

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

FIFTEENTH DAY'S PROCEEDINGS

Thirty-Third Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, May 24, 2007

The Senate was called to order at 10:00 o'clock A.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 | Dupre | Marionneaux |
| Adley | Ellington | McPherson |
| Amedee | Fields | Michot |
| Bajoie | Fontenot | Mount |
| Barham | Gautreaux B | Murray |
| Boasso | Gautreaux N | Nevers |
| Broome | Heitmeier | Romero |
| Cain | Hollis | Schedler |
| Cassidy | Jackson | Shepherd |
| Cheek | Jones | Smith |
| Cravins | Lentini | Theunissen |
| Duplessis | Malone | Uilo |
| Total - 36 | | |

ABSENT

| | | |
|-----------|----------|-------|
| Chaisson | Kostelka | Quinn |
| Total - 3 | | |

The President of the Senate announced there were 36 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Tim Carscadden, 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

**Senate Resolutions
on Second Reading**

The following Senate Resolutions were read and acted upon as follows:

SENATE RESOLUTION NO. 44—
BY SENATOR JONES

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the untimely death of Judge Daryl Blue.

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

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 23, 2007

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. 360—
BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact R.S. 49:316.1(A)(2)(b) and (C), relative to contracts; to provide with respect to state contracts for the provision and processing of credit and debit cards or devices; to authorize certain contracts by public institutions of higher education; 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. 360—
BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact R.S. 49:316.1(A)(2)(b) and (C), relative to contracts; to provide with respect to state contracts for the provision and processing of credit and debit cards or devices; to authorize certain contracts by public institutions of higher education; 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 23, 2007

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. 132—
BY REPRESENTATIVE MARCHAND
A CONCURRENT RESOLUTION

To commend Alpha Kappa Alpha Sorority, Incorporated, for their service and to recognize May 31, 2007, as Alpha Kappa Alpha Sorority, Incorporated Day at the Legislature of Louisiana.

May 24, 2007

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. 132—
BY REPRESENTATIVE MARCHAND
A CONCURRENT RESOLUTION

To commend Alpha Kappa Alpha Sorority, Incorporated, for their service and to recognize May 31, 2007, as Alpha Kappa Alpha Sorority, Incorporated Day at the Legislature of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr President, Adley, Amedee, Bajoie, Barham, Broome, Cassidy, Cheek, Cravins, Duplessis, Ellington, Fields, Gautreaux B, Hollis, Jackson, Malone, McPherson, Michot, Mount, Murray, Nevers, Romero, Schedler, Smith, Theunissen, Uilo.

Total - 27

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Boasso, Cain, Chaisson, Dupre, Fontenot, Gautreaux N, Heitmeier, Kostelka, Lentini, Marionneaux, Quinn, Shepherd.

Total - 12

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

House Bills and Joint Resolutions on Second Reading to be Referred

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

HOUSE BILL NO. 162—
BY REPRESENTATIVE BURNS
AN ACT

To amend and reenact R.S. 13:477(22) and 621.22, relative to district judges; to provide for two additional judgeships for the Twenty-Second Judicial District Court; to provide for jurisdiction; to provide for compensation of the additional judges; to provide for elections sections for the Twenty-Second Judicial District Court; to provide for the assignment of judgeships to such election sections; to provide for the election and term of the offices and those of the successors to those offices; 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. 182—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 27:392(B)(5), relative to the collection and disposition of fees and taxes on slot machines at pari-mutuel live racing facilities; to increase the amount dedicated to the Rehabilitation of the Blind and Visually Impaired Fund; to provide for appropriations from the fund; 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 Finance.

HOUSE BILL NO. 194—
BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 47:302.23(B) and to repeal R.S. 47:302.23(C), relative to state funds; to provide for the use of monies appropriated from the Vermilion Parish Visitor Enterprise Fund; 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 Local and Municipal Affairs.

HOUSE BILL NO. 315—
BY REPRESENTATIVE LAFLEUR
AN ACT

To enact R.S. 47:463.135, relative to motor vehicle prestige license plates; to provide relative to the creation and issuance of the "Chez nous autres" prestige license plate; to provide relative to the design of the plate; to authorize the promulgation of rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 388—
BY REPRESENTATIVE MICKEY GULLORY
AN ACT

To amend and reenact R.S. 47:332.20(B), relative to the St. Landry Parish Historical Development Fund No. 1; to provide for the use of monies appropriated from the fund; 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 Local and Municipal Affairs.

HOUSE BILL NO. 409—
BY REPRESENTATIVE CAZAYOUX
AN ACT

To enact R.S. 39:1554(D)(7), relative to state procurement; to exempt from the state procurement code certain interinstitutional agreements of accredited Louisiana institutions of higher education; to exempt certain agreements between co-owners of intellectual property; 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 Finance.

HOUSE BILL NO. 430—
BY REPRESENTATIVE BURNS
AN ACT

To amend and reenact R.S. 30:2531(I), relative to littering; to provide for simple and intentional littering; to limit exceptions from simple and intentional littering prohibitions for certain commercial vehicles; and to provide for related matters.

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

HOUSE BILL NO. 467—
BY REPRESENTATIVE TOWNSEND AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 47:1907(A)(1), relative to assessors; to increase the compensation schedule for assessors; 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 Local and Municipal Affairs.

HOUSE BILL NO. 488—
BY REPRESENTATIVE LAFLEUR
AN ACT

To amend and reenact R.S. 44:9(F) and (G), relative to criminal arrest and disposition records; to authorize the Louisiana Department of Public Safety and Corrections to provide the Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, and the Louisiana Supreme Court Committee on Bar Admissions access to criminal arrest and disposition records; to provide that the Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, and the Louisiana Supreme Court Committee on Bar Admissions may use criminal arrest and disposition records which have been expunged; and to provide for related matters.

