

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

FORTY-SECOND 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
 Wednesday, June 9, 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	Odinot
Alario	Futrell	Pierre
Alexander	Gallot	Pinac
Ansardi	Geymann	Pitre
Arnold	Glover	Powell, M.
Badon	Gray	Powell, T.
Baldone	Guillory, E.	Quezaire
Baudoin	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	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—102		

ABSENT

Baylor	Bruce
Total—2	

The Speaker announced that there were 102 members present and a quorum.

Prayer

Prayer was offered by Father Joseph Campion.

Pledge of Allegiance

Rep. Walker 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. Montgomery, the reading of the Journal was dispensed with.

On motion of Rep. Downs, and under a suspension of the rules, the Journal of June 8, 2004, was corrected to reflect him as voting nay on final passage of House Bill No. 959.

On motion of Rep. Beard, the Journal of June 8, 2004, was adopted.

Petitions, Memorials and Communications

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

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. 356: Reps. Martiny, Salter, and Alario.

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. 6
 Returned without amendments.

House Bill No. 32
 Returned with amendments.

House Bill No. 50
 Returned without amendments.

House Bill No. 63
 Returned without amendments.

House Bill No. 106
 Returned without amendments.

House Bill No. 117
 Returned without amendments.

House Bill No. 175
 Returned without amendments.

House Bill No. 349
Returned with amendments.

House Bill No. 1284
Returned with amendments.

House Bill No. 1408
Returned without amendments.

House Bill No. 1420
Returned without amendments.

House Bill No. 1487
Returned without amendments.

House Bill No. 1574
Returned without amendments.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate
ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS

June 9, 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 No. 152

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Baldone, 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. 152—
BY SENATORS DUPRE, BOASSO, B. GAUTREAU, N. GAUTREAU,
MOUNT, ROMERO, THEUNISSEN AND ULLO
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to enact legislation eliminating the "new shipper" bonding privilege.

Read by title.

On motion of Rep. Baldone, and under a suspension of the rules, the resolution was concurred in.

Message from the Senate

SENATE BILLS

June 9, 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. 352, 623, and 858

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Shepherd, 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. 352—
BY SENATOR BOISSIERE
AN ACT

To enact R.S. 11:416(A)(3)(c), relative to the Louisiana State Employees' Retirement System; to provide with respect to reemployment of retired members; to provide with respect to earnings limitations, repayment of excess earnings, and notifications by the employing agency; to provide for an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 623—
BY SENATOR BOISSIERE
AN ACT

To amend and reenact R.S. 11:102(A) and (B)(3)(d), and 883.1(A), (B), (C)(1)(introductory paragraph) and to enact R.S. 11:102(B)(5), and to repeal R. S. 11:883.1(D), relative to state retirement systems; to provide relative to payment of unfunded accrued liabilities of the Teachers' Retirement System of Louisiana; to provide for amortization of unfunded accrued liabilities over a thirty-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.

SENATE BILL NO. 858—
BY SENATORS KOSTELKA, MICHOT AND NEVERS AND
REPRESENTATIVE WALSWORTH
AN ACT

To amend and reenact R.S. 51:2454(C)(1), to enact R.S. 51:2453(1)(a)(i)(dd), and to repeal R.S. 51:2454(C)(2), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

Read by title.

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. 95—
BY REPRESENTATIVE WALKER

A RESOLUTION

To commend Brad Golson and Jenny Byrd and members of the New Balance ticket upon their landslide victory in the LSU student government elections in the spring of 2004.

Read by title.

On motion of Rep. Walker, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 302—
BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To commend the late Guy P. Bordelon, Jr. on his military contributions during the Korean War.

Read by title.

On motion of Rep. Downs, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 303—
BY REPRESENTATIVE BAUDOIN

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to revise the outdated curriculum on the history of the Acadian people in Louisiana, to make such curriculum available to city, parish, and other local school systems for use in Louisiana history classes, and to incorporate certain materials into such curriculum and to urge and request city, parish, and other local school systems to provide for the offering of such curriculum during the third week of September, recognized by House Concurrent Resolution No. 111 of the 2004 Regular Session as Acadian Heritage Week.

Read by title.

On motion of Rep. Baudoin, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 304—
BY REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To memorialize congress to approve legislation to end the abuse of tort laws against the firearms industry and reject further gun control measures.

Read by title.

On motion of Rep. Scalise, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 305—
BY REPRESENTATIVE FARRAR

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Wildlife and Fisheries to review the agency's enforcement needs on state refuges and wildlife management areas and to evaluate the feasibility of assigning law enforcement powers to properly qualified employees in the wildlife and fur and refuge divisions, and to report his findings to the House and Senate Natural Resources Committees prior to the beginning of the 2005 Regular Session.

Read by title.

On motion of Rep. Farrar, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

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. 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.

Under the rules, the above resolution was referred to the Committee on Health and Welfare.

Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 148—
BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To urge and request the Senate and House committees on transportation, highways and public works to meet and function as a joint committee for the purpose of studying and making recommendations regarding the operation of locomotives by remote control.

Read by title.

On motion of Rep. Quezaire, and under a suspension of the rules, the resolution was concurred in.

SENATE CONCURRENT RESOLUTION NO. 149—
BY SENATOR LENTINI

A CONCURRENT RESOLUTION

To create the Louisiana Commission on Decision-Making of Persons with Cognitive Disabilities to study resources currently in place to assist such persons with decision-making and to determine the feasibility of implementing a surrogate decision-making program in Louisiana in order to ensure that people with cognitive disabilities have access to impartial assistance with decision-making.

Read by title.

Under the rules, the above resolution was referred to the Committee on Health and Welfare.

**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. 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.

Under the rules, the above bill was referred to the Committee on Civil Law and Procedure.

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.

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

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.

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

SENATE BILL NO. 334—

BY SENATORS HAINKEL AND HOLLIS
AN ACT

To enact R.S. 22:230.6, relative to health insurance; to authorize health plans to offer mandate-free coverage to individuals and small groups on an optional basis; provides that health plans continue offering coverage that includes all mandates; provides that health plans offering mandate-free coverage disclose benefits not included at the time of application; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Morrish moved that Senate Bill No. 334 be designated as a duplicate of House Bill No. 308.

Which motion was agreed to.

Rep. Morrish moved that Senate Bill No. 334 be amended to conform with House Bill No. 308 and sent up the following floor amendments:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Morrish to Engrossed Senate Bill No. 334 by Senator Hainkel (Duplicate of House Bill No. 308)

AMENDMENT NO. 1

On page 1, line 2, after "authorize health" delete the remainder of the line, delete lines 3 through 5 in their entirety, and at the beginning of line 6, delete "of application;" and insert the following:

"insurers and health maintenance organizations to offer flexible health benefits policies, contracts, and agreements without state health insurance mandates or certain other requirements;"

AMENDMENT NO. 2

On page 1, delete lines 9 through 17, on page 2, delete lines 1 through 29, and on page 3, delete lines 1 through 10 in their entirety and insert the following:

"§230.6. Flexible health benefits policies, contracts, and agreements

A. For purposes of this Section, notwithstanding any law to the contrary, the following terms shall be defined as follows:

(1) "Flexible health benefits policy, contract, or agreement" means a health insurance policy, contract, or agreement that offers coverage for preventive care, emergency care, inpatient and outpatient hospital care, and physician care but that is not required to include, in whole or in part, state-mandated health benefits.

(2) "Group health policy" is any policy of health and accident insurance covering more than one person. However, for purposes of this Section, "group health policy" shall be limited to any such policy offered to employees of an employer that employs fifty or fewer individuals.

(3) "Health insurance policy, contract, or agreement" means a group health policy or similar coverage issued by a health maintenance organization. For purposes of this Section, such group policies or coverage shall be limited to those offered to employees of employers that employ fifty or fewer individuals. "Health insurance policy, contract, or agreement" shall also mean any individual health policy or health maintenance organization individual subscriber or enrollee agreement.

(4) "Individual health policy" means health insurance coverage offered to an individual in the individual market but does not include limited duration insurance.

(5) "State-mandated health benefits" means coverage required or required to be offered under this Code or other laws of this state to be provided in an individual or group health policy or similar coverage by a health maintenance organization that does any of the following:

(a) Includes coverage for specific health care services or benefits.

(b) Places limitations or restrictions on deductibles, coinsurance, copayments, or any annual or lifetime maximum benefit amounts.

(c) Includes a specific category of licensed health care practitioners from which an insured is entitled to receive care.

(d) Requires coverage for all services that a health care practitioner recommends that are consistent with generally accepted principles of professional medicine or a similar standard.

B. A health insurer or health maintenance organization properly authorized in this state may offer one or more flexible health benefits policies, contracts, or agreements. In offering such a policy, contract, or agreement, the health insurer or health maintenance organization shall do each of the following:

(1) Provide written notice to the proposed insured, subscriber, or enrollee, as required in Subsection C of this Section.

(2) Make available to the proposed insured, subscriber, or enrollee, subject to underwriting, at least one health insurance policy, contract, or agreement that provides all state-mandated health benefits.

(3) Provide a list of current state-mandated health benefits to the proposed insured, subscriber, or enrollee.

C. For flexible health benefits policies, contracts, or agreements, the written notice required in Paragraph (B)(1) shall include in bold type within or accompanying the written application for such policy, contract, or agreement the following:

"You have the option to select a flexible health benefits policy, contract, or agreement which is not subject to all of the state-mandated health benefits normally required in insurance policies, contracts, or agreements in this state. You have been provided a list of specific services and benefits mandated to be covered under Louisiana law. This flexible health benefits policy, contract, or agreement may provide a more affordable health insurance policy, contract, or agreement for you. At the same time, it may provide you with fewer health benefits than those normally imposed on health June 9, 2004insurance policies, contracts, or agreements in Louisiana. If you are considering this option, please consult with your insurance producer to learn the degree to which the flexible health benefits policy, contract, or agreement does not provide benefits equal to those policies, contracts, or agreements subject to state-mandated health benefits."

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

Motion

On motion of Rep. Morrish, 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 RESOLUTION NO. 20—
BY REPRESENTATIVES CAZAYOUX AND ST. GERMAIN
A RESOLUTION

To urge and request the state Department of Education to work cooperatively with the federal government and city, parish, and other local school systems to develop school menus containing foods that will foster lifelong healthy eating habits and particularly foods containing marine-source long chain Omega-3 fatty acids.

Read by title.

Reported favorably by the Committee on Education.

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

HOUSE RESOLUTION NO. 82—
BY REPRESENTATIVE MURRAY
A RESOLUTION

To urge and request the Louisiana Gaming Control Board to review the employment and contracting practices of certain gaming licensees regarding minority recruitment and hiring and contracting with minority owned businesses to determine compliance with Louisiana law.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

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

HOUSE CONCURRENT RESOLUTION NO. 179—
BY REPRESENTATIVES MARCHAND AND MURRAY
A CONCURRENT RESOLUTION

To urge and request collaboration with the Department of Health and Hospitals to study any unintended, negative effects on students of the implementation of the Louisiana Educational Assessment Program for the 21st Century (LEAP 21) for the time period of 1999 through 2004.

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 Original House Concurrent Resolution No. 179 by Representative Marchand

AMENDMENT NO. 1

On page 1, line 2, delete "the State Board of Elementary and Secondary Education, in" and at the beginning of line 3, delete "collaboration with"

AMENDMENT NO. 2

On page 2, line 4, after "WHEREAS," delete "most urban" and insert "many"

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AMENDMENT NO. 3

On page 2, line 7, after "WHEREAS," change "urban" to "many"

AMENDMENT NO. 4

On page 2, line 13, delete "the State Board of Elementary and Secondary Education, in collaboration with"

AMENDMENT NO. 5

On page 2, line 21, delete "president of the State Board of Elementary and Secondary Education and the"

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

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

HOUSE CONCURRENT RESOLUTION NO. 180—

BY REPRESENTATIVE DOVE

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources, the Department of Environmental Quality, and the Department of Wildlife and Fisheries to work cooperatively to attain a goal of taking no more than forty-five days to process drilling permits and coastal use permits.

Read by title.

Reported favorably by the Committee on Natural Resources.

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

HOUSE CONCURRENT RESOLUTION NO. 226—

BY REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study the scheduling and management of muzzleloader season for deer hunting.

Read by title.

Reported favorably by the Committee on Natural Resources.

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

HOUSE CONCURRENT RESOLUTION NO. 241—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To memorialize the United States Congress to amend 18 U.S.C. 922(g)(1) to allow a person convicted of a crime punishable by more than one year in prison to possess a firearm for the limited purpose of hunting.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

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

HOUSE CONCURRENT RESOLUTION NO. 251—

BY REPRESENTATIVES JANE SMITH, M. POWELL, AND WADDELL AND SENATORS CHEEK AND JACKSON

A CONCURRENT RESOLUTION

To urge and request each public postsecondary education institution that offers an approved teacher education degree program and requires as part of such program that each student enrolled in the program successfully pass all parts of the PRAXIS test prior to performing the student teaching component of the program, to instead allow any such student who has not passed all parts of the PRAXIS test to perform the student teaching component while the student continues to take the PRAXIS test.

Read by title.

Reported favorably by the Committee on Education.

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

HOUSE CONCURRENT RESOLUTION NO. 252—

BY REPRESENTATIVE MORRISH

A CONCURRENT RESOLUTION

To create the Naturopathic Medicine Task Force to study the feasibility of licensing naturopathic physicians.

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 Original House Concurrent Resolution No. 252 by Representative Morrish

AMENDMENT NO. 1

On page 1, line 18, change "Louisiana Association of Holistic Health" to "Trinity College of Natural Health, Inc."

AMENDMENT NO. 2

On page 2, line 3, change "International Sclerology Institute" to "Coalition for Natural Health"

AMENDMENT NO. 3

On page 2, delete line 5 in its entirety

AMENDMENT NO. 4

On page 2, line 6, change "(10)" to "(9)"

AMENDMENT NO. 5

On page 2, line 7, change "(11)" to "(10)"

AMENDMENT NO. 6

On page 2, line 8, change "(12)" to "(11)"

AMENDMENT NO. 7

On page 2, line 10, change "(13)" to "(12)"

AMENDMENT NO. 8

On page 2, line 11, change "(14)" to "(13)"

AMENDMENT NO. 9

On page 2, line 12, change "(15)" to "(14)"

AMENDMENT NO. 10

On page 2, line 14, change "(16)" to "(15)"

AMENDMENT NO. 11

On page 2, between lines 18 and 19 insert:

"BE IT FURTHER RESOLVED that the chair of the task force shall be the chairman of the House Health and Welfare Committee or his designee.

BE IT FURTHER RESOLVED that the task force shall meet for the first time not later than September 1, 2004."

AMENDMENT NO. 12

On page 2, line 27, change "the Louisiana Association of Holistic Health" to "Trinity College of Natural Health, Inc."

AMENDMENT NO. 13

On page 2, line 29, change "International Sclerology Institute" to "Coalition for Natural Health"

AMENDMENT NO. 14

On page 2, line 30 delete "Gulf South Hypnotherapy Association,"

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

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

HOUSE CONCURRENT RESOLUTION NO. 253—

BY REPRESENTATIVE CRANE

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to use opportunities and resources available through the national "Changing Direction: Integrating Higher Education Financial Aid and Financing Policies" project of the Western Interstate Commission for Higher Education to involve appropriate state officials in activities and discussions that will facilitate the development of specific plans and recommendations pursuant to Act No. 1105 of the 2003 Regular Session relative to the formulation by the board and subsequent consideration for approval by the legislature of a state tuition and fee policy, will assist the board in the development of a comprehensive state plan for postsecondary student financial assistance, and will better enable the board to meet the need for overall state financial strategies and policies that support the goals and objectives of the board's *Master Plan for Public Postsecondary Education: 2001*.

Read by title.

Reported favorably by the Committee on Education.

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

HOUSE CONCURRENT RESOLUTION NO. 256—

BY REPRESENTATIVE JACKSON

A CONCURRENT RESOLUTION

To direct all pertinent health care provider licensing boards and commissions and law enforcement and firefighters associations to provide their licensees and professionals access to comprehensive hepatitis C continuing education information.

Read by title.

Reported favorably by the Committee on Health and Welfare.

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

HOUSE CONCURRENT RESOLUTION NO. 257—

BY REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To urge and request charter fishing boat captains to respond to surveys of effort conducted by the Department of Wildlife and Fisheries.

Read by title.

Reported favorably by the Committee on Natural Resources.

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

HOUSE CONCURRENT RESOLUTION NO. 263—

BY REPRESENTATIVE DOWNS

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the need for and feasibility of establishing a single board for the governance, management, and supervision of all public postsecondary education, including but not limited to the advantages and disadvantages of such a governance structure and any potential cost savings associated therewith, and to report study findings and recommendations in writing to the legislature, with copies sent to the House Committee on Education and the Senate Committee on Education at least sixty days prior to the start of the 2005 Regular Session.

Read by title.

Reported favorably by the Committee on Education.

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

HOUSE CONCURRENT RESOLUTION NO. 270—

BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to evaluate, research, and analyze policies, programs, statutes, and regulations to develop a comprehensive work plan that removes barriers impeding community-based alternatives, effectively and efficiently utilizes long-term care resources, and is responsive to the support service needs of disabled and aged persons in the most integrated settings possible.

Read by title.

Reported favorably by the Committee on Health and Welfare.

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

HOUSE CONCURRENT RESOLUTION NO. 273—

BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to request an opinion from the office of the attorney general regarding the constitutionality of utilizing medications to facilitate confessions prior to imposition of capital punishment and to examine the feasibility of utilizing medications to facilitate confessions of other crimes prior to the imposition of capital punishment.

