

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

TWENTY-SIXTH DAY'S PROCEEDINGS

Thirty-Fourth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 13, 2008

The Senate was called to order at 2:10 o'clock P.M., by Hon.
Joel T. Chaisson II, President of the Senate.

Morning Hour
CONVENING ROLL CALL

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

PRESENT

Mr. President	Gautreaux B	Mount
Amedee	Hebert	Murray
Broome	Heitmeier	Nevers
Cravins	Kostelka	Quinn
Donahue	Long	Riser
Dorsey	Martiny	Shaw
Duplessis	McPherson	Smith
Dupre	Morrish	Thompson
Total - 24		

ABSENT

Adley	Erdey	Marionneau
Alario	Gautreaux N	Michot
Cassidy	Gray	Shepherd
Cheek	Jackson	Walsworth
Crowe	LaFleur	
Total - 14		

The President of the Senate announced there were 24 Senators
present and a quorum.

Prayer

The prayer was offered by Dr. Mike Holloway, 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 Murray, the reading of the Journal was
dispensed with and the Journal of May 12, 2008, was adopted.

**Petitions, Memorials and
Communications**

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

SENATE
State of Louisiana
May 13, 2008

Honorable Ed Murray
State Senator
1540 North Broad
New Orleans, LA 70119

RE: Senate Committee on Labor and Industrial Relations

Dear Senator Murray:

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

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

Sincerely,
JOEL T. CHAISSON II
President of the Senate

**Privilege Report of the
Legislative Bureau**

May 13, 2008

To the President and Members of the Senate:

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

The following bill is approved as to construction and
duplication.

HOUSE BILL NO. 353—
BY REPRESENTATIVE RICHARDSON
AN ACT

To enact R.S. 33:2737.80, relative to the Central Community School
Board; to authorize the school board to levy and collect an
additional sales and use tax within the boundaries of the Central
community school system; to provide for the use of tax
proceeds; to provide for voter approval; and to provide for
related matters.

Reported without amendments.

Respectfully submitted,
ROB MARIONNEAUX
Chairman

Adoption of Legislative Bureau Report

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

**Introduction of Resolutions,
Senate and Concurrent**

Senator Cravins 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. 63—
BY SENATOR CRAVINS
A RESOLUTION

To designate May 13, 2008, as "Southern University Day at the
Senate" and to commend Southern University and Agricultural
and Mechanical College on its two hundred years of providing
higher educational opportunities to students of all races and all
backgrounds; on preparing and nurturing some of the most
influential leaders in the state and in the nation; and on
performing a pivotal role in the development of Louisiana.

May 13, 2008

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

SENATE CONCURRENT RESOLUTION NO. 71—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To create the Louisiana Alzheimer's Disease Task Force to study and make recommendations to the Legislature of Louisiana concerning the current and future impact of Alzheimer's disease and related dementias on Louisiana citizens.

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 of names: Mr. President, Amedee, Broome, Cheek, Cravins, Dorsey, Duplessis, Dupre, Erdey, Total - 26; Gautreaux B, Hebert, Heitmeier, Jackson, Kostelka, Long, McPherson, Morrish, Mount; Murray, Nevers, Quinn, Riser, Shaw, Shepherd, Smith, Thompson.

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Adley, Alario, Cassidy, Crowe, Total - 12; Donahue, Gautreaux N, Gray, LaFleur; Marionneaux, Martiny, Michot, Walsworth.

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

May 12, 2008

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 87—

BY REPRESENTATIVE AUSTIN BADON AN ACT

To enact R.S. 33:9080, relative to Orleans Parish; to create the Lake Bullard Neighborhood Improvement District within the parish; to provide relative to the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

HOUSE BILL NO. 299—

BY REPRESENTATIVE MORRELL AN ACT

To enact R.S. 33:2740.69, relative to Orleans Parish; to create the Gentilly Development District within the parish; to provide relative to the boundaries, purpose, and powers and duties of the district; to provide relative to district funding, including the authority to levy taxes; and to provide for related matters.

HOUSE BILL NO. 311—

BY REPRESENTATIVE GARY SMITH AN ACT

To amend and reenact R.S. 33:103(C)(1)(a), relative to the zoning commission in St. Charles Parish; to authorize an increase in the per diem paid to commission members for attending meetings; and to provide for related matters.

HOUSE BILL NO. 401—

BY REPRESENTATIVE MORRELL AN ACT

To enact R.S. 33:9038.62, relative to Orleans Parish; to create and provide for the Gentilly Taxing District within the parish; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to the powers and duties of the district including the power to provide for tax increment financing; to provide for the term of the district; and to provide for related matters.

HOUSE BILL NO. 528—

BY REPRESENTATIVE LAMBERT AN ACT

To amend and reenact R.S. 30:2366(C) and (D), relative to the Hazardous Materials Information Development, Preparedness, and Response Act; to provide for the one-call notification system for release notifications; to provide for notification requirements; and to provide for related matters.

HOUSE BILL NO. 539—

BY REPRESENTATIVE LAMBERT AN ACT

To amend and reenact R.S. 30:2066(B) and to enact R.S. 30:2066(D), relative to fees paid in severe and extreme ozone nonattainment zones; to provide for fees to be paid with respect to the one-hour ozone national ambient air quality standard; to require the Department of Environmental Quality to adopt rules and regulations in response to certain actions by congress, the Environmental Protection Agency, or a court; and to provide for related matters.

HOUSE BILL NO. 905—

BY REPRESENTATIVE TUCKER AN ACT

To amend and reenact R.S. 33:9039.15(B), relative to community development districts; to provide for the appointment rather than the election of certain members of certain boards of commissioners of community development districts; and to provide for related matters.

HOUSE BILL NO. 352—

BY REPRESENTATIVE AUSTIN BADON AN ACT

To enact R.S. 33:9080, relative to Orleans Parish; to create the Tamaron Subdivision Improvement District within the parish; to provide relative to the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee; and to provide for related matters.

HOUSE BILL NO. 88—

BY REPRESENTATIVE AUSTIN BADON AN ACT

To enact R.S. 33:9080, relative to Orleans Parish; to create the McKendall Estates Neighborhood Improvement District within the parish; to provide relative to the governance, purpose, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

HOUSE BILL NO. 278—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 42:1115.1(E), relative to the limitation on the provision of food, drink, and refreshment to a public servant by certain persons; to provide an exception for certain activities by, on behalf of, or for the benefit of an agency; and to provide for related matters.

HOUSE BILL NO. 853—

BY REPRESENTATIVE TUCKER
AN ACT

To amend and reenact R.S. 42:1141(C)(4)(a), (c), and (d) and to enact R.S. 42:1141(C)(7) and (8) and 1142(E), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide relative to proceedings related to such enforcement; to provide relative to the powers, functions, and duties of the board relative to such enforcement; to provide relative to the powers, functions, and duties of the Ethics Adjudicatory Board and the division of administrative law relative to such enforcement; to provide for recusal; to provide relative to the composition of the Ethics Adjudicatory Board; to provide for the conduct of hearings and procedures related thereto; to provide relative to appeals; to provide relative to effectiveness; and to provide for related matters.

HOUSE BILL NO. 906—

BY REPRESENTATIVES HUTTER, ARMES, BILLIOT, BURRELL, HARDY, HILL, AND WOOTON
AN ACT

To amend and reenact R.S. 42:1141(B)(1)(a) and (C)(4)(e), relative to the enforcement procedures of the Board of Ethics; to require the board to provide certain information to the accused and the complainant; to provide relative to deadlines for the provision of such information; to provide for the standard of evidence for public hearings; and to provide for related matters.

HOUSE BILL NO. 911—

BY REPRESENTATIVES GALLOT, ARNOLD, BOBBY BADON, BALDONE, BILLIOT, BURRELL, DIXON, DOWNS, GISCLAIR, HARDY, HINES, HUTTER, LEGER, NORTON, RICHARD, ST. GERMAIN, TUCKER, AND WOOTON
AN ACT

To amend and reenact R.S. 42:1123(13), relative to the acceptance of certain things of economic value; to provide relative to the acceptance of complimentary admission to certain events by public servants; and to provide for related matters.

HOUSE BILL NO. 947—

BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 42:1123(13), relative to the acceptance of certain things of economic value; to provide relative to the acceptance of complimentary admission to certain events by public servants; and to provide for related matters.

HOUSE BILL NO. 1002—

BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 42:1113(D)(1)(a)(iii) and (iv) and (c), (2), (3), and (4) and 1114.3(A)(1) and (2), to enact R.S. 42:1113(D)(5), and to repeal R.S. 42:1113(E), relative to conflicts of interest; to provide relative to certain contracts involving certain public servants and certain affiliated persons and entities; to provide relative to restrictions of such contracts; to provide for disclosure relative to such contracts; to provide for enforcement and penalties; to provide relative to applicability; to provide exceptions; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 1005—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 33:9091.3 and to enact R.S. 33:9091.12, relative to Orleans Parish; to provide relative to the Audubon Area Security District; to create the Upper Audubon Security District; to provide relative to the purpose, governance, and

powers and duties of the districts; to provide relative to the funding of the districts, including the levy of taxes and fees; to provide for the merger of the Audubon Area Security District or a part thereof with another district or a part thereof; and to provide for related matters.

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 87—

BY REPRESENTATIVE AUSTIN BADON
AN ACT

To enact R.S. 33:9080, relative to Orleans Parish; to create the Lake Bullard Neighborhood Improvement District within the parish; to provide relative to the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

HOUSE BILL NO. 88—

BY REPRESENTATIVE AUSTIN BADON
AN ACT

To enact R.S. 33:9080, relative to Orleans Parish; to create the McKendall Estates Neighborhood Improvement District within the parish; to provide relative to the governance, purpose, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

HOUSE BILL NO. 278—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 42:1115.1(E), relative to the limitation on the provision of food, drink, and refreshment to a public servant by certain persons; to provide an exception for certain activities by, on behalf of, or for the benefit of an agency; and to provide for related matters.

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

HOUSE BILL NO. 299—

BY REPRESENTATIVE MORRELL
AN ACT

To enact R.S. 33:2740.69, relative to Orleans Parish; to create the Gently Development District within the parish; to provide relative to the boundaries, purpose, and powers and duties of the district; to provide relative to district funding, including the authority to levy taxes; and to provide for related matters.

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

HOUSE BILL NO. 311—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 33:103(C)(1)(a), relative to the zoning commission in St. Charles Parish; to authorize an increase in the per diem paid to commission members for attending meetings; and to provide for related matters.

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

HOUSE BILL NO. 352—
BY REPRESENTATIVE AUSTIN BADON
AN ACT

To enact R.S. 33:9080, relative to Orleans Parish; to create the Tamaron Subdivision Improvement District within the parish; to provide relative to the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee; and to provide for related matters.

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

HOUSE BILL NO. 401—
BY REPRESENTATIVE MORRELL
AN ACT

To enact R.S. 33:9038.62, relative to Orleans Parish; to create and provide for the Gentilly Taxing District within the parish; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to the powers and duties of the district including the power to provide for tax increment financing; to provide for the term of the district; and to provide for related matters.

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

HOUSE BILL NO. 528—
BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 30:2366(C) and (D), relative to the Hazardous Materials Information Development, Preparedness, and Response Act; to provide for the one-call notification system for release notifications; to provide for notification requirements; and to provide for related matters.

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

HOUSE BILL NO. 539—
BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 30:2066(B) and to enact R.S. 30:2066(D), relative to fees paid in severe and extreme ozone nonattainment zones; to provide for fees to be paid with respect to the one-hour ozone national ambient air quality standard; to require the Department of Environmental Quality to adopt rules and regulations in response to certain actions by congress, the Environmental Protection Agency, or a court; and to provide for related matters.

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

HOUSE BILL NO. 853—
BY REPRESENTATIVE TUCKER
AN ACT

To amend and reenact R.S. 42:1141(C)(4)(a), (c), and (d) and to enact R.S. 42:1141(C)(7) and (8) and 1142(E), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide relative to proceedings related to such enforcement; to provide relative to the powers, functions, and duties of the board relative to such enforcement; to provide relative to the powers, functions, and duties of the Ethics Adjudicatory Board and the division of administrative law relative to such enforcement; to provide for recusal; to provide relative to the composition of the Ethics Adjudicatory Board; to provide for the conduct of hearings and procedures related thereto; to provide relative to appeals; to provide relative to effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 905—
BY REPRESENTATIVE TUCKER
AN ACT

To amend and reenact R.S. 33:9039.15(B), relative to community development districts; to provide for the appointment rather than the election of certain members of certain boards of commissioners of community development districts; and to provide for related matters.

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

HOUSE BILL NO. 906—
BY REPRESENTATIVES HUTTER, ARMES, BILLIOT, BURRELL,
HARDY, HILL, AND WOOTON
AN ACT

To amend and reenact R.S. 42:1141(B)(1)(a) and (C)(4)(e), relative to the enforcement procedures of the Board of Ethics; to require the board to provide certain information to the accused and the complainant; to provide relative to deadlines for the provision of such information; to provide for the standard of evidence for public hearings; and to provide for related matters.

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

HOUSE BILL NO. 911—
BY REPRESENTATIVES GALLOT, ARNOLD, BOBBY BADON,
BALDONE, BILLIOT, BURRELL, DIXON, DOWNS, GISCLAIR, HARDY,
HINES, HUTTER, LEGER, NORTON, RICHARD, ST. GERMAIN, TUCKER,
AND WOOTON
AN ACT

To amend and reenact R.S. 42:1123(13), relative to the acceptance of certain things of economic value; to provide relative to the acceptance of complimentary admission to certain events by public servants; and to provide for related matters.

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

HOUSE BILL NO. 947—
BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 42:1123(13), relative to the acceptance of certain things of economic value; to provide relative to the acceptance of complimentary admission to certain events by public servants; and to provide for related matters.

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

HOUSE BILL NO. 1002—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 42:1113(D)(1)(a)(iii) and (iv) and (c), (2), (3), and (4) and 1114.3(A)(1) and (2), to enact R.S. 42:1113(D)(5), and to repeal R.S. 42:1113(E), relative to conflicts of interest; to provide relative to certain contracts involving certain public servants and certain affiliated persons and entities; to provide relative to restrictions of such contracts; to provide for disclosure relative to such contracts; to provide for enforcement and penalties; to provide relative to applicability; to provide exceptions; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 1005—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 33:9091.3 and to enact R.S. 33:9091.12, relative to Orleans Parish; to provide relative to the Audubon Area Security District; to create the Upper Audubon Security District; to provide relative to the purpose, governance, and powers and duties of the districts; to provide relative to the funding of the districts, including the levy of taxes and fees; to

provide for the merger of the Audubon Area Security District or a part thereof with another district or a part thereof; and to provide for related matters.

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

House Concurrent Resolutions on Second Reading

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

HOUSE CONCURRENT RESOLUTION NO. 117—
BY REPRESENTATIVE HONEY
A CONCURRENT RESOLUTION

To recognize Wednesday, May 21, 2008, as Omega Psi Phi/Purple and Gold Day at the Louisiana State Capitol and to commend Omega Psi Phi Fraternity, Incorporated.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Gray	Murray
Cassidy	LaFleur	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 124—
BY REPRESENTATIVE TUCKER
A CONCURRENT RESOLUTION

To express support for the people of Cuba and to strongly urge the Cuban government to allow its citizens to enjoy the internationally recognized civil, political, and economic rights and freedoms enshrined in the Universal Declaration of Rights and the International Covenant on Civil and Political Rights.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Broome	Hebert	Nevers
Cheek	Heitmeier	Riser
Cravins	Jackson	Shaw
Crowe	Kostelka	Shepherd
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 32		

NAYS

Total - 0

ABSENT

Adley	Gray	Michot
Cassidy	LaFleur	Quinn
Total - 6		

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

ENVIRONMENTAL QUALITY

Senator Troy Hebert, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 13, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 430—
BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 30:2363 and 2373(B)(4) and (5), and to enact R.S. 30:2373(B)(6) and (7), relative to the "Right-to-Know" Law; to provide for definitions; to provide for reporting requirements; to provide for penalties; to provide for certain exceptions; and to provide for related matters.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 99—
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

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

Reported favorably.

Respectfully submitted,
TROY HEBERT
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. 10—
BY SENATOR LAFLEUR

AN ACT

To enact R.S. 33:381(C)(29), relative to the selection of a municipal officer, to provide for the office of the chief of police of the village of Turkey Creek; to provide that such office shall be an appointive position; to provide for the method of appointment and the term of the position; and to provide for related matters.

