

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

Tuesday, May 8, 2007

The Senate was called to order at 3:00 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	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Cassidy	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 39		

ABSENT

Total - 0

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

Prayer

The prayer was offered by Apostle Sherman L. Shelton, 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

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 3:20 P.M. by the Honorable Don Hines, President of the Senate.

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

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

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

On motion of Senator Malone, the Senate retired to its own chamber.

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	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Cassidy	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 39		

ABSENT

Total - 0

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

**Senate Business Resumed
After Joint Session**

**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 LENTINI

AN ACT

To enact Chapter 13-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2269, relative to a supplemental criminalistics laboratory fund; to create a supplemental criminalistics laboratory fund as a special fund in the state treasury; to provide for terms and conditions; to provide for investment of monies in the fund; to provide for use of monies in the fund; and to provide for related matters.

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

SENATE BILL NO. 336—

BY SENATOR FONTENOT

AN ACT

To enact R.S. 33:4574.16, relative to East Baton Rouge Parish; to provide relative to the Baton Rouge Area Convention and Visitors Bureau; to provide relative to the powers and duties of the bureau; and to provide for related matter, 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.

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 40— BY SENATOR SHEPHERD A CONCURRENT RESOLUTION To designate June 12, 2007, as "YMCA Day in Louisiana."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr President, Amedee, Bajoie, Barham, Broome, Cain, Cassidy, Chaisson, Dupre, Ellington, Total - 28; Fields, Fontenot, Gautreaux B, Hollis, Jackson, Kostelka, Lentini, Malone, Marionneaux, Mount; Murray, Nevers, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Adley, Boasso, Cheek, Cravins, Total - 11; Duplessis, Gautreaux N, Heitmeier, Jones; McPherson, Michot, Quinn

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

Senate Resolutions on Second Reading

The following Senate Resolutions on second reading were taken up and acted upon as follows:

SENATE RESOLUTION NO. 15— BY SENATOR MARIONNEAUX A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Sergeant Ronnie Lee Sanders upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, 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 8, 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. 22— BY REPRESENTATIVES FARRAR AND LAMBERT AN ACT

To amend and reenact R.S. 15:893.1 (introductory paragraph) and (2), relative to correctional facilities; to provide with respect to inmates who are not eligible for assignment to Work Training Facility North, now J. Levy Dabadie Correctional Center; to correct the name of Work Training Facility North; and to provide for related matters.

HOUSE BILL NO. 62— BY REPRESENTATIVE CROWE AN ACT

To authorize and provide for the transfer of certain state properties in St. Tammany Parish from the division of administration to the city of Slidell.

HOUSE BILL NO. 21— BY REPRESENTATIVES WHITE, ALEXANDER, ANDERS, BAUDOIN, BRUCE, BURNS, R. CARTER, CAZAYOUX, CRANE, CROWE, DARTEZ, DOERGE, DORSEY, DOWNS, DURAND, FRITH, GREENE, HEBERT, HILL, HUTTER, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LAMBERT, LORUSSO, MORRIS, PINAC, M. POWELL, ROMERO, SCALISE, SCHNEIDER, SMILEY, JACK SMITH, JANE SMITH, JOHN SMITH, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, AND WOOTON

AN ACT

To amend and reenact R.S. 14:40.2(B)(1)(b), (2)(a) and (b), (4), and (5) and Code of Criminal Procedure Article 894(A)(1) and to enact R.S. 14:40.2(I), relative to the crime of stalking; to provide for increased penalties in certain circumstances; to provide that stalking convictions are not subject to expungement or benefit of probation, parole, or any suspension of sentence; to provide that misdemeanor convictions for stalking shall not be subject to suspension of execution of sentence; and to provide for related matters.

HOUSE BILL NO. 25— BY REPRESENTATIVES CROWE, KATZ, ALEXANDER, BALDONE, BAUDOIN, BEARD, BOWLER, BURNS, CHANDLER, DARTEZ, ERDEY, FANNIN, FRITH, GEYMAN, GREENE, ELCIE GUILLORY, MICKEY GUILLORY, HEBERT, HILL, HUTTER, JOHNS, KENNEY, KLECKLEY, LAMBERT, LANCASTER, LORUSSO, MARTINY, MONTGOMERY, MORRIS, M. POWELL, T. POWELL, ROBIDEAUX, ROMERO, SCALISE, SMILEY, JACK SMITH, JANE SMITH, STRAIN, THOMPSON, TOWNSEND, TRAHAN, WADDELL, WALSWORTH, WHITE, AND WILLIAMS

AN ACT

To amend and reenact R.S. 40:1299.35.6(C)(1)(a) and to enact R.S. 40:1299.35.6(A)(5)(d) and (B)(1)(g) and (h), relative to the performance of abortions; to provide for informed consent requirements; to provide for publication of materials by the Department of Health and Hospitals; and to provide for related matters.

HOUSE BILL NO. 164— BY REPRESENTATIVES CAZAYOUX AND WHITE AN ACT

To amend and reenact R.S. 15:574.4(A)(3) and (B), relative to parole eligibility; to exclude persons convicted of armed robbery from certain parole eligibility provisions; and to provide for related matters.

HOUSE BILL NO. 178—

BY REPRESENTATIVES DOERGE AND KATZ
AN ACT

To amend and reenact Children's Code Articles 437(A), 603(16.1), and 610(G) and to enact Children's Code Article 603(14.1.1), relative to the Children's Code; to provide for referral to mediation; to provide with respect to the definition of newborn; to add alcohol exposure to the definition of prenatal neglect; to provide for the duty of a physician to issue a report in certain instances; and to provide for related matters.

HOUSE BILL NO. 187—

BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 19:2(10) and R.S. 30:4(C)(17), relative to carbon dioxide pipelines; to authorize the commissioner of conservation to authorize certain carbon dioxide pipeline projects; to provide for the expropriation of property for such pipelines; and to provide for related matters.

HOUSE BILL NO. 243—

BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact Code of Criminal Procedure Article 731(B), relative to the issuance of subpoenas; to authorize the clerk of court for the Twenty-Fourth Judicial District Court to sign subpoenas electronically; and to provide for related matters.

HOUSE BILL NO. 326—

BY REPRESENTATIVES JACK SMITH, FRITH, AND ST. GERMAIN AND SENATORS MALONE AND MCPHERSON
AN ACT

To amend and reenact R.S. 34:851.20(A)(1)(c) and (C) and 851.23(A), relative to boat registration fees; to authorize the imposition of a registration fee on certain boats; to repeal the registration fee for boat liveries; and to provide for related matters.

HOUSE BILL NO. 327—

BY REPRESENTATIVES LAMBERT, JACK SMITH, AND ST. GERMAIN AND SENATOR MCPHERSON
AN ACT

To enact R.S. 56:16, relative to evidence in fish and wildlife cases; to prohibit and provide for penalties for the intentional concealment, destruction, or deposit of fish, wildlife, and other animals in certain instances; and to provide for related matters.

HOUSE BILL NO. 328—

BY REPRESENTATIVES PIERRE, JACK SMITH, AND ST. GERMAIN AND SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 56:30.1 and to enact R.S. 39:198(G), relative to issuance of hunting and fishing licenses; to increase the maximum duration of multiyear contracts let by the Department of Wildlife and Fisheries for the issuance of hunting and fishing licenses through the electronic issuance system; to provide for selection of a contractor; and to provide for related matters.

HOUSE BILL NO. 329—

BY REPRESENTATIVES ST. GERMAIN, FRITH, PIERRE, GARY SMITH, AND JACK SMITH AND SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 56:320(B)(3), 329(B), 405(B), 408(A), 410(A), 499.1(A), and 804(B), relative to use of certain gear for shrimping; to provide uniform references to appropriate gear; and to provide for related matters.

HOUSE BILL NO. 331—

BY REPRESENTATIVES ST. GERMAIN, BALDONE, AND JACK SMITH AND SENATORS MALONE AND MCPHERSON
AN ACT

To amend and reenact R.S. 56:632.5(E) and to enact R.S. 56:632.5(F), relative to reptile and amphibian wholesale/retail dealer's licenses; to authorize the imposition of a fee for a nonresident three-day reptile and amphibian wholesale/retail dealer's license; and to provide for related matters.

HOUSE BILL NO. 342—

BY REPRESENTATIVE WOOTON
AN ACT

To enact Code of Criminal Procedure Article 893.3(J)(6), relative to the imposition of sentence on felony or specifically enumerated misdemeanor in which firearm was possessed, used, or discharged; to add the crime of domestic abuse battery as an enumerated misdemeanor offense; and to provide for related matters.

HOUSE BILL NO. 70—

BY REPRESENTATIVE WADDELL
AN ACT

To amend and reenact R.S. 40:966(E)(3), relative to possession of marijuana; to provide for a fine as a penalty for third or subsequent conviction of possession of marijuana; and to provide for related matters.

HOUSE BILL NO. 114—

BY REPRESENTATIVE BOWLER
AN ACT

To amend and reenact Section 3 of Act No. 222 of the 2005 Regular Session of the Legislature of Louisiana, relative to the transfer of certain state property in Jefferson Parish; to extend the termination date of the Act; and to provide for related matters.

