

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

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**SEVENTEENTH 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

Wednesday, May 27, 2009

The Senate was called to order at 1:40 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	Erdey	Murray
Appel	Gautreaux B	Nevers
Broome	Gautreaux N	Quinn
Cheek	Guillory	Riser
Claitor	Heitmeier	Shaw
Crowe	Kostelka	Thompson
Donahue	Marionneaux	Walsworth
Dorsey	Morrish	
Dupre	Mount	
Total - 25		

**ABSENT**

Adley	Hebert	McPherson
Alario	Jackson	Michot
Amedee	LaFleur	Morrell
Duplessis	Long	Smith
Gray Evans	Martiny	
Total - 14		

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

**Prayer**

The prayer was offered by Pastor Paul 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 Jackson, the reading of the Journal was dispensed with and the Journal of May 26, 2009, was adopted.

**Introduction of Senate Resolutions**

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

**SENATE RESOLUTION NO. 51—**  
BY SENATOR CHEEK

A RESOLUTION

To commend Sean Nathan for having been named a recipient of the 2009 Prudential Spirit of Community Award, as one of the top youth volunteers in Louisiana.

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

**Senate Resolutions on  
Second Reading**

**SENATE RESOLUTION NO. 47—**  
BY SENATOR GRAY EVANS

A RESOLUTION

To urge and request the Louisiana Student Financial Assistance Commission to study the feasibility of establishing a student loan repayment program for certain audiologists and speech-language pathologists who are employed in Louisiana's city, parish, and other local public schools.

On motion of Senator Gray Evans the resolution was read by title and adopted.

**SENATE RESOLUTION NO. 48—**  
BY SENATOR GRAY EVANS

A RESOLUTION

To urge and request the Louisiana Student Financial Assistance Commission to study the feasibility of establishing a student loan repayment program for certain school social workers who are employed in Louisiana's city, parish, and other local public schools.

On motion of Senator Gray Evans the resolution was read by title and adopted.

**Message from the House**

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

May 26, 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. 609—**  
BY REPRESENTATIVES ROSALIND JONES AND KATZ  
AN ACT

To enact Subpart D of Part IV of Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:2238.1 through 2238.8, relative to property adjudicated to the city of Monroe; to provide for the authorization of the city of Monroe to sell or transfer adjudicated property; to provide for notice to the owner and other interested parties; to provide for a deposit of monies sufficient to cover the expenses of the sale, advertisement, taxes due, and other costs associated with the sale; to provide for applicability; to provide for an effective date; 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 Mount 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. 609—**  
BY REPRESENTATIVES ROSALIND JONES AND KATZ  
AN ACT

To enact Subpart D of Part IV of Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:2238.1 through 2238.8, relative to property adjudicated to the city of Monroe; to provide for the authorization of the city of Monroe to sell or transfer adjudicated property; to provide for

May 27, 2009

notice to the owner and other interested parties; to provide for a deposit of monies sufficient to cover the expenses of the sale, advertisement, taxes due, and other costs associated with the sale; to provide for applicability; 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 Local and Municipal Affairs.

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 26, 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. 10—

BY REPRESENTATIVE ANDERS A CONCURRENT RESOLUTION

To urge and request that gun owners in the state of Louisiana utilize the resources available in the state which offer training on how to use and secure their firearms in a safe and responsible manner to reduce firearms accidents and to prevent unauthorized access to firearms.

HOUSE CONCURRENT RESOLUTION NO. 77—

BY REPRESENTATIVES BALDONE, ERNST, HARRISON, ROSALIND JONES, LEGER, MONICA, AND WHITE A CONCURRENT RESOLUTION

To urge and request the Judicial Council of the Supreme Court of Louisiana to study and make recommendations regarding uniform standards and licensing procedures for local juvenile detention facilities, and to report its findings and recommendations to the Louisiana Legislature prior to March 1, 2010.

HOUSE CONCURRENT RESOLUTION NO. 93—

BY REPRESENTATIVES PETERSON AND LEGER A CONCURRENT RESOLUTION

To create the Louisiana Climate Change Policy Commission; to provide for its membership; to provide for its powers, duties, functions, and responsibilities; and to provide for related matters.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 10—

BY REPRESENTATIVE ANDERS A CONCURRENT RESOLUTION

To urge and request that gun owners in the state of Louisiana utilize the resources available in the state which offer training on how to use and secure their firearms in a safe and responsible manner to reduce firearms accidents and to prevent unauthorized access to firearms.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists Mr. President, Amedee, Appel, Broome, Cheek, Claitor, Crowe, Donahue, Dorsey, Dupre, Erdey, Gautreaux B, Gray Evans, Guillory, Heitmeier, Jackson, Kostelka, LaFleur, Marionneaux, Martiny, McPherson, Michot, Morrish, Mount, Murray, Nevers, Quinn, Riser, Shaw, Thompson, Walsworth.

Total - 31

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists Adley, Alario, Duplessis, Gautreaux N, Hebert, Long, Morrell, Smith.

Total - 8

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

HOUSE CONCURRENT RESOLUTION NO. 77—

BY REPRESENTATIVES BALDONE, ERNST, HARRISON, ROSALIND JONES, LEGER, MONICA, AND WHITE A CONCURRENT RESOLUTION

To urge and request the Judicial Council of the Supreme Court of Louisiana to study and make recommendations regarding uniform standards and licensing procedures for local juvenile detention facilities, and to report its findings and recommendations to the Louisiana Legislature prior to March 1, 2010.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists Mr. President, Erdey, McPherson, Adley, Gautreaux B, Michot, Amedee, Gautreaux N, Morrish, Appel, Gray Evans, Mount, Broome, Guillory, Murray, Cheek, Heitmeier, Nevers, Claitor, Jackson, Quinn, Crowe, Kostelka, Riser, Donahue, LaFleur, Shaw, Dorsey, Marionneaux, Thompson, Dupre, Martiny, Walsworth.

Total - 33

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists Alario, Duplessis, Hebert, Long, Morrell, Smith.

Total - 6

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

**HOUSE CONCURRENT RESOLUTION NO. 93—**  
 BY REPRESENTATIVES PETERSON AND LEGER  
 A CONCURRENT RESOLUTION

To create the Louisiana Climate Change Policy Commission; to provide for its membership; to provide for its powers, duties, functions, and responsibilities; and to provide for related matters.

The resolution was read by title and referred by the President to the Committee on Natural Resources.

**House Concurrent Resolutions on  
 Second Reading**

**HOUSE CONCURRENT RESOLUTION NO. 139—**  
 BY REPRESENTATIVE TUCKER  
 A CONCURRENT RESOLUTION

To memorialize the United States Congress to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine.

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	Dupre	McPherson
Adley	Erdey	Michot
Alario	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Appel	Gray Evans	Murray
Broome	Guillory	Nevers
Cheek	Heitmeier	Quinn
Claitor	Jackson	Riser
Crowe	Kostelka	Shaw
Donahue	LaFleur	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Hebert	Morrell
Long	Smith
Total - 4	

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

**HOUSE CONCURRENT RESOLUTION NO. 141—**  
 BY REPRESENTATIVE PATRICIA SMITH  
 A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Health and Hospitals to develop a plan to provide technical assistance to health care providers on becoming a qualified Program of All-Inclusive Care for the Elderly provider.

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	McPherson
Adley	Gautreaux B	Michot

Alario	Gautreaux N	Morrish
Amedee	Gray Evans	Mount
Appel	Guillory	Murray
Broome	Heitmeier	Nevers
Cheek	Jackson	Quinn
Claitor	Kostelka	Riser
Donahue	LaFleur	Shaw
Dorsey	Marionneaux	Thompson
Dupre	Martiny	Walsworth
Total - 33		

**NAYS**

Total - 0

**ABSENT**

Crowe	Hebert	Morrell
Duplessis	Long	Smith
Total - 6		

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

**HOUSE CONCURRENT RESOLUTION NO. 148—**  
 BY REPRESENTATIVE BALDONE  
 A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to address the problem of hypoxia in the Gulf of Mexico.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	McPherson
Adley	Erdey	Michot
Alario	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Appel	Gray Evans	Murray
Broome	Guillory	Nevers
Cheek	Heitmeier	Quinn
Claitor	Jackson	Riser
Crowe	Kostelka	Shaw
Donahue	LaFleur	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	Martiny	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Hebert	Morrell
Long	Smith
Total - 4	

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

**HOUSE CONCURRENT RESOLUTION NO. 156—**  
 BY REPRESENTATIVE LAFONTA  
 A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office of public health, to study the feasibility of requiring retail establishments in low-income areas to provide clean, safe, and healthy shopping environments.

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

May 27, 2009

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Erdey	Michot
Alario	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Appel	Gray Evans	Murray
Broome	Guillory	Nevers
Cheek	Heitmeier	Quinn
Claitor	Jackson	Riser
Donahue	LaFleur	Shaw
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth

Total - 33

NAYS

Total - 0

ABSENT

Crowe	Kostelka	Morrell
Hebert	Long	Smith

Total - 6

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

Senator Amedee in the Chair

HOUSE CONCURRENT RESOLUTION NO. 161— BY REPRESENTATIVE BROSSETT

A CONCURRENT RESOLUTION

To urge and request the attorney general to develop a comprehensive, coordinated effort to combat gang activity in this state.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Hebert	Morrell
Long	Smith

Total - 4

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

ENVIRONMENTAL QUALITY

Senator Lee "Jody" Amedee, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 27, 2009

To the President and Members of the Senate:

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

HOUSE BILL NO. 539— BY REPRESENTATIVE GIROD JACKSON AN ACT

To repeal R.S. 30:2014(A)(3), relative to permits, licenses, registrations, variances, or compliance schedules granted by the Department of Environmental Quality; to repeal the prohibition on granting a permit, license, registration, variance, or compliance schedule to construct or modify certain facilities handling sulphur in a solid state.

Reported favorably.

Respectfully submitted, LEE "JODY" AMEDEE Chairman

REPORT OF COMMITTEE ON

JUDICIARY C

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

May 27, 2009

To the President and Members of the Senate:

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

SENATE BILL NO. 94— BY SENATORS DONAHUE, APPEL, CROWE, DUPLESSIS, MORRELL, SMITH AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, CHAMPAGNE, FOIL, LITTLE, MILLS, PERRY, ROBIDEAUX, SIMON, SMILEY, JANE SMITH AND THIBAUT AN ACT

To enact R.S. 14:81.2(F) and to amend and reenact R.S. 17:15(E), relative to molestation of a juvenile; to provide for the crime of molestation of a juvenile involving an educator; to provide for penalties; to provide for definitions; to provide for reporting of criminal history; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 249— BY SENATOR JACKSON AN ACT

To amend and reenact R.S. 14:202.1 (D) and (E), relative to increasing the penalties for home improvement fraud; and to provide for related matters.

Reported favorably.

Respectfully submitted, YVONNE DORSEY Chairman

**REPORT OF COMMITTEE ON  
JUDICIARY B**

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

May 27, 2009

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. 231—**  
BY SENATOR N. GAUTREAU  
AN ACT

To amend and reenact R.S. 4:214.1, relative to horse racing, to provide for a minimum number of live quarter horse racing dates; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 125—**  
BY REPRESENTATIVE RITCHIE  
AN ACT

To amend and reenact R.S. 33:1704.4, relative to the City Court of Bogalusa; to increase the fees the marshal is entitled to collect in civil matters; to provide for a contingent effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 136—**  
BY REPRESENTATIVE GUINN  
AN ACT

To enact R.S. 13:1000.7, relative to court costs in the Thirty-First Judicial District Court; to provide for additional court costs in criminal matters; to provide for use of the fund; to provide for a contingent effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 160—**  
BY REPRESENTATIVE DANAHAY  
AN ACT

To amend and reenact R.S. 33:441.15, relative to the mayor's court for the city of DeQuincy; to provide that the mayor may appoint one or more attorneys to preside as magistrate; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 296—**  
BY REPRESENTATIVE HAZEL  
AN ACT

To enact R.S. 33:1433(E), relative to deputy sheriffs; to provide for time limits for the oath of office; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 346—**  
BY REPRESENTATIVE POPE  
AN ACT

To amend and reenact R.S. 15:609(B)(1) and (C) and 610, relative to the method of collecting DNA samples from persons arrested for or convicted of certain offenses for inclusion in the state DNA database; to authorize DNA samples to be drawn or taken from those persons; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 359—**  
BY REPRESENTATIVES LOPINTO AND WOOTON  
AN ACT

To amend and reenact R.S. 16:516(A), relative to district attorneys; to provide for the payment of group health insurance premiums from the district attorney's general fund in the Twenty-Fifth and the Twenty-Third Judicial Districts; to establish criteria for eligibility; to provide for application; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
DANIEL R. MARTINY  
Chairman

**REPORT OF COMMITTEE ON  
REVENUE AND FISCAL AFFAIRS**

Senator Robert Adley, Vice Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 26, 2009

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

**SENATE BILL NO. 37—**  
BY SENATOR DONAHUE  
A JOINT RESOLUTION

Proposing to amend Article VII, Section 23(C) of the Constitution of Louisiana, relative to the levy of ad valorem property tax by taxing authorities; to limit taxing authorities' power to levy millages without voter approval; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

**SENATE BILL NO. 123—**  
BY SENATOR MICHOT  
AN ACT

To amend and reenact R.S. 47:6023, relative to income tax credits; to provide for a sound recording investor tax credit; to provide for certain definitions; to remove certain limitations of the sound recording investor tax credit; to provide for certification and payment of the tax credit; to require the display of the state brand or logo as a condition of receiving the credit; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 199—**  
BY SENATOR RISER  
AN ACT

To amend and reenact R.S. 47:6022(D), (I) and (J), relative to tax credits; to provide relative to the digital interactive media producer tax credit; to remove certain limitations for issuance of the tax credit; to provide for the amount of the tax credit for certain years; to provide for the refund of excess credits; and to provide for related matters.

Reported with amendments.

May 27, 2009

SENATE BILL NO. 245—  
BY SENATOR ADLEY

AN ACT

To amend and reenact the introductory paragraphs of R.S. 47:6007(C)(1)(b) and (c), and R.S. 47:6007(C)(1)(c)(i), and to repeal R.S. 47:6007(C)(1)(d), relative to tax credits; to increase the motion picture investor tax credit; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 277—

BY SENATORS DUPLESSIS, KOSTELKA, MARIONNEAUX, MICHOT, QUINN AND WALSWORTH AND REPRESENTATIVES ABRAMSON, ARNOLD, CORTEZ, DOWNS, LEGER, LIGI AND ROBIDEAUX

AN ACT

To amend and reenact R.S. 47:6022, relative to digital interactive media producer tax credit; to provide terms and conditions; to provide relative to qualifications, administration and procedures; to provide an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 287—

BY SENATORS MARTINY, ALARIO, APPEL, MORRELL AND QUINN AND REPRESENTATIVES LABRUZZO, TEMPLET AND TUCKER

AN ACT

To amend and reenact R.S. 47:6034(B)(4), (5), (6), (7), (8), (9), and (10) and to enact R.S. 47:6034(B)(11) and (C)(1)(e), relative to the musical and theatrical production income tax credit; to provide relative to certain definitions; to authorize a tax credit for limited state-certified musical or theatrical productions; to provide for the amount of the credit; to provide for a sunset of the issuance of such credit; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 342—

BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 47:6007(B)(3), (C)(2)(b)(i), and (D)(1)(b) and (2)(d)(i) and Section 3(C) of Act No. 456 of the 2007 Regular Session of the Legislature, relative to motion picture investor tax credits; to provide relative to the initial certification of certain state-certified infrastructure projects and submission of applications for certain state-certified infrastructure projects; to provide relative to requirements and limitations; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
ROBERT ADLEY  
Vice Chairman

Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees

SENATE BILL NO. 19—

BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 17:3048.1(H)(2) and to enact R.S. 17:3048.1(B)(5), relative to the Louisiana Taylor Opportunity Program for Students; to provide for the TOPS-Tech Plus Award; to provide relative to initial and continuing eligibility requirements; to provide relative to award applications; to provide for award amounts; to provide relative to the duration of award eligibility; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 19 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 15, between "the" and "award" change "2008-2009" to "2009-2010"

AMENDMENT NO. 2

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

**"(d) Beginning with the 2009-2010 award year and thereafter, the administering agency shall select up to one hundred students from among those qualifying to receive a TOPS-Tech Plus award in accordance with selection criteria based upon a student's final cumulative grade point average at the time of graduation with an associate degree. Additional criteria may be established by rule to resolve issues surrounding tie scores."**

AMENDMENT NO. 3

On page 2, at the beginning of line 16, change "(d)" to "(e)"

AMENDMENT NO. 4

On page 2, at the beginning of line 20, change "(e)" to "(f)"

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

SENATE BILL NO. 21—

BY SENATOR MARIONNEAUX

A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(D)(3) and to enact Article VII, Section 4(D)(4) of the Constitution of Louisiana, relative to the dedication of severance tax revenue; to increase the maximum amount of the proceeds from the tax collected on the severance of certain natural resources which is remitted to parish governing authorities; to require the deposit of a certain amount of the proceeds of severance taxes collected into certain funds and provide for the use of such funds; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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. 23—

BY SENATOR DORSEY

AN ACT

To amend and reenact R.S. 33:9097.1(F)(1) and (F)(3)(b), relative to neighborhood improvement districts; to provide relative to the Concord Estates Crime Prevention District; to increase the parcel fee; to extend the term of the imposition of the parcel fee; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Gray Evans, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 26—

BY SENATORS N. GAUTREAUX, ADLEY, ALARIO, CHEEK, DUPRE, HEBERT, KOSTELKA, LONG, MARIONNEAUX, MARTINY, MICHOT, MORRISH, MURRAY, RISER, SHAW, SMITH AND WALSWORTH AND REPRESENTATIVES JANE SMITH, BILLIOT, BURFORD, HENRY BURNS, CHAMPAGNE, ELLINGTON, GISCLAIR, GUINN, MONTOUCET AND SIMON

AN ACT

To enact R.S. 47:6035 and to repeal R.S. 47:38 and 287.757 and R.S. 51:2458(2), relative to individual income and corporate income tax credits; to increase the tax credit for the cost of qualified clean-burning motor vehicle fuel property; to increase the tax credit for the purchase of a motor vehicle with qualified clean-burning motor vehicle property installed by the vehicle's manufacturer; to provide relative to certain definitions; to

provide for the refund of the tax credit under certain circumstances; to authorize the promulgation of rules and regulations under certain circumstances; to authorize a qualified employer who receives a rebate in the Louisiana Quality Jobs Program to also claim the tax credit for the conversion of vehicles to alternative fuel usage; to provide for an effective date; 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. 26 by Senator N. Gautreaux

##### AMENDMENT NO. 1

On page 2, line 15, after "**installation**" insert "**by a technician**" and at the end of the line, delete "**by a**" and on line 16, delete "**technician**"

##### AMENDMENT NO. 2

On page 3, at the end of line 2, insert the following: "**However, such costs shall not include costs associated with exploration and development activities necessary for severing natural resources from the soil or ground.**"

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. 32— BY SENATOR CHAISSON

###### AN ACT

To amend and reenact R.S. 15:1098.7(D), relative to the authority of the governing authority of the parish of St. John the Baptist to expend an annual tax of one mill for a period of twenty years to fund the cost of housing juveniles; to permit the expenditure of such funds on hand and to be received for operation and maintenance cost and for construction and/or renovation of a facility to house the juvenile probation officers, judges, counselors, and other personnel associated with juvenile services; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 32 by Senator Chaisson

##### AMENDMENT NO. 1

On page 1, line 3, between "Baptist" and "to" insert a semi-colon ";"

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

##### SENATE BILL NO. 75— BY SENATOR MURRAY

###### AN ACT

To enact R.S. 33:108.1, relative to the physical development of parishes and municipalities, to provide for voter approval of any master plan which has the force of law in Orleans Parish; to provide that voter approval must be obtained prior to implementation of the master plan; to provide for a definition; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 75 by Senator Murray

##### AMENDMENT NO. 1

On page 1, at the end of line 2, change the comma "," to a semi-colon ";"

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

##### SENATE BILL NO. 76— BY SENATOR MICHOT

###### AN ACT

To amend and reenact R.S. 39:467(A)(1), relative to sales and use tax exemptions of the state and political subdivisions of the state; to provide for an exemption for certain property containing domed arena facilities within certain parishes; to provide for the extent of the exemption; 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. 76 by Senator Michot

##### AMENDMENT NO. 1

On page 1, line 3, delete "and political subdivisions of the state"

##### AMENDMENT NO. 2

On page 2, line 17, change "**or by any local taxing authority**" to "**of Louisiana**"

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. 92— BY SENATOR N. GAUTREAUX

###### AN ACT

To amend and reenact R.S. 47:6030(A), (B)(1) and (2), and (D)(1), relative to the wind or solar energy systems tax credit; to provide qualifications for the tax credit; to provide for the disclosure of such credit; to provide terms and conditions; to provide for applicable tax years; 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. 114— BY SENATOR NEVERS

###### AN ACT

To repeal R.S. 47:6033(B)(4), relative to tax credits; to repeal a requirement that the Workforce Development Commission provide the Department of Revenue a certain annual list; 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. 129— BY SENATOR DORSEY

###### AN ACT

To amend and reenact R.S. 17:3048.1(C)(2)(g) and (W), relative to the Taylor Opportunity Program for Students; to authorize the administering agency to promulgate rules to provide for the receipt and consideration of applications from students returning

from out-of-state colleges and universities under certain circumstances and conditions; and to provide for related matters.

