18), relative to Lincoln Parish; to change the name of the parish tourist commission; to authorize the parish tourist commission to increase the hotel occupancy tax; and to provide for related matters.

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

May 3, 2005

HOUSE BILL NO. 298—
BY REPRESENTATIVE TRICHE
AN ACT

To enact R.S. 33:1448(P), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and retired deputy sheriffs in Lafourche Parish; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

May 3, 2005

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. 78—
BY REPRESENTATIVE ANSARDI
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Alie McGee and the enduring gratitude of the members for his accomplishments and contributions to Jefferson Parish and the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 76—
BY REPRESENTATIVE ALARIO
A CONCURRENT RESOLUTION

To authorize and direct the Department of Health and Hospitals to rename the New Orleans Home and Rehabilitation Center as the John J. Hainkel, Jr. Home and Rehabilitation Center.

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

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 76—
BY REPRESENTATIVE ALARIO
A CONCURRENT RESOLUTION

To authorize and direct the Department of Health and Hospitals to rename the New Orleans Home and Rehabilitation Center as the John J. Hainkel, Jr. Home and Rehabilitation Center.

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

HOUSE CONCURRENT RESOLUTION NO. 78—
BY REPRESENTATIVE ANSARDI
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Alie McGee and the enduring gratitude of the members for his accomplishments and contributions to Jefferson Parish and the state of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing members present for yeas: Mr. President, Cravins, Dardenne, Duplessis, Ellington, Fontenot, Gautreaux B, Gautreaux N, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, Michot, Mount, Murray, Nevers, Smith, Theunissen, Ullo.

NAYS

Total - 0

ABSENT

Table listing members absent: Dupre, Fields, Heitmeier, Hollis, McPherson, Romero, Schedler.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON
JUDICIARY A

Senator Lentini, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 3, 2005

To the President and Members of the Senate:

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

SENATE BILL NO. 161—
BY SENATOR AMEDEE
AN ACT

To amend and reenact Children's Code Arts. 615(B)(1) and (2), 619(B) and (C), 620(C), 622(A)(introductory paragraph) and (1), (2), and (4), 627(B), and R.S. 14:92.2(B), and to enact Children's Code Arts. 603(18) and (19), 624(G) and (H), and R.S. 14:92.2(A)(3), relative to children in need of care; to provide relative to definitions for the removal of a child in need of care; to provide with respect to instanter removal of a child in need of care; to provide for provisional custody of a child in need of care; to provide for a court ordered safety plan to insure the protection of a child; to provide for penalties for improper supervision of a minor child; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 232—
BY SENATOR MURRAY
AN ACT

To enact R.S. 26:85.2, relative to alcohol beverage control; to establish and authorize the issuance of a museum permit to authorize the limited sale of certain commemorative bottles of alcohol and to authorize the limited service of product samples in a historically-based museum facility that is operated in a historic preservation district; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 233—
BY SENATOR MURRAY

AN ACT

To enact R.S.46:2602(B)(13), relative to the Children's Cabinet; to provide for an additional member to the cabinet, and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 243—
BY SENATOR MOUNT

AN ACT

To amend and reenact Children's Code Art. 603(14), relative to a child in need of care; to provide with respect to the definition of neglect; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 247—
BY SENATOR MOUNT

AN ACT

To enact Civil Code Art. 2807.5 and R.S.12:1310.5, relative to partnerships and limited liability corporations; to provide for the retroactive effect of a partnership's or a limited liability corporation's existence when immovable property is acquired by such entities which have not been duly constituted; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 258—
BY SENATOR KOSTELKA AND REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 13:5106(B)(1) and (2), relative to the Louisiana Governmental Claims Act; to provide relative to limitations of liability for the state and political subdivisions; to provide for liability for damages for personal injury and wrongful death; to provide for legislative intent; and to provide for related matters.

Reported with amendment.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

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

ENROLLMENTS

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

May 3, 2005

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 8—
BY SENATOR BROOME

A CONCURRENT RESOLUTION

To designate April 28, 2005 as "Youth Personal Financial Literacy Day at the Louisiana State Capitol."

SENATE CONCURRENT RESOLUTION NO. 9—
BY SENATOR BROOME

A CONCURRENT RESOLUTION

To designate and proclaim April 2005 as "Habitat for Humanity-Vinyl Partners Spirit Blitz Build Month" and recognize the work of Habitat for Humanity of Greater Baton Rouge, the Louisiana vinyl industry, the Vinyl Partners for Humanity, LSU School of Design, LSU Greek organizations, and other corporate and community partners working together to build six new homes in Baton Rouge and Plaquemine, and to urge Louisiana communities to support Habitat for Humanity projects across the state.

SENATE CONCURRENT RESOLUTION NO. 21—

BY SENATORS HINES, ADLEY, AMEDEE, BAJOLE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of State Senator John J. Hainkel, Jr., former speaker of the House of Representatives and president of the Senate.

SENATE CONCURRENT RESOLUTION NO. 22—
BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of L.A. "Buddy" Henagan, Mayor of DeQuincy.

SENATE CONCURRENT RESOLUTION NO. 24—
BY SENATOR THEUNISSEN AND REPRESENTATIVE MORRISH

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Vincent J. Berken.

SENATE CONCURRENT RESOLUTION NO. 27—
BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To recognize and commend Mark Musick upon the occasion of his retirement as president of the Southern Regional Education Board after more than two decades of distinguished service to the sixteen member states.

Respectfully submitted,
CHARLES D. JONES
Chairman

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 3, 2005

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. 66—
BY REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Max Edwin Jones of Lake Charles.

HOUSE CONCURRENT RESOLUTION NO. 67—
BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Fred Higginbotham of Ruston.

May 3, 2005

HOUSE CONCURRENT RESOLUTION NO. 68—
BY REPRESENTATIVE DURAND AND SENATOR MCPHERSON
A CONCURRENT RESOLUTION
To designate the month of May 2005 as Amyotrophic Lateral Sclerosis (ALS) Awareness Month.

HOUSE CONCURRENT RESOLUTION NO. 69—
BY REPRESENTATIVE FRITH AND SENATOR N. GAUTREAU
A CONCURRENT RESOLUTION
To commend Columbia Gulf Transmission Company upon the occasion of its fiftieth anniversary and for its many contributions to the state and nation.

HOUSE CONCURRENT RESOLUTION NO. 70—
BY REPRESENTATIVE CRAVINS
A CONCURRENT RESOLUTION
To commend and recognize the Stroke Task Force, the American Stroke Association, and the office of public health and bureau of emergency medical services of the Department of Health and Hospitals for their work in developing recommendations to improve care for stroke victims.

HOUSE CONCURRENT RESOLUTION NO. 71—
BY REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION
To express sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Leonard Gayle of Lafayette.

HOUSE CONCURRENT RESOLUTION NO. 72—
BY REPRESENTATIVE WINSTON
A CONCURRENT RESOLUTION
To express and declare the support of the Legislature of Louisiana of efforts to enhance public awareness of the tragic social problem of child abuse and neglect and its corresponding relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency.

HOUSE CONCURRENT RESOLUTION NO. 73—
BY REPRESENTATIVES DORSEY AND WINSTON
A CONCURRENT RESOLUTION
To recognize May 3, 2005, as Court Appointed Special Advocate (CASA) Day at the Louisiana State Capitol and to commend the thirteen CASA programs across the state.

HOUSE CONCURRENT RESOLUTION NO. 74—
BY REPRESENTATIVE JANE SMITH
A CONCURRENT RESOLUTION
To designate May 5, 2005, as "Go Red for Mothers and Women Day".

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.

Leaves of Absence

The following leaves of absence were asked for and granted:

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Adjournment

Senator Bajoie moved that the Senate adjourn until Wednesday, May 4, 2005, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Wednesday, May 4, 2005.

GLENN A. KOEPP
Secretary of the Senate
GAYE F. HAMILTON
Journal Clerk