

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

TWENTY-THIRD 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

Wednesday, May 7, 2008

The Senate was called to order at 2:20 o'clock P.M., by Hon. Sharon Broome, President Pro Tempore of the Senate.

**Morning Hour
CONVENING ROLL CALL**

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

PRESENT

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Broome	Gray	Murray
Cassidy	Heitmeier	Nevers
Cheek	Jackson	Quinn
Crowe	Kostelka	Riser
Donahue	Long	Shaw
Dorsey	Martiny	Smith
Dupre	McPherson	Walsworth
Total - 30		

ABSENT

Alario	Hebert	Shepherd
Cravins	LaFleur	Thompson
Duplessis	Marionneaux	
Total - 8		

The President of the Senate announced there were 30 Senators present and a quorum.

Prayer

The prayer was offered by Father Ken Ritter, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Nevers, the reading of the Journal was dispensed with and the Journal of May 6, 2008, was adopted.

**Petitions, Memorials and
Communications**

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

**SENATE
STATE OF LOUISIANA**

May 7, 2008

Honorable Neil Riser
State Senator
216 Main Street
Columbia, LA 71418

RE: Senate Committee on Labor and Industrial Relations

Dear Senator Riser:

In accordance with Senate Rule 13.2, and with the resignation of Senator Steve Scalise, I hereby appoint you to serve as Chairman of the Senate Committee on Labor and Industrial Relations.

I appreciate your willingness to serve in this important role. Please call if I can be of any assistance.

Sincerely,
JOEL T. CHAISSON II
President of the Senate

**SENATE
STATE OF LOUISIANA**

May 7, 2008

Honorable Ben W. Nevers
State Senator
724 Avenue F
Bogalusa, LA 70427

RE: Senate Committee on Retirement

Dear Senator Nevers:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the Senate Committee on Retirement.

I appreciate your willingness to serve in this important role. Please call if I can be of assistance.

Sincerely,
JOEL T. CHAISSON II
President of the Senate

**Privilege Report of the
Legislative Bureau**

May 7, 2008

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 175—
BY REPRESENTATIVE MILLS
AN ACT

To authorize and provide for the transfer or lease of certain state property in St. Martin Parish from the division of administration to the adjacent landowners, and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 476—
BY REPRESENTATIVES FANNIN AND DIXON
AN ACT

To authorize and provide for the transfer or lease of certain state property in Bienville Parish to the Department of Transportation

and Development from the Department of Culture, Recreation and Tourism; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 477—
BY REPRESENTATIVE DIXON
AN ACT

To authorize and provide for the transfer or lease of certain state property in Rapides Parish to the Department of Transportation and Development from the Department of Health and Hospitals; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 615—
BY REPRESENTATIVE DIXON
AN ACT

To authorize and provide for the transfer or lease of certain state property in Rapides Parish to the Department of Transportation and Development from the Department of Health and Hospitals; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1046—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To authorize and provide for the transfer or lease of certain state properties located in Iberville Parish, from the state of Louisiana, division of administration, office of state lands, to the Department of Transportation and Development; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

Respectfully submitted,
ROB MARIONNEAUX
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

Senator Murray 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. 56—
BY SENATOR MURRAY
A RESOLUTION

To commend the St. Pius X School Builders Club for its volunteer activities.

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

SENATE RESOLUTION NO. 57—
BY SENATOR MOUNT
A RESOLUTION

To recognize May 7, 2008, as Dental Hygiene Day and to commend dental hygienists around the state for their outstanding contributions to the oral health of citizens of the state of Louisiana.

On motion of Senator Mount, 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**

May 6, 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. 258—
BY REPRESENTATIVE LITTLE
AN ACT

To enact R.S. 48:390(G), relative to railroad grade crossing closures; to prohibit the closure of certain railroad grade crossings; to provide for applicability; to provide for retroactivity; and to provide for related matters.

HOUSE BILL NO. 335—

BY REPRESENTATIVES WILLMOTT, JOHNSON, AND LOPINTO
AN ACT

To amend and reenact R.S. 9:315.5 and 315.16(A) and to enact R.S. 9:315.16(B)(11), relative to child support; to provide for the time period for determining extraordinary medical expenses; to provide for the review of the guidelines; to provide for the membership of the review committee; and to provide for related matters.

HOUSE BILL NO. 337—
BY REPRESENTATIVES BURRELL, AUBERT, AUSTIN BADON, BOBBY BADON, BARRAS, BARROW, BURFORD, HENRY BURNS, CARMODY, CARTER, DIXON, DOWNS, FRANKLIN, GALLOT, HARDY, HENRY, HOFFMANN, HONEY, HOWARD, MICHAEL JACKSON, KATZ, LAFONTA, LEGER, LIGI, MARCHAND, MORRIS, NORTON, NOWLIN, PETERSON, RICHARD, RITCHIE, JANE SMITH, PATRICIA SMITH, TALBOT, WADDELL, AND WILLIAMS
AN ACT

To enact a new Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, formerly comprised of Parts I through III, to be comprised of new Parts I through VII; to enact Part I, to be comprised of R.S. 47:2121 through 2124, Part II, to be comprised of R.S. 47:2126 through 2137, Subpart A of Part III, to be comprised of R.S. 47:2141 through 2147, Subpart B of Part III, to be comprised of R.S. 47:2151 through 2163, Subpart A of Part IV, to be comprised of R.S. 47:2196 through 2197, Subpart B of Part IV, to be comprised of R.S. 47:2201 through 2211, Subpart C of Part IV, to be comprised of R.S. 47:2231 through 2237, Subpart A of Part V, to be comprised of R.S. 47:2241 through 2245, Subpart B of Part V, to be comprised of R.S. 47:2246 and 2247, Subpart A of Part VI, to be comprised of R.S. 47:2266, Subpart B of Part VI, to be comprised of R.S. 47:2271 through 2280, and Part VII, to be comprised of R.S. 47:2286 through 2292, and to repeal R.S. 13:4951, Subparts E, F, and G of Part II of Chapter 6 of Title 33, comprised of R.S. 33:2861 through 2892.9, Chapters 13A, 13B, and 13C of Title 33, comprised of R.S. 33:4720.11 through 4720.49, and Part II

of Chapter 4 of Subtitle III of Title 47, comprised of R.S. 47:2101 through 2114; and to repeal former Parts I, II, and III of Chapter 5 of Subtitle III of Title 47, comprised of R.S. 47:2171 through 2194, 2221 through 2230, and 2251 through 2262, all relative to the payment and collection of property taxes, tax sales, and adjudicated property; to provide general provisions and definitions; to provide for payment and collection; to provide for tax sales of movable and immovable property; to provide for adjudicated property; to provide for redemptions; to provide procedures to quiet tax title and for actions to annul; and to provide for related matters.

HOUSE BILL NO. 346—
BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 23:921(H) and to enact R.S. 23:921(J), (K), and (L), relative to covenants not to compete; to prohibit shareholders from engaging in a business similar to that of the corporation; to prohibit partners from engaging in a business similar to that of the partnership; to prohibit members from engaging in a business similar to that of the limited liability company; to provide for a period of time for such prohibition; to provide for exceptions in certain situations; and to provide for related matters.

HOUSE BILL NO. 607—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 47:306(E), relative to license plates for motor vehicles; to provide for an extension for the amount of time a motor vehicle dealer has to remit collected taxes; and to provide for related matters.

HOUSE BILL NO. 766—
BY REPRESENTATIVE RICHARDSON
AN ACT

To enact R.S. 47:2060.1, relative to tax collectors; to provide a procedure for the settlement of erroneous payments; and to provide for related matters.

HOUSE BILL NO. 832—
BY REPRESENTATIVE HENRY
AN ACT

To amend and reenact R.S. 32:387(J) and to enact R.S. 32:387(H)(1)(c) and (K), relative to permits for transportation of sealed containers; to provide that a permit for a sealed ocean container be issued for the container rather than the transport vehicle; to provide that regulations for vehicles transporting intermodal containers be applicable to all domestic and international trade; and to provide for related matters.

HOUSE BILL NO. 885—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 32:667(D) and (E), relative to the suspension or revocation of driving privileges; to require the Department of Public Safety and Corrections to forward a record of a case to the division of administrative law; to require that the division of administrative law schedule a hearing after receiving the record; to permit the division of administrative law to grant a continuance of a hearing; and to provide for related matters.

HOUSE BILL NO. 1354— (Substitute for House Bill No. 142 by Representative Lopinto)
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 29:732(A) and 734(B), relative to price gouging during a declared state of emergency; to provide that the prices charged or the value received by individual merchants may not exceed the prices ordinarily charged by the individual merchant; to delete specified activities as constituting prima facie proof of a violation; to provide for price changes attributable to market conditions; to provide for business risk expenses; 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. 258—
BY REPRESENTATIVE LITTLE
AN ACT

To enact R.S. 48:390(G), relative to railroad grade crossing closures; to prohibit the closure of certain railroad grade crossings; to provide for applicability; to provide for retroactivity; 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. 335—
BY REPRESENTATIVES WILLMOTT, JOHNSON, AND LOPINTO
AN ACT

To amend and reenact R.S. 9:315.5 and 315.16(A) and to enact R.S. 9:315.16(B)(11), relative to child support; to provide for the time period for determining extraordinary medical expenses; to provide for the review of the guidelines; to provide for the membership of the review committee; 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. 337—
BY REPRESENTATIVES BURRELL, AUBERT, AUSTIN BADON, BOBBY BADON, BARRAS, BARROW, BURFORD, HENRY BURNS, CARMODY, CARTER, DIXON, DOWNS, FRANKLIN, GALLOT, HARDY, HENRY, HOFFMANN, HONEY, HOWARD, MICHAEL JACKSON, KATZ, LAFONTA, LEGER, LIGI, MARCHAND, MORRIS, NORTON, NOWLIN, PETERSON, RICHARD, RITCHIE, JANE SMITH, PATRICIA SMITH, TALBOT, WADDELL, AND WILLIAMS
AN ACT

To enact a new Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, formerly comprised of Parts I through III, to be comprised of new Parts I through VII; to enact Part I, to be comprised of R.S. 47:2121 through 2124, Part II, to be comprised of R.S. 47:2126 through 2137, Subpart A of Part III, to be comprised of R.S. 47:2141 through 2147, Subpart B of Part III, to be comprised of R.S. 47:2151 through 2163, Subpart A of Part IV, to be comprised of R.S. 47:2196 through 2197, Subpart B of Part IV, to be comprised of R.S. 47:2201 through 2211, Subpart C of Part IV, to be comprised of R.S. 47:2231 through 2237, Subpart A of Part V, to be comprised of R.S. 47:2241 through 2245, Subpart B of Part V, to be comprised of R.S. 47:2246 and 2247, Subpart A of Part VI, to be comprised of R.S. 47:2266, Subpart B of Part VI, to be comprised of R.S. 47:2271 through 2280, and Part VII, to be comprised of R.S. 47:2286 through 2292, and to repeal R.S. 13:4951, Subparts E, F, and G of Part II of Chapter 6 of Title 33, comprised of R.S. 33:2861 through 2892.9, Chapters 13A, 13B, and 13C of Title 33, comprised of R.S. 33:4720.11 through 4720.49, and Part II of Chapter 4 of Subtitle III of Title 47, comprised of R.S. 47:2101 through 2114; and to repeal former Parts I, II, and III of Chapter 5 of Subtitle III of Title 47, comprised of R.S. 47:2171 through 2194, 2221 through 2230, and 2251 through 2262, all relative to the payment and collection of property taxes, tax sales, and adjudicated property; to provide general provisions and definitions; to provide for payment and collection; to provide for tax sales of movable and immovable property; to provide for adjudicated property; to provide for redemptions; to provide procedures to quiet tax title and for actions to annul; 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. 346—
BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 23:921(H) and to enact R.S. 23:921(J), (K), and (L), relative to covenants not to compete; to prohibit shareholders from engaging in a business similar to that of the corporation; to prohibit partners from engaging in a business similar to that of the partnership; to prohibit members from engaging in a business similar to that of the limited liability company; to provide for a period of time for such prohibition; to provide for exceptions in certain situations; 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. 607—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 47:306(E), relative to license plates for motor vehicles; to provide for an extension for the amount of time a motor vehicle dealer has to remit collected taxes; 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. 766—
BY REPRESENTATIVE RICHARDSON
AN ACT

To enact R.S. 47:2060.1, relative to tax collectors; to provide a procedure for the settlement of erroneous payments; 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. 832—
BY REPRESENTATIVE HENRY
AN ACT

To amend and reenact R.S. 32:387(J) and to enact R.S. 32:387(H)(1)(c) and (K), relative to permits for transportation of sealed containers; to provide that a permit for a sealed ocean container be issued for the container rather than the transport vehicle; to provide that regulations for vehicles transporting intermodal containers be applicable to all domestic and international trade; 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. 885—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 32:667(D) and (E), relative to the suspension or revocation of driving privileges; to require the Department of Public Safety and Corrections to forward a record of a case to the division of administrative law; to require that the division of administrative law schedule a hearing after receiving the record; to permit the division of administrative law to grant a continuance of a hearing; 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. 1354— (Substitute for House Bill No. 142 by Representative Lopinto)
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 29:732(A) and 734(B), relative to price gouging during a declared state of emergency; to provide that the prices charged or the value received by individual merchants

may not exceed the prices ordinarily charged by the individual merchant; to delete specified activities as constituting prima facie proof of a violation; to provide for price changes attributable to market conditions; to provide for business risk expenses; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 6, 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. 70—
BY REPRESENTATIVE LABRUZZO
A CONCURRENT RESOLUTION

To amend the Department of Health and Hospitals, office of management and finance, bureau of health services financing rule (LAC 48:I.7441(A)(1)), which provides for the core requirements for certain addiction treatment programs, and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

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

House Concurrent Resolutions

Senator Mount 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. 70—
BY REPRESENTATIVE LABRUZZO
A CONCURRENT RESOLUTION

To amend the Department of Health and Hospitals, office of management and finance, bureau of health services financing rule (LAC 48:I.7441(A)(1)), which provides for the core requirements for certain addiction treatment programs, and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

INSURANCE

Senator Donald R. Cravins Jr., Chairman on behalf of the Committee on Insurance, submitted the following report:

May 7, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 17—
BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 22:1430.11(A) and (D), relative to Louisiana Citizens Property Insurance Corporation; to provide with respect to eligibility and application for coverage by the corporation; to provide for verification that an applicant has been denied property insurance coverage; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 432—
BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 22:619, relative to insurance policies; to provide for certain statements by an applicant for life or health and accident insurance; to provide for the effect of certain falsities or misrepresentations; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 535—
BY SENATORS CASSIDY AND NEVERS

AN ACT

To amend and reenact R.S. 22:215.5 and to redesignate R.S. 22:669 as R.S. 22:215.26, relative to health insurance; to provide for health insurance coverage for mental illness; to require coverage for treatment for drugs and alcoholism under the same coverages and terms as those which are provided for the treatment of other illnesses upon the enactment of an income tax credit equal to the cost of premiums related to providing such coverage; to provide for an independent actuarial analysis of the effect of mandated coverage of mental health and substance abuse services; to exempt certain individual and limited benefit policies from mandated coverage; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 695—
BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 22:1324(A)(1) and 1451(G), relative to filing of certain financial reports by insurers; to provide with respect to the commissioner's determinations of compliance that would constitute a financial hardship on the insurer; to provide with respect to the requirement of electronic filings with the National Association of Insurance Commissioners; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DONALD R. CRAVINS JR.
Chairman

**REPORT OF COMMITTEE ON
COMMERCE, CONSUMER PROTECTION
AND INTERNATIONAL AFFAIRS**

Senator Ann D. Duplessis, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

May 7, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 252—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 6:1088.1(B), relative to licensure of certain persons engaged in residential mortgage lending; to provide relative to certain fees for such persons to utilize the licensing system; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 253—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 6:1091(B)(1), relative to licensed residential mortgage lenders; to provide for examination of books, records and accounts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 297—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 6:1088(D) and to enact R.S. 6:1088.1(A)(8), relative to residential mortgage licensing; to provide for disclosure of information to certain regulatory agencies; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 725—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 51:943(A)(9), (10), (11), (12) and (13), relative to the Small Business Entrepreneurship Commission; to provide for voting membership; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 777—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 45:844.55(D)(2), relative to telecommunications; to provide for enforcement; to provide for cost allocation and affiliate transaction rules; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ANN D. DUPLESSIS
Chairman

**REPORT OF COMMITTEE ON
SENATE AND GOVERNMENTAL AFFAIRS**

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

May 7, 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:

May 7, 2008

SENATE RESOLUTION NO. 30—
BY SENATOR DONAHUE

A RESOLUTION

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

Reported favorably.

SENATE BILL NO. 221—
BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 18:541 and 542, relative to the hours of voting; to provide for the time for opening and closing of the polls; to provide for termination of voting; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 333—
BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 18:503, relative to the Louisiana Election Code; to provide relative to withdrawal of candidates; to provide for notice of withdrawal; to require posting of notice of such withdrawal; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 479—
BY SENATOR CASSIDY

AN ACT

To enact R.S. 42:1124(I), relative to financial disclosure; to permit exploratory efforts by prospective candidates for office without requiring disclosure reports; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 756—
BY SENATOR B. GAUTREAU

AN ACT

To amend and reenact R.S. 11:122(3), 242(E)(introductory paragraph) and (1), 271(C)(1) and (2), 768(D)(3), 1191, 1549(B), and 2260(A)(11)(d), the title of Chapter 8 of Title 24 of the Louisiana Revised Statutes of 1950, R.S. 24:38(B)(1), 512, 514(G) and (H), and 554(A)(1), and R.S. 33:1531(C); to enact Part III of Chapter 8 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:571 through 575; and to repeal R.S. 24:513(C) and (D)(2), 514(D), and 521, relative to legislative agencies and employees; to provide with respect to the powers, duties, and functions of the legislative actuary; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT W. KOSTELKA
Chairman

**REPORT OF COMMITTEE ON
HEALTH AND WELFARE**

Senator Willie L. Mount, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

May 7, 2008

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 35—
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To establish a special study committee to study and make recommendations with respect to creating special designations on EMS vehicles.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 40—
BY SENATORS CASSIDY AND DUPRE

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to collaborate with the Louisiana State University Health Sciences Center to study the feasibility of the Department of Health and Hospitals electronically posting certain medical records through the electronic systems currently in place with Louisiana State University Health Sciences Center.

Reported with amendments.

SENATE BILL NO. 43—
BY SENATOR MOUNT

AN ACT

To enact R.S. 40:2199.1, relative to health care facilities; to provide for alternative remedies against health care facilities for violations; to provide for rules and regulations; to provide for enforcement; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 229—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 40:2009.11(B)(2)(b), (B)(3), and (F)(2), R.S. 40:2199(B)(2)(b) and (B)(3), and (F)(1) and (2), and to enact R.S. 40:2199(F)(3) and (4), relative to health care facilities violations and penalties; to provide for violations; to provide for penalties; to provide for the Health Care Facility Fund and for its uses; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 309—
BY SENATOR GRAY

AN ACT

To enact Chapter 36 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2861 through 2863, relative to the Hospital Care Incentive Program; to establish the Hospital Care Incentive Program; to establish the Hospital Care Incentive Fund as a special fund in the state treasury; to provide for deposit, use and investment of monies in the fund; to provide for grants to qualifying hospitals; to provide for administration of the program; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 332—
BY SENATOR THOMPSON

AN ACT

To enact R.S. 40:1299.96.1, relative to health care information; to provide for the creation of the Health Care Information Technology and Infrastructure Advisory Committee; to provide for membership; to provide for powers, duties, and function; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 354—
BY SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 22:215.23(A) and to enact R.S. 22:215.26, relative to health insurance benefits; to require

coverage for treatment of infertility by certain health insurance policies, contracts, and plans; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 414—
BY SENATOR MURRAY

AN ACT

To enact R.S. 40:1149(D), relative to certified operators; to provide for exceptions for municipal and public works contractors; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 660—
BY SENATOR NEVERS

AN ACT

To enact R.S. 36:478(K) and Chapter 62 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2801 and 2802, relative to preventing child poverty; to create the Child Poverty Prevention Council for Louisiana within the Department of Social Services; to provide for the membership of the council; to provide for the duties and responsibilities of the council; to create the Child Poverty Prevention 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 with amendments.

SENATE BILL NO. 762—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 40:2116(K), relative to facility need review of nursing home licenses; to provide for the owners of nursing homes destroyed by hurricanes Katrina or Rita to demonstrate a failure to receive notice of surrender of their license; to provide for circumstances under which such facilities may have pre-storm licenses re-issued; to provide for possible extensions of time to rebuild once the license is re-issued; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 765—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 46:979, relative to Medicaid; to provide for maximizing Medicaid funding; to provide for department responsibility; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
WILLIE L. MOUNT
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. 1—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 39:101(A)(1) and (B)(1)(a), (c), and (d) and (F)(1), 102(C), 103(A)(1) and (B)(1), 104(B), 111, 112, 113, 115, 121, 122(B)(1), 124, and 125, to enact R.S. 39:101(F)(3) and (G), and to repeal R.S. 39:105, relative to capital outlay; to

provide relative to the priority and funding of projects to be included in the capital outlay bill; to provide relative to the development, enactment, and execution of the capital outlay process; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 1 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "(A)(1)", delete "and" and insert a comma ",

AMENDMENT NO. 2

On page 1, line 2, after "(c)," delete "and" and after "(d)" insert ", and (2)," and at the end of the line, delete "102(C)."

AMENDMENT NO. 3

On page 1, line 3, after "(B)(1)," delete "104(B)," and after "113," insert "and" and after "115," delete the remainder of the line and insert "to"

AMENDMENT NO. 4

On page 1, line 4, change "(G)" to "103(B)(3)"

AMENDMENT NO. 5

On page 1, delete lines 5 through 7, and insert the following: "to provide with respect to capital outlay budget development and enactment; to provide relative to the submission of capital outlay budget requests; to provide relative to the standards for capital projects and evaluation of such projects; to provide relative to inclusion of certain non-state projects in the capital outlay budget; to provide for inclusion of certain revenue bond projects in the capital outlay budget; to provide for an effective date; and to provide for related matters."

AMENDMENT NO. 6

On page 1, delete lines 9 through 17, and delete pages 2 through 11, and insert the following:

"Section 1. R.S. 39:101(A)(1), (B)(1)(a), (c), (d) and (2) and (F)(1), 103(A)(1) and (B)(1), 111, 112, 113, and 115 are hereby amended and reenacted, and R.S. 39:101(F)(3) and 103(B)(3) are hereby enacted to read as follows:

§101. Capital outlay budget request; feasibility studies

A. (1) Except as provided in Paragraph 2 of this Subsection, no later than the first day of November each year, the head of each budget unit shall present to the **office of facility planning and control** section of the division of administration a request for all expenditures for capital projects falling within the definition contained in R.S. 39:2(9), **on forms provided by the office. However, if a legislator is finally elected after November first, the legislator shall have until the fifteenth day of December to present such request.** A copy of the request shall also be provided by the head of each budget unit to the Legislative Fiscal Office, the Joint Legislative **Committee on Capital Outlay Committee**, the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs. Such annual requests shall contain **and constitute the information necessary for the feasibility study** required pursuant to Article VII, Section 11(C) of the Constitution of Louisiana and shall include projects proposed to be funded within the next five years.

* * *

B.(1)(a) All officials of political subdivisions, ports, levee districts, and other non-state entities shall submit their proposed capital projects through the senator and representative in whose district the proposed capital project will be located **on forms provided by the office of facility planning and control.** Each legislator shall forward the original request to the **facility planning and control** section of the division of administration **office**, and a copy of the original request to the Legislative Fiscal Office, the Joint

Legislative Committee on Capital Outlay, the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs, with his recommendation for approval or disapproval or without recommendations.

(c) Such requests **and letters of support** shall be submitted to the **office of facility planning and control section** no later than the first day of November of each year.

(d) Any form for submission together with the legislative endorsement and other supporting information and documents for such projects shall contain **and constitute the information necessary for the feasibility study** required by Article VII, Section 11(C) of the Constitution of Louisiana.

(2) The legislature shall not include funding within the **Capital Outlay Act capital outlay act** for a project or projects of a non-state entity until such time as the non-state entity has certified to the division of administration that bond funding **or other sources of funding** sufficient to fund the project or projects is not otherwise available to the non-state entity. The division of administration, subject to **oversight approval** of the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, is authorized to promulgate such rules and regulations as are necessary for the implementation of this Paragraph.

F.(1) The **office of facility planning and control section** shall assign a project number to each project for which a budget request is received by that **section office**. It shall also assign a project number to projects included in the enrolled version of the capital outlay bill for which a project number has not been previously assigned.

(3) The office of facility planning and control shall establish a system of categorization of projects requested to be funded through the capital outlay act. The division of administration may promulgate such rules and regulations as are necessary for the implementation of this Paragraph. However, such rules and regulations shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated.

§103. Standards for capital projects and evaluations
A.(1) The **office of facility planning and control section** of the division of administration shall establish standards for capital projects which shall include but not be limited to criteria of requirements for:

- (a) Allocation of space;
- (b) Design and construction according to anticipated use;
- (c) Determination of the economic feasibility of remodeling buildings, purchasing older buildings, or leasing space; and,
- (d) Utilization or disposition of buildings being replaced.

(e) Standards and procedures for determining the feasibility of projects as required by Article VII, Section 11(C) of the Constitution of Louisiana.

(f) Standards for architectural programs.

B.(1) Except as provided in Paragraph (2) of this Subsection, the **office of facility planning and control section** shall timely analyze and evaluate requested capital projects including compliance with the provisions of R.S. 39:101 and 102, the standards required by Subsection A and long-range policies and goals established by the legislature and the governor.

(3) The office of facility planning and control shall establish a system for comparatively evaluating projects based on the feasibility and merits of projects and shall annually establish a priority ranking of projects. The division of administration may promulgate such rules and regulations as are necessary for the implementation of this Paragraph. However, such rules and regulations shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated.

§111. Capital outlay budget submission
Not later than the eighth day of each regular session, the governor shall submit to the legislature his capital outlay budget, the

proposed capital outlay bill implementing the first year of the five-year program, **and** the bond authorization bill for the sale of bonds to fund projects included in the bond portion of the capital outlay bill, ~~and the concurrent resolution for the adoption of the remaining four years of the five-year capital outlay program.~~

~~§112. Capital Outlay Act outlay act~~

A.(+) The legislature shall enact into law a capital outlay bill which shall incorporate the first year of the five-year capital outlay program as provided in Article VII, Section 11(B) of the Constitution of Louisiana. The capital outlay act shall include appropriation of funds from specified sources, including proceeds of bonds, for capital projects to be expended during the next fiscal year.

(2) **B.** All projects included within any capital outlay act, under penalty of nullity, shall have been proposed, reviewed, and evaluated in accordance with the requisites contained in Subpart A. **The office of facility planning and control shall make the determination as to compliance with Subpart A and shall report those findings to the Joint Legislative Committee on Capital Outlay, the House Committee on Ways and Means and Appropriations and the Senate Committee on Revenue and Fiscal Affairs and Finance.**

(3) **C.(1)** Capital outlay budget requests submitted after November first may be included within the ~~Capital Outlay Act capital outlay act~~ if the capital outlay budget request meets all of the applicable requirements as provided in R.S. 39:101 and 102 except for time of submission and if either of the following conditions has been met:

(a) The project is an economic development project recommended in writing by the secretary of the Department of Economic Development, **or**

(b) The project is an emergency project recommended in writing by the commissioner of administration.

(ii) **(2)** For purposes of this Section, "economic development" means the following:

~~(aa)~~ **(a)** Improvements on public or government owned property for the purposes of attracting or retaining a specific new or existing manufacturing or business operation that benefits Louisiana.

~~(bb)~~ **(b)** Facilities or improvements on public or government owned property that generate new, permanent employment or which help retain existing employment.

~~(cc)~~ **(c)** Facilities or infrastructure improvements on public or government owned property necessary for the manufacturing plant or business to operate.

~~(iii)~~ **(d)** For purposes of this Subparagraph, "emergency" means essential to alleviate conditions that are hazardous to life, health or property, and court mandates.

~~(b)~~ **The project** has been approved by the Joint Legislative Capital Outlay Committee; however, no action to approve a project may be taken by the committee after the last day for introduction of a matter intended to have the effect of law by either house of the legislature.

(+) **D.** Any project deemed not feasible after evaluation of the feasibility study required pursuant to Article VII, Section 11(C) of the Constitution of Louisiana shall not be included with the ~~Capital Outlay Act capital outlay act~~. The **office of facility planning and control section** shall submit a report to the Joint Legislative ~~Capital Outlay Committee~~ **on Capital Outlay**, the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs detailing its findings and evaluation of any project deemed not feasible. Such report shall be submitted no later than twenty days after the determination that the project is deemed not feasible.

E.(1) General obligation bond funding of non-state projects shall be limited to no more than twenty percent of the cash line of credit capacity for projects in any fiscal year. Non-state projects are those projects not owned and operated by the state except those projects determined by the commissioner of administration to be a regional economic development initiative.

(2) Non-state entity projects shall require a match of not less than twenty-five percent of the total requested amount of funding except:

(a) A project deemed by the commissioner of administration to be an emergency project.

(b) A project of a non-state entity which has demonstrated its inability to provide a local match. The division of administration shall promulgate rules establishing a needs based formula for determining the inability of a non-state entity to provide the required local match. However, such rules shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated.

F. The general obligation bond cash line of credit capacity shall be limited to two hundred million dollars annually adjusted for construction inflation from 1994. This limit shall only be raised by a favorable vote of two-thirds of the elected members of each house of the legislature.

G.(1) Projects to be funded through the sale of bonds and secured by or payable from state appropriation shall either be included in the capital outlay act or shall obtain legislative approval as set forth in this Subsection.

(2) Projects to be funded by the sale of bonds and secured or payable from state appropriation shall be included in a separate section of the capital outlay act entitled "appropriated debt projects."

(3) Appropriated debt projects not included in the annual capital outlay act may be considered between sessions by submission of those projects by the division of administration to the Interim Emergency Board, and approval by a majority vote of the elected members of each house of the legislature in the manner provided for in Chapter 3-B of Subtitle I of Title 39 of the Louisiana Revised Statutes.

(4) After obtaining legislative approval as set forth in this Subsection, requests to sell bonds shall be submitted to the state bond commission for review and approval.

(5) The division of administration may promulgate such rules and regulations as are necessary for the implementation of this Subsection. However, such rules and regulations shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated.

§113. Appropriations

A. All funds from whatever the source for state projects approved under the provisions of this Part shall be appropriated to the office of facility planning and control section of the division of administration. This requirement shall not apply to appropriations made to the Department of Transportation and Development for highway or public works projects, the Department of Military Affairs Department, or the legislature.

B. All of the funds appropriated to state port commissions or districts, to authorities created by the legislature, to political subdivisions of the state, or to local governing authorities shall be administered by the office of facility planning and control section of the division of administration under cooperative endeavor agreements.

* * *

§115. Notice requirements

A. The office of facility planning and control section shall send notice to all nonstate non-state entities of the need to resubmit a capital outlay budget request for projects that do not receive a line of credit for the total amount of bond proceeds authorized in the Capital Outlay Act capital outlay act for that fiscal year. The notice shall list all of the nonstate non-state entity's projects which have not received lines of credit prior to September fifteenth of the year for which notice is sent to the nonstate non-state entity.

B. The office of facility planning and control section shall also send a notice of the need to resubmit a capital outlay budget request to each state representative and state senator who has any project in his geographic area that did not receive a line of credit for the total amount of bond proceeds authorized in the Capital Outlay Act capital outlay act for that year. The notice shall list all of the projects in the representative's or senator's geographic area which have not received lines of credit prior to September fifteenth of the year for which notice is sent to the representative or senator.

C. All notices required under this Section shall be sent by the office of facility planning and control section between September fifteenth and October fifteenth of each year.

Section 2. R.S. 39:105 is hereby repealed in its entirety.

Section 3. This Act shall become effective on July 1, 2008; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2008, or on the day following such approval by the legislature, whichever is later."

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

SENATE BILL NO. 139—

BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 20:1(A)(2), relative to the exemption from seizure and sale of a homestead; to provide for an increase in the amount of the homestead exemption; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 139 by Senator Quinn

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 20:1(A)(2)" and before the comma "," insert "and (D)"

AMENDMENT NO. 2

On page 1, at the end of line 3, insert "to provide for a waiver of homestead exemption from seizure and sale;"

AMENDMENT NO. 3

On page 1, line 6, after "R.S. 20:1(A)(2)" delete "is" and insert in lieu thereof "and (D) are"

AMENDMENT NO. 4

On page 2, after line 5 insert the following:

"D. The right to sell voluntarily any property that is exempt as a homestead shall be preserved, but no sale shall destroy or impair any rights of creditors thereon.

E. (1) Any person entitled to a homestead may waive same, in whole or in part, by signing a written waiver thereof; a copy of such waiver shall be provided to the homeowner; however,

(a) ~~if~~ If the person is married, and not separated from bed and board from the other spouse, then the waiver shall not be effective unless signed by the latter, and

(b) ~~at~~ All such waivers shall be recorded in the mortgage records of the parish where the homestead is situated. However, if the homestead is the separate property of one of the spouses, the homestead exemption may be waived by that spouse alone in any mortgage granted on the homestead, without the necessity of obtaining a waiver from the non-owning spouse.

(2) The waiver may be either general or special and shall have effect from the time of recording.

(3) The waiver shall not be required or permitted for the rendering of medical treatment, medical services, or hospitalization.

(4) Notwithstanding any other provision of law to the contrary, a waiver of exemption from seizure as to an exempted homestead shall automatically include insurance for that property to the extent subject to the creditor's mortgage or security interest.

(5) In the following circumstances, unless the homestead exemption is reserved in writing and recorded in the mortgage office of the parish where the homestead is located, a special waiver of homestead exemption in favor of the original creditor is presumed, and recordation thereof is unnecessary and dispensed with by operation of law for all amounts in excess of twenty-five thousand dollars of the homestead's value:

(a) In the case of a personal guarantee by a home owner to a national or state-chartered bank as a condition of the making of a commercial loan or extending a commercial line of credit to the homeowner or a third-party; or

(b) In every closed-end transaction governed by the Louisiana Consumer Credit Law, R.S. 9:3510 et seq., between a home owner and a licensed finance company supervised by the Louisiana Office of Financial Institutions.

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

SENATE BILL NO. 220—
BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 9:374(E), relative to divorce; to provide relative to possession and use of the family residence or community movables or immovables; to provide terms, conditions, procedures, and requirements, and to provide for related matters.

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

SENATE BILL NO. 288—
BY SENATOR KOSTELKA

AN ACT

To amend and reenact R.S. 47:1989.1(B) and 1998.1 and to repeal R.S. 47:1835(D)(4), relative to the Louisiana Tax Commission; to limit amounts received by the tax commission from certain audits and to limit the method of employing private counsel; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 288 by Senator Kostelka

AMENDMENT NO. 1

On page 1, delete line 2, and insert "To amend and reenact R.S. 47:1835(D)(1) and (4), 1989.1(B), and 1998.1,"

AMENDMENT NO. 2

On page 1, line 7, after "R.S. 47:" insert "1835(D)(1)and (4),"

AMENDMENT NO. 3

On page 1, between lines 8 and 9, insert the following:
"§1835. Employment of secretary, clerical help and experts; creation of commission expense fund; authorization for deposits and collection of assessments
* * *

D.(1) In addition to the powers contained in R.S. 47:1837 et seq., the tax commission is authorized to make or cause to be made by any of its authorized agents or assistants, audits or examinations of any return due under R.S. 47:1852 and the property, place of business, books, records, activity, and programs of any taxpayer, or any other individual or business entity or venture insofar as said property, places of business or activity, books, records, and programs may affect, clarify, or disclose the liability of any person, entity, activity, venture, or property for any tax under Chapters 2 and 3 of this Subtitle. In any year in which the Louisiana Tax Commission performs audits, at least two taxpayers, companies, or individuals shall be audited from a list ~~submitted by the Louisiana Assessors' Association compiled by the Louisiana Tax Commission pursuant to objective standards and criteria, all in accordance with the rules and regulations of the Louisiana Tax Commission.~~
* * *

(4) The tax commission shall receive be reimbursed for its direct costs associated with the audits or examinations conducted pursuant to this Section, up to ten percent of the additional tax, penalty, and interest collected, and said funds shall be paid over to the tax commission for deposit in its expense fund for its use in carrying on its operations as provided for herein.
* * *

AMENDMENT NO. 4

On page 2, delete line 10

AMENDMENT NO. 5

On page 2, line 11, change "Section 3." to "Section 2."

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

SENATE BILL NO. 308—
BY SENATOR DONAHUE

AN ACT

To amend and reenact Code of Civil Procedure Art. 1425(C) and to enact Code of Civil Procedure Art. 1425(F), relative to discovery and experts; to extend the deadline for filing expert witness disclosures; to provide for a pre-trial hearing regarding the qualifications and admissibility of testimony of an expert witness; to provide procedures for conducting the hearing and appealing the decision of the judge; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 308 by Senator Donahue

AMENDMENT NO. 1

On page 3, delete lines 16 through 19 and insert in lieu thereof the following:

"Section 2. The provisions of this Act shall be given prospective application only and shall apply only to an action commenced on and after the effective date of this Act."

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

SENATE BILL NO. 329—
BY SENATOR ADLEY

AN ACT

To enact R.S. 47:337.101, relative to the Uniform Local Sales Tax Code; to provide for the board of directors of the Louisiana Association of Tax Administrators to determine whether a rule, regulation, policy, or interpretation of local sales and use tax law, ordinance, rules, or regulations violates the requirement of uniformity of interpretation; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 329 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "provide for" insert "a mandatory arbitration procedure initiated by rule to"

AMENDMENT NO. 2

On page 1, line 4, after "whether a" insert "law,"

AMENDMENT NO. 3

On page 1, line 10, after "is" insert "attempting"

AMENDMENT NO. 4

On page 1, line 11, after "interest," delete the remainder of the line, and insert: "or any collector who has reason to believe that a taxpayer is attempting or will attempt to resist such collection, under a common sales tax law, rule."

AMENDMENT NO. 5

On page 2, line 4, after "taxpayer" insert "or collector"

AMENDMENT NO. 6

On page 2, line 5, after "law" insert: "by initiating the mandatory arbitration proceeding provided for in this Section"

AMENDMENT NO. 7

On page 2, line 6, delete "or collectors" and change "are" to "is attempting"

AMENDMENT NO. 8

On page 2, line 7, after "interest" change "under a" to: "or to the taxpayer whom it is alleged is attempting or will attempt to resist such collection, under a law, ordinance,"

AMENDMENT NO. 9

On page 2, line 12, change "the board has issued a written opinion" to "the arbitration panel provided for in this Section has issued a final written decision"

AMENDMENT NO. 10

On page 2, delete lines 17 through 21, and insert:

"C.(1)(a) Upon receipt of such rule, the board shall provide written notification to the taxpayer, the collector, and the secretary that the rule has been filed. The notice shall require the taxpayer and the collector to each select one arbitrator within ten days of the mailing of the notice and provide written notification to the board of their selection. The two arbitrators selected will then jointly agree on a third arbitrator to complete a panel of three. The arbitrators shall then select one of the three as a Chief Arbitrator.

(b) In the event a taxpayer or a collector, or both, fail or refuse to comply with the mandatory arbitration procedure within the time periods provided for in this Subsection, plus any additional time as may be granted upon request by the board, the board shall appoint an arbitrator or arbitrators on behalf of such failing or refusing party.

(2)(a) After his selection, the Chief Arbitrator shall provide a written request to the taxpayer and the collector for the submission of a detailed statement of fact and/or law in support of their positions and such other documents as the parties deem necessary, to be provided to each member of the panel and simultaneously to the other party within thirty days of the date of the request.

(b) The Chief Arbitrator shall then designate a time and place for a hearing, unless a hearing is specifically waived in writing by both parties.

(3) After due consideration of the statements and documents provided to the panel, and any additional submissions required by it, and argument and evidence submitted at the hearing, the panel shall issue a written decision. The decision shall be the opinion of at least a majority of the panel; provided that any dissenting panel member may submit reasons for dissent from the majority. The decision shall be rendered within thirty days of the conclusion of the hearing, or within thirty days of timely receipt of the statements and documents in the absence of a hearing.

(4) The parties to the mandatory arbitration procedure provided for in this Section shall share equally in the cost of such procedure.

(5) The board shall provide for such additional procedural or substantive rules as it deems necessary by adoption of a rule or regulation in the manner provided for in Part H of this Chapter."

AMENDMENT NO. 11

On page 2, line 22, change "(2) The hearing and any opinion of the board" to "(2)(a) The hearing and any decision of the panel"

AMENDMENT NO. 12

On page 2, delete lines 25 through 29, and on page 3, delete lines 1 through 11, and insert: "of interpretation because it is contrary to common sales tax law as defined in R.S. 47:337.2(C)(1)(b) or applicable jurisprudence concerning such law, or any rule or

regulation concerning such common sales tax law issued pursuant to R.S. 47:337.2(C), or is contrary to a rule or regulation issued pursuant to Part H of this Chapter concerning a provision of law or ordinance that is applicable to only local taxing authorities, or contrary to jurisprudence concerning such law or such ordinance or a similar ordinance.

(b) The decision of the panel shall be in writing and shall state the following:

(i) Whether or not there has been a violation of uniformity.

(ii) What is the uniform interpretation.

(iii) The legal and factual reasons upon which the decision regarding uniformity is based.

(c) The decision shall be sent to the taxpayer, the collector, the board, and the secretary.

D. Unless a court finds that the decision of a panel is arbitrary or capricious, the decision shall establish a presumption in any action to collect a tax, enforce a subpoena or other order of audit, examination, or investigation of the books and records of a taxpayer or of a third party, that the interpretation of the common sales tax law, rule, regulation, or policy, or the interpretation of a local sales and use tax law, ordinance, rule, or regulation as expressed in the decision is the valid, uniform administrative construction and interpretation of such law, ordinance, rule, regulation, policy, or interpretation."

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

SENATE BILL NO. 383—

BY SENATOR HEBERT

AN ACT

To enact R.S. 30:2159, relative to landfill sites in certain parishes; to provide for certain restrictions and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 383 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 12, after "solid waste facility" delete the remainder of the line

AMENDMENT NO. 2

On page 1, line 13, delete "addition, the department shall not permit such activity"

AMENDMENT NO. 3

On page 2, line 2, delete "a recycling facility that accepts non-"

AMENDMENT NO. "4

On page 2, line 3, delete "putrescible waste or"

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

SENATE BILL NO. 384—

BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 30:2054(B)(2)(b)(ix), relative to the powers and duties of the secretary of the Department of Environmental Quality; to provide for record keeping requirements for certain persons who discharge toxic air pollutants into the atmosphere of Louisiana; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 384 by Senator Hebert

AMENDMENT NO. 1

On page 2, line 9, change "Subsubparagraph" to "Item"

AMENDMENT NO. 2

On page 2, line 12, after "standards or regulations" insert "shall not include any requirement for approval by the department. The standards or regulations"

AMENDMENT NO. 3

On page 2, line 14, change "Subsubparagraph" to "Item"

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

SENATE BILL NO. 410—

BY SENATOR HEBERT

AN ACT

To enact R.S. 14:329.6(H) and R.S. 29:738, relative to the powers of public officials during times of emergency or disaster; to provide that those powers do not authorize the seizure or confiscation of a firearm or weapon from any person if the firearm or weapon is being possessed or used lawfully; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 410 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "relative" delete "enact R.S. 14:329.6(H) and R.S. 29:738," and insert in lieu thereof the following: "amend and reenact R.S. 14:329.6(A)(6),"

AMENDMENT NO. 2

On page 1, line 7, change "14:329.6(H)" to "14:329(A)(6)"

AMENDMENT NO. 3

On page 1, line 7, change "enacted" to "amended and reenacted"

AMENDMENT NO. 4

On page 1, delete lines 9 through 17 in their entirety and insert in lieu thereof the following:

"A. During times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any municipality or parish, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding that the public safety is imperiled thereby, the chief executive officer of any political subdivision or the district judge, district attorney, or the sheriff of any parish of this state, or the public safety director of a municipality, may request the governor to proclaim a state of emergency within any part or all of the territorial limits of such local government. Following such proclamation by the governor, and during the continuance of such state of emergency, the chief law enforcement officer of the political subdivision affected by the proclamation may, in order to protect life and property and to bring the emergency situation under control, promulgate orders affecting any part or all of the territorial limits of the municipality or parish:

* * *

(6) Regulating Subject to the provisions of Subsection H of this Section, regulating and controlling the possession, storage, display, sale, transport and use of firearms, other dangerous weapons and ammunition;

* * *

AMENDMENT NO. 5

On page 2, delete lines 1 through 9 in their entirety.

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

SENATE BILL NO. 445—

BY SENATOR SMITH

AN ACT

To enact R.S. 47:4307, relative to the Industrial Assistance Program; to provide for refund payments to applicants; to provide for terms and conditions; to provide for time periods of processing and payment of initial refund request; to provide for notification of disallowed items on refund requests; to provide for time periods for reconsideration of refund requests; to provide for interest paid to applicant for failure to timely process rebate request; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 445 by Senator Smith

AMENDMENT NO. 1

On page 1, line 2, delete "To enact R.S. 47:4307" and insert "To amend and reenact R.S. 47:303.1(B)(1)(c), (C) and (D), and to enact R.S. 47:303.1 (B)(3)"

AMENDMENT NO. 2

On page 1, line 2, after "Program;" delete the remainder of the line in its entirety and delete lines 3 to 7 in their entirety and insert the following: "to provide for the issuance of a Direct Payment Number to taxpayers entering into tax exemption contracts with the Department of Economic Development; to provide that such taxpayers are not responsible for payment of use taxes on purchases when such purchases are exempt pursuant to the annual tax exemption contract cap; to lower the annual purchase threshold for taxpayers to qualify for the issuance of a Direct Payment Number; and to provide for related matters."

AMENDMENT NO. 3

On page 1, line 9, after "R.S. 47:" delete the remainder of the line in its entirety and insert the following: "303.1(B)(1)(c), (C), and (D) are hereby amended and reenacted and R.S. 47:303.1(B)(3) is hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 1, delete lines 10 through 17 in their entirety and on page 2, delete lines 1 through 12 in their entirety and insert the following: "\$303.1. Direct Payment Numbers

* * *

B.(1)

* * *

(c) The taxpayer has an annual average of ~~fifteen~~ five million dollars of taxable purchases or leases of tangible personal property and taxable services for three calendar years prior to the year of application by the taxpayer, and has such an average for each subsequent three-year period.

* * *

(3)(a) A DP Number shall be issued to a taxpayer who has entered into a tax exemption contract with the Department of Economic Development as provided by R.S. 47:4302 or a similar successor program and who obtains the required approvals and meets all of the qualifications provided for in this Section except Subparagraph (1)(a) of this Subsection. Such DP Number shall be continued to be held by the taxpayer for the term of the tax exemption contract.

(b) Notwithstanding the provisions of Subsection A of this Section, a taxpayer issued a DP Number pursuant to Subparagraph (3)(a) of this Subsection shall not be responsible for the remittance of use taxes on purchases when filing monthly state sales and use tax returns when such purchases are exempt pursuant to the annual tax exemption contract cap.

C. Upon application by a taxpayer to the department for a DP Number pursuant to Subsections B.(1) or (2) of this Section, the department shall notify by certified mail the local agency or agencies charged with collection of the sales and use tax imposed by the political subdivisions in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization. The department and the local collection agency or agencies shall review the application and shall audit the taxpayer to determine that the taxpayer meets the qualifications provided in Subsection B of this Section, if the department or local collection agency or agencies consider such audit necessary.

D. If the taxpayer applying for a DP Number pursuant to Subsections

B.(1) or (2) of this Section meets the qualifications of Subsection B and obtains written approval from the local agency or agencies charged with the collection of sales and use tax imposed by the political subdivisions in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization, the department shall issue the DP Number to the taxpayer. If the taxpayer meets the qualifications of Subsection B but written approval is denied or withheld by the local agency or agencies charged with the collection of sales and use tax imposed by the political subdivisions in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization, the department shall issue a DP Number to the taxpayer which shall be applicable only for the purposes of state sales and use tax."

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

SENATE BILL NO. 527—
BY SENATORS MARIONNEAUX AND MICHOT
AN ACT

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

Reported by substitute by the Committee on Revenue and Fiscal Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. —(Substitute of Senate Bill No. 527 by Senator Marionneaux)

BY SENATOR MARIONNEAUX
AN ACT

To amend and reenact R.S. 39:101(A)(1), (B)(1)(a), (c), (d) and (2) and (F)(1), 103(A)(1) and (B)(1), 111, 112, 113, and 115, to enact R.S. 39:101(F)(3) and 103(B)(3), and to repeal R.S. 39:105, relative to capital outlay; to provide with respect to capital outlay budget development and enactment; to provide relative to the submission of capital outlay budget requests; to provide relative to the standards for capital projects and evaluation of such projects; to provide relative to inclusion of certain non-state projects in the capital outlay budget; to provide for inclusion of certain revenue bond projects in the capital outlay budget; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:101(A)(1), (B)(1)(a), (c), (d) and (2) and (F)(1), 103(A)(1) and (B)(1), 111, 112, 113, and 115 are hereby amended and reenacted, and R.S. 39:101(F)(3) and 103(B)(3) are hereby enacted to read as follows:

§101. Capital outlay budget request; feasibility studies

A.(1) Except as provided in Paragraph 2 of this Subsection, no later than the first day of November each year, the head of each budget unit shall present to the office of facility planning and control section of the division of administration a request for all expenditures

for capital projects falling within the definition contained in R.S. 39:2(9), on forms provided by the office. However, if a legislator is finally elected after November first, the legislator shall have until the fifteenth day of December to present such request. A copy of the request shall also be provided by the head of each budget unit to the Legislative Fiscal Office, the Joint Legislative Committee on Capital Outlay Committee, the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs. Such annual requests shall contain and constitute the information necessary for the feasibility study required pursuant to Article VII, Section 11(C) of the Constitution of Louisiana and shall include projects proposed to be funded within the next five years.

* * *

B.(1)(a) All officials of political subdivisions, ports, levee districts, and other non-state entities shall submit their proposed capital projects through the senator and representative in whose district the proposed capital project will be located on forms provided by the office of facility planning and control. Each legislator shall forward the original request to the facility planning and control section of the division of administration office, and a copy of the original request to the Legislative Fiscal Office, the Joint Legislative Committee on Capital Outlay, the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs, with his recommendation for approval or disapproval or without recommendations.

* * *

(c) Such requests and letters of support shall be submitted to the office of facility planning and control section no later than the first day of November of each year.

(d) Any form for submission together with the legislative endorsement and other supporting information and documents for such projects shall contain and constitute the information necessary for the feasibility study required by Article VII, Section 11(C) of the Constitution of Louisiana.

(2) The legislature shall not include funding within the Capital Outlay Act capital outlay act for a project or projects of a non-state entity until such time as the non-state entity has certified to the division of administration that bond funding or other sources of funding sufficient to fund the project or projects is not otherwise available to the non-state entity. The division of administration, subject to oversight approval of the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, is authorized to promulgate such rules and regulations as are necessary for the implementation of this Paragraph.

* * *

F.(1) The office of facility planning and control section shall assign a project number to each project for which a budget request is received by that section office. It shall also assign a project number to projects included in the enrolled version of the capital outlay bill for which a project number has not been previously assigned.

* * *

(3) The office of facility planning and control shall establish a system of categorization of projects requested to be funded through the capital outlay act. The division of administration may promulgate such rules and regulations as are necessary for the implementation of this Paragraph. However, such rules and regulations shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated.

* * *

§103. Standards for capital projects and evaluations

A.(1) The office of facility planning and control section of the division of administration shall establish standards for capital projects which shall include but not be limited to criteria of requirements for:

- (a) Allocation of space;
- (b) Design and construction according to anticipated use;
- (c) Determination of the economic feasibility of remodeling buildings, purchasing older buildings, or leasing space; and,
- (d) Utilization or disposition of buildings being replaced.

(e) Standards and procedures for determining the feasibility of projects as required by Article VII, Section 11(C) of the Constitution of Louisiana.

(f) Standards for architectural programs.

B.(1) Except as provided in Paragraph (2) of this Subsection, the office of facility planning and control shall timely analyze and evaluate requested capital projects including compliance with the provisions of R.S. 39:101 and 102, the standards required by Subsection A and long-range policies and goals established by the legislature and the governor.

(3) The office of facility planning and control shall establish a system for comparatively evaluating projects based on the feasibility and merits of projects and shall annually establish a priority ranking of projects. The division of administration may promulgate such rules and regulations as are necessary for the implementation of this Paragraph. However, such rules and regulations shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated.

§111. Capital outlay budget submission

Not later than the eighth day of each regular session, the governor shall submit to the legislature his capital outlay budget, the proposed capital outlay bill implementing the first year of the five-year program, and the bond authorization bill for the sale of bonds to fund projects included in the bond portion of the capital outlay bill, and the concurrent resolution for the adoption of the remaining four years of the five-year capital outlay program.

§112. Capital Outlay Act outlay act

A.(+) The legislature shall enact into law a capital outlay bill which shall incorporate the first year of the five-year capital outlay program as provided in Article VII, Section 11(B) of the Constitution of Louisiana. The capital outlay act shall include appropriation of funds from specified sources, including proceeds of bonds, for capital projects to be expended during the next fiscal year.

(+) B. All projects included within any capital outlay act, under penalty of nullity, shall have been proposed, reviewed, and evaluated in accordance with the requisites contained in Subpart A. The office of facility planning and control shall make the determination as to compliance with Subpart A and shall report those findings to the Joint Legislative Committee on Capital Outlay, the House Committee on Ways and Means and Appropriations and the Senate Committee on Revenue and Fiscal Affairs and Finance.

(+) C.(1) Capital outlay budget requests submitted after November first may be included within the ~~Capital Outlay Act~~ capital outlay act if the capital outlay budget request meets all of the applicable requirements as provided in R.S. 39:101 and 102 except for time of submission and if either of the following conditions has been met:

(a) The project is an economic development project recommended in writing by the secretary of the Department of Economic Development, or

(b) The project is an emergency project recommended in writing by the commissioner of administration.

(ii) (2) For purposes of this Section, "economic development" means the following:

(aa) (a) Improvements on public or government owned property for the purposes of attracting or retaining a specific new or existing manufacturing or business operation that benefits Louisiana.

(bb) (b) Facilities or improvements on public or government owned property that generate new, permanent employment or which help retain existing employment.

(cc) (c) Facilities or infrastructure improvements on public or government owned property necessary for the manufacturing plant or business to operate.

(iii) (d) For purposes of this Subparagraph, "emergency" means essential to alleviate conditions that are hazardous to life, health or property, and court mandates.

(b) The project has been approved by the Joint Legislative Capital Outlay Committee; however, no action to approve a project may be taken by the committee after the last day for introduction of a matter intended to have the effect of law by either house of the legislature.

(+) D. Any project deemed not feasible after evaluation of the feasibility study required pursuant to Article VII, Section 11(C) of the Constitution of Louisiana shall not be included with the ~~Capital Outlay Act~~ capital outlay act. The office of facility planning and control shall submit a report to the Joint Legislative Capital Outlay Committee on Capital Outlay, the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs detailing its findings and evaluation of any project deemed not feasible. Such report shall be submitted no later than twenty days after the determination that the project is deemed not feasible.

E.(1) General obligation bond funding of non-state projects shall be limited to no more than twenty percent of the cash line of credit capacity for projects in any fiscal year. Non-state projects are those projects not owned and operated by the state except those projects determined by the commissioner of administration to be a regional economic development initiative.

(2) Non-state entity projects shall require a match of not less than twenty-five percent of the total requested amount of funding except:

(a) A project deemed by the commissioner of administration to be an emergency project.

(b) A project of a non-state entity which has demonstrated its inability to provide a local match. The division of administration shall promulgate rules establishing a needs based formula for determining the inability of a non-state entity to provide the required local match. However, such rules shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated.

F. The general obligation bond cash line of credit capacity shall be limited to two hundred million dollars annually adjusted for construction inflation from 1994. This limit shall only be raised by a favorable vote of two-thirds of the elected members of each house of the legislature.

G.(1) Projects to be funded through the sale of bonds and secured by or payable from state appropriation shall either be included in the capital outlay act or shall obtain legislative approval as set forth in this Subsection.

(2) Projects to be funded by the sale of bonds and secured or payable from state appropriation shall be included in a separate section of the capital outlay act entitled "appropriated debt projects."

(3) Appropriated debt projects not included in the annual capital outlay act may be considered between sessions by submission of those projects by the division of administration to the Interim Emergency Board, and approval by a majority vote of the elected members of each house of the legislature in the manner provided for in Chapter 3-B of Subtitle I of Title 39 of the Louisiana Revised Statutes.

(4) After obtaining legislative approval as set forth in this Subsection, requests to sell bonds shall be submitted to the state bond commission for review and approval.

(5) The division of administration may promulgate such rules and regulations as are necessary for the implementation of this Subsection. However, such rules and regulations shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs before they are promulgated.

§113. Appropriations

A. All funds from whatever the source for state projects approved under the provisions of this Part shall be appropriated to the office of facility planning and control section of the division of administration. This requirement shall not apply to appropriations made to the Department of Transportation and Development for highway or public works projects, the ~~Department of Military Affairs~~ Department, or the legislature.

B. All of the funds appropriated to state port commissions or districts, to authorities created by the legislature, to political subdivisions of the state, or to local governing authorities shall be administered by the **office of facility planning and control** section of the division of administration under cooperative endeavor agreements.

* * *

§115. Notice requirements

A. The **office of facility planning and control** section shall send notice to all **nonstate non-state** entities of the need to resubmit a capital outlay budget request for projects that do not receive a line of credit for the total amount of bond proceeds authorized in the ~~Capital Outlay Act~~ **capital outlay act** for that fiscal year. The notice shall list all of the **nonstate non-state** entity's projects which have not received lines of credit prior to September fifteenth of the year for which notice is sent to the **nonstate non-state** entity.

B. The **office of facility planning and control** section shall also send a notice of the need to resubmit a capital outlay budget request to each state representative and state senator who has any project in his geographic area that did not receive a line of credit for the total amount of bond proceeds authorized in the ~~Capital Outlay Act~~ **capital outlay act** for that year. The notice shall list all of the projects in the representative's or senator's geographic area which have not received lines of credit prior to September fifteenth of the year for which notice is sent to the representative or senator.

C. All notices required under this Section shall be sent by the **office of facility planning and control** section between September fifteenth and October fifteenth of each year.

Section 2. R.S. 39:105 is hereby repealed in its entirety.

Section 3. This Act shall become effective on July 1, 2008; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2008, or on the day following such approval by the legislature, whichever is later.

On motion of Senator Marionneau, the committee substitute bill was adopted and becomes Senate Bill No. 808 by Senator Marionneau, substitute for Senate Bill No. 527 by Senator Marionneau.

SENATE BILL NO. 808— (Substitute of Senate Bill No. 527 by Senator Marionneau)

BY SENATOR MARIONNEAU

AN ACT

To amend and reenact R.S. 39:101(A)(1), (B)(1)(a), (c), (d) and (2) and (F)(1), 103(A)(1) and (B)(1), 111, 112, 113, and 115, to enact R.S. 39:101(F)(3) and 103(B)(3), and to repeal R.S. 39:105, relative to capital outlay; to provide with respect to capital outlay budget development and enactment; to provide relative to the submission of capital outlay budget requests; to provide relative to the standards for capital projects and evaluation of such projects; to provide relative to inclusion of certain non-state projects in the capital outlay budget; to provide for inclusion of certain revenue bond projects in the capital outlay budget; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 594—

BY SENATOR GRAY

AN ACT

To enact Code of Criminal Procedure Art. 800.1, relative to the duties of clerks of court; to provide with respect to the collection and reporting of statistical information relating to preemprory challenges; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 594 by Senator Gray

AMENDMENT NO. 1

On page 1, line 9, change "**clerks of court**" to "**clerks of court or persons responsible for the supervision of minute clerks**"

AMENDMENT NO. 2

On page 2, line 7, change "**clerk of court**" to "**clerk of court or person responsible for the supervision of minute clerks**"

AMENDMENT NO. 3

On page 2, line 10, change "**Clerks of court**" to "**Clerks of court or persons responsible for the supervision of minute clerks**"

AMENDMENT NO. 4

On page 2, line 12, change "**attorney general**" to "**Louisiana Supreme Court**"

AMENDMENT NO. 5

On page 2, line 13, change "**attorney general**" to "**judicial administrator of the Louisiana Supreme Court**"

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

SENATE BILL NO. 600—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 40:1379.3(C)(10), relative to statewide permits for concealed handguns; to provide for certain qualifications; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 600 by Senator Smith

AMENDMENT NO. 1

On page 1, line 15, after "any" change "crime" to "**felony offense**"

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

SENATE BILL NO. 682—

BY SENATOR SHAW

AN ACT

To amend and reenact R.S. 15:556(2) and to repeal Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950, to provide for the Louisiana Sexual Assault Task Force; and to provide for related matters.

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

SENATE BILL NO. 707—

BY SENATOR ERDEY

AN ACT

To enact R.S. 15:1093.1, relative to regional juvenile justice commissions; to provide for immunity from liability; to provide terms and conditions; and to provide for related matters.

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

SENATE BILL NO. 716—

BY SENATOR MARTINY

AN ACT

To amend and reenact Children's Code Article 412(J) and to enact Children's Code Article 412(K), relative to records; to provide

for the confidentiality of certain records; to provide for the custodian of the records; and to provide for related matters.

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

SENATE BILL NO. 721—
BY SENATOR CHAISSON

AN ACT

To enact R.S. 13:3714(C), relative to courts, judicial procedure and evidence; to provide for the admissibility of blood alcohol concentration test results from a source other than the office of state police crime laboratory; to authorize judicial rulings on the admissibility of blood alcohol concentration test results when a challenge as to the authenticity, reliability, or accuracy of such results is raised in a timely manner; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 752—
BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 32:666(B) and (C), to enact R.S. 14:126.4, relative to tests for suspected drunken drivers; to provide relative to electronic signatures of officers; to provide penalties for false certification of arrest documents; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 752 by Senator Walsworth

AMENDMENT NO. 1

On page 2, on line 12, delete "*" * *

AMENDMENT NO. 2

On page 2, line 14, change "Certification of Arrest Documents" to "certification of arrest documents"

AMENDMENT NO. 3

On page 2, line 15, after "shall" delete the remainder of the line and insert "intentionally certify a false report required under the"

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

SENATE BILL NO. 754—
BY SENATOR HEBERT

AN ACT

To enact R.S. 30:4(K) and 4.1(K), and R.S. 38:3097.3(E), relative to uses of ground water; to provide for the powers and duties of the assistant secretary and the commissioner of conservation; to prohibit certain uses of ground water; to provide terms and conditions; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 754 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 10, delete "for" and insert "which allows"

AMENDMENT NO. 2

On page 1, delete lines 11 and 12, and insert "or withdrawal of three million gallons or more of ground water per day from the Chicot aquifer that shall be injected into the subsurface in a parish whose population is more than seventy thousand and less than seventy-five thousand."

AMENDMENT NO. 3

On page 1, line 15, delete "for" and insert "which allows"

AMENDMENT NO. 4

On page 1, delete lines 16 and 17, and insert "or withdrawal of three million gallons or more of ground water per day from the Chicot aquifer that shall be injected into the subsurface in a parish whose population is more than seventy thousand and less than seventy-five thousand."

AMENDMENT NO. 5

On page 2, line 4, delete "for" and insert "which allows"

AMENDMENT NO. 6

On page 2, delete lines 5 and 6, and insert "or withdrawal of three million gallons or more of ground water per day from the Chicot aquifer that shall be injected into the subsurface in a parish whose population is more than seventy thousand and less than seventy-five thousand."

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

SENATE BILL NO. 758—
BY SENATOR BROOME

AN ACT

To amend and reenact Children's Code Articles 1245 and 1255(A) and to enact Children's Code Articles 1243.3, 1245.1, 1248.1, and 1256(E), relative to intrafamily adoptions; to provide for a burden of proof; to provide for the appointment of counsel; to provide for notice of rights of natural parent; to provide for the terms and effects of a final decree; and to provide for related matters.

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

SENATE BILL NO. 781—
BY SENATOR JACKSON

AN ACT

To enact Children's Code Art. 554, relative to legal representation of children; to provide with respect to multi-disciplinary interaction of an attorney representing a child in a child abuse and neglect case, together with other professionals involved with the child; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 783—
BY SENATOR B. GAUTREAUX

AN ACT

To enact R.S. 3:2364(F), relative to the Louisiana Animal Welfare Commission; to provide relative to powers of the chairman of the commission; to permit the chairman to appoint an agent to obtain records and inspect facilities; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original Senate Bill No. 783 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 3:2364(F)" to "R.S. 3:2364(D)(8), (9), and (10)"

AMENDMENT NO. 2

On page 1, line 3, after "powers of the" delete "chairman of the" and after "permit the" change "chairman" to "commission"

AMENDMENT NO. 3

On page 1, at the beginning of line 4, delete "appoint an agent to"

AMENDMENT NO. 4

On page 1, line 7, change "R.S. 3:2364(F) is" to "R.S. 3:2364(D)(8), (9), and (10) are"

AMENDMENT NO. 5

On page 1, delete lines 10 and 11 in their entirety and insert the following:

"D. Duties and functions. The commission shall have powers and duties necessary to carry out its purpose, including but not limited to the following:

* * *

AMENDMENT NO. 6

On page 1, at the beginning of line 12, delete "**(1) Appoint an agent of the commission to gather**" and insert "**(8) To gather**"

AMENDMENT NO. 7

On page 1, at the beginning of line 16, delete "**(2) Appoint an agent of the commission to inspect**" and insert "**(9) To inspect**"

AMENDMENT NO. 8

On page 2, at the beginning of line 7, delete "**(3) Order**" and insert "**(10) To request**"

AMENDMENT NO. 9

On page 2, line 8, change "**generate additional**" to "**produce**" and after "**records**" delete the remainder of the line and delete line 9 in its entirety and at the beginning of line 10, delete "**limited to statistical data**"

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

SENATE BILL NO. 784—

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 27:323(B)(1), relative to gaming; to provide with respect to the Video Draw Poker Devices Control Law; to provide with respect to the Video Draw Poker Device Purse Supplement Fund; to provide with respect to purse supplements; and to provide for related matters.

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

SENATE BILL NO. 791—

BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 4:251.1, relative to racing; to provide with respect to horse racing; to provide for the Horsemen's Self-Help Pension Program; to provide relative to pension benefits; to provide relative to purses and purse supplements; and to provide for related matters.

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

SENATE BILL NO. 798—

BY SENATORS MCPHERSON AND THOMPSON

AN ACT

To amend and reenact R.S. 3:3410.1(B), (C), and (D) and 3411(F), (G), (H), (I), and (J) and R.S. 9:4770(A) and 5021 and to enact R.S. 3:3410.1(E) and 3411(K) and (L), relative to grain dealer licenses; to provide for surety bond requirements; to provide for a formula in determining the amount of the surety bond; to provide relative to the self-insurance fund; to provide relative to privileges for producers of agricultural and dairy products; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original Senate Bill No. 798 by Senator McPherson

AMENDMENT NO. 1

On page 1, at the beginning of line 3, delete "R.S. 9:4770(A) and 5021 and"

AMENDMENT NO. 2

On page 1, line 6, after "fund;" delete the remainder of the line and on line 7 delete "dairy products;"

AMENDMENT NO. 3

On page 3, line 5, change "**four hundred thousand**" to "**one million**"

AMENDMENT NO. 4

On page 4, delete lines 18 through 29 in their entirety and delete page 5 in its entirety

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

SENATE BILL NO. 804—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 27:28(F), relative to the Louisiana Gaming Control Law; to provide for suitability; to provide for the revocation of a license or permit; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 804 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 27:28(F)" insert "and to enact R.S. 27:310(H)"

AMENDMENT NO. 2

On page 1, line 6, after "reenacted" insert "and R.S. 27:310(H) is hereby enacted"

AMENDMENT NO. 3

On page 2, after line 3, insert the following:

"§310. Suitability requirements

* * *

H. Notwithstanding any provision of law to the contrary, a license or permit shall not be revoked and a licensee or permittee found unsuitable by the board upon an indictment or arrest of a licensee or permittee."

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

House Bills and Joint Resolutions on Second Reading Reported by Committees

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

HOUSE BILL NO. 163— BY REPRESENTATIVES LIGI AND LEGER AN ACT

To enact R.S. 14:56.4 and to repeal R.S. 14:59(A)(10), relative to damage to property; to create the crime of criminal damage to property by defacing with graffiti; to provide for penalties; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 801— BY REPRESENTATIVE ANDERS AN ACT

To enact R.S. 3:3414(C), relative to contracts for the sale of grain; to provide for oral contracts or agreements as written evidence; to provide for confirmation notification of a sale; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Reengrossed House Bill No. 801 by Representative Anders

AMENDMENT NO. 1

On page 1, line 12, after "mailed" and before "to" insert "or electronically transmitted" and after "grain" and before "shall" insert "within two business days" and between "deemed a" and "contract" insert "signed"

AMENDMENT NO. 2

On page 1, line 13, after "Section" insert "and in Chapter 5 of Title III of Book III of the Louisiana Civil Code"

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

Motion to Make Special Order

Senator Adley asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 1, which was just advanced to a Third Reading and Final Passage, Special Order of the Day No. 2 on Monday, May 12, 2008, immediately following the Morning Hour.

Reconsideration

On motion of Senator McPherson, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, May 6, 2008, was reconsidered.

SENATE BILL NO. 51— BY SENATORS MCPHERSON, ERDEY, B. GAUTREAUX 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.

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

Reconsideration

On motion of Senator Shepherd, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, May 6, 2008, was reconsidered.

SENATE BILL NO. 224— BY SENATOR SHEPHERD AN ACT

To enact R.S. 40:531(E), and (F) relative to commissioners for local housing authorities; to provide for the appointment of tenant commissioners to local housing authorities; to prohibit certain persons from serving as a commissioner; to authorize the payment of per diem to commissioners; to provide for an effective date; and to provide for related matters.

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

SENATE BILL NO. 2— BY SENATOR CROWE AN ACT

To amend and reenact R.S. 34:1708(A), relative to ports; to provide relative to the powers and duties of the board of commissioners for the St. Bernard Port, Harbor, and Terminal District; to provide relative to the authority of the board to acquire certain property; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their respective counts for Yeas and Nays.

NAYS

Total - 0

ABSENT

Gautreaux N
Total - 1

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

SENATE BILL NO. 78—
BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 11:1530(A)(3), relative to the Clerks' of Court Retirement and Relief Fund; to provide for eligibility to participate in the Deferred Retirement Option Plan; to make such eligibility concurrent with eligibility for retirement; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gray	Murray
Amedee	Hebert	Nevers
Broome	Heitmeier	Quinn
Cassidy	Jackson	Riser
Cheek	Kostelka	Shaw
Cravins	LaFleur	Shepherd
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Dupre	Michot	
Total - 37		

NAYS

Total - 0

ABSENT

Gautreaux N
Total - 1

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

SENATE BILL NO. 120—
BY SENATOR B. GAUTREAU

AN ACT

To enact R.S. 11:1456.1 and 1456.2 and to repeal R.S. 11:1456, relative to the Assessors' Retirement Fund; to create the Back-Deferred Retirement Option Program; to provide for eligibility, procedures for application, and calculation of benefits of such program; to provide for rescission of participation in the Deferred Retirement Option Plan; to provide for effective dates; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 120 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 1, line 9, following "hereby" and before "to" change "amended and reenacted" to "enacted"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux N
Total - 2

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

SENATE BILL NO. 147—
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 33:441(B), relative to Lawrason Act municipalities; to authorize the board of alderman, upon the mayor's request, to appoint one or more magistrates and one or more prosecutors for the mayor's court; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

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NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 181— BY SENATOR CASSIDY

AN ACT

To amend and reenact R.S. 11:106(A) and (B) and 107, relative to employer contribution rates of statewide public retirement systems; to authorize the boards of trustees of certain systems to require payment of additional employer contributions; to provide for conditions for requiring such additional contributions; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Cassidy sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cassidy to Engrossed Senate Bill No. 181 by Senator Cassidy

AMENDMENT NO. 1

On page 2, line 19 after "104." insert "Any excess funds resulting from the additional contributions shall be applied as provided in R.S. 11:105(C)."

AMENDMENT NO. 2

On page 2, delete lines 20 through 22 and insert: "C. The provisions of R.S. 11:105(C) continue to apply to the Parochial Employees' Retirement System."

On motion of Senator Cassidy, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 34

NAYS

Total - 0

ABSENT

Gautreaux N LaFleur
Heitmeier McPherson
Total - 4

The Chair declared the amended bill was passed, ordered reengrossed, and sent to the House. Senator Cassidy moved to

reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 195— BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 11:1522 and to repeal R.S. 11:201, relative to the Clerks' of Court Retirement and Relief Fund; to provide relative to disability benefits for members of such fund; to provide for eligibility for and calculation of such benefits; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

McPherson
Total - 1

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

SENATE BILL NO. 212— BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 42:1123(20) and to repeal Chapter 5 of Title 2 of the Louisiana Revised Statutes of 1950, comprised of R.S. 2:650 through 661; to abolish the Louisiana Airport Authority; to provide for the transfer of all property; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley Erdey McPherson
Alario Gautreaux B Michot
Amedee Gautreaux N Morrish
Broome Gray Murray
Cassidy Hebert Nevers
Cheek Heitmeier Quinn
Cravins Jackson Riser
Crowe Kostelka Shaw
Donahue LaFleur Shepherd

Dorsey	Long	Smith
Duplessis	Marionneau	Thompson
Dupre	Martiny	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Mr. President	Mount
Total - 2	

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

Mr. President in the Chair

SENATE BILL NO. 291—
BY SENATOR DONAHUE

AN ACT

To amend and reenact the title of Chapter 27-A of Title 33 of the Louisiana Revised Statutes of 1950 and R.S. 33:9039.1 and 9039.2(A), relative to the East Florida Parishes Retirement District; to provide for the name of such district; to change the name of the district; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cassidy	Heitmeier	Riser
Cheek	Jackson	Shaw
Cravins	LaFleur	Shepherd
Crowe	Long	Smith
Donahue	Marionneau	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Dupre	Michot	
Total - 37		

NAYS

Total - 0

ABSENT

Kostelka
Total - 1

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

SENATE BILL NO. 292—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 9:2791.1, relative to access on navigable waters; to allow access to the overflow waters of navigable waters for the purposes of certain activities; to provide definitions, terms, and conditions; to provide relative to liability; and to provide for related matters.

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

SENATE BILL NO. 349—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 41:1702(D)(2)(a)(i) and (e) and (f) and to enact R.S. 31:149(I) and R.S. 41:1702(D)(2)(g) and (K), relative to lands acquired by the state or political subdivision; to provide relative to mineral rights; to provide for the reservation of mineral rights under certain circumstances; to provide terms, conditions, procedures, and requirements; to provide certain exceptions; to provide relative to certain agreements and certain mineral agreements; and to provide for related matters.

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

SENATE BILL NO. 366—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 17:3396.4(A), relative to the Research Park Corporation; to revise the membership of the Research Park Corporation's board of directors; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Morrish
Adley	Gautreaux N	Mount
Alario	Gray	Murray
Amedee	Hebert	Nevers
Broome	Heitmeier	Quinn
Cheek	Jackson	Riser
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneau	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Erdey	Michot	
Total - 37		

NAYS

Total - 0

ABSENT

Cassidy
Total - 1

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

SENATE BILL NO. 415—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 32:391(C) and to enact R.S. 32:391(D) and (E), and to enact Code of Criminal Procedure Article 211.5, relative to arrest; to provide for the issuance of a summons in certain circumstances; to require that certain criteria be satisfied; and to provide for related matters.

Floor Amendments Sent Up

Senator Marianneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marianneaux on behalf of the

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Legislative Bureau to Engrossed Senate Bill No. 415 by Senator Murray

AMENDMENT NO. 1

On page 1, line 2, following "R.S. 32:391(C)" delete the remainder of the line and insert "and (D) and to enact R.S. 32:391(E) and"

AMENDMENT NO. 2

On page 1, line 7, following "R.S. 32:391(C)" delete the remainder of the line and insert "and (D) are hereby amended and reenacted and R.S. 32:391"

AMENDMENT NO. 3

On page 1, line 8, following "(E)" and before "hereby" change "are" to "is"

AMENDMENT NO. 4

On page 1, line 11, following "contrary," and before "any" insert "in"

AMENDMENT NO. 5

On page 2, line 20, following "contrary," and before "any" insert "in"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Erdey, McPherson, Adley, Gautreaux B, Michot, Alario, Gautreaux N, Morrish, Amedee, Gray, Mount, Broome, Hebert, Murray, Cheek, Heitmeier, Nevers, Cravins, Jackson, Riser, Crowe, Kostelka, Shaw, Donahue, LaFleur, Shepherd, Dorsey, Long, Smith, Duplessis, Marionneaux, Thompson, Dupre, Martiny, Walsworth. Total - 36

NAYS

Total - 0

ABSENT

Cassidy Quinn
Total - 2

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

SENATE BILL NO. 458—

BY SENATOR B. GAUTREAUX
AN ACT

To amend and reenact R.S. 11:1921(A)(3)(a), relative to membership in the Parochial Employees' Retirement System; to allow certain elected justices of the peace to elect to become system members; to allow purchase of service credit; to provide for calculation of payment for such purchase; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Gautreaux B, Morrish, Adley, Gautreaux N, Mount, Alario, Gray, Murray, Amedee, Hebert, Nevers, Broome, Heitmeier, Quinn, Cheek, Jackson, Riser, Cravins, Kostelka, Shaw, Crowe, LaFleur, Shepherd, Donahue, Long, Smith, Dorsey, Marionneaux, Thompson, Duplessis, Martiny, Walsworth, Dupre, McPherson, Erdey, Michot. Total - 37

NAYS

Total - 0

ABSENT

Cassidy
Total - 1

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

SENATE BILL NO. 530—

BY SENATOR MICHOT
AN ACT

To amend and reenact R.S. 39:461.3(A) and (B), relative to the interim emergency board; to provide for agency notification; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 530 by Senator Michot

AMENDMENT NO. 1

On page 1, line 9, following "and the" change "Division" to "division"

AMENDMENT NO. 2

On page 1, line 10, following "of" change "Administration" to "administration"

AMENDMENT NO. 3

On page 1, line 14, following "and the" and before "of" change "Division" to "division"

AMENDMENT NO. 4

On page 1, line 15, change "Administration" to "administration"

AMENDMENT NO. 5

On page 2, line 1, following "by the" delete remainder of the line and insert "Legislative Fiscal Office and the division of administration"

AMENDMENT NO. 6

On page 2, line 2, delete "Administration"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 530 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, change "and (B)" to ", (B), and (C)"

AMENDMENT NO. 2

On page 1, line 6, change "and (B)" to ", (B), and (C)"

AMENDMENT NO. 3

On page 2, between lines 3 and 4, insert the following:

"C. The board may request the Division of Administration or other such public official or agency as the board may determine to make available a report showing the anticipated receipt from all sources of state revenue for the period for which such funds are sought."

On motion of Senator Michot, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 548—
BY SENATOR NEVERS

AN ACT

To enact R.S. 17:7(27), relative to duties and functions of the State Board of Elementary and Secondary Education; to require the board to develop a teacher exit interview system for school boards; to provide for forms and interview questions; to provide for reporting data; to provide for effectiveness; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 564—
BY SENATOR GRAY

AN ACT

To enact R.S. 33:9091.12, relative to the Maple Area Residents Security Tax District in Orleans Parish; to create and provide relative to such district, including provisions for the district and its board of commissioners and their powers, duties, functions and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; to provide relative to liability of board members and officers; and to provide for related matters.

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

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	Quinn
Cheek	Jackson	Riser
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith
Dorsey	Marionneau	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Erdey	Michot	

Total - 37

NAYS

Total - 0

ABSENT

Cassidy
Total - 1

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

SENATE BILL NO. 592—

BY SENATOR RISER

AN ACT

To enact R.S. 48:390(G), relative to railroads; to require a railroad corporation to make and keep in good repair a private rural residence or agricultural crossing when ordered by the commissioner of the Department of Agriculture and Forestry; and to provide for related matters.

Floor Amendments Sent Up

Senator Riser sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Riser to Engrossed Senate Bill No. 592 by Senator Riser

AMENDMENT NO. 1

On page 2, after line 1, insert:

"Section 2. If a railroad corporation has closed a private crossing which is the only access to a private rural residence or which is a private agricultural crossing between January 1, 2000 and August 15, 2008, it shall, when ordered by the commissioner of the Department of Agriculture and Forestry, immediately restore the private crossing and keep it in good repair."

On motion of Senator Riser, the amendments were adopted.

Floor Amendments Sent Up

Senator Riser sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Riser to Engrossed Senate Bill No. 592 by Senator Riser

AMENDMENT NO. 1

On page 1, line 13, after "Forestry," delete "make and keep in good repair" and insert the following: "allow said crossing to remain open at"

On motion of Senator Riser, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 674—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 38:2225.2.1(A)(1) and (3), relative to public contracts; to authorize certain public entities to utilize the design-build method for the construction or repair of any public building or structure in certain circumstances; and to provide for related matters.

Floor Amendments Sent Up

Senator Murray sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 674 by Senator Murray

AMENDMENT NO. 1

On page 2, line 5, change "2011" to "2010"

On motion of Senator Murray, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 36

NAYS

Total - 0

ABSENT

Jackson, Kostelka

Total - 2

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

SENATE BILL NO. 710—
BY SENATOR SHEPHERD

AN ACT

To enact R.S. 40:431.1, relative to the Jefferson Parish Housing Authority; to provide with respect to the board of trustees of such authority; to provide for the powers and duties of such board; to authorize the board to levy a tax under certain circumstances; to provide procedures for the imposition of such taxes; to provide for the use of such taxes; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Martiny
Adley	Gautreaux B	McPherson
Alario	Gray	Morrish
Amedee	Hebert	Murray
Broome	Heitmeier	Riser
Cheek	Jackson	Shaw
Cravins	Kostelka	Shepherd
Donahue	LaFleur	Smith
Dorsey	Long	Thompson
Duplessis	Marionneaux	Walsworth
Total - 30		

NAYS

Crowe	Michot	Quinn
Gautreaux N	Mount	
Total - 5		

ABSENT

Cassidy	Erdey	Nevers
Total - 3		

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

Senator N. Gautreaux in the Chair

SENATE BILL NO. 711—
BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 32:387.17(A)(5), relative to special permits; to modify the provision terminating the authority of the secretary of the Department of Transportation and Development to issue special permits for trucks transporting containerized cargo in international trade intended for exportation within a fifty-mile radius of the Port of Ouachita; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gautreaux N	Murray
Amedee	Gray	Nevers
Broome	Hebert	Quinn
Cheek	Heitmeier	Riser
Cravins	Kostelka	Shaw
Crowe	LaFleur	Shepherd
Donahue	Long	Smith

Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Dupre	Michot	
Total - 34		

NAYS

Total - 0

ABSENT

Cassidy	McPherson
Jackson	Thompson
Total - 4	

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

SENATE BILL NO. 731—
BY SENATOR DUPRE

AN ACT

To authorize and provide for the transfer of certain state properties; to provide for transfer of certain state properties in the parish of East Baton Rouge; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Kostelka	
Total - 1	

ABSENT

Quinn	
Total - 1	

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

SENATE BILL NO. 732—
BY SENATOR GRAY

AN ACT

To enact Chapter 31-A of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1271.1 through 1271.4, relative to residential neighborhood enhancement programs; to establish the residential neighborhood enhancement program; to provide for definitions; to provide with respect to program requirements and limitations; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were

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read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 732 by Senator Gray

AMENDMENT NO. 1

On page 2, line 19, following "be" and before "close" insert "in"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Erdey, McPherson, Adley, Gautreaux B, Michot, Alario, Gautreaux N, Morrish, Amedee, Gray, Mount, Broome, Hebert, Murray, Cheek, Heitmeier, Nevers, Cravins, Jackson, Riser, Crowe, Kostelka, Shaw, Donahue, LaFleur, Shepherd, Dorsey, Long, Smith, Duplessis, Marionneaux, Thompson, Dupre, Martiny, Walsworth. Total - 36

NAYS

Total - 0

ABSENT

Table with 2 columns: Cassidy, Quinn. Total - 2

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

SENATE BILL NO. 734— BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 33:2740.38(B) and (C)(1)(f), relative to the Shreveport Downtown Development District; to provide for the boundaries of the Shreveport Downtown Development District; to provide for the composition of the governing board; and to provide for related matters.

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

SENATE BILL NO. 737— BY SENATOR MORRISH

AN ACT

To designate Louisiana Highway 385 as the "Wilson Anthony 'Boozoo' Chavis Memorial Highway" and Louisiana Highway 82 in Cameron Parish as the "Rodney Guilbeaux Memorial Highway."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Erdey, Morrish, Adley, Gautreaux B, Mount, Alario, Gautreaux N, Murray, Amedee, Gray, Nevers, Broome, Hebert, Quinn, Cassidy, Heitmeier, Riser, Cheek, Jackson, Shaw, Cravins, Kostelka, Shepherd, Crowe, LaFleur, Smith, Donahue, Long, Thompson, Dorsey, Marionneaux, Walsworth, Duplessis, Martiny, Dupre, Michot. Total - 37

NAYS

Total - 0

ABSENT

Table with 1 column: McPherson. Total - 1

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

SENATE BILL NO. 744— BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:302.9(H) and to enact R.S. 56:302.9(I), relative to charter boat fishing guide licensees; to require licensees to provide landing reports and information to the Department of Wildlife and Fisheries; to provide terms and conditions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, Alario, Gautreaux N, Mount, Amedee, Gray, Murray, Broome, Hebert, Nevers, Cassidy, Heitmeier, Quinn, Cheek, Jackson, Riser, Cravins, Kostelka, Shaw, Crowe, LaFleur, Shepherd, Donahue, Long, Smith, Dorsey, Marionneaux, Thompson, Duplessis, Martiny, Walsworth, Dupre, McPherson. Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 763— BY SENATOR DONAHUE

AN ACT

To authorize and provide for the transfer of certain state property; to provide for the transfer of state property in St. Tammany Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

Floor Amendments Sent Up

Senator Donahue sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Donahue to Engrossed Senate Bill No. 763 by Senator Donahue

AMENDMENT NO. 1

On page 3, line 20, change "shall" to "may"

AMENDMENT NO. 2

On page 3, line 24, change "shall" to "may"

On motion of Senator Donahue, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, Alario, Gautreaux N, Mount, Amedee, Gray, Murray, Broome, Hebert, Nevers, Cassidy, Heitmeier, Quinn, Cheek, Jackson, Riser, Cravins, Kostelka, Shaw, Crowe, LaFleur, Shepherd, Donahue, Long, Smith, Dorsey, Marionneaux, Thompson, Duplessis, Martiny, Walsworth, Dupre, McPherson.

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 800— BY SENATOR MCPHERSON

AN ACT

To enact R.S. 41:1217.1, relative to leases of public lands; to provide for the powers and duties of the commissioner of administration and department secretaries; to provide relative to the renewal of certain leases; to provide terms and conditions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, Alario, Gautreaux N, Mount, Amedee, Gray, Murray, Broome, Hebert, Nevers, Cassidy, Heitmeier, Quinn, Cheek, Jackson, Riser, Cravins, Kostelka, Shaw, Crowe, LaFleur, Smith, Donahue, Long, Thompson, Dorsey, Marionneaux, Walsworth, Duplessis, Martiny, Dupre, McPherson.

Total - 37

NAYS

Total - 0

ABSENT

Shepherd Total - 1

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

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

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

Called from the Calendar

Senator Shepherd asked that Senate Bill No. 226 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 226— BY SENATOR SHEPHERD

AN ACT

To name the tunnel in Harvey, Louisiana, the Crosby Tunnel; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Erdey, Morrish, Adley, Gautreaux B, Mount, Alario, Gautreaux N, Murray, Amedee, Hebert, Nevers, Cassidy, Heitmeier, Quinn, Cheek, Jackson, Riser, Cravins, Kostelka, Shaw, Crowe, LaFleur, Shepherd, Donahue, Long, Smith, Dorsey, Marionneaux, Thompson, Duplessis, McPherson, Walsworth, Dupre, Michot.

Total - 35

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NAYS

Total - 0

ABSENT

Broome Gray Martiny
Total - 3

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

Called from the Calendar

Senator Shepherd asked that Senate Bill No. 61 be called from the Calendar at this time for its reconsideration.

SENATE BILL NO. 61— BY SENATOR SHEPHERD

AN ACT

To amend and reenact R.S. 22:635.3(C) and to enact R.S. 22:1425.1, relative to homeowner's insurance; to provide for calculation of certain time periods; to require certain insurers who write homeowner's insurance to sell homeowner's coverage to certain veterans and military personnel; and to provide for related matters.

Motion

Senator Long moved to return the bill to the Involuntary Calendar.

Senator Shepherd objected.

ROLL CALL

The roll was called with the following result:

YEAS

Amedee Jackson Riser
Cassidy Kostelka Shaw
Crowe Long Smith
Donahue Morrish Walsworth
Dorsey Mount
Erdey Quinn
Total - 16

NAYS

Adley Gautreaux B McPherson
Alario Gautreaux N Murray
Broome Gray Nevers
Cheek Hebert Shepherd
Cravins Heitmeier Thompson
Duplessis LaFleur
Dupre Marionneaux
Total - 19

ABSENT

Mr. President Martiny Michot
Total - 3

The Chair declared the Senate refused to return the bill to the Involuntary Calendar.

Floor Amendments Sent Up

Senator Hebert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hebert to Engrossed Senate Bill No. 61 by Senator Shepherd

AMENDMENT NO. 1

On page 3, between lines 6 and 7 insert the following: "(D) The provisions of this Section shall apply only to active military policyholders principle residence."

Senator Hebert moved adoption of the amendments.

Senator Long objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley Duplessis Martiny
Alario Dupre McPherson
Amedee Gautreaux B Morrish
Broome Gautreaux N Mount
Cassidy Gray Murray
Cheek Hebert Nevers
Cravins Heitmeier Shepherd
Donahue LaFleur Thompson
Dorsey Marionneaux
Total - 26

NAYS

Crowe Kostelka Shaw
Erdey Long Smith
Jackson Riser Walsworth
Total - 9

ABSENT

Mr. President Michot Quinn
Total - 3

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Alario Gray Murray
Broome Hebert Nevers
Dorsey Heitmeier Shepherd
Duplessis LaFleur Thompson
Dupre Marionneaux
Gautreaux B McPherson
Total - 16

NAYS

Adley Erdey Quinn
Amedee Jackson Riser
Cassidy Kostelka Shaw
Cheek Long Smith
Crowe Morrish Walsworth
Donahue Mount
Total - 17

ABSENT

Mr. President Gautreaux N Michot
Cravins Martiny
Total - 5

The Chair declared the amended bill failed to pass. Senator Long moved to reconsider the vote by which the bill failed to pass and laid the motion on the table.

Called from the Calendar

Senator Cravins asked that Senate Bill No. 423 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 423—

BY SENATORS CRAVINS, CASSIDY, CHEEK, ERDEY, GRAY, MOUNT, NEVERS AND THOMPSON

AN ACT

To enact Chapter 24-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2530.1 through 2530.5, relative to missing senior citizen and missing person with developmental disabilities alert program; to provide for the creation and operation of the program; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 423 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 3, following "relative to" and before "missing" insert "the"

AMENDMENT NO. 2

On page 1, line 17 before "to be implemented" change "'program'" to "'program,'"

AMENDMENT NO. 3

On page 3, line 2, following "disabilities" and before "provide" delete "to"

AMENDMENT NO. 4

On page 3, line 27, following "but are not" and before "limited" delete "be"

AMENDMENT NO. 5

On page 4, line 15, following "criminal" and before "as" change "penalty" to "penalties"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Cravins sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Engrossed Senate Bill No. 423 by Senator Cravins

AMENDMENT NO. 1

On page 2, line 1, after "Corrections," add a period "." and delete the remainder of the line and delete lines 2 and 3 in their entirety

AMENDMENT NO. 2

On page 2, line 11, delete "who has a verified developmental disability;"

AMENDMENT NO. 3

On page 2, line 17, delete "and who has a verified developmental disability"

AMENDMENT NO. 4

On page 2, delete lines 21 through 29 in their entirety and in lieu thereof insert the following:

"A. The secretary of the Department of Public Safety and

Corrections shall develop and implement a system to notify citizens when a senior citizen or person with a developmental disability is determined to be missing and that an alert is to be issued to the community to assist law enforcement officials in locating the missing senior citizen or person with a developmental disability.

B. A notification system developed under the provisions of this Chapter shall include, but not be limited to, the following items:

(1) Procedures to determine that the senior citizen or person with a developmental disability is truly missing.

(2) Procedures for notifying the general public of the fact that a senior citizen or person with a developmental disability is missing and the type of notification to be utilized to inform the general public.

(3) Whether the circumstances of the person deemed missing are aggravated due to the age of the person or a life threatening medical condition or situation which requires the person to take life sustaining medication.

(4) Coordinate with and encourage the private sector to participate in secondary distribution, including the creation and distribution of flyers, electronic mail, and text messaging of the missing senior citizen or person with a developmental disability.

C. The alert shall be cancelled upon notification that the missing person has been found or at the end of the notification period, whichever occurs first. A local law enforcement agency that locates a missing person who is the subject of an alert shall notify the Department of Public Safety and Corrections or its designee, as soon as possible that the missing person has been located.

D. The secretary of the Department of Public Safety and Corrections shall promulgate rules and regulations, in accordance with the Administrative Procedure Act, to implement the provisions of this Chapter."

AMENDMENT NO. 5

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

AMENDMENT NO. 6

On page 4, delete lines 1 through 8 in their entirety.

On motion of Senator Cravins, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their counts for Yeas and Nays.

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the amended bill was passed, ordered

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reengrossed, and sent to the House. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Cravins asked that Senate Bill No. 154 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 154— BY SENATORS CRAVINS AND THOMPSON AN ACT

To enact Part XII-C of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:2037.1 through 2037.11, relative to discount medical plans; to provide for definitions; to provide for regulation by the commissioner of insurance, including the requirement for registration by discount medical plan organizations; to provide for application for registration; to provide for expiration and renewal of registration; to provide for denial, nonrenewal, suspension, or revocation of registration; to provide for penalties; to provide for marketers; to provide for the powers of the commissioner of insurance, including the authority to adopt reasonable regulations; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 154 by Senator Cravins

AMENDMENT NO. 1 On page 9, line 16, following "shall" insert "1"

AMENDMENT NO. 2 On page 9, line 17, following "font" insert "1"

AMENDMENT NO. 3 On page 11, line 29, following "violation" insert "of"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Cravins sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Engrossed Senate Bill No. 154 by Senator Cravins

AMENDMENT NO. 1 On page 2, line 3, after "access to medical" delete "or ancillary"

AMENDMENT NO. 2 On page 2, line 21, after "discount" delete the remainder of the line and delete line 22 in its entirety and at the beginning of line 23, delete "Louisiana" and insert "medical card"

AMENDMENT NO. 3 On page 2, line 29, after "ambulance" insert "membership"

AMENDMENT NO. 4 On page 3, line 13, after "providing" delete "mental or ancillary" and insert "medical"

AMENDMENT NO. 5 On page 4, line 10, after "individual" delete the remainder of the line and delete line 11 in its entirety and insert "who pays valuable consideration to receive the purported"

AMENDMENT NO. 6 On page 11, line 10, after "contact his" delete "local"

On motion of Senator Cravins, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Erdey, Michot, etc.

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

Called from the Calendar

Senator Cravins asked that Senate Bill No. 155 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 155— BY SENATOR CRAVINS AN ACT

To amend and reenact R.S. 22:3071(1), (6), (8) and (17) through (32) and to enact R.S. 22:3071(33) and (34) and 3093, relative to medical necessity review organizations; to provide for definitions; to provide for applications; to provide for notifications; to provide for review of experimental or investigational determinations; and to provide for related matters.

Floor Amendments Sent Up

Senator Cravins sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Engrossed Senate Bill No. 155 by Senator Cravins

AMENDMENT NO. 1 On page 4, line 14, after "(Medline)" insert "or the Manual, Alternative, and Natural Therapy Index System"

AMENDMENT NO. 2

On page 4, line 17, after "Security Act" insert "as well as the American Journal of Psychiatry, Treatment of Psychiatric Disorders and the American Society for Addiction Medicine"

AMENDMENT NO. 3

On page 6, line 18, after "proposed" delete "health product, device or" and insert "item or health care"

AMENDMENT NO. 4

On page 6, at the beginning of line 24, delete "clinical"

AMENDMENT NO. 5

On page 7, line 28, change "carrier" to "insurance issuer"

AMENDMENT NO. 6

On page 8, line 3, change "carrier" to "insurance issuer"

On motion of Senator Cravins, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, Alario, Gautreaux N, Mount, Amedee, Gray, Murray, Broome, Hebert, Nevers, Cassidy, Heitmeier, Quinn, Cheek, Jackson, Riser, Cravins, Kostelka, Shaw, Crowe, LaFleur, Shepherd, Donahue, Long, Smith, Dorsey, Marionneaux, Thompson, Duplessis, Martiny, Walsworth, Dupre, McPherson

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

Called from the Calendar

Senator Cravins asked that Senate Bill No. 156 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 156— BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 33:130.302(A)(3)(a),(B), (C), and (D), relative to the St. Landry Parish Economic and Industrial Development District; to provide for the terms of the members of the board of commissioners; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 156 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 10, at the beginning of the line, change "130:302" to "130.302"

AMENDMENT NO. 2

On page 1, line 11, delete "****"

AMENDMENT NO. 3

On page 2, line 19, following "Subsection A" and before "by the" insert "of this Section"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, Alario, Gautreaux N, Mount, Amedee, Gray, Murray, Broome, Hebert, Nevers, Cassidy, Heitmeier, Quinn, Cheek, Jackson, Riser, Cravins, Kostelka, Shaw, Crowe, LaFleur, Shepherd, Donahue, Long, Smith, Dorsey, Marionneaux, Thompson, Duplessis, Martiny, Walsworth, Dupre, McPherson

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

Called from the Calendar

Senator Cravins asked that Senate Bill No. 119 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 119— BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 37:1742.1(G), relative to the definition of "lifestyle modifications"; to provide for the definition of "lifestyle modifications"; and to provide for related matters.

Floor Amendments Sent Up

Senator Cassidy sent up floor amendments which were read.

May 7, 2008

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cassidy to Engrossed Senate Bill No. 119 by Senator Broome

AMENDMENT NO. 1

On page 1, line 12, after "perform" and before "any" insert ", and who shall be prohibited from performing"

On motion of Senator Cassidy, the amendments were adopted.

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

NAYS

Total - 0

ABSENT

Total - 0

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

Called from the Calendar

Senator Walsworth asked that Senate Bill No. 204 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 204—

BY SENATORS WALSWORTH AND JACKSON AN ACT

To amend and reenact R.S. 43:81, 85, 86, 87(A), 89, 143, 147(A) and (B), and 171(A)(1), and to enact R.S. 43:147(E), relative to publication of public notices and other official publications of state and local governmental bodies; to provide for making such public notices and other publications available via the Internet; to base for a period of five years the rates for printing of all public notices and other official publications on the Consumer Price Index; and to provide for related matters.

Floor Amendments Sent Up

Senator Walsworth sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Walsworth to Engrossed Senate Bill No. 204 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 16, after "Internet" insert "at no extra charge"

AMENDMENT NO. 2

On page 3, line 1, after "Internet" insert "at no extra charge"

AMENDMENT NO. 3

On page 3, line 4, after "Internet" insert "at no extra charge"

AMENDMENT NO. 4

On page 3, line 7, after "Internet" insert "at no extra charge"

AMENDMENT NO. 5

On page 4, line 12, after "Internet" insert "at no extra charge"

AMENDMENT NO. 6

On page 4, line 18, after "Internet" insert "at no extra charge"

AMENDMENT NO. 7

On page 5, line 15, after "Internet" insert "at no extra charge"

On motion of Senator Walsworth, the amendments were adopted.

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

Mr. President in the Chair

Called from the Calendar

Senator B. Gautreaux asked that Senate Bill No. 27 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 27—

BY SENATORS B. GAUTREUX, CASSIDY, CROWE AND SCALISE AN ACT

To amend and reenact R.S. 11:292, 570, 930, 951.3, 952.3, 1378, 1905, 3014, 3051, 3111, 3140, 3198, 3229, 3321(A), 3345, 3389, 3408, 3440, 3470, 3513, 3608(A), 3691, 3770, 3800, and 3823, and R.S. 13:3881(D)(1), relative to garnishment or seizure of pension or retirement benefits; to provide for garnishment or seizure of benefits from public retirement or pension systems, plans, or funds; to provide relative to the applicability of certain court orders to such benefits; to provide for garnishment or seizure of such benefits to pay any fine or restitution ordered for certain felony convictions associated with service as an elected official; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 27 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 2, at the end of line 15, insert "In determining the amount of a retirement benefit subject to garnishment pursuant to this Subsection, the court shall consider property rights and interests of the member's spouse and children, if any, or of any other person with beneficiary interests."

On motion of Senator McPherson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Alario	Gautreaux B	Nevers
Cassidy	Hebert	Quinn
Cheek	Heitmeier	Shepherd
Crowe	Kostelka	Walsworth
Total - 15		

NAYS

Adley	Gautreaux N	Murray
Broome	Gray	Riser
Cravins	Jackson	Shaw
Donahue	LaFleur	Smith
Dorsey	Long	Thompson
Duplessis	Marionneaux	
Erdey	Morrish	
Total - 19		

ABSENT

Amedee	Michot
Martiny	Mount
Total - 4	

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

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

Called from the Calendar

Senator Walsworth asked that Senate Bill No. 204 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 204—
BY SENATORS WALSWORTH AND JACKSON
AN ACT

To amend and reenact R.S. 43:81, 85, 86, 87(A), 89, 143, 147(A) and (B), and 171(A)(1), and to enact R.S. 43:147(E), relative to publication of public notices and other official publications of state and local governmental bodies; to provide for making such public notices and other publications available via the Internet; to base for a period of five years the rates for printing of all public notices and other official publications on the Consumer Price Index; and to provide for related matters.

Floor Amendments Sent Up

Senator Walsworth sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Walsworth to Engrossed Senate Bill No. 204 by Senator Walsworth

AMENDMENT NO. 1

On page 5, delete lines 2 through 8, and insert the following:
"E. Effective July 1, 2008, the maximum printing costs provided for herein shall be increased by ten percent."

On motion of Senator Walsworth, the amendments were adopted.

Floor Amendments Sent Up

Senator Martiny sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 204 by Senator Walsworth

AMENDMENT NO. 1

On page 2, line 20, after "Rouge." insert the following: "The provisions of this Section shall not apply to obituaries and there may be no charges for obituaries."

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Mount
Adley	Hebert	Murray
Alario	Heitmeier	Nevers
Broome	Jackson	Riser
Cheek	Kostelka	Shaw
Cravins	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Dupre	Morrish	
Total - 28		

NAYS

Crowe	Marionneaux	Shepherd
Gautreaux N	Quinn	
Total - 5		

ABSENT

Amedee	Gautreaux B	Michot
Cassidy	Gray	
Total - 5		

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

Rules Suspended

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

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**

May 7, 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. 1—

BY SENATOR B. GAUTREAU AND REPRESENTATIVE ROBIDEAU AND SENATORS ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, ERDEY, N. GAUTREAU, GRAY, HEBERT, HEITMEIER, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MORRISH, MOUNT, SMITH, MURRAY, RISER, SHAW, THOMPSON AND WALSWORTH AND REPRESENTATIVES ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BARRAS, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CROMER, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMANN, GISCLAIR, MICKEY GUILLOREY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KLECKLEY, LAFONTA, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MARCHAND, MCVEA, MONTOUCET, MORRELL, MORRIS, NORTON, PEARSON, PERRY, PETERSON, POPE, RICHARD, RICHARDSON, RICHMOND, RITCHIE, SCHRODER, SMILEY, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT AND WOOTON

A CONCURRENT RESOLUTION

To authorize the board of trustees of the Teachers' Retirement System of Louisiana to grant a cost-of-living increase to eligible benefit recipients; to provide for the maximum amount of such increase; and to provide for an effective date.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 60—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To proclaim May 13, 2008, as "New Orleans Day at the Legislature."

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 61—

BY SENATOR JACKSON

A CONCURRENT RESOLUTION

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

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 62—

BY SENATORS CROWE AND DONAHUE AND REPRESENTATIVES CROMER AND PEARSON

A CONCURRENT RESOLUTION

To commend a lifetime of contributions made on behalf of public education by the late Robert C. Brooks, Jr., M. Ed., the first African-American principal at St. Tammany High School.

Reported without amendments.

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

Introduction of Resolutions, Senate and Concurrent

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

SENATE RESOLUTION NO. 58—

BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, GRAY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

A RESOLUTION

To declare Wednesday, June 4, 2008, Military Family Day in the Louisiana Senate in honor of America's military personnel, and in particular, in honor of Louisiana's fallen heroes.

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

SENATE CONCURRENT RESOLUTION NO. 63—

BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission to follow the recommendations of the board of commissioners of the Cypress-Black Bayou Recreation and Water Conservation District when promulgating rules and regulations pertaining to fishing and boating.

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

SENATE CONCURRENT RESOLUTION NO. 64—

BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To create the Louisiana Recreational Saltwater Fishing Task Force to advise the Department of Wildlife and Fisheries and other entities on various recreational saltwater fishing issues.

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

SENATE CONCURRENT RESOLUTION NO. 65—

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide financial support for the establishment and construction of a general aviation facility in the lower portion of Plaquemines Parish.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 7, 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. 874—

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 33:3701 through 3705, relative to railroad crossings; to provide applicability to parishes; to provide for acquisition of railroad crossings; to provide relative to access to state highways, streets, or alleys; to provide for dispute resolution by the Louisiana Department of Transportation and Development; to provide for the allocation and payment of costs; and to provide for related matters.

HOUSE BILL NO. 886—

BY REPRESENTATIVE MORRELL
AN ACT

To amend and reenact R.S. 40:600.14, relative to the Louisiana Housing Finance Agency; to provide relative to the issuance of bonds by such agency; to require the agency to give notice to certain persons prior to a meeting of the State Bond Commission in which the agency is seeking approval to issue certain bonds for certain purposes; to provide relative to a procedure therefor; to require certain political subdivisions to hold a public hearing in certain circumstances; and to provide for related matters.

HOUSE BILL NO. 895—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 40:1299.96(A)(2)(b), relative to charges for health care records; to provide for certification of completeness; to prohibit additional charges for such certification; and to provide for related matters.

HOUSE BILL NO. 939—

BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 45:1162, relative to the salaries of the Louisiana Public Service Commission; to increase the salaries for the members of the Louisiana Public Service Commission; and to provide for related matters.

HOUSE BILL NO. 1139—

BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 32:125(B)(1) and 300.1(A), relative to traffic regulation; to provide that a driver shall slow down to a speed twenty-five miles per hour below the posted speed limit upon approach of an emergency vehicle; to provide for low-speed vehicles; and to provide for related matters.

HOUSE BILL NO. 1141—

BY REPRESENTATIVES LEGER AND HUTTER
AN ACT

To amend and reenact R.S. 32:247(D) and to enact R.S. 38:247(E) and R.S. 49:213.4(E), relative to hurricane protection projects; to prohibit any state agency or entity from entering into certain contracts with the United States Army Corps of Engineers relative to hurricane protection projects; and to provide for related matters.

HOUSE BILL NO. 1170—

BY REPRESENTATIVE ARNOLD
AN ACT

To enact R.S. 32:1274(E), relative to licensing fees charged by the Louisiana Motor Vehicle Commission; to provide for licensing fees of warrantors; and to provide for related matters.

HOUSE BILL NO. 635—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 42:1124.2(A), relative to financial disclosure; to require certain persons to file financial disclosure reports; to provide for penalties; 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. 635—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 42:1124.2(A), relative to financial disclosure; to require certain persons to file financial disclosure reports; 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 Senate and Governmental Affairs.

HOUSE BILL NO. 874—

BY REPRESENTATIVE TUCKER
AN ACT

To amend and reenact R.S. 33:3701 through 3705, relative to railroad crossings; to provide applicability to parishes; to provide for acquisition of railroad crossings; to provide relative to access to state highways, streets, or alleys; to provide for dispute resolution by the Louisiana Department of Transportation and Development; to provide for the allocation and payment of costs; 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. 886—

BY REPRESENTATIVE MORRELL
AN ACT

To amend and reenact R.S. 40:600.14, relative to the Louisiana Housing Finance Agency; to provide relative to the issuance of bonds by such agency; to require the agency to give notice to certain persons prior to a meeting of the State Bond Commission in which the agency is seeking approval to issue certain bonds for certain purposes; to provide relative to a procedure therefor; to require certain political subdivisions to hold a public hearing in 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. 895—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 40:1299.96(A)(2)(b), relative to charges for health care records; to provide for certification of completeness; to prohibit additional charges for such certification; 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. 939—

BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 45:1162, relative to the salaries of the Louisiana Public Service Commission; to increase the salaries for the members of the Louisiana Public Service Commission; 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. 1139—

BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 32:125(B)(1) and 300.1(A), relative to traffic regulation; to provide that a driver shall slow down to a speed twenty-five miles per hour below the posted speed limit upon approach of an emergency vehicle; to provide for low-speed vehicles; 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.

May 7, 2008

HOUSE BILL NO. 1141—
BY REPRESENTATIVES LEGER AND HUTTER
AN ACT

To amend and reenact R.S. 38:247(D) and to enact R.S. 38:247(E) and R.S. 49:213.4(E), relative to hurricane protection projects; to prohibit any state agency or entity from entering into certain contracts with the United States Army Corps of Engineers relative to hurricane protection projects; 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. 1170—
BY REPRESENTATIVE ARNOLD
AN ACT

To enact R.S. 32:1274(E), relative to licensing fees charged by the Louisiana Motor Vehicle Commission; to provide for licensing fees of warrantors; 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.

Rules Suspended

Senator Gray asked for and obtained a suspension of the rules for the purpose of recalling Senate Concurrent Resolution No. 47 from the Committee on Education.

SENATE CONCURRENT RESOLUTION NO. 47—
BY SENATORS GRAY, ALARIO, CROWE, DUPLESSIS, HEITMEIER, MARTINY, MURRAY, QUINN, SCALISE AND SHEPHERD AND REPRESENTATIVES ABRAMSON, BALDONE, TIM BURNS, CONNICK, CROMER, MICKEY GUILLORY, HENRY, HUTTER, LAFONTA, MONICA, MORRELL, PEARSON, PETERSON, RICHMOND AND WOOTON
A CONCURRENT RESOLUTION

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Gautreaux N, Mount, etc.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Absent, Total. Lists names like Alario, Crowe, Martiny, etc.

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

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:

May 7, 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. 53—
BY SENATOR NEVERS
A CONCURRENT RESOLUTION

To commend United States Marine Corps Major Kevin R. Scott for being awarded the Bronze Star Medal for his brave and outstanding service in the Global War on Terrorism.

SENATE CONCURRENT RESOLUTION NO. 54—
BY SENATOR DUPRE
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Judy Lirette.

SENATE CONCURRENT RESOLUTION NO. 55—
BY SENATORS DUPLESSIS, ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES AUSTIN BADON, LEGER AND RICHMOND
A CONCURRENT RESOLUTION

To commend and congratulate Byron Scott, head coach of the New Orleans Hornets Basketball Team, on being honored as the National Basketball Association Coach of the Year for the 2007-2008 season.

SENATE CONCURRENT RESOLUTION NO. 56—
BY SENATOR CASSIDY AND REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend and congratulate Glasgow Middle School on being designated as a Blue Ribbon School of Excellence in 2007.

SENATE CONCURRENT RESOLUTION NO. 57—
BY SENATORS WALSWORTH, ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SHAW, SHEPHERD, SMITH AND THOMPSON AND REPRESENTATIVE HENRY
A CONCURRENT RESOLUTION

To commend Senator Steven J. Scalise for his dedication and continued faithful service to the citizens of the state of Louisiana and his colleagues in the Louisiana Senate and Louisiana House of Representatives.

SENATE CONCURRENT RESOLUTION NO. 58—
BY SENATOR NEVERS
A CONCURRENT RESOLUTION

To commend Dr. E. Joseph Savoie for his exemplary service and leadership as Louisiana's Commissioner of Higher Education and to extend sincere congratulations upon his selection to serve as president of the University of Louisiana at Lafayette.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

ATTENDANCE ROLL CALL**PRESENT**

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

ABSENT

Total - 0

Adjournment

Senator Broome moved that the Senate adjourn until Thursday, May 8, 2008, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Thursday, May 8, 2008.

GLENN A. KOEPP
Secretary of the Senate

LYNDA E. WHEELER
Journal Clerk