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

HOUSE BILL NO. 490—
BY REPRESENTATIVE GRAY
AN ACT

To enact R.S. 33:9091.11, relative to the Hurstville Security and Neighborhood Improvement District in Orleans Parish; to create and provide relative 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; to provide relative to liability of board members and officers; and to provide for related matters.

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

HOUSE BILL NO. 491—
BY REPRESENTATIVE BARROW
AN ACT

To enact R.S. 33:2740.67, relative to economic development in East Baton Rouge Parish; to create and provide for the Greenwell Springs-Airline Economic Development District within such parish; to provide for the governance, powers, duties, and plans of the district; and to provide for related matters.

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

HOUSE BILL NO. 547—
BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 27:304, relative to the Louisiana Video Draw Poker Devices Control Law; to increase the amount wagered on a game and the maximum amount of money won per game; and to provide for related matters.

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

HOUSE BILL NO. 552—
BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 33:4574.1.1(Q)(1)(b), relative to Vermilion Parish; to provide relative to the Vermilion Parish Tourist Commission; to provide relative to the use of monies levied and collected by the commission; to require the commission to enter into a cooperative endeavor agreement with the sheriff of the parish for certain purposes; to otherwise remove the authority of the commission to enter any such

agreements with certain public entities; and to provide for related matters.

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

HOUSE BILL NO. 694—
BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 33:4720.58.1, relative to the New Orleans Redevelopment Authority; to authorize the authority to initiate an expedited quiet title and foreclosure action; to provide relative to the procedures for any such action; to provide relative to the rights of property owners; to provide relative to due process; and to provide for related matters.

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

HOUSE BILL NO. 712—
BY REPRESENTATIVE TOOMY
AN ACT

To enact Chapter 62 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2781 through 2796, relative to Medicaid finance; to provide for certain agreements for purposes of enhancing reimbursements to certain providers of Medicaid services; to provide for definitions; to authorize and provide for the certification of certain public health care expenditures for purposes of Medicaid finance; to authorize the payment of certain federal monies to certain public entities; to require the submission of a state Medicaid plan amendment; to provide for a process for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 778—
BY REPRESENTATIVE PITRE
AN ACT

To amend and reenact R.S. 47:820.5.2(B)(3) and (4), (C), (E), and (F)(1) and (2) and to enact R.S. 47:820.5.4, relative to the imposition and collection of tolls; to assess and provide for collection of tolls on trailers on the Crescent City Connection; to authorize the Louisiana Transportation Authority to impose and collect tolls on the LA 1 Project; to provide for definitions; to provide enforcement procedures and methods; to provide for liable persons; to provide for hearings and appeals; to provide for use of certain evidence; to provide for methods of collection; to provide for administrative fees and late charges; to provide for the deposit of tolls and fees collected; and to provide for related matters.

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

HOUSE BILL NO. 832—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 23:1514 and 1553(B)(6), (7), (8), (9), (10), and (11), to enact R.S. 23:1553(G), and to repeal R.S. 23:1553(B)(12), relative to the Incumbent Worker Training Program; to change the name of the Workforce Development Training Account to the Incumbent Worker Training Account; to provide for the funding of the Incumbent Worker Training Program; to provide for training for those employers who incur a state unemployment insurance tax liability; to provide for the types of training; to establish criteria eligibility; to provide for the administration of the program; to provide for the amount of credit based upon the applied trust fund balance; to provide for certain definitions; to provide for reauthorization of the program; 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. 846—

BY REPRESENTATIVE BRUCE

AN ACT

To amend and reenact R.S. 13:477(introductory paragraph) and (11), 621.11, and 700.3 and R.S. 16:51(A)(11), 262, 263, 264, and 265 and to enact R.S. 13:477(42), 621.42.1, 621.47, 700.4, and 996.65 and R.S. 16:51(A)(42), 921, 922, 923, 924, and 925, relative to the creation of a new judicial district out of the Eleventh Judicial District; to create the Forty-Second Judicial District Court; to provide that Sabine Parish shall comprise the Eleventh Judicial District; to provide that DeSoto Parish shall comprise the Forty-Second Judicial District; to provide for the transfer of cases; to provide for a judicial expense fund for the Forty-Second Judicial District; to provide for assistant district attorneys for the Eleventh and the Forty-Second Judicial Districts; to provide for salaries; to provide for law clerks; to provide for a referendum election in the parishes of DeSoto and Sabine on approving the split of the Eleventh Judicial District and the creation of the Forty-Second Judicial District; to provide for the office of a judge of the Forty-Second Judicial District, including term of office, election, division of court, and jurisdiction; to provide for the election of a district attorney for the Forty-Second Judicial District; to provide for the clerk of court for the Forty-Second Judicial District; to provide for the sheriff for the Forty-Second Judicial District; 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.

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. 22—

BY SENATOR BOASSO

AN ACT

To amend and reenact R.S. 18:1300.2(B) and 1300.3(A), relative to recall elections; to provide for the collection of electors' signatures on recall petitions; to provide for registrar of voters certification; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 22 by Senator Boasso

AMENDMENT NO. 1

On page 1, line 4, after "certification;" insert "to provide for the total number of voters in a voting area; to provide for a definition of statewide elected official; to provide for statewide elected officials and state legislators;"

AMENDMENT NO. 2

On page 1, line 10, after "handwritten." insert "(1)"

AMENDMENT NO. 3

On page 1, line 11, after "area" delete the remainder of the line and delete lines 12 through 17 and insert the following: ", wherein such voting area comprises less than twenty-five thousand qualified electors, as will in number equal not less than thirty-three and one-third percent of the number of the total electors of the voting area wherein and for which a recall election is petitioned; however, where fewer than one thousand qualified electors reside within the voting

area, the petition shall be signed by not less than forty percent of said electors.

(2)(a) This petition shall be signed by a number of the electors of the voting area, wherein such voting area comprises twenty-five thousand qualified electors or more or such petition is for the recall of a statewide elected official or a state legislator, as will in number equal not less than twenty-five percent of the number of the total electors of the voting area wherein and for which a recall election is petitioned.