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 Concurrent Resolution No. 273 by Representative Dorsey

AMENDMENT NO. 1

On page 1, line 2, after "Corrections" and before "to examine" insert "to request an opinion from the office of the attorney general regarding the constitutionality of utilizing medications to facilitate confessions prior to imposition of capital punishment and"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, change "possibility" to "feasibility"

AMENDMENT NO. 3

On page 1, line 16, after "Corrections" delete the remainder of the line and insert in lieu thereof the following:

"to request an opinion from the office of the attorney general regarding the constitutionality of"

AMENDMENT NO. 4

On page 1, line 18, after "penalty" delete the period and insert a comma "," and add the following:

"and to examine the feasibility of utilizing medications to facilitate such confessions upon the issuance of an opinion by the office of the attorney general that such practice would not violate the provisions of the constitutions of the United States or the state of Louisiana."

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

On motion of Rep. Martiny, the resolution, as amended, 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. 31—

BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To urge and request the state Department of Education to provide to the Louisiana Legislature, through the members of the Senate Committee on Education and the House Committee on Education, a report on school performance, as measured by the school and district accountability program, excluding the effect of the test results of students who are classified as special education students, other than those that are gifted and talented.

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 Original Senate Concurrent Resolution No. 31 by Senator Holden

AMENDMENT NO. 1

On page 1, line 2, after "request the" and before "to provide" change "state Department of Education" to "State Board of Elementary and Secondary Education"

AMENDMENT NO. 2

On page 2, line 16, after "request the" and before "to provide" change "state Department of Education" to "State Board of Elementary and Secondary Education"

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

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

SENATE CONCURRENT RESOLUTION NO. 49—

BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to develop a plan for the coordinated expansion of community colleges throughout the state which accounts for and includes the provision of educational services as well as the needed capital facility.

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 Concurrent Resolution No. 49 by Senator Holden

AMENDMENT NO. 1

On page 1, line 3, after "of" and before "throughout" change "community colleges" to "the community and technical colleges"

AMENDMENT NO. 2

On page 1, line 13, after "WHEREAS," and before "the Board" delete "as"

AMENDMENT NO. 3

On page 2, line 1, after "Supervisors of" delete the remainder of the line and at the beginning of line 2, delete "Technical College System" and insert "Community and Technical Colleges"

AMENDMENT NO. 4

On page 2, line 5, after "from the Board of Supervisors "of" delete the remainder of the line and at the beginning of line 6, change "Community and Technical College System," to "Community and Technical Colleges,"

AMENDMENT NO. 5

On page 2, at the beginning of line 7, change "of community colleges and vocational technical schools" to "of the community and technical colleges"

AMENDMENT NO. 6

On page 2, line 9, after "within the" and before "based" change "system" to "Louisiana Community and Technical College System"

AMENDMENT NO. 7

On page 2, at the beginning of line 16, change "commission" to "commissioner"

AMENDMENT NO. 8

On page 2, at the end of line 17, delete "the Louisiana"

AMENDMENT NO. 9

On page 2, at the end of line 18, change "College." to "Colleges."

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

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

SENATE CONCURRENT RESOLUTION NO. 104—

BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To urge and request the Louisiana Community & Technical College System to study the feasibility of adoption of the Ohio University "Skills Max" program which was created to incorporate assessments with job-matching opportunities.

Read by title.

Reported favorably by the Committee on Education.

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

SENATE CONCURRENT RESOLUTION NO. 106—

BY SENATOR LENTINI AND REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to extend and expand the pilot program for home incarceration and electronic monitoring that was established by Act No. 1139 of the 2001 Regular Session.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

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

SENATE CONCURRENT RESOLUTION NO. 136—

BY SENATOR JACKSON

A CONCURRENT RESOLUTION

To continue and provide for the Louisiana Task Force on Indigent Defense Services.

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 Senate Concurrent Resolution No. 136 by Senator Jackson

AMENDMENT NO. 1

On page 5, between lines 11 and 12, insert "(38) The director of the Juvenile Justice Project of Louisiana."

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

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

**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. 23—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 4:144(A), relative to the Louisiana State Racing Commission; to increase the at-large membership of the commission; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Reengrossed Senate Bill No. 23 by Senator Mount

AMENDMENT NO. 1

On page 1, line 15, after "district and" delete "additionally" and after "four persons" insert "at large,"

AMENDMENT NO. 2

On page 1, delete lines 16 and 17 and one page 2, delete line 1 and at the beginning of line 2, delete "parish," and insert in lieu thereof "all appointed by the governor."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 177— BY SENATOR HAINKEL

AN ACT

To amend and reenact Chapters 8 and 9 of Title II of Book III of the Civil Code, to be comprised of Articles 1734 through 1743, and 1744 through 1751, relative to donations; to provide relative to donation made inter vivos in contemplation of marriage by third persons; to provide relative to interspousal donation; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 177 by Senator Hainkel

AMENDMENT NO. 1

On page 5, line 21, after "To" and before "extent" change "the" to "that"

AMENDMENT NO. 2

On page 8, line 21, change "prospective" to "present"

AMENDMENT NO. 3

On page 10, after line 12, insert the following:

"Section 2. The provisions of this Act shall become effective on September 1, 2005."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 366— BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:1484.4(C)(4)(a), (b), (c) and (e), and 1484.9(A)(intro para), relative to air-supported structures; to increase and to impose new fines for violations; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Reengrossed Senate Bill No. 366 by Senator Hines

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert in lieu thereof "R.S. 40:1484.4(C)(4)(c) and (e),"

AMENDMENT NO. 2

On page 1, line 6, after "Section 1." delete the remainder of the line and insert in lieu thereof "R.S. 40:1484.4(C)(4)(c) and (e) are"

AMENDMENT NO. 3

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

"(4) * * *"

AMENDMENT NO. 4

On page 2, delete lines 24 through 27 in their entirety

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 586— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 32:1254(N)(3)(f)(i), (iii), and (v) and to enact R.S. 32:1254.2, relative to motor vehicles; to authorize the Motor Vehicle Commission to render advisory opinions relative to the distribution and sale of motor vehicles; to provide a procedure for applying to the commission for an advisory opinion and for declaratory orders; to provide relative to sales conditioned on financing; to provide certain requirements for suppliers of mechanical repairs and services for motor vehicles; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Reengrossed Senate Bill No. 586 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 8, after "vehicles;" insert "to provide for recovery of vehicle in certain instances;"

AMENDMENT NO. 2

On page 2, at the end of line 24, after "unlocked" delete the period "." and insert in lieu thereof "and without a breach of peace."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 641—
BY SENATORS MALONE, NEVERS AND CHEEK
AN ACT

To enact R.S. 17:1682(H) and 1682.2, relative to scholarships for disabled firefighters and their spouses; to provide for definitions; to provide for scholarship requirements; 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. 641 by Senator Malone

AMENDMENT NO. 1

On page 1, line 12, after "and" and before "Spouse" change "permanently disabled." to "is permanently disabled as a result of an injury sustained in the performance of his duties as a firefighter."

AMENDMENT NO. 2

On page 1, line 14, after "injury" and before "which" insert "which occurred in the performance of his duties as a firefighter and"

AMENDMENT NO. 3

On page 1, line 15, after "the" and before "death." change "firefighters" to "firefighter's"

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. 641 by Senator Malone

AMENDMENT NO. 1

On page 3, line 4, at the beginning of the line, change "B." to "D."

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. 668—
BY SENATOR HOLLIS
AN ACT

To enact R.S. 6:418.1, relative to financial institutions; to provide that only chartered financial institutions may accept, pay, or hold deposits; to provide for criminal penalties and fines; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Commerce.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Engrossed Senate Bill No. 668 by Senator Hollis

AMENDMENT NO. 1

On page 1, at the beginning of line 2, after "To" delete the remainder of the line and delete lines 3 and 4 and insert in lieu thereof "amend and reenact R.S. 47:360(E), relative to financial institutions; to exempt bank service companies from occupational license tax; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 6 through 14 in their entirety and insert in lieu thereof the following:

"Section 1. R.S. 47:360(E) is hereby amended and reenacted to read as follows:

§360. Exemptions

* * *

E. Other exempted businesses. Banks, homestead and building and loan associations, editors, cooperative owned bank service companies, over-the-air broadcasters, as defined by the Federal Communications Commission, publishers, clerks, laborers, ministers of religion, school teachers, graduated trained nurses, those engaged in agricultural or horticultural pursuits, those operating sawmills, and corporations organized and operated for the purpose of lending money to farmers for production purposes, the stock of which is owned by farmer members and employees of such corporations, shall be exempted from any provisions of this Chapter.

* * *"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 680—
BY SENATOR BOISSIERE
AN ACT

To amend and reenact R.S. 13:5102(B), relative to suits against the state; to provide for definitions; to limit liability for entities which manage certain public transit authorities; to provide relative to the employees of such entities; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 852—
BY SENATORS CHAISSON AND DUPRE
AN ACT

To amend and reenact R.S. 14:98 (C)(1) and to enact R.S. 32:413.1 and Code of Criminal Procedure Art. 894 (D)(3), relative to driving privileges; to provide for driver's license suspension in certain cases; to provide exclusions; to provide for a driver violation point system for young drivers; to provide for implementation and maintenance of an electronic database, by cooperative endeavor agreements, for pleas entered relative to operating a vehicle while intoxicated; and to provide for related matters.

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 Reengrossed Senate Bill No. 852 by Senator Chaisson

AMENDMENT NO. 1

On page 2, at the beginning of line 16, delete "seventeen years of age and younger" and insert "under the age of eighteen"

AMENDMENT NO. 2

On page 2, at the beginning of line 20, delete "seventeen years of age or younger" and insert "under the age of eighteen"

AMENDMENT NO. 3

On page 3, line 24, change "R.S. 32:430" to "R.S. 32:414"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 870 (Substitute for Senate Bill No. 520 by Senator Ellington)—
BY SENATOR ELLINGTON
AN ACT

To amend and reenact R.S. 32:771(2)(b), and (4), 773.1(A)(2)(c), and 773.2(A)(1) and the introductory paragraph of (F)(5), and to enact R.S. 32:773.1(C), 773.2(G), and (H), relative to marine product dealers; to provide for definitions; to provide for unlawful acts; to provide for marine dealer/manufacturer/distributor agreements; to provide for voluntary termination of a marine dealers business; to provide for procedures regarding disputes between marine dealers and marine manufacturers and distributors; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Commerce.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

Reconsideration

The following legislative instruments on reconsideration were taken up and acted upon as follows:

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.

On motion of Rep. Johns, the vote by which the above House Bill failed to pass on the previous legislative day was reconsidered.

Returned to the calendar under the rules.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Flavin gave notice of his intention to call House Bill No. 1489 from the calendar for future action.

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Martiny gave notice of his intention to call Senate Bill No. 401 from the calendar for future action.

Suspension of the Rules

On motion of Rep. Montgomery, 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:

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.

Rep. Montgomery moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Powell, M.
Alario	Futrell	Powell, T.

Alexander	Gallot	Quezaire
Ansardi	Glover	Richmond
Arnold	Gray	Ritchie
Badon	Guillory, E.	Robideaux
Baldone	Guillory, M.	Romero
Baudoin	Hammett	Scalise
Beard	Heaton	Schneider
Broome	Hill	Shepherd
Bruneau	Honey	Smiley
Burns	Hopkins	Smith, G.—56th
Burrell	Hunter	Smith, J.H.—8th
Carter, K.	Hutter	Smith, J.R.—30th
Carter, R.	Jefferson	St. Germain
Cazayoux	Kennard	Strain
Crane	Kenney	Thompson
Crowe	LaBruzzo	Toomy
Curtis	LaFleur	Trahan
Daniel	Lambert	Triche
Dartez	Lancaster	Tucker
DeWitt	Marchand	Waddell
Doerge	Martiny	Walker
Dorsey	McVea	Walsworth
Dove	Montgomery	White
Durand	Murray	Winston
Fannin	Odinot	Wooton
Farrar	Pierre	Wright
Faucheux	Pinac	
Flavin	Pitre	
Total—88		

NAYS

Total—0

ABSENT

Baylor	Geymann	Morrell
Bowler	Hebert	Morrish
Bruce	Jackson	Smith, J.D.—50th
Damico	Johns	Townsend
Downs	Katz	
Erdey	McDonald	
Total—16		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Montgomery 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. 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.

Rep. Lancaster 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.
Ansardi	Geymann	Quezaire
Arnold	Glover	Richmond
Badon	Gray	Ritchie
Baldone	Guillory, E.	Robideaux
Baudoin	Guillory, M.	Romero
Beard	Hammett	Scalise
Bowler	Heaton	Schneider
Broome	Hill	Shepherd
Bruneau	Honey	Smiley
Burns	Hopkins	Smith, G.—56th
Burrell	Hunter	Smith, J.D.—50th
Carter, K.	Hutter	Smith, J.H.—8th
Carter, R.	Jackson	Smith, J.R.—30th
Cazayoux	Jefferson	St. Germain
Crane	Johns	Strain
Crowe	Kennard	Thompson
Curtis	Kenney	Toomy
Damico	LaBruzzo	Townsend
Daniel	LaFleur	Trahan
Dartez	Lambert	Triche
DeWitt	Lancaster	Tucker
Doerge	Marchand	Waddell
Dorsey	Martiny	Walker
Dove	McDonald	Walsworth
Durand	McVea	White
Erdey	Montgomery	Winston
Fannin	Murray	Wooton
Farrar	Odinot	Wright
Faucheux	Pierre	
Flavin	Pinac	
Total—97		

NAYS

Total—0

ABSENT

Baylor	Hebert	Morrish
Bruce	Katz	
Downs	Morrell	
Total—7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Lancaster 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. 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.

Motion

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

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.

Rep. Schneider 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.
Ansardi	Geymann	Quezairé
Arnold	Glover	Richmond
Badon	Gray	Ritchie
Baldone	Guillory, E.	Robideaux
Baudoin	Guillory, M.	Romero
Beard	Hammitt	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	Kenney	Toomy
Damico	LaBruzzo	Townsend
Daniel	LaFleur	Trahan
Dartez	Lambert	Triche
DeWitt	Lancaster	Tucker
Doerge	Marchand	Waddell
Dorsey	Martiny	Walker
Dove	McDonald	Walsworth
Durand	McVea	White
Erdey	Montgomery	Winston
Fannin	Morrell	Wooton
Farrar	Murray	Wright
Faucheux	Pierre	
Flavin	Pinac	
Total—97		

NAYS

Total—0

ABSENT

Baylor	Katz	Odinot
Bruce	Kennard	
Downs	Morrish	
Total—7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Schneider 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. 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.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Engrossed House Bill No. 1725 by Representative Pinac

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 1, delete line 15 and insert in lieu thereof "the applicant."

AMENDMENT NO. 3

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

"(2) As part of the pertinent information considered, the commission shall consider information relative to all of the following:

(a) Financial standing and business integrity of the applicant.

(b) Ability of the applicant to conduct properly the business for which a license is sought.

(c) Adequacy of the applicant's established place of business for the purpose for which a license is sought.

(d) Effect on the motor vehicle finance business and the consuming public in the community or territory and state of Louisiana."

AMENDMENT NO. 4

On page 1, at the beginning of line 17, after "that the" delete the remainder of the line and insert "applicant, and of the members"

AMENDMENT NO. 5

On page 3, delete lines 15 through 18 in their entirety

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	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.	Ritchie
Beard	Guillory, M.	Robideaux
Bowler	Hammett	Scalise
Broome	Heaton	Schneider
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	Jackson	Strain
Crowe	Jefferson	Thompson
Curtis	Johns	Toomy
Damico	Kenney	Townsend
Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	Lambert	Tucker
Doerge	Lancaster	Waddell
Dorsey	Marchand	Walker
Dove	Martiny	Walsworth
Durand	McDonald	White
Erdey	McVea	Winston
Fannin	Montgomery	Wooton
Farrar	Morrell	Wright
Faucheux	Murray	
Total—95		

NAYS

Total—0

ABSENT

Baylor	Katz	Richmond
Bruce	Kennard	Romero
Downs	Morrish	Shepherd
Total—9		

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.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

Regular Calendar

SENATE BILL NO. 97—
BY SENATOR ADLEY (By Request)
AN ACT

To amend and reenact R.S. 37:2301, 2302(2) and (3), 2303(A)(5), 2308, 2309(B), (D),(G), (H), (K) and (L), 2313(A)(2)(d) and (e), and 2317(B), relative to the maintenance and repair of citizen band radios; to repeal requirements that a person must be

licensed by the Louisiana State Radio and Technicians Board in order to repair a citizen band radio; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Montgomery moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Baylor	Downs	Morrish
Bruce	Katz	
Curtis	Kennard	
Total—7		

The Chair declared the above bill was finally passed.

Rep. Montgomery 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.

SENATE BILL NO. 190—
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 9:203(E), relative to marriage officiants, judges and justices of the peace; to extend the authority for certain federal judges to preside over a marriage ceremony until December, 2004; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Martiny to Reengrossed Senate Bill No. 190 by Senator Lentini

AMENDMENT NO. 1

On page 2, line 5, after "shall" delete the remainder of the line and insert "only be effective from October 1, 2004, through October 31, 2004."

AMENDMENT NO. 2

On page 2, line 8, after "shall" delete the remainder of the line and insert "only be effective from December 1, 2004, through

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Farrar	Morrish	White
Faucheux	Murray	Winston
Flavin	Odinot	Wright
Frith	Pierre	
Total—95		

NAYS

Bowler
Total—1

ABSENT

Baylor	Downs	Katz
Bruce	Hebert	Wooton
Dartez	Hopkins	
Total—8		

The Chair declared the above bill was finally passed.

Rep. Martiny 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.

SENATE BILL NO. 46—
BY SENATORS THEUNISSEN, CHEEK AND MARIONNEAUX
AN ACT

To enact Subpart G-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:200, relative to the use of electric personal assistive mobility devices; to provide for the operation of such devices by those individuals with mobility impairments; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Hutter and Tucker to Reengrossed Senate Bill No. 46 by Senator Theunissen

AMENDMENT NO. 1

On page 2, line 19, after "individuals" delete "with" and insert "and which is prescribed by a physician for"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Pinac
Alario	Gallot	Pitre
Alexander	Geymann	Powell, M.
Ansardi	Glover	Powell, T.
Arnold	Gray	Quezaire
Badon	Guillory, E.	Richmond
Baldone	Guillory, M.	Ritchie
Baudoin	Hammett	Robideaux
Bowler	Heaton	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	Johns	Smith, J.H.—8th
Crane	Kennard	Smith, J.R.—30th
Crowe	Kenney	St. Germain
Curtis	LaBruzzo	Strain
Damico	LaFleur	Thompson
Daniel	Lambert	Toomy
DeWitt	Marchand	Townsend
Doerge	Martiny	Trahan
Dove	McDonald	Triche
Durand	McVea	Tucker
Erdey	Montgomery	Waddell
Fannin	Morrell	Walker
Farrar	Morrish	White
Faucheux	Murray	Winston
Flavin	Odinet	Wright
Frith	Pierre	

Total—92

NAYS

Total—0

ABSENT

Baylor	Dorsey	Katz
Beard	Downs	Lancaster
Bruce	Hebert	Walsworth
Dartez	Jefferson	Wooton

Total—12

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 52—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 9:3198(A), relative to real estate; to provide relative to the sale of such property; to provide relative to homeowners' associations; to require disclosure by the seller to a potential purchaser of required membership in such an association as a result of the purchase; to require information relative to accessibility of certain documents of such homeowners' association; to provide for definitions; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Flavin to Engrossed Senate Bill No. 52 by Senator Ullo

AMENDMENT NO. 1

On page 2, after line 17, insert the following:

"Section 2. This Act shall become effective on July 1, 2005; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2005, or on the day following such approval by the legislature, whichever is later."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Odinet
Alario	Futrell	Pierre
Alexander	Gallot	Pitre
Ansardi	Geymann	Powell, M.
Arnold	Glover	Powell, T.
Badon	Gray	Quezaire
Baldone	Guillory, E.	Richmond
Baudoin	Guillory, M.	Ritchie
Beard	Hammett	Robideaux
Bowler	Heaton	Romero
Broome	Hebert	Scalise
Bruneau	Hill	Schneider
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
Damico	Katz	Strain
Daniel	Kennard	Thompson
Dartez	Kenney	Toomy
DeWitt	LaBruzzo	Townsend
Doerge	LaFleur	Trahan
Dorsey	Lambert	Triche
Dove	Lancaster	Tucker
Downs	Marchand	Waddell
Durand	Martiny	Walker
Erdey	McDonald	Walsworth
Fannin	McVea	White
Farrar	Morrell	Winston
Faucheux	Morrish	Wooton
Flavin	Murray	Wright

Total—99

NAYS

Total—0

ABSENT

Baylor	Curtis	Pinac
Bruce	Montgomery	

Total—5

The Chair declared the above bill was finally passed.

Rep. Shepherd 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.

SENATE BILL NO. 138—
BY SENATOR SCHEDLER

AN ACT

To enact R.S. 13:2575.2, relative to administrative adjudication procedures and judicial reviews of code violations in the parish of St. Tammany; to provide additional administrative adjudication procedures in St. Tammany Parish; to provide additional judicial review procedures in St. Tammany Parish; and to provide for related matters.

Read by title.

Rep. Strain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Pitre
Alario	Gallot	Powell, M.
Alexander	Geymann	Powell, T.
Ansardi	Glover	Quezaire
Arnold	Gray	Richmond
Badon	Guillory, E.	Ritchie
Baldone	Guillory, M.	Robideaux
Baudoin	Hammett	Romero
Bowler	Heaton	Scalise
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
Crane	Jackson	St. Germain
Damico	Jefferson	Strain
Daniel	Johns	Thompson
Dartez	Katz	Toomy
DeWitt	Kenney	Trahan
Doerge	LaBruzzo	Triche
Dorsey	Lambert	Tucker
Dove	Lancaster	Waddell
Downs	Marchand	Walker
Durand	Martiny	Walsworth
Erdey	McDonald	White
Fannin	Montgomery	Winston
Farrar	Morrell	Wooton
Faucheux	Murray	Wright
Flavin	Odinet	
Frith	Pierre	
Total—91		

NAYS

Total—0

ABSENT

Baylor	Curtis	Pinac
Beard	Kennard	Schneider
Bruce	LaFleur	Townsend
Cazayoux	McVea	
Crowe	Morrish	
Total—13		

The Chair declared the above bill was finally passed.

Rep. Strain 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.

SENATE BILL NO. 152—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact the introductory paragraph of R.S. 32:387.7(A), 387.7(A)(3) and (B), and the introductory paragraph of R.S. 32:387.9, 387.9(3) and (5), and to enact R.S. 32:387.7(A)(5) and 387.9(6), relative to special permits; to provide for the issuance of special sugarcane and agronomic or horticultural permits to operators of vehicles; to provide for the specificity of such permits; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 196—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 32:387(C)(3)(a)(ii), relative to weight and load of vehicles; to provide relative to special permits for vehicles which transport forestry products; to provide certain exceptions; and to provide for related matters.

Read by title.

Rep. Fannin moved the final passage of the bill.

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
Bowler	Hammett	Robideaux
Broome	Heaton	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	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	Murray	Wooton
Flavin	Odinet	Wright
Total—99		

NAYS

Total—0

ABSENT

Baylor	Bruce	Morrish
Beard	Hebert	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Fannin 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.

SENATE BILL NO. 226—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 35:12(A), (B), and (D), relative to notaries public; to provide relative to names required on notarial acts; to authorize the use of initials; to provide that such names need not necessarily be Christian names; to authorize the use of stamps for the application of such names; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Futrell to Reengrossed Senate Bill No. 226 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 2, after "(D)" and before "relative" delete the comma "," and insert "and 511(3)."

AMENDMENT NO. 2

On page 1, line 5, after "names;" and before "and" insert "to provide relative to signatures on forms of acknowledgments;"

AMENDMENT NO. 3

On page 1, line 7, after "(D)" and before "are" delete the comma "," and insert "and 511(3)."

AMENDMENT NO. 4

On page 2, after line 19, add the following:

"§511. Forms of acknowledgment

Either the forms of acknowledgment now in use in this state, or the following, may be used in the case of conveyances or other written instruments, whenever such acknowledgment is required or authorized by law for any purpose:

(Begin in all cases by a caption specifying the state and place where the acknowledgment is taken).

* * *

3. In the case of corporations or joint stock associations:

On this _____ day of _____, 19___, before me appeared A B, to me personally known, who, being by me duly sworn (or affirmed) did say that he is the president (or other officer or agent of the corporation or association), of (describing the corporation or association), and that the seal affixed to said instrument is the corporate seal of said corporation (or association) and that the instrument was signed and sealed in behalf of the corporation (or association) by authority of its board of directors (or trustees) and that A B acknowledged the instrument to be the free act and deed of the corporation (or association).

(In case the corporation or association has no corporate seal, omit the words "the seal affixed to said instrument is the corporate seal of the corporation (or association), and that" and add, at the end of the affidavit clause, the words "and that the corporation (or association) has no corporate seal").

~~(In all cases add signature and title of the officer taking the acknowledgment): (In all cases, acknowledgments taken in this state shall be signed in conformity with the provisions of R.S. 35:12 and either Article 1836 of the Louisiana Civil Code or R.S. 13:3720)."~~

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

Rep. Futrell 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
Beard	Hammett	Romero
Bowler	Heaton	Scalise
Broome	Hill	Schneider
Bruneau	Honey	Shepherd
Burns	Hopkins	Smiley
Burrell	Hutter	Smith, G.—56th
Carter, K.	Jackson	Smith, J.D.—50th
Carter, R.	Jefferson	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
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	
Flavin	Pierre	
Total—100		

NAYS

Total—0

ABSENT

Baylor	Hebert
Bruce	Hunter
Total—4	

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 227—

BY SENATOR DARDENNE (On Recommendation of the La State Law Institute)

AN ACT

To amend and reenact R.S. 9:1149.5, 4521 (introductory paragraph), 4870(B)(introductory paragraph) and 4888(B)(introductory paragraph); R.S. 10:9-102(a)(2), (40), and (46), 9-107.1(b), 9-107.2, 9-109(d)(11)(C), 9-304(b)(1), 9-309(1), 9-311(b), 9-406(f)(introductory paragraph), 9-408(c)(introductory paragraph) and (d)(introductory paragraph), 9-409(a)(introductory paragraph), 9-501(a)(2), 9-513(a)(2) and (c)(introductory paragraph) and 9-516(a)(2); R.S. 32:706(D) and 710(F); and R.S. 39:1430.1, relative to security devices on movable property; to provide for uniformity between the Uniform Commercial Code and Louisiana law; to provide for definitions of account, fixture filings, and health-care-insurance-receivables; to provide for the consent of the beneficiary to a security interest life insurance policy; to provide for exercising control conditioned on default; to provide for the scope of fixture filings; to provide rules determining a bank's jurisdiction; to provide for the relation of titled motor vehicles to provisions of commercial laws relative to secured transactions; to provide for restrictions on assignments; to provide for the place of filing, the need for filing termination statements, and for what constitutes filing; to provide for the relation of the oil and gas lien law to provisions of commercial laws relative to secured transactions; to provide for security devices on a manufactured home; to provide for security devices by public entities; to provide for the correction of citations; 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	Gallot	Pinac
Alario	Geymann	Pitre
Alexander	Glover	Powell, M.
Ansardi	Gray	Powell, T.
Arnold	Guillory, E.	Quezaire
Badon	Guillory, M.	Richmond
Baldone	Hammett	Ritchie
Baudoin	Heaton	Robideaux
Beard	Hill	Romero
Bowler	Honey	Scalise
Broome	Hopkins	Schneider
Bruneau	Hunter	Shepherd
Burns	Hutter	Smiley
Carter, K.	Jackson	Smith, G.—56th
Carter, R.	Jefferson	Smith, J.D.—50th
Cazayoux	Johns	Smith, J.H.—8th
Crane	Katz	Smith, J.R.—30th
Crowe	Kennard	St. Germain
Damico	Kenney	Strain
Daniel	LaBruzzo	Thompson
Dartez	LaFleur	Toomy
DeWitt	Lambert	Townsend
Doerge	Lancaster	Trahan
Dove	Marchand	Triche
Downs	Martiny	Tucker

Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	White
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Odinet	Wright
Futrell	Pierre	

Total—98

NAYS

Total—0

ABSENT

Baylor	Burrell	Dorsey
Bruce	Curtis	Hebert
Total—6		

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 152—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact the introductory paragraph of R.S. 32:387.7(A), 387.7(A)(3) and (B), and the introductory paragraph of R.S. 32:387.9, 387.9(3) and (5), and to enact R.S. 32:387.7(A)(5) and 387.9(6), relative to special permits; to provide for the issuance of special sugarcane and agronomic or horticultural permits to operators of vehicles; to provide for the specificity of such permits; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Cazayoux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Downs	Martiny	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Fannin	Montgomery	Walker
Farrar	Morrell	Walsworth
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Odinet	Wright
Total—93		

NAYS

Total—0

ABSENT

Baylor	Curtis	Heaton
Bruce	Damico	Smith, J.D.—50th
Burrell	Gallot	White
Carter, R.	Glover	
Total—11		

The Chair declared the above bill was finally passed.

Rep. Cazayoux 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.

SENATE BILL NO. 267—

BY SENATORS ULLO, HAINKEL, HOLLIS, LENTINI, DUPRE AND HEITMEIER AND REPRESENTATIVES ALARIO, ANSARDI, BOWLER, DAMICO, LABRUZZO, LANCASTER, MARTINY, SCALISE, SHEPHERD, TOOMY, TUCKER AND WOOTON

AN ACT

To rename the Lafitte Larose Boulevard to the Leo Kerner/Lafitte Parkway in Jefferson Parish; and to provide for related matters.

Read by title.

Rep. Damico moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Pinac
Alario	Futrell	Pitre
Alexander	Geymann	Powell, M.
Ansardi	Gray	Powell, T.
Arnold	Guillory, E.	Quezaire
Badon	Guillory, M.	Richmond
Baldone	Hammett	Ritchie
Baudoin	Heaton	Robideaux
Beard	Hebert	Romero
Bowler	Hill	Scalise
Broome	Honey	Schneider
Bruneau	Hopkins	Shepherd
Burns	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	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	Morrell	Winston
Farrar	Murray	Wooton
Faucheux	Odinet	Wright
Flavin	Pierre	
Total—98		

NAYS

Total—0

ABSENT

Baylor	Burrell	Glover
Bruce	Gallot	Morrish
Total—6		

The Chair declared the above bill was finally passed.

Rep. Damico 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.

SENATE BILL NO. 269—

BY SENATOR CAIN

AN ACT

To re-designate a portion of U. S. 90 in Calcasieu Parish as the "Veterans Memorial Highway 90."

Read by title.

Rep. Flavin moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Farrar	Montgomery	White
Faucheux	Morrell	Winston
Flavin	Morrish	Wright
Frith	Murray	
Total—98		
	NAYS	
Total—0		
	ABSENT	
Baylor	Bruce	Smith, J.H.—8th
Beard	Burrell	Wooton
Total—6		

The Chair declared the above bill was finally passed.

Rep. Flavin 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.

Suspension of the Rules

On motion of Rep. Walker, 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.

SENATE BILL NO. 282—
BY SENATOR DARDENNE
AN ACT

To amend and reenact Code of Civil Procedure Arts. 1201(C) and 1672(C), relative to service of citation; to provide relative to the manner in which service of citation shall be requested; to require the payment of fees for such service; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 289—
BY SENATORS BOISSIERE, LENTINI AND ULLO, AND REPRESENTATIVES ANSARDI, DAMICO AND LANCASTER
AN ACT

To amend and reenact R.S. 38:2212(C)(2)(a), relative to public work; to require public entities to transmit addendum to bids for contracts for such work exceeding the contract limit by certain means; and to provide for related matters.

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	Flavin	Odinot
Alario	Frith	Pierre
Alexander	Futrell	Pinac
Ansardi	Geymann	Pitre
Arnold	Glover	Powell, M.
Badon	Gray	Powell, T.
Baldone	Guillory, E.	Quezaire

Baudoin	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	St. Germain
Damico	Kennard	Thompson
Daniel	Kenney	Toomy
Dartez	LaBruzzo	Townsend
DeWitt	LaFleur	Trahan
Doerge	Lambert	Triche
Dorsey	Lancaster	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walker
Durand	McDonald	White
Erdey	McVea	Winston
Fannin	Morrell	Wooton
Farrar	Morrish	Wright
Faucheux	Murray	
Total—98		

NAYS

Total—0

ABSENT

Baylor	Gallot	Strain
Bruce	Montgomery	Walsworth
Total—6		

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 302—
BY SENATOR HINES
AN ACT

To amend and reenact R.S. 40:1299.39.1(A)(1)(a) and 1299.47(A)(1)(a), relative to medical malpractice; to provide for medical review panel reports to be non-reportable; to provide for the filing of a request for a medical review panel to be non-reportable; and to provide for related matters.

Read by title.

Rep. Walker 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.
Ansardi	Glover	Powell, T.
Arnold	Gray	Quezaire
Badon	Guillory, E.	Richmond
Baldone	Guillory, M.	Ritchie
Baudoin	Heaton	Robideaux

Beard	Hebert	Romero
Bowler	Hill	Scalise
Broome	Honey	Schneider
Bruneau	Hopkins	Shepherd
Burns	Hunter	Smiley
Burrell	Hutter	Smith, G.—56th
Carter, K.	Jackson	Smith, J.D.—50th
Carter, R.	Jefferson	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
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
Flavin	Odinet	
Frith	Pierre	
Total—100		

NAYS

Faucheux
Total—1

ABSENT

Baylor	Bruce	Hammett
Total—3		

The Chair declared the above bill was finally passed.

Rep. Walker 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.

SENATE BILL NO. 346—
BY SENATORS CHAISSON AND AMEDEE
AN ACT

To amend and reenact R.S. 34:2471(A)(1)(d), (3)(d), (6), and (7), 2473(B)(3) and (F)(1) and (2), and 2474(B), and to enact R.S. 34:2471(A)(8), 2472(D), 2476.1, 2476.2, and 2476.3, relative to the Port of South Louisiana; to provide for the membership, powers, duties, and functions of the Port of South Louisiana Commission; to provide relative to contracts for professional services; to provide for the authority to issue bonds and levy taxes; to provide for economic and industrial development functions; and to provide for related matters.

Read by title.

Rep. Gary Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Flavin	Murray
Alario	Frith	Pierre
Alexander	Futrell	Pinac
Ansardi	Gallot	Pitre

Arnold	Geymann	Powell, M.
Badon	Glover	Powell, T.
Baldone	Gray	Quezaire
Baudoin	Guillory, E.	Richmond
Beard	Guillory, M.	Ritchie
Bowler	Hammett	Robideaux
Broome	Heaton	Romero
Bruneau	Hebert	Scalise
Burns	Hill	Schneider
Burrell	Honey	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	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	Wright
Total—99		

NAYS

Total—0

ABSENT

Baylor	Hopkins	Wooton
Bruce	Odinet	
Total—5		

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

Rep. Gary 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.

SENATE BILL NO. 347—
BY SENATOR SMITH
AN ACT

To enact R.S. 48:282, relative to the sale of timber by the Department of Transportation and Development; to authorize the department to sell timber which has been cut or felled on state highway rights-of-way; to provide for the use of the proceeds; and to provide for related matters.

Read by title.

Rep. Fannin 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.
Baldone	Guillory, E.	Quezaire
Baudoin	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	St. Germain
Damico	Kennard	Strain
Daniel	Kenney	Thompson
Dartez	LaBruzzo	Toomy
DeWitt	LaFleur	Townsend
Doerge	Lambert	Triche
Dorsey	Lancaster	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Erdey	McVea	White
Fannin	Montgomery	Winston
Farrar	Morrell	Wooton
Faucheux	Morrish	Wright
Flavin	Murray	
Total—101		

NAYS

Total—0

ABSENT

Baylor	Bruce	Trahan
Total—3		

The Chair declared the above bill was finally passed.

Rep. Fannin 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.

SENATE BILL NO. 359—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:1299.44(A)(3)(b) and (6)(a), 1299.45(A)(2), and 1299.47(A)(2)(a) and (b) and (C)(3)(f), and to enact R.S. 40:1299.47(A)(1)(g) and (C)(3)(g), (h), (i), and (j), relative to the Louisiana Medical Malpractice Act; to provide with respect to claims covered under the Act; to provide that the patient's compensation fund shall be maintained so as to provide a surplus of thirty percent of the annual surcharge premiums, reserves established for individual claims, reserves established for incurred but not reported claims, and expenses; to provide with respect to a corporation, partnership, limited liability partnership, or limited liability company that desires to be qualified as a health care provider, with the payment of an additional surcharge, and the filing of a proof of financial responsibility with the board; to provide with respect to certain filing fees in connection with the naming of additional qualified defendants named in any amendment to the request for review; to provide that all amendments to a request for review shall be filed with the division of administration and that upon receipt of any amendment, the division of administration is required to forward the amendment to the Patient's Compensation Fund Oversight Board within five days; to provide with respect to

membership on a medical review panel; and to provide for related matters.

Read by title.

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

NAYS

Faucheux
Total—1

ABSENT

Baylor	Bruce	Jackson
Broome	Guillory, M.	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Walker 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.

SENATE BILL NO. 368—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 38:291(F)(1)(d) and (2), and to enact R.S. 38:325(C)(4), relative to the Lafourche Basin Levee District; to provide for the authority, powers, duties, functions, and

membership of the district; to provide for the scope of activities of the district; and to provide for related matters.

Read by title.

Rep. Triche moved the final passage of the bill.

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
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
Damico	Katz	St. Germain
Daniel	Kenney	Strain
Dartez	LaBruzzo	Thompson
DeWitt	LaFleur	Toomy
Doerge	Lambert	Townsend
Dorsey	Lancaster	Trahan
Dove	Marchand	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	Montgomery	Walker
Fannin	Morrell	Walsworth
Farrar	Morrish	White
Faucheux	Murray	Wooton
Flavin	Odinot	Wright
Total—96		

NAYS

Total—0

ABSENT

Baylor	Curtis	McVea
Broome	Jackson	Winston
Bruce	Kennard	
Total—8		

The Chair declared the above bill was finally passed.

Rep. Triche 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.

SENATE BILL NO. 394—
BY SENATORS BARHAM, MARIONNEAUX, CAIN AND NEVERS
AN ACT

To enact R.S. 47:337.10(I), relative to taxation by political subdivisions; to provide for an exemption for diesel fuel; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 434—
BY SENATOR THEUNISSEN
AN ACT

To amend and reenact R.S. 2:903(B), relative to airports; to provide relative to the General Aviation and Reliever Airport Maintenance Grant Program; to authorize the use of Transportation Trust Fund monies; to provide limitations; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 460—
BY SENATORS DUPRE, LENTINI, MARIONNEAUX AND NEVERS
AN ACT

To amend and reenact R.S. 47:1703(A), relative to the homestead exemption; to require any taxpayer entitled to the homestead exemption to own and occupy the homestead before a certain date in the calendar year in which the exemption is claimed; and to provide for related matters.

Read by title.

Rep. Alario moved the final passage of the bill.

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
Beard	Hammett	Robideaux
Bowler	Heaton	Romero
Broome	Hebert	Scalise
Bruneau	Hill	Schneider
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	Strain
Curtis	Katz	Thompson
Damico	Kennard	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	McVea	Winston

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Fannin	Montgomery	Wooton
Farrar	Morrish	Wright
Faucheux	Murray	
Flavin	Odinet	
Total—100		

NAYS

Total—0

ABSENT

Baylor	Morrell
Bruce	St. Germain
Total—4	

The Chair declared the above bill was finally passed.

Rep. Alario 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.

SENATE BILL NO. 487—

BY SENATOR HEITMEIER

AN ACT

To amend R.S. 32:413(B), relative to licenses; to waive collection of any charges required for duplicate licenses under certain conditions; and to provide for related matters.

Read by title.

Rep. Arnold 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
Ansardi	Geymann	Pitre
Arnold	Glover	Powell, M.
Badon	Gray	Powell, T.
Baldone	Guillory, E.	Quezaire
Baudoin	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.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	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Fannin	McVea	White
Farrar	Montgomery	Winston
Faucheux	Morrell	Wright
Flavin	Morrish	
Total—97		

NAYS

Total—0

ABSENT

Baylor	Pinac	Wooton
Bruce	Smith, J.H.—8th	
Erdey	Waddell	
Total—7		

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 496—

BY SENATORS SCHEDLER, ADLEY, AMEDEE, BARHAM, BOASSO, BOISSIERE, CHEEK, CRAVINS, DARDENNE, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HAINKEL, HINES, HOLDEN, HOLLIS, IRONS, JONES, KOSTELKA, LENTINI, MICHOT, NEVERS, ROMERO, SMITH AND THEUNISSEN

AN ACT

To designate a portion of Interstate 10 from the Mississippi State Line as the Stephen E. Ambrose Memorial Parkway; 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	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
Beard	Guillory, M.	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
Daniel	Kenney	Toomy
Dartez	LaBruzzo	Townsend
DeWitt	LaFleur	Trahan
Doerge	Lambert	Triche
Dorsey	Lancaster	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Erdey	McVea	White
Fannin	Montgomery	Winston
Farrar	Morrell	Wright
Faucheux	Murray	
Total—98		

NAYS

Total—0

ABSENT

Baylor	Hammett	St. Germain
Bruce	Morrish	Wooton
Total—6		

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 513—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 47:1856(D)(3), (E), and (F), 1857(B)(1)(c) and (2), 1998(A)(1)(b)(ii), 2110(A)(2) and (3), (C), (E), and (F), relative to ad valorem property tax payment under protest procedure; to provide for the effectiveness of certain procedures; to provide for the use of protested amounts; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 555—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:361.2, relative to motor vehicle safety; to provide for medical exemptions to restrictions on tint on motor vehicle windows; to provide for the review of such exemptions; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 564—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 9:315.9(A)(6), 315.18(C), and 374(C) and to enact R.S. 9:315.9(A)(7), relative to child support; to provide for discretion in awarding a dependency exemption; to provide for the pro rata sharing of uncovered medical expenses in a shared custody arrangement; to provide relative to rental or mortgage note reimbursement when sole use of the home is made; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Bowler to Engrossed Senate Bill No. 564 by Senator Dardenne

AMENDMENT NO. 1

Delete House Committee Amendment Nos. 1, 2, 3, 4 and 6 proposed by the House Committee on Civil Law and Procedure and adopted by the House of Representatives on May 26, 2004.

AMENDMENT NO. 2

On page 1, line 2, change "315.18(C)" to "315.18(B)(1)(introductory paragraph) and (C)"

AMENDMENT NO. 3

On page 1, line 3, after "9:315.9(A)(7)" and before the comma "," insert "and to repeal R.S. 9:315.18(D)"

AMENDMENT NO. 4

On page 1, line 3, delete "discretion in"

AMENDMENT NO. 5

On page 1, line 9, change "315.18(C)" to "315.18(B)(1)(introductory paragraph) and (C)"

AMENDMENT NO. 6

On page 2, delete lines 6 through 13 and insert the following:

"B.(1) The non-domiciliary party whose child support obligation is equal to or greater than equals or exceeds fifty percent and equal to or less than seventy percent of the total child support obligation shall be entitled to claim the federal and state tax dependency deductions if, after a contradictory motion, the judge finds both of the following:

* * *

~~C. The non-domiciliary party whose child support obligation exceeds seventy percent of the total child support obligation shall be entitled to claim the federal and state tax dependency deductions every year if no arrearages are owed by the obligor.~~

~~D. C.~~ The party who receives the benefit of the exemption for such tax year shall not be considered as having received payment of a thing not due if the dependency deduction allocation is not maintained by the taxing authorities."

AMENDMENT NO. 7

On page 2, after line 28, insert the following:

"Section 2. R.S. 9:315.18(D) is hereby repealed in its entirety. Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

Rep. Bowler 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	Quezairé
Badon	Gray	Richmond
Baldone	Guillory, E.	Ritchie
Baudoin	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	Morrish	Wooton
Farrar	Murray	Wright
Faucheux	Odinot	
Flavin	Pierre	
Total—100		

NAYS

Total—0

ABSENT

Baylor	Guillory, M.
Bruce	Morrell
Total—4	

The Chair declared the above bill was finally passed.

Rep. Bowler 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.

SENATE BILL NO. 581—
BY SENATOR SCHEDLER

AN ACT

To enact Civil Code Art. 2713(C), relative to obligations of the lessee; to provide relative to eviction; to provide relative to failure to comply with a order of eviction; to require lessee to pay court costs in such instances; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 672—
BY SENATOR HOLDEN

AN ACT

To enact R.S. 23:1032(D), relative to workers' compensation; to provide with respect to exclusivity of remedy; to provide for exceptions to civil immunity under workers' compensation law; to provide that workers' compensation exclusivity as a remedy shall not extend to injuries that could have been prevented by safety devices that have knowingly and intentionally been removed by the employer or principal; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 695—
BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 31:149, and to repeal R.S. 31:149.1, 149.2, 149.3, 150, 151, and 152, relative to mineral rights in land acquired or expropriated by governments or governmental agencies; to provide certain procedures, terms, and conditions relative to such mineral rights; to provide relative to the prescription of nonuse; to repeal certain provisions; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 805—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 13:3881(A)(introductory paragraph) and to enact R.S. 13:3881(A)(6), relative to general exemptions from seizure; to provide that federal earned income tax credit of a debtor shall be exempt from seizure; to provide for exceptions; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Triche to Reengrossed Senate Bill No. 805 by Senator Adley

AMENDMENT NO. 1

On page 1, line 15, after "Revenue" and before the period "." insert the following "or arrears in child support payments"

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

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

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	Ritchie
Baudoin	Guillory, E.	Robideaux
Beard	Hammett	Scalise
Bowler	Hebert	Schneider
Broome	Hill	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.	Jackson	St. Germain
Cazayoux	Jefferson	Strain
Crane	Johns	Thompson
Crowe	Katz	Toomy
Damico	Kennard	Townsend
Daniel	Kenney	Trahan
Dartez	LaBruzzo	Triche
DeWitt	LaFleur	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Martiny	Walsworth
Downs	McDonald	White
Durand	McVea	Winston
Erdey	Montgomery	Wooton
Fannin	Morrish	Wright
Farrar	Murray	
Faucheux	Odinet	
Total—94		

NAYS

Total—0

ABSENT

Baylor	Heaton	Romero
Bruce	Marchand	Shepherd
Curtis	Morrell	
Guillory, M.	Richmond	
Total—10		

The Chair declared the above bill was finally passed.

Rep. Triche 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.

SENATE BILL NO. 822—
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 32:661(A)(2)(b), relative to toxicology screens on victims of all traffic fatalities; to provide for the use of the most current scientific testing available to determine content of alcohol at the time of death; and to provide for related matters.

Read by title.

Rep. Trahan moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Pierre
Alario	Flavin	Pinac

Alexander	Frith	Pitre
Ansardi	Futrell	Powell, M.
Arnold	Gallot	Powell, T.
Badon	Geymann	Quezaire
Baldone	Glover	Richmond
Baudoin	Gray	Ritchie
Beard	Guillory, E.	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	Jackson	Smith, J.R.—30th
Crowe	Jefferson	St. Germain
Curtis	Johns	Strain
Damico	Kennard	Thompson
Daniel	Kenney	Toomy
Dartez	LaBruzzo	Townsend
DeWitt	LaFleur	Trahan
Doerge	Lambert	Triche
Dorsey	Lancaster	Waddell
Dove	Martiny	Walker
Downs	McDonald	Walsworth
Durand	McVea	White
Erdey	Montgomery	Winston
Fannin	Murray	Wooton
Farrar	Odinet	Wright
Total—96		

NAYS

Katz
Total—2

Tucker

ABSENT

Baylor	Guillory, M.	Morrell
Bruce	Marchand	Morrish
Total—6		

The Chair declared the above bill was finally passed.

Rep. Trahan 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.

SENATE BILL NO. 825—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:337.2(C)(1)(b) and (5) and to enact Part H of Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be composed of R.S. 47:337.91 through 337.100, relative to the sales and use tax of political subdivisions; to create the Uniform Local Sales Tax Procedure Act; to provide a procedure for the adoption of certain regulations of local tax authorities; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hammett to Reengrossed Senate Bill No. 825 by Senator Mount

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AMENDMENT NO. 1

On page 2, line 13, after "Part" delete "F" and insert "H"

AMENDMENT NO. 2

On page 3, line 13, after "authorities" and before the comma "," insert "and which is not a 'common sales tax law' as defined in R.S. 47:337.2"

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

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

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, Beard, Bowler, Broome, Bruneau, Burns, Carter, K., Carter, R., Cazayoux, Crane, Crowe, Curtis, Damico, Daniel, Dartez, DeWitt, Doerge, Dorsey, Dove, Downs, Durand, Erdey, Fannin, Farrar, Faucheux, Flavin, Total—99

NAYS

Total—0

ABSENT

Table with 3 columns of names: Baylor, Bruce, Total—5, Burrell, Guillory, M., Hill

The Chair declared the above bill was finally passed.

Rep. Hammett 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.

SENATE BILL NO. 434—

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 2:903(B), relative to airports; to provide relative to the General Aviation and Reliever Airport Maintenance Grant Program; to authorize the use of Transportation Trust Fund monies; to provide limitations; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Quezaire moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. Speaker, Alario, Alexander, Arnold, Badon, Baldone, Baudoin, Beard, Bowler, Bruneau, Burns, Carter, K., Carter, R., Cazayoux, Crane, Crowe, Curtis, Daniel, Dartez, DeWitt, Doerge, Dorsey, Dove, Downs, Durand, Erdey, Fannin, Farrar, Faucheux, Flavin, Futrell, Total—93

NAYS

Total—0

ABSENT

Table with 3 columns of names: Ansardi, Baylor, Broome, Bruce, Total—11, Burrell, Damico, Frith, Guillory, M., Morrell, Smith, J.R.—30th, Thompson

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 105—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:2(D), relative to wildlife and fisheries; to provide relative to the Wildlife and Fisheries Commission; to provide for the elections of the chairman and vice-chairman; and to provide for related matters.

Read by title.

Rep. Baldone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Baldone	Bruce	Crane
Baylor	Burrell	Hebert
Total—6		

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 555—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:361.2, relative to motor vehicle safety; to provide for medical exemptions to restrictions on tint on motor vehicle windows; to provide for the review of such exemptions; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 555 by Senator Dupre

AMENDMENT NO. 1

On page 2, line 15, after "involving" insert "a threat to"

AMENDMENT NO. 2

On page 2, line 22, after "person" delete "or dealer"

On motion of Rep. Baldone, 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	Frith	Morrish
Alario	Futrell	Murray
Alexander	Gallot	Odinet
Ansardi	Geymann	Pierre
Arnold	Glover	Pinac
Badon	Gray	Pitre
Baldone	Guillory, E.	Powell, M.
Baudoin	Guillory, M.	Powell, T.
Beard	Hammett	Quezaire
Bowler	Heaton	Richmond
Broome	Hill	Ritchie
Bruneau	Honey	Robideaux
Burns	Hopkins	Romero
Carter, K.	Hunter	Scalise
Carter, R.	Hutter	Schneider
Cazayoux	Jackson	Shepherd
Crowe	Jefferson	Smiley
Damico	Johns	Smith, G.—56th
Daniel	Katz	Smith, J.H.—8th
Dartez	Kennard	Smith, J.R.—30th
DeWitt	Kenney	St. Germain
Doerge	LaBruzzo	Thompson
Dorsey	LaFleur	Toomy
Dove	Lambert	Trahan
Downs	Lancaster	Triche
Durand	Marchand	Tucker
Erdey	Martiny	Walker
Fannin	McDonald	Walsworth
Farrar	McVea	White
Faucheux	Montgomery	Wooton
Flavin	Morrell	Wright
Total—93		

NAYS

Total—0

ABSENT

Baylor	Curtis	Townsend
Bruce	Hebert	Waddell
Burrell	Smith, J.D.—50th	Winston
Crane	Strain	
Total—11		

The Chair declared the above bill was finally passed.

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.

SENATE BILL NO. 140—
BY SENATOR BAJOEIE

AN ACT

To amend and reenact R.S. 40:1300.51(3) and to enact R.S. 40:1300.51(2)(h), (i) and (j), relative to those employed to care for the infirm; to provide for criminal background checks on those seeking employment at agencies that care for the infirm; to provide a bar to employment in these agencies of persons convicted of certain offenses; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Jefferson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Pierre
Alario	Gallot	Pinac
Alexander	Geymann	Pitre
Ansardi	Glover	Powell, M.
Arnold	Gray	Powell, T.
Badon	Guillory, E.	Quezaire
Baldone	Guillory, M.	Richmond
Baudoin	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	St. Germain
Curtis	Kennard	Strain
Daniel	Kenney	Thompson
Dartez	LaBruzzo	Toomy
DeWitt	LaFleur	Townsend
Doerge	Lambert	Trahan
Dorsey	Lancaster	Triche
Dove	Marchand	Tucker
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Erdey	McVea	White
Fannin	Montgomery	Winston
Farrar	Morrell	Wooton
Faucheux	Morrish	Wright
Flavin	Murray	
Frith	Odinet	
Total—100		

NAYS

Total—0

ABSENT

Baylor	Damico
Bruce	Waddell
Total—4	

The Chair declared the above bill was finally passed.

Rep. Jefferson 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.

SENATE BILL NO. 160—
BY SENATOR HAINKEL

AN ACT

To repeal R.S. 56:1855(K), relative to natural and scenic rivers; to provide relative to exceptions; to repeal the exception authorizing certain commercial or suburban agricultural zoning exemptions for tracts of land located along the Tchefuncte River between Louisiana Highway No. 22 and Lake Pontchartrain; and to provide for related matters.

Read by title.

Rep. Winston moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Pierre
Alario	Gallot	Pinac
Alexander	Geymann	Pitre
Ansardi	Glover	Powell, M.
Arnold	Gray	Powell, T.
Badon	Guillory, E.	Quezaire
Baldone	Guillory, M.	Richmond
Baudoin	Hammett	Ritchie
Beard	Heaton	Robideaux
Bowler	Hebert	Romero
Broome	Hill	Scalise
Bruneau	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	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
Frith	Odinet	
Total—101		

NAYS

Total—0

ABSENT

Baylor Bruce Carter, K.
Total—3

The Chair declared the above bill was finally passed.

Rep. Winston 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.

SENATE BILL NO. 169—
BY SENATOR IRONS

AN ACT

To amend and reenact Children's Code Articles 607(A) and 1016(B), relative to the protection of children; to provide with respect to right to counsel for children in the custody of the state; to provide for qualified counsel in child protection proceedings in accordance with federal Child Abuse Prevention and Treatment Act requirements; and to provide for related matters.

Read by title.

Rep. Winston moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Pinac
Alario	Futrell	Pitre
Alexander	Geymann	Powell, M.
Ansardi	Glover	Powell, T.
Arnold	Gray	Quezairé
Badon	Guillory, E.	Richmond
Baldone	Guillory, M.	Ritchie
Baudoin	Hammett	Robideaux
Beard	Heaton	Romero
Bowler	Hebert	Scalise
Broome	Hill	Schneider
Bruneau	Honey	Shepherd
Burns	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	Marchand	Tucker
Dove	Martiny	Waddell
Downs	McDonald	Walker
Durand	McVea	White
Erdey	Morrell	Winston
Fannin	Morrish	Wooton
Farrar	Murray	Wright
Faucheux	Odinet	
Flavin	Pierre	
Total—97		

NAYS

Total—0

ABSENT

Baylor Gallot Walsworth
Bruce Lancaster
Burrell Montgomery
Total—7

The Chair declared the above bill was finally passed.

Rep. Winston 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.

SENATE BILL NO. 394—
BY SENATORS BARHAM, MARIONNEAUX, CAIN AND NEVERS
AN ACT

To enact R.S. 47:337.10(I), relative to taxation by political subdivisions; to provide for an exemption for diesel fuel; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downs to Reengrossed Senate Bill No. 394 by Senators Barham, Marionneaux, Cain, and Nevers

AMENDMENT NO. 1

On page 1, line 3, after "exemption for" and before "diesel" insert "certain"

AMENDMENT NO. 2

Delete Amendment No. 3 proposed by the House Committee on Ways and Means and adopted by the House on May 27, 2004.

AMENDMENT NO. 3

On page 1, delete lines 6 through 10 in their entirety and insert:

"§337.9 Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other exemptions applicable

* * *

E.(1) Except as provided in Paragraph (2) of this Subsection, political subdivisions are prohibited from levying a sales or use tax or any other tax on diesel fuel.

(2) Political subdivisions which have continuously and without interruption validly levied and collected a sales or use tax or any other excise tax on diesel fuel since January 1, 1975, are authorized to continue the levy and collection of such tax."

Rep. Downs moved the adoption of the amendments.

Rep. Townsend objected.

By a vote of 51 yeas and 36 nays, the amendments were adopted.

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

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.
Baldone	Guillory, E.	Quezaire
Baudoin	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	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—102		

NAYS

Total—0

ABSENT

Baylor	Bruce
Total—2	

The Chair declared the above bill was finally passed.

Rep. Townsend 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.

**SENATE BILL NO. 581—
BY SENATOR SCHEDLER**

AN ACT

To enact Civil Code Art. 2713(C), relative to obligations of the lessee; to provide relative to eviction; to provide relative to failure to comply with a order of eviction; to require lessee to pay court costs in such instances; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed Senate Bill No. 581 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 10, delete "order has been given" and insert "a final judgment has been rendered declaring"

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

Rep. Strain 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.
Alexander	Gallot	Powell, T.
Arnold	Geymann	Quezaire
Badon	Gray	Richmond
Baldone	Guillory, E.	Ritchie
Baudoin	Hammett	Robideaux
Beard	Heaton	Romero
Bowler	Hebert	Scalise
Broome	Hill	Schneider
Bruneau	Honey	Shepherd
Burns	Hopkins	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	St. Germain
Curtis	Kennard	Strain
Damico	Kenney	Thompson
Daniel	LaBruzzo	Toomy
Dartez	Lambert	Townsend
DeWitt	Lancaster	Trahan
Doerge	Marchand	Triche
Dorsey	McDonald	Tucker
Dove	McVea	Waddell
Downs	Montgomery	Walker
Durand	Morrell	Walsworth
Erdey	Morrish	White
Fannin	Murray	Winston
Farrar	Odinet	Wooton
Faucheux	Pierre	Wright
Flavin	Pinac	
Total—95		

NAYS

Total—0

ABSENT

Ansardi	Burrell	Hunter
Baylor	Glover	LaFleur
Bruce	Guillory, M.	Martiny
Total—9		

The Chair declared the above bill was finally passed.

Rep. Strain 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.

SENATE BILL NO. 513—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 47:1856(D)(3), (E), and (F), 1857(B)(1)(c) and (2), 1998(A)(1)(b)(ii), 2110(A)(2) and (3), (C), (E), and (F), relative to ad valorem property tax payment under protest procedure; to provide for the effectiveness of certain procedures; to provide for the use of protested amounts; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hammett to Reengrossed Senate Bill No. 513 by Senator Ellington

AMENDMENT NO. 1

Delete Amendment Nos. 7 through 9 of the set of amendments proposed by the House Committee on Ways and Means and adopted by the House on May 27, 2004.

AMENDMENT NO. 2

On page 1, line 3, after "(F)" and the comma "," and before "relative" insert "to amend and reenact R.S. 47:1856(D)(3), (E), and (F), 1857(B)(1)(c) and (2), 1998(A)(1)(b)(ii), and 2110(A)(2) and (3), (C), and (E), and Section 2 of Act No. 1149 of the 2001 Regular Session, as amended, and to repeal R.S. 47:2110(F),"

AMENDMENT NO. 3

On page 1, line 5, after "amounts" and the semicolon ";" and before "and" insert "to provide for an effective date;"

AMENDMENT NO. 4

On page 7, delete lines 25 through 29, and on page 8, delete lines 1 through 3, all in their entirety, and insert in lieu thereof the following:

"Section 2. Section 2 of Act 1149 of the 2001 Regular Session of the Legislature, as amended by Acts 791 and 792 of the 2003 Regular Session of the Legislature, is hereby amended and reenacted to read as follows:

Section 2. The provisions of this Act shall be effective until July 1, ~~2005~~ 2006; however the provisions of this Act shall not apply to payments under protest made prior to July 1, 2001.

Section 3. R.S. 47:1856(D)(3), (E), and (F), 1857(B)(1)(c) and (2), 1998(A)(1)(b)(ii), and 2110(A)(2) and (3), (C), and (E) are hereby amended and reenacted to read as follows:

§1856. Notice of valuation, hearings, appeals

* * *

D.

* * *

(3) Any appeal from a judgment of the district court shall be heard by preference within sixty days of the lodging of the record in the court of appeal. The appeal shall be taken thirty days from the date the judgment of the district court is rendered. If such appeal is timely filed, any amount of taxes that were paid under protest pursuant to Subsection E of this Section shall remain segregated and invested pursuant to Subsection E of this Section and no bond or other security shall be necessary to perfect such appeal.

* * *

E.(4) Any company instituting suit under ~~these~~ the provisions of Subsection D of this Section shall timely pay the disputed portion of ~~in full~~ its taxes in the jurisdiction from which its tax bill emanates and shall give written notice to the officer or officers designated for the collection of said taxes in the parish or parishes where the property is located, the assessor or assessors for the parish or district, or parishes or districts, where the property is located and the chairman of the Louisiana Tax Commission of the amount of taxes paid that are in dispute: under protest to the officer or officers designated by law for the collection of such taxes and shall cause notice or notices to issue in such suit to such officer or officers as provided in R.S. 47:2110(E). However, the portion of taxes that are not in dispute by the taxpayer shall be paid without being made subject to the protest.

(2)(a) Prior to any disbursement to a governing authority by the officer designated for its collection, he shall first give written notice to such governing authority that the law requires the Tax Commission to deduct any credit granted to a taxpayer from the assessment of the year subsequent to a final determination by a court and that, if a company chooses a refund, that the refund must be paid by such tax collector no later than March 31st of the year subsequent to the final determination by the court.

(b) Any funds received as payment of taxes under the provisions of this Subsection may be used by the governing authority only for nonrecurring expenses. The governing authority of any jurisdiction shall not use any such funds for nonrecurring expenses in a manner which will displace, replace, or supplant funds which were otherwise available for such nonrecurring expenses.

F.(1)(a)(i) If the assessed valuation finally determined by the court is ~~less~~ greater than the company's own assessed valuation, the court shall enter judgment against the company for the additional taxes due together with interest at the actual rate earned on the funds paid under protest, segregated and invested, which interest shall be paid solely from such funds. In any case in which a judgment is entered against the company, each tax recipient body shall remit an amount equal to ten percent of the proceeds received pursuant to the judgment amount determined by the Louisiana Tax Commission, the company shall be entitled to a credit against future property taxes in each jurisdiction affected or a refund in cash from each jurisdiction affected. Such credit shall be deducted by the Louisiana Tax Commission from the assessment of the year subsequent to any final determination. If a company chooses a refund, that refund shall be paid by the tax collector of each affected jurisdiction no later than March 31st of the year subsequent to any final determination. Interest shall be credited at the minimum rate as provided in R.S. 39:1217.1 or, if escrowed by the governing authority, at the actual rate earned on the money paid under protest in the escrow account during the period from the date such funds were received by the governing authority to the date of such refund.

(ii) Notwithstanding Subsubparagraph (i) of this Paragraph, the company shall be granted a refund in cash in the year subsequent to the final determination if the credit granted against taxes in that year does not fully grant to the company the full amount of the credit

awarded to the company by the court, along with the interest provided for in Subsubparagraph (i):

(b) ~~The Louisiana Tax Commission may adopt rules and regulations pertaining to credits generally and to the transferability of such credits:~~

~~(2) In all cases in which a judgment is entered against the company, each tax recipient body shall remit an amount equal to ten percent of the difference between the amount of taxes received, less any credits, and that which would have been received had the company's own set of assessed valuations been upheld to the Louisiana Tax Commission, which shall then forward such amount directly to the state treasurer.~~

~~(2) If the taxpayer prevails, the court shall enter judgment against the officer or officers designated by law for the collection of such taxes ordering such officer or officers to immediately refund to the company the amount of any overpayment of taxes together with interest at the actual rate earned on the funds paid under protest, segregated and invested during the period, from the date such funds were received by such officer or officers to the date of such refund or refunds, which interest shall be paid solely from such funds.~~

§1857. Corrections and changes

* * *

B.(1) * * *

(c) Any appeal from a judgment of the district court shall be heard by preference within sixty days of the lodging of the record in the court of appeal. The appeal shall be taken thirty days from the date the judgment of the district court is rendered. If such appeal is timely filed, any amount of taxes that were paid under protest pursuant to R.S. 47:1856(E) shall remain segregated and invested pursuant to that Subsection and no bond or other security shall be necessary to perfect such appeal.

* * *

~~(2)(a) Any company that has filed suit under these provisions and whose taxes have become due shall pay such taxes in full and the provisions of R.S. 47:1856(E) and (F) shall apply: under protest to the officer or officers designated by law for the collection of such taxes and shall cause notice or notices to issue in such suit to the officer or officers as provided in R.S. 47:2110(E). Upon receipt of such notice or notices, the amount paid under protest shall be segregated and invested by such officer or officers either in an interest-bearing account or in a certificate of deposit pending a final, nonappealable judgment in the suit.~~

~~(b) Prior to any disbursement to a governing authority by the officer designated for its collection, he shall first give written notice to such governing authority that the law requires any credit granted to a company to be deducted from the assessment of the year subsequent to a final determination by a court and that, if a company chooses a refund, that the refund must be paid by such tax collector no later than March 31st of the year subsequent to the final determination by the court.~~

(c) Any funds received as payment of taxes under the provisions of this Subsection shall be used only for nonrecurring expenses. The governing authority of any jurisdiction shall not use any such funds for nonrecurring expenses in a manner which will displace, replace,

~~or supplant funds which were otherwise available for such nonrecurring expenses:~~

* * *

§1998. Judicial review; generally

A.(1) * * *

(b) * * *

(ii) Any appeal from a judgment of the district court shall be heard by preference within sixty days of the lodging of the record in the court of appeal. The appeal shall be taken thirty days from the date the judgment of the district court is rendered. If such appeal is timely filed, ~~by a taxpayer that is not a public service property taxpayer,~~ any amount of taxes that were paid under protest pursuant to R.S. ~~47:2110(E)~~ 47:1856(E) shall remain segregated and invested pursuant to that Subsection and no bond or other security shall be necessary to perfect such appeal. ~~If such appeal is timely filed by a public service property taxpayer, no bond or other security shall be necessary to perfect such appeal.~~

* * *

§2110. Suits to recover taxes paid under protest

A. * * *

~~(2)(a)(i) Any public service property taxpayer person resisting the payment of any amount of tax due shall pay the amount due to the officer designated by law for the collection of such tax and shall give him, the parish or district assessor, and the Louisiana Tax Commission written notice at the time of payment of his intention to file suit for the recovery of such tax. Upon receipt of such notice, the amount so paid shall be segregated and held by the officer for a period of thirty days. If a suit is timely filed contesting the correctness of the assessment pursuant to R.S. 47:1856, 1857, or 1998 and seeking the recovery of the tax, then that portion of the taxes paid that are in dispute shall be deemed as paid under protest and such amount shall be segregated and shall be further held pending the outcome of the suit.~~

~~(ii) Prior to any disbursement to a governing authority by the officer designated for its collection, he shall first give written notice to such governing authority that the law requires any credit granted to a person to be deducted from the assessment of the year subsequent to a final determination by a court and that, if a company chooses a refund, that the refund must be paid by such tax collector no later than March 31st of the year subsequent to the final determination by the court.~~

~~(iii) Any funds received as payment of taxes under the provisions of this Subsection may be used by the governing authority only for nonrecurring expenses. The governing authority of any jurisdiction shall not use any such funds for nonrecurring expenses in a manner which will displace, replace, or supplant funds which were otherwise available for such nonrecurring expenses. That portion of the taxes paid by the taxpayer to the officer which is neither in dispute nor the subject of a suit contesting the correctness pursuant to R.S. 47:1856, R.S. 47:1857, or R.S. 47:1998, shall not be made subject to the protest.~~

(b) The parish or district assessor or the tax commission may have adjudicated or file a rule to show cause compelling a public service property taxpayer who has paid taxes under protest to specify the amount of taxes that the taxpayer deems to be in dispute. The

court shall then order the release of any monies that are not shown by the taxpayer to be in dispute:

(c) If the taxpayer which is a public service property taxpayer prevails, the amount shall be credited or refunded in the manner provided for in R.S. 47:1856(F). If the taxpayer does not prevail, the taxpayer shall be liable for the additional taxes together with interest as provided for in such Subsection.

(3)(a) Any other taxpayer which is not a public service property taxpayer resisting the payment of any amount of tax due shall pay the amount due to the officer designated by law for the collection of such tax and shall give him written notice at the time of payment of his intention to file suit for the recovery of such tax. Upon receipt of such notice, the amount so paid shall be segregated and held by the officer for a period of thirty days. If a suit is timely filed seeking the recovery of the tax, then that portion of the taxes paid that are in dispute shall be deemed as paid under protest and such amount shall be segregated and shall be further held pending the outcome of the suit. That portion of the taxes paid by the taxpayer to the officer which is not in dispute shall not be made subject to the protest.

(b) If the taxpayer which is not a public service property taxpayer prevails, the officer shall refund the amount to the taxpayer with interest at the actual rate earned on the money paid under protest in the escrow account during the period from the date such funds were received by the officer to the date of such refund. If the taxpayer does not prevail, the taxpayer shall be liable for the additional taxes together with interest at the rate set forth above during the period from the date the notice of intention to file suit for recovery of taxes was given to the officer until the date such taxes are paid.

* * *

C. The right to sue for recovery of a tax paid under protest as provided herein shall afford a legal remedy and right of action at law in the state or federal courts where any tax or the collection thereof is claimed to be an unlawful burden upon interstate commerce, or in violation of any act of the Congress of the United States, the Constitution of the United States, or the constitution of the state. Upon request of a taxpayer and upon proper showing by such taxpayer that the principle of law involved in an additional assessment is already pending before the courts for judicial determination, the taxpayer, upon agreement to abide by the pending decision of the courts, may pay the additional assessment under protest but need not file an additional suit. ~~With respect to any taxpayer which is not a public service property taxpayer, in~~ In such cases the tax so paid under protest shall be segregated and held by the officer designated by law for the collection of such tax until the question of law involved has been determined by the courts and shall then be disposed of as provided in the decision therein.

* * *

E. Any taxpayer in the state who has paid his disputed taxes under protest as provided herein and who has filed suit under the provisions of R.S. 47:1856, 1857, or 1998 shall cause to be served in said suit notice to the officer or officers designated for the collection of said taxes in the parish or parishes where the property is located, the assessor or assessors for the parish or district, or parishes or districts, where the property is located and the chairman of the Louisiana Tax Commission, ~~which provided that the taxpayer is a public service property taxpayer.~~ Such notice shall be sufficient to cause such officer or officers to further hold said amount segregated pending the outcome of the suit ~~with respect to any taxpayer which is not a public service property taxpayer.~~

Section 4. R.S. 47:2110(F) is hereby repealed in its entirety.

Section 5. Sections 1, 2, and 5 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. Sections 3 and 4 of this Act shall become effective July 1, 2006."

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Reengrossed Senate Bill No. 513 by Senator Ellington

AMENDMENT NO. 1

On page 6, between lines 3 and 4, insert the following:

"(d) The term "any amount of tax due" shall include, but not be limited to, any amount related to the enforcement of any provision of law related to such tax."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Pierre
Alario	Gallot	Pinac
Alexander	Geymann	Pitre
Ansardi	Glover	Powell, M.
Arnold	Gray	Powell, T.
Badon	Guillory, E.	Quezaire
Baldone	Guillory, M.	Richmond
Baudoin	Hammett	Ritchie
Beard	Heaton	Robideaux
Bowler	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	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
Frith	Odinet	
Total—101		

NAYS

Total—0

ABSENT

Baylor	Broome	Bruce
Total—3		

The Chair declared the above bill was finally passed.

Rep. Hammett 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.

SENATE BILL NO. 695—
BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 31:149, and to repeal R.S. 31:149.1, 149.2, 149.3, 150, 151, and 152, relative to mineral rights in land acquired or expropriated by governments or governmental agencies; to provide certain procedures, terms, and conditions relative to such mineral rights; to provide relative to the prescription of nonuse; to repeal certain provisions; 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 Bowler to Reengrossed Senate Bill No. 695 by Senator Malone

AMENDMENT NO. 1

On page 1, line 13, change "any legal entity with" to "any other legal entity exercising its"

AMENDMENT NO. 2

On page 2, line 14, after "imprescriptibility" delete the comma "," and insert "as authorized under the provisions of this Section."

AMENDMENT NO. 3

On page 2, delete lines 22 through 29 and insert:

"D. If a mineral right subject to prescription has already been established over land at the time it is acquired by an acquiring authority, the mineral right shall continue to be subject to the prescription of nonuse to the same extent as if the acquiring authority had not acquired the land. Upon the prescription or other extinction of such mineral right, the transferor of the land shall without further action or agreement become vested with a mineral right identical to that extinguished, if (1) the instrument or judgment by which the land was acquired expressly reserves or purports to reserve the mineral right to the transferor, whether or not the transferor then actually owns the mineral right that is reserved, and (2) the land is still owned by an acquiring authority at the time of extinguishment."

AMENDMENT NO. 4

On page 3, delete lines 1 through 3

AMENDMENT NO. 5

On page 5, line 27, delete "September 1, 2004." and insert "August 1, 2004."

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	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
Beard	Hammett	Robideaux
Bowler	Heaton	Romero
Broome	Hebert	Scalise
Bruneau	Hill	Schneider
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	Kenard	Thompson
Daniel	Kenney	Toomy
Dartez	LaBruzzo	Townsend
DeWitt	LaFleur	Trahan
Doerge	Lambert	Triche
Dorsey	Lancaster	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Erdey	McVea	White
Fannin	Montgomery	Winston
Farrar	Morrish	Wright
Faucheux	Murray	
Flavin	Odinet	
Total—100		

NAYS

Total—0

ABSENT

Baylor	Morrell
Bruce	Wooton
Total—4	

The Chair declared the above bill was finally passed.

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.

Suspension of the Rules

On motion of Rep. Crowe, 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

Speaker Pro Tempore Broome in the Chair

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.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Crowe to Engrossed House Bill No. 1595 by Representative Crowe

AMENDMENT NO. 1

On page 1, line 10, after "person" and before "without" insert "by looking through the doors, windows, or other openings of a private residence"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Cazayoux and Crowe to Engrossed House Bill No. 1595 by Representative Crowe

AMENDMENT NO. 1

On page 1, delete line 12 in its entirety and insert in lieu thereof the following:

"B.(1) Whoever commits the crime of voyeurism, upon a first conviction, shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(2) Upon a second or subsequent conviction, the offender shall be fined not more than"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Crowe to Engrossed House Bill No. 1595 by Representative Crowe

AMENDMENT NO. 1

On page 2, line 3, after the comma "," and before "R.S. 14:283.1 (Voyeurism)" insert "a second or subsequent conviction of"

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

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Baldone to Engrossed House Bill No. 1595 by Representative Crowe

AMENDMENT NO. 1

On page 1, line 10 after "victim" and before "for" insert "who has a reasonable expectation of privacy"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Flavin	Odinot
Alario	Frith	Pierre
Alexander	Gallot	Pitre
Ansardi	Geymann	Powell, M.
Arnold	Glover	Powell, T.
Badon	Gray	Quezaire
Baldone	Guillory, E.	Richmond
Baudoin	Guillory, M.	Ritchie
Beard	Hammett	Robideaux
Bowler	Heaton	Romero
Broome	Hebert	Scalise
Bruneau	Hill	Schneider
Burns	Honey	Smiley
Burrell	Hopkins	Smith, J.D.—50th
Carter, K.	Hunter	Smith, J.H.—8th
Carter, R.	Hutter	St. Germain
Cazayoux	Jackson	Strain
Crane	Jefferson	Thompson
Crowe	Johns	Toomy
Curtis	Katz	Townsend
Damico	Kennard	Trahan
Daniel	Kenney	Triche
Dartez	LaBruzzo	Tucker
Doerge	LaFleur	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Durand	Martiny	Winston
Erdey	McDonald	Wooton
Fannin	Montgomery	
Farrar	Murray	
Total—88		

NAYS

DeWitt	Morrish	Wright
McVea	Pinac	
Total—5		

ABSENT

Baylor	Futrell	Smith, G.—56th
Bruce	Lambert	Smith, J.R.—30th
Downs	Morrell	White
Faucheux	Shepherd	
Total—11		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Crowe 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.

Suspension of the Rules

On motion of Rep. Karen Carter, 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

HOUSE BILLS

June 9, 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. 1659
Returned with amendments.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

Rep. Karen Carter moved for a suspension of the rules in order to take up and consider House Bills and Joint Resolutions Returned from the Senate with Amendments at this time.

Rep. Richmond objected.

By a vote of 81 yeas and 8 nays, the rules were suspended.

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. 1659—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 17:10.6, relative to school and district accountability; to provide for the status of a city, parish, or other local public school system which is academically in crisis; to provide for notice of the status; to provide for the powers of the school board of such a system; to provide for the powers of the school superintendent of such a system; to provide for definitions and audit and accounting requirements; 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. 1659 by Representative Carter

AMENDMENT NO. 1

On page 1, line 14, change "board" to "superintendent of education" and after "notify" insert "the state board."

AMENDMENT NO. 2

On page 3, line 19, between "of" and "law" insert "state"

AMENDMENT NO. 3

On page 4, line 1, change "of" to "after"

AMENDMENT NO. 4

On page 4, line 13, after "(e)" delete the remainder of the line and delete lines 14 through 16 and insert the following:

"(i)(aa) The superintendent shall develop a structured system improvement plan which contains timetables, measurable goals, and priorities and shall provide for instructional changes, organizational changes, and budgetary changes deemed necessary for the local school system to cease to be academically in crisis. Such plan shall be submitted within one-hundred twenty days of receipt by the local board of notice of the effectiveness of this Section to the state board. The president of the state board shall submit the plan to an independent national organization with the expertise to make an evaluation of the plan which agrees to provide such evaluation to the state board within thirty days of its submission to them which is selected by the committee provided in Subitem (bb) of this Item. The plan shall provide for meaningful consultation with parents of children enrolled in the school system, an effective and comprehensive program of parental involvement strategies and activities to build the schools' and parents' capacity for strong parental involvement. The plan shall be revised as determined necessary by the independent evaluator and by the state board until both the state board and the independent evaluator approves the plan.

(bb) The independent national organization shall be selected by a majority vote of a committee composed of a member of the State Board of Elementary of Secondary Education chosen by the governor, the chairman of the Legislative Audit Advisory Committee, and a member of the local school board chosen by its president.

(ii)(aa) Once the plan is approved, the local school board monthly may conduct a status hearing on the progress of each or any element of the system improvement plan. If a hearing is held, the

superintendent shall report to the board on the status of the progress of the system in response to the implementation of the approved plan.

(bb) In addition, the superintendent shall provide a quarterly report on such status to the state board.

(iii) The failure of the superintendent to timely submit a system improvement plan or to revise the plan as required by the independent evaluator and by the state board or to respond to the local board at a status hearing or provide the state board with a quarterly report shall render the superintendent to be in noncompliance with the requirements of this Section.

(iv) Notwithstanding any other provision of this Section, the local board may terminate the superintendent upon a favorable vote of a majority of the elected members of the local board if he is in noncompliance under the terms of this Subparagraph."

AMENDMENT NO. 5

On page 4, delete lines 17 through 19 and insert the following:

"(f)(i) The superintendent shall seek and consider advice and input from the local board.

(ii) The superintendent shall have the authority to enter into and obligate the school system to any contracts not otherwise reserved to the local board in Paragraph (1) of Subsection C of this Section, subject to the requirements of this Paragraph.

(ii)(aa)The superintendent shall at the same time any request for proposals or request for quotations is solicited have delivered by facsimile transmission with a receipt or by United States postal service with return receipt requested to each local school board member at such member's home address and shall post at a location of public access reserved for such purpose in the offices of the local school board a copy of such request for any of the following type of contracts: a professional service contract, as defined in R.S. 39:1484(A)(18); a social service contract, as defined in R.S. 39:1484(A)(22); a personal contract, as defined in R.S. 39:1484(A)(16); a consulting service contract, as defined in R.S. 39:1484(A)(4); any contract for employee benefits; or any other contract which is not subject to a state law requiring public bidding and which provides for more than two hundred and fifty thousand dollars in total expenditure.

(bb) The superintendent shall, not less than thirty days prior to entering into any contract of the following type, have delivered by facsimile transmission with a receipt or by United States postal service with return receipt requested to each local school board member at such member's home address and shall post at a location of public access reserved for such purpose in the offices of the local school board a summary of each such contract which summary contains, at a minimum, a description of the service or item being provided pursuant to the contract, the identity of the contractor, the duration of the contract, and the dollar amount in total expenditure provided for by such contract: a professional service contract, as defined in R.S. 39:1484(A)(18); a social service contract, as defined in R.S. 39:1484(A)(22); a personal contract, as defined in R.S. 39:1484(A)(16); a consulting service contract, as defined in R.S. 39:1484(A)(4); any contract for employee benefits; or any other contract which is not subject to a state law requiring public bidding and which provides for more than two hundred and fifty thousand dollars in total expenditure.

(iii) Prior to the conclusion of the thirtieth day after the delivery and posting of the contract summary as required in Item (ii) of this Subparagraph, the local school board may prohibit the superintendent

from initiating or renewing such contract by a vote of two-thirds of the elected members of the board.

(iv) The provisions of Items (ii) and (iii) of this Subparagraph shall not apply to any contract which provides for a total expenditure of twenty-five thousand dollars or less.

(v) Notwithstanding any requirements of this Subparagraph, whenever an exigent circumstance exists that requires a contract be entered into on an expedited basis, the superintendent may enter into any contract without compliance with the requirements of this Paragraph upon a favorable vote of the majority of the elected members of the local board."

AMENDMENT NO. 6

On page 4, line 25, after "salary" insert a period and delete the remainder of the line and delete line 26 in its entirety

AMENDMENT NO. 7

On page 5, line 25, change "local board" to "superintendent"

AMENDMENT NO. 8

On page 6, line 3, change "local board" to "superintendent"

AMENDMENT NO. 9

On page 6, line 13, after "located" insert "or the appropriate United States attorney when irregularities are revealed which may be a violation of federal law"

AMENDMENT NO. 10

On page 6, delete lines 21 through 25

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Duplessis to Reengrossed House Bill No. 1659 by Representative Carter

AMENDMENT NO. 1

On page 4, line 21 after "authority to" insert "contract or employ a superintendent or to"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ullo to Reengrossed House Bill No. 1659 by Representative Carter

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 4 proposed by the Senate Committee on Education and adopted by the Senate on June 8, 2004

AMENDMENT NO. 2

On page 3, between lines 9 and 10, insert the following:

"(h) Reapportion themselves as provided by law."

AMENDMENT NO. 3

On page 3, line 10, change "(h)" to "(i)"

AMENDMENT NO. 4

On page 4, line 13, after "(e)" delete the remainder of the line and delete lines 14 through 16 and insert the following:

"(i)(aa) The superintendent shall develop a structured system improvement plan which contains timetables, measurable goals, and priorities and shall provide for instructional changes, organizational changes, and budgetary changes deemed necessary for the local school system to cease to be academically in crisis. Such plan shall be submitted within one hundred and twenty days of receipt of notice of the effectiveness of this Section to the state board for the approval of the state board. If the state board does not approve the plan, the president of the state board shall submit the plan to an independent national organization with the expertise to make an evaluation of the plan which agrees to provide such evaluation to the state board and the superintendent within thirty days of its submission to them which is selected by the committee provided in Subitem (bb) of this Item. Any costs incurred and any payment required by the organization making the evaluation shall be borne by the local board. The plan shall provide for meaningful consultation with parents of children enrolled in the school system, an effective and comprehensive program of parental involvement strategies and activities to build the schools's and parents capacity for strong parental involvement. The plan shall be revised by the superintendent as determined necessary for approval by the independent evaluator.

(bb) The independent national organization shall be selected by a majority vote of a committee composed of a member of the State Board of Elementary of Secondary Education appointed by the president of the state board, an educator appointed by the governor, and a member of the local school board chosen by its president.

(ii) Once the plan is approved whether by the state board or by the independent national organization, the superintendent shall implement the approved plan and shall report quarterly to the local board and the state board on the progress being made in implementing the approved plan."

Motion

Rep. Murray moved to make House Bill No. 1659 Special Order of the Day No. 1 for Monday, June 14, 2004.

Rep. Karen Carter objected.

By a vote of 22 yeas and 67 nays, the House refused to make the bill Special Order of the Day for Monday, June 14, 2004.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Pitre
Alario	Gallot	Powell, M.
Alexander	Geymann	Powell, T.
Arnold	Gray	Quezaire
Badon	Guillory, E.	Ritchie
Baldone	Guillory, M.	Robideaux
Baudoin	Hammitt	Scalise
Beard	Hebert	Schneider
Bowler	Hill	Smiley
Broome	Honey	Smith, G.—56th
Burns	Hunter	Smith, J.D.—50th
Burrell	Hutter	Smith, J.H.—8th
Carter, K.	Jackson	Smith, J.R.—30th
Cazayoux	Jefferson	St. Germain
Crane	Katz	Strain
Crowe	Kennard	Thompson
Damico	Kenney	Toomy

Daniel	LaBruzzo	Townsend
Dartez	Lambert	Trahan
DeWitt	Lancaster	Triche
Doerge	Marchand	Tucker
Dorsey	Martiny	Waddell
Downs	McDonald	Walker
Durand	McVea	Walsworth
Erdey	Montgomery	White
Fannin	Morrish	Winston
Farrar	Murray	Wooton
Faucheux	Odinet	Wright
Flavin	Pinac	

Total—86

NAYS

Bruneau	Curtis	Shepherd
Carter, R.	Richmond	

Total—5

ABSENT

Ansardi	Glover	Morrell
Baylor	Heaton	Pierre
Bruce	Hopkins	Romero
Dove	Johns	
Futrell	LaFleur	

Total—13

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

Speaker Salter in the Chair

HOUSE BILL NO. 1468—
BY REPRESENTATIVE TOWNSEND
AN ACT

To enact Part VI-F of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:250.51 through 250.62, relative to health insurance; to provide relative to prompt payment of health insurance claims submitted by pharmacies or pharmacists; to provide with respect to usage of nationally recognized benchmarks to calculate the reimbursement to be paid to pharmacies or pharmacists by health insurance issuers; to provide for definitions; to provide with respect to violations, cease and desist orders, and penalties; to provide for coordination of benefits; to provide for recoupment; and to provide for related matters.

Called from the calendar.

