

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

FIFTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 5, 2009

The Senate was called to order at 4:35 o'clock P.M. by Hon. Joel T. Chaisson II, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Duplessis	Nevers
Adley	Dupre	Quinn
Alario	Erdey	Riser
Amedee	LaFleur	Shaw
Appel	Long	Smith
Broome	Martiny	Thompson
Cheek	Morrell	Walsworth
Claitor	Morrish	
Donahue	Mount	
Total - 25		

ABSENT

Crowe	Hebert	McPherson
Dorsey	Heitmeier	Michot
Gautreaux B	Jackson	Murray
Gautreaux N	Kostelka	
Gray Evans	Marionneaux	
Total - 13		

The President of the Senate announced there were 25 Senators present and a quorum.

Prayer

The prayer was offered by Pastor James Smith, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Martiny, the reading of the Journal was dispensed with and the Journal of May 4, 2009, was adopted.

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 4, 2009

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATORS MORRISH AND MOUNT AND REPRESENTATIVE GUINN

A CONCURRENT RESOLUTION

To commend the town of Iowa, Utility Clerk Valerie Aucoin, for her heroic response and assessment during a medical emergency situation.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATORS MORRISH AND MOUNT

A CONCURRENT RESOLUTION

To commend Lieutenant Doug Firestone of the Iowa Police Department for his heroic response and assessment during a medical emergency situation.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 23—

BY SENATORS MORRISH AND MOUNT

A CONCURRENT RESOLUTION

To commend Iowa Police Chief Howard K. Vincent for his heroic response and assessment during a medical emergency situation.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 24—

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To commend Domino Sugar, the Chalmette Refinery of American Sugar Refining, Inc., upon its anniversary of one hundred years of continuous refinement, production and distribution of an exceptional variety of sugar products.

Reported without amendments.

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

**Introduction of Senate Bills
and Joint Resolutions**

Senator LaFleur asked for and obtained a suspension of the rules to read Senate Bills and Joint Resolutions a first and second time and refer them to committee.

SENATE BILL NO. 324—

BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 33:2721.8, relative to the Evangeline Parish School Board; to authorize any school district in Evangeline Parish, to levy and collect an additional sales and use tax; to provide for the purpose of the tax; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.

SENATE BILL NO. 325—

BY SENATOR MURRAY

AN ACT

To enact Paragraph (U) of Article XIV, Section 47 of the 1921 Constitution of Louisiana continued as statute pursuant to the provisions of Art XIV, Section 16 of the 1974 Constitution of Louisiana, as amended, relative to the Louisiana Stadium and Exposition District; to authorize the district to levy and collect an additional hotel occupancy tax; to provide for the use of such tax; to provide limitations; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 326—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 47:6034(A), (B)(1), (3), (6), (9)(a), (C)(2)(a), (D)(1), the introductory paragraph of 6034(E)(1)(a)(i), 6034(E)(1)(a)(ii), the introductory paragraph of 6034(E)(1)(c),

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6034(E)(1)(c)(i) and (v), the introductory paragraph of 6034(E)(1)(d), 6034(E)(1)(e) and (f), (2), (3), (F)(1) and (G), and to enact R.S. 47:6034(C)(1)(e) and (I), relative to income taxes; to provide for the musical and theatrical production income tax credit; to provide for definitions; to provide for credits involving musical or theatrical productions and musical or theatrical facility infrastructure projects; to provide for application fees; to provide for branding for state-certified productions and infrastructure projects; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 327—

BY SENATORS MORRELL, ALARIO, APPEL, HEITMEIER, MARTINY AND MURRAY

AN ACT

To enact R.S. 43:201(D), relative to Jefferson Parish; to provide for judicial advertisements and legal notices in certain publications; to provide for criteria; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 328—

BY SENATOR SHAW

AN ACT

To amend and reenact R.S. 47:32(A), relative to individual income tax; to require an adjustment in the net income brackets for tax years beginning during each calendar year; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

Introduction of Senate Resolutions

Senator Duplessis asked for and obtained a suspension of the rules to read Senate Resolutions a first and second time.

SENATE RESOLUTION NO. 7—

BY SENATOR MURRAY

A RESOLUTION

To proclaim May 5, 2009, as "New Orleans Day" and commends the City of New Orleans for celebrating "New Orleans Day" at the State Capitol.

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

SENATE RESOLUTION NO. 8—

BY SENATOR THOMPSON

A RESOLUTION

To designate May 6, 2009 as "FFA Day" at the legislature.

The resolution was read by title and placed on the Calendar for a second reading.

Introduction of Senate Concurrent Resolutions

Senator Dupre asked for and obtained a suspension of the rules to read Senate Concurrent Resolutions a first and second time.

SENATE CONCURRENT RESOLUTION NO. 25—

BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To recognize Tuesday, May 5, 2009, as Louisiana Society of Professional Surveyors Day in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their counts for Yeas and Nays.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their counts for Yeas and Nays.

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

SENATE CONCURRENT RESOLUTION NO. 26—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to ensure that a comprehensive study is conducted for the purpose of determining a base per pupil expenditure that is not only equitable, but is also adequate to provide the quality education necessary to allow every student to meet the state's academic standards and related assessments.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their counts for Yeas and Nays.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their counts for Yeas and Nays.

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

SENATE CONCURRENT RESOLUTION NO. 27—

BY SENATOR NEVERS

A CONCURRENT RESOLUTION

To urge and request the High School Redesign Commission to study the feasibility of establishing a statewide uniform grading scale for use in all public high schools.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Michot
Adley	Dupre	Morrell
Alario	Erdey	Morrish
Amedee	Gautreaux B	Mount
Appel	Gautreaux N	Nevers
Broome	Gray Evans	Quinn
Cheek	Kostelka	Riser
Claitor	LaFleur	Shaw
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dorsey	Martiny	Walsworth
Total - 33		

NAYS

Total - 0

ABSENT

Hebert	Jackson	Murray
Heitmeier	McPherson	
Total - 5		

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

SENATE CONCURRENT RESOLUTION NO. 28—

BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To urge and request the Supreme Court of Louisiana ("Court") to grant attorneys employed full-time by the Legislature of Louisiana eight hours of continuing legal education ("CLE") credits.

The resolution was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 29—

BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To continue the Louisiana Recreational Saltwater Fishing Task Force to advise the Department of Wildlife and Fisheries and other entities on various recreational saltwater fishing issues.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrell
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gautreaux N	Nevers
Appel	Gray Evans	Quinn
Broome	Hebert	Riser
Cheek	Kostelka	Shaw
Claitor	LaFleur	Smith

Crowe	Long	Thompson
Donahue	Marionneaux	Walsworth
Dorsey	Martiny	
Duplessis	Michot	
Total - 34		

NAYS

Total - 0

ABSENT

Heitmeier	McPherson
Jackson	Murray
Total - 4	

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

Rules Suspended

Senator Marionneaux asked for and obtained a suspension of the rules to revert to the order of:

Introduction of Senate Resolutions

Senator Marionneaux asked for and obtained a suspension of the rules to read Senate Resolutions a first and second time.

SENATE RESOLUTION NO. 9—

BY SENATOR MARIONNEAUX

A RESOLUTION

To commend Jamie S. Achee for writing the novel, *Granny's Gifts: An Inheritance of Character*.

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

Introduction of Senate Concurrent Resolutions, Resumed

SENATE CONCURRENT RESOLUTION NO. 30—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To commend and congratulate Myrtle Houston Golemon on the momentous occasion of her one hundredth birthday and on her lifetime of commitment and devotion to her family, friends and to education in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrell
Adley	Gautreaux B	Morrish
Alario	Gautreaux N	Mount
Amedee	Gray Evans	Murray
Appel	Hebert	Nevers
Broome	Heitmeier	Quinn
Cheek	Jackson	Riser
Claitor	Kostelka	Shaw
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Dupre	Michot	
Total - 37		

NAYS

Total - 0

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ABSENT

McPherson
Total - 1

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

Message from the House

ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS

May 5, 2009

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 66—
BY REPRESENTATIVE GUINN

AN ACT

To repeal R.S. 37:3112(B)(2) and 3115.1, relative to continuing education of auctioneers; to repeal the requirement that licensed auctioneers take six hours of continuing education annually.

HOUSE BILL NO. 384—
BY REPRESENTATIVE LIGI

AN ACT

To amend and reenact R.S. 37:1474(B) and R.S. 40:600.4(A)(3)(b), relative to boards and commissions; to provide for the membership of the Louisiana Mortgage Lenders Association on the Louisiana State Board of Home Inspectors; to provide for the membership of the Louisiana Mortgage Lenders Association on the board of commissioners of the Louisiana Housing Finance Agency; and to provide for related matters.

HOUSE BILL NO. 120—
BY REPRESENTATIVE THIBAUT

AN ACT

To amend and reenact R.S. 9:1131.4(A)(2)(introductory paragraph), (a)(introductory paragraph), and (b)(introductory paragraph), relative to timeshare projects; to reduce the number of required completed or proposed units located within a timeshare plan for a timeshare project; and to provide for related matters.

HOUSE BILL NO. 182—
BY REPRESENTATIVE ROBIDEAUX

AN ACT

To enact Part III-I of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:139 through 139.7, relative to expropriation by a declaration of taking; to authorize the city of Lafayette and parish of Lafayette to expropriate property for the Kaliste Saloom Road Widening Project; to provide procedures for the expropriation by a declaration of taking; and to provide for related matters.

HOUSE BILL NO. 228—
BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 40:1574.1(B)(4)(c) and to enact R.S. 40:1563(K), 1563.1(E), and 1646(D), relative to the powers and duties of the state fire marshal; to authorize the fire marshal to perform duties required by the state emergency operations plan; to authorize the fire marshal to commission a multi-jurisdictional arson task force; to require the installing contractor to be on-site during the final inspection by the fire marshal; and to provide for related matters.

HOUSE BILL NO. 336—
BY REPRESENTATIVE EDWARDS

AN ACT

To amend and reenact Code of Civil Procedure Articles 3432(introductory paragraph) and 3434 and to repeal Code of Civil Procedure Article 3433, relative to successions; to provide for the removal of certain references to inheritance taxes and to the inheritance tax collector in succession procedure; to provide for the payment or delivery of money or property of the deceased by certain financial institutions; and to provide for related matters.

HOUSE BILL NO. 566—
BY REPRESENTATIVE ELLINGTON

AN ACT

To amend and reenact R.S. 13:5104(A), relative to the Governmental Claims Act; to provide relative to venue for suits filed against the state, state agency, and officers or employees of the state or state agency under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 145—
BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 6:314(A), 653.1(A), and 766.1(A), to enact R.S. 6:1255(D), and to repeal R.S. 6:314(C), 653.1(C), and 766.1(C), relative to accounts payable on death; to provide for one or more beneficiaries to collect funds upon a depositor's death; to provide for savings banks to offer payment on death accounts; to repeal definitions; and to provide for related matters.

HOUSE BILL NO. 199—
BY REPRESENTATIVE ST. GERMAIN

AN ACT

To enact R.S. 40:1601, relative to novelty lighters; to prohibit the sale and distribution of certain novelty lighters; to provide for definitions; to provide for exemptions; to provide authority for the seizure, forfeiture, and destruction of certain novelty lighters; to provide for penalties; to provide for the deposit of proceeds from penalties collected into a certain state trust fund; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 372—
BY REPRESENTATIVE MONICA

AN ACT

To amend and reenact R.S. 40:1573(2) and 1581(A) and to enact R.S. 40:1581(C) and (D), relative to smoke detectors in one- or two-family dwellings; to provide for a change in definitions; to provide for a ten-year lithium battery smoke detector in certain dwellings sold or leased on or after January 1, 2011; to provide for exceptions for failure to comply; and to provide for related matters.

HOUSE BILL NO. 541—
BY REPRESENTATIVES MICKEY GUILLORY AND WOOTON

AN ACT

To amend and reenact R.S. 21:52, relative to guide dogs; to provide for the access of guide dogs in training to public areas; to provide for trainers of guide dogs; and to provide for related matters.

HOUSE BILL NO. 620—
BY REPRESENTATIVE CORTEZ

AN ACT

To amend and reenact R.S. 46:438.3(B), 439.1, 439.2(A)(2)(b), 439.3, and 439.4(A)(1) and (3), (C)(1), (D), and (G), relative to the Medical Assistance Program Integrity Law; to provide for false or fraudulent claims; to provide for qui tam actions; to provide for qui tam procedures; to provide for the recovery awarded to a qui tam plaintiff; to comply with the provisions of section 1909 of the federal Social Security Act to increase by ten percent Louisiana's share of any amounts recovered through a false claims action; and to provide for related matters.

HOUSE BILL NO. 729—

BY REPRESENTATIVES BILLIOT, ST. GERMAIN, ARNOLD, AUBERT, BOBBY BADON, BALDONE, BARRAS, HENRY BURNS, TIM BURNS, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, DIXON, DOERGE, GISCLAIR, GUINN, HARDY, HOFFMANN, HOWARD, MICHAEL JACKSON, JOHNSON, LABRUZZO, LAMBERT, LANDRY, LEBAS, LIGI, MILLS, MONICA, NORTON, PERRY, POPE, PUGH, RICHARD, RICHMOND, RITCHIE, ROY, SCHRODER, SIMON, GARY SMITH, PATRICIA SMITH, TEMPLET, THIBAUT, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON

AN ACT

To amend and reenact R.S. 22:347(A)(1) and R.S. 23:1036(A), (C)(1) and (3), (E), and (H), to enact R.S. 23:1036(C)(4) and (L), and to repeal R.S. 23:1036(D)(3), (F), (G), and (J), relative to workers' compensation for firefighters; to provide for the disposition of tax money for the state fire marshal; to require workers' compensation coverage for volunteer firefighters; to provide relative to medical benefits payable; to provide for burial expenses; to require fire companies to furnish certain documents to the fire marshal; and to provide for related matters.

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

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

Senator Thompson asked for and obtained a suspension of the rules to read House Bills and Joint Resolutions a first and second time by title and refer them to Committee.

HOUSE BILL NO. 66—

BY REPRESENTATIVE GUINN

AN ACT

To repeal R.S. 37:3112(B)(2) and 3115.1, relative to continuing education of auctioneers; to repeal the requirement that licensed auctioneers take six hours of continuing education annually.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 120—

BY REPRESENTATIVE THIBAUT

AN ACT

To amend and reenact R.S. 9:1131.4(A)(2)(introductory paragraph), (a)(introductory paragraph), and (b)(introductory paragraph), relative to timeshare projects; to reduce the number of required completed or proposed units located within a timeshare plan for a timeshare project; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 145—

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 6:314(A), 653.1(A), and 766.1(A), to enact R.S. 6:1255(D), and to repeal R.S. 6:314(C), 653.1(C), and 766.1(C), relative to accounts payable on death; to provide for one or more beneficiaries to collect funds upon a depositor's death; to provide for savings banks to offer payment on death accounts; to repeal definitions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 182—

BY REPRESENTATIVE ROBIDEAUX

AN ACT

To enact Part III-I of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:139 through 139.7, relative to expropriation by a declaration of taking; to authorize the city of Lafayette and parish of Lafayette to expropriate property for the Kaliste Saloom Road Widening Project; to provide procedures for the expropriation by a declaration of taking; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 199—

BY REPRESENTATIVE ST. GERMAIN

AN ACT

To enact R.S. 40:1601, relative to novelty lighters; to prohibit the sale and distribution of certain novelty lighters; to provide for definitions; to provide for exemptions; to provide authority for the seizure, forfeiture, and destruction of certain novelty lighters; to provide for penalties; to provide for the deposit of proceeds from penalties collected into a certain state trust fund; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 228—

BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 40:1574.1(B)(4)(c) and to enact R.S. 40:1563(K), 1563.1(E), and 1646(D), relative to the powers and duties of the state fire marshal; to authorize the fire marshal to perform duties required by the state emergency operations plan; to authorize the fire marshal to commission a multi-jurisdictional arson task force; to require the installing contractor to be on-site during the final inspection by the fire marshal; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 336—

BY REPRESENTATIVE EDWARDS

AN ACT

To amend and reenact Code of Civil Procedure Articles 3432(introductory paragraph) and 3434 and to repeal Code of Civil Procedure Article 3433, relative to successions; to provide for the removal of certain references to inheritance taxes and to the inheritance tax collector in succession procedure; to provide for the payment or delivery of money or property of the deceased by certain financial institutions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 372—

BY REPRESENTATIVE MONICA

AN ACT

To amend and reenact R.S. 40:1573(2) and 1581(A) and to enact R.S. 40:1581(C) and (D), relative to smoke detectors in one- or two-family dwellings; to provide for a change in definitions; to provide for a ten-year lithium battery smoke detector in certain dwellings sold or leased on or after January 1, 2011; to provide for exceptions for failure to comply; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

May 5, 2009

HOUSE BILL NO. 384—
BY REPRESENTATIVE LIGI

AN ACT

To amend and reenact R.S. 37:1474(B) and R.S. 40:600.4(A)(3)(b), relative to boards and commissions; to provide for the membership of the Louisiana Mortgage Lenders Association on the Louisiana State Board of Home Inspectors; to provide for the membership of the Louisiana Mortgage Lenders Association on the board of commissioners of the Louisiana Housing Finance Agency; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 541—
BY REPRESENTATIVES MICKEY GUILLORY AND WOOTON

AN ACT

To amend and reenact R.S. 21:52, relative to guide dogs; to provide for the access of guide dogs in training to public areas; to provide for trainers of guide dogs; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 566—
BY REPRESENTATIVE ELLINGTON

AN ACT

To amend and reenact R.S. 13:5104(A), relative to the Governmental Claims Act; to provide relative to venue for suits filed against the state, state agency, and officers or employees of the state or state agency under certain circumstances; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 620—
BY REPRESENTATIVE CORTEZ

AN ACT

To amend and reenact R.S. 46:438.3(B), 439.1, 439.2(A)(2)(b), 439.3, and 439.4(A)(1) and (3), (C)(1), (D), and (G), relative to the Medical Assistance Program Integrity Law; to provide for false or fraudulent claims; to provide for qui tam actions; to provide for qui tam procedures; to provide for the recovery awarded to a qui tam plaintiff; to comply with the provisions of section 1909 of the federal Social Security Act to increase by ten percent Louisiana's share of any amounts recovered through a false claims action; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Judiciary A.

HOUSE BILL NO. 729—
BY REPRESENTATIVES BILLIOT, ST. GERMAIN, ARNOLD, AUBERT, BOBBY BADON, BALDONE, BARRAS, HENRY BURNS, TIM BURNS, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, DIXON, DOERGE, GISCLAIR, GUINN, HARDY, HOFFMANN, HOWARD, MICHAEL JACKSON, JOHNSON, LABRUZZO, LAMBERT, LANDRY, LEBAS, LIGI, MILLS, MONICA, NORTON, PERRY, POPE, PUGH, RICHARD, RICHMOND, RITCHIE, ROY, SCHRODER, SIMON, GARY SMITH, PATRICIA SMITH, TEMPLET, THIBAUT, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON

AN ACT

To amend and reenact R.S. 22:347(A)(1) and R.S. 23:1036(A), (C)(1) and (3), (E), and (H), to enact R.S. 23:1036(C)(4) and (L), and to repeal R.S. 23:1036(D)(3), (F), (G), and (J), relative to workers' compensation for firefighters; to provide for the disposition of tax money for the state fire marshal; to require workers' compensation coverage for volunteer firefighters; to provide relative to medical benefits payable; to provide for burial expenses; to require fire companies to furnish certain documents to the fire marshal; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Labor and Industrial Relations.

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 4, 2009

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 81—
BY REPRESENTATIVE JANE SMITH

A CONCURRENT RESOLUTION

To recognize Tuesday, May 5, 2009, as Louisiana Society of Professional Surveyors Day at the Louisiana State Capitol and to commend the society's members.

HOUSE CONCURRENT RESOLUTION NO. 88—
BY REPRESENTATIVE PATRICIA SMITH

A CONCURRENT RESOLUTION

To commend McKinley Senior High School upon receiving a 2009 Siemens Award for Advanced Placement.

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVE GARY SMITH

A CONCURRENT RESOLUTION

To commend C.H. "Sonny" Savoie of St. Charles Parish upon being named president of the National School Boards Association.

HOUSE CONCURRENT RESOLUTION NO. 82—
BY REPRESENTATIVES ROY, DIXON, AND HAZEL

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of former state representative John Wyeth "Jock" Scott of Alexandria.

HOUSE CONCURRENT RESOLUTION NO. 87—
BY REPRESENTATIVE PATRICIA SMITH

A CONCURRENT RESOLUTION

To commend the East Baton Rouge Parish School System upon being recommended for AdvancED district accreditation.

HOUSE CONCURRENT RESOLUTION NO. 91—
BY REPRESENTATIVE TUCKER AND SENATOR CHAISSON

A CONCURRENT RESOLUTION

To commend the Louisiana Academy of Family Physicians and to recognize Wednesday, May 6, 2009, as Family Medicine Day at the Louisiana State Capitol.

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

House Concurrent Resolutions

Senator Adley asked for and obtained a suspension of the rules to read House Concurrent Resolutions a first and second time.

HOUSE CONCURRENT RESOLUTION NO. 81—
BY REPRESENTATIVE JANE SMITH

A CONCURRENT RESOLUTION

To recognize Tuesday, May 5, 2009, as Louisiana Society of Professional Surveyors Day at the Louisiana State Capitol and to commend the society's members.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrell
Adley	Gautreaux B	Morrish
Alario	Gautreaux N	Mount
Amedee	Gray Evans	Murray
Appel	Hebert	Nevers
Broome	Heitmeier	Quinn
Cheek	Jackson	Riser
Claitor	Kostelka	Shaw
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Dupre	Michot	
Total - 37		

NAYS

Total - 0

ABSENT

McPherson
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 82—

BY REPRESENTATIVES ROY, DIXON, AND HAZEL
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of former state representative John Wyeth "Jock" Scott of Alexandria.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrell
Adley	Gautreaux B	Morrish
Alario	Gautreaux N	Mount
Amedee	Gray Evans	Murray
Appel	Hebert	Nevers
Broome	Heitmeier	Quinn
Cheek	Jackson	Riser
Claitor	Kostelka	Shaw
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Dupre	Michot	
Total - 37		

NAYS

Total - 0

ABSENT

McPherson
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 86—

BY REPRESENTATIVE GARY SMITH
A CONCURRENT RESOLUTION

To commend C.H. "Sonny" Savoie of St. Charles Parish upon being named president of the National School Boards Association.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrell
Adley	Gautreaux B	Morrish
Alario	Gautreaux N	Mount
Amedee	Gray Evans	Murray
Appel	Hebert	Nevers
Broome	Heitmeier	Quinn
Cheek	Jackson	Riser
Claitor	Kostelka	Shaw
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Dupre	Michot	
Total - 37		

NAYS

Total - 0

ABSENT

McPherson
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 87—

BY REPRESENTATIVE PATRICIA SMITH
A CONCURRENT RESOLUTION

To commend the East Baton Rouge Parish School System upon being recommended for AdvancED district accreditation.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrell
Alario	Gautreaux N	Morrish
Amedee	Gray Evans	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Cheek	Jackson	Quinn
Claitor	Kostelka	Riser
Crowe	LaFleur	Shaw
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

May 5, 2009

ABSENT

Total - 0

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

HOUSE CONCURRENT RESOLUTION NO. 88— BY REPRESENTATIVE PATRICIA SMITH A CONCURRENT RESOLUTION

To commend McKinley Senior High School upon receiving a 2009 Siemens Award for Advanced Placement.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrell, Alario, Gautreaux N, Morrish, Amedee, Gray Evans, Mount, Appel, Hebert, Murray, Broome, Heitmeier, Nevers, Cheek, Jackson, Quinn, Claitor, Kostelka, Riser, Crowe, LaFleur, Shaw, Donahue, Long, Smith, Dorsey, Marionneaux, Thompson, Duplessis, Martiny, Walsworth, Dupre, McPherson

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

HOUSE CONCURRENT RESOLUTION NO. 91— BY REPRESENTATIVE TUCKER AND SENATOR CHAISSON A CONCURRENT RESOLUTION

To commend the Louisiana Academy of Family Physicians and to recognize Wednesday, May 6, 2009, as Family Medicine Day at the Louisiana State Capitol.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrell, Alario, Gautreaux N, Morrish, Amedee, Gray Evans, Mount, Appel, Hebert, Murray, Broome, Heitmeier, Nevers, Cheek, Jackson, Quinn, Claitor, Kostelka, Riser, Crowe, LaFleur, Shaw

Donahue
Dorsey
Duplessis
Dupre
Total - 38

Long
Marionneaux
Martiny
McPherson

Smith
Thompson
Walsworth

NAYS

Total - 0

ABSENT

Total - 0

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

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 43— BY REPRESENTATIVE ELLINGTON A CONCURRENT RESOLUTION

To approve a proposed amendment, Action Plan Amendment Number 1, to the State of Louisiana Action Plan for the Utilization of Community Development Block Grant Funds in Response to Hurricanes Gustav and Ike proposed by the Louisiana Recovery Authority and approved by the governor and the Joint Legislative Committee on the Budget for the Louisiana Farm Recovery Loan and Grant Program and the Louisiana Critical Farm Infrastructure Grant Program; and to provide for other matters pertaining thereto.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrell, Alario, Gautreaux N, Morrish, Amedee, Gray Evans, Mount, Appel, Hebert, Murray, Broome, Heitmeier, Nevers, Cheek, Jackson, Quinn, Claitor, Kostelka, Riser, Crowe, LaFleur, Shaw, Donahue, Long, Smith, Dorsey, Marionneaux, Thompson, Duplessis, Martiny, Walsworth, Dupre, McPherson

Total - 38

NAYS

Total - 0

ABSENT

Total - 0

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON JUDICIARY A

Senator Julie Quinn, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 5, 2009

To the President and Members of the Senate:

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

SENATE BILL NO. 61— BY SENATOR HEITMEIER AN ACT

To enact Children's Code Article 837(I), relative to certain delinquency proceedings; to provide that the court, upon a showing of good cause, may authorize the Department of Health and Hospitals to use restraints on the person of a child during transport; and to provided for related matters.

Reported favorably.

SENATE BILL NO. 65— BY SENATOR DONAHUE AND REPRESENTATIVE ABRAMSON AN ACT

To amend and reenact Code of Civil Procedure Article 1471(B) and to enact Code of Civil Procedure Article 1461.1, relative to discovery; to provide for discovery of electronically stored information; to provide for specific limitations on the discovery of electronically stored information; to provide for sanctions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 151— BY SENATOR DUPLESSIS AN ACT

To enact R.S. 35:191.4, relative to notaries public and registration of notary instructors; to require the secretary of state to develop and administer a program for the registration and reporting of notary instructors; to provide relative to administration and procedures for registration and reporting; to provide for the duties of the secretary of state; to provide for penalties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 184— BY SENATOR MURRAY AN ACT

To amend and reenact Code of Civil Procedure Articles 3421, 3431, 3432, and 3434, relative to small successions; to define a small succession; to provide relative to small succession procedure and effects; to authorize recognition and conveyance of an ownership interest in certain immovable property through a small succession; to provide certain definitions, procedures, conditions, and requirements; to provide a prescriptive period for certain actions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 230— BY SENATOR SHAW AN ACT

To amend and reenact R.S. 46:236.1.11(A) and (C) and to enact R.S. 46:236.11.1 through 236.11.4, relative to the family and child support program; to provide for certain electronic data matching and cooperation between the Department of Social Services and insurance companies; to provide relative to disclosure of certain information and penalties for intentional or willful unauthorized disclosure; to provide definitions; to provide for procedures and requirements for notice of payment to the state disbursement

units; to provide for the redirection of income assignment payments; to provide for the amendment and use of certain records as evidence; and to provide for related matters.

Reported with amendments.

Respectfully submitted, JULIE QUINN Chairman

REPORT OF COMMITTEE ON JUDICIARY C

Senator Yvonne Dorsey, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 5, 2009

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 4— BY SENATOR RISER A CONCURRENT RESOLUTION

To memorialize the Congress of the United States and to urge and request the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility (GTMO), Cuba to prisons in Louisiana.

Reported favorably.

SENATE BILL NO. 166— BY SENATORS DUPRE, APPEL, CHEEK, CROWE, DUPLESSIS, KOSTELKA, LONG, MICHOT, QUINN, SHAW, SMITH AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, TIM BURNS, CHAMPAGNE, DOWNS, FOIL, GISCLAIR, MICKEY GUILLORY, LITTLE, MILLS, PEARSON, PERRY, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY AND JANE SMITH AN ACT

To enact R.S. 14:98.3, relative to public safety; to create the crime of operating a vehicle while under suspension for certain prior offenses; to provide for elements of the crime; to provide for penalties; to provide for a prior offense involving operation under the influence of an intoxicant; to provide for certain criteria; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 301— BY SENATOR DUPRE AN ACT

To enact R.S. 14:126.5, relative to perjury; to create the crime of false statements concerning participation in medical assistance programs; to provide for elements of the crime; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

Respectfully submitted, YVONNE DORSEY Chairman

REPORT OF COMMITTEE ON AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

Senator Francis C. Thompson, Chairman on behalf of the Committee on Agriculture, Forestry, Aquaculture, and Rural Development, submitted the following report:

May 5, 2009

May 5, 2009

To the President and Members of the Senate:

I am directed by your Committee on Agriculture, Forestry, Aquaculture, and Rural Development to submit the following report:

SENATE BILL NO. 154— BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 3:2(A), 80, 131, 302, 303, 415, 556.2(10), 556.7(A), 641, 642, 643, 644, 652, 666(9), 734(B)(1) and (6), 741, 825, 832, 851, 1024, 1025, 1311(3) and (12), 1312(A) and (C), 1313(C)(2)(b) and (E), 1362(9) and (24), 1432(A), 1651, 1652, 1732, 1772, 1891(28), 1892(A)(1) and (F), 1900(A) and (B), 2351, 2352, 2353, 2354, 2358.2(A), 2358.4(C), 3113(A), 3202(11) and (13), 3211(B)(3), 3225(A), 3402(1), (2), (7), (9) and (16), 3403(A)(7) and (H), 3404(B), 3405(B)(5) and (6), 3407(A)(2) and (3) and (E), 3408(A)(9)(c) and (10), 3409 (B), (C), (D) and (F), 3410 (E) and (F), 3410.1(A) and (B), 3410.2(J), 3411(B), (C) and (D), 3411.1(B)(2) and (D), 3412, 3413(A), (B), (C), (E) and (F), 3414(B), 3415(A) and (C), 3416(A), (B) and (C), 3417(D) and (F), 3418(A), 3419(A), (C) and (D), 3424(B), 3802(A), 4224, 4603(B)(7), R.S. 29:726(E)(20)(a)(v) and 729(E)(13)(a)(vi), R.S. 36:4(A)(13), 621(C), 622, 623, the introductory paragraph of 624(B), 625, 626(A) and (B), 628(C), (D) and (E), 629(B), the introductory paragraph of (C), the introductory paragraph of (D), the introductory paragraph of (E), (F), (G), (I), (J), (K) and (L), R.S. 37:2202, R.S. 51:2, the introductory paragraph of 6, 472 and R.S. 54:112; to enact R.S. 3:2(F), 283.1 and 751(E); and to repeal R.S. 3:14, 401 through 409, 414, Part I-A of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:421 through 426, Part I-D of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:446.1 through 446.7, Part IV of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:541 through 550, 824, 1312(H) and 1906(A) and R.S. 36:627(E), 628(B) and 629(C)(2), and R.S. 39:455, relative to the Department of Agriculture and Forestry; to abolish the State Market Commission; to abolish the Farm Youth Loan Program; to abolish other programs administered by the State Market Commission; to authorize the transfer of duties and obligations to the Louisiana Agricultural Finance Authority; to provide relative to the Fertilizer Commission and submission of tonnage reports; to provide for restrictions on the sale of fertilizer; to provide for the powers and duties of the commissioner of agriculture and forestry; to provide relative to the composition of certain boards and commissions; to provide relative to the Louisiana Agricultural Commodities Commission; to provide relative to the functions of the office of agricultural and environmental sciences; to provide for recovery in receiverships; to change the name of the office of animal health services to the office of animal health and food safety; to provide for definitions; to direct the Louisiana Law Institute to re-designate certain provisions in current law; to provide for technical changes; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 271— BY SENATOR NEVERS

AN ACT

To enact Part IX of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4421 through 4424, relative to creation of the "Forestry Product Fairness Act"; to provide relative to distribution of tax credits, tax exemptions, tax exclusions or grants made available by the state to any existing individual, partnership, corporation, association or other legal entity purchasing forest product raw materials to produce

the generation of steam, heat, electricity or the production of wood-based fuels; to provide for promulgation of rules and regulations; to provide for definitions; and to provide for related matters.

Reported favorably.

Respectfully submitted, FRANCIS C. THOMPSON Chairman

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 18— BY SENATOR ALARIO

AN ACT

To enact R.S. 49:191(5) and to repeal R.S. 49:191(2)(e), relative to the Department of the Treasury, including provisions to provide for the re-creation of the Department of the Treasury and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

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

SENATE BILL NO. 41— BY SENATORS DUPRE, N. GAUTREAUX AND MORRISH

AN ACT

To amend and reenact R.S. 30:128(B)(2), 136(B)(1), 136.3(A) and (D), 209(2) and (4)(b), 212(D)(2) and (3), relative to the Mineral Resources Operation Fund; to change the name of the Mineral Resources Operation Fund to the Mineral and Energy Operation Fund; to provide for the dedication of monies in the fund; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 41 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and delete line 3, and insert:

"R.S. 17:9(B) and 3367(B), R.S. 30:4(D)(1), (2) and (3), 83(G), 121(A), 123.1(A) and (C), 124, 126(A), 127(A), 127.1(B)(1), 128(A) and (B)(2), 131, 136(A)(1)(b) and (B)(1), (2) and (3), 136.1(A) and (B), 136.3(A) and (D), 137, 139, 141, 143(A), (D)(4), (5), (6), and (F), 144(A) and (B), 148.1, 148.2(A) and (B), 150(C)(1), 153, 154(C), 155, 156, 158, 159, 179.11, 179.12, 186, 187, 188(A) and (B), 208, 209 (introductory paragraph), (2) and (4)(b), (d) and (e), 209.1(A) and (B)(1), 212(A), (D)(2) and (3), 213, 214, 215, 216(B) and (C)(4), and 804, R.S. 34:3108(E), 3478(E) and 3498(E), R.S. 36:353, 359(E) and 807, R.S. 39:14(1), R.S. 41:643(A), 1217.1(B), 1732(A) and (B) and 1733, R.S. 42:6.1(A)(6), R.S. 44:18, R.S. 56:30.3(B), 426(C), and 798(A)(1), (2)(b) and (c), relative to the Department of Natural Resources; to change the name of the State Mineral Board to the State Mineral and Energy Board; to change the"

AMENDMENT NO. 2

On page 1, delete lines 8 and 9, and insert:

"Section 1. R.S. 17:9(B) and 3367(B) are hereby amended and reenacted to read as follows:

§9. Authority to execute mineral leases; approval by mineral board

* * *

B. Each lease sought to be executed under authority of this Section shall require the prior approval of the ~~State Mineral Board~~ State Mineral and Energy Board.

§3367. Authority to execute mineral leases on college and university lands; term; use of revenues

B. Each lease sought to be executed under authority of this Section shall require the prior approval of the ~~State Mineral Board~~ State Mineral and Energy Board.

Section 2. R.S. 30:4(D)(1), (2) and (3), 83(G), 121(A), 123.1(A) and (C), 124, 126(A), 127(A), 127.1(B)(1), 128(A) and (B)(2), 131, 136(A)(1)(b) and (B)(1), (2) and (3), 136.1(A) and (B), 136.3(A) and (D), 137, 139, 141, 143(A), (D)(4), (5), (6), and (F), 144(A) and (B), 148.1, 148.2(A) and (B), 150(C)(1), 153, 154(C), 155, 156, 158, 159, 179.11, 179.12, 186, 187, 188(A) and (B), 208, 209 (introductory paragraph), (2) and (4)(b), (d) and (e), 209.1(A) and (B)(1), 212(A), (D)(2) and (3), 213, 214, 215, 216(B) and (C)(4), and 804 are hereby amended and reenacted to read as follows:

§4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

D. The assistant secretary shall make, after notice and public hearing as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary:

(1) To require that all pipelines, excluding field transmission, flow, and gathering lines; all wells; and associated structures, including any fittings, tie-overs, appliances, and equipment, which are constructed on state water bottoms pursuant to the grant of a right-of-way by the secretary of the Department of Natural Resources or the issuance of a lease by the ~~State Mineral Board~~ State Mineral and Energy Board shall conform to the following provisions:

(2) To require that all field transmissions, flow, and gathering lines constructed on state water bottoms pursuant to the grant of a right-of-way by the secretary of the Department of Natural Resources or the issuance of a lease by the ~~State Mineral Board~~ State Mineral and Energy Board shall meet all requirements of the United States Army Corps of Engineers for burial and shall be located, installed, marked, and maintained in a proper manner, to be approved by the assistant secretary, so as to minimize undue interference with persons making other uses of state waters or water bottoms, including mariners and fishermen.

(3) To require that all equipment, machinery, and materials associated with the construction, operation, maintenance, or abandonment of all pipelines, including field transmission, flow, and gathering lines; all wells; and all associated structures, which are constructed on state water bottoms pursuant to the grant of a right-of-way by the secretary of Department of Natural Resources or the issuance of a lease by the ~~State Mineral Board~~ State Mineral and Energy Board shall conform to the following provisions:

§83. Oilfield Site Restoration Commission; Department of Natural Resources

G. The records, documents, and meetings of the commission shall be subject to the same requirements and exceptions regarding access by the public as are the records, documents, and meetings of the ~~State Mineral Board~~ State Mineral and Energy Board.

SUBPART A. STATE MINERAL BOARD-STATE MINERAL AND ENERGY BOARD

§121. ~~State Mineral Board~~ State Mineral and Energy Board created; composition and powers

A. The ~~State Mineral Board~~ State Mineral and Energy Board, as created by Act. No. 93 of the 1936 Regular Session, is hereby continued. The board shall be composed of the governor and the secretary of the Department of Natural Resources, ex officio, and nine members appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. Six members shall constitute a quorum.

§123.1. Registration of prospective leaseholders

A. All prospective leaseholders of leases awarded by the ~~State Mineral Board~~ State Mineral and Energy Board shall register with the office of mineral resources. Registration shall be in the form and content as prescribed by the office of mineral resources. At a minimum, the registration shall include the current physical address, telephone number, e-mail address, and facsimile number of the prospective leaseholder. In addition, the prospective leaseholder shall submit written documentation from the Louisiana secretary of state indicating that the prospective leaseholder is registered and in good standing with the secretary of state. For such purposes, a copy of the detailed record from the secretary of state web site evidencing that the company is in good standing shall suffice.

C. If at any time during the period for which a given mineral lease is in full force and effect, the office of the mineral resources finds that any current record lessee of that lease is not properly registered with the office of mineral resources, the office of mineral resources shall notify the record lessee in writing by certified mail, return receipt requested, and request proper registration by a fixed date no more than thirty days after receipt of the notification. Should the record lessee, after being duly notified, fail to properly register by the date fixed in the notification, the ~~State Mineral Board~~ State Mineral and Energy Board may levy liquidated damages against that lessee in the amount of one hundred dollars per day until the record lessee is properly registered with the office of mineral resources. The liquidated damage assessment may be waived, in whole or in part, by the ~~State Mineral Board~~ State Mineral and Energy Board.

§124. Board may lease public lands; fee

The ~~State Mineral Board~~ State Mineral and Energy Board has the authority to lease for the development and production of minerals, oil, and gas, any lands belonging to the state, or the title to which is in the public, including road beds, water bottoms, vacant state lands, and lands adjudicated to the state at tax sale. The mineral board is further authorized to collect a fee for such leasing in the amount of ten percent of the total cash bonus paid at the lease sale. The fee shall be in addition to the total cash bonus paid.

§126. Inspection: quantity of land; advertisements for bids; fees

A. Upon receipt of an application accompanied by the nonrefundable fee, the ~~State Mineral Board~~ State Mineral and Energy Board may cause an inspection of the land to be made, including geophysical and geological surveys. After receiving the report of the inspection, the board may offer for lease all or part of the lands described in the application. However, no lease shall contain more than five thousand acres. The board shall publish in the official journal of the state, and in the official journal of the parish where the lands are located, an advertisement which must appear in these journals not more than sixty days prior to the date for the opening of bids. The board may, at its discretion, publish other such advertisements. This advertisement shall contain a description of the land proposed to be leased, the time when and place where sealed bids shall be received and publicly opened, a statement that the bid may be for the whole or any particularly described portion of the land advertised, and any other information that the board may consider necessary, and the royalty to be demanded should the board deem it to be in the interest of the state to call for bids on the basis of a royalty fixed by it. If the lands are situated in two or more parishes, the advertisement shall appear in the official journals of all the parishes where the lands may be partly located. This advertisement and any other published by the board shall constitute judicial advertisement and legal notice within the contemplation of Chapter 5 of Title 43 of the Louisiana Revised Statutes of 1950. When requested to furnish proof of publication, the board may charge a fee of twenty dollars to furnish the proof of publication.

§127. Opening bids; minimum royalties; terms of lease, deposit

A. Only those bidders who are registered prospective leaseholders with the office of mineral resources, or those who register within two business days after the lease sale at which the bid is opened and prior to the conditional issuance of the lease, shall be allowed to obtain a mineral lease from the state of Louisiana. Any bidder who is not properly registered with the office of mineral

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resources at the time bids are opened, but whose bid is otherwise acceptable, shall have until the end of the second business day following the date on which the bid was conditionally accepted by the ~~State Mineral Board~~ **State Mineral and Energy Board** to become properly registered with the office of mineral resources. If said bidder remains unregistered by the close of business of the second business day following the day the mineral lease sale at which the bid was conditionally accepted, the conditionally accepted bid shall be deemed rejected. The provisions of this Subsection shall also apply in cases where there is no more than one bid made by unregistered prospective leaseholders. Bids may be for the whole or any particularly described portion of land advertised. At the time and place mentioned in the advertisement for the consideration of bids, they shall be publicly opened. Bids received by the mineral board shall be opened at any state-owned buildings situated in the city in which the capitol is located. The mineral board has authority to accept the bid most advantageous to the state and may lease upon whatever terms it considers proper. However, the minimum royalties to be stipulated in any lease, other than a lease executed by or on behalf of a school board, shall be:

* * *

§127.1. Tertiary recovery incentive

* * *

B.(1) In order to accomplish the purposes set forth in Subsection A of this Section, the ~~State Mineral Board~~ **State Mineral and Energy Board** may enter into an agreement with the lessee under any present and future state mineral lease or leases, under which such lessee may be relieved from the payment of all or part of the royalty otherwise due to the state under the applicable mineral lease or leases in regard to production from the particular reservoir involved in a qualified tertiary recovery project, until such project has reached payout from the total production, "payout" to be defined by the board on a project-by-project basis based on:

* * *

AMENDMENT NO. 3

On page 1, delete line 11 and insert:

"A. No transfer or assignment in relation to any lease of minerals or mineral rights owned by the state shall be valid unless approved by the ~~State Mineral Board~~ **State Mineral and Energy Board**. The mineral board may charge a fee of one hundred dollars to cover the cost of preparing and docketing transfers or assignments of leases of mineral or mineral rights. All parties to transfers or assignments in relation to any lease of mineral or mineral rights from the state shall be registered prospective leaseholders with the office of mineral resources. Transfers or assignments shall not be granted to prospective leaseholders that are not currently registered with the office of mineral resources."

AMENDMENT NO. 4

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

"§131. Surveys, reports and investigations
The Department of Public Works, parish surveyors, State Highway Engineers, Louisiana State University and Agricultural and Mechanical College and any board, department or institution of the state and the governing authorities of political subdivisions shall make such surveys, reports and investigations, and furnish such records and information as may be required by the ~~State Mineral Board~~ **State Mineral and Energy Board** for the purposes of determining boundaries, character, title, location and other matters relating to lands.

* * *

AMENDMENT NO. 5

On page 2, delete line 1 and insert:

"A.(1)(a) * * *

(b) The office of mineral resources shall maintain a log in which shall be noted the date, time, and payor of each payment and the nature thereof, whether check or electronic wire transfer, so that the board may determine whether such payment was correct, sufficient, and timely made. The board shall then transmit these payments by electronic transfer, or hand-carry these payments, on the day received, to the state treasurer. If the board cannot make such determination promptly, it shall nevertheless transmit these payments

by electronic transfer, or hand-carry these payments, on the day received, to the state treasurer and request the treasurer to place such funds as are being reviewed by the board under this Section in a suspense account until such time as the board makes the determination herein required and notifies the state treasurer of the disposition to be made by them. If the payor attributable to a lease unit well (LUW) code changes between monthly payment dates without notification to the office of mineral resources of the change and with submission of the current mailing address, telephone number, and email address for the new payor prior to the next month's payment, the new payor shall be subject to a liquidated damage penalty of one thousand dollars. The ~~State Mineral Board~~ **State Mineral and Energy Board** shall have authority to waive all or any part of said damages based on a consideration of all factors bearing on the issue.

* * *

AMENDMENT NO. 6

On page 2, line 10, delete "State Mineral Board" and insert "**State Mineral and Energy Board**"

AMENDMENT NO. 7

On page 2, line 12, delete "State Mineral Board" and insert "**State Mineral and Energy Board**"

AMENDMENT NO. 8

On page 2, delete line 15, and insert:

"(2) The failure to pay or the underpayment of all sums other than bonuses, rentals, or shut-in payments, for whatever cause, shall subject the lessee, his successor, or assigns, to a penalty of ten percent of the total sum due not to exceed one thousand dollars, which penalty shall be assessed, and owing on the day following the date payment was due, and shall be deemed liquidated damages. The whole or any part of the penalty set forth herein may be waived by the ~~State Mineral Board~~ **State Mineral and Energy Board**.

(3) When notice is given of the incorrect completion of any required form, or demand for payment is made for failure to pay or underpayment, or sixty days has elapsed from the date payment was due with the correctly filled out form, an additional penalty of two percent of the total sum then due shall accrue beginning on the sixty-first day on each thirty-day period thereafter, or fraction thereof, up to a maximum of twenty-four percent in additional penalty. The penalty therein provided shall be in addition to interest at the legal rate compounded monthly. Both the penalty and interest shall accrue to principal and interest accumulated at the end of each thirty-day period, or fraction thereof, also without necessity of further notice and shall be in addition to all remedies available under law, including those prescribed in R.S. 31:137 through 141. In the event the ~~State Mineral Board~~ **State Mineral and Energy Board** finds, subject to judicial review, that a substantial and justiciable controversy exists as to whether any such royalties are legally due, it shall defer the commencement of the accrual of the aforesaid penalty until the controversy is resolved by amicable agreement or by final decree of any court of competent jurisdiction. The whole or any part of the penalties set for hereinabove may be waived by the ~~State Mineral Board~~ **State Mineral and Energy Board**.

* * *

§136.1. Proceeds from mineral royalties, leases, and bonuses; payment into the Bond Security and Redemption Fund; payment into the Louisiana Investment Fund for Enhancement. (L.I.F.E.)

A. The proceeds of all royalties from all mineral leases to be granted, as well as all mineral leases heretofore granted, by the state of Louisiana on state-owned land, lake and river beds, and other water bottoms belonging to the state remaining after complying with dedication of such revenues heretofore made and after deductions of any appropriations of such revenues made by law for the payment of the expenses of the ~~state mineral board~~ **State Mineral and Energy Board**, shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund.

B. The proceeds of all leases and bonuses, including annual delay rentals under said leases to be granted as well as all proceeds from mineral leases and delay rentals thereunder heretofore granted, by the state of Louisiana on state-owned land, lake and river beds,

and other water bottoms belonging to the state remaining after complying with dedications of such revenues heretofore made and after deduction of any appropriations of such revenues made by law for the payment of the expenses of the ~~state mineral board~~ **State Mineral and Energy Board**, shall be paid into the state treasury for credit to the Bond Security and Redemption Fund.

AMENDMENT NO. 9

On page 2, between lines 25 and 26, insert:

"§137. Agreements to offset, compensate and recover from future royalties

The ~~State Mineral Board~~ **State Mineral and Energy Board** is hereby empowered to enter into agreements with lessees or other parties under state oil, gas and mineral leases or other agreement heretofore or hereafter issues to offset, compensate, and recover from royalty thereafter accruing to the state of Louisiana, amounts equal to any royalty or other payments (all herein called "royalty") which such lessees or other parties have paid to the state was, is, or may become lawfully entitled because of overpayment or action by the Federal Power Commission; provided, however, that with respect to any royalty based on amounts received by the lessee or other parties for sales of natural gas that may be subject to refund by order or directive of the Federal Power Commission, such agreements may require the immediate payment of such portion of such royalty that is determined to be proper by the ~~State Mineral Board~~ **State Mineral and Energy Board**, such payment to be subject to the offsetting, compensation and recovery provisions of R.S. 30:137 to 30:141.

§139. Validation of agreements

All agreements of the character contemplated by R.S. 30:137 which have heretofore been entered into by the ~~State Mineral Board~~ **State Mineral and Energy Board** are hereby ratified, confirmed and validate; however, such agreements may be modified or amended in accordance with the terms of R.S. 30:137 to 30:141.

§141. Power of mineral board not derogated - Other rights and remedies not modified

R.S. 30:137 to 30:141 are not intended in any way to derogate from or question the power and authority of the ~~State Mineral Board~~ **State Mineral and Energy Board** to enter into any agreements of any type whatsoever pursuant to its power and authority heretofore expressly or impliedly granted by law; and the provisions hereof shall not modify in any way the right of any lessee or other party to invoke the rights and remedies available under existing laws.

§143. Transfer of solid mineral leases, approval by board

A. In addition to the provisions of R.S. 30:128, in the case of a proposed transfer, under the circumstances described in Subsection B hereof, of any lease or sublease entered into by or under the authority of or subject to the jurisdiction of the ~~State Mineral Board~~ **State Mineral and Energy Board** which includes the development and production of solid minerals, the board shall determine whether to approve such proposed transfer pursuant to this Section and to such rules and regulations as may be issued hereunder.

D. (1)

(4) Promptly after the conclusion of the hearing, the secretary of the Department of Natural Resources shall prepare written findings of fact and a recommended decision on the application. He shall transmit these to the ~~State Mineral Board~~ **State Mineral and Energy Board** together with a certified copy of the hearing record. After giving due consideration to whether the evidence establishes that the proposed transferee is competent and otherwise qualified to perform all of the obligations under the lease or sublease in such a manner as not to adversely affect the public interest of the state as respects its natural resources, the ~~State Mineral Board~~ **State Mineral and Energy Board** shall issue a written decision granting or denying the application in whole or in part or upon such conditions as it may deem appropriate.

(5) An appeal may be taken from any final order of the ~~State Mineral Board~~ **State Mineral and Energy Board** under this Section only by a party to the hearing required herein in accordance with R.S. 49:964 and R.S. 49:965.

(6) Anything herein to the contrary notwithstanding, the secretary of the Department of Natural Resources may transmit a recommended decision to the ~~State Mineral Board~~ **State Mineral and Energy Board** without first conducting an investigation or holding a hearing if (i) all necessary parties to the hearing file affidavits with the secretary of the Department of Natural Resources attesting their belief that there are no substantial issues requiring an investigation or hearing and (ii) the secretary independently determines that there are no substantial issues requiring an investigation or hearing.

F. Whenever it appears to the ~~State Mineral Board~~ **State Mineral and Energy Board** or the secretary of the Department of Natural Resources that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this Section, the secretary of Department of Natural Resources may investigate and issue orders and notices. In addition to all other remedies, the ~~State Mineral Board~~ **State Mineral and Energy Board** or the secretary of the Department of Natural Resources may bring an action in any court of competent jurisdiction in the name and on behalf of this state against any person or persons participating in or about to participate in a violation of this Section, to enforce compliance with this Section, or enjoin any action in violation of this Section.

§144. Sale of royalties in-kind to small refiners

A. On or before December 31, 1979, the secretary of the Department of Natural Resources shall submit to the ~~State Mineral Board~~ **State Mineral and Energy Board** for implementation a regulatory program for the sale and/or processing of in-kind crude oil royalties to refiners in the state and procedures for the sale and/or processing, delivery, and use of royalty crude oil, which at a minimum include the following:

B. Prior to submitting the program to the ~~State Mineral Board~~ **State Mineral and Energy Board** for implementation, the secretary shall present the proposed program to the House Committee on Natural Resources and Environment and Senate Committee on Natural Resources, meeting jointly, for approval thereof. Within thirty days after receipt of the program from the secretary, the mineral board shall initiate rulemaking procedures thereon in compliance with R.S. 49:951 et seq.

§148.1. Lessor defined

For the purposes of this Subpart the term "lessor" shall refer to and include the ~~State Mineral Board~~ **State Mineral and Energy Board**, any school district, levee district, drainage district, municipal or parochial subdivision of this state, any penal or charitable institution, any state university or college, and any other unit or institution deriving its authority and powers from the sovereignty of the state.

§148.2. Lands which may be leased

A. Any lessor may, through its governing authority, lease any lands of which the lessor has title, custody, or possession, and the ~~State Mineral Board~~ **State Mineral and Energy Board** may lease lands, bodies of any lakes, bays or coves, sea, arms of the sea, or other navigable waters and beds thereof belonging to the state or the title to which is in the public:

B. In addition, where otherwise consistent with the provisions of this Subpart as applied to leased premises, the ~~State Mineral Board~~ **State Mineral and Energy Board** may grant surface or subsurface agreements for the right to erect and use on unleased premises such facilities and equipment.

§150. Louisiana Royalty Relief Dry Hole Credit Program; requirements; conditions; limitations; expiration

C.(1) The royalty relief dry hole credit shall be in the form of a deduction from future royalty payments due to the state on production derived from depths of greater than 19,999 feet true vertical depth from any new well drilled on state-owned lands or state-owned water bottoms in the coastal zone, as defined in R.S. 49:215.24, subsequent to the dry hole for which drilling commences

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on or after July 1, 2005. The deduction shall be the lesser of: (a) five billion cubic feet of natural gas production, or (b) fifty percent of the cost of the dry hole well. The cost of the dry hole well shall be calculated and determined in accordance with rules, methods and procedures adopted by the ~~State Mineral Board~~ State Mineral and Energy Board. The royalty relief shall be prorated over a thirty-six month period, provided that the net royalty payments to the state shall not be less than the minimum required by R.S. 30:127. If application of the credit would result in payments less than that required by R.S. 30:127, the office of mineral resources may extend the royalty relief credit for an additional period of up to twenty-four months to allow full use of the credit, up to a total of sixty months.

§153. Agencies may lease or administer through ~~State Mineral Board~~ State Mineral and Energy Board

A. Any agency may by resolution direct the ~~State Mineral Board~~ State Mineral and Energy Board to lease its land in the manner provided in Subpart A of this Part. The bonus money, if any, received for the lease shall be transmitted by the ~~State Mineral Board~~ State Mineral and Energy Board to the agency. After the execution of the original lease, all rights and authority in connection therewith shall be vested in the agency to the same extent as if the agency had itself leased the land.

B. Upon request, the ~~State Mineral Board~~ State Mineral and Energy Board may administer and manage the leases of any levee district, state university, state college, state penal or charitable institution, or agency, unit, or institution of the state. If the ~~State Mineral Board~~ State Mineral and Energy Board agrees to administer and manage such leases, the parties shall enter into a cooperative endeavor agreement to accomplish this purpose.

§154. Signing of papers and disposition of funds when agency leases own lands; deposit

C. In all cases where sixteenth section or school indemnity lands are leased, either by the ~~State Mineral Board~~ State Mineral and Energy Board or the school board, all funds realized from these leases shall be paid to the school board of the parish where the lands are situated and credited to the current school fund of that parish, except that in the case of school indemnity lands, the lease shall be made by the ~~State Mineral Board~~ State Mineral and Energy Board only and the funds credited to the parish school board entitled thereto.

§155. Alternative procedures

If an agency does not avail itself of the provisions of R.S. 30:153, it may lease its lands for mineral purposes on its own motion, or on written application, by advertising and letting in the manner provided by this Subpart, subject however to approval of the ~~State Mineral Board~~ State Mineral and Energy Board as provided in R.S. 30:158.

§156. Procedure when agency leases its own lands

A person desiring to lease from a state agency shall make application with deposit to the agency in the same manner as is set forth in R.S. 30:125 for application with deposit to the mineral board. The agency shall itself advertise, receive bids at its domicile, and lease in the same manner and subject to the same restrictions applicable to leases by the ~~State Mineral Board~~ State Mineral and Energy Board under R.S. 30:126 and 30:127. The agency has the same powers over leases granted by it as are granted the ~~State Mineral Board~~ State Mineral and Energy Board in R.S. 30:129.

§158. Approval of lease by board

No lease executed under the authority of this Subpart shall be valid unless the agency obtains its approval by the ~~State Mineral Board~~ State Mineral and Energy Board. The authority of the ~~State Mineral Board~~ State Mineral and Energy Board shall be ministerial with regard to whether or not the agency has correctly followed the procedural steps in granting the lease in question, and discretionary with regard to whether or not the terms of the agency lease are in the best interest of the agency and the public which it serves. A lease made under the provisions of this Subpart which is not approved by the ~~State Mineral Board~~ State Mineral and Energy Board and countersigned by the duly authorized officer of that body is null and void.

§159. State banks in liquidation, leases subject to approval, how
All mineral leases entered into by state banks in liquidation shall be subject to the approval of the ~~State Mineral Board~~ State Mineral and Energy Board and of the district court having jurisdiction of the liquidations.

§179.11. Authorization to enter into agreements during controversy relating to submerged lands

In regard to the controversy between the United States and the state of Louisiana as to whether any portion of any submerged land is owned and controlled by the state of Louisiana under the provisions of the Submerged Lands Act (43 U. S. C. A. §1301 et seq.) (Public Law 31, 83rd Congress; 67 Stat. 29), or whether such lands are owned and controlled by the United States under the provisions of the Outer Continental Shelf Lands Act (43 U. S. C. A. §1301 et seq) (Public Law 212, 83 Congress; 67 Stat.462), or any amendment or revision thereof, the ~~State Mineral Board~~ State Mineral and Energy Board is authorized, with the concurrence and approval of the Governor, to negotiate and enter into agreements for and on behalf of the state of Louisiana, with any lessee or future lessee of the state of Louisiana, to negotiate and enter into tentative agreements or stipulations with the United States, or any present or future grantee or lessee of the United States, respecting the ownership and boundaries of such lands and operations under any mineral lease on any other sums payable thereunder, including withdrawals from such deposits in escrow or impoundment, pending the settlement or adjudication of the controversy. Payments or deposits made pursuant to any such agreement shall be considered as being in compliance with the terms of the applicable lease. Upon the final settlement or adjudications of such controversy, all sums so impounded shall be paid to the parties entitled thereto. Any sums finally determined to be payable to the state of Louisiana shall be deposited with the proper state agency in accordance with the constitution and laws of this state.

§179.12. Ratification by legislature of any final agreements or stipulations

No final agreement or stipulation negotiated with the United States by the ~~State Mineral Board~~ State Mineral and Energy Board with the concurrence and approval of the governor, respecting the ownership and boundary of such lands, which changes or modifies the historic seaward boundary of the state of Louisiana as established by Act 33 of 1954 (R.S. 49:1), or which leases to the United States any part of the bonuses, rents, royalties and other sums heretofore or hereafter deposited in escrow or impoundment under the provisions of the Interim Agreement of October 12, 1956, between the United State and the state of Louisiana, shall be binding on the state of Louisiana until such agreement or stipulation shall have been ratified by a majority vote of both Houses of the Louisiana Legislature.

§186. Distribution of funds

A. Within a reasonable time after the receipt of any funds received under or on account of any such oil, gas or other mineral lease as rental, bonus, royalty or otherwise, the ~~State Mineral Board~~ State Mineral and Energy Board shall deposit in the registry of the district court having jurisdiction in the parish wherein said property is situated in more than one parish, then in the registry of any district court having jurisdiction over any parish wherein a part of said immovable property is situated, all of the funds so received, less and except sums authorized to be deducted by the mineral board under R.S. 30:188, and shall thereafter be relieved of all liability for the payment of such funds upon complying with the requirements of R.S. 30:187.

B. Any such funds that the ~~State Mineral Board~~ State Mineral and Energy Board presently possesses shall be deposited in the registry of the court as set out in Subsection A of this Section within a reasonable time after July 8, 1960.

§187. Judicial procedure

The ~~State Mineral Board~~ State Mineral and Energy Board shall present to the said district court having jurisdiction an application drawn in the usual form of a petition in a civil case and said petition shall contain (a) the name and domicile of the applicant (b) a full and complete account of how the applicant came into possession of the funds deposited and (c) the list of co-owners required and described in R.S. 30:185. However, applicant may add

any list of owners which were not included in the original application on behalf of any claimant received by the applicant. It shall not be a prerequisite to the filing of this petition that a dispute exists over the ownership of the funds. The ~~State Mineral Board~~ **State Mineral and Energy Board** shall not be obligated to make any investigation of title whatsoever beyond said list furnished pursuant to R.S. 30:185. The ~~State Mineral Board~~ **State Mineral and Energy Board** shall pray for service on all persons listed in the petition as claiming or having an interest in the funds deposited and shall pray further that all such persons named in the petition shall be cited to answer and make such claims to the funds as they may desire; and further, that all persons claiming or having an interest in such funds as they may desire; and further, that all persons claiming or having an interest in such funds, whether named in the petition or not, shall be cited by publication to answer and make such claim to the funds as they may desire. The notice by publication herein referred to shall be made six times during the sixty days immediately following the filing of the petition in the official journal of the parish in which the suit is filed and in the state official journal six times during said sixty day period. All parties however cited, whether personally or by publication, shall appear and answer the petition no later than seventy-five days from the date of the filing of the petition. The court after a full hearing shall determine the ownership of the funds and in the event the court should determine that part of the funds are owned by persons unknown, or missing, then the court shall direct that such funds be delivered to the Collector of Revenue, State of Louisiana, except that in the parish of Orleans, said funds shall be delivered to the Public Administrator thereof.

§188. Distribution of funds and administration of leases

A. The applicant depositing the money, namely, the ~~State Mineral Board~~ **State Mineral and Energy Board**, shall not be required to pay any costs in the proceedings. All costs of all parties plaintiff, defendant, intervenor, or otherwise, to the suit, shall be paid out of the funds deposited, with preference and priority over any and all persons. However, the successful litigant for the funds deposited may recover all costs which have been paid out of the funds deposited, from the other litigant or litigants who contested his right thereto.

B. At or after the conclusion of the proceedings instituted pursuant to R.S. 30:187, the ~~State Mineral Board~~ **State Mineral and Energy Board** may, from time to time, employ any of the following procedures or combinations thereof, to effect the distribution of funds received by virtue of leases granted under R.S. 30:184, and for the administration of such leases;

(1) The ~~State Mineral Board~~ **State Mineral and Energy Board** may distribute such funds and administer such leases itself, either through its personnel or through persons with whom it contracts for such distribution and administration.

(2) The ~~State Mineral Board~~ **State Mineral and Energy Board** may create one or more trusts, naming one or more persons, firms, or corporations, as trustee or trustees, and transfer to such trustees any or all of its rights and duties under any or all such leases, for the benefit of the owners of the land or interests therein. The ~~State Mineral Board~~ **State Mineral and Energy Board** may impose such terms and conditions in the trust as it deems desirable, and, to the extent applicable and not in conflict with such terms and conditions, the Louisiana Trust Code shall thereafter govern such trust. The term of the trust may be as long as any such leases are in force and effect, and the trustee or trustees shall be responsible for the distribution of such funds and administration of such leases.

(3) The ~~State Mineral Board~~ **State Mineral and Energy Board**, upon written notice to the court in which proceedings provided for in R.S. 30:187 have been instituted, may cause such court to distribute the funds and administer the leases. The ~~State Mineral Board~~ **State Mineral and Energy Board** shall deposit all funds received by it in the registry of such court and shall thereafter be relieved of all responsibilities therefor. The court, in such proceedings, may appoint such experts to assist it as may be necessary, and may appoint a person as master or receiver for the purpose of performing and supervising the actual work of such distribution and administration.

§208. Exploration of public lands

The ~~State Mineral Board~~ **State Mineral and Energy Board** may explore and develop the mineral resources of lands belonging to

the state which might lease under Subpart A of Part II of Chapter 2 of this Title."

AMENDMENT NO. 10

On page 2, line 26, delete "State Mineral Board" and insert "~~State Mineral Board~~ **State Mineral and Energy Board**"

AMENDMENT NO. 11

On page 2, line 27, delete "State Mineral Board" and insert "~~State Mineral Board~~ **State Mineral and Energy Board**"

AMENDMENT NO. 12

On page 3, between lines 19 and 20, insert:

"(d) Those operating agreements entered into by the ~~State Mineral Board~~ **State Mineral and Energy Board** prior to August 15, 1997, are hereby ratified as being in compliance herewith.

(e) Upon a two-thirds vote of the members of the ~~State Mineral Board~~ **State Mineral and Energy Board** and after a public hearing conducted in the affected parish pursuant to R.S. 30:6, enter into operating agreements whereby the state receives a share of revenues from the storage of oil, natural gas, liquid or liquefied hydrocarbons, or carbon dioxide, in whole or in part, as many be agreed upon by the parties, and assumes all or a portion of the risk of the cost of the activity in those situations where the board determines it is in the best interest of the state either in equity or in the promotion of conservation to do so, such as but not limited to the following illustrations:

* * *

§209.1. Acquisition of geological information

A. The right of the ~~State Mineral Board~~ **State Mineral and Energy Board** under R.S. 30:209 to conduct or contract for geophysical and geological surveys and other operations on lands which the board might lease for the state in order to carry out the provisions of R.S. 30:208, relative to exploration and development of mineral resources shall include the right to acquire and receive, either as owner in its own right or licensee, from the company acquiring and processing the data under the geophysical or geological surveys, and geophysical, geological, and engineering information and data acquired or processed from the surveys or operations conducted on any lands, whether public or private, for evaluation, administration, and development of the mineral resources of state-owned properties.

B. (1) Information and data acquired as authorized by Subsection A of this Section shall be confidential for all purposes consistent with the terms of acquisition and shall be made available only to the ~~State Mineral Board~~ **State Mineral and Energy Board**, and the commissioner of conservation at the sole discretion of the board, who shall keep such information and data confidential and may use such information and data only in the lawful, official administration and development of publicly owned lands. Whoever knowingly and willfully violates the provisions of this Subsection shall be punished by the penalties provided by R.S. 30:213(B).

* * *

AMENDMENT NO. 13

On page 3, between lines 20 and 21, insert:

"A. The ~~State Mineral Board~~ **State Mineral and Energy Board** shall have exclusive authority to grant exclusive and nonexclusive permits to conduct geophysical and geological surveys of any kind on state-owned lands, including water bottoms. No person shall conduct a geophysical or geological survey on state-owned lands, including water bottoms, without obtaining a permit. These permits shall be granted pursuant to rules promulgated under the provisions of the Administrative Procedure Act by the Department of Natural Resources. No permit shall be granted covering lands over which the state has a mere servitude without consent of the owner of the abutting property."

AMENDMENT NO. 14

On page 4, between lines 6 and 7, insert:

"§213. Furnishing state information obtained under permits

A. (1) For any permit issued prior to July 1, 2004, the holder of a permit to conduct geophysical and geological surveys shall furnish to the ~~State Mineral Board~~ **State Mineral and Energy Board** or

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office of mineral resources maps showing the location of all shot points and detector or geophone setups located on the property and the dates on which they were used, together with the subsurface contours obtained as a result of the use of the points. Additionally, the permit holder shall deliver a copy of any and all seismic data acquired, including 3D, 2D, gravity, magnetic, and any other geophysical or geological data, in a format acceptable to the office of mineral resources. This information shall not extend to lands beyond the boundaries of the public property surveyed. This information shall be furnished to the office of mineral resources or the ~~State Mineral Board~~ State Mineral and Energy Board within ninety days after completion of the final stacked and migration processing, but not more than six months after the completion of the survey. Except for the information included in a seismic permit, including the plat showing the geometric polygon of the area on which the seismic is to be shot, all other information, including maps, plots, and other data provided to the ~~State Mineral Board~~ State Mineral and Energy Board hereunder shall be confidential and an exception to the provision of public records laws and shall not be released to any other agency or entity, or for any reason, including publication in a technical journal, absent a valid court order from a court of competent jurisdiction or absent written permission of, and under the strict limitations imposed by, the owner having authority to license said data.

(2) For any permit issued on or after July 1, 2004, the holder of a permit to conduct geophysical or geological surveys shall retain ownership of the data gathered and shall not be required to submit the data as required in Paragraph (1) of this Subsection. However, the ~~State Mineral Board~~ State Mineral and Energy Board or the employees of the office of mineral resources shall be allowed to review the data. Except for the information included in a seismic permit, including the plat showing the geometric polygon of the area which the seismic is to be shot, all other information, including maps, plots, and other data reviewed by the ~~State Mineral Board~~ State Mineral and Energy Board or the staff of the office of mineral resources hereunder shall be confidential and an exception to the provisions of public records laws and shall not be released to any other agency or entity, or for any reason, including publication in a technical journal, absent a valid court order from court of competent jurisdiction or absent written permission of, and under the strict limitations imposed by, the owner having authority to license said data.

B. Whoever knowingly and willfully violates the provisions of the Section or any rule or order of the ~~State Mineral Board~~ State Mineral and Energy Board made thereunder shall be fined up to one hundred thousand dollars or imprisoned for not more than one year, or both.

§214. Permit for survey entailing use of public waters or bottoms

Any person who makes or causes to be made a geophysical survey entailing the use of shot points in any lake, river, or stream bed or other bottoms, the title to which is in the public, shall obtain from the ~~State Mineral Board~~ State Mineral and Energy Board a special permit therefor. This permit shall be granted under the rules and regulations which may from time to time be promulgated by the Department of Wildlife and Fisheries for the protection of oysters, fish, and wildlife.

§215. Nonexclusive geophysical permits

A. A nonexclusive permit to conduct seismic, geophysical, or geological surveying upon state-owned lands, including water bottoms, shall be valid for one year from the date of issuance. However, if operations commence within the year and are ceased due to unforeseen circumstances, the term may be extended for up to one year from the cessation of operations by the secretary of Department of Natural Resources. The permittee shall pay to the office of the ~~State Mineral Board~~ State Mineral and Energy Board at least every twelve month or more often as necessary. The fee shall be based upon market value but shall be no more than thirty dollars and no less than five dollars per acre.

B. The secretary of the Department of Wildlife and Fisheries may object to an application for a nonexclusive permit to conduct seismic, geophysical, or geological surveying on lands, including water bottoms, under the jurisdiction of the Wildlife and Fisheries Commission, including wildlife management areas, wildlife refuges, public shooting grounds, or outdoor recreation areas. Upon the

secretary's objections, the application shall be presented for final determination to the ~~State Mineral Board~~ State Mineral and Energy Board.

§216. Exclusive geophysical permits

B. (1) After receiving an application to conduct exclusive geological or geophysical survey, the office of mineral resources shall evaluate the prospective area of survey in order to set the minimum terms which shall then be recommended and presented to the ~~State Mineral Board~~ State Mineral and Energy Board for approval or rejection.

(2) For applications that include lands, including water bottoms, under the jurisdiction of the Wildlife and Fisheries Commission, including wildlife management areas, wildlife refuges, public shooting grounds, or outdoor recreation areas, the office of mineral resources shall evaluate the prospective area of survey in order to set the minimum terms which shall then be recommended and presented to the secretary of the Department of Wildlife and Fisheries for approval or rejection. If the recommended minimum terms are rejected by the secretary of the Department of Wildlife and Fisheries, the office of mineral resources in cooperation and consultation with the Department of Wildlife and Fisheries shall immediately set minimum terms. If the office of mineral resources and the Department of Wildlife and Fisheries are unable to set minimum terms, the recommendations from both entities shall be presented for final determination to the ~~State Mineral Board~~ State Mineral and Energy Board.

C.(1)

(4) If all written bids to survey lands, including water bottoms, under the jurisdiction of the Wildlife and Fisheries Commission, including wildlife management areas, wildlife refuges, public shooting grounds, or outdoor recreation areas, are rejected, the ~~State Mineral Board~~ State Mineral and Energy Board, with consultation and cooperation with the Department of Wildlife and Fisheries, may immediately offer for competitive bidding a permit upon all or any designated part of the land advertised, upon terms most advantageous to the state. On all other state-owned lands, including water bottoms, if all written bids are rejected, the board may immediately offer for competitive bidding a permit upon all or any designated part of the land advertised, upon terms appearing most advantageous to the state. These offerings shall be subject to the board's right to reject any and all bids.

§804. Jurisdiction over state geothermal resources and products

The ~~State Mineral Board~~ State Mineral and Energy Board is hereby vested with exclusive authority to lease for the exploration, development, production and distribution of geothermal resources and the byproducts thereof any lands belonging to the state, or the title to which is in the public domain, including road beds, water bottoms, and lands adjudicated to the state at tax sale. To the extent applicable, the mineral board is also vested with the same powers of supervision and management of all geothermal leases granted by the state that are vested in the board under R.S. 30:129 with respect to leases granted for minerals, oil and gas.

Section 3. R.S. 34:3108(E), 3478(E) and 3498(E) are hereby amended and reenacted to read as follows:

§3108. Acquisition of sites; lease of state-owned lands and water bottoms

E. Nothing in this chapter is intended to authorize the authority to lease state owned lands and water bottoms for the exploration, development and production of oil, gas, sulphur or other minerals or for the cultivation or production of marine resources or detract from the authority of the ~~State Mineral Board~~ State Mineral and Energy Board and/or Louisiana Wildlife and Fisheries Commission to lease for such purposes. However, tracts once leased to the authority may not be leased by the ~~State Mineral Board~~ State Mineral and Energy Board or the Louisiana Wildlife and Fisheries Commission without the express consent of the authority, unless it can be shown by the ~~state mineral board~~ State Mineral and Energy Board or the Louisiana Wildlife and Fisheries Commission, by clear and convincing evidence, that such lease or leases will not adversely affect present or future authority operations.

* * *
§3478. Acquisition of sites; lease of state-owned lands and water bottoms

E. Nothing in this Chapter is intended to authorize the authority to lease state-owned lands and water bottoms for the exploration, development and production of oil, gas, sulphur, or other minerals, or for the cultivation or production of marine resources or detract from the authority of the State Mineral Board State Mineral and Energy Board and Louisiana Wildlife and Fisheries Commission to lease for such purposes.

* * *
§3498. Acquisition of sites; lease of state-owned lands and water bottoms

E. Nothing in this Chapter is intended to authorize the authority to lease state-owned lands and water bottoms for the exploration, development and production of oil, gas, sulphur, or authority of the State Mineral Board State Mineral and Energy Board and Louisiana Wildlife and Fisheries Commission to lease for such purposes.

Section 4. R.S. 36:353, 359(E) and 807 are hereby amended and reenacted to read as follows:
§353. Secretary of natural resources

There shall be a secretary of natural resources, who shall be appointed by the governor with consent of the Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session. The secretary shall serve as the executive head and chief administrative officer of the Department of Natural Resources and shall have the responsibility for the policies of the department except as otherwise provided by this Title, and for the administration, control, and operation of the functions, programs, and affairs of the department; provided that the secretary shall perform his functions under the general control and supervision of the governor. The secretary shall be an ex officio member of the State Mineral Board State Mineral and Energy Board.

* * *
§359. Transfer of agencies and functions to Department of Natural Resources

E. The State Mineral Board State Mineral and Energy Board (R.S. 30:121 et seq.) is transferred to and hereafter shall be within the Department of Natural Resources as provided in R.S. 36:807.

* * *
§807. Transfer; State Mineral Board State Mineral and Energy Board

The State Mineral Board State Mineral and Energy Board, transferred by the provisions of R.S. 36:359(E), shall be transferred as provided in R.S. 36:802, except the secretary of the Department of Natural Resources shall be an ex officio member of the State Mineral Board State Mineral and Energy Board. The State Mineral Board State Mineral and Energy Board shall retain supervision of all mineral leases granted by the state, and it shall retain general authority to take action for and on behalf of and to protect the interests of the state in accordance with the provisions of Title 30 of the Revised Statutes of 1950, as amended, and applicable laws.

Section 5. R.S. 39:14(1) is hereby amended and reenacted to read as follows:
§14. Exceptions

The following shall not be subject to the provision of R.S. 39:11 and 12 but shall be subject to the provisions of R.S. 39:13:

(1). Lands and waterbottoms leased by the State Mineral Board State Mineral and Energy Board in accordance with the provisions of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950 including but not limited to leases for the exploration and production of oil, gas, and other hydrocarbons, and related mineral activities.

* * *
Section 6. R.S. 41:643(A), 1217.1(B), 1732(A) and (B) and 1733 are hereby amended and reenacted to read as follows:

§643. Vermilion Parish; Sixteenth section land; distribution of mineral proceeds, and ownership of minerals and mineral revenues

A. The state of Louisiana, the State Mineral Board State Mineral and Energy Board may enter into and execute a compromise and settlement with the Vermilion Parish School Board regarding the ownership of certain mineral and mineral revenues together with the disposition of mineral revenues derived from a certain area alleged by the school board to be a "Sixteenth Section" located in Township 15 South, Range 1 West, in East White Lake, Vermilion Parish, Louisiana.

* * *
§1217.1. Renewal of lease; highest bid option

B. Notwithstanding any provision of law to the contrary, if the commissioner or secretary determines there exists a public need to maintain the current lessee, the commissioner or secretary may offer the current lessee, if he made a bid, the option to match the highest bid in order to lease the state lands. The provisions of this Subsection shall not apply to oyster leases, alligator leases, or oil and gas leases entered into by the Department of Wildlife and Fisheries, or to any lease entered into by the State Mineral Board State Mineral and Energy Board.

* * *
§1732. Lease authority and royalties

A. Notwithstanding any other provision of law except Subsection B of this Section, the State Mineral Board State Mineral and Energy Board in conjunction with the secretary of the Department of Natural Resources, shall have the authority to lease for the exploration, development, or production of energy from wind any lands belonging to the state or the title to which is held by the state, including water bottoms, vacant state lands, and lands adjudicated to the state at tax sale, except lands that form any portion of state highway right-of-way. The leases shall be granted through a public bid process which shall be promulgated by the adoption of rules and regulations by the State Mineral Board State Mineral and Energy Board. All bonuses, rentals, royalties, payments, or other sums due the state as the lessor under the terms of leases granted under the provisions of this Subsection for the exploration, development, and production of energy from wind shall be paid to the office of mineral resources. Revenues received from these leases by the office of mineral resources shall be remitted to the state treasurer who, after compliance with Article VII, Section 9 of the state constitution, shall credit an amount equal to twenty-five percent of the revenues to the Wetlands Conservation and Restoration Fund and an amount equal to the seventy-five percent to the state general fund. The funds generated under leases granted under the provisions of this Section shall not be included in calculations for the Budget Stabilization Fund.

B. Notwithstanding any other provision of law, the State Mineral Board State Mineral and Energy Board, with the approval of the secretary of the Department of Wildlife and Fisheries, shall have the authority to lease for the exploration, development, or production of energy from wind, any properties under the jurisdiction of the Wildlife and Fisheries Commission or the Department of Wildlife and Fisheries, including but not limited to wildlife management areas and refuges. The leases shall be granted through a public bid process which shall be promulgated by the adoption of rules and regulations by the State Mineral Board State Mineral and Energy Board. All bonuses, rentals, royalties, payments or other sums payable to the state as the lessor under the terms of leases granted under the provisions of this Subsection for the exploration, development, and production of energy from wind shall be deposited in the Wildlife and Fisheries Conservation Fund.

* * *
§1733. Award of state wind leases

A. All proposals for lease of state lands for the exploration, development, or production of energy from wind shall be submitted to the State Mineral Board State Mineral and Energy Board. The State Mineral Board State Mineral and Energy Board shall then submit to the state land office and the Department of Wildlife and

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Fisheries the portion of the proposal which contains the location of the proposed lease. The state land office and the Department of Wildlife and Fisheries shall review the proposed location of the lease and shall certify to the ~~State Mineral Board~~ **State Mineral and Energy Board** whether or not there are other leases of any kind at the proposed lease location. If there are other leases, the state agencies shall attach to the certification a copy of all other leases at the proposed lease location. The state land office and the Department of Wildlife and Fisheries are hereby authorized to charge the applicant reasonable fees to fulfill the requirements of this Section. Any such fees shall be promulgated through rules and regulations adopted in accordance with the Administrative Procedure Act.

B. After certification by the other state agencies, the ~~State Mineral Board~~ **State Mineral and Energy Board** shall forward the applications and certification with copies of any other leases on the proposed location to the secretary of the Department of Natural Resources who shall evaluate whether the lands proposed for lease best support the exploration, development, or production of energy from wind. In evaluating the proposed lease, the secretary of the Department of Natural Resources shall consider the capability of the lease proposal to fulfill the intent of this Chapter, the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development, or production of energy from wind, the impact of the proposed lease on any other leases, including leases for the exploration or production of subsurface deems appropriate. When evaluating the proposed lease, the secretary of the Department of Natural Resources shall consult with the Department of Wildlife and Fisheries when the proposed lease lies within the confines of properties under the jurisdiction of the Louisiana Wildlife and Fisheries Commission or the Department of Wildlife and Fisheries and may consult any other state agency or governmental entity that may have jurisdiction within the confines of the proposed lease.

C. If the secretary of the Department of Natural Resources determines that a proposed lease for the exploration, development, or production of energy from wind is appropriate he shall recommend to the ~~State Mineral Board~~ **State Mineral and Energy Board** that the board conduct a public bid process. If the secretary of Department of Natural Resources determines that a proposed lease for the exploration, development, or production of energy from wind is not appropriate, he shall notify the ~~State Mineral Board~~ **State Mineral and Energy Board** who shall then notify the applicant that no bid process shall occur.

D. A lease may be granted in whole or in part. Prior to the advertisement for bids for each lease there shall be a minimum dollar amount set and a minimum percentage of revenue to be produced by each wind turbine to be known as an "electric power production royalty", which shall be advertised by the ~~State Mineral Board~~ **State Mineral and Energy Board** as a minimum requirement for granting the lease. No lease shall be granted in whole or part unless the amount of any electric power production royalty has been approved by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources prior to advertisement. The ~~State Mineral Board~~ **State Mineral and Energy Board** has authority to accept the bid it finds is most advantageous to the state and may lease upon whatever terms it considers proper. Such lease shall include a provision permitting the state, at its option, to take in kind all or any of the portion due it as royalty.

Section 7. R.S. 42:6.1(A)(6) is hereby amended and reenacted to read as follows:

§6.1. Exceptions to open meetings

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons

(6) Any meeting of the ~~State Mineral Board~~ **State Mineral and Energy Board** at which records or matters entitled to confidential status by existing law are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms, which exception is proved pursuant to and consistently with the Public Records Act, being Chapter I of Title 44 of the Louisiana Revised

Statutes of 1950, as amended, and other statutes to which the board is subject.

* * *

Section 8. R.S. 44:18 is hereby amended and reenacted to read as follows:

§18. Geophysical survey information

All information and records of geophysical or geological surveys furnished to the ~~State Mineral Board~~ **State Mineral and Energy Board** or the office of mineral resources pursuant to R.S. 30:213 shall be confidential and exempt from the provisions of this Chapter.

Section 9. R.S. 56:30.3(B), 426(C), 798(A)(1) and (2)(b) and (c) are hereby amended and reenacted to read as follows:

§30.3. Lease of state lands; access to public waterways

* * *

B. Notwithstanding any provision of law to the contrary, if the secretary determines there exists a public need to maintain the current lessee, the secretary may offer the current lessee, if he made a bid, the option to match the highest bid in order to lease the state lands. The provisions of this Subsection shall not apply to oyster leases, oil and gas leases or alligator leases entered into by the department, or to any lease entered into by the ~~State Mineral Board~~ **State Mineral and Energy Board**. The department shall promulgate rules and regulations providing for uniform criteria to assess the management of leased property.

* * *

§426. Filing and recordation of water bottoms leases

* * *

C. If a lease is not recorded and filed within the time periods provided above, no third party shall be bound or affected by the provision of that lease, until such time as it is properly recorded and filed. There shall be no claim against the state of Louisiana for the disregard of the provisions of any lease not properly recorded and filed in accordance with foregoing, nor shall there be any claim against the department, the register of the state land office, or the ~~state mineral board~~ **State Mineral and Energy Board**, for the disregard of the provisions of any lease which has not been properly filed with the respective agency involved.

* * *

§798. Russell Sage or Marsh Island Refuge

A. (1) The ~~State Mineral Board~~ **State Mineral and Energy Board** is hereby authorized to lease for exploration, development or production of oil, gas, or other minerals all or any portion of Marsh Island, donated to the state of Louisiana by the Russell Sage Foundation and accepted by the state of Louisiana, under the terms and provision of Act No. 70 of the 1920 Regular Session of the Legislature, as supplemented by Act 136 of the 1958 Regular Session of the Legislature, and of the contract between the state of Louisiana and the Russell Sage Foundation entered into pursuant to said Act, now on file and of record in the office of the secretary of state; such lease or leases to be for such time or times as may be mutually agreed upon between the Russell Sage Foundation and the ~~State Mineral Board~~ **State Mineral and Energy Board**, and under such conditions, rules, and regulations as will, to the satisfaction of the Russell Sage Foundation, afford adequate present and future protection of Marsh Island for the purposes for which it was donated by the Russell Sage Foundation to the state and as will insure a minimum disturbance of wildlife on the island, and upon condition that the state of Louisiana shall pay or cause to be paid to the Russell Sage Foundation in the usual manner one-half of any and all revenues due to the state as royalty, rentals, or otherwise from such use, exploration, and development of such leased lands, except tax revenues, and that the state of Louisiana shall devote the other half of the such revenues so derived, first to maintaining, policing, and improving Marsh Island as a wildlife refuge or reserve, which funds shall be credited to, and form part of the Marsh Island Operating Fund, and any excess thereafter remaining of the state's one-half share of such revenues in the Marsh Island Operating Fund at the conclusion of the fiscal year shall be divided into two equal parts, one of which shall be dedicated, set aside, and placed with the state treasurer in a special fund to be known as the "Russell Sage or Marsh Island Refuge Fund", in order to insure through investment or its principal income, for the future maintenance, policing, and improving of Marsh Island as a wildlife refuge, and the other such part shall be available to be expended by the Louisiana Department of Wildlife and Fisheries or its successors

for statewide projects for the propagation and protection of wildlife in the state of Louisiana.

(2)(a) * * *

(b)The secretary of Louisiana Department of Wildlife and Fisheries shall file with the ~~State Mineral Board~~ **State Mineral and Energy Board** annually, on or before July thirtieth of each year, an accurate and detailed written report, in duplicate, of the expenditures made from the state's one-half share of such revenues. One of the copies of such report shall be delivered by the ~~State Mineral Board~~ **State Mineral and Energy Board** to the Russell Sage Foundation, and the other shall remain on file with the ~~State Mineral Board~~ **State Mineral and Energy Board**, provided that the Russell Sage Foundation shall have the right if it so desires to verify any such report by audit.

(c) Upon the same terms and conditions and subject to the same division and disposition of revenues therefrom the ~~State Mineral Board~~ **State Mineral and Energy Board** is authorized to grant permits to conduct geophysical surveys of all or any portion of Marsh Island.

* * *

AMENDMENT NO. 15

On page 4, line 7, change "Section 2." to "Section 10."

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

SENATE BILL NO. 138—

BY SENATOR WALSWORTH

AN ACT

To enact Subpart H-2 of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:237 through 237.13, relative to the conversion of mutual life insurers and mutual life insurance holding companies; to provide definitions; to require a plan of reorganization; to provide with respect to consideration and dividend protections; to provide for approval by the commissioner of insurance after a public hearing; to provide with respect to approval by qualified voters; to provide limitations; to require the filing of a certificate of compliance; to provide for the effect of reorganization; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 138 by Senator Walsworth

AMENDMENT NO. 1

On page 3, line 29, after "R.S. 22:124" and before ":" insert "nor an insurer organized pursuant to R.S. 23:1393 et seq"

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

SENATE BILL NO. 139—

BY SENATORS RISER, ADLEY, DORSEY, DUPRE, ERDEY, GRAY EVANS, KOSTELKA, LONG, MARIONNEAUX AND MORRISH

AN ACT

To enact R.S. 47:302(R)(3), 321(H)(3), and 331(P)(4), relative to sales tax exemptions; to provide that the sales tax exemption for sales of meals furnished to the staff and students of educational institutions shall be applicable, operative, and effective; to provide for retroactivity; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 139 by Senator Risier

AMENDMENT NO. 1

On page 1, line 2, after "To" insert "amend and reenact R.S. 47:305(D)(2), and to"

AMENDMENT NO. 2

On page 1, line 3, after "staff" insert ", faculty,"

AMENDMENT NO. 3

On page 1, line 4, after "effective;" insert: "to provide for the exemption of the meal plans of certain educational institutions,"

AMENDMENT NO. 4

On page 1, line 7, after "Section 1." insert "R.S. 47:305(D)(2) is hereby amended and reenacted and"

AMENDMENT NO. 5

On page 1, line 14, after "staff" insert ", faculty,"

AMENDMENT NO. 6

On page 1, line 15, after "including" delete the remainder of the line, and insert: ", but not limited to kindergartens"

AMENDMENT NO. 7

On page 1, line 16, delete "the premises where purchased"

AMENDMENT NO. 8

On page 1, at the end of line 17, insert:

* * *

§305. Exclusions and exemptions from the tax

* * *

D. * * *

(2)(a) Sales of meals furnished as follows:

(i) To the staff, faculty, and students of educational institutions including, but not limited to kindergartens, if the meals are consumed on the premises where purchased, or if they are purchased in advance by students, faculty, or staff pursuant to a meal plan sponsored by the institution or organization or purchased in advance pursuant to any other payment arrangement sanctioned by the institution or organization and generally available to students, faculty, and staff of the institution or organization, regardless of where such meals are consumed;

(ii) To the staff and patients of hospitals;

(iii) To the staff, inmates, and patients of mental institutions;

and

(iv) To the boarders of rooming houses, and,

(v) Occasional meals furnished in connection with or by educational, religious, or medical organizations;

(b) The furnishing of such meals are exempt from the taxes imposed by this Chapter. Except as provided for in Item (i) of this Paragraph, if the meals are exempt if consumed on the premises where purchased; however, sales by any of the above in facilities open to outsiders or to the general public are not exempt from the taxes imposed by taxing authorities.

* * *

AMENDMENT NO. 9

On page 2, line 6, after "staff" insert ", faculty,"

AMENDMENT NO. 10

On page 2, line 7, after "including" delete the remainder of the line, and insert: ", but not limited to kindergartens"

AMENDMENT NO. 11

On page 2, line 8, delete "the premises where purchased"

AMENDMENT NO. 12

On page 2, line 16, after "staff" insert ", faculty,"

AMENDMENT NO. 13

On page 2, line 17, after "including" delete the remainder of the line, and insert: ", but not limited to kindergartens"

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AMENDMENT NO. 14

On page 2, line 18, delete "the premises where purchased"

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

SENATE BILL NO. 177—

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 22:14(B), 16, 18(A), 33(A)(introductory paragraph), 35(C), 72(B), 88(E), (I), and (O), 236.4(C) and (E), 255, 259, 264, 267(D), 310, 337(B), 369, 371, 389, 391, 457(C), 584(D)(1)(b), 588(A)(1), 590(B), 595, 613(A)(3), (C)(2), and (D)(3)(b), 614(A)(9) and (C)(2), 615(A)(5), 616(A)(3), 634(A)(3), (C)(2), and (D)(2), 635(A)(3), (7), and (9) and (C)(2), 636(A)(3) and (5), 637(A)(3), 638(introductory paragraph), 656(B), 661, 674(A)(3) and (B), 694(D)(1)(introductory paragraph), 709(A), (B), and (C), 731(D), 732(A) and (C), 821(G), 833(C)(3), 855(E)(1), 972(A) and (B), 974, 1071(C)(3)(d), 1141, 1143(A)(introductory paragraph) and (B)(introductory paragraph), 1211(B), 1451(E), 1453(A)(1), 1465(A)(3)(a), (B), and (C), 1466(A), (B), (D), and (E), 1469(A), 1470(B), 1471(C), 1529(A), 1546(B)(1)(d), 1547(G), 1549(G), 1550(G), 1554(B), (C), and (D), 1559(G), 1571(H), 1627(A)(introductory paragraph), 1671(C), 1672(B) and (C), 1699(B), 1700(C), (D), and (E), 1731(A)(introductory paragraph), 1793(C), 1837(A)(introductory paragraph) and (B)(introductory paragraph), 1860(A)(introductory paragraph) and (B)(introductory paragraph), 1968, 1969, 1970, 1995(B), 2060(B)(2), 2090(B), 2147(A)(2), 2191, 2193, 2194, 2198, 2204, 2205, 2206, 2208, 2242(C)(3), Article VIII(4)(a) of R.S. 22:2381, and R.S. 22:2401, to enact R.S. 22:33(D), 588(C), 694(D)(4), 709(E), 731(F), 833(D), 1143(D), 1211(C), 1453(D), 1471(E), 1472(C), 1529(C), 1549(K), 1550(K), 1837(C), 1860(C), 2060(C), and 2422(C), and to repeal R.S. 22:2192, 2196, and 2199 through 2203, relative to the Department of Insurance; to provide with respect to administrative hearings for that department held by the Division of Administrative Law; to provide for public hearings held by that department; to make certain technical changes; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 177 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 6, change "637(A)(3)," to "637(A)(introductory paragraph) and (A)(3),"

AMENDMENT NO. 2

On page 2, line 14, change "637(A)(3)," to "637(A)(introductory paragraph) and (A)(3),"

AMENDMENT NO. 3

On page 18, between lines 22 and 23, insert
" * * *

AMENDMENT NO. 4

On page 27, line 26, after "hearing" change the period "." to a comma ","

AMENDMENT NO. 5

On page 27, line 28, change "He" to "he"

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

SENATE BILL NO. 206—

BY SENATORS ADLEY, DORSEY, DUPRE, ERDEY, LONG, MARIONNEAUX AND RISER

AN ACT

To amend and reenact R.S. 47:305.59, relative to the sales and use tax of the state and its political subdivisions; to exempt the sale and use of certain construction materials sold to certain organizations; and to provide for related matters.

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

SENATE BILL NO. 225—

BY SENATORS MORRISH AND DUPRE AND REPRESENTATIVES BALDONE AND DOVE

AN ACT

To enact R.S. 49:213.4(A)(9), relative to Louisiana Coastal Protection, Conservation, Restoration and Management; to provide for certain powers and duties of the Coastal Protection and Restoration Authority; to authorize the authority to enter into certain agreements with parish governing authorities; to provide certain terms and conditions of the agreements; and to provide for related matters.

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

SENATE BILL NO. 318—

BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 22:2081, 2083 (B)(2)(d)(i), (C)(2)(b) and (c), and (D), 2084(8)(f) and (g), the introductory paragraph of R.S. 22:2086(A), (2), (3) and (6) and (D), 2087(G), (L), and (N)(5), 2088(C)(1), (D) and (E), 2090(D), 2092(A), 2093(C) and (E)(3) and (5), 2097, and 2098(A) and to enact R.S. 22:2083(B)(2)(h), 2084(8)(h), 2087(M)(4), (5), and (P), 2088(I) and (J) and 2089(C)(8) and (9), relative to the Louisiana Life and Health Insurance Guaranty Association Law; to provide for coverage limitations of the association; to provide for benefit limitations of the association; to provide for definitions; to provide for the membership of the board of directors; to provide for the powers and duties of the association; to provide for venue; to provide for assessments of member insurers; to provide for protests of assessments; to provide for the plan of operation of the association; to provide for premium tax liability offsets for assessments paid; to provide for a stay of proceedings against insolvent insurers; to provide for prohibited advertising; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 318 by Senator Quinn

AMENDMENT NO. 1

On page 1, line 5, change "22:2083(B)(2)(h)," to "22:2083(B)(2)(h) and (i),"

AMENDMENT NO. 2

On page 2, line 3, change "22:2083(B)(2)(h)," to "22:2083(B)(2)(h) and (i),"

AMENDMENT NO. 3

On page 2, line 8, after "Title" add a semicolon ";" and the following: "construction"

AMENDMENT NO. 4

On page 3, line 8, change "(vi)" to "(i)"

AMENDMENT NO. 5

On page 3, line 13, change "benefit" to "benefits"

AMENDMENT NO. 6

On page 4, line 16, between "commissioner" and the comma " ," insert the following: "subject to Senate confirmation"

AMENDMENT NO. 7

On page 4, line 18, between "may" and "be" insert "not"

AMENDMENT NO. 8

On page 7, line 20, delete "subaccount or"

AMENDMENT NO. 9

On page 7, line 27, change "protect" to "protest"

AMENDMENT NO. 10

On page 9, line 3, between "impaired" and the period "." insert the following: "or insolvent"

AMENDMENT NO. 11

On page 9, line 9, change "rehabilitation," to "rehabilitator,"

AMENDMENT NO. 12

On page 10, line 4, change "22:2037" to "22:2034"

AMENDMENT NO. 13

On page 10, lines 22 and 23, delete "jointly and"

AMENDMENT NO. 14

On page 10, lines 26 and 27, delete "jointly and"

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

Rules Suspended

Senator Martiny asked for and obtained a suspension of the rules to revert to the order of:

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Daniel R. Martiny, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

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To the President and Members of the Senate:

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

SENATE BILL NO. 4— BY SENATOR AMEDEE

AN ACT

To enact R.S. 15:255(M), relative to the special witness fee funds in each of the parishes in the Twenty-Third Judicial District; to provide for the transfer of surplus monies in those funds to the criminal court fund of that district court; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 82— BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 40:1472.1, the introductory paragraph of 1472.2(7), 1472.6(A), 1472.7(A), and 1472.12(A), and to enact R.S. 40:1472.3(L), 1472.4(B)(2), and 1472.5(I), relative to public health and safety; to provide with respect to the regulation of explosives; to provide for the purchase and storage of commercially manufactured black powder; to provide for use in antique devices; to provide exceptions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 116—

BY SENATORS MARTINY AND MORRELL AND REPRESENTATIVES CONNICK, LABRUZZO, LIGI, LOPINTO, TALBOT AND WILLMOTT

AN ACT

To amend and reenact R.S. 13:967(C)(1), (J) and (L) and to enact R.S. 13:967(M), relative to the Twenty-Fourth Judicial District; to provide for the establishment of an indigent transcript fund; to provide for court reporter fees; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 143—

BY SENATOR AMEDEE

AN ACT

To enact R.S. 9:2603.1, relative to electronic transactions; to provide for the authorization and utilization of electronic applications for warrants and for electronic signatures; to provide for the electronic approval of such applications; to provide for processing of warrant applications, approvals of applications and documented returns of completed warrants for the judicial branch of state government; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 188—

BY SENATORS ALARIO, APPEL, MARTINY AND MORRELL AND REPRESENTATIVES GIROD JACKSON, LABRUZZO AND TEMPLET

AN ACT

To amend and reenact R.S. 27:93(A)(4)(a), relative to the Louisiana Riverboat Economic Development and Gaming Control Act; to provide for the expenditure of riverboat gaming revenue in the parish of Jefferson; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 292—

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 4:185(A), relative to amusements and sports; to provide for certain investments of monies in the Horsemen's Bookkeeper Account; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 302—

BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 15:902.3(A) and 902.4(A), (B) and (D), relative to the Department of Corrections; to provide relative to juvenile placement; to provide relative to the conversion of Jetson Center for Youth; and to provide for related matters.

Reported with amendments.

Respectfully submitted, DANIEL R. MARTINY Chairman

May 5, 2009

Rules Suspended

Senator Thompson asked for and obtained a suspension of the rules to recommit a bill.

SENATE BILL NO. 175— BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 32:1253(A)(2), 1261(1)(a)(iv) and (v), and (q), and 1268; and to enact R.S. 32:1261(7), 1261.1, and 1261.2, relative to the distribution and sale of motor vehicles; to provide for the membership of the Louisiana Motor Vehicle Commission; to provide for unauthorized acts of a manufacturer, distributor, wholesaler, distributor branch, factory branch, or converter; to provide for acts of a motor vehicle dealer or specialty dealer; to provide for violations; to provide for indemnification of franchised dealers; to provide for payments to dealers; to provide for penalties; to provide for repurchase upon termination of a franchise; and to provide for related matters.

Senator Thompson moved to recommit the bill from the Committee on Transportation, Highways and Public Works to the Committee on Commerce, Consumer Protection, and International Affairs.

Without objection, so ordered.

Senate Concurrent Resolutions on Second Reading Reported by Committees

SENATE CONCURRENT RESOLUTION NO. 14— BY SENATORS DUPRE AND MCPHERSON AND REPRESENTATIVES DOVE AND HUTTER

A CONCURRENT RESOLUTION

To approve the annual Coastal Protection Plan for Fiscal Year 2009-2010, as adopted by the Coastal Protection and Restoration Authority.

Reported favorably by the Committee on Natural Resources.

On motion of Senator Dupre the resolution was recommitted to the Committee on Transportation, Highways and Public Works.

Rules Suspended

Senator Mount asked for and obtained a suspension of the rules to revert to the Morning Hour.

Introduction of Senate Concurrent Resolutions

Senator Murray asked for and obtained a suspension of the rules to introduce and read Senate Concurrent Resolutions a first and second time.

SENATE CONCURRENT RESOLUTION NO. 31— BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To commend and congratulate Pearl Cordier Dupart for her years of community service on the occasion of her eightieth birthday.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Yeas, Nays. Lists names of senators and their counts for YEAS and NAYS.

NAYS

Total - 0

ABSENT

Total - 0

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

ATTENDANCE ROLL CALL

PRESENT

Table with 3 columns: Mr. President, Present, Absent. Lists names of senators and their counts for PRESENT and ABSENT.

ABSENT

Total - 0

Adjournment

On motion of Senator Thompson, at 5:25 o'clock P.M. the Senate adjourned until Wednesday, May 6, 2009, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Wednesday, May 6, 2009.

GLENN A. KOEPP Secretary of the Senate

DIANE O' QUIN Journal Clerk