

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

TWENTY-FIRST 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

Wednesday, June 6, 2007

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

ROLL CALL

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

PRESENT

Mr President	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 Rabbi Barry Weinstein, 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

**Privilege Report of the
Legislative Bureau**

June 6, 2007

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 270—

BY REPRESENTATIVES ALARIO AND THOMPSON
AN ACT

To amend and reenact R.S. 51:1286(C)(1) and to repeal R.S. 51:1286(C)(3), (5), and (6), relative to the Louisiana Tourism Promotion District; to remove the limitation on the amount of the proceeds of the sales and use tax levied by the district dedicated and pledged to specific purposes; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 774—

BY REPRESENTATIVE ALARIO
AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations for said agencies and purposes for 2006-2007 Fiscal Year; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 77—

BY SENATORS HINES AND BARHAM
A RESOLUTION

To recognize and commend former Senator Guy William Sockrider, Jr., for his contributions to the state of Louisiana as a member of the Louisiana Senate.

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

SENATE RESOLUTION NO. 78—

BY SENATOR SHEPHERD
A RESOLUTION

To commend Elder Terry Gullage, Sr., upon his numerous accomplishments as Pastor of Greater Mount Calvary Baptist Church.

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

Senator Dupre in the Chair

SENATE RESOLUTION NO. 79—

BY SENATORS BARHAM AND ADLEY
A RESOLUTION

To amend and readopt Senate Rules 2.3, 3.2(A), 3.6(A), and 3.8(A), and to adopt Senate Rule 3.1.1 of the Rules of Order of the Senate, relative to an organizational meeting of the Senate and to provide for the order of business at such meeting.

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

**Senate Bills and Joint Resolutions
on Second Reading**

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

June 6, 2007

SENATE BILL NO. 365— (Substitute of Senate Bill No. 174 by Senator Adley)

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 39:101(A)(1) and (B)(1)(a), (c), and (d) and (F)(1), 102(C), 103(A)(1) and (B)(1), 104(B), 111, 112, 113, 115, 121, 122(B)(1), 124, and 125, to enact R.S. 39:101(F)(3) and (G), and to repeal R.S. 39:105, relative to capital outlay; to provide relative to the priority and funding of projects to be included in the capital outlay bill; to provide relative to the development, enactment, and execution of the capital outlay process; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 5, 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. 251—

BY REPRESENTATIVES MICKEY GUILLORY AND DURAND

AN ACT

To amend and reenact R.S. 36:259(E)(18) and R.S. 37:3353(2) through (6), 3354(A) and (B)(introductory paragraph), (3), and (4), 3355(2) and (3), 3356(A), (B)(1), (F), and (G), 3357, 3358(A)(introductory paragraph), (2), and (3), (B), and (D), 3359, 3360(A), and 3361(2) through (4), to enact R.S. 37:3354(B)(5), 3357.1 through 3357.4, and 3358(A)(4) through (19), and to repeal R.S. 37:3354(C) through (E) and 3357(E)(2) and (3), relative to the practice of respiratory therapy; to provide for the transfer of the Respiratory Care Advisory Committee to the Department of Health and Hospitals; to provide for definitions; to provide for licensing requirements; to provide for the practice of certain health care providers; to provide for powers and duties of the Louisiana State Board of Medical Examiners; to provide for the composition, duties, and compensation of the members of the Respiratory Care Advisory Committee; to provide for issuance and renewal of a license; to provide for a continuing education requirement; to provide for a temporary license; to provide for a work permit; to provide for causes for nonissuance, nonrenewal, suspension, or revocation of a license; to provide for fees; to prohibit the false representation of a license; to provide for persons and practices not affected by the Respiratory Therapy Practice Act; and to provide for related matters.

HOUSE BILL NO. 313—

BY REPRESENTATIVES SCALISE, BURNS, MORRELL, AND SCHNEIDER

AN ACT

To amend and reenact Code of Criminal Procedure Article 701(B)(1), relative to the right to a speedy trial; to increase the time period for filing a bill of indictment when a defendant is held in custody for a felony offense for which the punishment may be death or life imprisonment; and to provide for related matters.

HOUSE BILL NO. 412—

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 37:2703(1), 2707(C), and 2708(A)(3) and to repeal R.S. 37:2703(9), relative to social workers; to provide for definitions; to provide for graduate social worker qualifications and employment; to provide for licensed clinical social worker qualifications; and to provide for related matters.

HOUSE BILL NO. 431—

BY REPRESENTATIVES FARRAR, K. CARTER, AND GRAY

AN ACT

To amend and reenact R.S. 22:1430.3(A)(5), (8), and (10), to enact R.S. 22:1430.3(F) and (G), and to repeal R.S. 22:1430.3(A)(11), relative to the board of directors of the Louisiana Citizens Property Insurance Corporation; to provide for the modification of the governor's appointments to the board of directors for the Louisiana Citizens Property Insurance Corporation; and to provide for related matters.

HOUSE BILL NO. 518—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 40:2116(D)(2), relative to the moratorium on beds in nursing facilities; to remove the prohibition on the replacement of existing nursing facilities; and to provide for related matters.

HOUSE BILL NO. 603—

BY REPRESENTATIVE CURTIS

AN ACT

To amend and reenact R.S. 40:2009.4.1(A), relative to nursing homes; to provide for compliance with sprinkler system requirements; to provide for replacement facilities; and to provide for related matters.

HOUSE BILL NO. 841—

BY REPRESENTATIVE QUEZAIRE

AN ACT

To amend and reenact R.S. 2:651, 652(2) and (9), 654(B)(introductory paragraph) and (1), (J), (M), and (O), 655(introductory paragraph), (9), (11), and (14), and 660 and to enact R.S. 2:655(21) and 662 and R.S. 44:4.1(B)(36), relative to the Louisiana Airport Authority; to provide for certain definitions; to provide relative to the purposes for which the Louisiana Airport Authority was created; to provide relative to membership on the board of commissioners and for the removal of members of the board; to provide relative to leases and other agreements regarding the use of property; to provide relative to powers and duties of the board; to authorize creation of an executive committee of the board and for its operation and powers; to provide for the Authority to enter into a lease agreement and other agreements for design, construction, financing, and operation of a multimodal facility; to provide relative to certain records in the custody of the Authority regarding certain negotiations; to provide certain procedures for and limitations on providing for the confidentiality of such records; to provide for the effectiveness of such confidentiality provisions; and to provide for related matters.

HOUSE BILL NO. 968— (Substitute for House Bill No. 471 by Representative Downs)

BY REPRESENTATIVE DOWNS

AN ACT

To amend and reenact R.S. 22:250.34(C) and 250.56(B), and to enact R.S. 22:250.31(22), relative to health insurance fraud; to specify the time allowed for investigation of a claim when there is suspicion of a representation or a fraudulent insurance act; and to provide for related matters.

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

House Bills and Joint Resolutions on First Reading

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

HOUSE BILL NO. 251—

BY REPRESENTATIVES MICKEY GUILLORY AND DURAND
AN ACT

To amend and reenact R.S. 36:259(E)(18) and R.S. 37:3353(2) through (6), 3354(A) and (B)(introductory paragraph), (3), and (4), 3355(2) and (3), 3356(A), (B)(1), (F), and (G), 3357, 3358(A)(introductory paragraph), (2), and (3), (B), and (D), 3359, 3360(A), and 3361(2) through (4), to enact R.S. 37:3354(B)(5), 3357.1 through 3357.4, and 3358(A)(4) through (19), and to repeal R.S. 37:3354(C) through (E) and 3357(E)(2) and (3), relative to the practice of respiratory therapy; to provide for the transfer of the Respiratory Care Advisory Committee to the Department of Health and Hospitals; to provide for definitions; to provide for licensing requirements; to provide for the practice of certain health care providers; to provide for powers and duties of the Louisiana State Board of Medical Examiners; to provide for the composition, duties, and compensation of the members of the Respiratory Care Advisory Committee; to provide for issuance and renewal of a license; to provide for a continuing education requirement; to provide for a temporary license; to provide for a work permit; to provide for causes for nonissuance, nonrenewal, suspension, or revocation of a license; to provide for fees; to prohibit the false representation of a license; to provide for persons and practices not affected by the Respiratory Therapy Practice Act; and to provide for related matters.

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

HOUSE BILL NO. 313—

BY REPRESENTATIVES SCALISE, BURNS, MORRELL, AND SCHNEIDER
AN ACT

To amend and reenact Code of Criminal Procedure Article 701(B)(1), relative to the right to a speedy trial; to increase the time period for filing a bill of indictment when a defendant is held in custody for a felony offense for which the punishment may be death or life imprisonment; and to provide for related matters.

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

HOUSE BILL NO. 412—

BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 37:2703(1), 2707(C), and 2708(A)(3) and to repeal R.S. 37:2703(9), relative to social workers; to provide for definitions; to provide for graduate social worker qualifications and employment; to provide for licensed clinical social worker qualifications; and to provide for related matters.

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

HOUSE BILL NO. 431—

BY REPRESENTATIVES FARRAR, K. CARTER, AND GRAY
AN ACT

To amend and reenact R.S. 22:1430.3(A)(5), (8), and (10), to enact R.S. 22:1430.3(F) and (G), and to repeal R.S. 22:1430.3(A)(11), relative to the board of directors of the Louisiana Citizens Property Insurance Corporation; to provide for the modification of the governor's appointments to the board of directors for the Louisiana Citizens Property Insurance Corporation; and to provide for related matters.

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

HOUSE BILL NO. 518—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 40:2116(D)(2), relative to the moratorium on beds in nursing facilities; to remove the prohibition on the replacement of existing nursing facilities; and to provide for related matters.

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

HOUSE BILL NO. 603—

BY REPRESENTATIVE CURTIS
AN ACT

To amend and reenact R.S. 40:2009.4.1(A), relative to nursing homes; to provide for compliance with sprinkler system requirements; to provide for replacement facilities; and to provide for related matters.

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

HOUSE BILL NO. 841—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 2:651, 652(2) and (9), 654(B)(introductory paragraph) and (1), (J), (M), and (O), 655(introductory paragraph), (9), (11), and (14), and 660 and to enact R.S. 2:655(21) and 662 and R.S. 44:4.1(B)(36), relative to the Louisiana Airport Authority; to provide for certain definitions; to provide relative to the purposes for which the Louisiana Airport Authority was created; to provide relative to membership on the board of commissioners and for the removal of members of the board; to provide relative to leases and other agreements regarding the use of property; to provide relative to powers and duties of the board; to authorize creation of an executive committee of the board and for its operation and powers; to provide for the Authority to enter into a lease agreement and other agreements for design, construction, financing, and operation of a multimodal facility; to provide relative to certain records in the custody of the Authority regarding certain negotiations; to provide certain procedures for and limitations on providing for the confidentiality of such records; to provide for the effectiveness of such confidentiality provisions; and to provide for related matters.

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

HOUSE BILL NO. 968— (Substitute for House Bill No. 471 by Representative Downs)

BY REPRESENTATIVE DOWNS
AN ACT

To amend and reenact R.S. 22:250.34(C) and 250.56(B), and to enact R.S. 22:250.31(22), relative to health insurance fraud; to specify the time allowed for investigation of a claim when there is suspicion of a representation or a fraudulent insurance act; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 5, 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:

June 6, 2007

HOUSE CONCURRENT RESOLUTION NO. 177—
BY REPRESENTATIVE KENNARD
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Specialist William J. "Jared" Crouch, United States Army, who was killed in action in Iraq.

HOUSE CONCURRENT RESOLUTION NO. 178—
BY REPRESENTATIVE MARCHAND
A CONCURRENT RESOLUTION

To recognize Tuesday, June 5, 2007, as Hunger Awareness Day.

HOUSE CONCURRENT RESOLUTION NO. 179—
BY REPRESENTATIVE BARROW
A CONCURRENT RESOLUTION

To recognize Thursday, June 7, 2007, as YWCA Day at the legislature.

HOUSE CONCURRENT RESOLUTION NO. 181—
BY REPRESENTATIVE SCALISE
A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency (FEMA) to immediately take all necessary and appropriate actions to provide and distribute positive ground anchorage systems to existing post-disaster emergency temporary housing located in Louisiana.

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

To memorialize the United States Congress to instruct the United States Army Corps of Engineers to take such actions as are necessary to include pump station repairs and safe house construction in St. Bernard Parish as a part of the projects authorized for funding under the provisions of Public Law 109-234, Flood Control and Coastal Emergencies.

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

House Concurrent Resolutions

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

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

To memorialize the United States Congress to instruct the United States Army Corps of Engineers to take such actions as are necessary to include pump station repairs and safe house construction in St. Bernard Parish as a part of the projects authorized for funding under the provisions of Public Law 109-234, Flood Control and Coastal Emergencies.