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

**SENATE BILL NO. 134—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 38:2212(A)(1)(b)(ii)(aa) and (3)(c)(ii), relative to public contracts; to require that the bid form include evidence of compliance with the agency's disadvantaged business enterprise program; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 134 by Senator Murray

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 38:2212(A)(1)(b)(ii)(aa)" insert "and (bb)"

AMENDMENT NO. 2

On page 1, line 7, after "R.S. 38:2212(A)(1)(b)(ii)(aa)" insert "and (bb)"

AMENDMENT NO. 3

On page 2, between lines 11 and 12, insert the following:  
"(bb) Other documentation and information required shall be furnished by ~~the low bidder~~ **all bidders** at a later date **and time**, in accordance with the Bidding Documents."

AMENDMENT NO. 4

On page 2, line 23, after "furnished by" delete "the low bidder" and insert "**all bidders**"

AMENDMENT NO. 5

On page 2, line 24, after "date" insert "**and time**"

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

**SENATE BILL NO. 144—**  
BY SENATOR DUPLESSIS

AN ACT

To enact Chapter 30-B of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9100.31 through 9100.43, relative to New Orleans; to establish and provide for the membership, duties, powers, and functions of the Lower Ninth Ward Neighborhood Advisory Commission; and to provide for related matters.

Reported by substitute by the Committee on Local and Municipal Affairs. The bill was read by title; the committee substitute bill was read.

**SENATE BILL NO.— (Substitute of Senate Bill No. 144 by Senator Duplessis)**

BY SENATORS DUPLESSIS AND GRAY EVANS  
AN ACT

To enact R.S. 49:149.61, relative to New Orleans; to extend the existence of the Rev. Avery C. Alexander Memorial Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:149.61 is hereby enacted to read as follows:

**§149.61. Rev. Avery C. Alexander Plaza**

**A. The Rev. Avery C. Alexander Plaza shall be established on public lands bounded by Gravier Street, Lake Ponchartrain Expressway, Claiborne Avenue, and Simon Bolivar/Lovola Avenue.**

**B. A bust or likeness of Rev. Avery C. Alexander shall be erected within the boundaries of the designated location for the plaza.**

**C. There is hereby created the Rev. Avery C. Alexander Memorial Commission, hereinafter called "the commission." The commission shall consist of the following members:**

**(1) The chairman of the Senate Committee on Local and Municipal Affairs, or the chairman's designee who shall be a member of the Louisiana Senate.**

**(2) The chairman of the House Committee on Municipal, Parochial, and Cultural Affairs, or the chairman's designee who shall be a member of the Louisiana House of Representatives.**

**(3) The Louisiana state senator who represents the district where the plaza will be located.**

**(4) The Louisiana state representative who represents the district where the plaza will be located.**

**(5) A member of the Louisiana Senate appointed by the president of the Senate.**

**(6) A member of the Louisiana House of Representatives appointed by the speaker of the House of Representatives.**

**(7) The Southern Christian Leadership Conference (SCLC) shall recommend and appoint from among its membership one member.**

**(8) The mayor of New Orleans may appoint two members.**

**(9) The city councilman who represents the district where the plaza is located, or his designee.**

**(10) The governor may appoint two members.**

**(11) The Grassroots Organizations for Women (GROW) shall recommend and appoint from among its membership one member.**

**(12) The Board of Commissioners of the Louisiana Stadium and Exposition District shall appoint from among its membership one member.**

**D.(1) The commission shall determine the amount needed to fund the creation of the bust or likeness to be erected, the exact location where the bust or likeness shall be erected, the dedication of the bust, and all other decisions relative to the provisions of this Section.**

**(2) The chairman of the Senate Committee on Local and Municipal Affairs shall serve as chair. The Senate Committee on Local and Municipal Affairs shall aid and assist the commission in all staffing duties, including notifying all members of meeting information, recording minutes, etc. At the first meeting of the commission, the members shall elect a vice chairman, secretary, and any other officers needed.**

**(3) No member of the commission, with the exception of legislative members, shall receive compensation for services rendered in his capacity as a member of the commission.**

**(4) Legislative members of the commission shall receive the same per diem and travel allowance for attending meetings of the commission or any meeting thereof as is normally provided for members of the legislature.**

**(5) The commission may directly or indirectly receive donations and grants from individuals, corporations, private foundations, and local, state, and federal governmental agencies, entities, or subdivisions in order to further the provisions of this Section.**

**(6) The commission shall choose a financial institution in which to establish a trust fund for the receiving of all monies and the disbursement of funds.**

**(7) The commission shall expire December 31, 2012.**

On motion of Senator Gray Evans, the committee substitute bill was adopted and becomes Senate Bill No. 349 by Senator Duplessis, substitute for Senate Bill No. 144 by Senator Duplessis.



**SENATE BILL NO. 349—** (Substitute of Senate Bill No. 144 by  
**Senator Duplessis**)  
 BY SENATORS DUPLESSIS AND GRAY EVANS  
 AN ACT

To enact R.S. 49:149.61, relative to New Orleans; to extend the existence of the Rev. Avery C. Alexander Memorial Commission; and to provide for related matters.

The bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 147—**  
 BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 47:6019(A)(3)(b)(i)(aa), relative to the tax credit for the rehabilitation of historic structures; to increase the number of allowable transfer; to provide for an effective date; 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. 147 by Senator Murray

**AMENDMENT NO. 1**

On page 1, line 3, change "transfer" to "transfers"

**AMENDMENT NO. 2**

On page 1, delete lines 11 through 13, and insert:

"(b)(i)(aa) Persons who are awarded tax credits ~~in excess of their tax liabilities for a given year~~ may elect to sell their unused tax credits to taxpayers with a Louisiana tax liability **one or more individuals or entities**. The tax credits may ~~only be sold twice be transferred or sold by a taxpayer or any subsequent transferee an unlimited number of times.~~"

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. 149—**  
 BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 47:2244, relative to redemptions; to provide for actual costs incurred by a political subdivision; to provide for the imposition of a fee for preparation of redemption certificates; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Gray Evans, the bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 162—**  
 BY SENATOR MARIONNEAUX

AN ACT

To provide for the continuation of parishwide economic development districts; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Gray Evans, the bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 163—**  
 BY SENATORS MARIONNEAUX AND CHEEK

AN ACT

To amend and reenact R.S. 47:297.10(A), 297.11, and 297.12, relative to individual income tax deductions for certain elementary and secondary school payments; to limit the deduction; to authorize a deduction for payments not made to a school; 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. 163 by Senator Marionneaux

**AMENDMENT NO. 1**

On page 2, delete line 22

**AMENDMENT NO. 2**

On page 2, line 23, change "(2)" to "(1)"

**AMENDMENT NO. 3**

On page 2, line 25, change "(3)" to "(2)"

**AMENDMENT NO. 4**

On page 2, line 27, change "(4)" to "(3)"

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. 167—**  
 BY SENATOR GRAY EVANS

AN ACT

To amend and reenact R.S. 49:220.5(A)(2), relative to the Louisiana Recovery Authority; to provide relative to housing for victims of disasters; to require funding for emergency rental assistance; to provide for effective date; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 167 by Senator Gray Evans

**AMENDMENT NO. 1**

On page 1, line 2, after "49:220.5(A)(2)" and before the comma "," insert "and to enact R.S. 49:220.8"

**AMENDMENT NO. 2**

On page 1, delete line 4, and insert in lieu thereof "emergency rental assistance; to provide for priorities; to provide for an effective date; and to provide for related"

**AMENDMENT NO. 3**

On page 1, line 7, after "reenacted" and before "to read" insert "and R.S. 49:220.8 is hereby enacted"

**AMENDMENT NO. 4**

On page 1, delete line 17, and on page 2, delete lines 1 through 7 in their entirety and insert in lieu thereof the following:

**"(b) Not less than five million dollars of Community Development Block Grant disaster funding, Social Service Block Grant funding, or other available federal and state resources shall be allocated for emergency rental assistance. For purposes of this Paragraph, an "Emergency Rental Assistance Program" shall be a program which provides rental assistance to families expiring out of FEMA's temporary housing programs or HUD's Disaster Housing Program and whose income is less than eighty percent of the area median income and who are not receiving permanent housing vouchers or other permanent affordable housing assistance."**

**AMENDMENT NO. 5**

On page 2, between lines 8 and 9, insert the following:

**"§220.8. Emergency Rental Assistance**

**A. As provided in R.S. 29:220.5(A)(2), the authority shall allocate funding for emergency rental assistance programs. Such programs shall prioritize funding for households that participated in Hurricanes Katrina or Rita temporary housing assistance programs such as HUD's Disaster Housing Assistance Program or FEMA's temporary housing program and continue to be in need and do not qualify for housing choice voucher**

program assistance or other programs established to address the housing needs of transitioning households.

B. After the needs of households identified in Subsection A of this Section are addressed and subject to funding, the authority shall allocate any remaining resources in the following order:

(1) Households participating in Hurricanes Gustav or Ike temporary housing assistance programs.

(2) Households in need who either did not qualify or did not participate in temporary housing assistance programs of Hurricanes Katrina, Rita, Gustav, or Ike.

C. The authority or any other agency of the state designated to coordinate disaster recovery programs shall partner with the Department of Social Services and other relevant state agencies for the implementation of emergency rental assistance programs."

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

**SENATE BILL NO. 194—**

BY SENATORS BROOME, DORSEY AND GRAY EVANS  
AN ACT

To enact R.S. 47:6035, relative to tax credits; to provide a credit against the corporate income tax and the corporation franchise tax for employers who allow parental involvement in schools during working hours; to provide for an effective date; 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. 221—**

BY SENATORS BROOME AND DORSEY  
AN ACT

To amend and reenact R.S. 47:2323(C) and to enact R.S. 47:2323(D) and 6035, relative to ad valorem taxation; to provide relative to valuation of property for ad valorem property tax purposes; to provide relative to exemption from state taxes; to establish a state housing tax credit program; to provide with respect to rules and regulations; to provide for an effective date; 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. 221 by Senator Broome

AMENDMENT NO. 1

On page 3, line 3, change "on the issuance of" to "upon application for"

AMENDMENT NO. 2

On page 3, line 5, after "governor" insert "and the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means"

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. 223—**

BY SENATORS CLAITOR, APPEL, CROWE, KOSTELKA, LONG, MICHOT, SMITH AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, TIM BURNS, CHAMPAGNE, CONNICK, CORTEZ, DOVE, FOIL, LITTLE, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, PATRICIA SMITH AND THIBAUT  
AN ACT

To amend and reenact R.S. 17:416(A)(1)(c)(i), (ii), and (vi) and (3)(e), relative to the discipline of pupils; to provide relative to circumstances under which pupils may be removed from the classroom; to require principals to provide parental notification

and guidance to teachers when a pupil is removed from the classroom; to authorize school boards to adopt policies relative to parental attendance at certain intervention sessions and consequences for parents who fail to comply; to require that certain students be assigned and required to complete missed school work under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Education.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 223 by Senator Claitor

AMENDMENT NO. 1

On page 1, line 2, between "(3)(e)," and "relative" insert "and to enact R.S. 17:252(C),"

AMENDMENT NO. 2

On page 1, at the beginning of line 5, delete "and guidance to teachers"

AMENDMENT NO. 3

On page 1, line 5, between "classroom;" and "to" insert "to allow principals to provide feedback and guidance to teachers;"

AMENDMENT NO. 4

On page 1, line 12, between "reenacted" and "to" insert "and R.S. 17:252(C) is hereby enacted"

AMENDMENT NO. 5

On page 1, between lines 12 and 13, insert the following:  
"§252. School master plans for supporting student behavior and discipline

\* \* \*  
C. The model master plan for improving behavior and discipline within the schools and the school master plans required of city, parish, and other local public school boards by this Section shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons in accordance with the provisions of R.S. 17:416.  
\* \* \*

AMENDMENT NO. 6

On page 2, line 10, between "receive" and "credit" insert "either partial or full"

AMENDMENT NO. 7

On page 2, line 11, between "designee" and the period "." insert ", upon the recommendation of the pupil's teacher"

AMENDMENT NO. 8

On page 2, line 24, between "designee" and "provide" change "shall" to "may"

AMENDMENT NO. 9

On page 2, delete line 25 and insert "to teachers initiating the removal of pupils from the classroom. The"

AMENDMENT NO. 10

On page 2, line 26, between "designee" and "provide" change "shall" to "may" and between "such" and "guidance" change "teacher" to "teachers"

AMENDMENT NO. 11

On page 3, at the end of line 14, delete "state-issued"

AMENDMENT NO. 12

On page 3, line 15, between "license" and "by" insert "issued"

AMENDMENT NO. 13

On page 3, line 21, between "receive" and "credit" insert "either partial or full"

AMENDMENT NO. 14

On page 3, line 22, between "designee" and the period "." insert " upon the recommendation of the pupil's teacher."

AMENDMENT NO. 15

On page 3, line 23, between "days" and "or" insert a comma ","

AMENDMENT NO. 16

On page 3, line 24, between "site" and "shall" insert a comma ","

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

**SENATE BILL NO. 229—**

BY SENATOR GRAY EVANS

AN ACT

To amend and reenact R.S. 32:403, the introductory paragraph of 412.1(A), 413(B), and 40:1321(C); to enact R.S. 32:412(J), 412.1(D), and 429(C), relative to motor vehicles; to provide an exemption for the payment of fees and handling charges for state issued driver's licenses and identification cards to children who are in the care, custody, or guardianship of the office of community services; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. On motion of Senator McPherson, the bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 256—**

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 25:799(D)(2)(b), and to enact R.S. 25:799(I), (J), and (K), relative to the French Quarter-Marigny Historic Area Management District; to provide relative to powers; to authorize the levying of taxes and parcel fees; to provide for a budget; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 256 by Senator Murray

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 25:799(D)(2)(b)" and before the comma "," insert "and (F)"

AMENDMENT NO. 2

On page 1, line 8, after "R.S. 25:799(D)(2)(b)" delete "is" and insert "and (F) are"

AMENDMENT NO. 3

On page 2, between lines 1 and 2 insert the following:

F. Funding. The board may apply for, contract for, receive, and expend for its purposes any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source. **However, the board shall use the proceeds of a tax or parcel fee authorized by Subsection (I) solely for the purposes described in that Subsection.**

AMENDMENT NO. 4

On page 2, delete lines 3 through 29 in their entirety and on page 3, delete lines 1 through 24 in their entirety and insert in lieu thereof:

**"I. Taxing authority. (1) The governing authority of the city of New Orleans is hereby authorized to levy and collect annually a special ad valorem tax or parcel fee described in this Subsection on each parcel located in the district subject to and in accordance with the provisions of this Subsection.**

**(2) The amount of the annual tax or parcel fee shall be as follows, based on the classification of the parcel:**

**(a) For each Tier One Parcel, a flat parcel fee of one hundred eighty five dollars per year.**

**(b) For each Tier Two Parcel, a flat parcel fee of three hundred ninety five dollars per year.**

**(c) For each Tier Three Parcel, an ad valorem tax in the amount of two and one-half mills per year on the assessed value of the parcel for 2009.**

**(3) The parcels that shall be classified as Tier Three Parcels and the amount of the annual tax assessed against a Tier Three Parcel are fixed based on the assessed value of that parcel in 2009 and shall not increase or decrease with an increase or decrease in the assessed value of the parcel.**

**(4) The amount of the tax or parcel fee for each parcel classification shall be fixed and shall not change prior to the expiration of the term of this tax or parcel fee.**

**(5) The following defined terms are used in this Subsection:**  
**(a) The term "parcel" means a tract of land in the district, including all buildings and improvements thereon, excluding any property that is exempt in full from ad valorem taxation.**

**(b) The term "Tier One Parcel" means a parcel that is used solely for residential purposes as either a single family dwelling or a multiple family dwelling with no more than four residential units. If any unit or portion of the parcel is used for commercial or any other non-residential purpose, the entire parcel shall not be a Tier One Parcel and instead shall be classified as either a Tier Two Parcel or a Tier Three Parcel. Except for a time share unit, which is classified as provided in this Subsection, a parcel that is used in whole or in part for short term rentals of less than sixty days at a time shall not be a Tier One Parcel and instead shall be classified as either a Tier Two Parcel or a Tier Three Parcel.**

**(c) The term "Tier Two Parcel" means a parcel that does not qualify as a Tier One Parcel and for which the amount of ad valorem taxes payable with respect to that parcel for 2009 was less than \$50,000.**

**(d) The term "Tier Three Parcel" means a parcel that does not qualify as a Tier One Parcel and for which the amount of ad valorem taxes payable for 2009 was equal to or exceeded \$50,000.**

**(6) Each condominium parcel as defined in R.S. 9:1121.103 shall be a separate parcel for purposes of this Subsection, and, pursuant to R.S. 9:1121.105, the tax or parcel fee authorized by this Subsection shall be assessed against each individual condominium parcel. However condominium property consisting exclusively of parking spaces shall be deemed to be a single parcel and the tax or parcel fee authorized by this Subsection shall be assessed against the entire condominium property as a single entity and shall be payable by the condominium association.**

**(7) Each time share unit as defined in R.S. 9:1131.2 (and not each use period) shall be classified as a separate parcel for purposes of this Subsection, and, pursuant to R.S. 9:1131.9, the tax or parcel fee authorized by this Subsection shall be assessed against the timeshare property as a single entity unless the timeshare property is subject to the Louisiana Condominium Act, R.S. 9:1121.101 et seq., in which case the tax or parcel fee shall be assessed as provided in R.S. 9:1121.105.**

**(8) No tax or parcel fee shall be imposed under this Subsection upon any parcel whose owner qualifies under the Louisiana Special Assessment Level pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana.**

**(9) The proceeds of the tax and parcel fee shall be used solely and exclusively for the following purposes:**

- (a) Public safety, security, and crime prevention.**
- (b) Hiring an executive director.**
- (c) Reasonable operating and administrative expenses of the district.**

**(10) (a) The tax or parcel fee shall be levied and collected only after the question of its imposition has been submitted to and approved by a majority of registered voters of the district voting on the question at an election to be conducted in accordance with the Louisiana Election Code on a date selected by the board.**

**(b) The authority to levy the tax or parcel fee shall expire after the levy of the tax or parcel fee for 2014.**

(c) The tax or parcel fee authorized by this Subsection may be renewed for an additional term not to exceed five years only after both of the following have occurred:

(i) The renewal is authorized by additional legislation.

(ii) The question of renewal is submitted to and approved by a majority of registered voters of the district voting on the question at an election to be conducted in accordance with the Louisiana Election Code on a date selected by the board.

(11) The tax or parcel fee shall be collected in the same manner and at the same time as ad valorem taxes on property subject to taxation by the city are levied and collected.

(12) Any tax or parcel fee which is unpaid shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

(13) The proceeds of the tax or parcel fee shall be paid over to the Board of Liquidation, City Debt, day-by-day as the same are collected and received by the appropriate officials of the city of New Orleans and maintained in a separate account. The proceeds shall be paid out by the Board of Liquidation, City Debt, solely for the purposes provided in this Subsection upon warrants or drafts on the Board of Liquidation, City Debt, by the appropriate officials of the city and the treasurer of the district.

(14) It is the purpose and intent of this Subsection that any services provided by the district shall be for the enhancement of public safety, security and crime prevention in the district and shall be supplemental to, and not in lieu of, personnel, police, and other services provided in the district by the city of New Orleans and its agencies and departments.

(15) If the district ceases to exist, the authority for the levy and collection of the tax or parcel fee provided by this Subsection shall immediately cease and all remaining unspent funds of the district, if any, shall be transmitted by the board to the city of New Orleans and such funds shall be maintained in a separate account by the city and shall be used only for enhancement of public safety, security, and crime prevention in the district.

J. Budget. (1) The board of commissioners shall adopt an annual budget in accordance with the Local Government Budget Act, R.S. 39:1301.

(2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

(3) The board shall endeavor to deploy its resources funded by the tax or parcel proceeds authorized by Subsection (I) between the areas of the district above and below the center line of Esplanade Avenue in a manner that is generally proportionate with the tax collections received by the board from these two portions of the district.

K. Miscellaneous. (1) To the extent not prohibited by applicable law, the district may:

(a) Defend and indemnify a board member against claims and liabilities arising out of the performance of his or her duties for the district as may be provided in the bylaws adopted by the district.

(b) Procure insurance against the claims and liabilities or may pay for them as an operating expense of the district out of the funds of the district obtained from any source.

2) A person who serves as a member of the board of the district shall not be individually liable for any act or omission to the extent and as provided in R.S. 9:2792.4 or any other provision of law."

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

**SENATE BILL NO. 268—**

BY SENATOR DONAHUE AND REPRESENTATIVE TUCKER  
AN ACT

To amend and reenact R.S. 47:337.64 and 1512, relative to tax collection; to provide for alternative remedies for dealers; to provide for the collector to employ private counsel; to provide for prevailing party attorneys' fees and expenses of litigation; 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. 268 by Senator Donahue

**AMENDMENT NO. 1**

On page 1, line 4, delete "prevailing party"

**AMENDMENT NO. 2**

On page 2, line 13, after "**equal to**" insert "**one hundred twenty-five percent of**"

**AMENDMENT NO. 3**

On page 3, line 10, change "**(d)**" to "**D.**"

**AMENDMENT NO. 4**

On page 3, line 15, delete "**prevailing party**"

**AMENDMENT NO. 5**

On page 3, line 17, change "Sub-title" to "**Title**"

**AMENDMENT NO. 6**

On page 3, line 18, after "under this" delete the remainder of the line, and delete lines 19 through 29, and insert: "**Title.** If any taxes, penalties or interest due under this title are referred to an attorney at law for collection of a delinquent account after the assessment has become final, an additional charge for attorney fees, in the amount of ten ~~per centum~~ percent (10%) of the taxes, penalties and interest due, shall be paid by the tax debtor taxpayer.

**B. The private counsel employed by the collector in accordance with this Section may be paid reasonable attorney fees and reasonable expenses out of current collections of the particular tax at issue. The reasonable attorney fees and reasonable expenses paid by the collector shall not exceed ten percent (10%) of the taxes, penalties, and interest recovered by the collector."**

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. 285—**

BY SENATORS NEVERS, APPEL, DONAHUE, DORSEY, DUPLESSIS AND LONG

**AN ACT**

To enact Chapter 25-A of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3161 through 3169, relative to educational institutions and programs; to provide for a comprehensive system of articulation and transfer of credit between and among public secondary and postsecondary educational institutions; to provide for the creation of a statewide articulation and transfer council and its membership, powers, and duties; to provide for a statewide articulation agreement; to provide for a common core curriculum; to provide relative to the length of degree programs; to provide for the transfer of specified courses and associate degrees; to provide relative to admission of transfer students to four-year colleges and universities; to provide for a statewide course numbering system; to provide relative to course levels and designations; to provide relative to accreditation of educational institutions; to provide for voluntary participation of certain independent colleges and universities; to provide relative to a comprehensive student information system; to provide for implementation timelines; to provide for reporting requirements; to provide for program rules; and to provide for related matters.

Reported with amendments by the Committee on Education.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 285 by Senator Nevers

AMENDMENT NO. 1

On page 2, at the beginning of line 20, change "higher" to "postsecondary"

AMENDMENT NO. 2

On page 2, at the end of line 23, insert "All council recommendations and decisions shall be submitted to the commissioner of higher education for presentation to the Board of Regents for approval."

AMENDMENT NO. 3

On page 2, line 26, after "nonpublic education" and before the period "." insert ", provided any eligible nonpublic postsecondary educational institution elects to participate"

AMENDMENT NO. 4

On page 3, line 1, between "shall" and the colon ":" insert ", with appropriate faculty consultation"

AMENDMENT NO. 5

On page 3, line 5, between "(2)" and "interinstitutional" change "Develop guidelines for" to "Monitor the development of"

AMENDMENT NO. 6

On page 3, line 19, between "comparability" and "to" delete "and" and insert a comma ","

AMENDMENT NO. 7

On page 3, line 20, between "areas" and the period "." insert ", and as otherwise deemed necessary to carry out the council's duties and responsibilities"

AMENDMENT NO. 8

On page 3, line 24, change "such as" to "including, but not limited to,"

AMENDMENT NO. 9

On page 3, between lines 25 and 26, insert the following:  
 "(8) Develop policies to align articulation and transfer policies established by educational institutions including, but not limited to, admissions criteria, student guidance and counseling, and grade forgiveness.

(9) Provide for end-of-course testing, if necessary and appropriate, for any course the council has approved as eligible for transfer to a postsecondary educational institution.

AMENDMENT NO. 10

On page 3, at the beginning of line 26, change "(8)" to "(10)"

AMENDMENT NO. 11

On page 3, line 28, between "articulation" and "policies" insert "and transfer"

AMENDMENT NO. 12

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

AMENDMENT NO. 13

On page 4, between lines 13 and 14, insert the following:  
 "(12) Ensure that all articulation and transfer policies and practices approved by the council are compliant with the rules and regulations established by all appropriate institutional accrediting agencies as recognized by the United States Department of Education."

AMENDMENT NO. 14

On page 4, at the beginning of line 14, change "(10)" to "(13)"

AMENDMENT NO. 15

On page 4, at the beginning of line 17, change "(11)" to "(14)"

AMENDMENT NO. 16

On page 4, line 27, after "every" delete the remainder of the line

AMENDMENT NO. 17

On page 4, line 28, between "college" and "shall" insert "awarded an associate of arts or an associate of science degree approved by the council for transfer to a four-year postsecondary educational institution"

AMENDMENT NO. 18

On page 5, line 2, between "university" and the comma "," insert ", in accordance with each institution's general transfer admission requirements,"

AMENDMENT NO. 19

On page 5, line 5, after "that" delete the remainder of the line

AMENDMENT NO. 20

On page 5, line 6, between "graduates" and "who" insert "awarded an associate of arts or an associate of science degree approved by the council for transfer and"

AMENDMENT NO. 21

On page 5, line 9, after "that" delete the remainder of the line

AMENDMENT NO. 22

On page 5, line 10, between "graduates" and "shall" insert "awarded an associate of arts or an associate of science degree approved by the council for transfer"

AMENDMENT NO. 23

On page 5, delete lines 24 and 25, at the beginning of line 26 delete "Education," and insert the following:

"A.(1) In accordance with council policy, the Board of Regents"

AMENDMENT NO. 24

On page 6, line 2, between "(2)" and "The" insert "(a)"

AMENDMENT NO. 25

On page 6, between lines 6 and 7, insert the following:  
 "(b) The development and implementation of the statewide course numbering system shall be prioritized as follows:

(i) All courses required for completion of associate of arts and associate of science degree programs approved by the council for transfer to four-year educational institutions. Common course numbers shall first be developed and assigned to the required general education courses, and then for the specified common course prerequisites.

(ii) All lower division courses.

(iii) All undergraduate courses."

AMENDMENT NO. 26

On page 6, line 26, between "D." and "The" insert "(1)" and between "shall" and "that" change "ensure" to "provide"

AMENDMENT NO. 27

On page 6, line 27, between "are" and "the" change "generated in courses for which" to "appropriately evaluated to ensure that"

AMENDMENT NO. 28

On page 6, after line 29, insert the following:  
 "(2) The award of credit by receiving institutions may be limited to courses that are entered in the statewide course numbering system."

AMENDMENT NO. 29

On page 7, line 4, between "E." and "Every" insert "(1)"

AMENDMENT NO. 30

On page 7, between lines 6 and 7, insert the following:  
 "(2) Each educational institution that awards associate of arts or associate of science degrees approved by the council for transfer to a four-year postsecondary educational institution and

each four-year postsecondary educational institution that admits graduates of such associate degree programs shall be appropriately accredited by the Southern Association of Colleges and Schools - Commission on Colleges."

AMENDMENT NO. 31

On page 7, delete line 12, and insert the following:

"A. The Board of Regents, in collaboration with the postsecondary education management boards and institutions, shall:

(1) Identify the degree programs offered by"

AMENDMENT NO. 32

On page 7, at the beginning of line 16, change "B." to "(2)"

AMENDMENT NO. 33

On page 7, at the beginning of line 20, change "C." to "(3)"

AMENDMENT NO. 34

On page 7, line 21, between "and" and "identify" insert "appropriately"

AMENDMENT NO. 35

On page 7, at the beginning of line 24, change "D.(1)" to "(4)(a)"

AMENDMENT NO. 36

On page 7, at the beginning of line 29, change "(2)" to "(b)"

AMENDMENT NO. 37

On page 8, at the beginning of line 4, change "E." to "B."

AMENDMENT NO. 38

On page 8, at the beginning of line 10, change "F." to "C."

AMENDMENT NO. 39

On page 8, line 11, between "programs" and "shall" insert "approved by the council for transfer to four-year postsecondary educational institutions"

AMENDMENT NO. 40

On page 8, at the beginning of line 12, change "G." to "D."

AMENDMENT NO. 41

On page 8, line 12, after "shall" change "determine and establish a standard" to "monitor and regulate the"

AMENDMENT NO. 42

On page 8, line 14, between "to" and "associate" change "earn" to "complete"

AMENDMENT NO. 43

On page 8, line 15, between "programs" and "for" insert "approved by the council" and at the end of the line change "college or university" to "postsecondary educational institution"

AMENDMENT NO. 44

On page 8, line 20, change "thirty-six" to "thirty-nine"

AMENDMENT NO. 45

On page 8, line 21, between "coursework" and the period "." insert "and twenty-one hours of coursework that constitute prerequisites for a baccalaureate degree"

AMENDMENT NO. 46

On page 8, at the beginning of line 22, change "H." to "E."

AMENDMENT NO. 47

On page 9, delete lines 21 through 24 and insert the following:

"D. All public postsecondary educational institutions shall be prepared to and shall implement the full articulation and transfer of associate of arts and associate of science degrees approved by the council for transfer to a four-year postsecondary educational institution by the beginning of the 2010-2011 academic year.

E.(1) The highest priority implementation category for the statewide course numbering system, relative to the transfer of approved associate degrees, shall be completed not later than the beginning of the 2010-2011 academic year.

(2) All remaining lower division and undergraduate courses shall then be evaluated and incorporated into the system as provided in this Chapter and the statewide course numbering system shall be completed and fully implemented not later than the end of the 2011-2012 academic year."

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

SENATE BILL NO. 304—

BY SENATOR HEBERT AND REPRESENTATIVES BARRAS, CHAMPAGNE, SAM JONES, MILLS, MONTOUCET AND PERRY  
AN ACT

To increase the representation of local elected officials on policy boards and other committees of metropolitan planning organizations; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 304 by Senator Hebert

AMENDMENT NO. 1

On page 1, lines 2 and 3, change "increase the representation of local elected officials on policy boards and other committees of" to "provide for the membership of the transportation policy committee of certain"

AMENDMENT NO. 2

On page 1, on line 6, after "Section 1." delete the remainder of the line, delete lines 7 through 10 and insert the following:

"(A) Membership on the transportation policy committee for the metropolitan planning organization (MPO) for any metropolitan area shall include voting members from each municipality or unincorporated portion of a parish within the metropolitan area. The membership of the metropolitan planning organization shall be as proportionate as possible to provide equal representation.

(B) "Metropolitan area," as used in this Section, means any metropolitan area which encompasses a parish with a consolidated form of home rule charter government and with a population between one hundred fifty thousand and four hundred thousand persons, based on the latest federal decennial census."

