

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

**THIRD DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, March 31, 2010

The Senate was called to order at 9:40 o'clock A.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	Gautreaux B	Mount
Amedee	Gautreaux N	Murray
Appel	Hebert	Nevers
Chabert	Heitmeier	Quinn
Claitor	Kostelka	Riser
Crowe	Long	Shaw
Donahue	Michot	Smith
Duplessis	Morrell	Thompson
Erdey	Morrish	
Total - 26		

**ABSENT**

Adley	Guillory	McPherson
Alario	Jackson	Peterson
Broome	LaFleur	Walsworth
Cheek	Marionneaux	
Dorsey	Martiny	
Total - 13		

The President of the Senate announced there were 26 Senators present and a quorum.

**Prayer**

The prayer was offered by Pastor Leo Cyrus, 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 B. Gautreaux, the reading of the Journal was dispensed with and the Journal of March 30, 2010, was adopted.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

March 30, 2010

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. 10—  
BY SENATOR BROOME**

**A CONCURRENT RESOLUTION**  
To express the sincere condolences of the Legislature of Louisiana upon the death of Anthony "Tony" G. Salvaggio, Sr.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 11—  
BY SENATOR MOUNT**

**A CONCURRENT RESOLUTION**  
To commend the Family and Youth Counseling Agency, Inc., upon the occasion of its 40<sup>th</sup> anniversary.

Reported without amendments.

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

**Introduction of Senate Bills  
and Joint Resolutions**

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

**SENATE BILL NO. 684—  
BY SENATOR CROWE**

**AN ACT**

To amend and reenact R.S. 28:53(B)(1) and (4)(d) and (G)(2), relative to coroners; to provide relative to admission by emergency certificate and the coroner's seventy-two-hour rule regarding patients who are out of the parish at the time of commitment; and to provide for related matters.

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

**SENATE BILL NO. 685—  
BY SENATOR MURRAY**

**AN ACT**

To enact R.S. 14:110.1.1, relative to jumping bail; to create the crime of out of state bail jumping; to provide for certain criteria; to provide for penalties; and to provide for related matters.

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

**SENATE BILL NO. 686—**

**BY SENATORS MOUNT, ALARIO, GUILLORY, LONG, MARTINY AND MORRELL AND REPRESENTATIVES BARRAS, BILLIOT, TIM BURNS, CHAMPAGNE, HOFFMANN, LABRUZZO, LEGER, POPE, PUGH, RICHARD, JANE SMITH, TALBOT AND THIBAUT**

**AN ACT**

To amend and reenact R.S. 14:98(D)(2) and (E)(2), relative to operating a vehicle while intoxicated; to provide for certain procedures relative to the forfeiture of vehicles; to provide for the allocation of certain funds; and to provide for related matters.

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

March 31, 2010

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 11— BY SENATOR GUILLORY

A RESOLUTION

To amend and re-adopt Senate Rule No. 9.1(A) of the Rules of Order of the Senate, relative to the prefiling of instruments; to require that legislation relative to retirement be prefiled not later than five o'clock p.m. of the sixtieth calendar day prior to the start of the regular session.

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 24— BY SENATOR AMEDEE

A CONCURRENT RESOLUTION

To designate Monday, April 19, 2010, as "Shaken Baby Prevention Day" in the state of Louisiana, in honor of Rey Wayne.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Amedee, Appel, Chabert, Cheek, Claitor, Donahue, Duplessis, Erdey, Total - 25; Gautreaux B, Gautreaux N, Hebert, Heitmeier, Kostelka, Marionneaux, Michot, Morrell, Morrish; Mount, Murray, Nevers, Peterson, Quinn, Smith, Thompson

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Adley, Alario, Broome, Crowe, Dorsey, Total - 14; Guillory, Jackson, LaFleur, Long, Martiny; McPherson, Riser, Shaw, Walsworth