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

Mr President	Fields	Mount
Adley	Gautreaux B	Murray
Bajoie	Gautreaux N	Nevers
Barham	Hollis	Romero
Boasso	Jones	Schedler
Broome	Kostelka	Shepherd
Cain	Lentini	Smith
Chaisson	Malone	Theunissen

Cravins	Marionneaux	Ullo
Dupre	McPherson	
Ellington	Michot	
Total - 31		

NAYS

Total - 0

ABSENT

Amedee	Duplessis	Jackson
Cassidy	Fontenot	Quinn
Cheek	Heitmeier	
Total - 8		

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

HOUSE CONCURRENT RESOLUTION NO. 177—
BY REPRESENTATIVE KENNARD
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Specialist William J. "Jared" Crouch, United States Army, who was killed in action in Iraq.

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

Mr President	Ellington	McPherson
Adley	Fields	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Boasso	Hollis	Nevers
Broome	Jones	Romero
Cain	Kostelka	Schedler
Chaisson	Lentini	Shepherd
Cravins	Malone	Smith
Dupre	Marionneaux	Theunissen

Total - 30

NAYS

Total - 0

ABSENT

Amedee	Duplessis	Jackson
Cassidy	Fontenot	Quinn
Cheek	Heitmeier	Ullo
Total - 9		

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

HOUSE CONCURRENT RESOLUTION NO. 178—
BY REPRESENTATIVE MARCHAND
A CONCURRENT RESOLUTION

To recognize Tuesday, June 5, 2007, as Hunger Awareness Day.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Ellington	McPherson
Adley	Fields	Michot
Bajoie	Gautreaux B	Mount

Barham	Gautreaux N	Murray
Boasso	Hollis	Nevers
Broome	Jones	Romero
Cain	Kostelka	Schedler
Chaisson	Lentini	Shepherd
Cravins	Malone	Smith
Dupre	Marionneaux	Theunissen
Total - 30		

NAYS

Total - 0

ABSENT

Amedee	Duplessis	Jackson
Cassidy	Fontenot	Quinn
Cheek	Heitmeier	Ullo
Total - 9		

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

HOUSE CONCURRENT RESOLUTION NO. 179—

BY REPRESENTATIVE BARROW

A CONCURRENT RESOLUTION

To recognize Thursday, June 7, 2007, as YWCA Day at the legislature.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Ellington	Michot
Adley	Fields	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Hollis	Romero
Broome	Jones	Schedler
Cain	Kostelka	Shepherd
Chaisson	Malone	Smith
Cravins	Marionneaux	Theunissen
Dupre	McPherson	
Total - 29		

NAYS

Total - 0

ABSENT

Amedee	Fontenot	Quinn
Cassidy	Heitmeier	Ullo
Cheek	Jackson	
Duplessis	Lentini	
Total - 10		

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

HOUSE CONCURRENT RESOLUTION NO. 181—

BY REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency (FEMA) to immediately take all necessary and appropriate actions to provide and distribute positive ground anchorage systems to existing post-disaster emergency temporary housing located in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Ellington	Michot
Adley	Fields	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Hollis	Romero
Broome	Jones	Schedler
Cain	Kostelka	Smith
Chaisson	Malone	Theunissen
Cravins	Marionneaux	
Dupre	McPherson	
Total - 28		

NAYS

Total - 0

ABSENT

Amedee	Fontenot	Quinn
Cassidy	Heitmeier	Shepherd
Cheek	Jackson	Ullo
Duplessis	Lentini	
Total - 11		

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

House Bills and Joint Resolutions on Second Reading to be Referred

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

HOUSE BILL NO. 26—

BY REPRESENTATIVES ARNOLD AND SCALISE

A JOINT RESOLUTION

Proposing to amend Article VII, Section 23(C) of the Constitution of Louisiana, to limit certain increases in millage rates; to provide for applicability; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

HOUSE BILL NO. 27—

BY REPRESENTATIVES ARNOLD, BADON, BURRELL, CURTIS, MONTGOMERY, ODINET, SCALISE, AND JANE SMITH

AN ACT

To amend and reenact R.S. 47:1705(B), relative to ad valorem taxes; to limit the ability of taxing authorities to increase ad valorem tax millages; to provide for applicability; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 123—

BY REPRESENTATIVE KLECKLEY

AN ACT

To enact R.S. 47:354.1, relative to the occupational license tax; to provide for a rate structure for certain gasoline and motor fuel sales; to provide for an effective date; and to provide for related matters.

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

June 6, 2007

HOUSE BILL NO. 415—

BY REPRESENTATIVE MORRIS
AN ACT

To amend and reenact R.S. 11:1761 and 2225(A)(7)(c) and to enact R.S. 11:1145(C) and 2225(A)(7)(d), relative to a nonrecurring lump-sum benefit for certain benefit recipients of certain state and statewide retirement systems; to authorize a nonrecurring lump-sum benefit if a cost-of-living adjustment is not payable based on the system valuation for the fiscal year ending June 30, 2007, subject to certain conditions and limitations; to provide for applicability to the Louisiana School Employees' Retirement System, the Municipal Employees' Retirement System of Louisiana, and the Municipal Police Employees' Retirement System; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 676—

BY REPRESENTATIVE SMILEY
AN ACT

To amend and reenact R.S. 32:781(33), 783(F)(6) and (8), 784(A)(6), (7), and (8), 792(A), (B), (C), and (D), and 811(K)(1) and to enact R.S. 32:783(F)(9) and (10) and 811(L), relative to the Louisiana Recreational and Used Motor Vehicle Commission; to provide for definitions; to provide for commission's powers and duties; to provide for licensing of dealers of recreational products; to provide for licensing of used motor vehicle dealers and salespersons; and to provide for related matters.

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

HOUSE BILL NO. 726—

BY REPRESENTATIVE DOWNS
AN ACT

To enact R.S. 38:2212(A)(1)(d)(iv) and to repeal R.S. 38:2212(A)(1)(d)(iv), relative to public works performed by political subdivisions; to provide relative to the applicability of certain laws governing the advertising and letting of contracts to the repair of damage caused by Hurricane Katrina or Rita; and to provide for related matters.

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

HOUSE BILL NO. 767—

BY REPRESENTATIVES MCDONALD AND GALLOT
AN ACT

To amend and reenact R.S. 17:221(A)(2) and 233(B)(1) and to enact R.S. 17:233(C), relative to school attendance; to provide for the circumstances under which a student shall be considered habitually tardy; to require parents and other persons having charge of a student to enforce the attendance of such student at school; to provide relative to violations of such enforcement requirement by parents, tutors, and other persons having charge of certain habitually tardy students; to provide for penalties; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 795—

BY REPRESENTATIVE SALTER
AN ACT

To amend and reenact R.S. 51:3083, 3084(5), (9), (10), (11), and (13), 3085(B)(1)(b) and (2), 3087(A) and (B), 3091, 3093(B), (C)(3) and (5), and 3094, relative to tax credits; to provide relative to the Louisiana Community Development Financial Institution Act; to provide for additional tax credits; to provide for an extension of the Louisiana Community Development Financial Institution program; to provide for the definition and

use of "qualified Louisiana business"; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 828—

BY REPRESENTATIVE ALARIO
AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; to provide for an effective date; and to regulate the administration of said funds.

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

HOUSE BILL NO. 831—

BY REPRESENTATIVES HONEY, ALEXANDER, CHANDLER, FANNIN, ELBERT GUILLORY, KENNEY, M. POWELL, RITCHIE, TRAHAN, AND WALKER
AN ACT

To enact R.S. 17:1601.7, relative to state buildings; to provide that the Honors College building located on B.A. Little Drive at Southern University at Baton Rouge be renamed the Dr. Dolores Richard Spikes Honors College Building; and to provide for related matters.

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

HOUSE BILL NO. 873—

BY REPRESENTATIVES BADON AND HUTTER
AN ACT

To enact R.S. 48:756(A)(4), relative to distribution and dedication of state revenue; to provide for the distribution of monies from the Parish Transportation Fund and other state funds to the parish governing authorities; and to provide for related matters.

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

HOUSE BILL NO. 929—

BY REPRESENTATIVE TRICHE
AN ACT

To enact R.S. 47:6026, relative to tax credits; to provide for a refundable Louisiana income and corporation franchise tax credit for certain overpayments related to the inventory tax credit; and to provide for related matters.

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

HOUSE BILL NO. 953—

BY REPRESENTATIVE ALARIO
AN ACT

To appropriate funds and to make certain reductions in appropriations from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for Fiscal Year 2006-2007; and to provide for related matters.

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

HOUSE BILL NO. 960— (Substitute for House Bill No. 860 by Representative K. Carter)

BY REPRESENTATIVES K. CARTER, ANDERS, BOWLER, FARRAR, FAUCHEUX, HARRIS, KLECKLEY, LORUSSO, MORRELL, SCALISE, GARY SMITH, TOOMY, AND WALSWORTH
AN ACT

To amend and reenact R.S. 22:1382(A)(3)(a)(iv), 1401, 1402, 1404, 1404.1, 1404.2, 1405(B)(2)(b), 1407, 1408, 1411, 1416, 1417(B)(introductory paragraph) and (2), 1422, 1430.5(A), 1430.11(D), 1430.14, 1441.7(C), 1441.10, 1441.21(D), and

2092.5.1(B), R.S. 36:681(C)(1), and R.S. 44:4(5)(a); to enact R.S. 22:15(C)(22), 1402.1, 1402.2, 1402.3, and 1455 and R.S. 36:696; and to repeal R.S. 22:15(C)(8), (E)(16), (F)(7), and (G)(7), 1401.1, 1405(B)(2)(c), 1406, 1410(B), 1418, and 1450.3 and R.S. 36:686(C)(1), relative to insurance rating; to abolish the Louisiana Insurance Rating Commission and to transfer its powers, duties, and functions to the office of property and casualty; to provide for a file and use system for insurance rating; to provide for definitions; to provide relative to competitive and noncompetitive markets; to provide for rating standards and methods; to provide for the establishment of the office of consumer advocacy within the Department of Insurance; to provide for a policyholder bill of rights; to provide for the membership of the board of directors of the Property Insurance Association of Louisiana, the governing committee of the Louisiana Automobile Insurance Plan, and the Louisiana Property and Casualty Insurance Commission; and to provide for related matters.

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

HOUSE BILL NO. 962— (Substitute for House Bill No. 528 by Representative Morrell)

BY REPRESENTATIVES MORRELL, ANDERS, ARNOLD, BADON, BALDONE, BURRELL, DORSEY, GRAY, ELCIE GUILLORY, MICKEY GUILLORY, HEBERT, HUNTER, HUTTER, JACKSON, JEFFERSON, LAFLEUR, MARCHAND, PINAC, RICHMOND, ROMERO, GARY SMITH, JACK SMITH, AND WILLIAMS

AN ACT

To enact R.S. 22:1430.12(D), relative to the Louisiana Citizens Property Insurance Corporation; to provide for the rates charged by the Louisiana Citizens Property Insurance Corporation; to provide that the corporation's rates shall be the higher of the actuarially sound rates or the rates equal to the highest of the top ten insurers with the greatest total direct written premium; to provide for the use of actuarially sound rates; to provide the commissioner of insurance the authority to determine if a competitive market exists; and to provide for related matters.

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

HOUSE BILL NO. 966— (Substitute for House Bill No. 764 by Representative Heaton)

BY REPRESENTATIVES HEATON AND ANSARDI

AN ACT

To amend and reenact Code of Civil Procedure Article 561(A), relative to the abandonment of civil actions; to provide an exception for Hurricanes Katrina and Rita; 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.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

HEALTH AND WELFARE

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

June 6, 2007

To the President and Members of the Senate:

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

SENATE BILL NO. 110—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 37:3302(1), (2), (3), (4), (5), (6), (8) and (9)(a), (c) and (d), 3303(A)(1), (2), (3), (5) and (6), (B), (C), and (D), 3305, 3306, 3307, 3308, 3309, and 3310, relative to the Louisiana Athletic Trainers Law; to provide for the licensure of athletic trainers; to provide for the powers and duties of the Board of Medical Examiners; to provide for certain fees; to provide for prohibited activities; to provide for the denial, revocation, or suspension of an athletic trainer license and certificate; to provide for temporary licenses for certain graduate students; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 161—
BY SENATOR NEVERS

AN ACT

To enact R.S. 14:32.10 and R.S. 40:1299.35.17 and to repeal R.S. 14:32.9 and R.S. 40:1299.35.16, relative to abortion; to provide for the crime of partial birth abortion; to provide for penalties; to provide for the prohibition of the performance of partial birth abortions by a physician or any other person except where necessary to preserve the life of the mother; to provide for civil remedies; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 322—
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 37:930(A)(3), relative to the practice of nursing; to provide with respect to the authority to administer anesthetic to persons; and to provide for related matters.

Reported favorably.

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.

Reported with amendments.

HOUSE BILL NO. 573—
BY REPRESENTATIVE MORRISH

AN ACT

To amend and reenact R.S. 28:22.8, 451.4(B), 854(A)(5)(a) and (b), and 894(A)(5) and R.S. 36:259(C)(13) through (15) and (17) through (22) and to enact R.S. 36:259(C)(25) and (26), relative to state developmental centers; to change the names of the developmental centers; to provide for Acadiana Employment Services at Eunice and Acadiana Employment Services at Opelousas; to provide for the relationship between certain developmental centers and the Florida Parishes Human Services Authority and the Northeast Delta Human Services Authority; to provide for the transfer of the developmental centers; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 632—
BY REPRESENTATIVE STRAIN

AN ACT

To enact R.S. 40:2183(E), relative to hospices; to place an eighteen-month moratorium on the issuance of hospice licenses; to exempt certain facilities from the moratorium; and to provide for related matters.

June 6, 2007

Reported with amendments.

HOUSE BILL NO. 680—
BY REPRESENTATIVES DURAND AND KATZ
AN ACT

To repeal Section 2 of Act No. 177 of the 2005 Regular Session of the Legislature and Section 3 of Act No. 177 of the 2005 Regular Session of the Legislature, relative to the medical assistance program; and to repeal the effective date.

Reported favorably.

HOUSE BILL NO. 682—
BY REPRESENTATIVES JOHNS AND LAFLEUR
AN ACT

To amend and reenact R.S. 37:1041(C)(2)(a), relative to the practice of optometry; to provide for the definition of diagnostic and therapeutic pharmaceutical agent; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 784—
BY REPRESENTATIVES BARROW AND GRAY
AN ACT

To amend and reenact R.S. 40:2017 (introductory paragraph) and to enact R.S. 40:2017(B), relative to the Department of Health and Hospitals; to include qualified licensed clinical social workers as providers for the purposes of Medicaid reimbursement; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JOE MCPHERSON
Chairman

REPORT OF COMMITTEE ON

**COMMERCE, CONSUMER PROTECTION
AND INTERNATIONAL AFFAIRS**

Senator J. "Ken" Hollis, Jr., Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

June 6, 2007

To the President and Members of the Senate:

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

SENATE BILL NO. 301—
BY SENATOR MURRAY
AN ACT

To enact Chapter 53 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3101 through 3104; relative to the Department of Economic Development; to create the Louisiana Infrastructure Bank; to provide for a board of directors to govern such bank; to provide for membership, duties, and authority of the board; to provide for the adoption of bylaws, rules, regulations by the board; to provide for the receipt, administration, and expenditure of federal grants allotted for the fund; to provide for the capitalization, investment, and disposition of the funds; to authorize the infrastructure bank to incur debt and issue bond, notes, or other evidences of indebtedness and to guarantee the debt of other entities; to authorize loans from the fund to local governments, political subdivisions, and private entities; to provide procedures for political subdivisions to enter into such indebtedness; to exempt evidence of indebtedness from taxation; and to provide for related matters.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 58—
BY REPRESENTATIVE SCHNEIDER
A CONCURRENT RESOLUTION

To urge and request the United States Postal Service not to remove the mail forwarding service center from St. Tammany Parish.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 120—
BY REPRESENTATIVE GREENE
A CONCURRENT RESOLUTION

To urge and request the State Board of Certified Public Accountants of Louisiana to encourage certified public accountants to take continuing professional education courses which include information relevant to donations made through an income tax check off.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 149—
BY REPRESENTATIVE BADON
A CONCURRENT RESOLUTION

To urge and request the governor, the Saints organization, and the Louisiana Department of Economic Development to study and consider selecting the site of Plaza Mall in New Orleans East as the site for a new stadium and practice facility for the New Orleans Saints.

Reported with amendments.

HOUSE BILL NO. 498—
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 51:911.22(10)(introductory paragraph), 911.22(11), 911.24(C)(2), 912.25(introductory paragraph), and 912.27(B) and to enact R.S. 51:911.22(10)(e), relative to manufactured housing; to provide for changes to definitions; to provide for licensing relative to retailers and developers; to provide for changes to hurricane wind zones relative to manufactured housing; to provide for exclusion of certain individuals relative to installation of manufactured homes; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 577—
BY REPRESENTATIVE PINAC
AN ACT

To enact R.S. 12:202.1(F), R.S. 44:4.1(B)(36), and Part VIII of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1311 through 1328, relative to financing utility storm repairs and strengthening and stabilizing utilities; to provide for an exception to the limitation on formation of nonprofit corporations; to provide for an exception from the public records law; to provide for legislative intent and definitions; to authorize the creation of the Louisiana Utilities Restoration Corporation as a nonprofit public corporation; to provide for a board of directors; to provide for certain immunity; to provide for corporate powers; to place the nonprofit corporation under the regulatory jurisdiction of the Public Service Commission; to establish a mechanism by which the Public Service Commission or the council of the city of New Orleans may authorize and certify a financing order and the issuance of system restoration bonds that promote the public good of minimizing rates charged by utilities by providing low-cost capital; to provide for the contents of financing orders; to provide that the financing orders shall require the electric or gas utility as collection agent to collect a system restoration charge from its retail customers sufficient to pay the debt service and related costs on any bonds issued pursuant to the financing order; to provide for appeals of financing orders; to provide for security interests in system restoration property; to provide for the sale or pledge of system restoration property; to provide that system restoration bonds are not public debt; to provide a state pledge of non-impairment of system restoration bonds; to prohibit the corporation from filing bankruptcy; to provide that

the jurisdiction of the commission is not impaired; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 629—
BY REPRESENTATIVES RITCHIE AND PINAC
AN ACT

To enact Part IV-D of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.51 through 1730.66, relative to industrialized buildings; to provide legislative findings; to provide for definitions; to provide for rules and regulations relative to industrialized buildings; to provide for third-party inspectors and design review agencies; to provide for standards of construction for industrialized buildings; to provide for enforcement of the building code; to provide for enforcement of building code amendments; to provide for design review; to provide for equivalent methods of compliance; to provide for inspections of industrialized buildings; to provide for decals or insignia on modules; to provide for reciprocity of industrialized buildings; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
J. "KEN" HOLLIS, JR.
Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

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

June 6, 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:

SENATE BILL NO. 295—
BY SENATOR SHEPHERD
AN ACT

To amend and reenact R.S. 24:31.1(A), 31.5(A)(1), 506(A), and 507(B), relative to the legislature; to provide with respect to the salary of a member of the Senate, the Senate president, and the Senate president pro tempore; to provide with respect to the funds available for legislative assistants of members of the Senate; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
CHARLES D. JONES
Chairman

REPORT OF COMMITTEE ON

INSURANCE

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

June 6, 2007

To the President and Members of the Senate:

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

HOUSE BILL NO. 309—
BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 22:675(C)(3), relative to group health plans; to decrease the minimum aggregate stop-loss limit for a group health plan with fifty-one or more participants to one hundred ten percent of the group health plan's total expected claims per policy period; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAMES DAVID CAIN
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. 107—
BY SENATOR MARIONNEAUX
AN ACT

To enact Civil Code Art. 2315.3, relative to damages; to provide for the award of certain exemplary damages; to provide terms and conditions; to provide for an effective date; and to provide for related matters.

Reported without action by the Committee on Judiciary A. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 172—
BY SENATOR CHAISSON
AN ACT

To amend and reenact R.S. 15:572.8(A), (B), (C)(1), (C)(2), the introductory paragraph of (C)(3), (C)(3)(b), (C)(3)(c)(ii), (C)(4), (C)(5), (D), (E), (F), introductory paragraph of (G), (G)(1), (H), (I)(1), (I)(3), and introductory paragraph of (J), relative to compensation for wrongful conviction and imprisonment; to provide certain procedural requirements for persons seeking compensation for wrongful conviction and incarceration; to provide for venue and service of process; to provide for rules of procedure; to provide a maximum payment; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 172 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "15:572.8" delete the remainder of the line and delete lines 3 and 4 and insert ", relative to"

AMENDMENT NO. 2

On page 1, line 8, after "payment;" insert "to require an annual report;"

AMENDMENT NO. 3

On page 1, line 10, after "15:572.8" delete the remainder of the line and delete lines 11 and 12 and insert "is hereby amended and"

AMENDMENT NO. 4

On page 2, line 12, after "C." delete "(1)"

AMENDMENT NO. 5

On page 2, line 16, after "**governed by**" delete the remainder of the line

AMENDMENT NO. 6

On page 2, line 17, delete "**of Ordinary Proceedings.**" and insert "**procedures outlined herein and randomly re-allotted by the court. D.**"

AMENDMENT NO. 7

On page 2, line 21, after "convicted." and before "The" insert "**E. The attorney general shall represent the state of Louisiana in these proceedings.**"

AMENDMENT NO. 8

On page 2, line 23, after "district attorney" and before "within" insert "**of the parish in which the conviction was obtained and upon the court that vacated or reversed the petitioner's conviction or upon the pardon board if the conviction was vacated through executive clemency**"

AMENDMENT NO. 9

On page 2, line 24, after "petition." insert the following:

"Upon receipt of the petition and of confirmation of service on the attorney general's office, the court shall ask the state, through the attorney general's office, to respond to the petition within forty-five days of service of the petition. A maximum of two extensions of thirty days may be granted by the court upon written request by the state for cause shown. The court shall set a hearing within forty-five days of the attorney general's response. Unless otherwise provided herein, the Louisiana Rules of Evidence shall apply.

F. The petition shall contain a recitation of facts necessary to an understanding of the petitioner's innocence that are supported by either the opinion or order vacating the conviction and sentence and/or by the existing court record of the case. Specific citations for each fact tending to show innocence shall be made to the existing record.

G. The petitioner shall attach to the petition:

(1) a copy of the judgment, opinion or pardon that vacated the petitioner's conviction and sentence;

(2) a copy of the verdict of acquittal or of the entry of an order of nolle prosequi, or other action of the state declining to re-prosecute the petitioner; and

(3) a record from the department of corrections of the time the petitioner spent in the custody of the department of corrections."

AMENDMENT NO. 10

On page 2, line 25, change "(2)" to "**H.**"

AMENDMENT NO. 11

On page 2, line 25, after "**general**" delete the remainder of the line and delete line 26 in its entirety

AMENDMENT NO. 12

On page 2, line 27, delete "**obtained, if,**" and insert "**, the court shall render a decision as soon as practical. If,**"

AMENDMENT NO. 13

On page 3, line 3, after "Section." delete the remainder of the line and lines 4 through 7 in their entirety

AMENDMENT NO. 14

On page 3 line 8, change "(3)" to "**(1)**"

AMENDMENT NO. 15

On page 3, line 12, change "**twenty-five**" to "**forty**"

AMENDMENT NO. 16

On page 3, delete line 14 and insert:

"(a) Pay the costs of job-skills training for one year; and"

AMENDMENT NO. 17

On page 3, delete line 20 and insert:

"(c) Provide expenses for tuition and fees at any community college or unit of the public university system of the state of

Louisiana.

(i) State aid in accordance with this Subparagraph shall include assistance in meeting any admission standards or criteria required at any of the applicable institutions, including but not limited to assistance in satisfying requirements for a certificate of equivalency of completion of secondary education and assistance in completing any adult education program or courses."

AMENDMENT NO. 18

On page 3, line 29, change "(4)" to "**(2)**"

AMENDMENT NO. 19

On page 4, line 6, change "(5)" to "**(3)**"

AMENDMENT NO. 20

On page 4, line 9, change "D." to "**I.**"

AMENDMENT NO. 21

On page 4, line 11, after "shall file" change "an" to "**a**"

AMENDMENT NO. 22

On page 4, line 13, change "E." to "**J.**"

AMENDMENT NO. 23

On page 4, line 17, change "F." to "**K.**"

AMENDMENT NO. 24

On page 4, line 22, change "G." to "**L.**"

AMENDMENT NO. 25

On page 4, delete line 26 and insert:

"(2) An indictment, information, complaint, or other formal accusation."

AMENDMENT NO. 26

On page 4, line 27, change "H." to "**M.**"

AMENDMENT NO. 27

On page 5, line 1, change "I." to "**N.**"

AMENDMENT NO. 28

On page 5, delete line 9 and insert:

"(2) The monies in the fund shall be subject to appropriation and may only be used as provided in Paragraph (3) of this Subsection. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund, and interest earnings shall be deposited in and credited to the fund. All unexpended or unencumbered monies remaining in the fund at the end of the fiscal year shall remain to the credit of the fund." and on page 5, line 13, change "J." to "**O.**"

AMENDMENT NO. 29

On page 5, delete line 17, and insert:

"(1) Such contract shall only be secured from an insurance company licensed in accordance with the laws of the state of Louisiana whose claims-paying ability is rated as superior or excellent by at least two nationally recognized rating services; and

(2) The contract, by its terms, cannot be sold, transferred, assigned, discounted, or used as security for a loan; and

(3) The contract provides for survivors benefits; and

(4) The remainder of the compensation awarded shall be distributed evenly over a period of five years.

P. The court shall annually prepare and submit a report for the prior calendar year to the judicial administrator of the Louisiana Supreme Court, on or before the first day of April, commencing in 2007, including the number of awards and the total amount of funds distributed in accordance with this Section."

