

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

---

**SEVENTEENTH DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, April 26, 2006

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

**ROLL CALL**

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

**PRESENT**

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

**ABSENT**

Marionneaux  
Total - 1

The President of the Senate announced there were 38 Senators present and a quorum.

**Prayer**

The prayer was offered by Bishop Muench, 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 yesterday was adopted.

**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**

April 25, 2006

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. 42—**

BY SENATORS HINES AND THEUNISSEN AND REPRESENTATIVE FRITH

**A CONCURRENT RESOLUTION**

To direct the Department of Health and Hospitals, office of public health to allow a waiver of certain requirements of the sanitary code, LAC 51:XII.101 et seq., regarding sewerage treatment for properties within the boundaries of Holly Beach Sewerage Board District Ten of Cameron Parish, under certain conditions.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 45—**

BY SENATOR DUPRE

**A CONCURRENT RESOLUTION**

To designate April 26, 2006, as "Obesity Awareness Day" at the legislature.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**Privilege Report of the  
Legislative Bureau**

April 26, 2006

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. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 52—**

BY REPRESENTATIVES HAMMETT, STRAIN, THOMPSON, BAUDOIN, DANIEL, DOVE, FRITH, GEYMAN, HILL, LAMBERT, ROBIDEAUX, JACK SMITH, AND ST. GERMAIN

**AN ACT**

To enact R.S. 56:116.5, relative to hunting; to prohibit computer-assisted remote hunting; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 392—**

BY REPRESENTATIVE HAMMETT

**AN ACT**

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(m), relative to the Department of Revenue; to provide for the re-creation of the Department of Revenue and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 395—**

BY REPRESENTATIVE HAMMETT

**AN ACT**

To amend and reenact R.S. 47:118(I)(introductory paragraph), relative to the state income tax; to change the deadline for the application for waiver of penalty for underpayment of estimated tax; to provide for an effective date; and to provide for related matters.

Reported without amendments.

April 26, 2006

HOUSE BILL NO. 396—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:1562(A), 1563, and 1564, relative to assessment of tax, penalty, and interest; to provide the time period from the date of the notice of tax due to protest proposed assessment; to provide for assessment of tax, interest, and penalties; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 418—
BY REPRESENTATIVES ALARIO AND SALTER
AN ACT

To amend and reenact R.S. 17:3361(A)(2), relative to public facilities; to require certain oversight of the construction of improvements on college or university property which is leased to a nonprofit organization; to provide for the adoption of standards; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 569—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:633(7)(b) and (c)(i)(aa), relative to the severance tax on oil; to extend the time allowed for the reduced rate certifications on incapable and stripper wells; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 837—
BY REPRESENTATIVES JACK SMITH, ALARIO, K. CARTER, DANIEL, DEWITT, DORSEY, HAMMETT, JEFFERSON, PIERRE, RITCHIE, RICHMOND, AND SALTER AND SENATORS HEITMEIER, HINES, MALONE, MCPHERSON, MOUNT, AND NEVERS
AN ACT

To amend and reenact R.S. 56:2(D), relative to the Wildlife and Fisheries Commission; to authorize the chairman of the commission to cancel meetings under certain circumstances; to provide for actions by the secretary; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 837 by Representative Jack Smith

AMENDMENT NO. 1
In Senate Floor Conforming Amendment No. 1 proposed by Senator Dupre and adopted by the Senate on April 25, 2006, on line 2, after "page 2," insert "line 1,"

AMENDMENT NO. 2
In Senate Floor Conforming Amendment No. 2 proposed by Senator Dupre and adopted by the Senate on April 25, 2006, on line 4, after "page 2," insert "line 2,"

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

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

Introduction of
Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 46—
BY SENATOR THEUNISSEN AND REPRESENTATIVES FRITH AND MORRISH

A CONCURRENT RESOLUTION
To commend Tanya Sturman on her efforts in obtaining authority for a manufacturing company to proceed with plans to build and operate a facility to create alligator watchbands in India.

The resolution was read by title. Senator Theunissen 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, Ellington, Mount, etc.

Total - 28

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists names like Bajoie, Fields, McPherson, etc.

Total - 11

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

SENATE CONCURRENT RESOLUTION NO. 47—
BY SENATOR MICHOT

A CONCURRENT RESOLUTION
To commend the Acadiana Chapter of the American Red Cross for the services and assistance rendered to the people of Acadiana and to express support for the first annual "Cajun Bar B Q State Championship" competition.

The resolution was read by title. Senator Michot 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, Ellington, Mount, etc.

Cheek  
Dardenne  
Duplessis  
Total - 28

Lentini  
Malone  
Michot

Ullo

NAYS

Total - 0

ABSENT

Bajoie  
Boasso  
Cravins  
Dupre  
Total - 11

Fields  
Gautreaux N  
Heitmeier  
Marionneaux

McPherson  
Schedler  
Shepherd

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

**Senate Concurrent Resolutions  
on Second Reading**

The following Senate Concurrent Resolutions were read and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 44—**  
BY SENATOR FIELDS

**A CONCURRENT RESOLUTION**

To authorize and direct the secretary of state to preserve all ballots cast on Saturday, April 22<sup>nd</sup> that were not counted on that day.

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

**Messages from the House**

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

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

April 25, 2006

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. 220—**  
BY REPRESENTATIVE M. GUILLORY  
AN ACT

To amend and reenact Code of Criminal Procedure Article 611, relative to venue; to provide venue for the crime of identity theft; and to provide for related matters.

**HOUSE BILL NO. 303—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 40:981.3(A), relative to the Uniform Controlled Dangerous Substances Law; to provide for violations of the Uniform Controlled Dangerous Substances Law in drug-free zones; to provide for penalties; and to provide for related matters.

**HOUSE BILL NO. 364—**  
BY REPRESENTATIVE WALSWORTH  
AN ACT

To enact R.S. 14:67.21(B)(3), relative to crime of theft; to provide for the crime of theft against aged or disabled persons through a fraudulent or deceitful scheme; and to provide for related matters.

**HOUSE BILL NO. 410—**  
BY REPRESENTATIVE M. GUILLORY  
AN ACT

To amend and reenact R.S. 14:67.16(B) and (C) and 67.21(B) and to enact R.S. 14:67.16(A)(1)(m) and (n), relative to theft; to provide for personal identifying information; to provide for identity theft; to provide for theft of the assets of aged or disabled persons; and to provide for related matters.

**HOUSE BILL NO. 57—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 13:841(A)(introductory paragraph) and (1) through (10) and (D) and to repeal R.S. 13:841(A)(11) through (77) and (E), relative to fees the clerks of the district courts are entitled to receive in civil matters for services provided; to streamline the fees and services; to provide for a fee for marriage licenses and copies; to delete provisions authorizing a clerk to demand and receive additional fees in an amount not to exceed ten percent; to repeal certain fees of offices and services; to repeal provisions relating to service on the same person in the same proceeding but in more than one capacity; and to provide for related matters.

**HOUSE BILL NO. 88—**  
BY REPRESENTATIVE PITRE  
AN ACT

To enact R.S. 14:99.1, relative to driving offenses; to create the crime of hit and run damaging of a potable waterline by operation of a watercraft or vessel; to provide for definitions; to provide for penalties; and to provide for related matters.

**HOUSE BILL NO. 215—**  
BY REPRESENTATIVE DOERGE  
AN ACT

To amend and reenact Children's Code Article 603(14) and to enact Children's Code Articles 603(16.1) and 610(G), relative to a child in need of care; to provide with respect to the definitions of neglect and prenatal neglect; to provide for the duty of a physician to order a toxicology test; and to provide for related matters.

**HOUSE BILL NO. 281—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 15:144(B) and 145(B)(3), relative to indigent defender boards; to provide for the hiring of attorneys; to provide residential requirements; to provide for membership of the indigent defender board in Orleans Parish; and to provide for related matters.

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

**House Bills and Joint Resolutions  
on First Reading**

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

**HOUSE BILL NO. 57—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 13:841(A)(introductory paragraph) and (1) through (10) and (D) and to repeal R.S. 13:841(A)(11) through (77) and (E), relative to fees the clerks of the district courts are entitled to receive in civil matters for services provided; to streamline the fees and services; to provide for a fee for marriage licenses and copies; to delete provisions authorizing a clerk to demand and receive additional fees in an amount not to exceed ten percent; to repeal certain fees of offices and services; to repeal provisions relating to service on

April 26, 2006

the same person in the same proceeding but in more than one capacity; and to provide for related matters.

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

HOUSE BILL NO. 88— BY REPRESENTATIVE PITRE AN ACT

To enact R.S. 14:99.1, relative to driving offenses; to create the crime of hit and run damaging of a potable waterline by operation of a watercraft or vessel; to provide for definitions; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 215— BY REPRESENTATIVE DOERGE AN ACT

To amend and reenact Children's Code Article 603(14) and to enact Children's Code Articles 603(16.1) and 610(G), relative to a child in need of care; to provide with respect to the definitions of neglect and prenatal neglect; to provide for the duty of a physician to order a toxicology test; and to provide for related matters.

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

HOUSE BILL NO. 220— BY REPRESENTATIVE M. GUILLORY AN ACT

To amend and reenact Code of Criminal Procedure Article 611, relative to venue; to provide venue for the crime of identity theft; and to provide for related matters.

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

HOUSE BILL NO. 281— BY REPRESENTATIVE FAUCHEUX AN ACT

To amend and reenact R.S. 15:144(B) and 145(B)(3), relative to indigent defender boards; to provide for the hiring of attorneys; to provide residential requirements; to provide for membership of the indigent defender board in Orleans Parish; and to provide for related matters.

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

HOUSE BILL NO. 303— BY REPRESENTATIVE FAUCHEUX AN ACT

To amend and reenact R.S. 40:981.3(A), relative to the Uniform Controlled Dangerous Substances Law; to provide for violations of the Uniform Controlled Dangerous Substances Law in drug-free zones; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 364— BY REPRESENTATIVE WALSWORTH AN ACT

To enact R.S. 14:67.21(B)(3), relative to crime of theft; to provide for the crime of theft against aged or disabled persons through a fraudulent or deceitful scheme; and to provide for related matters.

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

HOUSE BILL NO. 410— BY REPRESENTATIVE M. GUILLORY AN ACT

To amend and reenact R.S. 14:67.16(B) and (C) and 67.21(B) and to enact R.S. 14:67.16(A)(1)(m) and (n), relative to theft; to provide for personal identifying information; to provide for identity theft; to provide for theft of the assets of aged or disabled persons; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

April 25, 2006

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. 135— BY REPRESENTATIVE MARTINY AND SENATOR LENTINI A CONCURRENT RESOLUTION

To commend Diane Martinsen upon her selection as the recipient of the 2006 Regina Matrum Award from the Archdiocese of New Orleans.

HOUSE CONCURRENT RESOLUTION NO. 136— BY REPRESENTATIVE LAFONTA A CONCURRENT RESOLUTION

To urge and request the LSU School of the Coast and Environment to develop a plan to mitigate the damage caused by dredging oil and gas canals in Louisiana's coastal wetlands.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 135— BY REPRESENTATIVE MARTINY AND SENATOR LENTINI A CONCURRENT RESOLUTION

To commend Diane Martinsen upon her selection as the recipient of the 2006 Regina Matrum Award from the Archdiocese of New Orleans.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Includes Mr. President, Dupre, Michot, Adley, Ellington, Mount, Amedee, Fontenot, Murray, Barham, Gautreaux B, Nevers, Broome, Hollis, Quinn, Cain, Jackson, Romero, Chaisson, Jones, Smith, Cheek, Kostelka, Theunissen, Dardenne, Lentini, Ullo, Duplessis, Malone.

Total - 29

NAYS

Total - 0

ABSENT

Bajoie	Gautreaux N	Schedler
Boasso	Heitmeier	Shepherd
Cravins	Marionneaux	
Fields	McPherson	

Total - 10

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

**HOUSE CONCURRENT RESOLUTION NO. 136—**  
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To urge and request the LSU School of the Coast and Environment to develop a plan to mitigate the damage caused by dredging oil and gas canals in Louisiana's coastal wetlands.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Natural Resources.

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

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

**HOUSE BILL NO. 12—**  
BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 14:220.1(B), relative to leased movables; to increase the penalty for failure to return a leased movable in certain circumstances; and to provide for related matters.

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

**HOUSE BILL NO. 27—**  
BY REPRESENTATIVE FARRAR AND SENATOR MCPHERSON

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(I), (K), (L), and (M), relative to city court jurisdiction; to increase the jurisdictional amount in dispute for the City Court of Alexandria and the City Court of Pineville; and to provide for related matters.

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

**HOUSE BILL NO. 51—**  
BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 40:971.2(C), relative to controlled dangerous substances; to increase penalties for the crime of unlawfully prescribing, distributing, dispensing, or assisting in illegally obtaining controlled dangerous substances; and to provide for related matters.

