

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

**SEVENTEENTH DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, May 24, 2011

The Senate was called to order at 1:10 o'clock P.M. by Hon. Sharon Weston-Broome, President Pro Tempore of the Senate.

**Morning Hour**

**CONVENING ROLL CALL**

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

**PRESENT**

Alario	Dorsey	Perry
Appel	Erdey	Peterson
Broome	Guillory	Riser
Chabert	Kostelka	Shaw
Cheek	Marionneaux	Walsworth
Claitor	Mills	Willard-Lewis
Crowe	Morrish	
Donahue	Murray	
Total - 22		

**ABSENT**

Mr. President	LaFleur	Mount
Adley	Long	Nevers
Amedee	Martiny	Quinn
Gautreaux	McPherson	Smith
Heitmeier	Michot	Thompson
Jackson	Morrell	
Total - 17		

The President Pro Tempore of the Senate announced there were 22 Senators present and a quorum.

**Prayer**

The prayer was offered by Reverend Brian McDowell, 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 Crowe, the reading of the Journal was dispensed with and the Journal of May 23, 2011, was adopted.

**Senate Resolutions on  
Second Reading**

**SENATE RESOLUTION NO. 49—**  
BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAU, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of Louisiana National Guard Sergeant

Micah David upon his untimely death after battling cancer, and for his brave and faithful service to our state and nation during our Global War on Terrorism.

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

**SENATE RESOLUTION NO. 50—**  
BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAU, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Marine Corps Lance Corporal Caleb G. Genin in a boating accident.

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

**SENATE RESOLUTION NO. 51—**  
BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAU, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Christopher Langley upon his tragic and untimely death, and for his brave and heroic service in support of the Global War on Terrorism.

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

**SENATE RESOLUTION NO. 52—**  
BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAU, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Navy Petty Officer 2<sup>nd</sup> Class Brandon Jay Stone upon his tragic and sudden death, and for his bravery and commitment to serving his country in its armed forces.

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

**SENATE RESOLUTION NO. 53—**  
BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAU, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of Louisiana Army National Guardsman Major Ronald Wayne Culver, Jr., upon his death in combat in Operation Iraqi Freedom.

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

**SENATE RESOLUTION NO. 54—**  
BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAU, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant

Joshua Abram Tomlinson upon his death in combat in Operation Enduring Freedom.

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

**SENATE RESOLUTION NO. 55—**

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

**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 Nicholas Mathews upon his tragic and untimely death, and for his brave and dedicated service to his country in its armed forces.

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

**SENATE RESOLUTION NO. 56—**

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

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Staff Sergeant Quadi S. Hudgins upon his death while serving his country in the Global War on Terrorism in Iraq.

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

**Rules Suspended**

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

**Senate Resolutions on Second Reading, Subject to Call**

**Called from the Calendar**

Senator Marionneaux asked that Senate Resolution No. 37 be called from the Calendar.

**SENATE RESOLUTION NO. 37—**

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

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the untimely death of Louisiana National Guard Staff Sergeant Stacey Groves and honors her brave and dedicated service to our state and nation.

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

**Called from the Calendar**

Senator Marionneaux asked that Senate Resolution No. 38 be called from the Calendar.

**SENATE RESOLUTION NO. 38—**

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

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family and friends of Sergeant First Class Arthur Lee Kessinger Jr., upon his death.

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

**Called from the Calendar**

Senator Marionneaux asked that Senate Resolution No. 39 be called from the Calendar.

**SENATE RESOLUTION NO. 39—**

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

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family Louisiana Army National Guardsman Private First Class Bryant Haynes upon his death in Operation Iraqi Freedom.

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

**Called from the Calendar**

Senator Marionneaux asked that Senate Resolution No. 40 be called from the Calendar.

**SENATE RESOLUTION NO. 40—**

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

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of Louisiana National Guard Staff Sergeant William Austin Daniel upon his untimely death due to Hodgkins Lymphoma.

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

**Called from the Calendar**

Senator Marionneaux asked that Senate Resolution No. 41 be called from the Calendar.

**SENATE RESOLUTION NO. 41—**

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

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corps Lance Corporal Dakota Huse upon his death while serving his country in its armed forces.

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

### Called from the Calendar

Senator Marionneau asked that Senate Resolution No. 42 be called from the Calendar.

#### SENATE RESOLUTION NO. 42—

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

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Steven Dupont upon his death in Operation Enduring Freedom.

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

### Called from the Calendar

Senator Marionneau asked that Senate Resolution No. 43 be called from the Calendar.

#### SENATE RESOLUTION NO. 43—

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

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Matthew Powell upon his death in Afghanistan.

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

### Called from the Calendar

Senator Marionneau asked that Senate Resolution No. 44 be called from the Calendar.

#### SENATE RESOLUTION NO. 44—

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

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corps Sergeant Joseph Bovia upon his death while conducting a ground combat mission in Operation Enduring Freedom.

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

### Called from the Calendar

Senator Marionneau asked that Senate Resolution No. 45 be called from the Calendar.

#### SENATE RESOLUTION NO. 45—

BY SENATORS MARIONNEAUX, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAU, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS,

PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS

#### A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the loved ones and family of United States Marine Corporal Joe Wrightsman upon his death while in the service of his country.

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

### Called from the Calendar

Senator Marionneau asked that Senate Resolution No. 46 be called from the Calendar.

#### SENATE RESOLUTION NO. 46—

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

#### A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the loved ones and family of United States Army Sergeant Jordan Elias Tuttle upon his death while in the service of his country.

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

### Called from the Calendar

Senator Marionneau asked that Senate Resolution No. 47 be called from the Calendar.

#### SENATE RESOLUTION NO. 47—

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

#### A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Christian Romig upon his death in Operation Enduring Freedom.

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

### Rules Suspended

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

### Introduction of Senate Resolutions

#### SENATE RESOLUTION NO. 62—

BY SENATOR MORRISH

#### A RESOLUTION

To commend and congratulate the players, coaches, and managers of the 2010-2011 Jennings High School Girls Basketball Team on winning the Class 4-A Girls State Basketball Championship.

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

#### SENATE RESOLUTION NO. 63—

BY SENATOR ALARIO

#### A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Hendrix "Brother" Bourgeois Sr.

May 24, 2011

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

Rules Suspended

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 45— BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To welcome fire fighters from Belgium and members of the Belgium Fire Observers Organization to Louisiana; to acknowledge the bravery, strength, selflessness, courage, and true heroism of all fire fighters; to thank these visiting fire fighters for choosing the New Orleans Fire Department and Louisiana to visit and not only to learn but to share their knowledge and experiences with us; and to thank all fire fighters for the bravery and courage they exhibit on a daily basis, never faltering from the oath and duties they have undertaken.

