

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

TWENTY-EIGHTH DAY'S PROCEEDINGS

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

House of Representatives
State Capitol
Baton Rouge, Louisiana

Monday, June 13, 2005

The House of Representatives was called to order at 2:00 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	Faucheux	Morrish
Alario	Frith	Odinet
Alexander	Gallot	Pierre
Ansardi	Geymann	Pinac
Arnold	Glover	Pitre
Badon	Gray	Powell, M.
Baldone	Greene	Powell, T.
Barrow	Guillory, E.	Quezaire
Baudoin	Guillory, M.	Richmond
Baylor	Hammett	Ritchie
Beard	Heaton	Robideaux
Bowler	Hebert	Romero
Bruce	Hill	Scalise
Bruneau	Honey	Schneider
Burns	Hopkins	Smiley
Burrell	Hunter	Smith, G.
Carter, K.	Hutter	Smith, J.D.—50th
Carter, R.	Jackson	Smith, J.H.—8th
Cazayoux	Jefferson	Smith, J.R.—30th
Crane	Johns	St. Germain
Cravins	Katz	Strain
Crowe	Kennard	Thompson
Curtis	Kenney	Toomy
Damico	Kleckley	Townsend
Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	Martiny	White

Durand	McDonald	Winston
Erdey	McVea	Wooton
Fannin	Montgomery	Wright
Farrar	Morrell	
Total - 104		

ABSENT

Total - 0

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Pastor Larry O'Dell.

Pledge of Allegiance

Rep. Hill 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. Cazayoux, the reading of the Journal was dispensed with.

On motion of Rep. Fannin, and under a suspension of the rules, the Journal of June 9, 2005, was corrected to reflect him as voting nay on final passage of House Bill No. 771.

On motion of Rep. Crowe, the Journal of June 9, 2005, was adopted.

**Petitions, Memorials and
Communications**

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

Message from the Senate

**ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS**

June 9, 2005

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. 101

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

SENATE BILLS

June 9, 2005

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

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

Senate Bill No. 325

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Senate Bills and Joint Resolutions on Second Reading to be Referred

Rep. Baylor asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just received from the Senate with a view of advancing same, which were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 325—
BY SENATOR JONES

AN ACT

To enact R.S. 33:2740.49(H), (I), and (J), relative to special districts; to provide to the Downtown Economic Development District of the City of Monroe the authority for tax increment financing by the city, subject to the approval of district voters; 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 Municipal, Parochial and Cultural Affairs.

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. 101—
BY REPRESENTATIVES PINAC AND JACK SMITH
A RESOLUTION

To urge and request the Louisiana Public Service Commission to continue to work with the Louisiana Association of Community Action Partnerships to develop and implement an Energy Efficiency Fund that will benefit the people of the state of Louisiana.

Read by title.

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

House and House Concurrent Resolutions

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

HOUSE RESOLUTION NO. 99—
BY REPRESENTATIVES THOMPSON, BRUNEAU, AND WADDELL
A RESOLUTION

To urge and request the Committee on House and Governmental Affairs to study the issues surrounding the processes involved in the delivery and distribution of items, materials, letters, packages, and information to the members of the House of Representatives during legislative sessions and make recommendations regarding standards and procedures to govern those processes to the House of Representatives no later than thirty days prior to the convening of the 2006 Regular Session of the Legislature.

Read by title.

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

HOUSE RESOLUTION NO. 100—
BY REPRESENTATIVES TUCKER AND ARNOLD
A RESOLUTION

To establish and provide for a task force to study and recommend how best to govern, manage, and supervise the effective and efficient delivery of public elementary and secondary education services to residents of the Algiers community in the city of New Orleans; to provide that the task force shall report study findings and recommendations in writing to the House and

Senate education committees by not later than February 1, 2006; and to provide for related matters.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 178—
BY REPRESENTATIVE GALLOT AND SENATOR MICHOT
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the duties of clerks of court and recorders of mortgages and conveyances to maintain and preserve original, electronic, and historic records affecting immovable property.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 179—
BY REPRESENTATIVE GRAY
A CONCURRENT RESOLUTION

To continue the work of House Concurrent Resolution No. 289 of the 2004 Regular Session regarding the study of issues relating to juvenile competency by creating a task force and to extend the period of time for the study of such issues to June 1, 2006.

Read by title.

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

HOUSE CONCURRENT RESOLUTION NO. 182—
BY REPRESENTATIVE GLOVER
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study all viable opportunities to offer prescription drugs at no cost or reduced cost to Louisiana's uninsured and under-insured populations.

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. 75—
BY SENATORS N. GAUTREAUX, CAIN, DUPRE, MALONE,
MCPHERSON AND ROMERO
A CONCURRENT RESOLUTION

To create a task force to study state royalty and tax policy relative to the exploration and production within the oil and gas industry in order to align the interests of the state and the industry in Louisiana.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 81—
BY SENATOR JONES
A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs to meet jointly to examine issues related to the investment in and establishment of low-income housing and to determine and report on legislative initiatives that would enhance and improve the climate for investment in low-income housing, including providing for alternate assessment of such housing as it relates to taxation and including authorizing the

establishment of crime prevention districts in areas in which low-income housing is established.

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 109—
BY SENATORS ELLINGTON, ADLEY, BOASSO, CHAISSON, B. GAUTREAU AND HEITMEIER

A CONCURRENT RESOLUTION

To create and provide with respect to a group to study issues relative to state participation in and implementation of the Federal Railroad Safety Program State Participation Agreement and to make recommendations to the legislature concerning legislation for the 2006 Regular Session.

Read by title.

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

Motion

On motion of Rep. Thompson, the Committee on Agriculture, Forestry, Aquaculture, and Rural Development was discharged from further consideration of Senate Concurrent Resolution No. 70.

SENATE CONCURRENT RESOLUTION NO. 70—
BY SENATOR BARHAM

A CONCURRENT RESOLUTION

To direct the Senate and House agriculture, forestry, aquaculture, and rural development committees to meet and function as a joint committee to study and review the operational structure and procedures, including expenditures for management and operation, of the soil and water conservation districts in Louisiana; and to direct the office of soil and water conservation to assist the committee in its study.

Read by title.

Motion

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

**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. 13—
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 33:9097.2(B), relative to the South Burbank Crime Prevention and Development District; to provide relative to boundaries; to provide an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 61—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 47:287.752 and to enact R.S. 47:297(N), relative to income tax credits; to provide a credit for the employment of certain first time offenders; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

SENATE BILL NO. 114—
BY SENATOR MICHOT

AN ACT

To enact R.S. 47:6020, relative to tax credits; to grant a sound recording investor income tax credit; to provide for certain procedures, and collection; and to provide for related matters.

Read by title.

Motion

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

SENATE BILL NO. 259—

BY SENATORS KOSTELKA, BARHAM, DUPLESSIS AND MICHOT AND REPRESENTATIVES JACKSON, BURNS AND ROBIDEAUX

AN ACT

To amend and reenact R.S. 47:287.93(B), relative to the corporation income tax; to provide for an allocation of the deduction for interest expense applicable to investments which produce allocable income; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

SENATE BILL NO. 320—

BY SENATORS HEITMEIER AND MURRAY AND REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 16:51(A)(6), (9), (12), (35), and (38), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; to provide for an effective date conditioned upon funding out of the State General Fund; and to provide for related matters.

Read by title.

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

SENATE BILL NO. 353 (Substitute for Senate Bill No. 207 by Senator Lentini)—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 48:390(A) and (B), to enact R.S. 44:4.1(B)(36) and R.S. 48:389.2 and 390.1, and to repeal R.S. 48:390(C), (D) and (E), relative to railroads; to provide for railroad safety; to require notification of any train derailment to local authorities; to provide relative to railroad grade crossings; to provide relative to such crossings which are located on roads not maintained by the state; to authorize the Department of Transportation and Development to evaluate such crossings; to provide relative to railroad grade crossing closures on such roads determined to be necessary by the department; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

**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:

Page 4 HOUSE

28th Day's Proceedings - June 13, 2005

HOUSE RESOLUTION NO. 48—

BY REPRESENTATIVE THOMPSON

A RESOLUTION

To urge and request the Department of Health and Hospitals to amend the facility need review bed abeyance policy to provide for the partial abeyance of beds under certain circumstances.

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 RESOLUTION NO. 95—

BY REPRESENTATIVE DORSEY

A RESOLUTION

To urge and request the Department of Health and Hospitals to discontinue paying the cost of Viagra and other drugs used for the treatment of impotence for convicted sex offenders who receive Medicaid.

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. 108—

BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to develop and implement a process to ensure that the state is provided the best price and value in the event that there are multiple generic drugs of the same chemical compound stocked and sold at local pharmacies and report its findings to the House and Senate Committees on Health and Welfare prior to April 1, 2006.

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. 108 by Representative Durand

AMENDMENT NO. 1

On page 1, line 2, delete "bid"

AMENDMENT NO. 2

On page 1, delete line 3 in its entirety and insert in lieu thereof:

"process to ensure that the state is provided the best price and value in the event that there are multiple generic drugs of the same chemical compound stocked and sold at local pharmacies"

AMENDMENT NO. 3

On page 1, line 4, delete "for the Medicaid drug program"

AMENDMENT NO. 4

On page 1, line 12, delete "the Department of Health and Hospitals"

AMENDMENT NO. 5

On page 2, delete lines 2 and 3 in their entirety and insert in lieu thereof:

"urge and request the Department of Health and Hospitals to develop and implement a process to ensure that the state is provided the best price and value in the event that there are multiple generic drugs of the same chemical compound stocked and sold at local pharmacies"

AMENDMENT NO. 6

On page 2, line 4, delete "program"

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. 130—

BY REPRESENTATIVE BEARD

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to explore all avenues to assure that new parents are made aware of their option to donate the blood collected from their newborn's umbilical cord for the purposes of extracting stem cells.

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. 133—

BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To direct the Louisiana Emergency Response Network to establish up to nine regional commissions and begin working on the regional patient care protocols and data collection.

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. 157—

BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To urge and request state agencies to participate in the Early Childhood Comprehensive Systems initiative to coordinate services that support early childhood development.

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. 157 by Representative Bruce

AMENDMENT NO. 1

On page 3, line 29, change "secretary" to "superintendent"

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.

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. 49— BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To approve the Fiscal Year 2005-2006 Coastal Wetlands Conservation and Restoration Plan, as adopted by the Wetlands Conservation and Restoration Authority ("authority").

Read by title.

Reported favorably by the Committee on Natural Resources.

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

House Bills and Joint Resolutions on Second Reading Reported by Committee

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

HOUSE BILL NO. 888 (Substitute for House Bill No. 818 by Representative Jackson)— BY REPRESENTATIVE JACKSON

AN ACT

To amend and reenact R.S. 47:287.736, relative to the corporation income tax; to define real estate investment trust; to disallow the dividend paid deduction for certain real estate investment trusts; and to provide for related matters.

Read by title.

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

Under the rules, placed on the regular calendar.

Senate Instruments on Second Reading Returned from the Legislative Bureau

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

SENATE BILL NO. 20— BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 24:771(3) and 772, relative to reports provided to the legislature; to provide for definitions; to provide for record maintenance and retrieval; to require audit determination of reporting compliance; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 20 by Senator Michot

AMENDMENT NO. 1

On page 2, line 2, after "duplicating" delete the remainder of the line and delete line 3, and on line 4, delete "of the legislature pursuant to the Administrative Procedure Act." and insert a period "."

AMENDMENT NO. 2

On page 2, at the end of line 5, after "statute" and before the period "." insert "or any report required to be submitted by an agency to a legislative committee pursuant to the Administrative Procedure Act"

AMENDMENT NO. 3

On page 2, line 9, change "print" to "printed"

AMENDMENT NO. 4

On page 2, at the beginning of line 22, delete "two" and insert "five"

AMENDMENT NO. 5

On page 2, line 29, after "legislature by" and before "agency" change "each" to "such"

AMENDMENT NO. 6

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

"agency has complied with the provisions of this Section. An audit report of a state agency by the legislative auditor shall contain specific comment on the compliance of such agency with the provisions of this Section."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 24—

BY SENATORS CAIN, CHEEK, DUPRE, HOLLIS, KOSTELKA, MCPHERSON, MICHOT, MOUNT AND SCHEDLER AND REPRESENTATIVES BADON, BALDONE, BAUDOIN, BRUCE, CRAVINS, DARTEZ, DOWNS, FRITH, GEYMAN, HILL, HUTTER, KATZ, KENNEY, MCDONALD, MONTGOMERY, T. POWELL, JACK SMITH, WALKER, WALSWORTH AND WRIGHT

AN ACT

To amend and reenact R.S. 3:1355(A) and to enact R.S. 3:1355(B), R.S. 14:67.19.1 and R.S. 40:962.1.2, relative to certain controlled dangerous substances; to prohibit the unauthorized possession of anhydrous ammonia for use in the sale of certain controlled dangerous substances; to restrict the sale of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers and salts of optical isomers used in the manufacture of methamphetamines; to require that pharmacies maintain records on purchases of certain restricted substances used to manufacture methamphetamine; to provide exceptions for substances formulated so as to prevent conversion of certain active ingredients; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Engrossed Senate Bill No. 24 by Senator Cain

AMENDMENT NO. 1

On page 4, line 17, after "employee" and before "aware" delete "is" and insert "was"

AMENDMENT NO. 2

On page 4, at the end of line 18, change the period "." to a comma "," and add "prior to the sale for which he was arrested."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 46—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 38:2219(A)(3), relative to public contracts; to provide relative to contracts with the New Orleans Sewerage and Water Board for the purchase of goods and services; to increase that amount which is not subject to performance or surety bond requirements; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 51—
BY SENATORS CHEEK AND BAJOIE

AN ACT

To amend and reenact R.S. 33:1981(C)(1) and 2201(C)(1), relative to certain payments made to survivors of certain first responders; to increase the amount of payments provided as financial security to the surviving spouse or parents of firemen and law enforcement officers in certain cases; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 52—
BY SENATOR CHEEK

AN ACT

To enact R.S. 42:1121(H), relative to the Code of Governmental Ethics; to provide for an exception to the post-service restrictions to allow certain employment by the board of commissioners of the DeSoto Parish Waterworks District No. 1; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 53—

BY SENATORS FIELDS, JONES, AMEDEE, BROOME, CAIN, CHAISSON, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FONTENOT, N. GAUTREAUX, HINES, JACKSON, MALONE, MARIONNEAUX, MCPHERSON, MURRAY, SCHEDLER, SMITH AND THEUNISSEN

AN ACT

To amend and reenact R.S. 18: 481, 511(A) and (B), and 512(B), relative to the election of United States senators and representative in congress; to provide for congressional candidates to be elected only in a general election; to provide for election dates; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 53 by Senator Fields

AMENDMENT NO. 1

On page 1, line 2, after "To amend and reenact" delete the remainder of the line and delete lines 3 and 4 and insert the following:

"R.S. 18:44(A) and (B)(5)(b), 110(B)(1), 197, 402(B) and (G), 431(A)(1)(b), 433(G)(1) and (H)(1)(introductory paragraph), 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2), 435(A)(1) and (B), 436, 453(A) and (B), 463(D), 467(introductory paragraph) and (2), 468(A), 491(A), 552(A)(introductory paragraph), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C), 1307(A)(8) and (D), 1308(A)(2)(a), 1311(D)(5)(a), 1314(C)(1) and (2) and (D), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and 1461(A)(17), to enact R.S. 18:402(E)(4) and 1275.1 through 1275.24, and to repeal R.S. 18:402(E)(1)(b), relative to elections; to provide for a party system of elections for congressional offices, including provisions to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; to provide for certain recognized political parties to hold nominating conventions to nominate candidates for congressional offices; to provide for qualification of candidates for congressional office having no party affiliation in the general election; to provide for election in the general election by plurality vote; to provide for voting for congressional offices by a voter registered as affiliated with the party in the party primary elections; to provide for voting of non-affiliated voters in party primaries; to provide for election dates; and"

AMENDMENT NO. 2

On page 1, line 7, after "Section 1." delete the remainder of the line and on line 8 delete "reenacted" and insert the following:

"R.S. 18:44(A) and (B)(5)(b), 110(B)(1), 197, 402(B) and (G), 431(A)(1)(b), 433(G)(1) and (H)(1)(introductory paragraph), 434(A)(1), (C)(introductory paragraph), and (D)(1) and (2), 435(A)(1) and (B), 436, 453(A) and (B), 463(D), 467(introductory

paragraph) and (2), 468(A), 491(A), 552(A)(introductory paragraph), 1272(A), 1278(B), 1279, 1300(C)(1), 1300.7(A), 1306(A)(4) and (C), 1307(A)(8) and (D), 1308(A)(2)(a), 1311(D)(5)(a), 1314(C)(1) and (2) and (D), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and 1461(A)(17) are hereby amended and reenacted and R.S. 18:402(E)(4) and 1275.1 through 1275.24 are hereby enacted"

AMENDMENT NO. 3

On page 1, delete lines 9 through 17 and on page 2, delete lines 1 through 29 and on page 3, delete lines 1 through 28 and insert the following:

"§44. Contesting election; referral for prosecution

A. Whenever the board determines as a result of an investigation that violations of law, irregularities, error, or fraud have occurred in the conduct of an election which in the judgment of the board has resulted in the apparent qualification for the second primary election or for the general election or the apparent election of a candidate not entitled to be so qualified or elected, the board, upon the favorable vote of three members, may institute suit to contest the election in order to protect the interest and rights of the state in fair and honest elections. In addition, for the same cause and upon the same vote, the board may intervene in any suit instituted by any other party to contest an election.

B. In any suit instituted by the board to contest an election, the provisions of Chapter 9 of this Title shall apply, except that:

* * *

(5) The petition shall contain, but shall not be limited to, the following:

* * *

(b) The allegation that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, a different candidate would have qualified for a second primary election or a general election or would have been elected.

* * *

§110. Removal from precinct; removal from parish

* * *

B.(1) A change of registration based upon a change of residence within a parish received after the closing of registration for a primary or first primary election shall become effective the day after the general election or special general election when a special primary election is held in conjunction with a general election except as follows:

(a) A person whose registration has been canceled pursuant to R.S. 18:193(G).

(b) A person whose registration has been canceled or whose address has been corrected pursuant to R.S. 18:196(C).

* * *

§197. Registration; cancellation

No registrar of voters shall cancel the registration of any voter in his parish between any first primary election or primary election, as the case may be, and the subsequent general election occurring in that parish as a result of any of the processes authorized by this Part,

except in the case of a person who has been fraudulently placed upon the registration records or in the case of a person whose registration is canceled pursuant to the annual canvass conducted by the registrar.

* * *

§402. Dates of primary and general elections

* * *

B. Congressional elections. Elections for members of congress and officers elected at the same time as members of congress shall be held every two years beginning in 1982.

(1) Congressional first primary elections shall be held on the first Saturday in September of an election year.

(+) (2) Congressional second primary elections for recognized political parties and primary elections for officers elected at the same time as members of Congress shall be held on the first Saturday in October of an election year.

(2) (3) Congressional general elections and general elections for officers elected at the same time as members of Congress shall be held on the first Tuesday after the first Monday in November of an election year.

* * *

E. Special elections to fill newly created office or vacancy in office. An election to fill a newly created office or vacancy in an existing office, except the office of state legislator or representative in congress, shall be held on the dates fixed by the appropriate authority in the proclamation ordering a special election as follows:

* * *

(4) A special primary election shall be held on the first Saturday in October, when the special general election is held on the first Tuesday after the first Monday in November, provided that such date is not less than fifteen weeks after the date on which the proclamation calling the special primary election was issued, and that such date is earlier than any other date in Paragraph 1 of this Subsection.

* * *

G. Prohibited days. No election of any kind shall be held in this state on any of the days of Rosh Hashanah, Yom Kippur, Sukkoth, Shimini Atzereth, Simchas Torah, the first two days and the last two days of Passover, Shavuoth, Fast of AV, the two days preceding Labor Day, or the three days preceding Easter. If the date of any election falls on any of the above named days, the election shall be held on the same weekday of the preceding week. If the date of the election for a second primary is advanced pursuant to this Subsection, the first primary shall also be advanced by the same number of weeks.

* * *

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

A.(1)

* * *

(b) The clerk shall furnish to the persons who attend the course of instruction a copy of the informational pamphlet provided by the secretary of state, and he shall instruct them in the use of voting machines and the duties of commissioners in conducting a primary

and general election elections. The clerk shall instruct the commissioners that it is their duty to offer any voter who does not have picture identification as provided in R.S. 18:562(A) an affidavit to sign to that effect. All such instruction and materials shall be provided pursuant to minimum standards issued by the secretary of state and the commissioner of elections for the course of instruction.

* * *

§433. Commissioners-in-charge; course of instruction, selection; commission; disqualification; replacement

* * *

G. Replacement. (1) Except as provided in Subsection H hereof, if it becomes certain that a commissioner-in-charge will not be able to serve for a primary or first primary election, or if a commissioner-in-charge fails to attend a course of instruction held immediately prior to a primary or first primary election as provided in R.S. 18:431(B), the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the primary and general elections. Except as provided in Subsection H hereof, if it becomes certain that a commissioner-in-charge will not be able to serve for a second primary or a general election, or if a commissioner-in-charge fails to attend the course of instruction held prior to a second primary or a general election, the parish board of election supervisors shall select a replacement commissioner-in-charge for that who shall serve for both the second primary and the general election.

* * *

H. Replacement. (1) If a commissioner-in-charge fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, the commissioners in attendance at the polling place shall immediately notify the clerk of court of the absence. Immediately upon receipt of the notice, the clerk of court shall select a replacement commissioner-in-charge for that precinct. Subject to the provisions of Subsection G herein, a replacement commissioner-in-charge selected for a primary or first primary election also shall serve for the second primary, if any, and the general election. The replacement commissioner-in-charge shall be selected from the following categories in the order of priority listed:

* * *

§434. Commissioners and alternate commissioners; selection; commission; disqualification; replacement

A. Time and place of selection. (1) The parish board of election supervisors shall meet at 10:00 a.m. on the twenty-ninth day before a primary or first primary election to select the commissioners and alternate commissioners for each precinct. The meeting shall be open to the public. Except that, for purposes of the primary election scheduled on the second Tuesday in March of the presidential election year, said meeting shall be held on the twentieth day before the primary election. The board shall have previously posted a notice on the front courthouse door designating the location within the courthouse where the meeting is to be held.

* * *

C. Commission. Once the commissioners and alternate commissioners are selected for a primary, or a first primary and second primary, and general election, the parish board of election supervisors shall immediately:

* * *

D. Replacement of a commissioner. (1) If prior to the day of the election a commissioner notifies the parish board of election supervisors that he is unable to serve as commissioner, the parish board of election supervisors shall select an alternate commissioner to serve in place of the absent commissioner. An alternate

commissioner who replaces an absent commissioner in a primary or first primary election shall replace the absent commissioner in the second primary, if any, and in the general election. An alternate commissioner who replaces an absent commissioner in a second primary election shall replace the absent commissioner in the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the parish board of election supervisors shall select a person to serve as commissioner from the list containing the names of persons within that ward who have received certificates of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If no person on that list is available to serve as commissioner, the parish board of election supervisors shall select any person within the parish who has received a certificate of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If there is no such qualified person available, the parish board of election supervisors shall select a watcher.

(2) If a commissioner fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, or if a commissioner is selected as commissioner-in-charge, the commissioner-in-charge shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary or first primary election shall replace the absent commissioner in the second primary, if any, and in the general election. An alternate commissioner who replaces an absent commissioner in a second primary election shall replace the absent commissioner in the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the commissioner-in-charge shall select a person to serve as commissioner from the list containing the names of those who have received certificates of instruction that was furnished him by the parish board of election supervisors pursuant to R.S. 18:431(A)(5). If no person on that list is available to serve as commissioner, the commissioner-in-charge shall select any person present at the polls who possesses the qualifications of a commissioner as set forth in R.S. 18:425(B). If there is no such qualified person available, the commissioner-in-charge shall select a watcher.

* * *

§435. Watchers; appointment and commission

A. Right to have watchers. (1) Each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in a any primary or general election. The candidate or his authorized representative shall file one list of watchers on a form provided by the secretary of state or on a form which contains the same information as required by the form provided by the secretary of state. When a candidate's list of watchers is filed by the candidate's authorized representative, a letter of authorization from the candidate shall accompany the list of watchers. However, in the case of a presidential election, each slate of candidates for presidential elector is entitled to have one watcher at every precinct. The state central committee of each recognized political party shall be responsible for filing the list of watchers for its slate of candidates for presidential elector. The list of watchers for an independent or other party slate of candidates for presidential elector shall be filed by any person so authorized by the presidential candidate supported by the slate of electors. A letter of authorization from the presidential candidate, or an authorized agent of his campaign, shall accompany the list of watchers.

* * *

B. Lists of watchers. A list of watchers shall be filed with the parish board of election supervisors before 5:00 p.m. on the tenth day before the any primary or general election. However, if the tenth day before the any primary or general election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on the next day which is not a Saturday, Sunday, or other legal holiday. Except for

a candidate or recognized political party filing for a slate of candidates for presidential elector, any person filing a list of watchers must attach a certified statement that the report required by R.S. 18:1486 has been filed with the supervisory committee in compliance with the Campaign Finance Disclosure Act. If any candidate submits a list for the primary or first primary election and does not submit a list for the second primary or the general election, the list submitted in the primary or first primary election shall be treated as his list submitted for the second primary election and the general election. If a candidate in a congressional election submits a list for the second primary election but does not submit a list for the general election, the list submitted for the second primary election shall be treated as the list submitted for the general election. A list of watchers shall contain only one watcher and one alternate watcher for each precinct where the candidate or person submitting the list is entitled to have a watcher. The list shall be typed or legibly written, and it shall contain the name and mailing address of each watcher and a designation of the precinct where he is to serve.

* * *

§436. Election officials at certain special elections

A. When a special primary election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled general election, or if a previously scheduled election is delayed for any reason, the commissioners who were selected to serve at the previously scheduled primary, or first and second primary, and general election elections also shall be the commissioners for the special primary and general elections and any such delayed primary or general election, and the compensation for each shall be only that amount provided for in R.S. 18:424 and R.S. 18:425 for a day of service as a commissioner or commissioner-in-charge. Each candidate to be voted on in the special primary election or delayed primary election may appoint one watcher for each precinct in which that candidate is to be voted on. Notwithstanding the provisions of R.S. 18:427(C) or of any other law to the contrary, the watchers so appointed shall be allowed to remain in the polling place at all times.

B. When a special general election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled primary or first primary election, the commissioners who were selected to serve at the special primary election for which the special general election is to be held shall also be the commissioners for both the previously scheduled primary or first primary and general elections. In such case the compensation for each shall be only that amount provided for in R.S. 18:424 and R.S. 18:425 for a day of service as a commissioner or commissioner-in-charge.

* * *

§453. Dual candidacy

A. General prohibitions. A person shall not become a candidate in a any primary, first primary, second primary, congressional office nominating convention, or general election for more than one office unless one of the offices is membership on a political party committee, nor shall a person be a candidate at the same time for two or more different offices to be filled at separate elections.

B. Unexpired and succeeding term of office. A person may become a candidate in a primary, first or second primary, congressional office nominating convention, or general election for the unexpired and the succeeding term of an office when both terms are to be filled at the same election.

* * *

§463. Notice of candidacy; financial statements; political advertising; penalties

* * *

D. Not later than the Friday before the opening of the qualifying period for any primary election, the Supervisory Committee on Campaign Finance Disclosure shall deliver a sufficient number of informational packets containing reporting forms and instructions to all officials with whom candidates will qualify for such first primary or primary election. The informational packet shall include a notice to the candidate that questions concerning the Campaign Finance Disclosure Act should be addressed to the Supervisory Committee on Campaign Finance Disclosure, not the official with whom the candidate qualifies. If a candidate qualifies in person, such informational packets shall be distributed to each candidate upon receipt of the candidate's notice of candidacy by the official with whom the candidate qualifies for office. If a candidate qualifies by submitting his notice of candidacy by certified mail, commercial carrier, or agent, such informational packets shall be mailed to the candidate at the address of his domicile as set forth in the notice of candidacy within forty-eight hours after receipt of the notice of candidacy.

* * *

§467. Opening of qualifying period

The qualifying period for candidates in a the primary or first primary election shall open:

* * *

(2) For candidates in a congressional first primary or primary election and those in any special primary or first primary election to be held at the same time, on the third second Wednesday in August July of the year of the election.

* * *

§468. Close of the qualifying period

A. The qualifying period for candidates in a primary or first primary election shall close at 5:00 p.m. on the Friday after the opening of the qualifying period for candidates in the primary or first primary election or, if that Friday is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

* * *

§491. Standing to object to candidacy

A. A registered voter may bring an action objecting to the candidacy of a person who qualified as a candidate in a first primary or primary election for an office for which the plaintiff is qualified to vote.

* * *

§552. Election materials

A. Materials furnished. At least twenty-two days before a first primary election and as soon as possible for a second primary, primary, and a general election:

* * *

§1272. United States senators, representatives in congress; time of electing

A. All general elections for representatives in congress, sometimes referred to in this Title as congressional elections, shall be held on the first Tuesday next following the first Monday in November, 1982, and every two years thereafter. The first and second primary election elections shall be held on the first Saturday in October next preceding the date of the general election in

accordance with the provisions of Chapter 5 of this Title, except to the extent in conflict with R.S. 18:1275 through 1275.24.

* * *

§1275.1. Purpose and nature of congressional primary and general elections; provisions to supersede conflicting laws

A.(1) Nature of primary elections. All political parties recognized pursuant to R.S. 18:441(C) shall make all nominations of candidates for United States senator or United States representative by direct primary elections held under the provisions of this Part and applicable general election law. In congressional primary elections including elections for the United States Senate, each qualified voter of this state may vote only on the candidates for public office who are affiliated with the same political party with which the voter is affiliated. However, insofar as the state central committee of a political party shall by its rules and regulations choose to allow voters who are not affiliated with a recognized political party to participate in the primary elections of that political party, such non-affiliated voters shall be allowed to vote on candidates affiliated with that political party. The state central committee of a political party shall provide notice to the secretary of state of its decision to allow non-affiliated voters to participate in the first and second primary elections of that political party no later than five days after the close of qualifying for the election. A non-affiliated voter shall not vote on more than one party ballot in a first primary or second primary election.

(2) All political parties recognized pursuant to R.S. 18:441(B) shall make all nominations of candidates for United States senator or United States representative by nominating convention. No political party recognized pursuant to R.S. 18:441(B) shall hold direct primary elections under the provisions of this Part. Any such political party shall provide for procedures for the nominating convention in its governing bylaws, rules, or regulations, and shall submit such procedures to the secretary of state in the same manner as the registration statement provided for in R.S. 18:441(B)(2), and any changes to the procedures for conducting a nominating convention shall be submitted to the secretary of state in the same manner. A political party recognized pursuant to R.S. 18:441(B) shall conduct a nominating convention in accordance with the following:

(a) Any qualified voter of this state may participate in the nominating convention of the political party with which the voter is affiliated. However, insofar as the political party shall by its rules and regulations choose to allow voters who are not affiliated with such recognized political party to participate in the nominating convention of that political party, such non-affiliated voters shall be allowed to participate. The political party shall provide notice to the secretary of state of its decision to allow non-affiliated voters to participate in its nominating convention no later than thirty days prior to the close of qualifying for the election.

(b) A nominating convention for congressional offices including the United States Senate shall be held not sooner than thirty days prior to the close of qualifying for the election and not later than the last day of qualifying for the election.

(c) A political party shall submit the results of a nominating convention in the same manner as the registration statement provided for in R.S. 18:441(C) to the secretary of state no later than 5:00 p.m. on the last day of qualifying. No more than one candidate shall be nominated for an office by a party at a nominating convention.

B. Nature of congressional general elections. Each qualified voter of this state may vote on candidates for the United States House of Representatives and Senate in general elections without regard to the voter's party affiliation or lack thereof, and all candidates for such offices who qualify for a general election may be voted on without regard to the candidates' party affiliation or lack thereof.

C. The provisions of R.S. 18:1275 through 1275.24 shall govern the conduct of elections for United States senator and United

States representative, and such provisions shall supersede any conflicting law.

§1275.2. Dates of congressional primary and general elections

Congressional elections. Elections for members of congress shall be held during even-numbered years as follows:

(1) Congressional first primary elections shall be held on the first Saturday in September of an election year.

(2) Congressional second primary elections shall be held on the first Saturday in October of an election year.

(3) Congressional general elections shall be held on the first Tuesday after the first Monday in November of an election year.

§1275.3. Manner of qualifying for the first primary election

A. A person who desires to become a candidate in the first primary election shall qualify as a candidate by timely filing notice of his candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed. No person, whether or not currently registered as a voter with the registrar of voters, shall qualify to become a candidate if he is under an order of imprisonment for conviction of a felony. A candidate whose notice of candidacy is accompanied by a nominating petition shall not be required to pay any qualifying fee or any additional fee.

B. A person who desires to become a candidate in the first primary election must be affiliated with a political party recognized pursuant to R.S. 18:441(C). A person may qualify as a candidate only in the first primary election of the party with which he is affiliated as shown in his voter registration.

C. When a candidate has filed multiple notices of candidacy for election to more than one office at the same election, which multiple candidacies would be in violation of R.S. 18:453, and no action objecting to candidacy on the grounds provided in R.S. 18:492(4) has been commenced in a court of competent jurisdiction within the time for such objections as provided in R.S. 18:493, then, upon expiration of the time for such objections to candidacy, the person filing such multiple notices of candidacy shall be disqualified as a candidate in the first primary election for all but the last of such offices for which he filed notices of candidacy, and any qualifying fees for those offices paid by the candidate shall be refunded as provided in R.S. 18:501. The secretary of state shall include the name of the candidate on the ballot for election to the last of such offices for which the candidate filed notices of candidacy and to no other such office for which dual candidacy would be prohibited.

§1275.4. Officials with whom candidates qualify

Candidates shall qualify for the first primary election with the secretary of state or a person in his office designated to receive qualifying papers.

§1275.5. Notice of candidacy; qualifying fees

A. A notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, the parish, ward, and precinct where he is registered to vote, and the political party with which he is registered as being affiliated. No candidate shall change or add his political party designation, for purposes of printing on the election ballot as provided by R.S. 18:1275.22, after he has qualified for the election.

B. Qualifying fees shall be paid as provided in this Code.

§1275.6. Nominating petitions

A. A nominating petition shall be filed with the official with whom the candidate qualifies and shall accompany the notice of candidacy.

B. A person may be nominated as a candidate in the first primary election only by persons within the same political party, recognized pursuant to R.S. 18:441(C), who are registered to vote on the office he seeks who sign a nominating petition for him no more than one hundred twenty days before the qualifying period opens for candidates in the first primary election. In addition to his signature, each voter who signs a nominating petition shall date his signature and shall provide the ward and precinct in which he is registered to vote, his residence address, including the municipal number, the apartment number, if any, the rural route and box number, or any other physical description that will identify his actual place of residence and his political party affiliation. Once a voter has signed a nominating petition, he may not withdraw the nomination. The secretary of state shall prepare forms which may be used by any person who seeks nomination as a candidate by nominating petition. The secretary of state shall furnish copies of the forms to each clerk of court, and the forms shall be available, upon request, at the office of the secretary of state or at the office of the clerk of court. Nothing in this Subsection shall be construed to require nominating petitions to be filed only on forms prepared by the secretary of state.

C. The number of qualified voters who must timely sign a nominating petition is:

(1) For a candidate for the United States Senate - five thousand with not less than five hundred being from each congressional district;

(2) For the United States House of Representatives - one thousand from within the congressional district.

D. Form. Each sheet of the nominating petition shall set forth the candidate's name, the address of his domicile, the office for which the signers nominate him, the political party with which he is affiliated, and the date of the first primary election for which he seeks to qualify. The name of each voter who signed the nominating petition shall be typed or legibly written on the petition, and each signature on the nominating petition shall be dated and witnessed by the candidate or the person who obtained the signature on his behalf. The candidate and all persons who obtained signatures on his behalf shall certify on the nominating petition that to the best of their knowledge, information, and belief all of the signatures on the nominating petition are genuine and all of the statements contained in the nominating petition are true and correct.

E. Certification. (1) A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside not less than thirty days before the qualifying period ends for candidates in the first primary election, except that in a special election the nominating petition shall be submitted by the candidate to the registrars of voters in the parishes where the signers reside prior to the opening of the qualifying period.

(2) The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers who provided a residence address in the parish signed the nominating petition timely, are registered to vote on the office the candidate seeks, and are registered as affiliated with the political party of the candidate. A supplemental nominating petition shall be certified in the order in which it is received, without regard to the time when the original nominating petition for that candidate was submitted. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely, as being registered to vote on the office the candidate seeks, and as affiliated with the candidate's political party, equals one hundred fifteen percent of the number of qualified voters required to nominate the candidate for the office he seeks. A registrar's certification shall be conclusive as to the number of qualified voters

who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of the candidate who filed the nominating petition.

§1275.7. Time for qualifying in a first primary election

A notice of candidacy, accompanied either by the qualifying fee or by a nominating petition, is filed timely only if received by the secretary of state during the qualifying period for candidates in the first primary election.

§1275.8. Opening of qualifying period

The qualifying period for candidates in the first primary election shall open for candidates in a congressional or United States Senate first primary election and those in any special first primary election to be held at the same time, on the second Wednesday in July of the year of the election.

§1275.9. Opening of qualifying period in event of change of date for the first primary election

In the event that the date for the first primary election is advanced in accordance with R.S. 18:402(G), the qualifying period for candidates in the first primary election shall be advanced from the date specified in R.S. 18:1275.8 the same number of weeks as the first primary election.

§1275.10. Close of the qualifying period

The qualifying period for candidates in a first primary election shall close at 5:00 p.m. on the Friday after the opening of the qualifying period for candidates in the first primary election or, if that Friday is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

§1275.11. Reopening of qualifying period; effect

A. When a person who qualified as a candidate in a first primary election for a congressional office including the United States Senate dies after the close of the qualifying period and before the time for closing the polls on the day of the first primary election, the qualifying period for candidates in the first primary election for that office shall reopen for candidates from each recognized political party on the day after the death and shall close at 5:00 p.m. on the third day after the death or, if that day is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday. The name of the deceased candidate shall not be printed on the first primary election ballot. If the first primary election ballot was printed with the deceased candidate's name on it, any votes received by the deceased candidate shall be void and shall not be counted for any purpose whatsoever.

B. When, at the close of the qualifying period, no candidate has qualified for an office, regardless of party, the qualifying period shall be reopened for each recognized political party, but only for the offices for which no candidates have qualified, on the first Wednesday after the close of the qualifying period and shall close at 5:00 p.m. on the Friday thereafter, or, if that day is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

C. Whenever the qualifying period is reopened as required by Subsection A or B hereof, the secretary of state shall cause notice of the reopening, listing the dates and times the period shall run, to be published in the official journal of the state.

D. Effect on primary election. (1) If the qualifying period for candidates reopens within thirty days before a first primary election, all the votes cast in the first primary election for that public office are void, unless the qualifying period for the office reopened and closed without additional candidates qualifying for the office. If additional

candidates qualify for the office and the votes for the first primary will be void for that reason, the secretary of state shall immediately publish in the official journal of the state a notice to the electorate that the election for that office has been voided because new candidates qualified. Such notice shall include the dates for the rescheduled first primary, second primary, and general elections.

(2) If all the votes cast in a first primary election for a public office are void because of the death of a candidate, the first primary election for the office shall be held on the date of the second primary election, the second primary election for the office shall be held on the date of the general election, and the general election for the office shall be held on the fourth Saturday after the second primary election.

§1275.12. List of candidates

The secretary of state shall furnish the appropriate listing of candidates for each of the offices to be voted on in each election to any applicable federal or state official responsible for enforcement of laws regulating the conduct of campaigns. All other matters regarding the disposition of notice fees and actions shall be as provided in R.S. 18:470.

§1275.13. Majority vote required; second primary

No candidate for office shall be declared nominated to the office he seeks if such candidate has received less than a majority of the votes cast in a first primary of the political party with which he is affiliated, and a second primary shall be held for those offices for which no candidate received a majority of the votes cast in the first primary. The second primary shall be held in accordance with the provisions of this Part. A candidate who receives a majority of the votes cast in a first primary of the political party with which he is affiliated shall be declared the party nominee, and there shall be no second primary for such political party. If only one candidate of a political party qualifies for the office, that candidate shall be declared the party nominee.

§1275.14. Second primary; effect of the tie vote, withdrawal or death of a candidate

A. Except in the case of a tie vote, the two candidates who received the greatest number of votes in the first primary of a political party qualify for and shall be voted on in the second primary of the party.

(1) If as a result of a tie vote in the first primary more than two candidates received the highest number of the votes cast in the first primary or if one candidate received the highest number of such votes but, as a result of a tie vote, two or more candidates received the next highest number of such votes, all of such candidates qualify as candidates for the second primary of the party.

(2) If one of the persons receiving the greatest number of votes in the first primary withdraws his candidacy, dies, or is otherwise disqualified, thereby leaving only one candidate from the political party, such remaining candidate who has received the highest number of votes for the office for which he was a candidate shall be declared the nominee of the party.

B. There shall be no third primary. For any situation not specifically provided for in R.S. 18:1275 through 1275.24 including a tie vote in the second primary election, the state central committee of the recognized political party involved shall provide for the selection of a nominee from the candidates, and shall provide notice of the selection of a nominee to the secretary of state no later than five business days after the second primary.

§1275.15. Candidates who qualify for a general election

A. All nominations by political parties recognized pursuant to R.S. 18:441(C) for the general election shall be in accordance with the provisions relative to primary elections. The candidate from each such recognized political party who received the highest number of votes for an office in the second primary election, unless a candidate

obtained a majority in the first primary election, or is the only candidate remaining after the death or withdrawal of a candidate after the first primary election, shall be the party nominee and qualify for the general election. A candidate who received a majority of the votes cast in the first primary election shall qualify for the general election.

B. All nominations by political parties recognized pursuant to R.S. 18:441(B) for the general election shall be in accordance with the provisions relative to nominating conventions. The candidate from each such recognized political party who was nominated by the nominating convention shall be the party nominee and qualify for the general election in the same manner as a candidate who received a majority of the votes cast in a first primary or who was nominated in a second primary election.

§1275.16. Number of candidates who may qualify for a general election

The number of candidates for an office who may qualify for the general election by party nomination is one candidate from each recognized political party.

§1275.17. Candidates not affiliated with a recognized political party; qualifying for the general election

A. Any person desiring to become a candidate in a general election who is not registered as being affiliated with a recognized political party shall file his notice of candidacy which shall be accompanied by a nominating petition or by the qualifying fee required for state candidates as provided for in R.S. 18:464. The number of signatures required on a nominating petition shall be twice the number as that required for candidates seeking the same office in the first primary election as set forth in this Part.

B. The notice of candidacy shall comply with all of the requirements of this Chapter relative to notice of candidacy, except that the candidate shall indicate his political party affiliation or "no party" if he is not affiliated with any political party.

C. The nominating petition shall comply with all of the requirements of this Chapter relative to nominating petitions, except that no person affiliated with a recognized political party shall be eligible to sign such nominating petition.

D. The time of qualifying and the official with whom a candidate qualifies shall be in accordance with the provisions of this Chapter relative to qualifying for the first primary election for the office. If the qualifying period is reopened pursuant to R.S. 18:1275.11, the time for qualifying shall be reopened for non-affiliated candidates and shall be in accordance with all of the provisions of this Chapter.

§1275.18. Effect of tie vote in a second primary election

If more than one candidate receives both the same number of votes and the greatest number of votes in the second primary election, the state central committee of the party shall provide for selection of a nominee as provided in R.S. 18:1275.14(B).

§1275.19. Time for objecting to candidacy

An action objecting to candidacy, including the candidacy of a person who qualified as provided in R.S. 18:1275.1(A)(2), 1275.3, and 1275.17, shall be commenced in a court of competent jurisdiction within seven days after the close of qualification for candidates in a first primary election. The grounds for objecting to the candidacy of a person who qualified as provided in this Chapter shall be as provided in R.S. 18:492. After the expiration of the time period set forth in this Section, no action shall be commenced objecting to candidacy based on the grounds for objections to candidacy

contained in R.S. 18:492. All other matters regarding objecting to candidacy shall be as provided in this Code.

§1275.20. Nomination of candidates in a primary election; general election

A.(1) If, after the close of the qualifying period for candidates in a first primary election, the number of candidates for a congressional office including the United States Senate does not exceed the number of persons to be nominated by a recognized political party for the office, the candidate for that office, or the candidate remaining after the withdrawal of one or more candidates, is declared nominated by the people, and his name shall not appear on the ballot in the second primary election but shall be on the ballot for the general election.

(2) If a candidate withdraws after the ballot is printed with a withdrawn candidate's name on it, any votes received by the withdrawn candidate shall be null and void and shall not be counted for any purpose whatsoever.

B. The candidate who receives the most votes cast for an office in a general election is elected. All other matters regarding the election and certification of candidates in a general election shall be as provided in this Code.

§1275.21. Qualifications of voters

All persons who have registered to vote in this state prior to the time the registration records are closed as required in R.S. 18:135 may vote in the first and second primary election only for the candidates who are affiliated with the same political party, recognized pursuant to R.S. 18:441(C), as the voter. However, if permitted by the party state central committee, voters not affiliated with a recognized political party may vote in that party's first and second primary. The commissioner of elections shall adjust the voting machines so that the candidates in each primary election shall only be voted on by voters who are registered as being affiliated with the same political party as the candidates and by voters not affiliated with a recognized political party if permitted by the party state central committee.

§1275.22. Ballots

A. Preparation. The secretary of state shall prepare and certify the absentee ballots and the ballots to be used on the voting machines in the first and second primary and general elections.

B. Titles of offices. The titles of the offices to be voted on in any primary or general election shall be printed on the ballot in capital letters in the following order:

- (1) United States Senator
- (2) United States Representative

C. Names and numbers of candidates. The names of the candidates in any primary or general election shall be printed on the ballot as follows:

(1) In any first primary election only the names of candidates who qualified for election and were not subsequently disqualified by a judgment rendered in an action objecting to candidacy or who were not unopposed shall be printed on the ballot. The name of each candidate shall be printed on the ballot in the form designated by the candidate in his notice of candidacy on file with the secretary of state. The parties shall be arranged alphabetically, and under such party affiliation the names of the candidates for each office shall be listed alphabetically by surname within each party and printed below the title to the office and below the respective party designation in smaller capital letters. The names of the candidates shall be

numbered from first to last. Once the secretary of state has assigned numbers to the candidates on the first primary election ballot, the numbers shall not be changed. If the qualifying period reopens because of the death of a candidate, additional candidates who qualify for the first primary election shall be given the numbers following the number assigned to the last candidate on the ballot. If two or more candidates have the same surname, the word "Incumbent" shall be printed after the name of each candidate having the same surname who is an incumbent and the residence address shall be printed after the name of each candidate having the same surname who is not an incumbent. The form of the ballot shall be the same for the second primary election, but only the names of the candidates who qualified for such election shall be printed on the ballot.

(2) In a general election only the names of the candidates who qualified for election shall be printed on the ballot, and the names shall be printed in the same form as they were printed on the ballot for the first primary election. The names of candidates who qualified pursuant to R.S. 18:1275.1(A)(2) and 1275.17, and who were not subsequently disqualified, shall be as they appear on the notice of candidacy. The names of the candidates for each office shall be arranged alphabetically by surname, and shall be listed below the title of the office, in smaller capital letters. The political party designation of a candidate shall be listed on the ballot as provided in R.S. 18:551(D). The names of the candidates shall be given the same number assigned to them on the first primary election ballot. Additional candidates who qualify who were not on the first primary election ballot shall be given the numbers following the number assigned to the last candidate on the ballot for the first primary election.

§1275.23. Prerequisites to voting

The provisions of R.S. 18:562 shall be applicable to all congressional first and second primary elections and congressional general elections. Additionally, any person who desires to vote in any first or second primary election shall also give his party affiliation, if any, to a commissioner, who shall announce the applicant's name, address, and party affiliation, if any, to the persons at the polling place.

§1275.24. Compilation and promulgation of returns

On or before the twelfth day after the first or second primary election or general election, as the case may be, the secretary of state shall promulgate the returns for candidates by publishing in the official journal of the state the names of the candidates for each office in the election, and the number of votes received by each such candidate, shown by the returns transmitted by the clerks of court from the compiled statements by the parish boards of election supervisors. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the promulgation shall be from the returns transmitted by the parish board of election supervisors.

* * *

§1278. Vacancies; United States senator

* * *

B. If a vacancy occurs in the office of United States senator and the unexpired term is more than one year, an appointment to fill the vacancy shall be temporary. Any senator so appointed shall serve until his successor is elected at a special election and takes office. Within ten days after receiving official notice of the vacancy, the governor shall issue his proclamation for special election to fill the vacancy for the unexpired term. The date of the special election shall be established by the governor in accordance with the provisions of R.S. 18:402(E), except that special first primary elections shall be

held four weeks prior to the dates for special primary elections as provided in R.S. 18:402(E)(1) and (4), special second primary elections shall be held on the dates provided for special primary elections in R.S. 18:402(E)(1) and (4), and special general elections shall be held as provided in R.S. 18:402(E)(2). The dates of the qualifying period shall be established by the governor in accordance with this Part and R.S. 18:467, 467.1, and 468. Immediately after issuance of the proclamation, which shall include the dates of the first and second primary and general elections and the dates of the qualifying period, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted and the returns shall be certified as in regular elections for United States senator.

* * *

§1279. Vacancies; representatives in congress

When a vacancy occurs in the office of representative in congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue his proclamation ordering a special election and specifying the dates on which the first and second primary and general elections will be held and the dates of the qualifying period for the election. Immediately thereafter he shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state who shall within twenty-four hours of receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted in the same manner and at the same places and the returns shall be certified as in regular congressional elections. If at a primary first primary, second primary, or general election in a congressional district one representative in congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term for which the candidates are respectively nominated.

* * *

§1300. Procedures; notice of election; expenses

* * *

C.(1) When an election is called under the provisions of this Chapter, written notice of the election shall be transmitted to the secretary of state, the commissioner of elections, and each clerk of court and registrar of voters in the area affected by the election. If the election is to be held on a primary or second primary election date, then such notice shall be received by the secretary of state on or before the seventy-first day prior to the primary or second primary election. If the election is not to be held on a primary or second primary election date, then such notice shall be received by the secretary of state on or before the forty-sixth day prior to the election.

* * *

§1300.7. Governor to order election; proclamation; publication

A. If the required number of qualified electors of the voting area sign the petition for recall, the governor shall issue a proclamation ordering an election to be held for the purpose of voting

on the question of the recall of the officer. The total number of registered voters in the voting area and the total number of registered voters in the voting area signing the petition shall be calculated from the totals on the certificates of all of the registrars of voters received by the governor. The governor shall issue such proclamation within fifteen days after he receives the certified petitions from all of the registrars of voters in the voting area who have received petitions for certification. The proclamation shall order the election to be held on the next available date specified in R.S. 18:402(F). If the election is to be held on a primary or second primary election date, the proclamation shall be issued on or before the last day for candidates to qualify in the election. If the election is not to be held on a primary or second primary election date, then the proclamation shall be issued on or before the forty-sixth day prior to the election.

* * *

§1306. Preparation and distribution of absentee ballots

A.

* * *

(4) The secretary of state shall prepare a special absentee ballot for candidates and constitutional amendments to be voted on in second primary or general elections, subject to approval as to content by the attorney general. This special ballot shall only be for use by a qualified voter who is either a member of the United States Service or who resides outside of the United States. Such special ballot shall contain a list of the titles of all offices being contested at the primary or first primary election and the candidates qualifying for the primary or first primary election for each office and shall permit the elector to vote in the second primary or general election by indicating his order of preference for each candidate for each office. On the special ballot shall also be printed each constitutional amendment to be voted on in the second primary or general election. To indicate his order of preference for each candidate for each office to be voted on in the election, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number two for his second choice and so forth so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ballot. A space shall be provided for the voter to indicate his preference for or against each constitutional amendment contained on the ballot. The voter shall not be required to indicate his preference for more than one candidate on the ballot if the voter so chooses. The secretary of state shall also prepare instructions for use of the special ballot.

* * *

C.(1) At least twenty days before each primary or first primary election and at least thirteen days before each general election, the secretary of state shall deliver to the registrar in each parish in which the election is to be held the paper absentee ballots, envelopes, in-person absentee applications, certificates, instructions to be used in voting by absentee ballot in that election, and a statement, approved by the attorney general, explaining the scope and nature of any proposed constitutional amendment. The number of paper absentee ballots and other necessary paraphernalia to be so delivered shall be up to ten percent of the registered voters within each parish.

(2) At least twenty days before each primary or first primary election, the secretary of state shall deliver to the registrar in each parish in which the election is to be held the special absentee ballot for qualified voters who are either members of the United States Service or persons residing outside of the United States. The number of special ballots and other necessary paraphernalia, including instructions for the use of the special ballot, to be so delivered shall be up to one percent of the registered voters within each parish.

* * *

§1307. Application by mail

A. A person qualified to vote absentee by mail under this Chapter may make application therefor to the registrar by letter; over his signature or mark if the voter is unable to sign his name, signed by two witnesses who witnessed the applicant's mark; setting forth:

* * *

(8) If the person requests that a ballot for a general election or the second primary election and a general election be sent in addition to a ballot for the primary or first primary, he shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the general election or the second primary election and the general election.

* * *

D. A person entitled to vote absentee by mail may request in his application for an absentee ballot for a primary or first primary election that an absentee ballot for the succeeding general election or the second primary election and the general election be sent to him when such ballots become available for distribution. However, in such case, the applicant shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the general election or the second primary election and the general election.

* * *

§1308. Absentee voting by mail

A.

* * *

(2)(a) With respect to persons on active duty in the United States military service or outside the continental boundaries of the United States, these materials shall be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act (39 USC 3406 and 42 USC 1973ff et seq.) and shall include both the primary or first primary election ballot and the special ~~ballot~~ ballots for the general election or the second primary election and the general election. The envelope mailed to the voter shall contain ~~four~~ six envelopes, ~~two~~ three of which shall be the ballot envelopes and ~~two~~ three of which shall be return envelopes. Each return envelope shall bear the official title and mailing address of the registrar, whether it contains a primary, first primary, second primary, or general election ballot, and the name, return address, and precinct or district number of the voter. The voter shall return his voted primary or first primary election ballot and special ~~ballot~~ ballots for the general election or the second primary and general election to the registrar in the appropriate envelopes. The registrar of voters shall not mail a regular general election absentee ballot to a member of the United States Service or to persons residing overseas if the registrar has mailed the special ballot, as provided herein, to such voter.

* * *

§1311. List of absentee voters; posting; delivery of alphabetized list to precincts; supplements

* * *

D.

* * *

(5)(a) Upon receipt of the special ballot for members of the United States Service and persons residing outside of the United States, the registrar shall endorse the day and hour of receipt on said ballots and place those received on the day of the general election for

which the ballot is cast, in an envelope separate from any other mail ballot. The registrar shall include, on a separate list for this purpose, in alphabetical order and by precinct, the name of each voter submitting such special absentee ballot.

* * *

§1314. Absentee commissioners

* * *

C. Selection for a primary or first primary election. (1) The parish board of election supervisors shall determine the number of absentee commissioners necessary to count the absentee ballots in the parish. The parish board of election supervisors shall select a minimum of three absentee commissioners.

(2) The parish board of election supervisors shall meet at 10:00 a.m. on the fifth day before a primary or first primary election and shall select the absentee commissioners and alternate absentee commissioners for the parish in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of absentee commissioners and alternate absentee commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as an absentee commissioner if a certified commissioner has been selected as an alternate absentee commissioner.

* * *

D. Selection for second primary or general election. (1)(a) The parish board of election supervisors shall determine if the number of absentee commissioners necessary to count the absentee ballots in the second primary or general election can be reduced or should be increased from the number which counted absentee ballots in the primary election.

(b) If it determines that the number cannot be reduced or should be increased, those persons who served as absentee commissioners and alternate absentee commissioners for the parish in the primary or first primary election shall serve in the second primary and general election, unless replaced or disqualified in the manner provided by law for commissioners and alternate commissioners. The number of absentee commissioners for a second primary and general election shall not be less than three.

(2)(a) If the parish board determines that the number of absentee commissioners can be reduced, it shall notify each person who served as an absentee commissioner or alternate absentee commissioner in the primary or first primary election of its decision to reduce the number of absentee commissioners and of the date and time of the meeting to select the absentee commissioners for the second primary and general election. The parish board shall meet at 10:00 a.m. on the fifth day before a general election and shall select the absentee commissioners and alternate absentee commissioners to serve in the general election such elections for the parish.

(b)(i) The parish board shall prepare a list containing the names of all persons who served as absentee commissioners in the primary or first primary election. The absentee commissioners and alternate absentee commissioners for the second primary election and for the general election shall be selected from that list in the manner provided by law for the selection of commissioners and absentee commissioners. The absentee commissioners so chosen shall then serve for both the second primary election and the general election.

(ii) If the list does not contain sufficient names to select the number of absentee commissioners and alternate absentee commissioners determined by the board to be needed for the second primary election and the general election, the board shall fill any

remaining alternate commissioner positions from a list of those persons who were selected as alternate absentee commissioners for the primary or first primary election, such list to be prepared and the selection made in the same manner provided herein for selection of absentee commissioners for the second primary election and the general election.

(3) If the parish board determines that the number of absentee commissioners should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before a the second primary election and the general election and shall select the additional absentee commissioners and alternate absentee commissioners to serve in the second primary election and the general election for that parish from the list of certified commissioners who have not been chosen to serve in the second primary election and the general election as a commissioner-in-charge, commissioner, or, if applicable, absentee commissioner in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of absentee commissioners and alternate absentee commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as an absentee commissioner if a certified commissioner has been selected as an alternate absentee commissioner.

* * *

§1333. Voting by persons confined to a nursing home

* * *

D.(1) A voter qualified to vote under this Section and approved for participation in the special program for handicapped voters shall make application to vote by absentee ballot to the registrar of voters by letter, over his signature, setting forth the following:

* * *

(e) If at the time the disabled voter requests an absentee ballot for a primary or first primary election, he also requests an absentee ballot for the general election or the second primary and for the general election, he shall declare in writing to the registrar that he will be eligible to vote absentee in the general election or the second primary and in the general election.

* * *

E.(1) Upon receipt of the application for an absentee ballot, the registrar shall first enter the date and time of receipt thereof and ascertain to his satisfaction the accuracy of the information contained in the application. An application not timely submitted and received as required in Subsection D of this Section shall be immediately returned to the applicant with a brief statement citing the reasons for the return; however, if such application requested an absentee ballot for both a primary and general election or a first primary, second primary, and general election, the registrar shall retain the application, notify the applicant that the request to vote by absentee ballot in the primary or first primary election was not timely submitted and received, and process the application for the general election or the second primary election and general election as provided herein.

* * *

§1355. Construction and equipment of machines; requirements

Each voting machine used in an election shall be so constructed and equipped as to:

* * *

(6) When used in a first or second congressional primary or a primary election at which members of a political party committee are to be voted on, it shall be so equipped that the election officials can lock out all candidate counters except those of the party with which

the voter is affiliated or those of the party for which a voter not affiliated with a recognized political party has chosen to vote if permitted by the state central committee of the party.

* * *

§1401. Objections to candidacy and contests of elections; parties authorized to institute actions

* * *

B. A candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a second primary election or for a general election or would have been elected may bring an action contesting the election.

* * *

§1402. Proper parties

* * *

B.(1) The following persons are the proper parties against whom election contests may be instituted:

* * *

(c) The person or persons whose eligibility to be a candidate in a second primary or in a general election or whose election to office is contested.

* * *

§1405. Time for commencement of action

A. An action objecting to candidacy shall be instituted not later than 4:30 p.m. of the seventh day after the close of qualifications for candidates in the nominating convention, primary, or first primary election and within seven days after the close of qualifications for candidates for congressional offices in a general election who are not affiliated with a recognized political party. After the expiration of the time period set forth in this Section, no further action shall be commenced objecting to candidacy based on the grounds for objections to candidacy contained in R.S. 18:492.

* * *

§1406. Petition; answer; notification

* * *

B. The petition shall set forth in specific detail the facts upon which the objection or contest is based. If the action contests an election, the petition shall allege that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would have qualified for a second primary election or for a general election or would have been elected. The trial judge may allow the filing of amended pleadings for good cause shown and in the interest of justice.

* * *

§1407. Appointment of agent for service of process

By filing notice of candidacy a candidate appoints the clerk of court for each parish in which he is to be voted on as his agent for service of process in any action objecting to his candidacy, contesting his qualification as a candidate in a second primary election or in a general election, or contesting his election to office.

* * *

§1409. Trial; decision; appeal

* * *

B.(1) If the action involves the contest of a primary or first primary election for a major office, the trial judge, for good cause shown, may postpone the date of the second primary election or the general election for the office as to which the contest was filed for a period not to exceed five weeks, if the contest is of a second primary for a major office, he may, for good cause shown, so postpone the general election.

(2) Whenever the trial of an action contesting a primary or first or second primary election for a major office, extends past 5:00 p.m. on the fourteenth day after the day of the election, the trial judge shall order the second primary election and the general election, or the general election, as the case may be, for the affected office postponed to a Saturday specified by him which, for a second primary election is at least thirty days after the date on which the trial court renders judgment and which for a general election is at least thirty days after the primary or second primary election.

* * *

§1432. Remedies

A. If the trial judge in an action contesting an election determines that: (1) it is impossible to determine the result of election, or (2) the number of qualified voters who were denied the right to vote by the election officials was sufficient to change the result in the election, if they had been allowed to vote, or (3) the number of unqualified voters who were allowed to vote by the election officials was sufficient to change the result of the election if they had not been allowed to vote, or (4) a combination of the factors referred to in (2) and (3) herein would have been sufficient to change the result had they not occurred, the judge may render a final judgment declaring the election void and ordering a new primary or first and second primary or second primary or general election for all the candidates, or, if the judge determines that the appropriate remedy is the calling of a restricted election, the judge may render a final judgment ordering a restricted election, specifying the date of the election, the appropriate candidates for the election, the office or other position for which the election shall be held, and indicating which voters will be eligible to vote.

* * *

§1461. Election offenses; penalties

A. No person shall knowingly, willfully, or intentionally:

* * *

(17) Give or offer to give, directly or indirectly, any money or thing of present or prospective value to any person who has withdrawn or who was eliminated prior or subsequent to the primary or first or second primary election as a candidate for public office, for the purpose of securing or giving his political support to any remaining candidates or to candidates for public office in the primary or first or second primary or general election.

* * *

Section 2. R.S. 18:402(E)(1)(b) is hereby repealed in its entirety."

AMENDMENT NO. 4

On page 3, line 29, change "Section 2." to "Section 3."

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. 53 by Senator Fields

AMENDMENT NO. 1

In House Committee Amendment No. 3 proposed by the House Committee on House and Governmental Affairs, amending Reengrossed Senate Bill No. 53 by Senator Fields on page 7, line 29, change "18:441(C)" to "18:441(B)(2)"

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 56—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:4121(E), relative to the Sewerage and Water Board of New Orleans; to provide for a technical change in the board's bonding authority; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 58—

BY SENATORS DUPLESSIS AND FIELDS

AN ACT

To repeal R.S. 17:121(D), relative to participation in certain campaign activities for the election of school board members in Orleans Parish; to remove the prohibition against school board members or other elected officials in campaigning for or against the election of school board members in Orleans Parish; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 80—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:4084(A)(1)(a), relative to the Sewerage and Water Board of New Orleans; to change the threshold contract amount of materials and supplies contracts with the board that must be advertised for public bid; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 81—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:4079, relative to the Sewerage and Water Board of New Orleans; to provide for the conformity to plans for drainage system and related facilities; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 156—
BY SENATORS CHAISSON AND NEVERS

AN ACT

To enact R.S. 14:67.4, relative to crimes; to make theft of encoded credit card information a crime; to criminalize the use of a scanning device or re-encoder to capture encoded information from a magnetic strip; to provide for definitions; to provide for penalties; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 157—
BY SENATORS CHAISSON AND MARIONNEAUX

AN ACT

To amend and reenact R.S. 14:98(D)(1)(a), the introductory paragraph of R.S. 14:98(D)(1)(b), (c), and (d) and (E)(1)(a), the introductory paragraph of R.S. 14:98(E)(1)(b), (c), and (d) and (I), relative to operating a vehicle while intoxicated; to provide with respect to the criminal penalties for third, fourth, and subsequent offenses of operating a vehicle while intoxicated; to provide for the court's discretion in suspending a portion of the criminal sentence for third, fourth, and subsequent offenses; to provide for the court's discretion in ordering an offender to substance abuse treatment and home incarceration; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 160—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 46:56(F)(9), relative to the Department of Social Services; to provide with respect to the confidentiality of case records; to provide for limited disclosures by the department; to provide for confidentiality of records during criminal investigations; to provide for confidentiality of public records as required by federal law; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Reengrossed Senate Bill No. 160 by Senator Amedee

AMENDMENT NO. 1

On page 1, line 6, after "federal law;" and before "and" insert "to provide for penalties;"

AMENDMENT NO. 2

On page 2, line 1, change "the department's records may" to "the child abuse or neglect records of the Department of Social Services may"

AMENDMENT NO. 3

On page 2, line 14, delete "Subparagraph" and insert "Paragraph."

AMENDMENT NO. 4

On page 3, between lines 13 and 14, insert the following:

"(h) Notwithstanding the provisions of Subsection B of this Section, references in this Paragraph to the term "department" shall only mean the Department of Social Services."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 226—
BY SENATOR N. GAUTREAUX

AN ACT

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

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Engrossed Senate Bill No. 226 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 2, line 26, after "and" and before "oxycodone" insert "except"

AMENDMENT NO. 2

On page 3, line 4, change "and" to "or"

AMENDMENT NO. 3

On page 3, line 12, change "and" to "or"

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 289— BY SENATOR MURRAY

AN ACT

To enact R.S. 33:4079.1, relative to the Sewerage and Water Board of New Orleans; to provide for the authorization to lease conduit to house fiber optic cable by the Sewerage and Water Board of New Orleans; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 323— BY SENATORS JACKSON AND MURRAY AN ACT

To amend and reenact R.S. 15:146(B)(1), 147(A)(1)(b), (c), (d), (e), (f) and (g), 148(B), 151(B)(1), (2), (3), (5), (6), 151.1(A) and (C), 151.2(C), (E), (F) and (G) and to enact R.S. 15:145.1, 147(A)(1)(h) and (i), 151(C) and 151.2(H), relative to indigent defenders; to provide for special reporting requirements; to provide for definitions; to provide for a cost to be assessed in certain cases; authorizes judicial district indigent defender boards to recoup funds; to provide for members of the Indigent Defense Assistance Board; to provide the board with certain duties and powers; to provide for quorum requirements; to provide for staggered terms of the membership; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 323 by Senator Jackson

AMENDMENT NO.1

On page 1, line 4, immediately after "151(C)" insert a comma "," and change "and 151.2(H)" to "151.2(H) and (I)"

AMENDMENT NO. 2

On page 1, line 14, immediately after "151(C)" insert a comma "," and change "and 151.2(H)" to "151.2(H) and (I)"

AMENDMENT NO. 3

On page 2, delete lines 20 through 29 in their entirety and on page 3, delete lines 1 through 3 in their entirety and insert in lieu thereof:

"C. For purposes of this Section, a "case" is defined as any proceeding or series of proceedings occurring in relation to a single docket number assigned by the court, clerk of court, or any entity in any jurisdiction in this state charged with the responsibility of assigning docket numbers. It shall be immaterial whether the docket number contains one or more petitions or charging instruments, or whether the charging instrument or instruments contains one or more counts. An appeal shall not count as a separate case. When multiple docket numbers are incorporated into a single docket number for any reason, it shall constitute a single case."

AMENDMENT NO. 4

On page 7, line 15, after "(d)" and before "Louisiana" change "The chancellor of the" to "The governor shall appoint one member representing the"

AMENDMENT NO. 5

On page 7, line 16, after "Center" and before "who" delete "shall appoint one member"

AMENDMENT NO. 6

On page 7, line 18, after "(e)" delete the remainder of the line and insert in lieu thereof "The governor shall appoint one member representing the Loyola University School of Law"

AMENDMENT NO. 7

On page 7, at the beginning of line 19, delete "member"

AMENDMENT NO. 8

On page 7, line 21, after "(f)" delete the remainder of the line and insert in lieu thereof "The governor shall appoint one member representing the Southern University Law Center"

AMENDMENT NO. 9

On page 7, at the beginning of line 22, delete "one member"

AMENDMENT NO. 10

On page 7, line 24, after "(g)" delete the remainder of the line and insert in lieu thereof "The governor shall appoint one member representing the Tulane University School of Law"

AMENDMENT NO. 11

On page 7, at the beginning of line 25, delete "member"

Page 20 HOUSE

28th Day's Proceedings - June 13, 2005

AMENDMENT NO. 12

On page 8, delete lines 6 and 7 in their entirety

AMENDMENT NO. 13

On page 8, at the beginning of line 16, change "chancellor of" to "governor representing"

AMENDMENT NO. 14

On page 8, line 19, after "by the" and before "the Loyola" change "dean of" to "governor representing"

AMENDMENT NO. 15

On page 8, line 23, after "by the" and before "the Southern" change "chancellor of" to "governor representing"

AMENDMENT NO. 16

On page 8, line 25, after "the" and before "Tulane" change "dean of" to "governor representing the"

AMENDMENT NO. 17

On page 10, line 8, after "elect" and before "a vice chairman" delete "a chairman and"

AMENDMENT NO. 18

On page 12, after line 4, add the following:

"I. The board shall prepare and submit to the Joint Legislative Committee on the Budget on or before March first of each year an annual financial report which outlines the expenditures of local, state, and federal funds for the previous calendar year."

Reported without amendments by the Legislative Bureau.

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

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

Under the rules, placed on the regular calendar.

SENATE BILL NO. 334— BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 33:1236(30)(b)(i), (iii), (iv) and (vi) and 4876, relative to the powers of local governing authorities; to provide with respect to authorization of the St. Tammany Parish governing authority to require and compel property owners to remove trash, debris, junk, wrecked or used automobiles or motor vehicles, or other discarded items being stored or kept on property; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Municipal, Parochial and Cultural Affairs.

Reported without amendments by the Legislative Bureau.

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

Under the rules, placed on the regular calendar.

Suspension of the Rules

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

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. 200— BY SENATORS BAJOE, MURRAY, JACKSON, NEVERS AND SCHEDLER

A JOINT RESOLUTION

Proposing to add Article VII, Section 21(C)(19) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Read by title.

Rep. Karen Carter moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members who voted 'YEAS' for Senate Bill No. 200. Includes Mr. Speaker, Alario, Alexander, Ansardi, Arnold, Badon, Baldone, Baudoin, Baylor, Beard, Bowler, Bruce, Bruneau, Burns, Burrell, Carter, K., Carter, R., Cazayoux, Crane, Cravins, Crowe, Curtis, Damico, Daniel, Dartez, DeWitt, Doerge, Dorsey, Dove, Downs, Durand, Erdey, Fannin, Farrar, Faucheux, Frith, Gallot, Geymann, Glover, Gray, Greene, Guillory, E., Guillory, M., Heaton, Hebert, Hill, Honey, Hopkins, Hunter, Hutter, Jefferson, Johns, Katz, Kennard, Kenney, Kleckley, LaBruzzo, LaFleur, LaFonta, Lambert, Lancaster, Marchand, Martiny, McDonald, McVea, Montgomery, Morrell, Morrish, Odinet, Pierre, Pinac, Pitre, Powell, M., Powell, T., Quezaire, Richmond, Ritchie, Robideaux, Romero, Scalise, Smiley, Smith, G., Smith, J.D.-50th, Smith, J.H.-8th, Smith, J.R.-30th, St. Germain, Strain, Thompson, Toomy, Townsend, Trahan, Triche, Tucker, Waddell, Walker, Walsworth, White, Winston, Wooton, Wright.

Total - 100

NAYS

Total - 0

ABSENT

Table listing names of members who were 'ABSENT': Barrow, Hammett, Jackson, Schneider.

Total - 4

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

Rep. Karen Carter 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. 115—
BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 15:146(B)(1)(a), relative to the indigent defender fund for the Eighteenth Judicial District; to increase criminal costs in the City Court of Port Allen to fund indigent defense; and to provide for related matters.

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	Erdey	McVea
Alario	Fannin	Montgomery
Ansardi	Farrar	Morrell
Arnold	Faucheux	Morrish
Badon	Frith	Odinet
Baldone	Gallot	Pierre
Barrow	Geymann	Pinac
Baudoin	Glover	Pitre
Baylor	Gray	Powell, T.
Beard	Guillory, E.	Quezaire
Bowler	Hammett	Richmond
Bruce	Heaton	Ritchie
Bruneau	Hebert	Smiley
Burns	Honey	Smith, G.
Burrell	Hopkins	Smith, J.D.—50th
Carter, K.	Hunter	Smith, J.H.—8th
Carter, R.	Hutter	Smith, J.R.—30th
Cazayoux	Jefferson	St. Germain
Crane	Johns	Strain
Cravins	Kennard	Thompson
Curtis	Kenney	Toomy
Damico	Kleckley	Townsend
Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	White
Downs	Martiny	Wooton
Durand	McDonald	Wright
Total - 90		

NAYS

Alexander	Katz	Scalise
Crowe	Powell, M.	
Greene	Robideaux	
Total - 7		

ABSENT

Guillory, M.	Romero	Winston
Hill	Schneider	
Jackson	Walsworth	
Total - 7		

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. 232—
BY SENATOR MURRAY

AN ACT

To enact R.S. 26:85.2, relative to alcohol beverage control; to establish and authorize the issuance of a museum permit to authorize the limited sale of certain commemorative bottles of alcohol and to authorize the limited service of product samples in a historically-based museum facility that is operated in a historic preservation district; and to provide for related matters.

Read by title.

Rep. Toomy moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Pierre
Alario	Gallot	Pinac
Ansardi	Geymann	Pitre
Arnold	Gray	Powell, T.
Badon	Guillory, E.	Quezaire
Baldone	Hammett	Richmond
Baylor	Hebert	Ritchie
Bowler	Honey	Robideaux
Bruce	Hopkins	Romero
Bruneau	Hunter	Scalise
Burns	Hutter	Schneider
Burrell	Jefferson	Smith, G.
Carter, R.	Johns	Smith, J.D.—50th
Crane	Katz	Smith, J.H.—8th
Cravins	Kennard	Smith, J.R.—30th
Crowe	Kenney	St. Germain
Curtis	Kleckley	Strain
Damico	LaBruzzo	Thompson
Daniel	LaFonta	Toomy
Dartez	Lancaster	Townsend
DeWitt	Marchand	Trahan
Doerge	Martiny	Triche
Dorsey	McDonald	Tucker
Dove	McVea	Waddell
Downs	Montgomery	Walker
Durand	Morrish	Wooton
Faucheux	Odinet	Wright
Total - 81		

NAYS

Alexander	Fannin	Lambert
Barrow	Farrar	Powell, M.
Baudoin	Greene	Smiley
Erdey	Hill	White
Total - 12		

ABSENT

Beard	Guillory, M.	Morrell
Carter, K.	Heaton	Walsworth
Cazayoux	Jackson	Winston
Glover	LaFleur	
Total - 11		

The Chair declared the above bill was finally passed.

Rep. Toomy 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.

Page 22 HOUSE

28th Day's Proceedings - June 13, 2005

SENATE BILL NO. 6—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 38:291(B)(2), relative to the Bossier Levee District; to provide for an increase in the membership of the district; to provide for the appointing authority; to provide for the term of the additional member; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Montgomery to Engrossed Senate Bill No. 6 by Senator Adley

AMENDMENT NO. 1

On page 1, line 14, change "nine" to "ten"

AMENDMENT NO. 2

On page 1, line 16, change "one" to "two"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Cazayoux	LaFleur	Walsworth
Johns	Tucker	
Total - 5		

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. 143—
BY SENATORS CAIN, ADLEY AND MOUNT
AN ACT

To designate a portion of Louisiana Highway 12 located in the city of DeQuincy as the "Buddy Henagan Memorial Parkway."

Read by title.

Rep. Johns moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	Pierre
Alario	Glover	Pinac
Alexander	Greene	Pitre
Ansardi	Guillory, E.	Powell, M.
Arnold	Guillory, M.	Powell, T.
Badon	Hammett	Quezaire
Baldone	Heaton	Richmond
Barrow	Hebert	Ritchie
Baudoin	Hill	Robideaux
Bowler	Honey	Romero
Bruce	Hopkins	Scalise
Bruneau	Hunter	Schneider
Burns	Hutter	Smiley
Cazayoux	Jackson	Smith, G.
Crane	Jefferson	Smith, J.D.—50th
Cravins	Johns	Smith, J.H.—8th
Crowe	Katz	Smith, J.R.—30th
Curtis	Kennard	St. Germain
Damico	Kenney	Strain
Daniel	Kleckley	Thompson
Dartez	LaBruzzo	Toomy
DeWitt	LaFonta	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
Frith	Odinot	
Total - 95		

NAYS

Total - 0

ABSENT

Baylor	Carter, K.	Gray
Beard	Carter, R.	LaFleur
Burrell	Gallot	Wooton
Total - 9		

The Chair declared the above bill was finally passed.

Rep. Johns 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. 21—
BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 56:799.4(B)(8), relative to the White Lake Property Advisory Board; to provide relative to board composition and membership; to add a member at large to the board who shall be a resident of Ward 8 of Vermilion Parish and appointed by the governor; and to provide for related matters.

Read by title.

Rep. Frith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Barrow	Beard	St. Germain
Baylor	Lancaster	
Total - 5		

The Chair declared the above bill was finally passed.

Rep. Frith 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. 210—
BY SENATOR HEITMEIER

AN ACT

To amend and reenact Sections 1 and 2 of Act No. 233 of the 1984 Regular Session of the Legislature, as amended by Act No. 847 of the 1992 Regular Session of the Legislature, Act No. 1364 of the 1997 Regular Session of the Legislature, and Act No. 1378 of the 1999 Regular Session of the Legislature, relative to the Bohemia Spillway; to provide a procedure for persons claiming an ownership interest in property or minerals located in the Bohemia Spillway; to provide for certification of property and mineral ownership interest and for the return of such property and mineral interest to the certified owner or his successor by the Board of Levee Commissioners of the Orleans Levee District; to provide for payment by the board to the certified owner or his successor for mineral revenues received by the board from such property after June 29, 1984; to provide an exemption to the board of commissioners from certain judgements rendered involving title to properties and claims involving mineral revenues derived from land located in the spillway; 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	Odinot
Alario	Gallot	Pierre
Alexander	Geymann	Pinac
Ansardi	Glover	Pitre
Arnold	Gray	Powell, M.
Badon	Greene	Powell, T.
Baldone	Guillory, E.	Quezaire
Barrow	Guillory, M.	Richmond
Baudoin	Hammett	Ritchie
Baylor	Heaton	Robideaux
Bowler	Hebert	Romero
Bruce	Hill	Scalise
Bruneau	Honey	Schneider
Burns	Hopkins	Smiley
Burrell	Hunter	Smith, G.
Carter, K.	Hutter	Smith, J.D.—50th
Carter, R.	Jackson	Smith, J.H.—8th
Cazayoux	Jefferson	Smith, J.R.—30th
Crane	Johns	St. Germain
Cravins	Katz	Strain
Crowe	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	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
Fannin	Montgomery	Wooton
Farrar	Morrell	Wright
Faucheux	Morrish	
Total - 101		

NAYS

Total - 0

ABSENT

Beard	Curtis	LaFonta
Total - 3		

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.

Suspension of the Rules

On motion of Rep. Kenney, 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. 224—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 47:303(D) and R.S. 56:6(21), and 303(D) and (E), and to enact R.S. 34:851.2(12) and 851.37, relative to a system of special certificate agents; to provide for such agents to collect motorboat or sailboat registration certificate fees and to issue registration certificates and decals; to provide for such agents to collect commercial fisherman's license fees and to issue commercial fisherman's licenses; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Romero to Engrossed Senate Bill No. 224 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 56:6(21)," and before "and 303(D)" insert "302.4(A),"

AMENDMENT NO. 2

On page 1, at the end of line 6, add: "to provide for the period of validity of certain fishing licenses;"

AMENDMENT NO. 3

On page 4, line 13, "R.S. 56:6(21)," and before "and 303(D)" insert "302.4(A),"

AMENDMENT NO. 4

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

"§302.4. Recreational fishing licenses: license year; purchase period

A. Basic recreational licenses, freshwater trout licenses, saltwater licenses, and recreational gear licenses are valid ~~beginning June first of each calendar year and expiring on June thirtieth of the following calendar year~~ for a period of one year from the date of issuance of the license, unless suspended, revoked, or canceled. However, through promulgation and adoption of rules and regulations therefor, the department may issue recreational licenses and recreational gear licenses for a period of one year from the date of issuance. Any such rule promulgated and adopted under the provisions of this Section shall supersede the licensure period delineated in this Section prior to the adoption of the rule.

* * *

Point of Order

Rep. Scalise asked for a ruling from the Chair as to whether the above amendments were germane to the subject matter contained in the bill as introduced.

Ruling of the Chair

The Chair ruled that the above amendments were not germane to the subject matter contained in the bill as introduced.

Appeal of the Ruling of the Chair

Rep. Romero appealed the ruling of the Chair.

The vote recurred on sustaining the ruling of the Chair.

By a vote of 72 yeas and 13 nays, the Chair was sustained.

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

Rep. St. Germain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Montgomery
Alario	Faucheux	Morrell
Alexander	Frith	Morrish
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Ritchie
Beard	Hammett	Robideaux
Bowler	Heaton	Romero
Bruce	Hebert	Scalise
Bruneau	Hill	Schneider
Burns	Honey	Smiley
Burrell	Hopkins	Smith, G.
Carter, K.	Hunter	Smith, J.D.—50th
Carter, R.	Hutter	Smith, J.H.—8th
Cazayoux	Jackson	Smith, J.R.—30th
Crane	Jefferson	St. Germain
Cravins	Johns	Strain
Crowe	Katz	Thompson
Curtis	Kennard	Toomy
Damico	Kenney	Townsend
Daniel	Kleckley	Trahan
Dartez	LaBruzzo	Triche
DeWitt	LaFleur	Tucker
Doerge	LaFonta	Waddell
Dorsey	Lambert	Walker
Dove	Lancaster	Walsworth
Downs	Marchand	White
Durand	Martiny	Winston
Erdey	McDonald	Wooton
Fannin	McVea	Wright
Total - 102		

NAYS

Total - 0

ABSENT

Odinot Richmond
Total - 2

The Chair declared the above bill was finally passed.

Rep. St. Germain 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. 235—

BY SENATOR ULLO AND REPRESENTATIVES TOOMY AND WOOTON
AN ACT

To enact R.S. 34:851.27(B)(9), relative to regulation of vessels and motorboats; to authorize the regulation of air boats by the governing authority of Jefferson Parish and its municipalities; to provide for terms and conditions; to provide for the enforcement of such regulation; and to provide for related matters.

Read by title.

Rep. Wooton moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 100

NAYS

Total - 0

ABSENT

Carter, K.	Gray
Frith	Schneider

Total - 4

The Chair declared the above bill was finally passed.

Rep. Wooton 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. 249—

BY SENATORS MOUNT AND THEUNISSEN
AN ACT

To authorize and provide for the transfer of certain immovable property located in Calcasieu Parish from the Chennault International Airport Authority to the Board of Supervisors of Community and Technical Colleges, for the use and benefit of its Sowela Campus, in exchange for forgiveness of a certain debt owed by the authority to the state of Louisiana; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Johns moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 102

NAYS

Total - 0

ABSENT

Jefferson	Odinet
-----------	--------

Total - 2

The Chair declared the above bill was finally passed.

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

Speaker Pro Tempore Dorsey in the Chair

SENATE BILL NO. 75—
BY SENATOR ADLEY

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H) and (I), relative to the jurisdiction of city courts; to provide relative to the City Court of Springhill; to increase the jurisdictional amount in dispute; and to provide for related matters.

Read by title.

Rep. Doerge moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Morrell
Alario	Faucheux	Morrish
Alexander	Frith	Odinot
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Heaton	Robideaux
Bruce	Hebert	Romero
Bruneau	Hill	Scalise
Burns	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Cravins	Katz	Strain
Crowe	Kennard	Thompson
Curtis	Kenney	Toomy
Damico	Kleckley	Townsend
Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	Martiny	White
Durand	McDonald	Winston
Erdey	McVea	Wooton
Fannin	Montgomery	Wright
Total - 102		

NAYS

Total - 0

ABSENT

Jefferson	St. Germain
Total - 2	

The Chair declared the above bill was finally passed.

Rep. Doerge 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. 95—
BY SENATOR KOSTELKA

AN ACT

To enact R.S. 23:1601(11), relative to unemployment compensation; to provide with respect to the exclusion of inmates in custodial or penal institutions from the receipt of unemployment benefits during periods of incarceration; and to provide for related matters.

Read by title.

Rep. Scalise moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Geymann	Powell, T.
Alario	Greene	Quezaire
Alexander	Hammett	Ritchie
Arnold	Heaton	Robideaux
Baudoin	Hebert	Romero
Beard	Hill	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Cravins	Katz	St. Germain
Crowe	Kennard	Strain
Damico	Kenney	Thompson
Daniel	Kleckley	Toomy
Dartez	LaBruzzo	Townsend
DeWitt	LaFleur	Trahan
Doerge	Lambert	Triche
Dorsey	Lancaster	Tucker
Dove	McDonald	Waddell
Downs	McVea	Walker
Durand	Montgomery	Walsworth
Erdey	Morrish	White
Fannin	Odinot	Winston
Farrar	Pierre	Wooton
Faucheux	Pinac	Wright
Frith	Pitre	
Gallot	Powell, M.	
Total - 82		

NAYS

Badon	Curtis	LaFonta
Barrow	Gray	Marchand
Baylor	Guillory, E.	Morrell
Burrell	Honey	Richmond
Carter, K.	Jefferson	
Total - 14		

ABSENT

Ansardi	Burns	Martiny
Baldone	Glover	Smiley
Bowler	Guillory, M.	
Total - 8		

The Chair declared the above bill was finally passed.

Rep. Scalise 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. 139—
BY SENATOR JONES

AN ACT

To enact R.S. 40:2405.5, relative to Peace Officer Standards and Training; to provide a training course for law enforcement interaction with mentally ill and developmentally disabled persons; to provide for course requirements; to provide for implementation and reporting requirements; and to provide for related matters.

Read by title.

Rep. Hunter moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Morrish
Alario	Gallot	Odinet
Alexander	Geymann	Pierre
Arnold	Gray	Pinac
Badon	Greene	Pitre
Baldone	Guillory, E.	Powell, M.
Barrow	Guillory, M.	Powell, T.
Baudoin	Hammett	Quezaire
Baylor	Heaton	Richmond
Beard	Hebert	Ritchie
Bowler	Hill	Robideaux
Bruce	Honey	Romero
Bruneau	Hopkins	Schneider
Burns	Hunter	Smiley
Burrell	Hutter	Smith, G.
Carter, K.	Jackson	Smith, J.D.-50th
Carter, R.	Jefferson	Smith, J.H.-8th
Cazayoux	Johns	Smith, J.R.-30th
Crane	Katz	St. Germain
Cravins	Kennard	Strain
Crowe	Kenney	Thompson
Curtis	Kleckley	Toomy
Dartez	LaBruzzo	Townsend
DeWitt	LaFleur	Trahan
Doerge	LaFonta	Triche
Dorsey	Lambert	Tucker
Dove	Lancaster	Waddell
Durand	Marchand	Walker
Erdey	McDonald	Walsworth
Fannin	McVea	Winston
Farrar	Montgomery	Wooton
Faucheux	Morrell	
Total - 95		

NAYS

Total - 0

ABSENT

Ansardi	Downs	Scalise
Damico	Glover	White
Daniel	Martiny	Wright
Total - 9		

The Chair declared the above bill was finally passed.

Rep. Hunter 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. 153—
BY SENATOR MICHOT

AN ACT

To enact Code of Civil Procedure Art. 258 and to repeal Act No. 543 of the 1980 Regular Session of the Legislature as amended by Act No. 927 of the 1985 Regular Session of the Legislature and as amended by Act No. 706 of the 1993 Regular Session of the Legislature, relative to clerks of court and official recorders; to provide relative to the filing of any recordable written instrument submitted by certain entities of the state or federal government or by certain financial institutions; to authorize the electronic filing and recording of such instruments; to require certification of conformity of such instruments to form and content required by law; to require certain endorsement of such filed instruments; to provide for procedures relative to receipt of such filed instruments; to provide relative to the effectiveness of such filed instruments; to repeal the authority of the Lafayette Parish Clerk of Court to employ an attorney at law; and to provide for related matters.

Read by title.

Rep. Scalise moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Odinet
Alario	Frith	Pierre
Alexander	Gallot	Pinac
Arnold	Geymann	Pitre
Badon	Glover	Powell, M.
Baldone	Gray	Powell, T.
Barrow	Greene	Quezaire
Baudoin	Guillory, E.	Richmond
Baylor	Guillory, M.	Ritchie
Beard	Hammett	Robideaux
Bowler	Heaton	Romero
Bruce	Hebert	Scalise
Bruneau	Hill	Schneider
Burns	Honey	Smiley
Burrell	Hopkins	Smith, G.
Carter, K.	Hunter	Smith, J.D.-50th
Carter, R.	Hutter	Smith, J.H.-8th
Cazayoux	Jackson	Smith, J.R.-30th
Crane	Johns	St. Germain
Cravins	Katz	Strain
Crowe	Kenney	Thompson
Curtis	Kleckley	Toomy
Dartez	LaBruzzo	Townsend
DeWitt	LaFleur	Trahan
Doerge	LaFonta	Triche
Dorsey	Lambert	Tucker
Dove	Lancaster	Waddell
Downs	Marchand	Walker
Durand	McDonald	White
Erdey	Montgomery	Winston
Fannin	Morrell	Wooton
Farrar	Morrish	Wright
Total - 96		

NAYS

Total - 0

ABSENT

Ansardi	Jefferson	McVea
Damico	Kennard	Walsworth
Daniel	Martiny	
Total - 8		

The Chair declared the above bill was finally passed.

Rep. Scalise 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. 173—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 47:306.1 and 337.20, relative to the payment of state and local sales and use taxes by interstate and foreign transportation dealers; to provide for the optional method by which such dealers calculate and pay such taxes; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Robideaux to Engrossed Senate Bill No. 173 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, after "To" and before the comma "," delete "amend and reenact R.S. 47:306.1 and 337.20" and insert "enact R.S. 47:306.2 and 337.20.1"

AMENDMENT NO. 2

On page 1, line 3, after "taxes by" and before "interstate" insert "certain"

AMENDMENT NO. 3

On page 1, delete line 7, and insert the following:

"Section 1. R.S. 47:306.2 and 337.20.1 are hereby enacted to read as"

AMENDMENT NO. 4

On page 1, delete lines 9 through 17, and on page 2, delete lines 1 through 15, and insert the following:

"§306.2. Collection from certain interstate and foreign transportation dealers

A.(1) Persons, as defined in this Chapter, engaged in the business of transporting passengers or property for hire in interstate or foreign commerce, whether by railroad, railway, automobile, motor truck, boat, ship, aircraft or other means, and who, as part of such business, transport passengers or property between points in Louisiana and points offshore outside the territorial limits of any state, may, at their option under rules and regulations prescribed by the secretary, register as dealers and pay the taxes imposed by R.S. 47:302(A), 321(A), and 331(A) on the basis of the formula hereinafter provided.

(2) Such persons, when properly registered as dealers, may make purchases in this state or import property into this state without payment of the sales or use taxes imposed by R.S. 47:302(A), 321(A), and 331(A) at the time of purchase or importation, provided such purchases or importations are made in strict compliance with the rules and regulations of the secretary. Thereafter, on or before the twentieth day of the month following the purchase or importation, the dealer shall transmit to the secretary, on forms secured by him, returns showing gross taxable purchases and importations of tangible personal property, the cost price of which has not previously been included in a return to the state. The amount of such purchases and importations shall be multiplied by a fraction, the numerator of which is Louisiana mileage operated by the taxpayer and the denominator of which is the total mileage operated by the taxpayer, to obtain the taxable amount of tax basis. This taxable amount of tax basis shall be multiplied by the tax rate to disclose the tax due.

(3) Each such dealer, at the time of making the return required hereunder, shall remit to the secretary the tax due for the preceding calendar month as shown on the return."

AMENDMENT NO. 5

On page 2, delete lines 20 and 21, and insert the following:

"(2) Notwithstanding anything to the contrary, "Louisiana mileage" shall not include mileage"

AMENDMENT NO. 6

On page 2, delete lines 26 through 29, and on page 3, delete lines 1 through 21, and insert the following:

"§337.20.1. Collection from certain interstate and foreign transportation dealers

A.(1) Persons, as defined in this Chapter, engaged in the business of transporting passengers or property for hire in interstate or foreign commerce, whether by railroad, railway, automobile, motor truck, boat, ship, aircraft, or other means, and who, as a part of such business, transport passengers or property between points in Louisiana and points offshore outside the territorial limits of any state, may, at their option under rules and regulations prescribed by the secretary of revenue, register as dealers and pay the taxes on the sale or use of tangible personal property imposed by the local ordinances on the basis of the formula hereinafter provided.

(2) Such persons, when properly registered as dealers, may make purchases in this state or import property into this state without payment of the sales or use taxes imposed at the time of purchase or importation, provided such purchases or importations are made in strict compliance with the rules and regulations of the secretary of revenue. Thereafter, on or before the twentieth day of the month following the purchase or importation, the dealer shall transmit to the collector, on forms secured by him, returns showing gross taxable purchases and importations of tangible personal property, the cost price of which has not previously been included in a return to the taxing authority. The amount of such purchases and importations shall be multiplied by a fraction the numerator of which is the taxing jurisdiction's mileage operated by the taxpayer and the denominator of which is the total mileage operated by the taxpayer, to obtain the taxable amount of tax basis. This taxable amount of tax basis shall be multiplied by the tax rate to disclose the tax due.

(3) Each such dealer, at the time of making the return required hereunder, shall remit to the collector the tax due for the preceding calendar month as shown on the return."

AMENDMENT NO. 7

On page 3, delete lines 26 and 27, and insert the following:

"(2) Notwithstanding anything to the contrary, "taxing jurisdiction's mileage" shall not include"

AMENDMENT NO. 8

On page 3, at the beginning of line 28, delete "excluding only"

AMENDMENT NO. 9

On page 4, between lines 8 and 9, insert the following:

"Section 3. Transportation dealers registered under R.S. 47:306.1 on the effective date of this Act and engaged in providing transportation between points in Louisiana and points offshore outside the territorial limits of any state during the sales and use tax period immediately preceding the effective date of this Act shall be deemed to have elected to report under this new R.S. 47:306.2 and shall begin filing under R.S. 47:306.2 and R.S. 47:337.20.1 in lieu of R.S. 47:306.1 and R.S. 47:337.20 beginning on the effective date of this Act, unless the taxpayer notifies the secretary to the contrary."

AMENDMENT NO. 10

On page 4, at the beginning of line 9, change "Section 3." to "Section 4."

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

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Robideaux gave notice of his intention to call Senate Bill No. 173 from the calendar for future action.

SENATE BILL NO. 19—
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(e)(xiii) and to enact R.S. 17:3048.1(A)(1)(e)(xiv), relative to the Louisiana Tuition Opportunity Program for Students curriculum; to specify the subjects in the core curriculum available as an elective in the subjects of math and science for receipt of a program award for students graduating during or after a specified school year; and to provide for related matters.

Read by title.

Rep. Morrish moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Pierre
Alario	Frith	Pinac
Alexander	Gallot	Pitre
Arnold	Geymann	Powell, M.
Baldone	Gray	Powell, T.
Barrow	Greene	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Heaton	Robideaux
Bruce	Hebert	Romero
Bruneau	Hill	Scalise
Burns	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Crane	Jackson	Smith, J.H.—8th
Cravins	Jefferson	Smith, J.R.—30th
Crowe	Johns	St. Germain
Curtis	Katz	Strain
Damico	Kennard	Thompson
Dartez	Kenney	Toomy
DeWitt	Kleckley	Townsend
Doerge	LaBruzzo	Triche
Dorsey	LaFonta	Tucker
Dove	Lambert	Waddell
Downs	Lancaster	Walsworth
Durand	McDonald	White
Erdey	McVea	Winston
Fannin	Montgomery	Wooton
Farrar	Morrish	Wright

Total - 90

NAYS

Marchand	Morrell
----------	---------

Total - 2

ABSENT

Ansardi	Daniel	Martiny
Badon	Glover	Odinet
Baudoin	Guillory, E.	Trahan
Cazayoux	LaFleur	Walker

Total - 12

The Chair declared the above bill was finally passed.

Rep. Morrish 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. 39—

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 24:971(B)(1), 972(A)(18), (B) and (C), and 973(A)(1)(introductory paragraph), and to enact R.S. 24:972(A)(23) and 973(B), relative to the Louisiana Commission on Civic Education; to increase membership; to provide for purposes, powers and duties; and to provide for related matters.

Read by title.

Rep. Morrish moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 97

NAYS

Bruneau	Greene
---------	--------

Total - 2

ABSENT

Ansardi	Daniel	Schneider
Carter, K.	Martiny	

Total - 5

The Chair declared the above bill was finally passed.

Rep. Morrish 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.

Page 30 HOUSE

28th Day's Proceedings - June 13, 2005

SENATE BILL NO. 62—

BY SENATORS DUPLESSIS, BAJOEIE AND MURRAY
AN ACT

To enact R.S. 17:1601.6, relative to naming state buildings in honor of a living person; to name the building which houses the school of social work at Southern University at New Orleans; 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	Frith	Odinot
Alario	Gallot	Pierre
Alexander	Geymann	Pinac
Arnold	Glover	Pitre
Badon	Gray	Powell, M.
Baldone	Greene	Powell, T.
Barrow	Guillory, E.	Richmond
Baudoin	Hammett	Robideaux
Bowler	Heaton	Romero
Bruce	Hebert	Scalise
Bruneau	Hill	Schneider
Burns	Honey	Smiley
Carter, K.	Hopkins	Smith, G.
Carter, R.	Hunter	Smith, J.D.—50th
Cazayoux	Hutter	Smith, J.H.—8th
Crane	Jackson	Smith, J.R.—30th
Cravins	Jefferson	St. Germain
Crowe	Kennard	Strain
Curtis	Kenney	Thompson
Damico	Kleckley	Toomy
Daniel	LaBruzzo	Townsend
Dartez	LaFleur	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Waddell
Dove	Marchand	Walker
Durand	McDonald	White
Erdey	McVea	Winston
Fannin	Montgomery	Wooton
Farrar	Morrill	Wright
Faucheux	Morrish	

Total - 92

NAYS

Total - 0

ABSENT

Ansardi	Downs	Martiny
Baylor	Guillory, M.	Quezaire
Beard	Johns	Ritchie
Burrell	Katz	Walsworth

Total - 12

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. 92—

BY SENATOR NEVERS
AN ACT

To amend and reenact R.S. 36:477(C)(1), relative to the Department of Social Services; to provide with respect to the office of community services and its role in providing for the public child welfare functions of the state; to provide with respect to

preventive services to prevent child abuse and neglect and family strengthening and support services; to provide for an effective date; 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	Frith	Pierre
Alario	Gallot	Pinac
Alexander	Geymann	Pitre
Arnold	Glover	Powell, M.
Badon	Gray	Powell, T.
Baldone	Greene	Richmond
Barrow	Guillory, E.	Ritchie
Baudoin	Hammett	Robideaux
Beard	Heaton	Romero
Bowler	Hebert	Scalise
Bruce	Hill	Schneider
Bruneau	Honey	Smiley
Burns	Hopkins	Smith, G.
Carter, K.	Hunter	Smith, J.D.—50th
Carter, R.	Hutter	Smith, J.H.—8th
Cazayoux	Jackson	Smith, J.R.—30th
Crane	Jefferson	St. Germain
Cravins	Katz	Strain
Crowe	Kennard	Thompson
Curtis	Kenney	Toomy
Damico	Kleckley	Townsend
Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	McDonald	White
Durand	McVea	Winston
Erdey	Montgomery	Wooton
Fannin	Morrill	Wright
Farrar	Morrish	
Faucheux	Odinot	

Total - 97

NAYS

Total - 0

ABSENT

Ansardi	Guillory, M.	Quezaire
Baylor	Johns	
Burrell	Martiny	

Total - 7

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. 119—

BY SENATORS JACKSON, CHEEK AND MALONE
AN ACT

To amend and reenact R.S. 17:1516(A), 1517(A) and (B) and the introductory paragraph of (D), 3215(6), (7), and (8) and to enact R.S. 17:3215(9), relative to the Louisiana State University and Agricultural and Mechanical College Medical School at

Shreveport, to provide for the components and organization of this facility; and to provide for related matters.

Read by title.

Rep. Michael Powell moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 98

NAYS

Total - 0

ABSENT

Ansardi	Burrell	Guillory, M.
Baylor	DeWitt	Martiny

Total - 6

The Chair declared the above bill was finally passed.

Rep. Michael Powell 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. 144—

BY SENATOR NEVERS AND REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:427.3(A), (B), (C), (H) and (I)(1), relative to the Teach Louisiana First Program; to provide relative to reducing the shortage of certified teachers in low-performing schools and districts; to provide relative to program purposes, incentive payments, eligibility and selection criteria, reports, and administration; and to provide for related matters.

Read by title.

Rep. Crane moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 100

NAYS

Total - 0

ABSENT

Ansardi	Burrell
Baylor	Crowe

Total - 4

The Chair declared the above bill was finally passed.

Rep. Crane 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. 149—

BY SENATORS BAJOIE, BROOME, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, N. GAUTREAU, HINES, JACKSON, MURRAY AND SCHEDLER AND REPRESENTATIVES FARRAR, GALLOT, JEFFERSON, MARCHAND, MONTGOMERY AND TOWNSEND
AN ACT

To enact R.S. 46:450.5, relative to public assistance; to provide evaluation services to certain persons for chronic kidney disease; to provide early intervention and treatment to certain persons with chronic kidney disease; and to provide for related matters.

Read by title.

Rep. Marchand 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	Greene	Quezaire
Badon	Guillory, E.	Richmond
Baldone	Guillory, M.	Ritchie
Barrow	Hammitt	Robideaux
Baudoin	Heaton	Romero
Beard	Hebert	Scalise
Bowler	Hill	Schneider
Bruce	Honey	Smiley
Burns	Hopkins	Smith, G.
Carter, K.	Hunter	Smith, J.D.—50th
Carter, R.	Hutter	Smith, J.H.—8th
Cazayoux	Jackson	Smith, J.R.—30th
Crane	Katz	St. Germain
Cravins	Kenney	Strain
Damico	Kleckley	Thompson
Daniel	LaBruzzo	Toomy
Dartez	LaFleur	Townsend
DeWitt	LaFonta	Trahan
Doerge	Lambert	Triche
Dorsey	Lancaster	Tucker
Dove	Marchand	Waddell
Downs	Martiny	Walsworth
Durand	McDonald	White
Erdey	Montgomery	Winston
Fannin	Morrill	Wooton
Farrar	Morrish	Wright
Faucheux	Odinet	
Frith	Pierre	

Total - 94

NAYS

Total - 0

ABSENT

Baylor	Curtis	McVea
Bruneau	Jefferson	Walker
Burrell	Johns	
Crowe	Kennard	

Total - 10

The Chair declared the above bill was finally passed.

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

SENATE BILL NO. 190—

BY SENATORS BROOME, BAJOIE, HINES, MCPHERSON, MOUNT, JACKSON AND SCHEDLER AND REPRESENTATIVES ALARIO, DORSEY, HAMMETT AND SALTER

AN ACT

To amend and reenact R.S. 40:1299.53 (A)(6) and 1299.58 (A)(introductory paragraph) and (A)(1), to enact R.S. 40:1299.53 (A)(10) and (11), (C) and (D), 1299.58 (G), Chapter 4-A of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:445.1 through 445.32, and Part VI-D of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2180 through 2180.5, and to repeal R.S. 28:380 through 382 and 383 through 444 and R.S. 28:421

through 427, relative to citizens with developmental disabilities; to provide for definitions; to provide for system components, operations, and principles; to provide for the rights of persons with developmental disabilities; to provide for appeal and grievance procedures; to provide for consent by a person with a developmental disability; to provide for judicial commitment; to provide for the administration of the state developmental centers; to provide for the ombudsman program and quality assurance of facilities and services for persons with developmental disabilities; to provide for licensure of intermediate care facilities for the mentally retarded; to provide for licensing fees for such services; to provide for definitions; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

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

Notice of Intention to Call

Pursuant to House Rule No. 8.26(A), Rep. Walker gave notice of her intention to call Senate Bill No. 190 from the calendar for future action.

SENATE BILL NO. 173—

BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 47:306.1 and 337.20, relative to the payment of state and local sales and use taxes by interstate and foreign transportation dealers; to provide for the optional method by which such dealers calculate and pay such taxes; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Robideaux to Engrossed Senate Bill No. 173 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, after "To" and before the comma "," delete "amend and reenact R.S. 47:306.1 and 337.20" and insert "enact R.S. 47:306.2 and 337.20.1"

AMENDMENT NO. 2

On page 1, line 3, after "taxes by" and before "interstate" insert "certain"

AMENDMENT NO. 3

On page 1, delete line 7, and insert the following:

"Section 1. R.S. 47:306.2 and 337.20.1 are hereby enacted to read as"

AMENDMENT NO. 4

On page 1, delete lines 9 through 17, and on page 2, delete lines 1 through 15, and insert the following:

§306.2. Collection from certain interstate and foreign transportation dealers

A.(1) Persons, as defined in this Chapter, engaged in the business of transporting passengers or property for hire in interstate or foreign commerce, whether by railroad, railway, automobile, motor truck, boat, ship, aircraft or other means, and who, as part of such business, transport passengers or property between points in Louisiana and points offshore outside the territorial limits of any state, may, at their option under rules and regulations prescribed by the secretary, register as dealers and pay the taxes imposed by R.S. 47:302(A), 321(A), and 331(A) on the basis of the formula hereinafter provided.

(2) Such persons, when properly registered as dealers, may make purchases in this state or import property into this state without payment of the sales or use taxes imposed by R.S. 47:302(A), 321(A), and 331(A) at the time of purchase or importation, provided such purchases or importations are made in strict compliance with the rules and regulations of the secretary. Thereafter, on or before the twentieth day of the month following the purchase or importation, the dealer shall transmit to the secretary, on forms secured by him, returns showing gross taxable purchases and importations of tangible personal property, the cost price of which has not previously been included in a return to the state. The amount of such purchases and importations shall be multiplied by a fraction, the numerator of which is Louisiana mileage operated by the taxpayer and the denominator of which is the total mileage operated by the taxpayer, to obtain the taxable amount of tax basis. This taxable amount of tax basis shall be multiplied by the tax rate to disclose the tax due.

(3) Each such dealer, at the time of making the return required hereunder, shall remit to the secretary the tax due for the preceding calendar month as shown on the return."

AMENDMENT NO. 5

On page 2, delete lines 20 and 21, and insert the following:

"(2) Notwithstanding anything to the contrary, "Louisiana mileage" shall not include mileage"

AMENDMENT NO. 6

On page 2, delete lines 26 through 29, and on page 3, delete lines 1 through 21, and insert the following:

§337.20.1. Collection from certain interstate and foreign transportation dealers

A.(1) Persons, as defined in this Chapter, engaged in the business of transporting passengers or property for hire in interstate or foreign commerce, whether by railroad, railway, automobile, motor truck, boat, ship, aircraft, or other means, and who, as a part of such business, transport passengers or property between points in Louisiana and points offshore outside the territorial limits of any state, may, at their option under rules and regulations prescribed by the secretary of revenue, register as dealers and pay the taxes on the sale or use of tangible personal property imposed by the local ordinances on the basis of the formula hereinafter provided.

(2) Such persons, when properly registered as dealers, may make purchases in this state or import property into this state without payment of the sales or use taxes imposed at the time of purchase or importation, provided such purchases or importations are made in strict compliance with the rules and regulations of the secretary of revenue. Thereafter, on or before the twentieth day of the month following the purchase or importation, the dealer shall transmit to the collector, on forms secured by him, returns showing gross taxable purchases and importations of tangible personal property, the cost price of which has not previously been included in a return to the

taxing authority. The amount of such purchases and importations shall be multiplied by a fraction the numerator of which is the taxing jurisdiction's mileage operated by the taxpayer and the denominator of which is the total mileage operated by the taxpayer, to obtain the taxable amount of tax basis. This taxable amount of tax basis shall be multiplied by the tax rate to disclose the tax due.

(3) Each such dealer, at the time of making the return required hereunder, shall remit to the collector the tax due for the preceding calendar month as shown on the return."

AMENDMENT NO. 7

On page 3, delete lines 26 and 27, and insert the following:

"(2) Notwithstanding anything to the contrary, "taxing jurisdiction's mileage" shall not include"

AMENDMENT NO. 8

On page 3, at the beginning of line 28, delete "excluding only"

AMENDMENT NO. 9

On page 4, between lines 8 and 9, insert the following:

"Section 3. Transportation dealers registered under R.S. 47:306.1 on the effective date of this Act and engaged in providing transportation between points in Louisiana and points offshore outside the territorial limits of any state during the sales and use tax period immediately preceding the effective date of this Act shall be deemed to have elected to report under this new R.S. 47:306.2 and shall begin filing under R.S. 47:306.2 and R.S. 47:337.20.1 in lieu of R.S. 47:306.1 and R.S. 47:337.20 beginning on the effective date of this Act, unless the taxpayer notifies the secretary to the contrary."

AMENDMENT NO. 10

On page 4, at the beginning of line 9, change "Section 3." to "Section 4."

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Erdey	Morrish
Alario	Faucheux	Odinot
Alexander	Frith	Pierre
Arnold	Gallot	Pinac
Badon	Geymann	Pitre
Baldone	Glover	Powell, M.
Barrow	Gray	Quezaire
Baudoin	Guillory, E.	Richmond
Beard	Hammett	Ritchie
Bowler	Heaton	Robideaux
Bruce	Hebert	Smith, G.
Bruneau	Hill	Smith, J.D.-50th
Cazayoux	Honey	Smith, J.H.-8th
Crane	Hunter	Smith, J.R.-30th
Cravins	Hutter	St. Germain
Crowe	Jackson	Thompson
Curtis	Kenney	Townsend
Damico	Kleckley	Trahan
Daniel	LaFleur	Triche
Dartez	LaFonta	Walker

Page 34 HOUSE

28th Day's Proceedings - June 13, 2005

DeWitt	Lancaster	Walsworth
Doerge	Marchand	White
Dorsey	McDonald	Winston
Dove	McVea	Wooton
Downs	Montgomery	
Durand	Morrell	
Total - 76		

NAYS

Carter, K.	LaBruzzo	Smiley
Carter, R.	Lambert	Strain
Fannin	Powell, T.	Toomy
Farrar	Scalise	Tucker
Katz	Schneider	Waddell
Total - 15		

ABSENT

Ansardi	Guillory, M.	Martiny
Baylor	Hopkins	Romero
Burns	Jefferson	Wright
Burrell	Johns	
Greene	Kennard	
Total - 13		

The Chair declared the above bill was finally passed.

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

Suspension of the Rules

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

SENATE BILL NO. 190—

BY SENATORS BROOME, BAJOIE, HINES, MCPHERSON, MOUNT, JACKSON AND SCHEDLER AND REPRESENTATIVES ALARIO, DORSEY, HAMMETT AND SALTER

AN ACT

To amend and reenact R.S. 40:1299.53 (A)(6) and 1299.58 (A)(introductory paragraph) and (A)(1), to enact R.S. 40:1299.53 (A)(10) and (11), (C) and (D), 1299.58 (G), Chapter 4-A of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:445.1 through 445.32, and Part VI-D of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2180 through 2180.5, and to repeal R.S. 28:380 through 382 and 383 through 444 and R.S. 28:421 through 427, relative to citizens with developmental disabilities; to provide for definitions; to provide for system components, operations, and principles; to provide for the rights of persons with developmental disabilities; to provide for appeal and grievance procedures; to provide for consent by a person with a developmental disability; to provide for judicial commitment; to provide for the administration of the state developmental centers; to provide for the ombudsman program and quality assurance of facilities and services for persons with developmental disabilities; to provide for licensure of intermediate care facilities for the mentally retarded; to provide for licensing fees for such services; to provide for definitions; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative DeWitt to Reengrossed Senate Bill No. 190 by Senator Broome

AMENDMENT NO. 1

On page 23, line 17, change "which address his needs" to "for which he is criteria eligible"

AMENDMENT NO. 2

On page 23, line 19, after "option" change the period "." to a comma "," and add "but rather, within fifteen days of completion of the standardized determination, shall supply to the person a list of all options for which he is criteria eligible."

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

Rep. Walker 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	Gallot	Pinac
Alexander	Geymann	Pitre
Arnold	Glover	Powell, M.
Badon	Gray	Powell, T.
Baldone	Greene	Quezaire
Barrow	Guillory, E.	Richmond
Baudoin	Guillory, M.	Ritchie
Beard	Hammett	Robideaux
Bowler	Heaton	Romero
Bruce	Hebert	Scalise
Bruneau	Hill	Schneider
Burns	Honey	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Cazayoux	Jackson	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Cravins	Katz	Strain
Crowe	Kennard	Thompson
Damico	Kenney	Toomy
Daniel	Kleckley	Townsend
Dartez	LaBruzzo	Trahan
DeWitt	LaFleur	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	McDonald	White
Durand	McVea	Winston
Erdey	Montgomery	Wooton
Fannin	Morrell	Wright
Farrar	Morrish	
Faucheux	Odinot	
Total - 94		

NAYS

Total - 0

ABSENT

Ansardi	Hopkins	St. Germain
Baylor	Jefferson	Triche
Burrell	LaFonta	
Curtis	Martiny	
Total - 10		

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. 236—
BY SENATOR ULLO AND REPRESENTATIVE CRANE
AN ACT

To enact R.S. 17:7.1(B)(3) and (4), relative to certification of principals; to provide for experience requirements; to provide for exceptions and recommendation requirements; and to provide for related matters.

Read by title.

Rep. Crane moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Baylor	Geymann	Kleckley
Burrell	Jefferson	
Downs	Johns	
Total - 7		

The Chair declared the above bill was finally passed.

Rep. Crane 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. Hutter, and under a suspension of the rules, the above roll call was corrected to reflect her as voting yea.

Suspension of the Rules

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

House Bills and Joint Resolutions on Third Reading and Final Passage

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

Regular Calendar

HOUSE BILL NO. 39—
BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 27:310(B)(1)(introductory paragraph) and (b) and (2) and 311(K)(3) and (4), (L), and (M), relative to video draw poker devices licenses; to provide for suitability requirements for licensing; to provide for the term of the license; to delete the penalty of suspension or revocation of the license for failure to remit the annual fee; to provide for the time for filing a complete renewal application after expiration of the license; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Jack Smith to Engrossed House Bill No. 39 by Representative Jack Smith

AMENDMENT NO. 1

On page 1, at the end of line 2, after "(2)" insert a comma "," and delete "and"

AMENDMENT NO. 2

On page 1, line 3, delete "311(K)(3) and (4), (L), and (M),"

AMENDMENT NO. 3

On page 1, line 4, after "licensing;" delete the remainder of the line

AMENDMENT NO. 4

On page 1, delete lines 5 through 6 in their entirety and on line 7 delete "after expiration of the license" and insert "to change the requirements for demonstrating suitability for licensing; to remove consideration of arrest records in suitability determinations;"

AMENDMENT NO. 5

On page 1, line 9, after "(2)" delete the remainder of the line

AMENDMENT NO. 6

On page 1, line 10, delete "and (4), (L), and (M)"

AMENDMENT NO. 7

On page 2, delete lines 15 through 29 in their entirety

Page 36 HOUSE

28th Day's Proceedings - June 13, 2005

AMENDMENT NO. 8

On page 3, delete lines 1 through 11 in their entirety
 On motion of Rep. Jack Smith, the amendments were adopted.
 Rep. Jack Smith moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Durand	Martiny
Alario	Faucheux	McDonald
Ansardi	Frith	Montgomery
Arnold	Gallot	Morrell
Badon	Gray	Odinet
Baldone	Guillory, E.	Pierre
Bowler	Hammett	Pinac
Bruce	Heaton	Pitre
Bruneau	Hebert	Quezaire
Carter, K.	Honey	Richmond
Carter, R.	Hopkins	Smith, G.
Cazayoux	Hunter	Smith, J.D.-50th
Cravins	Hutter	St. Germain
Curtis	Jackson	Toomy
Damico	Johns	Townsend
Dartez	LaFleur	Walker
DeWitt	LaFonta	Wooton
Dorsey	Lancaster	
Dove	Marchand	
Total - 55		

NAYS

Alexander	Katz	Smiley
Barrow	Kennard	Smith, J.H.-8th
Baudoin	Kenney	Smith, J.R.-30th
Burns	Kleckley	Strain
Crane	Lambert	Thompson
Crowe	McVea	Trahan
Daniel	Morrish	Tucker
Doerge	Powell, M.	Waddell
Erdey	Powell, T.	Walsworth
Fannin	Ritchie	White
Farrar	Robideaux	Winston
Geymann	Romero	Wright
Greene	Scalise	
Hill	Schneider	
Total - 40		

ABSENT

Baylor	Downs	Jefferson
Beard	Glover	LaBruzzo
Burrell	Guillory, M.	Triche
Total - 9		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Jack 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.

Suspension of the Rules

On joint motion of Reps. Baudoin and Winston, and under a suspension of the rules, the above roll call was corrected to reflect them as voting nay.

HOUSE BILL NO. 40—

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 18:481, 511(A) and (B), and 512(B), relative to the election of United States senators and representatives in congress; to provide for congressional candidates to qualify for a general election; to provide for the election of United States senators and representatives only in a general election; and to provide for related matters.

Read by title.

Rep. Pitre moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander	Hebert	Scalise
Bowler	Hutter	Smith, G.
Cazayoux	LaFleur	Tucker
Crowe	Lancaster	Walker
Daniel	Martiny	Winston
Dove	Montgomery	Wooton
Downs	Pitre	Wright
Gallot	Powell, T.	
Total - 23		

NAYS

Mr. Speaker	Farrar	Morrell
Alario	Faucheux	Morrish
Ansardi	Frith	Odinet
Arnold	Geymann	Pierre
Badon	Gray	Pinac
Baldone	Guillory, E.	Powell, M.
Barrow	Guillory, M.	Quezaire
Baylor	Hammett	Richmond
Beard	Heaton	Ritchie
Bruce	Hill	Robideaux
Bruneau	Honey	Romero
Burrell	Hopkins	Schneider
Carter, K.	Hunter	Smiley
Carter, R.	Jackson	Smith, J.D.-50th
Crane	Jefferson	Smith, J.H.-8th
Cravins	Johns	Smith, J.R.-30th
Curtis	Katz	St. Germain
Damico	Kennard	Strain
Dartez	Kenney	Thompson
DeWitt	Kleckley	Toomy
Doerge	LaFonta	Townsend
Dorsey	Lambert	Trahan
Durand	Marchand	Waddell
Erdey	McDonald	Walsworth
Fannin	McVea	White
Total - 75		

ABSENT

Baudoin	Glover	LaBruzzo
Burns	Greene	Triche
Total - 6		

The Chair declared the above bill failed to pass.

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

Speaker Salter in the Chair

HOUSE BILL NO. 242—

BY REPRESENTATIVE CROWE

AN ACT

To amend and reenact R.S. 40:1299.35.7(D), relative to abortion; to provide with respect to the offering of informed consent information in certain cases; and to provide for related matters.

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. 242 by Representative Crowe

AMENDMENT NO. 1

On page 1, line 12, after "R.S. 40:1299.35.6" and before the comma ";" insert "(B)"

On motion of Rep. Crowe, 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	Faucheux	Odinet
Alario	Frith	Pierre
Alexander	Gallot	Pinac
Ansardi	Geymann	Pitre
Badon	Glover	Powell, M.
Baldone	Gray	Powell, T.
Barrow	Greene	Quezaire
Baudoin	Guillory, E.	Richmond
Baylor	Heaton	Ritchie
Beard	Hebert	Robideaux
Bowler	Hill	Romero
Bruce	Honey	Scalise
Bruneau	Hopkins	Schneider
Burns	Hunter	Smiley
Burrell	Hutter	Smith, G.
Carter, K.	Jackson	Smith, J.D.—50th
Carter, R.	Jefferson	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Crane	Katz	St. Germain
Cravins	Kennard	Strain
Crowe	Kenney	Thompson
Damico	Kleckley	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	Morrill	Wooton
Farrar	Morrish	Wright

Total - 99

NAYS

Total - 0

ABSENT

Arnold	Guillory, M.	LaFonta
Curtis	Hammett	

Total - 5

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.

HOUSE BILL NO. 317—

BY REPRESENTATIVES LAFONTA, K. CARTER, GRAY, JEFFERSON,

MARCHAND, MORRELL, AND SHEPHERD AND SENATOR MURRAY

AN ACT

To enact R.S. 49:200.2, relative to employment; to prohibit discrimination and harassment in state government; to provide for certain definitions; to allow certain dress and appearance requirements; and to provide for related matters.

Read by title.

Rep. Bowler moved that the bill be recommitted to the Committee on Labor and Industrial Relations.

Rep. LaFonta objected.

By a vote of 45 yeas and 51 nays, the House refused to recommit the bill to the Committee on Labor and Industrial Relations.

Rep. LaFonta moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Dartez	Marchand
Alario	DeWitt	Morrell
Badon	Dorsey	Odinet
Baldone	Durand	Pierre
Baudoin	Gallot	Pinac
Baylor	Glover	Pitre
Bruce	Gray	Quezaire
Bruneau	Guillory, E.	Smith, G.
Burrell	Heaton	St. Germain
Carter, K.	Honey	Townsend
Cazayoux	Hunter	Trahan
Curtis	Jefferson	Walker
Damico	LaFonta	Winston
Daniel	Lancaster	Wright

Total - 42

NAYS

Alexander	Guillory, M.	Powell, M.
Ansardi	Hammett	Powell, T.
Barrow	Hebert	Richmond
Beard	Hill	Ritchie
Bowler	Hopkins	Robideaux
Burns	Hutter	Scalise
Carter, R.	Johns	Schneider
Crane	Katz	Smiley
Crowe	Kennard	Smith, J.D.—50th
Doerge	Kenney	Smith, J.H.—8th
Dove	Kleckley	Smith, J.R.—30th
Downs	LaBruzzo	Strain
Erdey	LaFleur	Thompson
Fannin	Lambert	Toomy
Farrar	Martiny	Tucker
Faucheux	McDonald	Waddell
Frith	McVea	Walsworth
Geymann	Montgomery	White
Greene	Morrish	Wooton

Total - 57

Page 38 HOUSE

28th Day's Proceedings - June 13, 2005

ABSENT

Arnold Jackson Triche
Cravins Romero
Total - 5

The Chair declared the above bill failed to pass.

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

Suspension of the Rules

On joint motion of Reps. Barrow and Burns, and under a suspension of the rules, the above roll call was corrected to reflect them as voting nay.

HOUSE BILL NO. 410—

BY REPRESENTATIVE FARRAR
AN ACT

To enact R.S. 47:301(10)(y), relative to the state sales and use tax; to provide for a state sales tax exclusion for sales or purchases by churches; to provide for an effective date; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Alario to Engrossed House Bill No. 410 by Representative Farrar

AMENDMENT NO. 1

On page 2, line 1, after "on" and before the semicolon, change "July 1, 2005" to "July 1, 2006"

AMENDMENT NO. 2

On page 2, line 1, change semicolon to a period and delete lines 2 and 3 in their entirety.

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

Rep. Farrar 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 Gallot Pinac
Alexander Geymann Pitre
Ansardi Glover Powell, M.
Arnold Gray Powell, T.
Badon Greene Quezaire
Baldone Guillory, E. Richmond
Barrow Guillory, M. Ritchie
Baudoin Heaton Robideaux
Baylor Hebert Romero
Beard Hill Scalise
Bruce Honey Schneider
Bruneau Hopkins Smiley
Burns Hunter Smith, G.
Burrell Hutter Smith, J.D.—50th
Carter, K. Jackson Smith, J.H.—8th
Carter, R. Jefferson Smith, J.R.—30th
Cazayoux Johns St. Germain

Crane Katz Strain
Cravins Kennard Thompson
Crowe Kenney Toomy
Curtis Kleckley Townsend
Damico LaBruzzo Trahan
Daniel LaFleur Triche
Dartez LaFonta Tucker
DeWitt Lambert Waddell
Doerge Lancaster Walker
Dorsey Marchand Walsworth
Dove Martiny White
Downs McDonald Winston
Durand McVea Wooton
Erdey Montgomery Wright
Fannin Morrell
Farrar Odinet

Total - 100

NAYS

Total - 0

ABSENT

Bowler Hammett
Faucheux Morrish
Total - 4

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 474—

BY REPRESENTATIVE JACKSON
AN ACT

To enact Subpart Z of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.81, relative to state individual income tax checkoffs; to provide for a method for individuals to donate a portion of any refund due to the Community-based Primary Health Care Initiative Fund; to provide for collection and disbursement of the donation by the Department of Revenue; and to provide for related matters.

Read by title.

Rep. Jackson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker Faucheux Morrish
Alario Frith Odinet
Alexander Gallot Pierre
Ansardi Geymann Pinac
Arnold Glover Pitre
Badon Gray Powell, M.
Baldone Greene Powell, T.
Barrow Guillory, E. Quezaire
Baudoin Guillory, M. Richmond
Baylor Hammett Ritchie
Beard Heaton Robideaux
Bowler Hebert Romero
Bruce Hill Scalise
Bruneau Honey Schneider
Burns Hopkins Smiley
Burrell Hunter Smith, G.
Carter, K. Hutter Smith, J.D.—50th
Carter, R. Jackson Smith, J.H.—8th

Cazayoux	Jefferson	Smith, J.R.—30th
Crane	Johns	St. Germain
Cravins	Katz	Strain
Crowe	Kennard	Thompson
Curtis	Kenney	Toomy
Damico	Kleckley	Townsend
Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	Martiny	White
Durand	McDonald	Winston
Erdey	McVea	Wooton
Fannin	Montgomery	Wright
Farrar	Morrell	

Total - 104

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Jackson 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. 523—

BY REPRESENTATIVE BURRELL
AN ACT

To amend and reenact R.S. 14:91.11(A)(2) and to enact R.S. 14:91.11(A)(4), relative to offenses affecting the health and morals of minors; to provide with respect to the sale, exhibition, or distribution of material harmful to minors; to provide for definitions; and to provide for related matters.

Read by title.

Motion

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

HOUSE BILL NO. 579—

BY REPRESENTATIVE LAFONTA
AN ACT

To amend and reenact R.S. 27:301(B)(12) and to enact R.S. 27:310(H), relative to the Video Draw Poker Devices Control Law; to provide for a definition of a restaurant, bar, tavern, cocktail lounge, or club; to provide for the number of officers of a private or public golf course which must meet suitability standards; and to provide for related matters.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LaFonta to Engrossed House Bill No. 579 by Representative LaFonta

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" delete "amend and reenact R.S. 27:301(B)(12) and to"

AMENDMENT NO. 2

On page 1, line 3, after "Law;" delete the remainder of the line

AMENDMENT NO. 3

On page 1, line 4, delete "tavern, cocktail lounge, or club;"

AMENDMENT NO. 4

On page 1, delete line 8 in its entirety and insert "Section 1. R.S. 27:310(H) is hereby amended and reenacted to read as follows:"

AMENDMENT NO. 5

On page 1, delete lines 9 through 21 in their entirety

AMENDMENT NO. 6

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

AMENDMENT NO. 7

On page 3, delete lines 3 through 6 in their entirety and insert the following:

"H. The general manager, the president, and treasurer of a country or community club, which meet all requirements for licensure under the provisions of this Chapter, shall be the only officers, directors, shareholders, owners, or members of that club required to meet the suitability requirements of this Chapter. However, this shall not preclude investigation of any individual who in the opinion of the board or division, has the ability to exercise significant influence within the country or community club. For the purposes of this"

Point of Order

Rep. Walsworth asked for a ruling from the Chair as to whether the above amendments were germane to the subject matter contained in the bill as introduced.

Ruling of the Chair

The Chair ruled that the above amendments were germane to the subject matter contained in the bill as introduced.

Rep. LaFonta moved the adoption of the amendments.

Rep. Walsworth objected.

By a vote of 43 yeas and 51 nays, the amendments were rejected.

Rep. LaFonta moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Morrell
Arnold	Gray	Odinot
Badon	Guillory, E.	Pierre
Baldone	Hebert	Pinac
Baylor	Honey	Quezaire
Bowler	Hunter	Richmond
Bruce	Jackson	Ritchie
Burrell	Jefferson	Smith, J.D.—50th
Carter, K.	LaFonta	St. Germain
Dorsey	Marchand	Toomy
Durand	Martiny	Wooton
Gallot	Montgomery	
Total - 35		

NAYS

Alario	Fannin	Powell, M.
Alexander	Farrar	Powell, T.
Ansardi	Faucheux	Robideaux
Barrow	Frith	Romero
Baudoin	Geymann	Scalise
Beard	Greene	Schneider
Bruneau	Hammett	Smiley

Burns	Heaton	Smith, G.
Carter, R.	Hill	Smith, J.H.—8th
Crane	Hutter	Smith, J.R.—30th
Cravins	Johns	Strain
Crowe	Katz	Thompson
Curtis	Kennard	Trahan
Damico	Kenney	Triche
Daniel	Kleckley	Tucker
Dartez	Lambert	Waddell
DeWitt	Lancaster	Walker
Doerge	McDonald	Walsworth
Dove	McVea	White
Downs	Morrish	Winston
Erdey	Pitre	Wright

Total - 63

ABSENT

Cazayoux	Hopkins	LaFleur
Guillory, M.	LaBruzzo	Townsend

Total - 6

The Chair declared the above bill failed to pass.

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

HOUSE BILL NO. 523—

BY REPRESENTATIVE BURRELL

AN ACT

To amend and reenact R.S. 14:91.11(A)(2) and to enact R.S. 14:91.11(A)(4), relative to offenses affecting the health and morals of minors; to provide with respect to the sale, exhibition, or distribution of material harmful to minors; to provide for definitions; 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. 523 by Representative Burrell

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 14:91.11(A)(2)" to "R.S. 14:91.11(A)(2), (3)(d) and (B)"

AMENDMENT NO. 2

On page 1, delete lines 12 through 20 in their entirety and insert in lieu thereof the following:

"(2) "Material harmful to minors" ~~is defined as~~ means any paper, magazine, book, newspaper, periodical, pamphlet, composition, publication, photograph, drawing, picture, poster, motion picture film, video tape, video game, figure, phonograph record, album, cassette, compact disc, wire or tape recording, or other similar tangible work or thing which, for commercial gain, is either of the following:

(a) Exploits ~~exploits~~, or is devoted to or principally consists of, descriptions or depictions of illicit sex or sexual immorality ~~for commercial gain~~, and when the trier of fact determines that the average person applying contemporary community standards would find that the work or thing is presented in a manner to provoke or arouse lust, passion, or perversion or exploits sex.

(b) Provides for player participation in a video game in which the player commits any of the following criminal offenses: the murder of a law enforcement officer, first degree murder (R.S. 14:30), aggravated rape (R.S. 14:42), forcible rape (R.S. 14:42.1), simple rape (R.S. 14:43), aggravated kidnapping (R.S. 14:44), second degree kidnapping (R.S. 14:44.1), aggravated kidnapping of a child (R.S. 14:44.2), simple kidnapping (R.S. 14:45), terrorism (R.S. 14:128.1), aggravated battery (R.S. 14:34) when the victim is a female, a male over the age of sixty-five or a minor child, carjacking (R.S. 14:64.2), ritualistic torture or ritualistic sexual abuse (R.S. 14:107.1(C), or a violation of the Uniform Controlled Dangerous Substances Law.

(3) For the purpose of this section "descriptions or depictions of illicit sex or sexual immorality" includes the depiction, display, description, exhibition or representation of:

* * *

(d) Actual, simulated, or animated, touching, caressing, or fondling of, or other similar physical contact with, a pubic area, anus, female breast nipple, covered or exposed, whether alone or between ~~human*~~ humans, animals or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification; or

* * *

B.(1) It shall be unlawful to invite or permit any unmarried person under the age of seventeen years of age to be in any commercial establishment that exhibits or displays any item, material, work or thing of any kind that is described in ~~Subsection A~~ Subparagraph (A)(2)(a) of this section.

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

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

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

* * *"

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

Rep. Burrell moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 102

NAYS

Total - 0

ABSENT

LaBruzzo	St. Germain
----------	-------------

Total - 2

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 602—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 47:6019(A)(1), (2), and (3)(a) and (b)(i) and (B), relative to the state historic rehabilitation credit; to provide for the administration of the credit by the state historic preservation office and the Department of Revenue; to provide for an effective date; 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	Farrar	Morrell
Alario	Faucheux	Morrish
Alexander	Frith	Odinot
Ansardi	Gallot	Pierre
Arnold	Geymann	Pinac
Badon	Glover	Pitre
Baldone	Gray	Powell, M.
Barrow	Greene	Powell, T.
Baudoin	Guillory, E.	Quezaire
Baylor	Guillory, M.	Richmond
Beard	Hammett	Ritchie
Bowler	Heaton	Robideaux
Bruce	Hebert	Romero
Bruneau	Hill	Scalise
Burns	Honey	Schneider
Burrell	Hopkins	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.—50th
Crane	Jackson	Smith, J.H.—8th
Cravins	Jefferson	Smith, J.R.—30th
Crowe	Johns	Strain
Curtis	Katz	Thompson
Damico	Kennard	Toomy
Daniel	Kenney	Townsend
Dartez	Kleckley	Trahan
DeWitt	LaFonta	Triche
Doerge	Lambert	Tucker
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	Martiny	White
Durand	McDonald	Winston
Erdey	McVea	Wooton
Fannin	Montgomery	Wright

Total - 99

NAYS

Total - 0

ABSENT

Cazayoux	LaFleur	Waddell
LaBruzzo	St. Germain	

Total - 5

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 631—

BY REPRESENTATIVES K. CARTER, HEATON, AND RICHMOND
AN ACT

To enact R.S. 47:6020, relative to tax credits; to authorize a sound recording investor tax credit against individual and corporation income taxes; to provide for certain procedures and collection; and to provide for related matters.

Read by title.

Rep. Heaton moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

Page 42 HOUSE

28th Day's Proceedings - June 13, 2005

YEAS		
Mr. Speaker	Farrar	Morrish
Alario	Faucheux	Odinet
Alexander	Frith	Pierre
Arnold	Gallot	Pinac
Badon	Geymann	Pitre
Baldone	Glover	Powell, M.
Barrow	Gray	Powell, T.
Baudoin	Greene	Quezaire
Baylor	Guillory, E.	Richmond
Beard	Guillory, M.	Ritchie
Bowler	Hammett	Robideaux
Bruce	Heaton	Romero
Bruneau	Hebert	Scalise
Burns	Hill	Schneider
Burrell	Honey	Smiley
Carter, K.	Hunter	Smith, G.
Carter, R.	Hutter	Smith, J.D.-50th
Cazayoux	Jackson	Smith, J.H.-8th
Crane	Jefferson	Smith, J.R.-30th
Cravins	Johns	Strain
Crowe	Katz	Thompson
Curtis	Kennard	Toomy
Damico	Kenney	Townsend
Daniel	Kleckley	Trahan
Dartez	LaFleur	Triche
DeWitt	Lambert	Tucker
Doerge	Lancaster	Walker
Dorsey	Marchand	Walsworth
Dove	Martiny	White
Downs	McDonald	Winston
Durand	McVea	Wooton
Erdey	Montgomery	Wright
Fannin	Morrell	
Total - 98		
NAYS		
Total - 0		
ABSENT		
Ansardi	LaBruzzo	St. Germain
Hopkins	LaFonta	Waddell
Total - 6		
The Chair declared the above bill was finally passed.		
The title of the above bill was read and adopted.		
Rep. Heaton 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. 634—		
BY REPRESENTATIVE HEBERT AN ACT		
To amend and reenact R.S. 47:715.1(A), relative to gasoline and special fuels taxes; to increase the refund for contract school bus drivers; to provide for an effective date; and to provide for related matters.		
Read by title.		
Rep. Hebert moved the final passage of the bill.		
ROLL CALL		
The roll was called with the following result:		

YEAS		
Mr. Speaker	Farrar	Morrish
Alario	Faucheux	Odinet
Alexander	Frith	Pierre
Ansardi	Gallot	Pinac
Arnold	Geymann	Pitre
Badon	Glover	Powell, M.
Baldone	Gray	Powell, T.
Barrow	Greene	Quezaire
Baudoin	Guillory, E.	Richmond
Baylor	Guillory, M.	Ritchie
Beard	Hammett	Robideaux
Bowler	Heaton	Romero
Bruce	Hebert	Scalise
Bruneau	Hill	Schneider
Burns	Honey	Smiley
Burrell	Hopkins	Smith, G.
Carter, K.	Hunter	Smith, J.D.-50th
Carter, R.	Hutter	Smith, J.H.-8th
Cazayoux	Jackson	Smith, J.R.-30th
Crane	Jefferson	Strain
Cravins	Johns	Thompson
Crowe	Katz	Toomy
Curtis	Kennard	Townsend
Damico	Kenney	Trahan
Daniel	Kleckley	Triche
Dartez	LaBruzzo	Tucker
DeWitt	LaFonta	Waddell
Doerge	Lambert	Walker
Dorsey	Lancaster	Walsworth
Dove	Marchand	White
Downs	Martiny	Winston
Durand	McDonald	Wooton
Erdey	McVea	Wright
Fannin	Montgomery	
Total - 101		
NAYS		
Total - 0		
ABSENT		
LaFleur	Morrell	St. Germain
Total - 3		
The Chair declared the above bill was finally passed.		
The title of the above bill was read and adopted.		
Rep. Hebert 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. 707—		
BY REPRESENTATIVE TOWNSEND AN ACT		
To amend and reenact R.S. 27:304, relative to the amount of money played and value of prizes awarded on video draw poker devices; to change the limitations to apply to hands rather than games; to provide for a maximum payout per game; and to provide for related matters.		
Read by title.		
Rep. Townsend sent up floor amendments which were read as follows:		
HOUSE FLOOR AMENDMENTS		
Amendments proposed by Representative Townsend to Engrossed House Bill No. 707 by Representative Townsend		

AMENDMENT NO. 1

On page 1, line 13, after "as" and before "R.S. 4:211(5)," delete "defined by" and insert "provided in"

On motion of Rep. Townsend, 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

Alario	Frith	Martiny
Ansardi	Gallot	McVea
Arnold	Glover	Morrell
Badon	Gray	Odinet
Baldone	Guillory, E.	Pierre
Baylor	Hammett	Pinac
Bruce	Heaton	Pitre
Bruneau	Hebert	Quezaire
Burrell	Honey	Richmond
Carter, K.	Hopkins	Romero
Curtis	Hunter	Smith, J.D.-50th
Damico	Hutter	St. Germain
Dartez	Jackson	Toomy
DeWitt	Jefferson	Townsend
Doerge	Johns	Walker
Dorsey	LaFleur	Winston
Dove	LaFonta	Wooton
Durand	Lancaster	
Faucheux	Marchand	
Total - 55		

NAYS

Mr. Speaker	Farrar	Scalise
Alexander	Geymann	Schneider
Barrow	Greene	Smiley
Baudoin	Hill	Smith, J.H.-8th
Beard	Katz	Smith, J.R.-30th
Bowler	Kennard	Strain
Burns	Kenney	Thompson
Carter, R.	Kleckley	Trahan
Cazayoux	Lambert	Tucker
Crane	McDonald	Waddell
Crowe	Montgomery	Walsworth
Daniel	Morrish	White
Downs	Powell, M.	Wright
Erdey	Powell, T.	
Fannin	Ritchie	
Total - 43		

ABSENT

Cravins	LaBruzzo	Smith, G.
Guillory, M.	Robideaux	Triche
Total - 6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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.

Suspension of the Rules

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

HOUSE BILL NO. 747—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:301(13)(d) and (18)(d)(ii) and (iii), to define "sales price" for refinery gas sold to another person; and to provide for related matters.

Read by title.

Rep. Hammett moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Farrar	Odinet
Alario	Faucheux	Pierre
Alexander	Frith	Pinac
Ansardi	Gallot	Pitre
Arnold	Geymann	Powell, M.
Badon	Gray	Powell, T.
Baldone	Greene	Quezaire
Barrow	Guillory, E.	Ritchie
Baudoin	Guillory, M.	Robideaux
Baylor	Hammett	Romero
Beard	Heaton	Scalise
Bowler	Hebert	Schneider
Bruce	Hill	Smiley
Bruneau	Honey	Smith, G.
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
Cravins	Katz	Toomy
Crowe	Kennard	Townsend
Curtis	Kenney	Trahan
Damico	Kleckley	Triche
Daniel	Lambert	Tucker
Dartez	Lancaster	Waddell
DeWitt	Marchand	Walker
Doerge	Martiny	Walsworth
Dorsey	McDonald	White
Dove	McVea	Winston
Downs	Montgomery	Wooton
Erdey	Morrell	Wright
Fannin	Morrish	
Total - 98		

NAYS

Total - 0

ABSENT

Durand	LaBruzzo	LaFonta
Glover	LaFleur	Richmond
Total - 6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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.

HOUSE BILL NO. 765—

BY REPRESENTATIVE GLOVER

AN ACT

To amend and reenact Section 4 of Act No. 46 of the 2000 Regular Session of the Legislature as amended and reenacted by Section 2 of Act No. 4 of the 2002 First Extraordinary Session of the Legislature, relative to economic development activities of the state; to provide for certain tax credits available to employers

for new jobs created in the state; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Baylor moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 103

NAYS

Total - 0

ABSENT

Curtis
Total - 1

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Baylor 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. 869—

BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact R.S. 3:2804(B) and 3004(B), relative to fees paid to law enforcement officials for securing livestock; to provide for increases and additional fees for such service; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Frith, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hill to Engrossed House Bill No. 869 by Representative Frith

AMENDMENT NO. 1

On page 1, line 4, after "service;" and before "and" insert "to exempt certain parishes from the increase in fees;"

AMENDMENT NO. 2

On page 1, line 10, after "B." and before "owner" delete "The" and insert in lieu thereof "(1) Except as provided for in Paragraph 2 of this Subsection, the"

AMENDMENT NO. 3

On page 1, line 11, after "to the" and before "of state" delete "superintendent" and insert in lieu thereof "deputy secretary of the Department of Public Safety Services, Public Safety Services, office"

AMENDMENT NO. 4

On page 1, between lines 17 and 18, insert the following:

"(2) According to the most recent federal decennial census, in any parish with a population between twenty-five thousand and twenty-five thousand four hundred seventy-five, in any parish with a population between thirty-two thousand and thirty-three thousand, and in any parish with a population between fifty thousand and fifty-three thousand, the owner or manager of livestock so impounded shall have the right to secure his livestock upon the payment to the deputy secretary of the Department of Public Safety and Corrections, Public Safety Services, office of state police or officer impounding the livestock of a fee of twenty dollars per head of livestock. He shall also pay to the officer impounding such livestock the cost of feeding and caring for such livestock at the rate of two dollars per day for each animal and the cost of any necessary veterinary and advertisement fees incurred."

AMENDMENT NO. 5

On page 2, line 1, after "B." and before "owner" delete "The" and insert in lieu thereof "(1) Except as provided for in Paragraph 2 of this Subsection, the"

AMENDMENT NO. 6

On page 2, after line 7, insert the following:

"B.(2) According to the most recent federal decennial census, in any parish with a population between twenty-five thousand and twenty-five thousand four hundred seventy, in any parish with a population between thirty-two thousand and thirty-three thousand, and in any parish with a population between fifty thousand and fifty-three thousand, the owner of livestock so taken shall have the right to secure his livestock upon the payment to the officer or person taking up the livestock a fee of ten dollars for each head of livestock

taken. He shall also pay to the person taking and impounding such livestock the cost of feeding and caring for such livestock at the rate of two dollars per day for each animal."

Rep. Hill moved the adoption of the amendments.

Rep. Frith objected.

By a vote of 85 yeas and 7 nays, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Pinac
Alario	Geymann	Quezairé
Ansardi	Glover	Ritchie
Arnold	Guillory, E.	Robideaux
Badon	Guillory, M.	Romero
Baldone	Hammitt	Schneider
Baudoin	Heaton	Smith, G.
Baylor	Hebert	Smith, J.D.—50th
Bruce	Hill	Smith, J.H.—8th
Bruneau	Hopkins	Smith, J.R.—30th
Cravins	Hunter	St. Germain
Curtis	Hutter	Toomy
Damico	Kennard	Townsend
Daniel	Kleckley	Triche
Dartez	Lancaster	Waddell
DeWitt	Martiny	Walker
Doerge	McVea	White
Dorsey	Montgomery	Wooton
Durand	Morrell	Wright
Faucheux	Odinot	
Frith	Pierre	

Total - 61

NAYS

Alexander	Gray	McDonald
Barrow	Greene	Pitre
Bowler	Honey	Powell, M.
Burrell	Jackson	Powell, T.
Carter, K.	Jefferson	Richmond
Carter, R.	Johns	Scalise
Cazayoux	Katz	Smiley
Crane	Kenney	Strain
Dove	LaFleur	Trahan
Downs	LaFonta	Tucker
Fannin	Lambert	Walsworth
Farrar	Marchand	Winston

Total - 36

ABSENT

Beard	Erdey	Thompson
Burns	LaBruzzo	
Crowe	Morrish	

Total - 7

The chair declared the above bill, not having received a two-thirds vote of the elected members, failed to pass.

HOUSE BILL NO. 786—

BY REPRESENTATIVE SALTER

AN ACT

To enact Chapter 51 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3075 through 3088, relative to the Louisiana Community Development Financial Institution

Act; to provide for a credit against income and franchise taxation; to provide for certification and decertification of a Louisiana Community Development Financial Institution; to provide for an effective date; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Richmond, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Called from the calendar.

Read by title.

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

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Salter to Engrossed House Bill No. 786 by Representative Salter

AMENDMENT NO. 1

On page 1, delete lines 17 through 19, and insert the following:

"The Department of Economic Development shall maintain and interpret policy for the Louisiana Community Development Financial Institution program. The Office of Financial Institutions shall perform the regulatory and examination functions of the program and provide for the implementation and administration of the Louisiana Community Development Financial Institution Act."

AMENDMENT NO. 2

On page 2, delete lines 1 and 2 in their entirety.

AMENDMENT NO. 3

On page 2, at the end of line 9, delete "qualified"

AMENDMENT NO. 4

On page 2, line 10, after "Louisiana" and before "businesses" insert "entrepreneurial"

AMENDMENT NO. 5

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

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

AMENDMENT NO. 6

On page 2, at the beginning of line 15, change "(2)" to "(3)"

AMENDMENT NO. 7

On page 2, line 16, change "(3) "Equity in a qualified Louisiana business"" to "(4) "Equity in a Louisiana entrepreneurial business""

AMENDMENT NO. 8

On page 2, between lines 24 and 25, insert the following:

"(5) "Investment pool" means any capital raised in a calendar year for which tax credits are granted under this Chapter."

AMENDMENT NO. 9

On page 2, at the beginning of line 25, change "(4)" to "(6)"

Page 46 HOUSE

28th Day's Proceedings - June 13, 2005

AMENDMENT NO. 10

On page 2, line 29, change "qualified Louisiana" to "Louisiana entrepreneurial"

AMENDMENT NO. 11

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

"(7) "Louisiana entrepreneurial business" shall be as defined by R.S. 51:2303(5)."

AMENDMENT NO. 12

On page 3, at the beginning of line 5, change "(5)" to "(8)"

AMENDMENT NO. 13

On page 3, at the beginning of line 8, change "(6)" to "(9)"

AMENDMENT NO. 14

On page 3, at the beginning of line 10, change "(7)" to "(10)"

AMENDMENT NO. 15

On page 3, line 14, change "qualified Louisiana" to "Louisiana entrepreneurial"

AMENDMENT NO. 16

On page 3, line 15, change "qualified Louisiana" to "Louisiana entrepreneurial"

AMENDMENT NO. 17

On page 3, delete lines 19 through 29 in their entirety.

AMENDMENT NO. 18

On page 4, delete lines 1 through 9 in their entirety.

AMENDMENT NO. 19

On page 4, at the beginning of line 10, change "(9)" to "(11)"

AMENDMENT NO. 20

On page 4, delete lines 12 and 13 in their entirety.

AMENDMENT NO. 21

On page 4, at the beginning of line 14, change "(11)" to "(12)"

AMENDMENT NO. 22

On page 4, line 18, after "granted a" and before "tax" delete "transferable"

AMENDMENT NO. 23

On page 4, line 20, after "secretary" delete the remainder of the line and insert "and the commissioner as seventy-five"

AMENDMENT NO. 24

On page 5, line 7, change "five million" to "six million six hundred sixty-six thousand six hundred sixty-seven"

AMENDMENT NO. 25

On page 5, line 9, after "secretary" and before "demonstrate" insert "or the commissioner"

AMENDMENT NO. 26

On page 5, line 11, change "five million" to "six million six hundred sixty-six thousand six hundred sixty-seven"

AMENDMENT NO. 27

On page 5, delete lines 21 and 22 in their entirety.

AMENDMENT NO. 28

On page 5, at the beginning of line 23, change "E." to "D."

AMENDMENT NO. 29

On page 6, line 2, after "secretary" and before "shall" insert "and the commissioner"

AMENDMENT NO. 30

On page 6, line 5, after "secretary" and before "shall" insert "and the commissioner"

AMENDMENT NO. 31

On page 6, line 11, after "secretary" and before "shall" insert "and the commissioner"

AMENDMENT NO. 32

On page 6, line 13, after "secretary" and before "shall" insert "and the commissioner"

AMENDMENT NO. 33

On page 6, line 17, after "secretary" and before "shall" insert "and the commissioner"

AMENDMENT NO. 34

On page 7, line 4, change "qualified Louisiana" to "Louisiana entrepreneurial"

AMENDMENT NO. 35

On page 7, between lines 5 and 6, insert the following:

"(3) One hundred percent of all investments must be made in low income communities."

AMENDMENT NO. 36

On page 7, delete lines 10 through 13 in their entirety.

AMENDMENT NO. 37

On page 7, at the beginning of line 14, change "D." to "C."

AMENDMENT NO. 38

On page 7, at the beginning of line 20, change "E." to "D." and change "qualified Louisiana" to "Louisiana entrepreneurial"

AMENDMENT NO. 39

On page 7, at the beginning of line 24, change "F." to "E."

AMENDMENT NO. 40

On page 8, between lines 13 and 14, insert the following:

"(4) The LCDFI shall also submit copies of its annual transaction level report and institutional level report, which include detailed information on job creation and retention, to the secretary upon their completion."

AMENDMENT NO. 41

On page 8, at the beginning of line 14, change "G." to "F."

AMENDMENT NO. 42

On page 8, at the beginning of line 19, change "H." to "G."

AMENDMENT NO. 43

On page 9, line 3, after "secretary" and before "may" insert "or the commissioner"

AMENDMENT NO. 44

On page 11, line 24, change "qualified Louisiana" to "Louisiana entrepreneurial"

AMENDMENT NO. 45

On page 12, at the end of line 22, after "LCDFI or by" delete "qualified"

AMENDMENT NO. 46

On page 12, line 23, after "Louisiana" and before "businesses" insert "entrepreneurial"

AMENDMENT NO. 47

On page 13, at the end of line 3, change "qualified Louisiana" to "Louisiana entrepreneurial"

AMENDMENT NO. 48

On page 13, at the end of line 8, change "qualified Louisiana" to "Louisiana entrepreneurial"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fannin	Montgomery
Alario	Farrar	Morrell
Alexander	Faucheux	Morrish
Ansardi	Frith	Odinet
Arnold	Gallot	Pierre
Badon	Geymann	Pinac
Baldone	Glover	Pitre
Barrow	Gray	Powell, M.
Baudoin	Greene	Powell, T.
Baylor	Guillory, E.	Quezaire
Beard	Guillory, M.	Richmond
Bowler	Hammett	Ritchie
Bruce	Heaton	Robideaux
Bruneau	Hebert	Romero
Burns	Hill	Scalise
Burrell	Honey	Smiley
Carter, K.	Hopkins	Smith, G.
Carter, R.	Hutter	Smith, J.D.-50th

Cazayoux	Jackson	Smith, J.H.-8th
Crane	Jefferson	Smith, J.R.-30th
Cravins	Johns	Strain
Crowe	Katz	Thompson
Curtis	Kennard	Toomy
Damico	Kenney	Townsend
Daniel	Kleckley	Trahan
Dartez	LaFleur	Tucker
DeWitt	LaFonta	Waddell
Doerge	Lambert	Walker
Dorsey	Lancaster	Walsworth
Dove	Marchand	White
Downs	Martiny	Winston
Durand	McDonald	Wooton
Erdey	McVea	Wright

Total - 99

NAYS

Total - 0

ABSENT

Hunter	Schneider	Triche
LaBruzzo	St. Germain	
Total - 5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

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

HOUSE BILL NO. 689—

BY REPRESENTATIVE WALSWORTH
AN ACT

To amend and reenact R.S. 22:1244(A)(3) and to enact R.S. 22:1244(C), relative insurance fraud; to provide for automobile insurance fraud; to provide for restitution; to provide for civil right of action; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Walsworth, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Called from the calendar.

Read by title.

Rep. Walsworth moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Faucheux	Odinet
Alario	Frith	Pierre
Alexander	Gallot	Pinac
Ansardi	Geymann	Pitre
Arnold	Gray	Powell, M.
Badon	Greene	Powell, T.
Baldone	Guillory, E.	Quezaire
Barrow	Guillory, M.	Richmond
Baudoin	Hammett	Ritchie
Baylor	Heaton	Robideaux
Beard	Hebert	Romero
Bowler	Hill	Scalise
Bruce	Honey	Schneider

Bruneau	Hopkins	Smiley
Burns	Hunter	Smith, G.
Burrell	Hutter	Smith, J.D.—50th
Carter, K.	Jackson	Smith, J.H.—8th
Carter, R.	Jefferson	Smith, J.R.—30th
Cazayoux	Johns	St. Germain
Crane	Katz	Strain
Cravins	Kennard	Thompson
Curtis	Kenney	Toomy
Damico	Kleckley	Townsend
Daniel	LaBruzzo	Trahan
Dartez	LaFleur	Triche
DeWitt	LaFonta	Tucker
Doerge	Lambert	Waddell
Dorsey	Lancaster	Walker
Dove	Marchand	Walsworth
Downs	Martiny	White
Durand	McDonald	Winston
Erdey	McVea	Wooton
Fannin	Montgomery	Wright
Farrar	Morrish	
Total - 101		

NAYS

Total - 0

ABSENT

Crowe	Glover	Morrell
Total - 3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Walsworth 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. 688—

BY REPRESENTATIVE RICHMOND
AN ACT

To amend and reenact R.S. 45:781(A) and R.S. 47:301(14)(i)(ii)(bb)(XV) and to enact Chapter 42 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9601 through 9610, and R.S. 45:781(C), relative to the taxation of telecommunications services; to enact the Louisiana Communications Excise Tax Act; to create and establish the Louisiana Communications Tax District; to provide for the governance of the district by a board of directors; to provide for the authority, duties, powers, and responsibilities of the district and its board of directors; to authorize the district to levy and collect a statewide excise tax on all communications services in lieu of other local taxes, charges, or fees imposed on providing communications services; to provide for the distribution of the proceeds of such tax to the local governmental subdivisions of the state; to prohibit the enforcement of existing obligations to pay certain local taxes, charges, and fees; to provide that local governmental subdivisions shall have and retain the authority to regulate and manage their roads and rights-of-way in exercising their police power; to provide for definitions; to provide for an effective date; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Richmond, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Called from the calendar.

Read by title.

Point of Order

Rep. Bruneau asked for a ruling from the Chair as to whether House Bill No. 688 required the favorable vote of two-thirds of the elected members to finally pass the House.

Ruling of the Chair

The Chair ruled the bill creates a political subdivision whose boundaries are coterminous with the state. La. Const. Art. VI, §30.1 provides that when a political subdivision coterminous with the state levies a tax to raise revenue for the state, such a tax requires a two-thirds vote. However, this bill allocates the proceeds of the tax authorized be distributed among the various parishes, and therefore no revenue goes to the state. This bill therefore requires a majority of the elected members of the House of Representatives to finally pass the House.

Rep. Richmond moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	DeWitt	Honey
Ansardi	Dorsey	Hunter
Arnold	Gallot	Jefferson
Badon	Glover	Marchand
Baylor	Gray	Pinac
Bruce	Guillory, E.	Quezaire
Burrell	Hammett	Richmond
Carter, K.	Heaton	Townsend
Total - 24		

NAYS

Alario	Geymann	Ritchie
Alexander	Greene	Robideaux
Baldone	Hebert	Romero
Barrow	Hill	Scalise
Beard	Hopkins	Schneider
Bowler	Hutter	Smiley
Bruneau	Jackson	Smith, G.
Burns	Johns	Smith, J.D.—50th
Carter, R.	Katz	Smith, J.H.—8th
Cazayoux	Kenney	Smith, J.R.—30th
Crane	Kleckley	Strain
Cravins	LaBruzzo	Thompson
Crowe	LaFleur	Toomy
Damico	Lambert	Trahan
Daniel	Lancaster	Triche
Dartez	Martiny	Tucker
Doerge	McDonald	Waddell
Dove	McVea	Walker
Downs	Montgomery	Walsworth
Durand	Morrish	White
Erdey	Odinet	Winston
Fannin	Pierre	Wooton
Farrar	Pitre	Wright
Faucheux	Powell, M.	
Frith	Powell, T.	
Total - 73		

ABSENT

Baudoin	Kennard	St. Germain
Curtis	LaFonta	
Guillory, M.	Morrell	
Total - 7		

The Chair declared the above bill failed to pass.

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

**Petitions, Memorials and
Communications**

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

Message from the Senate

HOUSE BILLS

June 13, 2005

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. 84
Returned with amendments

House Bill No. 103
Returned with amendments

House Bill No. 124
Returned with amendments

House Bill No. 194
Returned with amendments

House Bill No. 205
Returned without amendments

House Bill No. 206
Returned without amendments

House Bill No. 209
Returned without amendments

House Bill No. 226
Returned with amendments

House Bill No. 260
Returned without amendments

House Bill No. 261
Returned without amendments

House Bill No. 280
Returned without amendments

House Bill No. 318
Returned with amendments

House Bill No. 341
Returned without amendments

House Bill No. 349
Returned with amendments

House Bill No. 351
Returned without amendments

House Bill No. 363
Returned without amendments

House Bill No. 376
Returned without amendments

House Bill No. 379
Returned without amendments

House Bill No. 426
Returned without amendments

House Bill No. 445
Returned without amendments

House Bill No. 446
Returned with amendments

House Bill No. 496
Returned with amendments

House Bill No. 515
Returned without amendments

House Bill No. 528
Returned with amendments

House Bill No. 535
Returned with amendments

House Bill No. 538
Returned without amendments

House Bill No. 552
Returned without amendments

House Bill No. 554
Returned without amendments

House Bill No. 617
Returned without amendments

House Bill No. 680
Returned with amendments

House Bill No. 700
Returned without amendments

House Bill No. 733
Returned without amendments

House Bill No. 738
Returned without amendments

House Bill No. 752
Returned without amendments

House Bill No. 779
Returned with amendments

House Bill No. 848
Returned with amendments

House Bill No. 853
Returned without amendments

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

June 13, 2005

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. 85
Returned without amendments

House Concurrent Resolution No. 100
Returned without amendments

House Concurrent Resolution No. 101
Returned without amendments

House Concurrent Resolution No. 103
Returned without amendments

House Concurrent Resolution No. 121
Returned without amendments

House Concurrent Resolution No. 122
Returned without amendments

House Concurrent Resolution No. 131
Returned without amendments

House Concurrent Resolution No. 141
Returned without amendments

House Concurrent Resolution No. 145
Returned without amendments

House Concurrent Resolution No. 146
Returned without amendments

House Concurrent Resolution No. 148
Returned without amendments

House Concurrent Resolution No. 180
Returned without amendments

House Concurrent Resolution No. 181
Returned without amendments

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Message from the Senate
ASKING CONCURRENCE IN
SENATE CONCURRENT RESOLUTIONS

June 13, 2005

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. 110, 111, 112, 113, 114, 115, 116, 117, and 118

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Karen Carter, 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. 116—

BY SENATOR BAJOEIE

A CONCURRENT RESOLUTION

To commend Louise Williams-Arnolie for being the first African-American student to graduate after matriculating her entire undergraduate years at Louisiana State University in New Orleans (LSUNO).

Read by title.

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

SENATE CONCURRENT RESOLUTION NO. 118—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To commend and congratulate the Baton Rouge Fire Department upon achieving and maintaining the high honor and distinction of a Class One fire rating.

Read by title.

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

Message from the Senate

SENATE BILLS

June 13, 2005

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

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

Senate Bill No. 311

Respectfully submitted,

GLENN A. KOEPP
Secretary of the Senate

Senate Bills and Joint Resolutions on
Second Reading to be Referred

Rep. Tucker asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions just received from the Senate with a view of advancing same, which were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 311—

BY SENATOR BOASSO AND REPRESENTATIVE TUCKER

AN ACT

To enact Chapter 12-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1370 through 1377, all relative to waterways infrastructure and development; to create the Louisiana Waterways Infrastructure and Development Fund and the Louisiana Waterways Infrastructure Development Bank; to provide funding for waterways and infrastructure development from various sources; 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 Transportation, Highways and Public Works.

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. 102—

BY REPRESENTATIVE LAFONTA

A RESOLUTION

To recognize the need for an apology to the victims of lynching and their descendants by the United States Senate for the Senate's failure to enact anti-lynching legislation.

Read by title.

Lies over under the rules.

HOUSE RESOLUTION NO. 103—

BY REPRESENTATIVE QUEZAIRE

A RESOLUTION

To commend the West St. John High School football team upon winning the Class 2A State Championship.

Read by title.

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

HOUSE RESOLUTION NO. 104—

BY REPRESENTATIVE E. GUILLORY

A RESOLUTION

To urge and request the Louisiana High School Athletic Association to consider eliminating the requirement that sports contest officials annually take and pass a sports rules test and to submit a written report on any action taken relative to such consideration to the House Committee on Education prior to the convening of the 2006 Regular Session.

Read by title.

Lies over under the rules.

HOUSE RESOLUTION NO. 105—

BY REPRESENTATIVE PINAC

A RESOLUTION

To commend Delores M. Handy upon her retirement as deputy tax assessor in Acadia Parish.

Read by title.

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

HOUSE RESOLUTION NO. 106—

BY REPRESENTATIVE MONTGOMERY

A RESOLUTION

To urge and request the Board of Regents to study the need for and feasibility of transferring the governance, management, and supervision of Louisiana Technical College from the Board of Supervisors of Community and Technical Colleges to the State Board of Elementary and Secondary Education and to report study findings and recommendations in writing to the legislature prior to the convening of the 2006 Regular Session.

Read by title.

Lies over under the rules.

HOUSE RESOLUTION NO. 107—

BY REPRESENTATIVE GALLOT

A RESOLUTION

To commend Dump and Hazel Hatter upon the celebration of their fiftieth wedding anniversary.

Read by title.

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

HOUSE RESOLUTION NO. 108—

BY REPRESENTATIVES FAUCHEUX AND GALLOT

A RESOLUTION

To urge and request the State Board of Elementary and Secondary Education, in consultation with the Louisiana Student Financial Assistance Commission, to study the need for and benefits of the state board developing and implementing a uniform grading scale and system in public and state-approved nonpublic high schools for calculating a student's cumulative high school grade point average to determine eligibility for awards pursuant to the Tuition Opportunity Program for Students; to provide that the state board shall report study findings and recommendations in writing to the House Committee on Education at least sixty days prior to convening of the 2006 Regular Session of the legislature; and to provide for related matters.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 183—

BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To recognize Thursday, June 16, 2005, as Girl Scouts of the USA Day at the Louisiana State Capitol.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 184—

BY REPRESENTATIVE ERDEY

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to expedite the design and engineering phase of a certain highway construction project in Livingston Parish.

Read by title.

On motion of Rep. Erdey, and under a suspension of the rules, the resolution was ordered passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 185—

BY REPRESENTATIVE QUEZAIRE

A CONCURRENT RESOLUTION

To urge and request railroads to increase contributions for railroad grade crossing safety improvements.

Read by title.

Suspension of the Rules

On motion of Rep. Quezaire, the rules were suspended in order to refer the resolution to committee at this time.

Under the rules, the resolution was referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 186—

BY REPRESENTATIVE BURRELL

A CONCURRENT RESOLUTION

To commend Ms. Daisy Stewart Wilson for her service and dedication to the community and the Combs McIntyre Community Center project.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 187—

BY REPRESENTATIVE BURRELL

A CONCURRENT RESOLUTION

To commend Mr. Bobby R. Cockerham for his service and dedication to the community and to the Oak Grove Recreation and Civic Club, Inc.-Combs McIntyre Community Center project.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 188—

BY REPRESENTATIVE BURRELL

A CONCURRENT RESOLUTION

To recognize June 18, 2005, as Combs McIntyre Day at the Louisiana Legislature and to commend the Oak Grove, Louisiana, community, in West Carroll Parish, on the dedication of the Combs McIntyre Community Center.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 189—

BY REPRESENTATIVE WALSWORTH

A CONCURRENT RESOLUTION

To urge and request the attorneys representing the state of Louisiana in the Henderson v. Stalder case to seek relief from the United States District Court for the Eastern District of Louisiana from the injunction which prohibits the office of motor vehicles from issuing special prestige license plates, including special prestige license plates created for the military and military personnel.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 190—

BY REPRESENTATIVE DANIEL

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to erect signs at Interstate 10 at the Dalrymple Drive exit in Baton Rouge indicating the location of City Park Golf Course.

Read by title.

On motion of Rep. Daniel, and under a suspension of the rules, the resolution was ordered passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 191—

BY REPRESENTATIVE DANIEL

A CONCURRENT RESOLUTION

To commend The Dunham School football team for defeating four-time state champion Oak Grove to become the Class 1A State Football Champions for the 2004-2005 season.

Read by title.

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

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 192—

BY REPRESENTATIVE BEARD

A CONCURRENT RESOLUTION

To urge and request the Planning and Zoning Commission of the parish of East Baton Rouge and the city of Baton Rouge to

revisit the decision of the commission approving development of the land area presently known as of the Shenandoah Golf Club and to urge and request the Metropolitan Council of the parish of East Baton Rouge and the city of Baton Rouge to pass a resolution which would maintain the current use of the Shenandoah Country Club and Golf Course as a recreational land use area as designated under the Horizon Plan map and prohibit the city-parish government from taking any action or issuing any permit which would allow any development to proceed pending a decision of the court of appeals in the case of Residents of Shenandoah Estates vs. Greentrails, L.L.C.

Read by title.

Lies over under the rules.

Senate Concurrent Resolutions

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

Motion

On motion of Rep. Walsworth, the Committee on Education was discharged from further consideration of Senate Concurrent Resolution No. 83.

SENATE CONCURRENT RESOLUTION NO. 83—

BY SENATOR BARHAM

A CONCURRENT RESOLUTION

To create and establish a commission to study and make recommendations regarding the effect of tax exemptions relative to the funding of education in Louisiana.

Read by title.

On motion of Rep. Walsworth, the resolution was recommitted to the Committee on House and Governmental Affairs.

Senate Bills and Joint Resolutions on Second Reading to be Referred

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

SENATE BILL NO. 114—

BY SENATOR MICHOT

AN ACT

To enact R.S. 47:6020, relative to tax credits; to grant a sound recording investor income tax credit; to provide for certain procedures, and collection; and to provide for related matters.

Called from the calendar.

Read by title.

On motion of Rep. Karen Carter, the bill was referred to the Committee on Ways and Means.

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. 742—

BY REPRESENTATIVES K. CARTER, GRAY, JEFFERSON, ARNOLD, BADON, BURNS, HEATON, HUTTER, MARCHAND, RICHMOND, SCALISE, SHEPHERD, AND WINSTON AND SENATOR DUPLESSIS

AN ACT

To enact Chapter 27-C of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.51 through 9039.67, and to repeal R.S. 36:109(M) and Part III of Chapter 6 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:811 through 813.1, relative to the Greater New Orleans Biosciences Economic Development District; to create and

provide for such district and its board of commissioners and their powers, duties, functions, and responsibilities; to repeal provisions providing for the Louisiana Biomedical Research and Development Park Commission; and to provide for related matters.

Called from the calendar.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 742 by Representative K. Carter

AMENDMENT NO. 1

On page 1, at the end of line 5, after "New Orleans" delete "Health and"

AMENDMENT NO. 2

On page 1, at the end of line 16, after "New Orleans" delete "Health and"

AMENDMENT NO. 3

On page 1, line 18, after "New Orleans" and before "Biosciences" delete "Health and"

AMENDMENT NO. 4

On page 2, line 2, after "New Orleans" and before "Biosciences" delete "Health and"

AMENDMENT NO. 5

On page 2, delete lines 15 through 19 in their entirety, and insert the following:

"Notwithstanding any other provision of this Chapter to the contrary, this Chapter shall not supersede or override the powers or authority of the city of New Orleans, the medical institutions or the educational institutions within the district, or any other political subdivision. The district created by this Chapter shall not materially adversely affect current or future revenues of primary partners and independent consortia. The power and functions of the Louisiana Board of Regents and the managing boards of any public system of higher education, having facilities in the district, shall not be impaired by the provisions of this Chapter. Rather, the legislature creates the district hereby to facilitate public and private research functions in the district. Participation by any public institution of higher education in any project or program of any subdistrict created by or pursuant to this Chapter shall require the prior approval of the Board of Regents and its managing board. The district shall not have or exercise any fiscal, governing, managerial, or operational authority relative to any public or private hospital."

AMENDMENT NO. 6

On page 2, line 23, after "average" delete the remainder of the line and insert "and receives considerable federal research"

AMENDMENT NO. 7

On page 2, line 24, after "bioscience funding" delete "considerable federal funding"

AMENDMENT NO. 8

On page 2, at the end of line 26, after "development of" delete "health and"

AMENDMENT NO. 9

On page 3, line 16, after "New Orleans" and before "Biosciences" delete "Health and"

AMENDMENT NO. 10

On page 4, line 7, after "members" delete the remainder of the line and delete lines 8 through 22 in their entirety, and insert the following:

"comprised of the following:

(a) The chancellor of the Louisiana State University Health Sciences Center New Orleans or the chancellor's designee.

(b) The president of the Tulane University Health Sciences Center or the president's designee.

(c) The president of Xavier University or the president's designee.

(d) The chancellor of Delgado Community College or the chancellor's designee.

(e) The mayor of the city of New Orleans or the mayor's designee.

(f) The president of Greater New Orleans Inc. or a designee appointed by the president from the private sector.

(g) The chairman of the New Orleans Business Council or a designee appointed by the chairman from the private sector.

(h) The president of the New Orleans Chamber of Commerce or a designee appointed by the president from the private sector.

(i) A member from the private sector appointed by the other board members."

AMENDMENT NO. 11

On page 4, line 23, after "least" and before "of" change "one" to "two"

AMENDMENT NO. 12

On page 6, line 25, after "Council" and the comma "," delete "and" and at the end of the line, after "District" and before the period "." insert a comma "," and "Dillard University, and Southern University of New Orleans"

AMENDMENT NO. 13

On page 7, at the end of line 11, after "Chapter" and before the period "." insert the following:

"but shall be subject to public laws governing political subdivisions generally unless expressly stated to the contrary in this Chapter, including the public contracts law for construction, public records law and public meetings laws and Code of Ethics"

AMENDMENT NO. 14

On page 8, line 17, after "industry" and the comma "," delete the remainder of the line and insert "biomedical research, clinical trials, commerce."

Page 54 HOUSE

28th Day's Proceedings - June 13, 2005

AMENDMENT NO. 15

On page 10, line 22, after "New Orleans" and before "Biosciences" delete "Health and"

AMENDMENT NO. 16

On page 11, line 15, after "New Orleans" and before "Biosciences" delete "Health and"

AMENDMENT NO. 17

On page 11, between lines 16 and 17, insert the following:

"(3) Notwithstanding any provision of this Subsection to the contrary, the territorial jurisdiction or boundaries of the district shall not be expanded or extended to include any area which is not solely contained within the parish of Orleans."

AMENDMENT NO. 18

On page 11, line 20, delete "policy and" and insert "the"

AMENDMENT NO. 19

On page 12, delete lines 1 through 6 in their entirety.

AMENDMENT NO. 20

On page 12, at the beginning of line 7, change "(6)" to "(5)"

AMENDMENT NO. 21

On page 12, delete lines 11 through 17 in their entirety.

AMENDMENT NO. 22

On page 12, at the beginning of line 18, change "(8)" to "(6)"

AMENDMENT NO. 23

On page 12, at the beginning of line 23, change "(9)" to "(7)"

AMENDMENT NO. 24

On page 12, at the beginning of line 25, change "(10)" to "(8)"

AMENDMENT NO. 25

On page 12, at the beginning of line 27, change "(11)" to "(9)"

AMENDMENT NO. 26

On page 13, at the beginning of line 1, change "(12)" to "(10)"

AMENDMENT NO. 27

On page 13, at the beginning of line 12, change "(13)" to "(11)"

AMENDMENT NO. 28

On page 13, line 16, after "district" and the period "." delete the remainder of the line, and delete lines 17 through 21 in their entirety.

AMENDMENT NO. 29

On page 13, at the beginning of line 22, change "(14)" to "(12)"

AMENDMENT NO. 30

On page 14, at the beginning of line 1, change "(15)" to "(13)"

AMENDMENT NO. 31

On page 14, at the end of line 3, after "function" and before the period "." insert a comma "," and "but in coordination with the Louisiana Board of Regents with respect to public higher educational institutions"

AMENDMENT NO. 32

On page 14, at the beginning of line 4, change "(16)" to "(14)"

AMENDMENT NO. 33

On page 15, delete lines 17 through 28, delete page 16 in its entirety, and on page 17, delete lines 1 through 17, and insert the following:

"§9039.61. Taxation

A. With the approval of any underlying parish or municipality, the district may exercise the power of taxation available to any other political subdivision of the state, including sales and use taxes and ad valorem taxes, provided the levy thereof is approved by the majority of qualified electors residing and voting in the district or subdistrict pursuant to an election called under state law for such purpose unless levied under R.S. 33:9038.9 when no electors reside in the subject area.

B. To levy and cause to be collected an ad valorem tax, for public purposes provided that the amount, term, and purpose of said tax, as set out in a proposition submitted to a vote in accordance with the Louisiana Election Code, shall be approved by a majority of the qualified electors of the district voting in an election held for that purpose.

C.(1) To levy and collect a sales and use tax for public purposes within the boundaries of the district for such purposes and at such rate as provided by the proposition authorizing its levy, which tax may exceed the limitation set forth in Article VI, Section 29(A) of the Constitution of Louisiana, or state law relative to parishes, municipalities, and school boards provided the proposition is submitted to a vote in accordance with the Louisiana Election Code, and shall be approved by a majority of the qualified electors voting in an election held for that purpose.

(2) The sales and use tax shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the distribution, and storage for use or consumption of tangible personal property, and upon the sales of services within the district, all as presently defined in R.S. 47:301 through 318.

(3) Except where inapplicable, the procedure established by R.S. 47:301 through 318 shall be followed in the imposition, collection, and enforcement of the sales and use tax, and procedural details necessary to supplement those Sections and to make them applicable to such tax herein authorized shall be fixed in the resolution imposing the tax.

(4) The tax shall be imposed and collected uniformly throughout the district.

D. Any tax levied under this Section shall be in addition to all other taxes which any parish or any other political subdivision are now or hereafter authorized to levy and collect."

AMENDMENT NO. 34

On page 18, at the end of line 15, change "facilities" to "programs" and delete lines 16 and 17 in their entirety and insert "in cooperation with affiliate institutions of higher education:"

AMENDMENT NO. 35

On page 19, line 1, after "type of" and before "bioscience" delete "health or"

AMENDMENT NO. 36

On page 19, at the beginning of line 9, before "biosciences" delete "health and"

AMENDMENT NO. 37

On page 26, at the end of line 26, after "New Orleans" delete "Health" and at the beginning of line 27, delete "and"

AMENDMENT NO. 38

On page 26, line 29, after "New Orleans" and before "Biosciences" delete "Health and"

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

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

Under the rules, placed on the regular calendar.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Commerce

June 13, 2005

To the Speaker and Members of the House of Representatives:

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

Senate Bill No. 126, by Broome
Reported favorably. (14-0) (Regular)

Senate Bill No. 255, by Michot
Reported favorably. (13-0) (Regular)

GIL J. PINAC
Chairman

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

Report of the Committee on Ways and Means

June 13, 2005

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Ways and Means to submit the following report:

House Bill No. 420, by Marchand
Reported with amendments. (13-0) (Regular)

House Bill No. 583, by Alario (Joint Resolution)
Reported favorably. (14-0)

House Bill No. 635, by Badon
Reported with amendments. (14-0) (Regular)

House Bill No. 712, by Alario
Reported with amendments. (16-0) (Regular)

Senate Concurrent Resolution No. 61, by B. Gautreaux
Reported favorably. (15-0)

Senate Bill No. 26, by McPherson
Reported favorably. (15-0) (Regular)

Senate Bill No. 34, by McPherson
Reported with amendments. (13-0) (Regular)

Senate Bill No. 129, by Nevers
Reported favorably. (13-0) (Regular)

Senate Bill No. 131, by Bajoie
Reported favorably. (13-0) (Regular)

Senate Bill No. 164, by Heitmeier
Reported favorably. (15-0) (Regular)

Senate Bill No. 250, by Mount
Reported with amendments. (13-0) (Regular)

Senate Bill No. 316, by Mount
Reported favorably. (12-0) (Regular)

Senate Bill No. 337, by Ellington
Reported with amendments. (12-0) (Regular)

BRYANT O. HAMMETT, JR.
Chairman

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

Suspension of the Rules

On motion of Rep. Hammett, 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. 420—

BY REPRESENTATIVE MARCHAND
AN ACT

To enact R.S. 47:297.5, relative to individual income tax credits; to provide a tax credit for the rehabilitation of residential structures in certain areas; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 420 by Representative Marchand

AMENDMENT NO. 1

On page 1, line 10, after "residential or" and before "mixed use" insert "owner occupied"

AMENDMENT NO. 2

On page 1, line 15, after "district" delete the remainder of the line and insert ", or a vacant and blighted owner occupied residential structure that is at least fifty years old."

AMENDMENT NO. 3

On page 1, delete line 16 in its entirety and at the beginning of line 17, delete "taxable year."

Page 56 HOUSE

28th Day's Proceedings - June 13, 2005

AMENDMENT NO. 4

On page 1, line 18, delete "fifty" and insert "twenty-five"

AMENDMENT NO. 5

On page 1, line 20, delete "forty" and insert "twenty"

AMENDMENT NO. 6

On page 1, at the end of line 20, insert the following:

"The credit shall be calculated using the following percentages of the eligible costs and expenses of the rehabilitation based on the adjusted gross income of the owner-occupant. If the residential structure is owned and occupied by two or more individuals, the applicable percentage shall be based on the sum of the adjusted gross incomes of all owner-occupants who contribute to the rehabilitation, and the credit will be divided between the owner-occupants in proportion to their contribution to the eligible costs and expenses, unless they agree to an alternate division as follows:

(a) If the adjusted gross income is less than or equal to fifty thousand dollars, the credit shall be twenty-five percent of the eligible costs and expenses of the rehabilitation.

(b) If the adjusted gross income is greater than fifty thousand dollars and less than or equal to seventy-five thousand dollars, the credit shall be twenty percent of the eligible costs and expenses of the rehabilitation.

(c) If the adjusted gross income is greater than seventy-five thousand dollars and less than or equal to one hundred thousand dollars, the credit shall be fifteen percent of the eligible costs and expenses of the rehabilitation.

(d) If the adjusted gross income is greater than one hundred thousand dollars, the credit is only available for the rehabilitation of a vacant and blighted owner-occupied residential structure that is at least fifty years old, and the credit shall be ten percent of the eligible costs and expenses of the rehabilitation."

AMENDMENT NO. 7

On page 2, delete lines 1 through 3, and insert:

"(2) The tax credit for qualified rehabilitation expenditures shall be divided in five equal portions to be applied against the tax for the five-year period beginning in the taxable period in which the rehabilitated residential structure is first placed in service. To be eligible to use a tax credit portion, the taxpayer who initially earned the credit must continue to own and occupy the residential structure as the taxpayer's primary residence. If the residential structure is sold during the five-year period beginning in the taxable period in which the rehabilitated residential structure is first placed in service, all unused credit portions granted under this Section shall immediately become void and of no effect."

AMENDMENT NO. 8

On page 2, delete lines 9 through 19, and insert:

"(4) Any excess of the credit portion allowed in a taxable period over the individual income tax liability for that taxable period against which the credit can be applied shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from the current collections of the taxes imposed by Chapter I of Subtitle II of this Title, as amended. The right to a refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B)."

AMENDMENT NO. 9

On page 2, line 20, between "state" and "to" insert "Historic Preservation Office"

AMENDMENT NO. 10

On page 2, line 21, delete "ten million dollars." and insert the following:

"one million dollars. The granting of credits under this Section shall be on a first-come first-served basis. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess will be treated as having been applied for on the first day of the subsequent year."

AMENDMENT NO. 11

On page 2, line 25, delete "the Department of Revenue" and insert the following:

"the Department of Culture, Recreation and Tourism in consultation with the Department of Revenue and shall take into consideration qualified rehabilitation expenditures as defined in Section 47(c)(2)(A) of the Internal Revenue Code and applicable regulations."

AMENDMENT NO. 12

On page 3, line 5, delete "2010" and insert "2009"

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 583—

BY REPRESENTATIVE ALARIO

A JOINT RESOLUTION

Proposing to amend Article VII, Section 20(A)(1) of the Constitution of Louisiana, to increase the homestead exemption in accordance with the increase in the Consumer Price Index; to provide for submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Ways and Means.

On motion of Rep. Hammett, the bill was ordered engrossed and, under a suspension of the rules, ordered passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 635—

BY REPRESENTATIVE BADON

AN ACT

To enact R.S. 51:1787(A)(2)(d) and (C)(2)(c), relative to Enterprise Zones; to provide for tax credits for added value rubber manufacturing; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 635 by Representative Badon

AMENDMENT NO. 1

On page 1, line 15, delete "(i)"

AMENDMENT NO. 2

On page 1, line 16, after "defined" delete "in this Subparagraph for" and insert "by North American Industry Classification System (NAICS) code 326211."

AMENDMENT NO. 3

Delete page 2 in its entirety, and on page 3, delete lines 1 through 15 in their entirety.

AMENDMENT NO. 4

On page 3, line 23, delete "(i)"

AMENDMENT NO. 5

On page 3, line 24, after "the" delete "added value" and at the end of the line delete "in R.S." and on line 25, delete "51:1787(A)(2)(d)(i)(aa) for" and insert "by North American Industry Classification System (NAICS) code 326211."

AMENDMENT NO. 6

On page 4, delete lines 1 through 15 in their entirety.

AMENDMENT NO. 7

On page 4, at the end of line 21, insert the following:

"The provisions of Section 1 of this Act shall become null and void on June 30, 2012."

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

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

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 712—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 47:1907(A)(1), relative to the ad valorem tax; to provide for the compensation of assessors; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 712 by Representative Alario

AMENDMENT NO. 1

On page 1, line 2, after "reenact" change "R.S. 47:1705(B)" to "R.S. 47:1907(A)"

AMENDMENT NO. 2

On page 1, line 2, after "tax" and the semicolon ";" delete the

remainder of the line, delete line 3 in its entirety, and at the beginning of line 4, delete "without voter approval" and insert "to provide for the compensation of assessors"

AMENDMENT NO. 3

On page 1, delete lines 8 through 19, and on page 2, delete lines 1 through 5, and insert the following:

"§1907. Salaries

A.(1)(a) Notwithstanding any other provision of law to the contrary, except the provisions of Subsection H of this Section, in the performance of all duties required of them by law, the assessors of the various parishes and of each district in Orleans Parish shall receive an annual compensation, to be paid monthly on their own warrant, based on the applicable population of the respective parishes or of the respective districts in Orleans Parish as per the schedule according to the latest decennial United States Census or the population estimates published pursuant to the United States Bureau of the Census Federal State Cooperative Program for Population Estimates.

Population	Compensation
(a) (i) less than 24,999	\$ 60,000
(b) (ii) 25,000 to 99,999	65,000
(c) (iii) 100,000 to 299,999	70,000
(d) (iv) 300,000 and over	75,000
(e) (v) 400,000 and over	80,000

(b) Notwithstanding any provision of law to the contrary and specifically Subparagraph (a) of this Paragraph, the assessors of the various parishes, may establish their own rate of annual compensation for all services required of them by law which rates shall not exceed the following amounts based on the applicable population of the respective parishes, according to the latest decennial United States census as follows:

Population	Compensation
(i) Greater than 400,000	Same as judges of Criminal District Court, Orleans Parish.
(ii) Less than 400,000	\$20,000 less than the salary of assessors with populations greater than 400,000.

(c) Any assessor who does not choose to establish their own rate of compensation as provided in Subparagraph (b) of this Paragraph on or before January 1, 2006, shall continue to receive compensation as provided in Subparagraph (a) of this Paragraph."

AMENDMENT NO. 4

On page 2, line 7, after "Section 2." delete the remainder of the line, delete lines 8 through 10, and insert the following:

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

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

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

Under the rules, placed on the regular calendar.

Suspension of the Rules

On motion of Rep. Hammett, the rules were suspended in order to take up and consider Senate Concurrent Resolutions Reported by Committee at this time.

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. 61—

BY SENATORS B. GAUTREUX AND DUPRE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to enact the Coastal Restoration Tax Credit Act of 2005.

Read by title.

Reported favorably by the Committee on Ways and Means.

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

Privileged Report of the Committee on Enrollment

June 13, 2005

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. 97—

BY REPRESENTATIVES WALSWORTH AND KATZ

A RESOLUTION

To urge and request the Department of Transportation and Development to operate the Motorist Assistance Patrol program in the Monroe area during construction of the Interstate 20 bridge in Ouachita Parish.

HOUSE RESOLUTION NO. 98—

BY REPRESENTATIVE JACKSON

A RESOLUTION

To commend Robert L. Harris upon his outstanding accomplishments.

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 13, 2005

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. 19—

BY REPRESENTATIVES FAUCHEUX AND KATZ AND SENATOR ULLO

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States of America to take such actions as are necessary to enact legislation establishing English as the official language of the United States.

HOUSE CONCURRENT RESOLUTION NO. 62—

BY REPRESENTATIVE CRAVINS

A CONCURRENT RESOLUTION

To direct the clerk of the House of Representatives and the secretary of the Senate, upon the death of a legislator, to notify the office of facility planning and control within the division of administration of the death of the legislator; to direct the office of facility planning and control within the division of administration to expeditiously notify the clerk of the House of Representatives and the secretary of the Senate about any capital outlay requests the deceased legislator had submitted for inclusion in the capital outlay budget or Capital Outlay Bill for the current fiscal year and for the next fiscal year; and to direct the clerk of the House of Representatives and the secretary of the Senate, upon receipt of such information from the office of facility planning and control, to notify in a timely manner each legislator who represents in whole or in part the area formerly represented by the deceased legislator about any such capital outlay requests submitted by the deceased legislator.

HOUSE CONCURRENT RESOLUTION NO. 82—

BY REPRESENTATIVE GRAY

A CONCURRENT RESOLUTION

To request the House Committee on Health and Welfare and the Senate Committee on Health and Welfare to meet and function as a joint committee to study the current laws and regulations governing children in foster care in the state, to study the laws, regulations, and procedures which govern social workers charged with monitoring children in foster care, and to make recommendations for changes in the laws, rules, and procedures governing children in foster care in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 83—

BY REPRESENTATIVE STRAIN

A CONCURRENT RESOLUTION

To direct the Louisiana State Board of Dentistry to formulate proposed legislation providing for a volunteer license, which would allow retired dentists to practice at nonprofit health care facilities for no remuneration.

HOUSE CONCURRENT RESOLUTION NO. 87—

BY REPRESENTATIVE TUCKER

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study cost control mechanisms for the New Opportunities Waiver to ensure cost-effective administration and service delivery.

HOUSE CONCURRENT RESOLUTION NO. 92—

BY REPRESENTATIVE GARY SMITH

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to require financial institutions to notify consumers prior to publication of negative credit information and to allow adequate time for correction.

HOUSE CONCURRENT RESOLUTION NO. 97—

BY REPRESENTATIVE THOMPSON AND SENATOR ELLINGTON

A CONCURRENT RESOLUTION

To urge and request the Louisiana Broadband Advisory Council to conduct any necessary pilot project relative to determining the true functionality and affordability of current and future

broadband delivery technologies relative to broadband deployment.

HOUSE CONCURRENT RESOLUTION NO. 105—

BY REPRESENTATIVE WINSTON

A CONCURRENT RESOLUTION

To continue and provide with respect to the Task Force on Legal Representation in Child Protection Cases created in the 2003 Regular Session pursuant to House Concurrent Resolution No. 44 and continued in the 2004 Regular Session pursuant to House Concurrent Resolution No. 59.

HOUSE CONCURRENT RESOLUTION NO. 118—

BY REPRESENTATIVE CROWE

A CONCURRENT RESOLUTION

To urge and request the clerks of court and recorders of mortgages to employ computer software to redact the first five digits of social security numbers appearing on any recorded document after August 15, 2005, which is to be made available to the public over the Internet.

HOUSE CONCURRENT RESOLUTION NO. 135—

BY REPRESENTATIVES JOHNS, K. CARTER, AND PINAC

A CONCURRENT RESOLUTION

To create and provide with respect to a Uniform Building Code Task Force, under the commissioner of insurance, to study current laws and regulations related to the construction of buildings and structures throughout the state and to make recommendations regarding legislation.

HOUSE CONCURRENT RESOLUTION NO. 136—

BY REPRESENTATIVES ARNOLD AND TUCKER AND SENATOR HEITMEIER

A CONCURRENT RESOLUTION

To memorialize the Base Closure and Realignment Act Commission to favorably consider the "federal city concept" for expanding the Naval Support Activity military installation on the west bank of the Mississippi River in New Orleans by consolidating the Navy, Marine, and Army flag/general commands in the New Orleans area, moving in the 8th Coast Guard District headquarters, and possibly housing a new regional Homeland Security headquarters at the renovated military installation.

HOUSE CONCURRENT RESOLUTION NO. 159—

BY REPRESENTATIVE PITRE AND SENATOR DUPRE

A CONCURRENT RESOLUTION

To commend Reggie Galjour of South Lafourche High School upon her selection as a representative of south Louisiana at the Hugh O'Brian World Leadership Congress in July in Washington, D.C.

HOUSE CONCURRENT RESOLUTION NO. 163—

BY REPRESENTATIVE CRAVINS

A CONCURRENT RESOLUTION

To designate and proclaim the town of Opelousas as the Spice Capital of the State of Louisiana.

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 13, 2005

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. 10 (Duplicate of Senate Bill No. 11)—

BY REPRESENTATIVE FRITH AND SENATOR THEUNISSEN
AN ACT

To enact R.S. 33:7574.1, relative to beachfront development districts in Cameron Parish; to provide for the membership of the board of commissioners of Beachfront Development District No. Two of Cameron Parish; and to provide for related matters.

HOUSE BILL NO. 20—

BY REPRESENTATIVES STRAIN, SCHNEIDER, ARNOLD, BADON, BAUDOIN, CRAVINS, DANIEL, DARTEZ, DORSEY, DOVE, ERDEY, FANNIN, FAUCHEUX, FRITH, GREENE, HAMMETT, HEBERT, JACKSON, JOHNS, KLECKLEY, MCDONALD, ODINET, T. POWELL, QUEZAIRE, RITCHIE, SCALISE, SMILEY, JACK SMITH, ST. GERMAIN, THOMPSON, WADDELL, AND WHITE AND SENATOR SCHEDLER
AN ACT

To enact R.S. 40:989.1, relative to controlled dangerous substances; to create the crime of the unlawful production, manufacture, distribution, or possession of a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant; to provide for definitions; to provide for penalties; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 32—

BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact Children's Code Article 423(A)(2), relative to hearing officers; to provide for the acceptance of agreements reached in court-ordered mediation; and to provide for related matters.

HOUSE BILL NO. 67—

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 37:793(A)(1)(d) and (2)(a), (B)(1), (2), and (3), (C), (D)(1), (2) (introductory paragraph) and (c), (E), (F), (G)(1), and (H), to enact R.S. 37:793(B)(4) and (5), and to repeal R.S. 37:793(A)(1)(i), relative to enteral conscious sedation; to provide for changes in definitions; to provide for enteral conscious sedation to be performed on patients of all ages; to clarify the circumstances in which a permit is necessary; to require written reporting; and to provide for related matters.

HOUSE BILL NO. 100—

BY REPRESENTATIVE FANNIN

AN ACT

To authorize and provide for the transfer of certain state property in Jackson Parish from the Department of Transportation and Development to the town of Chatham; and to provide for related matters.

HOUSE BILL NO. 164—

BY REPRESENTATIVE JACKSON

AN ACT

To amend and reenact R.S. 22:1262.1(G) and to repeal R.S. 22:1262.1(F)(2), relative to surplus lines insurance; to provide for notice of removal from approved list; and to provide for related matters.

HOUSE BILL NO. 214—

BY REPRESENTATIVE GALLOT

AN ACT

To enact Title XXII-A of Book III of the Civil Code, consisting of Civil Code Articles 3338 through 3368; and R.S. 44:77 through

80, 111 through 119, and 171; to amend and reenact Civil Code Articles 517, 1554, 2021, 2035, 2442, and 3337; Code of Civil Procedure Articles 3752 and 4362; R.S. 9:4833 and 4834; R.S. 13:901; and R.S. 44:71, 72, 73, 75, and 131; to repeal Civil Code Articles 3308, 3309, 3310, 3314, 3320(A) and (B), 3321 through 3324, and 3327 through 3336; R.S. 9:2371(A) and (B), 2721(A), 2721.1, 2722, 2728, 2733, 2742 through 2744, 2746 through 2757, 5141, 5161, 5162, 5165, 5166, 5167(A) through (D), 5168 through 5207, 5214 through 5216, 5502, and 5556; R.S. 13:752 through 755, 913, and 3727; R.S. 35:17; and R.S. 44:76, 102 and 103, 132 through 136, 138, 162, 163, 202, 203, 232, 232.1, 233, and 268; and to redesignate R.S. 9:2731 as R.S. 31:216 and R.S. 9:2732 as R.S. 31:217, all relative to the recordation of documents in the mortgage and conveyance records and the consolidation of the laws affecting the recordation of documents; to provide for the rules relative to the recordation of documents affecting immovable property; to provide for the duties and liability of the recorders; to provide for the effect of recordation as to third persons; to provide the limits to the effect of recordation and for matters not of record; to provide for the recordation of duplicate documents; to provide for the place of recordation; to provide for the stamping of documents by the recorder, the failure to endorse, and the presumption as to time of filing; to provide for the effect of ancient documents; to provide for information required to be in recorded acts and the effect of omissions; to provide for the cancellation of mortgages and liability for incorrect or false requests for cancellation; to provide for the recordation of transfers, amendments, and releases; to provide for the method and duration of the recordation of mortgages and the method of reinscription; to provide for the vendor's privilege and mortgage protecting the interest of a minor; to provide for the reinscription of notices of contract; to provide for the requirements for indexing names by the recorders; to provide for the office of mortgages and conveyances and for the establishment of branch offices; to provide for limitations of liability of the clerk and for insurance against liability; to provide for certified copies of records and their effect, recordation of notice of lease, certificate of encumbrances, and recordation of military discharge papers; to provide for the effect of an order of discharge in bankruptcy on recorded acts; to provide for the method of establishing the authenticity of documents; to provide for actions against the recorder; and to provide for related matters.

HOUSE BILL NO. 241—

BY REPRESENTATIVE DOWNS
AN ACT

To amend and reenact R.S. 33:4574(B)(18) and 4574.1.1(A)(18), relative to Lincoln Parish; to change the name of the parish tourist commission; to authorize the parish tourist commission to increase the hotel occupancy tax; and to provide for related matters.

HOUSE BILL NO. 253—

BY REPRESENTATIVES BURNS, SCHNEIDER, AND STRAIN AND SENATOR SCHEDLER
AN ACT

To enact R.S. 33:4712.13, relative to naming a park; to authorize the Mandeville City Council to name the park behind Mandeville City Hall in honor of Paul D. Cordes; and to provide for related matters.

HOUSE BILL NO. 258—

BY REPRESENTATIVE BRUNEAU AND SENATOR MURRAY
AN ACT

To enact R.S. 13:1336(C) and 1338, relative to the jurisdiction of the Criminal District Court for the Parish of Orleans; to provide for commitment jurisdiction of the court when the criminal court determines a mentally defective defendant is incapable of

standing trial, is a danger to himself or others, and is unlikely in the foreseeable future to be capable of standing trial; to provide for the transfer of all pending cases filed in the Civil District Court for the Parish of Orleans; to provide for an order of transfer; to provide for delivery of the records; to grant the criminal sheriff for the Criminal District Court for the Parish of Orleans the authority to make service and return of court processes; and to provide for related matters.

HOUSE BILL NO. 276—

BY REPRESENTATIVE BALDONE AND SENATOR SCHEDLER
AN ACT

To enact R.S. 14:72.4, relative to disposal of property with fraudulent or malicious intent; to create and define the crime of disposal of property with fraudulent or malicious intent; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 297—

BY REPRESENTATIVES JOHNS, GEYMAN, E. GUILLORY, KLECKLEY, MORRISH, AND JOHN SMITH AND SENATORS MOUNT AND THEUNISSEN
AN ACT

To amend and reenact R.S. 47:302.14, relative to the dedication of certain sales tax revenues in Calcasieu Parish; to provide for the dedication of proceeds derived from state sales tax on hotel occupancy in Calcasieu Parish; to provide for the issuance of bonds secured by such proceeds; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 308—

BY REPRESENTATIVE BOWLER
AN ACT

To amend and reenact Civil Code Article 3549, relative to conflict of laws; to provide for the applicability of law governing prescription and peremption; and to provide for related matters.

HOUSE BILL NO. 313—

BY REPRESENTATIVE HAMMETT
AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.297, relative to Lake St. John in Concordia Parish; to create the Lake St. John Recreation and Water Conservation District as a political subdivision of the state; to create and to provide for a board of commissioners to manage the district; to provide for powers and duties of the district and the board; to authorize the board to levy taxes and parcels fees, issue bonds, and incur debt; to authorize the board to promulgate rules and regulations to accomplish the purposes of the district; to provide for penalties; to provide relative to the duties and powers of the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; to provide with respect to mineral leases; to provide for creation and construction of playgrounds and recreational facilities; to provide for the regulation of commercial establishments; and to provide for related matters.

HOUSE BILL NO. 331—

BY REPRESENTATIVES HILL, FRITH, AND WALSWORTH
AN ACT

To amend and reenact R.S. 56:266(C), relative to the Louisiana Fur and Alligator Advisory Council; to provide relative to council membership; and to provide for related matters.

HOUSE BILL NO. 344—

BY REPRESENTATIVE MCVEA
AN ACT

To authorize and provide for the exchange and transfer between the state, the parish, and certain other property owners of specified properties located in West Feliciana Parish; and to provide for related matters.

HOUSE BILL NO. 388—

BY REPRESENTATIVES FANNIN, McDONALD, THOMPSON, AND
WALSWORTH AND SENATOR KOSTELKA
AN ACT

To amend and reenact R.S. 38:3097.2(1) through (4), 3097.3(C)(5), and 3097.6, relative to ground water management; to provide for definitions; to provide for powers and duties of the commissioner of conservation; to provide for determination of areas of ground water concern and critical areas of ground water concern; to provide for applications under current consideration and declared critical ground water areas; to provide for rules and regulations; and to provide for related matters.

HOUSE BILL NO. 402—

BY REPRESENTATIVE ERDEY
AN ACT

To amend and reenact R.S. 22:1136(B)(1), relative to business entities as insurance producers; to provide for notices; to provide for change of status; to provide for branch locations; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 403—

BY REPRESENTATIVES WADDELL AND PINAC
AN ACT

To enact R.S. 37:1448.1, relative to real estate brokers and licensees; to provide for requirements for a non-compete agreement; to provide for enforcement; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 408—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 6:289, relative to executive officers and employees; to provide for loan restrictions; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 434—

BY REPRESENTATIVES CRANE, SALTER, ALARIO, DORSEY, HAMMETT, BRUCE, AND TOOMY AND SENATORS HINES, BAJOIE, HEITMEIER, MOUNT, BOASSO, BROOME, CAIN, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, B. GAUTREAU, HOLLIS, JACKSON, JONES, MCPHERSON, MICHOT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN, AND ULLO
AN ACT

To enact Chapter 41 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3951, and R.S. 36:651(G)(2), relative to the creation of the High School Redesign Commission; to provide for the purpose of the commission; to provide for commission duties and responsibilities, membership, vacancies, compensation, and reporting requirements; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 443—

BY REPRESENTATIVES CURTIS AND HUNTER
AN ACT

To enact R.S. 23:1539.1, relative to unemployment insurance; to provide for authority to prohibit employing units from avoiding the payment of state unemployment taxes, commonly referred to as "SUTA Dumping"; to provide meaningful penalties for avoiding the payment of state unemployment taxes; to provide for rules; and to provide for related matters.

HOUSE BILL NO. 448—

BY REPRESENTATIVES HOPKINS, SALTER, AND BRUCE
AN ACT

To amend and reenact R.S. 40:1149, relative to certified operators of water systems; to exempt certain systems from operation and on-site premises requirements; and to provide for related matters.

HOUSE BILL NO. 475—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 56:495.1(A)(2), relative to the inshore shrimp line; to provide updated coordinates for the shrimp trawling line in Breton and Chandeleur Sounds; and to provide for related matters.

HOUSE BILL NO. 482—

BY REPRESENTATIVES CURTIS AND HUNTER
AN ACT

To amend and reenact R.S. 23:1474(B), (C), (D), (F)(1), (G)(3), and (I), 1535, 1536(D)(3), and 1553(B)(6), (7)(b), (8), (9)(b), (10), and (11)(b), relative to unemployment compensation; to provide for fluctuation of the benefit amount based upon the applied balance of the state unemployment trust fund; to provide for fluctuation of wages upon which contributions are paid based upon the applied balance of the state unemployment trust fund; to provide for the tax rate table; to provide for an appropriation for customized training and administrative costs in the social charge recoupment account based in the applied balance of the state unemployment trust fund; to delete the provision relative to the new employer tax rate table; and to provide for related matters.

HOUSE BILL NO. 498—

BY REPRESENTATIVES KLECKLEY, GEYMAN, JOHNS, AND MORRISH AND SENATORS THEUNISSEN AND MOUNT
AN ACT

To name a portion of Nelson Road Extension in Calcasieu Parish the L'Auberge Boulevard and to provide for related matters.

HOUSE BILL NO. 547—

BY REPRESENTATIVES GREENE, ALARIO, ALEXANDER, ARNOLD, BALDONE, BAUDOIN, BEARD, BRUCE, BURRELL, K. CARTER, CAZAYOUX, CRANE, CRAVINS, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEBERT, HILL, HONEY, HUNTER, HUTTER, JACKSON, JOHNS, KATZ, KENNEY, KLECKLEY, LAFONTA, MARCHAND, McDONALD, MCVEA, MONTGOMERY, MORRISH, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIER, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TRICHE, WADDELL, WALKER, WHITE, WINSTON, AND WOOTON AND SENATORS MOUNT AND SCHEDLER
AN ACT

To enact R.S. 14:81.3, relative to sexual offenses affecting minors; to create the crime of computer-aided solicitation of a minor; to define the crime of computer-aided solicitation of a minor; to provide for criminal penalties; to provide for definitions; to provide with respect to defenses; to provide for an exception; to provide for the disposition of material seized in connection to this crime; to provide with respect to sex offender registration and notification requirements; and to provide for related matters.

HOUSE BILL NO. 572—

BY REPRESENTATIVE TRICHE
AN ACT

To amend and reenact R.S. 3:2364(E), relative to the Louisiana Animal Welfare Fund; to provide relative to transfer and distribution of funds; to provide for maintenance of financial records; and to provide for related matters.

HOUSE BILL NO. 595—

BY REPRESENTATIVE SALTER
AN ACT

To enact R.S. 38:2325(A)(16), relative to the Sabine River Authority; to clarify the powers of the Sabine River Authority to enter into certain contracts and agreements; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 596—

BY REPRESENTATIVE FANNIN

AN ACT

To enact R.S. 36:509(U) and Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.295, relative to the Jackson Parish Dugdeмона Watershed Reservoir Authority; to create the Jackson Parish Dugdeмона Watershed Reservoir Authority as a state agency; to provide for a board of commissioners to manage the reservoir authority; to provide for the powers and duties of the authority including the authority to issue bonds; to prohibit certain actions; to provide for penalties; to provide relative to the authority's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

HOUSE BILL NO. 601 (Duplicate of Senate Bill No. 1277)—

BY REPRESENTATIVE SALTER AND SENATOR HINES AND COAUTHORED BY REPRESENTATIVES MONTGOMERY, ST. GERMAIN, ARNOLD, BALDONE, CURTIS, FAUCHEUX, HILL, HONEY, KENNEY, ODINET, JANE SMITH, AND TOWNSEND

AN ACT

To enact R.S. 47:359(K), relative to the occupational license tax; to provide by which the occupational license tax is assessed on pharmacies; to provide for the amount of the tax; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 625—

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 13:2591(A) and R.S. 15:254.1(A) and (B)(1), 254.2, 254.3, 254.4, 254.5(D), 254.6(A), 254.7, 254.8(A), and 255(A)(1) and (4), (E)(1), (4), and (5), and (G) and to enact R.S. 15:255(K), relative to witness fees paid to off-duty law enforcement officers and relative to extra compensation for certain law enforcement officers and firemen; to require local governing authorities to transmit witness fees to the employer of certain law enforcement officers; to require the Department of Public Safety and Corrections to remit the extra compensation paid by the state to the local governing authorities for payment to individual eligible employees; to require local governing authorities to be responsible for calculating and withholding certain deductions for taxes on behalf of the employee; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 645—

BY REPRESENTATIVE ROBIDEAUX

AN ACT

To amend and reenact R.S. 6:255 and R.S. 12:57 and to enact R.S. 6:257 and R.S. 12:59, relative to shares of stock; to provide for shares without stock certificates; to provide for transfer of shares; and to provide for related matters.

HOUSE BILL NO. 669 (Duplicate of Senate Bill No. 241)—

BY REPRESENTATIVE MCVEA AND SENATOR ELLINGTON

AN ACT

To enact Chapter 44 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3281 through 3286, to create the West Feliciana Parish Port Commission; to provide for the powers and duties of the commission including the authority to levy taxes and issue bonds; and to provide for related matters.

HOUSE BILL NO. 696—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 9:3578.6(A)(8), relative to the Louisiana Deferred Presentment and Small Loan Act; to provide for prohibited acts; and to provide for related matters.

HOUSE BILL NO. 777—

BY REPRESENTATIVES CAZAYOUX AND JOHNS

AN ACT

To enact R.S. 17:7(13), relative to the duties, functions, and responsibilities of the State Board of Elementary and Secondary Education; to provide relative to the development of certain curricular elements; to provide relative to inclusion of certain topics; to require the inclusion of the topic of adoption awareness in certain course material; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 821 (Substitute for House Bill No. 129 by Representative Montgomery)—

BY REPRESENTATIVES MONTGOMERY, GALLOT, M. GUILLORY, ST. GERMAIN, WALSWORTH, AND DARTEZ AND SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 13:1899(C), relative to the assessment of costs in criminal cases in city courts; to provide for a more uniform and in some instances an increase in court costs in criminal matters to fund the offices of marshals and constables of the courts; to provide for an exception, and to provide for related matters.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Suspension of the Rules

On motion of Rep. Alario, the rules were suspended to permit the Committee on Appropriations to meet on Tuesday, June 14, 2005, without giving the notice required by House Rule 14.24(A) and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill Nos. 285, 531, and 623

House Resolution Nos. 80 and 92

Senate Bill No. 286

Suspension of the Rules

On motion of Rep. Pinac, the rules were suspended to permit the Committee on Commerce to consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

Senate Concurrent Resolution Nos. 104 and 106

Suspension of the Rules

On motion of Rep. Quezair, the rules were suspended to permit the Committee on Transportation, Highways and Public Works to consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Concurrent Resolution No. 185

Senate Bill Nos. 311 and 353

Senate Concurrent Resolution No. 71

Suspension of the Rules

On motion of Rep. Hammett, the rules were suspended to permit the Committee on Ways and Means to consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill Nos. 797, 806, 807, 808, 809, 811, 832, and 834

Senate Bill Nos. 3, 32, 61, 89, 96, 104, 114, 136, 137, 165, 193, 246, 331, 338, 341, and 351

Suspension of the Rules

On motion of Rep. Baylor, the rules were suspended to permit the Committee on Municipal, Parochial and Cultural Affairs to meet on Tuesday, June 14, 2005, without giving the notice required by House Rule 14.24(A) and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Resolution No. 79

Senate Bill Nos. 47, 121, 297, and 325

Senate Concurrent Resolution No. 44

Adjournment

On motion of Rep. Kenney, at 6:15 P.M., the House agreed to adjourn until Tuesday, June 14, 2005, at 2:00 P.M.

The Speaker of the House declared the House adjourned until 2:00 P.M., Tuesday, June 14, 2005.

ALFRED W. SPEER
Clerk of the House

