

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

FOURTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 3, 2008

The Senate was called to order at 9:45 o'clock A.M., by Hon. Joel T. Chaisson II, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Dupre	Murray
Amedee	Erdey	Nevers
Broome	Gautreaux B	Riser
Cassidy	Heitmeier	Scalise
Cheek	Kostelka	Shaw
Donahue	Long	Smith
Duplessis	Mount	Thompson
Total - 21		

ABSENT

Adley	Gray	McPherson
Alario	Hebert	Michot
Cravins	Jackson	Morrish
Crowe	LaFleur	Quinn
Dorsey	Marionneau	Shepherd
Gautreaux N	Martiny	Walsworth
Total - 18		

The President of the Senate announced there were 21 Senators present and a quorum.

Prayer

The prayer was offered by Senator Long, 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 Smith, the reading of the Journal was dispensed with and the Journal of April 2, 2008, was adopted.

**Introduction of Senate Bills
and Joint Resolutions**

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

SENATE BILL NO. 677—
BY SENATOR N. GAUTREAUX
AN ACT

To amend and reenact R.S. 37:3392(12), relative to real estate appraisers; to provide for the appraisal authority of residential certified real estate appraisers licensed by the Louisiana Real Estate Appraisers Board; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

Introduction of Senate Resolutions

Senator Chaisson 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. 4—
BY SENATORS MARTINY, ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAU, MCPHERSON, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the passing of former state representative, Eddie A. Doucet.

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

SENATE RESOLUTION NO. 5—
BY SENATOR HEITMEIER
A RESOLUTION

To commend and to congratulate the Old Algiers Main Street Corporation on its efforts to preserve jazz music's, history, and culture through its presentation of the fourth annual Old Algiers RiverFest.

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

SENATE RESOLUTION NO. 6—
BY SENATOR CHAISSON
A RESOLUTION

To amend and re-adopt Senate Rule No 9.1 of the Rules of Order of the Senate, relative to the prefiling of instruments; to require that a request for legislation that is to be prefiled be received by Senate Legislative Services staff not later than forty-eight hours prior to the prefiling deadline.

The resolution was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE RESOLUTION NO. 7—
BY SENATOR DUPLESSIS
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of John Henry "Daddy Baker" Baker, Jr.

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

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

The following Senate Bills and Joint Resolutions were read and referred to committees as follows:

SENATE BILL NO. 673—
BY SENATOR LAFLEUR
AN ACT

To amend and reenact R.S. 32:190(A), relative to safety helmets; to require certain motor vehicle operators to wear safety helmets; and to provide for related matters.

April 3, 2008

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

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. 3— BY SENATOR CROWE

AN ACT

To enact R.S. 49:170.15, relative to state symbols; to designate Plaquemines Parish as the Gateway to Louisiana and America; and to provide for related matters.

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

SENATE BILL NO. 5— BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 22:1430.24, relative to the Louisiana Citizens Property Insurance Corporation; to require the Louisiana Citizens Property Insurance Corporation to provide a preference to Louisiana adjusters and adjusting firms; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 5 by Senator Quinn

AMENDMENT NO. 1

On page 1, line 2, after "22:1430.24" and before "," insert "and to enact R.S. 22:1430.25"

AMENDMENT NO. 2

On page 1, line 4, after "firms;" insert "to require Louisiana Citizens Property Insurance Corporation to provide a preference to Louisiana insurance underwriters;"

AMENDMENT NO. 3

On page 1, in between lines 14 and 15, insert the following: "Section 2. R.S. 22:1430.25 is hereby enacted to read as follows:

§1430.25 Underwriters

With respect to contracting with underwriters to underwrite insurance policies, the corporation shall give preference to underwriters and businesses engaged in the business of underwriting insurance policies, who have domiciled in Louisiana for a period of not less than five years, provided the underwriting of said policies is subject to a fee schedule or other fixed fee arrangement. For purposes of reciprocal preference, the provisions of this Section shall only apply to Louisiana Citizens Property Insurance Corporation."

AMENDMENT NO. 4

On page 1, line 15, change "Section 2." to "Section 3."