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

SENATE BILL NO. 190—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 27:311(D)(2), relative to the Video Draw Poker Devices Control Law; to provide for the calculation of franchise payments; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. The bill was read by title, ordered engrossed, and recommitted to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 224—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 4:724(B)(5), relative to Charitable Raffles, Bingo, and Keno Licensing Law; to provide relative to the requirements and restrictions concerning the operation and use of electronic video bingo machines; to restrict the display of certain features on the machines; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 224 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 4:724(B)(5)" and before the comma ",", insert "and to enact R.S. 4:724(J)"

AMENDMENT NO. 2

On page 1, line 7, after "reenacted" insert "and R.S. 4:724(J) is hereby enacted"

AMENDMENT NO. 3

On page 1, line 16, change "**The machine**" to "**An electronic video bingo machine**"

AMENDMENT NO. 4

On page 1, line 17, delete "**any**" and after "**features**" delete the remainder of the line and insert in lieu thereof the following "**simulating slot reels or card games, but may contain any other animated display.**"

AMENDMENT NO. 5

On page 2 delete lines 1 and 2 and insert in lieu thereof the following:

J. The following persons shall be permitted to operate electronic video bingo machines which are not in compliance with Paragraph (B)(5) of this Section:

(1) Any person who is licensed as a distributor and has approved permit stamps for electronic video bingo machines as of the effective date of this Subsection; or,

(2) Any person who is licensed as a distributor and who has purchased electronic video bingo machines for a location for which application has been made for a commercial lessor's license prior to August 15, 2007.

(3) The subsequent operation of these electronic video bingo machines purchased for a location for which application has been made for a commercial lessor's license prior to August 15, 2007, will be allowed to operate at any commercial lessor/hall locations whether applications for such licenses or locations were submitted before or after August 15, 2007.

(4) Notwithstanding any other provision of this Chapter to the contrary, any license issued pursuant to the provisions of this Section shall be renewable. In addition, any commercial lessor or distributor license, or commercial hall location to which a license has been issued, pursuant to the provisions of this Section may be sold after the effective date of this Section, even if such sale requires the issuance of a new commercial lessor or distributorship license.

(5) Notwithstanding any other provision of this Subsection to the contrary, any electronic video bingo machine not in

compliance with Paragraph (B)(5) of this Section which was owned prior to August 15, 2007 or purchased prior to August 15, 2007 pursuant to the provisions of Paragraph (2) of this Subsection and which is destroyed or rendered inoperable in any manner may be replaced by an electronic video bingo machine not in compliance with Paragraph (B)(5) of this Subsection even if such replacement electronic video bingo machine was purchased after August 15, 2007."

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

Mr. President in the Chair

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

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

HOUSE BILL NO. 108—

BY REPRESENTATIVES RITCHIE, ANDERS, ANSARDI, ARNOLD, BADON, BOWLER, K. CARTER, CAZAYOUX, CHANDLER, CRANE, CROWE, DAMICO, DANIEL, DOWNS, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GRAY, GREENE, ELCIE GULLORY, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, LAFLEUR, LORUSSO, MARTINY, MCDONALD, MONTGOMERY, MORRELL, MORRIS, MORRISH, M. POWELL, SALTER, SCHNEIDER, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, WADDELL, WALSWORTH, WINSTON, AND WOOTON

AN ACT

To amend and reenact R.S. 14:102(7) and 102.1(C), to enact R.S. 14:102.23, and to repeal 14:102.1(D), relative to offenses affecting the public sensibility; to prohibit promoting or conducting a cockfight; to provide for definitions; to provide relative to cruelty to animals; to provide for exemptions; to provide for penalties; to provide for exceptions; to repeal provision of law providing that fowl are not considered animals for the purpose of the crime of cruelty to animals; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 108 by Representative Ritchie

AMENDMENT NO. 1

On page 1, line 2, after "To" delete "amend and reenact R.S. 14:102(7) and 102.1(C), to"

AMENDMENT NO. 2

On page 1, line 3, after "to" and before "offenses" insert "criminal"

AMENDMENT NO. 3

On page 1, line 3, after "offenses" delete the remainder of the line and delete lines 4 through 7 in their entirety and insert the following: "; 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; to provide for an effective date; and to provide for related"

AMENDMENT NO. 4

On page 1, delete line 10 in its entirety and insert "Section 1. R.S."

June 6, 2007

AMENDMENT NO. 5

On page 1, delete lines 12 through 17 in their entirety and insert the following:

§102.23. Cockfighting; prohibited; penalties

A. Cockfighting shall be unlawful.

B. As used in this Section the following terms shall be defined as follows:

(1) "Cockfighting" means the causing of two or more roosters, defined as "gamecock," to engage in fighting.

(2) "Gamecock" means any rooster bred or trained for participation in a cockfight.

C. Cockfighting is determined to be cruelty to animals and shall be prosecuted under the provisions of R.S. 14:102.1.

D. No person shall transport any gamecock or another chicken, male or female, where the trier of fact may conclude that such transportation was for the purpose of having the animal engage in a cockfight or for the purpose of using the transported bird for the breeding of a gamecock or for the training for cockfighting.

E. No person shall organize, promote, conduct, or financially or materially support any cockfight, including but not limited to knowingly providing property, moveable or immovable, which shall be used to stage a cockfight or to transport gamecocks.

F.(1) Any person in violation of Subsection D or E of this Section shall be fined one thousand dollars or imprisoned for not more than six months, or both. Each such violation shall constitute a separate offense.

(2) Upon a second or subsequent violation of Subsection D or E of this Section, any property used in commission of the violation may be confiscated by the court and sold at public auction. The proceeds of such auction shall be distributed to the Department of Public Safety and Corrections to be used in enforcement, investigation, and prosecution of any violation of this Section."

AMENDMENT NO. 6

On page 2, delete lines 1 through 28 in their entirety

AMENDMENT NO. 7

On page 3, delete lines 1 through 29 in their entirety

AMENDMENT NO. 8

On page 4, line 2, after "effective" change "August 15, 2008" to "December 31, 2007"

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

HOUSE BILL NO. 122—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 33:1448.1(B)(introductory paragraph), (D), and (E) and to enact R.S. 33:1448.1(B)(4), relative to the Bossier Parish Retired Employees Insurance Fund; to provide relative to eligible retired sheriffs and retired deputy sheriffs; to increase the total amount of principal and earnings in the Bossier Parish Retired Employees Insurance Fund; and to provide for related matters.

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

HOUSE BILL NO. 136—

BY REPRESENTATIVES BRUCE AND WALSWORTH
AN ACT

To amend and reenact R.S. 15:283(E)(1) and 440.2(C) and Children's Code Articles 323(2)(a) and (b) and 324(B), relative to testimony of protected persons; to amend the definition of "protected person"; and to provide for related matters.

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

HOUSE BILL NO. 151—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 13:2590(A)(22) and (B) and to enact R.S. 13:2590(A)(31), relative to fees a justice of the peace may demand and receive for filings and services in civil matters; to authorize an increase in fees for service of subpoena or subpoena duces tecum; to authorize a fee for notice of seizure in garnishment; to specify that the fees are for operational expenses of the ward constable; and to provide for related matters.

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

HOUSE BILL NO. 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.

Reported favorably by the Committee on Judiciary A. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 210—

BY REPRESENTATIVES FAUCHEUX, DARTEZ, GALLOT, ST. GERMAIN, TOOMY, AND WHITE
AN ACT

To amend and reenact R.S. 13:782(A)(1), relative to the salary of the various clerks of district courts; to provide for the salary of the clerks of court based on parish population; to redefine the population categories; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 213—

BY REPRESENTATIVES JOHNS, ALEXANDER, ANDERS, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOUIN, BEARD, BOWLER, BRUCE, BURRELL, R. CARTER, CAZAYOUX, CHANDLER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FARRAR, FAUCHEUX, FRITH, GEYMAN, ELCIE GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANCASTER, LORUSSO, MARTINY, MCDONALD, MORRELL, MORRIS, MORRISH, ODINET, PIERRE, PINAC, PITRE, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, WADDELL, WALKER, WALSWORTH, WHITE, AND WINSTON
AN ACT

To amend and reenact R.S. 40:1238.1(B) and to enact R.S. 40:971(B)(1)(i) and 1238.1(C), relative to controlled dangerous substances; to provide penalties for obtaining a second or subsequent controlled dangerous substance without disclosing the fact of the existing prescription for a controlled dangerous substance to a health care practitioner; to create the crime of obtaining a second prescription for Carisoprodol without disclosure of first prescription to a health care practitioner; to provide for penalties; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 213 by Representative Johns

AMENDMENT NO. 1

On page 2, line 18, after "knowingly" insert "and intentionally"

AMENDMENT NO. 2

On page 2, line 25, after "practitioner." insert the following: "Failure of a practitioner to request the disclosure is not a violation of this Subsection by the practitioner."

AMENDMENT NO. 3

On page 2, at the end of line 27, insert the following: "As used in this Section, the term "existing" shall mean the period of time within which the prescription was prescribed to be taken."

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

HOUSE BILL NO. 288—

BY REPRESENTATIVE ODINET

AN ACT

To enact R.S. 40:2266.1.1, relative to the Acadiana Criminalistics Laboratory Commission, the North Louisiana Criminalistics Laboratory Commission, the Southeast Louisiana Regional Criminalistics Laboratory Commission, and any other criminalistics laboratory commission; to provide for the collection of fees for certain criminal violations; to provide for a fee schedule for criminal violations; to provide for collection of the fees; to provide for the use of revenue derived from the fees; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 288 by Representative Odinet

AMENDMENT NO. 1

On page 1, line 2, after "relative to" delete the remainder of the line and delete lines 3 and 4 in their entirety

AMENDMENT NO. 2

On page 1, line 5, delete "laboratory commission;" and insert "criminalistics laboratory commissions;"

AMENDMENT NO. 3

On page 1, line 17, after "commission" and before "as" insert "or of a sheriff's criminalistics laboratory"

AMENDMENT NO. 4

On page 2, delete lines 27 and 28 in their entirety and insert the following:

"(5) The provisions of this Section shall not supercede and shall be supplemental to the provisions of R.S. 40:2264, 2266.1, 2268.4, or any other provision of law providing for fees for criminalistics laboratories. The fees provided for in Paragraph (1) of this Section shall be in addition to any fees collected pursuant to the provisions of R.S. 40:2264, 2266.1, 2268.4 or any other provision of law."

On motion of Senator Chaisson the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 308—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact Code of Civil Procedure Article 2452(B), relative to judgment debtor examinations; to provide for proper venue in the parish in which the judgment was rendered; and to provide for related matters.

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

HOUSE BILL NO. 322—

BY REPRESENTATIVE LAMBERT

AN ACT

To amend and reenact R.S. 13:4207, relative to appeals; to require city court and district court judges to sign an order of appeal within specified delays; and to provide for related matters.

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

HOUSE BILL NO. 350—

BY REPRESENTATIVE GEYMANN

AN ACT

To amend and reenact R.S. 40:2531(B)(7), relative to rights of municipal and campus police during investigations; to provide for a time limit during which an investigation must begin; to provide when an investigation shall be considered complete; and to provide for related matters.

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

HOUSE BILL NO. 436—

BY REPRESENTATIVES MARTINY, ALARIO, ANDERS, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, CAZAYOUX, CROWE, CURTIS, DAMICO, DANIEL, DOERGE, DORSEY, DOVE, DOWNS, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMANN, GRAY, GREENE, ELBERT GUILLORY, ELCIE GUILLORY, HARRIS, HEATON, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KENNARD, KENNEY, KLECKLEY, LAFLEUR, LAFONTA, LANCASTER, LORUSSO, MARCHAND, MONTGOMERY, MORRELL, MORRIS, MORRISH, PIERRE, PITRE, T. POWELL, QUEZAIRE, RICHMOND, ROMERO, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WHITE, WILLIAMS, WINSTON, AND WOOTON AND SENATORS CHAISSON, CRAVINS, JACKSON, MICHOT, MURRAY, AND THEUNISSEN

AN ACT

To amend and reenact R.S. 9:2800.16, R.S. 15:85.1(A)(2)(b), 146 through 149.1, 150, 151, 1202(A)(13), and 1424(B)(3), R.S. 24:513(A)(3), 515.1(A), (B)(introductory paragraph), and (D), and 517.1(F)(1) and (2), R.S. 33:1342(1), R.S. 36:4(D) and 801.1(A), R.S. 39:1302(1)(f), R.S. 46:236.5(B)(2), Children's Code Articles 321(C) and (D), 607(A), 608(B), 740(B), and 809(C) and (E), and Code of Criminal Procedure Articles 944(A), 948(A), and 953, to enact R.S. 15:141 through 143, 149.2, and 152 through 184, to repeal R.S. 15:144, 145, 145.1, and 151.2, and to direct the Louisiana State Law Institute to redesignate certain statutory provisions, all relative to indigent defender services; to enact the Louisiana Public Defender Act; to create the Louisiana Public Defender Board; to provide for the powers and duties of the board; to provide for definitions; to provide for legislative findings; to provide for the authority of the board; to provide for rulemaking; to provide for the hiring of executive staff positions for the board; to provide for job descriptions and qualifications for executive staff; to provide for the establishment of public defender service regions; to provide for the powers and duties of regional directors; to provide for the powers and duties of district public defenders; to provide for the filling of vacancies in the office of district public defenders; to provide for the selection process for employing regional directors; to create the Louisiana Public Defender Fund; to provide for the composition of the fund, administration of the fund, and use of monies from the fund; to provide for the adoption of mandatory standards and guidelines of practice in the delivery of indigent defender services; to provide for qualification standards and mandatory training for attorneys delivering public defender services; to provide for disciplinary actions taken by the board for the failure to comply with mandatory standards and guidelines; to provide for a due process hearing for disciplinary action taken against a regional director or district public defender; to provide for the transfer of the powers, duties, authority, and obligations of the Indigent Defense Assistance Board to the Louisiana Public Defender Board; to provide for the transfer of the duties and functions relating to the delivery of indigent defender services from

June 6, 2007

judicial district indigent defender boards to the judicial district indigent defender fund under the management of the district public defenders; to provide that no right or cause of action is created by the provisions hereof; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 436 by Representative Martiny

AMENDMENT NO. 1

On page 6, line 12, after "district" and before "including" delete "or multiple judicial districts within a service region"

AMENDMENT NO. 2

On page 10, line 16, after "cause" delete the period "." and insert a comma "," and insert "or as provided in Subsection D of this Section."

AMENDMENT NO. 3

On page 10, between lines 17 and 18 insert the following: "D.(1) A member may be removed for excessive absences from meetings. For the purposes of this Subsection, "excessive absences" means failure to attend three consecutive meetings or more than fifty percent of the meetings of the board conducted during a year.

(2) Upon review of board member attendance, if a board member has been excessively absent from board meetings, the chairman shall inform the board of the absences and shall send written notice on behalf of the board to the member requesting that the member resign his position on the board. If the member refuses to resign, the board shall remove the member for excessive absences in accordance with the provisions of this Subsection.

(3) If a member is removed as provided by this Subsection, the board shall send written notice to the member informing him of his removal and notify the appropriate appointing authority of the vacancy on the board.

E. The board shall notify the appropriate appointing authority of any board vacancy which occurs for any reason."

AMENDMENT NO. 4

On page 12, at the end of line 12, delete the period "." and insert "for review by the Joint Legislative Committee on the Budget."

AMENDMENT NO. 5

On page 30, between lines 4 and 5 insert the following: "E. Notwithstanding any other provision of law to the contrary, no service region shall be established which has a population in excess of five hundred thousand, as determined by the latest federal decennial census, unless a single judicial district having a population in excess of five hundred thousand, as determined by the latest federal decennial census, is established as a service region consisting of that single judicial district."

AMENDMENT NO. 6

On page 36, delete lines 21 through 23 in their entirety and insert the following:

"J. Notwithstanding any other provision of law to the contrary, any attorney employed by or under contract with the board, the district public defender, regional director, where applicable, or nonprofit organization contracting with the board, district public defender, regional director, where applicable, or the board to provide legal counsel to an indigent person in a criminal proceeding shall be licensed to practice law in the state of Louisiana. The provisions of this Subsection, shall not be construed to prohibit the use of attorneys licensed to practice law in another state to provide legal counsel to an indigent person in a criminal proceeding on a pro-bono basis or who is receiving compensation from a grant administered by the board or from a grant administered by any nonprofit contracting with the board, provided that the out of state attorney is authorized to perform those services by the Louisiana Supreme Court. The legislature hereby specifically states that the provisions of this Subsection are in

no way intended to, nor shall they be, construed in any manner which will impair any contractual obligations, heretofore existing on June 1, 2007, of any out of state attorney authorized by the Louisiana Supreme Court to practice law in this state to provide legal counsel to an indigent person in a criminal proceeding."

AMENDMENT NO. 7

On page 53, line 3, change " board' to "public defender"

AMENDMENT NO. 8

On page 63, line 21, after "defender" delete the period "." and insert "or any program created by law to provide representation to indigent parents in child abuse and neglect cases and to be administered by the Louisiana Public Defender Board."

AMENDMENT NO. 9

On page 69, between lines 23 and 24 insert the following: "Section 18. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are hereby declared severable.

Section 19. In the event the district public defender for the Twenty-Ninth Judicial District establishes a district public defender advisory board as authorized by R.S. 15:162.1 the members of that board may be paid per diem as authorized by R.S. 15:145(E)(2) before that provision was repealed by this Act."

AMENDMENT NO. 10

On page 69, at the beginning of line 24, change "Section 18." to "Section 20."

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

HOUSE BILL NO. 501— BY REPRESENTATIVE ARNOLD AN ACT

To enact Code of Civil Procedure Article 74.2(F), relative to venue; to provide for the transfer of proceedings in certain child custody and support cases post-Hurricanes Katrina and Rita; and to provide for related matters.

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

HOUSE BILL NO. 519— BY REPRESENTATIVES ELCIE GUILLORY AND GRAY AN ACT

To enact R.S. 14:35.3(B)(3) and (L), relative to domestic abuse battery; to provide for criminal penalties for domestic abuse battery when the battery involves strangulation; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 547— BY REPRESENTATIVE MARTINY AN ACT

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

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

HOUSE BILL NO. 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.

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

HOUSE BILL NO. 636—

BY REPRESENTATIVES WILLIAMS, TOOMY, AND RICHMOND
AN ACT

To amend and reenact R.S. 40:41(B)(2), relative to the vital statistics law; to provide that upon written request a public administrator is entitled to disclosure of a confidential death certificate; and to provide for related matters.

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

HOUSE BILL NO. 643—

BY REPRESENTATIVES ROMERO AND DURAND
AN ACT

To amend and reenact R.S. 9:2793.3, 2793.4, 2793.5, and 2793.6, relative to civil liability of certain nonprofit organizations; to provide a limitation of liability for certain services rendered prior to the declaration of a storm; and to provide for related matters.

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

HOUSE BILL NO. 727—

BY REPRESENTATIVES ALEXANDER, MORRELL, AND WALSWORTH
AN ACT

To enact R.S. 9:2793.8, relative to civil liability; to provide a limitation of liability for the National Voluntary Organizations Active in Disaster; to provide an exception for willful and wanton misconduct; and to provide for related matters.

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

HOUSE BILL NO. 739—

BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 9:5167 and R.S. 44:106(A), 109(A), and 110 and to enact R.S. 44:109.1, relative to the cancellation of mortgages and vendor's privileges; to require the recorder of mortgages to cancel mortgages and vendor's privileges under certain circumstances; to authorize certain persons to file cancellations of mortgages and vendor's privileges; to provide for the contents of the affidavit of cancellation; to provide for the liability of persons executing an affidavit of cancellation; to provide for the indemnification of persons relying on the affidavit of cancellation; to provide for the form attached to the affidavit of cancellation; to provide relative to licensed financial institutions executing certain acts; to provide a standard form for and mandatory acceptance of mortgage or privilege cancellations; to provide relative to the requisite knowledge of and liability for executing or filing a materially false or incorrect statement; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 739 by Representative Gallot

AMENDMENT NO. 1

On page 2, delete line 25 and insert "made a due and diligent search for the ~~last holder~~ note, the ~~last holder~~ note cannot be located,"

AMENDMENT NO. 2

On page 5, at the end of line 14, delete "or" and insert "~~or~~ **and**"

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

HOUSE BILL NO. 751—

BY REPRESENTATIVES HONEY AND GALLOT
AN ACT

To amend and reenact Children's Code Article 1243(A), relative to intrafamily adoptions; to expand petitioners to include second and third cousins; and to provide for related matters.

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

HOUSE BILL NO. 796—

BY REPRESENTATIVE GRAY
AN ACT

To amend and reenact R.S. 13:2575(C)(1) and 2576(A)(1), relative to administrative adjudication of certain ordinance violations; to provide for the enforcement of liens and privileges; and to provide for related matters.

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

HOUSE BILL NO. 846—

BY REPRESENTATIVE BRUCE
AN ACT

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

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

HOUSE BILL NO. 959— (Substitute for House Bill No. 128 by Representative McDonald)

BY REPRESENTATIVES MCDONALD AND THOMPSON
AN ACT

To amend and reenact R.S. 13:2606, relative to justice of the peace courts in West Carroll Parish; to provide for the territorial jurisdiction of justice of the peace courts; to provide for the election of justices and constables of those courts; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 961— (Substitute for House Bill No. 404 by Representative Damico) BY REPRESENTATIVES DAMICO AND SALTER AN ACT

To enact R.S. 9:5168, relative to cancellation of mortgages and privileges, to require the recorder of mortgages to cancel mortgages and vendor's privileges under certain circumstances; to authorize the filing of cancellations of mortgages and vendor's privileges; to authorize certain persons to execute an affidavit of cancellation; to provide for the contents of the affidavit of cancellation; to provide a limitation of liability for clerks of court and recorders of mortgages; to provide for the indemnification of persons relying on the affidavit of cancellation; and to provide for related matters.

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

Motion to Recommit

Senator Malone asked for and obtained a suspension of the rules and recommitment House Bill No. 919 from the Committee on Finance to the Committee on Natural Resources.

Motion to Recommit

Senator Adley asked for and obtained a suspension of the rules and recommitment Senate Bill No. 337 from the Committee on Finance to the Committee on Revenue and Fiscal Affairs.

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. 2— BY SENATOR FONTENOT A JOINT RESOLUTION

Proposing to amend Article VII, Section 10(D)(3)(a) and (c) of the Constitution of Louisiana, relative to the expenditure of state funds; to prohibit the reduction of state salary supplements for full-time law enforcement and fire protection officers; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title. Senator Fontenot 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, Dupre, Marionneaux; Adley, Ellington, McPherson; Amedee, Fields, Michot; Bajoie, Fontenot, Mount; Barham, Gautreaux B, Murray; Boasso, Gautreaux N, Nevers; Broome, Heitmeier, Romero; Cain, Hollis, Shepherd; Cassidy, Jackson, Smith; Chaisson, Jones, Theunissen; Cheek, Kostelka, Ullo.

Table with 2 columns: Cravins, Duplessis, Total - 37; Lentini, Malone.

NAYS

Total - 0

ABSENT

Table with 2 columns: Quinn, Total - 2; Schedler.

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

SENATE BILL NO. 70— BY SENATOR MICHOT AN ACT

To amend and reenact R.S. 47:6023(B)(5) and (6) and (C)(1), relative to income tax; to extend the sound recording investor tax credit; to provide for certain time limits for approvals and certain reports; to provide for prohibition of additional tax benefits for certain expenditures; and to provide for related matters.

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 70 by Senator Michot

AMENDMENT NO. 1

On page 1, line 15, after "Development" insert ", the commissioner of administration, and the office of the governor within one hundred eighty days of the receipt by the Department of Economic Development of a complete application for initial certification of an infrastructure project. If the infrastructure project is not approved within one hundred eighty days, the Department of Economic Development shall provide a written report to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means which states the reason that the infrastructure project has not been approved."

AMENDMENT NO. 2

On page 2, line 4, after "days" insert "of the receipt by the Department of Economic development of a complete application for initial certification of a production" and at the end of the line, delete "or" and on line 5, delete "infrastructure project"

On motion of Senator Michot, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Duplessis
Dupre
Total - 37

Malone
Marionneaux

NAYS

Total - 0

ABSENT

Cain
Total - 2

Quinn

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

SENATE BILL NO. 96—
BY SENATOR AMEDEE AND REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 11:416(A)(2) and 441.1(G), relative to the Louisiana State Employees' Retirement System; to provide with respect to membership; to provide for reemployment of retirees; to provide for options upon such reemployment; to allow reemployment of certain persons who retired pursuant to early retirement provisions; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Ellington	McPherson
Adley	Fields	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Romero
Broome	Hollis	Schedler
Cassidy	Jackson	Shepherd
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Duplessis	Malone	
Dupre	Marionneaux	
Total - 37		

NAYS

Total - 0

ABSENT

Cain
Total - 2

Quinn

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

SENATE BILL NO. 98—
BY SENATORS SCHEDLER, BAJOIE, CHAISSON, CHEEK, N. GAUTREAU, JACKSON, MCPHERSON, FIELDS, FONTENOT, B. GAUTREAU, HEITMEIER, JONES, MOUNT, ULLO, AMEDEE, BARHAM, BOASSO, BROOME, CASSIDY, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, HINES, HOLLIS, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MICHOT, MURRAY, NEVERS, ROMERO, SMITH AND THEUNISSEN

AN ACT

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

for the deposit of and use of monies in the fund; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Reengrossed Senate Bill No. 98 by Senator Schedler

AMENDMENT NO. 1
On page 2, line 3, following "**Opportunities**" and before "**Fund**" change "**Waiver**" to "**Waiver**"

AMENDMENT NO. 2
On page 2, line 10, following "**fund**" and before "**New**" insert "**the**"

AMENDMENT NO. 3
On page 2, line 11, following "**Waiver**" insert "**program**"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Schedler to Engrossed Senate Bill No. 98 by Senator Schedler

AMENDMENT NO. 1
On page 1, line 16, change "**five**" to "**twelve**"

On motion of Senator Schedler, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

June 6, 2007

SENATE BILL NO. 108—

BY SENATOR CHEEK AND REPRESENTATIVES BRUCE, BURNS, MONTGOMERY, SCHNEIDER AND WINSTON

AN ACT

To amend and reenact R.S. 47:1003(5)(introductory paragraph) and (11)(b) and to enact R.S. 47:1003(5)(e), relative to the public utilities tax; to exempt household goods carriers from the tax; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yea, Nay. Includes Mr President, Adley, 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, Quinn, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo.

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 124—

BY SENATOR BROOME

AN ACT

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

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: Name, Yea, Nay. Includes Mr President, Adley, Amedee, Dupre, Ellington, Fields, Marionneaux, McPherson, Michot.

Table with 3 columns: Name, Yea, Nay. Includes Bajoie, Barham, Boasso, Broome, Cain, Cassidy, Chaisson, Cheek, Cravins, Duplessis, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Mount, Murray, Nevers, Quinn, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo.

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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. 146—

BY SENATORS DUPRE, B. GAUTREAUX, HOLLIS, MICHOT, ELLINGTON, MCPHERSON AND ULLO AND REPRESENTATIVES BALDONE, DOVE, KENNARD, PITRE AND QUEZAIRE

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 the creation and establishment of the Windfall Highway, Infrastructure, and Protection Fund; to provide for the dedication of money in the fund to certain uses; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 146 by Senator Dupre

AMENDMENT NO. 1

On page 4, line 2, at the beginning of the line insert "is"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Dupre sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dupre to Engrossed Senate Bill No. 146 by Senator Dupre

AMENDMENT NO. 1

On page 3, line 8, change "Until adjusted pursuant to this Paragraph, the" to "The"

AMENDMENT NO. 2

On page 4, at the end of line 1, insert "to the Coastal Protection and Restoration Fund"

AMENDMENT NO. 3

On page 4, line 9, change "construction costs" to "the purposes set forth in Subparagraph (a) of this Paragraph"

On motion of Senator Dupre, the amendments were adopted.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 146 by Senator Dupre

AMENDMENT NO. 1

On page 4, line 3, after "**and/or**" delete "**coastal**"

On motion of Senator Barham, the amendments were adopted.

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

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	Marionneaux	
Total - 38		

NAYS

Malone
Total - 1

ABSENT

Total - 0

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

SENATE BILL NO. 158—

BY SENATOR MARIONNEAUX
AN ACT

To amend and reenact RS 22:175(A)(4) and R.S. 23:1211 and to enact R.S. 22:175(A)(5), relative to life insurance allowances for officers and other members of the military forces of this state while in the service of the state of Louisiana in the course of the business of the military forces of this state; to provide for policy limits in cases of death and injury; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Dupre	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		

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 211—

BY SENATORS MOUNT, KOSTELKA, MALONE, MARIONNEAUX,
MICHOT, MURRAY AND NEVERS

AN ACT

To amend and reenact R.S. 47:6025(A)(3), relative to the tax credit for assessments levied by Louisiana Citizens Property Insurance Corporation; to provide for the claiming of the credit; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Dupre	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		

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 213—

BY SENATOR BAJOIE
AN ACT

To enact R.S. 47:305.56, relative to economic development; to establish the hurricanes Katrina and Rita Recovery Zone; to provide that the state sales and use tax will not apply to manufacturing machinery and equipment purchased, leased, or rented or repaired by manufacturers located in the zone; to eliminate the corporation franchise tax for certain businesses located within the zone; to eliminate the state corporate income taxes for certain businesses located within the zone; and to provide for related matters.

June 6, 2007

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

SENATE BILL NO. 217—
BY SENATOR MURRAY

AN ACT

To enact R.S. 33:9038.59, relative to cooperative economic development; to create the New Orleans City Park Taxing District as a special taxing and tax increment financing district in the parish of Orleans; to provide for the boundaries of the district; to provide for the governance of the district; to provide for the authority, powers, duties, and function of the governing body to levy and collect taxes within the district; to engage in tax increment financing; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 217 by Senator Murray

AMENDMENT NO. 1

On page 3, line 14, following "**district**" and before "**to**" insert "1"

AMENDMENT NO. 2

On page 3, line 18, following "**(5)**" and before "**officers**" change "**Appoint**" to "**To appoint**"

AMENDMENT NO. 3

On page 3, line 23, following "**behalf**" and before "**to**" insert "1"

AMENDMENT NO. 4

On page 3, line 28, following "**(8)**" and before "**such**" change "**Establish**" to "**To establish**"

On motion of Senator Lentini, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Quinn
Total - 1

ABSENT

Total - 0

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

Notice Regarding Vote

Senator Quinn stated she had voted in error on Senate Bill No. 217. She voted nay on the bill and had intended to vote yea. She asked that the Official Journal so state.

SENATE BILL NO. 251—
BY SENATOR ADLEY

AN ACT

To enact R.S. 47:6026, relative to state sales tax; to provide a credit against such tax for certain investments; to provide for refunds; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 251 by Senator Adley

AMENDMENT NO. 1

On page 2, line 9, following "**means**" and before "**efficiency**" change "**to increase**" to "**increasing**" and following "**or**" change "**to increase**" to "**increasing**"

AMENDMENT NO. 2

On page 2, line 20, following "**Subsection**" change "**(D)**" to "**D**"

AMENDMENT NO. 3

On page 3, line 11, following "**Chapter**" and before "**, or**" change "**2A**" to "**2-A**"

AMENDMENT NO. 4

On page 3, line 12, following "**Chapter**" and before "**of**" change "**2B**" to "**2-B**"

AMENDMENT NO. 5

On page 3, line 22, following "**in**" and before "1" change "**(F)(1) above**" to "**Paragraph (1) of this Subsection**"

AMENDMENT NO. 6

On page 4, line 8, following "**Chapter 2, Chapter**" and before "**of Subtitle II**" change "**2A, or Chapter 2B**" to "**2-A, or Chapter 2-B**"

On motion of Senator Lentini, the amendments were adopted.

Mr. President in the Chair

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 251 by Senator Adley

AMENDMENT NO. 1

On page 2, line 1, after "**means**" and before "**wood**" insert "**(a)**"

AMENDMENT NO. 2

On page 2, line 4, after "**321999;**" and before "**paper**" delete "**and**" and insert "**(b)**"

AMENDMENT NO. 3

On page 2, line 8, after "**322299**" and before the period "." insert the following: "**;** and (c) **chemical manufacturers within Subsector 325 (chemical manufacturing) of the North American Industry Classification System (NAICS), as classified in 2007**"

AMENDMENT NO. 4

On page 4, between lines 22 and 23, insert the following:
"H. Notwithstanding any other provision in this Section to the contrary, the aggregate amount of tax credits allowed under this Section shall not exceed six million dollars per year. The issuance of memorandum of credits by the secretary shall be on a first-come first-served basis. If the total amount of credits for which certifications have been submitted in any particular year exceeds the aggregate amount of credits allowed for that year, the excess shall be treated as having been submitted on the first day of the subsequent year."

Senator Barham moved adoption of the amendments.

Senator Adley objected.

ROLL CALL

The roll was called with the following result:

YEAS

Amedee	Fields	Marionneaux
Barham	Fontenot	McPherson
Broome	Gautreaux N	Michot
Cain	Hollis	Quinn
Cassidy	Jackson	Romero
Chaisson	Jones	Schedler
Dupre	Kostelka	Shepherd
Total - 21		

NAYS

Adley	Duplessis	Murray
Bajoie	Ellington	Nevers
Boasso	Gautreaux B	Smith
Cheek	Heitmeier	Theunissen
Cravins	Malone	
Total - 14		

ABSENT

Mr President	Mount
Lentini	Ullo
Total - 4	

The Chair declared the amendments were adopted.

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

SENATE BILL NO. 292—

BY SENATOR MICHOT AND REPRESENTATIVES ALARIO AND TOWNSEND AND SENATORS BARHAM, CRAVINS AND N. GAUTREAUX AND REPRESENTATIVES ALEXANDER, HEBERT, MONTGOMERY, PIERRE, ROBIDEAUX, TRAHAN AND WALSWORTH
AN ACT

To amend and reenact R.S. 47:3204(B)(1) and 4302(B), relative to contracts of tax exemption with the Board of Commerce and Industry; to remove the time limitation for the number of years the exemption is allowed; to provide for subsequent renewals of a contract; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 292 by Senator Michot

AMENDMENT NO. 1

On page 1, line 17, after "**additional**" and before "**may**" change "**five year or less periods**" to "**periods of five years or less**"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 292 by Senator Michot

AMENDMENT NO. 1

On page 3, line 6, after "47:3204(B)(1)(b)" insert "**(c)**"

On motion of Senator Michot, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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	Malone	Ullo
Duplessis	Marionneaux	
Total - 38		

NAYS

Total - 0

ABSENT

Lentini
 Total - 1

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

SENATE BILL NO. 341—

BY SENATOR JACKSON

AN ACT

To enact R.S. 47:297.7, relative to individual income tax; to provide for an earned income tax credit against state tax; and to provide for related matters.

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

June 6, 2007

SENATE BILL NO. 353—
BY SENATORS JACKSON, N. GAUTREAU, MALONE,
MARIONNEAUX, MICHOT AND MURRAY
AN ACT

To amend and reenact R.S. 47:32(A)(1) and 295(B), relative to the
individual income tax; to reduce the income taxes of individuals
of certain incomes; and to provide for related matters.

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

SENATE BILL NO. 360—
BY SENATORS MICHOT, KOSTELKA, MALONE, MOUNT, MURRAY
AND NEVERS
AN ACT

To amend and reenact R.S. 47:306(B)(11), relative to the collection
of sales tax by wholesalers and the exemption from payment of
advance sales tax to certain retail dealers; to provide for an
effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Murray sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill
No. 360 by Senator Michot

AMENDMENT NO. 1
On page 1, line 2, change "R.S. 47:306(B)(11)" to "R.S.
47:337.18(B)(1), to enact R.S. 47:306(A)(6) and (7), and to repeal
R.S. 47:306(B) and (C) and 337.18(B)(2) and (3)" and change "sales
tax" to "advance sales tax of the state and its political subdivisions"

AMENDMENT NO. 2
On page 1, delete line 3, and insert: "manufacturers, wholesalers,
jobbers and suppliers from retail"

AMENDMENT NO. 3
On page 1, delete line 6, and insert:
"Section 1. R.S. 47:337.18(B)(1) is hereby amended and
reenacted and R.S. 47:306(A)(6) and (7) is hereby enacted to read as
follows:"

AMENDMENT NO. 4
On page 1, delete lines 8 through 17, and delete page 2, and on page
3, delete lines 1 through 12, and insert:
"A. * * *
* * *

(6) In making their returns to the secretary, dealers who
have paid advance sales tax on purchases of tangible personal
property for resale during periods when R.S. 47:306(B) was
effective shall deduct from the total tax collected by them upon
the retail sale of the commodity the amount of tax paid by them
to manufacturers, wholesalers, jobbers and suppliers during the
period reported, provided tax paid invoices evidencing the
payment are retained by the dealer claiming the refund or credit.
If the amount so paid during any reporting period amounts to
more than the tax collected by him for the period reported, the
excess so paid shall be allowed as refund or credit against the tax
collected by the dealer during the succeeding period or periods.

(7) The state, and any parish, municipality, school board,
and any other tax authority which levies a sales and use tax is
hereby prohibited from requiring manufacturers, wholesalers,
jobbers, suppliers, or any other taxpayer to collect such sales tax
in advance from dealers to whom they sell.

§337.18. Returns and payment of tax; penalty for absorption

B. Collection by wholesalers. (†) Parishes, municipalities,
school boards and other local governing bodies, except as hereinafter
set forth, tax authorities which levy a sales tax are hereby prohibited
from requiring manufacturers, wholesalers, jobbers, or suppliers, or

any other taxpayer to collect such sales taxes in advance from
dealers to whom they sell.

Section 2. R.S. 47:306(B) and (C) and 337.18(B)(2) and (3) are
hereby repealed."

AMENDMENT NO. 5
On page 3, line 13, change "Section 2." to "Section 3." and change
"2008." to "2009"

AMENDMENT NO. 6
On page 3, line 15, change "2008" to "2009"

On motion of Senator Murray, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr President, Adley, Amedee, Bajoie, Barham, Boasso, Broome, Cain, Cassidy, Chaisson, Cheek, Cravins and their respective counts.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Absent, Present. Lists names like Jackson, Lentini, Marionneaux and their respective counts.

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

Senate 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 Murray asked that Senate Bill No. 218 be called from
the Calendar at this time for its final passage.

SENATE BILL NO. 218—
BY SENATORS MURRAY, BAJOE AND SCHEDLER AND
REPRESENTATIVE ARNOLD
AN ACT

To enact R.S. 47:6026, relative to income tax credits; to provide for
income tax credits related to musical or theatrical productions
and musical or theatrical facility infrastructure projects; and to
provide for related matters.

Floor Amendments Sent Up

Senator Murray sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 218 by Senator Murray

AMENDMENT NO. 1

On page 5, line 21, after "in the state" insert "directly"

AMENDMENT NO. 2

On page 5, line 22, after "Section," insert: "and movable and immovable property and equipment related thereto, or any other facility which supports and is a necessary component of such facility,"

AMENDMENT NO. 3

On page 7, line 3, delete "until January 1, 2014,"

AMENDMENT NO. 4

On page 7, line 5, after "(i)" insert "(aa)" and after "granted for" delete the remainder of the line, and on line 6, delete "(aa) For"

AMENDMENT NO. 5

On page 7, delete lines 10 through 14, and insert:

"(bb) The initial certification shall be effective for a period twelve months prior to and twelve months after the date of initial certification.

"(ii)(aa) Until January 1, 2014, a base investment credit may be granted for certified, verified, and approved expenditures in the state for the construction, repair, or renovation of a state-certified musical or theatrical facility infrastructure project, or for investments made by a company or a financier in such infrastructure project which are, in turn, expended for such construction, repair, or renovation, not to exceed twenty-five million dollars per state-certified infrastructure project, under conditions provided for in this Item.

"(bb) If all or a portion of an infrastructure project is a facility which may be used for other purposes not directly related to the production or performance of musical or theatrical production activities, then the project shall only be approved if a determination is made that the multiple-use facility will support and will be necessary to secure musical or theatrical production activities for the musical or theatrical production or performance facility and the applicant provides sufficient contractual assurances that:

(I) The facility will be used for the production or performance of musical or theatrical production activities, or as a support and component thereof, for the useful life of the facility.

(II) No tax credits shall be earned on such multiple-use facilities until the facility directly used in musical or theatrical productions or performances is complete.

(cc) Tax credits for infrastructure projects shall be earned only as follows:

(I) Construction of the infrastructure project shall begin within six months of the initial certification provided for in Subparagraph (E)(1)(d) of this Section.

(II) Expenditures shall be certified, verified, and approved as provided for in this Section, and credits are not earned until such certification.

(III) Twenty-five percent of the total base investment provided for in the initial certification of an infrastructure project pursuant to Subparagraph (E)(1)(d) of this Section shall be certified, verified, and approved as expended before any credits may be earned.

(IV) No tax credit shall be allowed for expenditures made for any infrastructure project two years after its initial certification pursuant to Subparagraph (E)(1)(d) of this Section, unless fifty percent of total base investment provided for in the initial certification of the project pursuant to such Subparagraph has been expended prior to that time. The expenditures may be finally certified at a later date.

"(dd) The initial certification may require the tax credits to be taken and/or transferred in the tax period in which the credit is earned or the tax credits may be structured in the initial certification of the project to provide that only a portion of the tax credit be taken over the course of two or more tax years."

AMENDMENT NO. 6

On page 7, line 15, change "(ii) The" to the following:

"(iii) Except as limited for state-certified infrastructure projects as provided for in this Subparagraph, the"

AMENDMENT NO. 7

On page 9, delete lines 7 and 8, and insert: "credit is granted under R.S. 47:6007 or 6023. In addition, a state-certified production or state-certified infrastructure project which receives tax credits pursuant to the provisions of this Chapter shall not be eligible to receive the rebates provided for in R.S. 51:2451 through 2461 in connection with the activity for which the tax credits were received."

AMENDMENT NO. 8

On page 10, line 16, after "provide for" delete the remainder of the line, and insert: "all of the following:

(aa) The minimum criteria for such certification.

(bb) The"

AMENDMENT NO. 9

On page 10, between lines 19 and 20, insert:

"(cc) An appeals process in the event that an application for or the certification of a production or infrastructure project, or an expenditure related to such production or project, is denied."

AMENDMENT NO. 10

On page 12, line 2, after "include" change "the" to the following: "all of the following:

(i) The total base investment to be expended on the state-certified production or the state-certified infrastructure project.

(ii) The"

AMENDMENT NO. 11

On page 12, line 3, after "allocated" insert a period "." and change "and the" to "(iii) The"

AMENDMENT NO. 12

On page 12, line 4, after "each" insert a period "." and change "and a" to the following:

"(iv) In the case of state-certified infrastructure projects, when such tax credits may be taken or transferred.

(v) A"

AMENDMENT NO. 13

On page 13, delete lines 27 and 28, and insert:

"(dd) A complete, detailed business plan and market analysis."

AMENDMENT NO. 14

On page 14, line 2, after "(3)" change "The" to "In addition to the rules and regulations provided for in Subparagraph (E)(1)(a) of this Section, the"

AMENDMENT NO. 15

On page 14, line 4, after "promulgate such" insert "other"

Senator Murray moved adoption of the amendments.

Senator Malone objected.

ROLL CALL

The roll was called with the following result:

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YEAS

Mr President	Duplessis	Michot
Adley	Dupre	Murray
Amedee	Fields	Nevers
Bajoie	Fontenot	Quinn
Boasso	Gautreaux B	Romero
Broome	Gautreaux N	Schedler
Cain	Heitmeier	Shepherd
Chaisson	Jackson	Ullo
Cheek	Jones	
Cravins	Kostelka	
Total - 28		

NAYS

Barham	Hollis	Theunissen
Cassidy	Malone	
Ellington	Smith	
Total - 7		

ABSENT

Lentini	McPherson
Marionneaux	Mount
Total - 4	

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Duplessis	Michot
Adley	Dupre	Mount
Amedee	Ellington	Murray
Bajoie	Fields	Nevers
Barham	Fontenot	Quinn
Boasso	Gautreaux B	Romero
Broome	Gautreaux N	Schedler
Cain	Heitmeier	Shepherd
Chaisson	Jackson	Ullo
Cheek	Jones	
Cravins	Kostelka	
Total - 31		

NAYS

Cassidy	Malone	Theunissen
Hollis	Smith	
Total - 5		

ABSENT

Lentini	Marionneaux	McPherson
Total - 3		

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

Called from the Calendar

Senator Shepherd asked that Senate Bill No. 294 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 294—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 40:431.1, relative to the Jefferson Parish Housing Authority; to provide with respect to the board of trustees of such authority; to provide for the powers and duties of such board; to authorize the board to levy a tax under certain

circumstances; to provide procedures for the imposition of such taxes; to provide for the use of such taxes; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Cravins	Malone
Adley	Duplessis	Michot
Amedee	Ellington	Murray
Bajoie	Fields	Nevers
Barham	Fontenot	Romero
Boasso	Gautreaux B	Schedler
Broome	Gautreaux N	Shepherd
Cain	Heitmeier	Smith
Cassidy	Hollis	Theunissen
Chaisson	Jones	Ullo
Cheek	Kostelka	
Total - 32		

NAYS

Total - 0

ABSENT

Dupre	Marionneaux	Quinn
Jackson	McPherson	
Lentini	Mount	
Total - 7		

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

Called from the Calendar

Senator Boasso asked that Senate Bill No. 22 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 22—
BY SENATOR BOASSO

AN ACT

To amend and reenact R.S. 18:1300.2(B) and 1300.3(A), relative to recall elections; to provide for the collection of electors' signatures on recall petitions; to provide for registrar of voters certification; to provide for the total number of voters in a voting area; to provide for a definition of statewide elected official; to provide for statewide elected officials and state legislators; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini to Engrossed Senate Bill No. 22 by Senator Boasso

AMENDMENT NO. 1

On page 2, line 11, following "insurance" and before "or" delete "the superintendent of education"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Boasso sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Boasso to Engrossed Senate Bill No. 22 by Senator Boasso

AMENDMENT NO. 1

On page 2, line 21, after "state," delete the remainder of the line, delete lines 22 and 23, and on line 24, delete the line before "Each"

On motion of Senator Boasso, the amendments were adopted.

Floor Amendments Sent Up

Senator Boasso sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Boasso to Engrossed Senate Bill No. 22 by Senator Boasso

AMENDMENT NO. 1

On page 1, line 5, after "area," insert "to provide for exceptions,"

AMENDMENT NO. 2

On page 2, between lines 11 and 12, insert:

"(3) The provisions of this Subsection shall not be applicable to a local governmental subdivision which operates under a home rule charter pursuant to the provisions of Article VI, Section 5 of the Constitution of Louisiana and which specifically provides for a procedure for the recall of an elected officer."

On motion of Senator Boasso, the amendments were adopted.

Floor Amendments Sent Up

Senator Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jones to Engrossed Senate Bill No. 22 by Senator Boasso

AMENDMENT NO. 1

On page 2, line 10, after "agriculture," insert "or" and on line 11, after "insurance" insert a "." and delete the remainder of the line

On motion of Senator Jones, the amendments were adopted.

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 22 by Senator Boasso

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 18:" delete the remainder of the line and insert "1300.2(A)(1) and 1300.3(A) and to enact R.S. 18: 1300.2.1 and 1300.3.1, relative to recall elections; to provide for statewide elected officials and state legislators recall elections; to"

AMENDMENT NO. 2

On page 1, line 4, after "certification;" delete the remainder of the line and delete lines 5 and 6 and insert "and to provide for related matters."

AMENDMENT NO. 3

On page 1, line 8, after "Section 1." delete the remainder of the line and insert "R.S. 18:1300.2(A)(1) and 1300.3(A) are hereby amended and reenacted and R.S. 18: 1300.2.1 and 1300.3.1 are hereby enacted to"

AMENDMENT NO. 4

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

"A.(1) Except as provided for in R.S. 18:1300.2.1, Whenever whenever the recall of any public officer is sought, a petition shall be directed to the governor. The petition shall be limited to the request that an election be called and held in the voting area for the purpose of recalling the officer. No recall petition shall seek an election for the recall of more than one public officer, individually, in the same recall petition."

AMENDMENT NO. 5

On page 1, delete lines 12 through 17 and on page 2, delete lines 1 through 29 and insert the following:

"§1300.2.1 Petition for recall election; statewide elected officials and state legislators; campaign finance disclosure

A.(1) Whenever the recall of a statewide elected official or state legislator is sought, a petition shall be directed to the governor. The petition shall be limited to the request that an election be called and held in the voting area for the purpose of recalling the officer. No recall petition shall seek an election for the recall of more than one statewide elected official or state legislator, individually, in the same recall petition.

(2) The secretary of state shall provide a form approved by the attorney general to be used for the petition for a recall election. Such form shall be in conformity with the provisions of this Chapter and R.S. 18:3. All recall petitions shall be on an approved form or on a form which contains the same information as required by the approved form and any petition not on such a form shall be invalid.

B. All signatures on recall petitions shall be handwritten. (1) Except as provided for in Paragraph (2) of this Subsection, this petition shall be signed by a number of the electors of the voting area as will in number equal not less than thirty-three and one-third percent of the number of those electors who voted in the most recent election to elect the statewide elected official or state legislator within the voting area and for which a recall election is petitioned.

(2) For a statewide elected official or state legislator, who at the time of his election to public office was unopposed, this petition shall be signed by a number of the electors of the voting area as will in number equal not less than thirty-three and one-third percent of the number of the total electors of the voting area wherein and for which a recall election is petitioned.

C.(1) Prior to the entering of any signatures on a petition, the chairman designated to represent the petitioners shall file with the secretary of state a copy of the recall petition which will be used and upon receipt of the recall petition the secretary of state shall endorse thereon the fact and the date of filing. A copy shall be transmitted by the secretary of state to the registrar of voters for each parish in which the recall election is to be held. The chairman shall list on the petition every parish which is wholly or partially within the voting area in which the recall election is to be held. The petition shall be deemed filed when it is received in the office of the secretary of state, or at the time it is postmarked by the United States Postal Service or is receipted on a return receipt request form, if it is subsequently received in the office of the secretary of state.

(2) The signed and dated petition shall be submitted to the registrar of voters for each parish within the voting area not later than one hundred eighty days after the day on which the copy of the petition was filed with the secretary of state; however, where fewer than one thousand qualified electors reside within the voting area, the petition shall be submitted to the registrar of voters not later than ninety days after the day on which the copy of the petition is filed with the secretary of state. If the final day for submitting the signed and dated petition falls on a Saturday, Sunday, or legal holiday, the deadline for filing such petition shall be on the next day which is not a Saturday, Sunday, or legal holiday.

(3) The chairman shall file notice with the registrar on the third day before the petition is submitted to the registrar that he will submit the petition and the date of such submission, unless such submission is made within three days prior to the expiration of the period for submitting such petition. Such notice of

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submission shall be a public record. If the notice filed with the registrar on the third day before the petition is submitted includes a date for submitting the signed and dated petition which falls on a Saturday, Sunday, or other legal holiday, the registrar shall so inform the chairman and advise the chairman of the next day which is not a Saturday, Sunday, or other legal holiday and on which the petition is to be submitted.

D. Each elector, at the time of signing the petition, shall enter his address and the date on which he signed beside or underneath his signature; however, if a person is unable to write, as provided in R.S. 18:1300.4, the two witnesses shall date their signatures. In addition, each petition shall be in compliance with the provisions of R.S. 18:3. In determining the number of qualified electors who signed the petition in any parish, the registrar of voters shall not count any signature which is undated or bears a date prior to the date on which the copy of the petition initially was filed with the secretary of state or after the date of the submission of the petition to the registrar except as otherwise provided in R.S. 18:1300.3(B). The registrar shall not receive or certify a petition submitted to him for certification unless it is submitted to him timely.

E. The secretary of state shall notify the Supervisory Committee on Campaign Finance Disclosure of the filing of a copy of a recall petition to be used to seek the recall of a statewide elected official or state legislator, including the date of such filing, the statewide elected official or state legislator who is the subject of the petition, and the names and addresses of the chairman and vice chairman designated on the petition. The Campaign Finance Disclosure Act shall be applicable to persons supporting or opposing the recall of a public officer as provided in R.S. 18:1486.

F. For the purposes of this Section, "statewide elected official" means the following offices: governor, lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, or commissioner of insurance.

§1300.3. Certification of registrar of voters; addition or withdrawal of signatures; form of names

A. Except as provided for in R.S. 18:1300.3.1, The the registrar of voters of each parish in the voting area wherein a recall election is sought shall certify on the recall petition, within fifteen twenty working days after it is presented to him for that purpose, the number of names appearing thereon, the number of qualified electors of the voting area within the parish whose handwritten signatures appear on the petition, and also the total number of electors of the voting area within the parish as of the date of the filing of the petition with the secretary of state. However, if any parish wholly or partially within the voting area has more than fifty thousand registered voters, the registrar of voters for each parish within the voting area shall complete such certification on the recall petition within twenty working days after it is presented to him for that purpose. Each registrar also shall indicate on the petition the names appearing thereon who are not electors of the voting area. Each person who participates in the review of the names on the petition for certification by the registrar as required in this Section shall initial each of those portions of the petition which he reviews for certification by the registrar.

* * *

§1300.3.1 Certification of registrar of voters; statewide elected officials and state legislators; addition or withdrawal of signatures; form of names

A. For a statewide elected official or state legislator, the registrar of voters of each parish in the voting area wherein a recall election is sought shall certify on the recall petition, within twenty working days after it is presented to him for that purpose, the number of names appearing thereon, the number of qualified electors of the voting area within the parish whose handwritten signatures appear on the petition, and also the number of votes cast by the electors in the most recent election to elect the statewide elected official or state legislator in the voting area within the parish as of the date of the filing of the petition with the secretary of state. However, for a statewide elected official or state legislator, who at the time of his election to public office was unopposed as provided for in R.S. 18:1300.2.1(B)(2), the registrar of voters of each parish in the voting area wherein a recall election is sought shall certify on the recall petition, within fifteen

working days after it is presented to him for that purpose, the number of names appearing thereon, the number of qualified electors of the voting area within the parish whose handwritten signatures appear on the petition, and also the total number of electors of the voting area within the parish as of the date of the filing of the petition with the secretary of state. Each registrar also shall indicate on the petition the names appearing thereon who are not electors of the voting area. Each person who participates in the review of the names on the petition for certification by the registrar as required in this Section shall initial each of those portions of the petition which he reviews for certification by the registrar.

B.(1) The registrar of voters shall honor the written request of any voter who either desires to have his handwritten signature stricken from the petition or desires to have his handwritten signature added to the petition at any time after receipt of the signed petition as provided in R.S. 18:1300.2.1(C) but prior to certification of the petition or within five days after receipt of such signed petition, whichever is earlier. The written request of the voter shall include the name and address of the voter, the signature of the voter, and the date.

(2) Upon the signature of the voter, the written request of the voter to have his signature stricken or added to the recall petition shall be a public record. Any person in possession of such a written request shall be the custodian thereof. The voter or any other person who is the custodian of the written request shall transmit the written request to the registrar of voters for each parish within the voting area by mail or directly by hand, immediately upon signature of the voter or upon receipt of the signed, written request.

C. When there is no registrar of voters, or deputy registrar of voters in any parish, or in case of the absence or inability of that officer, the clerk of the district court of the parish shall execute the certificate. Immediately after the recall petition is certified a copy of the petition shall be made and the original recall petition shall be sent to the governor by the officer executing the certificate. Such copy shall be retained in the office of the registrar of voters in each parish affected by the petition and shall be a public record.

D. When any officer designated in this Chapter refuses to execute the certificates provided for, any signer of a recall petition, or the chairman or vice chairman designated to represent the signers, may compel the execution of the certificates by summary process in the district court having jurisdiction over the officer.

E. The registrar of voters shall comply with the provisions of R.S. 18:3(C) when determining the number of qualified electors of the voting area who signed the petition.

F. For the purposes of this Section, "statewide elected official" means the following offices: governor, lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, or commissioner of insurance."

Senator Fields moved adoption of the amendments.

Senator Boasso objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr President	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Broome	Gautreaux B	Murray
Cravins	Heitmeier	Nevers
Duplessis	Jones	Shepherd
Total - 15		

NAYS

Adley	Cheek	Mount
Amedee	Dupre	Quinn
Barham	Ellington	Romero

Boasso	Hollis	Schedler
Cain	Kostelka	Smith
Cassidy	Malone	Theunissen
Chaisson	Michot	Ullo
Total - 21		

ABSENT

Gautreaux N	Jackson	Lentini
Total - 3		

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Boasso	Hollis	Romero
Cassidy	Jones	Schedler
Chaisson	Malone	Shepherd
Dupre	McPherson	Smith
Ellington	Michot	Ullo
Gautreaux B	Quinn	
Total - 17		

NAYS

Mr President	Cheek	Kostelka
Adley	Cravins	Marionneaux
Amedee	Duplessis	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Cain	Heitmeier	Theunissen
Total - 18		

ABSENT

Broome	Jackson
Gautreaux N	Lentini
Total - 4	

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Boasso, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

Rules Suspended

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

Introduction of Resolutions, Senate and Concurrent

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

SENATE RESOLUTION NO. 80—
BY SENATOR SCHEDLER

A RESOLUTION

To commend the Campus Ministry at Mater Dei High School of Santa Ana, California, for its participation in the Katrina Outreach Program in New Orleans.

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

SENATE RESOLUTION NO. 81—

BY SENATOR ADLEY

A RESOLUTION

To urge and request the Department of Transportation and Development to expand efforts to install "SLOWER TRAFFIC KEEP RIGHT" signage on multiple-lane highways in compliance with the provisions of Act 467 of the 2004 Regular Session, and to urge the Louisiana Highway Safety Commission to continue its public awareness campaign indicating that the left lane is for passing only and that slower traffic must keep right in an effort to educate the motoring public on the mandates of state law.

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

SENATE CONCURRENT RESOLUTION NO. 80—

BY SENATOR B. GAUTREUX AND REPRESENTATIVE ST. GERMAIN

A CONCURRENT RESOLUTION

To commend Rebecca Templet of Central Catholic High School, daughter of Wanda and Nathan Templet, upon her selection as a representative of south Louisiana at the Hugh O'Brian World Leadership Congress in Washington, D.C.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 6, 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. 451—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 45:1177(A)(2) and (3) and (C), 1180(A) and (B), and 1181(A) and to repeal R.S. 45:1177(D) and (E), 1177.1, and 1178, relative to the Public Service Commission; to provide for an increase in inspection and supervision fees; to repeal the Economics and Rate Analysis Division and Hearing Examiners Division Supplemental Fee Fund; to repeal certain provisions regarding inspection and supervision fees for railroads; and to provide for related matters.

HOUSE BILL NO. 296—

BY REPRESENTATIVE BRUCE

AN ACT

To amend and reenact R.S. 15:255(E)(1), (2), and (3), and to enact R.S. 15:255(L), relative to Mayor's Court of the city of Mansfield; to decrease the amount payable as witness fees to off-duty law enforcement officers; to decrease the amount of costs assessed to pay witness fees; to provide for the allocation of monies collected in the witness fee fund; to prohibit the reduction of monies in the fund below thirty thousand dollars; and to provide for related matters.

June 6, 2007

HOUSE BILL NO. 972— (Substitute for House Bill No. 850 by Representative Fauchoux)
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 22:694, relative to surplus lines insurers; to provide relative to the exemption of surplus lines insurers from the law regarding co-insurance clauses; and to provide for related matters.

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

House Bills and Joint Resolutions on First Reading

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

HOUSE BILL NO. 296—
BY REPRESENTATIVE BRUCE
AN ACT

To amend and reenact R.S. 15:255(E)(1), (2), and (3), and to enact R.S. 15:255(L), relative to Mayor's Court of the city of Mansfield; to decrease the amount payable as witness fees to off-duty law enforcement officers; to decrease the amount of costs assessed to pay witness fees; to provide for the allocation of monies collected in the witness fee fund; to prohibit the reduction of monies in the fund below thirty thousand dollars; and to provide for related matters.

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

HOUSE BILL NO. 451—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 45:1177(A)(2) and (3) and (C), 1180(A) and (B), and 1181(A) and to repeal R.S. 45:1177(D) and (E), 1177.1, and 1178, relative to the Public Service Commission; to provide for an increase in inspection and supervision fees; to repeal the Economics and Rate Analysis Division and Hearing Examiners Division Supplemental Fee Fund; to repeal certain provisions regarding inspection and supervision fees for railroads; and to provide for related matters.

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

HOUSE BILL NO. 972— (Substitute for House Bill No. 850 by Representative Fauchoux)
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 22:694, relative to surplus lines insurers; to provide relative to the exemption of surplus lines insurers from the law regarding co-insurance clauses; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 6, 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. 180—
BY REPRESENTATIVE MCDONALD AND SENATOR THEUNISSEN
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to formulate, develop, adopt, and implement a paperwork reduction and simplification plan that will reduce paperwork unrelated to instruction that is required by the board and by the state Department of Education from teachers, school administrative personnel, and school boards by twenty percent by not later than the start of the 2010-2011 school year and to provide for a written report to the House and Senate Committees on Education prior to the convening of the 2008 Regular Session relative to the status of the plan.

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

House Concurrent Resolutions on First Reading

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

HOUSE CONCURRENT RESOLUTION NO. 180—
BY REPRESENTATIVE MCDONALD AND SENATOR THEUNISSEN
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to formulate, develop, adopt, and implement a paperwork reduction and simplification plan that will reduce paperwork unrelated to instruction that is required by the board and by the state Department of Education from teachers, school administrative personnel, and school boards by twenty percent by not later than the start of the 2010-2011 school year and to provide for a written report to the House and Senate Committees on Education prior to the convening of the 2008 Regular Session relative to the status of the plan.

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

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:

June 6, 2007

To the President and Members of the Senate:

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

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 14—
BY SENATOR QUINN
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to conduct an independent, bipartisan investigation into the failure of the federal levees on August 29, 2005, which flooded eighty percent of the city of New Orleans and the surrounding region, including the parishes of St. Bernard, Jefferson, Orleans, and St. Charles.

Respectfully submitted,
CHARLES D. JONES
Chairman

Sincerely,
TOM SCHEDLER
Senator

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 5, 2007

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 166—
BY REPRESENTATIVE JANE SMITH
A CONCURRENT RESOLUTION

To commend the Parkway High School golf team upon winning the 2007 Class 4A State Championship for the third consecutive year.

HOUSE CONCURRENT RESOLUTION NO. 169—
BY REPRESENTATIVE BRUCE
A CONCURRENT RESOLUTION

To recognize Tuesday, June 5, 2007, as the sixth annual 4-H Day at the Louisiana State Capitol.

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

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

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

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

**SENATE
State of Louisiana**

June 6, 2007

The Honorable Don E. Hines
Senate President
P.O. Box 94183
Baton Rouge, LA 70804

Dear President Hines:

Please be advised that I will be absent from the Senate on Monday, June 18th and Tuesday, June 19th. I have been asked to participate in a conference/forum with the Center for Disease Control in Atlanta, GA, that starts at 3 PM on Monday June 18th and ends Wednesday, June 20th. However, I will return late on the evening of June 19th. My expenses will be paid by the Milbank Memorial Fund, N.Y.N.Y. As you know, I have been a member of the Steering Committee of the Milbank Fund's "Reforming States Group" for some seven (7) years. I will be representing Milbank and Louisiana in a Public Health discussion regarding issuses when a public health crisis occurs similar to a Katrina event.

Should you have any questions, please let me know.

Adjournment

Senator Bajoie moved that the Senate adjourn until Thursday, June 7, 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 Thursday, June 7, 2007.

GLENN A. KOEPP
Secretary of the Senate

LYNDA E. WHEELER
Journal Clerk