(b) For the purposes of this Paragraph, "statewide elected official" means the following offices: governor, lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, commissioner of insurance, the superintendent of education or public service commissioner."

AMENDMENT NO. 4

On page 2, line 5, change "fifteen" to "twenty"

AMENDMENT NO. 5

On page 2, line 8, after "also the" delete the remainder of the line and delete line 9 and insert "total number of electors of the voting"

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

SENATE BILL NO. 74—

BY SENATOR DUPRE

AN ACT

To enact R.S. 40:2116(D)(4), relative to nursing facilities in Lafourche Parish; to except the relocation of nursing facilities in the parish from the moratorium on any additional nursing facilities or additional beds in nursing facilities under certain circumstances; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 74 by Senator Dupre

AMENDMENT NO. 1

On page 1, delete lines 12 through 15 and insert the following:

"(4) Notwithstanding any other provision of law to the contrary, any nursing facility in Lafourche Parish located in an area designated a flood zone that has commenced construction on a replacement facility during the period of the moratorium on replacement facilities shall be eligible to apply for licensure after June 30, 2008, provided the replacement facility is in an area outside a flood zone in such parish and south of the Company Canal."

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

SENATE BILL NO. 93—

BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 22:215.5(A) and to enact R.S. 22:215.5(C) and (D), relative to health insurance, to provide for health insurance coverage for mental illness, to require coverage for treatment for drugs and alcoholism under the same coverages and terms as those which are provided for the treatment of other illnesses; to exempt certain individual and limited benefit policies from mandated coverage; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 93 by Senator Nevers

AMENDMENT NO. 1

On page 2, line 2, after "physician" insert "clinical social worker or medical psychologist"

AMENDMENT NO. 2

On page 2, after line 16, insert the following:

"Section 2. Louisiana State Law Institute is hereby directed to redesignate R.S. 22:669 to R.S. 22:215.26."

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

SENATE BILL NO. 97—

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 40:2116(D)(4), relative to nursing facilities; to except nursing facilities from the moratorium on additional beds for nursing facilities under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 97 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 15, after "ten" and before the period "." insert ", and those ten beds shall not be occupied by any resident who first enters the facility as a skilled nursing resident"

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

SENATE BILL NO. 98—

BY SENATORS SCHEDLER, BAJOIE, CHAISSON, CHEEK, N. GAUTREAUX, JACKSON AND MCPHERSON

AN ACT

To enact Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R. S. 39:100.42, relative to special funds; to create the New Opportunities Waiver Fund as a special fund in the state treasury; to provide for the dedication of certain revenues and for the deposit of and use of monies in the fund; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 98 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 16, delete "twenty-five" and insert "five"

AMENDMENT NO. 2

On page 1, line 17, after "fund revenue" and before "as recognized" insert ", not to exceed fifty million dollars in any fiscal year."

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

SENATE BILL NO. 104—

BY SENATOR JACKSON

AN ACT

To enact Chapter 53 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3101 through 3109, relative to banks and banking; to establish banking development districts in certain areas; to authorize the commissioner of the Office of Financial Institutions to promulgate certain rules and regulations; to provide criteria for establishing banking services in the proposed district; to provide for an application process; to allow for the deposit of certain public funds in certain financial institutions; to authorize the abatement of taxes for a financial institution located in the district; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 104 by Senator Jackson

AMENDMENT NO. 1

On page 2, line 17 delete "finance commission" and insert "commissioner"

AMENDMENT NO. 2

On page 2, between lines 19 and 20 insert the following:

"(2) A report prepared by the secretary of the Department of Economic Development which shall determine whether or not the proposed banking development district meets the following criteria:"

AMENDMENT NO. 3

On page 2, line 20 change "(2)" to "(a)"

AMENDMENT NO. 4

On page 2, line 21 change "(3)" to "(b)"

AMENDMENT NO. 5

On page 2, line 23 change "(4)" to "(c)"

AMENDMENT NO. 6

On page 2, line 24 change "(5)" to "(d)"

AMENDMENT NO. 7

On page 3, line 8 change "sixty-first" to "ninety-first"

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

SENATE BILL NO. 118—

BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 29:412 and 414, relative to credit in retirement systems for service in the uniformed services; to provide for payment of contributions to public retirement systems for such service credit; to provide for time periods for payment of such contributions; to specify that any employee of the city of Shreveport or the city of Bossier City who is a member of the Firefighters' Retirement System or the Municipal Police Employees' Retirement System shall have certain employee contributions funded by his employer; to provide for refunds of certain previously paid amounts; to prohibit the use of certain assessments against insurers for payment of such contributions; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 118 by Senator Malone

AMENDMENT NO. 1

On page 1, at the end of line 5 delete "or the" and at the beginning of line 6 delete "city of Bossier City"

AMENDMENT NO. 2

On page 1, line 7 after "System" and before "shall" insert "and any employee of the city of Bossier City"

AMENDMENT NO. 3

On page 2, line 13 after "B.(1)" and before "member" change "Any" to "Each"

AMENDMENT NO. 4

On page 2, line 14, after "Shreveport" and before "who" delete "or the city of Bossier City"

AMENDMENT NO. 5

On page 2, line 15 after "System" and before the comma "," insert "and each member of the Louisiana National Guard employed by the city of Bossier City"

AMENDMENT NO. 6

On page 2, line 26 after "Shreveport" and before "who" delete "or the city of Bossier City"

AMENDMENT NO. 7

On page 2, line 28 after "System" and before the comma "," insert "and each member of the Louisiana National Guard employed by the city of Bossier City"

AMENDMENT NO. 8

On page 3, line 9, between the word "plus" and "interest", insert the word "actuarial"

AMENDMENT NO. 9

On page 3, line 14, between the word "contributions" and "required" insert the phrase "or interest"

AMENDMENT NO. 10

On page 4, line 29 after "E.(1)" and before "member" change "Any" to "Each"

AMENDMENT NO. 11

On page 5, line 1 after "Shreveport" and before "who" delete "or the city of Bossier City"

AMENDMENT NO. 12

On page 5, line 3 after "System" and before the comma "," insert "and each member of the Louisiana National Guard employed by the city of Bossier City"

AMENDMENT NO. 13

On page 5, line 7, between the word "the" and "interest", insert the word "actuarial"

AMENDMENT NO. 14

On page 5, line 21 after "System" and before "or" insert comma ", the Municipal Employees' Retirement System."

AMENDMENT NO. 15

On page 6, at the beginning of line 2, delete the phrase "upon his application to the system for such refund"

AMENDMENT NO. 16

On page 6, line 5, after the phrase "system shall" delete the remainder of the line

AMENDMENT NO. 17

On page 6, line 6, between the word "amount" and "refunded",

insert the phrase "to be"

AMENDMENT NO. 18

On page 6, line 8, between the word "to" and "the", delete the phrase "the system on behalf of"

AMENDMENT NO. 19

On page 6, line 9, between the word "the" and "allowing", delete the word "system" and insert the word "employee" in lieu thereof

AMENDMENT NO. 20

On page 6, at the end of line 10, insert the following: "Upon paying the total amount of such refunded contributions to the employee, the city shall notify the system of such payment. Within thirty days of the system's receipt of such notice, the system shall reimburse to the city an amount equal to the contributions refunded to the employee, without interest."

AMENDMENT NO. 21

On page 6, line 14, between the word "contributions" and "required" insert the phrase "or interest"

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

SENATE BILL NO. 124—

BY SENATOR BROOME

AN ACT

To enact Subpart B-37 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.731 through 130.737 and R.S. 47:6026, relative to community economic development entities and tax credits relating to these entities; to provide for community development corporations and community development financial institutions; to provide definitions; to provide for the duties and responsibilities of the Department of Economic Development relative to such entities; to provide for the establishment of criteria for such entities; to provide for community economic development tax credits; to provide for the expiration of such credits; to provide for audit and performance review procedures for such entities; to provide for the expiration of such provisions; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title, ordered engrossed, and recommitted to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 191—

BY SENATOR MURRAY

AN ACT

To enact Subpart N of Part II-A of Subtitle I of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.51, relative to special funds; to establish the Hurricane Recovery Health Insurance Premium Fund as a special fund in the state treasury; to provide for uses of the monies in the fund; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Insurance. The bill was read by title, ordered engrossed, and recommitted to the Committee on Finance.

SENATE BILL NO. 223—

BY SENATOR MICHOT

AN ACT

To amend and reenact R. S. 32:861(B)(2), (C)(1)(a) and (b), and 900(B)(2)(a), (b) and (c), relative to motor vehicle insurance; to provide for compulsory motor vehicle liability insurance limits; to provide for security and proof of financial responsibility; to increase the amount of insurance or security required; to increase the amount of deposit required in lieu of liability bond or policy, and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 223 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, after "R.S." insert "22:681 and R.S."

AMENDMENT NO. 2

On page 1, line 6, after "policy" change the "," to a ";" and insert the following: "to provide insurance coverage for rental motor vehicles;"

AMENDMENT NO. 3

On page 1, between lines 7 and 8, insert the following:

"Section 1. R.S. 22:681 is hereby amended and reenacted to read as follows:

§681. Coverage of temporary, substitute, and rental vehicles

Every approved insurance company, reciprocal or exchange, writing automobile liability, physical damage, or collision insurance, shall extend to temporary substitute motor vehicles as defined in the applicable insurance policy and rental ~~private passenger automobiles~~ **motor vehicles** any and all such insurance coverage in effect in the original policy or policies. Where an insured has coverage on multiple vehicles, at least one of which has comprehensive and collision insurance coverage, that comprehensive and collision substitute coverage shall apply to the temporary substitute motor vehicle or rental motor vehicle. Such insurance shall be primary. However, if other automobile insurance coverage is purchased by the insured for the temporary substitute or rental motor vehicle, that coverage shall become primary. The coverage purchased by the insured shall not be considered a collateral source.

* * *

AMENDMENT NO. 4

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

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

SENATE BILL NO. 226—

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 40:4(A)(2)(b)(ii), (iii), (iv), and (v) and to enact R.S. 40:4(A)(2)(b)(vi) and (vii), relative to the sanitary code; to provide for home-generated sharps waste; to provide for the packaging, storage, treatment, and transportation of home-generated sharps waste; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 226 by Senator Fontenot

AMENDMENT NO. 1

On page 2, delete lines 14 through 19 and insert:

"(iii) Promulgate rules and regulations for the packaging, storage, treatment, disposal, and transportation of home-generated sharps waste by January 1, 2009. Such rules and regulations shall provide for public education programs and community outreach programs which will ensure the proper handling and disposal of such sharps waste."

AMENDMENT NO. 2

On page 3, delete line 11

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

SENATE BILL NO. 240—

BY SENATOR AMEDEE

AN ACT

To enact R.S. 40:1730.49, relative to commercial regulations; to provide for energy efficiency and conservation requirements for state-funded major facility projects; to provide for the design, construction, and certification of certain major facility projects; to provide for rules and regulations; to provide for inspections; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 240 by Senator Amedee

AMENDMENT NO. 1

On page 1, line 11, delete the first "**and**" and "**section**"

AMENDMENT NO. 2

On page 1, line 13, between "**of**" and "**buildings**" insert "**state-funded**"

AMENDMENT NO. 3

On page 2, line 1, change "**state**" to "**state-funded**"

AMENDMENT NO. 4

On page 2, line 4, between "**inappropriate**" and "**building**" insert "**state-funded**"

AMENDMENT NO. 5

On page 2, line 5, change "**municipal**" to "**public**"

AMENDMENT NO. 6

On page 2, line 8, between "**a**" and "**building**" insert "**state-funded**"