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 Insurance to Reengrossed House Bill No. 1468 by Representative Townsend

AMENDMENT NO. 1

On page 6, line 26, after "claim." delete the rest of the line and delete line 27

AMENDMENT NO. 2

On page 10, line 16 after "No." insert "1714"

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Reengrossed House Bill No. 1468 by Representative Townsend

AMENDMENT NO. 1

On page 5, line 5, change "fifteenth" to "tenth"

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Pierre
Alario	Gallot	Pinac
Alexander	Geymann	Pitre
Ansardi	Glover	Powell, M.
Arnold	Gray	Powell, T.
Badon	Guillory, E.	Quezaire
Baldone	Guillory, M.	Richmond
Baudoin	Hammett	Ritchie
Beard	Heaton	Robideaux
Bowler	Hill	Romero
Bruneau	Honey	Scalise
Burns	Hopkins	Schneider
Burrell	Hunter	Shepherd
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	Kennard	St. Germain
Damico	Kenney	Strain
Daniel	LaBruzzo	Thompson
Dartez	LaFleur	Toomy
DeWitt	Lambert	Townsend
Doerge	Lancaster	Trahan
Dorsey	Marchand	Triche
Dove	Martiny	Tucker
Downs	McDonald	Waddell
Durand	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	White
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Odinot	Wright
Total—96		

NAYS

Total—0

ABSENT

Baylor	Carter, K.	Katz
Broome	Erdey	Smiley
Bruce	Hebert	
Total—8		

The amendments proposed by the Senate were rejected.

Conference committee appointment pending.

Conference Committee Reports Received

Conference Committee Reports were received for the following legislative instruments:

HOUSE BILL NO. 402—

BY REPRESENTATIVE FLAVIN
AN ACT

To amend and reenact Code of Criminal Procedure Article 734(C), relative to subpoenas; to authorize service of subpoenas by investigators employed by district attorneys; and to provide for related matters.

HOUSE BILL NO. 1220—

BY REPRESENTATIVES THOMPSON, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, M. GUILLORY, HILL, MORRISH, ST. GERMAIN, AND STRAIN AND SENATOR SMITH
AN ACT

To enact Part III of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:331 through 333, relative to rural development; to create the Louisiana Center for Rural Initiatives; to provide for the powers, duties, and functions of the center; to provide relative to implementation; and to provide for related matters.

HOUSE BILL NO. 1363—

BY REPRESENTATIVES WINSTON, MARTINY, BURNS, R. CARTER, DOERGE, DURAND, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HUNTER, KATZ, LABRUZZO, MARCHAND, MCDONALD, MONTGOMERY, STRAIN, WADDELL, WALKER, SCHNEIDER, AND THOMPSON AND SENATORS MOUNT, CRAVINS, JONES, AND LENTINI
AN ACT

To amend and reenact R.S. 46:1941.1, 1941.2, 1941.5, and 1941.8 and to repeal R.S. 46:1941.3(1), 1941.4, 1941.6, 1941.7, 1941.9 through 1941.13, relative to youth services; to provide for the creation of youth services planning boards; to provide for the purpose of such boards; to provide with respect to membership; to repeal provisions of law providing for parish youth services programs; to repeal provisions providing for parish youth services subsidy program; 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. Townsend, 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

HOUSE CONCURRENT RESOLUTIONS

June 9, 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. 113
Returned without amendments.

House Concurrent Resolution No. 137
Returned without amendments.

House Concurrent Resolution No. 139
Returned without amendments.

House Concurrent Resolution No. 157
Returned without amendments.

House Concurrent Resolution No. 158
Returned without amendments.

House Concurrent Resolution No. 195
Returned without amendments.

House Concurrent Resolution No. 201
Returned without amendments.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

HOUSE BILLS

June 9, 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. 61
Returned with amendments.

House Bill No. 177
Returned with amendments.

House Bill No. 246
Returned without amendments.

House Bill No. 251
Returned without amendments.

House Bill No. 270
Returned without amendments.

House Bill No. 415
Returned with amendments.

House Bill No. 417
Returned with amendments.

House Bill No. 486
Returned without amendments.

House Bill No. 691
Returned with amendments.

House Bill No. 789
Returned with amendments.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

June 9, 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. 56 and 62

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

**APPOINTMENT OF
CONFERENCE COMMITTEE**

June 9, 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 appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Bill No. 161: Senators B. Gautreaux, Smith, and Hainkel.

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

June 9, 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 Concurrent Resolutions:

Senate Concurrent Resolution No. 143

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 Concurrent Resolutions contained herein were signed by the Speaker of the House.

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

June 9, 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. 370 and 692

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.

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. 96— BY REPRESENTATIVE DORSEY

A RESOLUTION

To express the sincere and heartfelt condolences of the House of Representatives of the Legislature of Louisiana to the family of Hilton S. White, Sr.

Read by title.

On motion of Rep. Dorsey, and under a suspension of the rules, the resolution was adopted.

HOUSE RESOLUTION NO. 97—

BY REPRESENTATIVES JANE SMITH, M. POWELL, AND WADDELL
A RESOLUTION

To urge and request each public postsecondary education institution that offers an approved teacher education degree program and requires as part of such program that each student enrolled in the program successfully pass all parts of the PRAXIS test prior to performing the student teaching component of the program, to instead allow any such student who has not passed all parts of the PRAXIS test to perform the student teaching component while the student continues to take the PRAXIS test.

Read by title.

On motion of Rep. Jane Smith, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 306—

BY REPRESENTATIVE DANIEL
A CONCURRENT RESOLUTION

To express the intent of the Louisiana Legislature in the passage of Act No. 715 of the 2003 Regular Session relative to the retroactive effects on the ownership of improvements, including oil casings and facilities placed by a lessee or another third party on the land of another.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 307—

BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To urge and request the Federal Court to reconsider its decision in the *Henderson v. Stalder* case regarding issuance of special prestige license plates and to lift the court-ordered injunction prohibiting the office of motor vehicles from issuing special prestige license plates to new applicants.

Read by title.

On motion of Rep. Crowe, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 308—

BY REPRESENTATIVES CROWE AND SCHNEIDER AND SENATORS BOASSO AND SCHEDLER

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the family of Marco J. Mannino.

Read by title.

On motion of Rep. Crowe, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 309—

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 Orleans Parish.

Read by title.

On motion of Rep. Hutter, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 310—

BY REPRESENTATIVE LABRUZZO AND SENATOR HOLLIS
A CONCURRENT RESOLUTION

To commend Caitlyn Clarke upon her selection as a representative of south Louisiana at the Hugh O'Brian World Leadership Congress in July in Washington, D.C.

Read by title.

On motion of Rep. LaBruzzo, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 311—

BY REPRESENTATIVE QUEZAIRE
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility of installing new barrier technology along US Highway 61 in St. Charles Parish to prevent cross-median crashes.

Read by title.

On motion of Rep. Quezaire, 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 House and Governmental Affairs

June 9, 2004

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on June 8, 2004, I am directed by your Committee on House and Governmental Affairs to submit the following report:

House Resolution No. 8, by Triche
Reported favorably. (7-0)

House Resolution No. 16, by Hebert
Reported with amendments. (7-0)

House Resolution No. 41, by Hebert
Reported with amendments. (7-0)

Senate Bill No. 96, by Marionneaux
Reported with amendments. (5-3) (Regular)

Senate Bill No. 261, by Hines
Reported with amendments. (7-0) (Regular)

Senate Bill No. 479, by B. Gautreaux
Reported favorably. (5-3) (Regular)

Senate Bill No. 636, by McPherson
Reported with amendments. (9-0) (Regular)

Senate Bill No. 730, by Dupre
Reported favorably. (7-0) (Regular)

Senate Bill No. 795, by Boissiere
Reported favorably. (9-0) (Regular)

Senate Bill No. 869, by Jones
Reported with amendments. (9-0) (Regular)

Senate Concurrent Resolution No. 58, by Irons
Reported with amendments. (9-0)

Senate Concurrent Resolution No. 93, by Fields
Reported favorably. (8-0)

Senate Concurrent Resolution No. 107, by Boasso
Reported with amendments. (7-0)

Senate Concurrent Resolution No. 124, by Duplessis
Reported with amendments. (9-0)

Senate Concurrent Resolution No. 127, by Schedler
Reported with amendments. (9-0)

Senate Concurrent Resolution No. 132, by Chaisson
Reported favorably. (6-0)

Senate Concurrent Resolution No. 144, by Boasso
Reported favorably. (7-0)

CHARLES D. LANCASTER, JR.
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Appropriations

June 9, 2004

To the Speaker and Members of the House of Representatives:

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

House Bill No. 1629, by Glover
Reported favorably. (10-0) (Regular)

House Bill No. 1645, by Scalise
Reported with amendments. (11-0) (Regular)

House Bill No. 1711, by Wooton
Reported with amendments. (10-0) (Regular)

Senate Bill No. 12, by Theunissen
Reported favorably. (12-0) (Regular)

Senate Bill No. 41, by McPherson
Reported favorably. (14-0) (Regular)

Senate Bill No. 72, by McPherson
Reported favorably. (14-0) (Regular)

Senate Bill No. 288, by Schedler
Reported with amendments. (12-0) (Regular)

Senate Bill No. 363, by Holden
Reported favorably. (12-0) (Regular)

Senate Bill No. 463, by Dardenne
Reported favorably. (10-0) (Regular)

Senate Bill No. 468, by Fontenot
Reported with amendments. (11-0) (Regular)

Senate Bill No. 493, by Schedler
Reported with amendments. (11-0) (Regular)

Senate Bill No. 560, by Fontenot
Reported with amendments. (11-0) (Regular)

Senate Bill No. 654, by Bajoie
Reported favorably. (12-0) (Regular)

Senate Bill No. 749, by Cain
Reported with amendments. (12-0) (Regular)

Senate Bill No. 769, by Heitmeier
Reported with amendments. (12-0) (Regular)

Senate Bill No. 785, by Jones
Reported with amendments. (16-0) (Regular)

Senate Bill No. 842, by Romero
Reported with amendments. (11-0) (Regular)

Senate Concurrent Resolution No. 139, by Jackson
Reported with amendments. (11-0)

JOHN ALARIO
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Labor and Industrial Relations

June 9, 2004

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 212, by Hunter
Reported favorably. (6-0)

House Concurrent Resolution No. 269, by Durand
Reported favorably. (6-0)

WILLIE HUNTER
Chairman

**Report of the Committee on
Municipal, Parochial and Cultural Affairs**

June 9, 2004

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 128, by N. Gautreaux
Reported favorably. (7-0) (Regular)

Senate Bill No. 129, by Theunissen
Reported with amendments. (7-0) (Regular)

Senate Bill No. 142, by Boissiere
Reported favorably. (7-0) (Local and Consent)

Senate Bill No. 191, by Irons
Reported with amendments. (8-0) (Regular)

Senate Bill No. 212, by Dupre
Reported with amendments. (8-0) (Regular)

Senate Bill No. 480, by Theunissen
Reported favorably. (7-0) (Regular)

Senate Bill No. 545, by Duplessis
Reported with amendments. (7-0) (Regular)

Senate Bill No. 655, by Dardenne
Reported favorably. (7-0) (Regular)

Senate Bill No. 761, by Schedler
Reported favorably. (8-0) (Local and Consent)

Senate Bill No. 800, by Mount
Reported favorably. (8-0) (Regular)

Senate Bill No. 855, by Bajoie
Reported with amendments. (8-0) (Regular)

Senate Bill No. 864, by McPherson
Reported favorably. (7-0) (Regular)

CLARA G. BAUDOIN
Vice-Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Retirement

June 9, 2004

To the Speaker and Members of the House of Representatives:

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

House Bill No. 1175, by Murray
Reported with amendments. (7-0) (Regular)

House Bill No. 1194, by Montgomery
Reported favorably. (7-0) (Regular)

House Concurrent Resolution No. 202, by J. R. Smith
Reported favorably. (7-0)

Senate Bill No. 205, by Boissiere
Reported favorably. (6-0) (Regular)

PETE SCHNEIDER
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Judiciary

June 9, 2004

To the Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 246, by Burns
Reported favorably. (8-0-1)

House Bill No. 294, by Shepherd
Reported with amendments. (7-3-1) (Regular)

Senate Concurrent Resolution No. 135, by Michot
Reported with amendments. (7-0-1)

Senate Bill No. 364, by Romero
Reported favorably. (7-0-1) (Regular)

Senate Bill No. 716, by Hainkel
Reported favorably. (7-0-1) (Regular)

Senate Bill No. 746, by N. Gautreaux
Reported favorably. (8-0-1) (Regular)

JOSEPH F. TOOMY
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Suspension of the Rules

On motion of Rep. Toomy, 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. 294—
BY REPRESENTATIVE SHEPHERD
AN ACT

To enact Code of Civil Procedure Article 228 and Code of Criminal Procedure Article 25.1, relative to contempt of court by attorneys; to require the judicial administrator of the supreme court to maintain a public record of all attorneys adjudged guilty of contempt in civil and criminal proceedings; to provide for submitting and reporting of the records; 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 Original House Bill No. 294 by Representative Shepherd

AMENDMENT NO. 1

On page 2, at the end of line 1, after "records" insert a period "." and delete the remainder of the line

AMENDMENT NO. 2

On page 2, delete line 2 in its entirety

AMENDMENT NO. 3

On page 2, at the end of line 16, after "public records" insert a period "." and delete the remainder of the line

AMENDMENT NO. 4

On page 2, delete line 17 in its entirety

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1175—
BY REPRESENTATIVE MURRAY
AN ACT

To enact R.S. 11:2227(D)(1)(d) and 3635.1 and to repeal R.S. 11:3639, relative to police pension funds and retirement systems; to provide for payment of employer contributions for the city of New Orleans to the Municipal Police Employees' Retirement System; to provide for dedication of certain funds to said system; to provide for termination of the Police Pension Fund for the Police Department of the city of New Orleans; to provide for reversion of funds to the city of New Orleans; 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. 1175 by Representative Murray

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 11:3639 and to"

AMENDMENT NO. 2

On page 1, line 2, after "3635.1" delete the remainder of the line and insert a comma "," and "relative to police"

AMENDMENT NO. 3

On page 1, at the end of line 5, delete "said system; to" and delete lines 6 and 7 in their entirety and insert in lieu thereof the following:

"such system; to provide for the operating expenses of the pension fund for the police department of New Orleans; to provide for actuarial determination of assets and liabilities of the fund; to provide for disbursement of such assets; to"

AMENDMENT NO. 4

On page 1, line 13, after "Section 1." and before "R.S." insert "R.S. 11:3639 is hereby amended and reenacted and"

AMENDMENT NO. 5

On page 2, line 3, after "(d)" delete the remainder of the line and insert "Fifty percent of the proceeds"

AMENDMENT NO. 6

On page 2, line 9, after "state" change the period"." to a comma "," and insert the following:

"shall be paid to and shall be used for paying the operating expenses of the police pension fund for the police department of the city of New Orleans."

AMENDMENT NO. 7

On page 2, line 11, after "board" and before the period"." insert the following:

"of the pension fund. Any proceeds in excess of the amount needed to pay for the operating expenses of the New Orleans police pension fund not otherwise covered as provided in R.S. 11:3635.1(A)(3) shall be paid by the entity responsible for collection to the Municipal Police Employees' Retirement System."

AMENDMENT NO. 8

On page 2, line 11, change "Said" to "Such"

AMENDMENT NO. 9

On page 2, line 11, after "applied to" delete the remainder of the line and delete line 12 in its entirety and insert "meet the city's required employer contribution due to the system."

AMENDMENT NO. 10

On page 2, line 14 after "§3635.1." delete the remainder of the line and insert in lieu thereof "Disposition of fund assets"

AMENDMENT NO. 11

On page 2, line 17, after "in this system." delete the remainder of the line and delete lines 18 through 20 in their entirety and insert in lieu thereof the following:

"the assets of the fund shall be valued and disbursed as provided in this Section.

"B. The assets of this fund shall be disposed of in the following manner:"

AMENDMENT NO. 12

On page 2, at the beginning of line 21, change "(2)" to "(1)"

AMENDMENT NO. 13

On page 2, delete lines 22 and 23 in their entirety

AMENDMENT NO. 14

On page 2, at the beginning of line 24, change "(4)" to "(2)"

AMENDMENT NO. 15

On page 2, line 24, change "aforesaid actuarial liabilities" to "actuarial liabilities so determined"

AMENDMENT NO. 16

On page 2, delete lines 26 through 28 in their entirety

AMENDMENT NO. 17

On page 3, at the beginning of line 1, change "(6)" to "(3)"

AMENDMENT NO. 18

On page 3, at the beginning of line 4, change "(7)" to "(4)"

AMENDMENT NO. 19

On page 3, line 5, after "nonforfeitable." delete the remainder of the line and insert "less the amount determined pursuant to Paragraph (3) of this Subsection, shall be paid to the Municipal Police Employees' Retirement System for satisfaction of any debt or obligation owed by the city of New Orleans to that system."

AMENDMENT NO. 20

On page 3, line 6, change "system" to "fund"

AMENDMENT NO. 21

On page 3, delete line 9 in its entirety and insert in lieu thereof the following:

* * *

§3639. Portion of proceeds from sale of drivers' licenses paid into fund

~~There shall be paid monthly to the board fifty percent of all The official, department, board, commission, or agency charged with collecting proceeds from the sale and issuance of certificates or other evidence of competency or authority to bona fide residents of the city of New Orleans to operate motor vehicles on the streets of the city of New Orleans, particularly drivers' and chauffeurs' licenses, and whether or not the same are levied and collected by authority of the Commission City Council of the city of New Orleans or the state of Louisiana, or any department, board, commission, or agency of the city or state. The proper official, department, board, commission, or agency charged with the collection of such funds shall make the payments to the board. shall pay to the board monthly the lesser of:~~

~~(1) Fifty percent of such proceeds; or~~

~~(2) The amount necessary to pay the operating expenses of the fund not covered as provided in R.S. 11:3635.1(A)(3)."~~

AMENDMENT NO. 22

On page 3, at the beginning of line 10, change "Section 3." to "Section 2."

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. 1194—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 11:2178.1(A)(2) and to enact R.S. 11:2178(N), relative to the Sheriffs' Pension and Retirement Fund and the repealed Deferred Retirement Option Plan of the fund; to provide for rescission of election to participate; to provide for a rescinding member's return to active status, including the paying of employee contributions; to provide for forfeiture of plan benefits; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

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. 1629—

BY REPRESENTATIVE GLOVER
AN ACT

To enact R.S. 39:1494.1(C), relative to the procurement of social service contracts; to prohibit the state and political subdivisions from entering into adult ex-offender rehabilitation service contracts under certain circumstances; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Appropriations.

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1645—

BY REPRESENTATIVE SCALISE AND SENATOR HOLLIS
AN ACT

To enact R.S. 39:1498(A)(10) and (C), relative to contract approval; to prohibit the approval of certain state contracts; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Original House Bill No. 1645 by Representative Scalise

AMENDMENT NO. 1

On page 1, delete line 12 in its entirety and insert the following:

"the using agency has confirmed and documented in writing that the contracting entity is in full compliance with local zoning laws and regulations."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1711 (Substitute for House Bill No. 913 by Representative Wooton)—

BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 56:10(B)(1)(b) and 305(G) and to enact R.S. 56:305(H) and 506.1, relative to the commercial shrimp industry; to provide for additional fees for the purchase of commercial shrimp gear licenses; to create the Shrimp Trade Petition Account in the Conservation Fund; to provide for revenues and expenditures; to provide for additional fees for wholesale/retail seafood dealers licenses; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Appropriations.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Appropriations to Engrossed House Bill No. 1711 by Representative Wooton

AMENDMENT NO. 1

On page 3, line 1, after "H." delete "In" and insert "For license years 2005 and 2006, in"

AMENDMENT NO. 2

On page 3, at the beginning of line 9, delete "Any" and insert "For license years 2005 and 2006, any"

AMENDMENT NO. 3

On page 3, delete lines 18 and 19 in their entirety and insert in lieu thereof the following:

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

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

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

Under the rules, placed on the regular calendar.

Privileged Report of the Legislative Bureau

June 9, 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. 10
Reported without amendments.

Senate Bill No. 15
Reported without amendments.

Senate Bill No. 57
Reported without amendments.

Senate Bill No. 70
Reported without amendments.

Senate Bill No. 157
Reported with amendments.

Senate Bill No. 209
Reported without amendments.

Senate Bill No. 301
Reported without amendments.

Senate Bill No. 310
Reported with amendments.

Senate Bill No. 375
Reported without amendments.

Senate Bill No. 490
Reported without amendments.

Senate Bill No. 523
Reported without amendments.

Senate Bill No. 535
Reported without amendments.

Senate Bill No. 538
Reported without amendments.

Senate Bill No. 579
Reported without amendments.

Senate Bill No. 731
Reported with amendments.

Senate Bill No. 859
Reported without amendments.

Senate Bill No. 871
Reported with amendments.

Senate Bill No. 874
Reported without amendments.

Respectfully submitted,
CHARLES MCDONALD
Chairman

Privileged Report of the Committee on Enrollment

June 9, 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. 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.

HOUSE RESOLUTION NO. 94—
BY REPRESENTATIVE QUEZAIRE
A RESOLUTION

To recognize June 9, 2004 as Knights of Peter Claver, Inc. and Ladies Auxiliary Day.

HOUSE RESOLUTION NO. 95—
BY REPRESENTATIVE WALKER
A RESOLUTION

To commend Brad Golson and Jenny Byrd and members of the New Balance ticket upon their landslide victory in the LSU student government elections in the spring of 2004.

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 9, 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. 17—
BY REPRESENTATIVE ALARIO
A CONCURRENT RESOLUTION

To urge and request members of the legislature and statewide elected officials to voluntarily substitute teach in a public elementary or secondary school of the state.

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVES DORSEY, DARTEZ, FARRAR, RICHMOND,
SHEPHERD, AND WHITE

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of state police, to develop rules for the coordination of investigations and the sharing of information regarding the investigation of possible "serial killers" and unsolved murders.

HOUSE CONCURRENT RESOLUTION NO. 189—
BY REPRESENTATIVES LABRUZZO AND SCALISE
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to send all the necessary and proper information to the Federal Railroad Administration, the Norfolk Southern Railroad, and the Jefferson Parish Sheriff's Office which is required, according to the Federal Railroad Administration's interim final rule regarding the use of horns at highway-rail crossings, to preserve and continue the railroad "quiet zone" in the Old Metairie corridor in Jefferson Parish.

HOUSE CONCURRENT RESOLUTION NO. 276—
BY REPRESENTATIVES TUCKER, STRAIN, ALEXANDER, BEARD,
BOWLER, BRUNEAU, BURNS, CRANE, CROWE, DOVE, DOWNS,
ERDEY, FLAVIN, FUTRELL, GEYMAN, HUTTER, JOHNS, KATZ,
KENNARD, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA,
PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE
SMITH, TOOMY, TRAHAN, WADDELL, WALSWORTH, WHITE, AND
WINSTON AND SENATORS BARHAM, BOASSO, CAIN, CHEEK,
DARDENNE, FONTENOT, HAINKEL, HOLLIS, KOSTELKA, LENTINI,
MALONE, MICHOT, ROMERO, SCHEDLER, AND THEUNISSEN
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of President Ronald Reagan and to express enduring appreciation for his singular contributions and achievements.

HOUSE CONCURRENT RESOLUTION NO. 284—
BY REPRESENTATIVE BROOME
A CONCURRENT RESOLUTION

To proclaim September, 2004, as National Alcohol and Drug Addiction Recovery Month.

HOUSE CONCURRENT RESOLUTION NO. 285—
BY REPRESENTATIVE KENNARD
A CONCURRENT RESOLUTION

To commend and congratulate Louisiana State University head football coach Nick Saban upon leading the Tigers to the national championship on January 4, 2004.

HOUSE CONCURRENT RESOLUTION NO. 286—
BY REPRESENTATIVE DOWNS
A CONCURRENT RESOLUTION

To memorialize Congress to fully fund the National Aeronautics and Space Administration's fiscal year 2005 budget request.

HOUSE CONCURRENT RESOLUTION NO. 288—
BY REPRESENTATIVE MURRAY
A CONCURRENT RESOLUTION

To recognize the vital role that minority community banks have played in the economic development of the communities that they serve by providing investment capital, home mortgages and employment opportunities and to proclaim 2004 as the Year of the Minority Bank.

HOUSE CONCURRENT RESOLUTION NO. 290—
BY REPRESENTATIVE ALARIO
A CONCURRENT RESOLUTION

To urge and request the Louisiana Advisory Commission on Intergovernmental Relations to meet to study alternative methods of competitive sealed bidding, and specifically the method of bidding known as reverse auction.

HOUSE CONCURRENT RESOLUTION NO. 291—

BY REPRESENTATIVE BALDONE
A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Natural Resources to review the base mitigation costs used to calculate monetary contributions to the Coastal Mitigation Account of the Louisiana Wetlands Conservation and Restoration Fund and to make changes in the rules and procedures for mitigation that could facilitate appropriate mitigation of coastal wetland losses, including the possibility of implementing a program of monetary mitigation payments only.

HOUSE CONCURRENT RESOLUTION NO. 292—

BY REPRESENTATIVE LABRUZZO
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to establish a study commission to research and study the implementation of a recycling method for unused prescription drugs.

HOUSE CONCURRENT RESOLUTION NO. 293—

BY REPRESENTATIVE DORSEY
A CONCURRENT RESOLUTION

To commend the Louisiana State University baseball Tigers for winning the regional championship and to extend best wishes for victory in the National Collegiate Athletic Association Super Regional series.

HOUSE CONCURRENT RESOLUTION NO. 294—

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 BAJOEI, CHEEK, DUPLESSIS, IRONS, JACKSON, MOUNT, AND MARIONNEAUX
A CONCURRENT RESOLUTION

To commend Joycelyn Mason Green upon her retirement as executive director of the Louisiana Legislative Women's Caucus.

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 9, 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. 6—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To enact R.S. 17:85.5, relative to naming a gymnasium; to authorize the parish school board in certain parishes to name a gymnasium in honor of a former school board member; to provide limitations; and to provide for related matters.

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.

HOUSE BILL NO. 50—

BY REPRESENTATIVE CROWE
AN ACT

To provide relative to speed limits; to require the Department of Transportation and Development to make a final decision regarding the maximum speed limit along certain interstate highways; and to provide for related matters.

HOUSE BILL NO. 63—

BY REPRESENTATIVES ERDEY AND SMILEY
AN ACT

To enact R.S. 33:2711.20, relative to municipal sales and use taxes; to authorize the governing authority of the town of Springfield to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

HOUSE BILL NO. 106—

BY REPRESENTATIVE FARRAR
AN ACT

To amend and reenact R.S. 34:851.31(A)(1) and to enact R.S. 34:851.27(C), relative to speed limits on waterways; to establish "no-wake" zones around public boat launches and public and commercial docking facilities; and to provide for related matters.

HOUSE BILL NO. 114—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 22:1404(3)(d)(iii), relative to automobile liability insurance rates; to provide for discounts; to provide for defensive driving; to provide for senior drivers; and to provide for related matters.

HOUSE BILL NO. 117—

BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 56:8(28.1) and 320(B)(3), relative to crab traps; to provide that only crab traps located south of the northern bank of the Intracoastal Waterway must be marked with floats; and to provide for related matters.

HOUSE BILL NO. 175—

BY REPRESENTATIVE HAMMETT
AN ACT

To enact R.S. 33:2711.20, relative to the town of Lake Providence; to authorize the governing authority of the town to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

HOUSE BILL NO. 272—

BY REPRESENTATIVES DURAND, THOMPSON, SALTER, JOHN SMITH, STRAIN, TOOMY, CURTIS, DOERGE, DORSEY, GRAY, E. GUILLORY, M. GUILLORY, KATZ, MARCHAND, MCDONALD, STRAIN, WADDELL, WALKER, WINSTON, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BEARD, BROOME, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DOWNS, ERDY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GLOVER, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, JACKSON, JEFFERSON, KENNEY, LAFLEUR, MARTINY, MCVEA, MONTGOMERY, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, TOWNSEND, TRICHE, TUCKER, AND WRIGHT AND SENATORS BARHAM, HINES, JONES, MCPHERSON, AND SCHEDLER
AN ACT

To amend and reenact R.S. 36:801.1(A) and to enact R.S. 36:259(J) and Chapter 34 of Title 40 of the Louisiana Revised Statutes of

1950, to be comprised of R.S. 40:2841 through 2846, relative to the Louisiana Emergency Response Network (LERN); to provide for statement of purpose; to provide for definitions; to provide for the creation of the Louisiana Emergency Response Network; to provide for the board and its membership, appointments, terms of office, vacancies, meetings, compensation, functions, powers, and duties; to provide for rules and regulations; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 726—

BY REPRESENTATIVE WALKER

AN ACT

To enact R.S. 40:2006(A)(2)(n), (o), and (p) and (B)(2)(f),(g), and (h), relative to the powers of the Department of Health and Hospitals; to provide for the ability to assess fees for psychiatric residential treatment facilities, children's respite care centers, and other licensed DHH facilities; and to provide for related matters.

HOUSE BILL NO. 742—

BY REPRESENTATIVES CAZAYOUX AND DURAND

AN ACT

To amend and reenact R.S. 46:114.3(B), (C), and (D), relative to regional fraud detection units; to provide for subpoenas and subpoenas duces tecum; to include businesses and legal entities; and to provide for related matters.

HOUSE BILL NO. 791—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact Code of Civil Procedure Article 893(A)(1), relative to pleadings; to provide for the pleading of damages; and to provide for related matters.

HOUSE BILL NO. 896—

BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 27:30.3 and to repeal R.S. 27:114 and 365(5), relative to the monitoring and reading of certain electronic gaming devices; to provide that electronic gaming devices at certain gaming establishments shall be linked by telecommunication to a central computer system for purposes of monitoring and reading device activities; to provide for the assessment and collection of fees; to provide for the adoption of rules; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 909—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Article 895.4, relative to crime stoppers organizations and the additional cost of court which is imposed on offenders who are convicted of criminal and traffic violations and which is used to fund certain operations of those organizations; to provide for the certification of crime stoppers organizations by sheriffs and chiefs of police; to provide for the payment of the funds derived from the additional cost of court to certified crime stoppers organizations; to provide for the use of those funds; to provide definitions; and to provide for related matters.

HOUSE BILL NO. 925—

BY REPRESENTATIVE JACK SMITH

AN ACT

To enact R.S. 15:542(B)(6), relative to notification by sex offenders; to provide with respect to posting of notices in certain places of business; and to provide for related matters.

HOUSE BILL NO. 971—

BY REPRESENTATIVE BRUCE

AN ACT

To enact R.S. 13:756.12, relative to establishing a branch office of the clerk of court in DeSoto Parish; to authorize the clerk of court of the parish of DeSoto to establish a branch office in Stonewall; to provide for duties and functions of the branch office; and to provide for related matters.

HOUSE BILL NO. 1053—

BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 22:39(D), relative to domestic insurers; to provide for securities; to provide for brokerage accounts; and to provide for related matters.

HOUSE BILL NO. 1070—

BY REPRESENTATIVE PINAC AND SENATORS HOLLIS AND MICHOT

AN ACT

To amend and reenact R.S. 37:3173(A)(3) and 3182 and to enact R.S. 37:3186, relative to interior designers; to provide for terms of office of the members of the board; to provide for an increase in fees; to prohibit certain acts; to provide penalties; and to provide for related matters.

HOUSE BILL NO. 1132—

BY REPRESENTATIVE FARRAR

AN ACT

To enact R.S. 40:966(E)(5), relative to possession of marijuana; to provide that prior convictions of distribution, dispensing, or possession with intent to distribute or dispense marijuana may serve as predicate offenses for penalties for multiple offenders; and to provide for related matters.

HOUSE BILL NO. 1143—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 9:3515(A)(1)(a), relative to consumer loans; to provide for exemptions from prohibited acts at the locations where consumer loans are made; and to provide for related matters.

HOUSE BILL NO. 1145—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 9:3515(A)(1)(a), relative to consumer loans; to provide for exemptions from prohibited acts at the locations where consumer loans are made; and to provide for related matters.

HOUSE BILL NO. 1209—

BY REPRESENTATIVE SHEPHERD

AN ACT

To amend and reenact R.S. 32:1254(N)(3)(f), relative to motor vehicle sales; to provide relative to spot delivery sales; to provide for immediate refund of prospective purchaser's deposit; and to provide for related matters.

HOUSE BILL NO. 1361—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 22:3053(A)(2), to enact R.S. 22:3053.1, and to repeal R.S. 22:3059(A)(1), (2), and (3) and (C) and 3064, relative to the sale of insurance products; to provide for financial institutions; to provide for statements; to provide for marketing; to provide for records; and to provide for related matters.

HOUSE BILL NO. 1408—

BY REPRESENTATIVES DANIEL, KENNARD, BRUCE, CROWE, DOERGE, FRITH, MARCHAND, PINAC, T. POWELL, RITCHIE, GARY SMITH, TRAHAN, WALSWORTH, AND WHITE

AN ACT

To amend and reenact R.S. 4:420, 421(A)(2) through (9), 422, 423(B), (G)(3), (H), and (I), 424, 426, 432, and 433 and to enact R.S. 4:421(A)(10) through (14), 422.1(A)(5), 423(G)(4), 425(D), 427(A)(6) and (7) and (D), and 430(C), relative to athlete agents; to provide for legislative purpose; to provide for definitions; to provide for registration; to provide for denial or revocation of registration; to provide for notice to head coach instead of president of institution; to provide for notice to athlete; to provide for contract relationship between athlete and institution or school; to provide for duties and obligations; to provide relative to contact with athletes; to provide for prohibited activities; to provide for recordkeeping; to provide for attorney athlete agents; to provide remedies and penalties; and to provide for related matters.

HOUSE BILL NO. 1420—

BY REPRESENTATIVES PINAC, BRUCE, DOERGE, FLAVIN, FRITH, JACKSON, MARCHAND, T. POWELL, RITCHIE, WHITE, AND WINSTON

AN ACT

To enact R.S. 37:2156(C)(3), relative to contractors; to require the license renewal form to include a donation portion; to provide for collection and remittance of such donations; and to provide for related matters.

HOUSE BILL NO. 1425—

BY REPRESENTATIVE MARTINY

AN ACT

To enact R.S. 39:198(F), relative to contracts for the Video Gaming Monitoring System; to authorize the Department of Public Safety and Corrections to enter into a multiyear contract for up to ten years for the monitoring of video draw poker devices as required by law; and to provide for related matters.

HOUSE BILL NO. 1431—

BY REPRESENTATIVE LAMBERT

AN ACT

To amend and reenact R.S. 37:2551(D), relative to the Board of Examiners of Certified Shorthand Court Reporters; to provide for the payment of per diem to board members; to restrict the number of per diem payments for special meetings; and to provide for related matters.

HOUSE BILL NO. 1487—

BY REPRESENTATIVE MCDONALD

AN ACT

To enact R.S. 40:41(J), relative to death certificates; to require the state registrar of vital records to issue a copy of a death certificate to the Office of Student Financial Assistance, and the office of the attorney general, under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 1697 (Substitute for House Bill No. 153 by Representative Faucheux)—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact R.S. 13:2586(C)(1) and to enact R.S. 13:2586(E), relative to jurisdiction of justice of the peace courts; to provide for certain parishwide jurisdiction in criminal matters; to provide for retention of original jurisdiction over certain judgments; to provide that a constable of the court has parishwide jurisdiction to enforce certain civil judgments; 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.

Leave of Absence

Rep. Baylor - 1 day

Rep. Bruce - 1 day

Adjournment

On motion of Rep. Kenney, at 5:40 P.M., the House agreed to adjourn until Thursday, June 10, 2004, at 9:00 A.M.

The Speaker of the House declared the House adjourned until 9:00 A.M., Thursday, June 10, 2004.

ALFRED W. SPEER
Clerk of the House