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

SENATE BILL NO. 309—

BY SENATORS GRAY EVANS AND DORSEY  
AN ACT

To enact R.S. 17:17.5, relative to physical fitness; to provide for physical fitness assessments in schools; to provide for a pilot program for the conduct of such assessments; to provide for legislative intent; to provide for program participants; to provide relative to the results from such assessments; to provide for reports; to provide for rules and guidelines; to provide for funding; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 309 by Senator Gray Evans

AMENDMENT NO. 1

On page 1, line 3, after "schools;" delete the remainder of the line and insert "to provide for continuation of a program conducting fitness assessments; to provide a plan for statewide implementation of such"

AMENDMENT NO. 2

On page 1, line 10, before "program" change "pilot" to "statewide expansion"

AMENDMENT NO. 3

On page 1, at the end of line 11, before "framework" change "the" to "a"

AMENDMENT NO. 4

On page 1, delete lines 12 through 16, and insert "to collect data to assess the status of an expansion program, based upon a pilot program conducted in twelve parishes, that will utilize a health-related fitness assessment instrument to determine the fitness levels of students as a means to impact childhood obesity in Louisiana whereby positive"

AMENDMENT NO. 5

On page 1, line 17, after "results" insert "can be"

AMENDMENT NO. 6

On page 2, line 1, after "legislature" delete ", from the" and insert "that"

AMENDMENT NO. 7

On page 2, line 2, after "assessment" delete the comma "," and insert "can be used"

AMENDMENT NO. 8

On page 2, line 3, change "all sixty-four parishes" to "each city, parish, and other local public school system"

AMENDMENT NO. 9

On page 2, line 4, after "reinforcement" delete ", which is" and after "vital to" insert "improved health and wellness, academics, and"

AMENDMENT NO. 10

On page 2, line 5, between "parents" and "and" insert a comma "," and after "It is" change "further" to "also"

AMENDMENT NO. 11

On page 2, delete line 6, and insert "the expansion program to focus on school systems with high levels"

AMENDMENT NO. 12

On page 2, line 7, after "based" change "on" to "upon"

AMENDMENT NO. 13

On page 2, line 9, after "program" delete "consists" and insert ", specified in Subparagraph (1)(a) of this Subsection, consist"

AMENDMENT NO. 14

On page 2, line 15, before "Department of Health" insert "the"

AMENDMENT NO. 15

On page 2, delete lines 16, 17, and 18 and insert "Cecil J. Picard Center for Child Development and Lifelong Learning at the University of Louisiana at Lafayette. The twelve pilot programs are conducted through the Cecil J. Picard Center, in"

AMENDMENT NO. 16

On page 2, at the end of line 20, after "University." insert "As funding is identified from existing budgets, foundations, or other sources, the implementation of the program provided for in this Paragraph shall be expanded to additional school systems."

AMENDMENT NO. 17

On page 2, delete line 21 and on line 22 delete "Child Development," and insert "B. For purposes of the expansion program, the Cecil J. Picard Center."

AMENDMENT NO. 18

On page 2, line 24, after "instrument" insert "used"

AMENDMENT NO. 19

On page 2, line 29, between "endurance" and "and" insert a comma ","

AMENDMENT NO. 20

On page 3, line 1, after "student's" delete "age" and insert "race, age."

AMENDMENT NO. 21

On page 3, line 4, after "aggregated" delete the remainder of the line and insert "longitudinally from pre-kindergarten to the twelfth grade and include"

AMENDMENT NO. 22

On page 3, line 5, after "category" delete "identified"

AMENDMENT NO. 23

On page 3, delete lines 11 and 12 and insert:

"D.(1) Not later than September 1 of each year, the Department of Education, in collaboration with the Cecil J. Picard Center, shall provide an annual report concerning the implementation of the physical fitness assessment to the State Board of Elementary and Secondary"

AMENDMENT NO. 24

On page 3, line 13, between "Hospitals," and "and" insert "the Governor's Council on Physical Fitness and Sports,"

AMENDMENT NO. 25

On page 3, line 14, after "referred to as" insert "the"

AMENDMENT NO. 26

On page 3, at the end of line 16, delete "University of"

AMENDMENT NO. 27

On page 3, at the beginning of line 17, delete "Louisiana at Lafayette" and at the end of the line, after "findings" delete "of the"

AMENDMENT NO. 28

On page 3, line 18, delete "analysis of the assessment results" and insert in lieu thereof "from an analysis of the plan development and implementation results of the assessment"

AMENDMENT NO. 29

On page 3, line 21, between "Hospitals," and "and the" insert "the Governor's Council on Physical Fitness and Sports,"

AMENDMENT NO. 30

On page 3, line 23, between "Council" and "shall" insert ", in consultation with the Department of Education, the Department of Health and Hospitals, the Governor's Council on Physical Fitness and Sports, and the Cecil J. Picard Center,"

AMENDMENT NO. 31

On page 3, line 27, after "Paragraph." insert "The plan to expand these assessments and develop interventions shall be provided not later than December thirty-first of each year and shall consist of a period of not more than five years for implementation."

AMENDMENT NO. 32

On page 4, between lines 1 and 2, insert as follows:

"F. No physical fitness assessment conducted pursuant to this Section shall interfere with nor replace any effort, purpose, assessment, or program implemented by the Governor's Council on Physical Fitness and Sports, including but not limited to the President's Challenge and the elementary fitness meet."

AMENDMENT NO. 33

On page 4, at the beginning of line 2, change "F." to "G."

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

SENATE BILL NO. 313—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 32:661(A)(2)(b) and 681(C), and R.S. 33:1562(B) and 1563(B)(3) and to enact R.S. 32:154, relative to the Open Roads Law; to prohibit coroners and their designees from attending certain accident scenes; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 313 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line, delete lines 3 and 4, and insert "enact R.S. 32:154, relative to the Open Roads Law; to provide relative to motor vehicle fatalities; and to provide"

AMENDMENT NO. 2

On page 1, line 7, after "Section 1." delete the remainder of the line

AMENDMENT NO. 3

On page 1, delete lines 9 through 13 and insert:

**§154. Removal of bodies**

**Notwithstanding any other law to the contrary, particularly but not limited to R.S. 33:1562(B) or 1563(B)(3) when a death occurs in a moving conveyance the body of the deceased person shall not be disturbed or removed from the position in which it is found by any person without authorization from the coroner, or his designee, except the investigating law enforcement agency may disturb or remove the body in order to obtain the identification of the deceased, preserve the body from loss or destruction, or maintain the flow of traffic on a highway or railroad.**

AMENDMENT NO. 4

On page 1, delete lines 14 through 17, delete pages 2 and 3, and on page 4, delete lines 1 and 2

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

SENATE BILL NO. 335—

BY SENATORS JACKSON AND BROOME

AN ACT

To amend and reenact R.S. 47:293(3), relative to the individual income tax; to provide for a deduction for excess federal itemized personal deductions; to modify the state deduction for federal income tax paid; to provide for the effectiveness of such deduction; 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. 335 by Senator Jackson

AMENDMENT NO. 1

On page 1, at the end of line 3 and beginning of line 4, delete "to modify the state deduction for federal income tax paid;"

AMENDMENT NO. 2

On page 1, line 16, after "filed" insert ":

AMENDMENT NO. 3

On page 2, at the beginning of line 2, change "for" to "(a) For" and after "2008" delete the remainder of the line and insert "**2009, 2010 and 2011.**"

AMENDMENT NO. 4

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

"(e)(b) For all tax years beginning on and after January 1, ~~2009~~ **2012**, one hundred percent of such excess federal itemized personal deductions."

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.

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 19—

BY REPRESENTATIVE GISCLAIR AND SENATOR DUPRE

AN ACT

To amend and reenact R.S. 34:1651(F), relative to the Greater Lafourche Port Commission; to increase the per diem amount for commission members; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 74—

BY REPRESENTATIVE WADDELL

AN ACT

To amend and reenact R.S. 48:1671(C)(1), relative to the Southern Rapid Rail Transit Commission; to change the name of the commission; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 133—

BY REPRESENTATIVE ROY

AN ACT

To authorize and provide for the lease and sublease of certain state property in Rapides Parish; to authorize Community Receiving Home of Rapides Parish to sublease, for a period not to exceed fifty years, all or part of certain land leased to it pursuant to Act No. 443 of the 1972 Regular Session of the Legislature; to provide for supplementing Act No. 107 of the 1988 Regular Session of the Legislature; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 158—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 38:3097.3(C)(9), relative to drought relief wells; to provide for the powers and duties of the commissioner of conservation; to provide for temporary agricultural use; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 355—

BY REPRESENTATIVE WADDELL

AN ACT

To amend and reenact R.S. 32:408(B)(2)(a)(ii), relative to Class "A" commercial driver's licenses; to provide a tractor-trailer



combination gross vehicle weight rating; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 442—**  
BY REPRESENTATIVE SMILEY

AN ACT

To amend and reenact R.S. 49:308.3(D), to enact R.S. 32:402.3, and to repeal R.S. 17:282, relative to the Motorcycle Safety, Awareness, and Operator Training Program; to transfer administration of the Motorcycle Safety, Awareness, and Operator Training Program to the Department of Public Safety and Corrections; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 442 by Representative Smiley

**AMENDMENT NO. 1**

On page 1, at the end of line 15, after "R.S. 32:401(18)" insert "and the word "deputy secretary" shall mean the deputy secretary of the Department of Public Safety and Corrections"

**AMENDMENT NO. 2**

On page 2, lines 14, 18, and 20, change "commissioner" to "deputy secretary"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 490—**  
BY REPRESENTATIVE PETERSON AND SENATOR GRAY EVANS  
AN ACT

To amend and reenact R.S. 47:463.103, relative to motor vehicle prestige license plates; to provide for the Louisiana Delta Sigma Theta Sorority, Inc., prestige license plate; to provide for the issuance; to provide for the color and design; to provide relative to the fees; to provide for the use of such fees; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 512—**  
BY REPRESENTATIVE GUINN

AN ACT

To enact R.S. 40:1846(I) and (J), relative to the authority of the Liquefied Petroleum Gas Commission; to provide for rules and regulations during a governor's declared emergency or disaster; to provide for the promulgation of rules and regulations; to provide for exceptions to certain rules and regulations and standards; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 522—**  
BY REPRESENTATIVES BOBBY BADON, ARMES, AUBERT, BILLIOT, HENRY BURNS, DIXON, GISCLAIR, GUINN, HOWARD, SAM JONES, MONTOUCKET, AND POPE

AN ACT

To enact R.S. 47:463.139, relative to motor vehicle special prestige license plates; to provide for the creation and issuance of such plates; to provide for the design of such plates; to provide relative to the fee and application of the fee for such plates; to

authorize the promulgation of rules and regulations; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Engrossed House Bill No. 522 by Representative Bobby Badon

**AMENDMENT NO. 1**

On page 1, line 2, after "47:463.139" insert "and 463.140"

**AMENDMENT NO. 2**

On page 1, line 7, delete "is" and insert "and "463.140 are"

**AMENDMENT NO. 3**

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

"§463.140. Special prestige license plate; Masonic Lodge

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate for the Masonic Lodge when the department has received a minimum of one thousand applications for such plate. The license plate shall be restricted for passenger cars, motorcycles, pickup trucks, vans, and recreational vehicles.

B. The prestige license plate shall be issued upon application to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

C. The charge for this special license plate shall be the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana and a handling fee of three dollars and fifty cents which shall be retained by the department to offset administrative costs associated with such plate.

D. The secretary shall promulgate rules and regulations as are necessary to implement the provisions of this Section."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 575—**  
BY REPRESENTATIVE GISCLAIR  
AN ACT

To amend and reenact R.S. 48:2078(B) and (C), relative to the state-designated projects undertaken by the Louisiana Transportation Authority; to remove the requirement that the Louisiana Transportation Authority reimburse the Department of Transportation and Development for certain projects' costs expended by the department; to remove the requirement that the department serve as the agent for a project; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 854—**  
BY REPRESENTATIVE HILL  
AN ACT

To designate Louisiana Highway 26 from Mittie, Louisiana, to the intersection of Highway 377 as the Cecil B. Tramel Memorial Highway; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

**Mr. President in the Chair**

May 27, 2009

Senate Concurrent Resolutions Returned from the House of Representatives with Amendments

SENATE CONCURRENT RESOLUTION NO. 75— BY SENATORS ADLEY AND THOMPSON AND REPRESENTATIVE HENRY BURNS

A CONCURRENT RESOLUTION

To authorize and direct the Department of Economic Development, with the assistance of the Louisiana Automobile Dealers Association, to take any and all necessary steps and actions to have General Motors and Chrysler to meet with each of their Louisiana dealerships which have been or will be advised of closure in order to permit the dealership to provide information regarding their continued operation and to extend any deadline which may have been set for such closure.

The resolution was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Doerge to Original Senate Concurrent Resolution No. 75 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, change "authorize and direct" to "urge and request"

AMENDMENT NO. 2

On page 3, line 17, change "authorize and direct" to "urge and request"

Senator Adley moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre McPherson
Adley Erdey Michot
Alario Gautreaux N Morrish
Appel Gray Evans Mount
Broome Guillory Murray
Cheek Hebert Nevers
Claitor Heitmeier Quinn
Crowe Jackson Riser
Donahue LaFleur Shaw
Dorsey Marionneaux Thompson
Duplessis Martiny Walsworth
Total - 33

NAYS

Total - 0

ABSENT

Amedee Kostelka Morrell
Gautreaux B Long Smith
Total - 6

The Chair declared the amendments proposed by the House were concurred in. Senator Adley moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 254— BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:35.3(A) and (B)(2), relative to the crime of domestic abuse battery; to provide for definitions; and to provide for related matters.

Floor Amendments Sent Up

Senator Long sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Long to Engrossed Senate Bill No. 254 by Senator Murray

AMENDMENT NO. 1

On page 1, line 13, after "person" insert "of the opposite sex"

On motion of Senator Long, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre McPherson
Adley Gautreaux B Morrish
Alario Gray Evans Mount
Appel Guillory Murray
Broome Heitmeier Nevers
Claitor Jackson Quinn
Crowe Kostelka Riser
Donahue LaFleur Smith
Dorsey Long Thompson
Duplessis Martiny
Total - 29

NAYS

Amedee Gautreaux N Morrell
Cheek Hebert Shaw
Erdey Michot Walsworth
Total - 9

ABSENT

Marionneaux
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 273— BY SENATOR MARTINY

AN ACT

To enact R.S. 27:306(C)(5), relative to the Video Draw Poker Devices Control Law; to provide relative to the requirements for qualified truck stop facilities; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 273 by Senator Martiny

AMENDMENT NO. 1

On page 2, line 5, following "**designate**" and before "**certain**" delete "**to**"

On motion of Senator Marionneaux, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Martiny sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 273 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 10, change "**previously applied for or**" to "**the license was previously applied for or the truck stop facility was**"

On motion of Senator Martiny, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Amedee sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Amedee to Engrossed Senate Bill No. 273 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 3, after "relative to" delete the remainder of the line and insert "licenses for truck stop facilities; to provide for an effective date; and to provide"

AMENDMENT NO. 2

On page 1, line 10, after "**facility**" delete the remainder of the line, delete lines 11 through 17, and insert: "**to operate video draw poker devices within two thousand five hundred feet of any residence, unless such facility was licensed before the residence was occupied.**"

AMENDMENT NO. 3

On page 2, delete lines 1 through 6

AMENDMENT NO. 4

On page 2, after line 7, add:  
"Section 2. The provisions of this Act shall become effective on July 1, 2009."

Senator Amedee moved adoption of the amendments.

Senator Martiny objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Amedee	LaFleur	Nevers
Duplessis	Long	Quinn

Erdey  
Gautreaux N  
Gray Evans  
Hebert  
Total - 18

Marionneaux  
McPherson  
Michot  
Morrell

Riser  
Shaw  
Smith  
Walsworth

NAYS

Mr. President  
Adley  
Alario  
Appel  
Broome  
Cheek  
Total - 16

Claitor  
Donahue  
Dupre  
Gautreaux B  
Kostelka  
Martiny

Morrish  
Mount  
Murray  
Thompson

ABSENT

Crowe  
Dorsey  
Total - 5

Guillory  
Heitmeier

Jackson

The Chair declared the amendments were adopted.

**Notice Regarding Vote**

Senator Broome stated she had voted in error on the amendment by Senator Amedee to Senate Bill No. 273. She voted nay on the amendment and had intended to vote yea. She asked that the Official Journal so state.

**Floor Amendments Sent Up**

Senator Walsworth sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Walsworth to Engrossed Senate Bill No. 273 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 9 after "**(5)**" insert "**(a)**"

AMENDMENT NO. 2

In Senate Floor Amendments proposed by Senator Amedee and adopted by the Senate on May 27, 2009, in Amendment No. 2, line 8, at the beginning of the line and after "the" and 6 before "was occupied" change "**residence**" to "**residential property**" and on page 1, at the 7 beginning of line 13, insert "**residential property or**"

AMENDMENT NO. 3

On page 2, between lines 6 and 7 insert:

**"(b) "Residential property" shall mean any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Residential property shall include a mobile home or manufactured housing, provided that it shall have been in its present location for at least sixty days."**

AMENDMENT NO. 4

In Senate Floor Amendments proposed by Senator Amedee and adopted by the Senate on May 27, 2009, delete Amendment No. 4 and on page 2, after line 7, insert:

"Section 2. This Act shall become effective on June 1, 2010; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 1, 2010, or on the day following such approval by the legislature, whichever is later."

On motion of Senator Walsworth, the amendments were adopted.

May 27, 2009

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 273 by Senator Martiny

**AMENDMENT NO. 1**

On page 1, line 1, delete "enact R.S. 27:306(C)(5)" and insert "repeal Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950, comprised of R.S. 27:301 through 326"

**AMENDMENT NO. 2**

On page 1, at the end of line 1 and beginning of line 2, delete "to provide relative to the requirements for qualified truck stop facilities;"

**AMENDMENT NO. 3**

On page 1, line 6, delete "R.S. 27:306(C)(5) is hereby enacted to read as follows:" and insert "Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950, comprised of R.S. 27:301 through 326, is hereby repealed."

**AMENDMENT NO. 4**

On page 1, delete lines 7 through 17 in their entirety

**AMENDMENT NO. 5**

On page 2, delete lines 1 through 7 in their entirety

Senator Marionneaux moved adoption of the amendments.

Senator Martiny objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Amedee	Long	Quinn
Broome	Marionneaux	Riser
Donahue	McPherson	Shaw
Erdey	Michot	Smith
Gautreaux N	Morrell	Thompson
Hebert	Nevers	Walsworth
Total - 18		

**NAYS**

Mr. President	Dorsey	Heitmeier
Adley	Duplessis	Jackson
Alario	Dupre	Martiny
Appel	Gautreaux B	Morrish
Cheek	Gray Evans	Mount
Claitor	Guillory	Murray
Total - 18		

**ABSENT**

Crowe	Kostelka	LaFleur
Total - 3		

The Chair declared the amendments were rejected.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Gautreaux B	Morrell
Adley	Gray Evans	Morrish
Alario	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Cheek	Jackson	Riser
Crowe	Kostelka	Shaw
Dorsey	Long	Smith
Duplessis	Martiny	Thompson
Erdey	Michot	Walsworth
Total - 30		

**NAYS**

Amedee	Dupre	Quinn
Claitor	Marionneaux	
Donahue	McPherson	
Total - 7		

**ABSENT**

Gautreaux N	LaFleur
Total - 2	

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Martiny moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 5—**

BY SENATORS RISER, N. GAUTREAUX, CROWE, DUPLESSIS, ERDEY, HEBERT, KOSTELKA, LAFLEUR, MORRISH, NEVERS AND WALSWORTH

**A JOINT RESOLUTION**

Proposing to amend Article III, Sections 2 (A)(3)(a) and (4)(a) and 19 of the Constitution of Louisiana, relative to the legislature; to provide for the convening of the legislature for annual regular sessions; to provide for the effective date of legislation enacted at such sessions; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

**SENATE BILL NO. 67—**

BY SENATORS MCPHERSON, DUPRE, N. GAUTREAUX, HEITMEIER, LONG, RISER AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, DIXON, HINES, LEGER, PEARSON, RICHARD AND ROY

**A JOINT RESOLUTION**

Proposing to amend Article IV, Section 4 and to add Article III, Section 4(G), Article IV, Section 21(F) of the Constitution of Louisiana, relative to state elected officials; to provide for the implementation of any salary increase enacted by law for certain state elected officials; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 67 by Senator McPherson

**AMENDMENT NO. 1**

On page 1, lines 2 and 10, following "Section 4(G)" and before "Article IV" change "," to "and"

On motion of Senator Marionneaux, the amendments were adopted.

**Senator Smith in the Chair**

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

**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	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Heitmeier	Quinn
Claitor	Jackson	Riser
Crowe	Kostelka	Shaw
Donahue	LaFleur	Smith
Dorsey	Long	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

**NAYS**

Total - 0

**ABSENT**

Marionneaux  
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 107—  
BY SENATOR CHEEK**

**AN ACT**

To enact Chapter 10 of Title 29 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 29:781 through 792, and to repeal R.S. 29:735.2(A), relative to emergency volunteer health practitioners; to provide for definitions; to provide for the regulation of health services during a declared emergency; to provide for volunteer health practitioner registration systems; to provide for administrative sanctions; to provide for a limitation of liability for volunteer health practitioners; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 107 by Senator Cheek

**AMENDMENT NO. 1**

On page 6, line 12, following "**National**" and before "**Data Bank**" change "**Practitioners**" to "**Practitioner**"

**AMENDMENT NO. 2**

On page 6, line 23, following "**Paragraphs**" and before "**, (3), and**" change "**C(2)**" to "**(C)(2)**"

On motion of Senator Marionneaux, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Cheek sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cheek to Engrossed Senate Bill No. 107 by Senator Cheek

**AMENDMENT NO. 1**

On page 5, line 15, after "**effect**," delete the remainder of the line

**AMENDMENT NO. 2**

On page 5, line 16, before "**the Department**" delete "**Homeland Security and Emergency Preparedness or**"

**AMENDMENT NO. 3**

On page 5, line 29, after "**with**" delete the remainder of the line

**AMENDMENT NO. 4**

On page 6, line 1, before "**the Department**" delete "**Homeland Security and Emergency Preparedness or**"

**AMENDMENT NO. 5**

On page 7, line 22, after "**by**" delete the remainder of the line

**AMENDMENT NO. 6**

On page 7, line 23, before "**the Department**" delete "**Emergency Preparedness or**"

**AMENDMENT NO. 7**

On page 9, line 10, after "**C**," delete the remainder of the line and insert "**The**"

**AMENDMENT NO. 8**

On page 9, line 11, before "**Department**" delete "**Preparedness, the**"

**AMENDMENT NO. 9**

On page 12, line 17, after "**The**" delete the remainder of the line

**AMENDMENT NO. 10**

On page 12, line 18, before "**Department**" delete "**Preparedness or the**"

**AMENDMENT NO. 11**

On page 12, line 20, after "**so**," delete the remainder of the line

**AMENDMENT NO. 12**

On page 12, line 21, before "**the Department**" delete "**of Homeland Security and Emergency Preparedness or**"

On motion of Senator Cheek, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	McPherson
Adley	Gautreaux B	Michot
Alario	Gautreaux N	Morrell

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Amedee	Gray Evans	Morrish
Appel	Guillory	Mount
Broome	Hebert	Murray
Cheek	Heitmeier	Nevers
Claitor	Jackson	Quinn
Crowe	Kostelka	Riser
Donahue	LaFleur	Shaw
Dorsey	Long	Smith
Duplessis	Marionneaux	Thompson
Dupre	Martiny	Walsworth

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Cheek moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 261—**  
BY SENATORS DONAHUE AND THOMPSON  
AN ACT

To enact Part II of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:101 through 109, relative to streamlining state government; to create the Commission on Streamlining Government and provide for the membership, powers, duties, and functions of the commission; to provide a procedure for the submission, consideration, approval, and implementation of recommendations of the Commission on Streamlining Government; to provide for staff support and finances for the commission; to provide for cooperation with and support for the commission; to provide for the applicability of other laws; to provide for termination; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Murray sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 261 by Senator Donahue

AMENDMENT NO. 1

On page 6, line 17, at the beginning of the line change "**shall**" to "**may**"

AMENDMENT NO. 2

On page 6, line 18, after "commission." insert the following: "**The commission may submit a written request to the president of the Senate, the speaker of the House of Representatives, the legislative fiscal officer, the legislative auditor, or the commissioner of administration, for specific support and assistance to be provided by the staffs of their respective agencies.**"

On motion of Senator Murray, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 38

NAYS

Total - 0

ABSENT

Adley  
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Donahue moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 1—**  
BY SENATORS CHAISSON, ALARIO, BROOME, CHEEK, DONAHUE, N. GAUTREAUX, JACKSON, LAFLEUR, MICHOT, MURRAY, SMITH, THOMPSON AND WALSWORTH

**A JOINT RESOLUTION**

Proposing to amend Article VII, Section 10(F)(2)(a) and (b) of the Constitution of Louisiana, relative to the expenditure of state funds; to authorize the limited redirection and transfer of funds supporting appropriations or allocations from the state general fund and dedicated funds, including those constitutionally protected or mandated, to be used for other nonmandatory purposes under certain circumstances; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Adley sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 1 by Senator Chaisson

AMENDMENT NO. 1

On page 2, line 18, after "deficit." insert "**Any adjustments pursuant to this Subsubparagraph in excess of five percent shall not be effective unless approved by the legislature by a favorable vote of a majority of the elected members of each house. Such approval shall be by mail ballot, as provided by law, if the adjustments are made while the legislature is not in session.**"

AMENDMENT NO. 2

On page 3, line 9, after "year." insert "**Any adjustments pursuant to this Subsubparagraph in excess of five percent shall not be effective unless approved by the legislature by a favorable vote of a majority of the elected members of each house. Such approval shall be by mail ballot, as provided by law, if the adjustments are made while the legislature is not in session.**"

On motion of Senator Adley, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 39

**NAYS**

Total - 0

**ABSENT**

Total - 0

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 2—**

BY SENATORS CHAISSON, ALARIO, BROOME, CHEEK, DONAHUE, N. GAUTREAUX, JACKSON, LAFLEUR, MICHOT, MURRAY, SMITH, THOMPSON AND WALSWORTH

**AN ACT**

To repeal R.S. 39:75(F), relative to the avoidance of budget deficits; to repeal the limitation on the cumulative percentage reduction in constitutionally or statutorily protected or mandated appropriations, allocations, or expenditures; and to provide for an effective date.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 39

**NAYS**

Total - 0

**ABSENT**

Total - 0

The Chair declared the bill was passed and sent to the House. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 34—**

BY SENATORS CHAISSON, ALARIO, BROOME, CHEEK, DONAHUE, N. GAUTREAUX, JACKSON, LAFLEUR, MICHOT, MORRELL, MURRAY, SMITH, THOMPSON AND WALSWORTH

**AN ACT**

To amend and reenact R.S. 39:75(C)(2)(b), (E)(1) and (2), to enact R.S. 39:75(E)(5), and to repeal R.S. 39:75(F), relative to the expenditure of state funds; to authorize the limited redirection and transfer of funds supporting appropriations or allocations from the state general fund and dedicated funds, including those constitutionally protected or mandated, to be used for other nonmandatory purposes under certain circumstances; to define the official forecast of recurring revenues for the current fiscal year for purposes of the budget estimate for the next fiscal year; to repeal the limitation on the cumulative percentage reduction in constitutionally or statutorily protected or mandated appropriations, allocations, or expenditures; to provide for effective dates; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 34 by Senator Chaisson

AMENDMENT NO. 1

On page 3, line 18, following "if" delete "and when"

On motion of Senator Marionneaux, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Adley sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 34 by Senator Chaisson

AMENDMENT NO. 1

On page 3, between lines 15 and 16, insert the following:

**"(6) Any adjustments pursuant to this Subsection in excess of five percent shall not be effective unless approved by the legislature by a favorable vote of a majority of the elected members of each house. Such approval shall be by mail ballot, as provided by the provisions of this Chapter, if the adjustments are made while the legislature is not in session."**

On motion of Senator Adley, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrell
Alario	Gautreaux N	Morrish
Amedee	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers

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Cheek	Jackson	Quinn
Claitor	Kostelka	Riser
Crowe	LaFleur	Shaw
Donahue	Long	Smith
Dorsey	Marionneau	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Gray Evans  
Total - 1

The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Mr. President in the Chair**

**Rules Suspended**

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

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

May 27, 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. 79—  
BY SENATOR MURRAY**

**A CONCURRENT RESOLUTION**

To commend the North Rampart Community Center upon the occasion of its one hundredth anniversary.

Reported without amendments.

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

**Introduction of Senate Resolutions**

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

**SENATE RESOLUTION NO. 52—  
BY SENATOR MARIONNEAU**

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Private First Class Bryan M. Thomas upon his death in combat in Iraq.

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

**SENATE RESOLUTION NO. 53—  
BY SENATOR MARIONNEAU**

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family and loved ones of United States Marine Corps Staff Sergeant Daniel Dupre upon his death

in a ground combat mission in support of Operation Iraqi Freedom.

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

**SENATE RESOLUTION NO. 54—  
BY SENATOR MARIONNEAU**

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of Patriot Guard Rider Michael D. Bares upon his death in the line of duty in support of the United States Armed Forces while rendering military honors to a fallen Louisiana soldier.

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

**SENATE RESOLUTION NO. 55—  
BY SENATOR MARIONNEAU**

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant Jonnie L. Stiles upon his death in Operation Enduring Freedom.

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

**SENATE RESOLUTION NO. 56—  
BY SENATOR MARIONNEAU**

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Private First Class Jason R. Watson upon his death in combat in Operation Enduring Freedom.

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

**SENATE RESOLUTION NO. 57—  
BY SENATOR MARIONNEAU**

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant First Class David R. Hurst upon his death in combat operations in Iraq.

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

**SENATE RESOLUTION NO. 58—  
BY SENATORS JACKSON, CHAISSON, BROOME AND MICHOT**

**A RESOLUTION**

To declare the Senate's intent that any general fund revenues that would be retained in the official forecast for Fiscal Year 2009-2010 as a result of the passage of Senate Bill No. 335 of the 2009 Regular Session of the Louisiana Legislature shall be used to reduce the budget reductions to public higher education contained in House Bill No. 1 of the 2009 Regular Session of the Louisiana Legislature.

The resolution was read by title and referred by the President to the Committee on Finance.

**Senator Broome in the Chair**

**Introduction of  
Senate Concurrent Resolutions**

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



**SENATE CONCURRENT RESOLUTION NO. 80—**  
 BY SENATOR SHAW AND REPRESENTATIVE CARMODY  
 A CONCURRENT RESOLUTION

To commend Dr. Kenneth L. Schwab, president of Centenary College of Louisiana, upon his retirement.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	McPherson
Adley	Gautreaux B	Michot
Alario	Gautreaux N	Morrell
Amedee	Gray Evans	Morrish
Appel	Guillory	Mount
Broome	Hebert	Murray
Cheek	Heitmeier	Nevers
Claitor	Jackson	Quinn
Crowe	Kostelka	Riser
Donahue	LaFleur	Shaw
Dorsey	Long	Smith
Duplessis	Marionneaux	Thompson
Dupre	Martiny	Walsworth
Total - 39		

**NAYS**

Total - 0

**ABSENT**

Total - 0

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

**SENATE CONCURRENT RESOLUTION NO. 81—**  
 BY SENATORS CHAISSON, BROOME, MICHOT AND JACKSON  
 A CONCURRENT RESOLUTION

To authorize the Revenue Estimating Conference to incorporate certain monies available for appropriation from the Budget Stabilization Fund into the official forecast for Fiscal Year 2009-2010.

The resolution was read by title and referred by the President to the Committee on Finance.

**Privilege Report of the Committee on  
 Senate and Governmental Affairs**

**ENROLLMENTS**

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

May 27, 2009

To the President and Members of the Senate:

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

The following Senate Concurrent Resolution has been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 56—**  
 BY SENATORS MICHOT, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, GRAY EVANS, GUILLORY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER,

SHAW, SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, ERNST, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMAN, GISCLAIR, GREENE, MICKEY GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, MCVEA, MILLS, MONICA, MONTOUCET, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PETERSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT AND WOOTON

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Allen Ray Bares, former member of the Louisiana House of Representatives and former president of the Louisiana State Senate.

Respectfully submitted,  
 ROBERT W. "BOB" KOSTELKA  
 Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

**ATTENDANCE ROLL CALL**

**PRESENT**

Mr. President	Erdey	McPherson
Adley	Gautreaux B	Michot
Alario	Gautreaux N	Morrell
Amedee	Gray Evans	Morrish
Appel	Guillory	Mount
Broome	Hebert	Murray
Cheek	Heitmeier	Nevers
Claitor	Jackson	Quinn
Crowe	Kostelka	Riser
Donahue	LaFleur	Shaw
Dorsey	Long	Smith
Duplessis	Marionneaux	Thompson
Dupre	Martiny	Walsworth
Total - 39		

**ABSENT**

Total - 0

**Adjournment**

On motion of Senator Thompson, at 3:50 o'clock P.M. the Senate adjourned until Thursday, May 28, 2009, at 9:00 o'clock A.M.

The President Pro Tempore of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Thursday, May 28, 2009.

GLENN A. KOEPP  
 Secretary of the Senate

DIANE O' QUIN  
 Journal Clerk