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

**HOUSE BILL NO. 74—**  
BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact Code of Criminal Procedure Article 344(B)(1), relative to the right to notice for a defendant's required appearance; to provide that the defendant may designate an agent to be served with the notice to appear; and to provide for related matters.

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

**HOUSE BILL NO. 93—**  
BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 37:756(A), 760(A)(1), and 766 and to enact R.S. 37:753(C)(4), 760(A)(15), 761(C), 764(D), 795(B)(2)(a)(iii) and (iv) and (3)(a)(iii) and (iv), and (C), relative to the Dental Practice Act; to provide for the suspension of nominating procedures; to provide for receipts and disbursements of the board; to provide relative to the powers and duties of the board; to provide relative to the requirements of applicants for a dental license and a dental hygiene license; to provide for the supervision of dental hygienists; to increase costs and fees; and to provide for related matters.

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

**HOUSE BILL NO. 100—**  
BY REPRESENTATIVES MARTINY AND ANSARDI

AN ACT

To amend and reenact R.S. 40:981.3(A)(3)(a) and (b) and (D) and to enact R.S. 40:981.3(C)(6), relative to drug-free zones; to add child day care center property within drug-free zones; to provide for definitions; and to provide for related matters.

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

**HOUSE BILL NO. 108—**  
BY REPRESENTATIVE BRUNEAU AND SENATOR MURRAY

AN ACT

To amend and reenact R.S. 49:72(7) and to enact R.S. 49:78.1, relative to lobbying of the executive branch; to provide for the regulation of lobbying of the executive branch; to provide for the definition of lobbyist; to provide for certain prohibited conduct; to provide for penalties and remedies, including the defeat or voidability of certain contracts; to provide for enforcement; and to provide for related matters.

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

**HOUSE BILL NO. 109—**  
BY REPRESENTATIVE BRUNEAU AND SENATOR MURRAY

AN ACT

To amend and reenact R.S. 24:51(5) and to enact R.S. 24:56(G) and 58.1, relative to lobbying of the legislature; to provide for the regulation of lobbying of the legislature; to provide for the definition of lobbyist; to provide for certain prohibited conduct; to provide for penalties and remedies, including the defeat or voidability of certain contracts; to provide for enforcement; and to provide for related matters.

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

**HOUSE BILL NO. 170—**  
BY REPRESENTATIVES WHITE AND KATZ

AN ACT

To amend and reenact R.S. 15:708(A)(1), (2), (3)(a), and (5), to enact R.S. 15:708(G) and (H), and to repeal R.S. 15:708(A)(3)(c), relative to labor by inmates at workday release programs; to provide an exception for the requirement that inmates remain under the custody and control of the sheriff in cases where the parish or municipal authorities assume the responsibility for the custody and control of participating prisoners for particular parish or municipal projects while the prisoners are outside of prison facilities; to provide for immunity for sheriffs and their employees for injuries or damages caused or suffered by prisoners participating in any work program during incarceration at parish jail facilities; to provide for applicability; and to provide for related matters.

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

April 26, 2006

HOUSE BILL NO. 336—
BY REPRESENTATIVES MONTGOMERY, GALLOT, AND TOWNSEND
AN ACT

To enact R.S. 39:12(A)(4) and (C), relative to management of state lands; to require development of management plans by state agencies; to require management of state lands in a prudent manner; and to provide for related matters.

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

HOUSE BILL NO. 435—
BY REPRESENTATIVES GEYMANN AND SCHNEIDER
AN ACT

To amend and reenact R.S. 14:42(D)(2), relative to aggravated rape; to change the penalty provisions relative to the age of the victim to conform to the definition of the crime; to provide for penalties imposed when the victim is under the age of thirteen years; and to provide for related matters.

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

HOUSE BILL NO. 457—
BY REPRESENTATIVE HEBERT
AN ACT

To authorize the secretary of the Department of Wildlife and Fisheries and the commissioner of administration to sell, convey, transfer, assign, and deliver certain state property located in Iberia Parish.

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

HOUSE BILL NO. 459—
BY REPRESENTATIVE HEBERT
AN ACT

To authorize the secretary of the Department of Wildlife and Fisheries and the commissioner of administration to sell, convey, transfer, assign, and deliver certain state property located in Iberia Parish.

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

HOUSE BILL NO. 460—
BY REPRESENTATIVE HEBERT
AN ACT

To authorize the secretary of the Department of Wildlife and Fisheries and the commissioner of administration to sell, convey, transfer, assign, and deliver certain state property located in Iberia Parish.

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

HOUSE BILL NO. 463—
BY REPRESENTATIVE HEBERT
AN ACT

To authorize the secretary of the Department of Wildlife and Fisheries and the commissioner of administration to sell, convey, transfer, assign, and deliver certain state property located in Iberia Parish.

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

HOUSE BILL NO. 1105—
BY REPRESENTATIVE DANIEL
AN ACT

To enact R.S. 49:214.4(B)(3), relative to coastal restoration; to provide for a coastal forest preservation, conservation, and restoration program; and to provide for related matters.

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

House Concurrent Resolutions
on Second Reading

The following House Concurrent Resolutions were read and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 126—
BY REPRESENTATIVES QUEZAIRE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMANN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HARRIS, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFAEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON AND SENATORS ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install lighting along the Sunshine Bridge in Ascension Parish.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Dupre, Malone; Adley, Ellington, Murray; Amedee, Fields, Nevers; Barham, Fontenot, Quinn; Broome, Gautreaux B, Romero; Cain, Hollis, Smith; Chaisson, Jackson, Theunissen; Cheek, Jones, Ullo; Dardenne, Kostelka; Duplessis, Lentini; Total - 28

NAYS

Total - 0

ABSENT

Table with 3 columns: Bajoie, Heitmeier, Mount; Boasso, Marionneaux, Schedler; Cravins, McPherson, Shepherd; Gautreaux N, Michot; Total - 11

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

HOUSE CONCURRENT RESOLUTION NO. 130—
BY REPRESENTATIVE MORRISH
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to expedite the Federal Emergency Management Agency's (FEMA) reimbursement process and to make the reimbursement of accrued interest on loans part of its public assistance grants.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	McPherson
Adley	Fields	Mount
Amedee	Fontenot	Murray
Barham	Gautreaux B	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Dardenne	Kostelka	Uilo
Duplessis	Lentini	
Dupre	Malone	
Total - 31		

**NAYS**

Total - 0

**ABSENT**

Bajoie	Gautreaux N	Schedler
Boasso	Marionneaux	Shepherd
Cravins	Michot	
Total - 8		

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

**HOUSE CONCURRENT RESOLUTION NO. 131—**  
BY REPRESENTATIVE KATZ

**A CONCURRENT RESOLUTION**

To urge and request the Department of Revenue to design an electronic tax return that is simpler and more easily understood and interpreted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	McPherson
Adley	Fields	Mount
Amedee	Fontenot	Murray
Barham	Gautreaux B	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Dardenne	Kostelka	Uilo
Duplessis	Lentini	
Dupre	Malone	
Total - 31		

**NAYS**

Total - 0

**ABSENT**

Bajoie	Gautreaux N	Schedler
Boasso	Marionneaux	Shepherd
Cravins	Michot	
Total - 8		

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON  
NATURAL RESOURCES**

Senator Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

April 26, 2006

To the President and Members of the Senate:

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

**SENATE BILL NO. 26—**  
BY SENATOR DUPRE

**AN ACT**

To enact R.S. 49:213.1(E) and 213.4(A)(7), relative to the Coastal Protection and Restoration Authority; to provide relative to its powers, duties, and functions; to authorize the authority to serve as the single entity responsible to act as local sponsor for certain projects relative to hurricane protection and flood control; to authorize the authority to enter into certain contracts relative to hurricane protection and flood control projects, and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 237—**  
BY SENATOR MALONE

**AN ACT**

To amend and reenact R.S. 30:136(A)(1)(a) and (b), relative to state mineral leases; to require certain payments to the office of mineral resources to be paid by check or electronic wire transfer; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 238—**  
BY SENATOR MALONE

**AN ACT**

To amend and reenact R.S. 30:209.1(B) and 213(A), relative to the State Mineral Board; to allow for the use of certain confidential geological information and data; to provide for certain conditions, procedures and penalties; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 635—**  
BY SENATOR DUPRE

**AN ACT**

To amend and reenact R.S. 49:214.32(B), and 214.41(A)(6), and to enact R.S. 49:214.22(8), 214.32(C)(8), and 214.41(A)(7), relative to coastal resources; to provide relative to coastal resources management; to provide relative to the coastal zone; to provide relative to coastal zone management; to provide certain terms, conditions, definitions, requirements, functions, and procedures; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
MAX T. MALONE  
Chairman

**REPORT OF COMMITTEE ON**

**COMMERCE, CONSUMER PROTECTION AND  
INTERNATIONAL AFFAIRS**

April 26, 2006

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection, and International Affairs, submitted the following report:

April 26, 2006

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. 239— BY SENATORS MALONE, ULLO AND HOLLIS AN ACT

To amend and reenact R.S. 49:191 and to repeal R.S. 49:191(1)(d), relative to the Department of Culture, Recreation and Tourism; to provide for the re-creation of the Department of Culture, Recreation and Tourism and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 600— BY SENATOR MURRAY AN ACT

To enact Chapter 10-C of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:969.51 through 969.69, relative to loans; to provide for the Louisiana Motor Vehicle Title Loan Act; to provide for definitions; to provide requirements for title loan agreements; to require the lender to maintain certain records; to provide for lender's rights and remedies upon default; to provide for certain charges; to provide for the length of title loans; to provide for the borrower's rights and remedies; to prohibit certain acts; to provide requirements for licensure; to provide exceptions from licensure; to provide procedures for licensure; to provide for fees; to provide for the denial, suspension, and revocation of a license; to provide for the powers and duties of the Louisiana Motor Vehicle Commission; to authorize the commission to issue fines; to authorize a private right of action; and to provide for related matters.

Reported by substitute.

Respectfully submitted, KEN HOLLIS Chairman

REPORT OF COMMITTEE ON HEALTH AND WELFARE

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

April 26, 2006

To the President and Members of the Senate:

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

SENATE BILL NO. 417— BY SENATOR BAJOIE AN ACT

To enact Part VI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1191, relative to kidney disease; to require that clinical laboratories determine the estimate glomerular filtration rate of certain patients; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 605— BY SENATOR MCPHERSON AN ACT

To amend and reenact R.S. 40:2009.11(B)(2)(b), 2199(B)(2)(b) and (F)(1), to enact R.S. 40:2199.1, and to repeal R.S. 40:2009.11(B)(3) and 2199(B)(3), relative to nursing homes and health care facilities; to amend Class B violations for nursing homes and other health care facilities licensed or certified by the Department of Health and Hospitals; to delete monthly aggregate fines for nursing homes or other health care facilities; to provide that monies collected for violations by health care facilities, other than nursing homes, be placed into a special trust fund; to provide for use of those monies; to provide for additional remedies against health care facilities which have repeated violations; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 614— BY SENATOR BAJOIE AN ACT

To amend and reenact R.S. 46:2116, 2116.1(2), the introductory paragraph of 2116.1(3) and (3)(e) and (5), 2116.2(A) and (B)(1), (2), (3) and (4), the introductory paragraph of (C) and (C)(1), (2), and (3), and (D)(1) and (2), R.S. 2116.3(A), 2116.5(A) and (D), relative to the personal care assistants program; to provide for flexibility by Department of Social Services, office of rehabilitation services for the standards of eligibility; to provide for definitions for individuals determined to be in need of personal care assistants; provides for members to the advisory panel to develop criteria for prioritization; and to provide for related matters.

Reported with amendments.

Respectfully submitted, JOE MCPHERSON 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. 25— BY SENATOR CAIN AN ACT

To enact R.S. 14:116.1, relative to flag burning; to create the crime of flag burning as it relates to the United States flag; to provide for exceptions; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 25 by Senator Cain

AMENDMENT NO. 1

On page 1, after line 16, insert the following:

"E. The provisions of this Section shall not take effect unless and until an amendment to the federal constitution regarding flag desecration is proposed by the Congress and approved by the requisite number of states and becomes law."

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



**SENATE BILL NO. 51—**

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 9:374(C), relative to divorce; to provide relative to the possession and use of certain property by spouses; to provide relative to possession and use of movable property; and to provide for related matters.

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

**SENATE BILL NO. 79—**

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 30:2195.2(A)(1)(c)(ii), (3), and (B)(2), 2195.4(A), and 2195.10 and to enact R.S. 30:2195.9(6); relative to the Motor Fuels Underground Storage Tank Trust Fund; to provide relative to financial obligations of tank owners for environmental damage resulting from releases; authorizes the Department of Environmental Quality to file liens in lieu of tank owners paying deductibles on underground storage tanks; 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. 79 by Senator Fontenot

**AMENDMENT NO. 1**

On page 1, line 2, after "2195.2(A)(1)(c)(ii)," and before "(3)" insert "and"

**AMENDMENT NO. 2**

On page 1, line 2, after "(3)," delete "and (B)(2)."

**AMENDMENT NO. 3**

On page 1, line 9, after "2195.2(A)(1)(c)(ii)," and before "(3)" insert "and"

**AMENDMENT NO. 4**

On page 1, line 9, after "(3)," delete "and (B)(2)."

**AMENDMENT NO. 5**

On page 2, delete lines 21 through 29

**AMENDMENT NO. 6**

On page 3, delete lines 1 and 2

**AMENDMENT NO. 7**

On page 4, line 29, after "**fund**," insert:

**"Such regulations shall provide that the use of the funds in the Tank Trust Fund in any fiscal year on sites for which the lien authorized by this Section has been used to substitute for the financial responsibility amount shall not exceed twenty percent of the amounts collected in the previous fiscal year. The secretary is authorized to exceed the twenty percent limitation contained in this Paragraph upon recommendation of the Motor Fuels Underground Storage Tank Trust Fund Advisory Board. Upon recommendation of the board to exceed the twenty percent limitation as provided for in this Paragraph, the secretary shall send written notice to the Senate Committee on Environmental Quality and the House Committee on the Environment listing the project name, project location, and the amount of the project that exceeds the twenty percent limitation."**

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

**SENATE BILL NO. 85—**

BY SENATOR JONES

AN ACT

To enact R.S. 15:833.1, relative to persons in the custody of the Department of Public Safety and Corrections; to require the implementation of a work furlough program for certain inmates to participate in disaster and emergency relief; to require the secretary to establish rules, regulations and procedures for such program; to provide for eligibility; to provide an opportunity to be heard by the appropriate trial judge, district attorney, and victim; 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. 85 by Senator Jones

**AMENDMENT NO. 1**

On page 1, line 3, change "require" to "authorize" and delete "a work furlough program" and insert in lieu thereof "community resource centers"

**AMENDMENT NO. 2**

On page 1, line 5, change "program" to "centers"

**AMENDMENT NO. 3**

On page 1, line 6, after "eligibility;" delete the remainder of the line and on line 7 delete "district attorney, and victim;"

**AMENDMENT NO. 4**

On page 1, line 10, change "**Work furlough program**" to "**Community resource centers**" and delete "**legislative findings**;"

**AMENDMENT NO. 5**

On page 1, delete lines 11 through 17 and insert in lieu thereof the following:

**"A. The secretary of the Department of Public Safety and Corrections is hereby authorized to establish community resource centers to provide housing for inmates to remediate the damage done following a natural disaster or emergency. In implementing disaster remediation activities by inmates the secretary shall maximize the use of inmate labor to augment governmental personnel and community volunteers conducting remediation activities during the period immediately after such disaster and assure that inmate labor does not replace an existing employee, work on a project or job involved in a labor dispute, or supplant post disaster remediation activities that may otherwise be performed under contract by private sector firms employed by an affected individual or governmental entity."**

**AMENDMENT NO. 6**

On page 2, delete lines 1 through 29 and insert in lieu thereof the following:

**"B. Notwithstanding any other provisions of law to the contrary, every eligible inmate in the custody of the Department of Public Safety and Corrections who has been convicted of a felony, except an inmate prohibited from participation as provided for in Subsection D of this section, may be assigned to perform labor related to cleanup and rebuilding following a natural disaster, emergency or other catastrophe if all of the following conditions are met:**

**(1) The governor has declared a disaster or emergency in the parish where the work will be conducted pursuant to executive order or proclamation pursuant to the provisions of the Louisiana Homeland Security and Emergency Assistance and Disaster Act.**

**(2) The inmate is not excluded from eligibility for participation pursuant to the provisions of Subsection D and pursuant to rules and regulations promulgated by the secretary.**

**(3) The secretary has approved the participation of the inmate in implementing disaster remediation activities."**

April 26, 2006

AMENDMENT NO. 7

On page 3, delete lines 1 through 12

AMENDMENT NO. 8

On page 3, line 13, change "Such work furloughs" to "Participation in a community resource center" and on line 15 after "Corrections," insert "The rules shall be adopted pursuant to the provisions of the Administrative Procedure Act."

AMENDMENT NO. 9

On page 3, delete lines 16 through 29 and insert in lieu thereof the following:

"D. An inmate in the custody of the Department of Public Safety and Corrections shall not be eligible to participate in the community resource centers if the inmate has been convicted of a crime defined or enumerated as a crime of violence in R.S. 14:2(13) or the inmate has been convicted of a sex offense as defined in R.S. 15:541(14.1).

E. Inmates participating in the community resource center shall be eligible to earn thirty days of good time in addition to that otherwise authorized by law for every thirty days of service in this program.

F. The provisions of this Section shall be subject to appropriation by the legislature or the availability of any appropriate federal funds."

AMENDMENT NO. 10

On page 4, delete lines 1 through 29 and on page 5, delete lines 1 through 7

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

SENATE BILL NO. 129—

BY SENATOR JONES

AN ACT

To amend and reenact R.S. 15:571.3(B), relative to execution of sentence; to provide for diminution and commutation of sentence for good behavior; to provide for an increase in the rate of good time earned every thirty days; 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. 129 by Senator Jones

AMENDMENT NO. 1

On page 2, line 4, change "The" to "The Beginning with the diminution of sentence earned beginning January 1, 1992, the"

AMENDMENT NO. 2

On page 2, after line 10, insert the following:

"Section 2. The provisions of this Act shall provide no basis for any action by any inmate in the custody of the Department of Public Safety and Corrections to seek release or to seek any type of legal redress."

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

SENATE BILL NO. 154—

BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 9:348, relative to children; to provide relative to visitation orders; to provide for missed visitation due to certain military active duty; to require compensatory days of visitation in such instances; to require negotiation between parents; to provide for court intervention in certain circumstances; to authorize court-ordered mediation; to provide relative to court

costs; to provide for definitions; and to provide for related matters.

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

SENATE BILL NO. 161—

BY SENATOR MOUNT

AN ACT

To enact R.S. 13:3881(A)(7), relative to general exemptions from seizure; to provide that certain property insurance proceeds shall be exempt from seizure; to provide relative to property insurance proceeds received as a result of natural disasters or fires; 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. 161 by Senator Mount

AMENDMENT NO. 1

On page 1, after line 16, add the following:

"Section 2. The provisions of this Act shall be given retroactive application to August 24, 2005."

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

SENATE BILL NO. 165—

BY SENATOR MOUNT

AN ACT

To amend and reenact Children's Code Art. 603(14) and to enact Children's Code Art. 603(16.1) and 610(G), relative to children; to provide relative to pre-natal neglect; to provide for definitions; to require testing to determine pre-natal neglect in certain circumstances; to require reporting of such tests when results are positive; to provide relative to the retention of negative test results; to provide for the admissibility of such tests; 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. 165 by Senator Mount

AMENDMENT NO. 1

On page 1, on the author line, after the words "SENATOR MOUNT" add "(On recommendation of the Louisiana State Law Institute)"

AMENDMENT NO. 2

On page 2, at the end of line 9, after "child" insert "when there is a substantial risk of harm to the child's health or welfare"

AMENDMENT NO. 3

On page 2, line 18, after "use" insert "by a mother during pregnancy"

AMENDMENT NO. 4

On page 2, at the end of line 19, delete "by a mother during"

AMENDMENT NO. 5

On page 2, at the beginning of line 20, delete "pregnancy"

AMENDMENT NO. 6

On page 3, line 4, after "used" insert "during pregnancy"

AMENDMENT NO. 7

On page 3, at the beginning of line 8, change "immediately" to ", as soon as possible,"

AMENDMENT NO. 8

On page 3, at the end of line 11, change "may be admissible only in a juvenile court" to "shall not be admissible in a criminal prosecution."

AMENDMENT NO. 9

On page 3, delete lines 12 and 13

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

SENATE BILL NO. 169—  
BY SENATOR CHAISSON

## AN ACT

To amend and reenact R.S. 13:969(G) and (I) and to enact R.S. 13:961(F)(1)(r), relative to court reporter fees in the Twenty-Ninth Judicial District Court; to authorize the judges en banc to set the fees for each page and for each copied page of transcribed testimony; and to provide for related matters.

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

SENATE BILL NO. 173—  
BY SENATOR FONTENOT

## AN ACT

To amend and reenact R.S. 30:2179, relative to environmental quality, to require the secretary of the Department of Environmental Quality to evaluate hazardous waste capacity in order to safely and efficiently manage such waste; 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. 173 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 13, delete ", but is not limited to"

AMENDMENT NO. 2

On page 2, line 6, after "capacity" insert a period "." and delete the remainder of the line

AMENDMENT NO. 3

On page 2, delete line 7

AMENDMENT NO. 4

On page 2, delete lines 25 through 29 and insert:

"(1) The secretary shall consider the expansion or modification of existing hazardous waste facilities and construction of new hazardous waste facilities when evaluating available permitted capacity.

(2) The secretary shall consider available permitted capacity as it relates to the management of hazardous waste resulting from emergency situations before issuing an additional hazardous waste permit.

C. A fifteen percent limitation above the total permitted capacity shall be applied on an aggregate basis and shall not be applied individually to a certain facility. The fifteen percent limitation shall not be applicable during a response to a natural disaster impacting the parishes of the state or where such limitation will prohibit the environmentally sound management of in-state hazardous waste associated with a disaster response or where such limitation could significantly impede or prevent the protection of human health and the environment. Upon completing an evaluation and determination of the permitted hazardous waste capacity, the fifteen percent limitation may be revised or rescinded. The secretary shall provide public notice of

any revision or rescission of the fifteen percent limitation provision."

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

SENATE BILL NO. 202—  
BY SENATOR JONES

## AN ACT

To amend and reenact R.S. 15:828(B), relative to prisons and correctional institutions; to provide for classification and treatment programs; to increase the number of programs in which an inmate is to be encouraged to participate and for which an inmate may receive good time credits; 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. 202 by Senator Jones

AMENDMENT NO. 1

On page 1, line 11, change "prescribe" to "prescribe adopt"

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

SENATE BILL NO. 250—  
BY SENATOR FONTENOT

## AN ACT

To amend and reenact R.S. 30:2022(B)(1) and (2), relative to the Department of Environmental Quality; to provide for the processing and review of permit applications for new facilities and applications for substantial permit modifications; to provide that completeness review on permit application is to be made within sixty days after the application is submitted; to provide that a final decision on a permit is to be made within two hundred and ten days after the application is submitted; 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. 250 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 5, after "provide that" insert "certain administrative"

AMENDMENT NO. 2

On page 1, line 7, change "two hundred and ten" to "three hundred"

AMENDMENT NO. 3

On page 2, line 2, after "Procedures for" insert "administrative"

AMENDMENT NO. 4

On page 2, at the beginning of line 4, before "completeness" insert "administrative"

AMENDMENT NO. 5

On page 2, at the end of line 5, after "submitted" and before the period "." insert ", except where additional time is required to correct information or deficiencies in the application"

AMENDMENT NO. 6

On page 2, line 6, after "beyond" delete "two hundred ten" and insert "three hundred"

AMENDMENT NO. 7

On page 2, line 8, after "technical" insert "information or"

April 26, 2006

AMENDMENT NO. 8

On page 2, line 9, after "R.S. 30:2024," insert "**or for required review by the United States Environmental Protection Agency,**"

AMENDMENT NO. 9

On page 2, line 11, after "extension" insert "**for consideration of comments**"

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

SENATE BILL NO. 281—

BY SENATOR N. GAUTREUX

AN ACT

To enact R.S. 9:2800.16, relative to liability; to provide relative to military personnel killed while on active duty; to prohibit the intentional display of images and names of such persons on goods or clothing under certain circumstances; to require written consent of certain family members prior to such displays; to provide for a cause of action of certain family members of such military personnel when such display is done without consent; to require exemplary damages and attorney fees in such cases; 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. 281 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 7, after "cases;" insert "to provide for exceptions;"

AMENDMENT NO. 2

On page 2, after line 6, insert the following:

**"C. The provisions of this Section shall not apply to (1) use of a name or image by the press as authorized by law, and (2) to the display of a name or image when used as part of a memorial."**

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

SENATE BILL NO. 289—

BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 15:574.20(A), relative to parole; to provide with respect to medical parole; to require medical parole consideration of inmates determined to be permanently incapacitated or terminally ill; 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. 289 by Senator Fields

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 1, line 13, after "**consideration**" insert "**with the concurrence of the office of the district attorney which prosecuted the case that resulted in the incarceration of the person eligible for such parole**"

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

SENATE BILL NO. 353—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 27:372.1(A), relative to the Pari-Mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to provide for slot machine gaming at an eligible facility; to provide for the maximum number of slot machines at such facility; and to provide for related matters.

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

SENATE BILL NO. 359—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 32:361.1(G), relative to motor vehicles; to increase the penalties for violating certain window tinting provisions; and to provide for related matters.

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

SENATE BILL NO. 406—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.47(B)(1)(c) and to enact R.S. 40:1299.47(B)(1)(d) and (N), relative to medical malpractice; to provide relative to medical risk review panels; to provide relative to the waiver of such panel; to establish an expedited risk review panel process; to require a written request for such process; to provide for time requirements relative to request for such process, the selection of panel members, and the rendering of the opinion of the panel; to provide relative to notification of certain participants in the panel; to require certain information of certain health care providers; to provide relative to a HIPAA Complaint Authorization form; to authorize a protection order of medical records; to provide relative to certain evidence; to require a written report of the conclusion of the panel; 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. 406 by Senator Lentini

AMENDMENT NO. 1

On page 1, at the end of line 9, change "Complaint" to "Compliant"

AMENDMENT NO. 2

On page 2, line 2, after "B." add "(1) \* \* \*"

AMENDMENT NO. 3

On page 2, line 11, after "**N.(1)(a)**" insert "**(i)**"

AMENDMENT NO. 4

On page 2, between lines 20 and 21, insert the following:

**"(ii) In accordance with Subsection J of this Section, the chairman shall submit a copy of the panel's report to the board and all parties and attorneys by registered or certified mail within five days after the panel renders its opinion. In accordance with Subsection L of this Section, where the medical review panel issues its opinion required by this Section, the suspension of the running of prescription shall not cease until ninety days following notification by certified mail to the claimant or his attorney of the issuance of the opinion as required by Subsection J of this Section."**

AMENDMENT NO. 5

On page 2, line 21, after "**(b)**" insert "**(i)**"

AMENDMENT NO. 6

On page 2, line 24 change "filed" to "instituted"

AMENDMENT NO. 7

On page 2 between lines 24 and 25, insert the following:

**"(ii) In accordance with R.S. 40:1299.47(B)(1)(b), after the twelve month period provided for in this Subsection, the medical review panel established to review the claimant's complaint shall be dissolved without the necessity of obtaining a court order of dissolution.**

**"(iii) In accordance with R.S. 40:1299.47(B)(3), ninety days after the notification to all parties by certified mail by the attorney chairman of the board of the dissolution of the medical review panel, the suspension of the running of prescription with respect to a qualified health care provider shall cease."**

AMENDMENT NO. 8

On page 3, line 18, change "Complaint" to "Compliant"

AMENDMENT NO. 9

On page 3, at the end of line 27, after "Subsection." add "The attorney chairman shall provide notice of this to the board and all parties by registered or certified mail."

AMENDMENT NO. 10

On page 4, line 2, after "x-rays" and before the comma ";" insert "or other film studies"

AMENDMENT NO. 11

On page 4, delete lines 5 and 6 and add in lieu thereof "(c) Neither interrogatories to nor depositions of the parties and witnesses may be taken prior to the convening of the panel."

AMENDMENT NO. 12

On page 4, line 20, after "months" change "of" to "from"

AMENDMENT NO. 13

On page 5, at the beginning of line 7, change "(1)" to "(a)"

AMENDMENT NO. 14

On page 5, at the beginning of line 10, change "(2)" to "(b)"

AMENDMENT NO. 15

On page 5, at the beginning of line 13, change "(3)" to "(c)"

AMENDMENT NO. 16

On page 5, delete line 15, and add in lieu thereof:

**"(7) The report of the expert opinion reached by the expedited medical review panel process pursuant to the provisions of this Subsection"**

AMENDMENT NO. 17

On page 5, at the beginning of line 21, change "(5)" to "(8)"

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

SENATE BILL NO. 416—

BY SENATOR MURRAY

## AN ACT

To enact R.S. 9:2780.1, relative to indemnification agreements; to provide for certain mineral lease indemnification agreements; 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. 416 by Senator Murray

AMENDMENT NO. 1

On page 1, line 3, after the semicolon ";" insert "to provide for prospective application;"

AMENDMENT NO. 2

On page 1, delete lines 11 and 12, and insert in lieu thereof "environment or any portion of the property subject to the mineral lease, servitude, or royalty interest on which"

AMENDMENT NO. 3

On page 1, at the end of line 14, change "to the" to a period "." and delete lines 15 through 17

AMENDMENT NO. 4

On page 1, after line 17, add the following:

"Section 2. The provisions of this Act shall be applied prospectively only and shall apply only to agreements executed after the effective date of this Act."

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

SENATE BILL NO. 471—

BY SENATOR DUPLESSIS

## AN ACT

To amend and reenact the introductory paragraph of R.S. 13:3881(A) and R.S. 13:3881(B)(1), relative to property exempt from seizure; to provide for insurance proceeds; to require that insurance proceeds issued to replace property exempt from seizure also be exempt from seizure; 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. 471 by Senator Duplessis

AMENDMENT NO. 1

On page 1, delete lines 2 and 3 and insert:

"To amend and reenact R.S. 20:1(A)(2) and (D) and to enact R.S. 13:3881(A)(7), relative to property exempt from seizure; to provide for insurance"

AMENDMENT NO. 2

On page 1, line 5, after the semicolon ";," insert "to provide for the homestead exemption from seizure and sale; to provide for an extension of such exemption to proceeds from any property insurance policy under certain natural disasters; to provide relative to the accounting for such proceeds; to provide relative to the value of such exemption;"

AMENDMENT NO. 3

On page 1, delete lines 7 and 8 and insert:

"Section 1. R.S. 13:3881(A)(7) is hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 1, delete lines 10 and 11 and insert in lieu thereof:

"A. The following income or property of a debtor is exempt from"

AMENDMENT NO. 5

On page 1, between lines 14 and 15, insert the following:

**"(7) The proceeds from a property insurance policy received as a result of damage caused by a gubernatorial declared disaster to an asset considered exempt under this Section and that are held separately in an escrow account identified as insurance proceeds paid from the damage of an exempt asset shall be considered exempt to the same extent that the value of the underlying asset is considered exempt."**

AMENDMENT NO. 6

On page 1, delete lines 15 through 17

AMENDMENT NO. 7

On page 2, delete lines 1 and 2

April 26, 2006

AMENDMENT NO. 8

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

"Section 2. R.S. 20:1(A)(2) and (D) are hereby amended and reenacted to read as follows:

§1. Declaration of homestead; exemption from seizure and sale; debts excluded from exemption; waiver; **certain proceeds from property insurance exempted**

A. \* \* \*
\* \* \*

(2) The homestead is exempt from seizure and sale under any writ, mandate, or process whatsoever, except as provided by Subsections C and D of this Section. This exemption extends to twenty-five thousand dollars in value of the homestead, except in the case of obligations arising directly as a result of a catastrophic or terminal illness or injury, in which case the exemption shall apply to the full value of the homestead based upon its value one year before such seizure. **This homestead exemption from seizure and sale shall extend automatically to the proceeds from any property insurance policy received as a result of damage caused by gubernatorial declared disaster to a homestead and that are held separately in an escrow account identified as insurance proceeds paid from the damage of a homestead for its repair or replacement.**

\* \* \*

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. 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, 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 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. The waiver may be either general or special and shall have effect from the time of recording. The waiver shall not be required or permitted for the rendering of medical treatment, medical services, or hospitalization. **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.**

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

SENATE BILL NO. 477—

BY SENATOR CAIN

AN ACT

To amend and reenact Code of Criminal Procedure Article 578 and to enact Code of Criminal Procedure Article 572(C), relative to bail; to provide for the expiration of bail bonds when the time for prosecuting certain offenses has lapsed; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 477 by Senator Cain

AMENDMENT NO. 1

On page 1, line 12, after "prosecution" insert "which bond has not been forfeited"

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

SENATE BILL NO. 547—

BY SENATOR MURRAY

AN ACT

To enact R.S. 15:572.9, relative to pardons; to provide that a person convicted of violating a state law or municipal ordinance whose purpose was to maintain or enforce racial separation or discrimination shall be granted a pardon of the conviction upon application; to provide for a hearing if the state objects to the granting of the pardon; 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. 547 by Senator Murray

AMENDMENT NO. 1

On page 1, line 3, change "whose purpose" to "the purpose of which"

AMENDMENT NO. 2

On page 1, line 13, change "whose purpose" to "the purpose of which"

AMENDMENT NO. 3

On page 2, line 4, change "whose purpose" to "the purpose of which"

AMENDMENT NO. 4

On page 2, line 8, change "whose purpose" to "the purpose of which"

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

SENATE BILL NO. 550—

BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 14:63(G)(introductory paragraph) and (H), to enact R.S. 14:63(E)(8), and to repeal R.S. 14:63(F)(1), relative to criminal trespass; to provide for an exception from prohibitions from entry upon property for professional land surveyors or their authorized personnel; and to provide for related matters.

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

SENATE BILL NO. 566—

BY SENATORS CHAISSON AND MURRAY

AN ACT

To enact R.S. 15:83 and 85(12) and Code of Criminal Procedure Article 345(I),(J),(K), and (L) relative to bail bond obligations; to provide for bail bond contracts; to provide for definitions; to provide for the setting aside of bond obligations due to force majeure; to provide for the forfeiture of bonds through cumulative actions; to provide for bond forfeiture actions for certain obligations in summary proceedings; to provide for extensions of time to satisfy bond obligations under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 566 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, change "Article 345(I), (J), (K), and" to "Articles 345(I) and (J) and 955(F),"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, delete "(L)"

AMENDMENT NO. 3

On page 1, line 4, after "due to" change "force" to "a fortuitous event;"

AMENDMENT NO. 4

On page 1, at the beginning of line 5, delete "majeure;"

AMENDMENT NO. 5

On page 2, delete lines 3 through 5 in their entirety and insert the following:

**"C. (1) The surety is not liable for his failure to perform when it is caused by a fortuitous event that makes performance impossible.**

**(2) A fortuitous event is one that, at the time the contract was made, could not have been reasonably foreseen.**

**(3) A declaration of a disaster which qualifies for relief and assistance under Chapter 68 of Title 42 of the United States Code, "the Robert T. Stafford Disaster Relief and Emergency Assistance Act", meets the definition of a fortuitous event."**

AMENDMENT NO. 6

On page 2, line 14, after "**and in the**" insert "**section of the**"

AMENDMENT NO. 7

On page 2, line 15, change "**cumulation**" to "**accumulation**"

AMENDMENT NO. 8

On page 2, line 17, change "Article 345(I), (J), (K), and (L)" to "Articles 345(I) and (J) and 955(F)"

AMENDMENT NO. 9

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

**"I. In addition to and notwithstanding any other provision of law, a surety may seek an extension of time to surrender a defendant, or have the judgment of bond forfeiture set aside by filing a motion in the criminal court of record and after contradictory hearing with the district attorney and with proof satisfactory to the discretion of the court that a fortuitous event has occurred and that such event has made his performance required under the contract impossible to perform.**

**J. Regarding bail bond forfeitures for which the notices of bond forfeiture were mailed between February 28, 2005, and September 21, 2005, inclusive, in addition to and notwithstanding any other provision of law, the defendant or the surety may seek to have a judgment of bond forfeiture set aside by filing a motion in the criminal court record and after contradictory hearing with the district attorney and with proof satisfactory to the discretion of the court that after reasonable effort to recover the wanted fugitive, the location and return of the wanted fugitive was made impossible by damage sustained during and immediately following Hurricane Katrina or Hurricane Rita. Such motion must be filed within twelve months of the date of the storm, the effect of which gives rise to the request for relief.**

\* \* \*

AMENDMENT NO. 10

On page 3, delete lines 1 through 14 in their entirety and insert the following:

"Art. 955. Suspension of time limitations in affected courts; ninety days; rescision; extensions; exceptions

\* \* \*

**F. When the supreme court makes the determination and orders an emergency session of court at a location or locations which are both feasible and practical outside the parish or territorial jurisdiction of the affected court, pursuant to Article 944, in addition to the provisions of Paragraph A of this Article, the supreme court may order an extension of time not to exceed fifteen months for the surrender of the defendant as provided for in R.S. 15:85. This extension of time is in addition to the six months provided for in R.S. 15:85 and the ninety days provided**

**for in Paragraph A of this Article, and also applies to the deadlines for filing motions to set aside judgments of bond forfeiture."**

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

**SENATE BILL NO. 610—**

BY SENATOR MOUNT

AN ACT

To enact R.S. 9:337 through 337.9, relative to joint custody; to provide for a process in which a parenting coordinator assists parents or persons exercising parental authority to implement a parenting plan by facilitating the resolution of their disputes and reduce child-related conflict; to provide relative to the appointment, duties, and responsibilities of a parenting coordinator; 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. 610 by Senator Mount

AMENDMENT NO. 1

On page 3, line 7, delete "**the parties**" and insert "**either party or both parties**"

AMENDMENT NO. 2

On page 3, line 11, at the end of the line delete "**the**" and insert "**either party or both**"

AMENDMENT NO. 3

On page 4, line 16, after "**services,**" insert "**domestic violence,**"

AMENDMENT NO. 4

On page 7, line 2, after "**dynamics in divorce,**" insert "**dynamics and risk factors of domestic violence,**"

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

**SENATE BILL NO. 652—**

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 14:102.1(A)(2)(a), relative to criminal offenses; to provide relative to the criminal code and to offenses against the state; to provide relative to the prohibition of certain activities and the penalties provided therefor; to provide relative to offenses against animals and affecting the public sensibility; to provide relative to penalties, conditions, and requirements; to provide relative to cruelty to animals and penalties therefor, and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 652 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 2, after "To" change "amend and reenact R.S. 14:102.1(A)(2)(a)" to " enact R.S. 14:102.21 and to repeal R.S. 14:102.1(D)"

AMENDMENT NO. 2

On page 1, line 5, after the semi colon ";" insert "to create the crime of cockfighting; to provide relative to the prosecution of such crime; to provide for definitions; to prohibit transportation of certain animals for certain purposes; to prohibit certain activities related to cockfighting;"

April 26, 2006

AMENDMENT NO. 3

On page 1, delete line 9 and insert the following in lieu thereof: "Section 1. R.S. 14:102.21 is hereby enacted to read as"

AMENDMENT NO. 4

On page 1, delete lines 11 through 17 and insert the following in lieu thereof:

**" 102.21. Cockfighting; prohibited; penalties**

**A. Cockfighting shall be unlawful.**

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

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

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

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

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

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

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

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

Section 2. R.S. 14:102.1(D) is hereby repealed"

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

**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. 4—**

BY REPRESENTATIVES MCDONALD, ALARIO, ALEXANDER, ARNOLD, BALDONE, BRUCE, BURNS, BURRELL, CAZAYOUX, CRAVINS, CROWE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, GEYMAN, GREENE, JOHNS, KATZ, KLECKLEY, LAFLEUR, MARTINY, MCVEA, MONTGOMERY, MORRISH, PINAC, T. POWELL, ROMERO, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, TOOMY, TRICHE, WALSWORTH, WHITE, AND WOOTON AND SENATORS BARHAM AND CAIN

AN ACT

To amend and reenact R.S. 14:43.1(C), 43.2(C), 43.3(C) and 78.1(D) and to enact R.S. 14:81.2(E), relative to certain offenses involving juveniles; to increase criminal penalties for certain offenses involving persons under the age of thirteen years; to provide relative to the electronic monitoring of offenders; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On the motion of Senator Dardenne the bill was read by title and recommitted to the Committee on Finance.

**HOUSE BILL NO. 65—**

BY REPRESENTATIVES FANNIN AND WALSWORTH  
AN ACT

To amend and reenact R.S. 38:3087.134(F), relative to the Sparta Groundwater Conservation District; to prohibit the discharge of duties as a commissioner upon expiration of the term of office; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. 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. 66—**

BY REPRESENTATIVES FANNIN AND WALSWORTH  
AN ACT

To amend and reenact R.S. 38:3087.135, relative to the Sparta Groundwater Conservation District; to provide for meeting location; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. 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. 73—**

BY REPRESENTATIVE JANE SMITH  
AN ACT

To amend and reenact Code of Criminal Procedure Article 499(A), relative to court-ordered AIDS testing for persons charged with a sex offense; to provide for testing pursuant to court order; to expand the definition of sex offenses warranting AIDS testing; and to provide for related matters.

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

**HOUSE BILL NO. 80—**

BY REPRESENTATIVES KLECKLEY AND TRICHE  
AN ACT

To amend and reenact R.S. 15:544, relative to sex offender registration; to provide that the duty to register and provide notice for conviction of a sex offense extends for ten years following release from incarceration for any offense; and to provide for related matters.

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

**HOUSE BILL NO. 147—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 15:255(E)(1), (2), and (3), relative to witness fees for off-duty law enforcement officers; to provide for the payment of witness fees for off-duty law enforcement officers appearing in mayor's courts; to provide for a maximum amount that may be assessed in an individual case; 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. 171—**

BY REPRESENTATIVES KLECKLEY, ARNOLD, BADON, BALDONE, BAYLOR, BURNS, BURRELL, CAZAYOUX, CRANE, CRAVINS, CURTIS, DAMICO, DANIEL, DARTEZ, DORSEY, DOVE, DURAND, ERDEY, FANNIN, FARRAR, FRITH, GEYMAN, GLOVER, HARRIS, HEATON, HEBERT, HILL, HOPKINS, HUTTER, JACKSON, JOHNS, LABRUZZO, MCDONALD, MCVEA, MONTGOMERY, T. POWELL, RITCHIE, ROMERO, SCALISE, SCHNEIDER, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON

AN ACT



To enact R.S. 15:574.4(S), relative to parole; to provide with respect to parole of sex offenders in certain cases; to provide for the approval of a residence plan of sex offenders prior to the granting of parole; to provide for definitions; and to provide for related matters.

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

**HOUSE BILL NO. 179—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(j), relative to the Department of Public Safety and Corrections, including provisions to provide for the re-creation of the Department of Public Safety and Corrections and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably by the Committee on 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. 368—**

BY REPRESENTATIVE DAMICO  
AN ACT

To amend and reenact R.S. 38:3097.3(C)(4)(b)(i) and (ii), relative to ground water management; to provide for critical areas of ground water concern; to provide for the powers and duties of the commissioner of conservation; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. 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. 372—**

BY REPRESENTATIVE DAMICO  
AN ACT

To amend and reenact R.S. 38:3097.4(C), relative to the Ground Water Resources Commission; to provide for meetings held by the commission; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. 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. 378—**

BY REPRESENTATIVES MARTINY AND DORSEY  
AN ACT

To amend and reenact R.S. 15:570(D)(2), relative to executions; to provide for victim witnesses to an execution under certain circumstances; 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. 469—**

BY REPRESENTATIVE SCHNEIDER  
AN ACT

To amend and reenact R.S. 40:2266.3, relative to criminalistics laboratories; to authorize the criminalistics laboratory operated by the sheriff of St. Tammany Parish to operate as a criminalistics laboratory commission, including the optional collection of costs in criminal cases; 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. 561—**

BY REPRESENTATIVES JANE SMITH, ALEXANDER, BADON, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, DOERGE, DOVE, DOWNS, ERDEY, GEYMANN, GLOVER, JOHNS, KATZ, KLECKLEY, LABRUZZO, LAMBERT, MCVEA, MONTGOMERY, MORRISH, PINAC, M. POWELL, T. POWELL, ROMERO, SCALISE, SCHNEIDER, SMILEY, JOHN SMITH, STRAIN, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALSWORTH, WHITE, AND WINSTON

AN ACT

To amend and reenact R.S. 14:81.2(C) and (D)(1) and to repeal R.S. 14:81.2(D)(4), relative to molestation of a juvenile; to provide relative to the criminal penalties for molestation of a juvenile in certain circumstances; and to provide for related matters.

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

**HOUSE BILL NO. 564—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 13:2582(A) and 2583(A) and to repeal R.S. 13:2583(D), relative to qualifications for the offices of justice of the peace and constable; to provide for qualifications of office; to repeal provisions that provide that a constable shall not remain in office beyond his seventy-fifth birthday and exceptions for certain constables in office on August 15, 1995; 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. 572—**

BY REPRESENTATIVES CRAVINS, GEYMANN, ALEXANDER, ARNOLD, BADON, BALDONE, BARROW, BAYLOR, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, CAZAYOUX, CURTIS, DARTEZ, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEATON, HEBERT, HONEY, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, LABRUZZO, LAFLEUR, LANCASTER, MARTINY, MCDONALD, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SCALISE, SCHNEIDER, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON AND SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 14:91.1(D)(2) and R.S. 15:542.1(D), (H)(2), and (M), to enact R.S. 15:541(3.1), 542.1(H)(3)(c), and Chapter 3-D of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:560 through 560.4, and to repeal R.S. 15:542.1(B), relative to sex offenders; to provide for the creation of the Sex Offender Assessment Panel; to provide for its membership and duties; to provide for its applicability; to provide with respect to determinations made by such panels; to provide with respect to registration and notification of sex offenders; to provide with respect to monitoring of sex offenders; to repeal the provisions with regard to the sexually violent predator commission; to provide for definitions; and to provide for related matters.

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

**HOUSE BILL NO. 631—**

BY REPRESENTATIVE DAMICO  
AN ACT

To amend and reenact R.S. 40:2822(7), relative to the Drinking Water Revolving Loan Fund Act; to provide for definitions; to provide for authority to conduct environmental reviews of certain public water systems; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. 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.

April 26, 2006

HOUSE BILL NO. 882—

BY REPRESENTATIVES CRAVINS, BALDONE, BRUCE, BURRELL, CAZAYOUX, LAFLEUR, MARTINY, JANE SMITH, WHITE, WOOTON, ALEXANDER, ARNOLD, BARROW, BAYLOR, BEARD, R. CARTER, CURTIS, DANIEL, DARTEZ, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HOPKINS, JOHNS, KATZ, KENNEY, LAFONTA, LANCASTER, MCDONALD, MCVEA, MORRELL, ODINET, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SCALISE, SCHNEIDER, GARY SMITH, JACK SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRICHE, WADDELL, WALKER, AND WALSWORTH

AN ACT

To enact R.S. 14:91.2, relative to offenses affecting general morality; to create the crime of unlawful residence or presence of a sex offender; to provide for penalties; to provide for definitions; to provide for exceptions; to provide for applicability; and to provide for related matters.

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

HOUSE BILL NO. 1128—

BY REPRESENTATIVE STRAIN

AN ACT

To amend and reenact R.S. 47:301(16)(f), relative to the registration of pharmaceuticals with the Department of Agriculture and Forestry; to prohibit certain pharmaceuticals and vaccines from being classified or registered as pesticides; to provide relative to sales tax exempt pharmaceuticals; and to provide for related matters.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Motion to Recommit

Senator Lentini asked for and obtained a suspension of the rules and recommitted House Bill No. 134 from the Committee on Judiciary C to the Committee on Judiciary A.

Reconsideration

On motion of Senator Amedee, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, April 25, 2006, was reconsidered.

SENATE BILL NO. 428—

BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 13:691(B)(3), relative to district court judges; to provide with regard to the level of payment of premiums for health insurance for such judges; and to provide for related matters.

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

Special Order of the Day

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

SENATE BILL NO. 33—

BY SENATORS NEVERS, ELLINGTON, N. GAUTREAUX, MOUNT, ROMERO AND SCHEDLER

AN ACT

To amend and reenact R.S. 14:87, to enact R.S. 40:1299.30 and to repeal R.S. 40:1299.31 through R.S. 40:1299.35.18, relative to abortion; to prohibit abortion of a human being, except when necessary to save the life of the mother; to provide for criminal consequences for violations; to provide for the act to only

become effective upon the occurrence of certain events; to provide for severability; and to provide for related matters.

Floor Amendments Sent Up

Senator Nevers sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Engrossed Senate Bill No. 33 by Senator Nevers

AMENDMENT NO. 1

On page 2, line 26, change "A" to "C"

On motion of Senator Nevers, the amendments were adopted.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 33 by Senator Nevers

AMENDMENT NO. 1

On page 1, line 2, after "To" delete "amend and reenact 14:87, to" and after "enact" insert "R.S. 14:87 and"

AMENDMENT NO. 2

On page 2, delete lines 3 through 9

AMENDMENT NO. 3

On page 3, delete line 26 through 39 and on page 4, delete lines 1 through 29, and on page 5, delete lines 1 through 29, and on page 6 delete lines 1 through 2 and insert the following:

"Section 2. R.S. 14:87 is hereby enacted to read as follows:

§87. Abortion

**A.(1) Abortion is the performance of any of the following acts, with the specific intent of terminating a pregnancy:**

**(a) Administering or prescribing any drug, potion, medicine, or any other substance to a female; or**

**(b) Using any instrument or external force whatsoever on a female.**

**(2) This Section shall not apply to the female who has an abortion.**

**B. It shall not be unlawful for a physician to perform any of the acts described in Subsection A of this Section if performed under the following circumstances:**

**(1) The physician terminates the pregnancy in order to preserve the life or health of the unborn child or to remove a dead unborn child.**

**(2) The physician terminates a pregnancy for the express purpose of saving the life of the mother.**

**(3) The physician terminates a pregnancy which is the result of rape as defined in either R.S. 14:42, R.S. 14:42.1, or R.S. 14:43 and in which all of the following requirements are met prior to the pregnancy termination:**

**(a) The rape victim obtains a physical examination and/or treatment from a physician other than the physician who is to terminate the pregnancy within five days of the rape to determine whether she was pregnant prior to the rape and to prevent pregnancy and venereal disease, unless the rape victim is incapacitated to such a degree that she is unable to obtain this examination. If the victim is unable to obtain the examination due to such incapacity, then an examination shall be performed within five days after the incapacity is removed; and**

**(b) The rape victim reports the rape to law enforcement officials within seven days of the rape unless the victim is incapacitated to such a degree that she is unable to report the rape. If the victim is unable to report the rape due to such incapacity, then a report shall be made within seven days after the incapacity is removed; and**

(c) The abortion is performed within thirteen weeks of conception.

(4) The physician terminates a pregnancy which is the result of incest as defined in R.S. 14:78, provided the crime is reported to law enforcement officials and the abortion is performed within thirteen weeks of conception.

C.(1) Prior to the performance of any abortion under Subsection (B)(3) or (B)(4) of this Section, the physician who is to perform the abortion shall obtain from the victim a statement in writing verifying that she has obtained the physical examination and shall obtain written verification by a law enforcement official that the victim reported the rape to law enforcement officials as required under this Section.

(2) Every physician who conducts a physical examination of a rape victim within five days of the rape shall immediately, upon written request of either the victim or the physician who is to perform the abortion on the victim, provide to the victim or the requesting physician written verification of his examination.

(3) Every law enforcement official who receives a report of a rape victim within seven days of the rape or receives a report of incest shall immediately, upon written request of either the victim or the physician who is to perform the abortion, provide to the victim or requesting physician written verification of the report which was made to the official.

D. As used in this Section, the following words and phrases are defined as follows:

(1) "Law enforcement official or officer" means any peace officer or agency empowered to enforce the law in criminal matters within his or its respective jurisdiction, including but not limited to a state police officer, sheriff, constable, local police officer, and district attorney.

(2) "Physician" means any person licensed to practice medicine in this state.

(3) "Unborn child" means the unborn offspring of human beings from the moment of conception until birth.

(4) "Conception" means the contact of spermatozoan with the ovum.

E.(1) Whoever commits the crime of abortion shall be imprisoned at hard labor for not less than one nor more than ten years and shall be fined not less than ten thousand dollars nor more than one hundred thousand dollars.

(2) This penalty shall not apply to the female who has an abortion."

Senator Chaisson moved adoption of the amendments.

Senator Nevers objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Cravins	Jones
Adley	Dardenne	Kostelka
Barham	Dupre	McPherson
Boasso	Fields	Murray
Chaisson	Heitmeier	Shepherd
Cheek	Hollis	
Total - 17		

**NAYS**

Amedee	Gautreaux N	Quinn
Bajoie	Jackson	Romero
Broome	Lentini	Schedler
Cain	Malone	Smith
Duplessis	Michot	Theunissen
Ellington	Mount	Ullo
Gautreaux B	Nevers	
Total - 20		

**ABSENT**

Fontenot	Marionneaux
----------	-------------

Total - 2

The Chair declared the amendments were rejected.

**Personal Privilege**

Senator Fontenot asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on the amendment by Senator Chaisson to Senate Bill No. 33. He had intended to vote nay on the amendment. He asked that the Official Journal so state.

**Personal Privilege**

Senator Kostelka asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on the amendment by Senator Chaisson to Senate Bill No. 33. He voted yea on the amendment and had intended to vote nay. He asked that the Official Journal so state.

**Floor Amendments Sent Up**

Senator Shepherd sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Shepherd to Engrossed Senate Bill No. 33 by Senator Nevers

AMENDMENT NO. 1

On page 1, line 2, after "amend and reenact" insert "R.S. 14:30 and"

AMENDMENT NO. 2

On page 1, line 6, after "severability;" insert "to provide relative to first degree murder"

AMENDMENT NO. 3

On page 6, between lines 2 and 3, insert the following:

"§30. First degree murder

A. First degree murder is the killing of a human being:

(1) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in the perpetration or attempted perpetration of aggravated kidnapping, second degree kidnapping, aggravated escape, aggravated arson, aggravated rape, forcible rape, aggravated burglary, armed robbery, drive-by shooting, first degree robbery, simple robbery, or terrorism.

(2) When the offender has a specific intent to kill or to inflict great bodily harm upon a fireman, peace officer, or civilian employee of the Louisiana State Police Crime Laboratory or any other forensic laboratory engaged in the performance of his lawful duties, or when the specific intent to kill or to inflict great bodily harm is directly related to the victim's status as a fireman, peace officer, or civilian employee.

(3) When the offender has a specific intent to kill or to inflict great bodily harm upon more than one person.

(4) When the offender has specific intent to kill or inflict great bodily harm and has offered, has been offered, has given, or has received anything of value for the killing.

(5) When the offender has the specific intent to kill or to inflict great bodily harm upon a victim who is under the age of ~~twelve~~ **sixteen** or sixty-five years of age or older.

(6) When the offender has the specific intent to kill or to inflict great bodily harm while engaged in the distribution, exchange, sale, or purchase, or any attempt thereof, of a controlled dangerous substance listed in Schedules I, II, III, IV, or V of the Uniform Controlled Dangerous Substances Law.

(7) When the offender has specific intent to kill or inflict great bodily harm and is engaged in the activities prohibited by R.S. 14:107.1(C)(1).

(8) When the offender has specific intent to kill or to inflict great bodily harm and there has been issued by a judge or magistrate any lawful order prohibiting contact between the offender and the victim in response to threats of physical violence or harm which was served on the offender and is in effect at the time of the homicide.

April 26, 2006

(9) When the offender has specific intent to kill or to inflict great bodily harm upon a victim who was a witness to a crime or was a member of the immediate family of a witness to a crime committed on a prior occasion and:

(a) The killing was committed for the purpose of preventing or influencing the victim's testimony in any criminal action or proceeding whether or not such action or proceeding had been commenced; or

(b) The killing was committed for the purpose of exacting retribution for the victim's prior testimony.

B.(1) For the purposes of Paragraph (A)(2) of this Section, the term "peace officer" means any peace officer, as defined in R.S. 40:2402, and includes any constable, marshal, deputy marshal, sheriff, deputy sheriff, local or state policeman, commissioned wildlife enforcement agent, federal law enforcement officer, jail or prison guard, parole officer, probation officer, judge, attorney general, assistant attorney general, attorney general's investigator, district attorney, assistant district attorney, or district attorney's investigator.

(2) For the purposes of Paragraph (A)(9) of this Section, the term "member of the immediate family" means a husband, wife, father, mother, daughter, son, brother, sister, stepparent, grandparent, stepchild, or grandchild.

(3) For the purposes of Paragraph (A)(9) of this Section, the term "witness" means any person who has testified or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet commenced.

C. Whoever commits the crime of first degree murder shall be punished by ~~death or~~ life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence in accordance with the determination of the jury **except when the killing is of a human being as provided in Subsection (A)(3), (4) and (5), and in such cases the penalty shall be death or life imprisonment at hard labor without benefit of parole, probation or suspension of sentence.**

Senator Nevers asked for a ruling from the Chair as to whether the amendment was germane to the bill.

The Chair ruled that the amendment was not germane to the bill.

The amendment was withdrawn.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Ellington	Mount
Amedee	Fontenot	Nevers
Barham	Gautreaux B	Quinn
Boasso	Gautreaux N	Romero
Broome	Heitmeier	Schedler
Cain	Kostelka	Shepherd
Cheek	Lentini	Smith
Cravins	Malone	Theunissen
Duplessis	McPherson	Ullo
Total - 30		

NAYS

Bajoie	Hollis	Murray
Dardenne	Jackson	
Fields	Jones	
Total - 7		

ABSENT

Chaisson	Marionneaux
----------	-------------

Total - 2

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

Personal Privilege

Senator Dardenne asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 33. He voted nay on the bill and had intended to vote yea. He asked that the Official Journal so state.

Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE BILL NO. 83— BY SENATOR JONES

AN ACT

To amend and reenact R.S. 18:1511.3(D), relative to the Louisiana Board of Ethics; to require the supervisory committee to retain campaign finance reports for three years from the date of filing; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 83 by Senator Jones

AMENDMENT NO. 1

On page 1, line 6, following "amended" insert "and reenacted"

Senator Jones moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	McPherson
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Heitmeier	Schedler
Cain	Hollis	Shepherd
Chaisson	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	Lentini	
Total - 35		

NAYS

Total - 0

ABSENT

Cheek	Michot
Marionneaux	Quinn
Total - 4	

The Chair declared the amendments proposed by the House were concurred in. Senator Jones moved to reconsider the vote by

which the amendments were concurred in and laid the motion on the table.

**SENATE BILL NO. 91—**  
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 38:329(A), relative to the bonding and taxing authority of the Terrebonne Levee and Conservation District; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Dove to Engrossed Senate Bill No. 91 by Senator Dupre (Duplicate of H.B. No. 1138)

AMENDMENT NO. 1

On page 1, line 2, after "relative to the" delete the remainder of the line and on line 3, after "District;" insert "to authorize the district, subject to voter approval, to levy a sales and use tax; to authorize the district to issue certain types of bonds;"

AMENDMENT NO. 2

On page 1, delete line 13 in its entirety and insert "as provided in this Subsection."

AMENDMENT NO. 3

On page 1, delete lines 14 through 16 in their entirety and insert the following:

"(2) The district may levy taxes, incur debt, and otherwise raise revenue as provided in Article VI, Sections 39 and 40 of the Constitution of Louisiana and in any manner provided by law for levee districts."

AMENDMENT NO. 4

On page 1, line 17, delete "district-wide" and after "tax" insert "at a rate"

AMENDMENT NO. 5

On page 2, at the beginning of line 1, delete "exceeding" and insert "to exceed" and delete "or any fraction thereof"

AMENDMENT NO. 6

On page 2, at the beginning of line 4, delete "by law in The" and insert "for in the"

AMENDMENT NO. 7

On page 2, line 4, after "Code" delete the remainder of the line and on line 5, delete "Title 47 of the Louisiana Revised Statutes of 1950," and insert a comma "," and "R.S. 47:337.1 et seq.,"

AMENDMENT NO. 8

On page 2, delete lines 7 through 15 in their entirety and insert the following:

"(b) The tax authorized by this Paragraph shall not be subject to the combined rate limitation established in Section 29(A) of Article VI of the Constitution of Louisiana nor to the combined rate limitation established by R.S. 33:2721.6. The authority granted in this Paragraph shall not limit any taxing authority granted to any other political subdivision by any other provision of law.

(4) The district may issue general obligation bonds as defined in Article VI, Section 33 of the Constitution of Louisiana in the manner set forth in R.S. 39:551 et seq. and may issue sales tax revenue bonds as provided for in R.S. 39:698.1 et seq."

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 91 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 11, delete "under"

AMENDMENT NO. 2

On page 1, line 12, delete "the"

Senator Dupre moved to concur in the amendments proposed by the House.

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Marionneaux	Shepherd
Total - 2	

The Chair declared the amendments proposed by the House were concurred in. Senator Dupre moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

**Senator Ellington in the Chair**

**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. 41—**

BY SENATOR B. GAUTREAUX

AN ACT

To amend and reenact R.S. 11:1152(J)(4), relative to the Louisiana School Employees' Retirement System; to provide with respect to the Deferred Retirement Option Plan; to provide for calculation of benefits upon termination of plan participation and employment; 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

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn

April 26, 2006

Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Total - 38		

NAYS

Total - 0

ABSENT

Marionneaux  
Total - 1

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

**SENATE BILL NO. 42—**

BY SENATOR B. GAUTREAUX

AN ACT

To enact R.S. 11:1195.1, relative to the Louisiana School Employees' Retirement System; to provide with respect to methods of financing; to provide for employer contributions; to require continuation of payments to the unfunded accrued liability by contributing employers who terminate employees under certain circumstances; 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

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

NAYS

Total - 0

ABSENT

Marionneaux  
Total - 1

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

**SENATE BILL NO. 137—**

BY SENATORS DUPRE AND MURRAY

AN ACT

To amend and reenact R.S. 49:220.6, relative to the Louisiana Recovery Authority; to provide for the expenditure or disbursement of hazard mitigation grant funds; to provide for the expenditure or disbursement of such fund to certain parishes; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Dupre sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Dupre to Engrossed Senate Bill No. 137 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 15, after "**Program**" and before "**shall**" insert "**following the disasters of hurricanes Katrina and Rita**"

AMENDMENT NO. 2

On page 2, line 2, after "**Program**" and before "**shall**" insert "**except funds expended for the restoration and protection of housing.**"

AMENDMENT NO. 3

On page 2, line 4, after "**shall**" delete the remainder of the line and delete line 5 in its entirety and insert "**occur in parishes where all categories of Federal Emergency Management Agency public assistance are eligible for payment as a result of hurricanes Katrina or Rita.**"

On motion of Senator Dupre, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Total - 36		

NAYS

Total - 0

ABSENT

Gautreaux B	Marionneaux	Ullo
Total - 3		

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

**SENATE BILL NO. 142—**

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 26:909 and R.S. 47:843(C)(5), 844, 848(B), and 859(A)(1) and to enact R.S. 26:907.1 and 916(H), relative to regulation of tobacco products; to provide for certain regulation, permitting, and other requirements for certain elements of the tobacco industry; to authorize enforcement and audit of certain activities; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Adley sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 142 by Senator Adley

AMENDMENT NO. 1

On page 3, between lines 13 and 14, insert the following:

**"E. No regulatory provisions promulgated pursuant to this Section shall apply to a tobacconist as defined in this Chapter."**

On motion of Senator Adley, the amendments were adopted.

Floor Amendments Sent Up

Senator Adley sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 142 by Senator Adley

AMENDMENT NO. 1

On page 3, between lines 13 and 14, insert the following:

**"F.(1) Notwithstanding any other provision of the law to the contrary, nothing shall prohibit any tobacconist at a particular retail outlet from purchasing tobacco products for such retail outlet from any manufacturer; wholesale dealer, provided such dealer has a valid, unsuspended certificate or permit; or other supplier."**

**"(2) For the purposes of this Subsection, "tobacconist at a particular retail outlet" means a bona fide retail dealer engaged in receiving bulk smoking tobacco for the purpose of blending such tobacco for retail sale at a particular retail outlet where fifty percent or more of the total purchases for the preceding twelve months were purchases of tobacco products, excluding cigarettes."**

On motion of Senator Adley, the amendments were adopted.

Floor Amendments Sent Up

Senator Nevers sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Engrossed Senate Bill No. 142 by Senator Adley

AMENDMENT NO. 1

On page 1, at the end of line 16, insert:

**"The invoices and records examined shall be held confidential and shall not be made public by the commissioner unless it is necessary for them to be used in a judicial or administrative action to determine such matter."**

On motion of Senator Nevers, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cain	Hollis	Schedler

Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	

Total - 38

NAYS

Total - 0

ABSENT

Marionneaux

Total - 1

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

SENATE BILL NO. 204—

BY SENATORS CHEEK AND ELLINGTON  
AN ACT

To amend and reenact R.S. 33:1981(C)(1) and (2) and 2201(C)(1) and (2) and to enact R.S. 33:2201(F), relative to financial security of survivors of certain firemen and law enforcement officers; to increase payments to surviving spouses and children in certain cases; to extend the period of time in which to notify the Law Enforcement Officers and Firemen's Survivor Benefit Review Board of such death; to provide for retroactive effect; and to provide for related matters.

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

SENATE BILL NO. 230—

BY SENATOR DARDENNE  
A JOINT RESOLUTION

Proposing to add Article VII, Section 10.8(D) of the Constitution of Louisiana, relative to the Millennium Trust; to authorize the sale of tobacco assets; to provide for the use of the proceeds of the sale of such assets; to create the Hurricane, Flood and Disaster Relief Fund within the Millennium Trust; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

Mr. President in the Chair

SENATE BILL NO. 262—

BY SENATOR B. GAUTREAU  
AN ACT

To amend and reenact R.S. 11:1902(introductory paragraph), (14), (17), 1938(J)(4), 1941, 1943, 1944, 1961, 1963, and 1964, and to enact R.S. 11:1927(E) and 1935(E), and to repeal R.S. 11:231(A)(8), relative to the Parochial Employees' Retirement System; to provide for eligibility for retirement and calculation of benefits for persons whose system membership begins on or after January 1, 2007; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 262 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 2, line 10, before "**For**" change "**b.**" to "**(b)**"

April 26, 2006

AMENDMENT NO. 2

On page 3, line 25, following "December" and before "2" change "1" to "31"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

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

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Gautreaux to Engrossed Senate Bill No. 262 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 5, at the beginning of line 12, add "A."

AMENDMENT NO. 2

On page 5, at the end of line 16, change the period "." to a colon ":"

AMENDMENT NO. 3

On page 5, line 17, change "A." to "(1)"

AMENDMENT NO. 4

On page 5, line 21, change "(1)" to "(a)"

AMENDMENT NO. 5

On page 5, line 24, change "(2)" to "(b)"

AMENDMENT NO. 6

On page 5, line 28, change "B." to "(2)"

AMENDMENT NO. 7

On page 6, line 2, change "(1)" to "(a)"

AMENDMENT NO. 8

On page 6, line 6, change "(2)" to "(b)"

AMENDMENT NO. 9

On page 6, line 8, change "C." to "B."

AMENDMENT NO. 10

On page 7, at the beginning of line 8, insert "A."

AMENDMENT NO. 11

On page 7, at the end of line 11, change the period "." to a colon ":"

AMENDMENT NO. 12

On page 7, line 12, change "A." to "(1)"

AMENDMENT NO. 13

On page 7, line 16, change "(1)" to "(a)"

AMENDMENT NO. 14

On page 7, line 20, change "(2)" to "(b)"

AMENDMENT NO. 15

On page 7, line 24, change "B." to "(2)"

AMENDMENT NO. 16

On page 7, line 28, change "(1)" to "(a)"

AMENDMENT NO. 17

On page 8, line 3, change "(2)" to "(b)"

AMENDMENT NO. 18

On page 8, line 5, change "C." to "B."

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

Floor Amendments Sent Up

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

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Gautreaux to Engrossed Senate Bill No. 262 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 8, between lines 11 and 12 insert the following:

"Section 3. The provisions of this Act shall supersede and control to the extent of conflict with the provisions of any other Act passed in the 2006 Regular Session regardless of the order of passage."

AMENDMENT NO. 2

On page 8, at the beginning of line 12 change "Section 3." to "Section 4."

On motion of Senator B. Gautreaux, 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
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	

Total - 38

NAYS

Total - 0

ABSENT

Marionneaux

Total - 1

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

SENATE BILL NO. 354—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 47:306(E) and 337.18(D), relative to sales tax returns; to provide relative to the time period in which the submission of state and local sales tax returns may be extended at the discretion of the collector; and to provide for related matters.

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



**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Marionneaux  
Total - 1

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

**SENATE BILL NO. 376—**  
BY SENATOR DARDENNE

**AN ACT**

To enact R.S. 11:105(D), relative to provisions affecting more than one system; to provide for employer contributions; to provide for maintaining rates; to allow the Clerks' of Court Retirement and Relief Fund to reamortize certain unfunded accrued liabilities; to provide for approval of such reamortization; to provide for an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Marionneaux  
Total - 1

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

**SENATE BILL NO. 388—**

BY SENATOR ELLINGTON

**AN ACT**

To enact R.S. 47:1576.1, relative to settlement offers made by taxpayers; to require certain determinations of tax due and prescription of tax refunds or credits; to require certain responses by the secretary of the Department of Revenue to settlement offers; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Marionneaux  
Total - 1

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

**SENATE BILL NO. 489—**

BY SENATOR SMITH AND REPRESENTATIVE CRANE

**AN ACT**

To enact Chapter 17 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:2901 through 2907, to create the Louisiana Geography Education Initiative Program; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jackson	Shepherd

April 26, 2006

Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Total - 38		

NAYS

Total - 0

ABSENT

Marionneaux  
Total - 1

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

**SENATE BILL NO. 654—**  
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 33:9038.27(B), (C), (F)(1), (H), and (I) and to enact R.S. 33:9038.27(J), relative to sales tax increment finance in the city of Lake Charles; to provide for the boundaries of a certain district in the city of Lake Charles; to provide for such district to utilize sales tax increment financing of the costs and expenses associated with certain commercial or residential development; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Marionneaux  
Total - 1

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

**House Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

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

**HOUSE BILL NO. 730—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 37:3288(A), relative to prohibited acts and administrative penalties under the Private Security Regulatory and Licensing Law; to prohibit certain egregious acts; to provide for penalties for egregious acts; to increase certain administrative penalties; and to provide for related matters.

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

**HOUSE BILL NO. 841—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 37:3276(F) and (G) and 3284(B)(3), (E)(3), (F)(2), and (J) and to enact R.S. 37:3274(B)(11) and 3291(B)(12), relative to the Private Security Regulatory and Licensing Law; to authorize out-of-state private security companies to operate in this state during certain emergencies; to provide relative to the training and experience requirements for licensees and instructors; to prohibit the engagement of services of unlicensed private security businesses upon notice by the board; and to provide for related matters.

On motion of Senator Amedee, the bill, which is a duplicate of Senate Bill No. 587 was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 858—**  
BY REPRESENTATIVE PINAC  
AN ACT

To enact R.S. 37:3276.1, relative to the Private Security Regulatory and Licensing Law; to provide for suitability requirements for applicants for licensure; and to provide for related matters.

On motion of Senator Amedee, the bill, which is a duplicate of Senate Bill No. 580 was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 867—**  
BY REPRESENTATIVES MCDONALD AND FANNIN  
AN ACT

To enact R.S. 17:85.11, relative to naming a gymnasium; to authorize the parish school board in certain parishes to name a gymnasium in honor of a former principal; to provide limitations; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Quinn
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Malone	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Amedee                      Lentini                      Marionneaux  
 Total - 3

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

**HOUSE BILL NO. 886—**  
 BY REPRESENTATIVE HAMMETT  
 AN ACT

To enact R.S. 41:901, relative to the exchange of school lands; to authorize the Concordia Parish School Board to exchange certain school lands, including but not limited to sixteenth section lands, indemnity for school lands, or other immovable property; to provide procedures for such exchange; to provide for the land description; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Quinn
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Malone	Ullo
Total - 36		

**NAYS**

Total - 0

**ABSENT**

Amedee                      Lentini                      Marionneaux  
 Total - 3

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

**Rules Suspended**

Senator Ullo 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**

**DISAGREEMENT TO HOUSE BILL**

April 26, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 419 by Representative Quezaire, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

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

**Message from the House**

**CONCURRING IN  
 SENATE CONCURRENT RESOLUTIONS**

April 26, 2006

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. 46—**  
 BY SENATOR THEUNISSEN AND REPRESENTATIVES FRITH AND MORRISH

**A CONCURRENT RESOLUTION**

To commend Tanya Sturman on her efforts in obtaining authority for a manufacturing company to proceed with plans to build and operate a facility to create alligator watchbands in India.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 47—**

BY SENATOR MICHOT

**A CONCURRENT RESOLUTION**

To commend the Acadiana Chapter of the American Red Cross for the services and assistance rendered to the people of Acadiana and to express support for the first annual "Cajun Bar B Q State Championship" competition.

Reported without amendments.

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

**Appointment of Conference Committee  
 on House Bill No. 419**

The President of the Senate appointed on the Conference Committee on House Bill No. 419 the following members of the Senate: Senators Ellington, Ullo and Heitmeier.

**Introduction of Resolutions,  
 Senate and Concurrent**

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

**SENATE RESOLUTION NO. 49—**

BY SENATOR BOASSO

**A RESOLUTION**

To commend and congratulate the National Society of the Sons of the American Revolution on the occasion of its Charter Centennial.

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

**SENATE CONCURRENT RESOLUTION NO. 48—**

BY SENATORS MOUNT, CAIN AND THEUNISSEN AND REPRESENTATIVES GEYMAN, E. GUILLORY, JOHNS, KLECKLEY AND MORRISH

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of former state senator and state representative Jesse Knowles.

April 26, 2006

The resolution was read by title. Senator Mount 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, Adley, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Total - 36.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, YEAS, NAYS. Lists names Amedee, Lentini, Marionneaux, Total - 3.

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

SENATE CONCURRENT RESOLUTION NO. 49— BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To commend and express support for the creation of the National Hurricane Museum and Science Center in southwest Louisiana.

The resolution was read by title. Senator Mount 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 Mr. President, Adley, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Total - 36.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, YEAS, NAYS. Lists names Amedee, Lentini, Marionneaux, Total - 3.

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

SENATE CONCURRENT RESOLUTION NO. 50— BY SENATOR N. GAUTREAUX

A CONCURRENT RESOLUTION

To commend and honor the brave men and women of the Louisiana Department of Wildlife and Fisheries in the office of the secretary for their response and assistance during hurricanes Katrina and Rita.

The resolution was read by title. Senator N. Gautreaux 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 Mr. President, Adley, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Total - 36.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, YEAS, NAYS. Lists names Amedee, Lentini, Marionneaux, Total - 3.

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

SENATE CONCURRENT RESOLUTION NO. 51— BY SENATOR N. GAUTREAUX

A CONCURRENT RESOLUTION

To commend and honor the brave men and women of the Louisiana Department of Wildlife and Fisheries, Enforcement Division, for their response and assistance during hurricanes Katrina and Rita.

The resolution was read by title. Senator N. Gautreaux 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 Mr. President, Adley, Bajoie, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Total - 36.

NAYS

Total - 0

ABSENT

Amedee                      Lentini                      Marionneaux  
 Total - 3

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

**SENATE CONCURRENT RESOLUTION NO. 52—**  
 BY SENATOR N. GAUTREAUX

**A CONCURRENT RESOLUTION**

To commend and honor the brave men and women of the Louisiana Department of Wildlife and Fisheries, office of management and finance, for their response and assistance during hurricanes Katrina and Rita.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Quinn
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Malone	Ullo
Total - 36		

**NAYS**

Total - 0

**ABSENT**

Amedee                      Lentini                      Marionneaux  
 Total - 3

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

**SENATE CONCURRENT RESOLUTION NO. 53—**  
 BY SENATOR N. GAUTREAUX

**A CONCURRENT RESOLUTION**

To commend and honor the brave men and women of the Louisiana Department of Wildlife and Fisheries in the office of wildlife for their response and assistance during hurricanes Katrina and Rita.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Quinn
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen

Duplessis                      Malone                      Ullo  
 Total - 36

**NAYS**

Total - 0

**ABSENT**

Amedee                      Lentini                      Marionneaux  
 Total - 3

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

**SENATE CONCURRENT RESOLUTION NO. 54—**  
 BY SENATOR N. GAUTREAUX

**A CONCURRENT RESOLUTION**

To commend and honor the brave men and women of the Louisiana Department of Wildlife and Fisheries in the office of fisheries for their response and assistance during hurricanes Katrina and Rita.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Quinn
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Shepherd
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Malone	Ullo
Total - 36		

**NAYS**

Total - 0

**ABSENT**

Amedee                      Lentini                      Marionneaux  
 Total - 3

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

**Messages from the House**

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

**Message from the House**

**ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS**

April 26, 2006

To the Honorable President and Members of the Senate:

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

April 26, 2006

HOUSE BILL NO. 1364— (Substitute for House Bill No. 50 by Representative Thompson)
BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 14:103(B) and to enact R.S. 14:103(A)(7) and (8), relative to disturbing the peace; to provide for additional elements of the crime of disturbing the peace relative to funerals; to provide for additional penalties; and to provide for related matters.

HOUSE BILL NO. 488—
BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 36:509(E)(1) and to repeal R.S. 36:509(B)(5), relative to the Hurricane Flood Protection Advisory Commission; to provide for the nature of its placement within the Department of Transportation and Development; and to provide for related matters.

HOUSE BILL NO. 512—
BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 14:37.5, relative to assault and battery; to create the crime of aggravated assault upon a utility service person with a firearm; to provide for penalties; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 603—
BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 26:934(2) and 936(B), relative to the Responsible Vendor Program; to provide for the validity of server permits for four years; to increase the fees that providers may charge for conducting server training courses; and to provide for related matters.

HOUSE BILL NO. 765—
BY REPRESENTATIVE CRAVINS
AN ACT

To amend and reenact R.S. 33:1448(P), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and retired deputy sheriffs in St. Landry Parish; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 796—
BY REPRESENTATIVES MARTINY, ANSARDI, AND THOMPSON AND SENATORS LENTINI AND MCPHERSON
AN ACT

To enact R.S. 49:170.14, relative to state symbols; to provide for the official state song for Hurricane Katrina and Hurricane Rita recovery efforts; to provide for the official state troubadour; and to provide for related matters.

HOUSE BILL NO. 846—
BY REPRESENTATIVES DORSEY, ALARIO, K. CARTER, DEWITT, HAMMETT, JEFFERSON, RICHMOND, AND SALTER AND SENATORS BAJIOE, HEITMEIER, HINES, AND MOUNT
AN ACT

To enact R.S. 29:769(E), relative to public health emergencies; to provide during such emergencies for the temporary registration of certain health care providers licensed in another jurisdiction of the United States; and to provide for related matters.

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

House Bills and Joint Resolutions
on First Reading

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

HOUSE BILL NO. 488—
BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 36:509(E)(1) and to repeal R.S. 36:509(B)(5), relative to the Hurricane Flood Protection Advisory Commission; to provide for the nature of its placement within the Department of Transportation and Development; and to provide for related matters.

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

HOUSE BILL NO. 512—
BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 14:37.5, relative to assault and battery; to create the crime of aggravated assault upon a utility service person with a firearm; to provide for penalties; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 603—
BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 26:934(2) and 936(B), relative to the Responsible Vendor Program; to provide for the validity of server permits for four years; to increase the fees that providers may charge for conducting server training courses; and to provide for related matters.

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

HOUSE BILL NO. 765—
BY REPRESENTATIVE CRAVINS
AN ACT

To amend and reenact R.S. 33:1448(P), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and retired deputy sheriffs in St. Landry Parish; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 796—
BY REPRESENTATIVES MARTINY, ANSARDI, AND THOMPSON AND SENATORS LENTINI AND MCPHERSON
AN ACT

To enact R.S. 49:170.14, relative to state symbols; to provide for the official state song for Hurricane Katrina and Hurricane Rita recovery efforts; to provide for the official state troubadour; and to provide for related matters.

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

HOUSE BILL NO. 846—
BY REPRESENTATIVES DORSEY, ALARIO, K. CARTER, DEWITT, HAMMETT, JEFFERSON, RICHMOND, AND SALTER AND SENATORS BAJIOE, HEITMEIER, HINES, AND MOUNT
AN ACT

To enact R.S. 29:769(E), relative to public health emergencies; to provide during such emergencies for the temporary registration of certain health care providers licensed in another jurisdiction of the United States; and to provide for related matters.

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

HOUSE BILL NO. 1364— (Substitute for House Bill No. 50 by Representative Thompson)
BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 14:103(B) and to enact R.S. 14:103(A)(7) and (8), relative to disturbing the peace; to provide for additional elements of the crime of disturbing the peace relative to funerals; to provide for additional penalties; and to provide for related matters.

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON  
INSURANCE**

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

April 26, 2006

To the President and Members of the Senate:

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

**SENATE BILL NO. 535—**

BY SENATOR N. GAUTREAUX  
AN ACT

To amend and reenact R.S. 22:251 and 22:252(A)(1), relative to life insurance, including funeral benefits; to increase the amount of life insurance coverage, including funeral benefits, which an industrial insurer may write; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 693—**

BY SENATOR ADLEY  
AN ACT

To amend and reenact R.S. 22:1401(J)(2) and (3)(a), relative to property and casualty insurance rates; to provide for the Louisiana Insurance Rating Commission; to repeal flexible rating; to provide for procedures; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 707—**

BY SENATOR MURRAY  
AN ACT

To amend and reenact R.S. 22:1220(A), (B), and (C), relative to insurance claims; to provide for settlements; to provide for duties; to provide for penalties; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 732—**

BY SENATOR CAIN  
AN ACT

To amend and reenact R.S. 22:1430.3(A)(5) and (B), 1430.6(B)(2), (C), and (D)(1) and (6), 1430.14, 1430.15, and 1441.13, and to enact 1430.3(A)(12),(13), and (F), 1430.6(D)(7) and (8), 1430.22 and 1430.23, relative to the Louisiana Citizens Property Insurance Corporation; to provide for changes in the membership and duties of the board of directors; to add additional board members; to add additional criteria to the appointment of certain board members; to change the number to establish a quorum; to provide for the term of service for each board member; to establish a procedure for hiring certain employees; to require the purchase of adequate reinsurance; to require certain reports to be delivered to the legislative insurance committees; to provide binding authority to certain insurance agents; to provide a preference to Louisiana adjusters and adjusting firms; to prohibit payments to multiple adjusters to adjust a single claim; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 733—**

BY SENATORS BROOME, CRAVINS, CAIN AND ROMERO  
AN ACT

To amend and reenact R.S. 22:3002(1)(a), relative to self-insurers funds; to provide authority for self-insurers to provide indemnification or payment for property damage to tow trucks; to provide authority for self-insurers to provide indemnification or payment for liability arising out of the use of tow trucks; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JAMES DAVID CAIN  
Chairman

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

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

April 26, 2006

To the President and Members of the Senate:

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

**SENATE BILL NO. 52—**

BY SENATOR ADLEY  
AN ACT

To amend and reenact R.S. 38:2212.1(F), relative to public contracts; to authorize certain local governmental entities to make certain purchases through the U.S. Communities Government Purchasing Alliance; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 105—**

BY SENATOR MARIONNEAUX  
AN ACT

To enact Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statute of 1950, to be comprised of R.S. 40:1300.251 through 1300.253, 1300.255, 1300.261 through 1300.263, relative to the preservation and improvement of the health, comfort, and environment of the people of the state by limiting exposure to tobacco smoke; to create the Louisiana Clean Indoor Air Act; to provide relative to purposes, definitions, restrictions, exceptions and penalties; to provide for an effective date; and to provide for related matters.

Reported by substitute.

**SENATE BILL NO. 427—**

BY SENATOR CHAISSON  
AN ACT

To amend and reenact R.S. 18:461(B), relative to qualifying for election; to provide relative to qualifying for multiple office in the same qualifying period; to provide that the last qualifying papers filed by a candidate is determinative of the office for which he is a candidate; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 450—**

BY SENATOR JACKSON  
AN ACT

To enact R.S. 46:2605(B)(41), relative to the Children's Cabinet Advisory Board; to provide for an additional member of such board; and to provide for related matters.

Reported with amendments.

April 26, 2006

**SENATE BILL NO. 640—**  
BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 33:4711.1, relative to the sale of surplus movable property; to authorize Internet sales by political subdivisions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 691—**  
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 24:513(F), (G),(H), (I), (J), (K), (L), and (M) and to enact R.S. 24:513(N), relative to audit of certain entities; to provide for an audit of private water supply systems receiving public funds; to provide for the authority of the legislative auditor; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

**Rules Suspended**

Senator Jones asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 377 from the Committee on Judiciary B.

**HOUSE BILL NO. 377—**  
BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:828(B), relative to treatment and rehabilitation programs for inmates; to require the secretary of the Department of Public Safety and Corrections to adopt rules and regulations to encourage voluntary participation in such programs; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the bill was designated a duplicate of Senate Bill No. 202 and was read by title and referred to the Legislative Bureau.

**Motion to Recommit**

Senator Fontenot asked for and obtained a suspension of the rules and recommitted House Bill No. 970 from the Committee on Transportation, Highways and Public Works to the Committee on Environmental Quality.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

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

April 26, 2006

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 16—**  
BY SENATOR MCPHERSON AND REPRESENTATIVE FARRAR  
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to allow an incidental catch of spoonbill catfish.

**SENATE CONCURRENT RESOLUTION NO. 41—**  
BY SENATOR QUINN

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to redirect and make available to Louisiana federal contingency funds that were set aside through the Temporary Assistance For Needy Families (TANF) Emergency Response and Recovery Act of 2005 to be drawn by states receiving and hosting residents of Louisiana, Alabama, and Mississippi that were displaced by Hurricane Katrina and Hurricane Rita which remains unused.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

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

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

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

April 26, 2006

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 Bills have been properly enrolled:

**SENATE BILL NO. 380— (Duplicate of House Bill No. 387)**  
BY SENATOR ELLINGTON AND REPRESENTATIVE QUEZAIRE  
AN ACT

To amend and reenact R.S. 47:820.5.2(E), relative to toll violations on the Crescent City Connection bridge; to repeal certain defenses to liability for toll violations on such bridge; and to provide for related matters.

**SENATE BILL NO. 389— (Duplicate of House Bill No. 499)**  
BY SENATOR ELLINGTON AND REPRESENTATIVE QUEZAIRE AND  
COAUTHORED BY REPRESENTATIVE M. POWELL  
AN ACT

To amend and reenact R.S. 48:252(B)(4), relative to bid proposal documents on projects for the Department of Transportation and Development; to provide relative to the fee for such documents; to provide for an effective date; and to provide for related matters.

**SENATE BILL NO. 391— (Duplicate of House Bill No. 729)**  
BY SENATOR ELLINGTON AND REPRESENTATIVE QUEZAIRE  
AN ACT

To amend and reenact R.S. 14:59(A)(4), R.S. 32:169(A) and (B) and 376, R.S. 36:501(C)(1) and 508(A), (B), (C), and (G), R.S. 38:90.4(B)(1) and 1583(B), R.S. 48:1(2) and (19), 92, 211, 223(C), 259, 260, 269, 272, 273, 274, 274.2, 342, 346.1, 381(C)(2)(b)(i), 441, 758(A), 1259, 1271(C), and 1273, and R.S. 51:1259(6), relative to the Department of Transportation and Development; to change the name of the office of highways to the office of engineering; to provide relative to responsibilities of the department; and to provide for related matters.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

The foregoing Senate Bills were signed by the President of the Senate.



**Leaves of Absence**

The following leaves of absence were asked for and granted:

Marionneaux 1 Day

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Thursday, April 27, 2006, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Thursday, April 27, 2006.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk

