

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

EIGHTEENTH 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

Tuesday, April 29, 2008

The Senate was called to order at 2:25 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	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Riser
Cheek	Kostelka	Shaw
Cravins	LaFleur	Shepherd
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	Michot	
Total - 32		

ABSENT

Cassidy	Jackson	Scalise
Dorsey	McPherson	
Heitmeier	Quinn	
Total - 7		

The President of the Senate announced there were 32 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Gary Curtis, 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 Heitmeier, the reading of the Journal was dispensed with and the Journal of April 28, 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 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 concurred in the following Senate Concurrent Resolutions:

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.

Reported without amendments.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 33—

BY SENATOR BROOME

A RESOLUTION

To urge and request that Governor Jindal designate an office in the newly created Louisiana Workforce Commission to focus on women in the workforce, where women can receive information about workforce training and other women's workforce issues.

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

SENATE RESOLUTION NO. 34—

BY SENATOR CHEEK

A RESOLUTION

To recognize and commend Claire Kendig upon her selection as a 2008 recipient of the Harry S. Truman Scholarship.

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

SENATE RESOLUTION NO. 35—

BY SENATOR AMEDEE

A RESOLUTION

To commend Stanley "Dip" Folse for being named the "2007 Good Citizen of the Year" in St. James Parish.

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

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

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

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.

April 29, 2008

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

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.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

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. 193—

BY REPRESENTATIVE KATZ

AN ACT

To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii), relative to medical malpractice coverage; to provide that voluntary services provided by physicians for the state via telemedicine be included in medical malpractice coverage; and to provide for related matters.

HOUSE BILL NO. 215—

BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 9:2794(D)(1)(d), relative to expert witnesses in medical malpractice actions; to provide for qualifications as a medical expert witness; and to provide for related matters.

HOUSE BILL NO. 246—

BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 15:321(C) and to enact R.S. 15:321(D) through (I), relative to the Louisiana Sentencing Commission; to provide for legislative findings regarding the criminal justice system and criminal penalties; to provide for the duties of the Louisiana Sentencing Commission; to require the commission

to undertake an extensive review of the sentencing laws and practices of the state of Louisiana; to require the commission to make recommendations to the legislature regarding that evaluation; to provide a time period for the issuance of reports; and to provide for related matters.

HOUSE BILL NO. 502—

BY REPRESENTATIVE ARNOLD

AN ACT

To enact R.S. 32:702(16) and 718, relative to the sale of auto hulks; to provide for the definition of auto hulk; to provide for regulation of the sale of an auto hulk to a scrap metal processor or a licensed automotive dismantler and parts recycler; and to provide for related matters.

HOUSE BILL NO. 556—

BY REPRESENTATIVES ARNOLD AND PONTI

AN ACT

To amend and reenact R.S. 37:2156.1(F) and to enact R.S. 37:2150.1(14) and (15), relative to the licensing of electrical and mechanical contractors; to provide for definitions; to provide for preemption of certain contractors; and to provide for related matters.

HOUSE BILL NO. 610—

BY REPRESENTATIVE WHITE

AN ACT

To amend and reenact R.S. 38:2212(A)(1)(f) and 2212.1(B)(4), relative to public contracts; to provide the option for contractors to electronically submit bids for public contracts; to provide for the receipt of electronic bids by political subdivisions; and to provide for related matters.

HOUSE BILL NO. 814—

BY REPRESENTATIVE TEMPLET

AN ACT

To amend and reenact R.S. 32:295(I) and to enact R.S. 32:414(T), relative to child restraint systems; to provide for fines for failure to properly restrain a child; to provide for suspensions of licenses under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 887—

BY REPRESENTATIVE LABRUZZO

AN ACT

To enact R.S. 40:1299.39(O) and 1299.42(F), relative to limitations on medical malpractice claims; to provide for the reduction in the amount recoverable in certain circumstances; to limit certain causes of action filed by certain persons; and to provide for related matters.

HOUSE BILL NO. 954—

BY REPRESENTATIVE ELLINGTON

AN ACT

To amend and reenact R.S. 40:1299.40(A)(1), (B), and (E)(6) and to enact Part XXII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.40.1, relative to electronic health care transactions; to permit consent to medical treatment to be given by other than written means, including electronic means; to authorize the use of electronic signature authentication and identification with respect to individually identifiable health information; to establish permitted features of an electronic signature authentication and identification system; and to provide for related matters.

HOUSE BILL NO. 416—

BY REPRESENTATIVE ELLINGTON

AN ACT

To enact R.S. 51:1787(A)(1)(a)(iii), (iv), and (v), relative to the rebate of sales and use taxes; to require the timely payment of sales and use tax rebates; to authorize reconsideration of certain items; to require the payment of interest under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 945—

BY REPRESENTATIVE MONICA
AN ACT

To amend and reenact R.S. 32:473.1, relative to abandoned motor vehicles; to provide relative to the removal of abandoned vehicles from highways by parishes and municipalities; to provide relative to liability; to provide for notice of removal; and to provide for related matters.

HOUSE BILL NO. 683—

BY REPRESENTATIVE ROBIDEAUX
AN ACT

To amend and reenact R.S. 47:31(1), relative to individual income taxation; to provide relative to residency requirements for purposes of state income taxation; and to provide for related matters.

HOUSE BILL NO. 80—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 42:1111(E)(2), relative to the Code of Governmental Ethics; to provide relative to the rendering of certain assistance by elected officials; to provide relative to disclosure requirements regarding such assistance; and to provide for related matters.

HOUSE BILL NO. 1142—

BY REPRESENTATIVES ST. GERMAIN, BILLIOT, AND HENDERSON
AND SENATOR DUPRE
AN ACT

To enact R.S. 56:422(E), relative to harvest of oysters; to authorize the Wildlife and Fisheries Commission to promulgate rules and regulations that allow the operation of oyster cargo vessels; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Mount 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. 80—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 42:1111(E)(2), relative to the Code of Governmental Ethics; to provide relative to the rendering of certain assistance by elected officials; to provide relative to disclosure requirements regarding such assistance; 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.

HOUSE BILL NO. 193—

BY REPRESENTATIVE KATZ
AN ACT

To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii), relative to medical malpractice coverage; to provide that voluntary services provided by physicians for the state via telemedicine be included in medical malpractice coverage; 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. 215—

BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 9:2794(D)(1)(d), relative to expert witnesses in medical malpractice actions; to provide for qualifications as a medical expert witness; 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. 246—

BY REPRESENTATIVE RICHMOND
AN ACT

To amend and reenact R.S. 15:321(C) and to enact R.S. 15:321(D) through (I), relative to the Louisiana Sentencing Commission; to provide for legislative findings regarding the criminal justice system and criminal penalties; to provide for the duties of the Louisiana Sentencing Commission; to require the commission to undertake an extensive review of the sentencing laws and practices of the state of Louisiana; to require the commission to make recommendations to the legislature regarding that evaluation; to provide a time period for the issuance of reports; and to provide for related matters.

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

HOUSE BILL NO. 416—

BY REPRESENTATIVE ELLINGTON
AN ACT

To enact R.S. 51:1787(A)(1)(a)(iii), (iv), and (v), relative to the rebate of sales and use taxes; to require the timely payment of sales and use tax rebates; to authorize reconsideration of certain items; to require the payment of interest under certain circumstances; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 502—

BY REPRESENTATIVE ARNOLD
AN ACT

To enact R.S. 32:702(16) and 718, relative to the sale of auto hulks; to provide for the definition of auto hulk; to provide for regulation of the sale of an auto hulk to a scrap metal processor or a licensed automotive dismantler and parts recycler; 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. 556—

BY REPRESENTATIVES ARNOLD AND PONTI
AN ACT

To amend and reenact R.S. 37:2156.1(F) and to enact R.S. 37:2150.1(14) and (15), relative to the licensing of electrical and mechanical contractors; to provide for definitions; to provide for preemption of certain contractors; 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. 610—

BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 38:2212(A)(1)(f) and 2212.1(B)(4), relative to public contracts; to provide the option for contractors to electronically submit bids for public contracts; to provide for the receipt of electronic bids by political subdivisions; 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. 683—
BY REPRESENTATIVE ROBIDEAUX
AN ACT

To amend and reenact R.S. 47:31(1), relative to individual income taxation; to provide relative to residency requirements for purposes of state income taxation; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 814—
BY REPRESENTATIVE TEMPLET
AN ACT

To amend and reenact R.S. 32:295(I) and to enact R.S. 32:414(T), relative to child restraint systems; to provide for fines for failure to properly restrain a child; to provide for suspensions of licenses under certain circumstances; 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. 887—
BY REPRESENTATIVE LABRUZZO
AN ACT

To enact R.S. 40:1299.39(O) and 1299.42(F), relative to limitations on medical malpractice claims; to provide for the reduction in the amount recoverable in certain circumstances; to limit certain causes of action filed by certain persons; 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. 945—
BY REPRESENTATIVE MONICA
AN ACT

To amend and reenact R.S. 32:473.1, relative to abandoned motor vehicles; to provide relative to the removal of abandoned vehicles from highways by parishes and municipalities; to provide relative to liability; to provide for notice of removal; 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. 954—
BY REPRESENTATIVE ELLINGTON
AN ACT

To amend and reenact R.S. 40:1299.40(A)(1), (B), and (E)(6) and to enact Part XXII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.40.1, relative to electronic health care transactions; to permit consent to medical treatment to be given by other than written means, including electronic means; to authorize the use of electronic signature authentication and identification with respect to individually identifiable health information; to establish permitted features of an electronic signature authentication and identification system; 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. 1142—
BY REPRESENTATIVES ST. GERMAIN, BILLIOT, AND HENDERSON
AND SENATOR DUPRE
AN ACT

To enact R.S. 56:422(E), relative to harvest of oysters; to authorize the Wildlife and Fisheries Commission to promulgate rules and regulations that allow the operation of oyster cargo vessels; and to provide for related matters.