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

Rules Suspended

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

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 8— BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 13:783(D)(7), relative to expenses of the clerk's office; to authorize the clerk of the district court in Red River Parish to receive an automobile expense allowance; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 19— BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:1222(A), relative to motor vehicles for the office of the clerk of the civil district court for Orleans parish; to increase the number of motor vehicles the clerk of the civil district court is authorized to purchase or lease; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 156— BY SENATOR MURRAY

AN ACT

To enact R.S. 13:2152.3, relative to qualifications of certain judges; to provide with respect to the qualifications for judges of the First and Second City Court of the city of New Orleans; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 208— BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 13:1904(C) and (D), relative to city courts; to provide relative to destruction of records; to provide for the destruction of certain records in the city court of Lake Charles; to authorize the clerk of court to destroy certain civil and criminal records; to provide for time limitations in the destruction of records; to provide for requirements prior to destruction; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 209— BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 13:2080.1(A), relative to city courts; to provide relative to the collection and disposition of court costs for the city court of Lake Charles; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 236— BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 9:335(A)(2)(b), relative to divorce and joint custody of children; to provide relative to a joint custody decree and physical custody of children; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 260—  
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 13:783(D)(7), relative to certain Washington Parish elected officials; to provide an automobile expense allowance for the clerk of the district court; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 475—  
BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 14:75(B), (C)(1) and (2), relative to the crime of failure to pay child support obligation; to provide for elements of the crime; to provide for penalties; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. The bill was read by title, ordered engrossed and passed to a third reading.

Rules Suspended

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

SENATE BILL NO. 162—  
BY SENATOR ADLEY

AN ACT

To enact R.S. 29:732(F)(3), relative to price gouging during a declared state of emergency; to provide for circumstances where the sale of fuel from certain containers is a violation; and to provide for related matters.

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

Without objection, so ordered.

Rules Suspended

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

SENATE BILL NO. 79—  
BY SENATOR RISER

AN ACT

To enact Part VI of Chapter 2 of Code Title 2 of Code Book 3 of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2338.1 through 2338.10, and to repeal Part V of Chapter 2 of Code Title 2 of Code Book 3 of said Title, comprised of R.S. 9:2337.1 through 2337.8, relative to the prudent management of institutional funds; to provide for a short title; to provide for definitions; to provide a standard of conduct in managing and investing institutional funds; to provide with respect to the appropriation of funds for expenditure or accumulation of an endowment fund; to provide for the release or modification of restrictions regarding a fund; to provide a standard of review for compliance; to provide for the application to existing institutional funds; to provide with relation to electronic signatures; to provide for the uniformity of application and construction; to provide for an effective date; and to provide for related matters.

Senator Claitor moved to recommit the bill from the Committee on Commerce, Consumer Protection, and International Affairs to the Committee on Judiciary A.

Without objection, so ordered.

Rules Suspended

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

SENATE BILL NO. 312—  
BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 15:571.3(B)(1), relative to diminution of sentence for good behavior; to provide for application; and to provide for related matters.

Senator Morrish moved to recommit the bill from the Committee on Judiciary C to the Committee on Judiciary B.

Without objection, so ordered.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Gautreaux B	Murray
Amedee	Gautreaux N	Nevers
Appel	Hebert	Peterson
Chabert	Heitmeier	Quinn
Cheek	Kostelka	Riser
Claitor	Long	Shaw
Crowe	Marionneaux	Smith
Donahue	Michot	Thompson
Dorsey	Morrell	Walsworth
Duplessis	Morrish	
Erdey	Mount	
Total - 31		

ABSENT

Adley	Guillory	Martiny
Alario	Jackson	McPherson
Broome	LaFleur	
Total - 8		

Leaves of Absence

The following leaves of absence were asked for and granted:

Adley	1 Day	Alario	1 Day
Broome	1 Day	Guillory	1 Day
Jackson	1 Day	LaFleur	1 Day
Martiny	1 Day	McPherson	1 Day

Adjournment

On motion of Senator Thompson, at 10:00 o'clock A.M. the Senate adjourned until Tuesday, April 6, 2010, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Tuesday, April 6, 2010.

GLENN A. KOEPP  
Secretary of the Senate

DIANE O' QUIN  
Journal Clerk