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

SENATE CONCURRENT RESOLUTION NO. 46— BY SENATOR ALARIO AND REPRESENTATIVE BILLIOT

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Hendrix "Brother" Bourgeois Sr.

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

SENATE CONCURRENT RESOLUTION NO. 47— BY SENATOR HEITMEIER

A CONCURRENT RESOLUTION

To authorize and direct creation of the "Task Force on the Crescent City Connection" to analyze re-authorization of tolls, ferry services, and all components and management of the operation of the Crescent City Connection Division of the Department of Transportation and Development; to provide for membership, powers, and duties of the task force; to provide for a report of its business; and to provide for related matters.

The resolution was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

Senate Resolutions on Second Reading, Resumed

SENATE RESOLUTION NO. 57— BY SENATOR MILLS

A RESOLUTION

To commend Maritime International, Inc., for receiving the 2011 Lantern Award.

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

SENATE RESOLUTION NO. 58— BY SENATOR ALARIO

A RESOLUTION

To commend and congratulate Miss Jada O'Blanc of Gueydan, Louisiana, as the 2011 Louisiana Association of Fairs and Festivals Queen of Queens.

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

SENATE RESOLUTION NO. 59— BY SENATOR JACKSON

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Dr. Jean Chenier Brierre.

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

SENATE RESOLUTION NO. 60— BY SENATOR MARTINY

A RESOLUTION

To recognize May 24, 2011, as Dental Hygiene Day and to commend the Louisiana Dental Hygienists' Association and dental hygienists around the state for their outstanding contributions to the oral health of citizens of the state of Louisiana.

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

SENATE RESOLUTION NO. 61— BY SENATOR LAFLEUR

A RESOLUTION

To commend the village of Reeves on its one hundredth anniversary.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 38— BY SENATOR THOMPSON

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Dr. Foster Jay Taylor.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and their counts for YEAS, NAYS, and ABSENT.

NAYS

ABSENT

Table listing names of senators and their counts for ABSENT.

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

**SENATE CONCURRENT RESOLUTION NO. 39—**  
 BY SENATOR GAUTREUX AND REPRESENTATIVE PEARSON  
 A CONCURRENT RESOLUTION

To commend Mrs. Suzanne D. Adams, retirement benefits administrator for the Louisiana State Employees' Retirement System, on the occasion of her retirement.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Guillory	Nevers
Alario	Heitmeier	Perry
Amedee	Kostelka	Peterson
Appel	Marionneaux	Quinn
Broome	Martiny	Riser
Cheek	Mills	Shaw
Donahue	Morrell	Smith
Dorsey	Morrish	Thompson
Erdey	Mount	Walsworth
Gautreaux	Murray	Willard-Lewis
Total - 30		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Crowe	Long
Chabert	Jackson	McPherson
Claitor	LaFleur	Michot
Total - 9		

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

**SENATE CONCURRENT RESOLUTION NO. 42—**  
 BY SENATOR LONG AND REPRESENTATIVE NOWLIN  
 A CONCURRENT RESOLUTION

To commend the St. Mary's High School of Natchitoches baseball team for winning the 2011 Class 1A State Championship.

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

**SENATE CONCURRENT RESOLUTION NO. 43—**  
 BY SENATOR LONG  
 A CONCURRENT RESOLUTION

To commend the Northwestern State University of Louisiana "Spirit of Northwestern Demon Marching Band" on its one hundredth anniversary.

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**

May 23, 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. 49	HB No. 378	HB No. 486
HB No. 513	HB No. 537	HB No. 543

HB No. 190	HB No. 381	HB No. 491
HB No. 583	HB No. 501	HB No. 133

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

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

**HOUSE BILL NO. 49—**

BY REPRESENTATIVES LEGER, ABRAMSON, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BILLIOT, BISHOP, BROSSETT, HENRY BURNS, TIM BURNS, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, DOWNS, FANNIN, GISCLAIR, GREENE, GUILLORY, GUINN, HARRISON, HAZEL, HENRY, HINES, HOFFMANN, HOWARD, MICHAEL JACKSON, KATZ, LANDRY, LEBAS, LITTLE, LORUSSO, MORENO, NORTON, POPE, RICHARDSON, SCHRODER, SEABAUGH, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, TUCKER, WHITE, WILLIAMS, AND WILLMOTT

**AN ACT**

To amend and reenact R.S. 14:46.2(A) and 46.3(A)(1) and (2), (B), and (D)(1) and to enact R.S. 14:46.2(D) and 46.3(A)(4) and (5) and (G), relative to human trafficking; to provide with respect to the crimes of human trafficking and trafficking of children for sexual purposes; to amend the elements of those crimes; to provide for definitions; to provide for penalties; and to provide for related matters.

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

**HOUSE BILL NO. 133—**

BY REPRESENTATIVE ANDERS

**AN ACT**

To enact Part I-B of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:501, relative to warranty claims; to require claims to be approved or disapproved within thirty days; to require payment of approved claims within thirty days; to require notice of disapproval and the grounds for the disapproval; to provide for claims not disapproved within thirty days; to provide for claims submitted after the termination of a contract; to provide for compensation for work performed by a dealer; to provide for excluded expenses; to provide for compensation for parts; to provide for a supplier's right to adjust for errors; to authorize a dealer to accept a manufacturer's reimbursement terms; to define "dealer"; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 190—**

BY REPRESENTATIVE THIBAUT

**AN ACT**

To repeal R.S. 32:392.1, relative to motor vehicles; to repeal the prohibition on the impoundment of motor vehicles in certain circumstances.

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

**HOUSE BILL NO. 378—**

BY REPRESENTATIVE ELLINGTON

**AN ACT**

To amend and reenact R.S. 38:2191, relative to public contracts; to provide for progressive stage payments made under public contracts; and to provide for related matters.

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

May 24, 2011

**HOUSE BILL NO. 381—**  
BY REPRESENTATIVE GREENE AND SENATOR MICHOT  
AN ACT

To amend and reenact R.S. 51:2453(1) and (6), 2455(A), and 2457(A)(2)(a), (b), and (f), relative to tax rebates; to provide with respect to the Louisiana Quality Jobs Program; to provide for definitions; to specify that the value of health insurance benefits offered to employees shall be included in the consideration of the value of a new direct job; to provide for effectiveness; and to provide for related matters.