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

SENATE BILL NO. 45—

BY SENATORS B. GAUTREUX, ADLEY, AMEDEE, CHEEK, CRAVINS, DUPRE, N. GAUTREUX, HEBERT, KOSTELKA, LAFLEUR, MCPHERSON, MURRAY, NEVERS, SHEPHERD AND THOMPSON AND REPRESENTATIVES GISCLAIR, HUTTER, PERRY, PUGH AND RICHARD

AN ACT

To amend and reenact R.S. 11:602 and to enact R.S. 11:444(A)(2)(d), 546, and 605(D) and R.S. 15:574.4.1, relative to retirement benefits for certain probation and parole officers who are Louisiana State Employees' Retirement System members; to provide for benefit calculation; to provide relative to payment of certain liabilities associated with such benefits; to provide for a probation and parole processing fee; to create a fund for allocation of sums equal to the collections of such fees; to provide for the deposit of certain monies to the fund; to provide for disbursements from the fund; to provide for actuarial calculation of amortization payments; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 177—

BY SENATORS B. GAUTREUX AND MURRAY
AN ACT

To enact R.S. 11:2178(C)(5) and 2178.1(A)(3), relative to the Sheriffs' Pension and Relief fund; to provide for eligibility for and calculation of a reduced retirement benefit; to allow a member with ten years of service credit to retire at age sixty and receive a reduced benefit; to prohibit such a member from participating in the Back-Deferred Retirement Option Plan; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 177 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 2, line 2 change "**by two thirds of one percent**" to "**actuarially**"

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

SENATE BILL NO. 274—

BY SENATOR MOUNT
AN ACT

To amend and reenact R.S. 32:663, relative to motor vehicles and traffic regulations; to provide for a determination of the qualifications and competence of those issued permits for the purpose of chemical testing for drivers suspected of operating a vehicle while impaired by alcohol or controlled dangerous substances; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 274 by Senator Mount

AMENDMENT NO. 1

On page 2, at the end of line 15, delete "**breath,**"

AMENDMENT NO. 2

On page 2, after line 18, insert:

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

SENATE BILL NO. 275—

BY SENATOR MOUNT
AN ACT

To amend and reenact R.S. 32:407(E) and to enact R.S. 17:221(J) and 233(C), and R.S. 32:407(F), 414(T) and 431.1, relative to driving privileges of students; to authorize the denial or suspension of a driver's license or learner's permit of a minor who is not enrolled in or has not completed school or an adult education program or who is habitually absent or truant; to authorize school boards and nonpublic schools to adopt policies providing relative to such denial or suspensions; to authorize the Recovery School District to adopt policies providing relative to such denials or suspensions for schools managed by the district; to provide for notification to the Department of Public Safety and Corrections when a minor drops out of school or is considered habitually absent or truant; to provide for reinstatement of driving privileges; to authorize issuance of a hardship license; to provide for an appeal process; to provide for the responsibilities of the department; to provide definitions; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 275 by Senator Mount

AMENDMENT NO. 1

On page 1, line 6, change "truant" to "tardy"

AMENDMENT NO. 2

On page 1, line 11, change "truant" to "tardy"

AMENDMENT NO. 3

On page 2, line 6, change "**truant**" to "**tardy**"

AMENDMENT NO. 4

On page 2, line 13, change "**truant**" to "**tardy**"

AMENDMENT NO. 5

On page 3, line 12, change "**truant**" to "**tardy**"

AMENDMENT NO. 6

On page 4, line 8, change "**truant**" to "**tardy**"

AMENDMENT NO. 7

On page 5, line 13, change "**truant**" to "**tardy**"

AMENDMENT NO. 8

On page 5, line 22, change "truant" to "tardy"

AMENDMENT NO. 9

On page 6, line 11, change "truant" to "tardy"

AMENDMENT NO. 10

On page 6, line 14, change "truant" to "tardy"

AMENDMENT NO. 11

On page 6, line 21, change "truant" to "tardy"

AMENDMENT NO. 12

On page 7, line 11, change "truant" to "tardy"

AMENDMENT NO. 13

On page 7, line 22, change "a truant" to "tardy"

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

SENATE BILL NO. 286—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 17:24.10(B)(2), (D), (H)(2), and (I)(1)(a)(i), relative to early childhood education; to provide relative to universal access to the Cecil J. Picard LA 4 Early Childhood Education Program; to provide for timelines and eligibility requirements; to provide for participation by non-school system providers; to provide for local school system duties and responsibilities; to provide for reporting requirements; to provide relative to funding; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 286 by Senator Duplessis

AMENDMENT NO. 1

On page 1, line 2, between "(I)(1)(a)(i)" and the comma "," insert "and (5) and to enact R.S. 17:24.10(I)(1)(a)(iii)"

AMENDMENT NO. 2

On page 1, line 9, between "(I)(1)(a)(i)" and "are" insert "and (5)"

AMENDMENT NO. 3

On page 1, line 10, between "reenacted" and "to" insert "and R.S. 17:24.10(I)(1)(a)(iii) is hereby enacted"

AMENDMENT NO. 4

On page 2, line 16, between "at" and "below" insert "or"

AMENDMENT NO. 5

On page 2, line 22, between "at" and "below" insert "or"

AMENDMENT NO. 6

On page 2, line 28, between "at" and "below" insert "or"

AMENDMENT NO. 7

On page 3, line 5, between "at" and "below" insert "or"

AMENDMENT NO. 8

On page 3, at the beginning of line 14, change "(1)(a)" to "(1)(a)(i)"

AMENDMENT NO. 9

On page 3, between lines 20 and 21, insert the following:

"(ii) Participating school systems shall enter into a collaborative agreement only with a non-school system provider

of early childhood education that meets the definition of a "child care facility" as provided in R.S. 47:6102(2) and has attained the minimum quality rating required to be eligible to participate in the program as established by the state board."

AMENDMENT NO. 10

On page 3, line 21, between "explore" and "all" delete "and provide"

AMENDMENT NO. 11

On page 3, delete lines 27 through 29 and on page 4 delete lines 1 through 7, and insert in lieu thereof the following:

"(ii) A non-school system provider of early childhood education that serves children residing within the jurisdiction of a participating city, parish, or other local public school system and that wishes to participate in the LA 4 program shall make an application to the city, parish, or other local public school board of such school system in accordance with the timelines and regulations established by the state board. Such application shall, at a minimum, include the following information:

(aa) Verification that the applicant is a provider of early childhood education that meets the definition of a "child care facility" as provided in R.S. 47:6102(2) and has attained the minimum quality rating required to be eligible to participate in the program as established by the state board.

(bb) Documentation that the provider meets the requirements for participation in the program as provided by state law and state board regulation.

(cc) Documentation relative to the provider's organizational, governance, and operational structure.

(dd) Documentation relative to the provider's policies, programs, and practices in place to ensure parental involvement.

(ee) Documentation relative to the provider's personnel policies and employment practices.

(ff) Documentation relative to the provider's rules and regulations applicable to children, including disciplinary policies and procedures.

(gg) Documentation relative to the adequacy of the provider's facilities and equipment.

(hh) Documentation relative to the type(s) and amount(s) of the provider's insurance coverage.

(ii) Documentation relative to applicable teacher certification requirements.

(iii) All employees of a non-school system provider of early childhood education that enters into a collaborative agreement with a city, parish, or other local public school board to provide LA 4 classes in a non-school system provider setting shall comply with the criminal history review requirements as provided in R.S. 17:15, and each participating non-school system provider shall comply with all rules and regulations established by the participating school system pursuant to such statute.

(iv) A waiver of the requirement to use at least ten percent of the specified amount of LA 4 funding to provide LA 4 classes through a non-school system provider may be granted to a participating school system by the state board, after consultation with the secretary of the Department of Social Services, provided the participating school system provides documentation acceptable to the state board that it meets at least one of the following conditions:

(aa) That there are no non-school system providers of early childhood education within the jurisdiction of the participating school system that has attained the minimum quality rating required to be eligible to participate in the program as established by the state board.

(bb) That the participating school system did not receive an application from a non-school system provider of early childhood education seeking to collaborate in the provision of LA 4 classes.

(cc) That after a good faith effort, and for good cause shown, the participating school system and a non-school system provider were unable to reach an agreement regarding the provision of LA 4 classes in a non-school system provider setting.

(v) The state board shall send written notification to a participating school system as to whether their application for a waiver has been granted. However, in no case shall a waiver be granted for more than one school year at a time.

(vi) If a participating school system is granted a waiver by the state board pursuant to Subitem (iv)(cc) of this Subparagraph for any school year, the percentage of the total increase in LA 4 funding received in excess of the amount received for the 2008-2009 school year that a participating school system is required to commit to providing LA 4 classes in a non-school system provider setting for the following school year shall increase to fifteen percent. If a waiver is granted to a participating school system for two or more consecutive years, the percentage of LA 4 funds designated to be committed to collaboration with a non-school system provider shall increase to twenty percent for each school year until such time as the requirement to collaborate with non-school system providers has been fulfilled.

(vii) Notwithstanding any other provision of law, the provisions of this Paragraph shall not apply to a participating school system with excess capacity in its LA 4 program, nor shall such a system be required to seek or be granted a waiver from the state board from such requirements."

AMENDMENT NO. 12

On page 6, after line 10, insert the following:

"(iii) No LA 4 funding in excess of the amount received for the 2008-2009 school year shall be allocated to a participating school system that has failed to comply with the provisions of Subparagraph (D)(1)(a) of this Section, unless the participating school system has been granted a waiver as provided in Subparagraph (D)(1)(b) of this Section.

* * *

(5)(a) At any time that less money is appropriated than is required for full funding of all eligible applications, applications shall be fully funded as provided in this Section until all available money has been committed for expenditure in the manner provided in Subparagraph (b) of this Paragraph. As provided in Subparagraph (b) of this Paragraph, LA 4 funding shall first be used to fully fund the provision of early childhood education services to children eligible to receive free or reduced priced meals pursuant to the federal child nutrition program.

(b)(i) The department shall calculate the approximate percentage of the total number of children in the state who will be eligible to enter public school kindergarten pursuant to R.S. 17:151.3 in the following year, who will be eligible to receive free or reduced price meals pursuant to the federal child nutrition program, who are not likely to be enrolled in an early childhood education class, based on the level of the enrollment in such classes in the previous school year, and who can be enrolled in LA 4 classes as provided in this Section with the money available for such purpose.

(ii) An amount of the total money available shall be set aside to provide LA 4 classes for the same percentage as that calculated pursuant to Item (i) of this Subparagraph of the total number of children in each State Board of Elementary and Secondary Education election district who will be eligible to enter public school kindergarten pursuant to R.S. 17:151.3 in the following year, who will be eligible to receive free or reduced price meals pursuant to the federal child nutrition program, and who are not likely to be enrolled in an early childhood education class, based on the level of the enrollment in such classes in the previous school year.

(iii) (aa) If sufficient funding has been made available to provide LA 4 classes at no cost, except for the applicable lunch cost, to all eligible children as provided in Items (i) and (ii) of this Subparagraph, beginning with the 2009-2010 school year, the same method of calculation employed in Items (i) and (ii) of this Subparagraph shall be applied to provide funding for eligible children from a family whose income is classified at or below three hundred percent of the poverty level based on the United States federal poverty guidelines published annually by the United States Department of Health and Human Services.

(bb) If sufficient funding has been made available to provide LA 4 classes at no cost, except for the applicable lunch cost, to all eligible children as defined in Subitem (aa) of this Item, beginning with the 2010-2011 school year, the same method of calculation

employed in Items (i) and (ii) of this Subparagraph shall be applied to provide funding for eligible children from a family whose income is classified at or below three hundred fifty percent of the poverty level based on the United States federal poverty guidelines published annually by the United States Department of Health and Human Services.

(cc) If sufficient funding has been made available to provide LA 4 classes at no cost, except for the applicable lunch cost, to all eligible children as defined in Subitem (bb) of this Item, beginning with the 2011-2012 school year, the same method of calculation employed in Items (i) and (ii) of this Subparagraph shall be applied to provide funding for eligible children from a family whose income is classified at or below four hundred percent of the poverty level based on the United States federal poverty guidelines published annually by the United States Department of Health and Human Services.

(dd) If sufficient funding has been made available to provide LA 4 classes at no cost, except for the applicable lunch cost, to all eligible children as defined in Subitem (cc) of this Item, beginning with the 2012-2013 school year, the same method of calculation employed in Items (i) and (ii) of this Subparagraph shall be applied to provide funding for eligible children from a family whose income is classified at or below four hundred fifty percent of the poverty level based on the United States federal poverty guidelines published annually by the United States Department of Health and Human Services.

~~(iii)~~(iv) The date and time of receipt of all applications shall be noted by the department. All eligible applications shall be divided among the State Board of Elementary and Secondary Education election districts. The earliest received eligible application from each district shall be funded in preference to the second earliest eligible application. This process of funding by date and time of eligible application shall continue until all available funding has been committed for expenditure.

~~(iv)~~(v) In the case that any single applicant is located in more than one State Board of Elementary and Secondary Education election district, that applicant shall be assigned to the election district in which it predominates.

~~(v)~~(vi) Should any single applicant have a sufficient number of children who will be eligible to enter public school kindergarten pursuant to R.S. 17:151.3 in the following year, who will be eligible to receive free or reduced price meals pursuant to the federal child nutrition program or who meet the income requirements as provided in Item (iii) of this Subparagraph, and who, based on the level of the enrollment in early childhood classes in the previous school year, are not likely to be enrolled in such classes such that providing funding for such children to be enrolled in LA 4 classes equal to the percentage calculated pursuant to Item (i) of this Subparagraph would consume more than the amount of funding set aside for that election district, then the applicant shall divide into the maximum number of groups provided for and in the manner provided by Subsection F of this Section. Each such group shall be considered a different applicant from the same election district.

* * *

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

SENATE BILL NO. 290—
BY SENATOR KOSTELKA

AN ACT

To amend and reenact R.S. 47:1512, relative to collection of taxes; to provide for the secretary of the Department of Revenue's authority to employ private counsel; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 290 by Senator Kostelka

AMENDMENT NO. 1

On page 1, line 2, after "1512" insert "and to enact R.S. 47:1512.1"

AMENDMENT NO. 2

On page 1, line 3, after "counsel;" insert "to create the Department of Revenue Tax Enforcement Equalization Fund,"

AMENDMENT NO. 3

On page 1, delete lines 8 through 17, on page 2, delete lines 1 through 6, and insert:

"A. The collector is authorized to employ private counsel to assist in the collection of any taxes, penalties or interest due under this Sub-title, or to represent him in any proceeding under this Sub-title. If any taxes, penalties or interest due under this title are referred to an attorney at law for collection, an additional charge for attorney fees, in the amount of ten per centum (10%) of the taxes, penalties and interest due, shall be paid by the tax debtor. Notwithstanding any provision of law to the contrary, private counsel shall be paid reasonable attorney fees and costs and shall not be employed on a contingency fee basis or any other basis dependent on the outcome of the matter.

B. The payment of private counsel fees and costs may be made at the market rate applicable for securing private counsel who specialize in state and local tax matters and litigation. The rates utilized by the attorney general shall not be applicable.

C. This Section shall not apply to taxes collected by local political subdivisions. Such political subdivisions and school boards may continue to employ private counsel and impose the fees authorized by law and applicable local ordinances; however, the fee or costs for such private counsel shall not be imposed as a charge to the tax debtor in addition to tax, penalty, and interest at issue.

Section 2. R.S. 47:1512.1 is hereby enacted to read as follows:
§1512.1 Department of Revenue Tax Enforcement Equalization Fund

A. There is hereby established in the state treasury a special fund to be known as the Department of Revenue Tax Enforcement Equalization Fund, hereinafter referred to as the "fund." The fund shall be comprised of all of the following:

(1) Any specific line item appropriation to the fund.

(2) A percentage of the tax, interest and penalties recovered by private counsel employed by the secretary. When private counsel is employed in a matter regarding a claim for refund of an overpayment "tax, interest and penalties recovered by private counsel" shall include the difference between the amount claimed by the taxpayer and the amount recovered by the taxpayer and such amounts shall be transferred to the fund from current collections of the tax.

(a) For the 2009 Fiscal Year, the percentage shall be fifty percent.

(b) For fiscal years beginning with the 2010 Fiscal Year, the percentage shall be twenty percent.

(3) A percentage of the fees and self-generated revenues received by the department during the fiscal year that are not appropriated to the department.

(a) For the 2009 Fiscal Year, the percentage shall be fifty percent.

(b) For fiscal years beginning with the 2010 Fiscal Year, the percentage shall be twenty-five percent.

B. After satisfying the requirements of the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall pay into the fund each fiscal year, beginning with the 2009 Fiscal Year, an amount equal to the proceeds provided in Subsection A of this Section in an amount which is sufficient to bring the balance in the fund to fifteen million dollars. The balance of the fund shall not exceed fifteen million dollars. Any proceeds remaining after making the deposit into the fund shall be deposited into the state general fund.

C. Monies in the fund shall be annually appropriated to the Department of Revenue solely for the payment of private counsel fees and costs. Monies in the fund shall not be appropriated for any other purpose. Monies appropriated from the fund shall be used to supplement the Department of Revenue's budget and

shall in no way be used to displace, replace, or supplant appropriations for operations of the Department of Revenue below the level of appropriations for the department for the current fiscal year.

