

**OFFICIAL JOURNAL**  
**OF THE**  
**HOUSE OF**  
**REPRESENTATIVES**  
**OF THE**  
**STATE OF LOUISIANA**

**FORTY-FIRST DAY'S PROCEEDINGS**

**Thirtieth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

House of Representatives  
State Capitol  
Baton Rouge, Louisiana

Tuesday, June 8, 2004

The House of Representatives was called to order at 1:00 P.M., by the Honorable Joe R. Salter, Speaker of the House of Representatives.

**Morning Hour**

**ROLL CALL**

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

PRESENT

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Pierre           |
| Alario      | Futrell      | Pinac            |
| Alexander   | Gallot       | Pitre            |
| Ansardi     | Geymann      | Powell, M.       |
| Arnold      | Glover       | Powell, T.       |
| Badon       | Gray         | Quezaire         |
| Baldone     | Guillory, E. | Richmond         |
| Baudoin     | Guillory, M. | Ritchie          |
| Baylor      | Hammett      | Robideaux        |
| Beard       | Heaton       | Romero           |
| Bowler      | Hebert       | Scalise          |
| Broome      | Hill         | Schneider        |
| Bruneau     | Honey        | Shepherd         |
| Burns       | Hopkins      | Smiley           |
| Burrell     | Hunter       | Smith, G.—56th   |
| Carter, K.  | Hutter       | Smith, J.D.—50th |
| Carter, R.  | Jackson      | Smith, J.H.—8th  |
| Cazayoux    | Jefferson    | Smith, J.R.—30th |
| Crane       | Johns        | St. Germain      |
| Crowe       | Katz         | Strain           |
| Curtis      | Kennard      | Thompson         |
| Damico      | Kenney       | Toomy            |
| Daniel      | LaBruzzo     | Townsend         |
| Dartez      | LaFleur      | Trahan           |
| DeWitt      | Lambert      | Triche           |
| Doerge      | Lancaster    | Tucker           |
| Dorsey      | Marchand     | Waddell          |
| Dove        | Martiny      | Walker           |
| Downs       | McDonald     | Walsworth        |

|          |            |         |
|----------|------------|---------|
| Durand   | McVea      | White   |
| Erdey    | Montgomery | Winston |
| Fannin   | Morrell    | Wooton  |
| Farrar   | Morrish    | Wright  |
| Faucheux | Murray     |         |
| Flavin   | Odinet     |         |

Total—103

ABSENT

Bruce  
Total—1

The Speaker announced that there were 103 members present and a quorum.

**Prayer**

Prayer was offered by Dr. Ken Ward.

**Pledge of Allegiance**

Rep. Jefferson led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

**Reading of the Journal**

On motion of Rep. Gallot, the reading of the Journal was dispensed with.

On motion of Rep. Waddell, and under a suspension of the rules, the Journal of June 7, 2004, was corrected to reflect him as voting yea on final passage of House Bill No. 1717.

On motion of Rep. Jackson, and under a suspension of the rules, the Journal of June 7, 2004, was corrected to reflect him as voting yea on final passage of House Bill No. 1084.

On motion of Rep. Frith, the Journal of June 7, 2004, was adopted.

**Suspension of the Rules**

On motion of Rep. Jane Smith, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

**Petitions, Memorials and  
Communications**

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

**Message from the Senate**

**SENATE BILLS**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 182 and 877

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Suspension of the Rules**

On motion of Rep. Martiny, the rules were suspended in order to take up the bills contained in the message at this time.

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

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

**SENATE BILL NO. 182—**  
BY SENATOR LENTINI (On Recommendations of the Louisiana State Law Institute)

AN ACT

To amend and reenact Civil Code Arts. 1493(A) and 1582.1 and to repeal Civil Code Art. 1493(E), relative to the different modes of acquiring the ownership of things; to provide relative to the validity of testaments; to provide relative to witness to testaments; to provide relative to forced heirs; to provide for permanently incapable persons as forced heirs; to provide for spouses as witnesses to testaments; to provide for transitional rules; and to provide for related matters.

Read by title.

**SENATE BILL NO. 877 (Substitute for Senate Bill No. 511 by Senator Ellington)—**

BY SENATORS ELLINGTON AND MICHOT  
AN ACT

To enact Chapter 8-K of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.40 through 844.54, relative to telecommunications; to create the "Local Government Fair Competition Act"; to provide for legislative findings; to provide for definitions; to provide limitations for providing certain cable television, telecommunications, and advanced services; to establish procedures for offering certain cable television, telecommunications, and advanced services; to provide for public hearings; to provide certain quality of service standards; to provide for enforcement and appeal; and to provide for related matters.

Read by title.

**House and House Concurrent Resolutions**

The following House and House Concurrent Resolutions lying over were taken up and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 279—**

BY REPRESENTATIVE BAUDOIN  
A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals, the Department of Environmental Quality, the Department of Wildlife and Fisheries, and the Department of Agriculture and Forestry and to urge and request the federal agency for toxic substances and disease registry to cooperate in a study to determine the immediate risks to and the cumulative impact on humans, crops, wildlife, and fisheries living and or located in areas within a close proximity to chemical and petrochemical plants in Louisiana, particularly facilities involved in the handling of hazardous waste and the environmental impact of such entities in the areas in which they are located, especially the increased rate of cancer that occurs in the industrial corridor of the state that has come to be known as "Cancer Alley".

Read by title.

**Motion**

On motion of Rep. Broome, the bill was returned to the calendar.

**HOUSE CONCURRENT RESOLUTION NO. 281—**

BY REPRESENTATIVE GRAY  
A CONCURRENT RESOLUTION

To create the Louisiana Foster Care Task Force to study the current law and regulations governing children in foster care in the state, to study the laws, regulations, and procedures which govern social workers charged with monitoring children in foster care, and to make recommendations for changes in the laws, rules, and procedures governing children in foster care in Louisiana.

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

**HOUSE CONCURRENT RESOLUTION NO. 289—**

BY REPRESENTATIVE GRAY  
A CONCURRENT RESOLUTION

To create the Juvenile Competency Study Commission to recommend policy directives for the state of Louisiana regarding issues related to juvenile competency, which may include the implementation of a pilot project to develop a process of competency determination, restoration, and mental health intervention, recommendations for a plan of statewide implementation, and determination of the cost of implementation

Read by title.

Under the rules, the above resolution was referred to the Committee on House and Governmental Affairs.

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

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

**SENATE BILL NO. 781—**  
BY SENATOR LENTINI

AN ACT

To enact R.S. 15:567.1, relative to capital cases; to provide with respect to mental incapacity to proceed to execution; to provide for procedures authorizing a defendant to raise the issue of mental incapacity to proceed to execution; to provide for the filing of a petition and to provide for the contents of that petition; to provide with respect to the burden of proof and the introduction of evidence; to provide for the submission of certain records, data, reports, and other information; to provide for a waiver of confidentiality and privilege with respect to information submitted; to provide for an independent psychological or psychiatric examination; to provide for the dismissal of the petition in certain circumstances; to provide with respect to treatment of a defendant found to be incompetent to proceed to execution; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

**SENATE BILL NO. 878 (Substitute for Senate Bill No. 705 by Senator Jackson)—**  
BY SENATOR JACKSON

AN ACT

To enact R.S. 33:9110, relative to communication districts; to provide for definitions; to require multi-line phone systems to provide automatic location information; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Commerce.

**SENATE BILL NO. 579—**  
BY SENATOR JONES

AN ACT

To enact R.S. 44:22, relative to public records; to exempt certain records in the custody of the Department of Economic Development pertaining to negotiations relative to economic development activities from the laws relative to public records until negotiations are concluded; to provide for certain determinations by the secretary of the Department of Economic Development; to provide for notice; to delete certain types of information from the exemption; to provide relative to the effectiveness; and to provide for related matters.

Called from the calendar.

Read by title.

**Motion**

Rep. Lancaster moved that Senate Bill No. 579 be designated as a duplicate of House Bill No. 744.

Which motion was agreed to.

Rep. Lancaster moved that Senate Bill No. 579 be amended to conform with House Bill No. 744 and sent up the following floor amendments:

**HOUSE FLOOR AMENDMENTS**

Conforming Amendments proposed by Representative Lancaster to Engrossed Senate Bill No. 579 by Senator Jones (Duplicate of House Bill No. 744)

AMENDMENT NO. 1

On page 1, line 6, after "notice;" delete "to delete certain" and delete line 7 in its entirety and insert "and"

AMENDMENT NO. 2

On page 2, line 1, after "writing" delete the remainder of the line, delete line 2 in its entirety, and on line 3, delete "maintenance of such confidentiality."

AMENDMENT NO. 3

On page 2, line 5, delete "Each determination by the secretary shall" and on line 6, delete "include his reasons for such determination."

AMENDMENT NO. 4

On page 2, line 9, delete "Such notice shall include the date" and on line 10, delete "of the secretary's determination."

AMENDMENT NO. 5

On page 2, line 12, after "redact" insert "any"

AMENDMENT NO. 6

On page 2, line 12, delete "identify or lead to the identification of" and on line 13 delete "the person with whom the department is negotiating" and insert "be detrimental to the negotiation"

AMENDMENT NO. 7

On page 2, line 17, delete "No" and insert "Under no circumstances shall"

AMENDMENT NO. 8

On page 2, line 18, after "Section" delete "shall"

AMENDMENT NO. 9

On page 2, line 19, delete the semicolon ";" after "confidentiality" and delete "however, if" and insert "unless"

AMENDMENT NO. 10

On page 2, line 22, after "Section" delete the comma "," and delete the remainder of the line and delete lines 23 through 26 in their entirety and insert a period "."

AMENDMENT NO. 11

On page 2, delete lines 27 through 29 in their entirety

AMENDMENT NO. 12

On page 3, delete lines 1 through 9 in their entirety

AMENDMENT NO. 13

On page 3, at the beginning of line 10, change "D." to "C."

AMENDMENT NO. 14

On page 3, line 11, after "permit" delete the remainder of the line and delete lines 12 and 13 in their entirety and insert a period "."

AMENDMENT NO. 15

On page 3, delete lines 14 through 21 in their entirety

On motion of Rep. Lancaster, the amendments were adopted.

**Motion**

On motion of Rep. Lancaster, the above bill, as amended, was referred to the Legislative Bureau.

**House and House Concurrent Resolutions  
Reported by Committee**

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 159—**

BY REPRESENTATIVE SHEPHERD

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Law Institute to study the procedures for providing notice of executory judgments and to make specific recommendations for revisions to Louisiana laws in order to bring uniformity of procedures and to ensure adequate notice to judgment debtors.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

On motion of Rep. Johns, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 196—**

BY REPRESENTATIVE SMILEY

**A CONCURRENT RESOLUTION**

To request the Department of Transportation and Development to install a red light at the intersection of Louisiana Highway 42 and Louisiana Highway 16 in the village of Port Vincent.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 198—**

BY REPRESENTATIVE ST. GERMAIN

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to study the practicality and feasibility of installing traffic control signals at the intersection of Louisiana Highway 402 and Louisiana Highway 1 and the intersection of Louisiana Highway 70 and Lee Drive in Assumption Parish.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 207—**

BY REPRESENTATIVE BROOME

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to increase and provide for advanced funding for the federal Weatherization Assistance Program for low-income persons (WAP) and the Low-Income Home Energy Assistance Program (LIHEAP).

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 214—**

BY REPRESENTATIVE BEARD

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to study and consider implementing new technology regarding designing highways and highway building

materials which would prolong the life of concrete and asphalt and accommodate overweight vehicles without the need for excessive and frequent maintenance and to report its findings to the House and Senate Transportation, Highways and Public Works Committees prior to the convening of the 2005 Regular Session.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 229—**

BY REPRESENTATIVE STRAIN

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to perform a traffic study at the intersection of Louisiana Highway 437 and Louisiana Highway 40 in Covington, Louisiana.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 237—**

BY REPRESENTATIVE DOWNS

**A CONCURRENT RESOLUTION**

To urge and request the office of motor vehicles and the Board of Elementary and Secondary Education to include in driver education courses rules of the road regarding the need for slower traffic to keep right.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 243—**

BY REPRESENTATIVE DURAND

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to consider making recommendations for changes in qualifications for businesses applying for specific information logo signs along interstates and fully controlled access highway rights-of-way, and to report such recommendations to the House and Senate Transportation, Highways and Public Works Committees prior to the convening of the 2005 Regular Session.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 258—**

BY REPRESENTATIVES SHEPHERD AND HONEY  
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Board of Private Investigator Examiners to take appropriate steps to provide for the offering of courses in private investigation at Southern University.

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the resolution was ordered engrossed and passed to its third reading.

**HOUSE CONCURRENT RESOLUTION NO. 259—**

BY REPRESENTATIVE JEFFERSON  
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the enforcement of liens and privileges under the Private Works Act and to make specific recommendations for revisions to Louisiana laws in order to prevent homeowners from having to pay a claimant for amounts due under a construction contract when such obligations have already been paid but have been misapplied or misappropriated by the general contractor.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

On motion of Rep. Johns, the resolution was ordered engrossed and passed to its third reading.

### Senate Concurrent Resolutions Reported by Committee

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

**SENATE CONCURRENT RESOLUTION NO. 3—**

BY SENATOR THEUNISSEN  
A CONCURRENT RESOLUTION

To continue the Governor's Aviation Advisory Commission, as created by Senate Concurrent Resolution 78 of the 1997 Regular Session of the Legislature of Louisiana.

Read by title.

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

On motion of Rep. Quezairé, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 20—**

BY SENATOR NEVERS  
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to appropriate and expedite funding for the development of a hurricane evacuation route in Louisiana and Mississippi.

Read by title.

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

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Transportation, Highways and Public Works to Original Senate Concurrent Resolution No. 20 by Senator Nevers

**AMENDMENT NO. 1**

On page 1, between lines 16 and 17, insert the following:

"WHEREAS, additionally, the proposed evacuation route should include a four-lane route from Paris Road, which is also known as Louisiana Highway 47, and connect in New Orleans into the proposed four-lane evacuation route from New Orleans, Louisiana to the Mississippi state line; and"

**AMENDMENT NO. 2**

On page 1, delete line 17 and insert the following:

"WHEREAS, since Highway 25 and Highway 47 are already designated as evacuation routes, each of the"

On motion of Rep. Quezairé, the amendments were adopted.

On motion of Rep. Quezairé, the resolution, as amended, was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 23—**

BY SENATOR CAIN  
A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to inform the public of the requirements of R.S. 32:71(B) requiring slower moving traffic to drive in the right-hand lane on multilane highways, and to request state police to enforce the penalties for violation as provided in law.

Read by title.

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

On motion of Rep. Quezairé, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 27—**

BY SENATOR MCPHERSON  
A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development to study the feasibility of increasing the speed limits on certain two-lane roads.

Read by title.

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

On motion of Rep. Quezairé, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 34—**

BY SENATORS ULLO AND HOLLIS  
A CONCURRENT RESOLUTION

To urge and request the governor and the Louisiana Department of Transportation and Development to make every effort to expedite the proposed widening of the Huey P. Long Bridge and improvements to the eastbank and westbank roadway approaches.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 37—**

BY SENATOR SMITH

**A CONCURRENT RESOLUTION**

To urge and request the secretary of the Louisiana Department of Transportation and Development to consider the training of certain department employees to assist state police in accident investigation and reconstruction, specifically concerning the road operating environment.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 42—**

BY SENATOR SMITH

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to use treated wood posts to support roadside signage and to investigate how the department may use more wood products in the maintenance and construction of Louisiana's highways.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 44—**

BY SENATOR DUPLISSIS

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to authorize state and national banks to participate in lotteries and related activities for charitable purposes.

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 105—**

BY SENATOR DUPRE

**A CONCURRENT RESOLUTION**

To recognize the Isle de Jean Charles Band of the Biloxi-Chitimacha Confederation of Muskogees ("BCCM"), the Bayou Lafourche Band of the BCCM, the Grand Caillou/Dulac Band of the BCCM, known collectively as the "BCCM Tribes" and the Pointe-au-Chien Indian Tribe ("PACIT").

Read by title.

On motion of Rep. Baldone, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 116—**

BY SENATOR MCPHERSON

**A CONCURRENT RESOLUTION**

To urge and request the commissioner of administration to study the feasibility of delegating, through the office of facility planning and control, all or a portion of the office's administrative responsibilities regarding any capital outlay project appropriated to a non-state entity to the governing authority of the non-state entity, or to an agency of such governing authority.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 123—**

BY SENATORS SMITH AND MCPHERSON

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to study the laws that govern the operation of vehicles which haul Louisiana products on the highways and roadways of Louisiana in excess of the standard limitations set forth in law, and to include in such study more particularly, vehicles transporting forestry products in their natural state and vehicles transporting Louisiana-produced lignite coal and coke fuel.

Read by title.

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

On motion of Rep. Quezaire, the resolution was ordered passed to its third reading.

**SENATE CONCURRENT RESOLUTION NO. 140—**

BY SENATOR FIELDS

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Board of Private Investigator Examiners to take appropriate steps to provide for the offering of courses in private investigation at Southern University.

Read by title.

Reported favorably by the Committee on Commerce.

On motion of Rep. Pinac, the resolution was ordered passed to its third reading.

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

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

**HOUSE BILL NO. 1724 (Substitute for House Bill No. 1214 by Representative Schneider)—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To amend and reenact R.S. 11:502 and 502.2(A) and (B)(1), relative to the Louisiana State Employees' Retirement System; to provide for eligibility to participate in the optional retirement plan; to provide for transfer from the optional retirement plan to the defined benefit plan; to provide for an effective date; and to provide for related matters.

Read by title.

On motion of Rep. Schneider, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 1725 (Substitute for House Bill No. 323 by Representative Pinac)—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:969.37, relative to the Louisiana Motor Vehicle Sales Finance Act; to provide relative to licensing for consumer loans and consumer credit sales; to provide for hearings; and to provide for related matters.

Read by title.

On motion of Rep. Pinac, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**Senate Instruments on Second Reading  
Returned from the Legislative Bureau**

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

**SENATE BILL NO. 8—**

BY SENATORS B. GAUTREAUX AND ROMERO

AN ACT

To enact R.S. 49:170.12, relative to state symbols; to designate St. Mary Parish as the Gateway to the Atchafalaya Basin; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Toomy, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 51—**

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 17:47(C)(1)(a) and (b), relative to certification of injury or disability for certain leave for employees in the state special schools; to provide for sick leave for up to ninety days in certain cases; to authorize the extension of such leave beyond ninety days; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Education.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Education to Reengrossed Senate Bill No. 51 by Senator Ullo

AMENDMENT NO. 1

On page 1, line 2, after " (a) and" delete the remainder of the line and delete lines 3 and 4 and at the beginning of line 5 delete "leave beyond ninety days;" and insert in lieu thereof the following:

"(b) and 1201(C)(1)(b), relative to sick leave for certain employees of public schools; to specify the time period required to be provided to such employees who are injured or disabled under specified circumstances; to provide relative to the extension of such time period; to provide relative to physician certification of such injury or disability; to provide an effective date;"

AMENDMENT NO. 2

On page 1, line 7, after "(b)" and before "are" insert "and 1201(C)(1)(b)"

AMENDMENT NO. 3

On page 1, at the beginning of line 11, change "C.(1)(a)" to "C.(1)(a)(i)"

AMENDMENT NO. 4

On page 1, line 14, after "to" and before "without" change "ninety days" to "one calendar year"

AMENDMENT NO. 5

On page 2, line 1, after "physician" and before "certifying" insert "selected by the employee"

AMENDMENT NO. 6

On page 2, line 2, after "the" and before "from" change "board" to "governing authority of the special school"

AMENDMENT NO. 7

On page 2, at the beginning of line 3, change "ninety days." to "one calendar year."

AMENDMENT NO. 8

On page 2, between lines 3 and 4, insert the following:

"(ii) If the governing authority of the special school questions the validity or accuracy of the physician certification provided for in Item (i) of this Subparagraph, the governing authority may require the employee to be examined by a physician selected by the governing authority. In such a case, the governing authority shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the governing authority certifies the injury or disability, the leave shall be granted. If the physician selected by the governing authority disagrees with the certificate of the physician selected by the employee, then the governing authority may require the employee to be examined by a third physician whose name appears next in the rotation of physicians on a list established by the local medical society for such purpose and maintained by the governing authority. All costs of an examination and any tests required by a third physician shall be paid by the governing authority. The opinion of the third physician shall be determinative of the issue.

"(iii) The opinion of each physician consulted as provided in this Subparagraph shall be submitted to the governing authority in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125."

Page 8 HOUSE

41st Day's Proceedings - June 8, 2004

AMENDMENT NO. 9

On page 2, at the beginning of line 4, change "(b)" to "(b)(i)"

AMENDMENT NO. 10

On page 2, line 8, after "to" and before "without " change "ninety days" to "one calendar year"

AMENDMENT NO. 11

On page 2, line 12, after "physician" and before "certifying" insert "selected by the employee"

AMENDMENT NO. 12

On page 2, line 13, after "the" and before "from" change "board" to "governing authority of the special school"

AMENDMENT NO. 13

On page 2, line 14, after "beyond" change "ninety days." to "one calendar year."

AMENDMENT NO. 14

On page 2, between line 14 and 15, insert the following:

"(ii) If the governing authority of the special school questions the validity or accuracy of the physician certification provided for in Item (i) of this Subparagraph, the governing authority may require the employee to be examined by a physician selected by the governing authority. In such a case, the governing authority shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the governing authority certifies the injury or disability, the leave shall be granted. If the physician selected by the governing authority disagrees with the certificate of the physician selected by the employee, then the governing authority shall require the employee to be examined by a third physician whose name appears next in the rotation of physicians on a list established by the local medical society for such purpose and maintained by the governing authority. All costs of an examination and any tests required by a third physician shall be paid by the governing authority. The opinion of the third physician shall be determinative of the issue.

(iii) The opinion of each physician consulted as provided in this Subparagraph shall be submitted to the governing authority in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125."

AMENDMENT NO. 15

On page 2, after line 15, insert the following:

"§1201. Amount of sick leave; reimbursement; injury on the job

\* \* \*

C.(1)

\* \* \*

(b)(i) Any member of the teaching staff of the public schools who while acting in his official capacity is injured or disabled as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student shall receive sick leave for a period up to ninety days one calendar year without reduction in pay and without reduction in

accrued sick leave days while injured or disabled as a result of rendering such assistance. Such member of the teaching staff shall be required to present a certificate from a physician selected by the teaching staff member certifying such injury or disability. Nothing in this Subsection shall prohibit a city, or parish, or other local public school board from extending this period beyond ninety days one calendar year.

(ii) If the school board questions the validity or accuracy of the physician certification provided for in Item (i) of this Subparagraph, the board may require the teaching staff member to be examined by a physician selected by the board. In such a case, the board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board certifies the injury or disability, the leave shall be granted. If the physician selected by the school board disagrees with the certificate of the physician selected by the teaching staff member, then the board may require the staff member to be examined by a third physician whose name appears next in the rotation of physicians on a list established by the local medical society for such purpose and maintained by the board. All costs of an examination and any tests required by a third physician shall be paid by the board. The opinion of the third physician shall be determinative of the issue.

(iii) The opinion of each physician consulted as provided in this Subparagraph shall be submitted to the board in the form of a sworn statement which shall be subject to the provisions of R.S. 14:125.

\* \* \*

Section 2. This Act shall become effective on July 1, 2004; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2004, or on the day following such approval by the legislature, whichever is later."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the amendments were adopted.

On motion of Rep. Crane, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 79— BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 40:5.5(E)(2), relative to food safety; to provide with respect to the definition of a "food service establishment"; to exclude food prepared and served at private clubs; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 98— BY SENATORS FIELDS, DARDENNE, HOLDEN AND MARIONNEAUX AN ACT

To amend and reenact R.S. 13:992.1(C) and (D), relative to judicial expense funds of district courts; to provide relative to the building fund of the Nineteenth Judicial District; to provide



relative to the construction of a new facility in such district; to extend the time limit for accepting bids for such facility; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Toomy, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 126—**

BY SENATOR ULLO

AN ACT

To enact R.S. 24:511(E), relative to the legislative auditor; to authorize the legislative auditor to appoint a first assistant; to provide that the legislative auditor shall establish the salary, duties and authority of the first assistant legislative auditor; to provide for the first assistant legislative auditor to serve as acting legislative auditor in absence of the legislative auditor or vacancy in the office of the legislative auditor; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Lancaster, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 219—**

BY SENATORS DARDENNE AND BAJOIE

AN ACT

To enact R.S. 46:977 and 1906(C), relative to the immunization of certain juveniles; to provide with respect to the Hepatitis B vaccine for juveniles in state custody; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Health and Welfare to Engrossed Senate Bill No. 219 by Senator Dardenne

**AMENDMENT NO. 1**

On page 2, line 1, change "juvenile correction center" to "local juvenile detention facility"

**AMENDMENT NO. 2**

On page 2, line 8, change "juvenile correction centers" to "local juvenile detention facility"

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 219 by Senator Dardenne

**AMENDMENT NO. 1**

In House Committee Amendment No. 2 proposed by the House Committee on Health and Welfare, on line 4, change "facility" to "facilities"

On motion of Rep. Durand, the amendments were adopted.

On motion of Rep. Durand, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 224—**

BY SENATORS MALONE AND NEVERS

AN ACT

To enact R.S. 17:3048.1(M), relative to the Louisiana Tuition Opportunity Program; to provide that any TOPS award granted to a student shall be credited against educational expenses in a specific order; to provide that cost of any housing, meal plan, books, dues or other fees shall be credited first prior to the cost of tuition; to provide for exceptions; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Education.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Education to Engrossed Senate Bill No. 224 by Senator Malone

**AMENDMENT NO. 1**

On page 1, at the beginning of line 2, change "To enact R.S. 17:3048.1(M)" to "To amend and reenact R.S. 17:3048.1(K)(1)"

**AMENDMENT NO. 2**

On page 1 delete lines 3 through 6 and insert the following:

"provide for use of a program award by a student for any cost of attendance for such student at an eligible public college or university as determined in accordance with specified guidelines; to require eligible public college or university to provide, under specified circumstances, certain information to an award recipient and to his parent or court-ordered custodian; and to provide for related matters."

**AMENDMENT NO. 3**

On page 1, line 8, after "Section 1." delete the remainder of the line and insert "R.S. 17:3048.1(K)(1) is hereby amended and reenacted to read as follows:"

Page 10 HOUSE

41st Day's Proceedings - June 8, 2004

AMENDMENT NO. 4

On page 1 delete lines 11 through 17 and on page 2 delete lines 1 through 9 and insert in lieu thereof the following:

"K.(1)(a) Notwithstanding any provision of this Section to the contrary, any student who qualifies for an award as provided in this Section and who also qualifies for any other financial assistance offered by the state public college or university which the student attends shall be allowed to combine such award and financial assistance in any manner to cover other "cost of attendance" as determined for that student in accordance with regulations governing the award of federal student aid under Title IV of the Higher Education Act of 1965 as amended, including room and board, books, and other instructional materials.

(b)(i) Additionally, notwithstanding any provision of this Section to the contrary and effective for the 2004-2005 award year and thereafter, any student who qualifies for an award as provided in this Section shall be allowed to use such award in any manner to cover other "cost of attendance" at an eligible public college or university as determined for that student in accordance with regulations governing the award of federal student aid under Title IV of the Higher Education Act of 1965 as amended, including room and board, books, and other instructional materials.

(ii) If an award recipient is claimed as a dependent on a federal income tax return on Form 1098 T, or the successor to such form, the eligible public college or university attended by such student shall provide to the student and to his parent or court-ordered custodian, in addition to any other information required to be provided, a detailed accounting of the "other costs of attendance" billed by the institution and for which an award is used pursuant to the provisions of this Subparagraph.

\* \* \*

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the amendments were adopted.

On motion of Rep. Crane, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 229—  
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 18:1462(C) and to enact R.S. 18:1462(D)(3), relative to elections; to prohibit the intimidation of a person at a polling place on election day; to prohibit commissioners from carrying weapons while at the polling place; to provide for penalties; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 229 by Senator Fields

AMENDMENT NO. 1

On page 2, line 6, after "(3)" and before "Intimidate" delete "(a)"

AMENDMENT NO. 2

On page 2, line 8, after "polling place" delete the remainder of the line and delete lines 9 through 12 and insert a period "."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 231—  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 18:551(A), to enact Part IV of Chapter 3 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:195.1 through 195.3, and to enact R.S. 36:744(X), relative to constitutional amendment proposal propositions; to create and provide for the Constitutional Amendment Ballot Proposal Commission; to provide for the powers and duties of the commission; to provide for the preparation and use of certain election ballots; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 231 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 2, after "amend and reenact" delete the remainder of the line and delete lines 3 through 7 and insert the following:

"R.S. 18:431(C) and 553(B)(4), relative to proposed constitutional amendments; to provide relative to statements summarizing proposed constitutional amendments by the secretary of state; to require that such statements be posted on the internet; to require that such statements shall be posted at the polling places on election day throughout the entire day; and to provide for"

AMENDMENT NO. 2

On page 1, line 10, change "R.S. 18:551(A) is" to "R.S. 18:431(C) and 553(B)(4) are"

AMENDMENT NO. 3

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

"§431. Commissioners; courses of instruction; certificates; reports; list of certified persons furnished by parish board of election supervisors

\* \* \*

C. When a proposed constitutional amendment is to be included on an election ballot, prior to each course of instruction for commissioners and commissioners-in-charge for such election, the secretary of state shall furnish each clerk of court with a statement, which has been approved by the attorney general, explaining the scope and nature of such proposed amendment in simple, unbiased, concise, and easily understood language. Upon approval, such statement shall be posted on the website of the secretary of state at least until the election returns have been promulgated.

\* \* \*

§553. Inspection and preparation of voting machines at polling places; precinct registers and supplemental list

\* \* \*

B. Inspection of the voting machines. After the commissioners take their oath and before the time for opening the polls, the commissioners, in the presence of the watchers, shall prepare the polling place for voting as follows:

\* \* \*

(4) Post the instructions, informational posters, if required, the statement of proposed constitutional amendments on the ballot, and a sample ballot in a conspicuous place at the principal entrance to the polling place, where they shall remain posted throughout the election day.

\* \* \*

**AMENDMENT NO. 4**

On page 2, delete lines 1 through 29 in their entirety, and on page 3, delete lines 1 through 28 in their entirety.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 231 by Senator Schedler

**AMENDMENT NO. 1**

On page 3, line 29, at the beginning of the line, change "Section 4." to "Section 2."

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 238—**

BY SENATOR DARDENNE

**AN ACT**

To amend and reenact R.S. 17:2005(A) and (C), relative to an annual report issued by the Board of Supervisors of Community and Technical Colleges; to make certain changes to the content of the report and the time period for reporting; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Crane, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 275—**

BY SENATOR NEVERS

**AN ACT**

To enact R.S. 17:1519.3(E), (F), and (G), relative to the Louisiana State University Health Sciences Center-New Orleans; to provide with respect to reports to be submitted to the Senate and House committees on health and welfare; to provide for specific information and reports to be supplied to the committees; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed Senate Bill No. 275 by Senator Nevers

**AMENDMENT NO. 1**

On page 2, line 4, change "report" to "reports"

On motion of Rep. Durand, the amendments were adopted.

On motion of Rep. Durand, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 330—**

BY SENATOR MOUNT

**AN ACT**

To amend and reenact R.S. 13:964.1(A)(2)(a) and (D) and to enact R.S. 13:964.1(E), relative to courts; to provide relative to the Fourteenth Judicial District Court; to provide relative to the indigent transcript fund for such court; to provide relative to tasks for which court reporters shall be compensated from such fund; to provide with regard to the nature of the compensation paid to court reporters from such fund; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Toomy, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 337—**  
BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 24:513(I)(1)(c)(i)(aa), relative to audit requirements; to provide that monies received from urban or rural development grants shall not be included in the computation of threshold limits for audit requirements; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed Senate Bill No. 337 by Senator Smith

AMENDMENT NO. 1

On page 1, line 3, after "received from" and before "rural" delete "urban or"

AMENDMENT NO. 2

On page 2, line 6, after "from" and before "rural" delete "urban or"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 387—**  
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 37:935, relative to the practice of registered nursing; to provide authority for registered nurses to administer analgesic doses of anesthetic agents; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 408—**  
BY SENATOR BAJOE

AN ACT

To enact R.S. 36: 259(II) and 919.7 and Part LXI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.231 through 1300.233, relative to women's health; to create the Women's Health Commission; to provide for the membership, filling of vacancies, meetings, compensation, domicile, election of officers, powers and duties, and termination; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Health and Welfare to Reengrossed Senate Bill No. 408 by Senator Bajoe

AMENDMENT NO. 1

On page 3, delete lines 23 and 24 in their entirety

AMENDMENT NO. 2

On page 3, at the beginning of line 25, change "(y)" to "(w)"

AMENDMENT NO. 3

On page 3, after line 29, insert:

"(aa) One representative of the Louisiana State Comprehensive Cancer Control Plan Coalition selected by the coalition."

AMENDMENT NO. 4

On page 3, delete lines 27 through 29 in their entirety

AMENDMENT NO. 5

On page 4, delete lines 1 and 2, and insert "(2) Each appointment shall be"

AMENDMENT NO. 6

On page 5, delete lines 15 and 16 in their entirety

AMENDMENT NO. 7

On page 5, line 23, after "Part." delete the remainder of the line

AMENDMENT NO. 8

On page 5, delete line 24 in its entirety

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the amendments were adopted.

On motion of Rep. Durand, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 415—**  
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 33:2493(C)(1), and to repeal R.S. 33:2493(C)(2), relative to civil service; to provide with respect to fire and police civil service for municipalities between 13,000 and 250,000; to remove the requirement that any applicant admitted to a civil service test for a position above entry level be a qualified elector of the state of Louisiana; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 415 by Senator Michot

##### AMENDMENT NO. 1

On page 1, line 2, change "R.S. 33:2493(C)(2)," to "R.S. 33:2493(C)(2) and (3),"

##### AMENDMENT NO. 2

On page 1, line 16, change "R.S. 33:2493(C)(2) is" to "R.S. 33:2493(C)(2) and (3) are"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

#### **SENATE BILL NO. 427—**

BY SENATOR JONES

#### AN ACT

To enact R.S. 49:149.18, relative to public buildings; to provide for naming of state buildings; to require that all names for state public buildings be confirmed by the Senate; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed Senate Bill No. 427 by Senator Jones

##### AMENDMENT NO. 1

On page 1, line 3, after "buildings be" delete the remainder of the line and on line 4, delete "Senate;" and insert "approved by certain committees of the legislature, meeting jointly;"

##### AMENDMENT NO. 2

On page 1, line 9, after "building" and before "constructed" delete the comma ","

##### AMENDMENT NO. 3

On page 1, line 9, after "public funds and" and before "title" insert "the"

##### AMENDMENT NO. 4

On page 1, line 10, after "state" and before "shall" delete "or any of its subdivisions"

##### AMENDMENT NO. 5

On page 1, line 11, after "name is" delete the remainder of the line and delete lines 12 and 13 and insert the following:

"submitted to and approved by Committee on Senate and Governmental Affairs and the Committee on House and Governmental Affairs, meeting jointly. No action shall be taken by the joint committee, except by the favorable vote of a majority of the members thereof from each house present and voting, each house voting separately."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

#### **SENATE BILL NO. 442—**

BY SENATOR ULLO

#### AN ACT

To amend and reenact R.S. 33:1560 and the introductory paragraph of R.S. 40:34(B)(2)(r), relative to medical certifications; to require that medical certificates indicating cause of death be signed by physicians; to provide for the appointment and compensation of certain physicians; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Judiciary.

The committee amendments were read as follows:

#### HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Reengrossed Senate Bill No. 442 by Senator Ullo

##### AMENDMENT NO. 1

On page 2, line 1, change "corner" to "coroner"

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

#### LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 442 by Senator Ullo

##### AMENDMENT NO. 1

On page 2, line 12, following "supplied" and before "by" insert "or provided by electronic means"

On motion of Rep. Toomy, the amendments were adopted.

On motion of Rep. Toomy, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 477—**  
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 40:962.1.1(A), relative to possession of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers and salts of optical isomers; to redefine the crime relative to the amount of such substances; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Administration of Criminal Justice to Engrossed Senate Bill No. 477 by Senator Dardenne

AMENDMENT NO. 1

On page 1, delete line 17 in its entirety and insert in lieu thereof the following:

"powder form unless the weight of the ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers is less than twelve grams and the powder is in the manufacturer's original packaging and may"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the amendments were adopted.

On motion of Rep. Martiny, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 594—**  
BY SENATOR BAJOEIE

AN ACT

To enact Part IX of Chapter 4 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:571.61, relative to post-release facilities; to provide for a pilot program in the Department of Public Safety and Corrections; to provide for the duties of the department; to provide for reports; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 603—**  
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 46:2136.2(F), relative to Domestic Abuse Assistance, to provide for the Louisiana Protective Order Registry; to provide for release of information from the

Protective Order Registry to the Department of Health and Hospitals, bureau of protective services, the Governor's Office of Elderly Affairs, elderly protective services, and the office of the attorney general; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Toomy, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 653—**  
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 44:4.1(B)(31), and to enact R.S. 47:1508(B)(20) and R.S. 51:936(C) and (D), relative to the Department of Economic Development; to provide for cooperation between the Department of Economic Development and other state agencies; to authorize the department to obtain certain information in the possession of any state agency; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 653 by Senator Jones

AMENDMENT NO. 1

On page 2, line 8, change "R.S. 51:936(B)" to "R.S. 51:936(C)"

AMENDMENT NO. 2

On page 2, at the end of line 17, delete the period "." and insert "to the same extent heretofore provided."

AMENDMENT NO. 3

On page 3, at the end of line 8, after "confidentiality and privilege." insert the following:

"Any information obtained by the Louisiana Economic Development Corporation from the Department of Economic Development pursuant to this Section shall remain confidential and privileged in the same manner as the Department of Economic Development would maintain confidentiality and privilege."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 657—**  
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 13:1384, relative to criminal district courts; to provide for funding of certain positions or office and functions; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Toomy, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 662—**  
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 40:964(Schedule III)(D)(3) and (4), relative to classification of controlled dangerous substances; to substitute hydrocodone for dihydrocodeinone as a Schedule III controlled dangerous substance; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Martiny, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 702—**  
BY SENATOR HAINKEL

AN ACT

To enact R.S. 43:19.1, relative to official records; to permit certain records to be made accessible on the official Internet web site or portal of the Louisiana State Legislature; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Lancaster, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 743—**  
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 29:655(D) and the introductory paragraph of 657(A), relative military affairs; to provide certain benefits for Civil Air Patrol members who are injured or killed or become ill during performance of their duties; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Toomy, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 744—**  
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 16:11(A)(2), relative to the annual salary of assistant district attorneys payable by the state; to authorize certain district attorneys to reallocate the total amount fixed for the annual salary of their assistant district attorneys; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Judiciary.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Toomy, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 770—**  
BY SENATOR FIELDS

AN ACT

To enact R.S. 17:1519.2(B)(1)(i), relative to University Medical Center in Baton Rouge; to provide for the establishment of such an entity; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 778—**  
BY SENATORS BARHAM AND DARDENNE

AN ACT

To amend and reenact R.S. 11:515(3), 826, 1165, 1168, and 1303, relative to certain public retirement systems; to require approval of the annual operating budgets of certain public retirement systems by the Joint Legislative Committee on the Budget; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Schneider, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 799—**  
BY SENATOR MOUNT

AN ACT

To enact R.S. 40:600.1(B)(6), (7), and (8), 600.2(12) and 600.6(A)(26), relative to the Louisiana Housing Finance Agency; to provide for findings; to provide for a definition of subsidiary; to provide for authority for the agency to sponsor a statewide community housing development organization; to provide with respect to the funding of loans and financing of pools of loans; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Durand, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 802—**  
BY SENATORS MOUNT AND THEUNISSEN AND REPRESENTATIVES FLAVIN, GEYMANN, E. GUILLORY, JOHNS AND MORRISH

AN ACT

To amend and reenact R.S. 27:96(A), relative to the Louisiana Riverboat Economic Development and Gaming Control Act; to provide with respect to prohibited acts and gaming offenses on riverboats; to provide that certain elected public officials can engage in business activities with a riverboat gaming licensee as a non-key gaming employee under certain circumstances; to provide for notification requirements; to provide for the adoption of rules; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 802 by Senator Mount

**AMENDMENT NO. 1**

On page 1, delete lines 14 through 17 in their entirety and on page 2, delete lines in through 3 in their entirety and insert in lieu thereof the following:

"(2)(a) An elected public official as defined in R.S. 42:1 who is a member of a governing authority of a parish who was elected to his initial term in 2004, may engage in any business activity with a licensee if he is a non-key gaming employee as defined by R.S. 27:3(16), if such employment commenced at least four years prior to holding elective public office.

(b) An elected public official as defined in R.S. 42:1 who is a member of a school board who took his oath of office for his initial term in 2004, may engage in any business activity with a licensee if he is a non-key gaming employee as defined by R.S. 27:3(16), if such employment commenced at least two years prior to the effective date of this Act."

Reported with amendments by the Legislative Bureau.

The Legislative Bureau amendments were read as follows:

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 802 by Senator Mount

**AMENDMENT NO. 1**

In House Committee Amendment No.1 proposed by the House Committee on Administration of Criminal Justice, on line 2, at the end of the line change "in through" to "1 through"

On motion of Rep. Martiny, the amendments were adopted.

On motion of Rep. Martiny, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**SENATE BILL NO. 829—**  
BY SENATORS THEUNISSEN AND MOUNT

AN ACT

To enact R.S. 11:413(15)(a), (b), and (c), relative to the Louisiana State Employees' Retirement System; to provide with respect to membership in the Louisiana State Employees' Retirement System for any political subdivision whose creation is authorized pursuant to R.S. 33:4710.2(A)(1) with a parish wide jurisdiction in a parish with a population of not less than one hundred eighty thousand or more than one hundred eighty-five thousand according to the latest federal decennial census; to provide that employees of any political subdivision created by state law with a parish wide jurisdiction in a parish with a population of not less than one hundred eighty thousand or more than one hundred eighty-five thousand according to the latest federal decennial census shall not be eligible to become members of the Louisiana State Employees' Retirement System; to provide with respect to employee and employer contributions; to provide for an effective date; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Elcie Guillory, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**Reconsideration of Vetoed Bills**

The following vetoed bills were taken up, reconsidered, and acted upon as follows:

**HOUSE BILL NO. 1167—**  
BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 51:1256(B)(2)(introductory paragraph), (3)(introductory paragraph), and (4), (E), and (G) and 1284(A)(introductory paragraph) and 1286(C)(1)(b) and (c), and (3), relative to the Louisiana Tourism Development Commission and the board of directors of the Louisiana Tourism Promotion District; to provide for appointment and time of service of members; to provide relative to officers; to provide relative to confirmation; and to provide for related matters.

Read by title.



Rep. Pinac moved that the veto of the Governor be sustained.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Farrar       | Murray           |
| Alario      | Frith        | Odinet           |
| Alexander   | Futrell      | Pierre           |
| Ansardi     | Gallot       | Pinac            |
| Arnold      | Geymann      | Pitre            |
| Badon       | Glover       | Powell, M.       |
| Baldone     | Guillory, E. | Powell, T.       |
| Baudoin     | Guillory, M. | Quezairé         |
| Baylor      | Hammett      | Richmond         |
| Beard       | Heaton       | Ritchie          |
| Bowler      | Hill         | Romero           |
| Broome      | Honey        | Schneider        |
| Burns       | Hopkins      | Shepherd         |
| Burrell     | Hunter       | Smiley           |
| Carter, R.  | Hutter       | Smith, G.—56th   |
| Cazayoux    | Jackson      | Smith, J.D.—50th |
| Crane       | Jefferson    | Smith, J.H.—8th  |
| Crowe       | Katz         | Smith, J.R.—30th |
| Curtis      | Kennard      | Strain           |
| Damico      | Kenney       | Thompson         |
| Daniel      | LaBruzzo     | Toomy            |
| DeWitt      | LaFleur      | Townsend         |
| Doerge      | Lambert      | Trahan           |
| Dorsey      | Lancaster    | Waddell          |
| Dove        | Martiny      | Walker           |
| Downs       | McDonald     | White            |
| Durand      | McVea        | Wooton           |
| Erdey       | Montgomery   | Wright           |
| Fannin      | Morrish      |                  |
| Total—86    |              |                  |

**NAYS**

|         |          |         |
|---------|----------|---------|
| Bruneau | Faucheux | Winston |
| Total—3 |          |         |

**ABSENT**

|            |           |             |
|------------|-----------|-------------|
| Bruce      | Hebert    | Calise      |
| Carter, K. | Johns     | St. Germain |
| Dartez     | Marchand  | Triche      |
| Flavin     | Morrell   | Tucker      |
| Gray       | Robideaux | Walsworth   |
| Total—15   |           |             |

The veto was sustained.

**Suspension of the Rules**

On motion of Rep. Durand, the rules were suspended in order to take up and consider Conference Committee Reports for Consideration at this time.

**Conference Committee Reports for Consideration**

The following Conference Committee Reports were taken up and acted upon as follows:

**CONFERENCE COMMITTEE REPORT**

**House Bill No. 272  
By Representatives Durand, et al.**

June 1, 2004

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 272 by Representatives Durand et al., recommend the following concerning the reengrossed bill:

1. That the Conforming Senate Floor Amendments Nos. 1 through 11, 13 through 19, 21, 22, and 25 through 27 proposed by Senator McPherson and adopted by the Senate on May 11, 2004, be adopted.
2. That the Conforming Senate Floor Amendments Nos. 12, 20, 23 and 24 proposed by Senator McPherson and adopted by the Senate on May 11, 2004, be rejected.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 4, line 3, after "the" insert "Louisiana"

AMENDMENT NO. 2

On page 7, between lines 8 and 9, insert:

"(xii) A representative from the Louisiana Chapter of the National Emergency Number Association."

AMENDMENT NO. 3

On page 9, lines 4 and 5, change "Skyler" to "Skylar"

Respectfully submitted,

Representative Sydnie Mae Durand  
Representative Charles McDonald  
Representative Monica Walker  
Senator Joe McPherson  
Senator Tom Schedler  
Senator Sherri Smith Cheek

Rep. Durand moved to adopt the Conference Committee Report.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |          |            |
|-------------|----------|------------|
| Mr. Speaker | Farrar   | Montgomery |
| Alario      | Faucheux | Morrish    |
| Alexander   | Flavin   | Murray     |
| Ansardi     | Frith    | Odinet     |
| Arnold      | Futrell  | Pierre     |
| Badon       | Gallot   | Pinac      |
| Baldone     | Geymann  | Pitre      |

|            |              |                  |
|------------|--------------|------------------|
| Baudoin    | Gray         | Powell, M.       |
| Baylor     | Guillory, E. | Powell, T.       |
| Beard      | Guillory, M. | Quezaire         |
| Bowler     | Hammett      | Ritchie          |
| Broome     | Heaton       | Robideaux        |
| Bruneau    | Hebert       | Romero           |
| Burns      | Hill         | Schneider        |
| Burrell    | Honey        | Smiley           |
| Carter, K. | Hopkins      | Smith, G.—56th   |
| Carter, R. | Hunter       | Smith, J.D.—50th |
| Cazayoux   | Hutter       | Smith, J.H.—8th  |
| Crane      | Jackson      | Smith, J.R.—30th |
| Crowe      | Jefferson    | St. Germain      |
| Curtis     | Johns        | Strain           |
| Damico     | Katz         | Thompson         |
| Daniel     | Kennard      | Toomy            |
| Dartez     | Kenney       | Townsend         |
| DeWitt     | LaBruzzo     | Trahan           |
| Doerge     | LaFleur      | Triche           |
| Dorsey     | Lambert      | Waddell          |
| Dove       | Lancaster    | Walker           |
| Downs      | Marchand     | White            |
| Durand     | Martiny      | Winston          |
| Erdey      | McDonald     | Wooton           |
| Fannin     | McVea        | Wright           |

Total—96

NAYS

Total—0

ABSENT

|         |          |           |
|---------|----------|-----------|
| Bruce   | Richmond | Tucker    |
| Glover  | Scalise  | Walsworth |
| Morrell | Shepherd |           |

Total—8

The Conference Committee Report was adopted.

**Suspension of the Rules**

On motion of Rep. Farrar, the rules were suspended in order to take up and consider House Bills and Joint Resolutions on Third Reading and Final Passage at this time.

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

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**Regular Calendar**

**HOUSE BILL NO. 225—**  
BY REPRESENTATIVE FARRAR  
AN ACT

To enact R.S. 11:769, relative to the employee contributions of a member of the Teachers' Retirement System of Louisiana; to guarantee payment of a member's accumulated employee contributions to the member, as survivor benefits, or to the member's estate; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Farrar moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Odinet           |
| Alario      | Frith        | Pierre           |
| Alexander   | Futrell      | Pinac            |
| Ansardi     | Gallot       | Pitre            |
| Arnold      | Geymann      | Powell, M.       |
| Badon       | Glover       | Powell, T.       |
| Baldone     | Gray         | Quezaire         |
| Baudoin     | Guillory, E. | Richmond         |
| Baylor      | Guillory, M. | Ritchie          |
| Beard       | Hammett      | Robideaux        |
| Bowler      | Heaton       | Romero           |
| Bruneau     | Hebert       | Scalise          |
| Burns       | Hill         | Schneider        |
| Burrell     | Honey        | Shepherd         |
| Carter, K.  | Hopkins      | Smiley           |
| Carter, R.  | Hunter       | Smith, G.—56th   |
| Cazayoux    | Hutter       | Smith, J.D.—50th |
| Crane       | Jefferson    | Smith, J.H.—8th  |
| Crowe       | Johns        | Smith, J.R.—30th |
| Curtis      | Katz         | St. Germain      |
| Damico      | Kennard      | Strain           |
| Daniel      | Kenney       | Thompson         |
| Dartez      | LaBruzzo     | Toomy            |
| DeWitt      | LaFleur      | Townsend         |
| Doerge      | Lambert      | Trahan           |
| Dorsey      | Lancaster    | Triche           |
| Dove        | Marchand     | Waddell          |
| Downs       | Martiny      | Walker           |
| Durand      | McDonald     | Walsworth        |
| Erdey       | McVea        | White            |
| Fannin      | Montgomery   | Winston          |
| Farrar      | Morrish      | Wooton           |
| Faucheux    | Murray       | Wright           |

Total—99

NAYS

Total—0

ABSENT

|        |         |        |
|--------|---------|--------|
| Broome | Jackson | Tucker |
| Bruce  | Morrell |        |

Total—5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Farrar moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**Speaker Pro Tempore Broome in the Chair**

**HOUSE BILL NO. 229—**  
BY REPRESENTATIVE QUEZAIRE (BY REQUEST)  
AN ACT

To repeal R.S. 17:81(O), relative to certain local school board expenditures; to repeal the requirement that expenditures by city, parish, and other local public school boards to reimburse school board members for certain travel and related expenses be in accordance with travel regulations prescribed by the division of administration for state executive branch employees.

Read by title.

Rep. Quezaire moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Murray           |
| Alario      | Futrell      | Odinet           |
| Alexander   | Gallot       | Pierre           |
| Arnold      | Geymann      | Pinac            |
| Badon       | Gray         | Pitre            |
| Baldone     | Gray         | Powell, M.       |
| Baudoin     | Guillory, E. | Powell, T.       |
| Baylor      | Guillory, M. | Quezaire         |
| Broome      | Hammett      | Richmond         |
| Bruneau     | Heaton       | Ritchie          |
| Burns       | Hebert       | Robideaux        |
| Burrell     | Hill         | Romero           |
| Carter, K.  | Honey        | Schneider        |
| Carter, R.  | Hopkins      | Shepherd         |
| Cazayoux    | Hunter       | Smiley           |
| Curtis      | Hutter       | Smith, G.—56th   |
| Damico      | Jefferson    | Smith, J.D.—50th |
| Daniel      | Johns        | Smith, J.H.—8th  |
| Dartez      | Kennard      | Smith, J.R.—30th |
| DeWitt      | Kenney       | St. Germain      |
| Doerge      | LaBruzzo     | Townsend         |
| Dorsey      | LaFleur      | Trahan           |
| Dove        | Lambert      | Triche           |
| Downs       | Lancaster    | Tucker           |
| Durand      | Marchand     | Waddell          |
| Erdey       | McDonald     | Walker           |
| Fannin      | McVea        | White            |
| Farrar      | Montgomery   | Wooton           |
| Flavin      | Morrish      | Wright           |
| Total—87    |              |                  |

**NAYS**

|          |          |         |
|----------|----------|---------|
| Bowler   | Katz     | Toomy   |
| Crane    | Strain   | Winston |
| Faucheux | Thompson |         |
| Total—8  |          |         |

**ABSENT**

|         |         |           |
|---------|---------|-----------|
| Ansardi | Crowe   | Morrell   |
| Beard   | Jackson | Scalise   |
| Bruce   | Martiny | Walsworth |
| Total—9 |         |           |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Quezaire moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 255—**

BY REPRESENTATIVE BADON

AN ACT

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

Read by title.

**Motion**

On motion of Rep. Badon, the bill was returned to the calendar.

**Notice of Intention to Call**

Pursuant to House Rule No. 8.26(A), Rep. Badon gave notice of his intention to call House Bill No. 255 from the calendar for future action.

**HOUSE BILL NO. 338—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 26:351(1)(a) and (3) and to enact R.S. 26:351(1)(c), relative to distilled spirits; to provide for metric standards of fill; to provide for the number of bottles per shipping case; and to provide for related matters.

Read by title.

Rep. Pinac moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |            |                  |
|-------------|------------|------------------|
| Mr. Speaker | Flavin     | Robideaux        |
| Alario      | Gallot     | Schneider        |
| Alexander   | Hebert     | Smiley           |
| Beard       | Hutter     | Smith, G.—56th   |
| Bowler      | Johns      | Smith, J.R.—30th |
| Burrell     | Katz       | St. Germain      |
| Cazayoux    | Morrish    | Thompson         |
| Crowe       | Odinet     | Walker           |
| Doerge      | Pinac      | Wooton           |
| Dove        | Powell, M. | Wright           |
| Downs       | Powell, T. |                  |
| Faucheux    | Ritchie    |                  |
| Total—34    |            |                  |

**NAYS**

|            |              |                  |
|------------|--------------|------------------|
| Arnold     | Geymann      | McVea            |
| Badon      | Glover       | Montgomery       |
| Baldone    | Gray         | Murray           |
| Baudoin    | Guillory, E. | Pierre           |
| Baylor     | Guillory, M. | Pitre            |
| Broome     | Hammett      | Quezaire         |
| Bruneau    | Heaton       | Richmond         |
| Burns      | Hill         | Romero           |
| Carter, K. | Honey        | Scalise          |
| Carter, R. | Hopkins      | Shepherd         |
| Crane      | Hunter       | Smith, J.D.—50th |
| Curtis     | Jefferson    | Strain           |
| Damico     | Kennard      | Toomy            |
| Dartez     | Kenney       | Townsend         |
| DeWitt     | LaBruzzo     | Trahan           |
| Dorsey     | LaFleur      | Tucker           |
| Durand     | Lambert      | Waddell          |
| Erdey      | Lancaster    | Walsworth        |
| Fannin     | Marchand     | White            |
| Frith      | McDonald     | Winston          |
| Total—60   |              |                  |

**ABSENT**

|          |         |                 |
|----------|---------|-----------------|
| Ansardi  | Futrell | Smith, J.H.—8th |
| Bruce    | Jackson | Triche          |
| Daniel   | Martiny |                 |
| Farrar   | Morrell |                 |
| Total—10 |         |                 |

The Chair declared the above bill failed to pass.

Rep. Kenney moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

**Suspension of the Rules**

On motion of Rep. Beard, and under a suspension of the rules, the above roll call was corrected to reflect him as voting yea.

**HOUSE BILL NO. 554—**

BY REPRESENTATIVE PINAC  
AN ACT

To enact R.S. 9:3527(C)(2), relative to consumer credit delinquency charges; to provide for determination of delinquency; to prohibit the collection of delinquency charges in certain instances; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Pinac moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Faucheux     | Odinet           |
| Alario      | Frith        | Pierre           |
| Alexander   | Futrell      | Pinac            |
| Arnold      | Gallot       | Pitre            |
| Badon       | Geymann      | Powell, M.       |
| Baldone     | Glover       | Powell, T.       |
| Baudoin     | Gray         | Quezaire         |
| Baylor      | Guillory, E. | Richmond         |
| Beard       | Guillory, M. | Ritchie          |
| Bowler      | Hammett      | Robideaux        |
| Broome      | Heaton       | Romero           |
| Bruneau     | Hebert       | Scalise          |
| Burns       | Hill         | Schneider        |
| Burrell     | Honey        | Shepherd         |
| Carter, K.  | Hopkins      | Smiley           |
| Carter, R.  | Hunter       | Smith, G.—56th   |
| Cazayoux    | Hutter       | Smith, J.D.—50th |
| Crane       | Jefferson    | Smith, J.R.—30th |
| Crowe       | Johns        | St. Germain      |
| Damico      | Katz         | Strain           |
| Daniel      | Kennard      | Thompson         |
| Dartez      | Kenney       | Toomy            |
| DeWitt      | LaBruzzo     | Townsend         |
| Doerge      | LaFleur      | Trahan           |
| Dorsey      | Lambert      | Triche           |
| Dove        | Lancaster    | Waddell          |
| Downs       | McDonald     | Walker           |
| Durand      | McVea        | White            |
| Erdey       | Montgomery   | Winston          |
| Fannin      | Morrish      | Wooton           |
| Farrar      | Murray       | Wright           |
| Total—93    |              |                  |

**NAYS**

Total—0

**ABSENT**

|          |          |                 |
|----------|----------|-----------------|
| Ansardi  | Jackson  | Smith, J.H.—8th |
| Bruce    | Marchand | Tucker          |
| Curtis   | Martiny  | Walsworth       |
| Flavin   | Morrell  |                 |
| Total—11 |          |                 |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Pinac moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 671—**

BY REPRESENTATIVE BRUNEAU  
AN ACT

To enact R.S. 49:259, relative to state funds; to create the Department of Justice Legal Support Fund as a special fund in the state treasury; to provide for the deposit, uses, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Bruneau moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Pitre            |
| Alario      | Futrell      | Powell, M.       |
| Alexander   | Gallot       | Powell, T.       |
| Arnold      | Geymann      | Quezaire         |
| Badon       | Glover       | Richmond         |
| Baldone     | Gray         | Ritchie          |
| Baudoin     | Guillory, E. | Robideaux        |
| Baylor      | Guillory, M. | Romero           |
| Beard       | Hammett      | Schneider        |
| Bowler      | Heaton       | Shepherd         |
| Broome      | Hebert       | Smiley           |
| Bruneau     | Honey        | Smith, G.—56th   |
| Burns       | Hopkins      | Smith, J.D.—50th |
| Burrell     | Hunter       | Smith, J.H.—8th  |
| Carter, K.  | Hutter       | Smith, J.R.—30th |
| Carter, R.  | Jefferson    | St. Germain      |
| Cazayoux    | Johns        | Strain           |
| Crane       | Katz         | Thompson         |
| Crowe       | Kennard      | Toomy            |
| Damico      | Kenney       | Townsend         |
| Daniel      | LaBruzzo     | Trahan           |
| Dartez      | LaFleur      | Triche           |
| DeWitt      | Lambert      | Tucker           |
| Doerge      | Lancaster    | Waddell          |
| Dorsey      | McDonald     | Walker           |
| Dove        | McVea        | Walsworth        |
| Downs       | Montgomery   | White            |
| Durand      | Morrish      | Winston          |
| Erdey       | Murray       | Wooton           |
| Fannin      | Odinet       | Wright           |
| Farrar      | Pierre       |                  |
| Faucheux    | Pinac        |                  |
| Total—94    |              |                  |

**NAYS**

Total—0

**ABSENT**

|          |          |         |
|----------|----------|---------|
| Ansardi  | Hill     | Morrell |
| Bruce    | Jackson  | Scalise |
| Curtis   | Marchand |         |
| Flavin   | Martiny  |         |
| Total—10 |          |         |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Bruneau moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 727—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:103(I) and R.S. 9:3518.1(E) and to enact R.S. 6:103(B)(10) and (J), relative to the Office of Financial Institutions; to provide for the use of confidential information; to provide for governmental immunity of the office and its agents and employees under certain circumstances; and to provide for related matters.

Read by title.

Rep. Pinac moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Pitre            |
| Alario      | Frith        | Powell, M.       |
| Alexander   | Futrell      | Powell, T.       |
| Arnold      | Gallot       | Quezaire         |
| Badon       | Geymann      | Richmond         |
| Baldone     | Glover       | Ritchie          |
| Baudoin     | Gray         | Robideaux        |
| Baylor      | Guillory, E. | Romero           |
| Beard       | Guillory, M. | Scalise          |
| Bowler      | Hammett      | Schneider        |
| Broome      | Heaton       | Shepherd         |
| Bruneau     | Hebert       | Smiley           |
| Burns       | Hill         | Smith, G.—56th   |
| Burrell     | Honey        | Smith, J.D.—50th |
| Carter, K.  | Hopkins      | Smith, J.H.—8th  |
| Carter, R.  | Hunter       | Smith, J.R.—30th |
| Cazayoux    | Hutter       | St. Germain      |
| Crane       | Johns        | Strain           |
| Crowe       | Katz         | Thompson         |
| Curtis      | Kennard      | Toomy            |
| Damico      | Kenney       | Townsend         |
| Daniel      | LaBruzzo     | Trahan           |
| Dartez      | LaFleur      | Triche           |
| DeWitt      | Lambert      | Tucker           |
| Doerge      | Marchand     | Waddell          |
| Dorsey      | McDonald     | Walker           |
| Dove        | McVea        | Walsworth        |
| Downs       | Montgomery   | White            |
| Durand      | Morrish      | Winston          |
| Erdey       | Murray       | Wooton           |
| Fannin      | Odinet       | Wright           |
| Farrar      | Pierre       |                  |
| Faucheux    | Pinac        |                  |
| Total—97    |              |                  |

NAYS

Total—0

ABSENT

|         |           |         |
|---------|-----------|---------|
| Ansardi | Jefferson | Morrell |
| Bruce   | Lancaster |         |
| Jackson | Martiny   |         |
| Total—7 |           |         |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Pinac moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 757—**

BY REPRESENTATIVE SALTER

AN ACT

To enact R.S. 17:355, relative to special treasury funds; to provide for the re-creation of the Teacher Supplies Fund; to provide for deposit of monies into the fund; to provide for uses of monies in the fund; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Salter moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Pierre           |
| Alario      | Frith        | Pinac            |
| Alexander   | Futrell      | Pitre            |
| Arnold      | Gallot       | Powell, M.       |
| Badon       | Geymann      | Powell, T.       |
| Baldone     | Glover       | Quezaire         |
| Baudoin     | Gray         | Richmond         |
| Baylor      | Guillory, E. | Ritchie          |
| Beard       | Guillory, M. | Robideaux        |
| Bowler      | Hammett      | Romero           |
| Broome      | Heaton       | Scalise          |
| Bruneau     | Hebert       | Schneider        |
| Burns       | Hill         | Shepherd         |
| Burrell     | Honey        | Smiley           |
| Carter, K.  | Hopkins      | Smith, G.—56th   |
| Carter, R.  | Hunter       | Smith, J.D.—50th |
| Cazayoux    | Hutter       | Smith, J.H.—8th  |
| Crane       | Johns        | Smith, J.R.—30th |
| Crowe       | Katz         | St. Germain      |
| Curtis      | Kennard      | Strain           |
| Damico      | Kenney       | Thompson         |
| Daniel      | LaBruzzo     | Toomy            |
| Dartez      | LaFleur      | Townsend         |
| DeWitt      | Lambert      | Trahan           |
| Doerge      | Lancaster    | Triche           |
| Dorsey      | Marchand     | Tucker           |
| Dove        | Martiny      | Waddell          |
| Downs       | McDonald     | Walker           |
| Durand      | McVea        | Walsworth        |
| Erdey       | Montgomery   | White            |
| Fannin      | Morrish      | Winston          |
| Farrar      | Murray       | Wooton           |
| Faucheux    | Odinet       | Wright           |
| Total—99    |              |                  |

NAYS

Total—0

ABSENT

|         |           |         |
|---------|-----------|---------|
| Ansardi | Jackson   | Morrell |
| Bruce   | Jefferson |         |

Total—5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Salter moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 763—**

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact Section 2 of Act No. 1341 and Section 3 of Act No. 1342 both of the 1999 Regular Session as amended and reenacted by Act No. 338 of the 2001 Regular Session; to specify time periods to be used for the calculation of cost savings to city, parish, and other local public school boards, state schools for the deaf, blind, spastic, and cerebral palsied, and in Special School District Number One resulting from the elimination of statutory provisions relative to extended sick leave and rest and recuperation sabbatical leaves for certain school employees; to require that such saved monies be included in the minimum salary schedules used by the school system or state school to compensate teachers; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Salter moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Futrell      | Pinac            |
| Alario      | Gallot       | Pitre            |
| Alexander   | Geymann      | Powell, M.       |
| Arnold      | Glover       | Powell, T.       |
| Badon       | Gray         | Quezaire         |
| Baldone     | Guillory, E. | Richmond         |
| Baudoin     | Guillory, M. | Ritchie          |
| Baylor      | Hammett      | Robideaux        |
| Beard       | Heaton       | Romero           |
| Bowler      | Hebert       | Scalise          |
| Broome      | Hill         | Schneider        |
| Bruneau     | Honey        | Shepherd         |
| Burns       | Hopkins      | Smiley           |
| Burrell     | Hunter       | Smith, G.—56th   |
| Carter, K.  | Hutter       | Smith, J.D.—50th |
| Carter, R.  | Jefferson    | Smith, J.H.—8th  |
| Cazayoux    | Johns        | Smith, J.R.—30th |
| Crane       | Katz         | St. Germain      |
| Crowe       | Kenard       | Strain           |
| Curtis      | Kenney       | Thompson         |
| Damico      | LaBruzzo     | Toomy            |
| Daniel      | LaFleur      | Townsend         |
| Dartez      | Lambert      | Trahan           |
| DeWitt      | Lancaster    | Triche           |
| Doerge      | Marchand     | Tucker           |

|          |            |           |
|----------|------------|-----------|
| Dorsey   | Martiny    | Waddell   |
| Dove     | McDonald   | Walker    |
| Downs    | McVea      | Walsworth |
| Durand   | Montgomery | White     |
| Erdey    | Morrell    | Winston   |
| Fannin   | Morrish    | Wooton    |
| Farrar   | Murray     | Wright    |
| Faucheux | Odinot     |           |
| Frith    | Pierre     |           |

Total—100

NAYS

Total—0

ABSENT

|         |         |
|---------|---------|
| Ansardi | Flavin  |
| Bruce   | Jackson |

Total—4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Salter moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 866—**

BY REPRESENTATIVE QUEZAIRE

AN ACT

To amend and reenact R.S. 32:306, relative to equipment on motor vehicles; to provide relative to stop lamps and turn signals on motor vehicles; and to provide for related matters.

Read by title.

Rep. Quezaire moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Faucheux     | Pitre            |
| Alario      | Frith        | Powell, M.       |
| Alexander   | Futrell      | Powell, T.       |
| Ansardi     | Gallot       | Quezaire         |
| Arnold      | Geymann      | Richmond         |
| Badon       | Glover       | Ritchie          |
| Baldone     | Gray         | Robideaux        |
| Baudoin     | Guillory, E. | Romero           |
| Baylor      | Guillory, M. | Scalise          |
| Beard       | Hammett      | Schneider        |
| Bowler      | Heaton       | Shepherd         |
| Broome      | Hebert       | Smiley           |
| Bruneau     | Hill         | Smith, G.—56th   |
| Burns       | Honey        | Smith, J.D.—50th |
| Burrell     | Hopkins      | Smith, J.H.—8th  |
| Carter, K.  | Hunter       | Smith, J.R.—30th |
| Carter, R.  | Hutter       | St. Germain      |
| Cazayoux    | Jefferson    | Strain           |
| Crane       | Johns        | Thompson         |
| Crowe       | Katz         | Toomy            |
| Curtis      | Kenney       | Townsend         |
| Damico      | LaBruzzo     | Trahan           |
| Daniel      | LaFleur      | Triche           |
| Dartez      | Lambert      | Tucker           |
| DeWitt      | Marchand     | Waddell          |

|          |            |           |
|----------|------------|-----------|
| Doerge   | Martiny    | Walker    |
| Dorsey   | McVea      | Walsworth |
| Dove     | Montgomery | White     |
| Downs    | Morrish    | Winston   |
| Durand   | Murray     | Wooton    |
| Erdey    | Odinet     | Wright    |
| Fannin   | Pierre     |           |
| Farrar   | Pinac      |           |
| Total—97 |            |           |

NAYS

Total—0

ABSENT

|         |           |         |
|---------|-----------|---------|
| Bruce   | Kennard   | Morrell |
| Flavin  | Lancaster |         |
| Jackson | McDonald  |         |
| Total—7 |           |         |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Quezairé moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 877—**

BY REPRESENTATIVE DORSEY

AN ACT

To enact R.S. 46:1844(K)(2)(g), relative to rights of crime victims; to provide with respect to the victim impact statement; to provide with respect to its content; and to provide for related matters.

Read by title.

Rep. Dorsey moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Faucheux     | Odinet           |
| Alario      | Flavin       | Pierre           |
| Alexander   | Frith        | Pinac            |
| Ansardi     | Futrell      | Pitre            |
| Arnold      | Gallot       | Powell, M.       |
| Badon       | Geymann      | Powell, T.       |
| Baldone     | Glover       | Quezairé         |
| Baudoin     | Gray         | Richmond         |
| Baylor      | Guillory, E. | Ritchie          |
| Beard       | Guillory, M. | Robideaux        |
| Bowler      | Hammett      | Romero           |
| Broome      | Heaton       | Scalise          |
| Bruneau     | Hebert       | Schneider        |
| Burns       | Hill         | Shepherd         |
| Burrell     | Honey        | Smiley           |
| Carter, K.  | Hopkins      | Smith, G.—56th   |
| Carter, R.  | Hunter       | Smith, J.D.—50th |
| Cazayoux    | Hutter       | Smith, J.H.—8th  |
| Crane       | Johns        | Smith, J.R.—30th |
| Crowe       | Katz         | Strain           |
| Curtis      | Kennard      | Thompson         |
| Damico      | Kenney       | Toomy            |
| Daniel      | LaBruzzo     | Townsend         |
| Dartez      | LaFleur      | Trahan           |

|          |            |           |
|----------|------------|-----------|
| DeWitt   | Lambert    | Triche    |
| Doerge   | Lancaster  | Tucker    |
| Dorsey   | Marchand   | Waddell   |
| Dove     | Martiny    | Walker    |
| Downs    | McDonald   | Walsworth |
| Durand   | McVea      | White     |
| Erdey    | Montgomery | Wooton    |
| Fannin   | Morrish    | Wright    |
| Farrar   | Murray     |           |
| Total—98 |            |           |

NAYS

Total—0

ABSENT

|         |           |             |
|---------|-----------|-------------|
| Bruce   | Jefferson | St. Germain |
| Jackson | Morrell   | Winston     |
| Total—6 |           |             |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Dorsey moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1030—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 45:844.11, 844.13(A), and 844.14(C) and to enact R.S. 45:844.12(6) and (7) and 844.16, relative to Telephonic Solicitation Relief Act; to provide for use of the Federal Do Not Call Registry in combination with the state "do not call" listing; to provide for definitions; to provide regarding registration, application, and bonding; to provide for fees; and to provide for related matters.

Read by title.

Rep. Pinac sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Pinac to Engrossed House Bill No. 1030 by Representative Pinac

AMENDMENT NO. 1

On page 1, line 2, after "844.13(A), and" change "844.14(C)" to "844.14(A)(2) and (4) and (C)"

AMENDMENT NO. 2

On page 1, line 8, after "844.13(A), and" change "844.14(C)" to "844.14(A)(2) and (4) and (C)"

AMENDMENT NO. 3

On page 2, delete line 27, and insert in lieu thereof the following:

"A.

\* \* \*

(2)(a) The commission or its contractor shall update its "do not call" listing no less than quarterly. The listing shall include the telephonic numbers, but not the names or addresses of residential

telephonic subscribers, arranged by area code and numerical sequence, who do not want to receive telephonic solicitations, as defined in this Chapter.

(b) No later than January 1, 2006, the commission or its contractor shall update its "do not call" listing monthly.

\* \* \*

(4) All fees and penalties imposed pursuant to this Section shall be made payable to the Louisiana Public Service Commission for the administration of this Chapter and shall be dedicated to such purpose.

\* \* \*"

On motion of Rep. Pinac, the amendments were adopted.

Rep. Pinac moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Pierre           |
| Alario      | Futrell      | Pinac            |
| Alexander   | Gallot       | Pitre            |
| Ansardi     | Geymann      | Powell, M.       |
| Arnold      | Glover       | Powell, T.       |
| Badon       | Gray         | Quezairé         |
| Baldone     | Guillory, E. | Richmond         |
| Baudoin     | Guillory, M. | Ritchie          |
| Baylor      | Hammett      | Robideaux        |
| Beard       | Heaton       | Romero           |
| Bowler      | Hebert       | Scalise          |
| Broome      | Hill         | Schneider        |
| Bruneau     | Honey        | Shepherd         |
| Burrell     | Hopkins      | Smiley           |
| Carter, K.  | Hunter       | Smith, G.—56th   |
| Carter, R.  | Hutter       | Smith, J.D.—50th |
| Crane       | Jackson      | Smith, J.H.—8th  |
| Crowe       | Jefferson    | Smith, J.R.—30th |
| Curtis      | Johns        | St. Germain      |
| Damico      | Katz         | Strain           |
| Daniel      | Kennard      | Thompson         |
| Dartez      | Kenney       | Toomy            |
| DeWitt      | LaBruzzo     | Townsend         |
| Doerge      | Lambert      | Trahan           |
| Dorsey      | Lancaster    | Triche           |
| Dove        | Marchand     | Tucker           |
| Downs       | Martiny      | Waddell          |
| Durand      | McDonald     | Walker           |
| Erdey       | McVea        | Walsworth        |
| Fannin      | Montgomery   | White            |
| Farrar      | Morrish      | Winston          |
| Faucheux    | Murray       | Wooton           |
| Flavin      | Odinot       | Wright           |
| Total—99    |              |                  |

**NAYS**

Total—0

**ABSENT**

|         |          |         |
|---------|----------|---------|
| Bruce   | Cazayoux | Morrell |
| Burns   | LaFleur  |         |
| Total—5 |          |         |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Pinac moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1161—**  
BY REPRESENTATIVES TUCKER AND DANIEL  
AN ACT

To amend and reenact Subpart F of Part IV of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:502 through 502.6, relative to the Louisiana State Employees' Retirement System; to create a defined contribution plan within the system; to provide relative to contributions and benefits; to remove provisions relative to the optional retirement plan and to provide for the members of such plan; to provide for an effective date; and to provide for related matters.

Read by title.

**Motion**

On motion of Rep. Walsworth, the bill was returned to the calendar.

**HOUSE BILL NO. 1187—**  
BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 39:474, relative to public finance; to authorize certain structured financing transactions; to provide for an effective date; and to provide for related matters.

Read by title.

**Motion**

On motion of Rep. Daniel, the bill was returned to the calendar.

**HOUSE BILL NO. 1213—**  
BY REPRESENTATIVE FUTRELL  
AN ACT

To enact R.S. 48:194, relative to disposition and use of certain federal highway monies associated with Open Container and Repeat Intoxicated Driver laws; to require certain federal highway monies be deposited in and credited to the Louisiana's Highways Fund; to create the Louisiana's Highways Fund as a special fund in the state treasury; to provide for the deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

Read by title.

**Motion**

On motion of Rep. Futrell, the bill was returned to the calendar.

**Notice of Intention to Call**

Pursuant to House Rule No. 8.26(A), Rep. Futrell gave notice of his intention to call House Bill No. 1213 from the calendar for future action.

**HOUSE BILL NO. 1275—**  
BY REPRESENTATIVE FUTRELL  
AN ACT

To enact R.S. 42:808(A)(8), relative to participation in life, health, or other insurance programs sponsored by the Office of Group



Benefits; to expand the definition of eligible employees; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Futrell moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Pinac            |
| Alario      | Frith        | Pitre            |
| Alexander   | Futrell      | Powell, M.       |
| Ansardi     | Gallot       | Powell, T.       |
| Arnold      | Geymann      | Quezaire         |
| Badon       | Glover       | Richmond         |
| Baldone     | Gray         | Ritchie          |
| Baudoin     | Guillory, E. | Robideaux        |
| Baylor      | Guillory, M. | Romero           |
| Beard       | Hammett      | Scalise          |
| Bowler      | Heaton       | Schneider        |
| Broome      | Hebert       | Shepherd         |
| Bruneau     | Hill         | Smiley           |
| Burns       | Honey        | Smith, G.—56th   |
| Burrell     | Hopkins      | Smith, J.D.—50th |
| Carter, K.  | Hunter       | Smith, J.H.—8th  |
| Carter, R.  | Hutter       | Smith, J.R.—30th |
| Cazayoux    | Jackson      | St. Germain      |
| Crane       | Jefferson    | Strain           |
| Crowe       | Johns        | Thompson         |
| Curtis      | Katz         | Toomy            |
| Damico      | Kenney       | Townsend         |
| Daniel      | LaBruzzo     | Trahan           |
| Dartez      | LaFleur      | Triche           |
| DeWitt      | Lambert      | Tucker           |
| Doerge      | Lancaster    | Waddell          |
| Dorsey      | Marchand     | Walker           |
| Dove        | Martiny      | Walsworth        |
| Downs       | McDonald     | White            |
| Durand      | Montgomery   | Winston          |
| Erdey       | Morrish      | Wooton           |
| Fannin      | Murray       | Wright           |
| Farrar      | Odinet       |                  |
| Faucheux    | Pierre       |                  |
| Total—100   |              |                  |

**NAYS**

Total—0

**ABSENT**

|         |         |
|---------|---------|
| Bruce   | McVea   |
| Kennard | Morrell |
| Total—4 |         |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Futrell moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1277—**

BY REPRESENTATIVE DANIEL

**AN ACT**

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2004-2005 to be used to pay the judgment in the suit entitled "Gordean Adella Wingfield, individually and as guardian and conservator of the estate of her major son, Kenny Clark v. State of Louisiana, through the Department of Transportation and Development, Wilson Trailer Company, Inc. consolidated with Jackie Murray, Sharon Roy Royner, Ivy J. Wills as legal guardian and attorney for Joseph Edward Wingfield, and Joseph Edward Wingfield individually v. State of Louisiana, through the Department of Transportation and Development, Wilson Trailer Company, Inc."; to provide for interest; to provide for costs; and to provide for related matters.

Read by title.

Rep. Daniel moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Fannin       | Morrish          |
| Alario      | Farrar       | Murray           |
| Alexander   | Faucheux     | Odinet           |
| Ansardi     | Flavin       | Pierre           |
| Arnold      | Frith        | Pinac            |
| Badon       | Futrell      | Pitre            |
| Baldone     | Gallot       | Powell, M.       |
| Baudoin     | Geymann      | Powell, T.       |
| Baylor      | Glover       | Quezaire         |
| Beard       | Gray         | Richmond         |
| Bowler      | Guillory, E. | Ritchie          |
| Broome      | Guillory, M. | Robideaux        |
| Bruneau     | Hammett      | Romero           |
| Burns       | Heaton       | Scalise          |
| Burrell     | Hebert       | Schneider        |
| Carter, K.  | Hill         | Shepherd         |
| Carter, R.  | Honey        | Smiley           |
| Cazayoux    | Hopkins      | Smith, G.—56th   |
| Crane       | Hunter       | Smith, J.D.—50th |
| Crowe       | Hutter       | Smith, J.H.—8th  |
| Curtis      | Jackson      | Smith, J.R.—30th |
| Damico      | Jefferson    | Strain           |
| Daniel      | Johns        | Thompson         |
| Dartez      | Katz         | Toomy            |
| DeWitt      | Kenney       | Townsend         |
| Doerge      | LaBruzzo     | Trahan           |
| Dorsey      | Lancaster    | Triche           |
| Dove        | Marchand     | Waddell          |
| Downs       | Martiny      | Walker           |
| Durand      | McDonald     | Winston          |
| Erdey       | Montgomery   | Wright           |
| Total—93    |              |                  |

**NAYS**

Total—0

**ABSENT**

|          |             |           |
|----------|-------------|-----------|
| Bruce    | McVea       | Walsworth |
| Kennard  | Morrell     | White     |
| LaFleur  | St. Germain | Wooton    |
| Lambert  | Tucker      |           |
| Total—11 |             |           |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Daniel moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1441—**  
BY REPRESENTATIVES JOHN SMITH AND WRIGHT  
AN ACT

To amend and reenact R.S. 15:1105, 1105.1(A), 1105.4(A), and 1105.5 and to enact R.S. 15:1105.8, relative to the Central Louisiana Juvenile Detention Center Authority; to provide relative to its board of commissioners; to provide for the general authority of the board; to provide for the domicile of the board of commissioners; to provide for withdrawal from the Central Louisiana Juvenile Detention Center Authority; to provide with respect to the return of funds to withdrawing parish governing authorities; and to provide for related matters.

Read by title.

Rep. John Smith sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative John Smith to Engrossed House Bill No. 1441 by Representative John Smith

AMENDMENT NO. 1

On page 2, line 10, after "They" and before "be appointed" delete "shall" and insert in lieu thereof "may"

AMENDMENT NO. 2

On page 2, line 22, after "operate," and before "manage," insert "lease as lessor or lessee,"

On motion of Rep. John Smith, the amendments were adopted.

Rep. John Smith moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Pinac            |
| Alario      | Futrell      | Pitre            |
| Alexander   | Gallot       | Powell, M.       |
| Ansardi     | Geymann      | Powell, T.       |
| Arnold      | Glover       | Quezaire         |
| Badon       | Gray         | Richmond         |
| Baldone     | Guillory, E. | Ritchie          |
| Baudoin     | Guillory, M. | Robideaux        |
| Baylor      | Hammett      | Romero           |
| Bowler      | Heaton       | Schneider        |
| Broome      | Hebert       | Shepherd         |
| Bruneau     | Hill         | Smiley           |
| Burns       | Honey        | Smith, G.—56th   |
| Burrell     | Hopkins      | Smith, J.D.—50th |
| Carter, K.  | Hunter       | Smith, J.H.—8th  |
| Cazayoux    | Hutter       | Smith, J.R.—30th |
| Crane       | Jackson      | St. Germain      |

|          |            |           |
|----------|------------|-----------|
| Crowe    | Jefferson  | Strain    |
| Curtis   | Johns      | Thompson  |
| Damico   | Katz       | Toomy     |
| Daniel   | Kenney     | Townsend  |
| Dartez   | LaBruzzo   | Trahan    |
| DeWitt   | LaFleur    | Triche    |
| Doerge   | Lambert    | Tucker    |
| Dorsey   | Lancaster  | Waddell   |
| Dove     | Marchand   | Walker    |
| Downs    | Martiny    | Walsworth |
| Durand   | McDonald   | White     |
| Erdey    | Montgomery | Winstell  |
| Fannin   | Morrish    | Wooton    |
| Farrar   | Murray     | Wright    |
| Faucheux | Odinet     |           |
| Flavin   | Pierre     |           |

Total—97

NAYS

Total—0

ABSENT

|            |         |         |
|------------|---------|---------|
| Beard      | Kennard | Scalise |
| Bruce      | McVea   |         |
| Carter, R. | Morrell |         |

Total—7

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. John Smith moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**Speaker Salter in the Chair**

**HOUSE BILL NO. 1489—**  
BY REPRESENTATIVE JOHNS  
AN ACT

To enact R.S. 6:966.1, relative to default remedies; to provide for a notice of repossession; to provide for contents of the notice; to provide for fees; and to provide for related matters.

Read by title.

Rep. Johns sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Johns to Engrossed House Bill No. 1489 by Representative Johns

AMENDMENT NO. 1

On page 1, line 11, after "official," and before "For" insert the following:

"The "Notice of Repossession" shall contain the debtor's name, last known address, date of birth, and a description of the collateral repossessed."

On motion of Rep. Johns, the amendments were adopted.

**Point of Order**

Rep. Triche asked for a ruling from the Chair as to whether House Bill No. 1489 levies a new fee or increases an existing fee, and therefore would require the favorable vote of two-thirds of the elected members to finally pass the House.

**Ruling of the Chair**

The Chair ruled the bill did not levy a new fee or increase an existing fee, and therefore would require the favorable vote of a majority of the elected members to finally pass the House.

Rep. Johns moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |            |            |
|-------------|------------|------------|
| Mr. Speaker | Futrell    | Pinac      |
| Alexander   | Gallot     | Powell, T. |
| Baldone     | Geymann    | Quezaire   |
| Baudoin     | Glover     | Ritchie    |
| Bowler      | Hammett    | Robideaux  |
| Bruneau     | Hill       | Schneider  |
| Carter, R.  | Hopkins    | Smiley     |
| Cazayoux    | Johns      | Strain     |
| Crane       | Kenney     | Thompson   |
| Curtis      | Lambert    | Toomy      |
| Daniel      | Lancaster  | Trahan     |
| Dartez      | Martiny    | Triche     |
| Doerge      | McDonald   | Tucker     |
| Dove        | McVea      | Walker     |
| Erdey       | Montgomery | Walsworth  |
| Flavin      | Morrish    | White      |
| Frith       | Odinet     | Winston    |
| Total—51    |            |            |

**NAYS**

|          |              |                  |
|----------|--------------|------------------|
| Alario   | Gray         | Pitre            |
| Arnold   | Guillory, E. | Powell, M.       |
| Badon    | Guillory, M. | Richmond         |
| Beard    | Heaton       | Romero           |
| Broome   | Hutter       | Scalise          |
| Crowe    | Jackson      | Smith, G.—56th   |
| Damico   | Jefferson    | Smith, J.D.—50th |
| DeWitt   | Katz         | Smith, J.H.—8th  |
| Dorsey   | LaBruzzo     | Townsend         |
| Durand   | LaFleur      | Waddell          |
| Farrar   | Murray       | Wooton           |
| Faucheux | Pierre       | Wright           |
| Total—36 |              |                  |

**ABSENT**

|            |         |                  |
|------------|---------|------------------|
| Ansardi    | Downs   | Marchand         |
| Baylor     | Fannin  | Morrell          |
| Bruce      | Hebert  | Shepherd         |
| Burns      | Honey   | Smith, J.R.—30th |
| Burrell    | Hunter  | St. Germain      |
| Carter, K. | Kennard |                  |
| Total—17   |         |                  |

Failed to pass.

Motion to reconsider pending.

**HOUSE BILL NO. 1523—**

BY REPRESENTATIVE FUTRELL  
AN ACT

To enact R.S. 38:2253.1, relative to the Public Bid Law; to provide a five percent preference for certain vendors whose primary place of business is located in Louisiana; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. LaBruzzo sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative LaBruzzo to Engrossed House Bill No. 1523 by Representative Futrell

**AMENDMENT NO. 1**

On page 1, at the end of line 16, after "by law." insert "However, the five percent preference shall not apply if it exceeds five thousand dollars."

On motion of Rep. LaBruzzo, the amendments were withdrawn.

Rep. Futrell moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|          |                  |             |
|----------|------------------|-------------|
| Bruneau  | McVea            | St. Germain |
| Crowe    | Morrish          | Thompson    |
| Erdey    | Powell, M.       | Townsend    |
| Fannin   | Schneider        | Waddell     |
| Futrell  | Smith, J.D.—50th | Wooton      |
| Geymann  | Smith, J.H.—8th  | Wright      |
| Total—18 |                  |             |

**NAYS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Glover       | Murray           |
| Alario      | Gray         | Odinet           |
| Alexander   | Guillory, E. | Pierre           |
| Ansardi     | Guillory, M. | Pinac            |
| Arnold      | Hammett      | Pitre            |
| Badon       | Heaton       | Powell, T.       |
| Baldone     | Hebert       | Quezaire         |
| Baylor      | Hill         | Richmond         |
| Bowler      | Honey        | Ritchie          |
| Broome      | Hopkins      | Robideaux        |
| Burrell     | Hunter       | Romero           |
| Cazayoux    | Hutter       | Scalise          |
| Crane       | Jackson      | Shepherd         |
| Curtis      | Jefferson    | Smiley           |
| Damico      | Johns        | Smith, G.—56th   |
| Daniel      | Katz         | Smith, J.R.—30th |
| Dartez      | Kennard      | Strain           |
| DeWitt      | Kenney       | Toomy            |
| Doerge      | LaBruzzo     | Trahan           |
| Dorsey      | LaFleur      | Triche           |
| Dove        | Lambert      | Tucker           |
| Durand      | Lancaster    | Walker           |
| Farrar      | Marchand     | Walsworth        |
| Faucheux    | Martiny      | White            |
| Flavin      | McDonald     | Winston          |
| Frith       | Montgomery   |                  |
| Gallot      | Morrell      |                  |
| Total—79    |              |                  |

ABSENT

|         |            |       |
|---------|------------|-------|
| Baudoin | Burns      | Downs |
| Beard   | Carter, K. |       |
| Bruce   | Carter, R. |       |
| Total—7 |            |       |

The Chair declared the above bill failed to pass.

Rep. LaBruzzo moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1558—

BY REPRESENTATIVES HONEY, HUDSON, JEFFERSON AND RICHMOND

AN ACT

To enact R.S. 33:9038, relative to tax increment financing; to prohibit the use of tax increment financings that involve a public school system without prior approval of the system; and to provide for related matters.

Read by title.

Rep. Alario sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Engrossed House Bill No. 1558 by Representative Honey

AMENDMENT NO. 1

On page 1, line 13, delete "by the state bond commission"

On motion of Rep. Alario, the amendments were adopted.

Rep. Richmond moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Murray           |
| Alario      | Frith        | Odinot           |
| Alexander   | Futrell      | Pierre           |
| Ansardi     | Gallot       | Pinac            |
| Arnold      | Geymann      | Pitre            |
| Badon       | Glover       | Powell, M.       |
| Baldone     | Gray         | Powell, T.       |
| Baudoin     | Guillory, E. | Quezaire         |
| Baylor      | Hammett      | Richmond         |
| Beard       | Heaton       | Ritchie          |
| Broome      | Hebert       | Robideaux        |
| Bruneau     | Hill         | Romero           |
| Burns       | Honey        | Scalise          |
| Burrell     | Hopkins      | Schneider        |
| Carter, K.  | Hunter       | Shepherd         |
| Carter, R.  | Hutter       | Smiley           |
| Cazayoux    | Jackson      | Smith, G.—56th   |
| Crane       | Jefferson    | Smith, J.D.—50th |
| Crowe       | Johns        | Smith, J.H.—8th  |
| Curtis      | Katz         | Smith, J.R.—30th |
| Damico      | Kennard      | Strain           |
| Daniel      | Kenney       | Thompson         |
| Dartez      | LaBruzzo     | Toomy            |

|          |            |           |
|----------|------------|-----------|
| DeWitt   | LaFleur    | Townsend  |
| Doerge   | Lambert    | Trahan    |
| Dorsey   | Lancaster  | Triche    |
| Dove     | Marchand   | Tucker    |
| Downs    | Martiny    | Waddell   |
| Durand   | McDonald   | Walker    |
| Erdey    | McVea      | Walsworth |
| Fannin   | Montgomery | White     |
| Farrar   | Morrell    | Winston   |
| Faucheux | Morrish    | Wright    |
| Total—99 |            |           |

NAYS

Bowler  
Total—1

ABSENT

|              |             |
|--------------|-------------|
| Bruce        | St. Germain |
| Guillory, M. | Wooton      |
| Total—4      |             |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Richmond moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1658—

BY REPRESENTATIVE JEFFERSON  
AN ACT

To amend and reenact R.S. 14:30.1(A)(2)(a), relative to offenses against the person; to provide with respect to homicide; to provide with respect to a homicide committed when the offender is engaged in certain crimes; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Jefferson, the bill was returned to the calendar.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Jefferson gave notice of her intention to call House Bill No. 1658 from the calendar for future action.

HOUSE BILL NO. 1723 (Substitute for House Bill No. 1169 by Representative Winston)—

BY REPRESENTATIVE WINSTON  
AN ACT

To repeal Section 7(A) of Act No. 1225 of the 2003 Regular Session of the Legislature, relative to the Juvenile Justice Reform Act; to repeal provisions requiring the state to provide alternative uses for the Swanson Correctional Center of Youth-Madison Parish Unit at Tallulah, Louisiana, as a correctional facility; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Winston, the bill was returned to the calendar.

**Notice of Intention to Call**

Pursuant to House Rule No. 8.26(A), Rep. Winston gave notice of her intention to call House Bill No. 1723 from the calendar for future action.

**HOUSE BILL NO. 1161—**  
BY REPRESENTATIVES TUCKER AND DANIEL  
AN ACT

To amend and reenact Subpart F of Part IV of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:502 through 502.6, relative to the Louisiana State Employees' Retirement System; to create a defined contribution plan within the system; to provide relative to contributions and benefits; to remove provisions relative to the optional retirement plan and to provide for the members of such plan; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Tucker moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Odinet           |
| Alario      | Futrell      | Pierre           |
| Alexander   | Gallot       | Pinac            |
| Ansardi     | Geymann      | Pitre            |
| Arnold      | Glover       | Powell, M.       |
| Badon       | Gray         | Powell, T.       |
| Baudoin     | Guillory, E. | Quezaire         |
| Baylor      | Hammett      | Richmond         |
| Beard       | Heaton       | Ritchie          |
| Bowler      | Hebert       | Robideaux        |
| Broome      | Hill         | Romero           |
| Bruneau     | Honey        | Scalise          |
| Burns       | Hopkins      | Shepherd         |
| Burrell     | Hunter       | Smiley           |
| Carter, K.  | Hutter       | Smith, G.—56th   |
| Carter, R.  | Jackson      | Smith, J.D.—50th |
| Cazayoux    | Jefferson    | Smith, J.H.—8th  |
| Crowe       | Johns        | Smith, J.R.—30th |
| Curtis      | Katz         | St. Germain      |
| Damico      | Kennard      | Strain           |
| Daniel      | Kenney       | Thompson         |
| Dartez      | LaBruzzo     | Toomy            |
| DeWitt      | LaFleur      | Townsend         |
| Doerge      | Lambert      | Trahan           |
| Dorsey      | Lancaster    | Triche           |
| Dove        | Marchand     | Tucker           |
| Downs       | Martiny      | Waddell          |
| Durand      | McDonald     | Walker           |
| Erdey       | McVea        | Walsworth        |
| Fannin      | Montgomery   | White            |
| Farrar      | Morrell      | Winston          |
| Faucheux    | Morrish      | Wooton           |
| Flavin      | Murray       | Wright           |
| Total—99    |              |                  |

**NAYS**

Total—0

**ABSENT**

|         |              |           |
|---------|--------------|-----------|
| Baldone | Crane        | Schneider |
| Bruce   | Guillory, M. |           |
| Total—5 |              |           |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Tucker moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1187—**  
BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 39:474, relative to public finance; to authorize certain structured financing transactions; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Daniel sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Daniel to Engrossed House Bill No. 1187 by Representative Daniel

AMENDMENT NO. 1

On page 5, line 25, after "successor," and before "a preliminary" insert "and the State Bond Commission."

AMENDMENT NO. 2

On page 6, line 1, after "successor," and before "shall" insert "and the State Bond Commission"

AMENDMENT NO. 3

On page 6, line 10, after "successor," and before "as set forth" insert "and the State Bond Commission"

AMENDMENT NO. 4

On page 6, at the end of line 14, after "Budget" delete the period "." and insert "and the State Bond Commission."

On motion of Rep. Daniel, the amendments were adopted.

Rep. Daniel moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |          |            |
|-------------|----------|------------|
| Mr. Speaker | Faucheux | Murray     |
| Alario      | Flavin   | Odinet     |
| Alexander   | Frith    | Pinac      |
| Ansardi     | Futrell  | Pitre      |
| Arnold      | Gallot   | Powell, M. |
| Badon       | Geymann  | Powell, T. |

|            |            |                  |
|------------|------------|------------------|
| Baldone    | Glover     | Quezaire         |
| Baudoin    | Gray       | Richmond         |
| Baylor     | Hammett    | Ritchie          |
| Beard      | Heaton     | Robideaux        |
| Bowler     | Hebert     | Romero           |
| Broome     | Hill       | Scalise          |
| Bruneau    | Honey      | Schneider        |
| Burns      | Hopkins    | Shepherd         |
| Burrell    | Hunter     | Smiley           |
| Carter, K. | Hutter     | Smith, G.—56th   |
| Carter, R. | Jackson    | Smith, J.D.—50th |
| Cazayoux   | Jefferson  | Smith, J.H.—8th  |
| Crane      | Johns      | Smith, J.R.—30th |
| Crowe      | Katz       | Strain           |
| Curtis     | Kennard    | Thompson         |
| Damico     | Kenney     | Toomy            |
| Daniel     | LaBruzzo   | Townsend         |
| Dartez     | LaFleur    | Triche           |
| DeWitt     | Lambert    | Tucker           |
| Doerge     | Lancaster  | Walker           |
| Dorsey     | Marchand   | Walsworth        |
| Dove       | Martiny    | White            |
| Downs      | McDonald   | Winston          |
| Durand     | McVea      | Wooton           |
| Erdey      | Montgomery | Wright           |
| Fannin     | Morrell    |                  |
| Farrar     | Morrish    |                  |
| Total—97   |            |                  |

NAYS

Total—0

ABSENT

|              |             |         |
|--------------|-------------|---------|
| Bruce        | Pierre      | Waddell |
| Guillory, E. | St. Germain |         |
| Guillory, M. | Trahan      |         |
| Total—7      |             |         |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Daniel moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**Motion**

Rep. Shepherd moved to call House Bill No. 621 from the calendar.

Rep. Fauchaux objected.

By a vote of 69 yeas and 24 nays, the bill was called from the calendar.

**HOUSE BILL NO. 621—**  
BY REPRESENTATIVE SHEPHERD  
AN ACT

To amend and reenact R.S. 9:315.19, relative to child support awards; to provide a schedule for determining basic child support obligations; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Shepherd moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Farrar       | Odinet           |
| Alario      | Gallot       | Pierre           |
| Ansardi     | Glover       | Quezaire         |
| Arnold      | Gray         | Richmond         |
| Badon       | Guillory, E. | Ritchie          |
| Bowler      | Guillory, M. | Shepherd         |
| Broome      | Heaton       | Smith, J.R.—30th |
| Burrell     | Hebert       | St. Germain      |
| Carter, K.  | Hill         | Toomy            |
| Carter, R.  | Honey        | Townsend         |
| Cazayoux    | Hunter       | Tucker           |
| Damico      | LaBruzzo     | Walsworth        |
| Daniel      | LaFleur      | White            |
| Dartez      | Montgomery   |                  |
| Downs       | Morrell      |                  |
| Total—43    |              |                  |

**NAYS**

|           |           |                  |
|-----------|-----------|------------------|
| Alexander | Geymann   | Pitre            |
| Baldone   | Hammett   | Powell, M.       |
| Baudoin   | Hopkins   | Powell, T.       |
| Baylor    | Hutter    | Robideaux        |
| Beard     | Jackson   | Scalise          |
| Bruneau   | Jefferson | Schneider        |
| Crane     | Johns     | Smiley           |
| Crowe     | Katz      | Smith, G.—56th   |
| Curtis    | Kennard   | Smith, J.D.—50th |
| Doerge    | Kenney    | Smith, J.H.—8th  |
| Dorsey    | Lambert   | Strain           |
| Dove      | Lancaster | Thompson         |
| Durand    | Marchand  | Trahan           |
| Erdey     | Martiny   | Triche           |
| Fannin    | McDonald  | Waddell          |
| Fauchaux  | McVea     | Walker           |
| Flavin    | Morrish   | Winston          |
| Frith     | Murray    | Wooton           |
| Futrell   | Pinac     | Wright           |
| Total—57  |           |                  |

**ABSENT**

|         |        |
|---------|--------|
| Bruce   | DeWitt |
| Burns   | Romero |
| Total—4 |        |

The Chair declared the above bill failed to pass.

Rep. Walsworth moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 412—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 13:47, relative to the Judicial Compensation Commission; to provide for legislative approval of the commission's report; to provide for an effective date for salary recommendations; to provide for procedures for approval of the concurrent resolution; and to provide for related matters.

Called from the calendar.

Read by title.

**Motion**

Rep. DeWitt moved that the bill be returned to the calendar.

Rep. Toomy objected.

By a vote of 57 yeas and 36 nays, the House returned the bill to the calendar.

**HOUSE BILL NO. 1508—**  
BY REPRESENTATIVE GRAY**AN ACT**

To amend and reenact Children's Code Articles 810 and 855(B)(4) and to enact Children's Code Article 809(E) and (F), relative to juvenile delinquency proceedings; to provide for the appointment of counsel and notice of such appointment; to prohibit a child in such proceedings from being able to waive the right to counsel; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 1508 by Representative Gray

**AMENDMENT NO. 1**

On page 2, line 23, following "Acts" and before ",," change "908" to "1908"

On motion of Rep. McDonald, the amendments were adopted.

Rep. Gray sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Gray to Engrossed House Bill No. 1508 by Representative Gray

**AMENDMENT NO. 1**

On page 1, line 2, after "Code" and before "and to enact" change "Articles 810 and 855(B)(4)" to "Article 810"

**AMENDMENT NO. 2**

On page 1, line 4, after the semicolon ";," delete the remainder of the line and delete line 5 in its entirety and insert in lieu thereof "to provide with respect to a waiver of right to counsel in such proceedings; to provide for circumstances in which the right to counsel shall not be waived; and to provide for"

**AMENDMENT NO. 3**

On page 1, line 8, after "Code" and before "hereby" change "Articles 810 and 855(B)(4) are" to "Article 810 is"

**AMENDMENT NO. 4**

On page 1, delete lines 17 through 20 in their entirety and on page 2, delete lines 1 through 38 in their entirety and insert in lieu thereof the following:

"Art. 810. Waiver of right to counsel

A. The court may allow a child to waive the assistance of counsel if the court determines that all of the following exists:

(1) The child has consulted with an attorney, ~~or other adult interested in the child's welfare~~ parent, or, if no parent, a caretaker as defined in Children's Code Article 728.

(2) That both the child and the adult ~~advisor consulting with the child as provided in Subparagraph (A)(1) of this Article~~ have been instructed by the court about the child's rights and the possible consequences of waiver.

(3) That the child is competent and is knowingly and voluntarily waiving his right to counsel.

B. Such waiver may be accepted at any stage in the proceedings and shall be evidenced by a writing reciting the requirements contained in Paragraph A of this Article and signed by the child ~~and his attorney or other interested adult and the adult consulting with the child~~ and filed in the record or by a verbatim transcript of the proceedings which demonstrates compliance with Paragraph A of this Article.

C. The court shall appoint an attorney in any case in which the interests of the child and ~~his parent or other adult advisor~~ the adult consulting with the child conflict or whenever appointment of counsel is otherwise required in the interests of justice.

D. The child shall not be permitted to waive assistance of counsel in the following circumstances:

(1) In proceedings in which it has been recommended to the court that the child be placed in a mental hospital, psychiatric unit, or substance abuse facility, nor in proceedings to modify said dispositions.

(2) In proceedings in which he is alleged to have committed a felony-grade delinquent act or a misdemeanor-grade delinquent act that can enhance the penalties the child faces or which can be used to enhance the penalties for subsequent offenses.

(3) In probation or parole revocation proceedings."

**AMENDMENT NO. 5**

On page 3, delete lines 1 through 14 in their entirety

On motion of Rep. Gray, the amendments were adopted.

Rep. Gray moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |         |            |
|-------------|---------|------------|
| Mr. Speaker | Frith   | Pitre      |
| Alario      | Futrell | Powell, M. |
| Arnold      | Gallot  | Powell, T. |
| Badon       | Geymann | Quezaire   |

Page 32 HOUSE

41st Day's Proceedings - June 8, 2004

|            |              |                  |
|------------|--------------|------------------|
| Baldone    | Glover       | Richmond         |
| Baudoin    | Gray         | Ritchie          |
| Baylor     | Guillory, E. | Robideaux        |
| Beard      | Hammett      | Romero           |
| Bowler     | Heaton       | Scalise          |
| Broome     | Hebert       | Schneider        |
| Bruneau    | Hill         | Shepherd         |
| Burrell    | Honey        | Smith, G.—56th   |
| Carter, K. | Hopkins      | Smith, J.D.—50th |
| Carter, R. | Hunter       | Smith, J.H.—8th  |
| Cazayoux   | Hutter       | Smith, J.R.—30th |
| Crane      | Jackson      | St. Germain      |
| Crowe      | Jefferson    | Strain           |
| Curtis     | Kennard      | Thompson         |
| Damico     | LaFleur      | Townsend         |
| Daniel     | Lambert      | Trahan           |
| Dartez     | Lancaster    | Triche           |
| DeWitt     | Marchand     | Tucker           |
| Doerge     | Martiny      | Waddell          |
| Dorsey     | McDonald     | Walker           |
| Dove       | Montgomery   | Walsworth        |
| Downs      | Morrell      | White            |
| Durand     | Morrish      | Winston          |
| Erdey      | Murray       | Wooton           |
| Fannin     | Odinet       | Wright           |
| Farrar     | Pierre       |                  |
| Faucheux   | Pinac        |                  |
| Total—91   |              |                  |

NAYS

|              |        |        |
|--------------|--------|--------|
| Alexander    | Katz   | McVea  |
| Guillory, M. | Kenney | Smiley |
| Total—6      |        |        |

ABSENT

|         |          |       |
|---------|----------|-------|
| Ansardi | Flavin   | Toomy |
| Bruce   | Johns    |       |
| Burns   | LaBruzzo |       |
| Total—7 |          |       |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Gray moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1553—**  
BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 11:557, relative to the benefits for judges and court officers in the Louisiana State Employees' Retirement System; to provide for participation in the Deferred Retirement Option Plan; to allow for remedial participation in the plan; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Arnold sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Arnold to Engrossed House Bill No. 1553 by Representative Arnold

AMENDMENT NO. 1

On page 1, line 18, after "1999." and before "but" insert "who entered the plan"

On motion of Rep. Arnold, the amendments were adopted.

Rep. Arnold moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Murray           |
| Alario      | Frith        | Odinet           |
| Alexander   | Futrell      | Pierre           |
| Ansardi     | Gallot       | Pinac            |
| Arnold      | Geymann      | Pitre            |
| Badon       | Glover       | Powell, M.       |
| Baldone     | Gray         | Powell, T.       |
| Baudoin     | Guillory, E. | Quezaire         |
| Baylor      | Hammett      | Richmond         |
| Bowler      | Heaton       | Ritchie          |
| Broome      | Hebert       | Robideaux        |
| Bruneau     | Hill         | Scalise          |
| Burns       | Honey        | Shepherd         |
| Burrell     | Hopkins      | Smiley           |
| Carter, K.  | Hunter       | Smith, G.—56th   |
| Carter, R.  | Hutter       | Smith, J.D.—50th |
| Cazayoux    | Jackson      | Smith, J.H.—8th  |
| Crane       | Jefferson    | Smith, J.R.—30th |
| Crowe       | Johns        | St. Germain      |
| Curtis      | Katz         | Strain           |
| Damico      | Kennard      | Thompson         |
| Daniel      | Kenney       | Toomy            |
| Dartez      | LaBruzzo     | Townsend         |
| DeWitt      | LaFleur      | Trahan           |
| Doerge      | Lambert      | Triche           |
| Dorsey      | Lancaster    | Waddell          |
| Dove        | Marchand     | Walker           |
| Downs       | Martiny      | Walsworth        |
| Durand      | McDonald     | White            |
| Erdey       | McVea        | Winston          |
| Fannin      | Montgomery   | Wooton           |
| Farrar      | Morrell      | Wright           |
| Faucheux    | Morrish      |                  |
| Total—98    |              |                  |

NAYS

Total—0

ABSENT

|         |              |           |
|---------|--------------|-----------|
| Beard   | Guillory, M. | Schneider |
| Bruce   | Romero       | Tucker    |
| Total—6 |              |           |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Arnold moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.



**HOUSE BILL NO. 1296—**

BY REPRESENTATIVE GLOVER

**AN ACT**

To enact R.S. 33:9038.25, relative to cooperative economic development; to authorize the Shreveport city council to create the Convention Center Hotel Taxing District as a special taxing and tax increment financing district in the city of Shreveport; to provide for the boundaries of the district; to provide for the governance of the district; to provide for the authority, powers, duties, and functions of the governing body to levy and collect a sales and use tax and a tax upon hotel occupancy within the district and to engage in tax increment financing; to authorize the district to enter into cooperative endeavor agreements with the state and other political subdivisions in order to achieve its purposes; to authorize the state and other political subdivisions to waive or suspend their collection of sales and use taxes within the district; and to provide for related matters.

Called from the calendar.

Read by title.

**Motion**

On motion of Rep. Glover, the bill was withdrawn from the files of the House.

**HOUSE BILL NO. 959—**

BY REPRESENTATIVE GLOVER

**AN ACT**

To enact R.S. 33:2338, relative to the city of Shreveport; to authorize the governing authority of the city to establish a citizens review board; to provide relative to the functions of such board; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Glover moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                |
|-------------|--------------|----------------|
| Mr. Speaker | Dorsey       | Marchand       |
| Alario      | Farrar       | Montgomery     |
| Arnold      | Frith        | Morrell        |
| Badon       | Gallot       | Murray         |
| Baldone     | Glover       | Odinet         |
| Baylor      | Gray         | Pierre         |
| Beard       | Guillory, E. | Quezaire       |
| Bowler      | Guillory, M. | Richmond       |
| Broome      | Hammett      | Ritchie        |
| Burrell     | Heaton       | Romero         |
| Carter, K.  | Hill         | Shepherd       |
| Carter, R.  | Honey        | Smith, G.—56th |
| Cazayoux    | Hunter       | Townsend       |
| Curtis      | Jackson      | Tucker         |
| Damico      | Jefferson    |                |
| Daniel      | LaFleur      |                |
| Total—46    |              |                |

**NAYS**

|           |         |           |
|-----------|---------|-----------|
| Alexander | Hopkins | Robideaux |
| Ansardi   | Hutter  | Scalise   |
| Baudoin   | Johns   | Schneider |

|          |            |                 |
|----------|------------|-----------------|
| Bruneau  | Katz       | Smiley          |
| Burns    | Kennard    | Smith, J.H.—8th |
| Crane    | Kenney     | Strain          |
| Crowe    | LaBruzzo   | Thompson        |
| DeWitt   | Lambert    | Toomy           |
| Doerge   | Lancaster  | Trahan          |
| Dove     | Martiny    | Triche          |
| Downs    | McDonald   | Waddell         |
| Erdey    | McVea      | Walker          |
| Fannin   | Morrish    | Walsworth       |
| Faucheux | Pinac      | Winston         |
| Flavin   | Pitre      | Wooton          |
| Futrell  | Powell, M. | Wright          |
| Geymann  | Powell, T. |                 |
| Total—50 |            |                 |

**ABSENT**

|         |                  |             |
|---------|------------------|-------------|
| Bruce   | Hebert           | St. Germain |
| Dartez  | Smith, J.D.—50th | White       |
| Durand  | Smith, J.R.—30th |             |
| Total—8 |                  |             |

The Chair declared the above bill failed to pass.

Rep. Hopkins moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1267—**

BY REPRESENTATIVE GLOVER

**AN ACT**

To enact R.S. 9:2800.14, relative to offenses and quasi-offenses; to create an application process for compensation against the state for wrongful conviction and imprisonment; to provide for damages; to provide procedures for filing an application; to provide for the period of time in which the application shall be filed; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 1267 by Representative Glover

AMENDMENT NO. 1

On page 2, line 28, following "Non" and before "economic" insert "-"

AMENDMENT NO. 2

On page 4, line 1, following "and" and before "the" change "show" to "shows"

AMENDMENT NO. 3

On page 4, line 18, following "B" and before "that" insert "of this Section"

AMENDMENT NO. 4

On page 4, line 22, following "B" and before "that" insert "of this Section"

On motion of Rep. McDonald, the amendments were adopted.

Rep. Glover sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Glover to Engrossed House Bill No. 1267 by Representative Glover

AMENDMENT NO. 1

On page 1, line 2, change "offenses and quasi offenses" to "administrative procedure"

AMENDMENT NO. 2

On page 1, line 3, delete "against the state"

AMENDMENT NO. 3

On page 1, line 4, change "damages" to "compensation; to create the Innocence Compensation Fund as a special fund in the state treasury; to provide for the deposit, use, and investment of monies in the fund;"

AMENDMENT NO. 4

On page 1, line 13, change "awards" to "a final decision" and after "applications" insert "for compensation"

AMENDMENT NO. 5

On page 1, line 14, change "this Section" to "the Administrative Procedure Act"

AMENDMENT NO. 6

On page 1, delete lines 15 through 18 in their entirety

AMENDMENT NO. 7

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

"(2) If from its findings of fact, the board decides that the applicant is entitled to compensation because he is found to be factually innocent of the crime of which he was convicted, it shall determine the compensation due and"

AMENDMENT NO. 8

On page 2, line 18, delete "compensation to which he is entitled," and change "make" to "order"

AMENDMENT NO. 9

On page 2, at the end of line 18, delete "of the" and at the beginning of line 19, delete "amount awarded"

AMENDMENT NO. 10

On page 2, line 20, delete "The board shall" and delete lines 21 and 22 in their entirety

AMENDMENT NO. 11

On page 2, line 23, delete "within twenty days after the board makes it determination."

AMENDMENT NO. 12

On page 2, line 26, change "awards made" to "orders"

AMENDMENT NO. 13

On page 2, delete lines 28 and 29 in their entirety and insert the following:

"(3) Compensation shall be calculated at a minimum rate of twelve thousand dollars per year incarcerated or the equivalent of working forty hours a week for one year at the current federal minimum wage and at a maximum rate of five hundred thousand total. The board may consider the unique barriers and obstacles as the applicant adjusts to life after being released from prison and the board may deviate from the maximum rate and it shall provide written reasons therefore. As compensation for the loss of life opportunities resulting from the time spent incarcerated, the board shall also order payment from the Innocence Compensation Fund to:"

AMENDMENT NO. 14

On page 3, at the end of line 3, change the period "." to a semicolon ";," and insert "and"

AMENDMENT NO. 15

On page 3, line 6, change "under this Subparagraph" to "in accordance with Subsection (A)(3)(c)"

AMENDMENT NO. 16

On page 3, line 11, change "under this Subparagraph remains active" to "in accordance with Subsection(A)(3)(c) shall be"

AMENDMENT NO. 17

On page 3, line 12, change "a person" to "an applicant"

AMENDMENT NO. 18

On page 3, line 14, change "person" to "applicant" and delete "under this"

AMENDMENT NO. 19

On page 3, line 15, delete "Subparagraph" and change "person continues to" to "applicant"

AMENDMENT NO. 20

On page 3, line 16, change "make" to "makes" and change "attempted" to "in which he is enrolled"

AMENDMENT NO. 21

On page 3, line 17, after "program" and before "available" insert "which the applicant chooses and which is" and after "institutions" insert a period "." and delete the remainder of the line

AMENDMENT NO. 22

On page 3, delete line 18 in its entirety

AMENDMENT NO. 23

On page 3, line 19, change "sum of money" to "compensation"

AMENDMENT NO. 24

On page 3, line 24, after "B." delete the remainder of the line and insert "An applicant is entitled to compensation in accordance with this Section if he has"

AMENDMENT NO. 25

On page 3, line 26, change "the person" to "he" and delete "and imprisoned"

AMENDMENT NO. 26

On page 3, line 27, change "person" to "applicant"

AMENDMENT NO. 27

On page 4, line 1, change "person" to "applicant" and delete "show" and delete "by"

AMENDMENT NO. 28

On page 4, delete line 2 and insert "determined that he is factually innocent of the"

AMENDMENT NO. 29

On page 4, delete lines 4 through 16 in their entirety and insert the following:

"C. For the purposes of this Section, "factual innocence" means that the applicant did not commit the crime for which he was convicted and incarcerated nor did he commit a crime statutorily defined as a lesser included offense of the crime for which he was convicted based upon the same set of facts used in his original conviction."

AMENDMENT NO. 30

On page 4, delete line 17 and insert "D. Any applicant claiming compensation in accordance with this Section based on a"

AMENDMENT NO. 31

On page 4, line 18, after "B" and before "that" insert "of this Section"

AMENDMENT NO. 32

On page 4, delete line 21 and insert "E. Any applicant claiming compensation in accordance with this Section and based on a"

AMENDMENT NO. 33

On page 4, line 22, after "B" and before "that" insert "of this Section"

AMENDMENT NO. 34

On page 4, delete lines 25 and 26 in their entirety

AMENDMENT NO. 35

On page 4, at the beginning of line 27, change "H." to "E."

AMENDMENT NO. 36

On page 5, between lines 2 and 3, insert the following:

"G.(1) There is hereby created, as a special fund in the state treasury, the Innocence Compensation Fund, hereinafter referred to

as the "fund". The source of monies for the fund shall be appropriations, donations, grants, and other monies which may become available for the purposes of the fund.

(2) The monies in the fund shall be subject to appropriation and may only be used as provided in Paragraph (3) of this Subsection. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund, and interest earnings shall be deposited in and credited to the fund. All unexpected or unencumbered monies remaining in the fund at the end of the fiscal year shall remain to the credit of the fund.

(3) Monies appropriated from the fund shall be used exclusively by the Board of Pardons to compensate applicants who are found to be factually innocent of the crime of which convicted, as provided in Subsection A of this Section."

On motion of Rep. Glover, the amendments were adopted.

Rep. Glover moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

YEAS

|            |              |                  |
|------------|--------------|------------------|
| Alario     | Gallot       | Murray           |
| Ansardi    | Geymann      | Odinot           |
| Arnold     | Glover       | Pierre           |
| Badon      | Gray         | Powell, M.       |
| Baldone    | Guillory, E. | Quezaire         |
| Baylor     | Guillory, M. | Richmond         |
| Bowler     | Hammett      | Ritchie          |
| Broome     | Heaton       | Robideaux        |
| Burrell    | Hebert       | Romero           |
| Carter, K. | Hill         | Shepherd         |
| Cazayoux   | Honey        | Smith, G.—56th   |
| Curtis     | Hopkins      | Smith, J.D.—50th |
| Damico     | Hunter       | Smith, J.H.—8th  |
| Daniel     | Hutter       | St. Germain      |
| Dartez     | Jackson      | Strain           |
| DeWitt     | Jefferson    | Toomy            |
| Dorsey     | Johns        | Townsend         |
| Durand     | LaFleur      | Triche           |
| Farrar     | Lancaster    | Waddell          |
| Faucheux   | Marchand     | Walker           |
| Flavin     | Montgomery   | White            |
| Frith      | Morrell      |                  |
| Total—65   |              |                  |

NAYS

|             |          |            |
|-------------|----------|------------|
| Mr. Speaker | Fannin   | Pitre      |
| Alexander   | Futrell  | Powell, T. |
| Baudoin     | Katz     | Scalise    |
| Beard       | Kennard  | Schneider  |
| Bruneau     | Kenney   | Smiley     |
| Carter, R.  | LaBruzzo | Thompson   |
| Crane       | Lambert  | Trahan     |
| Crowe       | Martiny  | Tucker     |
| Doerge      | McDonald | Walsworth  |
| Dove        | McVea    | Wooton     |
| Downs       | Morrish  | Wright     |
| Erdey       | Pinac    |            |
| Total—35    |          |            |

ABSENT

|         |                  |
|---------|------------------|
| Bruce   | Smith, J.R.—30th |
| Burns   | Winston          |
| Total—4 |                  |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Glover moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 507—**  
BY REPRESENTATIVE MARCHAND  
AN ACT

To enact R.S. 33:4881, relative to Orleans Parish; to provide with respect to maximum penalties that can be imposed by ordinance in Orleans Parish; to authorize the governing authority for the parish of Orleans to provide for a fine and a sentence of imprisonment for violation of any ordinance prohibiting the dumping of trash and other substances; to provide with respect to such substances; to specify those places where dumping may be so penalized; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 507 by Representative Marchand

AMENDMENT NO. 1

On page 2, line 7, change "Paragraph" to "Section"

On motion of Rep. McDonald, the amendments were adopted.

Rep. Marchand sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Marchand to Engrossed House Bill No. 507 by Representative Marchand

AMENDMENT NO. 1

On page 1, at the beginning of line 2, after "To" and before "enact" insert "amend and reenact R.S. 13:2500(C) and to"

AMENDMENT NO. 2

On page 1, line 2, after "Orleans Parish;" and before "to provide" insert the following:

"to provide with respect to the powers of judges of the Municipal Court of New Orleans; to increase the monetary penalty which may be imposed for the violation of a municipal ordinance;"

AMENDMENT NO. 3

On page 1, between lines 11 and 12, insert the following:

"Section 1. R.S. 13:2500(C) is hereby amended and reenacted to read as follows:

§2500. Powers of judges, clerks, and court reporters

\* \* \*

C. The penalty which may be imposed for each violation of a municipal ordinance shall not exceed ~~five hundred dollars~~ one thousand dollars, or a greater amount if a state statute authorizes a greater penalty for the violation of a parish or municipal ordinance, or six months in jail, or both, at the discretion of the court, and in default of the payment of the fine said violator may be sentenced to serve a period in jail for a term not to exceed an additional thirty days."

AMENDMENT NO. 4

On page 1, at the beginning of line 12, change "Section 1." to "Section 2."

AMENDMENT NO. 5

On page 1, line 15, after "not to exceed" and before "thousand dollars" delete "five" and insert in lieu thereof "one"

AMENDMENT NO. 6

On page 2, at the beginning of line 15, change "Section 2." to "Section 3."

On motion of Rep. Marchand, the amendments were adopted.

Rep. Marchand moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Pierre           |
| Alario      | Futrell      | Pinac            |
| Alexander   | Gallot       | Pitre            |
| Ansardi     | Geymann      | Powell, M.       |
| Arnold      | Glover       | Powell, T.       |
| Badon       | Gray         | Quezaire         |
| Baldone     | Guillory, E. | Richmond         |
| Baudoin     | Guillory, M. | Ritchie          |
| Baylor      | Hammett      | Robideaux        |
| Beard       | Heaton       | Romero           |
| Bowler      | Hebert       | Scalise          |
| Broome      | Hill         | Schneider        |
| Bruneau     | Honey        | Shepherd         |
| Burns       | Hopkins      | Smiley           |
| Burrell     | Hunter       | Smith, G.—56th   |
| Carter, K.  | Hutter       | Smith, J.D.—50th |
| Carter, R.  | Jackson      | Smith, J.H.—8th  |
| Cazayoux    | Jefferson    | Smith, J.R.—30th |
| Crane       | Johns        | St. Germain      |
| Crowe       | Kennard      | Strain           |
| Curtis      | Kenney       | Thompson         |
| Damico      | LaFleur      | Toomy            |
| Daniel      | Lambert      | Townsend         |
| Dartez      | Lancaster    | Trahan           |
| DeWitt      | Marchand     | Triche           |
| Dorsey      | Martiny      | Tucker           |
| Dove        | McDonald     | Waddell          |
| Downs       | McVea        | Walker           |
| Durand      | Montgomery   | Walsworth        |
| Fannin      | Morrell      | White            |
| Farrar      | Morrish      | Winston          |
| Faucheux    | Murray       | Wooton           |
| Flavin      | Odinot       | Wright           |
| Total—99    |              |                  |

NAYS

Total—0

ABSENT

|         |       |          |
|---------|-------|----------|
| Bruce   | Erdey | LaBruzzo |
| Doerge  | Katz  |          |
| Total—5 |       |          |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Marchand moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1055—**  
BY REPRESENTATIVE DURAND  
AN ACT

To enact R.S. 40:2183(E), relative to hospices; to provide for a moratorium on the issuance of licenses for additional hospices; and to provide for related matters.

Called from the calendar.

Read by title.

**Motion**

On motion of Rep. Durand, the bill was returned to the calendar.

**HOUSE BILL NO. 1331—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 37:575(A)(1), 589, 593, 599(A)(2)(f)(iv) and (A)(7) and to enact R.S. 37:587, 591(D), and 599(A)(9), relative to cosmetology; to provide relative to the sale of immovable property; to provide for certification of records; to require licensed managers; to provide exceptions for services outside the licensed facility; to provide regarding booth rental permits; to provide for fees; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Pinac moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                |
|-------------|--------------|----------------|
| Mr. Speaker | Faucheux     | Morrell        |
| Alario      | Flavin       | Morrish        |
| Alexander   | Frith        | Murray         |
| Ansardi     | Gallot       | Odinot         |
| Arnold      | Geymann      | Pinac          |
| Badon       | Glover       | Pitre          |
| Baldone     | Gray         | Quezaire       |
| Baudoin     | Guillory, E. | Richmond       |
| Baylor      | Guillory, M. | Ritchie        |
| Beard       | Hammitt      | Romero         |
| Broome      | Honey        | Schneider      |
| Bruneau     | Hunter       | Shepherd       |
| Burns       | Hutter       | Smiley         |
| Burrell     | Jackson      | Smith, G.—56th |

|            |            |                  |
|------------|------------|------------------|
| Carter, K. | Jefferson  | Smith, J.D.—50th |
| Carter, R. | Johns      | Smith, J.H.—8th  |
| Cazayoux   | Kennard    | Smith, J.R.—30th |
| Crane      | Kenney     | St. Germain      |
| Curtis     | LaFleur    | Strain           |
| Damico     | Lambert    | Thompson         |
| Daniel     | Lancaster  | Toomy            |
| Doerge     | Marchand   | Townsend         |
| Dorsey     | Martiny    | Trahan           |
| Dove       | McDonald   | Triche           |
| Durand     | McVea      | Walker           |
| Fannin     | Montgomery | Wooton           |
| Total—78   |            |                  |

NAYS

|          |            |           |
|----------|------------|-----------|
| Bowler   | Hill       | Scalise   |
| Crowe    | Katz       | Tucker    |
| Erdey    | LaBruzzo   | Walsworth |
| Farrar   | Powell, M. | Wright    |
| Futrell  | Powell, T. |           |
| Total—14 |            |           |

ABSENT

|          |         |           |
|----------|---------|-----------|
| Bruce    | Heaton  | Robideaux |
| Dartez   | Hebert  | Waddell   |
| DeWitt   | Hopkins | White     |
| Downs    | Pierre  | Winston   |
| Total—12 |         |           |

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

**HOUSE BILL NO. 1551—**  
BY REPRESENTATIVES HEATON, DARTEZ, DORSEY, FARRAR,  
RICHMOND, AND SMILEY  
AN ACT

To amend and reenact R.S. 46:2140, relative to family violence; to provide for guidelines for law enforcement officers to use in determining the predominant aggressor for arrest purposes; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Shepherd sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Shepherd to Engrossed House Bill No. 1551 by Representative Heaton

AMENDMENT NO. 1

On page 2, at the end of line 20, after "person" and before the period ".", insert the following:

"and the presiding magistrate or judge may set bail at or a bond of no more than twenty-five thousand dollars"

Rep. Shepherd moved the adoption of the amendments.

Rep. Richmond objected.

By a vote of 22 yeas and 69 nays, the amendments were rejected.

Rep. Richmond moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Morrish          |
| Alario      | Frith        | Murray           |
| Alexander   | Futrell      | Odinot           |
| Ansardi     | Gallot       | Pierre           |
| Arnold      | Geymann      | Pitre            |
| Badon       | Glover       | Powell, M.       |
| Baldone     | Gray         | Powell, T.       |
| Baudoin     | Guillory, E. | Quezaire         |
| Baylor      | Guillory, M. | Richmond         |
| Beard       | Hammett      | Ritchie          |
| Bowler      | Heaton       | Robideaux        |
| Broome      | Hebert       | Romero           |
| Bruneau     | Hill         | Scalise          |
| Burns       | Honey        | Schneider        |
| Burrell     | Hopkins      | Shepherd         |
| Carter, K.  | Hunter       | Smiley           |
| Carter, R.  | Hutter       | Smith, G.—56th   |
| Cazayoux    | Jackson      | Smith, J.D.—50th |
| Crane       | Jefferson    | Smith, J.H.—8th  |
| Crowe       | Johns        | Smith, J.R.—30th |
| Curtis      | Katz         | Strain           |
| Damico      | Kennard      | Thompson         |
| Dartez      | Kenney       | Toomy            |
| DeWitt      | LaBruzzo     | Townsend         |
| Doerge      | LaFleur      | Trahan           |
| Dorsey      | Lambert      | Triche           |
| Dove        | Lancaster    | Tucker           |
| Downs       | Marchand     | Walker           |
| Durand      | Martiny      | Winston          |
| Erdey       | McDonald     | Wooton           |
| Fannin      | McVea        | Wright           |
| Farrar      | Montgomery   |                  |
| Faucheux    | Morrell      |                  |
| Total—97    |              |                  |

**NAYS**

Total—0

**ABSENT**

|         |             |       |
|---------|-------------|-------|
| Bruce   | St. Germain | White |
| Daniel  | Waddell     |       |
| Pinac   | Walsworth   |       |
| Total—7 |             |       |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Richmond moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 814—**  
BY REPRESENTATIVE TOWNSEND  
AN ACT

To enact R.S. 6:332 and 333(F)(16), relative to disclosure of financial records; to provide for attorney fiduciary accounts; to provide for overdraft notification to the office of disciplinary counsel for the Louisiana Attorney Disciplinary Board; to provide for a limitation of liability; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Townsend moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |            |
|-------------|--------------|------------|
| Mr. Speaker | Downs        | Montgomery |
| Alario      | Durand       | Pinac      |
| Arnold      | Fannin       | Powell, M. |
| Baldone     | Frith        | Quezaire   |
| Baudoin     | Glover       | Toomy      |
| Bowler      | Guillory, M. | Townsend   |
| Bruneau     | Hammett      | Trahan     |
| Cazayoux    | Heaton       | Walker     |
| Damico      | McDonald     | Wooton     |
| DeWitt      | McVea        |            |
| Total—29    |              |            |

**NAYS**

|            |              |                  |
|------------|--------------|------------------|
| Alexander  | Gray         | Pierre           |
| Ansardi    | Guillory, E. | Pitre            |
| Badon      | Hill         | Powell, T.       |
| Baylor     | Honey        | Richmond         |
| Beard      | Hunter       | Ritchie          |
| Broome     | Hutter       | Romero           |
| Burrell    | Jackson      | Scalise          |
| Carter, K. | Jefferson    | Schneider        |
| Carter, R. | Johns        | Shepherd         |
| Crane      | Katz         | Smiley           |
| Crowe      | Kennard      | Smith, G.—56th   |
| Curtis     | Kenney       | Smith, J.R.—30th |
| Daniel     | LaBruzzo     | Strain           |
| Doerge     | LaFleur      | Thompson         |
| Dorsey     | Lambert      | Triche           |
| Erdey      | Lancaster    | Tucker           |
| Farrar     | Marchand     | Waddell          |
| Faucheux   | Martiny      | Walsworth        |
| Flavin     | Morrell      | White            |
| Futrell    | Morrish      | Winston          |
| Gallot     | Murray       | Wright           |
| Geymann    | Odinot       |                  |
| Total—65   |              |                  |

**ABSENT**

|          |                  |                 |
|----------|------------------|-----------------|
| Bruce    | Hebert           | Smith, J.H.—8th |
| Burns    | Hopkins          | St. Germain     |
| Dartez   | Robideaux        |                 |
| Dove     | Smith, J.D.—50th |                 |
| Total—10 |                  |                 |

The Chair declared the above bill failed to pass.

Rep. Hunter moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 1055—**  
BY REPRESENTATIVE DURAND  
AN ACT

To enact R.S. 40:2183(E), relative to hospices; to provide for a moratorium on the issuance of licenses for additional hospices; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Durand sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Durand to Engrossed House Bill No. 1055 by Representative Durand

AMENDMENT NO. 1

On page 1, line 8, after "E." insert "(1)"

AMENDMENT NO. 2

On page 1, line 10, change "2009" to "2006"

AMENDMENT NO. 3

On page 1, line 11, after "Hospitals" insert "and advisory committee"

AMENDMENT NO. 4

On page 1, line 14, change "2009." to "2006." and before "The" insert the following:

"(2) The committee shall be composed of fifteen members including:

(a) Two representatives from nonprofit free- standing hospices.

(b) Two representatives from for profit free- standing hospices.

(c) Two representatives from government- owned hospital-based hospices.

(d) Two representatives from provider- based hospices.

(e) Two representatives from the department.

(f) The chairman of the House Health and Welfare Committee or his designee.

(g) The chairman of the Senate Health and Welfare Committee or his designee.

(h) The speaker of the House of Representatives or his designee.

(i) The president of the Senate or his designee.

(j) The executive director of the Louisiana-Mississippi Hospice and Palliative Care Organization.

(3) The department shall send letters to all licensed hospices soliciting volunteers for serving on the committee. The department shall then submit the appropriate names to the governor who shall choose the members.

(4) The committee shall study the scope of services, access, and quality of end of life care. The committee shall also study the feasibility of expanding the restriction of the fifty-mile radius.

(5)"

AMENDMENT NO. 5

On page 1, line 15, change "2009" to "2006" and insert "(6)(a)" before "The"

AMENDMENT NO. 6

On page 1, line 16, after "to" and before "applications" insert "licensure"

AMENDMENT NO. 7

On page 1, at the end of line 17, after "2004." insert "(b) The provisions of this Subsection shall not preclude an existing licensed hospice from adding inpatient services."

On motion of Rep. Durand, the amendments were adopted.

Rep. Durand moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Pierre           |
| Alario      | Futrell      | Pinac            |
| Alexander   | Gallot       | Pitre            |
| Ansardi     | Geymann      | Powell, M.       |
| Arnold      | Glover       | Powell, T.       |
| Badon       | Gray         | Quezaire         |
| Baldone     | Guillory, E. | Richmond         |
| Baudoin     | Guillory, M. | Ritchie          |
| Baylor      | Hammett      | Robideaux        |
| Beard       | Heaton       | Romero           |
| Bowler      | Hill         | Scalise          |
| Broome      | Honey        | Schneider        |
| Bruneau     | Hunter       | Shepherd         |
| Burns       | Hutter       | Smiley           |
| Burrell     | Jackson      | Smith, G.—56th   |
| Carter, K.  | Jefferson    | Smith, J.D.—50th |
| Cazayoux    | Johns        | Smith, J.H.—8th  |
| Crane       | Katz         | Smith, J.R.—30th |
| Crowe       | Kennard      | Strain           |
| Curtis      | Kenney       | Thompson         |
| Damico      | LaBruzzo     | Toomy            |
| Daniel      | LaFleur      | Townsend         |
| Dartez      | Lambert      | Trahan           |
| DeWitt      | Lancaster    | Triche           |
| Doerge      | Marchand     | Tucker           |
| Dorsey      | Martiny      | Waddell          |
| Dove        | McDonald     | Walker           |
| Downs       | McVea        | Walsworth        |
| Durand      | Montgomery   | White            |
| Erdey       | Morrell      | Winston          |
| Fannin      | Morrish      | Wooton           |
| Farrar      | Murray       | Wright           |
| Faucheux    | Odinot       |                  |
| Total—98    |              |                  |

**NAYS**

Total—0

**ABSENT**

|            |        |             |
|------------|--------|-------------|
| Bruce      | Flavin | Hopkins     |
| Carter, R. | Hebert | St. Germain |
| Total—6    |        |             |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Durand moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

**HOUSE BILL NO. 549—**

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact R.S. 14:98(D)(1) and (3)(a)(introductory paragraph) and (iii) and (E)(1) and (3)(a)(introductory paragraph) and (iii), relative to driving while intoxicated; to provide with respect to criminal penalties for third, fourth, and subsequent offenses of operating a vehicle while intoxicated; to provide with respect to substance abuse treatment; to provide with respect to probation; to provide with respect to home incarceration; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. McDonald, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative McDonald on behalf of the Legislative Bureau to Engrossed House Bill No. 549 by Representative Baldone

AMENDMENT NO. 1

On page 2, line 16, following "months" change "; or" to "."

AMENDMENT NO. 2

On page 4, line 15, following "months" change "; or" to "."

On motion of Rep. McDonald, the amendments were adopted.

Rep. Baldone moved the final passage of the bill, as amended.

**ROLL CALL**

The roll was called with the following result:

YEAS

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Downs        | Powell, M.       |
| Alario      | Durand       | Powell, T.       |
| Alexander   | Fannin       | Robideaux        |
| Ansardi     | Flavin       | Scalise          |
| Arnold      | Frith        | Schneider        |
| Badon       | Futrell      | Shepherd         |
| Baldone     | Geymann      | Smiley           |
| Baudoin     | Glover       | Smith, G.—56th   |
| Baylor      | Guillory, M. | Smith, J.D.—50th |
| Beard       | Hammett      | Smith, J.H.—8th  |
| Bowler      | Hebert       | Smith, J.R.—30th |
| Broome      | Hunter       | Strain           |
| Burns       | Jackson      | Townsend         |
| Burrell     | Johns        | Trahan           |
| Carter, R.  | Katz         | Triche           |
| Cazayoux    | LaBruzzo     | Tucker           |
| Crane       | LaFleur      | Waddell          |
| Crowe       | Lambert      | Walker           |
| Curtis      | Lancaster    | Walsworth        |
| Dartez      | Martiny      | White            |
| Dorsey      | McDonald     | Wright           |
| Dove        | Pitre        |                  |
| Total—65    |              |                  |

NAYS

|              |            |          |
|--------------|------------|----------|
| Bruneau      | Honey      | Pierre   |
| Carter, K.   | Hopkins    | Pinac    |
| Damico       | Hutter     | Quezaire |
| DeWitt       | Jefferson  | Richmond |
| Doerge       | Kennard    | Ritchie  |
| Erdey        | Kenney     | Romero   |
| Farrar       | Marchand   | Thompson |
| Faucheux     | McVea      | Toomy    |
| Gallot       | Montgomery | Winston  |
| Gray         | Morrell    | Wooton   |
| Guillory, E. | Murray     |          |
| Hill         | Odinot     |          |
| Total—34     |            |          |

ABSENT

|         |         |             |
|---------|---------|-------------|
| Bruce   | Heaton  | St. Germain |
| Daniel  | Morrish |             |
| Total—5 |         |             |

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Baldone moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

**Notice of Intention to Call**

Pursuant to House Rule No. 8.26(A), Rep. Murray gave notice of his intention to call House Bill No. 1719 from the calendar for future action.

**Suspension of the Rules**

On motion of Rep. Bruneau, the rules were suspended in order to take up and consider House Bills and Joint Resolutions Returned from the Senate with Amendments at this time.

**House Bills and Joint Resolutions Returned from the Senate with Amendments**

The following House Bills and Joint Resolutions returned from the Senate with amendments to be concurred in by the House were taken up and acted upon as follows:

**HOUSE BILL NO. 30—**

BY REPRESENTATIVE BRUNEAU  
AN ACT

To amend and reenact R.S. 47:2183(C), relative to tax sales of immovable property; to provide for notice to the prior owner; to provide for applicability; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 30 by Representative Bruneau



AMENDMENT NO. 1

On page 2, line 6, after "purchaser" delete the remainder of the line and insert "may provide further notice by"

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Smith to Engrossed House Bill No. 30 by Representative Bruneau

AMENDMENT NO. 1

On page 2 delete lines 4 through 12 in their entirety and insert in lieu thereof the following:

"mail, return receipt requested."

Rep. Bruneau moved that the amendments proposed by the Senate be rejected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Frith        | Pierre           |
| Alario      | Futrell      | Pinac            |
| Alexander   | Gallot       | Pitre            |
| Ansardi     | Geymann      | Powell, M.       |
| Badon       | Glover       | Powell, T.       |
| Baldone     | Gray         | Quezaire         |
| Baudoin     | Guillory, E. | Richmond         |
| Baylor      | Guillory, M. | Ritchie          |
| Beard       | Hammett      | Robideaux        |
| Broome      | Hill         | Romero           |
| Bruneau     | Honey        | Scalise          |
| Burns       | Hopkins      | Schneider        |
| Burrell     | Hunter       | Shepherd         |
| Carter, K.  | Hutter       | Smiley           |
| Carter, R.  | Jackson      | Smith, G.—56th   |
| Cazayoux    | Johns        | Smith, J.D.—50th |
| Crane       | Katz         | Smith, J.H.—8th  |
| Crowe       | Kennard      | Smith, J.R.—30th |
| Curtis      | Kenney       | Strain           |
| Damico      | LaBruzzo     | Thompson         |
| Daniel      | LaFleur      | Toomy            |
| DeWitt      | Lambert      | Townsend         |
| Doerge      | Lancaster    | Trahan           |
| Dorsey      | Marchand     | Triche           |
| Dove        | Martiny      | Tucker           |
| Downs       | McDonald     | Waddell          |
| Durand      | McVea        | Walker           |
| Erdey       | Montgomery   | Walsworth        |
| Fannin      | Morrell      | White            |
| Farrar      | Morrish      | Winston          |
| Faucheux    | Murray       | Wooton           |
| Flavin      | Odinot       | Wright           |
| Total—96    |              |                  |

**NAYS**

Total—0

**ABSENT**

|         |        |             |
|---------|--------|-------------|
| Arnold  | Dartez | Jefferson   |
| Bowler  | Heaton | St. Germain |
| Bruce   | Hebert |             |
| Total—8 |        |             |

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

**HOUSE BILL NO. 39—**  
BY REPRESENTATIVE BRUNEAU  
AN ACT

To amend and reenact Civil Code Article 1582.1, relative to donations; to provide for witnesses; to prohibit persons from witnessing testaments; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 39 by Representative Bruneau

AMENDMENT NO. 1

On page 1, at the end of line 12, change "that" to "the witness" and at the beginning of line 13, delete "person"

AMENDMENT NO. 2

On page 1, line 14, after "if the" and before "would" change "spouse" to "legatee"

AMENDMENT NO. 3

On page 1, line 15, after "the" and before "may" change "spouse" to "legatee"

AMENDMENT NO. 4

On page 1, at the end of line 16, add "Any testamentary terms or restrictions placed on the legacy shall remain in effect."

AMENDMENT NO. 5

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

"Section 2. The provisions of Civil Code Article 1582.1 shall apply only to testaments executed on or after January 1, 2004."

Rep. Bruneau moved that the amendments proposed by the Senate be concurred in.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |            |
|-------------|--------------|------------|
| Mr. Speaker | Farrar       | Pierre     |
| Alario      | Faucheux     | Pinac      |
| Alexander   | Flavin       | Pitre      |
| Ansardi     | Frith        | Powell, M. |
| Arnold      | Futrell      | Powell, T. |
| Badon       | Gallot       | Quezaire   |
| Baldone     | Geymann      | Richmond   |
| Baudoin     | Glover       | Ritchie    |
| Baylor      | Gray         | Robideaux  |
| Beard       | Guillory, E. | Romero     |
| Bowler      | Guillory, M. | Scalise    |
| Broome      | Hill         | Schneider  |

|            |            |                  |
|------------|------------|------------------|
| Bruneau    | Honey      | Shepherd         |
| Burns      | Hunter     | Smiley           |
| Burrell    | Hutter     | Smith, G.—56th   |
| Carter, K. | Jackson    | Smith, J.D.—50th |
| Carter, R. | Johns      | Smith, J.H.—8th  |
| Cazayoux   | Katz       | Smith, J.R.—30th |
| Crane      | Kennard    | St. Germain      |
| Crowe      | Kenney     | Strain           |
| Curtis     | LaBruzzo   | Thompson         |
| Damico     | LaFleur    | Toomy            |
| Daniel     | Lambert    | Townsend         |
| Dartez     | Lancaster  | Trahan           |
| DeWitt     | Marchand   | Triche           |
| Doerge     | Martiny    | Tucker           |
| Dorsey     | McDonald   | Walker           |
| Dove       | McVea      | Walsworth        |
| Downs      | Montgomery | White            |
| Durand     | Morrell    | Winston          |
| Erdey      | Murray     | Wooton           |
| Fannin     | Odinat     | Wright           |

Total—96

NAYS

Total—0

ABSENT

|         |           |         |
|---------|-----------|---------|
| Bruce   | Hebert    | Morrish |
| Hammett | Hopkins   | Waddell |
| Heaton  | Jefferson |         |

Total—8

The amendments proposed by the Senate were concurred in by the House.

**HOUSE BILL NO. 134—**  
BY REPRESENTATIVES BRUCE, MONTGOMERY, BURRELL, ROMERO, WHITE, AND WOOTON

AN ACT

To amend and reenact R.S. 15:283(A)(introductory paragraph), 440.2(A)(1) and (B), 440.4(A)(introductory paragraph) and (1) and (2), and 440.5(A)(introductory paragraph) and (6) and Children's Code Articles 322, 323(2), 324(A), 326(A)(introductory paragraph), 329(A)(introductory paragraph), 652(A)(4), and 1027(A)(4), relative to testimony of children; to authorize the taking of testimony outside of the courtroom from children fourteen years of age or younger in certain circumstances; to authorize the videotaped recodation of a statement from children fourteen years of age or younger in certain circumstances; to delete provisions restricting the use of closed circuit television and videotaped statements to children who have been sexually or physically abused; to provide with respect to the admissibility of videotaped statements; to provide with respect to definitions; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 134 by Representative Bruce

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through 6 in their entirety and insert in lieu thereof the following:

"R.S. 15:283, 440.1, 440.2, 440.4, 440.5(A) (introductory paragraph), 440.5(A)(4), (6), (8), (B), and (C), 440.6, Children's Code Arts. 322, 323(2), 324(A), 326(A) ( introductory paragraph), (1), (2), (4), (6), (7) and (B), 327(A)(2), (3) and (B), 328, 329, 652(A)(4), 1027(A)(introductory paragraph), (4), and to enact Children's Code Art. 323(3), relative to testimony of protected persons; to authorize the taking of testimony"

AMENDMENT NO. 2

On page 1, line 7, delete "children fourteen years of age or younger" and insert "protected persons"

AMENDMENT NO. 3

On page 1, at the end of line 8, delete "children" and on line 9, delete "fourteen years of age or younger" and insert "protected persons"

AMENDMENT NO. 4

On page 1, at the end of line 10, delete "children" and insert "protected persons"

AMENDMENT NO. 5

On page 1, line 18, delete "Child witness or victim" and insert "Protected person"

AMENDMENT NO. 6

On page 1, line 21, delete "child ~~under~~ fourteen years of age or younger" and insert "protected person"

AMENDMENT NO. 7

On page 2, between lines 4 and 5 insert the following:

"(1) Expert testimony that the child protected person would be likely to suffer serious emotional distress if forced to give testimony in open court.

(2) Expert testimony that, without such simultaneous televised testimony, the child protected person cannot reasonably communicate his testimony to the court or jury.

B. The court shall ensure that the child protected person cannot see or hear the accused unless such viewing or hearing is requested for purposes of identification. However, the court shall ensure that the accused is afforded the ability to consult with his attorney during the testimony of the child protected person.

C. The only persons who may be present in the room with the child protected person are the person or persons operating the audio-video equipment, the presiding judge, the attorneys for the state, the attorneys for the defendant, and any person, other than a relative of the child protected person, whose presence is determined by the court to be necessary to the welfare and well-being of the child protected person during his testimony. The persons operating the equipment shall be confined to an adjacent room or behind a screen or mirror that permits them to see and hear the child protected person during his testimony but does not permit the child protected person to see or hear them.

D. Only the attorneys, or the presiding judge as authorized by law, may question the child protected person."

AMENDMENT NO. 8

On page 2, between lines 5 and 6, insert the following:

"SUBPART II. ELECTRONIC RECORDING: ~~CHILD~~  
~~ABUSE VICTIMS~~ PROTECTED PERSONS

§440.1. Purpose

It is declared to be in the best interest of the state that ~~children~~ protected persons be spared from crimes of violence, and that persons who commit such crimes be prosecuted with a minimum of additional intrusion into the lives of such ~~children~~ protected persons."

AMENDMENT NO. 9

On page 2, at the end of line 9, delete "child" and delete line 10 in its entirety and insert "protected person"

AMENDMENT NO. 10

On page 2, between lines 11 and 12, insert the following:

"(2) Further, the coroner may, in conjunction with the district attorney and appropriate hospital personnel and pursuant to their duties in R.S. 40:2109.1 and 40:2113.4, provide for the videotaping of ~~children~~ protected persons who are rape victims or who have been otherwise physically or sexually abused.

(3) Such videotape shall be available for introduction as evidence in a juvenile proceeding or adult criminal proceeding."

AMENDMENT NO. 11

On page 2, between lines 15 and 16, insert the following:

"C. For purposes of this Part "protected person" means any person who is a victim of a crime or a witness in a criminal proceeding and who: (1) is fourteen years of age or younger; or (2) has a developmental disability as defined in R.S. 28:381(12) or mental retardation as defined in R.S. 28:381(28)."

AMENDMENT NO. 12

On page 2, line 18, delete "child witness or victim fourteen years of age or ~~under~~" and on line 19, delete "younger" and insert "protected person"

AMENDMENT NO. 13

On page 2, at the end of line 22, delete "witness or" and on line 23, delete "victim" and insert "protected person"

AMENDMENT NO. 14

On page 2, line 24, delete "witness or victim" and insert "protected person"

AMENDMENT NO. 15

On page 2, delete line 26 in its entirety and insert the following:

"(3) That such recording was not made of answers to interrogatories calculated to lead the ~~child~~ protected person to make any particular statement.

(4) That the recording is accurate, has not been altered, and reflects what the ~~witness or victim~~ protected person said.

(5) That the taking of the ~~child's~~ protected person's statement was supervised by a physician, a social worker, a law enforcement officer, a licensed psychologist, a licensed professional counselor, or an authorized representative of the Department of Social Services.

B. The department shall develop and promulgate regulations on or before September 12, 1984, regarding training requirements and certification for department personnel designated in Paragraph (A)(5) of this Section who supervise the taking of the ~~child's~~ protected person's statement."

AMENDMENT NO. 16

On page 3, line 2, delete "child witness or victim" and insert "protected person"

AMENDMENT NO. 17

On page 3, between lines 4 and 5, insert the following:

"(4) The statement was not made in response to questioning calculated to lead the ~~child~~ protected person to make a particular statement;

\* \* \*

AMENDMENT NO. 18

On page 3, line 5, delete "child" and insert "protected person"

AMENDMENT NO. 19

On page 3, between lines 8 and 9, insert the following:

"(8) The ~~child~~ protected person is available to testify.

B. The admission into evidence of the videotape of a ~~child~~ protected person as authorized herein shall not preclude the prosecution from calling the ~~child~~ protected person as a witness or from taking the ~~child's~~ protected person's testimony outside of the courtroom as authorized in R.S. 15:283. Nothing in this Section shall be construed to prohibit the defendant's right of confrontation.

C. In a criminal prosecution, when the state intends to offer as evidence a copy of a videotaped oral statement of a ~~child~~ protected person made pursuant to the provisions of this Subpart, the defendant may be provided a copy of the videotape if the court determines it necessary to prepare a proper defense. If the court orders the defendant be provided a copy of the videotaped statement, only the attorney and the defendant shall be permitted to view the tape and no copies shall be made by any person. The copy shall be returned to the court immediately upon conclusion of the case. Any violation of this Subsection shall be punished as contempt of court.

§440.6. Confidentiality

Videotapes which are a part of the court record shall be preserved under a protective order of the court in order to protect the privacy of the ~~child~~ protected person. The court shall order the destruction of the videotapes after five years have elapsed from the date of entry of judgment. However, if an appeal is filed, the videotapes shall not be destroyed until a final judgment on appeal has been rendered."

AMENDMENT NO. 20

On page 3, line 9, after "Section 2." delete the remainder of the line and delete lines 10 and 11 in their entirety and insert in lieu thereof the following:

"Children's Code Arts. 322, 323(2), 324(A), 326(A) (introductory paragraph), (1), (2), (4), (6), (7) and (B), 327(A)(2), (3) and (B), 328, 329, 652(A)(4), 1027(A) (introductory paragraph), and (4), are

Page 44 HOUSE

41st Day's Proceedings - June 8, 2004

hereby amended and reenacted and Children's Code Art. 323(3) is hereby enacted to read as follows:"

AMENDMENT NO. 21

On page 3, line 13, change "CHILD ABUSE WITNESSES AND VICTIMS" to "PROTECTED PERSONS"

AMENDMENT NO. 22

On page 3, line 16, delete "children" and insert "protected persons"

AMENDMENT NO. 23

On page 3, line 19, delete "children" and insert "protected persons"

AMENDMENT NO. 24

On page 3, line 20, delete "child's" and insert "protected person's"

AMENDMENT NO. 25

On page 3, line 21, delete "child victims" and insert "protected person's"

AMENDMENT NO. 26

On page 3, after line 27, insert the following:

"(3) "Protected person" means any person who is a victim of a crime or a witness in a juvenile proceeding and who: (1) is fourteen years of age or younger; or (2) has a developmental disability as defined in R.S. 28:381(12) or mental retardation as defined in R.S. 28:381(28)."

AMENDMENT NO. 27

On page 4, line 4, after "statement of a" delete the remainder of the line and insert "protected person"

AMENDMENT NO. 28

On page 4, line 8, after "statements of a" delete the remainder of the line and insert "protected person"

AMENDMENT NO. 29

On page 4, delete line 12, and insert the following:

"(1) Such electronic recording was voluntarily made by the child protected person.

(2) No relative of the child protected person was present in the room in which the recording was made.

\* \* \*

(4) Such recording was not made of answers to questions calculated to lead the child protected person to make any particular statement.

\* \* \*

(6) Such recording is accurate, has not been altered, and reflects what the child protected person said.

(7) The taking of the child's protected person's statement was supervised by a physician, a social worker, a law enforcement officer,

a licensed psychologist, licensed professional counselor, or an authorized representative of the department.

\* \* \*

B. The department shall develop and promulgate regulations regarding training requirements and certification for department personnel who are authorized to supervise the taking of the child's protected person's statement.

Art. 327. Admissibility

A. A prehearing videotape which meets all the requirements of Article 326 may be admissible into evidence if all of the following occur:

\* \* \*

(2) The person conducting the interview of the child protected person in the recording is present at the proceeding and available to testify or be cross-examined by either party.

(3) The child protected person is available to testify.

B. The admission into evidence of the videotape as authorized herein shall not preclude the state from calling the child protected person as a witness or taking the child's protected person's testimony outside the courtroom as otherwise authorized by law.

\* \* \*

Art. 328. Confidentiality

Videotapes which are a part of the court record shall be preserved under a protective order of the court in order to protect the privacy of the child protected person. The court shall order the destruction of the videotapes after five years have elapsed from the date of entry of judgment. However, if an appeal is filed, the videotapes shall not be destroyed until a final judgment on appeal has been rendered."

AMENDMENT NO. 30

On page 4, delete line 15 and 16 in their entirety and insert in lieu thereof the following:

"may order that the testimony of a child under fourteen years of age protected person who may have been physically or sexually abused be"

AMENDMENT NO. 31

On page 4, between lines 19 and 20, insert the following:

"(1) Expert testimony that the child protected person would be likely to suffer serious emotional distress if forced to give testimony in open court.

(2) Expert testimony that without such special shielding procedures, the child protected person cannot reasonably communicate his testimony to the court.

B. The court shall ensure that the child protected person cannot see or hear the accused unless such viewing or hearing is requested for purposes of identification. However, the court shall ensure that the accused is afforded the ability to consult with his attorney during the testimony of the child protected person.

C. The only persons who may be present in the room with the child protected person are the person or persons operating the audio-video equipment, the presiding judge, the attorneys for the state and the accused, and any person, other than a relative of the child protected person, whose presence is determined by the court to be necessary to the welfare and well-being of the child protected person during his testimony. The persons operating the equipment shall be confined to an adjacent room or behind a screen or mirror that permits them to see and hear the child protected person during his testimony but does not permit the child protected person to see or hear them.

D. Only the attorneys, or the presiding judge as authorized by law, may question the child protected person."

AMENDMENT NO. 32

On page 4, line 26, delete "child" and insert "protected person"

AMENDMENT NO. 33

On page 5, at the beginning of line 3, delete "child" and insert "protected person"

AMENDMENT NO. 34

On page 5, line 6, delete "child" and insert "protected person"

AMENDMENT NO. 35

On page 5, delete lines 10 through 13 in their entirety

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 134 by Representative Bruce

AMENDMENT NO. 1

In Senate Committee Amendment No. 16 proposed by the Senate Committee on Judiciary C and adopted by the Senate on May 26, 2004, on line 5, change "protective" to "protected"

AMENDMENT NO. 2

On page 1, line 15, following "15:283(A)" delete the remainder of the line, delete line 16 in its entirety, and on line 17, delete "(6)" and insert in lieu thereof the following : ", 440.1, 440.2, 440.4, 440.5(A) (introductory paragraph), 440.5A(4), (6), (8), (B), and (C), and 440.6"

Rep. Cazayoux moved that the amendments proposed by the Senate be concurred in.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |            |
|-------------|--------------|------------|
| Mr. Speaker | Flavin       | Pinac      |
| Alario      | Frith        | Pitre      |
| Alexander   | Futrell      | Powell, M. |
| Ansardi     | Gallot       | Powell, T. |
| Arnold      | Geymann      | Quezaire   |
| Badon       | Glover       | Richmond   |
| Baldone     | Guillory, E. | Ritchie    |
| Baudoin     | Guillory, M. | Robideaux  |
| Baylor      | Hammett      | Romero     |

|            |            |                  |
|------------|------------|------------------|
| Beard      | Hill       | Scalise          |
| Broome     | Honey      | Schneider        |
| Bruneau    | Hunter     | Shepherd         |
| Burns      | Hutter     | Smiley           |
| Burrell    | Jackson    | Smith, G.—56th   |
| Carter, K. | Jefferson  | Smith, J.D.—50th |
| Carter, R. | Johns      | Smith, J.H.—8th  |
| Cazayoux   | Katz       | Smith, J.R.—30th |
| Crane      | Kennard    | St. Germain      |
| Crowe      | Kenney     | Strain           |
| Curtis     | LaBruzzo   | Thompson         |
| Damico     | LaFleur    | Toomy            |
| Daniel     | Lambert    | Townsend         |
| Dartez     | Lancaster  | Trahan           |
| DeWitt     | Marchand   | Triche           |
| Doerge     | Martiny    | Tucker           |
| Dorsey     | McDonald   | Waddell          |
| Dove       | McVea      | Walker           |
| Downs      | Montgomery | Walsworth        |
| Durand     | Morrell    | White            |
| Erdey      | Morrish    | Winston          |
| Fannin     | Murray     | Wooton           |
| Farrar     | Odinet     | Wright           |
| Faucheux   | Pierre     |                  |
| Total—98   |            |                  |

NAYS

Bowler  
Total—1

ABSENT

|         |        |         |
|---------|--------|---------|
| Bruce   | Heaton | Hopkins |
| Gray    | Hebert |         |
| Total—5 |        |         |

The amendments proposed by the Senate were concurred in by the House.

**HOUSE BILL NO. 173—**  
BY REPRESENTATIVE CRANE AND SENATOR ULLO  
AN ACT

To amend and reenact R.S. 17:421.9(B), 421.10(B), and 421.11(B), relative to school employees; to provide relative to salary supplements for certain school employees who have acquired certain credentials; to provide conditions and guidelines for receiving the supplement; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 173 by Representative Crane

AMENDMENT NO. 1

On page 1, line 19, after "determined" insert "no later than September 15, 2004."

AMENDMENT NO. 2

On page 2, line 15, after "determined" insert "no later than September 15, 2004."

AMENDMENT NO. 3

On page 3, line 3, after "determined" insert "no later than September 15, 2004."

Rep. Crane moved that the amendments proposed by the Senate be concurred in.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. Speaker, Alario, Alexander, Ansardi, Arnold, Badon, Baldone, Baudoin, Baylor, Beard, Bowler, Broome, Bruneau, Burns, Burrell, Carter, K., Carter, R., Cazayoux, Crane, Crowe, Curtis, Damico, Daniel, Dartz, DeWitt, Dorsey, Dove, Downs, Durand, Erdey, Fannin, Farrar, Faucheux, Total—98.

NAYS

Total—0

ABSENT

Table with 3 columns of names: Bruce, Doerge, Total—6; Heaton, Hebert; Hopkins, Romero.

The amendments proposed by the Senate were concurred in by the House.

HOUSE BILL NO. 263— BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 27:30.3 and 30.4, relative to illegal gaming activities; to create the crime of using or manufacturing slugs or counterfeit chips or tokens; to create the crime of the manufacture, sale, or distribution of gaming materials intended for illegal use; to provide for penalties; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 263 by Representative Martiny

AMENDMENT NO. 1

On page 1, after "enact" and before "relative" delete "R.S. 27:30.3 and 30.4," and insert "R.S. 27:30.3, 30.4 and 30.5,"

AMENDMENT NO. 2

On page 1, delete line 3 in its entirety and insert "using counterfeit or unlawful wagering instruments; to prohibit the possession of certain devices intended for violations of the Louisiana Gaming Control Law; to create the crime of the"

AMENDMENT NO. 3

On page 1, delete lines 8 through 21 in their entirety and insert the following:

"§30.3 Use of a counterfeit or unlawful wagering instrument prohibited

A. It is unlawful for any licensee, permittee, or other person to use a counterfeit or unlawful wagering instrument. For the purposes of this Section "counterfeit or unlawful wagering instrument" includes any chip, token, coin, voucher, electronic card, or other wagering instrument not approved by the board.

B. It is unlawful for any person, in playing or using any gaming device designed to receive, play, or be operated by chips, tokens, coins, vouchers, or electronic cards approved by the board, or by lawful currency of the United States of America to knowingly use chips, tokens, coins, vouchers, or electronic cards not of the same denomination or represented value intended to be used in that gaming activity."

AMENDMENT NO. 4

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

AMENDMENT NO. 5

On page 2, at the beginning of line 11, change "E." to "C."

AMENDMENT NO. 6

On page 2, between lines 13 and 14 insert the following:

"§ 30.4. Unlawful possession of devices intended for violations of the Louisiana Gaming Control Law"

A. It is unlawful for any person to have on his person or in his possession on or off the premises of any licensed gaming establishment any device intended to be used to violate the provisions of this Title.

B. It is unlawful for any person to have on his person or in his possession on or off the premises of any licensed gaming establishment with the intent to violate the provisions of this Title any key or device known to have been designed for the purpose of and suitable for opening, entering, or affecting the operation of any gambling game, drop box, or any electronic or mechanical device connected thereto, or for removing money or other contents therefrom.

C. Any person who violates any of the provisions of this Section shall be imprisoned, with or without hard labor, for not more than two years or may be fined not more than two thousand dollars, or both."

**AMENDMENT NO. 7**

On page 2, at the beginning of line 14, change "§30.4" to "§30.5"

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 263 by Representative Martiny

In Senate Committee Amendment No. 1 proposed by the Senate Committee on Judiciary B and adopted by the Senate on May 26, 2004, on line 2, following " page 1," insert "line 1," and, on line 3, at the end of the line, add "; and, on line 7, change "R. S. 27:30.3 and 30.4" to "27:30.3, 30.4 and 30.5""

Rep. Martiny moved that the amendments proposed by the Senate be concurred in.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Pierre           |
| Alario      | Frith        | Pinac            |
| Alexander   | Futrell      | Pitre            |
| Ansardi     | Gallot       | Powell, M.       |
| Arnold      | Geymann      | Powell, T.       |
| Badon       | Glover       | Quezaire         |
| Baldone     | Gray         | Richmond         |
| Bau         |              |                  |
| doin        | Guillory, E. | Ritchie          |
| Baylor      | Guillory, M. | Robideaux        |
| Beard       | Hammett      | Romero           |
| Bowler      | Hill         | Scalise          |
| Broome      | Honey        | Schneider        |
| Bruneau     | Hopkins      | Shepherd         |
| Burns       | Hunter       | Smiley           |
| Burrell     | Hutter       | Smith, G.—56th   |
| Carter, R.  | Jackson      | Smith, J.D.—50th |
| Cazayoux    | Jefferson    | Smith, J.H.—8th  |
| Crane       | Johns        | Smith, J.R.—30th |
| Crowe       | Katz         | Strain           |
| Curtis      | Kennard      | Thompson         |
| Damico      | Kenney       | Toomy            |
| Daniel      | LaBruzzo     | Townsend         |
| Dartez      | LaFleur      | Trahan           |
| DeWitt      | Lambert      | Triche           |
| Doerge      | Lancaster    | Tucker           |
| Dorsey      | Marchand     | Waddell          |
| Dove        | Martiny      | Walker           |
| Downs       | McDonald     | Walsworth        |
| Durand      | McVea        | White            |
| Erdey       | Montgomery   | Winston          |
| Fannin      | Morrell      | Wooton           |
| Farrar      | Murray       | Wright           |
| Faucheux    | Odinet       |                  |
| Total—98    |              |                  |

**NAYS**

Total—0

**ABSENT**

|            |        |             |
|------------|--------|-------------|
| Bruce      | Heaton | Morrish     |
| Carter, K. | Hebert | St. Germain |
| Total—6    |        |             |

The amendments proposed by the Senate were concurred in by the House.

**HOUSE BILL NO. 356—**

BY REPRESENTATIVE MARTINY

**AN ACT**

To enact R.S. 14:90.5, relative to offenses affecting general morality; to create the crime of unlawful play of certain gaming devices by persons under the age of twenty-one; to provide for definitions; to provide for penalties; to provide for detention for questioning; and to provide for related matters.

Read by title.

The above bill was taken up with the amendments proposed by the Senate.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Heitmeier to Reengrossed House Bill No. 356 by Representative Martiny

**AMENDMENT NO. 1**

On page 2, delete lines 10 and 11, and insert "gaming establishment when he has"

Rep. Martiny moved that the amendments proposed by the Senate be concurred in.

As a substitute motion, Rep. Alario moved that the amendments proposed by the Senate be rejected.

Rep. Martiny objected.

The vote recurred on the substitute motion.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

|             |              |                  |
|-------------|--------------|------------------|
| Mr. Speaker | Flavin       | Morrish          |
| Alario      | Frith        | Murray           |
| Alexander   | Gallot       | Pierre           |
| Arnold      | Geymann      | Pinac            |
| Badon       | Glover       | Pitre            |
| Baldone     | Gray         | Powell, T.       |
| Baudoin     | Guillory, E. | Quezaire         |
| Baylor      | Hammett      | Richmond         |
| Bowler      | Heaton       | Ritchie          |
| Broome      | Hill         | Romero           |
| Bruneau     | Honey        | Scalise          |
| Burns       | Hopkins      | Schneider        |
| Burrell     | Hunter       | Shepherd         |
| Carter, K.  | Hutter       | Smiley           |
| Carter, R.  | Jackson      | Smith, G.—56th   |
| Cazayoux    | Jefferson    | Smith, J.D.—50th |
| Curtis      | Johns        | Smith, J.H.—8th  |
| Damico      | Katz         | Smith, J.R.—30th |
| Daniel      | Kennard      | Strain           |
| DeWitt      | Kenney       | Thompson         |
| Doerge      | LaBruzzo     | Toomy            |

Dorsey  
Dove  
Downs  
Durand  
Fannin  
Farrar  
Fauchaux  
Total—83

LaFleur  
Lambert  
Lancaster  
Marchand  
McDonald  
Montgomery  
Morrell

Townsend  
Trahan  
Waddell  
Walker  
White  
Winston

NAYS

Beard  
Crowe  
Erdey  
Futrell  
Guillory, M.  
Total—13

Martiny  
Powell, M.  
Robideaux  
Triche  
Tucker

Walsworth  
Wooton  
Wright

ABSENT

Ansardi  
Bruce  
Crane  
Total—8

Dartez  
Hebert  
McVea

Odinet  
St. Germain

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

**Conference Committee Appointment**

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 30: Reps. Bruneau, Ansardi, and Townsend.

**Conference Committee Reports Received**

Conference Committee Reports were received for the following legislative instruments:

**HOUSE BILL NO. 409—**  
BY REPRESENTATIVES DAMICO, ANSARDI, LANCASTER, MARTINY,  
AND TOOMY AND SENATORS BOISSIERE, LENTINI, AND ULLO  
AN ACT

To enact R.S. 13:5112.1, relative to the production of documents by governmental entities; to provide relative to subpoena duces tecum; to provide for the reimbursement of costs incurred; to provide for disputes of the costs incurred; to provide for procedures; to provide for service and delays for production; to provide for a definition of "governmental entity"; to provide for applicability to the present laws of discovery and evidence; and to provide for related matters.

**SENATE BILL NO. 765—**  
BY SENATORS ADLEY AND CAIN  
AN ACT

To enact R.S. 32:73.1, relative to traffic violations; to require an operator of a motor vehicle when overtaking and passing another vehicle to pass on the left and to return to the right lane after passing the vehicle; to provide for penalties; to provide relative to an operator of a motor vehicle that remains or travels in the left lane when not actively passing another vehicle; and to provide for related matters.

The conference committee reports for the legislative instruments above lie over under the rules.

**Suspension of the Rules**

On motion of Rep. Bruneau, the rules were suspended in order to take up and consider Petitions, Memorials and Communications at this time.

**Petitions, Memorials and Communications**

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

**Message from the Senate**

**DISAGREEMENT TO SENATE BILL**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 145 by Sen. Ellington, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Message from the Senate**

**DISAGREEMENT TO SENATE BILL**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 161 by Sen. B. Gautreaux, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Message from the Senate**

**DISAGREEMENT TO SENATE BILL**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 762 by Sen. B. Gautreaux, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate



**Message from the Senate**

**ADOPTION OF  
CONFERENCE COMMITTEE REPORT**

June 8, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted the report of the Conference Committee on the disagreement to Senate Bill No. 765.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Message from the Senate**

**HOUSE CONCURRENT RESOLUTIONS**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 17  
Returned without amendments.

House Concurrent Resolution No. 86  
Returned without amendments.

House Concurrent Resolution No. 189  
Returned without amendments.

House Concurrent Resolution No. 276  
Returned without amendments.

House Concurrent Resolution No. 282  
Returned without amendments.

House Concurrent Resolution No. 284  
Returned without amendments.

House Concurrent Resolution No. 285  
Returned without amendments.

House Concurrent Resolution No. 286  
Returned without amendments.

House Concurrent Resolution No. 288  
Returned without amendments.

House Concurrent Resolution No. 290  
Returned without amendments.

House Concurrent Resolution No. 291  
Returned without amendments.

House Concurrent Resolution No. 292  
Returned without amendments.

House Concurrent Resolution No. 293  
Returned without amendments.

House Concurrent Resolution No. 294  
Returned without amendments.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Message from the Senate**

**HOUSE BILLS**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 114  
Returned without amendments.

House Bill No. 269  
Returned with amendments.

House Bill No. 271  
Returned with amendments.

House Bill No. 352  
Returned with amendments.

House Bill No. 360  
Returned without amendments.

House Bill No. 419  
Returned without amendments.

House Bill No. 726  
Returned without amendments.

House Bill No. 742  
Returned without amendments.

House Bill No. 791  
Returned without amendments.

House Bill No. 857  
Returned with amendments.

House Bill No. 885  
Returned with amendments.

House Bill No. 896  
Returned without amendments.

House Bill No. 897  
Returned with amendments.

House Bill No. 909  
Returned without amendments.

House Bill No. 911  
Returned with amendments.

House Bill No. 925  
Returned without amendments.

House Bill No. 971  
Returned without amendments.

House Bill No. 1053  
Returned without amendments.

House Bill No. 1070  
Returned without amendments.

House Bill No. 1132  
Returned without amendments.

House Bill No. 1143  
Returned without amendments.

House Bill No. 1145  
Returned without amendments.

House Bill No. 1209  
Returned without amendments.

House Bill No. 1361  
Returned without amendments.

House Bill No. 1425  
Returned without amendments.

House Bill No. 1430  
Returned with amendments.

House Bill No. 1431  
Returned without amendments.

House Bill No. 1697  
Returned without amendments.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Message from the Senate**

**ASKING CONCURRENCE IN  
SENATE CONCURRENT RESOLUTIONS**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 147, 148, 149, and 150

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Suspension of the Rules**

On motion of Rep. Frith, the rules were suspended in order to take up and consider Senate Concurrent Resolutions at this time.

**Senate Concurrent Resolutions**

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 147—**

BY SENATOR N. GAUTREAUX

**A CONCURRENT RESOLUTION**

To commend and congratulate Bonaventure Fire Company of Rayne, Louisiana, on its initiation of construction of a state-of-the-art manufacturing facility and its many contributions to the Acadia Parish area.

Read by title.

On motion of Rep. Pinac, and under a suspension of the rules, the resolution was concurred in.

**SENATE CONCURRENT RESOLUTION NO. 150—**

BY SENATORS N. GAUTREAUX, HINES, AND HAINKEL

**A CONCURRENT RESOLUTION**

To extend sincere and heartfelt condolences upon the death of President Ronald Reagan and to express enduring appreciation for his singular contributions and achievements.

Read by title.

On motion of Rep. Walsworth, and under a suspension of the rules, the resolution was concurred in.

**Message from the Senate**

**SENATE BILLS**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill No. 622

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

**Suspension of the Rules**

On motion of Rep. Marchand, the rules were suspended in order to take up the bills contained in the message at this time.

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

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

**SENATE BILL NO. 622—**  
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:102(A) and (B)(3)(d), and 542(A), (B), (C)(1)(introductory paragraph), and (D), and to enact R.S. 11:102(B)(5), relative to state retirement systems; to provide relative to payment of unfunded accrued liabilities of the Louisiana State Employees' Retirement System; to provide for amortization of unfunded accrued liabilities over a forty-year period or in accordance with standards promulgated by the Governmental Accounting Standards Board from the time of occurrence; to include negative employee experience account balances in the unfunded accrued liability; to provide for experience account credits; to provide for an effective date; and to provide for related matters.

Read by title.

**Message from the Senate**

**SIGNED SENATE BILLS AND JOINT RESOLUTIONS**

June 8, 2004

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill Nos. 2, 17, 18, 28, 35, 45, 117, 120, 132, 146, 164, 186, 199, 371, 381, 382, 392, 433, 437, 484, 488, 550, 735, and 810

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

GLENN A. KOEPP  
Secretary of the Senate

The Senate Bills contained herein were signed by the Speaker of the House.

**Acting Speaker McDonald in the Chair**

**Introduction of Resolutions,  
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

**HOUSE RESOLUTION NO. 93—**  
BY REPRESENTATIVES LANCASTER, ARNOLD, BRUNEAU, GALLOT, JEFFERSON, MONTGOMERY, MURRAY, PITRE, AND SMILEY  
A RESOLUTION

To commend Grover Austin upon his retirement as the first assistant legislative auditor in the office of the Louisiana Legislative Auditor.

Read by title.

On motion of Rep. Lancaster, and under a suspension of the rules, the resolution was adopted.

**HOUSE RESOLUTION NO. 94—**  
BY REPRESENTATIVE QUEZAIRE  
A RESOLUTION

To recognize June 9, 2004 as Knights of Peter Claver, Inc. and Ladies Auxiliary Day.

Read by title.

On motion of Rep. Quezaire, and under a suspension of the rules, the resolution was adopted.

**HOUSE CONCURRENT RESOLUTION NO. 296—**  
BY REPRESENTATIVE WRIGHT  
A CONCURRENT RESOLUTION

To urge and request the Board of Regents, in collaboration with the postsecondary education management boards, to study issues relative to the admission of students into the clinical portion of nurse training programs offered at public postsecondary education institutions and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

Read by title.

On motion of Rep. Wright, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 297—**  
BY REPRESENTATIVE BALDONE  
A CONCURRENT RESOLUTION

To memorialize the Department of the Interior to reevaluate the establishment of duck season, taking into consideration changes in climate and bird migration patterns.

Read by title.

On motion of Rep. Baldone, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 298—**  
BY REPRESENTATIVE CRANE  
A CONCURRENT RESOLUTION

To urge and request the public postsecondary education management boards to use the authority granted each of them by R.S. 17:3351(A)(5)(b)(i) and establish, by not later than the Fall semester of the 2005-2006 academic year, tuition and mandatory attendance fee amounts applicable to nonresident students at institutions under their respective supervision and management that at least equal the average amount of annual tuition and mandatory attendance fees for the ensuing fiscal year applicable to nonresident students at institutions in states comprising the Southern Regional Education Board, excluding Louisiana, which are in the same category as established by the Southern Regional Education Board.

Read by title.

On motion of Rep. Crane, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 299—**

BY REPRESENTATIVE BALDONE  
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study the feasibility of permitting the taking of pen-raised mallard south of Interstate 10 and north of Louisiana Highway 14.

Read by title.

On motion of Rep. Baldone, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**HOUSE CONCURRENT RESOLUTION NO. 300—**

BY REPRESENTATIVE DURAND  
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2005 Regular Session of the Legislature the provisions of R.S. 28:382.1(A)(2), relative to the development and implementation of a framework for human services delivery.

Read by title.

Lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 301—**

BY REPRESENTATIVE TRICHE  
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office of public health, to enforce the provisions of the state Sanitary Code relative to the protection of the public's health and the inspection of premises used to hold animals and fowls in an effort to assist in the enforcement of R.S. 14:102.19 (the crime of hog and canine fighting) as enacted by Act 111 of the 2004 Regular Session of the Legislature.

Read by title.

On motion of Rep. Triche, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

**Reports of Committees**

The following reports of committees were received and read:

**Report of the Committee on Administration of Criminal Justice**

June 8, 2004

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Administration of Criminal Justice to submit the following report:

House Resolution No. 82, by Murray  
Reported favorably. (6-0)

House Concurrent Resolution No. 241, by Fauchaux  
Reported favorably. (6-0)

House Concurrent Resolution No. 273, by Dorsey  
Reported with amendments. (7-0)

House Bill No. 1595, by Crowe  
Reported with amendments. (6-0) (Regular)

Senate Concurrent Resolution No. 106, by Lentini  
Reported favorably. (6-0)

Senate Concurrent Resolution No. 136, by Jackson  
Reported with amendments. (6-0)

Senate Bill No. 490, by Cravins  
Reported favorably. (6-0) (Regular)

Senate Bill No. 523, by Bajoie  
Reported favorably. (6-0) (Regular)

Senate Bill No. 859, by Romero  
Reported with amendments. (6-0) (Regular)

DANIEL MARTINY  
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

**Report of the Committee on Education**

June 8, 2004

To the Speaker and Members of the House of Representatives:

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

House Resolution No. 20, by Cazayoux  
Reported favorably. (10-0)

House Concurrent Resolution No. 251, by J. H. Smith  
Reported favorably. (13-0)

House Concurrent Resolution No. 253, by Crane  
Reported favorably. (12-0)

House Concurrent Resolution No. 263, by Downs  
Reported favorably. (12-0)

Senate Concurrent Resolution No. 31, by Holden  
Reported with amendments. (14-0)

Senate Concurrent Resolution No. 49, by Holden  
Reported with amendments. (13-0)

Senate Concurrent Resolution No. 104, by Holden  
Reported favorably. (13-0)

Senate Bill No. 10, by Dupre  
Reported favorably. (13-0) (Regular)

Senate Bill No. 57, by Holden  
Reported favorably. (13-0) (Regular)

Senate Bill No. 70, by Theunissen  
Reported favorably. (13-0) (Regular)

Senate Bill No. 209, by Adley  
Reported favorably. (13-0) (Regular)

Senate Bill No. 301, by Holden  
Reported with amendments. (14-0) (Regular)

Senate Bill No. 871, by Irons  
Reported with amendments. (11-0) (Regular)

Senate Bill No. 874, by Irons  
Reported favorably. (11-0) (Regular)

CARL CRANE  
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

#### **Report of the Committee on Health and Welfare**

June 8, 2004

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 179, by Marchand  
Reported with amendments. (11-0)

House Concurrent Resolution No. 252, by Morrish  
Reported with amendments. (11-0)

House Concurrent Resolution No. 256, by Jackson  
Reported favorably. (11-0)

House Concurrent Resolution No. 270, by Broome  
Reported favorably. (12-0)

House Bill No. 1327, by Lancaster  
Reported favorably. (10-0) (Regular)

Senate Bill No. 535, by Irons  
Reported favorably. (10-0) (Regular)

Senate Bill No. 562, by Fontenot  
Reported with amendments. (11-0) (Regular)

SYDNE MAE DURAND  
Chairman

The above Senate Bills reported favorably or with amendments, except Senate Bill No. 562, were referred to the Legislative Bureau.

#### **Suspension of the Rules**

On motion of Rep. Durand, and under a suspension of the rules, Senate Bill No. 562 was recommitted to the Committee on Health and Welfare.

#### **Report of the Committee on Insurance**

June 8, 2004

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 157, by Cain  
Reported favorably. (11-0) (Regular)

Senate Bill No. 538, by Cain  
Reported with amendments. (12-0) (Regular)

Senate Bill No. 731, by Cain  
Reported with amendments. (12-0) (Regular)

KAREN CARTER  
Chair

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

#### **Report of the Committee on Natural Resources**

June 8, 2004

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 180, by Dove  
Reported favorably. (9-0-1)

House Concurrent Resolution No. 226, by Frith  
Reported favorably. (9-0-1)

House Concurrent Resolution No. 257, by Frith  
Reported favorably. (9-0-1)

Senate Bill No. 15, by Dupre  
Reported favorably. (9-0-1) (Regular)

Senate Bill No. 310, by Dupre  
Reported with amendments. (9-0-1) (Regular)

Senate Bill No. 375, by Marionneaux  
Reported with amendments. (9-0-1) (Regular)

WILFRED PIERRE  
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

#### **Report of the Committee on Retirement**

June 8, 2004

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on June 7, 2004, I am directed by your Committee on Retirement to submit the following report:

House Bill No. 1005, by Montgomery  
Reported with amendments. (7-0) (Regular)

PETE SCHNEIDER  
Chairman

#### **Suspension of the Rules**

On motion of Rep. Schneider, the rules were suspended in order to take up House Bills contained in the committee report at this time.

#### **House Bills and Joint Resolutions on Second Reading Reported by Committee**

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

**HOUSE BILL NO. 1005—**  
BY REPRESENTATIVES MONTGOMERY AND CURTIS  
AN ACT

To amend and reenact R.S. 11:2175(E)(1), relative to the Sheriffs' Pension and Relief Fund; to provide an earnings limitation for retirees who return to part-time employment; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Retirement.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Retirement to Original House Bill No. 1005 by Representative Montgomery

AMENDMENT NO. 1

On page 2, delete line 6 in its entirety and insert in lieu thereof "fifty percent of final average compensation for reemployment during the twenty-four months immediately following the date of retirement and fifty-five percent of final average compensation for reemployment in the twenty-fifth month after the date of retirement and thereafter. Such part-time"

On motion of Rep. Schneider, the amendments were adopted.

On motion of Rep. Schneider, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 1327—**  
BY REPRESENTATIVE LANCASTER  
AN ACT

To amend and reenact R.S. 17:2354(F), relative to anatomical gifts; to provide for the manner in which a gift may be made; to correct a statutory reference; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

On motion of Rep. Durand, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**HOUSE BILL NO. 1595—**  
BY REPRESENTATIVE CROWE  
AN ACT

To amend and reenact R.S. 15:541(14.1) and to enact R.S. 14:283.1, relative to sex offenses; to create the crime of voyeurism; to provide for criminal penalties; to provide with respect to sex offender registration and notification requirements; to provide with respect to the definition of "sex offense"; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 1595 by Representative Crowe

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 15:541(14.1)" and before the comma "," insert "and to enact R.S. 14:283.1" and after "sex" delete the remainder of the line and insert in lieu thereof "offenses; to create the crime of voyeurism; to provide for criminal penalties; to provide with respect to sex offender registration and"

AMENDMENT NO. 2

On page 1, between lines 5 and 6, insert the following:

"Section 1. R.S. 14:283.1 is hereby enacted to read as follows:

§283.1. Voyeurism; penalties

A. Voyeurism is the viewing, observing, spying upon, or invading the privacy of a person without the consent of the victim for the purpose of arousing or gratifying the sexual desires of the offender.

B. Whoever commits the crime of voyeurism shall be fined not more than one thousand dollars, imprisoned with or without hard labor for not more than one year, or both."

AMENDMENT NO. 3

On page 1, at the beginning of line 6, change "Section 1." to "Section 2."

AMENDMENT NO. 4

On page 1, line 16, after the comma "," and before "or any" change "R.S. 14:284 (Peeping Tom)" to "R.S. 14:283.1 (Voyeurism)"

On motion of Rep. Martiny, the amendments were adopted.

On motion of Rep. Martiny, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

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

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

**SENATE BILL NO. 29—**  
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 32:190(A)(1) and (2) and 408(C)(1), relative to motorcycles; to require any person under the age of twenty-one years who operates or rides upon a motorcycle, motor driven cycle, or motorized bicycle to wear a safety helmet; to provide for mandatory training; and to provide for related matters.

Called from the calendar.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

**SENATE BILL NO. 121—**  
BY SENATORS JONES AND MCPHERSON  
AN ACT

To amend and reenact R.S. 18:424(E) and 425(E), relative to compensation of election commissioners; to provide for additional compensation of commissioners; and to provide for related matters.

Called from the calendar.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

**Privileged Report of the Legislative Bureau**

June 8, 2004

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 23  
Reported without amendments.

Senate Bill No. 177  
Reported without amendments.

Senate Bill No. 366  
Reported without amendments.

Senate Bill No. 586  
Reported without amendments.

Senate Bill No. 641  
Reported with amendments.

Senate Bill No. 668  
Reported without amendments.

Senate Bill No. 680  
Reported without amendments.

Senate Bill No. 852  
Reported without amendments.

Senate Bill No. 870  
Reported without amendments.

Respectfully submitted,

CHARLES MCDONALD  
Chairman

**Privileged Report of the Committee on Enrollment**

June 8, 2004

To the honorable Speaker and Members of the House of Representatives:

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

The following House Resolutions have been properly enrolled:

**HOUSE RESOLUTION NO. 51—**  
BY REPRESENTATIVE ARNOLD  
A RESOLUTION

To urge and request the department of finance of the city of New Orleans to study the feasibility of incorporating the fifteenth ward of the parish of Orleans as a municipality within the parish of Orleans.

**HOUSE RESOLUTION NO. 88—**  
BY REPRESENTATIVE QUEZAIRE  
A RESOLUTION

To commend Bill Summers for his contributions to the music industry.

**HOUSE RESOLUTION NO. 89—**  
BY REPRESENTATIVE SMILEY  
A RESOLUTION

To commend Kyle Frederic of St. Amant upon being named the World Champion Jambalaya Cook at the 37th annual Jambalaya Festival.

**HOUSE RESOLUTION NO. 90—**  
BY REPRESENTATIVE T. POWELL  
A RESOLUTION

To express the sincere and heartfelt condolences of the House of Representatives of the Legislature of Louisiana to the family of Raymond Michael "Mike" Clausen, Jr. of Ponchatoula.

**HOUSE RESOLUTION NO. 91—**  
BY REPRESENTATIVE DURAND  
A RESOLUTION

To commend the Louisiana Occupational Therapy Association for its distinguished achievements and to designate June 8, 2004, as Louisiana Occupational Therapy Association Day at the Louisiana Legislature.

**HOUSE RESOLUTION NO. 92—**  
BY REPRESENTATIVES ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMANN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT

A RESOLUTION

To commend Mr. Donald Ray Hale upon his retirement for his myriad of professional and personal accomplishments and years of dedication to the development of public policy in Louisiana and to extend to him the best wishes of the House of Representatives as he embarks on new challenges and endeavors.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

**Privileged Report of the Committee on Enrollment**

June 8, 2004

To the honorable Speaker and Members of the House of Representatives:

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

The following House Concurrent Resolutions have been properly enrolled:

**HOUSE CONCURRENT RESOLUTION NO. 268—**  
BY REPRESENTATIVES LAMBERT, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMANN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAFLEUR, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT

**A CONCURRENT RESOLUTION**

To express sincere and heartfelt condolences upon the death of United States Army Specialist James Peter Lambert.

**HOUSE CONCURRENT RESOLUTION NO. 271—**  
BY REPRESENTATIVE HUTTER

**A CONCURRENT RESOLUTION**

To urge and request the Norfolk Southern Railroad to abide by and honor the new curfews imposed by the United States Coast Guard for the St. Claude Avenue, Florida Avenue, and Judge Seeber or Claiborne Avenue bridges in St. Bernard Parish.

**HOUSE CONCURRENT RESOLUTION NO. 272—**  
BY REPRESENTATIVES WINSTON, BAUDOIN, BOWLER, BROOME, BRUCE, K. CARTER, DARTEZ, DOERGE, DORSEY, DURAND, GRAY, HUTTER, JEFFERSON, KATZ, MARCHAND, JANE SMITH, ST. GERMAIN, AND WALKER AND SENATORS HAINKEL, BAJOE, CHEEK, DUPLESSIS, IRONS, JACKSON, AND MOUNT

**A CONCURRENT RESOLUTION**

To commend Pat Mackey upon her retirement as Chief Executive Officer of the Girl Scout Council of Southeast Louisiana after more than twenty-seven years of dedicated service.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

**Privileged Report of the Committee on Enrollment**

June 8, 2004

To the honorable Speaker and Members of the House of Representatives:

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

The following House Bills have been properly enrolled:

**HOUSE BILL NO. 40—**  
BY REPRESENTATIVE BRUNEAU  
AN ACT  
To amend and reenact Code of Civil Procedure Article 971(A)(3) and (B), relative to the special motion to strike; to provide for admissibility of the court's determination in evidence; to provide for attorney fees and costs; and to provide for related matters.

**HOUSE BILL NO. 103—**  
BY REPRESENTATIVE TOOMY  
AN ACT  
To amend and reenact R.S. 13:782(A)(1)(introductory paragraph) and (e) and to enact R.S. 13:782(A)(1)(f), relative to annual compensation of clerks of court; to provide for alternative population data for establishing the maximum compensation rate; to provide the maximum compensation rates in certain parishes; and to provide for related matters.

**HOUSE BILL NO. 532—**  
BY REPRESENTATIVES JOHNS, BOWLER, AND WALKER  
AN ACT  
To amend and reenact R.S. 9:315.16, relative to child support; to provide for the review of the child support guidelines; to provide for the membership of the committee; and to provide for related matters.

**HOUSE BILL NO. 736—**  
BY REPRESENTATIVE LAFLEUR AND SENATOR DARDENNE  
AN ACT  
To amend and reenact R.S. 56:31 and 31.1, relative to class one violations; to provide for penalties for class one violations of the hunting and fishing laws; and to provide for related matters.

**HOUSE BILL NO. 762—**  
BY REPRESENTATIVES WINSTON AND DURAND  
AN ACT  
To amend and reenact Children's Code Article 685(B), relative to children in need of care; to provide for compliance with federal provisions in cost of care and treatment matters; and to provide for related matters.

**HOUSE BILL NO. 1290 (Duplicate of Senate Bill No. 607)—**  
BY REPRESENTATIVE TOWNSEND AND SENATOR CHAISSON  
AN ACT  
To enact R.S. 37:930(G), relative to certified registered nurse anesthetists; to provide for administering anesthetic; and to provide for related matters.

**HOUSE BILL NO. 1295—**  
BY REPRESENTATIVE ALARIO  
AN ACT  
To amend and reenact R.S. 42:1001, 1002(2), (4), and (5), 1003 through 1005, and 1008 through 1011, to enact R.S. 42:1002(12), (13), and (14), and to repeal R.S. 42:1006 and 1007, relative to the federal-state agreement for old age and survivors benefits for state employees; to provide for the inclusion of disability and health insurance benefits in such agreement; and to provide for related matters.

Respectfully submitted,

DONALD RAY KENNARD  
Chairman



The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

### **Suspension of the Rules**

On motion of Rep. Alario, the rules were suspended to permit the Committee on Appropriations to meet on Wednesday, June 9, 2004, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill Nos. 376, 829, 1291, 1381, 1503, 1629, 1645, 1711

Senate Bill Nos. 12, 41, 72, 288, 363, 463, 468, 493, 560, 654, 749, 769, 785, 811, and 842

Senate Concurrent Resolution No. 139

### **Suspension of the Rules**

On motion of Rep. Karen Carter, the rules were suspended to permit the Committee on Insurance to meet on Wednesday, June 9, 2004.

### **Suspension of the Rules**

On motion of Rep. Hunter, the rules were suspended to permit the Committee on Labor and Industrial Relations to meet on Wednesday, June 9, 2004, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Concurrent Resolution No. 269

### **Suspension of the Rules**

On motion of Rep. Schneider, the rules were suspended to permit the Committee on Retirement to meet on Wednesday, June 9, 2004, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill Nos. 860, 1152, 1175, 1194, and 1630

House Concurrent Resolution No. 202

Senate Bill No. 205

### **Leave of Absence**

Rep. Bruce - 1 day

### **Adjournment**

On motion of Rep. Kenney, at 6:30 P.M., the House agreed to adjourn until Wednesday, June 9, 2004, at 1:00 P.M.

The Acting Speaker of the House declared the House adjourned until 1:00 P.M., Wednesday, June 9, 2004.

ALFRED W. SPEER  
Clerk of the House

