

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

SEVENTEENTH 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

Monday, April 28, 2008

The Senate was called to order at 3:10 o'clock P.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	Gray	Nevers
Adley	Hebert	Quinn
Alario	Jackson	Riser
Amedee	Kostelka	Scalise
Broome	Long	Shaw
Cassidy	Marionneaux	Shepherd
Cheek	Martiny	Smith
Crowe	McPherson	Thompson
Dorsey	Michot	Walsworth
Erdey	Morrish	
Gautreaux B	Murray	
Total - 31		

ABSENT

Cravins	Dupre	LaFleur
Donahue	Gautreaux N	Mount
Duplessis	Heitmeier	
Total - 8		

The President of the Senate announced there were 31 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Thumper Miller, 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 Nevers, the reading of the Journal was dispensed with and the Journal of April 24, 2008, was adopted.

Messages from the House

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 24, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 16—

BY SENATOR GRAY

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2008 Regular Session of the Legislature certain provisions of R.S. 40:2116(J)(1) and R.S. 40:2116(J)(1)(c), relative to the date upon which the facility need review approval for licensed nursing homes and intermediate care facilities for people with developmental disabilities (ICF/DD) which were located in an area which was affected by an executive order or proclamation of emergency or disaster will be deemed terminated, expired, or revoked.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 44—

BY SENATOR GRAY

A CONCURRENT RESOLUTION

To commend the Orleans Parish Juvenile Court on its 100th anniversary.

Reported without amendments.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

Senator Broome in the Chair

**Introduction of Resolutions,
Senate and Concurrent**

Senator Donahue 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. 30—

BY SENATOR DONAHUE

A RESOLUTION

To urge and request the President of the Louisiana Senate to create and establish a special Senate committee to conduct a comprehensive study of the TIMED Program.

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

SENATE CONCURRENT RESOLUTION NO. 45—

BY SENATOR SHAW

A CONCURRENT RESOLUTION

To commend Dr. Carlos G. Spaht, II, upon being named the U.S. Professor of the Year.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Murray
Adley	Gray	Nevers
Alario	Hebert	Quinn
Amedee	Jackson	Riser
Broome	Kostelka	Scalise
Cassidy	Long	Shaw
Cheek	Marionneaux	Smith
Crowe	Martiny	Thompson
Dorsey	McPherson	Walsworth

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Duplessis
Erdey
Total - 31

Michot
Morrish

NAYS

Total - 0

ABSENT

Cravins
Donahue
Dupre
Total - 8

Gautreaux N
Heitmeier
LaFleur

Mount
Shepherd

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 24, 2008

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. 49—
BY REPRESENTATIVE GARY SMITH
AN ACT

To enact R.S. 46:1053(C)(2)(f), relative to hospital service districts in St. Charles Parish; to provide relative to the per diem that members of hospital service district commissions receive; and to provide for related matters.

HOUSE BILL NO. 50—
BY REPRESENTATIVE ELLINGTON
AN ACT

To enact R.S. 33:2711.24, relative to municipal sales and use taxes; to authorize the governing authority of the city of Winnsboro to levy and collect an additional sales and use tax; to provide for voter approval; to provide for the use of the proceeds of such tax; and to provide for related matters.

HOUSE BILL NO. 51—
BY REPRESENTATIVE ELLINGTON
AN ACT

To enact R.S. 33:2740.18.3, relative to the city of Winnsboro; to authorize the governing authority of the city to levy and collect a hotel occupancy tax subject to voter approval; to provide for the use of such tax; and to provide for related matters.

HOUSE BILL NO. 203—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To repeal R.S. 25:1225, relative to the Atchafalaya Trace Commission; to repeal the sunset of the Atchafalaya Trace Commission.

HOUSE BILL NO. 235—
BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 25:902(F), relative to meetings conducted by the Louisiana National Register Review Committee; to provide for a reduction in the number of mandatory meetings conducted annually; and to provide for related matters.

HOUSE BILL NO. 355—
BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 11:1162(A)(6), relative to the Louisiana School Employees' Retirement System; to provide with respect to districts from which certain members of the board of trustees are elected by system members; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 433—
BY REPRESENTATIVE WILLIAMS
AN ACT

To amend and reenact R.S. 11:1942.1(C), relative to the Parochial Employees' Retirement System; to provide relative to court reporters employed by Caddo Parish who are paid separately for transcriptions; to provide for computation of benefits for such reporters; to provide for contributions; and to provide for related matters.

HOUSE BILL NO. 620—
BY REPRESENTATIVE LORUSSO
AN ACT

To enact R.S. 36:802.22(E)(1)(d), relative to New Orleans City Park and the New Orleans City Park Improvement Association and its board of commissioners; to provide relative to audits of the park, the association, and its board and for the responsibility of the park, the association, and its board, and of the Department of Culture, Recreation and Tourism relative to such audits; and to provide for related matters.

HOUSE BILL NO. 656—
BY REPRESENTATIVE SIMON AND SENATOR NEVERS
AN ACT

To amend and reenact R.S. 48:1805(A), relative to the Zachary Taylor Parkway Commission; to provide relative to the appointment of commission members; to provide that members shall be appointed by the presidents of their respective parishes; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 928—
BY REPRESENTATIVE SAM JONES
AN ACT

To enact R.S. 25:912(15) and 914, relative to certain cemeteries within the state of Louisiana; to provide for the creation of a historic cemetery register within the division of historic preservation, office of cultural development, Department of Culture, Recreation and Tourism; to provide relative to the nomination, review, and approval of any such cemetery for inclusion on the state register; to provide relative to the adoption of rules and regulations by the division; and to provide for related matters.

HOUSE BILL NO. 1118—
BY REPRESENTATIVE CHAMPAGNE
AN ACT

To amend and reenact R.S. 16:17(C), relative to the salary of victims assistance coordinators; to increase their annual salary; and to provide for related matters.

HOUSE BILL NO. 1120—
BY REPRESENTATIVE LORUSSO
AN ACT

To amend and reenact Section 2 of Act No. 38 of the First Extraordinary Session of 2006, relative to contracts let by the adjutant general and the Military Department; to extend the termination date of provisions authorizing the utilization of design-build; and to provide for related matters.

HOUSE BILL NO. 845—
BY REPRESENTATIVE PERRY
AN ACT

To amend and reenact R.S. 32:402(B)(1)(c)(introductory paragraph) and to enact R.S. 32:402(B)(1)(c)(iii) through (vi), relative to driving without a license; to provide for penalties for driving without a license to be the same as the penalties for driving with a suspended license; and to provide for related matters.

HOUSE BILL NO. 378—

BY REPRESENTATIVE ARMES
AN ACT

To amend and reenact R.S. 17:436(A)(2) and to enact R.S. 17:436(E), relative to school employees performing noncomplex health procedures; to remove certain procedures from the definition of noncomplex health procedure; to prohibit school employees, except certain health professionals, from being required to perform certain procedures; and to provide for related matters.

HOUSE BILL NO. 604—

BY REPRESENTATIVE MILLS
AN ACT

To enact R.S. 33:4574.1.1(A)(45), relative to hotel occupancy taxes levied by tourist commissions; to authorize tourist commissions in a class of parishes to levy additional taxes; and to provide for related matters.

HOUSE BILL NO. 86—

BY REPRESENTATIVE FANNIN
AN ACT

To enact R.S. 39:551.10, relative to Jackson Parish; to create the Jackson Parish Industrial District; to provide relative to the boundaries, governance, and powers and duties of the district; and to provide for related matters.

HOUSE BILL NO. 309—

BY REPRESENTATIVE POPE AND SENATOR NEVERS
AN ACT

To amend and reenact R.S. 11:1302(B), relative to the State Police Pension and Retirement System; to provide for the length of terms of elected members of the board of trustees; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 668—

BY REPRESENTATIVE DOWNS
AN ACT

To amend and reenact R.S. 33:5161(A)(2) and (B)(3) and to enact R.S. 33:5161(B)(2)(c) and 5162, relative to post-employment benefits funds established by political subdivisions; to provide relative to the management and investment of such funds; to provide for authorized and prohibited investments; to provide relative to asset allocation; to authorize the retention of investment managers or advisors; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 797—

BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 11:1541, relative to the Clerks' of Court Retirement and Relief Fund; to provide for the length of terms of elected members of the board of trustees; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 858—

BY REPRESENTATIVE KATZ
AN ACT

To amend and reenact R.S. 37:2503(C) and (D) and 2504(D) and (E), relative to the Board of Examiners of Nursing Facility Administrators; to provide meeting attendance requirements; to provide for the creation of vacancies; to establish what constitutes a quorum; to authorize the board to maintain the Direct Service Worker Registry; to authorize the board to determine and document direct service worker registration status; and to provide for related matters.

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

House Bills and Joint Resolutions

Senator Smith asked for and obtained a suspension of the rules

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

HOUSE BILL NO. 49—

BY REPRESENTATIVE GARY SMITH
AN ACT

To enact R.S. 46:1053(C)(2)(f), relative to hospital service districts in St. Charles Parish; to provide relative to the per diem that members of hospital service district commissions receive; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 50—

BY REPRESENTATIVE ELLINGTON
AN ACT

To enact R.S. 33:2711.24, relative to municipal sales and use taxes; to authorize the governing authority of the city of Winnsboro to levy and collect an additional sales and use tax; to provide for voter approval; to provide for the use of the proceeds of such tax; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 51—

BY REPRESENTATIVE ELLINGTON
AN ACT

To enact R.S. 33:2740.18.3, relative to the city of Winnsboro; to authorize the governing authority of the city to levy and collect a hotel occupancy tax subject to voter approval; to provide for the use of such tax; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 86—

BY REPRESENTATIVE FANNIN
AN ACT

To enact R.S. 39:551.10, relative to Jackson Parish; to create the Jackson Parish Industrial District; to provide relative to the boundaries, governance, and powers and duties of the district; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 203—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To repeal R.S. 25:1225, relative to the Atchafalaya Trace Commission; to repeal the sunset of the Atchafalaya Trace Commission.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 235—

BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 25:902(F), relative to meetings conducted by the Louisiana National Register Review Committee; to provide for a reduction in the number of mandatory meetings conducted annually; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 309—

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AN ACT

To amend and reenact R.S. 11:1302(B), relative to the State Police Pension and Retirement System; to provide for the length of

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terms of elected members of the board of trustees; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Retirement.

HOUSE BILL NO. 355—
BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 11:1162(A)(6), relative to the Louisiana School Employees' Retirement System; to provide with respect to districts from which certain members of the board of trustees are elected by system members; to provide an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Retirement.

HOUSE BILL NO. 378—
BY REPRESENTATIVE ARMES
AN ACT

To amend and reenact R.S. 17:436(A)(2) and to enact R.S. 17:436(E), relative to school employees performing noncomplex health procedures; to remove certain procedures from the definition of noncomplex health procedure; to prohibit school employees, except certain health professionals, from being required to perform certain procedures; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

HOUSE BILL NO. 433—
BY REPRESENTATIVE WILLIAMS
AN ACT

To amend and reenact R.S. 11:1942.1(C), relative to the Parochial Employees' Retirement System; to provide relative to court reporters employed by Caddo Parish who are paid separately for transcriptions; to provide for computation of benefits for such reporters; to provide for contributions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Retirement.

HOUSE BILL NO. 604—
BY REPRESENTATIVE MILLS
AN ACT

To enact R.S. 33:4574.1.1(A)(45), relative to hotel occupancy taxes levied by tourist commissions; to authorize tourist commissions in a class of parishes to levy additional taxes; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 620—
BY REPRESENTATIVE LORUSSO
AN ACT

To enact R.S. 36:802.22(E)(1)(d), relative to New Orleans City Park and the New Orleans City Park Improvement Association and its board of commissioners; to provide relative to audits of the park, the association, and its board and for the responsibility of the park, the association, and its board, and of the Department of Culture, Recreation and Tourism relative to such audits; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 656—
BY REPRESENTATIVE SIMON AND SENATOR NEVERS
AN ACT

To amend and reenact R.S. 48:1805(A), relative to the Zachary Taylor Parkway Commission; to provide relative to the appointment of commission members; to provide that members

shall be appointed by the presidents of their respective parishes; to provide for exceptions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 668—
BY REPRESENTATIVE DOWNS
AN ACT

To amend and reenact R.S. 33:5161(A)(2) and (B)(3) and to enact R.S. 33:5161(B)(2)(c) and 5162, relative to post-employment benefits funds established by political subdivisions; to provide relative to the management and investment of such funds; to provide for authorized and prohibited investments; to provide relative to asset allocation; to authorize the retention of investment managers or advisors; to provide for penalties; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 797—
BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 11:1541, relative to the Clerks' of Court Retirement and Relief Fund; to provide for the length of terms of elected members of the board of trustees; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Retirement.

HOUSE BILL NO. 845—
BY REPRESENTATIVE PERRY
AN ACT

To amend and reenact R.S. 32:402(B)(1)(c)(introductory paragraph) and to enact R.S. 32:402(B)(1)(c)(iii) through (vi), relative to driving without a license; to provide for penalties for driving without a license to be the same as the penalties for driving with a suspended license; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 858—
BY REPRESENTATIVE KATZ
AN ACT

To amend and reenact R.S. 37:2503(C) and (D) and 2504(D) and (E), relative to the Board of Examiners of Nursing Facility Administrators; to provide meeting attendance requirements; to provide for the creation of vacancies; to establish what constitutes a quorum; to authorize the board to maintain the Direct Service Worker Registry; to authorize the board to determine and document direct service worker registration status; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Health and Welfare.

HOUSE BILL NO. 928—
BY REPRESENTATIVE SAM JONES
AN ACT

To enact R.S. 25:912(15) and 914, relative to certain cemeteries within the state of Louisiana; to provide for the creation of a historic cemetery register within the division of historic preservation, office of cultural development, Department of Culture, Recreation and Tourism; to provide relative to the nomination, review, and approval of any such cemetery for inclusion on the state register; to provide relative to the adoption of rules and regulations by the division; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 1118—
BY REPRESENTATIVE CHAMPAGNE
AN ACT

To amend and reenact R.S. 16:17(C), relative to the salary of victims assistance coordinators; to increase their annual salary; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 1120—
BY REPRESENTATIVE LORUSSO
AN ACT

To amend and reenact Section 2 of Act No. 38 of the First Extraordinary Session of 2006, relative to contracts let by the adjutant general and the Military Department; to extend the termination date of provisions authorizing the utilization of design-build; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

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**

April 28, 2008

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 78—
BY REPRESENTATIVE MICKEY GUILLORY
A CONCURRENT RESOLUTION

To recognize May 21, 2008, as Louisiana Housing Council Day.

HOUSE CONCURRENT RESOLUTION NO. 79—
BY REPRESENTATIVES KLECKLEY, DANAHAY, FRANKLIN,
GEYMANN, GUINN, HILL, AND PERRY AND SENATORS MORRISH,
MOUNT, AND SMITH
A CONCURRENT RESOLUTION

To commend Margaret H. Little of Calcasieu Parish upon the occasion of her retirement as manager of the Moss Bluff Post Office on June 2, 2008, and to recognize her for more than thirty years of federal and state civil service.

HOUSE CONCURRENT RESOLUTION NO. 27—
BY REPRESENTATIVES CONNICK AND MORRELL
A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to develop and implement a policy which allows for certified copies of state identification cards to be used as substantiating documentation in obtaining a duplicate or replacement identification card.

HOUSE CONCURRENT RESOLUTION NO. 83—
BY REPRESENTATIVE MILLS
A CONCURRENT RESOLUTION

To proclaim the month of May of 2008 as Amyotrophic Lateral Sclerosis awareness month and memorializes the United States Congress to enact legislation to provide additional funding for research on amyotrophic lateral sclerosis, or ALS.

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

House Concurrent Resolutions

Senator Nevers 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. 27—
BY REPRESENTATIVES CONNICK AND MORRELL
A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to develop and implement a policy which allows for certified copies of state identification cards to be used as substantiating documentation in obtaining a duplicate or replacement identification card.

The resolution was read by title and referred by the President to the Committee on Judiciary A.

HOUSE CONCURRENT RESOLUTION NO. 78—
BY REPRESENTATIVE MICKEY GUILLORY
A CONCURRENT RESOLUTION

To recognize May 21, 2008, as Louisiana Housing Council Day.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Morrish
Adley	Gautreaux N	Murray
Alario	Gray	Nevers
Amedee	Hebert	Quinn
Broome	Jackson	Riser
Cheek	Kostelka	Scalise
Cravins	Long	Shaw
Crowe	Marionneau	Shepherd
Dorsey	Martiny	Smith
Duplessis	McPherson	Thompson
Erdey	Michot	Walsworth
Total - 33		

NAYS

Total - 0

ABSENT

Cassidy	Dupre	LaFleur
Donahue	Heitmeier	Mount
Total - 6		

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

HOUSE CONCURRENT RESOLUTION NO. 79—
BY REPRESENTATIVES KLECKLEY, DANAHAY, FRANKLIN,
GEYMANN, GUINN, HILL, AND PERRY AND SENATORS MORRISH,
MOUNT, AND SMITH
A CONCURRENT RESOLUTION

To commend Margaret H. Little of Calcasieu Parish upon the occasion of her retirement as manager of the Moss Bluff Post Office on June 2, 2008, and to recognize her for more than thirty years of federal and state civil service.

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

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ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Morrish
Adley Gautreaux B Murray
Alario Gautreaux N Nevers
Amedee Gray Quinn
Broome Hebert Riser
Cheek Kostelka Scalise
Cravins Long Shaw
Crowe Marionneaux Shepherd
Dorsey Martiny Smith
Duplessis McPherson Thompson
Dupre Michot Walsworth
Total - 33

NAYS

Total - 0

ABSENT

Cassidy Heitmeier LaFleur
Donahue Jackson Mount
Total - 6

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

HOUSE CONCURRENT RESOLUTION NO. 83— BY REPRESENTATIVE MILLS

A CONCURRENT RESOLUTION

To proclaim the month of May of 2008 as Amyotrophic Lateral Sclerosis awareness month and memorializes the United States Congress to enact legislation to provide additional funding for research on amyotrophic lateral sclerosis, or ALS.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Gautreaux B Murray
Adley Gautreaux N Nevers
Alario Gray Quinn
Amedee Hebert Riser
Broome Jackson Scalise
Cheek Kostelka Shaw
Cravins Long Shepherd
Crowe Marionneaux Smith
Dorsey Martiny Thompson
Duplessis McPherson Walsworth
Dupre Michot
Erdey Morrish
Total - 34

NAYS

Total - 0

ABSENT

Cassidy Heitmeier Mount
Donahue LaFleur
Total - 5

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator Steve J. Scalise, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

April 24, 2008

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE BILL NO. 168— BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 23:1552(B)(6) and repeal R.S. 23:1552(B)(7), relative to unemployment compensation; to provide with respect to reimbursement of unemployment claims paid as a result of hurricanes Katrina and Rita; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 714— BY SENATOR SCALISE

AN ACT

To amend and reenact R.S. 23:1592(E) and 1595(A) and to enact R.S. 23:1474(I)(4) and 1536(E)(4), relative to workers' compensation benefits; to provide for an increase in the maximum benefit available; to provide an additional procedure for determining such benefit; to provide for a reduction in employer contributions under certain circumstances; and to provide for related matters.

Reported with amendments.

Respectfully submitted, STEVE J. SCALISE Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Ben W. Nevers, Chairman on behalf of the Committee on Education, submitted the following report:

April 24, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 126— BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 17:170(D), relative to education; to provide relative to immunization records requirements; to provide for annual review of student immunization records; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 268—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 17:3992(A)(2), relative to charter schools; to prohibit the renewal of the charter of a failing school; to provide for exceptions; to provide for limited renewal periods under certain circumstances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 473—
BY SENATOR JACKSON

AN ACT

To enact R.S. 17:1206.2, relative to extended sick leave for employees; to permit employees of every parish and city school board to take up to ninety days of extended sick leave in each six-year period of employment; to provide for definitions; to provide relative to physician statements; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 475—
BY SENATOR GRAY

AN ACT

To amend and reenact R.S. 17:3991(D), relative to charter schools; to provide relative to reimbursement for transportation services; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 549—
BY SENATOR CASSIDY

AN ACT

To enact R.S. 17:273.1, relative to second languages; to require that certain "critical languages" be offered in public schools by a specified date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 632—
BY SENATOR GRAY

AN ACT

To enact Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of Louisiana of 1950, to be comprised of R.S. 17:409 through 409.3, relative to school facilities; to create and provide for the Louisiana Statewide Educational Facilities Authority in the Department of Education; to provide for its composition, powers, duties, and functions; to provide for membership; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 703—
BY SENATOR DORSEY

AN ACT

To enact R.S. 17:1807.1, relative to financial assistance for certain persons attending public colleges and universities; to establish the Golden Scholars Award; to provide for the payment of tuition and certain other costs for persons who are fifty-five years of age or older; to provide for limitations; to provide for implementation; to provide for the adoption of rules; to retain effectiveness of the tuition exemption program available to such persons; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 719—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 17:24.11(A), (C)(3), (D), (E), and (G), relative to the implementation of a pilot program for early screening and intervention services for early elementary school children with characteristics of dyslexia and related disorders; to provide relative to program components; to provide for

implementation and reporting dates; to provide relative to funding; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 746—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 17:46(A)(1), relative to sabbatical leave for teachers employed by the special schools; to provide for eligibility for sabbatical leave for certain other special school employees under certain conditions; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
BEN W. NEVERS
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Cheryl Artise Gray, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

April 24, 2008

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 54—
BY SENATOR MURRAY

A JOINT RESOLUTION

Proposing to add Article I, Section 4(H)(5) of the Constitution of Louisiana, relative to property; to provide relative to the right to property; to provide relative to the taking of property; to provide relative to the taking of property in the city of New Orleans for certain purposes; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 72—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 38:2318.1(B) and to enact R.S. 38:2225.2.2, relative to public contracts; to authorize the city of Slidell to utilize design-build contracts in certain circumstances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 98—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 25:799(C)(4) and (10) and (G)(4), relative to the French Quarter-Marigny Historic Area Management District; to provide for the number of meetings members of the governing board may miss before they are disqualified and removed; to remove the requirement that board minutes be published in the official journal; to provide revitalization and nurturing of cultural tourism as objectives of the district; and to provided for related matters.

Reported with amendments.

April 28, 2008

SENATE BILL NO. 132—
BY SENATOR MURRAY

AN ACT

To enact R.S. 36:802.22(E)(1)(d), relative to New Orleans City Park and the New Orleans City Park Improvement Association and its board of commissioners; to provide relative to audits of the park, the association, and its board and for the responsibility of the park, the association, and its board and of the Department of Culture, Recreation and Tourism relative to such audits, and to provide for related matters.

Reported favorably.

SENATE BILL NO. 224—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 40:531(E), relative to tenant commissioners for local housing authorities; to provide for the appointment of tenant commissioners to local housing authorities; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 444—
BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 13:4581, relative to bonds in judicial proceedings; to provide with respect to state, state agencies, political subdivisions and public boards and commissions not required to furnish bond; to include Louisiana Insurance Guaranty Association as not required to furnish bond; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 448—
BY SENATOR SHEPHERD

AN ACT

To amend and reenact R.S. 40:1149(A) and (C) and to enact R.S. 40:1149(D), relative to water supply and sewerage systems; to provide for certified operators; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 681—
BY SENATOR DUPLESSIS

AN ACT

To enact Chapter 30 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9100.1 through 9100.14, relative to New Orleans East; to establish and provide for the membership, duties, powers and functions of the New Orleans East Advisory Neighborhood Commission; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 693—
BY SENATOR SHEPHERD

AN ACT

To enact Chapter 30 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9100.1 through 9100.13, relative to New Orleans; to establish and provide for the membership, duties, powers and functions of the River Front Alliance Advisory Neighborhood Commission; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 696—
BY SENATOR ERDEY

AN ACT

To enact R.S. 33:4564.6, relative to the Livingston Parish Recreation District No. 2; to increase the per diem of the board of commissioners; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHERYL ARTISE GRAY
Chairman

**REPORT OF COMMITTEE ON
NATURAL RESOURCES**

Senator Reggie P. Dupre, Jr., Chairman on behalf of the Committee on Natural Resources, submitted the following report:

April 24, 2008

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 36—
BY SENATOR MORRISH

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to oppose the authorization of offshore aquaculture in the Gulf of Mexico.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 38—
BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to nine geographical miles.

Reported with amendments.

SENATE BILL NO. 367—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:213.1(D), 213.2(9), (10), and (11), 213.3(C), 213.5(A)(11), 213.6(A)(1), 213.7(C)(2), 213.11 and to enact R.S. 49:213.2(12), and 213.7(C)(3), relative to Louisiana Coastal Protection, Conservation, Restoration, and Management; to provide relative to the Coastal Protection and Restoration Authority; to provide for the powers and duties; to provide definitions, terms and conditions; to provide for membership of the authority; to provide for a three-year projection in the required annual plan; to provide for dedication of funding; to provide for employment of outside legal counsel; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 411—
BY SENATOR MCPHERSON

AN ACT

To enact Part III of Chapter 2 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:901, relative to the creation of the Coastal Land Stewardship Authority; to provide for the establishment of the authority in the Department of Wildlife and Fisheries; to provide for the powers, duties, and functions of the board of directors of the authority; to provide for composition of the authority; to provide procedures, terms, and conditions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 697—
BY SENATOR DUPRE

AN ACT

To enact Subpart Z.1 of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.82, and 306.4, relative to coastal protection; to provide for donations to the Coastal Protection and Restoration Fund; to provide relative to donation of tax refunds and donations in excess of tax due; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
REGGIE P. DUPRE, JR.
Chairman

REPORT OF COMMITTEE ON

**TRANSPORTATION, HIGHWAYS
AND PUBLIC WORKS**

Senator William Joseph McPherson, Jr., Chairman on behalf of the Committee on Transportation, Highways and Public Works, submitted the following report:

April 24, 2008

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways and Public Works to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 9—
BY SENATORS MORRISH AND MOUNT

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate that portion of Louisiana Highway 82 located in Cameron Parish as the "Rodney Guilbeaux Memorial Highway" and to erect proper signage along the route reflecting this designation.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 24—
BY SENATORS DUPRE AND MORRISH AND REPRESENTATIVES DOVE, ST. GERMAIN AND HUTTER

A CONCURRENT RESOLUTION

To approve the annual Coastal Protection Plan for Fiscal Year 2008-2009, as adopted by the Coastal Protection and Restoration Authority.

Reported favorably.

SENATE BILL NO. 51—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 32:292.1, relative to motor vehicles; to authorize the transportation and storage of lawfully possessed firearms in privately owned motor vehicles; to provide exceptions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 102—
BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 2:903(B), relative to the General Aviation and Reliever Airport Maintenance Grant Program; to increase the limit of Transportation Trust Fund monies made available to the program; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 137—
BY SENATOR QUINN

AN ACT

To enact R.S. 32:300.5, 300.6, and 398.10(A)(6), relative to driver distractions; to prohibit text messaging by any person while operating a motor vehicle; to prohibit the use of cellular telephones by novice drivers while operating a motor vehicle; to provide exceptions; to provide penalties for violation; to require law enforcement officers to record certain information at traffic stops; to require the compilation of statistical information on crashes involving the use of cellular telephones and other wireless telecommunications devices; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 146—
BY SENATOR NEVERS

AN ACT

To designate Louisiana Highway 3241 as the "B.B. "Sixty" Rayburn Memorial Highway"; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 342—
BY SENATOR ERDEY

AN ACT

To enact R.S. 32:289, relative to operating motor vehicles; to prohibit certain persons from using a cellular telephone while operating a motor vehicle; to provide for certain exceptions; to provide relative for violations; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 373—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 32:702.2 (A),(B),(C), and (D), relative to motor vehicles; requires the electronic recording of information on vehicle security interests; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 451—
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 48:231(A) and (B)(1) and to enact R.S. 48:231(C), relative to the state highway system; to provide relative to public hearings in each highway district; to require the Department of Transportation and Development, in lieu of the Joint Highway Priority Construction Committee, to hold public hearings in each highway district; to provide for ex officio membership of the Joint Highway Priority Construction Committee; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 603—
BY SENATOR CHEEK

AN ACT

To repeal R.S. 32:414(M), relative to commercial driver's licenses; deletes the penalty for any person who is convicted of violating any law or rule while operating any commercial vehicle without holding the commercial driver's license; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JOE MCPHERSON
Chairman

REPORT OF COMMITTEE ON FINANCE

Senator Michael J. "Mike" Michot, Chairman on behalf of the Committee on Finance, submitted the following report:

April 28, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 18— BY SENATOR ALARIO

AN ACT

To enact R.S. 47:324.1, relative to the disposition of certain sales and use tax collections; to provide for the dedication of a portion of the avails of certain state sales and use taxes; to provide for the deposit of such collections into the Louisiana Wildlife and Fisheries Conservation Fund; to provide for an effective date, and to provide for related matters.

Reported favorably.

SENATE BILL NO. 26— BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 33:2002(A)(1) and (4)(a), 2218.2(A)(1) and (2)(a), 2218.8(B) and (G) and 2218.10, relative to supplemental pay for certain law enforcement officers and firefighters; to increase the amount of supplemental pay; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 355— BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 39:1546.1, relative to the office of risk management; to create the Non-litigated Claims Management Fund as a special fund in the state treasury; to provide for the deposit into and use of monies in the fund; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 612— BY SENATORS CHAISSON, NEVERS, RISER, SCALISE, THOMPSON AND WALSWORTH AND REPRESENTATIVES HONEY AND TUCKER

AN ACT

To amend and reenact R.S. 23:1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14(A), 15, 16, 71, 72, 73(A)(1)(introductory paragraph) and (2), (B), (C), (D), and (E)(2), 74, 75(D), 76(C), 1472(I), 2042, 2043, 2044, 2045, 2046, 2047(A), 2048 through 2056, 2061, 2062, 2063, 2065, 2066, 2067, 2069(A), 2070, 2091(A), (B)(introductory paragraph) and (8), and (C), 2092, 2100, 2151(A), (B), and (E), 2152, 2153, 2191, and 2192, and R.S. 36:3(2), (3), (4), (6), and (7), 4(A)(6) and (B)(1), and 8(E)(1), 301, 302, 303, 304, 305, 306, 307, 308(A) and (D), 309(B), (C)(introductory paragraph) and (4), (D), (E), and (F), 310(A), and 313, to enact R.S. 23:17, 18, 19, 20, 33, 34, 73(A)(1)(d), 75(E), 77, 78, 2193 through 2213 and R.S. 36:8(E)(2)(j), and to repeal R.S. 23:2061(8), 2064, 2068, 2093, 2094, 2095, 2096, 2097, 2098, 2099, and 2192 and R.S. 36:4(B)(14), 310, 311, 312, relative to the Department of Labor; to change the name of the Department of Labor to the Louisiana Workforce Commission; to provide for the creation of the commission; to provide for the executive director of the commission; to establish the purpose of the commission; to establish the powers and duties of the commission; to provide for employee

performance evaluations; to require the integration of certain workforce development programs; to provide for client accessibility; to authorize the executive director to delegate certain functions; to require the design and implementation of a plan for workforce training and services; to provide for the administration of funding; to provide relative to block grants for local workforce development areas; to establish legislative intent; to provide for definitions; to require the maintenance of a comprehensive labor market information system; to require entities to cooperate with the commission; to provide for the availability of consumer information; to provide with respect to data exchange; to provide for the Occupational Forecasting Conference and its duties; to provide for the development and management of workforce system information resources; to change the name of the Louisiana Workforce Commission to the Louisiana Workforce Investment Council and to establish its purposes; to provide for the membership of the council; to provide procedures to select the chairman and vice chairman; to provide for the terms of the membership; to authorize the removal of members under certain circumstances; to provide for designees of the council members; to establish the goals of the commission; to require the adoption of a strategic plan; to establish the duties and functions of the council; to establish the organizational structure of the council; to provide for workforce investment boards; to authorize the governor to designate workforce development areas; to authorize the creation of local workforce development boards; to provide for the training for local workforce development board members; to authorize the governor to certify boards; to provide the membership of boards; to provide for the removal of workforce investment board members; to provide for the responsibilities of the board; to establish the board's duties; to provide for the components of the local workforce development system; to require the adoption of local and regional workforce development plans; to require the adoption of a budget; to require the submission of a report; to require approval of the board's fiscal agent; to provide for contracting service delivery; to provide relative to conflicts of interests; to provide for the eligibility of incentives and waivers; to allow the application for nonprofit status; to authorize the employment of staff; to include the Louisiana Workforce Commission as a department within the executive branch of government; to provide for its officers, duties and offices; and to provide for related matters.

Reported with amendments.

Respectfully submitted, MICHAEL J. "MIKE" MICHOT Chairman

REPORT OF COMMITTEE ON REVENUE AND FISCAL AFFAIRS

Senator Robert M. Marionneau, Jr., Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

April 28, 2008

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE BILL NO. 336— BY SENATOR MICHOT

AN ACT

To enact R.S. 47:1508(B)(25), relative to confidential character of tax records; to provide an exemption from the confidential character of tax records for data related to cultural products districts; and to provide for related matters.

Reported favorably.

Respectfully submitted,
 ROBERT M. MARIONNEAUX, JR.
 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. 131—
 BY SENATORS LAFLEUR, DUPLESSIS AND MICHOT
 AN ACT

To amend and reenact R.S. 37:831(38) and 861 and to enact R.S. 37:831(71) through (81) and R.S. 37:862 through 867, relative to preneed funeral contracts; to provide for definitions; to provide for preneed funeral contracts; to provide for preneed funeral planners; to provide for penalties; to provide for applicability; and to provide for related matters.

Reported by substitute by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO.— (Substitute of Senate Bill No. 131 by Senator LaFleur)

BY SENATOR LAFLEUR
 AN ACT

To amend and reenact Part II of Chapter 10 of Title 37 of the Louisiana Revised Statutes of 1950, composed of R.S. 37:861 through 867, and R.S. 37:831(38) and to enact R.S. 37:831(71) through (80), relative to preneed funeral contracts; to provide for definitions; to provide for preneed funeral plans; to provide for preneed funeral contracts; to provide for funeral goods and services; to provide for cancellation; to provide for restrictions; to provide for penalties; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II of Chapter 10 of Title 37 of the Louisiana Revised Statutes of 1950, composed of R.S. 37:861 through 867, and R.S. 37:831(38) are hereby amended and reenacted and R.S. 37:831(71) through (80) are hereby enacted to read as follows: §831. Definitions

For purposes of this Chapter and implementation thereof, the following terms shall have the meaning as defined herein, unless the context clearly indicates otherwise:

(38) "Funeral merchandise" means those consumer goods used in connection with the casket, vault, or box, clothing, and any other merchandise used for the funeral of a dead human body, including but not limited to, the receptacle in which the body is directly placed; except that mausoleum crypts, tombs, interment receptacles, columbarium niches and copings shall be excluded from the above definition; caskets, rental caskets, rental casket inserts, alternative containers, combo/shipping caskets, and other receptacles, excluding urns, where human remains are directly placed for disposition.

(71) "Buyer" means the person entering into a preneed funeral contract with a licensed funeral establishment.

(72) "Financial institution" means a state or national bank, savings bank or savings association located in the state of Louisiana and whose deposits are insured by the Federal Deposit Insurance Corporation, including homesteads, building and loan associations and savings and loan associations.

(73) "Funeral goods and services" means goods which are sold or offered for sale directly to the public for use in connection with funeral services and any services which may be used to care for and prepare deceased human remains for burial, cremation, or other final disposition and to arrange, supervise or conduct the funeral ceremony or the final disposition of deceased human bodies, including, but not limited to, funeral merchandise.

(74) "Funeral recipient" means the individual for whom funeral goods and services are to be provided under the terms of a preneed funeral contract.

(75) "Funeral trust account" means an account established pursuant to R.S. 37:865(B)(1).

(76) "Guaranteed funeral goods and services" means funeral goods and services which a funeral establishment agrees to provide for a named funeral recipient upon death which are a specifically identified set of funeral goods and services designated as guaranteed and for which a funeral trust account has been established or a preneed insurance policy or annuity has been purchased and/or assigned to pay for those funeral goods and services, provided the buyer has fully funded a funeral trust account, or has fully paid for a preneed funeral policy or annuity, within a specified period of time after the preneed funeral contract is made and the funeral establishment has agreed to accept the funds available in the funeral trust account or preneed insurance policy or annuity during the term of the guarantee as payment in full for those funeral goods and services so that there will be no additional cost to the funeral recipient's family or his or her estate for those funeral goods and services.

(77) "Prearrangement" means the non-binding gathering and exchange of information before the death of an individual that provides guidance for a funeral or final disposition of that individual and does not result in a preneed funeral contract.

(78) "Preneed funeral contract" means any written agreement between a buyer and a funeral establishment in which a funeral establishment agrees, prior to the death of a named funeral recipient, to furnish funeral goods and services for the funeral recipient upon death, and the buyer, pursuant to that agreement, transfers or tenders funds, or assigns an insurance policy or annuity to the funeral establishment for the purpose of paying all or part of the cost of those funeral goods and services at the time they are actually provided. The contract may be designated as revocable or irrevocable and may be guaranteed or non-guaranteed as to some or all of the funeral goods and services included therein.

(79) "Preneed insurance policy or annuity" means any policy or contract of insurance issued by an insurance company in accordance with Title 22 of the Louisiana Revised Statutes of 1950, and used to fund a preneed funeral contract.

(80) "Refund Designee" means the person designated in a preneed funeral contract by the buyer to receive any surplus of funds as provided in R.S. 37:865(G) and (I).

* * *
 PART II. PREPAID FUNERAL SERVICES
 OR MERCHANDISE
 PRENEED FUNERAL PLANS

§861. Prepaid funeral services or merchandise Preneed funeral plans

A. It shall be unlawful for a firm, partnership, corporation, an association of individuals, or anyone to engage in the selling of prearranged or prepaid burial or funeral services or merchandise, or distributing any contracts, certificates, or coupons, or any other method of granting or promising, expressed or implied, these benefits including caskets, grave vaults, and all other merchandise or services incidental to a funeral or final disposition of a human remains, excluding grave vaults when sold by a cemetery authority, grave lots, grave spaces, grave markers, monuments, tombstones, niches, and mausoleums, other than: enter into a preneed funeral contract other than a duly licensed funeral establishment.

(1) A duly licensed funeral establishment to be identified as "seller."

(a) In such case all amounts paid to or received by the seller shall be deposited within seven days in a savings and loan association or in a savings account in a bank, in this state. Such deposits shall be carried in individual accounts in the joint name of the seller and purchaser or in individual trust accounts, both for the exclusive use and benefit, including all earned interest, of the purchaser. There shall be no commingling of these accounts. The seller may withdraw the funds only at the death of the purchaser by presentation of a death certificate copy and a certified funeral statement for the amount to be withdrawn, together with other requirements of the financial institution. The purchaser may withdraw the funds by written notice

to the seller requesting the release of the depository document held by seller, or, if he so desires, may by his own request and by written notice to the seller at any time during the life of the contract, render any amount of the prepaid contract irrevocable.

(b) Each seller shall file annually a report with the Louisiana State Board of Embalmers and Funeral Directors as a prerequisite for licensing of said establishment. The report shall list the name, address, contract number, and principal amount and interest of each deposit or contract outstanding. This report shall be in affidavit form stating that the report is correct; that all funds received were deposited in a savings and loan association or bank as required under this Section; and that the seller has no other contracts or deposits effective after the date of this Part. Records used to complete this report shall be available to the board and shall be inspected annually.

(c) No seller or representative thereof shall solicit by any personal means whatsoever for prearranged or prepaid funeral benefits herein defined.

(2) Those licensed to sell contracts of funeral insurance as authorized by R.S. Title 22 with an insurance company licensed in Louisiana:

B. It shall be unlawful for any seller to give or offer to give, directly or indirectly, orally or in writing, any money, credit, discount, gratuity or other thing of value, or advertise the offering of such benefits as an inducement for the business of a prospective customer. It shall also be unlawful for any seller to operate any burial insurance association or society, or issue, give, sell or distribute any contract or agreement, certificate or coupon, granting or promising any burial benefits or credit thereon, unless authorized under this Part or under R.S. Title 22:

C. (1) Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than two thousand five hundred dollars and costs of the court reporter and attorney for the board for each offense, or by imprisonment for not less than thirty days nor more than one hundred eighty days for each offense, or both such fine and imprisonment.

(2) If a firm violates the provisions of this Part, all the members of the firm who knowingly violate such provisions shall be subject to the penalty. If a corporation violates the provisions of this Part, the members of the board of directors and the officers of the corporation who knowingly violate such provisions shall be subject to the penalty.

D. Nothing in this Part, however, shall alter or affect any provisions of R.S. Title 22 authorizing the issuance of life or funeral insurance policies:

E. Anything in this Part contained to the contrary notwithstanding, this Part shall not apply to any person, firm, corporation, trustee, partnership, association or other legal entity who now or hereafter exclusively engages in, owns, operates, controls and manages a cemetery authority located in the State of Louisiana, unless it sells, or attempts to sell, or contracts for merchandise or services commonly furnished by a funeral home such as caskets, embalming, funeral directing, use of funeral home facilities and use of a hearse or transportation of a dead human body.

§862. Preneed funeral contracts

A. The preneed funeral contract shall:

(1) Be in writing and printed in not less than ten point typeface.

(2) State the name, address and telephone number of the funeral establishment.

(3) State the name, address and telephone number of the buyer and the funeral recipient, if the funeral recipient is not the buyer.

(4) Contain or be accompanied by a statement of funeral goods and services which meets the requirements of the Federal Trade Commission Funeral Rule, 15 CFR Part 453, and LAC Title 46, § 111. If a separate statement is used, it shall be attached to the preneed funeral contract and incorporated by reference into that contract.

(5) State whether the contract will be funded by a preneed insurance policy or annuity and/or a funeral trust account.

(6) If funded by a preneed insurance policy or annuity, state the name, home office address, and telephone number of the insurance company. A copy of the policy application with any medically related information expurgated shall be attached to

and incorporated by reference into the contract and shall include a statement that the amount to be refunded if cancelled prior to the death of the funeral recipient will be determined by the provisions of the preneed insurance policy or annuity and a statement as to who is responsible for paying the income tax on any earnings generated by the preneed insurance policy or annuity.

(7) If funded by a deposit in a funeral trust account, provide the identity of the financial institution in which the money delivered to the funeral establishment by the buyer is to be deposited, and a statement as to who will be responsible for paying the income tax on any earnings generated by the funeral trust account.

(8) State the amount of the money initially deposited into a funeral trust account and give a description of any preneed insurance policy or annuity, used to fund the preneed funeral contract.

(9) State the effect on the contract benefits resulting from the failure to make any future payments required to fully fund the contract.

(10) Recite clearly and conspicuously whether the preneed funeral contract and/or the funding is revocable or irrevocable.

(11) Specifically identify which funeral goods and services are guaranteed funeral goods and services and state when the guarantee becomes effective if other than upon execution of the contract and the term of the guarantee if the term is other than for the life of the funeral recipient.

(12) State that the price to be paid for any funeral goods and services, not designated as guaranteed will be the prevailing retail prices as listed on the general price list and casket price list of the funeral establishment at the time of the death of the funeral recipient.

(13) Include a description of any casket, alternative container or other funeral merchandise, burial vault or urn included in the preneed funeral contract. The description of a casket shall include the exterior color, the material the casket is constructed of, including but not limited to, the type and thickness of metal expressed in gauge or ounces per square foot, type and color of wood or other material and type and color of interior fabric; with respect to an urn, the description shall be of the material of which it is constructed.

(14) Contain the signature of the buyer and the date the buyer signed the contract.

(15) Contain the signature of a funeral director authorized by the funeral establishment to enter into a preneed funeral contract, and the date signed.

(16) Clearly and conspicuously state that unless waived as provided in R.S. 37:864(B), the preneed funeral contract may be cancelled and the buyer receive a full refund of all monies delivered and a return and cancellation of the assignment of all policies transferred or assigned in connection therewith anytime within ten days after the buyer signed the contract.

(17) Include the name, address, and telephone number of any refund designee designated by the buyer.

B. Until signed by a funeral director authorized by the funeral establishment, the contract signed by the buyer shall be considered as an offer to purchase. Upon acceptance of the offer, signified by the signature of its duly authorized funeral director, the funeral establishment shall furnish a complete, fully executed copy of the preneed funeral contract to the buyer.

§863. Substitution of guaranteed funeral goods and services

If any guaranteed funeral goods or services which were selected by the buyer in a preneed funeral contract are unavailable at the time of the death of the funeral recipient of that contract, the funeral establishment shall offer a similar casket or other funeral goods or services of equal quality, value and workmanship as the unavailable funeral goods or services.

§864. Cancellation of preneed funeral contracts

A. Unless waived as provided in Subsection B of this Section, any buyer of a preneed funeral contract may cancel that contract and receive a full refund of all monies connected with that contract at any time within ten days after the buyer signed the contract. After the expiration of this ten day period, a preneed funeral contract may be cancelled as hereinafter provided.

B. Where an application by the buyer or funeral recipient for government benefits is pending, the buyer may waive his or her right to cancel the preneed funeral contract as provided in Subsection A of this Section by signing a written waiver of that right.

C. If a preneed funeral contract is revocable, the buyer, or his legal representative, may cancel the preneed funeral contract at any time by sending written notice of such cancellation, via certified mail, return receipt requested, to the funeral establishment.

(1) If a funeral trust account has been established to fund that preneed funeral contract, the funeral establishment shall within ten business days after the notice of cancellation is received forward a copy of said notice of cancellation to the financial institution holding on deposit the funeral trust account, and take all necessary steps to ensure that all funds contained in that funeral trust account are refunded to the buyer, less any charge for early withdrawal imposed by the financial institution.

(2) If a preneed insurance policy or annuity was purchased or provided to fund a preneed funeral contract, the funeral establishment shall forward a copy of the notice of cancellation of that preneed funeral contract to the insurance company which issued the preneed insurance policy or annuity.

D. If a preneed funeral contract is irrevocable, during the life of the funeral recipient the contract shall not be revocable by either party nor shall the buyer be entitled to a return of the monies or any preneed insurance policy or annuity delivered to the funeral establishment except by order of a court of competent jurisdiction.

E. No funeral establishment shall impose any surcharge, fee, or other penalty, monetary or otherwise, when any person seeks to exercise his right to cancel a preneed funeral contract.

§865. Restriction on use or disposition of funds

A. No funeral establishment, or any agent or employee thereof, shall borrow from, convert to another policy or surrender any preneed insurance policy or annuity, nor use or pledge any funds or insurance policy or annuity which is received in connection with any preneed funeral contract for any personal use, payment of funeral goods and services prior to the death of the funeral recipient, payment of the operating expenses of a funeral establishment, issuance of a loan to any person, as collateral for any loan, or for any purpose other than those expressly authorized by that preneed funeral contract and this Section. There shall be no co-mingling of funeral trust accounts.

B. All funds delivered by a buyer to a funeral establishment in connection with any preneed funeral contract shall be either:

(1) Deposited in a trust account with a financial institution not later than five business days after the expiration of the ten day right of cancellation period provided in R.S. 37:864(A). Such deposit shall be made in individual accounts or certificates of deposits which name the funeral establishment and the funeral recipient and shall be for the exclusive use and benefit, including all earned interest, of the funeral recipient.

(2) Delivered to an insurance company for the purchase of a preneed insurance policy or annuity not later than five business days after the expiration of the ten day right to cancel period provided in R.S. 37:864(A).

C. A funeral establishment shall not be allowed to avoid the requirement of R.S. 37:865(A) and (B) by constructive delivery of funeral goods to the buyer, storing the funeral goods in a warehouse or other location, posting of any type surety bond or other security or in any other manner or form.

D. Each funeral establishment shall file an annual report of funeral trust accounts with the Louisiana State Board of Embalmers and Funeral Directors as a prerequisite for licensing as a funeral establishment. The report shall list the name of the funeral recipient, contract number, financial institution account number, principal amount, and accumulated interest of each funeral trust account outstanding. This report shall be in the form of a sworn affidavit certifying that the report is true and correct, that all funds received were deposited in a financial institution or delivered to an insurance company as required under R.S. 37:865(B) and that the funeral establishment has no other funds or deposits for funding prepaid funeral goods and

services effective as of the date of the report. All records used to complete the report shall be made available to the board which shall make an inspection of such records at least once annually.

E. A funeral establishment shall not have access to or use of any of the funds in connection with a preneed funeral contract for any purpose other than the following:

(1) If funded with a funeral trust account:

(a) Obtaining payment for providing funeral goods and services, upon presentation of the documents required by Subsection F of this Section.

(b) Transferring those funds to another funeral trust account, or to a preneed insurance policy or annuity, upon written authorization to do so from the buyer of the preneed funeral contract, or the duly authorized representative of the buyer.

(c) Refunding those funds to the buyer upon receipt of a written notice of cancellation of the preneed funeral contract from the buyer or the duly authorized legal representative thereof, to the extent permitted by R.S. 37:864.

(2) If funded with a preneed insurance policy or annuity, obtaining payment for providing funeral goods and services, upon presentation of the documents required by Subsection F of this Section.

F. Before obtaining or receiving payment for funeral goods and services rendered to the funeral recipient of any preneed funeral contract, the funeral establishment shall present a certified copy of the death certificate of the funeral recipient to the financial institution with whom any funeral trust account has been deposited and the insurer of any preneed insurance policy or annuity which was used to fund that preneed funeral contract.

G. At the time of the funeral recipient's death, the funds available in any funeral trust account established in connection with that preneed funeral contract, and/or from any preneed insurance policy or annuity purchased or provided in connection with that preneed funeral contract shall be apportioned between the guaranteed funeral goods and services and the nonguaranteed funeral goods and services provided on the statement of goods and services contained in the preneed funeral contract in accordance with the applicable percentage pursuant to Subsection H of this Section. The preneed funeral contract funds shall be allocated as follows:

(1) With respect to guaranteed funeral goods and services, if the amount of apportioned funds to be applied to the costs of the guaranteed funeral goods and services provided by the funeral establishment exceeds the current retail price of those guaranteed funeral goods and services at the time of the funeral recipient's death, the licensed funeral establishment may retain the resulting surplus funds unless the preneed funeral contract provides otherwise. If the amount of the apportioned funds to be applied to the current retail price of those guaranteed funeral goods and services provided by the funeral establishment is not sufficient to cover the current retail price of those funeral goods and services at the time of the funeral recipient's death, the funeral establishment shall bear the resulting loss and shall not bill the estate of the funeral recipient or any other person for the deficiency.

(2) With respect to funeral goods and services which are not guaranteed, if the amount of the apportioned funds to be applied to the cost of those funeral goods and services exceeds the current retail price of such funeral goods and services at the time of the funeral recipient's death, the licensed funeral establishment shall refund the resulting surplus to the refund designee or, if none has been designated in the contract or the refund designee predeceased the funeral recipient, to the estate of the funeral recipient. If the amount of the apportioned funds to be applied to the current retail price of those funeral goods and services provided by the funeral establishment which are not guaranteed are not sufficient to cover the current retail price of those funeral goods and services at the time of the funeral recipient's death, the funeral establishment may charge the responsible party or the estate of the funeral recipient for the deficiency.

H. The "applicable percentage" means either of the following:

(1) The percentage of the total cost of the funeral which is attributable to the guaranteed funeral goods and services shall be calculated by dividing the total cost of the guaranteed funeral goods and services, as set forth in the statement of funeral goods and services in the preneed funeral contract, by the total cost of the funeral set forth in that statement.

(2) The percentage of total cost of nonguaranteed funeral goods and services shall be calculated by dividing the total cost of the nonguaranteed funeral goods and services as set forth in the statement of funeral goods and services in the preneed funeral contract by the total cost of the funeral as set forth in that statement. The percentages so calculated as provided above shall be rounded off to the nearest whole number and the sum of such percentages shall in all cases equal one hundred percent.

I. If a funeral establishment which is a party to a preneed funeral contract does not provide the funeral goods and services for the funeral recipient of the contract upon his death, the contract shall be deemed null and void except for the designation of the refund designee and, upon receipt of a certified copy of the death certificate of such funeral recipient, the funeral establishment shall comply with all of the following:

(1) Take all necessary and appropriate steps to relinquish all of its rights and claims to any preneed insurance policy or annuity funding the preneed funeral contract.

(2) Pay or cause to be paid the funds of any funeral trust account, up to the amount available as follows:

(a) To the funeral establishment that provided the funeral goods and services for the funeral of the funeral recipient in an amount equal to its total charges as shown on the statement of funeral goods and services for the funeral net of any proceeds to be received from any preneed insurance policy or annuity.

(b) Any balance to the refund designee and if none is designated in the preneed funeral contract or if the refund designee predeceased the funeral recipient, then to the estate of the funeral recipient.

§866. Penalties

A. Whoever violates the provisions of this Part shall be fined not less than five hundred dollars, nor more than five thousand dollars and costs of the court reporter and attorney for the board for each offense, or by imprisonment for not less than thirty days nor more than one hundred eighty days for each offense, or both such fine and imprisonment.

B. If a firm violates the provisions of this Part, all the members of the firm who knowingly violate such provisions shall be subject to the penalty. If a corporation violates the provisions of this Part, the members of the board of directors and the officers of the corporation who knowingly violate such provisions shall be subject to the penalty.

§867. Applicability

Anything in this Part contained to the contrary notwithstanding, this Part shall not apply to any person, firm, corporation, trustee, partnership, association or other legal entity who now or hereafter exclusively engages in, owns, operates, controls and manages a cemetery authority located in the state of Louisiana, unless it sells, or attempts to sell, or contracts for merchandise or services commonly furnished by a funeral home such as caskets, embalming, funeral directing, use of funeral home facilities and use of a hearse or transportation of a dead human body.

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

On motion of Senator Duplessis, the committee substitute bill was adopted and becomes Senate Bill No. 806 by Senator LaFleur, substitute for Senate Bill No. 131 by Senator LaFleur.

SENATE BILL NO. 806— (Substitute of Senate Bill No. 131 by Senator LaFleur)

BY SENATOR LAFLEUR

AN ACT

To amend and reenact Part II of Chapter 10 of Title 37 of the Louisiana Revised Statutes of 1950, composed of R.S. 37:861 through 867, and R.S. 37:831(38) and to enact R.S. 37:831(71) through (80), relative to preneed funeral contracts; to provide for definitions; to provide for preneed funeral plans; to provide for

preneed funeral contracts; to provide for funeral goods and services; to provide for cancellation; to provide for restrictions; to provide for penalties; to provide for applicability; and to provide for related matters.

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

SENATE BILL NO. 422— BY SENATOR DUPLESSIS

AN ACT

To enact Chapter 10-A of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1356 through 1370, relative to cable services and video services; to create the "Consumer Choice for Television Act"; to provide guidelines for cable services and video services; to provide for certificate of franchise authority to be distributed by the secretary of state; to provide for franchise fees associated with cable services or video services; to provide for franchise fee audits and dispute resolutions; to provide for the distribution of these fees; to provide for a prohibition against build-out requirements; to authorize a local governmental subdivision to regulate a certificate holder; to prohibit discrimination with regards to cable services or video services; to provide for public, educational, and governmental access programming streams and support; to provide for local franchise agreements; to provide for a prohibition of in-kind contributions or grants; and to provide for related matters.

Reported by substitute by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. —(Substitute of Senate Bill No. 422 by Senator Duplessis)

BY SENATOR DUPLESSIS

AN ACT

To enact Chapter 10-A of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1361 through 1377, relative to cable services and video services; to create the "Consumer Choice for Television Act"; to provide guidelines for cable services and video services; to provide for certificate of franchise authority to be distributed by the secretary of state; to provide for franchise fees associated with cable services or video services; to provide for franchise fee audits and dispute resolutions; to provide for the distribution of these fees; to provide for a prohibition against build-out requirements; to authorize a local governmental subdivision to regulate a certificate holder; to prohibit discrimination with regard to cable services or video services; to provide for public, educational, and governmental access programming streams and support; to provide for effect on local franchise agreements; to provide for a prohibition of in-kind contributions or grants; to provide for customer service standards; to provide for emergency alert services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 10-A of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:1361 through 1377, is hereby enacted to read as follows:

CHAPTER 10-A. CONSUMER CHOICE FOR TELEVISION ACT

§1361. Short title

This Chapter shall be known and may be cited as the "Consumer Choice for Television Act."

§1362. Legislative findings

A. The Legislature of Louisiana finds and declares that it is the policy of this state to increase competition for cable services and video services throughout the state in order to provide the widest possible diversity of information and new resources to the general public and to encourage economic development in this state. Increased competition in cable services and video services not only provides consumers with more choice, better prices, and better services, but also encourages and speeds the deployment of new communication technologies to the public. The technology used to deliver cable and video service is not constrained or limited by local governmental subdivision boundaries.

Accordingly, it is appropriate for the legislature to review and update the policy of this state with regard to these services and to protect the health, safety, and welfare of Louisiana citizens.

B. The Legislature of Louisiana finds that reforming and streamlining the current system of regulating cable services and video services will relieve consumers of unnecessary costs and burdens, encourage investment in advanced networks, and promote deployment of advanced and innovative services that provide competitive choices for consumers. The Legislature of Louisiana further finds that a streamlined procedure for granting and renewing cable service and video service franchises will provide statewide uniformity to allow functionally equivalent services to compete fairly and to allow new consumer services to be deployed more quickly.

C. The Legislature of Louisiana further finds that it is in the best interests of consumers of video programming services that access to the public rights-of-way for the provision of cable and video services to be provided on a non-exclusive, nondiscriminatory basis, that such access not be unreasonably denied, and that the fees and charges applied to video programming providers be equitable regardless of the technology used.

D. The Legislature of Louisiana intends that this Chapter provide uniform regulation of cable and video service franchising. Therefore, the Legislature of Louisiana intends that the Chapter occupy the entire field of cable and video service franchising regulation in the state of Louisiana and, except as provided herein, shall preempt any ordinance, resolution, or similar matter adopted by a local governmental subdivision that purports to address cable or video service franchising or regulation. This Chapter is enacted pursuant to the police powers ultimately reserved to the state by Article VI, Section 9 of the Constitution of Louisiana.

E. The Legislature of Louisiana does not intend that the "opt-in" right afforded by R.S. 45:1365 shall release any indebtedness, liability or obligation that is owed to the state, a parish, or a municipality at the time that an incumbent service provider exercises those rights. If a court should determine that R.S. 45:1365 has the effect of releasing an indebtedness, liability or obligation in contravention of Article VII, Section 15 of the Constitution of Louisiana, then it is the intent of the legislature that R.S. 45:1365 be severed from this Chapter so that the remaining provisions can remain in full force and effect.

§1363. Definitions

When used in this Chapter:

(1) "Cable service" means the one-way transmission to subscribers of video programming or other programming service and any subscriber interaction required for the selection or use of such video programming or other programming service, but shall not include any video programming provided by a commercial mobile service provider.

(2) "Cable service provider" means any person or entity that provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of such system.

(3) "Cable system" means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community but does not include the following facilities or systems:

(a) A facility that serves only to retransmit the television signals of one or more television broadcast stations.

(b) A facility that serves subscribers without using any public right of way.

(c) A facility of a common carrier which is subject, in whole or in part, to common carrier regulation, except that such facility shall be considered a cable system to the extent the facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services.

(d) An open video system to the extent the system is deemed under federal law not to be a cable system.

(e) Any facilities of an electric utility used solely for operating its electric system.

(4) "Certificate" means the certificate of franchise authority issued by the secretary of state to a person or entity to provide cable service or video service in this state.

(5) "Commercial mobile service provider" means an interconnected radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, provided for profit and to the public or to a substantial portion of the public.

(6) "Franchise" means an initial authorization, or renewal of an authorization, issued by a franchising authority regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the construction and operation of a cable system, or other wireline facilities used to distribute video programming services, in the public rights of way.

(7) "Franchise authority" means any governmental entity empowered by federal, state, or local law to grant a franchise for cable service or video service.

(8) "Gross revenues" means all revenues received from subscribers for the provision of cable service or video service, including franchise fees and all revenues received from non-subscribers for advertising disseminated through cable service or video service and home shopping services. Gross revenues shall not include all of the following items:

(a) Amounts billed and collected from subscribers to recover any tax, surcharge, or governmental fee.

(b) Any revenue not actually received, even if billed, such as bad debt.

(c) Any revenue received by any affiliate or any other person in exchange for supplying goods or services to the cable service provider or video service provider.

(d) Any amounts attributable to refunds, rebates, or discounts.

(e) Any revenues from late fees, returned check fees, or interest.

(f) Any revenues from sales or rental of property, except such property the subscriber is required to buy or rent exclusively from the cable service provider or video service provider to receive cable service or video service.

(g) Any revenues from services provided over the cable system or other wireline facilities used to distribute video programming services that are not classified as cable services or video services including without limitation revenue received from telecommunications services, information services but not excluding cable services or video services, Internet access services, and directory or Internet advertising revenues, including but not limited to yellow pages, white pages, banner advertisements, and electronic publishing advertising. Where the sale of any non-cable service or non-video service is bundled with the sale of one or more cable services or video services and sold for a single non-itemized price, the term "gross revenues" shall include only those revenues that are attributable to cable services or video services based on the provider's books and records.

(h) Any revenues from sales for resale with respect to which the purchaser is required to pay a franchise fee, provided the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect thereto.

(i) Any amounts attributable to a reimbursement of costs, including but not limited to the reimbursements by programmers of marketing costs incurred for the promotion or introduction of video programming.

(j) Any revenues from providing or maintaining inside wiring.

(9) "Incumbent service provider" means any cable service provider or video service provider providing cable service or video service in a particular municipality or unincorporated area of a parish on the effective date of this Chapter.

(10) "Local governmental subdivision" means any parish or municipality.

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(11) "Predecessor" shall include but not be limited to any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a person receiving, obtaining, or operating under a municipal or parish cable franchise through merger, sale, assignment, restructuring, or any other type of transaction.

(12) "Public right of way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or waterway.

(13) "Video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

(14) "Video service" means video programming services provided through wireline facilities located at least in part in the public rights of way without regard to delivery technology, including Internet protocol technology. "Video service" shall not include any video programming provided by a commercial mobile service provider as defined in this Section or video programming provided as part of a service that enables users to access content, information, e-mail, or other services offered over the public Internet.

(15) "Video service provider" means any entity providing video service. "Video service provider" shall not include a cable service provider or any affiliate, successor, or assign of a cable service provider operating under a franchise agreement with a local governmental subdivision in this state on the effective date of this Chapter.

§1364. Certificate issued by the state; eligibility

A. Any person or entity seeking to provide cable service or video service in this state after the effective date of this Chapter shall file an application for a state franchise with the secretary of state as required by this Section.

B. The secretary of state shall issue a certificate authorizing the applicant to offer cable service or video service in this state within ten days of receipt of an affidavit submitted by the applicant and signed by an officer or general partner of the applicant affirming all of the following items:

(1) The applicant agrees to comply with all applicable federal and state laws and regulations.

(2) A list of municipalities and parishes to be served, in whole or part, by the applicant, which list shall be updated by the applicant prior to the provision of cable service or video service to an area within a previously undesignated local governmental subdivision.

(3) The location of the principal place of business and the names of the principal executive officers of the applicant.

C. The certificate issued by the secretary of state shall contain all of the following:

(1) A grant of authority to provide cable service or video service as requested in the application.

(2) A grant of authority to construct facilities along and over the public roads or public works or public rights of way and along and parallel to any of the railroads and waters in the state whether owned, maintained, or provided by a local governmental subdivision or the state in the delivery of that service, subject to the laws of this state, including the lawful exercise of police powers of the local governmental subdivisions in which the service is delivered.

(3) A statement that the franchise is for a term of fifteen years, is renewable, and is nonexclusive.

D. The certificate issued by the secretary of state is fully transferable to any successor in interest to the applicant to which it is initially granted. A notice of transfer shall be promptly filed with the secretary of state within ten days of the completion of the transfer.

E. The certificate issued pursuant to this Chapter may be terminated by the cable service provider or video service provider by submitting written notice of the termination to the secretary of state.

F. A holder of a certificate who seeks to amend its current certificate to include additional areas to be served shall file an amended application which reflects the new service area to be served.

G. The failure of the secretary of state to notify the applicant of the incompleteness of the applicant's affidavit or issue a certificate before the tenth day after receipt of a completed affidavit shall constitute issuance of the certificate applied for without further action on behalf of the applicant.

H. A cable service provider is deemed to have or have had a franchise to provide cable service in a specific local governmental subdivision on the effective date of this Chapter if any predecessor of the cable service provider had a cable franchise agreement granted by that specific local governmental subdivision on that date.

§1365. State franchise; effect on existing local franchise agreement

A. Any incumbent service provider providing cable service or video service in this state on the effective date of this Chapter under a franchise previously granted by a local governmental subdivision is not subject to nor may it avail itself of the state-issued certificate of franchise authority provisions of this Chapter with respect to that local governmental subdivision until such franchise expires or as provided in this Section. Notwithstanding any other provision of law to the contrary, any such cable service provider or video service provider may offer cable service or video service under a state-issued certificate of franchise authority in accordance with the provisions of this Chapter upon meeting one of the following circumstances:

(1) Offering service in local governmental subdivisions where it currently does not have an existing franchise.

(2) A mutually agreed upon date set by both the local governmental subdivision issuing the existing franchise and the incumbent service provider subject to the existing franchise to terminate the existing franchise provided in writing to the secretary of state on a form required by the secretary of state.

(3) The expiration, prior to renewal or extension, of its existing franchise.

(4) Termination of its existing franchise, as provided in Subsection B of this Section.

B. Any incumbent service provider shall have the option to terminate an existing franchise previously issued by a local governmental subdivision and may instead offer cable service or video service in such local governmental subdivision under a certificate of state franchise issued by the secretary of state in accordance with the provisions of R.S. 45:1364, provided the following requirements are satisfied by any such incumbent service provider:

(1) An incumbent service provider exercising its termination option shall file a statement of termination with the secretary of state in the form of an affidavit containing the information required by R.S. 45:1364(B) and submit copies of such filing with any affected local governmental subdivision. Termination of existing franchises is effective immediately upon issuance of a certificate of state franchise issued by the secretary of state.

(2) An incumbent service provider shall remain, under the terms and conditions of the terminated franchise, subject to and obligated for any indebtedness, liability, or obligation that is accrued, due, and owing to a local governmental subdivision at the time the incumbent service provider terminates the existing franchise previously issued by said local governmental subdivision. Nothing in this Chapter shall be construed to release an incumbent service provider exercising the option to terminate from any such accrued, due and owing indebtedness, liability, or obligation.

(3) An incumbent service provider that elects to terminate its existing franchise for a local governmental subdivision shall remain subject to the contractual rights, duties, and obligations incurred by the incumbent service provider under the terms and conditions of the terminated local franchise that are owed to any private person, including a subscriber.

§1366. Franchise fee

A. The holder of a certificate may be required, pursuant to an ordinance adopted by the local governmental subdivision, to pay a franchise fee equal to a specified percentage of such holder's gross revenues received from the provision of cable service or video service to subscribers located within the municipality or unincorporated areas of the parish and from

advertising disseminated through cable service or video service and home shopping services as allocated under Subsection D of this Section. The fee shall not exceed five percent of the holder's gross revenues. The fee shall be uniformly applied to all holders of a state-issued certificate of franchise authority within the local governmental subdivision. The local governmental subdivision shall provide a copy of the enabling ordinance to the holder of a certificate as a condition to receiving any franchise fee payments. As a condition precedent to a certificate holder's obligation to pay a franchise fee established or changed pursuant to this Section, the local governmental subdivision shall provide each certificate holder with a copy of each rate change notification at least forty-five days in advance of the effective date of the rate change.

B. The holder of a certificate shall pay to the local governmental subdivision quarterly the aggregate amount of the franchise fees payable under this Section. Each payment shall be made within thirty days after the end of the preceding quarter for which payment is being made and shall be accompanied by a statement showing the certificate holder's gross revenues attributable to the local governmental subdivision for that quarter.

C. Any supporting statements shall be confidential and exempt from disclosure as proprietary and trade secret information under any provision of state law.

D. The amount of a cable service provider's or video service provider's non-subscriber revenues from advertising disseminated through cable service or video service and home shopping services that is allocable to a local governmental subdivision is equal to the total amount of the cable service provider's or video service provider's revenue received from such advertising and home shopping services multiplied by the ratio of the number of subscribers in such municipality or in the unincorporated area of such parish on the preceding January first to the total number of subscribers receiving cable service or video service from the cable service provider or video service provider on that date.

E. The holder of a certificate may designate that portion of a subscriber's bill attributable to any franchise fee imposed pursuant to this Chapter and recover such amount from the subscriber as a separate line item on the bill.

F. No local governmental subdivision shall levy any tax, license, fee, or other assessment on a cable service provider or video service provider for or in connection with the use of public rights of way other than the franchise fee authorized by this Section or fee authorized by R.S. 45:1370 or a cable franchise fee or other fee imposed upon a cable service provider or video service provider in an existing franchise prior to the effective date of this Chapter. No local governmental subdivision shall levy any other tax, license, fee, or other assessment on a cable service provider or video service provider or its subscribers, which is not generally imposed and applicable to a majority of all other businesses. Nothing in this Subsection shall restrict the right of any local governmental subdivision to impose ad valorem taxes, service fees, sales taxes, or other taxes and fees lawfully imposed on other businesses within such local governmental subdivision.

G. The certificate franchise fee authorized by this Section shall be in lieu of any permit fee, encroachment fee, degradation fee, inspection fee, or other fee assessed by a local governmental subdivision on a certificate holder for occupation of or work within its public rights of way.

§1367. Franchise fee audits and dispute resolution

A. The local governmental subdivision, upon reasonable written request, may review the business records of a cable service provider or video service provider to the extent necessary to ensure payment of the franchise fee in accordance with R.S. 45:1366.

B. Any suit with respect to a dispute arising out of or relating to the amount of the franchise fee due to a local governmental subdivision under R.S. 45:1366 shall be filed either by the local governmental subdivision seeking to recover an additional amount alleged to be due, or by the certificate holder seeking a refund of an alleged overpayment, in a state or federal court of competent jurisdiction within three years following the end of the month to which the disputed amount relates; however, this time

period may be extended by written agreement between the certificate holder and the local governmental subdivision.

C. Prior to filing suit, the local governmental subdivision or certificate holder shall give the other party written notice of any dispute not resolved in the normal course of business. Representatives of both parties, with authority to settle the dispute, shall meet within thirty calendar days after receipt of the notice, and thereafter as often as reasonably deemed necessary, to exchange relevant information and attempt to resolve the dispute. If the dispute is not resolved within sixty calendar days after receipt of the notice, either the local governmental subdivision or certificate holder may initiate nonbinding mediation. Good faith participation in and completion of the negotiation and mediation procedures set forth in this Subsection shall be a condition precedent to proceeding with the suit beyond its filing to interrupt the prescriptive period set forth in this Section.

D. The local governmental subdivision may not employ, appoint, or retain any person or entity for compensation that is dependent in any manner upon the outcome of any such audit, including the audit findings, the recovery of fees, or the recovery of any other payments. A person or entity may not solicit or accept compensation dependent in any manner upon the outcome of any such audit, including the audit findings, the recovery of fees, or the recovery of any other payments.

E. A local governmental subdivision may contract with a third-party administrator for the collection of the franchise fees and enforcement of the provisions of this Chapter.

F. Each party shall bear its own costs and attorney fees incurred in connection with any and all of the activities and procedures set forth in this Section.

§1368. Prohibition against build-out requirements

No franchising authority, state agency, or political subdivision of the state may impose any build-out requirements for construction of a cable system or wireline facilities used to distribute video programming services or for cable service or video service deployment on a holder of a certificate, subject to the provisions of Title 48 of the Louisiana Revised Statutes of 1950.

§1369. Public, educational, and governmental access programming streams or channels

A. Not later than one hundred twenty days after a request by a local governmental subdivision, the holder of a certificate shall provide the local governmental subdivision in which it provides cable service or video service with capacity in its network to allow public, educational, and governmental (PEG) access programming streams or channels for noncommercial programming consistent with this Section.

B. The holder of a certificate shall designate a sufficient amount of capability on its cable system or wireline facilities used to distribute video programming services to allow for the provision of a comparable number of PEG access programming streams or channels a local governmental subdivision has activated under the franchise agreement of the incumbent service provider with the most subscribers in such local governmental subdivision as of the effective date of this Chapter. If a local governmental subdivision did not have PEG access programming streams or channels as of the effective date of this Chapter, the cable service provider or video service provider shall furnish, upon written request, capability sufficient to support up to three PEG access programming streams or channels for a local governmental subdivision with a population of at least fifty thousand and up to two PEG access programming streams or channels for a local governmental subdivision with a population of less than fifty thousand. However, the holder of a certificate shall provide PEG access programming streams or channels in the basic subscription service offered by the provider.

C. A local governmental subdivision may use one PEG access programming stream or channel without restrictions relating to repeat programming provided in this Section. To qualify for any additional PEG accessing programming stream or channel authorized by this Section, a local governmental subdivision shall certify that the additional PEG access programming stream or channel, upon activation, will be utilized for at least eight

continuous hours of non-repeating content per day. If a local governmental subdivision fails to utilize any additional PEG access programming stream or channel for at least eight continuous hours of non-repeating content per day, such PEG access programming stream or channel shall no longer be made available to the local governmental subdivision and may be programmed at the discretion of the cable service provider or video service provider. At such time as the local governmental subdivision can certify to the cable service provider or video service provider a schedule for at least eight continuous hours of non-repeating daily programming, the cable service provider or video service provider shall restore the previously lost programming stream or channel.

D. The operation of any PEG access programming stream or channel provided pursuant to this Section shall be the responsibility of the municipality or the parish receiving the benefit of such programming stream or channel and holder of a certificate bears only the responsibility for the transmission of such programming stream or channel.

E. The local governmental subdivision shall ensure that all transmissions of content and programming provided by or arranged by them to be transmitted over a PEG access programming stream or channel by a holder of a certificate are provided and submitted to the cable service provider or video service provider in a manner or form that is capable of being accepted and transmitted by the provider over its network without further alteration or change in the content or transmission signal and which is compatible with the technology or protocol utilized by the cable service provider or video service provider to deliver its cable service or video service.

F. Where technically feasible, the incumbent service provider shall, upon receipt of a written request of a holder of a certificate, negotiate in good faith to interconnect its cable system or wireline facilities used to distribute video programming services with the cable system or wireline facilities used to distribute video programming services of such certificate holder on mutually acceptable and reasonable terms in order to enable such certificate holder to gain access to PEG programming. Interconnection may be accomplished by direct cable microwave link, satellite, or other reasonable method of connection. No incumbent service provider shall withhold interconnection with another cable service provider or video service provider.

G. A holder of a certificate is not required to interconnect for, or otherwise to transmit, PEG content that is branded with the logo, name, or other identifying marks of another cable service provider or video service provider, and a municipality or parish may require a cable service provider or video service provider to remove its logo, name, or other identifying marks from PEG content that is to be made available to another provider.

§1370. In-kind contributions; PEG access support

A. Local governmental subdivisions are prohibited from imposing in-kind compensations and grants.

B. Notwithstanding any other provision of law to the contrary, a local governmental subdivision may require a holder of a state-issued certificate of franchise authority, pursuant to an ordinance adopted by the local governmental subdivision, to pay PEG access support in an amount up to one-half percent of gross revenues. No payments shall be due pursuant to this Section until the local governmental subdivision notifies the holder of a state-issued certificate of franchise authority, in writing, of the amount owed.

C. Payments under this Section shall be made in the same manner as a part of the certificate holder's payment of franchise fees pursuant to R.S. 45:1366, and all definitions, exemptions, and administrative provisions applicable to franchise fees shall apply to such payments.

D. The holder of a state-issued certificate of franchise authority may designate that portion of a subscriber's bill attributable to any payments required by this Section and recover the amount from the subscriber as a separate line-item on the bill.

E. All payments made to a local governmental subdivision under this Section are paid in accordance with 47 USC 531 and

541(a)(4)(B) and shall be used by the local governmental subdivision as allowed by federal law only to support the capital costs incurred for the construction and operation of PEG access programming stream or channel content and facilities.

F. No franchise fees as required in R.S. 45:1366 shall apply to payments made pursuant to this Section.

§1371. Customer service standards

Any holder of a state-issued certificate of franchise authority shall comply with 47 C.F.R. 76.309(c). No franchising authority or local governmental subdivision shall have the power to require a holder of a state-issued certificate of franchise authority to comply with any customer service standards other than those set forth in this Section.

§ 1372. Emergency alert services

A holder of a state-issued certificate of franchise authority shall comply with the federal Emergency Alert System regulations, as applied by the Federal Communications Commission.

§1373. Local governmental authority

A. A local governmental subdivision's authority to regulate the holder of a certificate is limited to the following items:

(1) A requirement that the holder of a certificate which is providing cable service or video service within the local governmental subdivision register with the local governmental subdivision and maintain a current point of contact.

(2) The establishment of reasonable guidelines regarding the use of PEG access programming streams or channels.

B. A local governmental subdivision shall allow the holder of a certificate to install, construct, and maintain a network within public rights of way and shall provide the holder of a certificate with open, comparable, nondiscriminatory, and competitively neutral access to the public rights of way. If during the installation, construction, or maintenance of said network, the holder disturbs any public right of way, the holder shall replace and restore the public right of way to a condition reasonably comparable to the condition of the public right of way existing immediately prior to such disturbance. All use of public rights of way by the holder of a certificate is nonexclusive, and a local governmental subdivision may not discriminate against the holder of a certificate regarding any of the following items:

(1) The authorization or placement of a network in public rights of way.

(2) Access to a building or other property.

(3) Utility pole attachment terms.

C. Nothing contained in this Chapter shall impair the lawful exercise of existing police powers of the local governmental subdivisions in which cable service or video service is delivered.

§1374. Discrimination prohibited

A. A cable service provider or video service provider that has been granted a certificate may not deny access to service to any group of potential residential subscribers based on the income of the residents in the local area in which such group resides.

B. For purposes of determining whether a cable service provider or video service provider has violated the provisions of Subsection A of this Section, cost, density, distance, and technological or commercial limitations shall be taken into account. The inability to serve an end user because a holder is prohibited from placing its own facilities in a building or property shall not be found to be a violation of Subsection A of this Section. Use of an alternative technology that provides a comparable content, service, and functionality shall not be considered a violation of Subsection A of this Section. This Section may not be construed as authorizing any general construction or deployment requirements on a cable service provider or video service provider in contravention of R.S. 45:1368.

§1375. Compliance

If the holder of a certificate is found by a court of competent jurisdiction to be in noncompliance with the requirements of this Chapter, the court shall order the holder of the certificate, within a specified reasonable period of time, to cure the noncompliance.

§1376. Applicability of other laws

A. Nothing in this Chapter shall apply to a local governmental subdivision which has a home rule charter existing or adopted when the Constitution of Louisiana was adopted on April 20, 1974, and which is governed by Article VI, Section 4 of the Constitution of Louisiana. However, a local governmental subdivision operating pursuant to such a home rule charter provision may by ordinance elect to be governed by the provisions of this Chapter.

B. With respect to local governmental subdivisions which have home rule charters adopted after the Constitution of Louisiana was adopted on April 20, 1974, and which are governed by Article VI, Section 5 of the Constitution of Louisiana and with respect to other local governmental subdivisions without home rule charters, such local governmental subdivisions are denied the authority to adopt ordinances that are inconsistent with the provisions of this Chapter.

C. Nothing in this Chapter is intended to alter existing law regarding expropriation of property by a cable service provider or video service provider.

§1377. Conforming amendments

Except as provided in Title 48 of the Louisiana Revised Statutes of 1950, the provisions of this Chapter supersede any inconsistent provisions of state law, including but not limited to the following:

(1) R.S. 9:1253.

(2) R.S. 33:4361, 4401, and 4405.

(3) R.S. 38:2869, 3087.37, 3087.57, 3087.97, 3087.117, 3087.227, and 3087.265.

(4) R.S. 45:781(B).

Section 2. 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 3. 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 Duplessis, the committee substitute bill was adopted and becomes Senate Bill No. 807 by Senator Duplessis, substitute for Senate Bill No. 422 by Senator Duplessis.

SENATE BILL NO. 807— (Substitute of Senate Bill No. 422 by Senator Duplessis)

BY SENATOR DUPLESSIS

AN ACT

To enact Chapter 10-A of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1361 through 1377, relative to cable services and video services; to create the "Consumer Choice for Television Act"; to provide guidelines for cable services and video services; to provide for certificate of franchise authority to be distributed by the secretary of state; to provide for franchise fees associated with cable services or video services; to provide for franchise fee audits and dispute resolutions; to provide for the distribution of these fees; to provide for a prohibition against build-out requirements; to authorize a local governmental subdivision to regulate a certificate holder; to prohibit discrimination with regard to cable services or video services; to provide for public, educational, and governmental access programming streams and support; to provide for effect on local franchise agreements; to provide for a prohibition of in-kind contributions or grants; to provide for customer service standards; to provide for emergency alert services; and to provide for related matters.

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

Reconsideration

On motion of Senator Murray, pursuant to the previous notice given, the vote by which the following resolution failed to pass on Thursday, April 24, 2008, was reconsidered.

HOUSE CONCURRENT RESOLUTION NO. 14—

BY REPRESENTATIVES GALLOT AND TUCKER

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2009 Regular Session of the Legislature the provisions of R.S. 18:1483(14)(c) and 1501.2 as enacted by Act No. 26 of the 2008 First Extraordinary Session of the Legislature relative to campaign finance.

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

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. 4—

BY SENATOR SHEPHERD

AN ACT

To enact R.S. 14:67.16.1, relative to the registration of persons convicted of identity theft; to require registration of persons convicted of identity theft; to provide penalties for violations; and to provide for related matters.

Floor Amendments Sent Up

Senator Shepherd sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Shepherd to Engrossed Senate Bill No. 4 by Senator Shepherd

AMENDMENT NO. 1

On page 1, line 11, change "**pled guilty or has been convicted**" to "**been adjudicated delinquent**"

AMENDMENT NO. 2

On page 2, line 27, change "**R.S. 15:542.1(L)**" to "**R.S. 15:542.1(C)**"

AMENDMENT NO. 3

On page 3, line 13, change "**R.S. 15:542(B)(5)(c)**" to "**R.S. 15:542(A)(2) and (3)**"

On motion of Senator Shepherd, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux N	Nevers
Alario	Gray	Quinn
Amedee	Hebert	Riser
Broome	Jackson	Scalise
Cheek	LaFleur	Shaw
Cravins	Marionneaux	Shepherd
Donahue	Martiny	Smith

April 28, 2008

Dorsey
Duplessis
Erdey
Gautreaux B
Total - 31

McPherson
Michot
Morrish
Murray

Thompson
Walsworth

NAYS

Total - 0

ABSENT

Adley
Cassidy
Crowe
Total - 8

Dupre
Heitmeier
Kostelka

Long
Mount

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Shepherd moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 11—

BY SENATORS N. GAUTREAU, LONG, NEVERS, RISER, SMITH AND THOMPSON

AN ACT

To amend and reenact R.S. 3:3602(4), 3603(A) and (B), 3604, and 3607(A) and (C) and to enact R.S. 3:3601(B)(3) and 3602(16), (17) and (18), relative to the right to farm; to provide for legislative findings; to provide for definitions; to provide for the right to farm; to provide for local ordinances; to provide relative to nuisance actions; and to provide for related matters.

Floor Amendments Sent Up

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

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 11 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 15, after "production," change "needs" to "need"

AMENDMENT NO. 2

On page 1, line 16, after "nuisance" change "action" to "actions." and delete the remainder of the line

AMENDMENT NO. 3

On page 2, line 5, after "includes" delete "without limitation."

AMENDMENT NO. 4

On page 2, line 24, after "those" delete the remainder of the line and insert "accepted and customary"

AMENDMENT NO. 5

On page 2, line 25, after "established" delete "and followed"

AMENDMENT NO. 6

On page 2, line 26, after "circumstances" delete the period "." and insert "using established best management practices. Best management practices for animal feeding operations and confined animal feeding operations shall be determined by the Louisiana Department of Agriculture and Forestry in conjunction with the LSU AgCenter."

AMENDMENT NO. 7

On page 3, line 9, after "R.S. 33:401," and before "R.S. 40:14" insert "R.S. 33:361."

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

Floor Amendments Sent Up

Senator Jackson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 11 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, after "reenact" change "R.S. 3:3602(4)" to "R.S. 3:3602(2), (4), and (6)"

AMENDMENT NO. 2

On page 1, line 3, change "3602(16), (17) and (18)" to "3602(16), (17), (18), (19), and (20)"

AMENDMENT NO. 3

On page 1, line 8, change "R.S. 3:3602(4)" to "R.S. 3:3602(2), (4), and (6)"

AMENDMENT NO. 4

On page 1, line 9, change "3602(16), (17) and (18)" to "3602(16), (17), (18), (19), and (20)"

AMENDMENT NO. 5

On page 2, between lines 2 and 3, insert the following: "(2) "Agricultural facility" means any facility used for the marketing, processing, or production of agricultural products, or for providing agricultural support services, excluding any facility which is being used in the operation of a rendering plant or a transfer center."

AMENDMENT NO. 6

On page 2, line 8, after "purposes" and before the period "." insert "., excluding any facility or land which is being used in the operation of a rendering plant or a transfer center"

AMENDMENT NO. 7

On page 2, between lines 13 and 14, insert the following: "(6) "Agricultural product" means crops, livestock, poultry, and aquacultural, floracultural, horticultural, silvicultural, or viticultural products, excluding those products produced at a rendering plant."

AMENDMENT NO. 8

On page 2, line 15, after "entity" and before the period "." insert "., excluding those commercial enterprises engaged in the operation of a rendering plant or a transfer center"

AMENDMENT NO. 9

On page 2, between lines 26 and 27, insert the following: "(19) "Rendering plant" means a building or buildings, the land, machinery, apparatuses and fixtures employed in the process by which raw materials are treated, through the use of heat or other methods of reduction, so as to convert them into fats and oils, food for poultry, livestock, or other animals and pets, fertilizer or other products not intended for human consumption. (20) "Transfer center" means a facility or area where raw materials intended for use by a rendering plant are stored or collected."

On motion of Senator Jackson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre McPherson
Adley Erdey Michot
Alario Gautreaux B Morrish
Amedee Gautreaux N Murray

Broome	Gray	Nevers
Cassidy	Hebert	Quinn
Cheek	Jackson	Riser
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Heitmeier	Mount	Scalise
Total - 3		

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator N. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 74—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 32:393(I), relative to motor vehicle traffic regulations; to prohibit traffic violation convictions obtained solely upon evidence from a traffic camera; 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

Adley	Gautreaux N	Murray
Alario	Gray	Nevers
Broome	Hebert	Quinn
Cheek	Jackson	Riser
Cravins	Kostelka	Scalise
Donahue	LaFleur	Shepherd
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Gautreaux B	Michot	
Total - 26		

NAYS

Amedee	Erdey	Shaw
Cassidy	Long	Smith
Crowe	Marionneaux	
Dupre	Morrish	
Total - 10		

ABSENT

Mr. President	Heitmeier	Mount
Total - 3		

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

SENATE BILL NO. 117—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 13:2563.17(A) and (B) and to enact R.S. 13:2563.17(D), relative to the judicial expense fund of the Parish Court for the parish of Ascension; to provide for the collection of fees; to provide for creation of the Parish Court Probation Fee Fund as a separate account in the judicial expense fund; to provide for inspection; to provide for an audit; to provide for purposes; 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	Erdey	Michot
Adley	Gautreaux B	Morrish
Alario	Gautreaux N	Mount
Amedee	Gray	Murray
Broome	Hebert	Nevers
Cassidy	Jackson	Quinn
Cheek	Kostelka	Riser
Cravins	LaFleur	Shaw
Crowe	Long	Shepherd
Donahue	Marionneaux	Smith
Dorsey	Martiny	Thompson
Dupre	McPherson	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Duplessis	Heitmeier	Scalise
Total - 3		

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

SENATE BILL NO. 161—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 9:397.1(B), R.S. 13:4291(A), and R.S. 46:236.3(B)(1) and (K), relative to income assignment orders; to provide for the interruption of prescription of child support payments intercepted through any means; to authorize the use of income assignment orders; to collect paternity testing costs; to provide for fines against employers for failing to withhold payments from income assignment orders; to provide terms and conditions; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 161 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 17, following "assignment" and before "has" insert "order"

AMENDMENT NO. 2

On page 1, line 17, following "been" and before ", the" change "ordered" to "issued"

On motion of Senator Marionneaux, the amendments were adopted.

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

April 28, 2008

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Erdey	Michot
Alario	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Broome	Gray	Nevers
Cassidy	Hebert	Quinn
Cheek	Jackson	Riser
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneau	Thompson
Duplessis	Martiny	Walsworth
Total - 36		

NAYS

Murray
Total - 1

ABSENT

Heitmeier
Total - 2

Scalise

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Jackson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 179—
BY SENATOR QUINN

AN ACT

To amend and reenact Civil Code Article 2339, relative to community property; to provide relative to the fruits and revenues of separate property; to provide for reservation as separate property; to provide certain terms, conditions, procedures, requirements and effects; to provide for notice; and to provide for related matters.

Floor Amendments Sent Up

Senator Kostelka sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Kostelka to Engrossed Senate Bill No. 179 by Senator Quinn

AMENDMENT NO. 1

On page 2, after line 6, insert

"Section 2. The provisions of this Act shall be given prospective application only and shall not apply to a declaration filed prior to the effective date of this Act."

On motion of Senator Kostelka, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers

Broome	Hebert	Quinn
Cassidy	Jackson	Riser
Cheek	Kostelka	Shaw
Cravins	LaFleur	Shepherd
Crowe	Long	Smith
Donahue	Marionneau	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Dupre	Michot	
Total - 37		

NAYS

Total - 0

ABSENT

Heitmeier
Total - 2

Scalise

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Quinn moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 260—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 9:406 and to enact R.S. 9:399.1, relative to paternity; to provide for formal notice of revocation of acknowledgments; to provide for nullification of an acknowledgment to provide time periods for bringing a petition to vacate judgments establishing paternity; to provide time periods for nullification of a judgment of paternity; and to provide for related matters.

Floor Amendments Sent Up

Senator Jackson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 260 by Senator Jackson

AMENDMENT NO. 1

On page 2, delete lines 11 through 14

AMENDMENT NO. 2

On page 2, at the beginning of line 15, change "(3)" to "(2)"

AMENDMENT NO. 3

On page 4, line 13, after "**ordinary process**" insert "**,within a two-year period commencing with the execution of the authentic act of acknowledgment of paternity,**"

On motion of Senator Jackson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrish
Alario	Gautreaux N	Mount
Amedee	Gray	Murray
Broome	Hebert	Nevers
Cassidy	Jackson	Quinn
Cheek	Kostelka	Riser
Cravins	LaFleur	Shaw

Donahue	Long	Shepherd
Dorsey	Marionneau	Smith
Duplessis	Martiny	Thompson
Dupre	McPherson	Walsworth

Total - 36

NAYS

Total - 0

ABSENT

Crowe	Heitmeier	Scalise
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Total - 3

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Jackson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 265—

BY SENATOR QUINN

AN ACT

To amend and reenact Chapter 2 of Title VIII of Book I of the Civil Code, formerly comprised of Articles 365 through 385, to be comprised of Articles 365 through 371, Civil Code Article 2318, and Title V of Book VII of the Louisiana Code of Civil Procedure, formerly comprised of Articles 3991 through 3994, to be comprised of Articles 3991 through 3998, all relative to the emancipation of minors; to provide for the kinds of emancipation; to provide for judicial emancipation; to provide for emancipation by marriage; to provide for limited emancipation by authentic act; to provide for the effective date of an emancipation; to provide for the modification or termination of an emancipation; to provide for parental liability of an unemancipated minor; to provide for a petition for a judicial emancipation; to provide for the venue for a judicial emancipation; to provide for the hearing of a petition for a judicial emancipation; to provide for an appeal of a judicial emancipation; to provide for the termination or modification of an emancipation; to provide when an emancipation is effective; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Murray
Alario	Gautreaux N	Nevers
Amedee	Gray	Quinn
Broome	Hebert	Riser
Cassidy	Jackson	Shaw
Cheek	LaFleur	Shepherd
Cravins	Long	Smith
Crowe	Marionneau	Thompson
Donahue	Martiny	Walsworth
Dorsey	McPherson	
Dupre	Michot	

Total - 34

NAYS

Duplessis

Total - 1

ABSENT

Heitmeier	Mount
Kostelka	Scalise

Total - 4

The Chair declared the bill was passed and sent to the House. Senator Quinn moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 301—

BY SENATOR CHAISSON

AN ACT

To enact R.S. 29:735.3, relative to civil liability of medical personnel; to provide immunity for medical personnel during a declared state of emergency who render emergency care, health care services, or first aid as a result of evacuations or treatment conducted in accordance with disaster medicine protocol and at the direction of military or government authorities; to provide for a definition of disaster medicine protocol; and to provide for related matters.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 301 by Senator Chaisson

AMENDMENT NO. 1

On page 2, between lines 8 and 9, insert the following:

"D. As used in this Section, "during a declared state of emergency" means the time period as set forth in the declaration of the emergency and shall be retroactive to the precipitating event requiring the declaration."

On motion of Senator Chaisson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Jackson	Riser
Cheek	Kostelka	Shaw
Cravins	LaFleur	Shepherd
Crowe	Long	Smith
Donahue	Marionneau	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Dupre	Michot	

Total - 37

NAYS

Total - 0

ABSENT

Heitmeier	Scalise
-----------	---------

Total - 2

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

April 28, 2008

Rules Suspended

Senator Riser asked for and obtained a suspension of the rules for the purpose of advancing to the order of

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

HOUSE BILL NO. 1116— BY REPRESENTATIVES ELLINGTON AND MORRIS AND SENATORS NEVERS, THOMPSON, AND WALSWORTH AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2007-2008 to the Department of Agriculture and Forestry for boll weevil eradication; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Riser 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, Erdey, Michot, Adley, Gautreaux B, Morrish, Alario, Gautreaux N, Mount, Amedee, Gray, Murray, Broome, Hebert, Nevers, Cheek, Jackson, Quinn, Cravins, Kostelka, Riser, Crowe, LaFleur, Shaw, Donahue, Long, Shepherd, Dorsey, Marionneaux, Smith, Duplessis, Martiny, Thompson, Dupre, McPherson, Walsworth

Total - 36

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Cassidy, Heitmeier, Scalise

Total - 3

The Chair declared the bill was passed and returned to the House. Senator Riser moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Resumed

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

SENATE BILL NO. 427— BY SENATOR WALSWORTH AN ACT

To amend and reenact R.S. 8:304, relative to cemeteries; to provide relative to dedication of property to cemeteries; to require the filing of an act of dedication; to provide for certain terms, conditions, and procedures; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Walsworth sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Walsworth to Engrossed Senate Bill No. 427 by Senator Walsworth

AMENDMENT NO. 1 On page 1, line 17, delete "August 15," and insert "the effective date of this Subsection."

AMENDMENT NO. 2 On page 1, delete line 18.

On motion of Senator Walsworth, the amendments were adopted.

The bill was read by title. Senator Walsworth 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, Erdey, Morrish, Adley, Gautreaux B, Mount, Alario, Gautreaux N, Murray, Amedee, Gray, Nevers, Broome, Hebert, Quinn, Cassidy, Jackson, Riser, Cheek, Kostelka, Shaw, Cravins, LaFleur, Shepherd, Crowe, Long, Smith, Donahue, Marionneaux, Thompson, Dorsey, Martiny, Walsworth, Duplessis, McPherson, Dupre, Michot

Total - 37

NAYS

Total - 0

ABSENT

Table with 2 columns of names: Heitmeier, Scalise

Total - 2

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Walsworth moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 500— BY SENATORS CROWE AND DORSEY AN ACT

To amend and reenact R.S. 15:541(12), (13), (14), (15), (16), (17), (18), (19), (20), (21) and (22), 561.2(B), 561.5(2), and (16) and R.S. 51:1425(B) and (D) and to enact R.S. 14:81.3(B)(3), R.S. 15.541(23), (24) and (25), 545.1, 545.2, 549(A)(3), 561.5(17), R.S. 17:280 and R.S. 51:1426 and to repeal R.S. 15:541(14.1) and (14.2), relative to the Internet; to provide for certain penalties for persons convicted of computer aided solicitation of a minor; to require certain restrictions on Internet use by registered sex offenders; requires providers of interactive computer service to perform certain duties; requires the Department of Education to develop a curriculum for Internet safety; requires sex offenders who are subject to supervision to agree to certain conditions of parole; provides for certain

definitions; to require that certain duties be performed by interactive computer services; to require the Department of Public Safety and Corrections to make certain notifications; to provide for unfair trade practices; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 500 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 4, following "545.1" and before "561.5(17)" change "545.2, 549(A)(3)," to "549(H) and (I),"

AMENDMENT NO. 2

On page 2, line 9, following "545.1" and before "561.5(17)" change "545.2, 549(A)(3)," to "549(H) and (I),"

AMENDMENT NO. 3

On page 2, line 20, following "storing," and before "processing" change "transformation," to "transforming,"

AMENDMENT NO. 4

On page 4, line 26, following "Paragraph" and before "of this" change "14.1" to "(17)"

AMENDMENT NO. 5

On page 5, line 1, following "Paragraph" and before "of this" change "(15)" to "(19)"

AMENDMENT NO. 6

On page 8, between lines 17 and 18, insert "***"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Crowe sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Crowe to Engrossed Senate Bill No. 500 by Senator Crowe

AMENDMENT NO. 1

On page 8, line 10, between "address," and "username" insert "instant message name,"

AMENDMENT NO. 2

On page 8, line 15, change "instant message address" to "instant message name or names"

AMENDMENT NO. 3

On page 8, line 17, between "analogous" and "registry" insert "state"

AMENDMENT NO. 4

On page 11, line 15, change "and" to ". The provider"

On motion of Senator Crowe, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Jackson	Riser
Cheek	Kostelka	Scalise
Cravins	LaFleur	Shaw
Crowe	Long	Shepherd
Donahue	Marionneaux	Smith
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Dupre	Michot	
Total - 38		

NAYS

Total - 0

ABSENT

Heitmeier
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Crowe moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 579—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:841.3 and 983(L), R.S. 44:183(F), and Section 8(A)(1) as enacted by Act No. 621 of the 2006 Regular Session of the Legislature, relative to district courts; to provide for the handling of funds by the clerk of the Forty-First Judicial District Court; to provide relative to the fixing and collection of certain costs and charges; to provide for the depositing of certain collected fees or sums into a specific account; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrish
Alario	Gautreaux N	Mount
Amedee	Gray	Murray
Broome	Hebert	Nevers
Cassidy	Jackson	Quinn
Cheek	Kostelka	Riser
Cravins	LaFleur	Shaw
Crowe	Long	Shepherd
Donahue	Marionneaux	Smith
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Dupre
Total - 3
Heitmeier
Scalise

April 28, 2008

The Chair declared the bill was passed and sent to the House. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 627—

BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 3:3807(B)(2), relative to the retail florist examination; to require the commissioner of agriculture to adopt rules and regulations regarding the demonstration portion of the retail florist examination; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cheek	Jackson	Riser
Cravins	Kostelka	Shaw
Crowe	Long	Shepherd
Donahue	Marionneaux	Smith
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Dupre	Michot	

Total - 35

NAYS

Total - 0

ABSENT

Cassidy	LaFleur
Heitmeier	Salise

Total - 4

The Chair declared the bill was passed and sent to the House. Senator Thompson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 690—

BY SENATOR LONG

AN ACT

To amend and reenact R.S. 3:2773(B), relative to seizure of dogs found unaccompanied by their owners; to require impoundment of dogs with no collar identifying the owner or other form of identification; to provide for impoundment fees; to provide relative to disposal; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 690 by Senator Long

AMENDMENT NO. 1

On page 1, line 16, following "keeper" and before "other identification" change "or" to ", and has no"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Long sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Long to Engrossed Senate Bill No. 690 by Senator Long

AMENDMENT NO. 1

On page 2, line 2, change "one dollar" to "three dollars"

AMENDMENT NO. 2

On page 2, at the end of line 5, insert

"If the seizure or impoundment of the dog occurs in a locale during a declared state of emergency to which that locale is subject, the fees imposed by this Paragraph shall be waived, and the dog shall remain impounded without disposition until it is claimed by the owner or until the state of emergency ceases."

On motion of Senator Long, the amendments were adopted.

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

SENATE BILL NO. 733— (Substitute of Senate Bill No. 561 by Senator Nevers)

BY SENATORS NEVERS, CROWE, RISER AND THOMPSON
AN ACT

To enact R.S. 17:285.1, relative to curriculum and instruction; to provide relative to the teaching of scientific subjects in public elementary and secondary schools; to promote students' critical thinking skills and open discussion of scientific theories; to provide relative to support and guidance for teachers; to provide relative to textbooks and instructional materials; to provide for rules and regulations; to provide for effectiveness; and to provide for related matters.

Floor Amendments Sent Up

Senator Nevers sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Engrossed Senate Bill No. 733 by Senator Nevers

AMENDMENT NO. 1

On page 2, line 1, between "theories" and the period "." insert "being studied including, but not limited to, evolution, the origins of life, global warming, and human cloning"

AMENDMENT NO. 2

On page 2, delete line 4 and insert "objectively review scientific theories being studied, including those enumerated in Paragraph (1) of this Subsection."

On motion of Senator Nevers, the amendments were adopted.

Floor Amendments Sent Up

Senator Cassidy sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cassidy to Engrossed Senate Bill No. 733 by Senator Nevers

AMENDMENT NO. 1

On page 2, line 5, after "teacher" insert "shall teach the material presented in the standard textbook supplied by the school system and thereafter"

On motion of Senator Cassidy, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Aldley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gautreaux N	Murray
Broome	Gray	Nevers
Cassidy	Hebert	Quinn
Cheek	Jackson	Riser
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Dupre	Michot	
Total - 35		

NAYS

Total - 0

ABSENT

Mr. President	Marionneaux
Heitmeier	Scalise
Total - 4	

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Nevers moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Dupre 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 Dupre 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. 31—

BY SENATOR CHAISSON

A RESOLUTION

To commend John Walsh for his continued dedication to heighten public awareness of child protection and safety issues, including Internet safeguards and guidelines.

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

SENATE RESOLUTION NO. 32—

BY SENATOR CRAVINS

A RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to create a national catastrophe fund.

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

SENATE CONCURRENT RESOLUTION NO. 46—

BY SENATORS CHAISSON AND NEVERS AND REPRESENTATIVES TRAHAN AND TUCKER

A CONCURRENT RESOLUTION

To urge and request the Board of Regents, in developing and adopting a formula for Fiscal Year 2009-2010 and subsequent years for the equitable distribution of funds to the institutions of postsecondary education to consider specified factors, including

but not limited to certain findings of the Workforce Investment Council, relative to budget recommendations for institutions and programs under the supervision and management of the Board of Supervisors of Community and Technical Colleges.

The resolution was read by title and referred by the President to the Committee on Education.

SENATE CONCURRENT RESOLUTION NO. 47—

BY SENATORS GRAY, ALARIO, CROWE, DUPLESSIS, HEITMEIER, MARTINY, MURRAY, QUINN, SCALISE AND SHEPHERD AND REPRESENTATIVES ABRAMSON, BALDONE, TIM BURNS, CONNICK, CROMER, MICKEY GULLORY, HENRY, HUTTER, LAFONTA, MONICA, MORRELL, PEARSON, PETERSON, RICHMOND AND WOOTON

A CONCURRENT RESOLUTION

To urge and request the governor and the Board of Regents to support continued operational and capital outlay funding needs for public higher education institutions in Southeast Louisiana.

The resolution was read by title and referred by the President to the Committee on Education.

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

April 28, 2008

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. 43—

BY REPRESENTATIVE GEYMANN
AN ACT

To amend and reenact R.S. 51:1943(A)(1), relative to express warranties on new motor vehicles; to provide for changes in express warranties on new motor vehicles; and to provide for related matters.

HOUSE BILL NO. 197—

BY REPRESENTATIVE EDWARDS
AN ACT

To amend and reenact R.S. 32:1261(2)(j), relative to the repair of school buses; to allow additional service providers for body work performed on school buses; and to provide for related matters.

HOUSE BILL NO. 388—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact Civil Code Articles 466 and 508, relative to component parts of immovable property; to provide relative to buildings and other constructions; to provide relative to accessories; and to provide for related matters.

HOUSE BILL NO. 448—

BY REPRESENTATIVE PONTI
AN ACT

To amend and reenact R.S. 37:3283(A)(1) and (C) and to enact R.S. 37:3272(A)(19), relative to security operations managers; to define security operations managers; to require the registration of security operations managers; to require administrative rules regarding the registration card; and to provide for related matters.

April 28, 2008

HOUSE BILL NO. 584—

BY REPRESENTATIVE DOWNS
A JOINT RESOLUTION

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, to authorize certain investments for political subdivisions with respect to monies reserved for post-employment benefits; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 43—

BY REPRESENTATIVE GEYMAN
AN ACT

To amend and reenact R.S. 51:1943(A)(1), relative to express warranties on new motor vehicles; to provide for changes in express warranties on new motor vehicles; 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.

HOUSE BILL NO. 197—

BY REPRESENTATIVE EDWARDS
AN ACT

To amend and reenact R.S. 32:1261(2)(j), relative to the repair of school buses; to allow additional service providers for body work performed on school buses; 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.

HOUSE BILL NO. 388—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact Civil Code Articles 466 and 508, relative to component parts of immovable property; to provide relative to buildings and other constructions; to provide relative to accessories; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 448—

BY REPRESENTATIVE PONTI
AN ACT

To amend and reenact R.S. 37:3283(A)(1) and (C) and to enact R.S. 37:3272(A)(19), relative to security operations managers; to define security operations managers; to require the registration of security operations managers; to require administrative rules regarding the registration card; 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.

HOUSE BILL NO. 584—

BY REPRESENTATIVE DOWNS
A JOINT RESOLUTION

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, to authorize certain investments for political subdivisions with respect to monies reserved for post-employment benefits; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

Motion to Recommit

Senator Dupre asked for and obtained a suspension of the rules and recommitted Senate Bill No. 344 from the Committee on Natural Resources to the Committee on Revenue and Fiscal Affairs.

Motion to Recommit

Senator N. Gautreaux asked for and obtained a suspension of the rules and recommitted Senate Bill No. 785 from the Committee on Finance to the Committee on Judiciary B.

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 28, 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. 37—

BY SENATOR MOUNT
A CONCURRENT RESOLUTION

To designate May 21, 2008, as Louisiana Housing Council Day.

SENATE CONCURRENT RESOLUTION NO. 39—

BY SENATORS GRAY AND NEVERS AND REPRESENTATIVE BARROW
A CONCURRENT RESOLUTION

To commend the Louisiana Foster and Adoptive Parent Association (LFAPA) for its outstanding achievements and to designate Wednesday May 7, 2008, as Louisiana Foster and Adoptive Parent Association Day at the Louisiana State Capitol.

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATOR MOUNT
A CONCURRENT RESOLUTION

To commend the Louisiana Dental Association for its achievement and to designate April 23, 2008, as Dentists' Day at the Louisiana Legislature.

SENATE CONCURRENT RESOLUTION NO. 43—

BY SENATOR SHAW AND REPRESENTATIVE CARMODY
A CONCURRENT RESOLUTION

To commend Shreve Island Elementary School for being selected as a recipient of the International Reading Association's 2007-2008 Exemplary Reading Program Award.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 24, 2008

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. 73—
BY REPRESENTATIVES LORUSSO AND HENRY BURNS
A CONCURRENT RESOLUTION

To commend and congratulate the United States Army Reserve for reaching its one hundredth year of committed service to America.

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.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Jackson	Riser
Cheek	Kostelka	Scalise
Cravins	LaFleur	Shaw
Crowe	Long	Shepherd
Donahue	Marionneaux	Smith
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Dupre	Michot	
Total - 38		

ABSENT

Heitmeier
Total - 1

Leaves of Absence

The following leaves of absence were asked for and granted:

Heitmeier 1 Day

Adjournment

Senator Broome moved that the Senate adjourn until Tuesday, April 29, 2008, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Tuesday, April 29, 2008.

GLENN A. KOEPP
Secretary of the Senate

LYNDA E. WHEELER
Journal Clerk