D. All unexpended and unencumbered monies in the fund at the end of a fiscal year shall remain in the fund. Monies in the fund shall be invested by the treasurer in the same manner as those in the state general fund, and after satisfying the requirements of the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, any interest earned on such investment shall be deposited in and credited to the state general fund.

Section 3. Section 1 of this Act shall become effective on July 1, 2010, or upon the date that the secretary of the Department of Revenue and the commissioner of administration certify the accumulation of three million dollars in the Department of Revenue Tax Enforcement Equalization Fund, whichever is earlier. The provisions of Section 1 shall not apply to any matter assigned to private counsel prior to the effective date of Section 1. A copy of the certification provided for in this Section shall be provided to the Louisiana State Law Institute.

Section 4. This Section and Sections 2 and 3 of this Act shall become effective July 1, 2008."

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

SENATE BILL NO. 295—

BY SENATORS MURRAY AND DORSEY

A JOINT RESOLUTION

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

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 295 by Senator Murray

AMENDMENT NO. 1

On page 1, line 5, change "and" to a "," after "New Orleans" add ", and in Jefferson Parish"

AMENDMENT NO. 2

On page 1, line 17, change "or" to "1" and after "New Orleans" add ", or in Jefferson Parish"

AMENDMENT NO. 3

On page 2, line 11, change "or" to "," and after "New Orleans" add ", or in Jefferson Parish"

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

SENATE BILL NO. 315—

BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 11:62(5)(b), 444(A)(2)(b)(introductory paragraph) and (i)(bb), and 545(D), relative to the Louisiana State Employees' Retirement System; to provide relative to the benefits of peace officers; to include arson investigators in the office of the state fire marshal in the benefit provisions for peace officers; to provide for employee contributions, calculation of benefits, and funding; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 319—
BY SENATOR CASSIDY

AN ACT

To enact Chapter 6-E of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:1300.31 through 1300.33 and Part IV of Chapter 29 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9097.31, relative to creating neighborhood crime prevention and security districts and levying parcel fees; to provide for a procedure to create such districts and levy such fees; to provide for approval of certain local governing authorities; to provide for collecting signatures of certain electors for the purpose of authorizing an election concerning such matters; to provide for the district, its boundaries and its powers and duties; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 319 by Senator Cassidy

AMENDMENT NO. 1

On page 1, line 6, change "a" to "an additional"

AMENDMENT NO. 2

On page 2, line 25, change "**shall**" to "**may**"

AMENDMENT NO. 3

On page 7, line 3, change "**shall**" to "**may**"

AMENDMENT NO. 4

On page 7, lines 6 and 7, after "**congressional general election**" insert "**or gubernatorial primary election**"

AMENDMENT NO. 5

On page 10, line 24, change "**fifty**" to "**one-hundred**"

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

SENATE BILL NO. 341—

BY SENATORS ERDEY, MCPHERSON, MOUNT AND SHAW
AN ACT

To enact R.S. 32:83, relative to traffic regulations; to prohibit certain trucks from using the far left lane on certain highways; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 341 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 3, after "highways;" insert "to provide for exceptions;"

AMENDMENT NO. 2

On page 1, line 9, change "**no**" to "**a**"

AMENDMENT NO. 3

On page 1, line 10, change "**eighteen-wheels or more**" to "**three or more axles**"

AMENDMENT NO. 4

On page 1, delete lines 11 and 12, and insert "**right lane on a multi-lane highway.**"

AMENDMENT NO. 5

On page 1, delete lines 13 through 15, and insert:

"B.(1) The provisions of this Section shall not apply when a tractor-trailer combination with three or more axles is passing a motor vehicle that is stopped for any reason, passing a motor vehicle that is going under the minimum posted speed limit, allowing traffic to merge onto a multi-lane highway, or entering or exiting a multi-lane highway.

(2) The Department of Transportation and Development shall post signs on multi-lane highways indicating that a tractor-trailer combination which has a total of three or more axles shall travel in the right lane only on such highways."

AMENDMENT NO. 6

On page 1, after line 17, insert:

"Section 2. The Department of Transportation and Development shall collect data on the number of crashes, compliance with, enforcement of, and public perception of this Act for calendar years 2009 and 2010 and submit a report to the house and senate transportation, highways, and public works committees no later than March 1, 2011."

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

SENATE BILL NO. 351—

BY SENATOR N. GAUTREAUX
AN ACT

To amend and reenact R.S. 39:364 and to repeal R.S. 39:364(B), (C), and (D), relative to state purchase of alternate fuel or hybrid vehicles; to provide that the commissioner of administration shall purchase or lease for state use only alternative fuel and hybrid vehicles; to provide exceptions to the use of alternative fuel and hybrid vehicles; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 351 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, delete line 2 and insert: "To amend and reenact R.S. 39:364, relative to"

AMENDMENT NO. 2

On page 4, delete line 18 in its entirety

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

SENATE BILL NO. 391—

BY SENATOR GRAY
AN ACT

To amend and reenact R.S. 11:3384(B), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to increase the accrual rate of retirement benefits for members with twenty or more years of service; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 391 by Senator Gray

AMENDMENT NO. 1

On page 1, line 4 change "twenty" to "twelve"

AMENDMENT NO. 2

On page 1, line 15 change "**twenty**" to "twelve"

AMENDMENT NO. 3

On page 1, line 17 change "**twenty**" to "twelve"

AMENDMENT NO. 4

On page 2, line 4 change "**twenty**" to "twelve"

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

SENATE BILL NO. 394—

BY SENATOR GRAY

AN ACT

To amend and reenact R.S. 11:3385.1(L), relative to the Deferred Retirement Option Plan for the Firefighters' Pension and Relief Fund in the city of New Orleans; relative to the election to participate in such plan on a retroactive basis; to delete the requirement that a member receive a career-ending service injury while participating in the plan in order to participate in the plan on a retroactive basis; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 396—

BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 33:1324.1, relative to municipalities and parishes; to provide certain restrictions on local governments contracting with private companies; to prohibit access by private companies to certain information on individuals for the collection of fines, penalties or citations based on a fee or contingency basis; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 396 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 2, change "amend and reenact R.S. 33:1324.1," to "enact R.S. 33:1372.1,"

AMENDMENT NO. 2

On page 1, line 3 between "companies" and the semi-colon;" insert the following: "for enforcement of certain traffic ordinances using cameras"

AMENDMENT NO. 3

On page 1, line 4, change "access by private companies to" to "release of"

AMENDMENT NO. 4

On page 1, delete line 5, in its entirety and insert in leu thereof the following: "collection of fines or penalties; and to"

AMENDMENT NO. 5

On page 1, line 8, change "33:1324.1" to "33:1372.1"

AMENDMENT NO. 6

On page 1, line 8, change "amended and reenacted" to "enacted"

AMENDMENT NO. 7

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

"1372.1. Traffic enforcement; use of photographic systems

A. The use of cameras or similar photographic monitoring system by a parish or municipal governing authority for the enforcement of speed limits, speed zones, or the movement of traffic through the parish or municipality shall be subject to the provisions of this Section.

B. Photographs of a motor vehicle shall be restricted to the images of the rear area of the motor vehicle and the license plate number and no photograph shall be taken of the operator or any occupant of the motor vehicle. Only the photographic image of the rear area of the motor vehicle and the license plate number shall be permitted as evidence of a violation.

C. Beginning August 1, 2008, any contract with a private entity for a photographic monitoring system to assist local law enforcement in identifying traffic violators shall be subject to the following restriction: No information regarding the driver's license number, telephone number, or social security number of a violator shall be furnished to any private entity.

D. Any renewal or renegotiation of a contract executed by a parish or municipal governing authority prior to August 1, 2008, which is in conflict with the provisions of this Section shall, upon such renewal or renegotiation, be amended to comply with the provisions of this Section."

AMENDMENT NO. 8

On page 2, delete lines 1 through 4 in their entirety.

AMENDMENT NO. 9

On page 2, line 5, change "July" to "August"

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

SENATE BILL NO. 405—

BY SENATORS BROOME, DORSEY, DUPLESSIS, GRAY, JACKSON, LONG, MURRAY, NEVERS AND THOMPSON

AN ACT

To enact Chapter 20 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:1371 through 1375, to establish the Financial Literacy and Education Commission; to provide for purpose; to provide for membership; to provide for powers and duties; to provide for funding and effectiveness; and to provide for related matters.

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

SENATE BILL NO. 447—

BY SENATORS CASSIDY, DONAHUE, DORSEY, LAFLEUR AND LONG

AN ACT

To amend and reenact R.S. 17:10.5(D), relative to Recovery School Districts; to provide relative to parental options during a transfer of a school to a Recovery School District; to provide relative to capacity; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 447 by Senator Cassidy

AMENDMENT NO. 1

On page 1, line 2, between "to" and "Recovery" insert "the" and change "Districts" to "District"

AMENDMENT NO. 2

On page 1, line 3, change "during a transfer of a school to a" to "when a school is transferred to the"

AMENDMENT NO. 3

On page 2, line 2, between "board" and "provided" insert a comma " , "

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

SENATE BILL NO. 459—

BY SENATORS ADLEY, DORSEY AND DUPLESSIS
AN ACT

To amend and reenact R.S. 17:176(G), relative to extracurricular activities; to provide for participation; to provide for eligibility; to provide for liability; to provide for instructors; to provide for rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 459 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, change "amend and reenact" to "enact"

AMENDMENT NO. 2

On page 2, delete line 18, and insert "participants, each city, parish, or other local public school board shall adopt rules and regulations to determine the number and type of instructors"

AMENDMENT NO. 3

On page 2, line 19, between "school" and the period "." insert "and prescribe their qualifications and duties"

AMENDMENT NO. 4

On page 2, delete lines 22 through 24 in their entirety

AMENDMENT NO. 5

On page 2, at the beginning of line 25, change "(7)" to "(6)"

AMENDMENT NO. 6

On page 3, at the beginning of line 1, change "(8)" to "(7)"

AMENDMENT NO. 7

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

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

SENATE BILL NO. 478—

BY SENATOR MURRAY
AN ACT

To enact R.S. 11:2175(C)(3)(c), relative to the Sheriffs' Pension and Relief Fund; to provide for purchase of permissive service credit; to provide for eligibility to make such purchase; to provide for calculation of the cost of such purchase; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 482—

BY SENATOR CASSIDY
AN ACT

To enact R.S. 17:3137, relative to dual enrollment of students; to provide relative to the participation of certain students in the dual enrollment program established by the Board of Regents; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 482 by Senator Cassidy

AMENDMENT NO. 1

On page 2, line 11, after "coursework," delete the remainder of the line, delete lines 12 and 13 in their entirety, and insert "State funds shall not be used to pay the tuition of a nonpublic high school student or a home study student who is dually enrolled in a participating postsecondary institution. However the amount of tuition charged to such students shall be the same as is paid by the state on behalf of a student attending a public high school."

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

SENATE BILL NO. 507—

BY SENATORS MOUNT, MICHOT, MURRAY AND NEVERS
AN ACT

To amend and reenact R.S. 33:4547.2(B),(C),(D),(E),(F),(G) and (H), and to enact R.S. 33:4547.2(I) and (J), relative to energy efficiency contracts, to provide relative to the request for proposals process used in awarding such contracts; and to provide for related matters.

Reported by substitute by the Committee on Finance. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. —(Substitute of Senate Bill No. 507 by Senator Mount)

BY SENATOR MOUNT
AN ACT

To enact R.S. 33:4547.1(E) and (F), all relative to performance-based energy efficiency contracts; to provide for contract provisions; to provide for contract evaluation requirements; to provide for the cost of evaluation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4547.1(E) and (F) are hereby enacted to read as follows:

§4547.1. Authorization; definition performance-based energy efficiency contracts

* * *

E.(1) Prior to award of any performance-based energy efficiency contract, the political subdivision shall select a certified energy efficient independent third-party evaluation consultant to review and evaluate the submitted proposals.

(a) No person, entity, or ESCO which assists the political subdivision in the development of the request for proposal shall be the respondent to the request for proposal.

(b) The certified energy efficient independent third-party evaluation consultant shall submit the results of his evaluation in an open meeting to the political subdivision for its review. The political subdivision shall require that the consultant selected pursuant to this Section participate on behalf of the agency in the negotiation of the contract.

(c) A certified energy efficient independent third-party evaluation consultant shall have no direct conflict of interest as to the political subdivision, the proposals which the consultant is to evaluate, or to any proposer. Prior to the selection of such consultant, the consultant shall certify that there is no direct conflict of interest as to the political subdivision, the proposals which the consultant is to evaluate, or to any proposer.

(d) In order to fund the cost of the evaluation, review, approval, oversight, and performance audits as provided in this Section, the request for proposal for the award of a performance-based energy efficiency contract shall require the proposer to pay a sum not to exceed two and one-half percent of the total value of the performance-based energy efficiency contract at the time that a contract is executed by that proposer.

F.(1) Any performance-based energy efficiency contract entered into shall be for a period equal to the lesser of twenty years or the average life of the equipment installed by the performance contractor and shall contain a guarantee of energy savings. The guarantee of energy savings shall, at a minimum, ensure a total annual savings sufficient to fully fund any financing arrangement entered into to fund the contract. In addition, any performance-based energy efficiency contract shall contain the following clause:

"The continuation of this contract is contingent upon the appropriation of funds by the political subdivision to fulfill the requirements of the contract. If the political subdivision fails to appropriate sufficient monies to provide for the continuation of the contract, the contract shall terminate on the last day of the fiscal year for which funds have been appropriated. Such termination shall be without penalty or expense to the political subdivision except for payments which have been earned prior to the termination date."

(2) Any contract entered into pursuant to this Chapter shall include the total units of energy saved, the method, device or financial arrangement to establish a firm amount for the savings, the cost per unit of energy, and, if applicable, the basis for any adjustment in the stated cost for the term of the contract, and for each energy saving measure included in the contract, provide the following:

(a) Detailed scope of work.

(b) Price to be paid by the political subdivision as the initial cost.

(c) Annual energy cost savings.

(d) Annual maintenance savings including any maintenance and operational savings associated with installation; including but not limited to, services, parts, materials, labor, and equipment.

(e) Annual new maintenance cost including operating expenses added as a result of new equipment installed or services performed by the contractor.

(f) Total annual savings by adding annual energy cost savings to annual maintenance savings minus any annual new maintenance costs.

(g) All savings shall be guaranteed and measured on an annual basis.

(h) A schedule for submission of the annual savings audit reports.

(i) Except for proprietary company financial information, the responses to the requests for proposals shall be public records pursuant the Public Records Law, R.S. 44:1, et seq.

On motion of Senator Michot, the committee substitute bill was adopted and becomes Senate Bill No. 809 by Senator Mount, substitute for Senate Bill No. 507 by Senator Mount.

SENATE BILL NO. 809— (Substitute of Senate Bill No. 507 by Senator Mount)

BY SENATOR MOUNT

AN ACT

To enact R.S. 33:4547.1(E) and (F), all relative to performance-based energy efficiency contracts; to provide for contract provisions; to provide for contract evaluation requirements; to provide for the cost of evaluation; and to provide for related matters.

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

SENATE BILL NO. 534—

BY SENATOR CASSIDY

AN ACT

To enact R.S. 17:7(2)(f), relative to the duties, functions and responsibilities of the State Board of Elementary Education; to provide relative to the use of certain funding by public school

boards provided through the minimum foundation program formula; to provide for reporting requirements; to provide for rules and regulations; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 534 by Senator Cassidy

AMENDMENT NO. 1

On page 1, line 15, change "By the beginning of" to "Beginning in"

AMENDMENT NO. 2

On page 2, at the end of line 11, delete "March" and at the beginning of line 12, delete "fifteenth" and insert "April thirtieth"

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

SENATE BILL NO. 547—

BY SENATOR MCPHERSON

AN ACT

To repeal R.S. 48:221(C), relative to immovable property expropriated by the department and not used for departmental purposes within fifteen years of the date of expropriation; and to provide for related matters.

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

SENATE BILL NO. 569—

BY SENATOR MORRISH

AN ACT

To enact Subpart P of Part II-A of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.71, relative to the Manufactured Home Tax Fairness Fund; to provide for the deposit and credit of certain money to the fund; to require appropriations for refunding certain tax, penalty, interest or other charges paid on the purchase of manufactured homes used or intended for use solely as residential housing; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 569 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 4, after "Fund;" insert "and to enact R.S. 47:1508(B)(26), relative to the confidential character of tax records;"

AMENDMENT NO. 2

On page 1, line 14, delete "following:"

AMENDMENT NO. 3

On page 1, delete lines 15 through 17, and on page 2, delete lines 1 through 4

AMENDMENT NO. 4

On page 2, line 5, delete "(2) The amount of such"

AMENDMENT NO. 5

On page 2, line 5, after "purchases" insert "made on or after September 1, 2005 through December 31, 2006"

AMENDMENT NO. 6

On page 2, delete lines 6 and 7 and insert the following: "manufactured homes used solely as residential housing, for which a declaration of immovability as provided in R.S. 9:1149.9(A), is recorded in the conveyance records, and is located in the following parishes:

(a) Any parish with a population between nine thousand eight hundred and ten thousand one hundred.

(b) Any parish with a population between twenty-four thousand five hundred and twenty-five thousand four hundred seventy.

(c) Any parish with a population between twenty-six thousand and twenty-eight thousand.

(d) Any parish with a population between thirty-one thousand two hundred and thirty-three thousand one hundred.

(e) Any parish with a population between forty-three thousand five hundred and forty-four thousand five hundred.

(f) Any parish with a population between fifty-three thousand and seventy-five thousand.

(g) Any parish with a population between eighty-eight thousand and ninety thousand five hundred.

(h) Any parish with a population between ninety-nine thousand five hundred and one hundred ten thousand.

(i) Any parish with a population between one hundred sixty thousand and one hundred eighty-five thousand.

(j) Any parish with a population between one hundred ninety thousand eight hundred and two hundred thousand.

(k) Any parish with a population over four hundred forty thousand."

AMENDMENT NO. 7

On page 2, line 11, change "Paragraph" to "Subsection (A)"

AMENDMENT NO. 8

On page 2, line 12, delete "(A)(1)"

AMENDMENT NO. 9

On page 2, line 14, after "Fund," delete the remainder of the line and delete lines 15 through 17

AMENDMENT NO. 10

On page 2, line 22, after "fund" insert a period "." and delete the remainder of the line

AMENDMENT NO. 11

On page 2, delete lines 23 through 26 and insert the following: "(2) All unexpended and unencumbered monies in"

AMENDMENT NO. 12

On page 2, line 28, after "D." insert "(1)"

AMENDMENT NO. 13

On page 2, line 29, delete "state"

AMENDMENT NO. 14

On page 2, line 30, after "paid" delete the remainder of the line and insert "on a purchase made on or after September 1, 2005 and before January 1, 2007,"

AMENDMENT NO. 15

On page 3, line 3, after "due" insert "or became due" and after "used" delete "or intended for use"

AMENDMENT NO. 16

On page 3, line 4, after "housing" insert: "in the parishes provided for in Subsection A of this Section which have been severely impacted by Hurricanes Katrina and Rita"

AMENDMENT NO. 17

On page 3, delete lines 6 through 10, and insert the following: "(2) Persons requesting a refund pursuant to this Subsection for any sales tax, penalty, or interest paid shall present evidence of the payment of such taxes, penalty, or interest to the state treasurer in order to obtain a refund and show proof of

immobilization. No refund shall exceed the amount of sales tax, penalty, and interest actually paid. If the treasurer cannot verify the amount of sales tax, penalty, or interest paid by a person requesting such refund based upon the data provided to him by the secretary of the Department of Revenue, then the treasurer shall submit a request to the secretary of the Department of Public Safety and Corrections for information regarding that specific taxpayer's tax, penalty, and interest paid. Within 30 days of receipt of the request, the secretary of the Department of Public Safety and Corrections shall determine by the best means available to him, whether the amount of tax, penalty, and interest paid claimed by the taxpayer is accurate, based on the records of the office of motor vehicles, and provide such information to the treasurer.

Section 2. R.S. 47:1508(B)(26) is hereby enacted to read as follows:

§1508. Confidential character of tax records

* * *

B. Nothing herein shall be construed to prevent:

* * *

(26) The furnishing in the discretion of the secretary, of information to the treasurer of the state of Louisiana to be used solely to determine verification of the amount of sales tax, penalty, or interest paid by a person requesting a refund pursuant to R.S. 39:100.71 for any sales tax, penalty, or interest paid on a purchase made on or after September 1, 2005, through December 31, 2006, of any manufactured home used solely as residential housing. Any information so furnished shall be considered and held confidential and privileged by the treasurer by the same extent heretofore provided.

Section 3. This Act shall become effective July 1, 2008."

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

SENATE BILL NO. 582—

BY SENATOR NEVERS

AN ACT

To enact R.S. 17:10.8, relative to school and district accountability; to require the establishment and implementation of a program of early identification and intervention for low-performing schools that are at risk of failing; to provide for the duties and responsibilities of the state Department of Education and the State Board of Elementary and Secondary Education; to provide for criteria; to provide for technical assistance and compliance; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 582 by Senator Nevers

AMENDMENT NO. 1

On page 2, line 14, after "weakness" insert a period "." and delete the remainder of the line, and delete lines 15 and 16 in their entirety

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

SENATE BILL NO. 611—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:4720.56(19); 4720.59(A),(B)(1),(C),(D), and (E)(1),(4),(5), and (6) and 4720.60.1 and to enact R.S. 33:4720.56(20) and R.S. 33:4720.59(E)(7), relative to the New Orleans Redevelopment Authority; to provide authorization for the transfer of adjudicated properties from the city of New Orleans to the authority; to provide authorization for the purchase of properties by the authority at tax sales; to provide for the purchase of properties by the authority at code lien enforcement

proceedings; to amend relative to the authority of the New Orleans Redevelopment Authority to conduct expedited quiet title and foreclosure proceedings; to provide for the removal of abandoned property; to provide of an effective date; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 611 by Senator Murray

AMENDMENT NO. 1
On page 2, delete line 7 and on line 8, delete "**this Chapter.**"

AMENDMENT NO. 2
On page 2, between lines 17 and 18, insert
" * * *

AMENDMENT NO. 3
On page 4, line 15, between "**D.**" and "**In**" insert "**(1)**"

AMENDMENT NO. 4
On page 4, line 18, change "**(1)**" to "**(2)**"

AMENDMENT NO. 5
On page 4, line 28, change "**(2)**" to "**(3)**"

AMENDMENT NO. 6
On page 15, line 24, delete "**or of property**"

AMENDMENT NO. 7
On page 16, lines 4, 9 and 29, change "**political subdivision**" to "**city**"

AMENDMENT NO. 8
On page 16, line 17, change "**Article**" to "**Subtitle**"

AMENDMENT NO. 9
On page 19, line 5, between "**court**" and "**recorder**" insert a comma
"

AMENDMENT NO. 10
On page 20, line 10, change "**judgement**" to "**judgment**"

AMENDMENT NO. 11
On page 21, line 27, change "**office**" to "**officer**"

AMENDMENT NO. 12
On page 22, line 17, between "**Section.**" and "**without**" insert "**has good and marketable title to the property**"

AMENDMENT NO. 13
On page 23, line 1, change "**judgement**" to "**judgment**"

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

SENATE BILL NO. 649—
BY SENATOR HEBERT

AN ACT

To enact Subpart B-39 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.761 through 130.771, relative to economic development; to create and provide with respect to the Iberia Economic Development Authority; to provide relative to the board of commissioners for the authority; to provide for the powers, duties, and functions of the authority; to authorize various financial activities by the board of commissioners, including the authority to levy taxes, incur debt, and issue bonds to accomplish the purposes of the authority; to exempt the authority from all state taxation, and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 649 by Senator Hebert

AMENDMENT NO. 1
On page 1, line 12, change "Subpart A-39" to Subpart B-39"

AMENDMENT NO. 2
On page 2, line 18, change "**eight**" to "**five**"

AMENDMENT NO. 3
On page 2, line 18 after "**members**" delete the remainder of the line and delete line 19 through 24 in their entirety and insert in lieu thereof: "**as provided in this Section, all of whom shall be citizens of the United States.**"

AMENDMENT NO. 4
On page 2, line 25, after "**The**" and before "**members**" delete "**three non-voting**"

AMENDMENT NO. 5
On page 2 line 25, between "**appointed**" and "**as**" insert "**by the Iberia Parish Council from a list of nominees submitted by the Iberia Industrial Development Foundation**"

AMENDMENT NO. 6
On page 2, line 29, after "**Twelve**" delete the remainder of the line and insert a period " ."

AMENDMENT NO. 7
On page 3, line 3, after "**Fourteen**" delete the remainder of the line and insert a period " ."

AMENDMENT NO. 8
On page 3, line 6, after "**Nine**" delete the remainder of the line and insert a period " ."

AMENDMENT NO. 9
On page 3, between line 6 and 7, insert the following:
"**(d) One member whose residence or a place of business is located within the boundaries of Iberia Parish Council District One, Two, Three, Four, Five, Six, or Seven.**
(e) One at-large member."

AMENDMENT NO. 10
On page 3 delete lines 7 through 19 in their entirety and insert the following in lieu thereof:

"**(3)(a) Board members shall serve an initial term of three years. Upon expiration of such initial terms, two of their successors shall serve terms of two years, and three of their successors shall serve terms of three years, as determined by board bylaws. Board members may succeed themselves but shall not serve more than two consecutive terms.**

(b) Service by a board member for two or more years of a term shall be considered service for a three-year term."

AMENDMENT NO. 11
On page 5, line 29, change "**district**" to "**authority**"

AMENDMENT NO. 12
On page 8, delete line 18 through 29 and on page 9, delete lines 1 through 14 and insert the following:

"**(5) To enter into any cooperative endeavor or any other form of cooperative development activity for the purposes of the authority. For purposes of this Subpart, cooperative endeavor means any form of economic development assistance or collaboration between or among the authority and the state, any of its local governmental subdivisions, political corporations or public benefit corporations, the United States or its agencies, or any public or private association, corporation, or individual. A cooperative endeavor shall include but not be limited to the following:**

(a) Cooperative financing of an economic development project, which shall include loan guarantees, land write-downs, grants, lease guarantees, or any form of financial subsidy or incentive that complies with the provisions of Article VII, Section 14 of the Constitution of Louisiana.

(b) Cooperative development which shall include but not be limited to any number of joint development agreement such as condominiums and cooperative ownership, limited partnerships, and investment syndicates not prohibited by the Constitution of Louisiana. Regardless of the method of financing, the authority shall attempt to obtain the most favorable security available in order to protect and ensure recovery of sums loaned or paid pursuant to such financing."

AMENDMENT NO. 13

On page 9, line 16, after "tax" delete the remainder of the line and at the beginning of line 17, delete "mills on the dollar of assessed valuation of" and insert "on"

AMENDMENT NO. 14

On page 9, line 18, after "authority," delete the remainder of the line, delete line 19 in its entirety, and on line 20, delete "mills on the dollar of assessed valuation of all such property."

AMENDMENT NO. 15

On page 9, between lines 24 and 25, insert the following:
"(2) Prior to the levying of any tax authorized by Paragraph (1) of this Subsection, the board shall request and receive approval to levy such tax from the Iberia Parish Council."

AMENDMENT NO. 16

On page 11, lines 19, 21, 23, and 24, between "of" and "Title" insert "Subtitle III of"

AMENDMENT NO. 17

On page 12, line 14, between "of" and "Title" insert "Subtitle III of"

AMENDMENT NO. 18

On page 13, after line 2, insert the following:
"Section 2. The provisions of this Act shall have no effect on the provisions of R.S. 33:2711.9."

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

SENATE BILL NO. 672—
BY SENATOR DUPLISSIS

AN ACT

To amend and reenact R.S. 24:31, 31.1(A) and (E), 502(A), 504(B), 506(A), and 507(B), relative to compensation of members of the legislature and per diem; to provide for per diem during regular and extraordinary sessions; to provide for an increase in the compensation paid to legislators; to provide for an increase in compensation paid to the speaker of the House of Representatives and the president of the Senate; to provide for an increase in the compensation paid to the speaker pro tempore of the House of Representatives and the president pro tempore of the Senate; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 672 by Senator Duplessis

AMENDMENT NO. 1

On page 1, line 8, between "Senate;" and "and" insert "to provide for an increase in compensation paid to the chairman of the Senate Finance Committee, the chairman of the Senate Revenue and Fiscal Affairs Committee, the chairman of the House Appropriations Committee, and the chairman of the House Ways and Means Committee;"

AMENDMENT NO. 2

On page 2, line 3, between "A." and "In", insert "(1)"

AMENDMENT NO. 3

On page 2, line 5, between "Senate" and "and" insert ", the chairman of the Senate Finance Committee and the chairman of the Senate Revenue and Fiscal Affairs Committee,"

AMENDMENT NO. 4

On page 2, line 6, between "Representatives" and the comma "," insert ", the chairman of the House Appropriations Committee and the chairman of the House Ways and Means Committee"

AMENDMENT NO. 5

On page 2, line 7, change "seventy thousand dollars per annum" to "thirty percent of the annual salary for members of the United States Congress. Such salary shall be adjusted as necessary effective July first annually"

AMENDMENT NO. 6

On page 2, between lines 11 and 12, insert the following:
"(2) The salary of the chairman of the Senate Finance Committee, the chairman of the Senate Revenue and Fiscal Affairs Committee, the chairman of the House Appropriations Committee, and the chairman of the House Ways and Means Committee shall be thirty-five percent of the annual salary for members of the United States Congress. Such salary shall be adjusted as necessary effective July first annually. This salary shall be compensation to the chairman of the Senate Finance Committee, the chairman of the Senate Revenue and Fiscal Affairs Committee, the chairman of the House Appropriations Committee, and the chairman of the House Ways and Means Committee for service to the Senate, including that rendered during regular and extraordinary sessions of the legislature and during the interim between sessions. The salary provided for in this Paragraph shall be payable in the same manner as provided in R.S. 24:31.1(B). The chairmen of the Senate Finance Committee and the Senate Revenue and Fiscal Affairs Committee shall be entitled to the per diem and all other allowances provided by law for members of the Legislature of Louisiana."

AMENDMENT NO. 7

On page 2, at the end of line 15, insert "in the amount of five hundred one thousand dollars per month"

AMENDMENT NO. 8

On page 2, delete lines 19 through 22.

AMENDMENT NO. 9

On page 2, line 25, between "The" and "salary" insert "annual"

AMENDMENT NO. 10

On page 2, line 26, change "eighty thousand dollars per annum" to "forty-five percent of the annual salary for members of the United States Congress"

AMENDMENT NO. 11

On page 2, line 27, change "This" to "Such salary shall be adjusted as necessary effective July first annually. Subject to Subsection B, this"

AMENDMENT NO. 12

On page 3, line 5, between "The" and "salary" insert "annual"

AMENDMENT NO. 13

On page 3, line 6, change "seventy-five thousand dollars per annum" to "thirty-five percent of the annual salary for members of the United States Congress. Such salary shall be adjusted as necessary effective July first annually"

AMENDMENT NO. 14

On page 3, line 15, between "The" and "salary" insert "annual"

AMENDMENT NO. 15

On page 3, lines 15 and 16, change "**eighty** thousand dollars per annum" to "**forty-five percent of the annual salary for members of the United States Congress**"

AMENDMENT NO. 16

On page 3, line 17, change "This" to "**Such salary shall be adjusted as necessary effective July first annually. Subject to Subsection B, this**"

AMENDMENT NO. 17

On page 3, line 23, between "The" and "salary" insert "**annual**"

AMENDMENT NO. 18

On page 3, line 24, change "**seventy-five** thousand dollars per annum" to "**thirty-five percent of the annual salary for members of the United States Congress. Such salary shall be adjusted as necessary effective July first annually**"

AMENDMENT NO. 19

On page 4, line 2, change "January 1, 2009" to "July 1, 2008"

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

SENATE BILL NO. 706—

BY SENATOR CROWE

AN ACT

To enact R.S. 17:3048.1(B)(4) and (H)(3), relative to the Tuition Opportunity Program for Students; to provide for the TOPS-Tech Plus Award; to provide relative to initial and continuation eligibility requirements; to provide relative to award applications; to provide for award amounts; to provide for the length of eligibility; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 706 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 2, between "To" and "enact" insert "amend and reenact R.S. 17:3048.1(H)(2) and to" and between "(4)" and the comma "," delete "and (H)(3)"

AMENDMENT NO. 2

On page 1, line 8, between "Section 1." and "R.S." insert "R.S. 17:3048.1(H)(2) is hereby amended and reenacted and" and between "(4)" and "hereby" delete "and (H)(3) are" and insert "is"

AMENDMENT NO. 3

On page 1, at the end of line 16, delete "**a**", delete line 17 in its entirety, and on page 2, at the beginning of line 1, delete "**undergraduate degree**" and insert in lieu thereof "**an associate degree with a minimum cumulative grade point average of 2.50 on a 4.00 scale**"

AMENDMENT NO. 4

On page 2, delete lines 4 through 8 in their entirety

AMENDMENT NO. 5

On page 2, at the beginning of line 9, change "**(c)**" to "**(b)**"

AMENDMENT NO. 6

On page 2, at the beginning of line 14, change "**(d)**" to "**(c)**"

AMENDMENT NO. 7

On page 2, at the beginning of line 19, change "**(e)**" to "**(d)**"

AMENDMENT NO. 8

On page 2, between lines 22 and 23, insert the following:

"**(e) The administering agency shall provide by rule adopted in accordance with the Administrative Procedure Act for the administration of the TOPS-Tech Plus Award, including application and registration procedures, timelines and deadlines, and reporting requirements for eligible colleges and universities.**"

AMENDMENT NO. 9

On page 2, between lines 25 and 26, insert the following:

"**(2)(a) No student shall be eligible for tuition payment pursuant to this Section for the TOPS-Tech Award for more than two years unless an extension is granted by the administering agency in accordance with its rules.**"

AMENDMENT NO. 10

On page 2, at the beginning of line 26, change "**(3)**" to "**(b)**"

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

SENATE BILL NO. 713—

BY SENATORS LONG AND MCPHERSON

AN ACT

To enact Chapter 49 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3491, relative to port commissions; to authorize certain port commissions to enter into contracts, leases, or other agreements for ninety-nine years; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 713 by Senator Long

AMENDMENT NO. 1

On page 1, line 3, after "3491" insert "and 3492"

AMENDMENT NO. 2

On page 1, line 4, after "years;" insert "to create and provide relative to port commissions in certain parishes; to provide relative to the board of commissioners and their powers and duties, including the power of ad valorem taxation, with voter approval;"

AMENDMENT NO. 3

On page 1, line 8, before ", is" insert "and 3492"

AMENDMENT NO. 4

On page 3, after line 7, insert:

"§3492. Authorities in certain parishes

A. Notwithstanding any provision of law to the contrary, there is hereby created in any parish having a population of not more than one hundred thirty thousand and not less than one hundred twenty-five thousand as determined by the most recent federal decennial census, a port authority in such parish and adjacent lands, except as provided in Subsection B of this Section.

B. The jurisdiction of such port authority shall be coterminous with those of the parish in which such authority is sited, except the authority shall not include any private ports.

C. Pursuant to Article VI, Sections 19 and 20 of the Constitution of Louisiana, the authority, acting through its board, shall have all the rights, powers, privileges, and immunities granted to political subdivisions of the state for industrial, commercial, research, and economic development purposes.

D. Such port authority shall be governed by a board of commissioners composed of six members, who shall serve without compensation and who shall be appointed for terms as follows:

(1) Three of the commissioners shall be appointed by the mayor of the municipality having the largest population in such parish as determined by the most recent federal decennial census. Each appointee shall be a resident of such municipality.

(2) One of the commissioners shall be appointed by the mayor of the municipality having the second largest population in such parish as determined by the most recent federal decennial census. Such appointee shall be a resident of such municipality.

(3) One of the commissioners shall be appointed at large by the mayors of the remaining municipalities in such parish.

(4) One of the commissioners shall be appointed at large by the parish governing authority of such parish.

E. Each commissioner shall serve terms concurrent with the terms of the appointing authorities.

F. In the event that any commissioner ceases to be a commissioner for any reason, his successor shall be appointed in the same manner as the original appointment and shall serve for the remainder of the unexpired term.

G. The board of commissioners shall elect from among its members a president, who shall have no vote except in the event of a tie vote, a vice president, a secretary, and a treasurer, whose respective duties shall be prescribed by the board. At the option of the board of commissioners, the offices of the secretary and treasurer may be held by one person. The board of commissioners shall meet in regular session once each month and shall also meet in special session at the call of the president of the commission or on the written request of four members of the board. A majority of the members of the board of commissioners shall constitute a quorum, and all actions or resolutions of the board shall be approved by the affirmative vote of not less than a majority of the members of the board at the meeting. The board of commissioners shall prescribe rules governing its meetings and shall fix a place at which the meetings shall be held.

H. The board of commissioners may authorize a reasonable travel allowance for its members in the performance of their official duties. The board of commissioners may further reimburse its members for actual expenses incurred in the performance of their official duties on behalf of the port. It may employ such officers, agents, and employees as it finds necessary in the performance of its duties, and it may prescribe the duties, powers, and compensation of the officers, agents, and employees. The board of commissioners, on terms as it agrees upon, may contract for legal, financial, engineering, and other professional services necessary or expedient in the conduct of its affairs, and, on terms and conditions mutually agreeable, may utilize the services of other executive departments of the state.

I. The board of commissioners shall exercise the powers herein conferred upon it within the respective parish, excluding any privately owned port facility.

J.(1) The board of commissioners shall regulate the commerce and traffic within the respective parish in a manner as may, in its judgment, be for the best interests of the state.

(2) The board shall have charge of and administer public wharves, docks, sheds, and landings. It may:

(a) Construct or acquire and equip wharves, landings, and other structures useful for the commerce of the port and provide mechanical facilities therefor.

(b) Erect sheds or other structures on the wharves and landings.

(c) Provide light, water, police protection, and other services for its facilities as it deems advisable.

(d) Construct or acquire, maintain, and operate basins, locks, canals, warehouses, and elevators.

(e) Charge for the use of all facilities administered by it and for all services rendered by it.

(f) Establish fees, rates, tariffs, or other charges as it deems fit.

(g) Establish harbor lines within the port area by agreement with the United States Army Corps of Engineers.

(h) Construct, own, operate, and maintain terminal rail facilities and other common carrier rail facilities for the purpose of rendering rail transportation to and from the facilities to be erected, owned, and operated by the port in both intrastate and interstate commerce.

(3) Title to all property and improvements acquired by the port shall rest in the port.

K. The board of commissioners may make and enter into contracts, leases, and other agreements with railroads, trucking companies, and barge lines and with any and all companies interested in the transportation, storage, and shipping of goods and other products, whether by rail, truck line, barge line, or otherwise, for the use of facilities administered by the board or any part or portion thereof for a period of time not exceeding forty years. However, no exclusive franchise shall be granted to any carrier.

L. The board of commissioners may make and enter into contracts, leases, and other agreements with any political subdivisions in the respective parish, for the management and operation of port and ancillary facilities. This right shall include the construction and operation of warehouses, storage facilities, and other buildings used in connection with the port.

M. The board of commissioners is authorized to make and construct any of the works of public improvements in the port and anything in connection therewith which may be necessary or useful for the business of the board, to purchase machinery or materials and equipment for performing the work and to supervise the making of the same or to make and construct the works through contracts with others, and generally to do all other acts necessary or proper to carry out the powers vested in it with regard to works of public improvement.

N. The board of commissioners, when authorized to do so by a vote of a majority of the electors residing in the respective parish qualified to vote and voting at an election for such purpose in accordance with law, may levy annually on all property situated within the respective parish subject to taxation an ad valorem tax not to exceed ten mills of assessed valuation. The board of commissioners, upon its own initiative, may call a special election and submit to the qualified electors of the respective parish the question of authorizing the levy of such a tax. The board of commissioners shall call such a special election when requested to do so by a petition in writing signed by at least one-fourth of the qualified electors eligible to vote at such election. These special taxes shall be levied, assessed, and collected on the property within the respective parish under the same methods, terms, and conditions and at the same time as state and parish taxes are levied, assessed, and collected. These taxes shall be secured by the same liens upon the property subject to taxation within the respective parish as taxes for state and parish purposes. The property subject to any taxes within said parish shall be sold for failure to pay the same in the same manner as property is sold for delinquent state, parish, and other taxes under the laws of the state.

O. The provisions of the constitution and all laws regulating the collection of taxes, the creating of tax liens and mortgages, and tax penalties and tax sales shall also apply to the collection of all taxes authorized by this Section. The tax collector shall make a monthly settlement with the treasurer of the board of commissioners and receive from him a receipt for the amount of taxes paid over in the same manner as tax collectors are required to settle with the state. The tax collector shall receive from the treasurer the same quietus for a full settlement of taxes due and exigible in any given year and account for the delinquents or deductions in the same manner as though accounting to the state. The tax collector shall retain from all taxes collected by him for the port an amount sufficient to reimburse the expenses of his office for the collection of the tax. Upon the failure of the tax collector to comply with the provisions of this Section, the board of commissioners shall proceed against him and the sureties on his official bond for the collection of whatever money is owing to the board for such special taxes.

P. With the approval of the State Bond Commission, the board of commissioners may incur debts for its lawful purposes and issue in its name negotiable bonds or notes therefor and pledge for the payment of the principal and interest of such negotiable bonds or notes the revenues derived from the operation of properties and facilities maintained and operated by it or received by the board from any taxes authorized under this

Section or from other sources; however, the amount of such bonds or notes outstanding at any one time shall not exceed ten million dollars. In addition to the pledge of revenues to secure the bonds and notes, the board of commissioners may further secure their payment by conventional mortgage upon any or all of the properties constructed or acquired or to be constructed or acquired by it. The board of commissioners also may receive, by gift, grant, donation, or otherwise, any sum of money, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, and, unless otherwise provided by the terms of such gift, grant, or donation, in its discretion may pledge all or any part of such monies for the further securing of the payment of the principal and interest of its bond or notes.

Q. The board of commissioners, on behalf of the port may, as an additional grant of authority, incur debt and issue negotiable general obligation bonds to finance any of its authorized purposes, with the approval of the State Bond Commission a majority of those voting in an election called and held for that purpose in accordance with the procedures set forth in Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended. Said general obligation bonds shall be issued in the form and manner and subject to the limitations, restrictions, and provisions contained in Part III, Chapter 4 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and shall be sold in the manner subject to the provisions of Chapter 13 of Title 39 of the Louisiana Revised Statutes of 1950.

R. For a period of thirty days after the date of the adoption of any resolution of the board of commissioners authorizing the issuance of its bonds or notes, any person interested may test the legality of the resolution, after which time no one shall have any cause of action to contest the regularity, formality, or legality of the resolution or to draw in question the legality for any cause whatever, and it shall be conclusively presumed that every legal requirement has been complied with and no court shall have authority to inquire into the matters after the lapse of thirty days.

S. Any bonds issued in accordance with the provisions of this Part shall be sold to the highest bidder, at a public sale, for not less than par and accrued interest, after advertisement once a week for not less than thirty days by the board of commissioners in the manner prescribed by Title 39, Section 1426 of the Louisiana Revised Statutes of 1950, as amended. If, after advertisement as hereinabove provided, no bids are received or if the bids as received are considered in the discretion of the board of commissioners to be unsatisfactory, the board may publicly negotiate for the sale of the bonds.

T. The prohibition contained in R.S. 43:111 against advertising in any newspaper, book, pamphlet, or periodical shall not apply to the board of commissioners of any port created under the provisions of this Section in carrying out its functions and duties under the constitution and laws of this state."

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

SENATE BILL NO. 719—
BY SENATORS NEVERS, BROOME AND WALSWORTH
AN ACT

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

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 719 by Senator Nevers

AMENDMENT NO. 1
On page 1, line 2, between "(C)" and "(3)" insert "(1) and"

AMENDMENT NO. 2
On page 1, line 8, between "(C)" and "(3)" insert "(1) and"

AMENDMENT NO. 3
On page 1, line 15, change "kindergarten" to "~~kindergarten~~ **prekindergarten**"

AMENDMENT NO. 4
On page 2, between lines 2 and 3, insert the following:
"(1) Universal screening for students in ~~kindergarten~~ **prekindergarten** through third grade at specified intervals, but not less than twice per year. However, no child shall be screened if his parent or guardian objects to such screening."

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

SENATE BILL NO. 722—
BY SENATOR SMITH
AN ACT

To amend and reenact R.S. 33:4734(A) and 4780.52(A), relative to municipal and parish zoning; to provide for advance notice of zoning actions to certain military installations; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 722 by Senator Smith

AMENDMENT NO. 1
On page 1, line 13, change "**90**" to "**ninety**"

AMENDMENT NO. 2
On page 2, line 3, change "**90**" to "**ninety**"

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

SENATE BILL NO. 724—
BY SENATOR THOMPSON
AN ACT

To amend and reenact R.S. 25:341(D) and (E), 342(A)(1), (B)(1) and (2), 343, and 351, and R.S. 36:207(A)(1) and (2), 208(C), and 909, relative to the Louisiana State Museum; to provide for the appointment and service of members of the Board of Directors of the Louisiana State Museum; to provide for appointment of the museum director and assistant secretary for the office of the state museum; to provide for board meetings and domicile; to provide for lease of certain museum property; to provide for board members serving on the effective date of the Act; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 724 by Senator Thompson

AMENDMENT NO. 1
On page 2, line 2, after "**list**" delete the remainder of the line and at the beginning of line 3, delete "**one** names"

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AMENDMENT NO. 2

On page 2, between lines 16 and 17, insert "**(h) The Louisiana Sports Hall of Fame.**"

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

SENATE BILL NO. 730—
BY SENATOR QUINN

AN ACT

To enact R.S. 41:1702(B)(4), relative to reclamation of lands lost through erosion, compaction, subsidence, and sea level rise; to provide for certain boundary agreements; to provide terms, conditions, and procedures; to provide for retroactivity; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 730 by Senator Quinn

AMENDMENT NO. 1

On page 1, line 15, after "**land**" insert "**located east of the Mississippi River, and not an island, that has been**"

AMENDMENT NO. 2

On page 2, line 13, after "**(4)(a),**" insert "**As a condition of the boundary agreement, the landowner shall waive any claim against the state for return of mineral revenues from the reclaimed land.**"

AMENDMENT NO. 3

On page 2, delete lines 27 and 28, and insert "**(8) The provisions of Paragraph (4) through (7) shall apply only to parishes with a population of more than four hundred and fifty thousand and less than four hundred and eighty thousand, according to the latest regular federal census.**"

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

SENATE BILL NO. 735—
BY SENATOR MORRISH

AN ACT

To enact R.S. 33:7729, relative to the Cameron Parish Mosquito Abatement District No. 1; to increase the membership of the board of directors; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 735 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 3, change "increase" to "authorize an increase in"

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

SENATE BILL NO. 736—
BY SENATOR MORRISH

AN ACT

To enact R.S. 33:3819(E), relative to the Jefferson Davis Parish Water and Sewer Commission No. 1, to increase the per diem paid to the board of commissioners of the district; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 736 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 3, change "increase" to "authorize an increase in"

AMENDMENT NO. 2

On page 1, line 10, delete "**(1)**"

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

SENATE BILL NO. 740—

BY SENATORS SHEPHERD, CRAVINS, CROWE, GRAY AND JACKSON
AN ACT

To enact Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.81 through 600.82 and R.S. 49:220.5(A)(11)(c), (D)(5), and (H), relative to the Louisiana Road Home Program Applicants' Bill of Rights; to establish the Louisiana Road Home Program Applicants' Bill of Rights Program under the supervision of the Louisiana Recovery Authority; to provide for principles for the operation of the Road Home Program and penalties for violation of applicants' rights; to provide for the duties and functions of the Louisiana Recovery Authority; to provide for the creation of the office of road home inspector general; to provide for duties and responsibilities of the road home inspector general; to provide for an effective date; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 740 by Senator Shepherd

AMENDMENT NO. 1

On page 1, line 3, change "(11)(c)" to "(13)"

AMENDMENT NO. 2

On page 4, at the end of line 24, insert "**However, the Road Home Program shall provide any such requested information at no cost to the applicant making the request.**"

AMENDMENT NO. 3

On page 5, between lines 28 and 29, insert the following: "**(f) The homeowner shall be entitled to the highest valuation for the home regardless of source, except where the result would be manifestly inequitable or due to homeowner fraud.**"

AMENDMENT NO. 4

On page 6, line 28, change "**subcontractors.**" to "**subcontractors, including all decision-making documents.**"

AMENDMENT NO. 5

On page 7, at the end of line 7, insert "**Upon initiation of appeal, the application and decision-making documents shall be sent by certified mail to the applicant within ten days of the filing of the appeal, if not previously sent.**"

AMENDMENT NO. 6

On page 8, at the end of line 2, delete the "s" and insert "**or appeal, all communicated in writing.**"

AMENDMENT NO. 7

On page 9, line 21, change "**writing.**" to "**writing or by telephone. The Road Home program shall confirm such choice in writing to the applicant within ten days.**"

AMENDMENT NO. 8

On page 10, at the end of line 3, insert the following: "**In the event mediation is unsuccessful, the applicant may commence an action for de novo review of the grant award in district court, as provided in Subparagraph (k) of this Paragraph, within sixty days of the conclusion of the mediation if there is no settlement by the parties. The reasonable costs of the mediation will be paid equally by the parties unless otherwise agreed prior to the conclusion of the mediation.**"

AMENDMENT NO. 9

On page 10, line 19, after "**right to a**" and before "**judicial**" insert "**de novo**"

AMENDMENT NO. 10

On page 10, at the end of line 23, insert the following: "**The grant applicant shall not be responsible for the payment of any opposing party's attorney fees in the event of an adverse court judgment except as provided for under the provisions of Article 893 of the Code of Civil Procedure in cases of a frivolous lawsuit.**"

AMENDMENT NO. 11

On page 13, delete lines 17 through 19 and insert the following:
 "(1) **The legislative auditor shall contract with an independent auditor, who shall have had no prior participation in the Road Home Program, to conduct the final audit. The final audit shall include, but not be limited to, an examination of quality of pre-storm value determinations and of the estimated costs of damage. The audit shall construe all policies, rules, and procedures of the Road Home Program liberally in favor of the applicant.**"

AMENDMENT NO. 12

On page 14, line 9, delete "**uncontested by the applicant.**" and delete lines 10 and 11 and insert the following: "**result of applicant fraud or for duplication of benefits or if the overpayment would be manifestly unjust.**"

AMENDMENT NO. 13

On page 15, delete lines 24 and 25 and insert the following: "**Senate. He shall report monthly to the Louisiana Recovery Authority, the Joint Legislative Committee on the Budget, and the Senate Committee on Local and Municipal Affairs. Additionally, the Louisiana Recovery Authority shall report monthly to the Joint Legislative Committee on the Budget, the Senate Committee on Local and Municipal Affairs, and the House Committee on Municipal, Parochial, and Cultural Affairs on the expenditures of the Road Home Program with detailed breakdowns of how much money has been spent and projections of how much will be spent in different categories, including expenditures for additional funding for applicants who appeal.**"

AMENDMENT NO. 14

On page 19, line 6, change "(11)(c)" to "(13)"

AMENDMENT NO. 15

On page 19, delete lines 11 through 13.

AMENDMENT NO. 16

On page 19, line 14, change "**(c)**" to "**(13)**" and at the end of the line insert "**in accordance with the Administrative Procedure Act**"

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

SENATE BILL NO. 745—

BY SENATOR GRAY

AN ACT

To amend and reenact R.S. 33:9039.66(A)(1), (B), and (E), 9039.68(B)(3), and 9039.72(B) and to enact R.S. 33:9039.68(A)(16), relative to the Greater New Orleans Bioscience Economic Development District; to provide for the board of commissioners; to provide for general powers; to provide for the promulgation of bylaws; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 745 by Senator Gray

AMENDMENT NO. 1

On page 3, line 7, delete "full" and after "board" and before ".", insert "**members present at the meeting**"

AMENDMENT NO. 2

On page 3, delete line 10, and insert the following:
 "A. In addition to the powers and duties elsewhere granted in this Chapter, the board is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following:
 * * *

AMENDMENT NO. 3

On page 3, between lines 19 and 20, insert the following:
 ** * *

AMENDMENT NO. 4

On page 4, line 2, change "**It's the**" to "**The**"

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

SENATE BILL NO. 760—

BY SENATORS THOMPSON, CASSIDY, DORSEY, LAFLEUR AND LONG

AN ACT

To amend and reenact R.S. 25:1242(C), relative to the membership of the Eddie G. Robinson Museum Commission; to provide for changes to the membership of the commission; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 760 by Senator Thompson

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 25:1242(C)" to "R.S. 25:1242(C)(1) and to repeal R.S. 25:1242(C)(3)"

AMENDMENT NO. 2

On page 1, line 6, change "R.S. 25:1242(C)" to "R.S. 25:1242(C)(1)"

AMENDMENT NO. 3

On page 1, line 11, between "**state**" and "subject" and between "Senate" and "**to**" insert a comma ","

AMENDMENT NO. 4

On page 1, delete lines 15 through 17 in their entirety and on page 2, delete lines 1 and 2 in their entirety, and insert in lieu thereof the following:

"Section 2. R.S. 25:1242(C)(3) is hereby repealed."

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

SENATE BILL NO. 771—

BY SENATOR HEBERT

AN ACT

To enact R.S. 32:297.1, relative to motor vehicles; to authorize Kie series mini-trucks to operate on the streets and highways under certain conditions; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 771 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 3, after "highways" insert ", except interstate highways."

AMENDMENT NO. 2

On page 1, line 10, after "highways" insert ", except interstate highways."

AMENDMENT NO. 3

On page 1, line 11, after "state" delete the remainder of the line and insert a period "."

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

SENATE BILL NO. 776—

BY SENATOR MICHOT

AN ACT

To enact Chapter 2-B of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2345 and R.S. 36:109(C), relative to trusts created for a public purpose; to create such a trust and provide for its powers and duties; to provide for use of money received by the trust; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 776 by Senator Michot

AMENDMENT NO. 1

On page 1, line 3, change "R.S. 36:109(C)" to "R.S. 36:259(N)"

AMENDMENT NO. 2

On page 1, line 11, change "Economic Development" to "Health and Hospitals"

AMENDMENT NO. 3

On page 2, line 19, delete "tax"

AMENDMENT NO. 4

On page 2, line 23, change "government tax benefits" to "financial incentives"

AMENDMENT NO. 5

On page 3, line 29, change "R.S. 36:109(C)" to "R.S. 36:259(N)"

AMENDMENT NO. 6

On page 4, delete lines 1 and 2, and insert: "\$259. Transfer of agencies and functions to Department of Health and Hospitals"

AMENDMENT NO. 7

On page 4, line 4, change "C." to "N."

AMENDMENT NO. 8

On page 4, line 5, change "Economic Development" to "Health and Hospitals"

AMENDMENT NO. 9

On page 4, line 10, change "Economic Development" to "Health and Hospitals"

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

SENATE BILL NO. 787—

BY SENATOR WALSWORTH

AN ACT

To enact R.S. 33:1236(65), relative to police juries and other parish governing authorities; to provide for the powers of police juries and other parish governing authorities; to provide for an effective date; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 787 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 4, change "provide for an effective date" to "authorize parish governing authorities to adopt ordinances establishing a juvenile curfew"

AMENDMENT NO. 2

On page 1, line 6, change "1236" to "1236(65)"

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

SENATE BILL NO. 789—

BY SENATORS HEBERT AND N. GAUTREAUX AND REPRESENTATIVES BARRAS, CHAMPAGNE, PERRY AND TRAHAN

AN ACT

To enact Chapter 31-A of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:2106, relative to expressway commissions; to provide for membership on certain such commissions; and to provide for related matters.

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

SENATE BILL NO. 793—

BY SENATOR SHEPHERD

AN ACT

To enact R.S. 47:463.136, relative to motor vehicle prestige license plates; to provide for creation and issuance of the New Home Ministries Community Development Corporation license plate; to provide for the design of the plate; to authorize the promulgation of rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 793 by Senator Shepherd

AMENDMENT NO. 1

On page 1, at the beginning of line 2, after "To" insert "amend and reenact R.S. 47:463.24(A), 463.58(D), 463.121(E)(2), and 463.122(E)(2) and to"

AMENDMENT NO. 2

On page 1, line 3, change "Ministries Community Development" to "Full Gospel Ministries" and on line 4, delete "Corporation"

AMENDMENT NO. 3

On page 1, line 4, after "the plate;" insert: "to provide relative to the required number of applicants for prestige license plates for the Beacon Light Baptist Church and the Greater St. Stephens Ministries; to provide for the distribution of the proceeds collected from applicants for the Life Center Full Gospel Baptist Cathedral prestige license plate; to provide for issuance of prestige license plates for retired law enforcement officers to certain vehicles and motorcycles;"

AMENDMENT NO. 4

On page 1, line 7, after "Section 1." insert "R.S. 47:463.24(A), 463.58(D), 463.121(E)(2), and 463.122(E)(2) are hereby amended and reenacted and"

AMENDMENT NO. 5

On page 1, between lines 7 and 8, insert:
 "\$463.24. Special license plates for retired law officers
 A. The secretary of the Department of Public Safety and Corrections shall establish special motor vehicle license plates which may be issued, upon application, to any citizen of Louisiana who is a retired law officer. The license plates shall be restricted to passenger cars, pick-up trucks, motorcycles, vans, and recreational vehicles.

\$463.58. Special prestige license plates; Life Center Full Gospel Baptist Cathedral

D. The royalty fee of twenty-five dollars shall be collected by the department and shall be forwarded to the ~~Life Economic Development Corporation~~ Life Center Full Gospel Baptist Cathedral, a nonprofit corporation, to be used for educational programs.

\$463.121. Special prestige license plates; Beacon Light Baptist Church

E. The secretary shall establish a prestige license plate for the organization in accordance with the provisions of this Section when all of the following conditions are met:

(2) The secretary has received a minimum of ~~one thousand~~ five hundred applications for the license plate.

\$463.122. Special prestige license plates; Greater St. Stephens Ministries

E. The secretary shall establish a prestige license plate for the organization in accordance with the provisions of this Section when all of the following conditions are met:

(2) The secretary has received a minimum of ~~one thousand~~ five hundred applications for the license plate.

AMENDMENT NO. 6

On page 1, line 8, change "Ministries Community" to "Full Gospel Ministries" and on line 9, delete "Development Corporation"

AMENDMENT NO. 7

On page 1, at the end of line 11, after "Home" insert "Full Gospel" and on line 12, delete "Community Development Corporation"

AMENDMENT NO. 8

On page 1, line 15, change "Ministries Community" to "Full Gospel Ministries."

AMENDMENT NO. 9

On page 1, delete line 16

AMENDMENT NO. 10

On page 2, line 1, change "Ministries Community Development Corporation" to "Full Gospel Ministries"

AMENDMENT NO. 11

On page 2, line 3, change "Ministries Community Development" to "Full Gospel Ministries" and on line 4, delete "Corporation"

AMENDMENT NO. 12

On page 2, line 10, change "Ministries Community Development Corporation" to "Full Gospel Ministries" and at the end of line 10, delete "the"

AMENDMENT NO. 13

On page 2, delete line 11 and insert "educational programs."

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

SENATE BILL NO. 796—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 39:1367(E)(2)(a)(iii), and to enact R.S. 39:1367(E)(2)(b)(v), relative to state debt; to provide that certain debt secured by statewide tax revenues or statewide special assessments be excluded from the definition of net state tax supported debt; to provide for an effective date; and to provide for related matters.

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

**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. 343—

BY REPRESENTATIVES PERRY AND ST. GERMAIN AND SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:499.4, relative to night shrimping; to make corrections to the night shrimping line; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 475—

BY REPRESENTATIVES ST. GERMAIN AND GISCLAIR

AN ACT

To amend and reenact R.S. 56:10(B)(1)(e) and to enact R.S. 56:306(B)(6) and 306.1(B)(7), relative to sales of crabs outside the state of Louisiana; to provide for a wholesale out-of-state crab shipping license and a retail out-of-state crab shipping license; to provide for the cost of such licenses; to provide for deposit and use of revenues from the sale of such licenses; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 475 by Representative St. Germain

AMENDMENT NO. 1

On page 3, delete lines 2 through 8, and insert "crab shipping licenses, ten percent shall be deposited to the Conservation Fund, and ninety percent shall be deposited to the Crab Promotion and Marketing Account of the Seafood Promotion and Marketing Fund, R.S. 56:10(B)(1)(e)."

AMENDMENT NO. 2

On page 3, delete line 28, and insert "shipping licenses, ten"

AMENDMENT NO. 3

On page 3, line 29, change "eighty" to "ninety"

AMENDMENT NO. 4

On page 4, line 2, after "R.S. 56:10(B)(1)(e)." delete the remainder of the line

AMENDMENT NO. 5

On page 4, delete lines 3 through 5

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

HOUSE BILL NO. 694—

BY REPRESENTATIVE ST. GERMAIN AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 56:116(D), relative to special hunting seasons; to provide for a special open deer hunting season; to provide for eligibility; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 695—

BY REPRESENTATIVE ST. GERMAIN AND SENATOR DUPRE
AN ACT

To repeal R.S. 34:851.15(A)(2)(c), relative to personal watercraft; to remove the exemption for personal watercraft from provisions applicable to motorboats towing waterskis or similar contrivance.

Reported favorably by the Committee on Natural Resources. 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. 697—

BY REPRESENTATIVE ST. GERMAIN AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 34:851.2(3) and 851.19, relative to vessels; to provide for definitions; to provide for operation of certain vessels; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 698—

BY REPRESENTATIVE ST. GERMAIN AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 56:143(A), relative to hunting; to provide for the wearing of "hunter orange" during deer season; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 701—

BY REPRESENTATIVE ST. GERMAIN AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 56:8(26), (42), (57), (58), (66), (91), (110), and (112), 320(A), 325(C), 326.1, 327(A)(1)(introductory paragraph) and (2), 332(M), 411, 412, and 413, to enact R.S.

56:8(109.1), and to repeal R.S. 56:327(A)(1)(a), (b), and (c), relative to game fish; to define what fish species are game fish; to define "commercial fishing"; to define "recreational fishing"; to define "aquaculture"; to define "domesticated fish"; to delineate what restrictions apply to game fish, to aquaculturally raised fish, to commercial fishing, and to recreational fishing; to provide relative to transportation of game fish fingerlings; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 702—

BY REPRESENTATIVES ST. GERMAIN AND DOVE AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 56:322.1(A) and (H) and 322.2(B) and (D) and to repeal R.S. 56:322.1(D), relative to commercial taking of shad and skipjack; to remove provisions for a closed season; to provide relative to the prohibition for nighttime taking of commercial shad; to authorize the keeping of other commercial species of fish; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 1025—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 56:104(A)(2), (4), and (7) and 302.1(B)(1) and (C)(2)(a), to enact R.S. 56:104(E), and to repeal R.S. 56:104(A)(6), relative to nonresident hunting and fishing licenses; to provide for one-day costs for each nonresident hunting or fishing license; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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.

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. 429—

BY SENATOR SHEPHERD
AN ACT

To amend and reenact R.S. 13:477(24) and 621.24, relative to judges; to provide relative to certain election procedures; to provide relative to certain elections and judicial vacancies in the Twenty-Fourth Judicial District Court; to provide certain terms, conditions, procedures and requirements; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 429 by Senator Shepherd

AMENDMENT NO. 1

On page 2, line 2, following "section" and before "shall" change "6" to "six"

On motion of Senator Marionneaux, the amendments were adopted.

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. 429 by Senator Shepherd

AMENDMENT NO. 1

On page 1, line 10, change "forty-two" to "forty"

On motion of Senator Shepherd, the amendments were adopted.

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. 429 by Senator Shepherd

AMENDMENT NO. 1

On page 1, line 2, delete "and 621.24"

AMENDMENT NO. 2

On page 1, delete lines 3 and 4 and insert "offices and divisions in the Twenty-Fourth Judicial District Court; to provide certain terms,"

AMENDMENT NO. 3

On page 1, line 7, delete "and 621.24 are" and insert "is"

AMENDMENT NO. 4

On page 1, delete lines 16 and 17 and insert "**Divisions A, D, F, and N through January 1, 2009. After January 1, 2009, election section two shall consist of Divisions A, D, and N. Election section three shall consist of Divisions K and L. Election section four shall consist of Division H through January 1, 2009. After January 1, 2009, election section four shall consist of Divisions H and F. Election section five**"

AMENDMENT NO. 5

On page 2, delete "**C and P**" and insert "**C, I, and P**"

AMENDMENT NO. 6

On page 2, delete lines 5 through 12

Senator Shepherd moved adoption of the amendments.

Senator Martiny objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Murray
Alario	Gautreaux B	Quinn
Broome	Hebert	Shepherd
Cravins	Heitmeier	Smith
Dorsey	McPherson	Thompson
Total - 15		

NAYS

Adley	Erdey	Mount
Amedee	Kostelka	Nevers
Cassidy	Long	Riser
Crowe	Martiny	Shaw
Donahue	Morrish	Walsworth
Total - 15		

ABSENT

Cheek	Gray	Marionneaux
Duplessis	Jackson	Michot
Gautreaux N	LaFleur	
Total - 8		

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Martiny sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 429 by Senator Shepherd

AMENDMENT NO. 1

On page 1, line 13, after "District." delete "**The**" and insert "**Pursuant to the Consent Decree in the matter entitled "Janice Clark, et al v. Edwin W. Edwards, et al," No. 86-435-A, United States District Court, Middle District of Louisiana, the**"

AMENDMENT NO. 2

On page 2 delete lines 7 through 12 and insert the following:
"B. The next vacancy in a judgeship that occurs after January 1, 2009, other than a vacancy in either Division C or Division P, shall be filled by election from election section five. Thereafter, the remaining judgeships shall continue to be filled from the remaining election sections."

Senator Martiny moved adoption of the amendments.

Senator Shepherd objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Murray
Alario	Gautreaux N	Nevers
Amedee	Kostelka	Riser
Cassidy	Long	Shaw
Cheek	Martiny	Smith
Crowe	McPherson	Thompson
Donahue	Morrish	Walsworth
Duplessis	Mount	
Total - 23		

NAYS

Broome	Erdey	Heitmeier
Cravins	Gautreaux B	Shepherd
Dorsey	Hebert	
Total - 8		

ABSENT

Mr. President	LaFleur	Quinn
Gray	Marionneaux	
Jackson	Michot	
Total - 7		

The Chair declared the amendments were adopted.

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

May 13, 2008

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Kostelka
Total - 1

ABSENT

Gray LaFleur Marionneaux
Total - 3

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

Senator Broome in the Chair

Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 46— BY SENATORS CHAISSON AND NEVERS AND REPRESENTATIVES TRAHAN AND TUCKER

A CONCURRENT RESOLUTION

To urge and request the Board of Regents, in developing and adopting a formula for Fiscal Year 2009-2010 and subsequent years for the equitable distribution of funds to the institutions of postsecondary education to consider specified factors, including but not limited to certain findings of the Workforce Investment Council, relative to budget recommendations for institutions and programs under the supervision and management of the Board of Supervisors of Community and Technical Colleges.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Concurrent Resolution No. 46 by Senator Chaisson

AMENDMENT NO. 1
On page 1, line 3, change "2009-2010" to "2008-2009"

AMENDMENT NO. 2
On page 2, at the beginning of line 13, change "2009-2010" to "2008-2009"

On motion of Senator Nevers, the committee amendment was adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gray Martiny
LaFleur Thompson
Total - 4

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

SENATE CONCURRENT RESOLUTION NO. 51—

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To memorialize the United States Congress to establish grant programs to assist the seafood industry in St. Tammany, St. Bernard, Orleans, and Plaquemines parishes in the State of Louisiana to mitigate the damages caused by the opening of the Bonnet Carre Spillway.

Reported favorably by the Committee on Natural Resources.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gray LaFleur Martiny
Total - 3

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

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. 139—
BY SENATOR QUINN

AN ACT

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

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

SENATE BILL NO. 594—
BY SENATOR GRAY

AN ACT

To enact Code of Criminal Procedure Article 800.1, relative to the duties of clerks of court; to provide with respect to the collection and reporting of statistical information relating to peremptory challenges; 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. 716—
BY SENATOR MARTINY

AN ACT

To amend and reenact Children's Code Article 412(J) and to enact Children's Code Article 412(K), relative to records; to provide for the confidentiality of certain records; to provide for the custodian of the records; and to provide for related matters.

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

SENATE BILL NO. 721—
BY SENATOR CHAISSON

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Crowe	Long	Shepherd
Donahue	Marionneau	Smith
Dorsey	Martiny	Walsworth
Duplessis	McPherson	

Total - 35

NAYS

Total - 0

ABSENT

Gray	LaFleur	Thompson
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Total - 3

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

SENATE BILL NO. 798—
BY SENATORS MCPHERSON AND THOMPSON

AN ACT

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

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

SENATE BILL NO. 804—
BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 27:28(F) and to enact R.S. 27:310(H), relative to the Louisiana Gaming Control Law; to provide for suitability; to provide for the revocation of a license or permit; and to provide for related matters.

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

Mr. President in the Chair

SENATE BILL NO. 43—
BY SENATOR MOUNT

AN ACT

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

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

Total - 35

May 13, 2008

NAYS

Total - 0

ABSENT

Gray Kostelka LaFleur
Total - 3

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

SENATE BILL NO. 221— BY SENATOR QUINN

AN ACT

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

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

SENATE BILL NO. 229— BY SENATOR MOUNT

AN ACT

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

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 229 by Senator Mount

AMENDMENT NO. 1

On page 1, line 3, following "(F)" delete remainder of the line and insert ", relative to"

AMENDMENT NO. 2

On page 1, delete lines 9 through 10 in their entirety and insert "and (B)(3), and (F) are hereby amended and reenacted to read as follows:"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 229 by Senator Mount

AMENDMENT NO. 1

On page 3, line 3, after "Services" delete the remainder of the line

AMENDMENT NO. 2

On page 3, line 4, delete "health care facilities"

AMENDMENT NO. 3

On page 4, between lines 21 and 22 insert the following:

"(d) Programs designed to improve the quality of care in health care facilities."

On motion of Senator Mount, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gray Martiny
LaFleur Shepherd
Total - 4

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

SENATE BILL NO. 333— BY SENATOR QUINN

AN ACT

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

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 333 by Senator Quinn

AMENDMENT NO. 1

On page 2, line 2, following "used" and before ";" insert "shall"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gray	Martiny
LaFleur	Shepherd
Total - 4	

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

SENATE BILL NO. 535—
BY SENATORS CASSIDY AND NEVERS
AN ACT

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

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 535 by Senator Cassidy

AMENDMENT NO. 1
On page 3, line 6, change "(a)" to "(i)"

AMENDMENT NO. 2
On page 3, line 7, change "(i)" to "(aa)"

AMENDMENT NO. 3
On page 3, line 7, following "year" change "2" to "1"

AMENDMENT NO. 4
On page 3, line 8, change "(ii)" to "(bb)"

AMENDMENT NO. 5
On page 3, line 10, change "(iii)" to "(ccc)"

AMENDMENT NO. 6
On page 3, line 12, change "(b)" to "(ii)"

AMENDMENT NO. 7
On page 3, line 13, change "(i)" to "(aa)"

AMENDMENT NO. 8
On page 3, line 14, change "(ii)" to "(bb)"

AMENDMENT NO. 9
On page 3, line 22, following "Paragraph" and before "of" change "A(2)" to "(A)(2)"

AMENDMENT NO. 10
On page 4, line 11, following "Paragraph" and before "of" change "A(2)" to "(A)(2)"

AMENDMENT NO. 11
On page 4, line 19, following "(C)" and before "Shield" change "The BlueCross/Blue" to "Blue Cross Blue"

AMENDMENT NO. 12
On page 4, delete lines 21 and 22 in their entirety and insert "(e) The Cecil J. Picard Center for Child Development at the University of Louisiana Lafayette"

AMENDMENT NO. 13
On page 5, following line 22, insert "Section 2. The Louisiana State Law Institute is hereby directed to redesignate R.S. 22:669 as R.S. 22:215.26."

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Cassidy sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cassidy to Engrossed Senate Bill No. 535 by Senator Cassidy

AMENDMENT NO. 1
On page 1, line 2, after "22:215.5" insert a comma "," and delete the remainder of the line in its entirety.

AMENDMENT NO. 2
On page 5, delete lines 17 through 22 in their entirety and insert in lieu thereof the following:

"B. D.(1) Any Except as provided in Paragraph (2) of this Subsection, any insurer who, on October 1, 1982 2008, has group, blanket, or association health insurance policies in force shall convert such existing policies to conform to the provisions of this Section on or before the renewal dates thereof.

(2) The provisions of Paragraph (A)(2) of this Section shall become effective, as provided in Subsection B of this Section, to every group, blanket, or association health insurance policy issued, delivered, or renewed on or after January 1, 2010."

On motion of Senator Cassidy, the amendments were adopted.

Floor Amendments Sent Up

Senator Cassidy sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cassidy to Engrossed Senate Bill No. 535 by Senator Cassidy

AMENDMENT NO. 1
On page 3, line 22, delete "Paragraph A(2)" and insert "Paragraphs A(2) and A(3)"

May 13, 2008

On motion of Senator Cassidy, the amendments were adopted.

Floor Amendments Sent Up

Senator Cassidy sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cassidy to Engrossed Senate Bill No. 535 by Senator Cassidy

AMENDMENT NO. 1

On page 3, delete lines 22 through 26 and insert

"B.(1) The provisions of Paragraph A (2) of this Section shall become effective only upon a means of finance that may include the creation of a special fund in the state treasury to reimburse health insurance issuers for additional premium to be charged for the required benefits and after an amount from the state general fund equal to the additional premium to be charged for such benefits is deposited with the state treasurer for such fund. However, such amount annually deposited into the special fund shall be no more than one and one-half percent of the total premium charged for such policies."

AMENDMENT NO. 2

On page 4, line 13 following "premium," delete "an employer may choose not to provide the required benefits," and insert "that plan shall no longer be required to provide such benefits. In no event shall any employer be charged a premium for benefits arising from Paragraph A (2) of this Section. Such premium shall only be payable from the special fund provided for by Paragraph B (1) of this Section."

On motion of Senator Cassidy, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Jackson Nevers
Broome Long Quinn
Cassidy Marionneaux Shaw
Erdey McPherson
Gautreaux B Murray
Total - 13

NAYS

Adley Duplessis Michot
Alario Dupre Morrish
Amedee Gautreaux N Mount
Cheek Hebert Riser
Cravins Heitmeier Shepherd
Crowe Kostelka Smith
Donahue LaFleur Thompson
Dorsey Martiny Walsworth
Total - 24

ABSENT

Gray
Total - 1

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

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

SENATE BILL NO. 765—
BY SENATOR MICHOT

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Donahue Gray Shepherd
Total - 3

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

SENATE BILL NO. 777—
BY SENATOR MICHOT

AN ACT

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

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 777 by Senator Michot

AMENDMENT NO. 1

On page 2, line 2, following "provided in" and before "With" change "R.S. 45:844.55(D)(3)." to "Paragraph 3 of this Subsection."

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 777 by Senator Michot

AMENDMENT NO. 1

On page 2, line 3, after "herein," delete the remainder of the line and delete lines 4 and 5 and insert the following: "the Louisiana Public Service Commission shall have no jurisdiction over advanced services and cable television services. When the Louisiana Public Service Commission performs the enforcement of other covered services as provided herein, the Louisiana Public Service Commission shall follow the procedures below:

(a) The Louisiana Public Service Commission staff shall conduct an initial audit of a local government's compliance with the cost allocation and affiliate transaction rules following the first year of operations, and thereafter shall have the authority to conduct a periodic compliance audit as deemed appropriate based on its review of a local government's annual surveillance report and attest engagement. In connection with this annual audit, the local government is required to provide the commission staff with any backup information required and to respond to data requests and other requests for information propounded by the commission staff, which may include special counsel and outside consultants. The local government is to make its books and records available to the commission staff to facilitate the completion of such audit.

(b) Notice of the issuance of the compliance audit report shall be published in the official commission bulletin. Any interested person, group of persons, or other entity shall have an opportunity to comment on the compliance audit report and a hearing, if deemed necessary, will be conducted prior to the commission staff's issuance of a final compliance audit report. The commission shall consider the compliance audit report and may accept the audit report as written, make modifications and order changes or other actions where it is deemed appropriate.

(c) Each compliance audit conducted by the commission staff shall result in a final compliance audit report containing the results of the investigation. That report must contain specific findings and recommendations concerning whether local government is providing covered services in compliance with the cost allocation and affiliate transaction rules.

(d) Any interested party may seek judicial review of a determination of compliance or noncompliance made by the Louisiana Public Service Commission under Subparagraph (c) of this Paragraph. Such judicial review shall be sought pursuant to the terms of La. R.S. 45:1192. The petition for judicial review shall be filed in the Nineteenth Judicial District Court, and the local government shall be made defendant. The challenged compliance audit report of the Louisiana Public Service Commission shall be presumed valid and correct, and the standard of review shall be confined to the record of the prior proceedings before the commission and the issue of whether the Louisiana Public Service Commission acted arbitrarily and capriciously in the issuance of the challenged compliance audit report. If the court sustains or upholds the challenged compliance audit report, the original petitioner for judicial review may seek a request for consideration of the district court determination directly to the Louisiana Supreme Court."

On motion of Senator Michot, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Amedee	Gautreaux N	Mount
Broome	Hebert	Murray
Cassidy	Heitmeier	Nevers
Cheek	Jackson	Quinn
Cravins	Kostelka	Riser
Crowe	LaFleur	Shaw
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth

Total - 36

NAYS

Total - 0

ABSENT

Gray	Shepherd
------	----------

Total - 2

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

Rules Suspended

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

Messages from the House

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

Message from the House

CONCURRING IN
SENATE CONCURRENT RESOLUTIONS

May 13, 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. 10—
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To urge and request the Wildlife and Fisheries Commission to promulgate rules allowing a WMA hunting permit exemption for small game hunters during the first nine days of the regular squirrel season.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To urge and request the Department of Social Services to explore best practices in the field of family child day care homes and to study creating a licensing system and a quality rating system for family child day care homes.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 67—
BY SENATOR CASSIDY

A CONCURRENT RESOLUTION

To recognize October 1, 2008, as World Peace Day in the state of Louisiana.

Reported without amendments.

May 13, 2008

SENATE CONCURRENT RESOLUTION NO. 68—

BY SENATOR CHAISSON
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine.

Reported without amendments.

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

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. 64—

BY SENATOR BROOME
A RESOLUTION

To commend Chief Daniel H. Wallis upon his retirement after twenty-eight years of service with the Zachary Fire Department.

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

SENATE RESOLUTION NO. 65—

BY SENATOR BROOME
A RESOLUTION

To designate May 13, 2008, as "Southern University Day at the Senate."

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

SENATE RESOLUTION NO. 66—

BY SENATOR LONG
A RESOLUTION

To commend the players and coaches of the Calvin High School Lady Cougars softball team on winning the Class C High School softball State Championship.

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

SENATE RESOLUTION NO. 67—

BY SENATOR LONG
A RESOLUTION

To commend and congratulate Mike McConathy, head coach of the Northwestern State Basketball Team, on being voted the state's Major College Coach of the Year for the 2007-2008 season.

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

SENATE RESOLUTION NO. 68—

BY SENATOR LONG
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of George M. Alexander.

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

SENATE RESOLUTION NO. 69—

BY SENATOR MARTINY
A RESOLUTION

To recognize Thursday, May 15, 2008, as Louisiana Society of Professional Surveyors Day at the Louisiana State Capitol.

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

SENATE CONCURRENT RESOLUTION NO. 72—

BY SENATOR CROWE
A CONCURRENT RESOLUTION

To commend and congratulate Pope John Paul II High School on winning the Class 2A Girls High School State Softball Championship.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yea, Nay. Lists names like Mr. President, Adley, Alario, Amedee, Broome, Cassidy, Cheek, Cravins, Crowe, Donahue, Dorsey, Duplessis and their corresponding Yea or Nay votes.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Absent, Present. Lists names like Gautreaux B and their corresponding Absent or Present status.

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

May 13, 2008

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 1359— (Substitute for House Bill No. 162 by Representative Girod Jackson)

BY REPRESENTATIVE GIROD JACKSON
AN ACT

To amend and reenact R.S. 15:542(F), relative to sex offender registration and notification requirements; to authorize certain persons convicted of carnal knowledge of a juvenile to petition the court to waive sex offender registration and notification provisions; to provide for procedures; to provide for eligibility; to provide for a contradictory hearing; and to provide for related matters.

HOUSE BILL NO. 211—
BY REPRESENTATIVES CHANDLER, HOWARD, FANNIN, AND ARNOLD

AN ACT

To amend and reenact R.S. 40:1730.24(A), relative to fees charged for building code regulations by third-party providers; to provide for local governmental entities to set maximum fees on inspections when those entities contract with a third-party provider; and to provide for related matters.

HOUSE BILL NO. 594—
BY REPRESENTATIVE ROSALIND JONES

AN ACT

To amend and reenact R.S. 48:1309(A) and (B) and to enact R.S. 48:1309(D), relative to Ouachita Parish; to provide relative to road lighting districts within the parish; to provide relative to the method of assessment of service charges or rates of service charges within such districts; to provide relative to the collection of such charges; and to provide for related matters.

HOUSE BILL NO. 595—
BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 40:1503(K)(2), relative to West Baton Rouge Parish; to provide relative to the West Baton Rouge Fire Protection District No. 1; to provide relative to the officers of Fire Subdistrict No. 2 of such district; and to provide for related matters.

HOUSE BILL NO. 597—
BY REPRESENTATIVE MONTOU CET

AN ACT

To amend and reenact R.S. 33:4574.1.1(A)(1), relative to Acadia Parish; to increase the maximum rate of the hotel occupancy tax that the Acadia Parish Convention and Visitors Bureau is authorized to levy; and to provide for related matters.

HOUSE BILL NO. 772—
BY REPRESENTATIVE MICHAEL JACKSON

AN ACT

To enact R.S. 33:9097.4, relative to East Baton Rouge Parish; to create the Melrose Place Crime Prevention District within the parish; to provide relative to the purpose, governance, powers, and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

HOUSE BILL NO. 1149—
BY REPRESENTATIVES MICHAEL JACKSON, ARMES, AUBERT, AUSTIN BADON, CARTER, CHAMPAGNE, RITCHIE, PATRICIA SMITH, AND TRAHAN

AN ACT

To enact R.S. 17:85.13, relative to naming a stadium; to authorize the parish school board in certain parishes to name a stadium in honor of a former principal; to provide limitations; and to provide for related matters.

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 211—
BY REPRESENTATIVES CHANDLER, HOWARD, FANNIN, AND ARNOLD

AN ACT

To amend and reenact R.S. 40:1730.24(A), relative to fees charged for building code regulations by third-party providers; to provide for local governmental entities to set maximum fees on inspections when those entities contract with a third-party provider; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 594—
BY REPRESENTATIVE ROSALIND JONES

AN ACT

To amend and reenact R.S. 48:1309(A) and (B) and to enact R.S. 48:1309(D), relative to Ouachita Parish; to provide relative to road lighting districts within the parish; to provide relative to the method of assessment of service charges or rates of service charges within such districts; to provide relative to the collection of such charges; and to provide for related matters.

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

HOUSE BILL NO. 595—
BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 40:1503(K)(2), relative to West Baton Rouge Parish; to provide relative to the West Baton Rouge Fire Protection District No. 1; to provide relative to the officers of Fire Subdistrict No. 2 of such district; and to provide for related matters.

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

HOUSE BILL NO. 597—
BY REPRESENTATIVE MONTOU CET

AN ACT

To amend and reenact R.S. 33:4574.1.1(A)(1), relative to Acadia Parish; to increase the maximum rate of the hotel occupancy tax that the Acadia Parish Convention and Visitors Bureau is authorized to levy; and to provide for related matters.

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

HOUSE BILL NO. 772—
BY REPRESENTATIVE MICHAEL JACKSON

AN ACT

To enact R.S. 33:9097.4, relative to East Baton Rouge Parish; to create the Melrose Place Crime Prevention District within the parish; to provide relative to the purpose, governance, powers, and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

HOUSE BILL NO. 1149—
BY REPRESENTATIVES MICHAEL JACKSON, ARMES, AUBERT, AUSTIN BADON, CARTER, CHAMPAGNE, RITCHIE, PATRICIA SMITH, AND TRAHAN

AN ACT

To enact R.S. 17:85.13, relative to naming a stadium; to authorize the parish school board in certain parishes to name a stadium in honor of a former principal; to provide limitations; and to provide for related matters.

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

HOUSE BILL NO. 1359— (Substitute for House Bill No. 162 by Representative Girod Jackson)
BY REPRESENTATIVE GIROD JACKSON

AN ACT

To amend and reenact R.S. 15:542(F), relative to sex offender registration and notification requirements; to authorize certain persons convicted of carnal knowledge of a juvenile to petition

May 13, 2008

the court to waive sex offender registration and notification provisions; to provide for procedures; to provide for eligibility; to provide for a contradictory hearing; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON JUDICIARY A

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

May 13, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 46— BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 13:61(E), relative to courts and judicial procedure; to require the Judicial Council and Louisiana State Law Institute to make certain recommendations on the feasibility of creating family courts or domestic relations sections in certain judicial districts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 110— BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 27:364(A)(1)(b)(vi), and R.S. 46:236.15(D)(1)(a), relative to support; to provide for the intercept of casino winnings for the payment of child support and overpayments to the department; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 186— BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact Civil Code Articles 3492 and 3493, relative to liberative prescription; to increase the prescription period for certain delictual actions from one year to two years; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 277— BY SENATOR CROWE

AN ACT

To amend and reenact Code of Civil Procedure Art. 151(B) and to enact Code of Criminal Procedure Art. 671(A)(7), relative to recusal of judges; to provide grounds for recusal of judges; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 416— BY SENATOR MURRAY

AN ACT

To amend and reenact Chapter 5 of Title 12 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 12:501 through 520, and to repeal Chapter 1 of Code Title X of Code Book I of the Civil Code, relative to unincorporated associations; to define certain terms; to provide that unincorporated associations can acquire, encumber, and transfer interests in movable and immovable property; to provide that statements of authority be filed where an unincorporated association transfers immovable property; to limit the liability of members of an unincorporated association in contract and in tort; to provide that unincorporated associations have capacity to sue and be sued; to provide for the disposition of property of an inactive unincorporated association; to provide a procedure for the appointment of an agent for service of process of an unincorporated association; to provide a procedure for the involuntary dissolution of an unincorporated association; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 699— BY SENATOR QUINN

AN ACT

To amend and reenact Children's Code Articles 1106(A) and (C), and R.S. 40:34(B)(1)(h) and (D), and to enact R.S. 40:34(F), relative to vital records forms; to provide for the recordation of acknowledgment by authentic act for children born in Louisiana and judgments of filiation; to provide for voluntary acknowledgments to be signed by both parents; to provide for amendments to birth records; to designate the office of vital records as the central repository for all paternity acknowledgments and adjudications; and to provide for related matters.

Reported favorably.

Respectfully submitted, JULIE QUINN Chairman

REPORT OF COMMITTEE ON JUDICIARY C

Senator Lee "Jody" Amedee, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 13, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 461— BY SENATOR GRAY

AN ACT

To amend and reenact Code of Criminal Procedure Art. 795, relative to challenges in jury trials; to provide relative to time for challenges and method; to provide relative to peremptory challenges based on race or gender and restrictions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 474— BY SENATOR GRAY

AN ACT

To amend and reenact Code of Criminal Procedure Article 648(A)(introductory paragraph), (A)(2), and (B)(3)(introductory paragraph) and to repeal Code of Criminal Procedure Article 648(A)(2)(b) and (B)(2), relative to mental capacity to proceed

to trial in criminal cases; to provide for procedure after determination of mental capacity; to require that certain criteria be satisfied; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 705—
BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 14:43.1(C)(2), 43.2(C)(2), 43.3(C)(2), 78.1(D)(2), 81.1(E)(2), and 81.2(E)(1), relative to certain sex offenses; to provide relative to criminal penalties for certain sex offenses when the victim is under the age of thirteen years; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 775—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 40:967(B)(3), relative to controlled dangerous substance; to provide regarding the production or manufacturing of methamphetamine; to provide for certain criteria; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 801—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 9:3198(A)(2), and to enact Code of Civil Procedure Art. 2332.1, relative to property disclosure document; to provide for disclosure of information relative to the production or manufacturing of methamphetamine; to provide for exceptions; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 33—
BY REPRESENTATIVES GREENE AND NORTON

AN ACT

To enact R.S. 14:108.1(D)(5) and (6), relative to aggravated flight from an officer; to provide with respect to circumstances where human life is endangered; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 45—
BY REPRESENTATIVES LEGER, ABRAMSON, ARNOLD, BALDONE, BILLIOT, BURFORD, HENRY BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, HARRISON, HAZEL, HENRY, HINES, HONEY, HOWARD, GIROD JACKSON, LEBAS, LIGI, LITTLE, LOPINTO, LORUSSO, MORRELL, NORTON, PEARSON, PETERSON, PONTI, RICHARD, RICHARDSON, RICHMOND, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, TUCKER, AND WILLIAMS

AN ACT

To amend and reenact R.S. 14:129.1, relative to intimidating, impeding, or injuring witnesses or officers of the court; to prohibit the intimidation, impeding, or injuring of an immediate family member of a witness or officer of the court; to provide for definitions; to amend the criminal penalties for such offense; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 96—
BY REPRESENTATIVES WHITE, ABRAMSON, AUSTIN BADON, BOBBY BADON, BALDONE, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CROMER, DIXON, DOVE, ELLINGTON, GISCLAIR, GREENE, ELBERT GUILLORY, MICKEY GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENRY, HINES, HOFFMANN, HOWARD, KATZ, LABRUZZO, LAMBERT, LEGER, LIGI, LOPINTO, LORUSSO, MORRELL, NORTON, PEARSON, PERRY, PETERSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, SCHRODER, SIMON, SMILEY, JANE SMITH, ST. GERMAIN, TEMPLET, TRAHAN, WADDELL, WILLMOTT, AND WOOTON

AN ACT

To enact R.S. 14:62.8, relative to home invasion; to create the crime

of home invasion; to provide for penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 121—
BY REPRESENTATIVES BALDONE AND WOOTON

AN ACT

To amend and reenact R.S. 15:571.3(B)(3), relative to diminution of sentence for good behavior; to provide with respect to the maximum number of days an inmate may receive as "good time"; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 148—
BY REPRESENTATIVES HAZEL, LORUSSO, LEGER, AND LIGI

AN ACT

To enact R.S. 14:93(A)(3), relative to cruelty to juveniles; to add intentionally or criminally negligently allowing any child under the age of seventeen years by any person over the age of seventeen years to be present during the manufacturing, distribution, or purchasing or attempted manufacturing, distribution, or purchasing of a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Law as an element of the crime of cruelty to juveniles; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 185—
BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 14:31(B) and 32(C), relative to homicide; to provide with respect to the criminal penalties for manslaughter and negligent homicide; to amend the criminal penalty provisions applicable when the victim is under the age of ten years; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 377—
BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 15:542(C)(1)(m) and to enact R.S. 15:541(23) through (26) and 542.1.5(G), relative to sex offender registration and notification; to require the Bureau of Criminal Identification and Information to provide for the capability of allowing social networking web sites to compare its users to online identifiers on the State Sex Offender and Child Predator Registry; to require entities operating social networking web sites to provide information to the bureau; to provide for the screening of its registered users; to provide for a defense to claims of liability; to provide for definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 642—
BY REPRESENTATIVES SCHRODER AND NORTON

AN ACT

To amend and reenact R.S. 14:43.1(C)(2), 43.2(C)(2), 43.3(C)(2), 78.1(D)(2), 81.1(E)(2), and 81.2(E)(1), relative to criminal penalties for certain sex offenses; to amend the criminal penalties for certain sex offenses when the victim is under the age of thirteen years; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 643—
BY REPRESENTATIVES SCHRODER AND NORTON

AN ACT

To amend and reenact R.S. 14:98(F)(2), relative to operating a vehicle while intoxicated; to provide with respect to the crime of operating a vehicle while intoxicated; to provide with respect to the ten-year cleansing period for purposes of determining

May 13, 2008

when a person has a prior offense; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 770—

BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 14:81.3(A) and (F) and R.S. 15:537(A), relative to the crime of computer-aided solicitation of a minor; to provide for the elements of the crime; to provide with respect to where the offense occurred; to provide that persons convicted of computer-aided solicitation of a minor shall not be eligible for diminution of sentence for good behavior; and to provide for related matters.

Reported favorably.

Respectfully submitted,
LEE "JODY" AMEDEE
Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

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

May 13, 2008

To the President and Members of the Senate:

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

SENATE BILL NO. 108—

BY SENATOR MORRISH

AN ACT

To amend and reenact R.S.40:2852, relative to pretrial diversion programs; to provide relative to housing and the administration of such programs and housing by the Department of Public Safety and Corrections; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 230—

BY SENATOR MOUNT

AN ACT

To enact R.S. 33:2338, relative to mutual aid; to authorize the Louisiana Association of Chiefs of Police Emergency Response Task Force to provide mutual aid; to provide for definitions; to provide for liability; to provide for certain criteria; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 400—

BY SENATOR GRAY

AN ACT

To enact Children's Code Article 857(C), relative to parole of juveniles; to provide for the eligibility for consideration for parole of a juvenile convicted as an adult upon reaching his thirty-first birthday; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 717—

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 15:535(A), (C), and (D) and Children's Code Article 908.1, relative to the sexual offender law; to provide for blood and saliva testing under certain circumstances;

to provide for certain criteria; to provide for follow-up tests under certain circumstances; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 773—

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 26:80(A)(3) and 280(A)(3), relative to alcohol permits; to provide for the issuance of alcohol permits to certain facilities which are leased for the purpose of conducting charitable games of chance; to provide for permits for dealers in beverages of low alcoholic content to certain facilities which are leased for the purposes of conducting charitable games of chance; to provide for related matters.

Reported with amendments.

SENATE BILL NO. 797—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 27:27.3, relative to the Louisiana Gaming Control Law; to provide for advertisement; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 799—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 40:2401.1, relative to law enforcement; to provide for the prohibition of quotas; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 268—

BY REPRESENTATIVES ELBERT GUILLORY, LAFONTA, MARCHAND, AND RICHMOND

AN ACT

To amend and reenact R.S. 15:711(G) and 1111(I), relative to work release programs; to provide for the eligibility of inmates convicted of certain offenses involving controlled dangerous substances to participate in work release programs; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 286—

BY REPRESENTATIVES MORRELL, ABRAMSON, ARNOLD, AUBERT, BALDONE, BILLIOT, HENRY BURNS, CHANDLER, CONNICK, DIXON, FANNIN, GISCLAIR, HARDY, HARRISON, HENRY, HINES, HOFFMANN, HOWARD, SAM JONES, KATZ, LEGER, LIGI, LOPINTO, LORUSSO, PETERSON, POPE, RICHARDSON, SMILEY, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, AND TEMPLET

AN ACT

To amend and reenact R.S. 14:102.5(C) and (D) and to repeal R.S. 14:102.5(E), relative to dogfighting; to provide for penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 334—

BY REPRESENTATIVES ELBERT GUILLORY, AUBERT, AUSTIN BADON, BOBBY BADON, BARROW, BILLIOT, BURRELL, CORTEZ, DIXON, FRANKLIN, GALLOT, GISCLAIR, GREENE, MICKEY GUILLORY, HARDY, HAZEL, HENDERSON, HONEY, HOWARD, HUTTER, ROSALIND JONES, LAFONTA, LEBAS, LEGER, LIGI, LOPINTO, MONICA, MORRELL, MORRIS, NORTON, PETERSON, RICHMOND, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, TEMPLET, TRAHAN, WHITE, AND WILLIAMS AND SENATORS CRAVINS, DORSEY, GRAY, JACKSON, MARTINY, AND MURRAY

AN ACT

To enact Part XVIII of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1199.1 through 1199.16, relative to inmate workforce development; to enact the Inmate Rehabilitation and Workforce Development

Act; to provide for the development and administration of the inmate rehabilitation and workforce development program; to provide for definitions; to provide for legislative findings; to create the inmate rehabilitation and workforce development advisory council; to provide for the membership of the council; to provide for the powers and duties of the council; to authorize the receipt of per diem by certain members of the council; to provide for the purposes of the program; to provide for the components of the program; to provide for applicability; to provide for inmate eligibility for participation in the program; to provide for selection of eligible inmates; to provide for the duration of the program; to provide criteria for removal from the program; to provide for rulemaking; to provide for annual reporting; to provide for the powers, duties, and responsibilities of the Department of Public Safety and Corrections regarding the implementation and administration of the program; to authorize and provide for workforce development work release programs; to provide for the collection and distribution of inmate wages; to provide for substance abuse counseling and treatment; to provide for mandatory and random drug testing of inmates; and to provide for related matters.

Reported favorably.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

Motion to Make Special Order

Senator Martiny asked for and obtained a suspension of the rules for the purpose of making House Bill No. 280, which is on Third Reading and Final Passage, Special Order of the Day No. 1 on Wednesday, May 14, 2008, immediately following the Morning Hour.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

May 13, 2008

To the President and Members of the Senate:

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

The following Senate Bill has been properly enrolled:

SENATE BILL NO. 114—

BY SENATOR MARTINY AND REPRESENTATIVES ARNOLD, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BURRELL, CONNICK, CORTEZ, DIXON, FRANKLIN, GISCLAIR, GREENE, ELBERT GUILLORY, HARDY, HENDERSON, HINES, HONEY, LABRUZZO, LAFONTA, LIGI, LORUSSO, MORRIS, PEARSON, PETERSON, SCHRODER, GARY SMITH, JANE SMITH, PATRICIA SMITH, TEMPLET, TRAHAN, TUCKER, WADDELL, WILLIAMS, WILLMOTT AND WOOTON

AN ACT

To amend and reenact R.S. 15:152(C) and to enact R.S. 15:147(E), relative to the Louisiana Public Defender Act; to amend provisions of the Louisiana Public Defender Act; to provide with respect to the salary of the state public defender; to provide for the employment status of certain employees; and to provide for related matters.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

The foregoing Senate Bill was signed by the President of the Senate.

Message to the Governor

SIGNED SENATE BILLS

May 13, 2008

To the Honorable Governor of the State of Louisiana:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Bill:

SENATE BILL NO. 114—

BY SENATOR MARTINY AND REPRESENTATIVES ARNOLD, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BURRELL, CONNICK, CORTEZ, DIXON, FRANKLIN, GISCLAIR, GREENE, ELBERT GUILLORY, HARDY, HENDERSON, HINES, HONEY, LABRUZZO, LAFONTA, LIGI, LORUSSO, MORRIS, PEARSON, PETERSON, SCHRODER, GARY SMITH, JANE SMITH, PATRICIA SMITH, TEMPLET, TRAHAN, TUCKER, WADDELL, WILLIAMS, WILLMOTT AND WOOTON

AN ACT

To amend and reenact R.S. 15:152(C) and to enact R.S. 15:147(E), relative to the Louisiana Public Defender Act; to amend provisions of the Louisiana Public Defender Act; to provide with respect to the salary of the state public defender; to provide for the employment status of certain employees; and to provide for related matters.

and they are hereby presented for executive approval.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

May 13, 2008

To the President and Members of the Senate:

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

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 66—

BY SENATOR MARTINY AND REPRESENTATIVES LIGI AND WILLMOTT

A CONCURRENT RESOLUTION

To commend Vivian Jane Gautreaux Breaux on her receipt of the Regina Matrum Award from the Archdiocese of New Orleans.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

Mr. President Erdey Morrish
Adley Gautreaux B Mount

May 13, 2008

Alario	Gautreaux N	Murray
Amedee	Hebert	Nevers
Broome	Heitmeier	Quinn
Cassidy	Jackson	Riser
Cheek	Kostelka	Shaw
Cravins	LaFleur	Shepherd
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Dupre	Michot	

Total - 37

ABSENT

Gray
Total - 1**Leaves of Absence**

The following leaves of absence were asked for and granted:

Gray 1 Day

Adjournment

Senator Broome moved that the Senate adjourn until Wednesday, May 14, 2008, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Wednesday, May 14, 2008.

GLENN A. KOEPP
Secretary of the Senate

LYNDA E. WHEELER
Journal Clerk