HOUSE BILL NO. 134—

BY REPRESENTATIVE CHANDLER
AN ACT

To amend and reenact Code of Criminal Procedure Article 883.2, relative to restitution to victims of crime; to provide that if the defendant agrees as a term of a plea agreement, the court shall order restitution to be paid to other victims of the defendant's criminal conduct, although those persons are not the victims of the criminal charge to which the defendant pleads; and to provide for related matters.

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 21—

BY REPRESENTATIVES WHITE, ALEXANDER, ANDERS, BAUDOIN, BRUCE, BURNS, R. CARTER, CAZAYOUX, CRANE, CROWE, DARTEZ, DOERGE, DORSEY, DOWNS, DURAND, FRITH, GREENE, HEBERT, HILL, HUTTER, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LAMBERT, LORUSSO, MORRIS, PINAC, M. POWELL, ROMERO, SCALISE, SCHNEIDER, SMILEY, JACK SMITH, JANE SMITH, JOHN SMITH, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, AND WOOTON
AN ACT

To amend and reenact R.S. 14:40.2(B)(1)(b), (2)(a) and (b), (4), and (5) and Code of Criminal Procedure Article 894(A)(1) and to enact R.S. 14:40.2(I), relative to the crime of stalking; to provide for increased penalties in certain circumstances; to provide that stalking convictions are not subject to expungement or benefit of probation, parole, or any suspension of sentence; to provide that misdemeanor convictions for stalking shall not be subject to suspension of execution of sentence; and to provide for related matters.

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

HOUSE BILL NO. 22—

BY REPRESENTATIVES FARRAR AND LAMBERT
AN ACT

To amend and reenact R.S. 15:893.1(introductory paragraph) and (2), relative to correctional facilities; to provide with respect to inmates who are not eligible for assignment to Work Training

May 8, 2007

Facility North, now J. Levy Dabadie Correctional Center; to correct the name of Work Training Facility North; 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. 25—

BY REPRESENTATIVES CROWE, KATZ, ALEXANDER, BALDONE, BAUDOIN, BEARD, BOWLER, BURNS, CHANDLER, DARTEZ, ERDEY, FANNIN, FRITH, GEYMANN, GREENE, ELCIE GUILLORY, MICKEY GUILLORY, HEBERT, HILL, HUTTER, JOHNS, KENNEY, KLECKLEY, LAMBERT, LANCASTER, LORUSSO, MARTINY, MONTGOMERY, MORRIS, M. POWELL, T. POWELL, ROBIDEAUX, ROMERO, SCALISE, SMILEY, JACK SMITH, JANE SMITH, STRAIN, THOMPSON, TOWNSEND, TRAHAN, WADDELL, WALSWORTH, WHITE, AND WILLIAMS

AN ACT

To amend and reenact R.S. 40:1299.35.6(C)(1)(a) and to enact R.S. 40:1299.35.6(A)(5)(d) and (B)(1)(g) and (h), relative to the performance of abortions; to provide for informed consent requirements; to provide for publication of materials by the Department of Health and Hospitals; 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. 62—

BY REPRESENTATIVE CROWE

AN ACT

To authorize and provide for the transfer of certain state properties in St. Tammany Parish from the division of administration to the city of Slidell.

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

HOUSE BILL NO. 70—

BY REPRESENTATIVE WADDELL

AN ACT

To amend and reenact R.S. 40:966(E)(3), relative to possession of marijuana; to provide for a fine as a penalty for third or subsequent conviction of possession of marijuana; and to provide for related matters.

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

HOUSE BILL NO. 114—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact Section 3 of Act No. 222 of the 2005 Regular Session of the Legislature of Louisiana, relative to the transfer of certain state property in Jefferson Parish; to extend the termination date of the Act; and to provide for related matters.

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

HOUSE BILL NO. 134—

BY REPRESENTATIVE CHANDLER

AN ACT

To amend and reenact Code of Criminal Procedure Article 883.2, relative to restitution to victims of crime; to provide that if the defendant agrees as a term of a plea agreement, the court shall order restitution to be paid to other victims of the defendant's criminal conduct, although those persons are not the victims of the criminal charge to which the defendant pleads; and to provide for related matters.

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

HOUSE BILL NO. 164—

BY REPRESENTATIVES CAZAYOUX AND WHITE

AN ACT

To amend and reenact R.S. 15:574.4(A)(3) and (B), relative to parole eligibility; to exclude persons convicted of armed robbery from certain parole eligibility provisions; and to provide for related matters.

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

HOUSE BILL NO. 178—

BY REPRESENTATIVES DOERGE AND KATZ

AN ACT

To amend and reenact Children's Code Articles 437(A), 603(16.1), and 610(G) and to enact Children's Code Article 603(14.1.1), relative to the Children's Code; to provide for referral to mediation; to provide with respect to the definition of newborn; to add alcohol exposure to the definition of prenatal neglect; to provide for the duty of a physician to issue a report in certain instances; 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. 187—

BY REPRESENTATIVES PIERRE AND DANIEL

AN ACT

To amend and reenact R.S. 19:2(10) and R.S. 30:4(C)(17), relative to carbon dioxide pipelines; to authorize the commissioner of conservation to authorize certain carbon dioxide pipeline projects; to provide for the expropriation of property for such pipelines; and to provide for related matters.

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

HOUSE BILL NO. 243—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact Code of Criminal Procedure Article 731(B), relative to the issuance of subpoenas; to authorize the clerk of court for the Twenty-Fourth Judicial District Court to sign subpoenas electronically; and to provide for related matters.

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

HOUSE BILL NO. 326—

BY REPRESENTATIVES JACK SMITH, FRITH, AND ST. GERMAIN AND SENATORS MALONE AND MCPHERSON

AN ACT

To amend and reenact R.S. 34:851.20(A)(1)(c) and (C) and 851.23(A), relative to boat registration fees; to authorize the imposition of a registration fee on certain boats; to repeal the registration fee for boat liveries; and to provide for related matters.

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

HOUSE BILL NO. 327—

BY REPRESENTATIVES LAMBERT, JACK SMITH, AND ST. GERMAIN AND SENATOR MCPHERSON

AN ACT

To enact R.S. 56:16, relative to evidence in fish and wildlife cases; to prohibit and provide for penalties for the intentional concealment, destruction, or deposit of fish, wildlife, and other animals in certain instances; and to provide for related matters.

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

HOUSE BILL NO. 328—
BY REPRESENTATIVES PIERRE, JACK SMITH, AND ST. GERMAIN AND
SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 56:30.1 and to enact R.S. 39:198(G), relative to issuance of hunting and fishing licenses; to increase the maximum duration of multiyear contracts let by the Department of Wildlife and Fisheries for the issuance of hunting and fishing licenses through the electronic issuance system; to provide for selection of a contractor; and to provide for related matters.

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

HOUSE BILL NO. 329—
BY REPRESENTATIVES ST. GERMAIN, FRITH, PIERRE, GARY SMITH,
AND JACK SMITH AND SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 56:320(B)(3), 329(B), 405(B), 408(A), 410(A), 499.1(A), and 804(B), relative to use of certain gear for shrimping; to provide uniform references to appropriate gear; and to provide for related matters.

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

HOUSE BILL NO. 331—
BY REPRESENTATIVES ST. GERMAIN, BALDONE, AND JACK SMITH
AND SENATORS MALONE AND MCPHERSON

AN ACT

To amend and reenact R.S. 56:632.5(E) and to enact R.S. 56:632.5(F), relative to reptile and amphibian wholesale/retail dealer's licenses; to authorize the imposition of a fee for a nonresident three-day reptile and amphibian wholesale/retail dealer's license; and to provide for related matters.

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

HOUSE BILL NO. 342—
BY REPRESENTATIVE WOOTON

AN ACT

To enact Code of Criminal Procedure Article 893.3(J)(6), relative to the imposition of sentence on felony or specifically enumerated misdemeanor in which firearm was possessed, used, or discharged; to add the crime of domestic abuse battery as an enumerated misdemeanor offense; and to provide for related matters.

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

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 7, 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. 76—
BY REPRESENTATIVE BAYLOR

A CONCURRENT RESOLUTION

To recognize the month of May annually as Louisiana Physical Fitness and Sports Month.

HOUSE CONCURRENT RESOLUTION NO. 77—
BY REPRESENTATIVE JOHNS

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate a portion of Louisiana Highway 109 in Calcasieu Parish as the "Reverend A. L. O'Brien Memorial Highway" and to erect proper signage along this route reflecting this designation.

HOUSE CONCURRENT RESOLUTION NO. 78—
BY REPRESENTATIVE JANE SMITH

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate a portion of Interstate 20 in Caddo and Bossier parishes as "Purple Heart Recipients Highway" and to erect proper signage along this route reflecting this designation.

HOUSE CONCURRENT RESOLUTION NO. 79—
BY REPRESENTATIVE FARRAR

A CONCURRENT RESOLUTION

To urge and request the commissioner of conservation to require public water systems to conduct periodic water loss audits.

HOUSE CONCURRENT RESOLUTION NO. 80—
BY REPRESENTATIVE PITRE

A CONCURRENT RESOLUTION

To memorialize the United States Congress, the president of the United States, and the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force to fulfill their commitment to address the problem of hypoxia in the Gulf of Mexico.

HOUSE CONCURRENT RESOLUTION NO. 83—
BY REPRESENTATIVE SALTER AND SENATOR HINES

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to continue the current United States sugar program in the 2007 Farm Bill.

HOUSE CONCURRENT RESOLUTION NO. 84—
BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION

To urge and request the Department of Economic Development to prepare a report with respect to any known business studies that rank Louisiana's economy or its businesses against the economies or businesses of other states.

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVE CAZAYOUX AND SENATOR MARIONNEAUX

A CONCURRENT RESOLUTION

To extend condolences to the family of Edwin Joseph "Big Daddy" Leonards of Pointe Coupee Parish.

HOUSE CONCURRENT RESOLUTION NO. 87—
BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To recognize May 13 through May 19, 2007, as Police Week and May 15, 2007, as Peace Officers Memorial Day, to commend law enforcement officers, and to encourage all citizens to join in the week's special commemorative tributes.

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

May 8, 2007

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 BAYLOR

A CONCURRENT RESOLUTION

To recognize the month of May annually as Louisiana Physical Fitness and Sports Month.

The resolution was read by title. Senator Jackson 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, Amedee, Bajoie, Barham, Broome, Cain, Cassidy, Chaisson, Cheek, Duplessis, Dupre, Total - 32, Ellington, FIELDS, Fontenot, Gautreaux B, Hollis, Jackson, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Adley, Boasso, Cravins, Total - 7, Gautreaux N, Heitmeier, Jones, Quinn

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

HOUSE CONCURRENT RESOLUTION NO. 77—

BY REPRESENTATIVE JOHNS

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate a portion of Louisiana Highway 109 in Calcasieu Parish as the "Reverend A. L. O'Brien Memorial Highway" and to erect proper signage along this route reflecting this designation.

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

HOUSE CONCURRENT RESOLUTION NO. 78—

BY REPRESENTATIVE JANE SMITH

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate a portion of Interstate 20 in Caddo and Bossier parishes as "Purple Heart Recipients Highway" and to erect proper signage along this route reflecting this designation.

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

HOUSE CONCURRENT RESOLUTION NO. 79—

BY REPRESENTATIVE FARRAR

A CONCURRENT RESOLUTION

To urge and request the commissioner of conservation to require public water systems to conduct periodic water loss audits.

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

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVE PITRE

A CONCURRENT RESOLUTION

To memorialize the United States Congress, the president of the United States, and the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force to fulfill their commitment to address the problem of hypoxia in the Gulf of Mexico.

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

HOUSE CONCURRENT RESOLUTION NO. 83—

BY REPRESENTATIVE SALTER AND SENATOR HINES

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to continue the current United States sugar program in the 2007 Farm Bill.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

HOUSE CONCURRENT RESOLUTION NO. 84—

BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION

To urge and request the Department of Economic Development to prepare a report with respect to any known business studies that rank Louisiana's economy or its businesses against the economies or businesses of other states.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE CONCURRENT RESOLUTION NO. 86—

BY REPRESENTATIVE CAZAYOUX AND SENATOR MARIONNEAUX

A CONCURRENT RESOLUTION

To extend condolences to the family of Edwin Joseph "Big Daddy" Leonards of Pointe Coupee Parish.

The resolution was read by title. Senator Marionneaux 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, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Cassidy, Chaisson, Cheek, Cravins, Duplessis, Total - 35, Dupre, Ellington, FIELDS, Fontenot, Gautreaux B, Heitmeier, Hollis, Jackson, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Adley, Gautreaux N, Total - 4, Jones, Quinn

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

HOUSE CONCURRENT RESOLUTION NO. 87—

BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To recognize May 13 through May 19, 2007, as Police Week and May 15, 2007, as Peace Officers Memorial Day, to commend law enforcement officers, and to encourage all citizens to join in the week's special commemorative tributes.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr President, Amedee, Bajois, Barham, Boasso, Broome, Cain, Cassidy, Chaisson, Cheek, Cravins, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Heitmeier, Hollis, Jackson, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo.

NAYS

Total - 35

ABSENT

Table with 2 columns of names: Adley, Gautreaux N, Jones, Quinn.

Total - 4

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 C

Senator Joel T. Chaisson, II, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 8, 2007

To the President and Members of the Senate:

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

SENATE BILL NO. 39—

BY SENATOR LENTINI

AN ACT

To enact R.S. 14:102.21 and to repeal R.S. 14:102.1(D), relative to criminal offenses; to provide relative to the criminal code and to offenses against the state; to provide relative to the prohibition of certain activities and the penalties provided therefor; to provide relative to offenses against animals and affecting the public sensibility; to create the crime of cockfighting; to provide relative to the prosecution of such crime; to provide for definitions; to prohibit transportation of certain animals for

certain purposes; to prohibit certain activities related to cockfighting; to provide relative to cruelty to animals; to provide relative to penalties, conditions, and requirements; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 147—

BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 14:30(C), relative to the crime of first degree murder; to provide district attorneys with the option to not seek a capital verdict; to provide for penalties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 178—

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 15:560.2 and enact R.S. 15:560.5 and 560.6, relative to sex offender assessment panels; to provide for the reorganization of the state sex offender assessment panel; to provide for membership; to provide for appeal of decisions of panel; to provide for employee immunity; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 194—

BY SENATOR BARHAM

AN ACT

To enact R.S. 40:2405(I), relative to graduates of Police Officer Standards and Training courses and academies; to provide for a period of time and other certain requirements for graduates to maintain their P.O.S.T. qualifications when they do not begin employment as a peace officer subsequent to successful completion of such courses and academies; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 215—

BY SENATORS CRAVINS, N. GAUTREAUX AND MICHOT

AN ACT

To amend and reenact R.S. 32:65, relative to illegal speed contests on public roads; to provide for penalties for persons engaged in such speed contests; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 281—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 46:438.3(C), (D), (E), (F) and (G), 438.6(C)(1)(a), 439.2(B)(4), 439.4(A)(1) and (3) and (B) and to enact R.S. 46:438.3(H), relative to the Medical Assistance Program Integrity Law; to provide for false or fraudulent claims; to provide for civil money penalties; to provide for qui tam action procedures; to provide for the recovery awarded to a qui tam plaintiff; and to provide for related matters.

Reported with amendments.

Respectfully submitted, JOEL T. CHAISSON, II Chairman

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Arthur J. "Art" Lentini, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 8, 2007

May 8, 2007

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. 23—
BY SENATOR KOSTELKA

AN ACT

To amend and reenact R.S. 44:104(E), relative to recordation of certain documents in the mortgage and conveyance records; to allow the recordation of a notice of lease for certain mineral leases; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 36—
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 13:621.4, relative to the Fourth Judicial District Court; to provide for composition of the court; to add two additional judgeships to the Fourth Judicial District Court; to provide for elections; to provide relative to terms of office; to provide terms, conditions, and procedures; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 42—
BY SENATOR MURRAY

AN ACT

To repeal R.S. 35:325 through 328 and R.S. 35:330 through 335, relative to notaries public in Orleans Parish; to repeal the provisions requiring the custodian of notarial records to keep an alphabetical list of all notaries in the parish, requiring each notary to furnish certain information to the custodian, requiring the payment of an annual fee by each notary, requiring testing of sureties on bonds by the custodian, requiring certain proceedings against absent notaries, requiring the revocation of certain notaries commissions, requiring certain notices by the custodian to notaries, and providing for penalties for certain conduct by non-attorney notaries public in the parish; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 73—
BY SENATOR BROOME

AN ACT

To enact Part V of Chapter 6 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:1851 through 1862, relative to child abduction prevention; to provide definitions; to provide relative to cooperation and communication among courts; to provide relative to actions for abduction prevention; to provide relative to jurisdiction in child abduction cases; to provide relative to factors to determine risk of abduction and measures to prevent abductions; to provide relative to court actions and orders; to provide relative to the duration of an abduction prevention order; to provide for uniform application; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 91—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 46:286.13 (1), (2), and (5), and Children's Code Article 612(A)(2), relative to children; to provide relative to the care of abused and neglected children; to provide relative to the care of children by foster parents and the rights of foster parents as caregivers; to provide relative to the care of children and to the investigation of reports of risk; to provide certain definitions, requirements, terms, conditions, and procedures, and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 210—
BY SENATOR MOUNT

AN ACT

To enact Code of Civil Procedure Art. 1916(E), relative to preparation of judgments; to require the inclusion of the last four digits of the social security number of the judgment debtor in judgments; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
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. 56—
BY SENATOR BARHAM

AN ACT

To enact R.S. 42:808(A)(11) and 851(R), relative to state group insurance; to provide for certain insurance coverage through the office of group benefits for certain state employees and officials after the conclusion of their state service; to provide relative to the eligibility of such persons to participate in programs sponsored by the office of group benefits; to provide for limitations; 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. 56 by Senator Barham

AMENDMENT NO. 1

On page 3, line 7 after "person" insert "and shall be risk rated by the office of group benefits"

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. 61—
BY SENATOR CAIN

AN ACT

To designate the Hickory Creek Bridge located on Highway 110, West of Longville, in Beauregard Parish, Louisiana, as the "Doris Coleman Guillory Bridge"; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 61 by Senator Cain

AMENDMENT NO. 1

On page 1, lines 2 and 6, before "Highway" insert "Louisiana"

AMENDMENT NO. 2

On page 1, delete line 8 and insert as follows:
"Bridge." The Department of Transportation and Development shall erect appropriate signage indicating this designation."

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

SENATE BILL NO. 75—

BY SENATORS DUPRE AND SMITH
AN ACT

To designate a portion of Louisiana Highway 3235 near the town of Golden Meadow as "Veterans' Memorial Highway 3235."

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 75 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, after "designate" insert "and name certain highways and portions of highways; to designate"

AMENDMENT NO. 2

On page 1, delete line 3 and insert as follows:
"Veterans Memorial Highway 3235; to designate certain portions of United States Highway 84 and Louisiana Highway 6 as the El Camino East/West Corridor; and to provide for related matters."

AMENDMENT NO. 3

On page 1, line 5, change "Bourge-Larose" to "Bourg-Larose"

AMENDMENT NO. 4

On page 1, after line 8, insert as follows:
"Section 2. The portion of United States Highway 84 from the point it crosses the Mississippi River into Louisiana to its intersection with United States Highway 71 and Louisiana Highway 6 at Clarence, and then Louisiana Highway 6 from that intersection west to the Louisiana/Texas border is hereby designated as the "El Camino East/West Corridor."

Section 3. The Department of Transportation and Development shall erect appropriate signage to indicate the designations as provided in Sections 1 and 2 of this Act."

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

SENATE BILL NO. 128—

BY SENATORS HEITMEIER AND BAJOEI
A JOINT RESOLUTION

Proposing to amend Article X, Section 10(A)(1) of the Constitution of Louisiana, relative to state and city civil service commission rules; to authorize supplemental pay for certain sworn, commissioned, law enforcement officers and fire protection officers employed on a full-time basis by a police agency of the state or its political subdivisions and a port authority from any available funds; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

SENATE BILL NO. 195—

BY SENATORS CAIN, BARHAM, BROOME, CRAVINS, ELLINGTON, FIELDS, FONTENOT, KOSTELKA, LENTINI, MALONE, MICHOT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD AND SMITH

AN ACT

To enact R.S. 22:1430.23, 1474(B)(6) and R.S. 49:332, and to repeal R.S. 22:1430.22(B) and (C), relative to the Louisiana Citizens Property Insurance Corporation; to provide for the state treasurer to execute a request for proposal; to authorize private insurance carriers to submit a proposal for assuming the policies, and future risk associated with policies, sold by the Louisiana

Citizens Property Insurance Corporation; to provide for an exception to agent's exclusive use of renewal information; 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. 195 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2 after "To" insert "amend and reenact R.S. 22:1430.11(A), (C), and (D), 1430.12(A), 1430.22 (A) and to "

AMENDMENT NO. 2

On page 1, line 8 after "information;" insert the following:
"to clarify rate making; to provide for agent compensation;"

AMENDMENT NO. 3

On page 1, line 10 after "Section 1" insert "R.S. 22:1430.11(A), (C), and (D), 1430.12(A), 1430.22(A) are hereby amended and reenacted and"

AMENDMENT NO. 4

On page 1, between lines 10 and 11 insert the following:
"§1430.11. Eligibility; application

A. (1) Any person having an insurable interest in insurable property is entitled to apply to the corporation, directly or through a representative, for such coverage through the Coastal Plan or the FAIR Plan, and for an inspection of the property. Every such application shall be submitted on forms prescribed by the governing board of the corporation and on file with the office of property and casualty of the Department of Insurance.

(2) In the case that the corporation's policies are privatized by a company or companies pursuant to R.S. 49:332, all new applications and all renewal application shall be sent to the private company or companies for underwriting.

C. **If Except as provided in Paragraph (2) of Subsection A of this Section,** the corporation determines that the property is insurable, the corporation, upon receipt of the premium or such portion thereof as is prescribed for either the Coastal Plan or the FAIR Plan, shall cause to be issued the appropriate policy of essential property insurance for a term not exceeding one year. Any policy issued pursuant to the provisions of this Section shall be renewed annually, upon payment of premium due, so long as the property meets the definition of "insurable property".

D. If the corporation, **or in the case that the corporation's policies area privatized pursuant to R.S. 49:332, the private company or companies,** for any reason denies an application and refuses to cause to be issued an insurance policy on insurable property to any applicant, or takes no action on an application within the time prescribed in the plan of operation, such applicant may appeal to the Louisiana Insurance Rating Commission and the said commission or a member of the commission's staff designated by it, after reviewing the facts, may direct the corporation to issue, or cause to be issued, an appropriate insurance policy to the applicant. In carrying out its duties pursuant to this Section, the Louisiana Insurance Rating Commission may request and the corporation shall provide any information which the Louisiana Insurance Rating Commission deems necessary to a determination concerning the reason for the denial or delay of the application.

§1430.12. Rates, rating plans, and rates rules applicable
A.(1) As residual markets, the plans made available by the Louisiana Citizens Property Insurance Corporation are not intended to offer rates competitive with the voluntary market. Rates for policies issued under the Coastal Plan and the FAIR Plan shall be set **as follows:**

(a) Except as provided in Paragraph (b) of this Subsection, by the governing board of the Louisiana Citizens Property Insurance Corporation-;

(b) In the case that the corporation's policies are privatized pursuant to R.S. 49:332, by the private company or companies.

May 8, 2007

(2) Rates shall be adjusted annually, shall be actuarially justified, and, except for coverages authorized under R.S. 22:1430.1(6)(b), shall exceed by at least ten percent the rates charged among the ten insurers with the greatest total direct written premium in each parish for that line of business in the preceding year; except that with respect to mobile home coverages, the average rates of the plans shall exceed by at least ten percent the rates charged among the five insurers with the greatest total written premium for mobile homeowners' policies in each parish in the preceding year. Such rates shall include an appropriate catastrophe loading factor and may include rules for classification of risks insured hereunder and rate modifications hereof. Except for coverages authorized under R.S. 22:1430.1(6)(b), the rates charged in a particular parish shall exceed by at least ten percent the rates of any insurer that has a minimum of three percent of the total premium for the parish. The exclusion of wind and hail coverages which are subject to the ten percent surcharge authorized in this Section shall terminate on January 1, 2009.

(3) The method used to determine the rates charged among the ten insurers with the greatest total direct written premium in each parish and used to determine the rates charged among the five insurers with the greatest total written premium for mobile homeowners' policies in each parish shall be set forth in the annual rate review provided by the governing board and shall be documented in the rate filing as required in Subsection C of this Section.

(4) Prior to determining any such rates the governing board shall adopt such formulas as may be necessary for determining the rates.

* * *

§1430.22. Agents; authority to bind coverage

A. (1) Every agent licensed to sell property and casualty insurance may sell insurance policies which are issued by the Louisiana Citizens Property Insurance Corporation through its FAIR and Coastal plans.

(2) In the case that the corporation's policies are assumed by a private company or companies pursuant to R.S. 49:332, the private company or companies shall comply with R.S. 49:332(5) with regard to agent commissions.

* * *

AMENDMENT NO. 5

On page 2, line 22 after "assume" insert "all"

AMENDMENT NO. 6

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

(3) If the state treasurer receives any responses to the request for proposal, he shall determine if the company or companies have adequate capital and surplus to meet the financial solvency requirements in order to assume the risk associated with the policies to be assumed from the Louisiana Citizens Property Insurance Corporation.

AMENDMENT NO. 7

On page 2, line 28 change "C" to "(4)"

AMENDMENT NO. 8

On page 3, between lines 11 and 12 insert the following:

(5) As it relates to all new applications filed by insurance agents pursuant to R.S. 22:1430.11, or any renewal thereof, any request for proposal shall include an agreement by the proposer to pay a ten percent commission to the Louisiana Citizens Property Insurance Corporation.

(a) As it relates to new applications filed by insurance agents pursuant to R.S. 22:1430.11, the Louisiana Citizens Property Insurance Corporation shall forward the ten percent commission to the insurance agent who filed the application.

(b) As it relates to all renewal policies, this Subsection shall not impair the right of any Louisiana Citizens Property Insurance Corporation policy holder, upon receipt of a notice that all policies have been assumed by a private company or companies pursuant to this Section, to retain his or her current agent, so long as that agent is a licensed insurance producer authorized pursuant to R.S. 22:1430.22(A)(1) to sell policies for the Louisiana Citizens Property Insurance Corporation. This

right shall not be suspended, impeded, abridged, or otherwise compromised by any rule, plan of operation, depopulation plan, or privatization of the Louisiana Citizens Property Insurance Corporation. Should the insured retain his or her current agent as is provided in this Paragraph, the Louisiana Citizens Property Insurance Corporation shall forward the ten percent commission to the insurance agent retained by the insured."

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. 229— BY SENATOR LENTINI

AN ACT

To enact R.S. 22:1407(L), relative to insurance rates; to require that rate filings be limited to use of one hundred year hurricane catastrophe models; to provide terms, conditions and effects; and to provide for related matters.

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

SENATE BILL NO. 238—

BY SENATORS MCPHERSON AND HINES AND REPRESENTATIVES SALTER, TOWNSEND, DORSEY, DURAND, LAFLEUR, CAZAYOUX, ST. GERMAIN, ELCIE GUILLORY, HILL AND PINAC

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. 39:100.51, relative to state funds; to establish the Health Care Redesign Fund as a special treasury fund; to provide for the deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 238 by Senator McPherson

AMENDMENT NO. 1

On page 2, line 12, between "Health" and "Redesign" insert "Care"

AMENDMENT NO. 2

On page 3, between lines 6 and 7, insert the following:

"(e) Provision of essential developmental disabilities services by the Department of Health and Hospitals."

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

SENATE BILL NO. 259—

BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 23:1195(A)(1) and (2), and 1196(A)(1) and (2)(a), relative to workers' compensation; to provide with respect to group self-insurance funds; to provide for self-insurers; to change the amount of retained premiums that self-insurers must maintain; 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. 259 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2 after "R.S. 23:1195 (A)(1) and" delete the remainder of the line and insert the following:

"(5), (B)(introductory paragraph), B(2), (C)(introductory paragraph), (C)(1) and (2), 1196 (A)(1) and (2), (3), (5),

(6)(b)(introductory paragraph) and G and to enact R.S. 23:1195(C)(5), 1200.4, 1200.5, 1200.6, and to repeal R.S. 23:1195(B)(1)(c) and 1196(H), relative to"

AMENDMENT NO. 2

On page 1, line 4 after "insurers;" insert "to require certain documents be maintained by the self-insurer,"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 23:1195 (A)(1)" delete the remainder of the line and delete line 9 in its entirety and insert the following:

"(5), (B)(introductory paragraph), B(2), (C)(introductory paragraph) (C)(1) and (2), 1196 (A)(1) and (2), (3), (5), (6)(b)(introductory paragraph) and (G) are hereby amended and reenacted and R.S. 23:1195(C)(5), 1200.4, 1200.5, 1200.6 are hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 1, line 17 after "relationship" delete "on a fund year basis"

AMENDMENT NO. 5

On page 2, delete lines 4 through 7

AMENDMENT NO. 6

On page 2, after line 8 insert the following:

"(5)(a)The arrangement shall be domiciled in the state of Louisiana. All books, records, documents, accounts, and vouchers shall be kept in such a manner that the arrangement's financial condition, affairs, and operations can be ascertained and so that its financial statements filed with the commissioner of insurance can be readily verified and its compliance with the law determined. Any or all books, records, documents, original indemnity agreements, accounts, and vouchers may be photographed or reproduced on film. Any photographs, microphotographs, optical imaging, or film reproductions of any original books, records, documents, original indemnity agreements, accounts, and vouchers shall for all purposes, including but not limited to, for purposes of admission into evidence in any court or adjudicatory proceeding, be considered the same as the originals thereof and a transcript, exemplification, or certified copy of any such photograph, microphotograph, optical imaging, or film reproduction shall for all purposes be deemed to be a transcript, exemplification, or certified original. Any original so reproduced may thereafter be disposed of or destroyed, as provided for in Subparagraph (b) of this Paragraph, if provision is made for preserving and examining the reproduction.

(b) ~~At~~ Except as otherwise provided in R.S. 23:1195(A)(5)(a), original books, records, documents, accounts, and vouchers, or such reproductions thereof, shall be preserved and kept in this state for the purpose of examination and until the authority to destroy or otherwise dispose of the records is secured from the commissioner of insurance. All original records, or a certified reproduction thereof shall be maintained for the period commencing on the first day following the last period examined by the commissioner of insurance through the subsequent examination period, or three years, whichever is greater, except that any original, or certified reproduction thereof, whereby the member agrees to or acknowledges such member's in solido liability for liabilities of fund shall be permanently maintained.

B. For the purposes of this Subpart, a "bona fide trade or professional association" shall mean ~~a~~ an active trade or professional association which:

(2) Provides, and has provided for a period of five years prior to the date of the application, services, including regular meetings, educational opportunities, seminars, newsletters, to its paid membership so that the primary function of the trade or professional association is not the sponsorship, operation, or management of a fund, or related employee safety program, or other related activities.

C. Each fund shall submit evidence at its inception to the Department of Insurance an application for authority to act as a group self insurance fund for workers compensation, including

evidence of its inception, which establishes financial strength and liquidity of the members to pay compensation claims promptly and support the financial ability of the fund to satisfy its obligations upon the establishment of the fund, including:

(1) Financial statements, dated not less than one year prior to the application, audited by an independent certified public accountant, of at least two members, showing at the inception of the fund a combined worth of those members of not less than the amount required by Subsection A of this Section.

(2) Current financial statements of all other members as of the same date as specified by the department.

(5) Such application shall be in writing on a form provided by the department, and shall contain the following information:

(a) Applications shall be submitted to the department at least ninety days prior to the effective date for the establishment of a fund. Any application submitted with less than ninety days remaining before the desired effective date, or which does not contain answers to all questions, or which is not notarized, or which does not contain all required documents, statements, reports, and required information, may be returned without review by the department.

(b) All applications shall be accompanied by the following items:

(i) The property completed indemnity agreement in a form acceptable to the department pursuant to Subsection A(2) of this Section.

(ii) Security as required by this Subpart.

(iii) Copies of acceptable excess insurance policies as required by this Subpart.

(iv) A bond covering each third party administrator as provided by this Subpart.

(v) A certification from a designated depository attesting to the amount of monies on hand.

(vi) Copies of fund bylaws and/or trust agreement or other governance documents.

(vii) Individual application of each member of the fund applying for membership in the fund on the effective date of the fund, and copies of their executed indemnity agreements.

(viii) Evidence of financial strength and liquidity of the members dated as of the date required by the department to satisfy the financial strength and liquidity requirements of this Chapter.

(ix) Proof that the fund shall have the minimum annual earned normal premium required by this Subpart.

(x) The current audited financial statement of any casualty insurance company providing excess coverage for the fund meeting the requirements of this Subpart if such statement is not already on file with the department.

(xi) The name, address, and telephone number of the attorney representing the fund; the name, address, and telephone number of the qualified actuary for the fund; and the name, address, and telephone number of the certified public accountant who will be auditing the annual financial statements of the fund, as well as evidence of appointment of each by the fund.

(xii) The domicile address in this state where the books and records of the fund will be maintained, and the state from which the fund will be administered.

(xiii) Proof of advance payment to the fund by each initial member of the fund of not less than fifty percent of that member's first year estimated annual earned normal premium.

(xiv) A feasibility study, or other analysis, prepared by a qualified actuary utilizing actual loss history of the initial members of the fund.

(xv) Pro forma financial statements projecting the first five years of operations of the fund based upon a feasibility study or other analysis prepared by a qualified actuary. Such pro forma financial statements shall include a pro forma balance sheet, income statement, and statement of cash flow. Each shall be prepared in accordance with generally accepted accounting principles.

(xvi) A copy of the fund's premium billing policy meeting the requirements and limitations of the Chapter.

(xvii) The membership guidelines governing which

May 8, 2007

employers will be allowed to participate in the fund."

AMENDMENT NO. 7

On page 2, after line 19, insert the following:

"(b) If requested, each employer shall submit a copy of state and federal reports of employee income on each employee at the end of each quarter to the fund.

(c)(i) Employers shall make available to the **payroll** auditor all records necessary for the payroll verification audit, including, but not limited to, payroll records, accounting records, certificates of insurance maintained by subcontractors, and duties of employees; and permit the **payroll** auditor to make a physical inspection of the employer's operation.

(ii) If the employer fails to make such records available on the date and time of an audit requested and scheduled by the **payroll** auditor, and the **payroll** auditor cannot complete the audit as a result, the fund may charge the employer to pay five hundred dollars to the fund to defray the costs of the audit together with reasonable attorney fees incurred by the fund in collection thereof.

(iii) If, within thirty days from written request of the **payroll** auditor, the employer fails to provide reasonable access to such records, ~~or~~ refuses to allow a physical inspection of the employer's operation, **or otherwise fails to cooperate with the audit**, the fund may charge the employer to pay a premium of up to two times the most recent estimated annual premium together with reasonable attorney fees incurred by the fund in obtaining compliance with the required audit or in collecting such premium.

(3) Deposit with the department a safekeeping or trust receipt from a bank doing business in this state or from a savings and loan association chartered to do business in the state indicating that the fund has deposited **and has pledged two one** hundred **fifty** thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision thereof, of the par value of **one two** hundred **fifty** thousand dollars or post a surety bond issued by a corporate surety authorized to do business within the state, in the amount of **one two** hundred **fifty** thousand dollars, to secure the obligations of the fund under this Chapter.

(5) Maintain at all times, on a fund year basis, a contract or contracts of specific excess insurance ~~or reinsurance~~ of not less than **two five** million dollars per occurrence and aggregate excess insurance ~~or reinsurance~~ of not less than two million dollars. The maximum retention under the excess insurance ~~or reinsurance~~ contracts shall not exceed amounts as may be provided by the department by regulation. ~~Solely for the purposes of authorizing the purchase of reinsurance permitted under this Subsection, each fund shall be deemed an insurer. Such excess insurance or reinsurance shall only be purchased from companies having a minimum rating of B+ by A.M. Best Company, BBB by Fitch Ratings, B by Weiss Ratings, BBB by Standard & Poor's, or Baa2 by Moody's Investors Services, or better, and such reinsurance may be purchased from admitted or nonadmitted companies, provided that the provisions of R.S. 22:941 through 947, and Financial Accounting Standard Number 113 as promulgated and updated by the Financial Accounting Standards Board, shall apply to all such reinsurance. The specific excess and aggregate excess insurance shall be obtained from an insurer holding a valid Certificate of Authority to transact business as an insurer in Louisiana, or from an insurer on the list of approved, unauthorized insurers as compiled by and maintained by the department. If the fund obtains specific or aggregate excess from an insurer on the list of approved, unauthorized insurers, the fund shall submit the policy forms, renewal forms, certificates, endorsements and amendments applicable thereto, and any agreements between such insurer and the fund to the department for review and approval prior to use, and the fund shall not accept or enter into any agreement or arrangement with such insurer that has not been reviewed and approved by the department. The insurer on the list of approved, unauthorized insurers shall maintain a financial strength rating of "A-" or better, as determined by A.M. Best Company.~~

(6)(a)

(b) In addition to the maximum discount allowed under Subparagraph (a) of this Paragraph, the fund may utilize a maximum

debit of twenty-five percent or a maximum credit of twenty-five percent of premium per member per fund year if the fund shows to the satisfaction of the department that the premium amount, after the application of the allowable twenty-five percent scheduled rating debits or credits for all members on an annualized basis, is not less than ninety percent of the premium amount after the application of the allowable fifteen percent discount, but before the application of the allowable twenty-five percent scheduled rating debits or credits. ~~However, in no event shall the net effect of such maximum debit or credit exceed one-half of the fund year member distributions payable from the most recent filed audited financial statement Plans based on the following enumerated factors may utilize scheduled debits or credits as follows:~~

* * *

G. Any monies ~~for a fund year~~ in excess of the amount necessary to fund all obligations of the fund may be declared as refundable to the members of the fund by the board of trustees. The board of trustees shall be authorized to distribute the refund at their discretion, in accordance with the agreement establishing the fund and the following limitations:

(1) The amount of the distribution shall not exceed the ~~surplus funds available in the fund year~~ **member distributions payable recorded on the balance sheet** as indicated by the most recently completed audited financial statements of the fund.

(2) ~~The board of trustees shall notify the department in writing of their intent to make a refund to the membership, the fund years to which the distributions apply, and the amount of distribution for each fund year, thirty days prior to distribution. No later than ten days after the payment of a distribution, the fund shall provide written notification to the department.~~

(3) ~~No distributions shall be paid if an open fund year has a deficit~~

* * *

§1200.4. Standards and authority of the department regarding funds deemed to be in hazardous financial condition

A. Purpose

The purpose of this Section is to set forth the standards which the department may use for identifying funds found to be in such condition as to render the continuance of their business hazardous to their members, their members' employees, their creditors or the general public.

This Section shall not be interpreted to limit the powers granted the department by any laws or parts of laws of the state of Louisiana, nor shall this Section be interpreted to supersede any laws or parts of laws of the state of Louisiana, but shall be in addition to the power and authority granted the department by means of any other law, rule or regulation.

B. Standards

The following standards, either singly or a combination of two or more, may be considered by the department to determine whether the continued operation of a fund may be deemed to be hazardous to the fund's members, the members' employees, the fund's creditors or the general public. The department may consider the following items:

(1) Material adverse findings reported in financial condition and market conduct examination reports or reported in required financial reports or audits.

(2) The fund's asset portfolio when viewed in light of current economic conditions if found to be not of sufficient value, liquidity, or diversity to assure the fund's ability to meet its outstanding obligations as they mature.

(3) Whether the fund's excess insurance program provides sufficient protection after taking into account the fund's cash flow and the classes of business written, as well as the financial condition of the excess insurer.

(4) Whether any person is delinquent in the transmitting to, or payment of, net premiums to such fund such that the fund's solvency may be jeopardized.

(5) The age, collectibility, and historical bad debt collection ratio of receivables.

(6) Whether the fund has failed to respond to inquiries by the department relative to the condition of the fund or has furnished false and misleading information concerning such an inquiry.

(7) Whether the fund either has filed with the department any false or misleading sworn financial statement, or has released any false or misleading financial statement to lending institutions, its members, or to the general public, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the fund.

(8) Whether a fund has failed to maintain the minimum standards for creating a fund and receiving a certificate of authority under this Subpart.

C. A fund shall be deemed to be hazardous to the fund's members, the members' employees, the fund's creditors, or the general public if the independent certified public accountant's auditor's report on the fund's audited financial statement contains an explanatory paragraph regarding the fund's ability to continue as a going concern.

D. For the purpose of making a determination of a fund's true financial condition under this Section, the department may:

(1) Disregard any credit or amount receivable resulting from transactions with an excess insurer, which is insolvent, impaired or otherwise subject to a delinquency proceeding;

(2) Make appropriate adjustments to asset value attributable to investments in or transactions with affiliates;

(3) Refuse to recognize the net realizable value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account;

(4) Increase the fund's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise disclosed in the fund's most recent audited statement of assets and liabilities if there is a substantial risk that the fund will be called upon to meet the obligation undertaken within the next 12 month period; or

(5) Make such other adjustments to the assets or liabilities of a fund so as to bring them or their stated values into compliance with the requirements of this Subpart.

E. If the department determines that the continued operation of the fund may be hazardous to the fund's members, the member's employees, creditors, or the general public, then the department is authorized and empowered to issue an order requiring the fund to do any of the following items:

(1) Attend a meeting between the department and the fund's board of trustees to discuss the financial condition of the fund, and to determine the appropriate course of action to restore the fund's financial stability in a timely manner.

(2) The department may require a written and signed plan from the fund's board of trustees and in order to restore the fund's financial stability. Such written plan must be in a form and content acceptable to the department including, but not limited to, a projected plan for member assessments for the next five years or such additional period of time as the department may require.

(3) Reduce the total amount of present and potential liability for claims by purchasing additional excess insurance.

(4) Reduce, suspend or limit the volume of business being accepted or renewed.

(5) Reduce general, administrative, and commission expenses by specified methods.

(6) File reports in a form acceptable to the department concerning the market value of a fund's assets.

(7) Limit or withdraw from certain investments or discontinue certain investment practices to the extent the department deems necessary.

(8) Require an actuarial rate analysis to document the adequacy or inadequacy of rates in relation to the risks and fund liabilities.

(9) File, in addition to regular annual statements, interim financial reports at times and on forms approved by the department.

(10) Take such other action, or to cease such actions, as the department may determine to be in the best interest of the fund so as to return the fund to a status where its continued operations will not be hazardous to the fund's members, the member's employees, creditors, or the general public.

§ 1200.5 Administrative supervision

A. A fund shall be subject to administrative supervision by

the department in accordance with the provisions of this Section, if upon examination or at any other time it is determined by the department that:

(1) The condition of the fund renders the continuance of its business hazardous to the public or its members;

(2) The fund has exceeded its powers granted under its certificate of authority and any applicable law;

(3) The fund has failed to comply with the applicable provisions of law, including this Subpart, or orders or directives issued by the department;

(4) The business of the fund is being conducted fraudulently;

or

(5) The fund grants its consent.

B. If the department determines that any of the conditions set forth in Subsection A of this Section exist, the department shall:

(1) Notify the fund of such a determination;

(2) Furnish to the fund a written list of the requirements to abate this determination; and

(3) Notify the fund that it is under administrative supervision for a period not to exceed two hundred forty days from said notice in accordance with the provisions of this Section.

C. If placed under administrative supervision, the fund shall within sixty days, or within another period not to exceed one hundred twenty days prescribed by the department, comply with the requirements directed by the department pursuant to the provisions of this Section to correct or eliminate the grounds for the administration supervision.

D. If the department determines after due notice and proper hearing that the conditions which precipitated the administrative supervision still exist, the department may extend the period of supervision for a period not to exceed twenty-four months from the date of the notice of administrative supervision.

E. If the department determines that none of the conditions creating the need for the administration supervision still exist, the department shall release the fund from supervision.

F. Should the department place a fund in administrative supervision, the commissioner or his designee shall serve as the administrative supervisor of the fund. The fund shall not do any of the following during the period of administrative supervision without the department's prior written approval:

(1) Dispose of, convey, or encumber any of its assets, liabilities, or business in force.

(2) Withdraw any monies, or contents therein, of its bank accounts.

(3) Lend any of its funds.

(4) Transfer any of its property.

(5) Incur any debt, obligation or liability.

(6) Merge or consolidate with another company.

(7) Solicit and approve new members of the fund.

(8) Enter into any new excess insurance contract or treaty.

(9) Terminate, surrender, forfeit, concert, or lapse any coverage agreement, certificate, or contract, except those for nonpayment of premium due.

(10) Release, pay, or refund premium deposits, accrued cash or loan values, unearned premiums, or other reserves on any coverage agreement, certificate, or contract.

(11) Make any material change in management.

(12) Increase salaries and benefits of officers or directors or the payment of bonuses, or other payments deemed preferential.

(13) Take such other actions or omit to take such actions as the department may prescribe in the notice of administrative supervision.

G. Proceedings under administrative supervision shall be confidential as follows:

(1) All proceedings, hearings, notices, correspondence, reports and other information in the possession of the department relating to the administrative supervision of any fund are confidential, except as otherwise provided in this Section.

(2) The personnel of the department shall have access to these proceedings, hearings, notices, correspondence, reports, records or information to the extent permitted by the commissioner.

(3) The commissioner may open the proceedings or

May 8, 2007

hearings, or disclose the notices, correspondence, reports, records, or information to any department, agency, or other instrumentality of the state or of the United States if the opening or disclosure is necessary or proper for the enforcement of the laws of this or any other state of the United States.

(4) The provisions of this Section shall not apply to hearings, notices, correspondence, reports, records, or other information obtained upon appointment of a receiver for the fund by a court of competent jurisdiction.

(5) There shall be no liability on the part of and no cause of action of any nature shall arise against any employee, agent, or representative of the department for any action taken by him in the performance of his powers and duties under the proceedings of this Section.

H. All reasonable expenses incurred by the department in conducting an administrative supervision shall be paid by the fund being supervised.

§ 1200.6 Insolvencies

A. In the event either a fund or the department determines that a fund is insolvent, then in addition to any other provisions of law or regulation, the department shall require that the fund file in writing within sixty days a plan to eliminate the insolvency. For purposes of this Subpart, an insolvency shall be defined as the fund's liabilities before member distribution payable or dividend payable is greater than the fund's assets determined in accordance with generally accepted accounting principles. For the purpose of determining insolvency, assets will not include intangible property, such as patents, trade names or goodwill. The plan submitted by the fund to eliminate the insolvency shall set forth in detail the means by which the fund intends to eliminate the insolvency which may include an assessment of the members of the fund. The fund shall also include the timetable for the implementation of the plan and requirements for reporting to the department. If the department does not disapprove the plan within thirty days of receipt, the fund shall implement the plan.

B. Upon determination by the department that a plan submitted by the fund is disapproved or that a fund is not implementing a plan in accordance with the terms of the plan, it shall so notify the fund in writing of such determination.

C. Should a fund fail to file a plan to eliminate an insolvency as called for under this Section, or should the department notify a fund that such plan has been disapproved or that the fund is not implementing the plan according to the plan, the department shall have the following powers and authority in addition to any other powers and authority granted under law:

(1) The department may order the fund to immediately levy an assessment upon its members, sufficient to eliminate the insolvency;

(2) Should the fund fail or refuse to levy said assessment, the department may, in the name of the fund, levy such assessment upon the members of the fund sufficient to eliminate the insolvency;

(3) The department may place the fund in administrative supervision in accordance with the provisions of this Subpart; or

(4) The department may apply to the Nineteenth Judicial District Court to place the fund in conservation, rehabilitation or liquidation, which conservation, rehabilitation or liquidation shall be conducted pursuant to the provisions of R.S. 22:732, et seq."

AMENDMENT NO. 8

On page 2, below line 20 add the following:
"Section 2. R.S. 23:1195(B)(1)(c) and 1196(H) are hereby repealed"

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. 284—
BY SENATOR HEITMEIER

AN ACT

To provide for the expenditure of state funds; to direct the commissioner of administration to change the expenditure limit for Fiscal Year 2006-2007; to provide with respect to the use of certain state funds; and to provide for related matters.

Reported favorably by the Committee on Finance. On motion of Senator Heitmeier, the bill was read by title, and passed to a third reading.

SENATE BILL NO. 286—

BY SENATORS HEITMEIER AND BAJOIE
AN ACT

To amend and reenact 33:2218.2(A)(2) and to enact R.S. 33:2002(A)(4), relative to supplemental pay; to provide for supplemental pay for certain sworn, commissioned full-time law enforcement officers of certain state agencies and political subdivisions providing police services within certain municipalities; to provide for supplemental pay for certain fire protection officers; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 286 by Senator Heitmeier

AMENDMENT NO. 1

On page 5, line 6, change "Senate Bill No. ____" to "Senate Bill No. 128"

AMENDMENT NO. 2

On page 5, line 11, change "Senate Bill No. ____" to "Senate Bill No. 128"

AMENDMENT NO. 3

On page 5, line 14, change "No. ____" to "No. 287"

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

SENATE BILL NO. 287—

BY SENATORS HEITMEIER, BAJOIE, ELLINGTON, FIELDS, JONES, MCPHERSON AND ULLO
AN ACT

To amend and reenact R.S. 33:2002(A)(1), 2218.2(A)(1) and (2)(a) and 2218.8(B) and (G), relative to fire and police departments; to provide with respect to extra compensation and supplemental pay for firemen, police officers, law enforcement officers of certain state agencies and political subdivisions providing police services within certain municipalities, deputy sheriffs, and full-time deputy sheriffs employed as field representatives or process servers; to increase such extra compensation of supplemental pay; to provide for an effective date; and to provide for related matters.

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

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

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

SENATE CONCURRENT RESOLUTION NO. 27—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to include the participation of any municipal governing authority in the decision-making process with respect to traffic control on any state highway that is situated within the corporate limits of such municipality.

Reported favorably by the Committee on Transportation, Highways and Public Works.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr President, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Cassidy, Chaisson, Cheek, Cravins, Duplessis, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Romero, Schedler, Shepherd, Smith, Theunissen, Uilo.

NAYS

Total - 0

ABSENT

Adley Quinn
Total - 2

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

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. 72—

BY SENATOR BROOME

AN ACT

To amend and reenact Children's Code Article 603(3) and R.S. 46:56(F)(4)(c), relative to child welfare matters; to provide with respect to certain definitions pertaining to child welfare matters; to provide for the release of information in certain child welfare matters; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr President, Amedee, Ellington, Fields, McPherson, Michot.

Table with 3 columns of names: Bajoie, Barham, Boasso, Broome, Cain, Cassidy, Chaisson, Cheek, Cravins, Duplessis, Dupre, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, Mount, Murray, Nevers, Quinn, Romero, Schedler, Shepherd, Smith, Theunissen, Uilo.

Total - 38

NAYS

Total - 0

ABSENT

Adley
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Broome 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. 82—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2009.11(B)(2)(b) and (3), 2199(B)(2)(b), (B)(3) and (F)(1) and (2) and to enact R.S. 40:2116(D)(4), 2199(F)(3) and (4), and 2199.1, relative to nursing homes and health care facilities; to provide for Class B violations for nursing homes and health care facilities licensed or certified by the Department of Health and Hospitals; to provide for monthly aggregate fines for nursing homes or health care facilities; to provide for monies collected for violations by health care facilities; to provide for the use of the monies collected for violations by health care facilities; to provide for additional remedies against health care facilities; to provide for the moratorium on replacement facilities; to provide for the licensure of replacement facilities; and to provide for related matters.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 82 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 13, following "R. S." and before "2009.11(B)(2)(b)" insert "40:"

AMENDMENT NO. 2

On page 1, line 14, following "R. S." and before "40:2116(D)(4)" delete "40:"

On motion of Senator McPherson, the amendments were adopted.

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

Mr. President in the Chair

May 8, 2007

SENATE BILL NO. 102—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 36:474(A)(10) and 477(B)(1), relative to functions of the state relating to licensing of child care institutions; to provide for the licensing of day care centers; to provide for the functions of the office of family support; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Fields	Michot
Bajoie	Gautreaux B	Murray
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cassidy	Hollis	Shepherd
Chaisson	Jackson	Theunissen
Cheek	Lentini	Ullo
Cravins	Malone	
Total - 29		

NAYS

Barham	Fontenot	Smith
Cain	Kostelka	
Ellington	Schedler	
Total - 7		

ABSENT

Jones	Mount	Nevers
Total - 3		

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

SENATE BILL NO. 206—
BY SENATOR CASSIDY

AN ACT

To amend and reenact R.S. 40:34(B)(1)(a)(iii), (B)(1)(h)(i), (B)(1)(h)(iii), (B)(1)(h)(iv), (B)(1)(h)(v) and (B)(1)(h)(vi), relative to the contents of a birth certificate; to provide for the full name of a child on a birth certificate; to provide for the full name of a father on a birth certificate; and to provide for related matters.

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

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

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator B. Gautreaux asked that Senate Bill No. 83 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 83—

BY SENATOR B. GAUTREUX AND REPRESENTATIVE WHITE AND SENATORS FONTENOT, BARHAM, BOASSO, CRAVINS, HOLLIS, NEVERS AND THEUNISSEN AND REPRESENTATIVES ERDEY, LAMBERT, ST. GERMAIN AND WALSWORTH

AN ACT

To enact R.S. 11:1331.1, relative to the State Police Pension and Retirement System; to provide for cost-of-living adjustments; to provide an increased benefit for certain beneficiaries of the system; to provide a cost-of-living adjustment of not more than three hundred dollars to certain service and disability retirees and the surviving spouses of such retirees; to provide for funding of such benefit; to authorize the system's board of trustees to grant additional and supplemental cost-of-living adjustments otherwise permitted by law notwithstanding the legislative grant of the cost-of-living adjustment; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Duplessis	Malone
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Quinn
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Cassidy	Hollis	Shepherd
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Lentini	Marionneaux	Mount
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator B. Gautreaux 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 Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATORS N. GAUTREUX, HINES, ADLEY, CAIN, CRAVINS, MURRAY, NEVERS, ROMERO, SMITH AND THEUNISSEN

A CONCURRENT RESOLUTION

To urge and request the Board of Supervisors of Louisiana Community and Technical Colleges to submit written quarterly reports to the Senate Select Committee on Vocational-Technical Education, the Senate Committee on Education, and the House Committee on Education regarding the progress made in implementing the plan for regional coordination and support of

the campuses comprising the Louisiana Technical College.

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

Senator N. Gautreaux in the Chair

**SENATE CONCURRENT RESOLUTION NO. 42—
BY SENATOR HINES AND REPRESENTATIVE SALTER
A CONCURRENT RESOLUTION**

To memorialize the continued commitment of the Louisiana Legislature to the establishment of a major durable goods manufacturer to be located in St. James Parish.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Cassidy	Jackson	Shepherd
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Duplessis	Malone	
Total - 38		

NAYS

Total - 0

ABSENT

Marionneaux
Total - 1

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

Mr. President in the Chair

Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of recalling House Concurrent Resolution No. 67 from the Committee on Transportation, Highways and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 67—
BY REPRESENTATIVE ODINET
A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to expedite the repair and rebuilding of the St. Bernard Parish levee system by all appropriate federal agencies and to close the Mississippi River Gulf Outlet.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Dupre	Malone
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Broome	Gautreaux N	Quinn
Cain	Heitmeier	Romero
Cassidy	Hollis	Schedler
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Boasso
Total - 3
Marionneaux
Mount

The Chair declared the Senate had concurred in the House Concurrent Resolution, and ordered it returned 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 8, 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. 354—
BY REPRESENTATIVE WOOTON
AN ACT**

To amend and reenact R.S. 27:310(D), relative to the Video Draw Poker Devices Control Law; to provide that the board or division may waive suitability requirements for spouses of certain individuals with an ownership or revenue interest in a video draw poker licensee or applicant for a video draw poker license; to provide for applicability; and to provide for related matters.

**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.

**HOUSE BILL NO. 356—
BY REPRESENTATIVE FRITH
AN ACT**

To amend and reenact Section 3 of Act No. 398 of the 2006 Regular Session of the Louisiana Legislature; to extend the time period in which live oysters or oyster cultch may be transplanted in certain areas of Vermilion Bay; and to provide for related matters.

May 8, 2007

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.

HOUSE BILL NO. 535—

BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 40:1300.211, 1300.212(4), 1300.213, 1300.214, 1300.215, and 1300.216, relative to the Aging and Disability Information Station program; to create the program; to provide that the program work in conjunction with the Louisiana Senior Rx program within the Office of Elderly Affairs of the governor's office; to provide that the program provides assistance and support for persons with adult-onset disabilities; and to provide for related matters.

HOUSE BILL NO. 582—

BY REPRESENTATIVE WINSTON
AN ACT

To authorize the Board of Supervisors of Louisiana State University to transfer certain buildings, structures, and facilities to St. Tammany Parish; and to provide for related matters.

HOUSE BILL NO. 610—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 14:223, relative to unauthorized sound reproductions; to provide for the applicability of statutory provisions; 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 title and placed on the Calendar for their second reading:

HOUSE BILL NO. 354—

BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 27:310(D), relative to the Video Draw Poker Devices Control Law; to provide that the board or division may waive suitability requirements for spouses of certain individuals with an ownership or revenue interest in a video draw poker licensee or applicant for a video draw poker license; to provide for applicability; and to provide for related matters.

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

HOUSE BILL NO. 355—

BY REPRESENTATIVES KLECKLEY AND THOMPSON
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.

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

HOUSE BILL NO. 356—

BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact Section 3 of Act No. 398 of the 2006 Regular Session of the Louisiana Legislature; to extend the time period in which live oysters or oyster cultch may be transplanted in certain areas of Vermilion Bay; and to provide for related

matters.

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

HOUSE BILL NO. 387—

BY REPRESENTATIVE FARRAR AND SENATOR MCPHERSON
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.

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

HOUSE BILL NO. 535—

BY REPRESENTATIVE ANDERS AND SENATOR HINES
AN ACT

To amend and reenact R.S. 40:1300.211, 1300.212(4), 1300.213(A), (B), and (C)(1), 1300.214, 1300.215, and 1300.216, relative to the Aging and Disability Information Station program; to create the program; to provide that the program work in conjunction with the Louisiana Senior Rx program within the Office of Elderly Affairs of the governor's office; to provide that the program provides assistance and support for persons with adult-onset disabilities; and to provide for related matters.

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

HOUSE BILL NO. 582—

BY REPRESENTATIVES WINSTON AND WALSWORTH AND SENATOR SCHEDLER
AN ACT

To authorize the Board of Supervisors of Louisiana State University to transfer certain buildings, structures, and facilities to St. Tammany Parish; and to provide for related matters.

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

HOUSE BILL NO. 610—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 14:223, relative to unauthorized sound reproductions; to provide for the applicability of statutory provisions; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY B

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

May 8, 2007

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. 63—

BY SENATOR BARHAM
AN ACT

To amend and reenact R.S. 29:728(F), relative to parish homeland security and emergency preparedness agencies; to provide state funds for a full-time director of such agencies for each parish; to provide for criteria of eligibility for such director; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 245—
BY SENATOR N. GAUTREAUX
AN ACT

To amend and reenact R.S. 4:145.1, relative to the Louisiana State Racing Commission; to provide for the exclusive venue for law suits against the commission; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ROBERT M. MARIONNEAUX
Chairman

Rules Suspended

Senator Malone asked for and obtained a suspension of the rules for the purpose of allowing the Committee on Natural Resources and the Committee on Transportation, Highways and Public Works to hold a special joint meeting Wednesday after adjournment in the Hainkel Room.

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 8, 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 Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 4—
BY SENATOR DUPLESSIS AND REPRESENTATIVE BADON
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States and to urge and request the respective executive branch departments to take a proactive role in assisting the communities of New Orleans East in protecting their health and safety and in promoting economic development.

SENATE CONCURRENT RESOLUTION NO. 15—
BY SENATOR QUINN AND REPRESENTATIVE LANCASTER
A CONCURRENT RESOLUTION

To designate October 2007, as Cochlear Implant Awareness Month in support of raising awareness of an implantable hearing solution for individuals with severe hearing loss.

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR JACKSON AND REPRESENTATIVE WILLIAMS
A CONCURRENT RESOLUTION

To designate the month of June as "Hemophilia Awareness Month."

SENATE CONCURRENT RESOLUTION NO. 24—
BY SENATORS HINES AND CRAVINS AND REPRESENTATIVE WALKER
A CONCURRENT RESOLUTION

To designate May 2007, as American Stroke Month in Louisiana.

SENATE CONCURRENT RESOLUTION NO. 29—
BY SENATORS HINES AND MARIONNEAUX AND REPRESENTATIVE HUTTER
A CONCURRENT RESOLUTION

To designate May 2007, as "Breast Cancer Awareness Month."

SENATE CONCURRENT RESOLUTION NO. 32—
BY SENATOR HOLLIS AND REPRESENTATIVE WINSTON
A CONCURRENT RESOLUTION

To commend the Republic of China on Taiwan for its contributions to promoting world health and to express support for its bid to obtain observer status in the World Health Organization.

Respectfully submitted,
CHARLES D. JONES
Chairman

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

Adjournment

Senator Bajoie moved that the Senate adjourn until Wednesday, May 9, 2007, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Wednesday, May 9, 2007.

GLENN A. KOEPP
Secretary of the Senate

LYNDA E. WHEELER
Journal Clerk

