

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

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**TWENTY-NINTH DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, May 17, 2006

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

**ROLL CALL**

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

**PRESENT**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Shepherd
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Uilo
Total - 39		

**ABSENT**

Total - 0

The President of the Senate announced there were 39 Senators present and a quorum.

**Prayer**

The prayer was offered by Brother Dave Phillips, 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 Ellington, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Privilege Report of the  
Legislative Bureau**

May 17, 2006

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 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.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 57 by Representative Toomy

**AMENDMENT NO. 1**

On page 2, line 19, change "Swear" to "Swearing of"

**HOUSE BILL NO. 237—**  
BY REPRESENTATIVE BRUCE  
AN ACT

To amend and reenact R.S. 47:302.39(B), relative to state funds; to provide for the use of monies appropriated from the DeSoto Parish Visitor Enterprise Fund; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 296—**  
BY REPRESENTATIVE CAZAYOUX AND SENATOR MARIONNEAUX  
AN ACT

To amend and reenact R.S. 47:302.28(B) and to repeal R.S. 47:302.28(C), relative to the Pointe Coupee Parish Visitor Enterprise Fund; to provide for uses of monies in the fund; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 389—**  
BY REPRESENTATIVES TRICHE, ARNOLD, BALDONE, CURTIS,  
DARTEZ, FAUCHEUX, HEATON, KENNEY, AND WALSWORTH AND  
SENATOR DUPRE  
A JOINT RESOLUTION

Proposing to amend Article VII, Section 20(A)(3) and (5) of the Constitution of Louisiana, relative to the extension of the homestead exemption to trusts; to provide that the exemption shall extend to revocable and irrevocable trusts under certain circumstances; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 438—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:1838(introductory paragraph), relative to the Louisiana Tax Commission; to authorize the continued assessment and collection of fees assessed in connection with services performed by the commission; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 541—**  
BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 47:1851(B) and (M), relative to ad valorem taxation; to include a water transportation company in the definition of barge line for purposes of assessment of public service property by the Louisiana Tax Commission; and to provide for related matters.

Reported without amendments.

May 17, 2006

**HOUSE BILL NO. 1322—**  
BY REPRESENTATIVES DOWNS AND GALLOT  
AN ACT

To amend and reenact Section 2 of Act No. 1118 of the 1995 Regular Session of the Legislature, relative to tax increment financing; to provide that the prohibition regarding the use of state sales tax increments shall not apply to a project expansion or use of state sales tax extension for certain economic development projects or programs; 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 Legislative Bureau amendments were adopted and 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**

**PASSED SENATE BILLS AND  
JOINT RESOLUTIONS**

May 16, 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 the following Senate Bills and Joint Resolutions:

**SENATE BILL NO. 364—**  
BY SENATOR ROMERO  
AN ACT

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

Reported without amendments.

**SENATE BILL NO. 366—**  
BY SENATOR ROMERO  
AN ACT

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

Reported without amendments.

**SENATE BILL NO. 572—**  
BY SENATOR JONES  
AN ACT

To enact Code of Criminal Procedure Article 799.1, relative to the number of peremptory challenges; to provide for use of all challenges available unless otherwise agreed; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 70—**  
BY SENATORS NEVERS AND MOUNT AND REPRESENTATIVES  
SCALISE AND SCHNEIDER  
AN ACT

To amend and reenact the introductory paragraph of R.S. 15:574.4(A)(2)(a), and R.S. 40:967(B)(1), (4) and (5) and 981.2(C), relative to certain controlled dangerous substances; to increase the penalty for the manufacture, possession or distribution of methadone; to authorize offenders to participate in the intensive incarceration program; and to provide for related matters.

Reported without amendments.

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

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

May 16, 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. 85—**  
BY SENATOR ULLO AND REPRESENTATIVE ODINET  
A CONCURRENT RESOLUTION

To express the support of the Louisiana Legislature for the shrimp industry and for the "Bonne Crevette" marketing campaign to promote Louisiana wild caught shrimp.

Reported without amendments.

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

**Message from the House**

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

May 16, 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. 601—**  
BY REPRESENTATIVE ANSARDI  
AN ACT

To amend and reenact R.S. 9:315.4 and R.S. 46:236.8(A), (B)(1)(introductory paragraph), (c), (e), (f), and (C), (E), (F), and (G)(6) and to enact R.S. 9:315(C)(8), relative to child support; to provide for the definition of medical support; to require medical support orders; to provide changes in terminology; and to provide for related matters.

**HOUSE BILL NO. 553—**  
BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact Children's Code Articles 661, 698, and 708 and to enact R.S. 15:283(E), relative to the presence of individuals at adjudications, case reviews, permanency hearings, and court proceedings; to provide for persons who may be present at adjudication hearings, case reviews and permanency

hearings; to provide with respect to protected persons and testimony taken outside of a court room; to amend the definition of protected persons to include victims of crime who are fourteen years of age or younger or who have a developmental disability or mental retardation; and to provide for related matters.

**HOUSE BILL NO. 935—**

BY REPRESENTATIVES DANIEL AND BARROW  
AN ACT

To enact Chapter 42 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9581, relative to public contracts; to authorize East Baton Rouge Parish to enter into agreements for the maintenance and operation of public facilities related to sewerage and nonpotable water treatment systems; to provide with respect to the content of such contractual agreements; to provide for the disposition and allocation of revenues and assets; to provide for the pledge of revenues; to provide certain immunities from liability; to provide for limitation of liability; and to provide for related matters.

**HOUSE BILL NO. 1017—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:403(5)(a) and (b)(i) and 441(B), to enact R.S. 11:421(I) and 471(F), and to repeal R.S. 11:531(A)(1)(b), relative to the Louisiana State Employees' Retirement System; to provide relative to average compensation; to provide relative to computation of service credit; to provide with respect to benefits for part-time employees; to provide for a retired member's minor children to receive certain benefits upon his death; to repeal provisions for monthly reports of base pay; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1026—**

BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 11:2252(2), 2253(A)(1)(a)(ii), and 2256(A)(4) and to enact R.S. 11:2252(22) and (23), 2254(D), 2271, and 2272, relative to the Firefighters' Retirement System; to provide for compliance with the Internal Revenue Code; to provide relative to definitions, membership, service credit, and benefits; to provide with respect to tax qualification; to provide for an excess benefit plan; and to provide for related matters.

**HOUSE BILL NO. 1204—**

BY REPRESENTATIVES QUEZAIRE AND ALARIO AND SENATORS ELLINGTON AND HEITMEIER  
AN ACT

To enact R.S. 32:1525 and to repeal R.S. 32:1513(A), relative to motor carrier violations; to implement a procedure for the review of motor carrier violations; to provide relative to the assessment of penalties and collection of fines for violations; to provide relative to notification of violations to motor carriers and owners of motor vehicles; to provide relative to the administrative review of such violations; to authorize the posting of certain violations on the office of state police web site; to authorize the suspension of registration and commercial driver's license renewals under certain circumstances; to authorize the promulgation of rules and regulations; to prohibit the seizure of certain motor vehicles; and to provide for related matters.

**HOUSE BILL NO. 1274—**

BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 1:55(E)(1)(b) and to enact R.S. 1:55(E)(5), relative to holidays for the clerk of court's office of a district court, parish court, and city court and holidays of all the courts; to authorize a clerk of court to close his office when an emergency has been declared by either the governor or the local governing authority; to provide clarification for the holidays of courts generally; and to provide for related matters.

**HOUSE BILL NO. 1285—**

BY REPRESENTATIVES ODINET, BARROW, BAUDOIN, BAYLOR, DOVE, GRAY, JEFFERSON, KATZ, AND MARCHAND  
AN ACT

To enact R.S. 33:4882, relative to building and zoning regulations in parishes and municipalities; to require that the governing authority of any municipality or parish and any agency of any such municipality or parish shall not allow and shall not cause any building or land to lose nonconforming use status by reason of vacancy or cessation of normal operations as a result of damage caused by Hurricane Katrina or Hurricane Rita during a specified time period; to provide exceptions; and to provide for related matters.

**HOUSE BILL NO. 1328—**

BY REPRESENTATIVE KATZ  
AN ACT

To amend and reenact Section 2 of Act No. 1118 of the 1995 Regular Session of the Legislature, relative to tax increment financing; to provide that the prohibition regarding the use of state sales tax increments shall not apply to a project expansion or extension of the use of state sales tax for certain economic development projects or programs; and to provide for related matters.

**HOUSE BILL NO. 1370— (Substitute for House Bill No. 1099 by Representative Gray)**

BY REPRESENTATIVE GRAY  
AN ACT

To enact Subpart D-1 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 46:286.2 through 286.4, relative to the Foster Parents' Bill of Rights; to provide for purpose; to provide for the rights of foster parents; and to provide for related matters.

**HOUSE BILL NO. 1377— (Substitute for House Bill No. 502 by Representative Pinac)**

BY REPRESENTATIVE PINAC  
AN ACT

To enact Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:781 through 822, and to repeal Chapter 4-A of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:751 through 766, and Chapter 4-B of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:771 through 780, relative to the Louisiana Recreational and Used Motor Vehicle Commission; to provide for definitions; to provide for jurisdiction and authority; to provide for appointment and the powers and duties of the commission; to provide for licensing requirements for dealers; to provide for injunctions; to provide for penalties; to provide for application and bond requirements for a used motor vehicle dealer license; to provide for suspension or revocation of license; to provide for rent with option-to-purchase program; to provide for water-damaged vehicles; to provide for prohibition of black market sales; to provide for licensing requirements for dismantlers, parts recyclers, used parts dealers, and motor vehicle crushers; to provide for suspension of licenses; to provide for requirement to keep records; to provide for transfers of title; to provide for salvage pools; to provide for salvage dealers; to provide for requirements for recreational product dealers and manufacturers; to provide for unlawful acts and suspension of license; to provide for indemnity requirements; to provide for areas of responsibility; to provide for repurchase requirements; and to provide for related matters.

**HOUSE BILL NO. 1381— (Substitute for House Bill No. 421 by Representative Burrell)**

BY REPRESENTATIVES BURRELL, ALARIO, ALEXANDER, ARNOLD, BADON, BAUDOIN, BAYLOR, BEARD, BRUCE, BURNS, K. CARTER, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DORGE, DORSEY, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HOPKINS, HUTTER, JEFFERSON, KATZ, KENNEY, LABRUZZO, LAFLEUR, LAFONTA, MARTINY, MCDONALD, MCVEA, PIERRE, M. POWELL, T. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, SCALISE, SMILEY, GARY SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, AND WHITE

AN ACT

To enact R.S. 14:91.14, relative to offenses affecting the health and morals of minors; to provide with respect to the sale, exhibition, or distribution of material harmful to minors; to provide for definitions; to create the crime of prohibited sales of computer or video games to minors; to provide for definitions; to provide for penalties; and to provide for related matters.

**HOUSE BILL NO. 1383— (Substitute for House Bill No. 875 by Representative Townsend)**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To enact R.S. 40:4(A)(1)(c), relative to retail food establishments; to provide for rules and regulations; and to provide for related matters.

**HOUSE BILL NO. 1384— (Substitute for House Bill No. 928 by Representative K. Carter)**

BY REPRESENTATIVE K. CARTER  
AN ACT

To enact Part XXV-F of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1210.71 through 1210.88, and to repeal R.S. 22:1476, relative to insurance adjusters; to provide for the qualification and license requirements of public adjusters; to provide for definitions; to provide for the requirement of a license; to provide for the application for license; to provide for resident and nonresident licenses; to provide for examinations and exemptions; to provide for reciprocity; to provide for denial, nonrenewal, or revocation of a license; to provide for evidence of financial responsibility; to provide for continuing education; to provide for limitations on contracts between public adjusters and insureds; to provide for retention of records; to provide for standards of conduct; to provide for penalties; to provide for powers of the commissioner of insurance; to provide for regulations; and to provide for related matters.

**HOUSE BILL NO. 1382— (Substitute for House Bill No. 582 by Representative Crowe)**

BY REPRESENTATIVE CROWE  
AN ACT

To amend and reenact R.S. 40:1299.35.6(C)(1)(a) and to enact R.S. 40:1299.35.6(A)(5)(d) and (B)(1)(g), relative to the performance of abortions; to provide for informed consent requirements; to provide for publication of materials by the Department of Health and Hospitals; and to provide for related matters.

**HOUSE BILL NO. 186—**

BY REPRESENTATIVE ANSARDI  
AN ACT

To amend and reenact R.S. 9:392(A)(introductory paragraph) and to enact R.S. 9:392(A)(7)(c), relative to the acknowledgment of paternity; to require the disclosure of certain information prior to the execution of an acknowledgment; to prohibit the suspension of certain responsibilities and obligations; and to provide for related matters.

**HOUSE BILL NO. 278—**

BY REPRESENTATIVES MARTINY, BRUCE, CAZAYOUX, CRAVINS, LAFLEUR, JANE SMITH, AND WHITE  
AN ACT

To amend and reenact R.S. 15:542(A)(2)(a), relative to registration requirements of sex offenders; to require sex offenders who enter an emergency shelter to notify the local sheriff; to provide notice to the chief of police in municipalities where a shelter is located; to provide for notice to the Louisiana Bureau of Criminal Identification and Information; and to provide for related matters.

**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. 186—**

BY REPRESENTATIVE ANSARDI  
AN ACT

To amend and reenact R.S. 9:392(A)(introductory paragraph) and to enact R.S. 9:392(A)(7)(c), relative to the acknowledgment of paternity; to require the disclosure of certain information prior to the execution of an acknowledgment; to prohibit the suspension of certain responsibilities and obligations; and to provide for related matters.

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

**HOUSE BILL NO. 278—**

BY REPRESENTATIVES MARTINY, BRUCE, CAZAYOUX, CRAVINS, LAFLEUR, JANE SMITH, AND WHITE  
AN ACT

To amend and reenact R.S. 15:542(A)(2)(a), relative to registration requirements of sex offenders; to require sex offenders who enter an emergency shelter to notify the local sheriff; to provide notice to the chief of police in municipalities where a shelter is located; to provide for notice to the Louisiana Bureau of Criminal Identification and Information; and to provide for related matters.

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

**HOUSE BILL NO. 553—**

BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact Children's Code Articles 661, 698, and 708 and to enact R.S. 15:283(E), relative to the presence of individuals at adjudications, case reviews, permanency hearings, and court proceedings; to provide for persons who may be present at adjudication hearings, case reviews and permanency hearings; to provide with respect to protected persons and testimony taken outside of a court room; to amend the definition of protected persons to include victims of crime who are fourteen years of age or younger or who have a developmental disability or mental retardation; and to provide for related matters.

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

**HOUSE BILL NO. 601—**

BY REPRESENTATIVE ANSARDI  
AN ACT

To amend and reenact R.S. 9:315.4 and R.S. 46:236.8(A), (B)(1)(introductory paragraph), (c), (e), (f), and (C), (E), (F), and (G)(6) and to enact R.S. 9:315(C)(8), relative to child support; to provide for the definition of medical support; to require medical support orders; to provide changes in terminology; and to provide for related matters.

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

**HOUSE BILL NO. 935—**

BY REPRESENTATIVES DANIEL AND BARROW  
AN ACT

To enact Chapter 42 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9581, relative to public contracts; to authorize East Baton Rouge Parish to enter into agreements for the maintenance and operation of public facilities related to sewerage and nonpotable water treatment systems; to provide with respect to the content of such contractual agreements; to provide for the disposition and allocation of revenues and assets; to provide for the pledge of revenues; to provide certain immunities from liability; to provide for limitation of liability; and to provide for related matters.

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

**HOUSE BILL NO. 1017—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:403(5)(a) and (b)(i) and 441(B), to enact R.S. 11:421(I) and 471(F), and to repeal R.S. 11:531(A)(1)(b), relative to the Louisiana State Employees' Retirement System; to provide relative to average compensation; to provide relative to computation of service credit; to provide with respect to benefits for part-time employees; to provide for a retired member's minor children to receive certain benefits upon his death; to repeal provisions for monthly reports of base pay; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 1026—**

BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 11:2252(2), 2253(A)(1)(a)(ii), and 2256(A)(4) and to enact R.S. 11:2252(22) and (23), 2254(D), 2271, and 2272, relative to the Firefighters' Retirement System; to provide for compliance with the Internal Revenue Code; to provide relative to definitions, membership, service credit, and benefits; to provide with respect to tax qualification; to provide for an excess benefit plan; and to provide for related matters.

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

**HOUSE BILL NO. 1204—**

BY REPRESENTATIVES QUEZAIRE AND ALARIO AND SENATORS ELLINGTON AND HEITMEIER  
AN ACT

To enact R.S. 32:1525 and to repeal R.S. 32:1513(A), relative to motor carrier violations; to implement a procedure for the review of motor carrier violations; to provide relative to the assessment of penalties and collection of fines for violations; to provide relative to notification of violations to motor carriers and owners of motor vehicles; to provide relative to the administrative review of such violations; to authorize the posting of certain violations on the office of state police web site; to authorize the suspension of registration and commercial driver's license renewals under certain circumstances; to authorize the promulgation of rules and regulations; to prohibit the seizure of certain motor vehicles; and to provide for related matters.

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

**HOUSE BILL NO. 1274—**

BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 1:55(E)(1)(b) and to enact R.S. 1:55(E)(5), relative to holidays for the clerk of court's office of a district court, parish court, and city court and holidays of all the courts; to authorize a clerk of court to close his office when an emergency has been declared by either the governor or the local governing authority; to provide clarification for the holidays of courts generally; and to provide for related matters.

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

**HOUSE BILL NO. 1285—**

BY REPRESENTATIVES ODINET, BARROW, BAUDOIN, BAYLOR, DOVE, GRAY, JEFFERSON, KATZ, AND MARCHAND  
AN ACT

To enact R.S. 33:4882, relative to building and zoning regulations in parishes and municipalities; to require that the governing authority of any municipality or parish and any agency of any such municipality or parish shall not allow and shall not cause any building or land to lose nonconforming use status by reason of vacancy or cessation of normal operations as a result of damage caused by Hurricane Katrina or Hurricane Rita during a specified time period; to provide exceptions; and to provide for related matters.

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

**HOUSE BILL NO. 1328—**

BY REPRESENTATIVE KATZ  
AN ACT

To amend and reenact Section 2 of Act No. 1118 of the 1995 Regular Session of the Legislature, relative to tax increment financing; to provide that the prohibition regarding the use of state sales tax increments shall not apply to a project expansion or extension of the use of state sales tax for certain economic development projects or programs; and to provide for related matters.

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

**HOUSE BILL NO. 1370— (Substitute for House Bill No. 1099 by Representative Gray)**

BY REPRESENTATIVE GRAY  
AN ACT

To enact Subpart D-1 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 46:286.2 through 286.4, relative to the Foster Parents' Bill of Rights; to provide for purpose; to provide for the rights of foster parents; and to provide for related matters.

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

**HOUSE BILL NO. 1377— (Substitute for House Bill No. 502 by Representative Pinac)**

BY REPRESENTATIVE PINAC  
AN ACT

To enact Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:781 through 822, and to repeal Chapter 4-A of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:751 through 766, and Chapter 4-B of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:771 through 780, relative to the Louisiana Recreational and Used Motor Vehicle Commission; to provide for definitions; to provide for jurisdiction and authority; to provide for appointment and the powers and duties of the commission; to provide for licensing requirements for dealers; to provide for injunctions; to provide for penalties; to provide for application and bond requirements for a used motor vehicle dealer license; to provide for suspension or revocation of license; to provide for rent with option-to-purchase program; to provide for water-damaged vehicles; to provide for prohibition of black market sales; to provide for licensing requirements for dismantlers, parts recyclers, used parts dealers, and motor vehicle crushers; to provide for suspension of licenses; to provide for requirement to keep records; to provide for transfers of title; to provide for salvage pools; to provide for salvage dealers; to provide for requirements for recreational product dealers and manufacturers; to provide for unlawful acts and suspension of license; to provide for indemnity requirements; to provide for areas of responsibility; to provide for repurchase requirements; and to provide for related matters.

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

**HOUSE BILL NO. 1381— (Substitute for House Bill No. 421 by Representative Burrell)**

BY REPRESENTATIVES BURRELL, ALARIO, ALEXANDER, ARNOLD, BADON, BAUDOIN, BAYLOR, BEARD, BRUCE, BURNS, K. CARTER, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DORSEY, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GRAY, GREENE, E. GUILLORY, M. GUILLORY, HARRIS, HEBERT, HOPKINS, HUTTER, JEFFERSON, KATZ, KENNEY, LABRUZZO, LAFLEUR, LAFONTA, MARTINY, MCDONALD, MCVEA, PIERRE, M. POWELL, T. POWELL, QUEZAIRE, RITCHIE, ROMERO, SALTER, SCALISE, SMILEY, GARY SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, AND WHITE  
AN ACT

To enact R.S. 14:91.14, relative to offenses affecting the health and morals of minors; to provide with respect to the sale, exhibition, or distribution of material harmful to minors; to provide for definitions; to create the crime of prohibited sales of computer or video games to minors; to provide for definitions; and to provide for related matters.

May 17, 2006

for penalties; and to provide for related matters.

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

**HOUSE BILL NO. 1382— (Substitute for House Bill No. 582 by Representative Crowe)**

BY REPRESENTATIVE CROWE  
AN ACT

To amend and reenact R.S. 40:1299.35.6(C)(1)(a) and to enact R.S. 40:1299.35.6(A)(5)(d) and (B)(1)(g), relative to the performance of abortions; to provide for informed consent requirements; to provide for publication of materials by the Department of Health and Hospitals; and to provide for related matters.

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

**HOUSE BILL NO. 1383— (Substitute for House Bill No. 875 by Representative Townsend)**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To enact R.S. 40:4(A)(1)(c), relative to retail food establishments; to provide for rules and regulations; and to provide for related matters.

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

**HOUSE BILL NO. 1384— (Substitute for House Bill No. 928 by Representative K. Carter)**

BY REPRESENTATIVE K. CARTER  
AN ACT

To enact Part XXV-F of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1210.71 through 1210.88, and to repeal R.S. 22:1476, relative to insurance adjusters; to provide for the qualification and license requirements of public adjusters; to provide for definitions; to provide for the requirement of a license; to provide for the application for license; to provide for resident and nonresident licenses; to provide for examinations and exemptions; to provide for reciprocity; to provide for denial, nonrenewal, or revocation of a license; to provide for evidence of financial responsibility; to provide for continuing education; to provide for limitations on contracts between public adjusters and insureds; to provide for retention of records; to provide for standards of conduct; to provide for penalties; to provide for powers of the commissioner of insurance; to provide for regulations; 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**

May 16, 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. 28—**

BY REPRESENTATIVE JOHN SMITH  
A CONCURRENT RESOLUTION

To authorize and request the Successions Committee of the Louisiana State Law Institute to study and make recommendations to the legislature on the laws of usufruct and naked ownership especially in light of Hurricanes Katrina and Rita.

**HOUSE CONCURRENT RESOLUTION NO. 132—**

BY REPRESENTATIVE KATZ  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to erect signs indicating the location of Antique Alley in West Monroe and to facilitate the erection of the Monroe Garden Club welcome sign.

**HOUSE CONCURRENT RESOLUTION NO. 74—**

BY REPRESENTATIVE BARROW  
A CONCURRENT RESOLUTION

To direct the Department of Social Services to study all aspects relating to the parenting skills education classes for public assistance recipients required by R.S. 46:231.5 and report to the House and Senate Committees on Health and Welfare prior to March 1, 2007.

**HOUSE CONCURRENT RESOLUTION NO. 34—**

BY REPRESENTATIVE GARY SMITH  
A CONCURRENT RESOLUTION

To direct the Department of Environmental Quality and the office of environmental education to cooperate with Keep Louisiana Beautiful, Incorporated to conduct a campaign to educate the public to prevent cigarette litter.

**HOUSE CONCURRENT RESOLUTION NO. 112—**

BY REPRESENTATIVE TOOMY  
A CONCURRENT RESOLUTION

To designate the German-American Cultural Center in Gretna as the official German-American Cultural Center for the state of Louisiana.

**HOUSE CONCURRENT RESOLUTION NO. 65—**

BY REPRESENTATIVE GARY SMITH  
A CONCURRENT RESOLUTION

To direct the Department of Public Safety and Corrections, office of state police, in conjunction with the Louisiana Highway Safety Commission to conduct a public awareness campaign informing the public that the left lane on multilane highways is for passing and to request state police to impose penalties for violations as provided by law.

**HOUSE CONCURRENT RESOLUTION NO. 80—**

BY REPRESENTATIVE JEFFERSON  
A CONCURRENT RESOLUTION

To urge and request the Coastal Protection and Restoration Authority to study technology and strategies that are available and might be used to establish an integrated system of water management and hurricane protection in south Louisiana and to report its findings to the House and Senate Committees on Transportation, Highways and Public Works and to the Legislature of Louisiana prior to the 2008 Regular Session.

**HOUSE CONCURRENT RESOLUTION NO. 72—**

BY REPRESENTATIVE MCVEA  
A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals and the Department of Public Safety and Corrections to jointly study the feasibility of permitting eligible prisoners currently in the custody of the Department of Public Safety and Corrections to seek the status of medically paroled in order to be transferred to the Villa Feliciana Medical Complex and report its findings to the legislature prior to February 1, 2007.

**HOUSE CONCURRENT RESOLUTION NO. 69—**

BY REPRESENTATIVES BURRELL AND GALLOT  
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations relative to organizing and improving the procedures for the sale of tax adjudicated properties and to recommend procedures that will insure merchantable title of tax adjudicated properties.

**HOUSE CONCURRENT RESOLUTION NO. 190—(Substitute for House Concurrent Resolution No. 103 by Representative Greene)**

BY REPRESENTATIVE GREENE  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility of incorporating into its five-year strategic plan a plan for the improvement of the appearance of state highways.

**HOUSE CONCURRENT RESOLUTION NO. 151—**

BY REPRESENTATIVE MARTINY  
A CONCURRENT RESOLUTION

To request that the Louisiana State Law Institute review and make recommendations for revisions to the Gaming Control Law contained in Title 27 of the Louisiana Revised Statutes of 1950 to incorporate changes made by Act No. 7 of the 1996 First Extraordinary Session.

**HOUSE CONCURRENT RESOLUTION NO. 2—**

BY REPRESENTATIVE SMILEY  
A CONCURRENT RESOLUTION

To urge and request the legislative auditor in the auditing of state agencies, as that term is defined in R.S. 39:2, to include in the performance of such audits an examination of the fiscal efficiency of the entity by determining the relationship between fees charged and services rendered and to report entities levying excessive fees to the Legislative Audit Advisory Council and to the appropriate legislative oversight committees.

**HOUSE CONCURRENT RESOLUTION NO. 118—**

BY REPRESENTATIVE ARNOLD  
A CONCURRENT RESOLUTION

To urge and request the nine statewide public retirement systems to direct at least ten percent of certain trades and commissions through broker-dealers who have been incorporated, domiciled, or who have their principal trading operations in Louisiana for at least two years as required by law applicable to the four state retirement systems, provided no additional costs are incurred by the systems.

**HOUSE CONCURRENT RESOLUTION NO. 77—**

BY REPRESENTATIVES FANNIN, ALEXANDER, BADON, BARROW, CRANE, CROWE, DOWNS, GREENE, HONEY, M. POWELL, T. POWELL, TRAHAN, WALKER, AND WALSWORTH  
A CONCURRENT RESOLUTION

To urge and request the High School Redesign Commission to consider and include in its recommendations the role and importance of vocational education programs in preparing high school students to pursue postsecondary education, industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field.

**HOUSE CONCURRENT RESOLUTION NO. 29—**

BY REPRESENTATIVE ODINET  
A CONCURRENT RESOLUTION

To suspend until sixty days after the final adjournment of the 2007 Regular Session of the Legislature of Louisiana, the provisions of R.S. 56:433(B)(1) and (C) insofar as they specify a date for closure of the oyster harvest on the public seed grounds and to authorize the Wildlife and Fisheries Commission to open oyster harvest season in those parts of the natural reefs which are located in certain parts of the coast where there are sufficient quantities of oysters available for harvest.

**HOUSE CONCURRENT RESOLUTION NO. 16—**

BY REPRESENTATIVE LANCASTER  
A CONCURRENT RESOLUTION

To direct state agencies to provide to the division of archives, records management, and history of the Department of State all locations where their public records are stored and to direct such division to work in cooperation with the Louisiana Geographical Information Center to develop mapping relative to such locations.

**HOUSE CONCURRENT RESOLUTION NO. 210—**  
BY REPRESENTATIVES CROWE, SCHNEIDER, AND STRAIN AND SENATORS BOASSO AND NEVERS

A CONCURRENT RESOLUTION

To commend Chris Duhon for being named the Grand Winner of the Superintendent's Award for Outstanding Character and Citizenship, presented by the St. Tammany Parish superintendent of schools.

**HOUSE CONCURRENT RESOLUTION NO. 211—**

BY REPRESENTATIVE KLECKLEY AND SENATOR MOUNT  
A CONCURRENT RESOLUTION

To commend the Barbe High School Buccaneers of Lake Charles for winning the State 5A baseball championship.

**HOUSE CONCURRENT RESOLUTION NO. 212—**

BY REPRESENTATIVE WINSTON  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan.

**HOUSE CONCURRENT RESOLUTION NO. 213—**

BY REPRESENTATIVES BAYLOR AND QUEZAIRE  
A CONCURRENT RESOLUTION

To recognize Thursday, May 18, 2006, as Omega Psi Phi/Purple and Gold Day at the Louisiana State Capitol and to commend Omega Psi Phi Fraternity, Incorporated.

**HOUSE CONCURRENT RESOLUTION NO. 214—**

BY REPRESENTATIVES HONEY, BARROW, BEARD, CRANE, DANIEL, DORSEY, GREENE, JACKSON, KENNARD, MCVEA, AND WHITE AND SENATORS BROOME, DARDENNE, FIELDS, FONTENOT, AND MARIONNEAUX  
A CONCURRENT RESOLUTION

To express the heartfelt condolences of the Legislature of Louisiana upon the death of Mr. Ryan Francis.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**House Concurrent Resolutions**

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

**HOUSE CONCURRENT RESOLUTION NO. 2—**

BY REPRESENTATIVE SMILEY  
A CONCURRENT RESOLUTION

To urge and request the legislative auditor in the auditing of state agencies, as that term is defined in R.S. 39:2, to include in the performance of such audits an examination of the fiscal efficiency of the entity by determining the relationship between fees charged and services rendered and to report entities levying excessive fees to the Legislative Audit Advisory Council and to the appropriate legislative oversight committees.

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

**HOUSE CONCURRENT RESOLUTION NO. 16—**

BY REPRESENTATIVE LANCASTER  
A CONCURRENT RESOLUTION

To direct state agencies to provide to the division of archives, records management, and history of the Department of State all locations where their public records are stored and to direct such division to work in cooperation with the Louisiana Geographical Information Center to develop mapping relative to such locations.

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

**HOUSE CONCURRENT RESOLUTION NO. 28—**

BY REPRESENTATIVE JOHN SMITH  
A CONCURRENT RESOLUTION

To authorize and request the Successions Committee of the Louisiana State Law Institute to study and make recommendations to the legislature on the laws of usufruct and naked ownership especially in light of Hurricanes Katrina and Rita.

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

**HOUSE CONCURRENT RESOLUTION NO. 29—**

BY REPRESENTATIVE ODINET  
A CONCURRENT RESOLUTION

To suspend until sixty days after the final adjournment of the 2007 Regular Session of the Legislature of Louisiana, the provisions of R.S. 56:433(B)(1) and (C) insofar as they specify a date for closure of the oyster harvest on the public seed grounds and to authorize the Wildlife and Fisheries Commission to open oyster harvest season in those parts of the natural reefs which are located in certain parts of the coast where there are sufficient quantities of oysters available for harvest.

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

**HOUSE CONCURRENT RESOLUTION NO. 34—**

BY REPRESENTATIVE GARY SMITH  
A CONCURRENT RESOLUTION

To direct the Department of Environmental Quality and the office of environmental education to cooperate with Keep Louisiana Beautiful, Incorporated to conduct a campaign to educate the public to prevent cigarette litter.

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

**HOUSE CONCURRENT RESOLUTION NO. 65—**

BY REPRESENTATIVE GARY SMITH  
A CONCURRENT RESOLUTION

To direct the Department of Public Safety and Corrections, office of state police, in conjunction with the Louisiana Highway Safety Commission to conduct a public awareness campaign informing the public that the left lane on multilane highways is for passing and to request state police to impose penalties for violations as provided by law.

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

**HOUSE CONCURRENT RESOLUTION NO. 69—**

BY REPRESENTATIVES BURRELL AND GALLOT  
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations relative to organizing and improving the procedures for the sale of tax adjudicated properties and to recommend procedures that will insure merchantable title of tax adjudicated properties.

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

**HOUSE CONCURRENT RESOLUTION NO. 72—**

BY REPRESENTATIVE MCVEA  
A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals and the Department of Public Safety and Corrections to jointly study the feasibility of permitting eligible prisoners currently in the custody of the Department of Public Safety and Corrections to seek the status of medically paroled in order to be transferred to the Villa Feliciana Medical Complex and report its findings to the legislature prior to February 1, 2007.

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

**HOUSE CONCURRENT RESOLUTION NO. 74—**

BY REPRESENTATIVE BARROW  
A CONCURRENT RESOLUTION

To direct the Department of Social Services to study all aspects relating to the parenting skills education classes for public assistance recipients required by R.S. 46:231.5 and report to the House and Senate Committees on Health and Welfare prior to March 1, 2007.

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

**HOUSE CONCURRENT RESOLUTION NO. 77—**

BY REPRESENTATIVES FANNIN, ALEXANDER, BADON, BARROW, CRANE, CROWE, DOWNS, GREENE, HONEY, M. POWELL, T. POWELL, TRAHAN, WALKER, AND WALSWORTH  
A CONCURRENT RESOLUTION

To urge and request the High School Redesign Commission to consider and include in its recommendations the role and importance of vocational education programs in preparing high school students to pursue postsecondary education, industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field.

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

**HOUSE CONCURRENT RESOLUTION NO. 80—**

BY REPRESENTATIVE JEFFERSON  
A CONCURRENT RESOLUTION

To urge and request the Coastal Protection and Restoration Authority to study technology and strategies that are available and might be used to establish an integrated system of water management and hurricane protection in south Louisiana and to report its findings to the House and Senate Committees on Transportation, Highways and Public Works and to the Legislature of Louisiana prior to the 2008 Regular Session.

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

**HOUSE CONCURRENT RESOLUTION NO. 112—**

BY REPRESENTATIVE TOOMY  
A CONCURRENT RESOLUTION

To designate the German-American Cultural Center in Gretna as the official German-American Cultural Center for the state of Louisiana.

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

**HOUSE CONCURRENT RESOLUTION NO. 118—**

BY REPRESENTATIVE ARNOLD  
A CONCURRENT RESOLUTION

To urge and request the nine statewide public retirement systems to direct at least ten percent of certain trades and commissions through broker-dealers who have been incorporated, domiciled, or who have their principal trading operations in Louisiana for at least two years as required by law applicable to the four state retirement systems, provided no additional costs are incurred by the systems.

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

**HOUSE CONCURRENT RESOLUTION NO. 132—**

BY REPRESENTATIVE KATZ  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to erect signs indicating the location of Antique Alley in West Monroe and to facilitate the erection of the Monroe Garden Club welcome sign.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and

Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 151—**  
BY REPRESENTATIVE MARTINY  
A CONCURRENT RESOLUTION

To request that the Louisiana State Law Institute review and make recommendations for revisions to the Gaming Control Law contained in Title 27 of the Louisiana Revised Statutes of 1950 to incorporate changes made by Act No. 7 of the 1996 First Extraordinary Session.

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

**Senator Bajoie in the Chair**

**HOUSE CONCURRENT RESOLUTION NO. 190—(Substitute for House Concurrent Resolution No. 103 by Representative Greene)**

BY REPRESENTATIVE GREENE  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility of incorporating into its five-year strategic plan a plan for the improvement of the appearance of state highways.

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

**HOUSE CONCURRENT RESOLUTION NO. 210—**  
BY REPRESENTATIVES CROWE, SCHNEIDER, AND STRAIN AND SENATORS BOASSO AND NEVERS  
A CONCURRENT RESOLUTION

To commend Chris Duhon for being named the Grand Winner of the Superintendent's Award for Outstanding Character and Citizenship, presented by the St. Tammany Parish superintendent of schools.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux N	Murray
Broome	Hollis	Quinn
Chaisson	Jackson	Schedler
Cheek	Kostelka	Smith
Dardenne	Malone	Theunissen
Duplessis	Marionneaux	Ullo
Total - 27		

**NAYS**

Total - 0

**ABSENT**

Adley	Fields	Lentini
Boasso	Gautreaux B	Nevers
Cain	Heitmeier	Romero
Cravins	Jones	Shepherd
Total - 12		

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

**HOUSE CONCURRENT RESOLUTION NO. 211—**  
BY REPRESENTATIVE KLECKLEY AND SENATOR MOUNT  
A CONCURRENT RESOLUTION

To commend the Barbe High School Buccaneers of Lake Charles for winning the State 5A baseball championship.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Broome	Hollis	Quinn
Chaisson	Jackson	Schedler
Cheek	Kostelka	Smith
Duplessis	Malone	Theunissen
Dupre	Marionneaux	Ullo
Total - 27		

**NAYS**

Total - 0

**ABSENT**

Adley	Dardenne	Lentini
Boasso	Fields	Nevers
Cain	Heitmeier	Romero
Cravins	Jones	Shepherd
Total - 12		

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

**HOUSE CONCURRENT RESOLUTION NO. 212—**  
BY REPRESENTATIVE WINSTON  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

**HOUSE CONCURRENT RESOLUTION NO. 213—**  
BY REPRESENTATIVES BAYLOR AND QUEZAIRE  
A CONCURRENT RESOLUTION

To recognize Thursday, May 18, 2006, as Omega Psi Phi/Purple and Gold Day at the Louisiana State Capitol and to commend Omega Psi Phi Fraternity, Incorporated.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Michot
Amedee	Gautreaux B	Mount
Bajoie	Gautreaux N	Murray
Barham	Hollis	Quinn
Broome	Jackson	Romero
Chaisson	Jones	Schedler
Cheek	Kostelka	Shepherd
Dardenne	Lentini	Smith
Duplessis	Malone	Theunissen

May 17, 2006

Dupre  
Ellington  
Total - 32

Marionneaux  
McPherson  
  
NAYS

Ullo

Total - 0

ABSENT

Adley  
Boasso  
Cain  
Total - 7

Cravins  
Fields  
Heitmeier

Nevers

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

**HOUSE CONCURRENT RESOLUTION NO. 214—**

BY REPRESENTATIVES HONEY, BARROW, BEARD, CRANE, DANIEL, DORSEY, GREENE, JACKSON, KENNARD, MCVEA, AND WHITE AND SENATORS BROOME, DARDENNE, FIELDS, FONTENOT, AND MARIONNEAUX

**A CONCURRENT RESOLUTION**

To express the heartfelt condolences of the Legislature of Louisiana upon the death of Mr. Ryan Francis.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President  
Amedee  
Bajoie  
Barham  
Broome  
Chaisson  
Cheek  
Cravins  
Dardenne  
Duplessis  
Dupre  
Total - 33

Ellington  
Fontenot  
Gautreaux B  
Gautreaux N  
Hollis  
Jackson  
Jones  
Kostelka  
Lentini  
Malone  
Marionneaux

McPherson  
Michot  
Mount  
Murray  
Quinn  
Romero  
Schedler  
Shepherd  
Smith  
Theunissen  
Ullo

**NAYS**

Total - 0

**ABSENT**

Adley  
Boasso  
Total - 6

Cain  
Fields

Heitmeier  
Nevers

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

**Mr. President in the Chair**

**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. 54—**

BY REPRESENTATIVE TOWNSEND  
AN ACT

To enact R.S. 44:9(J), relative to expungement or destruction of criminal records; to provide a procedure for the destruction of certain expunged arrest records; to provide for applicability; to provide with respect to the rights of a person having an arrest record destroyed; to provide for retroactive application; and to provide for related matters.

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

**HOUSE BILL NO. 190—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 40:1796, relative to the preemption of state law over local governmental ordinances regarding the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms or ammunition; to provide for an exception in cases of emergency or disaster; to provide for applicability in high-risk areas; to provide for definitions; and to provide for related matters.

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

**HOUSE BILL NO. 310—**

BY REPRESENTATIVE TUCKER  
AN ACT

To repeal R.S. 17:10.6(C) and (D), relative to school and district accountability; to repeal certain provisions relative to a local public school system that is academically in crisis and the powers of the school board and superintendent of such system.

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

**HOUSE BILL NO. 347—**

BY REPRESENTATIVE FRITH  
AN ACT

To amend and reenact R.S. 3:3004(B), relative to impounding livestock found at large; to increase the fee for retrieval of escaped livestock in Vermilion Parish; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

**HOUSE BILL NO. 626—**

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact R.S. 28:382.2(C) and R.S. 39:1533(A) and to enact R.S. 28:771(G) and Chapter 18 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:871 through 876, and R.S. 36:254(J) and 258(J), relative to human services; to create the South Central Louisiana Human Services Authority and provide for the powers, duties, and functions of the authority; to create a governing board and provide for membership, powers, duties, and functions; to provide for the transfer of certain powers, duties, and functions from the Department of Health and Hospitals to the authority; to provide for transfer of employees; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill which is a duplicate of Senate Bill No. 125 was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 699—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact Chapter 10-A of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1356 through 1368, relative to cable services; to create the "Competitive Cable and Video Services Act"; to provide guidelines for cable and video services; to provide for certificate of franchise authority to be distributed by the secretary of state; to provide for franchise fees associated with cable or video services; to provide for franchise fee audits and dispute resolutions; to provide for the distribution of these fees; to provide for a prohibition against build-out requirements; to authorize a local governmental subdivision to regulate a certificate holder; to prohibit discrimination with regards to cable or video services; to provide for public, educational, and governmental access channels; and to provide

for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

**HOUSE BILL NO. 775—**

BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact R.S. 23:1235, relative to tutorship; to provide for the direct payment to children who are eighteen years or older; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 791—**

BY REPRESENTATIVES LANCASTER, SMILEY, ALARIO, DEWITT, DORSEY, HAMMETT, JEFFERSON, RICHMOND, RITCHIE, AND SALTER AND SENATORS BAJOIE, HINES, MOUNT, AND NEVERS

AN ACT

To amend and reenact R.S. 17:2047(B) and 2048(C), R.S. 23:1871(O) and (P), R.S. 25:1223(E) and 1224(A)(introductory paragraph) and (13), R.S. 37:1005(B), and R.S. 46:2674(A)(2), to enact R.S. 36:209(H)(3) and 259(D), and to repeal Part X of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:551.81 through 551.85, R.S. 23:103 and 1871(C)(13) and (G)(2), R.S. 25:1222(C) and 1223.1, Chapter 30 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1261 through 1264, Part I of Chapter 6 of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:401, Chapter 27 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2351 through 2357, R.S. 36:109(G)(2), 209(I), (R), (T), and (Y), 239(C), 259(E)(22) and (HH), 309(H), 359(H), 629(E)(2), 744(K), 802.13, 802.20, and 919.5, Subpart C of Part III of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1007, R.S. 38:291(J) and 421(I), Chapter 15 of Title 41 of the Louisiana Revised Statutes of 1950, comprised of R.S. 41:1751 through 1753, Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:844.21 through 844.25, R.S. 46:2675, Chapter 7 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:2341 through 2347, Part VI-D of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:109.1, R.S. 49:229.1, Chapter 40 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2401 through 2406, and Act No. 319 of the 1977 Regular Session of the Legislature, relative to boards, commissions, districts, authorities, and like entities; to abolish certain boards, commissions, districts, authorities, and like entities; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Pork Promotion Board; to remove references to and provisions for the Louisiana-Mississippi Tangipahoa River Waterway Compact; to remove references to, provisions for, and the powers, functions, and duties of the Grant Parish Port Commission; to remove references to, provisions for, and the powers, functions, and duties of the Nursing Supply and Demand Commission; to remove references to, provisions for, and the powers, functions, and duties of the North Bossier Levee District; to remove references to, provisions for, and the powers, functions, and duties of the 211 Planning Advisory Board, including certain duties of the Public Service Commission relative to the study of and reports relative to a 211 information and referral system; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Advisory Committee on Assisted Living; to remove references to, provisions for, and the powers, functions, and duties of the Education Facilities Trust Fund District and its board of trustees; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Private Employment Service Advisory Council; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Purchase Commemorative Act Commission; to remove certain references to the Louisiana Biomedical Research and

Development Park Commission and the Louisiana Litter Reduction and Public Action Commission; to remove references to, provisions for, and the powers, functions, and duties of the Atchafalaya Trace Advisory Board; to remove references to, provisions for, and the powers, functions, and duties of the Eastern New Orleans Interstate Oversight Commission; to remove references to, provisions for, and the powers, functions, and duties of the First Stop Shop Coordinating Council; to remove references to, provisions for, and the powers, functions, and duties of the Manchac Parkway and its commission; to remove references to, provisions for, and the powers, functions, and duties of the Red River Development Council; to remove provisions for the Pointe Coupee-West Feliciana Bridge, Ferry, and Tunnel Authority; to abolish the Louisiana Unmarked Burial Sites Board and provide that its powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Culture, Recreation and Tourism; to abolish the Rural Health Care Authority and provide that its powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Health and Hospitals; and to provide for related matters.

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

**HOUSE BILL NO. 802—**

BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact R.S. 56:435.1(A), (F), and (G) and 435.1.1(A), (C), and (D), to enact R.S. 56:435.1(H), and to repeal R.S. 56:435.2, relative to the oyster harvest in Calcasieu Lake and Sabine Lake; to provide for the use of mechanical dredges; to authorize the Wildlife and Fisheries Commission to set closing dates and harvest limits; to provide for limited transplanting of oysters and cultch in Vermilion Bay; and to provide for related matters.

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

**HOUSE BILL NO. 813—**

BY REPRESENTATIVE KENNARD

AN ACT

To amend and reenact R.S. 33:3074(D)(5), relative to the city of Central; to provide for the termination of provisions for the Central Transition District and the levy of a sales tax by the district; and to provide for related matters.

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

**HOUSE BILL NO. 814—**

BY REPRESENTATIVE KENNARD

AN ACT

To enact R.S. 33:9097.3, relative to the Wedgewood Civic Association District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

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

**HOUSE BILL NO. 816—**

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 11:62(5)(b), 444(A)(2), and 450(B), relative to Department of Public Safety and Corrections peace officers who are members of the Louisiana State Employees' Retirement System; to provide for calculation of benefits; to provide for employee contributions; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 914—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 22:658(A)(1), relative to payment and adjustment of claims; to provide for the payment of claims; to provide for the notification of insurance producers; and to provide for related matters.

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

**HOUSE BILL NO. 1081—**  
BY REPRESENTATIVE DURAND  
AN ACT

To enact R.S. 40:2267.3(D) and 2267.5, relative to the Acadiana Criminalistics Laboratory District and Commission; to provide for the membership; to provide for costs; and to provide for related matters.

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

**HOUSE BILL NO. 1082—**  
BY REPRESENTATIVE WALSWORTH  
AN ACT

To amend and reenact R.S. 44:4.1(B)(8) and to enact R.S. 17:81.9, relative to local public school boards; to require each city, parish, and other local public school board to develop and adopt certain policies with regard to hiring school employees, including certain contractors and other persons; to require applicants for employment to sign certain statements; to provide relative to the disclosure of certain information about such applicants; to exempt such disclosure from the public records law; to prohibit certain disclosure of such information and to provide that violation of such prohibition shall be a misdemeanor offense; to provide for penalties; to provide for the use of such information by local public school boards; to provide an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 1083—**  
BY REPRESENTATIVES THOMPSON, BAYLOR, GLOVER, AND MONTGOMERY  
AN ACT

To enact Chapter 5-O of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.121 through 380.126 and R.S. 36:744(Z) and 801.19, relative to the creation of the Stage of Stars Museum in the Department of State; to provide relative to the governing authority of the museum, including its composition, powers, duties, responsibilities, meetings, employees, and officers; to provide for the adoption of rules, regulations, and fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state and the Department of State with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

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

**HOUSE BILL NO. 1225—**  
BY REPRESENTATIVE DOVE  
AN ACT

To enact Subpart B-36 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.721, relative to certain economic development authorities; to provide relative to the membership of the governing board of any such authority; to provide relative to the qualifications of governing board members; to provide relative to the adoption of an annual budget by the authority; and to provide for related matters.

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

**HOUSE BILL NO. 1231—**  
BY REPRESENTATIVES WALKER, ALARIO, ALEXANDER, ANSARDI, BADON, BALDONE, BAUDOIN, BRUCE, BURNS, R. CARTER, DAMICO, DANIEL, DARTEZ, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GALLOT, GLOVER, E. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HOPKINS, HUTTER, KATZ, KENNEY, LABRUZZO, LANCASTER, MCDONALD, MONTGOMERY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, QUEZAIRE, RICHMOND, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, THOMPSON, TOWNSEND, TRAHAN, TUCKER, WADDELL, AND WALSWORTH  
AN ACT

To amend and reenact R.S. 56:643(B)(2), relative to hunting and fishing licenses; to provide that members of the Louisiana National Guard not currently on active duty shall be eligible for a resident Louisiana National Guard license; to provide for residency requirements; and to provide for related matters.

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

**HOUSE BILL NO. 1249—**  
BY REPRESENTATIVES ODINET AND BALDONE AND SENATOR DUPRE  
AN ACT

To amend and reenact R.S. 56:423(A) and (B)(1), 424(H), 425(A) and (C), 427.1, 428(A) and (B), 429, and 432.1, to enact R.S. 56:424(I), 425(E), and 432.2, and to repeal R.S. 56:428.1, 428.2, 428.3, and 430.1, relative to oyster leases; to authorize the acquisition by the state of oyster leases directly impacted by coastal protection, conservation, or restoration projects; to establish a hierarchy of rights; to establish limitations on actions against the state, its political subdivision, or the United States; to provide for lease terms; to establish a lease acquisition and compensation program in the Department of Natural Resources; to provide for annual reports; and to provide for related matters.

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

**HOUSE BILL NO. 1255—**  
BY REPRESENTATIVE DURAND  
AN ACT

To amend and reenact R.S. 37:3386.1(3), (10), and (14), 3387.1(A) and (E)(2), 3387.2(A) and (E)(1), 3388.2(A), (B), and (D), and 3389, to enact R.S. 36:259(E)(24) and R.S. 37:3387.10 through 3387.14, and to repeal R.S. 37:3386.1(13) and R.S. 37:3387.7 through 3387.9, relative to the Addictive Disorders Practice Act; to provide transitional authority for the Addictive Disorder Regulatory Authority; to provide for definitions; to provide for licensed prevention professionals, certified prevention professionals, registered prevention professionals, prevention services assistants, and certified prevention supervisors; to provide for the Addictive Disorder Regulatory Authority; and to provide for related matters.

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

**HOUSE BILL NO. 1270—**  
BY REPRESENTATIVE RITCHIE  
AN ACT

To amend and reenact R.S. 51:710(A) and to enact R.S. 51:710.1, relative to securities; to provide for the powers and authority of the commissioner of securities; to provide additional powers for the commissioner during a declared state of emergency; to authorize the commissioner to assess certain civil monetary penalties; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

**HOUSE BILL NO. 1275—**

BY REPRESENTATIVE TOOMY  
AN ACT

To enact R.S. 15:85(3)(d), relative to bond forfeitures; to require a defendant to reimburse the clerk of court for postage and expenses associated with mailing out required notices; and to provide for related matters.

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

**HOUSE BILL NO. 1276—**

BY REPRESENTATIVE TOOMY  
AN ACT

To enact R.S. 13:995.1(E), relative to the service charge on filings in civil cases and the security charge imposed in criminal cases as an additional fee in the Twenty-Fourth Judicial District Court; to provide for termination of the service charges upon completion of certain conditions; and to provide for related matters.

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

**HOUSE BILL NO. 1281—**

BY REPRESENTATIVE DORSEY  
AN ACT

To enact R.S. 33:9038.1, relative to tax increment financing; to specify those taxes which may be levied and the increments of which may be pledged and dedicated in tax increment financing; to provide relative to the effect of the invalidity of any tax or tax increment on other taxes or tax increments; to provide for legislative intent; to provide for redesignation of certain statutes by the Louisiana State Law Institute; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 1289—**

BY REPRESENTATIVES MORRELL, ANSARDI, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BURNS, BURRELL, K. CARTER, DANIEL, DARTEZ, DORSEY, FARRAR, FAUCHEUX, FRITH, GLOVER, GRAY, E. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MCDONALD, ODINET, PIERRE, QUEZAIRE, RICHMOND, ROMERO, SCHNEIDER, JANE SMITH, ST. GERMAIN, AND TRAHAN  
AN ACT

To amend and reenact R.S. 22:629 and to enact R.S. 22:658.3, relative to insurance claims; to provide relative to certain time limitations on actions; to extend the time for filing certain insurance claims for damages arising from hurricane activity; to provide for an emergency effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill which is a duplicate of Senate Bill No. 740 was read by title and returned to the Calendar, subject to call.

**HOUSE BILL NO. 1341—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 40:2268.2, relative to the Southeast Regional Criminalistics Laboratory Commission; to provide relative to the domicile of the commission; to authorize the commission to contract with an existing public or private laboratory; and to provide for related matters.

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

**HOUSE BILL NO. 1354—**

BY REPRESENTATIVES GRAY AND K. CARTER  
AN ACT

To enact Chapter 32 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1301 through 1307, and R.S. 36:4(B)(1)(g), relative to the Hurricane Katrina Memorial

Commission; to create and provide for the membership, powers, and duties of the commission; to provide for donations and grants; to provide for a commission report and termination of the commission; and to provide for related matters.

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

**HOUSE BILL NO. 1378— (Substitute for House Bill No. 559 by Representative Hebert)**

BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact Children's Code Article 638, relative to children in need of care; to provide for service of the petition; and to provide for related matters.

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

**HOUSE BILL NO. 1379— (Substitute for House Bill No. 860 by Representative Alexander)**

BY REPRESENTATIVES ALEXANDER, ANSARDI, BEARD, BRUCE, CRANE, CROWE, DORSEY, ERDEY, FRITH, E. GUILLORY, KENNEY, LABRUZZO, MONTGOMERY, MORRISH, PIERRE, T. POWELL, ROMERO, SCALISE, SMILEY, JANE SMITH, THOMPSON, AND WALSWORTH AND SENATORS BARHAM, CAIN, KOSTELKA, MICHOT, NEVERS, QUINN, SMITH, AND THEUNISSEN  
AN ACT

To amend and reenact Civil Code Articles 102 and 103(1) and Code of Civil Procedure Articles 3952, 3953(introductory paragraph) and (1) and (2) and 3956(introductory paragraph) and (5) and R.S.13:3491(A)(introductory paragraph) and (5)(a) and (B) and 3492(A)(introductory paragraph) and (6)(b) and (B) and to enact Civil Code Article 103.1, relative to divorce; to provide for the granting of divorce when there are minor children of the marriage; to provide for nullity of judgments; and to provide for related matters.

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

**HOUSE BILL NO. 1380— (Substitute for House Bill No. 1181 by Representative LaBruzzo)**

BY REPRESENTATIVE LABRUZZO  
AN ACT

To enact R.S. 8:655(C) and (D) and R.S. 37:876(F) and (G), relative to funeral homes; to provide for a child's right to view the body of a deceased parent; to provide for exceptions; to provide for a civil action; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

**House Concurrent Resolutions on Second Reading**

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

**HOUSE CONCURRENT RESOLUTION NO. 203—**

BY REPRESENTATIVES SCALISE AND SALTER  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services (CMS) do not penalize senior citizens who resided in areas affected by Hurricane Katrina for taking advantage of the special enrollment period set for enrollment in Medicare Part D.

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

May 17, 2006

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Adley	Hollis
Cain	Lentini
Total - 4	

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

**HOUSE CONCURRENT RESOLUTION NO. 204—**

BY REPRESENTATIVE DOWNS

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to study speed limits and their enforcement on state and U.S. highways within municipalities, to urge and request the legislative auditor to study excessive speed limit enforcement in at least one municipality as part of the department's study, and to request that the department report its findings to the House and Senate Committees on Transportation, Highways and Public Works prior to the convening of the 2007 Regular Session.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Mount
Amedee	Fields	Murray
Bajoie	Fontenot	Nevers
Barham	Gautreaux B	Quinn
Boasso	Gautreaux N	Romero
Broome	Heitmeier	Schedler
Chaisson	Jones	Shepherd
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Marionneaux	Ullo
Duplessis	McPherson	
Dupre	Michot	
Total - 34		

**NAYS**

Total - 0

**ABSENT**

Adley	Hollis	Malone
Cain	Jackson	
Total - 5		

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

**HOUSE CONCURRENT RESOLUTION NO. 205—**

BY REPRESENTATIVE RICHMOND

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Adley	Hollis
Cain	Malone
Total - 4	

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

**HOUSE CONCURRENT RESOLUTION NO. 208—**

BY REPRESENTATIVE BALDONE

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to take such actions as are necessary to require a minimum time period for a business to refund an unauthorized overcharge on a debit card.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

ABSENT

Adley Hollis  
Cain Ullo

Total - 4

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**COMMERCE, CONSUMER PROTECTION  
INTERNATIONAL AFFAIRS**

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

May 17, 2006

To the President and Members of the Senate:

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

**SENATE BILL NO. 95—**  
BY SENATOR BROOME

AN ACT

To enact R.S. 40:600.6(A)(4)(b)(x) and Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.27 and 600.28, relative to the Louisiana Housing Finance Agency; to create the Louisiana Habitat for Humanity Loan Purchase Program; to provide for the purposes, funding, and procedures of the loan purchase program; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**HOUSE CONCURRENT RESOLUTION NO. 8—**  
BY REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To amend the Department of Economic Development, Small and Emerging Business Development Program rules to extend the period of time that a business may benefit from the program and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

Reported favorably.

**HOUSE BILL NO. 150—**  
BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(i), relative to the Department of Public Service, including provisions to provide for the re-creation of the Department of Public Service 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.

**HOUSE BILL NO. 151—**  
BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(b), relative to the Department of Economic Development; to provide for re-creation of the Department of Economic Development 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.

**HOUSE BILL NO. 152—**  
BY REPRESENTATIVE LAFONTA  
AN ACT

To enact R.S. 51:943(A)(9), (10), (11), and (12), relative to the membership of the Small Business Entrepreneurship Commission; to increase the membership of the commission to add members chosen from Louisiana colleges and universities; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 203—**  
BY REPRESENTATIVES PINAC AND M. POWELL  
AN ACT

To enact Chapter 25 of Title 12 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 12:1601 through 1606, relative to organization of business entities; to authorize conversion of domestic business entities; to provide for application and approval requirements; to provide for certificates of conversion and for certain filing requirements; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 247—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 49:191(3) and to repeal R.S. 49:191(1)(n), relative to the Louisiana Economic Development Council and certain other agencies within the office of the governor, including provisions to provide for the re-creation of the council and such agencies; 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.

**HOUSE BILL NO. 262—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 12:24(A), 25(A)(1), 104(C)(2) and (3), 163(E)(1)(c), 203(A), 236(C)(2), 262.1(E)(1), 304(B), 308(A)(1) and (B)(3), 1305(A) and (E), 1308(C)(1), 1308.2(C)(1)(a), 1345(B) and (C), and 1350(B)(1)(c), relative to filing requirements for certain business organizations; to delete requirements for acknowledgments, authentic acts, or other documentation requiring a notary public; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 358—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 51:1406(1), relative to the unfair trade practices and consumer protection law; to provide for an exemption for federally insured financial institutions and licensees of the Office of Financial Institutions; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 506—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 37:1782(14), 1796(A), and 1798(A) and to enact R.S. 37:1782(15) and (16), relative to pawnbrokers; to provide for definitions; to provide for recordkeeping; to provide for information to be furnished to police; and to provide for related matters.

May 17, 2006

Reported favorably.

**HOUSE BILL NO. 787—**

BY REPRESENTATIVE PINAC

AN ACT

To enact Part VIII of Chapter 10-B of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:969.51, relative to the Louisiana Motor Vehicle Sales Finance Act; to authorize a uniform retail installment sales contract; to provide for certain protections for lenders and sellers; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 932—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 37:73(1)(a) and (b), (3), (7), and (11), 74(B)(1), (E)(5), (H)(2) and (3), (J)(introductory paragraph), (3), and (4), 74.1, 75(E), 76(A)(2), (C)(1)(introductory paragraph), (a), and (2), (D)(1) and (2), 77(C)(1) and (D), 79(A) (introductory paragraph), 81(A), (B), (C), (I), and (K), 83(B), (C), (E), and (F)(2), 86(A) and (D), 88, 94(A)(1) and (2), 101(1), 105, 111(A), 112(A), 115, and 121(A) and (B) and to enact R.S. 37:109(C), and 121(F), (G), and (H), and to repeal R.S. 37:125, relative to the board of certified public accountants; to provide for distinction between holders of active and inactive CPA certificates; to provide for mandatory compliance with review panel process; to provide for consistency with respect to the review panel process; to provide for the selection, compensation, and requirements of members of review panels; to provide for the payment and award of costs; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1189—**

BY REPRESENTATIVE RITCHIE

AN ACT

To enact R.S. 6:121.7, relative to the Office of Financial Institutions; to authorize the imposition of a fee for certain payments which are returned unpaid, refused, or declined; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1269—**

BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact R.S. 6:121.2, relative to the Office of Financial Institutions; to provide for the powers and duties of the Office of Financial Institutions; to authorize the commissioner of financial institutions to obtain certain state and federal criminal history records under certain circumstances; to provide for the collection of certain fees; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1271—**

BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact R.S. 6:1088(C)(1)(a), (F)(4), and (G) and 1090(B)(1) and to enact R.S. 6:1090(H), 1092(A)(16) and (17) and (K), 1092.1, 1092.2, and 1096(E)(3) and (G)(3), relative to loans; to provide for the Residential Mortgage Lending Act; to provide for requirements for licensure and filing fees; to provide for the powers and duties of the commissioner of financial institutions; to provide time limits regarding reapplication for licensure; to provide restrictions on employment; to provide for the suspension, revocation, or denial of licensure; to provide for appellate rights; to prohibit the assessment of certain charges; to prohibit the financing of certain charges; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1371— (Substitute for House Bill No. 1055 by Representative Pinac)**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 36:409(M) and 919.3 and R.S. 40:1646, to enact Subpart D-3 of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1664.1 through 1664.16, and to repeal Subpart D of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1625 through 1638, Subpart E of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1651 through 1661, and Subpart F of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1662.1 through 1662.19, relative to life safety and property protection licensing; to provide for definitions; to provide for licensure; to provide for exemptions from licensing; to provide for a firm license; to provide for an individual license; to provide for background checks; to provide for fees; to provide for powers and duties of fire marshal; to provide for an advisory board; to provide for prohibited acts; to provide for revocation of license; to provide for penalties; to provide for effect on local regulation; to provide for effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

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

**SENATE BILL NO. 10—**

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 14:35.3(I) and (K), relative to penalties for the crime of domestic abuse battery; to provide for enhancement of penalties under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 10 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, change "14:35.3(I) and (K)," to "14:35.3(F)(2), (I), and (K),"

AMENDMENT NO. 2

On page 1, line 6, change "14:35.3(I) and (K) is" to "14:35.3(F)(2), (I), and (K) are"

AMENDMENT NO. 3

On page 1, between lines 9 and 10, insert the following:

"F.(1) \* \* \*  
(2) If the offender has previously received the benefit of suspension of sentence, probation, or parole as a fourth **or subsequent** offender, no part of the sentence may be imposed with benefit of suspension of sentence, probation, or parole, and no portion of the sentence shall be imposed concurrently with the remaining balance of any sentence to be served for a prior conviction for any offense.

\* \* \*

AMENDMENT NO. 4

On page 1, line 12, change "twelve" to "**thirteen**"

AMENDMENT NO. 5

On page 1, line 15, after "C" delete the comma ","

AMENDMENT NO. 6

On page 1, line 16, immediately after "suspended" change the period "." to a comma "," and delete the remainder of the line and delete line 17 in its entirety and insert in lieu thereof the following:

**"the minimum mandatory sentences imposed under Subsection E of this Section shall be two years without suspension of sentence, and the minimum mandatory sentence imposed under Subsection F of this Section shall be four years without suspension of sentence."**

AMENDMENT NO. 7

On page 2, delete line 1, in its entirety.

AMENDMENT NO. 8

On page 2, line 5, change "**this provision**" to "**the provisions**"

AMENDMENT NO. 9

On page 2, line 5, immediately after "**Section**" add a comma ","

AMENDMENT NO. 10

On page 2, delete lines 7 through 11 in their entirety and insert in lieu thereof the following:

**"first conviction, upon a second or subsequent conviction, the offender shall be imprisoned for not less than six months without benefit of suspension of sentence upon a second conviction, shall serve a minimum of sixty days imprisonment without benefit of suspension of sentence, upon a third conviction, shall serve a minimum of two years without benefit of suspension of sentence, and upon a fourth and subsequent offense, shall serve a minimum of four years without benefit of suspension of sentence."**

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

**SENATE BILL NO. 66—**  
BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 27:3(10), (15), (17) and (19), 15(D) and (E), 21.1(A), (E), (F), and (G), 27.1(C) and (I), 29.2(A), (B), and (D), 29.3(A) and (D), and 29.4(D), and to enact Chapter 9 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:451 through 455, 461 through 464, 471 through 476, and 481, relative to casino gaming at eligible live horse racing facility; to provide for definitions; to provide relative to the power of the Louisiana State Racing Commission; to provide relative to the required licensing procedures and the terms for such licenses; to provide for the conduct of casino gaming; to provide relative to required suitability standards; to provide for the duties and powers of the Louisiana Gaming Control Board; to provide for the duties and powers of the office of state police; to provide relative to limitations on casino gaming; to provide for prohibited activities; to provide for the size of licensed gaming area; to provide for certain crimes and penalties; to prohibit the play of casino games by minors; to provide notice of telephone assistance to compulsive gamblers; to provide for local election on authorization of casino games; to revise certain statutory provisions to provide for the regulation of casino gaming by the Louisiana Gaming Control Board; and to provide for related matters.

Reported without action by the Committee on Judiciary B.

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

**SENATE BILL NO. 340—**  
BY SENATOR CAIN

AN ACT

To enact R.S. 14:91.2, relative to violent or sexually explicit video games; to prohibit the sale or rental of any violent or sexually explicit video game to a minor; establishes labeling

requirements for violent or sexually explicit video games; to provide for criminal penalties; to provide for certain exceptions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 340 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2, after "To" change "enact R.S. 14:91.2" to "amend and reenact R.S. 14:91.11(A)(1) and (2), (B), and (D) and to enact R.S. 14:91.11(A)(4), and (5), and (E)"

AMENDMENT NO. 2

On page 1, line 2, after "relative to" delete the remainder of the line and delete lines 3 through 5 in their entirety and insert the following:

"offenses affecting the health and morals of minors; to provide with respect to the sale, exhibition, or distribution of material harmful to minors; to provide for definitions; to provide that the provisions apply to persons under the age of eighteen years; to require identification prior to selling materials harmful to minors; and to provide for related"

AMENDMENT NO. 3

On page 1, line 8, after "Section 1." delete the remainder of the line and delete lines 9 through 17 and insert " R.S. 14:91.11(A)(1) and (2), (B), and (D) are hereby amended and reenacted and R.S. 14:91.11(A)(4), and (5), and (E) are hereby enacted to read as follows:

§91.11. Sale, exhibition, or distribution of material harmful to minors

A.(1) The unlawful sale, exhibition, rental, leasing, or distribution of material harmful to minors is the intentional sale, allocation, distribution, advertisement, dissemination, exhibition, or display of material harmful to minors, **by a person who is not the spouse, parent, or legal guardian of the minor** to any unmarried person under the age of ~~seventeen~~ **eighteen** years, or the possession of material harmful to minors with the intent to sell, allocate, advertise, disseminate, exhibit, or display such material to any unmarried person under the age of ~~seventeen~~ **eighteen** years, **by a person who is not the spouse, parent, or legal guardian of the minor** at a newsstand or any other commercial establishment which is open to persons under the age of ~~seventeen~~ **eighteen** years.

(2) "Material harmful to minors" is defined as any paper, magazine, book, newspaper, periodical, pamphlet, composition, publication, photograph, drawing, picture, poster, motion picture film, video tape, **video game**, figure, phonograph record, album, cassette, compact disc, wire or tape recording, or other similar tangible work or thing which exploits, is devoted to or principally consists of, descriptions or depictions of illicit sex or sexual immorality for commercial gain, and when the trier of fact determines that the average person applying contemporary community standards would find that the work or thing is presented in a manner to provoke or arouse lust, passion, or perversion or exploits sex: **each of the following applies:**

**(a) The material incites or appeals to or is designed to incite or appeal to the prurient, shameful, or morbid interest of minors.**

**(b) The material is offensive to the average adult applying contemporary community standards with respect to what is suitable for minors.**

**(c) The material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.**

\* \* \*

**(4) "Minor" means any person under the age of eighteen years.**

**(5) "Video game" means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who uses it, and, by processing the data or instructions, creates an interactive game capable of being played or viewed on or through a computer, gaming system, console, or other technology.**

B. (1) It shall be unlawful for a person who is not the spouse, parent, or legal guardian of the minor to invite or permit any unmarried person under the age of ~~seventeen~~ **eighteen** years of age to be in any commercial establishment that exhibits or displays any item, material, work or thing of any kind that is described in Subsection A of this ~~section~~ **Section**.

(2) Lack of knowledge of age ~~or marital status~~ shall not constitute a defense, unless the defendant shows that he had reasonable cause to believe that the minor involved was ~~either married or seventeen~~ **eighteen** years of age and that the minor exhibited to the defendant a ~~draft~~ **selective service** card, driver's license, **military identification card**, birth certificate or other official or apparently official document purporting to establish that such a minor was ~~either married or seventeen~~ **eighteen** years of age or more.

(3) For the purpose of Subsections A and B of this ~~section~~ **Section**, "exhibition or display" means the exhibition or display of material harmful to minors as defined in Subsection A of this ~~Section~~ **Section** so that, as displayed, depictions and representations of illicit sex or sexual immorality are visible to minors, ~~or that an unmarried person under the age of seventeen years is permitted to see or examine the contents of the material harmful to minors.~~

(4) A commercial establishment shall not be in violation of this ~~section~~ **Section** if the commercial establishment provides for a separate area for the exhibition or display of material harmful to minors and designates said area "NOT FOR MINORS" or similar words and the commercial establishment prohibits ~~unmarried minors persons~~ **persons** under the age of ~~seventeen~~ **eighteen** years from seeing or examining the contents of material harmful to minors.

\* \* \*

**D. Prior to selling material harmful to minors as provided for by this Section, a commercial establishment shall require the individual purchasing the material harmful to minors to provide a driver's license, selective service card, military identification card, birth certificate, or other official form of identification which on its face establishes the age of the person as eighteen years or older.**

**E.** Whoever is found guilty of violating the provisions of this ~~section~~ **Section** shall be fined not less than one hundred dollars nor more than two thousand dollars or imprisoned for not more than one year, or both."

AMENDMENT NO. 4  
On page 2, delete lines 1 through 29 in their entirety

AMENDMENT NO. 5  
On page 3, delete lines 1 through 29 in their entirety

AMENDMENT NO. 6  
On page 4, delete lines 1 through 29 in their entirety

AMENDMENT NO. 7  
On page 5, delete lines 1 through 8 in their entirety

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

**SENATE BILL NO. 454—**  
BY SENATORS ELLINGTON AND SMITH  
AN ACT

To enact R.S. 3:4674, relative to ethanol and bio-diesel standards; to provide a minimum ethanol content requirement for gasoline; to provide a minimum bio-diesel content requirement for diesel; to provide for definitions; to provide for exemptions; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original Senate Bill No. 454 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, after "enact", delete the remainder of the line, delete lines 3 thru 4 and insert the following:

"Chapter 23-A of Title 3 of Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:3751 and 3752, relative to the right of Louisiana farmers to supply Louisiana feedstock to renewable fuel manufacturing facilities operating in Louisiana; to encourage the use of Louisiana harvested crops in the production of renewable fuels in Louisiana; to require operators of renewable fuel manufacturing facilities to provide notice of operation and contact information for the purchase of Louisiana feedstock; to require the collection and dissemination of information regarding the purchases of Louisiana feedstock in the manufacture of renewable fuels; to require the collection and dissemination of information regarding the sales of renewable fuels by Louisiana manufacturers; and to"

AMENDMENT NO. 2

On page 1, line 7 change "R.S. 3:4674" to "Chapter 24-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:3751 and 3752,"

AMENDMENT NO. 3

On page 1, delete lines 8 thru 17 in their entirety and delete page 2 in its entirety and on page 3, delete lines 1 thru 18 in their entirety and insert the following:

**"CHAPTER 23-A. THE LOUISIANA RENEWABLE FUELS PRODUCTION ACCOUNTABILITY ACT**

**§3751. Title**

**This Chapter shall be known and may be cited as "The Louisiana Renewable Fuels Production Accountability Act."**

**§3752. Purchase of feedstock by operators of renewable fuel manufacturing facilities; notice requirements; annual report**

**A. The legislature hereby finds and declares that the production of renewable fuels in Louisiana derived from Louisiana feedstock is vital to the health of the agricultural economy of Louisiana. The use of renewable domestic fuels such as ethanol and bio-diesel will increase available supplies of motor fuels without increasing dependency on foreign oil. The construction and operation of facilities manufacturing renewable fuels will serve as an economic boost to many rural areas of our state. Assuring that the optimal use of Louisiana grown crops in the manufacturing of renewable fuels by facilities located in Louisiana will provide a deeper, broader and longer-lasting benefit to the state's economy and is a matter of public policy**

**B. The purpose of this Chapter is to assure that Louisiana farmers have the opportunity to have Louisiana harvested crops purchased as feedstock by operators of renewable fuels manufacturing facilities in Louisiana by requiring the collection and reporting of information regarding the operation of the facilities and to provide for the certification of the facilities for certain programs provided by this state.**

**C. The provisions of this Section shall apply to all renewable fuels manufacturing facilities who have either been assigned by the Louisiana Department of Labor a North American Industrial Classification System code within the nonpotable ethyl alcohol manufacturing Sector 325193 or a facility that produces biodiesel or other fuel additives and must register with the United States Environmental Protection Agency according to the requirements of 40 CFR 79.**

**D. Beginning July 1, 2006, there will be a presumption that renewable fuel plants operating in Louisiana and deriving ethanol from the distillation of corn shall use as feedstock at least twenty percent of the corn crop harvested in Louisiana. In succeeding years, the percentage of Louisiana harvested corn used to produce renewable fuel in Louisiana facilities shall be at least the same percentage of corn used nationally to produce renewable fuel as reported by the United States Department of Agriculture's National Agriculture Statistics Service.**

**E. To improve dissemination of information regarding supply needs of renewable fuel manufacturing facilities operating in Louisiana and to assure that Louisiana farmers are adequately and timely informed about the feedstock needs of these facilities, the operators of all renewable fuel manufacturing facilities shall,**

at least one hundred eighty days prior to the start of commercial operation of such facilities, provide notice to the commissioner of agriculture and forestry, the secretary of the Department of Natural Resources and the secretary of the Louisiana Department of Economic Development.

F. The initial notice shall also contain the anticipated production level for the facility's first twelve months of operation, the amount and type of feedstock anticipated necessary to meet production levels for the first twelve months of operation, the location from where the feedstock originated if already secured, and the steps taken to obtain feedstock from Louisiana harvested crops. The report shall also itemize the federal, state, and local grants, loans or incentive program benefits obtained by the facility obtained for the construction or operation of the facility.

G. By December thirty-first of each calendar year, renewable fuels manufacturers operating in the state shall provide notice to the commissioner of agriculture and forestry of their anticipated production levels and specific feedstock requirements for the next calendar year so that Louisiana farmers will be able to adjust, if necessary, the crops they intend to plant and harvest during the upcoming growing season.

H. Each renewable fuels manufacturing facility operating in Louisiana shall provide an annual report to the commissioner of agriculture and forestry, the secretary of the Department of Natural Resources and the secretary of the Louisiana Department of Economic Development certifying that it has purchased all of the competitively priced Louisiana feedstock available during its operations. The report shall also list the production levels for the previous twelve months, the amount and type of feedstock used to achieve the production levels, the location from where the feedstock originated, and the steps taken to obtain Louisiana harvested feedstock. The report shall also itemize the financial benefits the facility has received from the state, including but not limited to: the use of state grants, state assisted financing, participation in the Quality Jobs Program, the Enterprise Zone Program and the 10-Year Industrial Exemption Program.

I. The commissioner of agriculture and forestry shall promulgate rules and regulations with regard to documenting the information supplied by the renewable fuels manufacturing facilities as provided for in this Section."

AMENDMENT NO. 4

On page 3, line 19, after "Section 2.", delete the remainder of the line, delete lines 20 thru 23, and insert the following:

"This Act shall become effective on July 1, 2006; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2006, or on the day following such approval by the legislature, whichever is later."

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

**SENATE BILL NO. 612—**

BY SENATORS MOUNT, BROOME, CHAISSON AND SCHEDLER  
AN ACT

To amend and reenact R.S. 14:81.2(B), (C), and (D) and to enact R.S. 15:550(B)(4) and 551, R.S. 32:412(I), and Chapter 24-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2528, relative to sexual offenders; to increase penalties for certain sexual offenders; to provide for a mandatory electronic monitoring of sex offenders who repeatedly fail to register; to require a restriction code which declares that a driver's license holder is a sex offender; to provide for a Predator Alert System; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 612 by Senator Mount

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and insert "enact R.S. 15:587(A)(1)(e),"

AMENDMENT NO. 2

On page 1, line 3, after "R.S. 32:412(I)," insert "R.S. 40:1321(J),"

AMENDMENT NO. 3

On page 1, at the end of line 4, delete "to increase"

AMENDMENT NO. 4

On page 1, delete lines 5 and 6 in their entirety and insert "to require a restriction"

AMENDMENT NO. 5

On page 1, line 10, after "Section 1." delete the remainder of the line, delete lines 11 through 17 in their entirety and insert the following:

"R.S. 15:587(A)(1)(e) is hereby enacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

A.(1) \* \* \*

(e) The office of motor vehicles shall be entitled to the criminal history record and identification files of the bureau of any person who is required to register as a sex offender pursuant to R.S. 15:542 et seq., and who is seeking a driver's license or required to obtain a special identification card pursuant to R.S. 40:1321(J).

\* \* \*

AMENDMENT NO. 6

On page 2, delete lines 1 through 29 in their entirety

AMENDMENT NO. 7

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

AMENDMENT NO. 8

On page 4, delete lines 1 through 21 in their entirety

AMENDMENT NO. 9

On page 4, line 22, change "Section 3." to "Section 2."

AMENDMENT NO. 10

On page 5, at the end of line 1, insert the following:

"The secretary of the Department of Public Safety and Corrections shall comply with the provisions of this Subsection and the driver's license shall include the words "sex offender" and shall be orange in color."

AMENDMENT NO. 11

On page 5, line 6, after "**shall**" delete the remainder of the line and delete line 7 in its entirety and insert "**be valid for a period of one year from the date of issuance.**"

AMENDMENT NO. 12

On page 5, delete line 9 and insert the following:

"at a motor vehicle field office to renew his driver's license every year, in addition to the yearly reregistration pursuant to R.S. 15:542 et seq. Reregistration shall"

AMENDMENT NO. 13

On page 5, delete line 14 and insert the following:

"need to be verified. Upon successful completion of reregistration, the bureau shall electronically transmit this fact to the office of motor vehicles which may then proceed to renew the driver's license. In order to reimburse the office of motor vehicles for the cost of a yearly issuance, the regular renewal fee shall be collected at each renewal pursuant to this Subsection."

AMENDMENT NO. 14

On page 5, line 17, change "Section 4." to "Section 3. R.S. 40:1321(J) and "

AMENDMENT NO. 15

On page 5, line 18, change "is" to "are"

May 17, 2006

AMENDMENT NO. 16

On page 5, between lines 18 and 19, insert the following:
"§1321. Special identification cards; issuance; fees; expiration and renewal; promulgation of rules; promotion of use; persons less than twenty-one years of age; the Protect and Save our Children Program; Selective Service Registration

(J)(1) Any person required to register as a sex offender with the Louisiana Bureau of Criminal Identification and Information, as required by R.S. 15:542 et seq. shall obtain a special identification card issued by the Department of Public Safety and Corrections which shall contain a restriction code declaring that the holder is a sex offender. This special identification card shall include the words "sex offender" in all capital letters, shall be orange in color and shall be valid for a period of one year from the date of issuance. This special identification card shall be carried on the person at all times by the individual required to register as a sex offender.

(2) Each person required to carry a special identification card pursuant to this Subsection shall personally appear, annually, at a field office of the office of motor vehicles to renew his or her special identification card but only after he or she has reregistered as an offender pursuant to R.S. 15:542, et seq. Reregistration shall include the submission of current information to the department and the verification of this information, which shall include the street address and telephone number of the registrant; the name, street address and telephone number of the registrant's employer, and any registration information that may need to be verified by the bureau. No special identification card shall be issued or renewed until the office of motor vehicles receives confirmation from the bureau, electronically or by other means, that the reregistration of the sex offender has been completed.

(3) The provisions of this Subsection shall apply to all sex offenders required to register pursuant to R.S. 15:542 et seq. regardless of the date of conviction.

(4) Whoever violates this Subsection shall be fined not less than one hundred dollars and not more than five hundred dollars, or imprisoned for not more than six months, or both.

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

SENATE BILL NO. 652— BY SENATOR LENTINI

AN ACT

To enact R.S. 14:102.21 and to repeal R.S. 14:102.1(D), relative to criminal offenses; to provide relative to the criminal code and to offenses against the state; to provide relative to the prohibition of certain activities and the penalties provided therefor; to provide relative to offenses against animals and affecting the public sensibility; to create the crime of cockfighting; to provide relative to the prosecution of such crime; to provide for definitions; to prohibit transportation of certain animals for certain purposes; to prohibit certain activities related to cockfighting; to provide relative to penalties, conditions, and requirements; to provide relative to cruelty to animals and penalties therefor; and to provide for related matters.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development. On motion of Senator Smith, the bill was read by title, ordered reengrossed, and passed to a third reading.

SENATE BILL NO. 695— BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 27:392(B)(9) and to enact R.S. 27:392(B)(10), relative to the distribution of revenues derived under the Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to provide for the distribution of such revenues to the Jockeys Health and Welfare Benefit Fund; to provide for the purpose of such fund; and to

provide for related matters.

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

SENATE BILL NO. 728— BY SENATOR SHEPHERD

AN ACT

To amend and reenact R.S. 9:5625(G)(1), relative to preservation of buildings and landmarks in historic districts; to remove certain prescriptive periods; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 728 by Senator Shepherd

AMENDMENT NO. 1

On page 1, line 2, after "To" change "amend and reenact R.S. 9:5625(G)(1)" to "enact R.S. 9:5625(H)"

AMENDMENT NO. 2

On page 1, line 3, after "; to" change "remove" to "provide for"

AMENDMENT NO. 3

On page 1, line 6, after "Section 1.", change "R.S. 9:5625(G)(1) is hereby amended and reenacted" to "R.S. 9:5625(H) is hereby enacted"

AMENDMENT NO. 4

On page 1, delete lines 9 through 16, and insert in lieu thereof:

"H. Notwithstanding the provisions of this Section to the contrary, the provisions of this Subsection shall be applicable to all areas and property in this state located in any constitutionally created historic preservation district. Prescription for any civil action for the violation of a building or zoning restriction or regulation created by statute, ordinance, or otherwise, except those actions created for the purpose of amortization of non-conforming signs and billboards enacted in conformity with the provisions of R.S. 33:4722, shall be either twenty years from the first act constituting the commission of the violation, or twelve years from the date the properly authorized instrumentality or agency of the parish or municipality first received actual written notice of such violation, whichever comes first.

Section 2. The provisions of this Act shall have prospective application only.

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

Senate Bills and Joint Resolutions on Second Reading Reported by Committees, Subject to Call

The following Senate Bills and Joint Resolutions reported by Committees, subject to call were taken up and acted upon as follows:

Called from the Calendar

Senator Jones asked that Senate Bill No. 700 be called from the Calendar at this time.

**SENATE BILL NO. 700—**  
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 23:642(B) and 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 six dollars and fifteen cents per hour; to provide with respect to the prohibition of a local governmental subdivision setting a minimum wage; to provide for exclusions; to provide for effectiveness; and to provide for related matters.

On motion of Senator Jones the bill was read by title and passed to a third reading and final passage.

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

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

**HOUSE BILL NO. 12—**

BY REPRESENTATIVE GREENE

AN ACT

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

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

**HOUSE BILL NO. 56—**

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 9:2795.3(A)(1), (3)(a), (4), and (7), relative to civil liability; to provide a limitation of liability for horse racing; to provide definitions; and to provide for related matters.

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

**HOUSE BILL NO. 70—**

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 29:735.1, relative to emergency assistance during disasters; to provide a limitation of liability for health care providers; to provide an exception for gross negligence; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 70 by Representative Durand

AMENDMENT NO. 1

On page 1, line 3, after "providers" insert "under certain conditions"

AMENDMENT NO. 2

On page 1, delete line 9 and insert in lieu thereof "faith gratuitously and voluntarily renders emergency care or first aid in areas subject to the declared state of emergency shall not be civilly liable for"

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

**HOUSE BILL NO. 74—**

BY REPRESENTATIVE JOHNS

AN ACT

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

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 74 by Representative Johns

AMENDMENT NO. 1

On page 1, line 2, change "Article 344(B)(1)" to "Articles 322(A) and 344(B)(1), (2) and (3)"

AMENDMENT NO. 2

On page 1, line 7, change "Article 344(B)(1) is" to "Articles 322(A) and 344(B)(1), (2) and (3) are"

AMENDMENT NO. 3

On page 1, between lines 8 and 9 insert the following:

"Art. 322. Declaration of residence by defendant and surety; waiver of notice

A. The defendant when signing a bail bond shall write under his signature the address at which he resides. The address shall be conclusively presumed to continue for all proceedings on the bond, until he files in the proceeding in which the bond was given a written declaration changing the address. The defendant may, by affidavit filed of record in the proceeding in which the bond was given, appoint his counsel as his agent for service of notice to appear. The appointment shall be conclusively presumed to continue until the defendant files of record an affidavit revoking or changing the appointment.

\* \* \*

AMENDMENT NO. 4

On page 1, line 12, after "or his" insert "duly"

AMENDMENT NO. 5

On page 1, line 13, after "agent" delete "for service of notice to appear"

AMENDMENT NO. 6

On page 1, between lines 15 and 16, insert the following:

"(2) The notice may be delivered to the defendant or his duly appointed agent and the personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety by an officer designated by the court, at least two days prior to the day set for the appearance; or this notice may be mailed by United States first class mail to the defendant or his duly appointed agent and his personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety, at least three days prior to the day set for the appearance. The notice shall be mailed to the defendant or his duly appointed agent and his personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety to the address designated pursuant to Article 322.

(3) If the defendant appears as ordered and the proceeding is continued to a specific date, the defendant or his duly appointed agent and the personal surety or the commercial surety or the agent or bondsman who posted the bond for the commercial surety need not be given notice of the new appearance date. If the defendant fails to appear as ordered, or the proceeding is not continued to a specific date, the personal surety or the agent or bondsman who posted the bond for the commercial surety shall be given notice of the new appearance date."

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

May 17, 2006

Legislative Bureau.

**HOUSE BILL NO. 76—**

BY REPRESENTATIVES ANSARDI, BOWLER, DAMICO, LABRUZZO, MARTINY, PITRE, AND TOOMY AND SENATORS LENTINI AND SHEPHERD

AN ACT

To enact R.S. 42:1441.3(G), relative to public liability; to provide for the civil liability of political subdivisions; to provide for the determination of master for liability purposes; to provide for political subdivisions acting as third-party payors; and to provide for related matters.

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

**HOUSE BILL NO. 86—**

BY REPRESENTATIVE KENNEY AND SENATOR ELLINGTON

AN ACT

To enact R.S. 33:451, relative to mayors' courts; to establish a mayor's court in the town of Clarks, Caldwell Parish; to provide for the territorial jurisdiction of the court; to grant the mayor power, authority, and jurisdiction; and to provide for related matters.

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

**HOUSE BILL NO. 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.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 121 by Representative Johns

AMENDMENT NO. 1

On page 1, at the end of line 10, insert "agreement"

AMENDMENT NO. 2

On page 1, delete lines 13 and 14

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

**HOUSE BILL NO. 288—**

BY REPRESENTATIVES WALKER, ANSARDI, CRAVINS, AND JOHNS

AN ACT

To amend and reenact Code of Civil Procedure Article 3431(A), relative to small successions; to provide for qualifications for filing a small succession; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 288 by Representative Walker

AMENDMENT NO. 1

On page 1, line 10, delete "not including" and insert "excluding"

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

**HOUSE BILL NO. 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.

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

**HOUSE BILL NO. 309—**

BY REPRESENTATIVES WALKER AND GRAY

AN ACT

To amend and reenact Civil Code Article 54, relative to declarations of death for absent persons; to provide relative to deaths between August 26, 2005, and September 30, 2005; to provide for retroactive application; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 309 by Representative Walker

AMENDMENT NO. 1

On page 1, line 11, after "person" insert ", who is not currently charged with an offense that is defined as a felony under the laws of the state of Louisiana or the United States of America,"

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

**HOUSE BILL NO. 379—**

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:571.3(B) and Code of Criminal Procedure Article 880, relative to diminution of sentence for good behavior and credit for prior custody; to limit the amount of good time or credit earned per month for inmates serving consecutive sentences; and to provide for related matters.

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

**HOUSE BILL NO. 534—**

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact Code of Civil Procedure Article 3752(B), relative to the recordation of notice of the pendency of an action; to provide for a prescriptive period of ten years; to provide for the reinscription of the notice; to provide for retroactive application; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 534 by Representative Gallot

AMENDMENT NO. 1

On page 1, line 16, delete "ten" and insert "five"

AMENDMENT NO. 2

On page 1, delete lines 18 and 19 and insert "Section 2. This Act shall become effective on August 15, 2007. Any notice filed before that date that would have otherwise

terminated by the terms of this Act shall continue for an additional ten years from reinscription if such reinscription occurs before August 15, 2007."

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

**HOUSE BILL NO. 685—**

BY REPRESENTATIVES THOMPSON, BRUCE, CAZAYOUX, CRAVINS, DOWNS, FRITH, M. GUILLORY, HILL, KENNEY, JACK SMITH, AND STRAIN

AN ACT

To enact R.S. 3:4674, relative to ethanol and bio-diesel standards; to provide a minimum ethanol content requirement for gasoline; to provide a minimum bio-diesel content requirement for diesel; to provide relative to alternate renewable fuels; to provide for definitions; to provide for exemptions; and to provide for related matters.

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

**HOUSE BILL NO. 706—**

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact R.S. 19:136 and 136.1(3), relative to the expropriation of blighted property; to authorize the city of Grambling to expropriate by a declaration of taking; and to provide for related matters.

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

**HOUSE BILL NO. 713—**

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact R.S. 13:1904(C) and (D), relative to the destruction of certain records in the City Court of Ruston; to authorize the clerk of court to destroy certain civil and criminal records; to provide for time limitations in the destruction of records; to provide for requirements prior to destruction; and to provide for related matters.

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

**HOUSE BILL NO. 846—**

BY REPRESENTATIVES DORSEY, ALARIO, K. CARTER, DEWITT, HAMMETT, JEFFERSON, RICHMOND, AND SALTER AND SENATORS BAJOE, 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.

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

**HOUSE BILL NO. 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.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 879 by Representative Martiny

AMENDMENT NO. 1

On page 1, at the beginning of line 9, after "filing" insert ", by affidavit under oath."

AMENDMENT NO. 2

On page 1, line 18, change "one thousand" to "five hundred"

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

**HOUSE BILL NO. 884—**

BY REPRESENTATIVES DURAND, ALEXANDER, JOHNS, AND WALKER

AN ACT

To enact R.S. 9:2793.3 and 2793.4, relative to civil liability of nonprofit organizations; to provide a limitation of liability for the United Way; to provide a limitation of liability for Southern Mutual Help Association, Inc.; to provide an exception for willful and wanton misconduct; and to provide for related matters.

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

**HOUSE BILL NO. 1034—**

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 3:556.14, relative to an assessment on crawfish tail meat; to provide for a referendum of producers; to provide for payment and collection of the assessment; to provide for distribution of the proceeds; to provide for penalties; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Reengrossed House Bill No. 1034 by Representative Frith

AMENDMENT NO. 1

On page 2, between lines 23 and 24 insert the following:

"J. The board may impose a civil penalty for failure to collect and remit assessments in accordance with the provisions of this Section in the amount and in the manner provided for in R.S. 3:556.9(E)."

AMENDMENT NO. 2

On page 2, line 24, change "J." to "K."

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

**HOUSE BILL NO. 1043—**

BY REPRESENTATIVES GREENE AND SCALISE

AN ACT

To amend and reenact R.S. 14:32.1(B), relative to vehicular homicide; to provide for increased penalties for the crime of vehicular homicide; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

May 17, 2006

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 1043 by Representative Greene

AMENDMENT NO. 1

On page 1, line 12, after "imprisonment" delete the remainder of the line and delete line 13 in its entirety and insert in lieu thereof the following: "shall be"

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

HOUSE BILL NO. 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.

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

HOUSE BILL NO. 1133—

BY REPRESENTATIVES DARTEZ, JACK SMITH, ST. GERMAIN, FAUCHEUX, AND GARY SMITH AND SENATORS AMEDEE AND B. GAUTREAUX AN ACT

To enact R.S. 16:516, 517, and 518, relative to the payment of health insurance premiums of district attorneys in the Twenty-Third, Twenty-Ninth, and Fortieth judicial districts; to provide with respect to payment of health insurance for certain retired district attorneys; to establish criteria for eligibility; to provide for the payment of such premiums by the district attorney's office; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 1133 by Representative Dartez

AMENDMENT NO. 1

On page 1, line 2, change "and 518" to "518, and 519"

AMENDMENT NO. 2

On page 1, line 3, before "Twenty-Third" insert "Fifth,"

AMENDMENT NO. 3

On page 1, line 8, change "and 518" to "518, and 519"

AMENDMENT NO. 4

On page 1, line 9, after "attorney" insert "for the Twenty-Third Judicial District"

AMENDMENT NO. 5

On page 1, line 15, after "attorney" insert "for the Twenty-Ninth Judicial District"

AMENDMENT NO. 6

On page 2, line 1, after "attorney" insert "for the Fortieth Judicial District"

AMENDMENT NO. 7

On page 2, after line 5, insert as follows:

"§519. Health insurance; retired district attorney for the Fifth Judicial District

The premium costs of group or individual health insurance shall be paid in full from the district attorney's general fund, in and for the Fifth Judicial District, for any district attorney who retired from the judicial district with at least thirty years of full-time service regardless of age."

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

HOUSE BILL NO. 1134—

BY REPRESENTATIVE E. GUILLORY AN ACT

To amend and reenact R.S. 33:9576(A), (B), and (D)(5) and to enact R.S. 33:9576(C)(7), (D)(6), and (E), relative to the Calcasieu Parish Gaming Revenue District; to authorize the district to incur debt and issue bonds and other evidences of indebtedness; to provide for purposes and procedures; and to provide for related matters.

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

HOUSE BILL NO. 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.

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

HOUSE BILL NO. 1201—

BY REPRESENTATIVES HONEY, BALDONE, BURRELL, CAZAYOUX, DORSEY, GEYMANN, GRAY, HEATON, MARTINY, QUEZAIRE, SALTER, SCHNEIDER, JANE SMITH, WHITE, WOOTON, ALARIO, ARNOLD, BADON, BARROW, BAUDOIN, BURNS, K. CARTER, CRANE, CRAVINS, CURTIS, DANIEL, DEWITT, DOVE, DOWNS, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, E. GUILLORY, M. GUILLORY, HILL, HUTTER, JACKSON, JEFFERSON, KATZ, LABRUZZO, LAFONTA, LANCASTER, MARCHAND, McDONALD, MORRELL, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, ROMERO, SCALISE, GARY SMITH, ST. GERMAIN, STRAIN, TOOMY, TRAHAN, AND TUCKER AN ACT

To amend and reenact R.S. 15:587.1(C)(introductory paragraph) and (1) and to enact R.S. 17:15(E), relative to criminal background checks; to provide for criminal history information for teachers, school employees, and others who are applying for a position of supervisory or disciplinary authority over children; to add crimes of violence, sex offenses and the crimes of voyeurism, and peeping Tom to the list of crimes which are maintained by the Bureau of Criminal Identification and Information and reported to employers; to require teachers and other school employees to disclose convictions or pleas for certain criminal offenses to their employer; and to provide for related matters.

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

HOUSE BILL NO. 1210—

BY REPRESENTATIVE LAFONTA AN ACT

To amend and reenact R.S. 30:2522(4) and 2531.1(A), relative to littering; to amend the definition of litter to include roofing nails; to amend provisions of the crime of gross littering to include roofing nails; and to provide for related matters.

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

HOUSE BILL NO. 1258—

BY REPRESENTATIVES KLECKLEY, McDONALD, AND WALSWORTH AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(8) and to enact Code of Criminal Procedure Article 814(A)(8.1), relative to responsive verdicts; to provide for oral sexual battery as a responsive verdict to aggravated rape; to provide for

responsive verdicts of aggravated rape of a child under the age of thirteen; and to provide for related matters.

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

**HOUSE BILL NO. 1304—**  
BY REPRESENTATIVE ROBIDEAUX  
AN ACT

To enact R.S. 14:102.21, relative to offenses affecting the public sensibility; to create the crime of unauthorized use of the identity of a deceased soldier; to provide for the elements of the crime; to provide for criminal penalties; to provide for definitions; and to provide for related matters.

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

**HOUSE BILL NO. 1335—**  
BY REPRESENTATIVE GLOVER  
AN ACT

To amend and reenact R.S. 14:67.16(A) and (C), relative to identity theft; to provide for penalties for the crime of identity theft against persons sixty years of age or older or disabled; and to provide for related matters.

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

**HOUSE BILL NO. 1369— (Substitute for House Bill No. 581 by Representative Geymann)**  
BY REPRESENTATIVES GEYMANN AND CRAVINS  
AN ACT

To amend and reenact Code of Criminal Procedure Article 893(A) and to enact Chapter 3-D of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:561 through 561.7, relative to sex offenders; to provide for supervised release of sex offenders; to provide for the duties of the Department of Public Safety and Corrections; to provide for the conditions of supervised release; to provide for the duration of supervised release; to provide for applicability; to provide for the adoption of administrative rules; to provide for exceptions; to provide for penalties for failure to comply with the conditions of supervised release; to provide for duties of the court to explain the term and conditions of supervised release; to provide that supervised release shall not constitute probation and as such is not subject to the five-year limitation on the length of probation; and to provide for related matters.

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

**Special Order of the Day**

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

**SENATE BILL NO. 529—**  
BY SENATORS JACKSON AND BAJOIE  
AN ACT

To enact R.S. 29:766(G) and R.S. 40:2009.25, relative to nursing home emergency preparedness; to provide for the declaration of a state public health emergency; to provide for requirements of emergency preparedness plans in certain parishes; to provide for the evaluation of such plans; to create and provide for the content of the Nursing Home Emergency Preparedness Review Committee; to provide for rules and regulations; to provide for application to existing law; to provide for an effective date; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Jackson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 529 by Senator Jackson

**AMENDMENT NO. 1**

On page 3, line 25, after "Administration" and before "to the" insert "or its successor"

**AMENDMENT NO. 2**

On page 4, line 5, after "home's residents." delete the remainder of the line and delete lines 6 through 10, and insert the following:

**"The secretary of the Department of Health and Hospitals shall submit a Medicaid state plan amendment that provides for the facility specific reimbursement for documented and allowable costs of evacuation or sheltering of a Medicaid certified nursing home's residents to the Centers for Medicare and Medicaid Services no later than January 1, 2007. The state shall be reimbursed by any nursing home for all costs incurred by the state for the evacuation and sheltering of the nursing home's residents less any reimbursement received by the state from other sources for purposes of evacuating and sheltering said nursing home's residents."**

**AMENDMENT NO. 3**

On page 5, line 5, after "host site" delete the remainder of the line

**AMENDMENT NO. 4**

On page 5, line 6, after "contracts" and before the period "." insert the following:

**"and any other alternative sheltering host sites that the nursing home may have"**

On motion of Senator Jackson, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 37

**NAYS**

Total - 0

**ABSENT**

Cravins Nevers

Total - 2

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

May 17, 2006

Senate Concurrent Resolutions on Second Reading Reported by Committees

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

SENATE CONCURRENT RESOLUTION NO. 68— BY SENATOR BARHAM

A CONCURRENT RESOLUTION

To establish and provide for the Louisiana Prescribed Fire Council within the Department of Agriculture and Forestry.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original Senate Concurrent Resolution No. 68 by Senator Barham

AMENDMENT NO. 1

On page 2, lines 10 and 18, change "Prescribe" to "Prescribed"

AMENDMENT NO. 2

On page 2, line 19, between "of" and "the" insert ", but not limited to,"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Position, and Vote. Lists names like Mr. President, Ellington, McPherson, etc.

NAYS

Total - 0

ABSENT

Cravins Total - 1

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

SENATE BILL NO. 213— BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 47:1998(A)(1)(a) and (F), and to enact R.S. 47:1998(G), relative to judicial review of assessed valuation property; to provide procedures for judicial review of assessed valuation property; 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. 213 by Senator Ellington

AMENDMENT NO. 1

On page 2, line 28, following "pursuant" change "Subsection" to "Paragraph"

On motion of Senator Lentini, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Position, and Vote. Lists names like Mr. President, Ellington, Michot, etc.

NAYS

Total - 0

ABSENT

Cravins Heitmeier Total - 2

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

SENATE BILL NO. 546— BY SENATOR MOUNT

AN ACT

To enact R.S. 47:337.9(F), relative to sales and use taxes imposed by local governmental subdivisions, school boards, and other political subdivisions whose boundaries are not coterminous with the state; to exempt purchases of prescription drugs purchased through or pursuant to a Medicare Part D plan; to provide for an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Cravins	Heitmeier	Nevers
Total - 3		

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.

**Senator Jones in the Chair**

**SENATE BILL NO. 567—**  
BY SENATOR MALONE

**AN ACT**

To amend and reenact R.S. 30:2418(I)(1), (2), and (3) and to enact R.S. 30:2418(P), relative to environmental quality; to provide for a phase out of the waste tire subsidy program; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Boasso	Fontenot	Shepherd
Duplessis	Kostelka	Smith
Dupre	Malone	Ullo
Total - 9		

**NAYS**

Adley	Ellington	Marionneaux
Amedee	Fields	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Quinn
Chaisson	Jackson	Romero
Cheek	Jones	Schedler
Dardenne	Lentini	Theunissen
Total - 27		

**ABSENT**

Mr. President	Cravins	McPherson
Total - 3		

The Chair declared the bill failed to pass.

**Notice of Reconsideration**

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

**SENATE BILL NO. 660—**  
BY SENATOR BARHAM

**AN ACT**

To amend and reenact R.S. 47:1952(C) and 1954, relative to ad valorem taxes; to eliminate ad valorem tax assessments on certain credits; to provide for changes in the manner in which ad valorem taxes are assessed against certain life insurance companies; to provide for credit assessments of certain insurance companies, the computation of such assessments, and apportionment of such assessments to the appropriate taxing districts; and to provide for related matters.

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

**Mr. President in the Chair**

**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 Murray asked that Senate Bill No. 743 be called from the Calendar at this time for its final passage.

**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.

**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. 743 by Senator Murray

**AMENDMENT NO. 1**

On page 9, line 10 delete "**five hundred**"

On motion of Senator Shepherd, the amendments were adopted.

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

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passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Malone
Adley	Dupre	Michot
Amedee	Ellington	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Quinn
Chaisson	Heitmeier	Schedler
Cheek	Hollis	Smith
Dardenne	Kostelka	Theunissen
Total - 24		

**NAYS**

Bajoie	Fontenot	Marionneaux
Broome	Jackson	Shepherd
Cain	Jones	Ullo
Fields	Lentini	
Total - 11		

**ABSENT**

Cravins	Nevers
McPherson	Romero
Total - 4	

The Chair declared the amended bill failed to pass.

**Notice of Reconsideration**

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

**Rules Suspended**

Senator Jackson asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Introduction of Senate Resolutions**

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

**SENATE RESOLUTION NO. 75—**  
BY SENATOR JACKSON

**A RESOLUTION**

To proclaim Wednesday, May 17, 2006, as "Capital One Associates Political Fund Day" in the Louisiana Senate.

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

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

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 Dardenne asked that Senate Bill No. 597 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 597—**  
BY SENATOR DARDENNE

**AN ACT**

To enact Part III of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:44 through 51, relative to public records; to provide for confidentiality of the addresses of registered voters who are victims of abuse; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Barham	Gautreaux N	Murray
Boasso	Hollis	Quinn
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

**NAYS**

Fields  
Total - 1

**ABSENT**

Cravins	Heitmeier	Romero
Duplessis	Nevers	Shepherd
Total - 6		

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

**Called from the Calendar**

Senator Chaisson asked that Senate Bill No. 718 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 718—**  
BY SENATORS CHAISSON, BOASSO, DUPLESSIS, LENTINI, QUINN, SHEPHERD AND ULLO

**AN ACT**

To enact R.S. 30:2154(B)(2)(h), (i), and (j), relative to environmental quality; to provide for the authority of the secretary of the Department of Environmental Quality; to require the secretary to determine the present capacity for acceptance of anticipated construction and demolition debris related to Hurricane Katrina of all Type I, Type II, and Type III permitted landfills in certain parishes; to prohibit the permitting of certain additional landfills; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot

Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Schedler
Chaisson	Jackson	Shepherd
Cheek	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

NAYS

Malone  
Total - 1

ABSENT

Cravins  
Total - 2

Romero

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.

**Called from the Calendar**

Senator Mount asked that Senate Bill No. 164 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 164—**  
BY SENATOR MOUNT

AN ACT

To enact R.S. 32:289, relative to operating motor vehicles; to prohibit the use of certain cellular phones or other mobile telecommunication devices by anyone eighteen years of age and younger while operating a motor vehicle; to provide for exceptions; to provide for penalties; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Mount sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 164 by Senator Mount

AMENDMENT NO. 1

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

**"(3) Emergency response personnel while in the performance of their duty, including firefighters, emergency medical service personnel, and law enforcement or peace officers."**

On motion of Senator Mount, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Mount sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 164 by Senator Mount

AMENDMENT NO. 1

On page 1, line 9, change "**person**" to "**operator of a motor vehicle who is**"

AMENDMENT NO. 2

On page 1, line 10, after "**while**" delete the remainder of the line and delete line 11 and insert "**the motor vehicle is in motion.**"

AMENDMENT NO. 3

On page 2, line 2, after "**vehicle**" delete the remainder of the line and

insert a period "."

On motion of Senator Mount, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Mount sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 164 by Senator Mount

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 32:289" to "R.S. 32:289 and 414(T)"

AMENDMENT NO. 2

On page 1, line, 7, change "R.S. 32:289 is" to "R.S. 32:289 and 414(T) are"

AMENDMENT NO. 3

On page 2, after line 11, insert the following:

§414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

**T. The department shall suspend the driver's license of any person, for a period of ninety days, if it has received satisfactory evidence of conviction, plea of guilty, or nolo contendere of any person charged with a violation of a third or subsequent offense of R.S. 32:289."**

Senator Mount moved adoption of the amendments.

Senator Lentini objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Amedee	Cheek	Kostelka
Bajoie	Duplessis	Mount
Broome	Dupre	Nevers
Cain	Fontenot	Quinn
Chaisson	Hollis	Ullo
Total - 15		

NAYS

Mr. President	Gautreaux B	Murray
Adley	Gautreaux N	Schedler
Barham	Heitmeier	Shepherd
Boasso	Jackson	Smith
Dardenne	Lentini	Theunissen
Ellington	Malone	
Fields	Marionneaux	
Total - 19		

ABSENT

Cravins	McPherson	Romero
Jones	Michot	
Total - 5		

The Chair declared the amendments were rejected.

**Floor Amendments Sent Up**

Senator Chaisson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 164 by Senator Mount

May 17, 2006

AMENDMENT NO. 1

On page 1, line 2, after "vehicles;" delete the remainder of the line and delete lines 3 and 4 and insert in lieu thereof the following:

"to prohibit certain persons from using a cellular phone while operating a motor vehicle; to provide for certain exceptions; to"

AMENDMENT NO. 2

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

"A. Any person, regardless of age, who is operating a motor vehicle under an intermediate license or a permanent license shall be prohibited from using a cellular telephone for any purpose while operating a motor vehicle for a period of one year commencing from the date of the initial issuance of the intermediate license or the permanent license. The provisions of this Subsection shall not be construed to impose more than a single one year prohibition on the use of a cellular telephone after initial issuance of a license. However, this prohibition shall not apply to any person who was previously issued a permanent licensed to drive in another jurisdiction.

B. No person under the age of seventeen shall use a cellular telephone while operating a motor vehicle.

C. The provisions of this Section shall not apply in any of the following circumstances:

(1) A person contacting a public safety entity.

(2) A person in a parked motor vehicle.

D. A first offense violation of the provisions of this Section shall be punished by a fine of two hundred fifty dollars or by a sentence of sixteen hours of community service, or both. For a second and each subsequent offense, the offender shall be punished by a fine of five hundred dollars or by a sentence of twenty-four hours of community service, or both."

AMENDMENT NO. 3

On page 2, delete lines 1 through 11

On motion of Senator Chaisson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Includes Adley, Boasso, Chaisson, Duplessis, Mount, Nevers, Quinn, Schedler, Ullo.

NAYS

Table with 3 columns: Name, Yeas, Nays. Includes Mr. President, Amedee, Bajois, Barham, Broome, Cain, Cheek, Dardenne, Dupre, Ellington, Fields, Fontenot, Gautreaux B, Gautreaux N, Heitmeier, Hollis, Jackson, Jones, Kostelka, Lentini, Malone, Marionneaux, McPherson, Murray, Shepherd, Smith, Theunissen.

ABSENT

Table with 3 columns: Name, Yeas, Nays. Includes Cravins, Michot, Romero.

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Mount, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next

succeeding legislative day of the Senate, she would move to reconsider the vote by which the bill failed to pass.

Called from the Calendar

Senator Mount asked that Senate Bill No. 222 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 222—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 32:416, 417(A), and 427(A)(1), and to enact R.S. 14:92.2(A)(4) and (B)(3) and R.S. 32:417(D) and (E), relative to motor vehicles; to increase the penalties for any person who allows an unlicensed minor to operate a motor vehicle or power cycle; to provide an enhanced penalty when the unlicensed minor is involved in an accident which results in the serious injury or death of another person; to provide for the improper supervision of a minor by a parent or legal custodian; and to provide for related matters.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 222 by Senator Mount

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 32:" insert "402(B)(1)(a) and (c),"

AMENDMENT NO. 2

On page 1, line 3, at the end of the line after "the" insert "penalties for any unlicensed person who operates a motor vehicle; to increase the"

AMENDMENT NO. 3

On page 1, delete line 5 and insert "; to provide for penalties when an unlicensed person is"

AMENDMENT NO. 4

On page 2, line 8, after "R.S. 32:" insert "402(B)(1)(a) and (c),"

AMENDMENT NO. 5

On page 2, between lines 9 and 10, insert as follows: "§402. All drivers must secure license; exception; emergency vehicle exceptions; violations

\* \* \*

B.(1)(a) It shall be unlawful for any person to drive a motor vehicle on any public street, road, or highway of this state unless he has been issued a license by the department, or by a public license tag agent, authorized to issue drivers' licenses as provided in this Subsection, or a license issued by another state or foreign government and recognized by the department, in accordance with the provisions of this Chapter. However, these provisions shall not apply when an agent or employee of the office of motor vehicle agent or employee vehicles is administering an on-road driving skills test required to obtain a Class "D" or "E" driver's license as provided in R.S. 32:408.

\* \* \*

(c) Upon conviction for violation of Subparagraph (a) of this Paragraph, the penalties shall be as follows:

(i) Upon first conviction, the violator shall be fined no more than seventy-five dollars. A person shall be fined not less than one hundred dollars and not more than five hundred dollars for each offense, or imprisoned for not more than six months, or both.

(ii) Upon second conviction, the violator shall be fined no more than two hundred fifty dollars or imprisoned for no more than thirty days. If the unlicensed person is involved in a collision which results in the serious injury or death of another person, the person shall be subject to a fine of not less than five hundred dollars and not more than one thousand dollars, or imprisonment

**for up to six months, or both. However, nothing in this Item shall be construed to prevent an unlicensed person from being charged with vehicular homicide in violation of R.S. 14:32.1 or negligent homicide in violation of R.S. 14:32 if the collision results in the death of another person, or from being charged with negligent injury, if the collision results in the serious injury of another person.**

(iii) Upon third and subsequent conviction, the violator shall be fined no more than five hundred dollars or imprisoned for no more than ninety days.

\* \* \*

On motion of Senator Mount, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Barham sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 222 by Senator Mount

**AMENDMENT NO. 1**

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

**AMENDMENT NO. 2**

On page 2, line 12, before "No" insert "**A.**"

**AMENDMENT NO. 3**

On page 2, between lines 14 and 15, insert as follows:

**"B. As used in this Section, "motor vehicle" shall not include farm or agricultural equipment."**

**AMENDMENT NO. 4**

On page 2, line 17, after "A." insert "**(1)**"

**AMENDMENT NO. 5**

On page 2 between lines 21 and 22, insert as follows:

**"(2) As used in this Subsection, "motor vehicle" shall not include farm or agricultural equipment."**

Senator Barham moved adoption of the amendments.

Senator Lentini objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Quinn
Cain	Hollis	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	Malone	
Total - 32		

**NAYS**

Bajoie	Lentini
Fields	Shepherd
Total - 4	

**ABSENT**

Cravins	Michot	Romero
Total - 3		

The Chair declared the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Duplessis	Mount
Adley	Dupre	Murray
Amedee	Ellington	Nevers
Barham	Heitmeier	Quinn
Boasso	Hollis	Schedler
Broome	Jackson	Shepherd
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Marionneaux	Ullo
Dardenne	McPherson	
Total - 29		

**NAYS**

Bajoie	Gautreaux B	Lentini
Fields	Gautreaux N	Malone
Total - 6		

**ABSENT**

Cravins	Michot
Fontenot	Romero
Total - 4	

The Chair declared the amended 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.

**Called from the Calendar**

Senator Shepherd asked that Senate Bill No. 241 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 241—**  
BY SENATOR SHEPHERD

**AN ACT**

To enact R.S. 9:2941.1, relative to contracts; to provide relative to bond for deed contracts; to provide relative to recording of such contracts; to prohibit interest for subsequent filings by or against the bond for deed purchaser; to provide for the cancellation of certain mortgage records after registry of the sale of a bond for deed under certain circumstances; to provide relative to cancellation of a bond for deed contract upon default; to provide relative to tax sales; 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. 241 by Senator Shepherd

**AMENDMENT NO. 1**

On page 1, line 14, change "**conventional.**" to "**or conventional**"

**AMENDMENT NO. 2**

On page 2, line 12, between "**cancellation**" and the comma "," insert "**of the bond for deed contract**"

On motion of Senator Shepherd, the amendments were adopted.

May 17, 2006

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. 241 by Senator Shepherd

AMENDMENT NO. 1

On page 2, delete lines 10 through 13 in their entirety

AMENDMENT NO. 2

On page 2 line 14, change "D." to "C."

On motion of Senator Shepherd, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Duplessis, Jones, Adley, Dupre, Lentini, Amedee, Fields, Marionneaux, Bajoie, Gautreaux B, Mount, Broome, Gautreaux N, Murray, Cain, Heitmeier, Schedler, Chaisson, Hollis, Shepherd, Cheek, Jackson, Ullo, Total - 24

NAYS

Table with 3 columns of names: Barham, Ellington, Malone, Boasso, Fontenot, Smith, Dardenne, Kostelka, Theunissen, Total - 9

ABSENT

Table with 3 columns of names: Cravins, Michot, Quinn, McPherson, Nevers, Romero, Total - 6

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

Rules Suspended

Senator Murray asked for and obtained a suspension of the rules for the purpose of taking up Senate Bill No. 743, which failed to passed earlier today, for its reconsideration.

Reconsideration

On motion of Senator Murray, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, May 17, 2006, was reconsidered.

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.

Floor Amendments Sent Up

Senator Murray sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 743 by Senator Murray

AMENDMENT NO. 1

On page 21, delete lines 21 through 28.

AMENDMENT NO. 2

On page 25, delete lines 12 through 16

Senator Murray moved adoption of the amendments.

Senator Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Dupre, Mount, Adley, Ellington, Murray, Amedee, Gautreaux B, Nevers, Broome, Gautreaux N, Quinn, Cain, Heitmeier, Schedler, Cheek, Hollis, Smith, Dardenne, Kostelka, Theunissen, Duplessis, Malone, Total - 23

NAYS

Table with 3 columns of names: Bajoie, Fontenot, Marionneaux, Barham, Jackson, Shepherd, Chaisson, Jones, Ullo, Fields, Lentini, Total - 11

ABSENT

Table with 3 columns of names: Boasso, McPherson, Romero, Cravins, Michot, Total - 5

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Ellington, Nevers, Adley, Gautreaux B, Quinn, Amedee, Gautreaux N, Schedler, Barham, Heitmeier, Shepherd, Boasso, Hollis, Smith, Cheek, Kostelka, Theunissen

Dardenne  
Duplessis  
Total - 22

Mount  
Murray

NAYS

Bajoie  
Broome  
Cain  
Chaisson  
Total - 12

Fields  
Fontenot  
Jackson  
Jones

Lentini  
Malone  
Marionneaux  
Ullo

ABSENT

Cravins  
Dupre  
Total - 5

McPherson  
Michot

Romero

The Chair declared the amended 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.

**Rules Suspended**

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

**Messages from the House**

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

**Message from the House**

**DISAGREEMENT TO HOUSE BILL**

May 17, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 1073 by Representative Hutter, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

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

**Message from the House**

**DISAGREEMENT TO HOUSE BILL**

May 17, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 52 by Representative Hammett, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Hammett, Pierre and Townsend.

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

**Message from the House**

**DISAGREEMENT TO HOUSE BILL**

May 17, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 800 by Representative Trahan, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Trahan, Crane and Ritchie

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

**Message from the House**

**DISAGREEMENT TO HOUSE BILL**

May 17, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 66 by Representative Fannin, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Fannin, Damico and Downs.

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

**Message from the House**

**DISAGREEMENT TO HOUSE BILL**

May 17, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 418 by Representative Alario, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Alario, DeWitt and Arnold.

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

**Introduction of Resolutions,  
Senate and Concurrent**

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

May 17, 2006

as follows:

**SENATE RESOLUTION NO. 76—**  
BY SENATOR BAJOIE

A RESOLUTION

To commend and congratulate Elanie Roberts for her heroic efforts during Hurricane Katrina.

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

**SENATE RESOLUTION NO. 77—**  
BY SENATOR ADLEY

A RESOLUTION

To commend the efforts of the organizers of the Louisiana Hugh O'Brian Youth Leadership seminars and to recognize May 26, 2006, as Hugh O'Brian Youth Leadership Day in the state of Louisiana.

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

**SENATE CONCURRENT RESOLUTION NO. 91—**  
BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To commend and to congratulate Kathy Bonsall of Sulphur High School on receipt of the Presidential Award for Excellence in Mathematics and Science Teaching for 2005 and to recognize her contributions to education and the teaching profession.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Michot
McPherson	Romero
Total - 4	

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

**SENATE CONCURRENT RESOLUTION NO. 92—**  
BY SENATOR HOLLIS

A CONCURRENT RESOLUTION

To urge and request the governor to dedicate \$100 million of the recently recognized revenue surplus towards the reconstruction of the state's levee system.

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

**SENATE CONCURRENT RESOLUTION NO. 93—**  
BY SENATOR JONES

A CONCURRENT RESOLUTION

To commend and congratulate Irene Velma King upon the occasion of her one hundredth birthday.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cravins	Michot
McPherson	Romero
Total - 4	

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

**Messages from the House**

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

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

May 17, 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. 83—**  
BY SENATOR BOASSO AND REPRESENTATIVES HUTTER AND ODINET

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to reconsider the decision to exclude Plaquemines Parish from the federal plan to invest \$2.5 billion for levee re-enhancement in south Louisiana.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 89—**  
BY SENATOR QUINN

A CONCURRENT RESOLUTION

To commend the group Levees.org for their efforts and activities on behalf of the state of Louisiana to raise public awareness concerning the U.S. Army Corps of Engineers and the federal government's role and responsibility in the devastation of the

New Orleans metro area.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 90—**

BY SENATORS MARIONNEAUX AND MALONE  
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Lynda Kay Walther-Jones, devoted mother, daughter, and educator.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**Message from the House**

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

May 17, 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. 1389— (Substitute for House Bill No. 1288  
by Representative Gray)**

BY REPRESENTATIVE GRAY  
AN ACT

To amend and reenact R.S. 33:4175, relative to public power authorities; to provide relative to the purpose and governing board of certain public power authorities; to provide relative to the powers granted to such authorities; and to provide for related matters.

**HOUSE BILL NO. 1390— (Substitute for House Bill No. 1340  
by Representative Gray)**

BY REPRESENTATIVE GRAY  
AN ACT

To amend and reenact R.S. 18:401.3(B), relative to the conduct of early voting in certain parishes for certain elections; to authorize the secretary of state to include the conduct of early voting in certain parishes in an emergency plan developed by the secretary of state for the conduct of an election in an area affected by a gubernatorially declared state of emergency; to provide relative to the conduct of such early voting; and to provide for related matters.

**HOUSE BILL NO. 436—**

BY REPRESENTATIVE GREENE  
AN ACT

To enact R.S. 49:331, relative to public funds; to require commercial couriers who transport public funds to furnish a fidelity bond; and to provide for related matters.

**HOUSE BILL NO. 742—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 40:1730.27(B), 1730.35(A) and (C), and 1730.36, relative to state building codes; to provide for effective period of emergency provisions; to provide for application process; to provide for registration; and to provide for related matters.

**HOUSE BILL NO. 892—**

BY REPRESENTATIVE K. CARTER  
AN ACT

To enact R.S. 9:2800.16, relative to public liability; to provide for government immunity of the state and other political subdivisions during and in the aftermath of Hurricanes Katrina and Rita; to provide for limitation of liability for the state and

other governmental subdivisions and its agents and assigns arising out of decisions made, and in its operational activities, in the reopening, rebuilding, and resuming of operations following Hurricanes Katrina and Rita; to prohibit certain causes of action against school districts and the Recovery School District; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 979—**

BY REPRESENTATIVE E. GUILLORY  
AN ACT

To amend and reenact R.S. 49:220.5(C)(3), relative to the Louisiana Recovery Authority; to provide for the use of minority-owned businesses in certain recovery-related activities; and to provide for related matters.

**HOUSE BILL NO. 1001—**

BY REPRESENTATIVE GRAY  
AN ACT

To amend and reenact R.S. 39:461.1(A)(2) and to enact Chapter 61 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2771, relative to health care finance; to establish the Care for Evacuated Patients Program to be administered by the Department of Health and Hospitals; to provide a method of payment for the provision of medical care by nonstate hospitals with respect to certain patients who have been evacuated from a state hospital; to provide for the maximum amount and duration of such payments; to require submission of statements of costs for services to the secretary of the Department of Health and Hospitals; to provide for submission of a request for funding the payment of such costs to the Interim Emergency Board; and to provide for related matters.

**HOUSE BILL NO. 1029—**

BY REPRESENTATIVE DORSEY  
AN ACT

To amend and reenact R.S. 47:1061(B) and to enact R.S. 47:1061(C), relative to the telecommunications tax for the deaf; to provide for the use of monies in the Telecommunications for the Deaf Fund; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 1172—**

BY REPRESENTATIVES TUCKER AND SCALISE  
AN ACT

To enact R.S. 38:2182 and R.S. 39:1518.1 and 1658, relative to public contracts and procurement; to require certain information be furnished with respect to certain contracts let during a state of emergency; to provide for notification to contractors; to provide for the maintenance of a list or registry of such information; to provide for the crime of failure to submit such required information; to provide for penalties; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1385— (Substitute for House Bill No. 567 by  
Representative Toomy)**

BY REPRESENTATIVES TOOMY AND ANSARDI  
AN ACT

To enact R.S. 15:571.11(N), relative to the Twenty-Fourth Judicial District Court; to provide concerning the operational funds of the court; to provide relative to the Criminal Court Fund; to provide for transcription of indigent felony cases; 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:

May 17, 2006

**HOUSE BILL NO. 436—**

BY REPRESENTATIVE GREENE  
AN ACT

To enact R.S. 49:331, relative to public funds; to require commercial couriers who transport public funds to furnish a fidelity bond; and to provide for related matters.

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

**HOUSE BILL NO. 742—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 40:1730.27(B), 1730.35(A) and (C), and 1730.36, relative to state building codes; to provide for effective period of emergency provisions; to provide for application process; to provide for registration; and to provide for related matters.

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

**HOUSE BILL NO. 892—**

BY REPRESENTATIVE K. CARTER  
AN ACT

To enact R.S. 9:2800.16, relative to public liability; to provide for government immunity of the state and other political subdivisions during and in the aftermath of Hurricanes Katrina and Rita; to provide for limitation of liability for the state and other governmental subdivisions and its agents and assigns arising out of decisions made, and in its operational activities, in the reopening, rebuilding, and resuming of operations following Hurricanes Katrina and Rita; to prohibit certain causes of action against school districts and the Recovery School District; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 979—**

BY REPRESENTATIVE E. GUILLORY  
AN ACT

To amend and reenact R.S. 49:220.5(C)(3), relative to the Louisiana Recovery Authority; to provide for the use of minority-owned businesses in certain recovery-related activities; and to provide for related matters.

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

**HOUSE BILL NO. 1001—**

BY REPRESENTATIVE GRAY  
AN ACT

To amend and reenact R.S. 39:461.1(A)(2) and to enact Chapter 61 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2771, relative to health care finance; to establish the Care for Evacuated Patients Program to be administered by the Department of Health and Hospitals; to provide a method of payment for the provision of medical care by nonstate hospitals with respect to certain patients who have been evacuated from a state hospital; to provide for the maximum amount and duration of such payments; to require submission of statements of costs for services to the secretary of the Department of Health and Hospitals; to provide for submission of a request for funding the payment of such costs to the Interim Emergency Board; and to provide for related matters.

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

**HOUSE BILL NO. 1029—**

BY REPRESENTATIVE DORSEY  
AN ACT

To amend and reenact R.S. 47:1061(B) and to enact R.S. 47:1061(C), relative to the telecommunications tax for the deaf; to provide for the use of monies in the Telecommunications for the Deaf Fund; to provide an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 1172—**

BY REPRESENTATIVES TUCKER AND SCALISE  
AN ACT

To enact R.S. 38:2182 and R.S. 39:1518.1 and 1658, relative to public contracts and procurement; to require certain information be furnished with respect to certain contracts let during a state of emergency; to provide for notification to contractors; to provide for the maintenance of a list or registry of such information; to provide for the crime of failure to submit such required information; to provide for penalties; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 1385— (Substitute for House Bill No. 567 by Representative Toomy)**

BY REPRESENTATIVES TOOMY AND ANSARDI  
AN ACT

To enact R.S. 15:571.11(N), relative to the Twenty-Fourth Judicial District Court; to provide concerning the operational funds of the court; to provide relative to the Criminal Court Fund; to provide for transcription of indigent felony cases; and to provide for related matters.

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

**HOUSE BILL NO. 1389— (Substitute for House Bill No. 1288 by Representative Gray)**

BY REPRESENTATIVE GRAY  
AN ACT

To amend and reenact R.S. 33:4175, relative to public power authorities; to provide relative to the purpose and governing board of certain public power authorities; to provide relative to the powers granted to such authorities; and to provide for related matters.

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

**HOUSE BILL NO. 1390— (Substitute for House Bill No. 1340 by Representative Gray)**

BY REPRESENTATIVE GRAY  
AN ACT

To amend and reenact R.S. 18:401.3(B), relative to the conduct of early voting in certain parishes for certain elections; to authorize the secretary of state to include the conduct of early voting in certain parishes in an emergency plan developed by the secretary of state for the conduct of an election in an area affected by a gubernatorially declared state of emergency; to provide relative to the conduct of such early voting; 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 HEALTH AND WELFARE**

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

May 17, 2006

To the President and Members of the Senate:

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

**SENATE BILL NO. 570—**  
BY SENATOR HINES

## AN ACT

To enact Part I-B of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1306 through 1310, relative to rural hospitals and physician referral practices; to provide for the encouragement of collaboration between rural hospitals and physicians; to provide definitions; to provide standards for ethical referral by physicians; to provide prohibitions and exceptions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 613—**  
BY SENATOR CHEEK

## AN ACT

To amend and reenact R.S. 46:2742(B)(introductory paragraph), (1), (2), (4)(introductory paragraph), (5)(a), (b) and (c), (6) and (8) and to enact R.S. 46:2742(B)(5)(d) and (10) and (C), relative to the case mix reimbursement for nursing facilities; to require payment and resource requirement be adjusted quarterly; to provide for a floor for direct care costs; to provide relative to square footage per bed to be allowed; to provide relative to depreciation and a minimum rate of return for facilities; to provide relative to renovations, long-term ownership, and property insurance; to provide relative to pass-through expenses, allowable costs and impact of budget reductions on nursing home reimbursement; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 153—**  
BY REPRESENTATIVE JOHNS

## AN ACT

To amend and reenact R.S. 40:975(G)(1) and R.S. 44:4.1(B)(24) and to enact Part X-A of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1001 through 1014, relative to the Prescription Monitoring Program Act; to provide for the denial, revocation, suspension, or termination of a license; to provide for a short title; to provide for the purpose and definitions; to provide relative to the establishment of the prescription monitoring program; to provide for the creation of the advisory council; to provide for the reporting of prescription monitoring information; to provide for access to prescription monitoring information; to provide relative to education and treatment; to provide for unlawful acts; to provide for data analysis; to provide relative to reporting to the legislature; to provide relative to the authority to promulgate rules and regulations; to provide relative to the authority to contract; to provide relative to funding authority; to provide for severability; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 205—**  
BY REPRESENTATIVES LAFONTA AND KATZ

## AN ACT

To amend and reenact R.S. 40:2018.1(A), (B)(1)(a)(ii), (b)(ii), (d), (e), (j) through (l), (4), (7) through (9), and (13), (E)(3), and (G) and to repeal R.S. 40:2018.1 (B)(1)(q) and (s), relative to the Louisiana Commission on HIV, AIDS and Hepatitis C; to provide for a termination date; to provide for the members and functions of the commission; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 256—**  
BY REPRESENTATIVES WALKER AND KATZ

## AN ACT

To amend and reenact R.S. 28:454.15 and 824(A), R.S. 40:1300.51(2)(b), (3), and (5), 2006(A)(2)(k), (B)(2)(d), and (E)(2)(j), 2007.1(A)(1)(j), 2116(G) and (J)(1), 2120.4(B)(10)(c), 2180(2), 2180.1(introductory paragraph), and 2180.4(B), and R.S. 46:2622(6) and 2625(A)(1)(introductory paragraph) and (b), relative to intermediate care facilities for the mentally

retarded; to change the name of intermediate care facilities for the mentally retarded to intermediate care facilities for people with developmental disabilities; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 261—**  
BY REPRESENTATIVE JOHNS

## AN ACT

To amend and reenact R.S. 37:1164(2)(a), 1203(A)(7), 1209, 1232(B), and 1241(A)(17)(c), relative to the Pharmacy Practice Act; to provide for definitions; to provide for qualifications for reciprocity for pharmacists' licensure; to provide relative to pharmacists registered and licensed not less than fifty years; to provide relative to out-of-state pharmacies; to provide relative to the refusal, restriction, suspension, or revocation of licenses; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 293—**

BY REPRESENTATIVES STRAIN, E. GUILLORY, KATZ, MCDONALD, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAYLOR, BRUCE, BURNS, CAZAYOUX, CRAVINS, CROWE, CURTIS, DAMICO, DARTEZ, DEWITT, DORSEY, DOVE, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, GRAY, M. GUILLORY, HARRIS, HEATON, HEBERT, HILL, JACKSON, KENNEY, LABRUZZO, MARTINY, MONTGOMERY, PIERRE, PITRE, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, THOMPSON, TOWNSEND, TRAHAN, TUCKER, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON

## AN ACT

To amend and reenact R.S. 40:1299.1(A)(1) and (3) and to enact R.S. 40:1299.1(A)(5), relative to genetic testing for newborns; to add to the tests required to be performed on newborns; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 302—**

BY REPRESENTATIVES STRAIN, R. CARTER, DOERGE, DURAND, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HUTTER, JACKSON, KATZ, LABRUZZO, MCDONALD, JOHN SMITH, WADDELL, AND WINSTON

## AN ACT

To enact R.S. 37:761.1 and 795(B)(1)(l), relative to the dental practice act; to provide for the procedures and requirements to obtain a retired volunteer dental license; to provide for fees and costs; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 652—**

BY REPRESENTATIVES WINSTON, BURNS, DOERGE, DURAND, GRAY, E. GUILLORY, M. GUILLORY, HUTTER, JACKSON, KATZ, LABRUZZO, JOHN SMITH, STRAIN, WADDELL, ANSARDI, BADON, BALDONE, BARROW, BAYLOR, CRAVINS, CROWE, CURTIS, DANIEL, DARTEZ, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, HARRIS, HEATON, HEBERT, KENNEY, KLECKLEY, LAFLEUR, MCDONALD, MORRELL, ODINET, PIERRE, PITRE, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, GARY SMITH, JACK SMITH, TRAHAN, TRICHE, WALKER, WHITE, AND WOOTON

## AN ACT

To amend and reenact Children's Code Articles 607(A) and (B), 1016(A) and (B), 1404(14) and R.S. 15:151.2(B), R.S. 28:2(13), and R.S. 46:460.21(A) and to enact Chapter 5 of Title V of the Louisiana Children's Code, to be comprised of Articles 551 through 560, and R.S. 15:151.2(J), relative to the welfare of children; to provide for access to children and communication in legal representation of children cases; to provide for the purpose and establishment of the Child Advocacy Program; to provide for the organization and board of trustees for the Child Advocacy Program; to provide for a child's right to appointed counsel in child in need of care proceedings; to provide for the right to counsel in termination proceedings; to provide for definitions in mental health proceedings for children; to provide for the powers and duties of the Indigent Defense Assistance Board; to provide for definitions in the mental health law; to

May 17, 2006

provide for legal fees and expenses through the Department of Social Services, office of community services; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 655—**

BY REPRESENTATIVES GRAY, ALARIO, DEWITT, DORSEY, HAMMETT, KATZ, RICHMOND, AND SALTER AND SENATORS BAJIOE, HINES, AND MOUNT

AN ACT

To amend and reenact R.S. 40:49(B)(8)(a), relative to vital statistics laws; to provide for requirements in the preparation of a certificate of death or spontaneous fetal death certificate or stillbirth; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 866—**

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 49:1002(J), relative to drug testing; to provide for changes in references from the National Institute on Drug Abuse to Substance Abuse and Mental Health Services Administration; to provide for the application of the Chapter; to provide for the use of certified laboratories for drug testing of samples collected; to amend provisions relative to drug testing procedures and standards; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 903—**

BY REPRESENTATIVE WINSTON

AN ACT

To enact R.S. 40:2160(D), relative to licensing of adult residential care homes; to establish criminal penalties for operating an adult residential care home without a license; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 933—**

BY REPRESENTATIVE WINSTON

AN ACT

To enact R.S. 40:2006(B)(2)(h) and (E)(2)(v) and (w), relative to fees, licenses, and penalties; to provide for per unit licensing fees for end stage renal disease facilities; to provide for delinquent fees for adult brain injury facilities and pain management clinics; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1262—**

BY REPRESENTATIVES SALTER, BURNS, R. CARTER, CURTIS, DOERGE, DURAND, GRAY, E. GUILLORY, M. GUILLORY, JACKSON, KATZ, LABRUZZO, MCDONALD, JOHN SMITH, STRAIN, WADDELL, AND WINSTON

AN ACT

To amend and reenact R.S. 46:153.3(B)(1), relative to the Louisiana medical assistance program; to provide for reimbursement for prescription drugs; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JOE MCPHERSON  
Chairman

**REPORT OF COMMITTEE ON**

**SENATE AND GOVERNMENTAL AFFAIRS**

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

May 17, 2006

To the President and Members of the Senate:

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

**SENATE BILL NO. 496—**

BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 29:422(D), relative to military affairs; to provide for enforcement of Servicemembers Civil Relief Act by the attorney general of Louisiana; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 569—**

BY SENATOR MURRAY

AN ACT

To enact R.S. 29:725.1, relative to the authority of the attorney general in certain emergencies; to authorize the issuance of cease and desist orders by the attorney general during an emergency; to provide for the power of the attorney general to issue cease and desist orders when immediate action through the normal judicial process is not possible; to provide for proper venue to request a hearing; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 661—**

BY SENATORS BARHAM, HINES, BAJIOE, MOUNT AND NEVERS AND REPRESENTATIVES THOMPSON, SALTER, DORSEY, TOOMY, ALARIO, K. CARTER, DEWITT, HAMMETT, JEFFERSON, RICHMOND AND RITCHIE

AN ACT

To To amend and reenact R.S. 29:723 (4), (5), and (6), 724(C)(2), 725(E) through (H), 726 (E)(13) through (20), 727(B) and (E) through (H), 728(A), 729(C), 730(A), and 730.1(A) and R.S. 49:191(3), to enact R.S. 29:722(C), 723(7) and (8), 724(D)(10) and (11) and (H), 725(I), 725.1, 726(E)(21) through (25), 727(I) through (L), 727.1, and 729(E)(14) and (F), and to repeal R.S. 29:723(3.1) and 726(F) and Section 10 of Act No. 35 of the 2006 First Extraordinary Session of the Legislature of Louisiana, relative to governmental powers, functions, and responsibilities regarding homeland security and emergency preparedness; to provide for definitions; to provide for the powers, duties, and functions of the Governor's Office of Homeland Security and Emergency Preparedness; to provide for a director of such office; to provide for a deputy director, assistant deputy directors, directors, legal counsel, regional coordinators and assistant coordinators, and parish directors, some being full time, and their duties, functions, and responsibilities; to authorize the establishment of homeland security and emergency preparedness regions; to provide for appointment of statewide regional advisory committees and their duties; to provide for duties of the office and to delete certain duties; to provide for elements of the emergency operations plan and to delete certain components of the plan; to provide for powers of the parish president; to require the establishment of a unified joint incident command structure within each parish; to provide for the orderly succession of parish government officials; to provide for requirements for the parish emergency operations plans; to provide for sunset provisions for the office; to repeal provisions for the office; to repeal provisions terminating Act No. 35 of the First Extraordinary Session of the Louisiana Legislature in 2006; and to provide for related matters.

Reported by substitute.

**SENATE BILL NO. 688—**

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 18:1280.21 and 1280.22(B)(1), relative to the presidential preference primary; to provide for the day on which such election shall be held; to provide for the opening of

the qualifying period for presidential candidates in such election; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 193—**  
BY REPRESENTATIVE LAFONTA  
AN ACT

To enact R.S. 18:108(C), relative to voter registration; to provide for the reinstatement of prior voter registration information for a voter whose registration has been canceled and who re-registers to vote in the parish in which he was previously registered within three years of the cancellation of his registration in that parish; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 335—**  
BY REPRESENTATIVES BOWLER AND MARCHAND  
AN ACT

To amend and reenact R.S. 49:992(D)(2) and to enact R.S. 49:992(I), relative to adjudications and hearings functions of the division of administrative law and certain state departments; to provide for adjudications and hearings functions of the Department of Health and Hospitals, the Department of Social Services, and the Department of Education; to provide for the delegation of certain functions and authority to the division of administrative law, except where prohibited by federal law; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 587—**  
BY REPRESENTATIVE JEFFERSON  
AN ACT

To enact R.S. 18:451.3, relative to qualifications for candidacy and for holding office; to provide that for purposes of residency or domicile requirements relative to qualifying for and holding office, a person shall not be considered to have vacated his domicile or residence if he was involuntarily displaced from his place of residence or domicile by the effects of a gubernatorially declared state of emergency except in certain circumstances; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

**SUPPLEMENTAL  
REPORT OF COMMITTEE ON  
HEALTH AND WELFARE**

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

May 17, 2006

To the President and Members of the Senate:

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

**SENATE BILL NO. 467—**  
BY SENATOR FONTENOT  
AN ACT

To amend and reenact R.S. 37:1229(A) and to enact R.S. 40:971(D) and (E), relative to controlled dangerous substances; to require that pharmacies maintain records on certain prescriptions; to authorize law enforcement authorities access to certain pharmacy records; to provide for penalty; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JOE MCPHERSON  
Chairman

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

Senator Barham asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just reported by Committees.

**SENATE BILL NO. 661—**  
BY SENATORS BARHAM, HINES, BAJOEI, MOUNT AND NEVERS AND REPRESENTATIVES THOMPSON, SALTER, DORSEY, TOOMY, ALARIO, K. CARTER, DEWITT, HAMMETT, JEFFERSON, RICHMOND AND RITCHIE  
AN ACT

To To amend and reenact R.S. 29:723 (4), (5), and (6), 724(C)(2), 725(E) through (H), 726 (E)(13) through (20), 727(B) and (E) through (H), 728(A), 729(C), 730(A), and 730.1(A) and R.S. 49:191(3), to enact R.S. 29:722(C), 723(7) and (8), 724(D)(10) and (11) and (H), 725(I), 725.1, 726(E)(21) through (25), 727(I) through (L), 727.1, and 729(E)(14) and (F), and to repeal R.S. 29:723(3.1) and 726(F) and Section 10 of Act No. 35 of the 2006 First Extraordinary Session of the Legislature of Louisiana, relative to governmental powers, functions, and responsibilities regarding homeland security and emergency preparedness; to provide for definitions; to provide for the powers, duties, and functions of the Governor's Office of Homeland Security and Emergency Preparedness; to provide for a director of such office; to provide for a deputy director, assistant deputy directors, directors, legal counsel, regional coordinators and assistant coordinators, and parish directors, some being full time, and their duties, functions, and responsibilities; to authorize the establishment of homeland security and emergency preparedness regions; to provide for appointment of statewide regional advisory committees and their duties; to provide for duties of the office and to delete certain duties; to provide for elements of the emergency operations plan and to delete certain components of the plan; to provide for powers of the parish president; to require the establishment of a unified joint incident command structure within each parish; to provide for the orderly succession of parish government officials; to provide for requirements for the parish emergency operations plans; to provide for sunset provisions for the office; to repeal provisions for the office; to repeal provisions terminating Act No. 35 of the First Extraordinary Session of the Louisiana Legislature in 2006; 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. 661 by Senator Barham)**

BY SENATOR BARHAM  
AN ACT

To amend and reenact R.S. 29:725(E) through (H), and R.S. 49:191(3), to enact R.S. 29:722(C), 725(I), 725.1, and 726(E)(21) through (24), and to repeal Section 10 of Act No. 35 of the 2006 First Extraordinary Session of the Legislature of Louisiana, relative to the purpose of the Louisiana Homeland Security and Emergency Assistance and Disaster Act and policy of the state to follow the National Incident Management System; to provide for the powers, duties, and functions of the Governor's Office of Homeland Security and Emergency Preparedness; to provide for the appointment of a deputy director, assistant deputy directors, legal counsel, regional coordinators and assistant coordinators, and their duties, functions, and responsibilities; to provide for the employment status of all agency employees; to authorize the establishment of

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homeland security and emergency preparedness regions; to provide for appointment of statewide regional advisory committees and their duties; to provide for additional duties of the office; to provide for sunset provisions for the office; to repeal provisions for the office; to repeal provisions terminating Act No. 35 of the First Extraordinary Session of the Louisiana Legislature in 2006; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:725(E) through (H) are hereby amended and reenacted and R.S. 29:722(C), 725(I), 725.1, and 726(E)(21) through (24) are hereby enacted to read as follows:

§722. Purpose

\* \* \*

**C. It is further declared to be the purpose of this Chapter and the policy of the state that all homeland security and emergency preparedness functions of the state shall follow the principles outlined in the National Incident Management System (NIMS) or its successor.**

\* \* \*

§725. State emergency and disaster agency; powers of ~~adjutant general~~ **director**

\* \* \*

**E. The director shall appoint a deputy director, subject to Senate confirmation, to administer the provisions of this Chapter. The deputy director shall have and may exercise such powers and duties of the director as the director shall delegate to him.** The director may appoint two such assistant deputy directors of the office, namely, the assistant director for homeland security and the assistant director for emergency preparedness who shall assist the director to administer the provisions of this Chapter: **as may be necessary to carry out the functions of the office, including but not limited to homeland security, emergency preparedness, and recovery.** Each assistant deputy director shall have and may exercise such powers and duties of the director **or the deputy director** as the director **or deputy director** shall delegate to him.

**F. The director shall, in addition to other staff, appoint regional coordinators and may appoint assistant coordinators for each homeland security and emergency preparedness region throughout the state, as provided by R.S. 29:726(E)(21) to assist each of the parish offices of homeland security and emergency preparedness in the administration of the provisions of this Chapter.**

**F.G.(1)** The director may employ such professional, technical, clerical, stenographic, and other personnel and he shall fix their compensation and may make expenditures from available funds appropriated for the Governor's Office of Homeland Security and Emergency Preparedness or other funds made available to him for purposes of homeland security and emergency preparedness as may be necessary to carry out the purposes of this Chapter. During a gubernatorially declared disaster or emergency, the director shall have the authority to expend funds for emergency protective measures even if there is no budget authority of funds available. The director, **the deputy director** and the assistant **deputy** directors, if appointed, shall be provided with the necessary and appropriate office space, furniture, equipment, supplies, stationary, and printing. The necessary mileage, office expenses, salaries of personnel, postage, telephone, and expressage shall be chargeable to any funds available for homeland security and emergency preparedness.

**(2) All current and future employees of the Governor's Office of Homeland Security and Emergency Preparedness shall be subject to the laws, rules, and regulations governing employees in unclassified state service. Such employees shall remain in unclassified state service.**

**G.H.** The director, subject to the direction and control of the governor, shall be the executive head of the state **homeland security and emergency preparedness** agency and as such shall be responsible to the governor for carrying out the programs for homeland security and emergency preparedness for the state of Louisiana. He shall coordinate the activities of all agencies and organizations for homeland security and emergency preparedness within the state and shall maintain liaison with and cooperate with homeland security and emergency preparedness agencies and organizations of other states and of the federal government. All state agencies and departments shall comply with directives from the Governor's Office of Homeland

Security and Emergency Preparedness relating to emergency planning and operations.

**H.I.** The Governor's Office of Homeland Security and Emergency Preparedness shall operate pursuant to rules developed, adopted, and promulgated as provided for state agencies in the Administrative Procedure Act. Such rules shall be subject to the authority of the legislature to oversee their development as provided in such Act and for such purpose shall be submitted to the Senate Select Committee on Homeland Security and the House Special Committee on Homeland Security.

**§725.1. Legal representative of office; state attorney general**  
**The attorney general shall be the legal advisor to the Governor's Office of Homeland Security and Emergency Preparedness and, except as otherwise provided by law, shall counsel and advise the office and shall represent it in any and all matters when called upon to do so.**

§726. Governor's Office of Homeland Security and Emergency Preparedness; authority and responsibilities

\* \* \*

E. The office shall either directly or through authorized assignment to another state agency or department:

\* \* \*

**(21) Establish homeland security and emergency preparedness regions throughout the state, which regions shall only be adopted by and shall be uniform throughout all state agencies and departments for homeland security and emergency preparedness purposes, including but not limited to planning, exercises, response, and recovery.**

**(22) Conduct meetings, hold hearings, and appoint statewide and regional advisory committees to assist in all matters consistent with the intent and purposes of this Chapter.**

**(23) Review annually the state emergency operations plan.**

**(24) Review annually the state continuity of government plan.**

\* \* \*

Section 2. R.S. 49:191(3) is hereby amended and reenacted to read as follows:

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

\* \* \*

(3) July 1, 2010:  
**(a)** The Department of Transportation and Development and all statutory entities made a part of the department by law.

**(b) The Governor's Office of Emergency Preparedness and Homeland Security.**

Section 3. Section 10 of Act No. 35 of the First Extraordinary Session of the Legislature of Louisiana in 2006 is hereby repealed in its entirety.

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 Jones, the committee substitute bill was adopted and becomes Senate Bill No. 748 by Senator Barham, substitute for Senate Bill No. 661 by Senator Barham.

**SENATE BILL NO. 748— (Substitute of Senate Bill No. 661 by Senator Barham)**

BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 29:725(E) through (H), and R.S. 49:191(3), to enact R.S. 29:722(C), 725(I), 725.1, and 726(E)(21) through (24), and to repeal Section 10 of Act No. 35 of the 2006 First Extraordinary Session of the Legislature of

Louisiana, relative to the purpose of the Louisiana Homeland Security and Emergency Assistance and Disaster Act and policy of the state to follow the National Incident Management System; to provide for the powers, duties, and functions of the Governor's Office of Homeland Security and Emergency Preparedness; to provide for the appointment of a deputy director, assistant deputy directors, legal counsel, regional coordinators and assistant coordinators, and their duties, functions, and responsibilities; to provide for the employment status of all agency employees; to authorize the establishment of homeland security and emergency preparedness regions; to provide for appointment of statewide regional advisory committees and their duties; to provide for additional duties of the office; to provide for sunset provisions for the office; to repeal provisions for the office; to repeal provisions terminating Act No. 35 of the First Extraordinary Session of the Louisiana Legislature in 2006; and to provide for related matters.

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

### Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 676 from the Committee on Revenue and Fiscal Affairs.

#### HOUSE BILL NO. 676—

BY REPRESENTATIVE BALDONE

#### AN ACT

To amend and reenact R.S. 47:1998(A)(1)(a) and to enact R.S. 47:1998(G), relative to ad valorem taxation; to provide procedures for judicial review of the final determination by the Louisiana Tax Commission of assessed valuation and taxes due; to authorize assessors employment of private counsel; and to provide for related matters.

### Floor Amendments Sent Up

Senator Ellington sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Conforming amendments proposed by Senator Ellington to Engrossed House Bill No. 676 by Representative Baldone

#### AMENDMENT NO. 1

On page 1, line 2, change "47:1998(A)(1)(a)" to "47:1998(A)(1)(a) and (F),"

#### AMENDMENT NO. 2

On page 1, lines 2 and 3, change "ad valorem taxation;" to "judicial review of assessed valuation property;"

#### AMENDMENT NO. 3

On page 1, lines 3 and 4, delete "the final determination by the Louisiana Tax Commission of"

#### AMENDMENT NO. 4

On page 1, line 4, after "valuation" delete "and taxes due;" and insert in lieu thereof the following: "property;"

#### AMENDMENT NO. 5

On page 1, line 5, change "employment of" to "to employ"

#### AMENDMENT NO. 6

On page 1, line 7, change "is" to "and (F) are"

#### AMENDMENT NO. 7

On page 2, between lines 8 and 9, insert the following:  
"F.(1) If the assessed valuation finally determined under this Section is greater than the taxpayer's own assessed valuation, the court shall enter judgment against the taxpayer for the additional taxes due together with interest at the actual rate earned on the money paid under protest in the escrow account during the period from the

date of notice of intention to file suit for recovery of taxes pursuant to R.S. 47:2110(E) until paid.

(2) If the taxpayer prevails in his suit to recover taxes paid under protest, the appropriate amount of taxes shall be refunded to the taxpayer together with interest at the rate set forth above during the period from the date of payment until the date of such refund."

#### AMENDMENT NO. 8

On page 2, line 15, change "(F)" to "(F)(1)"

On motion of Senator Ellington, the amendments were adopted.

Under the provisions of Joint Rule No. 5, the amended bill, which is a duplicate of Senate Bill No. 213, was read by title and referred to the Legislative Bureau.

### 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:

May 17, 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. 84—

BY SENATOR BOASSO

#### A CONCURRENT RESOLUTION

To commend and congratulate United States Coast Guard Rear Admiral Robert F. Duncan on a remarkable career and for performance above and beyond the call of duty under adverse and demanding circumstances surrounding hurricanes Katrina and Rita.

#### SENATE CONCURRENT RESOLUTION NO. 86—

BY SENATOR MCPHERSON AND REPRESENTATIVE DURAND

#### A CONCURRENT RESOLUTION

To commend the countless number of hospital employees of Louisiana for their bravery, courage, and selfless devotion to duty during the aftermath of hurricanes Katrina and Rita and proclaims Tuesday, May 16, 2006 as Louisiana Hospital Day.

#### SENATE CONCURRENT RESOLUTION NO. 87—

BY SENATOR HINES AND REPRESENTATIVE WALKER

#### A CONCURRENT RESOLUTION

To commend the Tunica-Biloxi Tribe of Louisiana for its people, culture, and history, acknowledge its many contributions to the state, and proclaim May 17, 2006, as "Tunica-Biloxi Day."

#### SENATE CONCURRENT RESOLUTION NO. 88—

BY SENATOR FONTENOT

#### A CONCURRENT RESOLUTION

To designate May 17, 2006 as Louisiana Housing Council Day.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

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

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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:

May 17, 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. 70— BY SENATORS NEVERS AND MOUNT AND REPRESENTATIVES SCALISE AND SCHNEIDER AN ACT

To amend and reenact the introductory paragraph of R.S. 15:574.4(A)(2)(a), and R.S. 40:967(B)(1), (4) and (5) and 981.2(C), relative to certain controlled dangerous substances; to increase the penalty for the manufacture, possession or distribution of methadone; to authorize offenders to participate in the intensive incarceration program; and to provide for related matters.

SENATE BILL NO. 364— BY SENATOR ROMERO AN ACT

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

SENATE BILL NO. 366— BY SENATOR ROMERO AN ACT

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

SENATE BILL NO. 572— BY SENATOR JONES AN ACT

To enact Code of Criminal Procedure Article 799.1, relative to the number of peremptory challenges; to provide for use of all challenges available unless otherwise agreed; 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 BILLS AND JOINT RESOLUTIONS

May 17, 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. 9— BY REPRESENTATIVES SMILEY, T. POWELL, AND SCALISE AN ACT

To enact R.S. 14:2(13)(pp), relative to crimes of violence; to add aggravated incest to the list of enumerated crimes of violence; and to provide for related matters.

HOUSE BILL NO. 210— BY REPRESENTATIVE BADON AN ACT

To amend and reenact R.S. 17:421.9(G), relative to salary adjustments for certain school psychologists holding a specified credential issued by the National School Psychology Certification Board; to provide conditions for receiving the adjustment; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 236— BY REPRESENTATIVE SCHNEIDER AND SENATOR SCHEDLER AN ACT

To enact R.S. 41:728, relative to unused school lands; to authorize the St. Tammany Parish School Board to sell, exchange, or otherwise dispose of certain unused school lands, including sixteenth section lands, indemnity for school lands, and other immovable property; to provide relative to procedures for such disposition; to provide for the sale of sixteenth section lands by the state land office; to provide for use of proceeds; to provide for effectiveness; 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. 393— BY REPRESENTATIVE HAMMETT AN ACT

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, Section 1 of Act No. 7 of the 2001 First Extraordinary Session of the Legislature, and Section 1 of Act No. 14 of the 2004 First Extraordinary Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to change the termination date of the program; and to provide for related matters.

HOUSE BILL NO. 394— BY REPRESENTATIVE HAMMETT AN ACT

To amend and reenact R.S. 47:1602(A)(2), relative to the filing of state tax returns; to provide that penalties for late payment of certain taxes are not due if at least ninety percent of the total tax due on the return is paid on or before the due date of the return; to provide that extensions are to be taken into consideration when determining whether the payments are delinquent; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 433— BY REPRESENTATIVES ALARIO AND SALTER AN ACT

To amend and reenact R.S. 39:128(B)(4), relative to the exemption from the Capital Outlay Act for certain university and higher education facility contracts; to provide that funding for such projects be made available to the office of facility planning and control; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 512—**

BY REPRESENTATIVES MARTINY AND CRANE  
AN ACT

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

**HOUSE BILL NO. 563—**

BY REPRESENTATIVES GEYMAN AND SCHNEIDER  
AN ACT

To amend and reenact R.S. 14:80(A)(1) and (2), relative to felony carnal knowledge of a juvenile; to change the minimum age of the victim to a person thirteen years of age or older; and to provide for related matters.

**HOUSE BILL NO. 611—**

BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact R.S. 14:35, relative to simple battery; to increase the amount of the fine for the offense of simple battery; and to provide for related matters.

**HOUSE BILL NO. 612—**

BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact R.S. 14:67(B)(3), relative to theft; to increase the fine for theft when the value of the thing taken is less than three hundred dollars; and to provide for related matters.

**HOUSE BILL NO. 613—**

BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact R.S. 14:69(B)(3), relative to illegal possession of stolen things; to increase the fine when the amount of the stolen things is less than three hundred dollars; and to provide for related matters.

**HOUSE BILL NO. 614—**

BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact R.S. 14:56(B), relative to simple criminal damage to property; to increase the fine for the crime of simple criminal damage to property when the value of the property damaged is less than five hundred dollars; and to provide for related matters.

**HOUSE BILL NO. 628—**

BY REPRESENTATIVES MONTGOMERY, LANCASTER, AND JANE SMITH  
AN ACT

To amend and reenact R.S. 33:1236.1, to enact R.S. 42:1121.1, and to repeal R.S. 42:66(E), relative to a parish governing authority member or former member serving as the parish manager; to repeal provisions of law that authorize a member of a parish governing authority to serve as a parish manager or assistant parish manager; to provide for any member or former member of a parish governing authority currently serving as a parish manager to continue to serve as a parish manager; to require such member's recusal from any vote regarding his employment as parish manager; and to provide for related matters.

**HOUSE BILL NO. 635—**

BY REPRESENTATIVE BURNS  
AN ACT

To amend and reenact Code of Criminal Procedure Article 905.4(A)(1), relative to sentencing in capital cases; to add certain crimes to the enumeration of aggravating circumstances; and to provide for related matters.

**HOUSE BILL NO. 636—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 15:832(B), 871, and 873, relative to inmate compensation; to provide for discretionary rather than

mandatory compensation for inmate labor; to provide for the adoption of rules for establishing the eligibility to receive compensation; to provide for rules to establish rate of compensation for labor performed by eligible inmates; to provide for applicability; to provide with respect to the sources of funding for inmate compensation; and to provide for related matters.

**HOUSE BILL NO. 648—**

BY REPRESENTATIVES ALARIO AND SALTER  
AN ACT

To amend and reenact R.S. 40:1724, relative to the Louisiana Building Code for state-owned buildings; to provide relative to the authority of the office of facility planning and control to approve plans and specifications for state-owned buildings; to clarify that local permitting and review laws do not apply to state buildings; to allow rulemaking; to authorize the office of facility planning and control to impose fees on permitting and plan review; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 671—**

BY REPRESENTATIVES DOWNS AND GALLOT  
AN ACT

To enact R.S. 42:1121(I) and to repeal R.S. 42:1121(I), relative to the Code of Governmental Ethics; to provide an exception to the post-service restrictions to allow certain employment by the North Louisiana Exhibition Center Commission; to remove such exception; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 688—**

BY REPRESENTATIVE HUNTER AND SENATOR NEVERS  
AN ACT

To amend and reenact R.S. 42:6.1(A)(9) and to enact R.S. 42:6.1(A)(10), relative to public meetings; to provide for an exception for the Second Injury Board; to permit executive session discussion of the settlement of a workers' compensation disputed claim; and to provide for related matters.

**HOUSE BILL NO. 773—**

BY REPRESENTATIVES ALARIO AND SALTER  
AN ACT

To enact R.S. 25:900.1(B)(5), relative to the Percent for Art program; to provide for state building projects necessitated by a natural catastrophe; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 858— (Duplicate of Senate Bill No. 580)**

BY REPRESENTATIVE PINAC AND SENATOR AMEDEE  
AN ACT

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

**HOUSE BILL NO. 833—**

BY REPRESENTATIVES BALDONE, ALEXANDER, ANSARDI, ARNOLD, BADON, BARROW, BAYLOR, BEARD, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, CAZAYOUX, CRANE, CRAVINS, DAMICO, DANIEL, DARTEZ, DEWITT, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GRAY, GREENE, HAMMETT, HEBERT, HILL, HONEY, JACKSON, JEFFERSON, KATZ, KENNEY, LABRUZZO, LAFLAUR, LANCASTER, MARTINY, McDONALD, MCVEA, MONTGOMERY, ODINET, PITRE, M. POWELL, T. POWELL, RITCHIE, SALTER, SMILEY, GARY SMITH, JACK SMITH, JOHN SMITH, ST. GERMAIN, THOMPSON, TOWNSEND, TRAHAN, TUCKER, WALKER, WALSWORTH, WHITE, AND WOOTON AND SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:151(A) and 153(A) and to enact R.S. 49:151(C), relative to the state flag and seal; to provide for the description of the state bird on the state flag; to provide for three drops of blood to be included in the description of the pelican tearing at its breast to feed its young; and to provide for related matters.

May 17, 2006

**HOUSE BILL NO. 847—**

BY REPRESENTATIVES MARTINY, ALARIO, ANSARDI, ARNOLD, BALDONE, BAYLOR, BEARD, BOWLER, BRUCE, BRUNEAU, BURRELL, K. CARTER, CRANE, CURTIS, DANIEL, DEWITT, DOERGE, DORSEY, DOWNS, FANNIN, FAUCHEUX, FRITH, GLOVER, GREENE, HAMMETT, HARRIS, HEATON, HILL, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, KLECKLEY, LAFONTA, LANCASTER, MARCHAND, MCDONALD, PIERRE, PITRE, M. POWELL, T. POWELL, RICHMOND, RITCHIE, ROMERO, SALTER, GARY SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, TOOMY, TRAHAN, WADDELL, AND WHITE AND SENATORS BAJOIE, HEITMEIER, HINES, MOUNT, AND NEVERS

AN ACT

To amend and reenact R.S. 15:824(B)(1)(b) and (c)(introductory paragraph) and to enact R.S. 15:824(B)(1)(d), relative to persons committed to the Department of Public Safety and Corrections; to provide for the amount paid to parish prisons housing inmates in the custody of the Department of Public Safety and Corrections and who were evacuated due to a disaster or emergency; and to provide for related matters.

**HOUSE BILL NO. 883—**

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

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.

**HOUSE BILL NO. 887—**

BY REPRESENTATIVES PINAC, BRUCE, BURRELL, CROWE, DOERGE, RITCHIE, GARY SMITH, STRAIN, THOMPSON, TRAHAN, WHITE, AND WINSTON AND SENATOR NEVERS

AN ACT

To enact R.S. 10:9-109(c)(6) and Part V-B of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1230 through 1240, relative to electric utilities; to provide for legislative intent and definitions; to provide with respect to issuance of financing orders; to provide for appeals of financing orders; to provide relative to a utility's interest in a financing order; to provide with respect to storm recovery property; to provide for the sale of storm recovery property; to provide for the perfection and true sale status of a sale of storm recovery property; to provide with respect to subsidiaries of electric utilities; to provide for conflicts of laws; to provide for the creation, perfection, and priority of security interests in storm recovery property; to provide a state pledge of non-impairment of storm recovery bonds; to provide that storm recovery bonds are not public debt; to provide an exclusion from secured transactions provisions of the uniform commercial laws; to provide that the jurisdiction of the commission is not impaired; and to provide for related matters.

**HOUSE BILL NO. 947— (Duplicate of Senate Bill No. 479)**

BY REPRESENTATIVE ALARIO AND SENATOR HEITMEIER AND COAUTHORED BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 39:1678.1(C), relative to the Louisiana Procurement Code; to provide for certain actions to which claims for damages do not apply; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 982—**

BY REPRESENTATIVE LAMBERT

AN ACT

To amend and reenact R.S. 32:408(B)(2)(a), relative to drivers' licenses; to provide for commercial drivers' licenses; to provide for restrictions; and to provide for related matters.

**HOUSE BILL NO. 985—**

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 32:191(A) and (D) and to enact R.S. 32:191(E), relative to the operation of motorcycles; to prohibit

certain children from being transported on motorcycles; to provide relative to certain requirements for authorized child passengers on motorcycles; and to provide for related matters.

**HOUSE BILL NO. 1023—**

BY REPRESENTATIVES HUTTER, BADON, BARROW, DOWNS, FANNIN, KENNEY, M. POWELL, T. POWELL, AND RITCHIE

AN ACT

To enact R.S. 17:1871(B)(7), relative to the duties of the Board of Supervisors of Community and Technical Colleges; to require that the board cooperate and work together with the State Board of Elementary and Secondary Education to improve linkages and career and technical education pathways between high schools and community and technical colleges; to provide for specified issues to be included in such duty; and to provide for related matters.

**HOUSE BILL NO. 1080—**

BY REPRESENTATIVES PITRE AND BALDONE AND SENATOR DUPRE

AN ACT

To name the new bridge along Louisiana Highway 1 in Leesville, Louisiana; and to provide for related matters.

**HOUSE BILL NO. 1120—**

BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 40:1375(B) and (F)(1), relative to state police training facilities; to provide for fees charged for participation in the training school and courses and for the use of the training facility by local government to train their police officers; 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.

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

May 16, 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. 192—**

BY REPRESENTATIVES QUEZAIRE, HONEY, KENNARD, AND WHITE  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility of widening Harding Boulevard, Louisiana Highway 408, from Southern University Agricultural and Mechanical College on its western end to Central, Louisiana and on its eastern end and to submit a written report on its findings and recommendations to the House and Senate Committees on Transportation, Highways and Public Works prior to the convening of the 2007 Regular Session.

**HOUSE CONCURRENT RESOLUTION NO. 195—**

BY REPRESENTATIVE KLECKLEY  
A CONCURRENT RESOLUTION

To commend the Alfred M. Barbe High School Lady Bucs upon winning their first-ever state track crown.

**HOUSE CONCURRENT RESOLUTION NO. 196—**

BY REPRESENTATIVES GLOVER, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GRAY, E. GUILLORY, HARRIS, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, AND

RICHMOND

A CONCURRENT RESOLUTION

To recognize Wednesday, May 17, 2006, as C. C. Antoine Day at the legislature in honor of the great C. C. Antoine, to recognize and record for posterity the tremendous pride that C. C. Antoine continues to bring to the state of Louisiana and the United States of America, and to commend the members of the C. C. Antoine Civic Association.

**HOUSE CONCURRENT RESOLUTION NO. 197—**

BY REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To commend the LaGrange High School Lady Gators upon winning the Class 4A outdoor track and field state championship.

**HOUSE CONCURRENT RESOLUTION NO. 199—**

BY REPRESENTATIVE HONEY AND SENATOR FIELDS

A CONCURRENT RESOLUTION

To commend the Southern University Laboratory School boys' and girls' track teams upon winning the Class 1A state title.

**HOUSE CONCURRENT RESOLUTION NO. 200—**

BY REPRESENTATIVE WALKER AND SENATOR HINES

A CONCURRENT RESOLUTION

To commend the Tunica-Biloxi Tribe of Louisiana for its many contributions to the state and its history, culture, and people and to proclaim May 17, 2006, Tunica-Biloxi Day.

**HOUSE CONCURRENT RESOLUTION NO. 202—**

BY REPRESENTATIVES GALLOT AND DOWNS AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To commend Richard I. Durrett, P. E. upon his retirement as parish administrator/engineer for the Lincoln Parish Police Jury and to recognize his achievements and contributions.

**HOUSE CONCURRENT RESOLUTION NO. 209—**

BY REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To express condolences upon the death of Joseph Dickson Dorroh, Jr. of Lake Charles.

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.

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Thursday, May 18, 2006, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Thursday, May 18, 2006.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk

