

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

EIGHTEENTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 27, 2006

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

ROLL CALL

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

PRESENT

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

ABSENT

Bajoie
Total - 2
Heitmeier

The President of the Senate announced there were 37 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Bobby Taylor, 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 Mount, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

**Privilege Report of the
Legislative Bureau**

April 27, 2006

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 65—

BY REPRESENTATIVES FANNIN AND WALSWORTH
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 66—

BY REPRESENTATIVES FANNIN AND WALSWORTH
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 73—

BY REPRESENTATIVE JANE SMITH
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 80—

BY REPRESENTATIVES KLECKLEY AND TRICHE
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 147—

BY REPRESENTATIVE MARTINY
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 171—

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

AN ACT

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

Reported without amendments.

HOUSE BILL NO. 179—

BY REPRESENTATIVE MARTINY
AN ACT

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

matters.

Reported without amendments.

HOUSE BILL NO. 368—
BY REPRESENTATIVE DAMICO
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 372—
BY REPRESENTATIVE DAMICO
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 377—
BY REPRESENTATIVE MARTINY
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 378—
BY REPRESENTATIVES MARTINY AND DORSEY
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 469—
BY REPRESENTATIVE SCHNEIDER
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 561—
BY REPRESENTATIVES JANE SMITH, ALEXANDER, BADON, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, DOERGE, DOVE, DOWNS, ERDEY, GEYMANN, GLOVER, JOHNS, KATZ, KLECKLEY, LABRUZZO, LAMBERT, MCVEA, MONTGOMERY, MORRISH, PINAC, M. POWELL, T. POWELL, ROMERO, SCALISE, SCHNEIDER, SMILEY, JOHN SMITH, STRAIN, TOOMY, TRAHAN, TRICHE, TUCKER, WADDELL, WALSWORTH, WHITE, AND WINSTON
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 564—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 13:2582(A) and 2583(A) and to repeal R.S. 13:2583(D), relative to qualifications for the offices of justice of the peace and constable; to provide for qualifications

of office; to repeal provisions that provide that a constable shall not remain in office beyond his seventy-fifth birthday and exceptions for certain constables in office on August 15, 1995; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 572—
BY REPRESENTATIVES CRAVINS, GEYMANN, ALEXANDER, ARNOLD, BADON, BALDONE, BARROW, BAYLOR, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, CAZAYOUX, CURTIS, DARTEZ, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEATON, HEBERT, HONEY, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, LABRUZZO, LAFLEUR, LANCASTER, MARTINY, MCDONALD, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SCALISE, SCHNEIDER, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, AND WOOTON AND SENATOR CHAISSON
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 631—
BY REPRESENTATIVE DAMICO
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 882—
BY REPRESENTATIVES CRAVINS, BALDONE, BRUCE, BURRELL, CAZAYOUX, LAFLEUR, MARTINY, JANE SMITH, WHITE, WOOTON, ALEXANDER, ARNOLD, BARROW, BAYLOR, BEARD, R. CARTER, CURTIS, DANIEL, DARTEZ, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HOPKINS, JOHNS, KATZ, KENNEY, LAFONTA, LANCASTER, MCDONALD, MCVEA, MORRELL, ODINET, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SCALISE, SCHNEIDER, GARY SMITH, JACK SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRICHE, WADDELL, WALKER, AND WALSWORTH
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 1128—
BY REPRESENTATIVE STRAIN
AN ACT

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

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

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

Messages from the House

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

Message from the House

HOUSE CONFEREES APPOINTED

April 26, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 419 by Representative Quezaire:

Representatives Quezaire, Erdey and St. Germain.

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 27, 2006

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 48—
BY SENATORS MOUNT, CAIN, THEUNISSEN, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH AND ULLO AND REPRESENTATIVES GEYMAN, E. GUILLORY, JOHNS, KLECKLEY AND MORRELL

A CONCURRENT RESOLUTION

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

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 50—
BY SENATORS N. GAUTREAU, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

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

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 51—
BY SENATORS N. GAUTREAU, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

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

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 52—
BY SENATORS N. GAUTREAU, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

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

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 53—
BY SENATORS N. GAUTREAU, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

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

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 54—
BY SENATOR N. GAUTREAU
A CONCURRENT RESOLUTION
To commend and honor the brave men and women of the Louisiana Department of Wildlife and Fisheries in the office of fisheries for their response and assistance during hurricanes Katrina and Rita.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 49—
BY SENATOR MOUNT
A CONCURRENT RESOLUTION
To commend and express support for the creation of the National Hurricane Museum and Science Center in southwest Louisiana.

Reported without amendments.

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

**Introduction of
Senate Concurrent Resolutions**

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

SENATE CONCURRENT RESOLUTION NO. 55—
BY SENATOR JONES

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to extend the Voting Rights Act of 1965 prior to its expiration in 2007.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS

April 26, 2006

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 743—
BY REPRESENTATIVE HUTTER

AN ACT

To enact R.S. 14:62.7, relative to offenses against property; to create the crime of unauthorized entry of a dwelling during times of disaster or emergency; to provide for penalties; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 873—
BY REPRESENTATIVES CAZAYOUX, BURRELL, DORSEY, FAUCHEUX,
GLOVER, M. POWELL, SCALISE, AND WHITE

AN ACT

To amend and reenact R.S. 15:545(A) and to enact R.S. 29:726(E)(14)(c), (d), (e), and (f), relative to functions of the Governor's Office of Emergency Preparedness and Homeland Security; to prohibit registered sexual offenders from being housed with other evacuees during a declared state of emergency or after a declared state of emergency; to provide relative to the sheltering of registered sexual offenders; to require each shelter to notify law enforcement of any evacuee being housed who is a registered sex offender; to provide immunity from liability; to require the Louisiana Bureau of Criminal Identification and Information to provide a copy of the central registry of sex offenders to each emergency shelter opened or operating in the state of Louisiana in certain emergencies; and to provide for related matters.

HOUSE BILL NO. 879—
BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 14:133.5, relative to filing a false complaint against a law enforcement officer; to create the crime of filing a false complaint against a law enforcement officer; to provide for penalties; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 1051—
BY REPRESENTATIVE CAZAYOUX

AN ACT

To enact R.S. 18:18.2, relative to the secretary of state engaging in certain political activities; to prohibit the secretary of state from engaging in certain political activities, except related to his own candidacy; to provide relative to the definitions; and to provide for related matters.

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

House Bills and Joint Resolutions
on First Reading

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

HOUSE BILL NO. 743—
BY REPRESENTATIVE HUTTER

AN ACT

To enact R.S. 14:62.7, relative to offenses against property; to create the crime of unauthorized entry of a dwelling during times of disaster or emergency; to provide for penalties; to provide for exceptions; and to provide for related matters.

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

HOUSE BILL NO. 873—
BY REPRESENTATIVES CAZAYOUX, BURRELL, DORSEY, FAUCHEUX,
GLOVER, M. POWELL, SCALISE, AND WHITE

AN ACT

To amend and reenact R.S. 15:545(A) and to enact R.S. 29:726(E)(14)(c), (d), (e), and (f), relative to functions of the Governor's Office of Emergency Preparedness and Homeland Security; to prohibit registered sexual offenders from being housed with other evacuees during a declared state of emergency or after a declared state of emergency; to provide relative to the sheltering of registered sexual offenders; to require each shelter to notify law enforcement of any evacuee being housed who is a registered sex offender; to provide immunity from liability; to require the Louisiana Bureau of Criminal Identification and Information to provide a copy of the central registry of sex offenders to each emergency shelter opened or operating in the state of Louisiana in certain emergencies; and to provide for related matters.

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

HOUSE BILL NO. 879—
BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 14:133.5, relative to filing a false complaint against a law enforcement officer; to create the crime of filing a false complaint against a law enforcement officer; to provide for penalties; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 1051—
BY REPRESENTATIVE CAZAYOUX

AN ACT

To enact R.S. 18:18.2, relative to the secretary of state engaging in certain political activities; to prohibit the secretary of state from engaging in certain political activities, except related to his own candidacy; to provide relative to the definitions; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

April 27, 2006

To the Honorable President and Members of the Senate:

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

following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 137—
BY REPRESENTATIVE DOVE

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources to operate the Mississippi River freshwater diversions structures at as close to maximum capacity as is possible.

HOUSE CONCURRENT RESOLUTION NO. 138—
BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency (FEMA) to recognize the North American Vertical Datum of 1988 (NAVD88) as the official vertical datum for the United States, in particular for the state of Louisiana, and to provide funding to assist the state in conducting the new surveys.

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

**House Concurrent Resolutions
on First Reading**

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

HOUSE CONCURRENT RESOLUTION NO. 137—
BY REPRESENTATIVE DOVE

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources to operate the Mississippi River freshwater diversions structures at as close to maximum capacity as is possible.

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

HOUSE CONCURRENT RESOLUTION NO. 138—
BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Federal Emergency Management Agency (FEMA) to recognize the North American Vertical Datum of 1988 (NAVD88) as the official vertical datum for the United States, in particular for the state of Louisiana, and to provide funding to assist the state in conducting the new surveys.

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

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

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

HOUSE BILL NO. 57—
BY REPRESENTATIVE TOOMY

AN ACT

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

On motion of Senator Ellington, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 88—

BY REPRESENTATIVE PITRE

AN ACT

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

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

HOUSE BILL NO. 215—

BY REPRESENTATIVE DOERGE

AN ACT

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

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

HOUSE BILL NO. 220—

BY REPRESENTATIVE M. GUILLORY

AN ACT

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

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

HOUSE BILL NO. 281—

BY REPRESENTATIVE FAUCHEUX

AN ACT

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

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

HOUSE BILL NO. 303—

BY REPRESENTATIVE FAUCHEUX

AN ACT

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

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

HOUSE BILL NO. 364—

BY REPRESENTATIVE WALSWORTH

AN ACT

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

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

HOUSE BILL NO. 410—

BY REPRESENTATIVE M. GUILLORY

AN ACT

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

disabled persons; and to provide for related matters.

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

HOUSE BILL NO. 488—
BY REPRESENTATIVE MARTINY
AN ACT

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

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

HOUSE BILL NO. 512—
BY REPRESENTATIVE MARTINY
AN ACT

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

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

HOUSE BILL NO. 603—
BY REPRESENTATIVE TOOMY
AN ACT

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

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

HOUSE BILL NO. 765—
BY REPRESENTATIVE CRAVINS
AN ACT

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

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

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

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

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

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

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

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

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

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

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

**REPORT OF COMMITTEE ON
LABOR AND INDUSTRIAL RELATIONS**

Senator Nevers, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

April 27, 2006

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE BILL NO. 24—
BY SENATOR NEVERS
AN ACT

To amend and reenact R.S. 23:1474(J), relative to unemployment compensation; to provide with respect to the maximum amount of wages on which contribution rates are assessed; to provide for weekly benefit amounts payable to claimants; to provide for the state unemployment trust fund; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 217—
BY SENATOR NEVERS
AN ACT

To amend and reenact the introductory paragraph of R.S. 23:1541 and 1553(C), relative to unemployment compensation; to provide with respect to contributions; to provide for the social charge account and unemployment benefit charges arising from executive orders issued by the governor in response to a declared disaster or emergency; to prohibit the charging of such benefits to employers' experience rating records; to prohibit the recoupment of such benefits through the social charge tax; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 516—
BY SENATORS NEVERS AND CAIN
AN ACT

To amend and reenact R.S. 23:1196(A)(5), relative to workers' compensation self insurers; to provide for reinsurance as an alternative to excess insurance; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 650—
BY SENATOR CRAVINS
AN ACT

To amend and reenact R.S. 23:992, relative to employment of certain aliens; to prohibit the hiring of an alien who is not entitled to lawfully reside or work in the United States; to provide for penalties; to provide for exceptions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 700—
BY SENATOR JONES

AN ACT

To enact R.S. 23:643, relative to payment of employees; to provide with respect to the establishment of a state minimum wage; to provide for an increase in the state minimum wage to seven dollars per hour; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
BEN W. NEVERS
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Fields, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

April 27, 2006

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 141—
BY SENATOR DUPLESSIS

A JOINT RESOLUTION

Proposing to amend Article VII, Section 24 of the Constitution of Louisiana, to provide for a single tax assessor in Orleans Parish; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported favorably.

SENATE BILL NO. 221—
BY SENATOR MOUNT

AN ACT

To enact R.S. 33:4699.1(D), relative to commercial and residential development in the city of Lake Charles; to provide for commercial and residential development of certain lakefront property in the city of Lake Charles, subject to voter approval; to authorize the calling of a special election by the city; to provide for a separate election for any gaming operations; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 647—
BY SENATORS DUPLESSIS, BOASSO, QUINN AND SHEPHERD

AN ACT

To amend and reenact R.S. 9:1425, R.S. 11:1481(2)(b)(i) and (d)(i), R.S. 13:4405(B), R.S. 18:602(C), R.S. 33:2828(B)(1)(introductory paragraph), (B)(2), and (D), and 9091.1(D)(1)(e) and (f), R.S. 35:281, R.S. 42:261(D)(2), R.S. 44:205, R.S. 47:1709, 1856(E)(1), 1874(B), 1901, 1901.1, 1903.2, 1903.3, 1904(B), 1907(A)(1), 1909, 1910, 1910.1, 1910.2, 1925.8, 1931, 1956(A)(1), 1958(E), 1960, 1979(A), 1987(A), 1991(A) and (B), 1992(A)(1)(a) and (F), 2110(A)(2) and (E), and 2305(A), to enact R.S. 33:9091.1(D)(6), and to repeal R.S. 11:1481(2)(c) and R.S. 47:1907(A)(2), relative to assessors; to provide for the consolidation of the assessors of Orleans Parish; to provide for changes to various provisions of law pertaining to assessment of property for ad valorem tax purposes to reflect a single assessor in Orleans Parish; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CLEO FIELDS
Chairman

REPORT OF COMMITTEE ON
EDUCATION

Senator Ullo, Chairman on behalf of the Committee on Education, submitted the following report:

April 27, 2006

To the President and Members of the Senate:

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

SENATE BILL NO. 177—
BY SENATORS FONTENOT AND MARIONNEAUX

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 13(D)(1) of the Constitution of Louisiana, to provide that for certain effects and purposes the Central community school system in East Baton Rouge Parish shall be regarded and treated as a parish and shall have the authority granted parishes, including the purposes of certain funding and the raising of certain local revenues for the support of elementary and secondary schools; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 410—
BY SENATORS FONTENOT AND MARIONNEAUX AND REPRESENTATIVES KENNARD AND WHITE

AN ACT

To enact R.S. 17:58.2(H), 65.1, and 65.2, relative to the Central community school system; to provide for the school system, including its establishment and boundaries; to provide for the school board and an interim board of control; to provide for board membership, apportionment, qualifications, method of selection, terms of office, filling of vacancies, compensation, expenses, powers, duties, and responsibilities; to provide relative to facilities and property; to provide for the reapportionment of the East Baton Rouge Parish School Board; to provide for effectiveness and for implementation; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 530—
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 17:3302(A), relative to the president of postsecondary systems; to remove any requirement for appointments of such presidents to be confirmed by the Board of Regents; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 701—
BY SENATOR JONES

AN ACT

To enact R.S. 17:3981 (6) and 3982(C), relative to charter schools; to require the State Board of Elementary and Secondary Education to review applications which may create financial instability in certain school systems and not approve those applications which may contribute to financial instability of a school system; to require certain city, parish or other local public school boards to obtain written approval from the State Board of Elementary and Secondary Education certifying that funding of charter schools would not harm the financial stability of the school system; and to provide for related matters.

Reported with amendments.

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SENATE BILL NO. 737—
BY SENATOR JONES

AN ACT

To enact Chapter 20-B-1, to be comprised of R.S. 17:3042.11, relative to the Teachers Education Trust Fund Incentive Program; to provide incentives for qualified teachers to locate and work in disadvantaged areas; to authorize the development and establishment of Teachers Education Trust Fund Incentive Program within the state treasury; to provide for program approval; to authorize the office of student financial assistance to administer the program; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 883—

BY REPRESENTATIVES SALTER, ALEXANDER, BADON, BARROW, CRANE, DOWNS, FANNIN, GREENE, HONEY, KENNEY, M. POWELL, T. POWELL, RITCHIE, AND WALKER

AN ACT

To enact R.S. 17:3351.11(A)(18), to authorize the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to impose a specified tuition and attendance fee amount for certain students attending the Louisiana State University Health Sciences Centers and enrolling in the Doctor of Physical Therapy Program; to provide for the fee amount; to provide an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHRIS ULLO
Chairman

REPORT OF COMMITTEE ON

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

Senator Ellington, Chairman on behalf of the Committee on Transportation, Highways and Public Works, submitted the following report:

April 27, 2006

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways and Public Works to submit the following report:

SENATE BILL NO. 685—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 22:672 (A) and (C)(2) and to repeal R.S. 22:672(E), relative to insurance coverage for vehicle towing and storage; to prohibit an insurer from assuming legal title of a motor vehicle unless the insurer assumes any covered towing and storage charges which are owed pursuant to the insurance policy; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 736—
BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 34:1221(A)(5), relative to the Greater Baton Rouge Port Commission; to provide for membership; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 267—
BY REPRESENTATIVE CROWE

AN ACT

To amend and reenact R.S. 47:463.109(D)(3), relative to motor vehicle prestige license plates; to provide relative to the In God We Trust prestige license plate; to provide relative to the

distribution of the annual fee for such plates; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 434—

BY REPRESENTATIVES ALARIO AND SALTER

AN ACT

To enact R.S. 38:2212(D)(1)(c), relative to public contracts; to except projects for repairs of hurricane damage to state buildings from certain requirements of the Public Bid Law; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 820—

BY REPRESENTATIVES TOOMY, ANSARDI, BOWLER, DAMICO, LABRUZZO, MARTINY, SCALISE, AND WOOTON AND SENATOR LENTINI

AN ACT

To amend and reenact R.S. 38:2212(A)(1)(f), relative to public works contracts; to authorize political subdivisions to develop their own uniform standards to receive bids electronically; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 856—

BY REPRESENTATIVES KATZ, WALSWORTH, DANIEL, DOVE, DOWNS, ERDEY, FANNIN, GREENE, M. GUILLORY, HUTTER, LAMBERT, QUEZAIRES, SMILEY, AND ST. GERMAIN AND SENATOR KOSTELKA

AN ACT

To name the bridge along Interstate 20 which crosses the Ouachita River the World War II Memorial Bridge; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 921—

BY REPRESENTATIVE QUEZAIRES

AN ACT

To amend and reenact R.S. 48:381(E)(1)(a) and (F), relative to utility operators permitted to use and occupy highway rights-of-way; to add natural gas distribution systems to the definition of utility operators; to provide relative to the fee for certain utility operators to use and occupy highway rights-of-way; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1094—

BY REPRESENTATIVE M. POWELL

AN ACT

To amend and reenact R.S. 48:250.3(D)(2), relative to design-build contracts let by the Department of Transportation and Development; provides relative to invitations for detailed proposals; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
NOBLE E. ELLINGTON
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. 26—

BY SENATOR DUPRE

AN ACT

To enact R.S. 49:213.1(E) and 213.4(A)(7), relative to the Coastal

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Protection and Restoration Authority; to provide relative to its powers, duties, and functions; to authorize the authority to serve as the single entity responsible to act as local sponsor for certain projects relative to hurricane protection and flood control; to authorize the authority to enter into certain contracts relative to hurricane protection and flood control projects, and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 26 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, after "213.4(A)(7)," insert "and to repeal that portion of Section 3 of Act No. 1 of the 2006 First Extraordinary Session of the Legislature enacting R.S. 49:213.1(E) and 213.4(A)(7),"

AMENDMENT NO. 2

On page 1, line 4, after "serve as" and before "the single" insert "or designate"

AMENDMENT NO. 3

On page 1, line 17, after "serve as" and before "the single" insert "or designate"

AMENDMENT NO. 4

On page 2, line 8, delete "Enter" and insert "Have the power and authority to enter"

AMENDMENT NO. 5

On page 2, between lines 15 and 16, insert "Section 2. That portion of Section 3 of Act No. 1 of the 2006 First Extraordinary Session of the Legislature enacting R.S. 49:213.1(E) and 213.4(A)(7) is hereby repealed in its entirety."

AMENDMENT NO. 6

On page 2, line 16, change "Section 2." to "Section 3."

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

SENATE BILL NO. 52—

BY SENATOR ADLEY

AN ACT

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

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 52 by Senator Adley

AMENDMENT NO. 1

On page 1, line 14, after "(2)" insert "(a)"

AMENDMENT NO. 2

On page 1, line 15, change "United States" to "U.S."

AMENDMENT NO. 3

On page 1, between lines 16 and 17, insert the following:
"(b) Whenever a parish, municipality, or school board seeks to purchase materials as authorized in Subparagraph(a) of this Paragraph and a vendor within the state makes a bid to provide

the supplies, material, or equipment sought to be purchased at a price that is within ten percent of the price the U.S. Communities Government Purchasing Alliance offers and the vendor within the state is willing to provide the supplies, material, or equipment at the same price as the U.S. Communities Government Purchasing Alliance, the parish, municipality, or school board may purchase the supplies, material, or equipment from the vendor within the state."

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

SENATE BILL NO. 105—

BY SENATOR MARIONNEAUX

AN ACT

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

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

SENATE BILL NO. —(Substitute of Senate Bill No. 105 by Senator Marionneaux)

BY SENATORS MARIONNEAUX, DARDENNE, FIELDS, JONES AND ULLO

AN ACT

To enact Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.251 through 1300.253, 1300.255, 1300.261 through 1300.263, and to repeal Part XLII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.21 through 1300.28, and Part XLIV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.41 through 1300.48, relative to prohibiting and penalizing smoking in certain places; to provide relative to the preservation and improvement of the health, comfort, and environment of the people of the state by limiting exposure to tobacco smoke; to create the Louisiana Smokefree Air Act; to provide relative to purposes, definitions, restrictions, and exceptions; to prohibit certain activity and to provide penalties for violation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.251 through 1300.253, 1300.255, 1300.261 through 1300.263, is hereby enacted to read as follows:

PART LXIII. LOUISIANA SMOKEFREE AIR ACT SUBPART A. GENERAL PROVISIONS

§1300.251. Short title

This Part shall be known and may be cited as the "Louisiana Smokefree Air Act."

§1300.252. Purpose

The legislature finds and determines that it is in the best interest of the people of this state to protect nonsmokers from involuntary exposure to secondhand smoke in most indoor areas open to the public, public meetings, restaurants, and places of employment. The legislature further finds and determines that a balance should be struck between the health concerns of nonconsumers of tobacco products and the need to minimize unwarranted governmental intrusion into and regulation of private spheres of conduct and choice with respect to the use or nonuse of tobacco products in certain designated public areas and in private places. Therefore, the legislature hereby declares that the purpose of this Part is to preserve and improve the

health, comfort, and environment of the people of this state by limiting exposure to tobacco smoke.

§1300.253. Definitions

A. For the purposes of this Part, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Bar" means a business that holds a Class A-General retail permit and the primary purpose of such business is to serve alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(2) "Business" means any corporation, sole proprietorship, partnership, limited partnership, professional corporation, enterprise, franchise, association, trust, joint venture, or other entity.

(3) "Department" means the Department of Health and Hospitals.

(4) "Employer" means an individual or a business that employs one or more individuals.

(5) "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

(6) "Local governing authority" means a municipal or parish governing authority.

(7) "Place of employment" means an area under the control of an employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a place of employment unless it is used as a licensed child care, adult day care, or health care facility.

(8) "Public building" means any building owned or operated by any of the following:

(a) The state, including the legislative, executive, and judicial branches of state government.

(b) Any parish, city, or town, or instrumentality thereof, or any other political subdivision of the state, special district, authority, commission, or agency.

(c) Any other separate corporate instrumentality or entity of state or local government.

(9) "Public place" means an enclosed area to which the public is invited or in which the public is permitted which is not a public building, including but not limited to banks, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms.

(10) "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar within the restaurant.

(11) "Retail tobacco business" means a business utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental.

(12) "School" means any elementary or secondary school building, the campus of any school, except for a limited designated outdoor area that has limited exposure to students, any buildings on the campus, and all school buses.

(13) "Secondhand smoke" means smoke emitted from lighted, smoldering, or burning tobacco when the smoker is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the smoker.

(14) "Smoking" means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted combustible plant material.

SUBPART B. PROHIBITIONS AND EXEMPTIONS

§1300.255. General smoking prohibitions; exemptions

A. Except as permitted by Subsection B of this Section, no person shall:

(1) Smoke in any public building.

(2) Smoke in any school.

(3) Smoke in any public place and in any enclosed area within a place of employment.

(4) As an employer, knowingly permit smoking in any enclosed area within a place of employment.

B. Nothing in this Part shall prohibit smoking in any of the following places:

(1) Private homes, private residences, and private automobiles; except that this Subsection shall not apply if any such home, residence, or vehicle is being used for child care or day care or if a private vehicle is being used for the public transportation of children or as part of health care or day care transportation in which case smoking is prohibited.

(2) Limousines under private hire.

(3) A hotel or motel room designated as a smoking room and rented to a guest; provided that not more than twenty percent of rooms available for rent to guests in a hotel or motel may be designated as smoking rooms.

(4) Any retail tobacco business.

(5) Any bar.

(6) The outdoor area of places of employment; except that the owner or manager of such business may post signs prohibiting smoking in any such outdoor area, which shall have the effect of making that outdoor area an area in which smoking is prohibited under the provisions of this Part.

(7) Private and semiprivate rooms or apartments in nursing homes, assisted living residences, and other long-term care facilities that are occupied by one or more persons, who are all smokers and who have requested in writing to be placed in a room where smoking is permitted; provided that smoke from such rooms or apartments does not infiltrate into areas where smoking is prohibited under the provisions of this Part.

(8) Designated smoking areas in which gaming operations are permitted to occur upon a riverboat, at the official gaming establishment, at a facility licensed for the operation of electronic video draw poker devices, at an eligible facility licensed for the operation of slot machines, by a licensed charitable organization, or at a pari-mutuel wagering facility or off-track wagering facility which is licensed for operation and regulated under the provisions of Chapters 4 and 11 of Title 4 and Chapters 4, 5, 6, and 7 of Title 27 of the Louisiana Revised Statutes of 1950, or any other gaming operations authorized by law, except that smoking shall be prohibited in all restaurants that are located within the facilities where gaming operations are conducted.

C. An individual, person, entity, or business subject to the smoking prohibitions of this Section shall not discriminate or retaliate in any manner against a person for making a complaint regarding a violation of this Section or for furnishing information concerning a violation to an enforcement authority.

D. Nothing in this Part shall be construed to restrict the power of any parish, city, town, or village to adopt and enforce additional local laws, ordinances, or regulations that comply with at least the minimum applicable standards to establish smokefree public places as set forth in this Part.

SUBPART C. PENALTIES AND RULES AND REGULATIONS

§1300.261. Notice of prohibition of smoking

A. "No smoking" signs or the intentional "No smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it shall be clearly and conspicuously posted by the owner, operator, manager, or other person in control in every public building, public place, and place of employment where smoking is prohibited by this Part.

B. The owner, operator, manager, or other person in control shall remove all ashtrays from any area where smoking is prohibited by this Part.

C. The Department of Health and Hospitals may treat a violation of this Section as a deficiency to be assessed against any licensee or facility over which it has statutory jurisdiction.

§1300.262. Enforcement; penalties

A.(1) Any violation of any prohibition in R.S. 40:1300.255(A) may be cited by any law enforcement officer by

the issuance of a citation and summons to appear before a court of proper jurisdiction.

(2) Such citations shall be in a form such that there shall be retained in each book of citations a receipt and each shall have a copy to be deposited by the law enforcement officer with a court having jurisdiction over the alleged offense.

(3) Upon the deposit of the copy, the court shall notify the alleged violator of the time and place of his hearing or of his opportunity to plead guilty by the payment of his specified fine. Failure to appear, unless the fine is paid, may be punished within the discretion of the court as contempt of court.

B.(1)(a) Any person who is guilty of a violation of the prohibition in R.S. 40:1300.255(A)(1) and (2) shall, upon a first offense, be fined one hundred dollars.

(b) Any person who is guilty of violating such prohibition a second time shall be fined two hundred dollars.

(c) Any person who is guilty of violating such prohibition a third or subsequent time shall be fined three hundred dollars.

(2)(a) Any employer who is guilty of a violation of the prohibition in R.S. 40:1300.255(A)(3) shall, upon a first offense, be fined three hundred dollars.

(b) Any employer who is guilty of violating such prohibition a second time shall be fined six hundred dollars.

(c) Any employer who is guilty of violating such prohibition a third or subsequent time shall be fined one thousand dollars.

§1300.263. Tobacco Control Program Fund; establishment
A. One-half of all fines imposed and collected pursuant to this Part shall be transmitted to the office of public health in the Department of Health and Hospitals and shall be deposited by such office in a special fund established in the state treasury to be known as the Tobacco Control Program Fund, hereinafter referred to as "the fund" as provided in this Subsection.

B. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within a fiscal year, the treasurer in each fiscal year shall pay into the fund an amount equal to the total amount of fines imposed, collected, and transmitted to the office of public health in the Department of Health and Hospitals pursuant to this Part.

C. The total amount of monies in the fund shall annually be appropriated to the office of public health to be used by such office solely for the purpose of funding the efforts of the office of public health in the Tobacco Control Program.

D. All unexpended and unencumbered monies in the fund at the end of a fiscal year shall remain in the fund and be available for appropriation in the next fiscal year in the same manner as allocated herein. Monies in the fund shall be invested as provided by law. After compliance with the provisions of law concerning the Bond Security and Redemption Fund, interest earned on the investment of monies in the fund shall be credited to the fund.

Section 2. Part XLII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.21 through 1300.28 and Part XLIV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.41 through 1300.48, are hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

On motion of Senator Jones, the committee substitute bill was adopted and becomes Senate Bill No. 742 by Senator Marionneaux, substitute for Senate Bill No. 105 by Senator Marionneaux.

SENATE BILL NO. 742— (Substitute of Senate Bill No. 105 by Senator Marionneaux)

BY SENATORS MARIONNEAUX, DARDENNE, FIELDS, JONES AND ULLO

AN ACT

To enact Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.251 through

1300.253, 1300.255, 1300.261 through 1300.263, and to repeal Part XLII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.21 through 1300.28, and Part XLIV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.41 through 1300.48, relative to prohibiting and penalizing smoking in certain places; to provide relative to the preservation and improvement of the health, comfort, and environment of the people of the state by limiting exposure to tobacco smoke; to create the Louisiana Smokefree Air Act; to provide relative to purposes, definitions, restrictions, and exceptions; to prohibit certain activity and to provide penalties for violation; to provide for an effective date; and to provide for related matters.

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

Motion to Make Special Order

Senator Marionneaux asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 742, which was just reported by Committee, Special Order of the Day No. 1 on Tuesday, May 2, 2006, immediately following the Morning Hour.

SENATE BILL NO. 237—

BY SENATOR MALONE

AN ACT

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

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

SENATE BILL NO. 238—

BY SENATOR MALONE

AN ACT

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

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

SENATE BILL NO. 239—

BY SENATORS MALONE, ULLO AND HOLLIS

AN ACT

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

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 417—

BY SENATOR BAJOEIE

AN ACT

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

Reported with amendments by the Committee on Health and

Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 417 by Senator Bajoie

AMENDMENT NO. 1

On page 2, line 7, after "research" and before the period ";" insert "or to any specimen that is being tested for a patient admitted as an inpatient"

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

SENATE BILL NO. 427— BY SENATOR CHAISSON

AN ACT

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

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

SENATE BILL NO. 450— BY SENATOR JACKSON

AN ACT

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

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 450 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 2 after "R.S. 46:2605(B)(41)" insert "and to repeal R.S. 46:2605(B)(17) and (35)"

AMENDMENT NO. 2

On page 1, line 3 delete "an additional" and change "member" to "members"

AMENDMENT NO. 3

On page 1 between lines 6 and 7 insert "* * *" and, after line 11 insert the following: "Section 2. R.S. 46:2605(B)(17) and (35) are hereby repealed."

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

SENATE BILL NO. 535— BY SENATOR N. GAUTREUX

AN ACT

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

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to

Original Senate Bill No. 535 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, change "22:251 and 22:252(A)(1)," to "22:1137(A)(13),"

AMENDMENT NO. 2

On page 1, line 3, after "benefits;" delete the remainder of the line and delete line 4 in its entirety and insert in lieu thereof the following:

"to authorize certain insurance producers to sell life insurance policies; and to provide for related matters."

AMENDMENT NO. 3

On page 1, line 6, after "Section 1." delete the remainder of the line and insert in lieu thereof the following:

"R.S. 22:1137(A)(13) is hereby amended and reenacted to read"

AMENDMENT NO. 4

On page 1, delete lines 8 through 17 in their entirety and insert in lieu thereof the following:

"§1137. License

A. Unless denied licensure pursuant to R.S. 22:1142, persons who have met the requirements of this Part shall be issued an insurance producer license. An insurance producer may receive qualification for a license in one or more of the following lines of authority:

* * *

(13) Industrial life, which provides insurance coverage pursuant to R.S. 22:252. A license for industrial life may allow the producer to sell life insurance in an amount not to exceed fifteen thousand dollars when appointed by an insurer which meets the minimum financial requirements of, and is licensed pursuant to, R.S. 22:71.1(A)(1) or 121.1(A)(1) and where such policies are issued by said insurer.

* * *

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."

AMENDMENT NO. 5

On page 2, delete lines 1 through 10 in their entirety.

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

SENATE BILL NO. 600— BY SENATOR MURRAY

AN ACT

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

Reported by substitute by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO.— (Substitute of Senate Bill No. 600 by Senator Murray)

BY SENATOR MURRAY

AN ACT

To enact Chapter 20 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:1401 through 1422, relative to loans; to provide for the Louisiana Motor Vehicle Title Loan Act; to provide for definitions; to provide requirements for title loan agreements; to require the lender to maintain certain records; to provide for lender's rights and remedies upon default; to provide for certain charges; to provide for the length of title loans; to provide for the borrower's rights and remedies; to prohibit certain acts; to provide requirements for licensure; to provide exceptions from licensure; to provide procedures for licensure; to provide for the denial, suspension, and revocation of a license; to provide for the powers and duties of the commissioner of financial institutions; to authorize a private right of action; to provide for the regulation of former licensees; to provide for certain exemptions from licensure; to provide for severability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 20 of Title 6 of the Louisiana Revised Statutes of 1950, comprised of R.S. 6:1401 through 1422 is hereby enacted to read as follows:

CHAPTER 20. LOUISIANA MOTOR VEHICLE TITLE LOAN ACT

§1401. Title

This Chapter shall be known and may be cited as the "Louisiana Motor Vehicle Title Loan Act."

§1402. Scope

This Chapter applies to all title loans that are entered into with a Louisiana borrower secured by a vehicle certificate of title and by the titled motor vehicle evidenced thereby. Title loans are non-purchase money loans entered into primarily for personal, family or household purposes. For purposes of this Chapter, a "Louisiana borrower" is a natural person who enters into a title loan transaction in Louisiana.

§1403. Definitions

The following words and phrases shall have the following meanings:

(1) "Amount Financed" means the principal amount advanced to the borrower under a title loan, including any fees paid to public officials to perfect a security interest in the titled motor vehicle if such fees are financed under the transaction.

(2) "Borrower" means a natural person to whom a title loan is made.

(3) "Office of financial institutions" means the Louisiana office of financial institutions.

(4) "Commissioner" means the commissioner of the Office of Financial Institutions.

(5) "Extension" means an extension of the maturity date of a title loan for an additional thirty-day period without any change in the terms of the title loan other than a reduction of the principal amount financed.

(6) "Finance charge" means interest assessed in connection with a title loan. The term does not include:

(i) Charges for checks received in payment of a title loan that are returned unpaid by the borrower's depository institution for any reason.

(ii) The costs of perfecting a security interest in the borrower's titled motor vehicle.

(iii) The lender's attorney's fees.

(iv) The lender's costs of seizure and sale of the titled motor vehicle, including reasonable attorney's fees and such other costs and expenses as are permitted under Chapter 9 of the Louisiana Commercial Laws, R.S. 10:9-101, et seq., or under the Uniform Commercial Code of any other applicable state, which additional charges are specifically permitted under this Chapter.

(7) "Lender" means any person licensed by the Commissioner to make title loans to borrowers subject to this Chapter as well as any assignee.

(8) "Motor vehicle" or "vehicle" means any transportation device, including automobiles, motorcycles, trucks, and other vehicles that are operated over the public highways and streets but does not include traction engines, boat trailers, road rollers,

implements of husbandry and other agricultural vehicles, or manufactured homes.

(9) "Person" means an individual, partnership, corporation, joint venture, trust, association or other legal entity.

(10) "Title loan" or "loan" means a non-purchase money loan by a lender to a borrower for an initial term of thirty days, subject to possible thirty-day extensions, that provides for a security interest in and delivery of the borrower's vehicle certificate of title, unencumbered by a third party, and a security interest in the borrower's then owned vehicle which is unencumbered by a third party.

(11) "Title loan agreement" means a written agreement evidencing a title loan.

(12) "Title loan office" means the location in which title loans are made.

(13) "Titled motor vehicle" means any motor vehicle the ownership of which is evidenced by a certificate of title.

(14) "Vehicle certificate of title" means any motor vehicle certificate of title that is the subject of a title loan.

§1404. Title loan agreement

Each title loan shall be evidenced by a title loan agreement, signed or authenticated by the borrower, and containing the following information:

(1) The name and address of the originating title loan office.

(2) The make, model and year of the borrower's titled motor vehicle.

(3) The vehicle identification number, or other comparable identification number, along with the license plate number of the borrower's titled motor vehicle.

(4) The borrower's name, address, and date of birth.

(5) The date of the transaction.

(6) The maturity date of the title loan, which shall be thirty days after the date of the transaction unless extended pursuant to this Chapter.

(7) The principal amount of money loaned or advanced, which shall be designated as the "amount financed."

(8) The total finance charge payable on the maturity date, designated as the "finance charge."

(9) The total amount, the amount financed plus finance charges, to be paid to the lender on the maturity date, designated as the "total of payments."

(10) The annual percentage rate, computed in accordance with the regulations adopted by the Federal Reserve Board pursuant to the Federal Truth in Lending Act.

(11) The information required under Subsections (7) through (10) of this Section may be made as part of the lender's Truth and Lending disclosures included in the title loan agreement.

(12) The statement:

"NOTICE TO BORROWER

As security for your loan, you are delivering your motor vehicle certificate of title to us and granting us a security interest in your motor vehicle. If you pay your title loan in full, we will release our security interest and return your motor vehicle certificate of title to you. If you do not pay your title loan or any extension thereof in full at maturity we may extend payment, or we may make demand upon you to turn over possession of your vehicle to us or to an agent for the purpose of permitting us to then sell your vehicle at public or private sale in a commercially reasonable manner as required by law. If for any reason you fail to turn over possession of your vehicle to us following demand, we may exercise our rights to have your vehicle seized by judicial process, or we or an agent may take possession of your vehicle through self-help means provided that we are able to do so without breach of the peace and in accordance with all requirements of Louisiana or other law."

(13) The statement "You represent and warrant to us that your titled motor vehicle is not stolen, has no liens or encumbrances against it, and that you have the right to enter into this transaction."

(14) The statement:

"BORROWER'S RIGHT TO PREPAY IN FULL

You have the right to prepay the amount financed (less any filing fees) under your initial title loan by the close of business on

the first business day after you receive the loan proceeds. If you do so, you will not be required to pay us any finance charges, and we will return your vehicle certificate of title to you."

(15) Immediately above the signature of the borrower, the statement "DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT. YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT YOU SIGN."

(16) Immediately below the signature of the borrower, the statement "THIS AGREEMENT IS SUBJECT TO LOUISIANA LAW WHICH IS ENFORCED BY THE LOUISIANA OFFICE OF FINANCIAL INSTITUTIONS. YOU MAY CONTACT THE LOUISIANA OFFICE OF FINANCIAL INSTITUTIONS, 8660 UNITED PLAZA BLVD., SECOND FLOOR, BATON ROUGE, LA 70809 (888) 525-9414 RELATIVE TO ANY INQUIRIES OR COMPLAINTS. COMPLAINTS MAY BE FILED ONLINE AT <http://www.ofi.state.la.us/complaints.htm>."

§1405. Lender's rights and remedies upon non-payment

A. If, for any reason, the borrower fails to pay the amount financed, plus finance charges on the maturity date of the title loan or any extension thereof, the lender shall have the right to demand in writing that the borrower turn over possession of the titled motor vehicle to the lender or a licensed agent within fifteen days of the date that the demand was mailed to the borrower's address listed in the title loan agreement. If the borrower fails to turn over possession of the vehicle to the lender or a licensed agent within the time period demanded, the lender may have the vehicle seized by judicial process, or alternatively, the lender or a licensed agent may take possession of the vehicle through self-help means, provided that the lender or a licensed agent is able to do so without breach of the peace and in accordance with all requirements of R.S. 6:965, et seq., to the extent applicable. Notwithstanding any law to the contrary, lenders licensed by the office of financial institutions under this Chapter are authorized to exercise the additional default remedies permitted under R.S. 6:965, et seq.

B. Once the lender obtains possession of the vehicle by any means, the lender shall then proceed to sell or otherwise dispose of the vehicle at public or private sale, in a commercially reasonable manner, in accordance with the requirements of Chapter 9 of the Louisiana Commercial Laws, R.S. 10:9-101, et seq., or the Uniform Commercial Code of any applicable state. The lender shall comply with all notice of sale, right of redemption, and return of any surplus requirements as provided in Chapter 9 of the Louisiana Commercial Laws, or as otherwise provided in the Uniform Commercial Code of any other applicable state.

C. The borrower shall have no in personam liability with respect to a title loan, and the lender shall not be entitled to pursue a deficiency against the borrower for any unpaid balance, unless:

- (1) The borrower acted fraudulently with respect to the title loan.
- (2) The borrower is not the rightful owner of the vehicle.
- (3) The borrower misrepresented the vehicle as being unencumbered.
- (4) The vehicle was intentionally damaged by the borrower.

§1406. Finance charges; extensions of title loan transaction period; refinancing

A. A lender may contract for and receive a finance charge not to exceed twenty-five percent of the amount financed for each thirty day period that a title loan or any extension thereof remains unpaid and unsatisfied. The finance charge shall be deemed to be earned, due and owing, subject to borrower's right to prepay and receive a refund under R.S. 6:1407(B), as of the date the title loan is made and on the date of each extension. A lender may continue to earn a finance charge on a per diem basis after maturity on a title loan or any extension until the lender acquires possession of the titled motor vehicle for purpose of the sale or other disposition. Additional fees expressly provided for in R.S. 6:1403(6) may be assessed.

B. At the lender's option and election, the maturity date of a title loan may be extended by the lender for one or more successive thirty-day periods.

C. Extensions need not be evidenced in writing, and no new

disclosures need be provided to the borrower unless otherwise required by federal law or regulation.

D. All extensions shall be at the same annual percentage rate as the initial title loan, or at such lower rate as the lender may elect to charge.

E. No accrued finance charge shall be capitalized or added to the original amount financed under the title loan during any extension.

F. Beginning with the first thirty-day extension, and at the time of each successive thirty-day extension thereafter, the borrower must reduce the amount financed by an amount equal to at least ten percent of the original amount.

G. If the borrower fails to reduce the amount financed by at least ten percent of the original amount at the time of any thirty-day extension, the lender may, at its option, either (1) declare the amount financed and any unpaid finance charges to be immediately due and payable, or (2) extend the title loan, provided that the amount financed on which finance charges are assessed over the subsequent thirty-day extension period is reduced by an amount equal to ten percent of the original amount financed. This reduction in principal shall continue to be owed by the borrower, but that amount shall not be entitled to accrue finance charges.

§1407. Prepayment in full

A. A borrower shall have the right to prepay a title loan in full at any time.

B. If the borrower pays the lender the amount financed under a title loan in full, less any filing fees included in the amount financed, by close of business on the first business day after the borrower received the loan proceeds, the borrower shall not be required to pay a finance charge to the lender, and the lender shall terminate its security interest and return the certificate of title to the borrower. This right to prepay in full without finance charge shall apply only with respect to the initial thirty-day term of the title loan and not any extension thereof.

C. The lender may delay returning the vehicle certificate of title to the borrower following prepayment of the loan in full for a reasonable period of time pending lien processing.

§1408. Prohibited acts

A lender, or any agent or employee of such lender or other person, shall not:

- (1) Falsify or intentionally fail to make an entry of any material matter in a title loan agreement.
- (2) Refuse to allow the commissioner, or his designated representative, to inspect completed title loan agreement forms or certificates of title in the lender's possession in the ordinary hours of the lender's business or other times acceptable to both parties.
- (3) Enter into a title loan with a person under the age of eighteen years.
- (4) Knowingly enter into a title loan with any person who is under the influence of drugs or alcohol when such condition is visible or apparent, or with any person using a name other than his own name.
- (5) Enter into a title loan in which the amount financed is less than three hundred fifty-one dollars.
- (6) Enter into a title loan in which the amount financed exceeds the lesser of (i) three thousand five hundred dollars, or (ii) the then retail value of the vehicle as determined by any available third-party published value guide selected by the lender.
- (7) Fail to exercise reasonable care in the safekeeping of vehicle certificates of title in the lender's possession.
- (8) Fail to return vehicle certificates of title or repossessed titled motor vehicles to a borrower upon payment of the full amount due the lender subject to a reasonable period of time for processing, unless the titled motor vehicle has been seized or impounded by an authorized law enforcement agency, taken into custody by a court, or otherwise disposed of by court order.
- (9) Sell or otherwise charge for items defined as insurance under Title 22 of the Louisiana Revised Statutes of 1950 in connection with a title loan transaction.
- (10) Advertise, display or publish, or permit to be advertised, displayed or published, in any manner whatsoever, any statement

or representation that is false, misleading or deceptive, or which otherwise violates any provision of this Chapter.

(11) Enter into a title loan secured by a vehicle that is encumbered in favor of a third party.

(12) Enter into a title loan the proceeds of which are used by the borrower to purchase the vehicle offered as security therefor. Purchase money title loans are not permitted under this Chapter.

(13) Act as a consumer loan broker as defined in R.S. 9:3572.1 with respect to title loans.

(14) As determined by the commissioner, structure a transaction with a borrower in such a manner as to attempt to circumvent the provisions of this Chapter.

(15) Divide a transaction into multiple transactions, as determined by the commissioner, for the purpose of obtaining a higher fee or charge.

(16) Except for reasonable attorney fees and costs awarded by a court, charge, contract for, receive, or collect a finance charge or any additional fee or charge other than those expressly permitted under R.S. 6:1406.

(17) Sell any goods or services, when those goods or services are financed with the proceeds of the title loan.

§1409. Unconscionability

With respect to a title loan, if the court as a matter of law finds the title loan agreement or any clause of the agreement to have been unconscionable at any time it was made the court may refuse to enforce the agreement, or it may enforce the remainder of the agreement without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result provided, however, for the purposes of this Chapter, an agreement, clause, charge or practice expressly permitted by this Chapter or any other law or regulation of this state or of the United States or subdivision of either, or an agreement, clause, charge or practice necessarily implied as being permitted by this Chapter or any other law or regulation of this state or the United States or any subdivision of either is not unconscionable.

§1410. Civil Penalties

In event that a lender assesses a finance charge or an additional fee or charge which is not authorized under this Chapter, the borrower is entitled to a refund of all such charges and has the right to recover three times the amount of such charges together with reasonable attorney's fees based upon time expended and not the amount of recovery. The right to recover the civil penalty under this Section accrues only after (i) written notice is given to the lender is by certified mail addressed to the lender's place of business in which the title loan arose; (ii) a copy of such notice is mailed to the lender's agent for service of process; and (iii) thirty days have elapsed since receipt of such notice by the lender, and the violation has not been corrected. Any action under this Section must be brought within sixty days of final payment of the title loan or any extension thereof. Lender has no liability for good faith errors which shall include errors of law as well as fact. No act done or omitted in conformity with any advisory opinion or interpretation issued by the office of financial institutions at the time of the act or omission or subsequent to the act or omission shall constitute a violation of this Chapter, notwithstanding that after such act or omission has occurred, such advisory opinion of interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason. Advisory opinions and interpretations of the office of financial institutions shall not be considered rules requiring compliance with the rulemaking process of the Louisiana Administrative Procedure Act.

§1411. Criminal penalties

A.(1) A lender and any individual directly involved in the title loan who willfully makes finance charges in excess of those permitted by the provisions of this Chapter is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not less than two hundred fifty dollars or more than five thousand dollars, or to imprisonment not exceeding one year, or both.

(2) A person, other than a supervised financial organization, who willfully engages in the business of making or taking assignments of title loans without a license in violation of the

provisions of this Chapter applying to authority to make title loans is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not less than two hundred fifty dollars nor more than five thousand dollars, or to imprisonment not exceeding one year, or both.

(3) A person who willfully engages in the business of making title loans, or of taking assignments of rights against borrowers arising therefrom without obtaining a license under this Chapter, is guilty of a misdemeanor and upon conviction may be sentenced to pay a fine not exceeding one thousand dollars, or to imprisonment not exceeding four months, or both.

B. When the lender is a corporation, its officers, directors or stockholders who are not personally involved in violations of this Chapter, shall not be subject to the criminal penalties of this Section.

§1412. Powers of commissioner

A. In addition to other powers granted by this Chapter, the commissioner, within the limitations provided by law may:

(1) Receive and act on complaints, take action designed to obtain voluntary compliance with this Chapter, including entering into voluntary consent or compliance agreements with lenders conducting activities regulated by this Chapter without the necessity of a hearing or order, or commence proceedings on his own initiative.

(2) Counsel persons and groups on their rights and duties under this Chapter.

(3) Establish programs for the education of borrowers with respect to credit practices and problems.

(4) Make studies appropriate to effectuate the purposes and policies of this Chapter and make the results available to the public.

B. The commissioner shall have the power to promulgate rules and regulations necessary for the enforcement of but not inconsistent with this Chapter.

C.(1) The commissioner is hereby authorized to request and obtain from any other department or agency of the state and such are hereby authorized to furnish to the commissioner any records or information relevant to any borrower complaint or investigation or hearing by the commissioner, but excluding records or information otherwise provided by law to be privileged. The commissioner, in his sole discretion, when requested in writing, may disclose or cause the employees of the office of financial institutions to disclose records of the office of financial institutions concerning any person governed by this Chapter, when such records are requested by another state or federal agency having authority to investigate or license such person governed by this Chapter, or are requested by a bankruptcy trustee or any law enforcement agency in connection with an investigation to recover assets of a current or former licensee.

(2) If the lender's records are located outside the state, the lender, at the commissioner's option, shall make those records available to the commissioner at a location within the state convenient to the commissioner, or pay the reasonable and necessary expenses for the commissioner or his representatives to examine them at the place where they are maintained. The commissioner may designate representatives, including comparable officials of the state in which the records are located, to inspect them on his behalf.

D. The commissioner shall have the power to subpoena any person for the purpose of discovering violations of this Chapter.

E. After notice and opportunity to be heard as provided in the Administrative Procedure Act, the commissioner may revoke or suspend the license of a licensee who:

(1) Engages in a pattern or practice of material violations of this Chapter or any rule or regulation promulgated, or any order, including a cease and desist order, issued pursuant to this Chapter.

(2) Violates any material provision of a voluntary consent or compliance agreement, which has been entered into with the commissioner.

(3)(a) Has intentionally or knowingly provided or caused to be made any false or fraudulent misrepresentation of fact or any false or fraudulent financial statements to the commissioner.

(b) Has intentionally or knowingly failed to state in any application for a license, registration, or notification any material fact, which is required to be stated therein.

(c) Regarding whom any fact or condition exists which, if it had existed at the time of the original application for licensure, notification, or registration, would have warranted the refusal of its issuance.

(4) Fails to maintain records as required by the commissioner by rule, after being given written notice and thirty days within which to correct the failure to maintain such records. Upon good cause shown, the commissioner may grant up to two thirty-day extensions within which the recordkeeping violations may be corrected.

(5) Violates any provision of a regulatory or prohibitory statute, and has been found to have violated such statute by the governmental agency responsible for determining such violations.

(6) Engages in fraudulent conduct, including a finding of civil fraud.

(7) Has been permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the business of making loans.

(8) Has had a license to engage in the business of making loans revoked or suspended in any other state for acts or practices, which also violate the provisions of this Chapter.

(9) Violates, in substance or form, the written restrictions or conditions under which its license was issued.

(10) Transfers title loans to an unlicensed or non-exempt person, without the prior written approval of the commissioner, except in accordance with the provisions of this Chapter or any rule pursuant thereto.

(11) Has abandoned the physical location for which a license was issued, has not applied for a change of location, and fails to respond within thirty days to a certified mail notice sent to his registered agent for service of process and to his mailing address.

(12) Is a business entity used as a means of furthering a criminal act or a civil fraud.

(13) Has another license held by the same person or his parent company is revoked for serious and repeated violations of this Chapter.

(14) Fails, after notice and without lawful excuse, to obey an order or subpoena issued by the commissioner.

(15) Refuses to permit an examination by the commissioner of his books and affairs, or has refused or failed within a reasonable time to furnish any information or make any report that may be required by the commissioner under the provisions of this Chapter.

(16) Continues in office any individual with power to direct the management or policies of a person regulated by the Chapter, including but not limited to any officer, director, or manager, if such individual is convicted of, pleads guilty to, or enters a plea of nolo contendere to any felony under any state or federal law which involves moral turpitude or which involves any aspect of the credit industry.

(17) Engages in a pattern or practice of misrepresents of material facts or false promises likely to influence, persuade, or induce applicants into title loans, or pursues a course of misrepresentation through agents or otherwise.

(18) Misrepresents or conceals material facts, terms, or conditions of a transaction to which he is a party, pertinent to a title loan.

(19) Knowingly engages in any transaction, practice, or course of business which perpetrates an intentional fraud upon any natural person in connection with a title loan.

(20) Fails to pay any fee or assessment imposed by this Chapter or by any rule or regulation promulgated in accordance with this Chapter.

All grounds for suspension or revocation listed in Subsection E of this Section are violations of this Chapter and may serve as the basis for any other enforcement action provided to the commissioner by this Title.

F. The office of financial institutions may issue advisory opinions and interpretations regarding this Chapter, and such advisory opinions and interpretations shall not be considered

rules requiring compliance with the rulemaking process of the Louisiana Administrative Procedure Act. The commissioner and the employees of the office of financial institutions shall have no liability to any person with respect to an advisory opinion or interpretation issued in connection with this Part.

G. The commissioner may share information about any particular entity which is licensed by the commissioner in the manner provided for in R.S. 6:103.

H.(1) The commissioner may remove from office for a period of up to ten years any individual with power to direct the management or policies of a person regulated by this Chapter, including but not limited to any officer, director, or manager, if any such individual is convicted of, pleads guilty to, or is found guilty after a plea of nolo contendere, of any felony under any state or federal law, or of a misdemeanor of which fraud is an essential element or which involves any aspect of the business of making title loans. Prior to such removal, the commissioner shall serve written notice upon such individual and upon the person regulated by this Chapter, of his intent to remove such individual from office. If such individual remains in office thirty days after such written notice, the commissioner may revoke the license or other privileges granted by this Chapter without any further notification or a hearing.

(2) The commissioner may, upon notice to an individual with the power to direct the management or policies of a person regulated by this Chapter, including but not limited to any officer, director, or manager, and after reasonable opportunity to be heard at an administrative hearing, remove the individual from participating in the affairs of a licensee if that individual has been prohibited, temporarily or permanently, by any other state or federal regulator from participating in activities for which he is licensed under this Chapter.

I. The commissioner may enter into cooperative and reciprocal agreements with the regulatory authorities of the federal government or of any state for the periodic examination of persons engaging in the business of title lending and may accept reports of examination and other records from such authorities in lieu of conducting his own examinations. The commissioner may enter into joint actions with other regulatory bodies having concurrent jurisdiction or may enter into such actions independently to carry out his responsibilities under this Chapter and assure compliance with the laws of this state.

J. In addition to any other authority conferred upon the commissioner by this Chapter, the commissioner may, after notice and opportunity to be heard as provided in the Administrative Procedure Act, order refunds of the unauthorized portion of any fee or charge a person collects in violation of this Chapter, and may impose a penalty not exceeding one thousand dollars per violation upon any person who he has determined to have committed such violation. For purposes of this Subsection, each unauthorized fee or charge shall be considered a violation.

K.(1) The commissioner shall have the power to examine all books, records, and accounts, computer or otherwise, of all persons regulated under or making title loans subject to this Chapter. In addition to maintaining a copy of the contracts and correspondences signed by the borrower or the lender, the commissioner may prescribe by rule additional record keeping requirements as deemed necessary to determine compliance with this Chapter.

(2)(a) Each person required to be licensed under this Chapter shall maintain in its offices such books, records, and accounts of its title loan activities as the commissioner may require in order to determine whether such person is complying with the provisions of this Chapter and the rules and regulations promulgated under the provisions of this Chapter, including, but not limited to, copies of all documentation regarding customer transactions, itemization of all monies received and disbursed, and documentation showing what services were performed for all monies received.

(b) Such books, records, and accounts shall be maintained separate and apart from any other business in which the lender is involved and shall be kept at the location in the state at which the transaction occurred or at the lender's principal office unless otherwise permitted in writing by the commissioner. If the

lender's books, records and accounts are located outside the state, the lender, at the commissioner's option, shall make those records available to the commissioner at a location within the state convenient to the commissioner, or pay the reasonable and necessary expenses for the commissioner or his representatives to examine them at the place where they are maintained. The commissioner may designate representatives, including comparable officials of the state in which the records are located to inspect them on his behalf.

(c) Each reproduction of any book, record, or account shall be treated for all purposes as if it were the original of the same.

L. Whenever a person becomes licensed by the commissioner, pursuant to this Chapter, such person shall provide a physical address to the commissioner that may be used as a basis for service or notification of any order or other issuance or communication by the commissioner to such person. Whenever such person changes his physical address, he must notify the commissioner at least thirty days prior to the change. Notification or service of any order, notice, or other issuance or communication by the commissioner by certified mail to the address most recently provided to him by the person shall satisfy all requisites of service required for any registration, administrative, enforcement, or other action, undertaken by him pursuant to the Louisiana Administrative Procedure Act or otherwise, in connection with such person.

M. The commissioner may, in his discretion, conduct such investigations as he deems necessary to ascertain possible violations of this Chapter or any rule, regulation, or order promulgated or issued pursuant to this Chapter. Any person who is engaged in or is engaging in or is about to engage in any act or practice which is prohibited by this Chapter or any rule, regulation, or order promulgated or issued pursuant to this Chapter, or any person who has failed to act or is failing to act or is about to fail to act under any affirmative duty imposed by this Chapter or any rule, regulation, or order promulgated or issued pursuant to this Chapter, shall be subject to appropriate action by the commissioner. Such action shall include, but shall not be limited to, the issuance of orders to cease and desist or to assess civil money penalties, entering into compliance agreements, seeking injunctive relief from a court of competent jurisdiction, or any combination thereof.

N.(1) Any person whose application, or renewal application, for licensure under this chapter, has been denied for any reason, may not reapply for a license under this chapter until after at least three years from the date of the order of denial, unless the Commissioner, in his sole discretion, prescribes an earlier or later date.

(2) For purposes of this Subsection, the term "order" shall mean the first to occur of either:

(a) The date of the commissioner's notification of denial of the person's application.

(b) Sixty days after the filing of that application.

(3) For purposes of this Subsection, the term "person" shall mean the applicant, its owners, and its members if the applicant is a limited liability company, its partners if the applicant is a partnership, its officers and directors if the applicant is a corporation, and any other person determined by the commissioner, in his sole discretion, to be closely related to the person.

O.(1) Any person whose licensure under this chapter has been revoked for any reason, may not reapply for a license under this chapter until after at least five years from the date of the order of suspension or revocation, unless the commissioner, in his sole discretion, prescribes an earlier or later date.

(2) For purposes of this Subsection, the term "order" shall mean the first to occur of either:

(a) The date of the commissioner's notification of denial of the person's application.

(b) Sixty days after the filing of that application.

(3) For purposes of this Subsection, the term "person" shall mean the applicant, its owners, and its members if the applicant is a limited liability company, its partners if the applicant is a partnership, its officers and directors if the applicant is a corporation, and any other person determined by the

commissioner, in his sole discretion, to be closely related to the person. The remedies provided by this Part are in addition to any other remedies provided by law.

P. The remedies provided in this Chapter are cumulative and are in addition to any other remedies provided by law.

Q. The commissioner may make available for inspection by the general public, electronically or otherwise, any and all orders or decisions arising from any violation of this Part, with respect to the following exclusively enumerated actions:

(1) Cease and desist orders.

(2) Denial of an application for licensure, notification, or exemption.

(3) Revocation or suspension of a license, notification, or exemption.

(4) Assessment of civil money penalties or fines.

(5) Obtaining injunctive relief.

(6) Unlicensed activities.

R. If any part of the regulations promulgated is declared invalid, all parts that are severable from the invalid parts shall remain in effect.

§1413. Commissioner's powers; unlicensed persons

A. No person, except as authorized by the provisions of this Chapter, shall, directly or indirectly, charge, contract for or receive any finance charge, or consideration upon the title loan.

B. If any individual without lawful excuse fails to obey a subpoena or to give testimony when directed to do so by the commissioner or obstructs the proceedings by any means, whether or not in the presence of the commissioner, that individual is guilty of contempt. The commissioner may file a complaint in a district court setting forth the facts constituting the contempt and requesting an order returnable in not less than two days or more than five days, directing the alleged offender to show cause before the court why he should not be punished for contempt. If the court determines that the respondent has committed any alleged contempt, the court shall punish the offender for contempt.

C. If an investigation or examination by the commissioner shall disclose that any person has violated the provisions of this Chapter relative to licensing requirements other than as a result of a bona fide error, the costs of such investigation or examination shall be borne by the person investigated or examined and the commissioner may maintain an action in any court to recover such costs.

D. In addition to any other authority conferred, the commissioner may impose a fine or penalty not exceeding one thousand dollars upon any person required to be licensed under this Chapter who, at an administrative proceeding, is determined to have violated the licensing provisions of this Chapter. Such fines may be imposed by a court in which the commissioner has brought an action authorized by this Section. For the purposes of this Section, each day that an unlicensed person engages in the activities regulated by this Chapter shall constitute a separate violation.

§1414. Method of procedure

A. The commissioner may, in his discretion, conduct such investigations and hearings as he deems necessary to ascertain possible violations of this Chapter or any rule or order promulgated or issued hereunder. Such hearings may be private, if the commissioner, in his sole discretion, so determines after considering the interests of the person afforded the hearing and the need to protect the public interest. If a public hearing is held and any confidential records of the office of financial institutions are produced by discovery or introduced into evidence at the hearing, such records shall not become public but shall be sealed.

B. The Louisiana Administrative Procedure Act shall supplement this Chapter for the purpose of administrative hearings.

§1415. Records; annual report; rules

A. Each person regulated by this Chapter shall maintain records of its title loans as required by the commissioner or by rule.

B. Each lender shall provide the office of financial institutions with an annual report setting forth the number of title loans made by each title loan office over the previous year.

the average balance of such title loans, and the average number of extensions with respect to the title loans.

C. A lender shall provide the office of financial institutions with a copy of any consent decree or final administrative order to which it subject for violations of title loan laws or regulations in other states.

D. Any records to be retained pursuant to this Section or regulations promulgated hereunder may be reproduced by any photographic, photo static, microfilm, micro card, or miniature or micro photographic process, or by any mechanical or electronic recording or re-recording electronic or optical imaging, chemical process, or other process or technique which accurately reproduces the original or forms or creates a durable medium for accurately reproducing the original record.

E. Each reproduction shall be treated for all purposes as if it were the original record, item, or instrument.

§1416. Authority to make title loans

A. Unless a person has first obtained a license from the commissioner as provided under this Chapter, he shall not engage in the business of:

- (1) Making title loans.
- (2) Accepting assignment of or servicing title loans.

B. Title loans may only be originated at locations licensed pursuant to R.S. 6:1422.

§1417. License to make title loans

A. The commissioner shall receive and act on all applications for licenses to make title loans under this Chapter. Applications shall be filed in the manner prescribed by the commissioner and shall contain the information the commissioner requires to make an evaluation of the financial responsibility, character, and fitness of the applicant.

B. No license shall be issued unless the commissioner, upon investigation, finds that the financial responsibility, character and fitness of the applicant, and of the members thereof, if the applicant is a partnership, limited liability company or association, and of the officers and directors thereof, if the applicant is a corporation, are such as to warrant belief that the business will be operated honestly and fairly within the purposes of this Chapter.

C.(1) Every lender, assignee or servicer of title loans to Louisiana borrowers subject to this Chapter must obtain a surety bond issued by a surety company authorized to do business in Louisiana. The amount of the bond shall be two hundred and fifty thousand dollars. The bond shall be in favor of the office of financial institutions. Only one bond shall be required of a lender no matter how many title loan offices the lender maintains in the state.

(2) In addition to the requirement in Subsection (C)(1) of this Section, every lender, assignee or servicer of title loans subject to this Chapter must also demonstrate to the commissioner evidence of financial solvency in the form of one of the following: (a) a letter of credit in the amount of five hundred thousand dollars naming the office of financial institutions as the beneficiary; or (b) a line of credit which line shall include shareholder debt, in the amount of at least five hundred thousand dollars.

D. Upon written request, the applicant is entitled to a hearing on the question of his qualifications for a license if (1) the commissioner has notified the applicant in writing that his application has been denied, or (2) the commissioner has not issued a license within sixty days after the application for the license was filed. A request for a hearing may not be made more than fifteen days after the commissioner has mailed a written notice to the applicant notifying him that the application has been denied and stating in substance the commissioner's findings supporting denial of the application.

E. The commissioner may grant restricted or conditional licenses. Violation of such restrictions or conditions by the licensee may constitute grounds for suspension or revocation of such license.

F. Notwithstanding anything in Subsections A through E of this Section, for twenty-four months after enactment of this Chapter, the commissioner will only consider and act upon license applications from holders of other lending licenses issued

by the office of financial institutions as of March 31, 2006 or their affiliates, and that have sustained damage from hurricanes Katrina and Rita. A purchaser of an entity which holds a lending license issued by the office of financial institutions may not apply for a license as a title lender until twenty-four months after enactment of this Chapter.

§1418. Regulation of former licensees

A. A licensed lender whose license has been revoked, suspended, or canceled may, with the prior written consent of the commissioner, continue to collect payments on or enforce then outstanding title loans without a license so long as it complies with each of the following:

- (1) The record keeping requirements for licensed lenders.
- (2) All other provisions of this Chapter.
- (3) Pays the commissioner's costs for conducting compliance examinations or investigations of its records.
- (4) The terms of any valid order of the commissioner or of a court relative to provisions of this Chapter.
- (5) All consent agreements entered into with the commissioner.

B. The commissioner may require such unlicensed persons to enter into a consent agreement containing the provisions of this Section and may require additional restrictions and conditions therein, as determined by the commissioner, as a condition to the former licensee's continued collection or enforcement of consumer loans.

C. The commissioner may assess civil money penalties of up to one thousand dollars per violation for violations of this Section. Such penalties may be recovered by the commissioner in a civil action brought in a court of competent jurisdiction, together with reasonable attorney fees and costs incurred in bringing such action.

§1419. Licenses not required

A. Notwithstanding R.S. 6:1418, the following persons shall be exempt from the licensing requirements under this Chapter:

(1)(a) Any person authorized to engage in business as a bank, savings bank, savings and loan association, or similar financial institution under the laws of the United States, any state or territory of the United States, or the District of Columbia.

(b) A subsidiary of any entity described in Subparagraph (a) of this Paragraph in which eighty percent or more of the ownership rests with such parent entity.

(2) A trust administered by a bank or a bank trust department.

(3) A bona fide pledgee of a title loan to secure a bona fide loan thereon.

B. The commissioner is authorized to waive the licensing and examination requirements for a subsidiary of an entity as described in Subsection A of this Section where the holding company thereof has one or more state-chartered subsidiaries. In lieu of such licensure and examination, the commissioner may review relevant reports or portions thereof prepared by any subsidiary agency described in Subsection A of this Section.

C. The commissioner may enter into a supervisory agreement with any supervisory agency described in Subsection (A)(1)(a) of this Section where such supervisory agency agrees to periodically examine the entity which is subject to its jurisdiction for compliance with this Chapter. Where such an agreement has been entered into, the commissioner may accept relevant reports or portions thereof prepared by such supervisory agency in lieu of the licensing and examination requirements of this Chapter.

§1420. Single place of business; additional licenses

A.(1) Each licensee shall maintain a place of business in the state and, unless otherwise provided by rule, shall maintain records of its title loans at that location. Not more than one place of business shall be maintained under the same license, but the commissioner shall issue additional licenses to the same licensed lender upon his compliance with all the provisions of this Chapter governing issuance of a license.

(2) A title lender shall not engage in any other licensed lending business activity at a location where title loans are made. A title lender's location must have its own address with a separate entrance that does not require customers to pass through another licensed lender's facility or lobby. The sale of

property seized or legally recovered by a title lender shall not occur at a licensed location.

B. A licensed lender may change the location of the business only after written approval of the commissioner. The application to change the location shall be filed at least thirty days prior to the proposed relocation date. Upon receipt of the application, the commissioner may cause a survey to be made to determine if the proposed location meets the requirements imposed for a new licensed location. If the requirements are met, the application shall be approved.

C. A license to make title loans may not be sold or otherwise transferred. However, all accounts and other assets may be sold or transferred to another licensed lender, upon prior written approval of the commissioner. After the sale or transfer of all accounts, the license of the selling or transferring licensee shall be surrendered to the commissioner as cancelled.

D.(1) No person shall acquire or control a title loan license through the acquisition or control of fifty percent or more of the ownership interest in a licensee without first having obtained written approval from the commissioner, pursuant to an application for a change of control in ownership of the licensee filed in the manner and on a form prescribed by the commissioner. Any person who acquires controlling interest in a licensee without first having filed an application for change of control with the commissioner shall be deemed to be operating without proper authority under this Chapter and is subject to the penalties provided in R.S. 6:1413.

(2) For the purposes of this Section, a person acquires or controls the licensee when the person directly or acting through one or more other persons owns a majority interest in the licensee, or exercises a controlling influence over the management or the policies of the licensee as determined by the commissioner after notice and an opportunity for an informal meeting, not subject to the Administrative Procedure Act, regardless of whether the acquisition or control occurs incrementally over a period of time or as one transaction.

(3) Any person who acquires or anticipates acquiring a seventy-five percent interest in a licensee shall file for a new license prior to acquiring ownership of said interest either incrementally over a period of time or as one transaction.

E. A licensed lender may change its name only after written application to and approval by the commissioner.

F.(1) Unless prior written approval is obtained from the commissioner, a licensed lender may not assign or otherwise transfer ownership of title loans to a person who is not a licensed lender, or who is not exempt from the licensing requirements as provided in R.S. 6:1419.

(2) A licensee shall keep a record or list of all title loans, which it has purchased, sold, assigned, or otherwise transferred or acquired. The records shall include the name and address of the persons from which the loans were acquired or to whom the notes were transferred, indicate any affiliation between the seller and buyer, the date and dollar amount of each such transaction, and account names and numbers.

§1421. Relation to other laws

A. Title loans subject to this Chapter shall not be subject to R.S. 6:969.1, et seq., R.S. 9:3510, et seq., and R.S. 9:3578.1, et seq. Persons licensed under those statutes must obtain separate licenses from the office of financial institutions in order to make or service title loans to Louisiana borrowers subject to this Chapter. Nothing under this Chapter shall be construed as to affect the authority of licensed lenders under the Louisiana Consumer Credit Law, R.S. 9:3510, et seq., or under the Louisiana Motor Vehicle Sales Finance Act, R.S. 6:961.1, et seq., to make motor vehicle secured loans thereunder.

B. A security interest created by a title loan made pursuant to this Chapter shall be inferior to the privilege granted in R.S. 9:4502.

§1422. Miscellaneous

If any part of the Chapter is determined by a court to be unenforceable for any reason, the remainder of this Chapter shall remain in full force and effect.

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 Hollis, the committee substitute bill was adopted and becomes Senate Bill No. 743 by Senator Murray, substitute for Senate Bill No. 600 by Senator Murray.

SENATE BILL NO. 743— (Substitute of Senate Bill No. 600 by Senator Murray)

BY SENATOR MURRAY

AN ACT

To enact Chapter 20 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:1401 through 1422, relative to loans; to provide for the Louisiana Motor Vehicle Title Loan Act; to provide for definitions; to provide requirements for title loan agreements; to require the lender to maintain certain records; to provide for lender's rights and remedies upon default; to provide for certain charges; to provide for the length of title loans; to provide for the borrower's rights and remedies; to prohibit certain acts; to provide requirements for licensure; to provide exceptions from licensure; to provide procedures for licensure; to provide for the denial, suspension, and revocation of a license; to provide for the powers and duties of the commissioner of financial institutions; to authorize a private right of action; to provide for the regulation of former licensees; to provide for certain exemptions from licensure; to provide for severability; and to provide for related matters.

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

SENATE BILL NO. 605—

BY SENATOR MCPHERSON

AN ACT

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

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 605 by Senator McPherson

AMENDMENT NO. 1

On page 4, at the end of line 6, add "**The notice of intent shall be published no later than October 1, 2006.**"

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

SENATE BILL NO. 614—

BY SENATOR BAJOIE

AN ACT

To amend and reenact R.S. 46:2116, 2116.1(2), the introductory paragraph of 2116.1(3) and (3)(e) and (5), 2116.2(A) and (B)(1), (2), (3) and (4), the introductory paragraph of (C) and (C)(1), (2), and (3), and (D)(1) and (2), R.S. 2116.3(A), 2116.5(A) and (D), relative to the personal care assistants program; to provide for flexibility by Department of Social Services, office of rehabilitation services for the standards of eligibility; to provide

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for definitions for individuals determined to be in need of personal care assistants; provides for members to the advisory panel to develop criteria for prioritization; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 614 by Senator Bajoie

AMENDMENT NO. 1
On page 1, line 4, delete "R.S."

AMENDMENT NO. 2
On page 1, line 13, delete "R.S."

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

SENATE BILL NO. 635—
BY SENATOR DUPRE AN ACT

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

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 635 by Senator Dupre

AMENDMENT NO. 1
On page 1, line 2, after "214.32(B)" insert "and (D)"

AMENDMENT NO. 2
On page 1, line 9, after "214.32(B)" insert "and (D)"

AMENDMENT NO. 3
On page 2, between lines 17 and 18, insert
"D. Governmental bodies shall fully coordinate their activities directly affecting the coastal zone with the state program and affected approved local programs. When the secretary finds that governmental actions not subject to the coastal use permitting program may significantly affect land and water resources within the coastal zone, he shall notify the secretary of the Department of Wildlife and Fisheries or his designee and the concerned governmental body carrying out the action. Any governmental body so notified shall coordinate fully with the secretaries or their designees, acting jointly, at the earliest possible stage of the proposed action. The secretaries or their designees, shall make comments to such other agencies in order to assure that such actions are consistent with the state program and affected local programs. These comments shall, to the maximum extent practicable, be incorporated into the action commented upon."

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

SENATE BILL NO. 640—
BY SENATOR DUPLESSIS AN ACT

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

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 640 by Senator Duplessis

AMENDMENT NO. 1
On page 1, line 11, delete "immovable"

AMENDMENT NO. 2
On page 2, line 9, change "Property" to "Surplus property"

AMENDMENT NO. 3
On page 2, line 10, before the period "." insert "the governing authority of which has determined is no longer needed for public purposes"

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

SENATE BILL NO. 691—
BY SENATOR ADLEY AN ACT

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

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

SENATE BILL NO. 693—
BY SENATOR ADLEY AN ACT

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

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

SENATE BILL NO. 707—
BY SENATOR MURRAY AN ACT

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

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 707 by Senator Murray

AMENDMENT NO. 1
On page 2, line 21, change "definite" to "definitive"

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

SENATE BILL NO. 732—

BY SENATORS CAIN, DUPRE AND B. GAUTREAUX
AN ACT

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

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 732 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2 delete "R.S. 22:1430.3(A)(5) and (B)" and insert "R.S. 22:1430.3(A)(5), (B), and (C)"

AMENDMENT NO. 2

On page 1, line 4 delete "1430.6(D)(7) and (8)" and insert "1430.6(D)(7), (8) and (E)"

AMENDMENT NO. 3

On page 1, line 15, delete "R.S. 22:1430.3(A)(5) and (B)" and insert "R.S. 22:1430.3(A)(5), (B), and (C)"

AMENDMENT NO. 4

On page 1, line 17 delete "1430.6(D)(7) and (8)" and insert "1430.6(D)(7),(8) and (E)"

AMENDMENT NO. 5

On page 2, delete lines 17 through 20 and insert the following:

"(b) One appointed from the state at-large who is a Louisiana business owner whose business, at the time of his appointment, is insured by the Louisiana Citizens Property Insurance Corporation and who remains insured by the corporation during his term of office."

AMENDMENT NO. 6

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

"(d) One appointed from a list of two nominees from the domestic insurer with the largest direct written premium in the state of the subject lines of business."

AMENDMENT NO. 7

On page 3, line 2, after "attendance." add the following:

"No person shall continue to serve as a member of the governing body of the corporation if that person no longer satisfies the requirements under which he was appointed to the governing body."

AMENDMENT NO. 8

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

"C. The members of the a board shall elect the chairman. The chairman is prohibited from serving as the chairman of the Louisiana Insurance Rating Commission."

AMENDMENT NO. 9

On page 3, line 7, delete "**one member shall serve**"

AMENDMENT NO. 10

On page 3, line 8, delete "**for two years,**"

AMENDMENT NO. 11

On page 4, between lines 28 and 29 insert the following:

"E. The corporation is prohibited from expending any funds to hire a lobbyists. For purposes of this Subsection, lobbyist shall mean any person who is contracted by the board or employed by the board and who meets the definition set forth in R.S. 24:51(5)."

AMENDMENT NO. 12

On page 6, on line 14 after "**who**" delete "**are**" and insert "**have been**"

AMENDMENT NO. 13

On page 6, line 15 after "**Louisiana**" insert "**for a period of not less than five years.**"

AMENDMENT NO. 14

On page 6, between lines 18 and 19 insert the following:

"C. When contracting with service providers or adjusters, the corporation shall give preference to adjusters and service providers who utilize electronic claims processing. For purpose of this Subsection, electronic claims processing shall mean that process used by an adjuster or service provider who transmits data, including but not limited to, the estimate, photographs, adjuster's report and valuation to the corporation by a electronic transfer in a computer program and which information is accessible to the corporation."

AMENDMENT NO. 15

On page 7, below line 4, add the following:

"Section 2. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the Act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable.

Section 3. Should the non-profit status of the corporation be successfully challenged in any way by the Internal Revenue Service or any other person or entity or should the Internal Revenue Service issue a private letter ruling challenging the composition or membership of the governing board of directors, then the amendments in this act relative to R.S. 22:1430.3 are to be severed and declared invalid.

Section 4. 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 Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 733—

BY SENATORS BROOME, CRAVINS, CAIN AND ROMERO
AN ACT

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

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to

April 27, 2006

Original Senate Bill No. 733 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2 change "22:3002(1)(a)," to "22:2044,"

AMENDMENT NO. 2

On page 1, line 2, change "self-insurers" to "certain indemnity trust"

AMENDMENT NO. 3

On page 1, line 3, delete "self-insurers to provide"

AMENDMENT NO. 4

On page 1, lines 3 and 4, delete "property damaged to" and insert in lieu thereof the following:

"physical damage and collision coverage arising from the operation of"

AMENDMENT NO. 5

On page 1, line 4, after "trucks;" delete the remainder of the line and delete line 5 in its entirety and insert in lieu thereof the following: "and to"

AMENDMENT NO. 6

On page 1, line 8, change "22:3002(1)(a)" to "22:2044"

AMENDMENT NO. 7

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

"§2044. Limitation

A. No trust fund established hereunder shall indemnify any beneficiary for property loss, liabilities incurred under the workers' compensation act, or for benefits provided to employees pursuant to any medical, dental, life, or disability income protection plan.

B. Nothing in this Section shall prohibit a trust fund established under the provisions of this Part by an association comprised of tow truck owners or operators as defined in R.S. 32:1713, et seq. from indemnifying association members for physical damage and collision coverage on motor vehicles owned by association members."

AMENDMENT NO. 8

On page 2, delete lines 1 through 6 in their entirety.

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

Rules Suspended

Senator Schedler asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 415 from the Committee on Health and Welfare.

SENATE BILL NO. 415—

BY SENATOR SCHEDLER

AN ACT

To enact Chapter 19 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1721 through 1728, relative to persons with disabilities; to enact the Louisiana Independent Living Act; to provide a short title; to establish legislative findings; to provide for definitions; to establish a statewide independent living council; to provide for the council's role, scope, and mission; to provide for its membership; to provide for staffing and resources; to provide for the state plan for independent living; and to provide for related matters.

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

Motion to Make Special Order

Senator Lentini asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 652, which is on Third Reading and Final Passage, Special Order of the Day No. 1 on

Wednesday, May 3, 2006, immediately following the Morning Hour.

Motion to Make Special Order

Senator Jones asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 85, which is on Third Reading and Final Passage, Special Order of the Day No. 2 on Tuesday, May 2, 2006, immediately following the Morning Hour.

Motion to Make Special Order

Senator Jones asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 129, which is on Third Reading and Final Passage, Special Order of the Day No. 3 on Tuesday, May 2, 2006, immediately following the Morning Hour.

Motion to Make Special Order

Senator Jones asked for and obtained a suspension of the rules for the purpose of making House Bill No. 377, which was just advanced to a third reading and final passage, Special Order of the Day No. 4 on Tuesday, May 2, 2006, immediately following the Morning Hour.

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. 25—

BY SENATOR CAIN

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Absent, Mount. Lists names like Bajoie, Duplessis, etc.

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

SENATE BILL NO. 51—
BY SENATOR MARIONNEAUX

AN ACT

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

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

SENATE BILL NO. 79—
BY SENATOR FONTENOT

AN ACT

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

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 79 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 3, change "30:2195.9(6)" to "30:2195.9(A)(6)"

AMENDMENT NO. 2

On page 1, line 10, change "30:2195.9(6)" to "30:2195.9(A)(6)"

AMENDMENT NO. 3

On page 5, line 14, following "2006" and before "sites" insert "for"

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Hollis	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Bajoie	Fields	Mount
Duplessis	Heitmeier	Quinn
Total - 6		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Fontenot moved to reconsider the vote by

which the bill was passed and laid the motion on the table.

SENATE BILL NO. 154—
BY SENATOR N. GAUTREAUX

AN ACT

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

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

SENATE BILL NO. 161—
BY SENATOR MOUNT

AN ACT

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

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

SENATE BILL NO. 165—
BY SENATOR MOUNT

AN ACT

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

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	Ellington	Mount
Adley	Fontenot	Murray
Amedee	Gautreaux N	Nevers
Barham	Hollis	Quinn
Boasso	Jackson	Romero
Broome	Jones	Schedler
Cain	Kostelka	Shepherd
Cheek	Lentini	Smith
Cravins	Malone	Theunissen
Dardenne	Marionneaux	Ullo
Duplessis	McPherson	
Dupre	Michot	
Total - 34		

NAYS

Total - 0

ABSENT

Bajoie	Fields	Heitmeier
Chaisson	Gautreaux B	
Total - 5		

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

April 27, 2006

SENATE BILL NO. 169— BY SENATOR CHAISSON

AN ACT

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

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

Table with 3 columns of names: Mr. President, Adley, Amedee, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Dupre, Ellington, Fontenot, Gautreaux N, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo.

NAYS

Total - 0

ABSENT

Table with 2 columns: Bajoie, Fields, Gautreaux B, Heitmeier. Total - 4

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

SENATE BILL NO. 173— BY SENATOR FONTENOT

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Amedee, Barham, Boasso, Broome, Cain, Chaisson, Cheek, Cravins, Dardenne, Duplessis, Dupre, Ellington, Fontenot, Gautreaux N, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Schedler, Shepherd, Smith, Theunissen, Ullo.

Total - 34

NAYS

Marionneaux Total - 1

ABSENT

Bajoie, Fields, Gautreaux B, Heitmeier. Total - 4

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

SENATE BILL NO. 202— BY SENATOR JONES

AN ACT

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

On motion of Senator Jones, the bill, which is a duplicate of House Bill No. 377 was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 250— BY SENATOR FONTENOT

AN ACT

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

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 250 by Senator Fontenot

AMENDMENT NO. 1

On page 2, between lines 15 and 16, insert " * * * "

On motion of Senator Lentini, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Amedee, Barham, Boasso, Broome, Cain, Chaisson, Dupre, Ellington, Fontenot, Gautreaux B, Gautreaux N, Hollis, Jackson, Jones, McPherson, Michot, Mount, Murray, Nevers, Quinn, Romero, Schedler.

Cheek
Cravins
Dardenne
Duplessis
Total - 35

Kostelka
Lentini
Malone
Marionneaux

Smith
Theunissen
Ullo

NAYS

Shepherd
Total - 1

ABSENT

Bajoie
Total - 3

Fields

Heitmeier

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

SENATE BILL NO. 281—

BY SENATOR N. GAUTREAUX

AN ACT

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

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

SENATE BILL NO. 289—

BY SENATOR FIELDS

AN ACT

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

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

SENATE BILL NO. 353—

BY SENATOR MURRAY

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Amedee
Barham
Chaisson
Cheek
Cravins
Dardenne
Total - 23

Duplessis
Dupre
Ellington
Gautreaux B
Hollis
Jackson
Jones
Marionneaux

Michot
Mount
Murray
Schedler
Smith
Theunissen
Ullo

NAYS

Boasso

Lentini

Quinn

Broome
Fontenot
Kostelka
Total - 11

Malone
McPherson
Nevers

Romero
Shepherd

ABSENT

Bajoie
Cain
Total - 5

Fields
Gautreaux N

Heitmeier

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

Personal Privilege

Senator Michot asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 353. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

Personal Privilege

Senator Ullo asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 353. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

SENATE BILL NO. 359—

BY SENATOR HOLLIS

AN ACT

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

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hollis to Engrossed Senate Bill No. 359 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 11 delete "**fifteen** hundred" and insert "**hundred one thousand**"

AMENDMENT NO. 2

On page 1, line 11 change "**three**" to "**two**"

On motion of Senator Hollis, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Amedee
Barham
Boasso
Broome
Cain
Chaisson
Cheek
Cravins
Dardenne
Duplessis

Dupre
Ellington
Fontenot
Gautreaux B
Gautreaux N
Hollis
Jackson
Jones
Kostelka
Lentini
Marionneaux
McPherson

Michot
Mount
Murray
Nevers
Quinn
Romero
Schedler
Shepherd
Smith
Theunissen
Ullo

April 27, 2006

Total - 35

NAYS

Total - 0

ABSENT

Bajoie Heitmeier
Fields Malone

Total - 4

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

SENATE BILL NO. 406— BY SENATOR LENTINI

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

Bajoie Heitmeier
Total - 2

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

SENATE BILL NO. 416— BY SENATOR MURRAY

AN ACT

To enact R.S. 9:2780.1, relative to indemnification agreements; to provide for certain mineral lease indemnification agreements; to provide for prospective application; and to provide for related matters.

On motion of Senator Murray, Senate Bill No. 416 was made Special Order of the Day No. 2 on Wednesday, May 3, 2006, immediately following the Morning Hour.

SENATE BILL NO. 471—

BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 20:1(A)(2) and (D) and to enact R.S. 13:3881(A)(7), relative to property exempt from seizure; to provide for insurance proceeds; to require that insurance proceeds issued to replace property exempt from seizure also be exempt from seizure; to provide for the homestead exemption from seizure and sale; to provide for an extension of such exemption to proceeds from any property insurance policy under certain natural disasters; to provide relative to the accounting for such proceeds; to provide relative to the value of such exemption; and to provide for related matters.

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

SENATE BILL NO. 477—

BY SENATOR CAIN

AN ACT

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

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

Total - 37

NAYS

Total - 0

ABSENT

Bajoie Heitmeier
Total - 2

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

SENATE BILL NO. 547— BY SENATOR MURRAY

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Bajoie Heitmeier
Total - 2

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

SENATE BILL NO. 550—
BY SENATOR MICHOT

AN ACT

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

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

SENATE BILL NO. 566—
BY SENATORS CHAISSON AND MURRAY
AN ACT

To enact R.S. 15:83 and 85(12) and Code of Criminal Procedure Articles 345(I) and (J) and 955(F), relative to bail bond obligations; to provide for bail bond contracts; to provide for definitions; to provide for the setting aside of bond obligations due to a fortuitous event; to provide for the forfeiture of bonds through cumulative actions; to provide for bond forfeiture actions for certain obligations in summary proceedings; to provide for extensions of time to satisfy bond obligations under certain circumstances; and to provide for related matters.

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	Ellington	Michot
Adley	Fields	Mount
Amedee	Fontenot	Murray
Barham	Gautreaux B	Nevers

Boasso	Gautreaux N	Quinn
Broome	Hollis	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Duplessis	Marionneaux	
Dupre	McPherson	
Total - 37		

NAYS

Total - 0

ABSENT

Bajoie Heitmeier
Total - 2

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

SENATE BILL NO. 610—
BY SENATOR MOUNT

AN ACT

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

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

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

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

Called from the Calendar

Senator Fields asked that Senate Bill No. 289 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 289—
BY SENATOR FIELDS

AN ACT

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

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 289 by Senator Fields

AMENDMENT NO. 1

On page 1, line 12, change "**and**" to "**or**"

On motion of Senator Fields, the amendments were adopted.

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Floor Amendments Sent Up

Senator Ellington sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Engrossed Senate Bill No. 289 by Senator Fields

AMENDMENT NO. 1

On page 1, line 12, change "shall" to "may"

On motion of Senator Ellington, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Ellington, Malone, Amedee, Fields, Marionneaux, Broome, Fontenot, Murray, Chaisson, Gautreaux B, Shepherd, Cravins, Jackson, Smith, Duplessis, Jones, Theunissen, Dupre, Kostelka, Total - 20

NAYS

Table with 3 columns: Adley, Gautreaux N, Quinn, Boasso, Hollis, Romero, Cain, Lentini, Schedler, Dardenne, Michot, Ullo, Total - 12

ABSENT

Table with 3 columns: Bajoie, Heitmeier, Nevers, Barham, McPherson, Cheek, Mount, Total - 7

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

Called from the Calendar

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

SENATE BILL NO. 154—

BY SENATOR N. GAUTREAU

AN ACT

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

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. 154 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1 line 6 after "mediation;" delete "to provide relative to court cost;"

AMENDMENT NO. 2

On page 2 line 12 change "(2)(a)" to "(2)"

AMENDMENT NO. 3

On page 2 delete lines 19 and 20

On motion of Senator Shepherd, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Fields, Michot, Adley, Fontenot, Mount, Amedee, Gautreaux B, Murray, Barham, Gautreaux N, Nevers, Boasso, Hollis, Quinn, Broome, Jackson, Romero, Chaisson, Jones, Schedler, Cheek, Kostelka, Shepherd, Dardenne, Lentini, Smith, Duplessis, Malone, Theunissen, Dupre, Marionneaux, Ullo, Ellington, McPherson, Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns: Bajoie, Cravins, Cain, Heitmeier, Total - 4

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

Called from the Calendar

Senator Marionneaux asked that Senate Bill No. 51 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 51—

BY SENATOR MARIONNEAUX

AN ACT

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

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. 51 by Senator Marionneaux

AMENDMENT NO. 1

On page 2 line 7 after "reimbursement" insert the following: ", if so, the amount thereof. The parties may agree to defer the insurance, upkeep, and liability until the partition of the community"

On motion of Senator Shepherd, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Bajoie	Gautreaux N
Cain	Heitmeier

Total - 4

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

Called from the Calendar

Senator Amedee asked that Senate Bill No. 428 be called from the Calendar at this time for its reconsideration.

SENATE BILL NO. 428—
BY SENATOR AMEDEE

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 34

NAYS

Ullo
Total - 1

ABSENT

Bajoie	Heitmeier
Gautreaux N	Michot

Total - 4

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

Rules Suspended

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 56—
BY SENATORS KOSTELKA AND BARHAM AND REPRESENTATIVE WALSWORTH

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the family of Monroe Police K-9 Officer, Corporal Brian C. Putman, upon his untimely death from injuries suffered in a traffic accident.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 36

NAYS

Total - 0

ABSENT

Bajoie	Gautreaux N	Heitmeier
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Total - 3

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

SENATE CONCURRENT RESOLUTION NO. 57—
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To request the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs to meet and to function as a joint committee to study the process of choosing presidential electors in Louisiana and to

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include in such study a review of procedures that such electors cast their votes based on the one-person, one-vote premise.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 27, 2006

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 1030— BY REPRESENTATIVE THOMPSON AN ACT

To amend and reenact R.S. 15:1303(D) and to enact R.S. 15:1303(C)(7) and (E), relative to electronic surveillance; to authorize a law enforcement officer or investigator to intercept, conduct, use, or disclose electronic, wire, or oral communications obtained during certain circumstances; and to provide for related matters.

HOUSE BILL NO. 1093— BY REPRESENTATIVES DURAND, BALDONE, AND ROMERO AN ACT

To amend and reenact R.S. 14:67.9, relative to theft of oil and gas equipment; to provide for increased penalties; and to provide for related matters.

HOUSE BILL NO. 1140— (Substitute for House Bill No. 968 by Representative Martiny) BY REPRESENTATIVE MARTINY AN ACT

To amend and reenact R.S. 44:4.1(B)(7) and to enact Chapter 6-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:651 through 662, relative to the Louisiana Repository for Unidentified and Missing Persons Information Program; to establish the Louisiana Repository for Unidentified and Missing Persons Information Program; to provide with respect to the Forensic Anthropology and Computer Enhancement Services laboratory; to provide for the powers and duties of the laboratory; to provide for definitions; to provide for legislative findings; to provide for laboratory recommendations to the legislature; to provide for procedural compatibility with the Federal Bureau of Investigation; to provide for the collection of forensic anthropology samples; to provide for procedures for collecting, disposition, and use of forensic anthropological analysis; to provide for a central repository for unidentified human remains and missing persons information; to provide for the confidentiality of records; to prohibit disclosure of confidential information; to provide for penalties for disclosure of information; and to provide for related matters.

HOUSE BILL NO. 1146— BY REPRESENTATIVE TRICHE AN ACT

To enact R.S. 14:102.1(D)(3), (4), and (5), relative to the crime of cruelty to animals; to identify certain species of birds as animals for purposes of the crime; and to provide for related matters.

HOUSE BILL NO. 1154— BY REPRESENTATIVE JACK SMITH AN ACT

To enact R.S. 13:5305, relative to courts and judicial procedure; to provide with respect to drug division programs in district court; to provide for dismissal of certain criminal charges upon completion of drug division probation program; and to provide for related matters.

HOUSE BILL NO. 1159— BY REPRESENTATIVE BRUCE AN ACT

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

HOUSE BILL NO. 41— BY REPRESENTATIVE THOMPSON AN ACT

To enact R.S. 33:2721.15, relative to Richland Parish; to authorize the governing authority of the parish to levy and collect an additional sales and use tax with voter approval; to provide for the use of such tax; and to provide for related matters.

HOUSE BILL NO. 121— BY REPRESENTATIVES JOHNS AND CROWE AN ACT

To enact R.S. 9:272(C), relative to covenant marriage; to provide relative to grounds for the dissolution of a covenant marriage; and to provide for related matters.

HOUSE BILL NO. 128— BY REPRESENTATIVE GREENE AN ACT

To amend and reenact Civil Code Articles 111 and 112, relative to an award of final spousal support; to require necessitous circumstances; and to provide for related matters.

HOUSE BILL NO. 162— BY REPRESENTATIVE HILL AN ACT

To amend and reenact R.S. 33:4574.1.1(A)(7), relative to Beauregard Parish; to increase the maximum rate of hotel occupancy tax authorized to be levied by the Beauregard Tourist Commission; and to provide for related matters.

HOUSE BILL NO. 274— BY REPRESENTATIVE DOERGE AN ACT

To enact R.S. 33:2740.64, relative to the city of Springhill; to create a downtown development district within the city; to provide relative to the purpose, boundaries, and governance of the district; to provide relative to district plans; and to provide for related matters.

HOUSE BILL NO. 497— BY REPRESENTATIVES TOOMY, ANSARDI, BOWLER, DAMICO, AND MARTINY AND SENATOR LENTINI AN ACT

To amend and reenact R.S. 23:1600(6)(a)(iv) and to enact R.S. 23:1600(6)(a)(v), relative to the eligibility of unemployment compensation benefits; to provide relative to the eligibility of employees of state and local governments and nonprofit organizations that provide service to or on behalf of educational institutions; and to provide for related matters.

HOUSE BILL NO. 538— BY REPRESENTATIVE GREENE AN ACT

To amend and reenact R.S. 47:299.31 and 299.32(1) and (2) and to enact R.S. 9:315.26 and 325 and R.S. 47:299.41(C), relative to support; to provide for the intercept of income tax refunds for the payment of spousal support; to provide for the intercept of income tax refunds for the payment of child support; to provide for the ranking and priority of claims; and to provide for related matters.

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

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

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

HOUSE BILL NO. 41—
 BY REPRESENTATIVE THOMPSON
 AN ACT
 To enact R.S. 33:2721.15, relative to Richland Parish; to authorize the governing authority of the parish to levy and collect an additional sales and use tax with voter approval; to provide for the use of such tax; and to provide for related matters.

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

HOUSE BILL NO. 121—
 BY REPRESENTATIVES JOHNS AND CROWE
 AN ACT
 To enact R.S. 9:272(C), relative to covenant marriage; to provide relative to grounds for the dissolution of a covenant marriage; and to provide for related matters.

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

HOUSE BILL NO. 128—
 BY REPRESENTATIVE GREENE
 AN ACT
 To amend and reenact Civil Code Articles 111 and 112, relative to an award of final spousal support; to require necessitous circumstances; and to provide for related matters.

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

HOUSE BILL NO. 162—
 BY REPRESENTATIVE HILL
 AN ACT
 To amend and reenact R.S. 33:4574.1.1(A)(7), relative to Beauregard Parish; to increase the maximum rate of hotel occupancy tax authorized to be levied by the Beauregard Tourist Commission; and to provide for related matters.

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

HOUSE BILL NO. 274—
 BY REPRESENTATIVE DOERGE
 AN ACT
 To enact R.S. 33:2740.64, relative to the city of Springhill; to create a downtown development district within the city; to provide relative to the purpose, boundaries, and governance of the district; to provide relative to district plans; and to provide for related matters.

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

HOUSE BILL NO. 497—
 BY REPRESENTATIVES TOOMY, ANSARDI, BOWLER, DAMICO, AND MARTINY AND SENATOR LENTINI
 AN ACT
 To amend and reenact R.S. 23:1600(6)(a)(iv) and to enact R.S. 23:1600(6)(a)(v), relative to the eligibility of unemployment compensation benefits; to provide relative to the eligibility of employees of state and local governments and nonprofit organizations that provide service to or on behalf of educational institutions; and to provide for related matters.

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

HOUSE BILL NO. 538—
 BY REPRESENTATIVE GREENE
 AN ACT
 To amend and reenact R.S. 47:299.31 and 299.32(1) and (2) and to enact R.S. 9:315.26 and 325 and R.S. 47:299.41(C), relative to support; to provide for the intercept of income tax refunds for the payment of spousal support; to provide for the intercept of income tax refunds for the payment of child support; to provide for the ranking and priority of claims; and to provide for related matters.

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

HOUSE BILL NO. 1030—
 BY REPRESENTATIVE THOMPSON
 AN ACT
 To amend and reenact R.S. 15:1303(D) and to enact R.S. 15:1303(C)(7) and (E), relative to electronic surveillance; to authorize a law enforcement officer or investigator to intercept, conduct, use, or disclose electronic, wire, or oral communications obtained during certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 1093—
 BY REPRESENTATIVES DURAND, BALDONE, AND ROMERO
 AN ACT
 To amend and reenact R.S. 14:67.9, relative to theft of oil and gas equipment; to provide for increased penalties; and to provide for related matters.

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

HOUSE BILL NO. 1140— (Substitute for House Bill No. 968 by Representative Martiny)
 BY REPRESENTATIVE MARTINY
 AN ACT

To amend and reenact R.S. 44:4.1(B)(7) and to enact Chapter 6-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:651 through 662, relative to the Louisiana Repository for Unidentified and Missing Persons Information Program; to establish the Louisiana Repository for Unidentified and Missing Persons Information Program; to provide with respect to the Forensic Anthropology and Computer Enhancement Services laboratory; to provide for the powers and duties of the laboratory; to provide for definitions; to provide for legislative findings; to provide for laboratory recommendations to the legislature; to provide for procedural compatibility with the Federal Bureau of Investigation; to provide for the collection of forensic anthropology samples; to provide for procedures for collecting, disposition, and use of forensic anthropological analysis; to provide for a central repository for unidentified human remains and missing persons information; to provide for the confidentiality of records; to prohibit disclosure of confidential information; to provide for penalties for disclosure of information; and to provide for related matters.

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

HOUSE BILL NO. 1146—
 BY REPRESENTATIVE TRICHE
 AN ACT
 To enact R.S. 14:102.1(D)(3), (4), and (5), relative to the crime of cruelty to animals; to identify certain species of birds as animals for purposes of the crime; and to provide for related matters.

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

HOUSE BILL NO. 1154—
 BY REPRESENTATIVE JACK SMITH
 AN ACT
 To enact R.S. 13:5305, relative to courts and judicial procedure; to provide with respect to drug division programs in district court; to provide for dismissal of certain criminal charges upon completion of drug division probation program; and to provide

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for related matters.

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

HOUSE BILL NO. 1159—

BY REPRESENTATIVE BRUCE
AN ACT

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

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

Reports of Committees

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON
NATURAL RESOURCES**

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

April 27, 2006

To the President and Members of the Senate:

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

SENATE BILL NO. 655—

BY SENATORS ADLEY, KOSTELKA AND QUINN AND REPRESENTATIVES DANIEL, BEARD, CRANE, DAMICO, DEWITT, FRITH, GEYMAN, HAMMETT, KATZ, LANCASTER, MARTINY, PIERRE, PITRE, T. POWELL, SCALISE AND WALSWORTH
AN ACT

To amend and reenact R.S. 30: 82(6), 89.1 and 2015.1(B), (C)(1), (2), and (4), (D), (E)(1), (F)(2), (H), (I), and (K) and to enact R.S. 30:29 and 2015.1(L), relative to remediation; to provide relative to remediation of certain sites by the Department of Natural Resources; to provide relative to the remediation of oil and gas and other sites; to provide terms, conditions, procedures, requirements, definitions, and standards; to provide relative to duties and responsibilities of certain agencies; to provide relative to certain actions or claims involving environmental damage; to provide relative to parties, proceedings, orders, judgments, and awards by the court; to provide relative to remediation and cleanup arising from such actions or claims; to provide relative to oilfield sites and exploration and production sites; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
MAX T. MALONE
Chairman

Rules Suspended

Senator McPherson asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 405 from the Committee on Judiciary A.

SENATE BILL NO. 405—

BY SENATOR MCPHERSON
AN ACT

To amend and reenact Civil Code Art. 136 and R.S. 9:344, relative to visitation to children by persons other than parents; to provide for the cause of action of a relative seeking visitation rights with a child from a parent; to provide for the definition of a relative; to provide for the purpose of an award of visitation; to provide for a list of persons who may seek visitation rights; to provide terms and conditions; to provide for the burden of proof; to provide for the factors for the court to consider when

determining whether to award visitation; to provide for stating the reasons for a visitation order; and to provide for related matters.

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

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

ENROLLMENTS

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

April 27, 2006

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 45—

BY SENATOR DUPRE
A CONCURRENT RESOLUTION

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

SENATE CONCURRENT RESOLUTION NO. 42—

BY SENATORS HINES, MOUNT AND THEUNISSEN AND REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION

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

HOUSE CONCURRENT RESOLUTION NO. 46—

BY REPRESENTATIVE DURAND
A CONCURRENT RESOLUTION

To request that the Department of Transportation and Development designate the portion of the Interstate 49 South corridor in St. Martin Parish as "Veterans Memorial Expressway" and erect proper signage along this route reflecting this designation.

SENATE CONCURRENT RESOLUTION NO. 47—

BY SENATOR MICHOT
A CONCURRENT RESOLUTION

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

Respectfully submitted,
CHARLES D. JONES
Chairman

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

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

ENROLLMENTS

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

April 27, 2006

To the President and Members of the Senate:

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

The following Senate Bills have been properly enrolled:

SENATE BILL NO. 83— (Duplicate of House Bill No. 129) BY SENATOR JONES AND REPRESENTATIVE LANCASTER AN ACT

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

SENATE BILL NO. 91— (Duplicate of House Bill No. 1138) BY SENATOR DUPRE AND REPRESENTATIVE DOVE AND COAUTHORED BY REPRESENTATIVE BALDONE AN ACT

To amend and reenact R.S. 38:329(A), relative to the Terrebonne Levee and Conservation District; to authorize the district, subject to voter approval, to levy a sales and use tax; to authorize the district to issue certain types of bonds; and to provide for related matters.

Respectfully submitted, CHARLES D. JONES Chairman

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 26, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 123— BY REPRESENTATIVE FRITH A CONCURRENT RESOLUTION

To commend Manning J. "Pete" Broussard upon his retirement from the Louisiana Department of Agriculture and Forestry after twenty-six years of service.

HOUSE CONCURRENT RESOLUTION NO. 124—

BY REPRESENTATIVES SCHNEIDER, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GEYMAN, GLOVER, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HAMMETT, HARRIS, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAFONTA, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON AND SENATORS ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Dr. Martin Dwight Woodin, former president of the Louisiana State University System, and to recognize his outstanding accomplishments and his legacy in higher education.

HOUSE CONCURRENT RESOLUTION NO. 129—

BY REPRESENTATIVE DURAND A CONCURRENT RESOLUTION

To designate the month of May 2006 as Amyotrophic Lateral Sclerosis (ALS) Awareness Month.

HOUSE CONCURRENT RESOLUTION NO. 134—

BY REPRESENTATIVES LAFLEUR, BAUDOIN, CRAVINS, AND M. GUILLORY A CONCURRENT RESOLUTION

To recognize Wednesday, April 26, 2006, as Imperial St. Landry - Evangeline Day.

and asked that the President of the Senate affix his signature to the same.

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

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House

SIGNED HOUSE BILLS AND JOINT RESOLUTIONS

April 27, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 867—

BY REPRESENTATIVES MCDONALD AND FANNIN AN ACT

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

HOUSE BILL NO. 886—

BY REPRESENTATIVE HAMMETT AN ACT

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

and asked that the President of the Senate affix his signature to the same.

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

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bajoie 1 Day Heitmeier 1 Day

Adjournment

Senator Ullo moved that the Senate adjourn until Monday, May 1, 2006, at 3:00 o'clock P.M.

April 27, 2006

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Monday, May 1, 2006.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk