

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

FOURTH DAY'S PROCEEDINGS

**Thirty-Eighth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Monday, March 28, 2011

The Senate was called to order at 4:10 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	Morrish
Alario	Gautreaux	Mount
Appel	Guillory	Murray
Broome	Jackson	Perry
Cheek	Long	Riser
Claitor	Marionneaux	Shaw
Crowe	Martiny	Smith
Donahue	Michot	Walsworth
Dorsey	Mills	Willard-Lewis
Total - 27		

ABSENT

Adley	Kostelka	Nevers
Amedee	LaFleur	Peterson
Chabert	McPherson	Quinn
Heitmeier	Morrell	Thompson
Total - 12		

The President of the Senate announced there were 27 Senators present and a quorum.

Prayer

The prayer was offered by Senator Walsworth, 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 Gautreaux, the reading of the Journal was dispensed with and the Journal of March 24, 2011, was adopted.

**Introduction of Senate Bills
and Joint Resolutions**

Senator Mills 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. 29—
BY SENATOR MILLS

AN ACT

To enact R.S. 18:1276.1 and to repeal R.S. 18:1276, relative to congressional districts; to provide for the redistricting of Louisiana's congressional districts; to provide relative to the terms of members of congress serving on the effective date of the Act; to provide for the filling of vacancies; to provide relative to positions and offices, other than congressional, that are based upon congressional districts; to provide for the effectiveness of the Act; and to provide for related matters.

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

**Senate Concurrent Resolutions on
Second Reading**

SENATE CONCURRENT RESOLUTION NO. 3—
BY SENATORS LAFLEUR AND MICHOT AND REPRESENTATIVES
JOHNSON, LORUSSO AND ROY

A CONCURRENT RESOLUTION

To commend Dr. John E. Lemoine for his work with healthcare and physician liability.

On motion of Senator Mount, the resolution was read by title and returned to the Calendar, Subject to Call.

Message from the House

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

March 24, 2011

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:

HB No. 20 HB No. 21 HB No. 22

HB No. 26

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

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

Senator Long 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. 20—
BY REPRESENTATIVE KATZ

AN ACT

To amend and reenact R.S. 46:1081(A) and 1091(A)(1) and (B)(1)(b), relative to provisions of Title 46 (Public Welfare and Assistance) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to repeal provisions that are outdated or obsolete; and to provide for related matters.

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

March 28, 2011

HOUSE BILL NO. 21—

BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:413(15), 721.1(A), 1511, 1562(A) and (C), 1752(B)(3), and 1921(A)(3)(a)(ii), relative to provisions of Title 11 (Consolidated Public Retirement Systems) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

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

HOUSE BILL NO. 22—

BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact Code of Criminal Procedure Articles 161(B), 211.6(A), 324(B) and (C), 336(B)(introductory paragraph), and 404.1(A), relative to provisions of the Code of Criminal Procedure which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

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

HOUSE BILL NO. 26—

BY REPRESENTATIVE BARROW
AN ACT

To amend and reenact R.S. 33:103(C)(1)(j)(introductory paragraph) and (l), 112(C)(1)(a), 121, the heading of Subpart B-32 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.601(4), 130.602(A)(1) and (7), the heading of Subpart B-36 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.721(A), the heading of Subpart B-41 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.781(A), the heading of Subpart L of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 140.181, 151, 172(F)(1), 365, 423.11, 423.14, 423.20, 423.21, 441.30, 447.2, 1236(60), (62)(a), and (63)(a), 1236.5, 1236.20(A)(1)(introductory paragraph) and (C)(3)(a), 1243(A)(1) and (B)(1), 1324(9), 1415(G), 1429.1, 1448(G)(1), 1521(introductory paragraph), 1573, 1967(C), 1976(introductory paragraph), 1992(D), 2213(H), 2423(A), 2536.3(introductory paragraph), 2569, 2582(A)(1) and (2), 2584(B), 2586, 2711(B) and (D)(1), 2711.7(A), 2711.16(A), 2717.18, 2721.7(A)(1), 2721.14, 2737.52(A), 2737.56(A), 2737.66(A) and (C)(1), 2737.71(A), 2737.73(A), 2737.74(A) and (B), 2738.84(A)(2) and (3), 2738.85(A)(1), 2740.18(A)(1), 2740.18.1(A), 2740.34(A), 2740.35(A)(1), 2740.36(B), 2740.37(B)(1), 2740.61, 3892(A), the heading of Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, 4159.10(B)(introductory paragraph), 4169(C), 4175(B)(1), 4305(B)(2), the heading of Subpart F of Part I of Chapter 10 of Title 33 of the Louisiana Revised Statutes of 1950, 4311, 4546.2(D), 4561.1, 4562.1(A) and (B), 4562.2(A) and (B), 4564(D), 4570.11(A) and (B)(1)(a) through (d), 4574(B)(40) and (F)(1)(b)(iii), 4574.1.1(A)(40), (42), and (45), (N)(1), (Q), and (R), 4574.2(D), 4574.19, 4579(A), 4709.21(A), 4712.15, 4717(B), 4720.161(Q)(7), 4722(B)(introductory paragraph) and (C), 4780.51(A), 4785(B), 4790, 4877, 4879(B) and (C), 5062(A), 7551, 7602(4), (8)(a), (9), (10), and (11), 7603(14), 7604(A), 9033.3(A) and (N), 9036(B), 9037.1, 9038.31(3), 9038.41(A) and (B)(introductory paragraph), 9038.55, 9038.61(A), 9053.1(A), 9073.1(A), 9076(A), and 9611(A) and to repeal Subpart B-31 of Part IV of Chapter 1 of Title 33 of the

Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.591 through 130.599, 130.601(5), 1221(B), 1415(F), 1521.1(D), 1992(A)(11), 2213(I), 2625, 2740.48, and 7603(20), relative to Title 33 (Municipalities and Parishes) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; to repeal provisions that are outdated or obsolete; 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**

March 27, 2011

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:

HCR No. 11

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 11—

BY REPRESENTATIVE DIXON
A CONCURRENT RESOLUTION

To urge and request the Louisiana Workforce Commission to become more efficient in correspondence.

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

Rules Suspended

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

HOUSE BILL NO. 13—

BY REPRESENTATIVE FANNIN
AN ACT

To amend and reenact R.S. 49:149.5(C) and 214.5.8(E), relative to provisions in Title 49 (State Administration) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas based upon population classifications; and to provide for related matters.

Senator Martiny moved to recommit the bill from the Committee on Judiciary A to the Committee on Judiciary B.

Without objection, so ordered.

**Senate Resolutions
on Second Reading
Reported by Committees**

SENATE RESOLUTION NO. 4—

BY SENATOR MARIONNEAUX
A RESOLUTION

To urge and request the Senate and Governmental Affairs Committee to recommend, and the Louisiana Senate to enact, a Senate redistricting plan that includes the entirety of Pointe Coupee Parish within one Senate district.

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

**Senate Bills and Joint Resolutions on
Third Reading and Final Passage**

SENATE BILL NO. 11—

BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 18:2(5), 54, 423(D)(2), 574(A)(3), (D)(1), and (E)(1), and 1483(7)(d), relative to provisions of Title 18 (Louisiana Election Code) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Morrish
Alario	Heitmeier	Mount
Appel	Jackson	Murray
Broome	Kostelka	Perry
Cheek	LaFleur	Peterson
Claitor	Long	Riser
Crowe	Marionneaux	Shaw
Donahue	Martiny	Smith
Dorsey	Michot	Thompson
Erdey	Mills	Walsworth
Gautreaux	Morrell	Willard-Lewis
Total - 33		

NAYS

Total - 0

ABSENT

Adley	Chabert	Nevers
Amedee	McPherson	Quinn
Total - 6		

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

SENATE BILL NO. 14—

BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 42:15(B), 66(J), and 261(C), relative to the provisions of Title 42 (Public Officers and Employees) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based

upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Mount
Alario	Jackson	Murray
Appel	LaFleur	Perry
Broome	Long	Peterson
Cheek	Marionneaux	Riser
Claitor	Martiny	Shaw
Crowe	McPherson	Smith
Dorsey	Michot	Thompson
Erdey	Mills	Walsworth
Gautreaux	Morrell	Willard-Lewis
Guillory	Morrish	
Total - 32		

NAYS

Total - 0

ABSENT

Adley	Donahue	Quinn
Amedee	Kostelka	
Chabert	Nevers	
Total - 7		

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

SENATE BILL NO. 15—

BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 43:140(5), 142(B), 171(B), 200(5), and 201(C), relative to provisions of Title 43 (Public Printing and Advertisements) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Morrish
Alario	Heitmeier	Mount
Appel	Jackson	Murray
Broome	LaFleur	Perry
Cheek	Long	Peterson
Claitor	Marionneaux	Riser
Crowe	Martiny	Shaw
Donahue	McPherson	Smith
Dorsey	Michot	Thompson
Erdey	Mills	Walsworth
Gautreaux	Morrell	Willard-Lewis
Total - 33		

March 28, 2011

NAYS

Total - 0

ABSENT

Adley	Chabert	Nevers
Amedee	Kostelka	Quinn
Total - 6		

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

Rules Suspended

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

Introduction of Senate Bills and Joint Resolutions

Senator Walsworth 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. 30—

BY SENATOR WALSWORTH

AN ACT

To enact R.S. 45:1161.5 and to repeal R.S. 45:1161.4, relative to redistricting the Public Service Commission; to provide for the redistricting of the five districts of the Public Service Commission; to provide for the retention of the incumbent commissioners; to provide for the effectiveness of the Act; to provide for elections from Public Service Commission districts; and to provide for related matters.

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

SENATE BILL NO. 31—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 18:1276.1 and to repeal R.S. 18:1276, relative to congressional districts; to provide for the redistricting of Louisiana's congressional districts; to provide relative to the terms of members of congress serving on the effective date of the Act; to provide for the filling of vacancies; to provide relative to positions and offices, other than congressional, that are based upon congressional districts; to provide for the effectiveness of the Act; and to provide for related matters.

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 6—

BY SENATOR SMITH AND REPRESENTATIVES ARMES, HILL, DANAHAY AND GEYMAN

A CONCURRENT RESOLUTION

To commend Betty J. Cunningham for her twenty-nine years of dedicated public service as secretary-treasurer of the Beauregard Parish Police Jury and to congratulate her upon her retirement.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Mount
Alario	Jackson	Murray
Appel	LaFleur	Perry
Broome	Long	Peterson
Cheek	Marionneaux	Riser
Claitor	Martiny	Shaw
Crowe	McPherson	Smith
Donahue	Michot	Thompson
Dorsey	Mills	Walsworth
Erdey	Morrell	Willard-Lewis
Gautreaux	Morrish	
Total - 32		

NAYS

Total - 0

ABSENT

Adley	Guillory	Quinn
Amedee	Kostelka	
Chabert	Nevers	
Total - 7		

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

March 25, 2011

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 7—

BY REPRESENTATIVES PATRICIA SMITH, AUBERT, AUSTIN BADON, BARROW, BISHOP, BROSSETT, BURRELL, DIXON, FRANKLIN, GALLOT, HARDY, HONORE, GIROD JACKSON, MICHAEL JACKSON, ROSALIND JONES, LAFONTA, NORTON, STIAES, THIERRY, AND WILLIAMS AND SENATORS BROOME, DORSEY, GUILLORY, JACKSON, MORRELL, MURRAY, AND PETERSON

A CONCURRENT RESOLUTION

To commend the Jubilee Christian Center Church upon its dedication of its new edifice.

HOUSE CONCURRENT RESOLUTION NO. 8—

BY REPRESENTATIVE ARNOLD AND SENATOR SMITH

A CONCURRENT RESOLUTION

To commend John P. Ducrest, commissioner of the Louisiana Office of Financial Institutions, on being named chairman of the Conference of State Bank Supervisors.

HOUSE CONCURRENT RESOLUTION NO. 9—

BY REPRESENTATIVE BROSSETT

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of former United States Secretary of State Warren M. Christopher.

HOUSE CONCURRENT RESOLUTION NO. 10—

BY REPRESENTATIVES DANAHAY, ARMES, FRANKLIN, GEYMAN, GUINN, HILL, AND KLECKLEY AND SENATORS MORRISH, MOUNT, SMITH, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAUX, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, THOMPSON, WALSWORTH, AND WILLARD-LEWIS

A CONCURRENT RESOLUTION
To commend Jim Beam, a legendary Louisiana journalist, for more than fifty years of outstanding service with the Lake Charles American Press.

and asked that the President of the Senate affix his signature to the same.

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

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

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:

March 28, 2011

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 Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 4—
BY SENATOR SMITH AND REPRESENTATIVE DANAHAY
A CONCURRENT RESOLUTION

To commend and congratulate the Starks High School Lady Panthers basketball team on winning the Class C state title in the Louisiana Girls' Top 28 Tournament.

SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATORS BROOME, ADLEY, ALARIO, AMEDEE, APPEL, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAU, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Emmett W. Bashful, Ph. D., one of the great champions of public education and the first chancellor of Southern University and A & M College at New Orleans, Louisiana, SUNO, and to commend his lifetime of contributions and achievements.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Heitmeier	Mount
Alario	Jackson	Murray
Appel	Kostelka	Perry
Broome	LaFleur	Peterson
Cheek	Long	Riser
Claitor	Marionneaux	Shaw
Crowe	Martiny	Smith
Donahue	McPherson	Thompson

Dorsey
Erdey
Gautreaux
Guillory
Total - 34

Michot
Mills
Morrell
Morrish

Walsworth
Willard-Lewis

ABSENT

Adley
Amedee
Total - 5

Chabert
Nevers

Quinn

Leaves of Absence

The following leaves of absence were asked for and granted:

Adley	1 Day	Amedee	1 Day
Chabert	1 Day	Nevers	1 Day
Quinn	1 Day		

Announcements

The following committee meetings for March 29, 2011, were announced:

Agriculture	At Adj	Room C
Health and Welfare	9:00 A.M.	Room A
Judiciary B	At Adj	Room E
Senate and Gov't Affairs	At Adj	Hainkel Room
Transportation	At Adj	Room A

Adjournment

On motion of Senator Thompson, at 4:30 o'clock P.M. the Senate adjourned until Tuesday, March 29, 2011, at 10:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 10:00 o'clock A.M. on Tuesday, March 29, 2011.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk

