

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

**SECOND DAY'S PROCEEDINGS**

**Thirty-Sixth Extraordinary Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Monday, February 11, 2008

The Senate was called to order at 5:00 o'clock P.M., by Hon.  
Joel T. Chaisson II, President of the Senate.

**ROLL CALL**

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

**PRESENT**

Mr. President	Duplessis	Morrish
Adley	Dupre	Mount
Alario	Erdey	Murray
Amedee	Gautreaux B	Nevers
Broome	Gautreaux N	Riser
Cassidy	Gray	Scalise
Cheek	Heitmeier	Shaw
Cravins	Jackson	Smith
Crowe	Kostelka	Thompson
Donahue	Long	Walsworth
Dorsey	Michot	
Total - 32		

**ABSENT**

Hebert	Martiny	Shepherd
LaFleur	McPherson	
Marionneaux	Quinn	
Total - 7		

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

**Prayer**

The prayer was offered by Pastor Donavon Hill, 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 Broome, the reading of the Journal was  
dispensed with and the Journal of February 10, 2008, 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**

February 11, 2008

To the Honorable President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 4—  
BY SENATOR CROWE AND REPRESENTATIVE WOOTON  
A CONCURRENT RESOLUTION**

To commend and congratulate the South Plaquemines High School  
Hurricanes football team for winning the Class 1A State  
Football Championship.

Reported without amendments.

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

**Introduction of Senate Bills  
and Joint Resolutions**

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

**SENATE BILL NO. 64—  
BY SENATOR DONAHUE  
AN ACT**

To amend and reenact R.S. 42:1113(D)(1) and 1114.3 and to enact  
R.S. 42:1113(D)(2)(g), (3), and (4), relative to conflicts of  
interest; to provide relative to certain contracts involving certain  
public servants and certain affiliated persons and entities; to  
provide restrictions on certain contracts; to provide for  
disclosure relative to certain contracts; to provide exceptions  
and waivers; to provide for effectiveness; and to provide for  
related matters.

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

**Introduction of Senate Resolutions**

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

**SENATE RESOLUTION NO. 5—  
BY SENATOR CHAISSON  
A RESOLUTION**

To adopt Senate Rule 8.4 of the Rules of Order of the Senate, relative  
to amendments to any appropriations bill; to require  
supplemental information forms with amendments proposing  
appropriations to certain non-government entities.

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

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

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

**SENATE BILL NO. 48—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:119(B), relative to offenses affecting organized government; to provide relative to the crime of bribery of voters; to provide for the increased penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 49—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:135(B), relative to official misconduct and corrupt practices; to provide relative to the crime of public salary deduction; to provide for the increase of penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 50—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:136(B), relative to official misconduct and corrupt practices; to provide relative to the crime of public salary extortion; to provide for the increase of penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 51—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:134, relative to official misconduct and corrupt practices; to provide relative to the crime of malfeasance in office; to provide for the increase in penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 52—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:139(2), relative to official misconduct and corrupt practices; to provide relative to the crime of political payroll padding; to provide for the increase of penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 53—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:120, relative to offenses affecting organized government; to provide relative to the crime of corrupt influencing; to provide for the increase of penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 54—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:118(C), relative to bribery and intimidation; to provide relative to the crime of public bribery; to provide for the increase of penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 55—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:138(C), relative to official misconduct and corrupt practices; to provide relative to the crime of public payroll fraud; to provide for the increase of penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 56—**  
BY SENATOR ADLEY

AN ACT

To enact R.S. 42:1121.2, relative to conflicts of interest; to prohibit a former public servant from being employed by or entering into a contractual agreement with certain persons or entities with which he has participated in a transaction involving the public servant's agency for a period of time after termination of public service; and to provide for related matters.

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

**SENATE BILL NO. 57—**  
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 42:1121(A)(1), relative to conflicts of interest; to prohibit assistance to certain persons by certain public servants within two years after termination of public service; and to provide for related matters.

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

**SENATE BILL NO. 58—**  
BY SENATOR MARTINY

AN ACT

To enact R.S. 14:134.3, relative to official misconduct and corrupt practices; to provide for the crime of abuse of office; to provide for the prosecution of such crime; to provide penalties; and to provide for related matters.

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

**SENATE BILL NO. 59—**  
BY SENATOR MARTINY

AN ACT

To enact R.S. 14:139.3, relative to official misconduct and corrupt practices; to create the crime of concealment of a financial conflict of interest by a legislator; to provide for definitions; to provide for the prosecution of such crime; to provide for penalties; and to provide for related matters.

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

**SENATE BILL NO. 60—**  
BY SENATOR MARTINY

AN ACT

To enact R.S. 14:139.3, relative to official misconduct and corrupt practices; to create the crime of concealment of a financial conflict of interest by an elected official; to provide for definitions; to provide for the prosecution of such crime; to provide for penalties; and to provide for related matters.

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

**SENATE BILL NO. 61—**  
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 14:118(C), relative to bribery and intimidation; to provide relative to the crime of public bribery; to provide for the increase of penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 62—**  
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 14:119(B), relative to offenses affecting organized government; to provide relative to the crime of bribery of voters; to provide for the increased penalties for such crime; and to provide for related matters.

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

**SENATE BILL NO. 63—**  
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 14:120, relative to offenses affecting organized government; to provide relative to the crime of corrupt influencing; to provide for the increase of penalties for such crime; and to provide for related matters.

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

**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**

February 11, 2008

To the Honorable President and Members of the Senate:

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

**HOUSE CONCURRENT RESOLUTION NO. 7—**  
BY REPRESENTATIVE HOFFMANN

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems.

**HOUSE CONCURRENT RESOLUTION NO. 8—**  
BY REPRESENTATIVE WOOTON AND SENATOR CROWE

A CONCURRENT RESOLUTION

To commend and congratulate the South Plaquemines High School Hurricanes football team for winning the Class 1A state football championship.

**HOUSE CONCURRENT RESOLUTION NO. 9—**  
BY REPRESENTATIVES CONNICK, HENRY, LIGI, MORRELL,  
PETERSON, AND TEMPLET

A CONCURRENT RESOLUTION

To urge and request the legislative auditor to conduct a performance audit on the Crescent City Connection Division within the Louisiana Department of Transportation and Development.

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

**House Concurrent Resolutions**

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

**HOUSE CONCURRENT RESOLUTION NO. 7—**  
BY REPRESENTATIVE HOFFMANN

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems.

On motion of Senator Broome, the resolution was read by title and referred to the Committee on Retirement.

**Senator Amedee in the Chair**

**HOUSE CONCURRENT RESOLUTION NO. 8—**  
BY REPRESENTATIVE WOOTON AND SENATOR CROWE

A CONCURRENT RESOLUTION

To commend and congratulate the South Plaquemines High School Hurricanes football team for winning the Class 1A state football championship.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Morrish
Adley	Dupre	Mount
Alario	Erdey	Murray
Amedee	Gautreaux B	Nevers
Broome	Gautreaux N	Riser
Cassidy	Gray	Scalise
Cheek	Heitmeier	Shaw
Cravins	Jackson	Smith
Crowe	Kostelka	Thompson
Donahue	Long	Walsworth
Dorsey	Michot	
Total - 32		

NAYS

Total - 0

ABSENT

Hebert	Martiny	Shepherd
LaFleur	McPherson	
Marionneaux	Quinn	
Total - 7		

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

**HOUSE CONCURRENT RESOLUTION NO. 9—**  
BY REPRESENTATIVES CONNICK, HENRY, LIGI, MORRELL,  
PETERSON, AND TEMPLET

A CONCURRENT RESOLUTION

To urge and request the legislative auditor to conduct a performance audit on the Crescent City Connection Division within the Louisiana Department of Transportation and Development.

On motion of Senator Broome, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

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

February 11, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 1—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH AN ACT

To amend and reenact R.S. 42:1113(D)(1) and 1114.3 and to enact R.S. 42:1113(D)(2)(g) and (h), (3), and (4), relative to conflicts of interest; to provide relative to certain contracts involving certain public servants and certain affiliated persons and entities; to provide restrictions on certain contracts; to provide for disclosure relative to certain contracts; to provide exceptions and waivers; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 2—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH AN ACT

To amend and reenact R.S. 42:1111(E)(1), relative to conflicts of interest; to prohibit certain public servants from receiving or agreeing to receive any thing of economic value for assistance to persons in certain transactions related to lobbying; to prohibit certain former public servants from receiving compensation for assistance to persons in certain transactions related to lobbying; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 3—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH AN ACT

To amend and reenact R.S. 24:51(2) and R.S. 49:72(5) and to repeal R.S. 42:1123(13), relative to the Code of Governmental Ethics; to repeal certain exceptions relative to the acceptance by an elected official of certain things of economic value for certain cultural or sporting events; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 4—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH A JOINT RESOLUTION

Proposing to amend Article X, Section 21 of the Constitution of Louisiana, to provide relative to exceptions to the code of ethics; to require the approval of two-thirds of the elected members of each house of the legislature to enact an exception to any provision of the code of ethics; to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 5—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH AN ACT

To amend and reenact R.S. 42:1112(A), the introductory paragraph of R.S. 42:1112(B), and 1120, relative to recusal from voting for certain elected officials; to eliminate authorization for certain elected officials to vote upon certain matters which would otherwise present a conflict of interest; to require filing of a statement of recusal; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 44—

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, JOHN SMITH, THOMPSON AND WALSWORTH AN ACT

To amend and reenact R.S. 42:1111(E), relative to conflicts of interest; to prohibit certain public servants from receiving or agreeing to receive any thing of economic value for assisting persons in certain transactions; to prohibit certain former public servants from receiving or agreeing to receive any thing of economic value for assisting persons in certain transactions; to provide for exceptions; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

Respectfully submitted, ROBERT W. KOSTELKA Chairman

Rules Suspended

Senator Broome asked for and obtained a suspension of the rules for the purpose of reverting to the order of

Introduction of Resolutions, Senate and Concurrent

Senator Broome 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. 6—

BY SENATOR CHAISSON A RESOLUTION

To urge and request the Louisiana Supreme Court to adopt the same financial disclosure standards for judges that are applicable to other elected officials in the Code of Governmental Ethics.

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

**SENATE CONCURRENT RESOLUTION NO. 5—**

BY SENATOR CHAISSON

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Supreme Court to adopt the same financial disclosure standards for judges that are applicable to other elected officials in the Code of Governmental Ethics.

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

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Hebert	1 Day	Lafleur	1 Day
Marionneaux	1 Day	Martiny	1 Day
McPherson	1 Day	Quinn	1 Day
Shepherd	1 Day		

**Adjournment**

Senator Broome moved that the Senate adjourn until Tuesday, February 12, 2008, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Tuesday, February 12, 2008.

GLENN A. KOEPP  
Secretary of the Senate

LYNDA E. WHEELER  
Journal Clerk