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

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 29, 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. 84—
BY REPRESENTATIVE GREENE AND SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend Nabil Thalji of Baton Rouge upon his receipt of the Barry M. Goldwater Scholarship at Louisiana State University.

HOUSE CONCURRENT RESOLUTION NO. 87—
BY REPRESENTATIVE WHITE AND SENATOR ERDEY
A CONCURRENT RESOLUTION

To commend Brian Goh of Denham Springs upon his receipt of the Barry M. Goldwater Scholarship at Louisiana State University.

HOUSE CONCURRENT RESOLUTION NO. 88—
BY REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend Michael Parent of Brandon, Mississippi, upon his receipt of the Barry M. Goldwater Scholarship at Louisiana State University.

HOUSE CONCURRENT RESOLUTION NO. 89—
BY REPRESENTATIVE FOIL AND SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend Tommy Stryjewski of Baton Rouge, a December 2007 graduate of Louisiana State University, upon being named to the USA Today All-USA College Academic First Team.

HOUSE CONCURRENT RESOLUTION NO. 90—
BY REPRESENTATIVE CARMODY AND SENATOR CHEEK
A CONCURRENT RESOLUTION

To commend Claire Kendig of Shreveport upon her receipt of the Harry S. Truman Scholarship at Louisiana State University.

HOUSE CONCURRENT RESOLUTION NO. 92—
BY REPRESENTATIVE GUINN AND SENATOR MORRISH
A CONCURRENT RESOLUTION

To commend Trista Sanders of Iowa, Louisiana, an accounting major at Louisiana State University, upon attaining the highest score internationally on the Certified Internal Auditor Exam in November of 2007.

HOUSE CONCURRENT RESOLUTION NO. 93—
BY REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana State University gymnastics team and Coach D.D. Breaux upon their placement in the National Collegiate Athletic Association Championship.

HOUSE CONCURRENT RESOLUTION NO. 94—
BY REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend and congratulate Susan Michelle Jackson, the 2008 National Collegiate Athletic Association vault title holder, for

her outstanding accomplishments, to recognize her achievements and contributions as an LSU gymnast, and to extend to her best wishes for the remainder of her career and in all of her future endeavors.

HOUSE CONCURRENT RESOLUTION NO. 91—
BY REPRESENTATIVE PUGH AND SENATOR QUINN
A CONCURRENT RESOLUTION

To commend Leah Rebecca Muller of Hammond upon her receipt of the Barry M. Goldwater Scholarship at Louisiana State University.

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVE WILLIAMS
A CONCURRENT RESOLUTION

To recognize May 12, 2008, as Fibromyalgia Awareness Day in Louisiana.

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

House Concurrent Resolutions

Senator Broome 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. 84—
BY REPRESENTATIVE GREENE AND SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend Nabil Thalji of Baton Rouge upon his receipt of the Barry M. Goldwater Scholarship at Louisiana State University.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Morrish
Adley	Gautreaux N	Mount
Alario	Gray	Murray
Amedee	Hebert	Nevers
Broome	Heitmeier	Riser
Cheek	Kostelka	Scalise
Cravins	LaFleur	Shaw
Crowe	Long	Shepherd
Donahue	Marionneaux	Smith
Duplessis	Martiny	Thompson
Dupre	McPherson	Walsworth
Erdey	Michot	
Total - 35		

NAYS

Total - 0

ABSENT

Cassidy	Jackson
Dorsey	Quinn
Total - 4	

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

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVE WILLIAMS
A CONCURRENT RESOLUTION

To recognize May 12, 2008, as Fibromyalgia Awareness Day in Louisiana.

The resolution was read by title. Senator Cheek 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	Mount
Alario	Gray	Murray
Amedee	Hebert	Nevers
Broome	Heitmeier	Riser
Cheek	Kostelka	Scalise
Cravins	LaFleur	Shaw
Crowe	Long	Shepherd
Donahue	Marionneaux	Smith
Duplessis	Martiny	Thompson
Dupre	McPherson	Walsworth
Erdey	Michot	

Total - 35

NAYS

Total - 0

ABSENT

Cassidy	Jackson
Dorsey	Quinn
Total - 4	

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

HOUSE CONCURRENT RESOLUTION NO. 87—
BY REPRESENTATIVE WHITE AND SENATOR ERDEY
A CONCURRENT RESOLUTION

To commend Brian Goh of Denham Springs upon his receipt of the Barry M. Goldwater Scholarship at Louisiana State University.

The resolution was read by title. Senator Erdey 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	Mount
Alario	Gray	Murray
Amedee	Hebert	Nevers
Broome	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Erdey	Michot	
Total - 37		

Total - 37

NAYS

Total - 0

ABSENT

Cassidy	Quinn
Total - 2	

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

April 29, 2008

HOUSE CONCURRENT RESOLUTION NO. 88—

BY REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend Michael Parent of Brandon, Mississippi, upon his receipt of the Barry M. Goldwater Scholarship at Louisiana State University.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Lists names like Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, etc.

Total - 38

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 89—

BY REPRESENTATIVE FOIL AND SENATOR CASSIDY
A CONCURRENT RESOLUTION

To commend Tommy Stryjewski of Baton Rouge, a December 2007 graduate of Louisiana State University, upon being named to the USA Today All-USA College Academic First Team.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Lists names like Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, etc.

Total - 38

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 90—

BY REPRESENTATIVE CARMODY AND SENATOR CHEEK
A CONCURRENT RESOLUTION

To commend Claire Kendig of Shreveport upon her receipt of the Harry S. Truman Scholarship at Louisiana State University.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Lists names like Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, etc.

Total - 38

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 91—

BY REPRESENTATIVE PUGH AND SENATOR QUINN
A CONCURRENT RESOLUTION

To commend Leah Rebecca Muller of Hammond upon her receipt of the Barry M. Goldwater Scholarship at Louisiana State University.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Lists names like Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, etc.

Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 92—
BY REPRESENTATIVE GUINN AND SENATOR MORRISH
A CONCURRENT RESOLUTION

To commend Trista Sanders of Iowa, Louisiana, an accounting major at Louisiana State University, upon attaining the highest score internationally on the Certified Internal Auditor Exam in November of 2007.

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

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	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 93—
BY REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana State University gymnastics team and Coach D.D. Breaux upon their placement in the National Collegiate Athletic Association Championship.

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

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	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 94—
BY REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend and congratulate Susan Michelle Jackson, the 2008 National Collegiate Athletic Association vault title holder, for her outstanding accomplishments, to recognize her achievements and contributions as an LSU gymnast, and to extend to her best wishes for the remainder of her career and in all of her future endeavors.

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

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	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Julie Quinn, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

April 29, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 330— BY SENATOR CHAISSON

AN ACT

To enact R.S. 37:1731.1, relative to limitation of liability; to provide relative to medical services performed during a declared state of emergency; to provide certain limitations of liability; to provide definitions, terms, and conditions; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 613— BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:621.41(B)(1), (D), (E), (F)(1), (H)(1) and (3), 621.43, 621.45(B), 1136, 1137, 1140(A) introductory paragraph, (B) and (C), 1335, and 1336, relative to the district courts in the parish of Orleans; to provide for the civil district court in the parish of Orleans; to provide for the judges in the civil district court in the parish of Orleans; to provide for the criminal district court in the parish of Orleans; to provide for the judges in the criminal district court in the parish of Orleans; to provide for the Forty-First Judicial District Court; to provide for the judges in the Forty-First Judicial District Court; to provide for the jurisdiction, elections, term of office, and powers of such courts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 625— BY SENATOR MURRAY

AN ACT

To amend and reenact Subsections B, C, and D, all of Section 7, Subsection A(1) of Section 8, Subsection D(1) of Section 10, Section 12, Section 17, Subsection A of Section 19, Subsections A and B of Section 20, Subsection C of Section 21, and Section 22, all of Act No. 621 of the 2006 Regular Session of the Legislature, relative to the civil and criminal district courts and clerk of the civil and criminal district courts in and for Orleans Parish; to provide for consolidation; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 636— BY SENATOR MURRAY

AN ACT

To enact R.S.40:600.66(A)(7) through (10), relative to the Road Home Corporation; to provide relative to appeal from certain decisions; to provide relative to the right of a property owner to appeal an adverse decision of the Office of Community Development on Road Home claims; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 679— BY SENATOR KOSTELKA

AN ACT

To enact R.S. 23:303(E), relative to civil suits regarding employment discrimination; to provide with respect to prescription in such cases; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 786— BY SENATOR GRAY

AN ACT

To amend and reenact R.S. 28:313 and R.S. 46:1941.8(A)(3), relative to the Louisiana Youth Enhanced Services Consortium; to provide for funding; to provide for representation of the consortium on the children and youth services advisory boards; and to provide for related matters.

Reported favorably.

Respectfully submitted, JULIE QUINN 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. 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 by the Committee on Finance. On motion of Senator Michot, the bill was read by title, ordered engrossed, and passed to a third reading.

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 by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 26 by Senator Alario

AMENDMENT NO. 1

On page 4, at the end of line 27, change "2008." to "2009."

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

SENATE BILL NO. 51— BY SENATORS MCPHERSON, ERDEY, B. GAUTREAU AND SHAW

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 by the Committee on Transportation, Highways and Public Works. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

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 by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 54 by Senator Murray

AMENDMENT NO. 1

On page 1, line 4, change "the city of New Orleans" to "certain areas"

AMENDMENT NO. 2

On page 1, line 17, change "city of New Orleans" to "municipalities of New Orleans and Opelousas and in the parishes of Lafayette, Plaquemines, St. Bernard, and St. Tammany" and change "Subsection" to "Subsubparagraph"

AMENDMENT NO. 3

On page 2, lines 10, change "city of New Orleans" to "municipalities of New Orleans and Opelousas and the parishes of Lafayette, Plaquemines, St. Bernard, and St. Tammany"

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

SENATE BILL NO. 72—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 38:2318.1(B) and to enact R.S. 38:225.2.2, 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 by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 72 by Senator Crowe

AMENDMENT NO. 1

On page 2, at the beginning of line 7, add "(4)"

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

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 provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 98 by Senator Murray

AMENDMENT NO. 1

On page 2, at the beginning of line 14, delete "and" and insert ", "

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

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 by the Committee on Transportation, Highways and Public Works. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

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 by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 126 by Senator Nevers

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 17:170(D)" to "R.S. 17:170(A)(1)"

AMENDMENT NO. 2

On page 1, line 3, between "for" and "review" delete "annual"

AMENDMENT NO. 3

On page 1, line 6, change "R.S. 17:170(D)" to "R.S. 17:170(A)(1)"

AMENDMENT NO. 4

On page 1, at the end of line 9, insert "; **immunization of persons entering sixth grade**"

AMENDMENT NO. 5

On page 1, delete lines 11 through 15 in their entirety and insert the following:

"A.(1)(a) **All persons** **Each person** entering any school within the state for the first time, including elementary and secondary schools, kindergartens, colleges, universities, proprietary schools, vocational schools, and licensed day care centers, at the time of registration or entry shall present satisfactory evidence of immunity to or immunization against vaccine-preventable diseases according to a schedule approved by the office of public health, Department of Health and Hospitals, or shall present evidence of an immunization program in progress.

(b) Beginning with the 2009-2010 school year and thereafter, each person entering the sixth grade in any school within the state shall present satisfactory evidence of immunity to or immunization against vaccine-preventable diseases according to a schedule approved by the office of public health, Department of Health and Hospitals, or shall present evidence of an immunization program in progress."

April 29, 2008

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

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 by the Committee on Local and Municipal Affairs. On motion of Senator Gray, the bill was read by title, ordered engrossed, and passed to a third reading.

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 by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 137 by Senator Quinn

AMENDMENT NO. 1

On page 1, line 4, delete "novice" and insert "certain"

AMENDMENT NO. 2

On page 2, line 2, after "assistant, a" insert "stand alone"

AMENDMENT NO. 3

On page 2, line 3, delete "designed or" and insert "readily removable from the vehicle and is"

AMENDMENT NO. 4

On page 2, at the end of line 3, delete "communicate" and insert "write, send, or read"

AMENDMENT NO. 5

On page 2, at the end of line 4, after "data" delete the period "." and insert "through manual input. A "wireless communications device" shall not include any device or component that is permanently affixed to a motor vehicle."

AMENDMENT NO. 6

On page 2, line 6, after "device to" insert "manually"

AMENDMENT NO. 7

On page 3, line 3, delete "novice" and insert "certain"

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

SENATE BILL NO. 146—

BY SENATORS NEVERS, ADLEY, ERDEY, B. GAUTREAUX, HEITMEIER, MCPHERSON, MOUNT AND SHAW

AN ACT

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

Reported favorably by the Committee on Transportation, Highways and Public Works. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 168—

BY SENATORS MURRAY, RISER, SCALISE, THOMPSON AND WALSWORTH

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 by the Committee on Labor and Industrial Relations. On motion of Senator Scalise, the bill was read by title, ordered engrossed, and passed to a third reading.

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 by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 224 by Senator Shepherd

AMENDMENT NO. 1

On page 1, line 2, after "(E)," add " and (F)" and delete "tenant"

AMENDMENT NO. 2

On page 1, line 3, between "authorities;" and "to" insert "to prohibit certain persons from serving as a commissioner; to authorize the payment of per diem to commissioners;"

AMENDMENT NO. 3

On page 1, line 6, change "is" to "and (F) are"

AMENDMENT NO. 4

On page 1, line 10, between "tenant" and "of" insert "and a landlord"

AMENDMENT NO. 5

On page 1, line 13, after "law." delete the remainder of the line and delete line 14.

AMENDMENT NO. 6

On page 1, line 15, between "commissioner" and "shall" insert "and the landlord commissioner each"

AMENDMENT NO. 7

On page 1, delete line 17 and on page 2, delete lines 1 through 3.

AMENDMENT NO. 8

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

AMENDMENT NO. 9

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

"F. The local housing authority may permit a per diem to each member of the commission of the local housing authority in an amount of not less than fifty dollars nor more than seventy-five dollars for each day of his attendance at meetings of the commission from funds of the local housing authority."

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

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 by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 268 by Senator Duplessis

AMENDMENT NO. 1

On page 2, line 3, after "**needs**," delete the remainder of the line and insert "**as identified by the governing authority of a charter school in their application for renewal of such school's charter and recognized by the state board in the charter contract.**"

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

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 by the Committee on Revenue and Fiscal Affairs. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

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 by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 342 by Senator Erdey

AMENDMENT NO. 1

On page 1, below "BY SENATOR ERDEY" delete "Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana."

AMENDMENT NO. 2

On page 1, line 2, after "289" insert "and 398.10(A)(6)"

AMENDMENT NO. 3

On page 1, line 6, after "289" delete "is" and insert "and 398.10(A)(6) are"

AMENDMENT NO. 4

On page 1, at the beginning of line 8, delete "**Any**" and insert "**Except in a driver emergency and as provided in Subsection B of this Section, any**"

AMENDMENT NO. 5

On page 2, line 7, delete "**two hundred twenty-five**" and insert "**five hundred**"

AMENDMENT NO. 6

On page 2, after line 8, add:

"D. Any violation of this Section shall constitute a non-moving violation and shall be a secondary offense and a driver may be cited only if stopped for a moving violation.

E. If the person is involved in an accident at the time of the violation, then the law enforcement officer investigating the accident shall indicate on the written accident report that the person was using a wireless telecommunications device and such person shall be subject to a fine equal to double the amount of the standard fine imposed in this Section.

* * *

§398.10. Collection and reporting of statistical information relating to traffic stops

A. All law enforcement officers as defined in R.S. 40:2402 shall record and retain the following information:

* * *

(6) The number of violations of R.S. 32:289.

* * *

Section 2. The Louisiana Highway Safety Commission shall collect and compile statistical information on the number of accidents as well as the number of fatalities and injuries incurred in accidents which involve the use of a cellular telephone or other wireless telecommunications device to engage in a call or to write, send or read a text message."

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

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

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 by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 367 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, after "213.3(C)," insert "213.4,"

AMENDMENT NO. 2

On page 1, delete line 3, and insert "and 213.6(A)(1) and to enact R.S. 49:213.2(12), 213.7(C)(3), and 213.13,"

AMENDMENT NO. 3

On page 1, line 11, after "213.3(C)," insert "213.4,"

AMENDMENT NO. 4

On page 1, delete lines line 12 and 13, and insert "and 213.6(A)(1) are hereby amended and reenacted and R.S. 49:213.2(12), 213.7(C)(3), and 213.13 are hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 2, line 26, delete "public" and insert "publicly-owned" and delete "needed to"

AMENDMENT NO. 6

On page 2, delete lines 27 through 29, and insert "in the coastal zone that are negatively impacted by coastal land loss or rising seas, and mitigate the impacts of Outer Continental Shelf activities, including but not limited to roads, hurricane evacuation routes, or bridges."

AMENDMENT NO. 7

On page 3, delete line 1, and insert "The term shall not include levee, hurricane protection, or coastal restoration"

AMENDMENT NO. 8

On page 3, line 19, change "Part" to "Subpart"

AMENDMENT NO. 9

On page 3, delete line 26, and insert "§213.4. Powers and duties

A. The authority shall:

(1) Represent the state's position in policy implementation relative to the protection, conservation, and restoration of the coastal area of the state through oversight of coastal restoration, and hurricane protection, and infrastructure projects and programs and by addressing activities which require a coastal use permit which could significantly affect protection, conservation, and restoration projects and programs, all consistent with the legislative intent as expressed in R.S. 49:213.1.

(2) Develop, coordinate, make reports on, and provide oversight for a comprehensive coastal protection master plan and annual coastal protection plans, working in conjunction with state agencies, political subdivisions, including flood protection authorities, levee districts, and federal agencies. The master plan shall include a comprehensive strategy addressing the protection, conservation, and restoration of the coastal area through the construction and management of hurricane protection projects and coastal restoration projects and programs, all consistent with the legislative intent as expressed in R.S. 49:213.1. The annual coastal protection plan shall be developed as the annual implementation of the comprehensive master plan and shall be submitted to the legislature for approval as set forth in R.S. 49:213.6. The annual coastal protection plan shall include a description and status of all projects and programs pertaining to hurricane protection, and coastal restoration, infrastructure, including privately funded wetland enhancement projects or plans, and addressing those activities requiring a coastal use permit which significantly affect projects set forth in the plan, all consistent with the legislative intent as expressed in R.S. 49:213.1.

(4) ~~Have the right and the authority to approve~~ Have the discretion to approve and implement all requests for programs and projects pertaining to hurricane protection, infrastructure, and coastal conservation and restoration insofar as such requests are for

funds to be appropriated from the Coastal Protection and Restoration Trust Fund; ~~provided that the office of coastal restoration and management of the Department of Natural Resources shall receive monies appropriated from the fund for coastal wetlands conservation and restoration and shall implement any such program or project and the office of public works, hurricane flood protection, and intermodal transportation of the Department of Transportation and Development, in conjunction with political subdivisions, shall receive monies appropriated from the fund for hurricane protection and shall implement any such program or project.~~

(7) Have the power and authority to enter into any contract with the federal government or any federal agency or any political subdivision of the state or private individual for the construction, operation, or maintenance, repair, rehabilitation, or replacement of any coastal restoration, hurricane, infrastructure, storm damage reduction, or flood control project and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or part, which may be necessary.

B. The governor, through the executive assistant, shall:

(1) Coordinate all state departmental budget requests for programs and projects pertaining to infrastructure, coastal protection, including hurricane protection and coastal wetlands conservation and restoration as well as all requests for funds to be appropriated from the Coastal Protection and Restoration Fund.

(2) Coordinate and focus the functions of all state agencies as they relate to infrastructure, coastal protection, including hurricane protection and wetlands conservation and restoration.

(4) Represent the policy and consensus viewpoint of the state at the federal, regional, state, and local levels with respect to infrastructure, coastal protection, including hurricane protection and wetlands conservation and restoration.

(5) Appraise the adequacy of statutory and administrative mechanisms for coordinating the state's policies and programs at both the intrastate and interstate levels with respect to infrastructure, coastal protection, including hurricane protection and wetlands conservation and restoration.

(6) Appraise the adequacy of federal, regional, state, and local programs to achieve the policies and meet the goals of the state with respect to infrastructure, coastal protection, including hurricane protection and wetlands conservation and restoration.

(8) Coordinate and focus federal involvement in Louisiana with respect to infrastructure, coastal protection, including hurricane protection and coastal wetlands conservation and restoration.

(9) Provide the official state recommendations to the legislature and congress with respect to policies, programs, and coordinating mechanisms relative to infrastructure, coastal protection, including hurricane protection and wetlands conservation and restoration, or wetlands loss and storm surge research.

C. The governor, through his executive assistant, may, in an effort to advance the plan or purposes of this Part, within any department, agency, board, or commission:

(1) Review and modify policies, procedures, or programs not established or approved by the legislature or pursuant to the Administrative Procedure Act that may affect the design, construction, operation, management, and monitoring and more particularly to require expeditious permitting of infrastructure and coastal protection projects, including hurricane protection projects, restoration projects, wetlands enhancement or marsh management plans, or expenditures from the Fund.

(2) Review and request modifications of state departmental policies, procedures, programs, rules, and regulations that are established by law or pursuant to the Administrative Procedure Act that may affect the design, construction, operation, management, and monitoring of infrastructure and coastal protection projects, including hurricane protection projects, restoration projects, wetlands enhancement or marsh management plans, or expenditures from the Fund. Such rule changes shall be initiated by the appropriate department.

(4) Accept and use, in accordance with law, gifts, grants, requests, ~~and~~ endowments **or funds from any public or private source** for purposes consistent with responsibilities and functions of the ~~agency~~ **authority** and take such actions as are necessary to comply with any conditions required for such acceptance.

D. Approval by the authority shall be required for any request by a state agency or department for any funds to finance research, programs, **mitigation**, or projects involving coastal protection, including hurricane protection or the conservation and restoration of coastal wetlands resources; however, this Subsection shall not affect self-generated or dedicated funds.

E. The authority shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Subpart.

AMENDMENT NO. 10

On page 4, line 6, delete "two" and insert "**two three**"

AMENDMENT NO. 11

On page 4, line 22, delete "**requests for**"

AMENDMENT NO. 12

On page 4, line 23, after "**protection**" insert a comma and delete "**and**"

AMENDMENT NO. 13

On page 4, line 24, after "**restoration**" insert "**, and infrastructure including, but not limited to, relevant public or private funding sources**"

AMENDMENT NO. 14

On page 4 delete lines 28 and 29 and insert

"C. * * *

(3) In each year, no more than ten percent of the federal revenues received by the state generated from Outer Continental Shelf oil and gas activity may be used for the purposes of infrastructure directly impacted by coastal wetlands losses.

§213.13. Infrastructure Priority Program; applications; evaluations

A. (1) Applications for funding of any infrastructure may be submitted by any agency of the state. For any infrastructure projects, applications shall be made to the Department of Transportation and Development by November first of each year for consideration of funding in the following fiscal year. Applications submitted in accordance with the provisions of this Section shall not be subject to the provisions of R.S. 39:101. Agencies submitting applications for projects in this program shall be responsible for preparation of applications for their respective projects. Information to be provided in the application shall include but not be limited to the following:

(a) Description of the infrastructure impacted by coastal wetlands loss and demonstration of need for the project and benefits of the project.

(b) Preliminary project design and cost estimate.

(c) Description of project area including the geographical area affected, and land ownership information.

(d) Regulatory permit requirements, if any.

(2) Project applications shall not be subjected to formal review and evaluation until the information required in the application has been submitted or is determined to be unavailable.

B. The applications submitted by agencies shall be evaluated by the Department of Transportation and Development which shall prioritize and rank such applications. The department shall provide its application evaluations to the authority.

C. Based upon the evaluations of the department, the authority may compile a list of infrastructure projects to be formally included in the annual plan.

AMENDMENT NO. 15

Delete page 5

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

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 by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 373 by Senator Duplessis

AMENDMENT NO. 1

On page 2, at the beginning of the line 10, insert "convenience"

AMENDMENT NO. 2

On page 2, after line 18, insert:

"Section 2. This Act shall become effective on January 1, 2009; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2009, or the day following such approval by the legislature, whichever is later."

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

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 by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 411 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 16, delete "**to acquire and**"

AMENDMENT NO. 2

On page 2, line 1, delete "**to facilitate**" and insert "**acquired by the state in connection with**"

AMENDMENT NO. 3

On page 2, line 17, after "**Resources**" insert "**and Environment**"

AMENDMENT NO. 4

On page 3, line 4, change "**Acquire**" to "**Accept**"

AMENDMENT NO. 5

On page 3, line 10, delete "**acquired**"

AMENDMENT NO. 6

On page 3, line 18, after "**Resources**" insert "**and Environment**"

AMENDMENT NO. 7

On page 3, line 21, after "**Resources**" and before "**and**" insert "**and Environment**"

AMENDMENT NO. 8

On page 3, line 23, delete ", **including state expenditures concerning these acquisitions**"

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

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 by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 444 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 10, after "agencies," delete the remainder of the line

AMENDMENT NO. 2

On page 1, at the beginning of line 11, delete "**Louisiana Insurance Guaranty Association.**"

AMENDMENT NO. 3

On page 1, line 13, after "districts," and before "and" insert "**the Louisiana Insurance Guaranty Association.**"

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

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 by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 448 by Senator Shepherd

AMENDMENT NO. 1

On page 2, line 8 change "**VI**" to "**IV**"

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

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 by the Committee on Transportation, Highways and Public Works. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

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

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

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 by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 549 by Senator Cassidy

AMENDMENT NO. 1

On page 1, line 2, change "second languages" to "curricula"

AMENDMENT NO. 2

On page 1, line 3, between "public" and "schools" insert "secondary"

AMENDMENT NO. 3

On page 1, line 7, change "**Second**" to "**Critical**" and after "**languages**" insert "**; teaching in public schools**"

AMENDMENT NO. 4

On page 1, delete lines 8 through 10, and insert the following:

"A. As expeditiously as possible, but not later than the beginning of the 2010-2011 school year, the State Board of Elementary and Secondary Education shall ensure that secondary school students are afforded the opportunity to study at least one of the critical languages as defined by the"

AMENDMENT NO. 5

On page 1, after line 12, insert the following:

"B. The State Board of Elementary and Secondary Education may phase in implementation of the requirements of this Section, provided the rate of implementation does not fall behind the following timeline:

(1) Not later than the beginning of the 2010-2011 school year, students enrolled in at least twenty-five percent of the secondary schools in the state shall have the opportunity to study a critical language.

(2) Not later than the beginning of the 2011-2012 school year, students enrolled in at least fifty percent of the secondary schools in the state shall have the opportunity to study a critical language.

(3) Not later than the beginning of the 2012-2013 school year, students enrolled in at least seventy-five percent of the secondary schools in the state shall have the opportunity to study a critical language.

(4) Not later than the beginning of the 2013-2014 school year, every student enrolled in a secondary school in the state shall be afforded the opportunity to study at least one of the critical languages as defined by the United States Department of State and the United States Department of Education.

C. The State Board of Elementary and Secondary Education shall submit a written report regarding the progress made in implementing the provisions of this Section to the Senate Committee on Education and the House Committee on Education not later than March fifteenth of each year, until such time as the provisions of this Section have been fully implemented."

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

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 by the Committee on Transportation, Highways and Public Works. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

Senator Amedee in the Chair

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 by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 612 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 10, after "78," and before "2193" insert "2191(C),"

AMENDMENT NO. 2

On page 3, line 9, after "78," and before "2193" insert "2191(C),"

AMENDMENT NO. 3

On page 48, between lines 19 and 20, insert the following:

"C. The governor may approve a request for designation as a workforce investment area from any unit of general local government, including a combination of such units that serve a substantial part of one or more labor market areas."

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

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 by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 632 by Senator Gray

AMENDMENT NO. 1

On page 1, line 3, between "through" and ", relative" delete "409.3" and insert "409.6, and to enact R.S. 36:651(AA)"

AMENDMENT NO. 2

On page 1, line 5, after "Education;" delete the remainder of the line, delete line 6 in its entirety, and insert "to provide for a board of commissioners and an advisory council and for their membership, powers, duties, and functions; to provide for rules; to provide relative to program participation; to provide relative to ownership and control of public school facilities funded through the authority; to provide relative to implementation and funding; and to provide for related matters."

AMENDMENT NO. 3

On page 1, line 9, change "409.3" to "409.6"

AMENDMENT NO. 4

On page 1, line 15, change "Law" to "Act"

AMENDMENT NO. 5

On page 2, delete lines 15 through 29, delete pages 3 and 4 in their entirety, on page 5, delete lines 1 through 18 in their entirety and insert in lieu thereof the following:

§409.2. Louisiana Statewide Educational Facilities Authority; creation; board of commissioners; meetings; quorum; compensation; employees

A. There is hereby created the Louisiana Statewide Education Facilities Authority within the Department of Education. The purpose of the authority is to provide funding, coordination, assistance, and oversight for the repair, renovation, and construction of public school facilities.

B. The domicile of the authority shall be East Baton Rouge Parish.

C. The authority shall be governed by a board of commissioners comprised of nine members as follows:

(1) Five members shall be appointed by the governor, subject to confirmation by the Senate, who shall have a background in construction, architecture, or finance.

(2) Three members shall be appointed by the State Board of Elementary and Secondary Education, subject to confirmation by the Senate.

(3) The state superintendent of education or his designee.

D. A vacancy occurring on the board for any reason shall be filled in the same manner as the original appointment.

E. A majority of the members of the board shall constitute a quorum for the transaction of official business. All official actions of the board shall require an affirmative vote of a majority of the commissioners present and voting at any meeting.

F. Members of the board shall serve without compensation, but may be reimbursed for necessary and actual expenses incurred while fulfilling their official duties as a member of the board.

G. The board shall employ a qualified executive director who shall have a background in construction, architecture, or finance to administer the functions, responsibilities, and policies of the authority.

H. The executive director shall be responsible for managing and administering the daily functions of the authority and for performing all other functions necessary to the effective operation of the authority. The executive director shall employ necessary staff to carry out the duties and functions of the authority. Such staff may include a financial director, a chief of architectural services, a liaison for local school systems, and any other necessary support staff.

§409.3. Powers, duties, and functions

A. The authority shall:

(1) Conduct a statewide assessment of public school facilities to assess and evaluate the quality and condition of existing public school facilities and compile a school-by-school inventory of facility deficiencies and needs.

(2) Collaborate with city, parish, and other local public school boards to determine how to best meet their specific needs with regard to school facilities.

(3) Consult with the Educational Facilities Advisory Council on all funding and policy decisions made by the board.

(4) Develop a formula and mechanism through which to assess and prioritize applications for funding for local projects submitted by city, parish, and other local public school boards based upon best practices. Such formula and mechanism shall be submitted to the Joint Legislative Committee on the Budget for approval and shall, at a minimum, include the following:

(a) Consideration for student health and safety, projected demographic changes, adequate space needed to accommodate projected student enrollment, and the ability of the local school system to finance school repairs, renovations, and construction projects.

(b) Ensure that funds are allocated to city, parish, and other local public school systems proportionally throughout the state based upon the regions established by the State Board of Elementary and Secondary Education for the Regional Education Service Centers.

(5) Adopt and promulgate such rules and regulations as are necessary to implement the provisions of this Part in accordance with the Administrative Procedure Act.

B. The Louisiana Statewide Educational Facilities Authority may:

(1) Sue and be sued in the name of the authority, including the right to recover all debts owing to the authority.

(2) Accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and comply with rules and regulations governing grants from the federal government or from any other person or agency, which are not in contravention of state law.

(3) Borrow money and issue notes, bonds, or certificates of indebtedness and pledge fees, rents, and other available revenues to guarantee the payment thereof, in accordance with law and with approval of the State Bond Commission.

(4) Appoint or contract with and employ legal counsel, bond counsel, accountants, construction and financial experts, underwriters, financial advisors, trustees, managers, and consultants and to fix the compensation of such individuals.

(5) Provide funds on an emergency basis to repair school facilities damaged by fire, flood, wind, storm, earthquake, hurricane, or any other natural occurrence.

(6) Establish design specifications for school facility repair, renovation, and construction projects approved for funding by the board including, but not limited to, energy efficiency and construction materials.

(7) Perform such other acts as may be necessary or appropriate to effectively carry out the objects and purposes of the authority.

§409.4. Educational Facilities Advisory Council; creation; membership; duties and functions

A. There is hereby created the Educational Facilities Advisory Council comprised of thirteen members as follows:

(1) The governor or his designee.

(2) The chairman of the Senate Committee on Education or his designee.

(3) The chairman of the House Committee on Education or his designee.

(4) The chairman of the Senate Committee on Finance or his designee.

(5) The chairman of the House Committee on Appropriations or his designee.

(6) The executive director of the State Bond Commission or his designee.

(7) The legislative auditor or his designee.

(8) A representative from the Louisiana School Facility Managers Association appointed by the association.

(9) A representative from the Louisiana Association of School Business Officials appointed by the association.

(10) A representative of the Louisiana Association of School Superintendents appointed by the association.

(11) A representative of the Louisiana School Boards Association appointed by the association.

(12) A representative of the Louisiana Federation of Teachers appointed by the federation.

(13) A representative of the Louisiana Association of Educators appointed by the association.

B. The council shall:

(1) Provide advice and input to the Louisiana Statewide Education Facilities Authority Board of Commissioners to inform policy and funding decisions made by the board.

(2) Review applications from city, parish, and other local public school boards for funding for school facility repairs, renovations, and construction and make recommendations for the board's consideration.

§409.5. Program participation; ownership and control of facilities

A. Participation by any city, parish, or other local public school board in any program implemented by the Louisiana Statewide Education Facilities Authority is voluntary.

B. Each city, parish, and other local public school board shall retain ownership and control over any school facility for which funding for repairs, renovation, or construction was obtained through the authority.

C. The Louisiana Statewide Education Facilities Authority may serve in an oversight capacity over a project undertaken by a city, parish, or other local public school board to repair, renovate, or construct a school facility only to the extent that the project is funded through the authority.

§409.6. Funding

Implementation of the provisions of this Part shall be subject to the appropriation of funds for this purpose. In addition to funds provided by the legislature, the authority may seek and accept gifts, grants, and donations, including federal funds, from any available source.

Section 2. R.S. 36:651(AA) is hereby enacted to read as follows:

§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

* * *

AA. The Louisiana Statewide Education Facilities Authority (R. S. 17:409 - 409.6) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided in R.S. 36:801.1.

* * *

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

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 by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 681 by Senator Duplessis

AMENDMENT NO. 1

On page 8, lines 3 and 4, change "**in concert**" to "**and concern**"

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

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 by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 693 by Senator Shepherd

AMENDMENT NO. 1

On page 3, line 28, change "**reassuring**" to "**ensuring**"

AMENDMENT NO. 2

On page 7, lines 28 and 29, change "**in concert**" to "**and concern**"

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

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 by the Committee on Local and Municipal Affairs. On motion of Senator Gray, the bill was read by title, ordered engrossed, and passed to a third reading.

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 by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 697 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 3, delete "and 306.4,"

AMENDMENT NO. 2

On page 1, line 13, delete "**and corporate**"

AMENDMENT NO. 3

On page 1, line 16, delete "**and corporation**" and after "**return**" delete "**or a**"

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AMENDMENT NO. 4

On page 1, line 17, delete "corporate income or franchise tax return"

AMENDMENT NO. 5

Delete pages 3 and 4

AMENDMENT NO. 6

On page 5, delete line 1

AMENDMENT NO. 7

On page 5, line 2, change "Section 4." to "Section 2."

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

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 by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 703 by Senator Dorsey

AMENDMENT NO. 1

On page 2, delete lines 24 through 29 and insert in lieu thereof the following:

"(1) "Louisiana resident" shall mean a person determined by the public college or university to be eligible to pay the resident tuition and mandatory fees."

AMENDMENT NO. 2

On page 3, delete lines 1 through 6

AMENDMENT NO. 3

On page 3, line 14, after "accordance with" delete "pursuant"

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

SENATE BILL NO. 714—

BY SENATORS SCALISE, MURRAY, RISER, THOMPSON AND WALSWORTH

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 by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 714 by Senator Scalise

AMENDMENT NO. 1

On page 1, line 3 change "workers" to "unemployment"

AMENDMENT NO. 2

On page 2, line 15 after "(I)" insert "(4)"

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

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

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 by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 746 by Senator Long

AMENDMENT NO. 1

On page 1, line 9, between "Members of the" and "teaching" insert "fully certified, tenured"

AMENDMENT NO. 2

On page 1, line 12, delete "in the parish"

AMENDMENT NO. 3

On page 1, line 16, after "include" delete the remainder of the line and at the beginning of line 17, delete "certificate issued by the state Department of Education and"

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

Rules Suspended

Senator N. Gautreaux asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 599 from the Committee on Health and Welfare.

SENATE BILL NO. 599—

BY SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 37:1744(A) and (B) and to enact R.S. 37:1744.1, relative to health care provider referrals; to provide for the prohibition of health care provider referrals; to provide for definitions; to provide for exceptions; and to provide for related matters.

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

Special Order of the Day

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

SENATE BILL NO. 87—
BY SENATOR SHAW

AN ACT

To amend and reenact R.S. 47:32(A), relative to individual income tax; to provide for a reduction of rates and brackets; and to provide for related matters.

Mr. President in the Chair

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. 87 by Senator Shaw

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 47:32(A)" to "R.S. 47:31, 32(A), 290(B), 297.4(B)(1), 300.1, 6006(B), 6006.1(C), 6023(D)(1), and 6025(C), and R.S. 51:1807(C)"

AMENDMENT NO. 2

On page 1, line 3, after "reduction of" delete "rates and brackets" and insert: "the tax by phasing-out the tax on incomes of individuals, estates, and trusts; to provide with respect to certain refundable tax credits"

AMENDMENT NO. 3

On page 1, line 5, change "R.S. 47:32(A) is" to "R.S. 47:31, 32(A), 290(B), 297.4(B)(1), 300.1, 6006(B), 6006.1(C), 6023(D)(1), and 6025(C) are"

AMENDMENT NO. 4

On page 1, between lines 5 and 6, insert:
"§31. Individuals, corporations and trusts subject to tax

There shall be levied, collected, and paid for each taxable year **until January 1, 2017** a tax upon the net income of residents and nonresidents, estates, **and** trusts, and **a tax upon the net income of corporations for each taxable year**, as hereinafter provided.

(1) Resident individuals. **Until January 1, 2017**, every person residing within the state, or the personal representative in the event of death, shall pay a tax on net income from whatever source derived, except as hereinafter exempted.

Every natural person domiciled in the state, and every other natural person who maintains a permanent place of abode within the state or who spends in the aggregate more than six months of the taxable year within the state, shall be deemed to be a resident of this state for the purpose of determining liability for income taxes under this Chapter.

(2) Nonresident individuals. **Until January 1, 2017**, every nonresident shall pay a tax upon such net income as is derived from property located, or from services rendered, or from business transacted within the state, or from sources within the state, except as hereinafter exempted.

* * *

AMENDMENT NO. 5

On page 1, line 7, change "On individuals. The" to "**(1)** On individuals. **Until January 1, 2008, the**"

AMENDMENT NO. 6

On page 1, line 9, change "(1)" to "**(a)**"

AMENDMENT NO. 7

On page 1, line 12, change "(2)" to "**(b)**" and delete "**thirty-seven**"

AMENDMENT NO. 8

On page 1, line 13, change "**thousand five hundred**" to "twelve thousand five hundred"

AMENDMENT NO. 9

On page 1, line 14, change "(3)" to "**(c)**" and change "**fifty**" to "twenty-five"

AMENDMENT NO. 10

On page 1, delete lines 16 and 17, and delete page 2, and insert:
"**(2) Beginning January 1, 2008 until January 1, 2017, the tax upon the taxable income of an individual shall be determined as provided for in Paragraph (1) of this Subsection, but the tax to be assessed, levied, collected and paid by the individual shall be limited to the following percentages of the tax due:**

- (a) For tax years beginning during 2008, ninety percent.**
- (b) For tax years beginning during 2009, eighty percent.**
- (c) For tax years beginning during 2010, seventy percent.**
- (d) For tax years beginning during 2011, sixty percent.**
- (e) For tax years beginning during 2012, fifty percent.**
- (f) For tax years beginning during 2013, forty percent.**
- (g) For tax years beginning during 2014, thirty percent.**
- (h) For tax years beginning during 2015, twenty percent.**
- (i) For tax years beginning during 2016, ten percent.**
- (3) For tax years beginning on and after January 1, 2017,**

there shall be no income tax assessed, levied, collected and paid on income.

* * *

§290. Purpose

* * *

B. It is intended that for any taxable year **beginning before January 1, 2017** individuals domiciled, residing, or having a permanent place of abode in Louisiana shall be taxed upon income from whatever sources derived and that all other individuals having income earned within or derived from sources in this state shall be taxed upon their Louisiana income for that year.

* * *

§297.4. Reduction to tax due; certain child care expenses

* * *

B.(1) If the credit against Louisiana income tax for resident individuals whose federal adjusted gross income is equal to or less than twenty-five thousand dollars exceeds the amount of such individual's tax liability for the taxable year, then such excess tax credit shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from the current collections of the taxes imposed under this Part **or from current collections of any of the taxes collected under this Chapter**. The right to a refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B).

* * *

§300.1. Tax imposed

A. There is imposed an income tax for each taxable year upon the Louisiana taxable income of every estate or trust, whether resident or nonresident. The tax to be assessed, levied, collected, and paid upon the Louisiana taxable income of an estate or trust **until January 1, 2008**, shall be computed at the following rates:

- (1) Two percent on the first ten thousand dollars of Louisiana taxable income.
- (2) Four percent on the next forty thousand dollars of Louisiana taxable income.
- (3) Six percent on Louisiana taxable income in excess of fifty thousand dollars.

B. Beginning January 1, 2008 until January 1, 2017, the tax upon the taxable income of every estate or trust shall be determined as provided for in Subsection A of this Section, but the tax to be assessed, levied, collected and paid by the estate or trust shall be limited to the following percentages of the tax due:

- (1) For tax years beginning during 2008, ninety percent.**
- (2) For tax years beginning during 2009, eighty percent.**
- (3) For tax years beginning during 2010, seventy percent.**
- (4) For tax years beginning during 2011, sixty percent.**

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- (5) For tax years beginning during 2012, fifty percent.
- (6) For tax years beginning during 2013, forty percent.
- (7) For tax years beginning during 2014, thirty percent.
- (8) For tax years beginning during 2015, twenty percent.
- (9) For tax years beginning during 2016, ten percent.

C. For tax years beginning on and after January 1, 2017, there shall be no income tax assessed, levied, collected and paid on income.

§6006. Tax credits for local inventory taxes paid

B. Credit for taxes paid by corporations shall be applied to state corporate income and corporation franchise taxes. Credit for taxes paid by unincorporated persons shall be applied to state personal income taxes, if any. The taxpayer shall be entitled to a refund for any allowable credit which exceeds the aggregate tax liability of the taxpayer for the taxes imposed by Chapter 1 and Chapter 5 of Subtitle II of this Title, if any. The secretary shall make such refund to the taxpayer in the amount to which he is entitled from the current collections of any of the taxes collected pursuant to Chapter 1 and Chapter 5 of such Subtitle II.

§6006.1. Tax credits for taxes paid with respect to vessels in Outer Continental Shelf Lands Act Waters

C. Notwithstanding any other provision of law to the contrary in Title 47 of the Louisiana Revised Statutes of 1950, as amended, any excess of allowable credit established by this Section over the aggregate tax liabilities, if any, against which such credit can be applied, as provided in this Section, shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from the current collections of any of the taxes imposed by Chapter 1 or Chapter 5 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended, together with interest as provided in R.S. 47:1624. The right to a credit or refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B). All credits and refunds, together with interest thereon, must be paid or disallowed within ninety days of receipt by the secretary, of any such claim for refund or credit. Failure of the secretary to pay or disallow, in whole or in part, any claim for a credit or a refund shall entitle the aggrieved taxpayer to proceed with the remedies provided in R.S. 47:1625.

§6023. Sound recording investor tax credit

D.(1) The credit shall be allowed against the individual or corporate income tax for the taxable period in which the credit is earned. Any excess of the credit over the income tax liability, if any, against which the credit can be applied shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from the current collections of any of the taxes imposed by Chapter 1 of Subtitle II of this Title, as amended. The right to a refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B).

§6025. Tax credit for Louisiana Citizens Property Insurance Corporation assessment

C. Notwithstanding any other provision of law to the contrary, any excess of allowable credit established by this Section over the tax liabilities, if any, against which such credit can be applied, as provided in this Section, shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from any of the current collections of the taxes imposed by Chapter 1 of Subtitle II of this Title, together with interest as provided in R.S. 47:1624. The right to a credit or refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B). All credits and refunds, together with interest thereof, must be paid or disallowed within one year of receipt by the secretary of any such claim for refund or credit. Failure of the secretary to pay or disallow, in whole or in part, any claim for a credit or a refund shall entitle the aggrieved taxpayer to proceed with the remedies provided in R.S. 47:1625.

Section 2. R.S. 51:1807(C) is hereby amended and reenacted to read as follows:
§1807. Incentives

C. The board, after consultation with the secretaries of the Department of Economic Development and the Department of Revenue and with the approval of the governor, may enter into contracts to provide for a five thousand dollar tax credit per net new employee as determined by the company's average annual employment reported under the Louisiana Employment Security Law. This tax credit may be applied to any state income tax liability or any state franchise tax liability and shall be used for the taxable year in which the increase in average annual employment occurred. However, if the entire credit cannot be used in the year earned, the excess of the credit over the aggregate tax liabilities, if any, against which the credit can be applied shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from any of the current collections of the taxes imposed by Chapter 1 and Chapter 5 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended. The right to a refund of any such overpayment shall not be subject to the requirement of R.S. 47:1621(B).

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."

Senator N. Gautreaux moved adoption of the amendments.

Senator Shaw objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Hebert	Nevers
Alario	Heitmeier	Scalise
Broome	Jackson	Shepherd
Cassidy	LaFleur	Smith
Dorsey	Marionneau	Thompson
Gautreaux N	McPherson	
Gray	Murray	
Total - 19		

NAYS

Adley	Dupre	Michot
Amedee	Erdey	Morrish
Cheek	Gautreaux B	Mount
Cravins	Kostelka	Riser
Crowe	Long	Shaw
Donahue	Martiny	Walsworth
Total - 18		

ABSENT

Duplessis	Quinn
Total - 2	

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Shaw sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Shaw to Engrossed Senate Bill No. 87 by Senator Shaw

AMENDMENT NO. 1

Delete the Senate Floor Amendment proposed by Senator Nick Gautreaux and adopted by the Senate on April 29, 2008.

Senator Shaw moved adoption of the amendments.

Senator N. Gautreaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Morrish
Cassidy	Erdey	Mount
Cheek	Kostelka	Riser
Cravins	Long	Scalise
Crowe	Martiny	Shaw
Donahue	McPherson	Walsworth
Total - 18		

NAYS

Mr. President	Gautreaux N	Michot
Alario	Gray	Murray
Amedee	Hebert	Nevers
Broome	Heitmeier	Shepherd
Dorsey	Jackson	Smith
Duplessis	LaFleur	Thompson
Gautreaux B	Marionneaux	
Total - 20		

ABSENT

Quinn
Total - 1

The Chair declared the amendments were rejected.

The bill was read by title. Senator Shaw 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	Heitmeier	Riser
Cheek	Jackson	Scalise
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Quinn
Total - 1

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

Rules Suspended

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 36—

BY SENATOR CASSIDY

A RESOLUTION

To commend Nabil Thalji upon his selection as a 2008 Goldwater Scholar.

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

SENATE RESOLUTION NO. 37—

BY SENATOR CASSIDY

A RESOLUTION

To commend Michael Parent upon his selection as a 2008 Goldwater Scholar.

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

SENATE RESOLUTION NO. 38—

BY SENATOR CASSIDY

A RESOLUTION

To commend Tommy Stryjewski of Baton Rouge, a December 2007 graduate of Louisiana State University, upon being named to the USA Today All-USA College Academic First Team.

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

SENATE RESOLUTION NO. 39—

BY SENATOR ERDEY

A RESOLUTION

To commend Brian Goh upon his selection as a 2008 Goldwater Scholar.

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

SENATE RESOLUTION NO. 40—

BY SENATOR MORRISH

A RESOLUTION

To commend Ms. Trista Sanders, for receiving the highest score internationally on the Certified Internal Auditor Exam.

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

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 29, 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:

April 29, 2008

HOUSE BILL NO. 333—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:1243(A) and 1244(A) and to enact R.S. 22:1242(1)(h) and (i), relative to insurance fraud; to define fraudulent insurance acts; to provide for penalties and restitution; and to provide for related matters.

HOUSE BILL NO. 359—

BY REPRESENTATIVE LAFONTA
AN ACT

To enact R.S. 17:170.3, relative to immunizations; to require certain school boards to provide information relative to human papillomavirus to certain students; to provide for rules and regulations; and to provide for related matters.

HOUSE BILL NO. 430—

BY REPRESENTATIVE PETERSON
AN ACT

To amend and reenact R.S. 34:1(A)(3) and R.S. 42:1112(D) and to repeal R.S. 42:1120.1 and 1123(8), relative to the Board of Commissioners of the Port of New Orleans; to repeal recusal provisions for members of the Board of Commissioners of the Port of New Orleans; to remove provisions allowing certain individuals to serve as members of the board; and to provide for related matters.

HOUSE BILL NO. 512—

BY REPRESENTATIVE PETERSON
AN ACT

To amend and reenact R.S. 22:215.11(A), relative to health insurance; to require health insurance policies, contracts, and plans, including health maintenance organizations contracts and agreements, to provide coverage for mammography examinations as provided in guidelines published by the American Cancer Society; and to provide for related matters.

HOUSE BILL NO. 868—

BY REPRESENTATIVE RICHMOND
AN ACT

To amend and reenact R.S. 15:323(A) and (B)(2)(introductory paragraph), (a), (b), (c), (e), and (f), relative to the Louisiana Sentencing Commission; to change the number of voting members on the commission; to provide for changes in the membership of the commission; and to provide for related matters.

HOUSE BILL NO. 925—

BY REPRESENTATIVE CORTEZ
AN ACT

To enact R.S. 22:669.1, relative to health insurance; to provide relative to benefits for certain health-related services lawfully performed by a licensed marriage and family therapist; and to provide for related matters.

HOUSE BILL NO. 1136—

BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 15:574.4(H)(4)(r) and to enact Code of Criminal Procedure Article 895(A)(13), relative to conditions of parole or probation; to provide that as a condition of parole or probation a person on parole or probation agrees to searches of his person or property by law enforcement officers with or without an arrest or search warrant; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 466—

BY REPRESENTATIVE RICHARD
AN ACT

To amend and reenact R.S. 40:1300.256(B)(11), relative to the Louisiana Smokefree Air Act; to provide for the exception which permits smoking in designated well-ventilated rooms of nursing homes; and to provide for related matters.

HOUSE BILL NO. 478—

BY REPRESENTATIVE HENRY BURNS
AN ACT

To enact R.S. 14:108.2, relative to offenses affecting law enforcement; to create the crime of resisting a police officer with force or violence; to provide for definitions; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 576—

BY REPRESENTATIVE TRAHAN
AN ACT

To enact R.S. 49:191(3)(m) and to repeal R.S. 49:191(2)(d), relative to the Department of Education, including provisions to provide for the re-creation of the Department of Education and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

HOUSE BILL NO. 439—

BY REPRESENTATIVE DOVE
AN ACT

To amend and reenact R.S. 30:905(B)(2) and (14), 905.1, 905.3(A) and (D), and 905.4(A)(1)(a) and (c) and (2), (B), (C), (D), (E)(2), (F), (G), (H), and (J)(2) and to repeal R.S. 30:905.2 and 905.4(K), relative to abandoned mine reclamation; to provide for the authority to participate and to promulgate rules and regulations; to provide for funding sources and appropriation for reclamation of mining operations; to provide for an implementation plan; to provide for notice; to provide for exemptions and exclusions; and to provide for related matters.

HOUSE BILL NO. 681—

BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact Children's Code Article 814(D), relative to juveniles; to provide with respect to the taking of a child into custody without a court order; to provide relative to duties of the peace officer; and to provide for related matters.

HOUSE BILL NO. 682—

BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact Children's Code Article 818, relative to juveniles; to provide with respect to the identification procedures when taking children into custody; to authorize the photographing and fingerprinting of children taken into custody for felony and misdemeanor acts; to provide for the destruction of fingerprint records in certain cases; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Martiny 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. 333—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:1243(A) and 1244(A) and to enact R.S. 22:1242(1)(h) and (i), relative to insurance fraud; to define fraudulent insurance acts; to provide for penalties and restitution; and to provide for related matters.

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

HOUSE BILL NO. 359—BY REPRESENTATIVE LAFONTA
AN ACT

To enact R.S. 17:170.3, relative to immunizations; to require certain school boards to provide information relative to human papillomavirus to certain students; to provide for rules and regulations; 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. 430—BY REPRESENTATIVE PETERSON
AN ACT

To amend and reenact R.S. 34:1(A)(3) and R.S. 42:1112(D) and to repeal R.S. 42:1120.1 and 1123(8), relative to the Board of Commissioners of the Port of New Orleans; to repeal recusal provisions for members of the Board of Commissioners of the Port of New Orleans; to remove provisions allowing certain individuals to serve as members of the board; 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.

HOUSE BILL NO. 439—BY REPRESENTATIVE DOVE
AN ACT

To amend and reenact R.S. 30:905(B)(2) and (14), 905.1, 905.3(A) and (D), and 905.4(A)(1)(a) and (c) and (2), (B), (C), (D), (E)(2), (F), (G), (H), and (J)(2) and to repeal R.S. 30:905.2 and 905.4(K), relative to abandoned mine reclamation; to provide for the authority to participate and to promulgate rules and regulations; to provide for funding sources and appropriation for reclamation of mining operations; to provide for an implementation plan; to provide for notice; to provide for exemptions and exclusions; and to provide for related matters.

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

HOUSE BILL NO. 466—BY REPRESENTATIVE RICHARD
AN ACT

To amend and reenact R.S. 40:1300.256(B)(11), relative to the Louisiana Smokefree Air Act; to provide for the exception which permits smoking in designated well-ventilated rooms of nursing homes; 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. 478—BY REPRESENTATIVE HENRY BURNS
AN ACT

To enact R.S. 14:108.2, relative to offenses affecting law enforcement; to create the crime of resisting a police officer with force or violence; to provide for definitions; 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 Judiciary C.

HOUSE BILL NO. 512—BY REPRESENTATIVE PETERSON
AN ACT

To amend and reenact R.S. 22:215.11(A), relative to health insurance; to require health insurance policies, contracts, and plans, including health maintenance organizations contracts and agreements, to provide coverage for mammography examinations as provided in guidelines published by the American Cancer Society; and to provide for related matters.

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

HOUSE BILL NO. 576—BY REPRESENTATIVE TRAHAN
AN ACT

To enact R.S. 49:191(3)(m) and to repeal R.S. 49:191(2)(d), relative to the Department of Education, including provisions to provide for the re-creation of the Department of Education and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

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

HOUSE BILL NO. 681—BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact Children's Code Article 814(D), relative to juveniles; to provide with respect to the taking of a child into custody without a court order; to provide relative to duties of the peace officer; 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. 682—BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact Children's Code Article 818, relative to juveniles; to provide with respect to the identification procedures when taking children into custody; to authorize the photographing and fingerprinting of children taken into custody for felony and misdemeanor acts; to provide for the destruction of fingerprint records in certain cases; 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. 868—BY REPRESENTATIVE RICHMOND
AN ACT

To amend and reenact R.S. 15:323(A) and (B)(2)(introductory paragraph), (a), (b), (c), (e), and (f), relative to the Louisiana Sentencing Commission; to change the number of voting members on the commission; to provide for changes in the membership of the commission; and to provide for related matters.

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

HOUSE BILL NO. 925—BY REPRESENTATIVE CORTEZ
AN ACT

To enact R.S. 22:669.1, relative to health insurance; to provide relative to benefits for certain health-related services lawfully performed by a licensed marriage and family therapist; and to provide for related matters.

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

HOUSE BILL NO. 1136—BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 15:574.4(H)(4)(r) and to enact Code of Criminal Procedure Article 895(A)(13), relative to conditions of parole or probation; to provide that as a condition of parole or probation a person on parole or probation agrees to searches of his person or property by law enforcement officers with or without an arrest or search warrant; to provide for definitions; and to provide for related matters.

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

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 29, 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. 50—
BY REPRESENTATIVE RICHMOND

A CONCURRENT RESOLUTION

To urge and request the Civil District Court for the parish of Orleans and the Criminal District Court for the parish of Orleans to consider establishing mental health divisions by a vote en banc of the judges for each of the two courts.

HOUSE CONCURRENT RESOLUTION NO. 99—
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to prohibit the importation of nuclear waste generated outside of the United States of America.

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

House Concurrent Resolutions

Senator Broome 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. 50—
BY REPRESENTATIVE RICHMOND

A CONCURRENT RESOLUTION

To urge and request the Civil District Court for the parish of Orleans and the Criminal District Court for the parish of Orleans to consider establishing mental health divisions by a vote en banc of the judges for each of the two courts.

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

HOUSE CONCURRENT RESOLUTION NO. 99—
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to prohibit the importation of nuclear waste generated outside of the United States of America.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Daniel R. Martiny, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

April 29, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 80—

BY SENATOR MARTINY

AN ACT

To amend and reenact the Code of Criminal Procedure Article 893(A) and to enact Code of Criminal Procedure Article 894(A)(6), relative to suspension and deferral of sentence with respect to certain felonies and misdemeanors; to provide for the procedure, and effect of the suspension of imposition of sentence; to require that certain criteria be satisfied; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 142—

BY SENATOR SCALISE

AN ACT

To amend and reenact R.S. 40:1379.3(A)(2), relative to public records; to provide for concealed handgun permit applications; to provide for confidentiality of certain information; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 187—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 4:211(5) and R.S. 27:353(4) and to enact R.S. 18:1300.24, relative to conducting live horse racing and pari-mutuel wagering in Iberville Parish; to provide for the calling and conducting of certain referendum elections in Iberville Parish, relative to authorizing the conducting of horse racing and pari-mutuel wagering in the parish, authorizing the operation of an offtrack wagering facility in Iberville Parish, and authorizing an eligible horse racing facility in Iberville Parish to conduct slot machine gaming; to provide for the submission of propositions by the governing authority of Iberville Parish; to provide relative to the approval of the propositions by the voters; to provide for applicability; to amend the definition of eligible facility for the purposes of conducting slot machine gaming; to amend the definition of pari-mutuel facility for the purpose of offtrack wagering; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 381—

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 27:306(A)(4)(b)(introductory paragraph) and (7)(a), relative to the Video Draw Poker Devices Control Law; to provide for the determination of the number of video draw poker devices operated at truck stops based upon average annual fuel sales; to provide for the operation of twenty-five video draw poker devices at new truck stop facilities for ninety days without average fuel sale requirements; to provide for average monthly fuel sales determinations followed by annual average fuel sale determinations after twelve months of operation; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 382—
BY SENATOR MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Article 895(B); R.S. 14:30.1(A)(2), 32.1(A)(Introductory Paragraph), 32.8(A)(2)(Introductory Paragraph) and (c), 40.1(B), and 98(F)(2) and to enact Code of Criminal Procedure Article 894(A)(6); R.S. 14:32.8(A)(2)(d), (e), and (f), and 40.1(C), relative to the continuous revision of the Criminal Code and the Code of Criminal Procedure; to provide for probation in felony and misdemeanor cases assigned to the drug division probations program; to provide for second degree murder; to provide for vehicular homicide; to provide for third degree feticide; to provide for terrorizing; to provide for operating a vehicle while intoxicated; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 398—
BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 27:391(A) and to enact R.S. 27:391(D) and 392(B)(3)(e), relative to proceeds derived from slot machine gaming conducted at eligible live horse racing facilities; to provide for the distribution of proceeds derived from the taxes levied by the local governing authority of Iberville Parish on taxable net slot machine proceeds operated in Iberville Parish; to create the Iberville Parish Excellence Fund and require certain deposits to the fund; to provide for the operation of the fund; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 593—
BY SENATOR RISER

AN ACT

To amend and reenact R.S. 16:516, relative to district attorneys; to provide relative to the payment of health insurance premiums out the district attorney's general fund; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 644—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 29:11(G), relative to military and veterans' affairs; to provide for a Louisiana Veterans' Commemorative Coin Program; to provide that the adjutant general shall manage the program; to provide for an advisory committee to assist the adjutant general in operating the program; to provide for a fund to operate the program; to provide for eligibility of awards; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 689—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 27:391(A) and to enact R.S. 27:391(D), relative to proceeds derived from slot machine gaming conducted at eligible live horse racing facilities; to provide for the distribution of proceeds derived from the taxes levied by the local governing authority of Orleans Parish on taxable net slot machine proceeds operating in Orleans Parish; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 280—
BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 4:724(B)(5) and to enact R.S. 4:724(J), (K), and (L), relative to electronic video bingo machines; to provide with respect to the types of games which are played or

displayed on electronic video bingo machines; to provide for exceptions; to provide for applicability; to provide for the replacement of certain machines which are destroyed or rendered inoperable; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 332—
BY REPRESENTATIVE PERRY

AN ACT

To enact R.S. 14:118(D), (E), and (F), relative to forfeiture proceedings; to provide with respect to the forfeiture of property given, offered, or accepted during the commission of the crime of public bribery; to provide for a forfeiture procedure; to provide for the disposition of the property; to provide for the return of the property to the owner if the case is dismissed or the accused is acquitted; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

**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 29, 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. 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.

SENATE CONCURRENT RESOLUTION NO. 44—
BY SENATOR GRAY

A CONCURRENT RESOLUTION

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

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

April 29, 2008

ATTENDANCE ROLL CALL**PRESENT**

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

ABSENT

Quinn
Total - 1

Leaves of Absence

The following leaves of absence were asked for and granted:

Quinn 1 Day

Adjournment

Senator Walsworth moved that the Senate adjourn until Wednesday, April 30, 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 Wednesday, April 30, 2008.

GLENN A. KOEPP
Secretary of the Senate

LYNDA E. WHEELER
Journal Clerk