AMENDMENT NO. 7

On page 2, line 12, change "**All major facility projects**" to "**Each major facility project**"

AMENDMENT NO. 8

On page 2, line 13, before the period "." insert "**where it is determined by the office of facility planning and control that such thirty percent efficiency is cost effective based on a life cycle cost analysis with a payback at no more than thirty years**"

AMENDMENT NO. 9

On page 2, line 21, delete "**section**"

AMENDMENT NO. 10

On page 2, delete lines 24-26

AMENDMENT NO. 11

On page 2, line 27, change "**E.**" to "**D.**"

AMENDMENT NO. 12

On page 3, line 3, change "**F.**" to "**E.**"

AMENDMENT NO. 13

On page 3, line 6, change "**five**" to "**twenty**" and at the end of the line before the period "." insert "**from the effective date of this Section until January 1, 2009; then fifteen thousand gross square feet until January 1, 2010; then ten thousand gross square feet until January 1, 2011, and then five thousand gross square feet thereafter**"

AMENDMENT NO. 14

On page 3, delete lines 9 and 10

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

May 24, 2007

SENATE BILL NO. 241—
BY SENATOR BOASSO

AN ACT

To enact R.S. 40:1300.143(3)(a)(xiii), relative to the Rural Hospital Preservation Act; to add certain hospitals to the definition of a rural hospital; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 241 by Senator Boasso

AMENDMENT NO. 1

On page 2, line 1, delete "a Louisiana National Guard Base" and insert "Jackson Barracks"

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

SENATE BILL NO. 273—
BY SENATOR KOSTELKA

AN ACT

To amend and reenact R.S. 9:3550(G)(2) and (3)(a), relative to insurance premium finance; to provide for actions to be taken by an premium finance company to cancel an insurance contract when the loan payments are not made; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 273 by Senator Kostelka

AMENDMENT NO. 1

On page 2, line 2 delete "intent to cancel" and insert "cancellation of"

AMENDMENT NO. 2

On page 2, line 5 delete "intent to cancel" and insert "cancellation"

AMENDMENT NO. 3

On page 2, line 7 delete "intent to cancel" and insert "cancellation"

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

SENATE BILL NO. 285—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 51:2453(1), (2), (5), 2454(B), (C), 2455(E)(2), 2457(A)(2)(b), (c), and (f)(i), 2461(B), and 2462, and to enact R.S. 51:2453(6), and 2457(A)(2)(h), relative to the Louisiana Quality Job Program; to provide for the benefit rate; to provide for wages; to designate certain distressed regions in this state; to provide for health care benefits; to extend the deadline to accept applications for the program; to provide for the applicability of existing contracts; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 285 by Senator Michot

AMENDMENT NO. 1

On page 1, line 4 change "Job" to "Jobs"

AMENDMENT NO. 2

On page 13, line 3 after "Session" delete the remainder of the line

AMENDMENT NO. 3

On page 13, at the beginning of line 4 delete "execution of a contract in accordance with this Chapter, shall" and insert "may"

AMENDMENT NO. 4

On page 13, at the end of line 4 between "contracts" and the comma "," insert "or advance notification"

AMENDMENT NO. 5

On page 13, line 7 after "executed" insert "or filed"

AMENDMENT NO. 6

On page 13, at the end of line 7 change "June" to "December"

AMENDMENT NO. 7

On page 13, at the beginning of line 8 change "30" and "31"

AMENDMENT NO. 8

On page 13, line 9 after "time" delete "for" and insert "of the execution of the original contract or"

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

House Bills and Joint Resolutions
on Second Reading
Reported by Committees

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

HOUSE BILL NO. 254—

BY REPRESENTATIVES ERDEY, MONTGOMERY, ARNOLD, CURTIS, GEYMANN, HARRIS, KLECKLEY, ROBIDEAUX, SCHNEIDER, AND TRAHAN

AN ACT

To enact R.S. 11:2173(C), relative to the Sheriffs' Pension and Relief Fund; to provide for advance education for candidates for membership on the board of trustees; to provide for educational requirements; to provide for place and manner of educational sessions; to provide for costs of such educational sessions; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Engrossed House Bill No. 254 by Representative Erdey

AMENDMENT NO. 1

On page 1, line 17 after "relative to" delete the remainder of the line and delete line 18 in its entirety and insert in lieu thereof "the law, rules, and regulations applicable to the fund, including information regarding the funding of the system."

AMENDMENT NO. 2

On page 2, line 1 after "of" delete the remainder of the line and insert in lieu thereof "fiduciary duty and ethics"

AMENDMENT NO. 3

On page 2, line 8 change "will" to "shall"

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

HOUSE BILL NO. 303—BY REPRESENTATIVE TRAHAN
AN ACT

To amend and reenact R.S. 6:1094(C)(1), relative to licensees under the Residential Mortgage Lending Act; to provide for continuing professional education for persons seeking to reinstate or renew their license; and to provide for related matters.

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

HOUSE BILL NO. 307—BY REPRESENTATIVES DAMICO AND PINAC
AN ACT

To amend and reenact R.S. 37:1442(B), (C), and (D), 1443(4)(a) and (b), and 1462(A), relative to the Louisiana Real Estate Commission; to provide for a delinquent renewal time period for active or inactive license or registration; to provide an increase in delinquent renewal fees; to provide for conditions for recovery relative to consent judgments; and to provide for related matters.

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

HOUSE BILL NO. 314—BY REPRESENTATIVE BRUCE
AN ACT

To amend and reenact R.S. 6:1088(F)(4), to enact R.S. 6:103(B)(16), 1083(3.2), and 1088.1, and to repeal R.S. 6:1092(J), relative to the Office of Financial Institutions; to provide for the disclosure of information in connection with an online licensing system; to provide for a definition of licensing system; to provide for rejection of a renewal application for licensure; to provide for the establishment and implementation of a licensing system; to provide for collection and imposition of fees by a third party; and to provide for related matters.