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

**HOUSE BILL NO. 486—**  
BY REPRESENTATIVE GREENE  
AN ACT

To amend and reenact R.S. 47:305.16 and to enact R.S. 47:305.16.1, relative to sales and use tax; to provide relative to the sales and use tax exemption for cable television installation; to provide relative to a sales and use tax exemption on video programming and television service; to provide relative to the definition of regular service; to clarify that certain services shall be considered regular service; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 491—**  
BY REPRESENTATIVE MICHAEL JACKSON  
AN ACT

To enact R.S. 47:1517(F), relative to the tax exemption budget; to require hearings of the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs on the tax exemption budget; to authorize certain reports; and to provide for related matters.

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

**HOUSE BILL NO. 501—**  
BY REPRESENTATIVE LEGER  
AN ACT

To amend and reenact R.S. 34:963 and to repeal R.S. 34:950, 951, 952, 954, and 965, relative to bar pilots; to authorize bar pilots to form corporations or limited liability companies; to repeal certain provisions relative to bar pilots for the Port of New Orleans; and to provide for related matters.

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

**HOUSE BILL NO. 513—**  
BY REPRESENTATIVES WILLIAMS, AUSTIN BADON, BOBBY BADON, BARROW, BILLIOT, HENRY BURNS, BURRELL, DIXON, DOWNS, GALLOT, GISCLAIR, GUINN, HOWARD, LOPINTO, MONTOUCKET, SIMON, PATRICIA SMITH, ST. GERMAIN, AND WOOTON  
AN ACT

To amend and reenact R.S. 32:1(4), (4.2), (13), and (65), 212(A), and 232(1)(a) and (b) and R.S. 47:463.148(B), (C), and (D)(1), to enact R.S. 32:74(C) and 329.1, and to repeal R.S. 32:197(B) and 329, relative to bicycles and traffic; to amend, enact, and repeal provisions relative to bicycles and traffic; to amend provisions for the "Share the Road" license plate; and to provide for related matters.

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

**HOUSE BILL NO. 537—**  
BY REPRESENTATIVE TUCKER AND SENATOR APPEL  
AN ACT

To amend and reenact R.S. 17:3217, to enact R.S. 17:3230 and Part III-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3241, and to repeal R.S. 17:3215(2), relative to postsecondary education; to provide for

the transfer of the University of New Orleans to the University of Louisiana System; to provide relative to the transfer of the facilities, resources, funds, obligations, and functions of the institution and related foundations; to provide for the transition responsibilities of the impacted institution and management boards and the division of administration; to provide for cooperative agreements; to provide relative to accreditation issues; to provide relative to funding; to provide relative to employees; to provide for effectiveness; and to provide for related matters.

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

**HOUSE BILL NO. 543—**  
BY REPRESENTATIVE LEGER  
AN ACT

To enact R.S. 34:3523, relative to contracts let by ports; to authorize ports to use the design-build method on certain construction projects; to provide for a selection process for the design-builder; to provide for requirements, rights, and powers for the design-builder; to provide for notice and advertisement procedures; to authorize a private design professional to develop project descriptions; to establish an evaluation committee and its responsibilities; to establish a technical review committee and its responsibilities; to provide procedures for selection of the winning proposal; to provide a review process; to provide guidelines relative to legal action; and to provide for related matters.

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

**HOUSE BILL NO. 583—**  
BY REPRESENTATIVE WILLMOTT  
AN ACT

To enact R.S. 32:334, relative to motor vehicle lamps; to prohibit operation of a motor vehicle with certain lamps; to prohibit installation of certain lamps on a motor vehicle; to prohibit issuance of an official certificate of inspection; to provide for penalties; and to provide for related matters.

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

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

May 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 Concurrent Resolutions:

HCR No. 118                      HCR No. 119                      HCR No. 120

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. 118—**  
BY REPRESENTATIVE CARTER  
A CONCURRENT RESOLUTION

To commend the Louisiana State University Laboratory School tennis team for winning the 2011 Louisiana High School Athletic Association's Division IV girls' and boys'

championship and to congratulate the Cub girls' and boys' tennis team on exemplifying sportsmanship and community service.

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

**HOUSE CONCURRENT RESOLUTION NO. 119—**

BY REPRESENTATIVES ST. GERMAIN, BARROW, AND THIBAUT AND SENATOR MARIONNEAUX

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to revert lane adjustments that were implemented as part of the ongoing I-10 Mississippi River Bridge, otherwise known as the Horace A. Wilkinson Bridge, signing and striping project.

The resolution was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 120—**

BY REPRESENTATIVE WHITE

A CONCURRENT RESOLUTION

To urge and request the Juvenile Justice Reform Act Implementation Commission to commission a study to assess the current state of the juvenile justice system, to evaluate the improvements made to the system in the preceding five years, to issue recommendations for a five-year plan for juvenile justice reform, and to submit a report of its findings and recommendations to the legislature no later than thirty days prior to the convening of the 2013 Regular Session of the Legislature of Louisiana.

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

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

**HOUSE BILL NO. 55—**

BY REPRESENTATIVES THIERRY, ARNOLD, BILLIOT, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHANEY, CONNICK, EDWARDS, GREENE, GUINN, HAZEL, HENRY, HOFFMANN, HOWARD, HUTTER, KATZ, LANDRY, LEBAS, MORENO, PONTI, POPE, RICHARD, RICHARDSON, ROY, SEABAUGH, GARY SMITH, JANE SMITH, ST. GERMAIN, THIBAUT, AND WILLIAMS

AN ACT

To enact R.S. 14:91.5, relative to sex offenders; to create the crime of unlawful use or access of social media; to prohibit certain convicted sex offenders from using or accessing social networking websites, chat rooms, and peer-to-peer networks; to provide for definitions; 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.