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

SENATE BILL NO. 6— BY SENATOR MURRAY

AN ACT

To enact R.S. 49:170.15, relative to state symbols; to designate the Sazerac as the official state cocktail; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 6 by Senator Murray

AMENDMENT NO. 1

On page 1, line 12, insert the following:

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

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

SENATE BILL NO. 23— BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 24:55(F)(1), relative to the Board of Ethics; to require the lobbyist expenditure report forms, which are provided by the board, to contain certain information; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 23 by Senator Crowe

AMENDMENT NO. 1

On page 1, delete lines 15 through 17 and on page 2, delete lines 1 and 2 and insert the following:

"Section 2. This Act shall become effective on January 1, 2009."

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

SENATE BILL NO. 39— BY SENATOR DUPLESSIS

AN ACT

To enact R. S. 49:191(4) and to repeal R.S. 49:191(2)(g), relative to the Department of Culture, Recreation and Tourism, including provisions to provide for the re-creation of the Department of Culture, Recreation and Tourism and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Duplessis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 56— BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 42:1112(C) and 1120, and to repeal R.S. 42:1112(D), relative to conflicts of interest; to permit an appointed member of a board or commission to recuse himself from voting in certain matters involving the board or commission; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 56 by Senator Michot

AMENDMENT NO. 1

On page 2, at the beginning of line 2, add "**A.**"

AMENDMENT NO. 2

On page 2, line 2, delete "or appointed member of a board or commission"

AMENDMENT NO. 3

On page 2, lines 5 and 6, delete "or appointed member of a board or commission"

AMENDMENT NO. 4

On page 1, line 16, after "(A)" insert "(I)"

AMENDMENT NO. 5

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

"B. If any appointed member of a board or commission, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting. An appointed member of a board or commission who recuses himself from voting pursuant to this Subsection shall be prohibited from participating in discussion and debate concerning the matter."

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

SENATE BILL NO. 149—

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 22:1402.2(B)(1), relative to insurance rating and regulation; to provide a prohibition against the inclusion of fines and penalties in rate filings; and to provide for related matters.

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

SENATE BILL NO. 152—

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 22:175(B)(7), relative to group life insurance; to provide for eligibility of coverage; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 152 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 13, after "may", delete the remainder of the line and delete 14 in its entirety and insert "be"

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

SENATE BILL NO. 153—

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 22:15(A), (C)(7), (13) and (20), (E)(6),(14) and (17), (F)(5) and (12), and (G)(5), (12) and (13), and to enact R.S. 22:15(C)(23) through (30), (E)(19) through (22), (F)(13) through (21), and (G)(14) through (17), relative to the Louisiana Property and Casualty Insurance Commission; to provide for the membership of the commission; to provide for the membership of ad hoc committees; and to provide for related matters.

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

SENATE BILL NO. 167—

BY SENATORS MURRAY AND WALSWORTH

AN ACT

To enact R.S. 24:7, relative to the legislature; to provide relative to committee meetings; to allow certain committee meetings to be conducted by video conference; to allow each house of the legislature to adopt rules to facilitate meetings by video conference; and to provide for related matters.

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

SENATE BILL NO. 172—

BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 51:579(B) and to enact R.S. 51:579(A)(3), relative to purchasers of certain metals; to provide for the purchase of copper wire, alloy, bronze, zinc, aluminum, stainless steel, or brass; to provide for register and reporting requirements; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Duplessis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 180—

BY SENATOR MICHOT

AN ACT

To enact R.S. 36:209(R) and to repeal R.S. 36:651(D)(5), relative to executive reorganization; to provide for the Council for the Development of French in Louisiana in the Department of Culture, Recreation and Tourism; and to provide for related matters.

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

SENATE BILL NO. 339—

BY SENATORS THOMPSON, RISER AND WALSWORTH

AN ACT

To enact R.S. 8:69.2, relative to cemeteries placed into receivership; to provide for the qualifications of a receiver; to provide for establishment of a receivership; to provide for the administration and duties of a receivership; to provide for the termination of a receivership; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 339 by Senator Thompson

April 3, 2008

AMENDMENT NO. 1

On page 2, at the end of line 19 after "or" and before "in" insert "that any of the conditions set forth"

AMENDMENT NO. 2

On page 2, line 20 after "Section" and before the comma "," insert "are met"

AMENDMENT NO. 3

On page 2, line 20, after "may" and before "apply" insert the following: ", only after a reasonable attempt is made by the board to force compliance."

AMENDMENT NO. 4

On page 5, line 19, change "dispersed" to "disbursed"

AMENDMENT NO. 5

On page 5, line 22, change "dispersed" to "disbursed"

AMENDMENT NO. 6

On page 5, line 25, change "dispersed" to "disbursed"

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

SENATE BILL NO. 343— BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 44:22(F), relative to economic development negotiations; to extend certain provisions; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Duplessis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 359— BY SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 51:3062(5)(b), relative to the definition of "net energy metering facility"; to provide relative to generating capacity for commercial or agricultural purposes; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 359 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 51:3062(5)(b)" and before the comma "," insert "and to enact R.S. 51:3063(C)"

AMENDMENT NO. 2

On page 1, line 4, after "purposes;" and before "and" insert "to provide relative to commission authority;"

AMENDMENT NO. 3

On page 1, line 6, after "reenacted" and before "to read" insert "and R.S. 51:3063(C) is hereby enacted"

AMENDMENT NO. 4

On page 1, after line 17, add the following: "§3063. Net energy metering * * *

C. Nothing in this Chapter shall derogate from the commission's constitutional authority to regulate, as applicable, all common carriers and public utilities, particularly the authority to implement rules, regulations, and tariffs to ensure that neither an electric utility nor its ratepayers shall be adversely affected, or to subsidize activities authorized under this Chapter."

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

SENATE BILL NO. 488— BY SENATOR THOMPSON

AN ACT

To enact R.S. 29:725(J), relative to homeland security; to include the legislature in the emergency operations plan; to provide for a working space in the state emergency operations center; and to provide for related matters.

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

SENATE BILL NO. 497— BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 3:3808(B), relative to retail florists; to provide terms and conditions of licenses and permits; to provide for the operation of automated floral climate-controlled vending kiosk systems; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Duplessis, the bill was read by title, ordered engrossed, and passed to a third reading.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

April 3, 2008

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 11— BY SENATOR LONG AND REPRESENTATIVE HOWARD A CONCURRENT RESOLUTION

To commend retired Brigadier General James Kenneth Corley of the Louisiana Army National Guard, upon his induction into the Sabine Parish Hall of Fame.

SENATE CONCURRENT RESOLUTION NO. 13— BY SENATOR BROOME

A CONCURRENT RESOLUTION

To commend and support the efforts of the cancer program of Our Lady of the Lake and Mary Bird Perkins Cancer Center as it celebrates National Minority Cancer Awareness Week through the provision of free cancer screening and education and awareness programs to minority populations.

Respectfully submitted, ROBERT W. "BOB" KOSTELKA Chairman

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

ATTENDANCE ROLL CALL**PRESENT**

Mr. President	Erdey	Murray
Amedee	Gautreaux B	Nevers
Broome	Gautreaux N	Riser
Cassidy	Gray	Scalise
Cheek	Heitmeier	Shaw
Donahue	Kostelka	Shepherd
Dorsey	LaFleur	Smith
Duplessis	Long	Thompson
Dupre	Mount	Walsworth
Total - 27		

ABSENT

Adley	Hebert	McPherson
Alario	Jackson	Michot
Cravins	Marionneaux	Morrish
Crowe	Martiny	Quinn
Total - 12		

Leaves of Absence

The following leaves of absence were asked for and granted:

Adley	1 Day	Alario	1 Day
Cravins	1 Day	Crowe	1 Day
Hebert	1 Day	Jackson	1 Day
Marionneaux	1 Day	Martiny	1 Day
McPherson	1 Day	Michot	1 Day
Morrish	1 Day	Quinn	1 Day

Adjournment

Senator Mount moved that the Senate adjourn until Monday, April 7, 2008, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Monday, April 7, 2008.

GLENN A. KOEPP
Secretary of the Senate

LYNDA E. WHEELER
Journal Clerk