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

HOUSE BILL NO. 317—BY REPRESENTATIVES GEYMAN AND SCHNEIDER
AN ACT

To enact R.S. 6:1090(I), relative to the Residential Mortgage Lending Act; to provide for a restriction on licensees; and to provide for related matters.

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

HOUSE BILL NO. 355—BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 37:766 and 780(B)(1), relative to the practice of dentistry; to provide for employment of dental hygienists; to provide for operations of dental hygienists; to provide for the committee's authority relative to administrative hearings; and to provide for related matters.

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

HOUSE BILL NO. 387—BY REPRESENTATIVE FARRAR
AN ACT

To amend and reenact R.S. 37:2805(B)(1)(d), 2808(2), 2809(A)(9), and 2810(B), relative to the procedures of the Louisiana Board of Chiropractic Examiners; to provide for licensing requirements; to provide for fees; and to provide for related matters.

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

HOUSE BILL NO. 439—BY REPRESENTATIVE DOERGE
AN ACT

To amend and reenact R.S. 11:788(B)(2), to enact R.S. 11:449(E), and to repeal R.S. 11:788(B)(3), relative to the Teachers' Retirement System of Louisiana and the Louisiana State Employees' Retirement System; to provide with respect to eligibility to redeposit all or any part of an eligible rollover distribution by retirees who received a qualified distribution pursuant to the Katrina Emergency Tax Relief Act of 2005 or the Gulf Opportunity Zone Act of 2005; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 457—BY REPRESENTATIVE ARNOLD AND SENATOR B. GAUTREAUX
AN ACT

To amend and reenact R.S. 11:2260(A)(9) and R.S. 24:513(C)(1), relative to the Firefighters' Retirement System; to provide relative to audits of employers conducted by the system's board of trustees or the legislative auditor; to provide relative to the powers and duties of the board and the legislative auditor with respect to such audits; to provide for access by the legislative auditor to system and employer books, records, documents, and accounts; to provide penalties for failure of an employer to provide access to records; to provide for an effective date; and to provide for related matters.

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

Rules Suspended

Senator Smith asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 112 from the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 112—BY SENATOR SMITH
AN ACT

To amend and reenact R.S. 38:2321, 2322(A)(1) and (B), and 2326 and to enact R.S. 38:2322(A)(3), (D), (E), and (F), 2322.1, and 2325(C), relative to the Sabine River Authority; to provide for the membership of the board of commissioners; to establish districts within the authority and establish and provide for committees for each district; to provide with respect to the exercise of the powers of the board upon committee recommendation; and to provide for related matters.

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

Reconsideration

On motion of Senator Fields, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, May 23, 2007, was reconsidered.

May 24, 2007

SENATE BILL NO. 269—
BY SENATOR FIELDS

AN ACT

To repeal R.S. 13:4521, relative to court costs paid by the state and its political subdivisions; and to provide for related matters.

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 269 by Senator Fields

AMENDMENT NO. 1

In the set of Senate Floor Amendments, proposed by Senator Fields and adopted by the Senate on May 23, 2007, in Senate Floor Amendment No.1, on page 1, line 2, after "4524" insert "and 4525"

AMENDMENT NO. 2

In the set of Senate Floor Amendments, proposed by Senator Fields and adopted by the Senate on May 23, 2007, in Senate Floor Amendment No.3, on page 1, between lines 19 and 20, insert the following:

"§4525. Payment of certain court costs by local governmental entities

A local governmental entity may enter into a cooperative endeavor agreement with a district court to provide that such local governmental entity shall be exempted from paying any court costs."

On motion of Senator Fields, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|--------------|-------------|------------|
| Mr President | Duplessis | McPherson |
| Adley | Ellington | Michot |
| Amedee | Fields | Mount |
| Bajoie | Fontenot | Murray |
| Barham | Gautreaux B | Nevers |
| Boasso | Heitmeier | Romero |
| Broome | Hollis | Schedler |
| Cain | Jackson | Shepherd |
| Cassidy | Jones | Smith |
| Cheek | Malone | Theunissen |
| Cravins | Marionneaux | Ullo |
| Total - 33 | | |

NAYS

Total - 0

ABSENT

| | | |
|-----------|-------------|---------|
| Chaisson | Gautreaux N | Lentini |
| Dupre | Kostelka | Quinn |
| Total - 6 | | |

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

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

SENATE BILL NO. 66—

BY SENATORS ADLEY, CAIN, DUPLESSIS, DUPRE, N. GAUTREAUX, HOLLIS, KOSTELKA, MALONE, MARIONNEAUX, MICHOT, MOUNT, MURRAY, NEVERS, AMEDEE, BARHAM, BROOME, CASSIDY, CHEEK, CRAVINS, ELLINGTON, FONTENOT, B. GAUTREAUX, LENTINI, MCPHERSON, ROMERO, SMITH, THEUNISSEN AND ULLO

AN ACT

To amend and reenact R.S. 47:293(7) and to enact R.S. 47:293(2) and (6)(a)(i), relative to income tax deductions; to provide for a deduction for excess federal itemized deductions; 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. 66 by Senator Adley

AMENDMENT NO. 1

On page 1, line 6, following "Section 1." delete the remainder of the line and delete line 7 in its entirety and insert "R.S. 47:293(7) is hereby amended and reenacted and R. S. 47:293(2) and (6)(a)(i) are hereby enacted to read as follows:"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Adley sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 66 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "47:293" and before "(7)" insert "(3) and"

AMENDMENT NO. 2

On page 1, line 4, after "deductions;" insert: "to modify the state deduction for federal income tax paid;"

AMENDMENT NO. 3

On page 1, delete lines 6 and 7, and insert: "Section 1. R.S. 47:293(3) and (7) are hereby amended and reenacted and R.S. 47:293(2) and (6)(a)(i) are hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 2, between lines 5 and 6, insert: "(3) "Federal income tax liability", for the purpose of this Part, means the total amount of tax due to the United States for the taxable period on the individual income tax return required to be filed by any taxpayer, except that:

(a) Social security taxes and self-employment taxes shall not be included.

(b)(i) Beginning for taxable years beginning in 2004, the federal income tax liability shall be increased by all of the following: (aa) any federal income tax credits determined by the secretary to be disaster relief credits.

(bb) The amount by which an individual's federal income tax due to the United States for the taxable period was decreased as a result of claiming a deduction for casualty losses.

(ii) Any determination to be made by the secretary as provided for in this Subparagraph and in R.S. 47:287.85(C)(2) shall be made in accordance with rules and regulations promulgated by the secretary and approved by the Senate Revenue and Fiscal Affairs Committee and the House Committee on Ways and Means meeting jointly."

AMENDMENT NO. 5

On page 2, line 19, after "shareholders," insert: "the deduction for expenses disallowed by I.R.C. Section 280C,"

On motion of Senator Adley, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|------------|-------------|------------|
| Adley | Ellington | McPherson |
| Amedee | Fields | Michot |
| Bajoie | Fontenot | Mount |
| Barham | Gautreaux B | Murray |
| Boasso | Gautreaux N | Nevers |
| Broome | Heitmeier | Romero |
| Cain | Hollis | Schedler |
| Cassidy | Jackson | Shepherd |
| Cheek | Jones | Smith |
| Cravins | Lentini | Theunissen |
| Duplessis | Malone | Ullo |
| Dupre | Marionneaux | |
| Total - 35 | | |

NAYS

Total - 0

ABSENT

| | |
|--------------|----------|
| Mr President | Kostelka |
| Chaisson | Quinn |
| Total - 4 | |

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

Rules Suspended

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 47—

BY SENATOR SHEPHERD

A RESOLUTION

To commend Ida Taylor Tatum of Westwego, Louisiana on the occasion of her seventieth birthday.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

NATURAL RESOURCES

Senator Max T. Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

May 24, 2007

To the President and Members of the Senate:

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

SENATE BILL NO. 117—

BY SENATOR MALONE

AN ACT

To enact R.S. 56:292, relative to wild quadrupeds; to prohibit the feeding of wild alligators; to provide exceptions; to provide terms and penalties; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
MAX T. MALONE
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 24, 2007

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 Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 14—

BY SENATOR CHEEK

A RESOLUTION

To urge and request the Department of Transportation and Development to install directional signs at the Jewella Avenue exits on Louisiana Highway 3132 in Shreveport to indicate the location of Ayers Career College.

SENATE RESOLUTION NO. 23—

BY SENATORS BROOME, BAJOIE, CHEEK, DUPLESSIS, JACKSON, MOUNT AND QUINN

A RESOLUTION

To recognize Thursday, May 17, 2007, as Louisiana Legislators Wear Red Day for Women and to recognize the importance of promoting women's health and well-being.

SENATE RESOLUTION NO. 25—

BY SENATORS NEVERS, BROOME AND JACKSON

A RESOLUTION

To recognize Tuesday, May 15, 2007, as Tourism Awareness Day.

SENATE RESOLUTION NO. 26—

BY SENATOR CHEEK

A RESOLUTION

To commend Azalea Estates Assisted Living and Retirement Community of Shreveport upon celebrating eleven years of dedicated service to the community.

SENATE RESOLUTION NO. 24—

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

A RESOLUTION

To proclaim May 16, 2007, as "Dyslexia Awareness Day."

SENATE RESOLUTION NO. 28—
BY SENATOR SCHEDLER

A RESOLUTION

To commend Mississippi State Representative Steve Holland upon his successful passage of the Hospice Moratorium.

SENATE RESOLUTION NO. 27—
BY SENATOR BAJOIE

A RESOLUTION

To commend University of New Orleans for its many contributions to the city and to the state of Louisiana, and to declare May 17, 2007, as UNO Day at the Legislature.

SENATE RESOLUTION NO. 29—
BY SENATOR ADLEY

A RESOLUTION

To commend the efforts of the organizers of the Louisiana Hugh O'Brian Youth Leadership seminars and to recognize May 25, 2007, as Hugh O'Brian Youth Leadership Day in the state of Louisiana.

SENATE RESOLUTION NO. 30—
BY SENATOR SHEPHERD

A RESOLUTION

To commend the Santa Fe First Baptist Church of Purcell, Oklahoma and Pastor Rick D. McNeal for their efforts and compassion in assisting Louisiana evacuees from Hurricane Katrina.

SENATE RESOLUTION NO. 31—
BY SENATORS SHEPHERD AND ULLO

A RESOLUTION

To commend and congratulate Charles and Ursula Allen for their contributions to St. Joseph the Worker Catholic Church and the surrounding community.

SENATE RESOLUTION NO. 40—
BY SENATOR BROOME

A RESOLUTION

To commend Rabbi Barry Weinstein for his outstanding devotion to community service and for the many contributions he has rendered to the citizens of Baton Rouge and to the state of Louisiana.

SENATE RESOLUTION NO. 41—
BY SENATORS MARIONNEAUX AND SHEPHERD

A RESOLUTION

To declare Tuesday, June 5, 2007, Military Family Day in the Louisiana Senate in honor of Louisiana's fallen armed forces.

SENATE RESOLUTION NO. 43—
BY SENATOR CHEEK

A RESOLUTION

To commend Phylis Skains on being presented a 2006-2007 Volunteer of the Year Award.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

Message to the Secretary of State

SIGNED

SENATE CONCURRENT RESOLUTIONS

May 24, 2007

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 28—

BY SENATORS DUPRE AND B. GAUTREUX AND REPRESENTATIVES BALDONE, DARTEZ AND DOVE AND SENATORS ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CASSIDY, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, ELLINGTON, FIELDS, FONTENOT, N. GAUTREUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of James Buquet, Jr., philanthropist, business owner, banker, civic leader, veteran, and one of Louisiana's greatest benefactors.

SENATE CONCURRENT RESOLUTION NO. 43—

BY SENATORS MCPHERSON, SMITH, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CASSIDY, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREUX, N. GAUTREUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, THEUNISSEN AND ULLO AND REPRESENTATIVES ALARIO, ALEXANDER, ANDERS, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CHANDLER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMANN, GRAY, GREENE, ELBERT GUILLORY, ELCIE GUILLORY, MICKEY GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, LORUSSO, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRIS, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WILLIAMS, WINSTON AND WOOTON

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Roy O. Martin, Jr., the former president and CEO of Roy O. Martin Lumber Management, L.L.C., and philanthropist.

SENATE CONCURRENT RESOLUTION NO. 50—
BY SENATOR ELLINGTON

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Pete Mercer of Mangham, Louisiana.

SENATE CONCURRENT RESOLUTION NO. 51—

BY SENATORS ELLINGTON, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CASSIDY, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, DUPRE, FIELDS, FONTENOT, B. GAUTREUX, N. GAUTREUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES ALARIO, ALEXANDER, ANDERS, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CHANDLER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMANN, GRAY, GREENE, ELBERT GUILLORY, ELCIE GUILLORY, MICKEY GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, LORUSSO, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRIS, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WILLIAMS, WINSTON AND WOOTON

A CONCURRENT RESOLUTION

To commend Kenneth A. Ardoin on the occasion of his retirement from Pfizer Pharmaceutical Company.

SENATE CONCURRENT RESOLUTION NO. 56—
BY SENATORS MALONE AND CHEEK

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Lauren Leigh Colvin of Shreveport, Louisiana.

SENATE CONCURRENT RESOLUTION NO. 44—
BY SENATOR ELLINGTON AND REPRESENTATIVE KENNEY
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Nell Dailey McLemore of Winnsboro, Louisiana.

SENATE CONCURRENT RESOLUTION NO. 46—
BY SENATOR ELLINGTON
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Jack Keahey, president of the Board of Commissioners of the Tensas Basin Levee District.

SENATE CONCURRENT RESOLUTION NO. 47—
BY SENATOR MOUNT
A CONCURRENT RESOLUTION

To commend and congratulate Reverend Dr. Doug Ezell upon the occasion of his retirement as Lake Charles District Superintendent of the United Methodist Church.

SENATE CONCURRENT RESOLUTION NO. 45—
BY SENATORS FONTENOT AND BROOME
A CONCURRENT RESOLUTION

To designate May 16, 2007, as Louisiana Housing Council Day.

SENATE CONCURRENT RESOLUTION NO. 59—
BY SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend Harold "Hal" Boutte, Jr. upon receiving honorable mention as a 2007 Goldwater Scholar.

SENATE CONCURRENT RESOLUTION NO. 60—
BY SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend Claire Kendig upon her selection as a 2007 Goldwater Scholar.

SENATE CONCURRENT RESOLUTION NO. 61—
BY SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend Cynthia "CC" Dubois upon her selection to USA Today's All-USA College Academic Team.

SENATE CONCURRENT RESOLUTION NO. 62—
BY SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend Jacquelyn Zimmerman upon her selection to USA Today's All-USA College Academic Team, third team.

SENATE CONCURRENT RESOLUTION NO. 63—
BY SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend John Casey upon his selection as a 2007 Goldwater Scholar.

SENATE CONCURRENT RESOLUTION NO. 48—
BY SENATORS BARHAM AND ADLEY AND REPRESENTATIVES ALARIO, ALEXANDER, ANDERS, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CHANDLER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GRAY, GREENE, ELBERT GUILLORY, ELCIE GUILLORY, MICKEY GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, LORUSSO, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRIS, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WILLIAMS, WINSTON AND WOOTON
A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana State University Fighting Tigers football team for its accomplishments in the 2006 season and for winning the Allstate Sugar Bowl.

SENATE CONCURRENT RESOLUTION NO. 52—

BY SENATOR BROOME AND REPRESENTATIVES ALARIO, ALEXANDER, ANDERS, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CHANDLER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GRAY, GREENE, ELBERT GUILLORY, ELCIE GUILLORY, MICKEY GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, LORUSSO, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRIS, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WILLIAMS, WINSTON AND WOOTON

A CONCURRENT RESOLUTION

To commend and to congratulate the LSU "Lady Tigers" Women's Basketball program for its accomplishments during the 2006-2007 season and for securing a berth in the NCAA Final Four tournament.

SENATE CONCURRENT RESOLUTION NO. 54—

BY SENATORS HINES, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CASSIDY, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAU, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To acknowledge May 16, 2007, as the seventy-fifth anniversary of the dedication of the Louisiana State Capitol.

SENATE CONCURRENT RESOLUTION NO. 55—
BY SENATOR CASSIDY

A CONCURRENT RESOLUTION

To commend Nita Clark upon her selection as a 2007 Udall Scholar.

SENATE CONCURRENT RESOLUTION NO. 57—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To proclaim May 22, 2007, as Junior League of Louisiana Day.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

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

ENROLLMENTS

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

May 24, 2007

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 Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 25—

BY SENATORS DUPLESSIS, BAJOE, BOASSO, BROOME, FIELDS, B. GAUTREAU, JACKSON, MURRAY AND SCHEDLER

A CONCURRENT RESOLUTION

To memorialize the United States Congress and the Internal Revenue Service to take such actions as are necessary to prevent the taxation of rebuilding grants from the state's Road Home program.

May 24, 2007

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

| | | | |
|----------|-------|----------|-------|
| Chaisson | 1 Day | Kostelka | 1 Day |
| Quinn | 1 Day | | |

Adjournment

Senator Bajoie moved that the Senate adjourn until Tuesday, May 29, 2007, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Tuesday, May 29, 2007.

GLENN A. KOEPP
Secretary of the Senate

LYNDA E. WHEELER
Journal Clerk