**HOUSE BILL NO. 86—**

BY REPRESENTATIVES WHITE, ARNOLD, BALDONE, BARROW, BILLIOT, HENRY BURNS, CARMODY, DOVE, EDWARDS, ELLINGTON, GREENE, HAZEL, HILL, HOFFMANN, HUTTER, KATZ, LEBAS, LIGI, LORUSSO, POPE, PUGH, RICHARD, RICHARDSON, SEABAUGH, SIMON, GARY SMITH, JANE SMITH, ST. GERMAIN, THIBAUT, AND WILLIAMS

AN ACT

To amend and reenact R.S. 14:43.1(A) and (C)(3), (4), (5), and (6), 43.2(C)(3), 43.3(A) and (C)(3), 43.6(A) and (B)(1), and 81.2, to enact R.S. 14:43.1(C)(7), 43.2(D), and 43.3(D), and to repeal R.S. 14:43.2(C)(4), (5), and (6) and 43.3(C)(4), (5), and (6), relative to sexual abuse of a person with a physical or mental disability; to provide relative to sexual battery of a person with a physical or mental disability; to provide relative to second degree sexual battery of a person with a physical or mental disability; to provide relative to oral sexual battery of a person with a physical or mental disability; to provide relative to molestation of a person with a physical or mental disability; to provide relative to the elements of such offenses; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

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

**HOUSE BILL NO. 106—**

BY REPRESENTATIVES MORENO, LOPINTO, AND GARY SMITH

AN ACT

To amend and reenact Code of Criminal Procedure Article 894.2(A)(introductory paragraph) and (3), (B), (C), (E), (H), and (I), relative to criminal sentencing; to provide with respect to home incarceration; to provide for uniform data collection and reporting of home incarceration and electronic monitoring services; to provide for oversight; 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. 124—**

BY REPRESENTATIVES PATRICIA SMITH AND DOERGE

AN ACT

To amend and reenact Children's Code Articles 407 and 879(A), relative to delinquency proceedings; to amend provisions relative to the confidentiality of delinquency proceedings; to allow the victim and certain members of the victim's family to be present; 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. 129—**

BY REPRESENTATIVE SEABAUGH

AN ACT

To amend and reenact R.S. 15:587(A)(1)(a) and to enact R.S. 15:587(A)(1)(g), relative to criminal procedure; to provide relative to the Louisiana Bureau of Criminal Identification and Information; to authorize the bureau to release criminal history records and identification files to the Louisiana Supreme Court Committee on Bar Admissions; to authorize a fee; 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. 179—**

BY REPRESENTATIVE KATZ

AN ACT

To amend and reenact R.S. 15:1085(D), relative to care and treatment of certain youth placed in nonstate treatment programs; to authorize the Department of Public Safety and Corrections to make certain payments; to provide for care and treatment of certain youth placed on probation or parole; 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. 271—**

BY REPRESENTATIVE FANNIN

AN ACT

To enact R.S. 40:1730.23(F) and 1730.24(C), relative to the state uniform construction code; to require municipalities and parishes to provide a list of registered certified building inspectors; to prohibit municipalities and parishes from imposing a fee for inspections not performed by the municipality or parish; and to provide for related matters.

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

**HOUSE BILL NO. 289—**

BY REPRESENTATIVE MORRIS

AN ACT

To amend and reenact R.S. 56:649.3(B) and 650(A) and (B)(1), relative to the Lifetime License Endowment Trust Fund; to

May 24, 2011

provide for deposit of revenues to that fund and to the Conservation Fund; and to provide for related matters.

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

HOUSE BILL NO. 392— BY REPRESENTATIVE HAZEL AN ACT

To amend and reenact R.S. 15:587(F)(1) and 587.1(C)(introductory paragraph) and (1) and to enact R.S. 15:587.1(J), relative to criminal background checks; to authorize an employer to obtain conviction records for applicants seeking employment; to provide for the taking of fingerprints from prospective employees; to authorize Court Appointed Special Advocate programs to obtain criminal background records for persons considered for involvement with the program; to require the Louisiana Bureau of Criminal Identification and Information to forward fingerprints to the Federal Bureau of Investigation for a national criminal history check; to provide for additional offenses excluding employment in professions with access to children; 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. 455— BY REPRESENTATIVE HARRISON AN ACT

To enact R.S. 47:1508(B)(29), relative to the Department of Revenue; to provide with respect to the confidentiality of taxpayer records; to authorize the sharing of information relating to certain postsecondary education and employment information; and to provide for related matters.

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

HOUSE BILL NO. 458— BY REPRESENTATIVE HILL AN ACT

To enact Subpart BB of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.95, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate a portion of any refund due to them to the Louisiana Food Bank Association; to authorize and provide a method for the making of other donations to the Louisiana Food Bank Association on the income tax return; to provide for the disposition of donated monies; to establish the Louisiana Food Bank Association Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the fund; to authorize the secretary of the Department of Revenue to make certain deposits into the fund; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 550— BY REPRESENTATIVE JOHNSON AN ACT

To enact Subpart BB of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.95, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate a portion of any refund due to them to the Make-A-Wish Foundation of the Texas Gulf Coast and Louisiana for the purpose of granting wishes to children in Louisiana who have life-threatening medical conditions; to provide for the disposition of such donated monies; to establish the Make-A-Wish Foundation of the Texas Gulf Coast and Louisiana Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the fund; to authorize the secretary of the Department of Revenue to make

certain deposits into the fund; to provide for reporting; 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 Revenue and Fiscal Affairs.

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 111— BY REPRESENTATIVES JANE SMITH, HENRY BURNS, AND BURRELL AND SENATOR ADLEY

A CONCURRENT RESOLUTION To commend the Bossier High School boys' basketball team upon winning the 2011 Class 4A state championship game.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Donahue, Erdey, Gautreaux, Guillory, Heitmeier, Jackson, Kostelka, Martiny, Mills, Morrell, Morrish, Mount, Murray, Nevers, Peterson, Quinn, Riser, Shaw, Smith, Thompson, Walsworth, Willard-Lewis

Total - 30

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Mr. President, Crowe, Dorsey, LaFleur, Long, Marionneaux, McPherson, Michot, Perry

Total - 9

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

HOUSE CONCURRENT RESOLUTION NO. 112— BY REPRESENTATIVE CROMER

A CONCURRENT RESOLUTION To commend World War II veterans participating in the Louisiana HonorAir program.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Crowe, Erdey, Gautreaux, Guillory, Heitmeier, Jackson, Kostelka, Martiny, Mills, Morrell, Murray, Nevers, Perry, Peterson, Quinn, Riser, Shaw, Smith, Thompson



Donahue	Morrish	Walsworth
Dorsey	Mount	Willard-Lewis
Total - 33		

NAYS

Total - 0

ABSENT

Mr. President	Long	McPherson
LaFleur	Marionneaux	Michot
Total - 6		

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

**HOUSE CONCURRENT RESOLUTION NO. 114—**

BY REPRESENTATIVES DOWNS, ANDERS, AND GALLOT AND SENATORS ADLEY, ALARIO, AMEDEE, APPEL, BROOME, 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 sincere and heartfelt condolences upon the death of Dr. F. Jay Taylor, former president of Louisiana Tech University.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Erdey	Murray
Alario	Gautreaux	Nevers
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	Jackson	Quinn
Chabert	Kostelka	Riser
Cheek	Martiny	Shaw
Claitor	Mills	Thompson
Crowe	Morrell	Walsworth
Donahue	Morrish	Willard-Lewis
Dorsey	Mount	
Total - 32		

NAYS

Total - 0

ABSENT

Mr. President	Marionneaux	Smith
LaFleur	McPherson	
Long	Michot	
Total - 7		

The Chair declared the Senate 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**

**AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT**

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

May 24, 2011

To the President and Members of the Senate:

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

**HOUSE BILL NO. 193—**

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 3:1407, 1421(1)(b), (2)(a) and (b), and (3), 1430.13(A) and (D), 1655(C)(3) and (5)(a), 2311(B) and (D)(1), 3210(C)(1), and 3806(G)(2) and (4)(a), relative to certain funds within the Department of Agriculture and Forestry; to provide for the merger of the Feed Fund and the Fertilizer Fund; to provide for the merger of the Crop Pests and Diseases Fund, the Apiary Fund, and the Horticulture Fund; to provide for the Pesticide Fund; to provide for the disposition of monies; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
FRANCIS C. THOMPSON  
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 24, 2011

To the President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 37—**

BY SENATOR MARTINY

A CONCURRENT RESOLUTION

To direct the Louisiana State Law Institute to evaluate Louisiana law for compliance with the United States Supreme Court's ruling in the case of *Graham v. Florida*, 130 S. Ct. 2011 (2010), and to report its findings and recommendations to the Legislature of Louisiana as to whether it is necessary to amend Louisiana's juvenile sentencing laws to comply with the ruling in that case.

Reported favorably.

**SENATE BILL NO. 220—**

BY SENATOR MARTINY

AN ACT

To enact R.S. 15:574.4(A)(4), relative to parole eligibility; to provide for eligibility for parole consideration for certain offenders; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 229—**

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 33:2218.8(B) and (G), relative to supplemental pay for deputy sheriffs; to increase the amount of monthly compensation; and to provide for related matters.

Reported with amendments.

May 24, 2011

SENATE BILL NO. 232—  
BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 15:544 (D)(1), (2), (3)(e), (4)(a) and (b) and to enact R.S. 15:544.1 and Chapter 3-C of Title 15 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 15:555 and 556; relative to sex offenses; to provide for notification and registration of offenders; to create a sexual assault task force and provide for the membership, and powers, duties, and functions of the task force; to provide for a termination date of the task force; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 217—  
BY REPRESENTATIVE BARRAS

AN ACT

To enact Code of Criminal Procedure Article 900(A)(6)(c)(vi), relative to probation; to provide relative to violations of probation; to amend definition of "technical violation"; to include failure to report to probation officer as a technical violation of probation; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
DANIEL R. MARTINY  
Chairman

REPORT OF COMMITTEE ON

JUDICIARY C

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

May 24, 2011

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. 190—  
BY SENATOR ERDEY

AN ACT

To enact R.S. 14:32.2, relative to the crime of first degree vehicular homicide; to provide for the elements of the crime; to provide penalties for conviction of the crime; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
YVONNE DORSEY  
Chairman

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Robert M. Marionneaux, Jr., Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 23, 2011

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. 41—  
BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 47:342(3)(b), relative to the occupational license tax; to define contractor for purposes of the occupational license tax in certain parishes; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 159—  
BY SENATOR APPEL AND REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 47:6036(G), relative to tax credits; to extend the Ports of Louisiana investor tax credit; to provide for a termination date; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 255—  
BY SENATOR WILLARD-LEWIS

AN ACT

To enact R.S. 47:6030.1, relative to tax credits; to grant an individual income tax credit or the cost of purchase, installation, or construction of certain residential energy efficient appliances, equipment, systems, or constructions for the residences of certain elderly people; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 258—  
BY SENATOR WILLARD-LEWIS

AN ACT

To enact R.S. 47:305.66, relative to sales and use taxes; to provide that state and local sales and use taxes shall not apply to purchase of items manufactured within the state for use in orbital environments; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 265—  
BY SENATOR RISER

AN ACT

To enact R.S. 22:832.1 and Chapter 55 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3121 through 3132, relative to the Louisiana Entrepreneurial Assistance and Development program (LEAD); to create the program; to provide for a tax reduction for investors who make investments of eligible capital under the program; to provide for approval of LEAD funds by the department of economic development and to establish criteria for such approval; to provide criteria for issuers in which investments will be made; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
ROBERT M. MARIONNEAUX, JR.  
Chairman

Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees

SENATE BILL NO. 6—  
BY SENATOR GAUTREAUX

AN ACT

To enact R.S. 11:887.1, relative to the Teachers' Retirement System of Louisiana; to provide for payment of unfunded accrued liability by an employer that withdraws some or all of its employees from the retirement system; to provide for all other withdrawal liabilities of such employers; to provide for determination of amount of withdrawal liability payment and

collection of same; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 6 by Senator Gautreaux

##### AMENDMENT NO. 1

On page 1, line 12 after "A.(1)" insert "(a)"

##### AMENDMENT NO. 2

On page 1, after line 17 insert the following:

**"(b) Notwithstanding any other provision of law to the contrary, if an employing agency terminates its participation in the retirement system as authorized by administrative action, contract, or other legally authorized action, and terminates participation for all of its employees, any entity authorizing such termination shall remit to the retirement system the employing agency's proportionate share of any unfunded actuarial accrued liability of the retirement system, as further provided in this Section.**

**"(c) Notwithstanding any other provision of law to the contrary, if an employing agency whose employees are not members of the retirement system, hires any employee previously employed by another employing agency whose employees were members of the retirement system there shall be no obligation on the part of the hiring employing agency for any unfunded accrued liability resulting from the employee's previous employment."**

##### AMENDMENT NO. 3

On page 2, line 8 after "(3)" insert "(a)"

##### AMENDMENT NO. 4

On page 2, line 10 after "governance model" delete "or transferred to any other entity, the receiving entity" and insert "and, by administrative action, contract, or other legally authorized action, the prospective employing entity is permitted by the employer to terminate its participation or forgo participation in the retirement system, the employer"

##### AMENDMENT NO. 5

On page 2, between lines 12 and 13 insert the following:

**"(b) Notwithstanding any other provision of law to the contrary, if a school or entity under an employer's jurisdiction is transferred to any other entity and the receiving entity permits the prospective employing agency, as applicable, to terminate participation or forgo participation in the retirement system, the receiving entity shall remit to the retirement system the proportionate share of any unfunded actuarial accrued liability, as further provided in this Section.**

**"(4) For purposes of this Section, "proportionate share of any unfunded accrued liability" shall mean the unfunded accrued liability, if any, which is attributable to benefits accrued by or granted to employees and retirees of the employing agency which was established during the period of time that the employing agency was a participating employer with the retirement system or, with respect to Subsection (A)(3), during the period of time the school or entity was under the employer's jurisdiction."**

##### AMENDMENT NO. 6

On page 2, line 13 after "The" insert "actuary employed by the retirement system shall determine the" and at the end of line 13 delete "shall"

##### AMENDMENT NO. 7

On page 2, delete line 14 in its entirety and insert in lieu thereof "as of the June"

##### AMENDMENT NO. 8

On page 2, line 17 after "entity" delete the remainder of the line and delete line 18 and insert a period "."

##### AMENDMENT NO. 9

On page 2, between lines 18 and 19 insert the following

**"(2)(a) Should the entity responsible for payment disagree with the amounts determined by the retirement system actuary, such entity may appeal to the Public Retirement Systems Actuarial Committee within thirty days of receipt of the invoice.**

**"(b) The legislative auditor shall perform an independent determination of the amounts due and in the event his calculation disagrees with that of the retirement system actuary, the committee shall meet and render a final determination. In the event the calculations agree, the invoice shall be due as provided in this Section."**

##### AMENDMENT NO. 10

On page 2, line 19 change "(2)" to "(3)"

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

#### SENATE BILL NO. 9—

BY SENATOR GAUTREAU

#### AN ACT

To amend and reenact R.S. 11:429(B), relative to the purchase of service credit in the Louisiana State Employees' Retirement System; to provide for the purchase of service credit and the use of such credit for the purposes of attaining eligibility for retirement; to provide relative to the payment of insurance premiums for individuals purchasing such service credit; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 9 by Senator Gautreaux

##### AMENDMENT NO. 1

On page 1, line 4 change "purposes" to "purpose"

##### AMENDMENT NO. 2

On page 2, line 3, after "member." insert "Employee and employer contributions shall be based on a hypothetical annual employment history for the number of years of service purchased starting with the June thirtieth prior to the purchase date and working back until the entire period of service being purchased is accounted for. Employee and employer contribution rates applicable to the fiscal years in the hypothetical history shall be the rates applicable for the member and for his employer for those years. Salaries in the hypothetical history shall be equal to the actual salaries earned by the member during those periods if the person was a member of the system, or derived from the salary increase assumption used in the most recent actuarial valuation if the person was not a member of the system. All employee and employer contributions are assumed to be made in the middle of the fiscal year. Interest, based on the interest rate used in the most recent actuarial valuation shall be calculated from the assumed payment date to the date of the purchase of service credit pursuant to this Paragraph."

##### AMENDMENT NO. 3

On page 2, line 18, after "member." insert "Employee and employer contributions shall be based on a hypothetical annual employment history for the number of years of service purchased starting with the June thirtieth prior to the purchase date and working back until the entire period of service being purchased is accounted for. Employee and employer contribution rates applicable to the fiscal years in the hypothetical history shall be the rates applicable for the member and for his employer for those years. Salaries in the hypothetical history shall be equal to

May 24, 2011

the actual salaries earned by the member during those periods if the person was a member of the system, or derived from the salary increase assumption used in the most recent actuarial valuation if the person was not a member of the system. All employee and employer contributions are assumed to be made in the middle of the fiscal year. Interest, based on the interest rate used in the most recent actuarial valuation shall be calculated from the assumed payment date to the date of the purchase of service credit pursuant to this Paragraph.

AMENDMENT NO. 4

On page 2, line 26, delete "the greater of"

AMENDMENT NO. 5

On page 2, line 27, after "11:158" delete the remainder of the line and delete line 28 and insert, "less the amount, if any, by which any employee and employer contributions plus interest paid by the member at the time of the previous purchase, exceeded the actuarial cost under R.S. 11:158 at the time of the previous purchase, inclusive of interest on any such excess at the board-approved actuarial rate from the date of the previous purchase to the date of the upgrade, but not less than zero, which totally offsets the increase"

AMENDMENT NO. 6

On page 3, line 6, after "Subsection" insert ", and who retires earlier than he would otherwise have been eligible for regular retirement without such purchased credit,"

AMENDMENT NO. 7

On page 3, line 7, after "increase" delete "that would otherwise occur"

AMENDMENT NO. 8

On page 3, line 8, after "premiums" delete "as a result of his" and insert "that results from such"

AMENDMENT NO. 9

On page 3, at the end of line 10 insert "The premium payments made pursuant to this Paragraph shall cease when the retiree attains the age at which his earned creditable service, not including service purchased pursuant to this Subsection, would have been sufficient to meet eligibility requirements for regular retirement."

On motion of Senator Gautreaux, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**SENATE BILL NO. 10—**  
BY SENATOR SHAW

AN ACT

To amend and reenact R.S. 11:102.2(B)(4) and 883.1(A)(2)(a), (C)(4)(a)(introductory paragraph), (b)(introductory paragraph), and (c)(i), and (G), and to repeal R.S. 11:883.1(C)(4)(d) and (e), relative to application of excess investment earnings of the Teachers' Retirement System of Louisiana; to provide for post-retirement benefit increases funded from such earnings; and to provide for related matters.

Reported favorably by the Committee on Retirement. The bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**SENATE BILL NO. 46—**  
BY SENATORS SHAW AND LONG

AN ACT

To enact R.S. 17:236.4, relative to the Louisiana Virtual School; to provide for enrollment of students; to provide for the adoption of policies; to provide relative to student access to and credit for courses taken through the virtual school; to require notification to students and parents of such virtual school option; 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. 46 by Senator Shaw

AMENDMENT NO. 1

On page 1, line 3, after "students;" insert "to provide for the responsibilities of school governing authorities;"

AMENDMENT NO. 2

On page 1, line 5, between "option;" and "and to" insert "to provide for rules;"

AMENDMENT NO. 3

On page 1, at the end of line 10, change "'virtual" to "'the virtual"

AMENDMENT NO. 4

On page 1, line 12, between "program" and "learning" change "that expands" to "to expand" and between "opportunities" and "high" change "to" to "for"

AMENDMENT NO. 5

On page 1, at the end of line 13, insert a comma " , "

AMENDMENT NO. 6

On page 1, line 14, between "and" and "access" change "offers" to "offer"

AMENDMENT NO. 7

On page 2, delete line 4 and insert the following:  
"(a) Enter into a Louisiana Virtual School Agreement with the department. However, nothing in such agreement shall prohibit the governing authority of a school from contracting with a private provider of virtual education courses, instruction, or content."

AMENDMENT NO. 8

On page 2, line 10, between "in" and "virtual" change "any" to "a"

AMENDMENT NO. 9

On page 2, delete lines 14 through 16 and insert the following:  
"(2) The governing authority of a public secondary school shall not limit student access to any course of study offered by the virtual school that is not offered by the high school in which a student is enrolled at the time the student wishes to enroll in the course."

AMENDMENT NO. 10

On page 2, line 21, change "Subparagraph (C)(1)(c)" to "Subsection C"

AMENDMENT NO. 11

On page 2, line 23, after "shall" delete the remainder of the line, and delete lines 24 and 25, and insert "provide written notification of the virtual school option and available virtual school course offerings to each student, and the student's parent or legal guardian, at the time of the student's enrollment in high school."

AMENDMENT NO. 12

On page 2, between lines 25 and 26, insert the following:  
"F. The State Board of Elementary and Secondary Education shall adopt rules, including the imposition of any fees to be charged to participating students and schools, to implement the provisions of this Section in accordance with the Administrative Procedure Act.  
G. Implementation of this Section shall be subject to the appropriation of funds by the legislature for this purpose."

On motion of Senator Nevers, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**SENATE BILL NO. 68—**  
BY SENATOR NEVERS

## AN ACT

To enact R.S. 33:2570, relative to the positions of fire chief and police chief in the city of Bogalusa; to provide that such positions are in the unclassified service; to provide relative to the appointment, supervision, and discharge of any person in any such position; to provide relative to qualifications; to provide relative to resignation from and return to the classified service; 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. 68 by Senator Nevers

**AMENDMENT NO. 1**

On page 1, line 5, after "qualifications;" delete the remainder of the line in its entirety

**AMENDMENT NO. 2**

On page 1, line 6, delete "and return to the classified service;"

**AMENDMENT NO. 3**

On page 1, line 11, delete "A."

**AMENDMENT NO. 4**

On page 2, delete lines 2 through 5 in their entirety

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

**SENATE BILL NO. 73—**  
BY SENATOR MORRISH

## AN ACT

To amend and reenact R.S. 56:435.1.1(A), relative to oyster harvesting; to provide for oyster harvesting in Calcasieu Lake; to change the types of gear used for oyster harvesting; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 73 by Senator Morrish

**AMENDMENT NO. 1**

On page 1, line 2, delete "(A)"

**AMENDMENT NO. 2**

On page 1, delete line 3, and insert "harvesting in Calcasieu Lake; to provide for harvest limits; to provide for the issuance of certain permits; to authorize rulemaking authority; to provide terms, conditions, and penalties;"

**AMENDMENT NO. 3**

On page 1, line 6, delete "(A)"

**AMENDMENT NO. 4**

On page 1, line 8, after "A." insert "(1)" and after "Lake" delete "**shall be limited to tonging**"

**AMENDMENT NO. 5**

On page 1, at the end of line 11, insert: "**shall be prohibited except by special permit issued by the Department of Wildlife and Fisheries. Oyster harvesting shall be limited to** using tongs; a hand dredge; a single dredge with mechanical assist that has a tooth bar no more than thirty-six inches long; or use of a single scraper with

mechanical assist and a flat bar length of no more than thirty-six inches is allowed.

**(2) No person shall be issued a permit for the commercial taking of oysters on Calcasieu Lake unless that person provides proof that he commercially harvested oysters from Calcasieu Lake through trip ticket landings in three of the following four years: 2007, 2008, 2009, and 2010.**

B. All vessels used for the commercial harvest of oysters on Calcasieu Lake must be self-propelled. "Self-propelled" means, when used in this Section, that the vessel shall travel under its own power to its harvest area and when loaded with oysters, shall travel under its own power to the place where the oysters are unloaded.

C. The commission shall fix the open season for oyster harvest in Calcasieu Lake, which shall begin on any date between October fifteenth and November first and, for calendar years 2007 through 2010, shall end on a date set after consideration of recommendations by the Louisiana Oyster Task Force. After calendar year 2010, the season shall end on April thirtieth. However, in consultation with the Oyster Task Force, the commission may open or close the season as biological data indicate a need and may manage East Cove and West Cove separately.

**D. Harvest limits shall be set twenty-five sacks of oysters per permittee per day, but the sack limit may be lowered** by the commission not to exceed twenty-five sacks of oysters per day per licensed vessel based upon technical and biological data and after consideration of recommendations by the Louisiana Calcasieu Lake Oyster Task Force. In addition, recreational fishermen may harvest oysters as provided in R.S. 56:424(C). **Harvest limits for recreational fishermen shall be one sack per person per day.**

E. Any violation of the provisions of this Section shall be considered a class four violation subject to the penalties contained in R.S. 56:34.

**D. (1) Violation of any provision of this Section or of any Wildlife and Fisheries Commission regulation pertaining to taking, possessing, recording or reporting of landings or selling oysters from Calcasieu Lake shall constitute a Class 4 violation. The offender shall also be penalized as follows:**

**(a) For a first offense, the offender shall forfeit any permit to fish for oysters on Calcasieu Lake and shall be barred from obtaining such permit for the remainder of the period for which it was issued plus one year, during which time the offender shall be barred from participating in any oyster fishing activity on Calcasieu Lake.**

**(b) For a second offense, the offender shall forfeit any Calcasieu Lake oyster permit issued to him and shall be barred from obtaining a Calcasieu Lake oyster permit for the remainder of the period for which it was issued plus two years, during which time the offender shall be barred from participating in any oyster fishing activity on Calcasieu Lake.**

**(c) For a third offense, the offender shall forfeit any Calcasieu Lake oyster permit issued to him and shall be permanently barred from obtaining a Calcasieu Lake oyster permit and from participating in any oyster fishing activity on Calcasieu Lake.**

**(2) Any person who participates in the fishery while barred shall be penalized under the provisions of a Class 7-B violation.**

**E. The special permit provided for in this Section shall not be transferable from one person to another for a period of three years from August 15, 2011, or until a transfer system is developed by the commission. An exception to the prohibition on transfer may be granted by the commission, in its sole discretion, in the case of proven physical hardship of the permittee, and only if the transfer is to the permittee's spouse, parent/legal guardian, or child/legal dependent of the permittee.**

**F.(1) The commission shall adopt rules and regulations, in accordance with the Administrative Procedure Act, for the season, take, harvest, possession, reporting, sale, transfer of special permits, apprenticeship, appeals, individual transfer quotas, and entry of commercial fishermen into the commercial oyster fishery in Calcasieu Lake.**

**(2) The commission shall, within three years from August 15, 2011, establish by rules adopted in accordance with the Administrative Procedure Act a system for the transfer of special**

May 24, 2011

permits. Such rules shall provide that there shall be no financial gain realized by the transferor of the permit for such transfer.

(3) The provisions of Paragraph (A)(2) of this Section shall expire and be void after adoption by the commission of all of the rules and regulations required by this Subsection."

AMENDMENT NO. 6  
On page 1, delete line 12

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

SENATE BILL NO. 83—  
BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 39:1554(E) and to enact Part IV-A of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:2271, and Subpart B-1 of Part III of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:1598.1, and R.S. 39:1661(D) and 1671(H), relative to purchasing by certain public entities; to authorize the use of reverse auctions by certain public entities for the purchase of certain materials, supplies, services, products, or equipment; to provide for public notice; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 108—  
BY SENATOR RISER

AN ACT

To amend and reenact R.S. 18:402(F) and 1352, relative to the Louisiana Election Code; to provide relative to the use of voting machines in elections; to provide for the use of paper ballots in elections; to provide relative to tax elections; to provide that local tax elections can only be held at the same time as statewide and congressional primary elections; to provide a limitation on the number of emergency tax elections that can be held; and to provide for related matters.

Reported favorably by the Committee on Finance. The bill was read by title, and passed to a third reading.

SENATE BILL NO. 118—  
BY SENATOR MILLS

AN ACT

To enact R.S. 33:2740.40, relative to St. Martin Parish; to create the St. Martinville Downtown Development District within the parish; to provide relative to the boundaries, purpose, and powers and duties of the district; to provide relative to district funding, including the authority to levy taxes; and to provide for related matters.

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

SENATE BILL NO. 119—  
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 41:1216, relative to leases of public lands; to provide for certain provisions regarding leases on public lands; to exempt lands administered, controlled or managed by the Department of Wildlife and Fisheries from certain restrictions on public leases; to provide terms, conditions, and requirements; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 119 by Senator Perry

AMENDMENT NO. 1

On page 1, line 2, after "1216" delete the comma and insert "and 1217.1(B), and R.S. 56:30.3(B) and to enact R.S. 41:1217(F),"

AMENDMENT NO. 2

On page 1, line 5, after "leases;" insert "to provide for terms of a lease transferred to the state from another party;"

AMENDMENT NO. 3

On page 1, line 8, delete "is" and insert "and 1217.1(B) are" and after "reenacted" insert "and R.S. 41:1217(F) is hereby enacted"

AMENDMENT NO. 4

On page 2, between lines 13 and 14, insert:  
"§1217. Term and rental; port authorities excepted  
\* \* \*

**F. All leases or extensions of leases on lands administered, controlled or managed by the Department of Wildlife and Fisheries executed under the provisions of this Part, or R.S. 56:30.3, shall require that the rental payments be adjusted annually by an amount not less than the Consumer Price Index.**  
§1217.1. Renewal of lease; highest bid option  
\* \* \*

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

Section 2. R.S. 56:30.3(B) is hereby amended and reenacted to read as follows:

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

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

AMENDMENT NO. 5

On page 2, line 14, change "Section 2." to "Section 3."

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

SENATE BILL NO. 139—  
BY SENATORS MARIONNEAUX, ERDEY AND MOUNT  
AN ACT

To enact R.S. 32:83, relative to motor vehicles and traffic regulations; to prohibit certain trucks from using the far left lane on certain highways; to provide for exceptions; to provide for penalties; 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. 139 by Senator Marionneau

AMENDMENT NO. 1

On page 2, at the end of line 2, insert: "**The provisions of this Section also shall not apply to any portion of a multi-lane highway within an incorporated urban area as designated by the department.**"

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

**SENATE BILL NO. 164—**

BY SENATOR ERDEY

## AN ACT

To amend and reenact R.S. 32:402 (B)(1)(a)(ii)(aa), 402.1(A)(1),(B) and (C), and 407(A)(3), and R.S. 40:1461(A), (C), and (E) and to enact R.S. 40:1461(F) and (G), relative to driver education; to provide relative to licensing of private training and driving instructor schools; to provide relative to the on-road driving skills test; 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. 164 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 17, after "**licensed**" and before "**third-party**" insert "**and contracted**"

AMENDMENT NO. 2

On page 2, line 8, after "person" and before "making" delete "seventeen years or older"

AMENDMENT NO. 3

On page 2, line 20, after "**licensed**" change "**driver education instructor**" to "**and contracted third party tester**"

AMENDMENT NO. 4

On page 2, line 22, after "**such**" change "**driver education instructor**" to "**third-party tester**" and at the end of the line, insert "**department approved**"

AMENDMENT NO. 5

On page 3, line 6, after "age" insert "or **older younger**"

AMENDMENT NO. 6

On page 3, line 7, at the end of the line after "**Corrections**" insert "**or his designee**"

AMENDMENT NO. 7

On page 3, line 12, after "**licensed**" change "**driver education instructor**" to "**and contracted third-party tester**"

AMENDMENT NO. 8

On page 3, line 14, after "**with a**" insert "**department approved**"

AMENDMENT NO. 9

On page 4, line 4 after "**licensed**" insert "**and contracted**"

AMENDMENT NO. 10

On page 4, line 13, after "Licensing" insert "**or contracting**"

AMENDMENT NO. 11

On page 4, line 26, after "**licensed**" and before "**pursuant**" insert "**or contracted**"

AMENDMENT NO. 12

On page 4, line 28, after "**licensed**" and before "**on**" insert "**or contracted**"

AMENDMENT NO. 13

On page 4, line 29, after "**licensed**" and before "**driving**" insert "**or contracted**"

AMENDMENT NO. 14

On page 5, line 4, after "**license**" and before the period "." insert "**or contract**"

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

**SENATE BILL NO. 172—**

BY SENATOR WALSWORTH

## AN ACT

To enact R.S. 56:1687(12), relative to state parks; to authorize the secretary of the Department of Culture, Recreation and Tourism to sell certain state park lands and use the proceeds to create a new and improved state park within the boundaries of the political subdivision where the state park sold was located, and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 172 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 3, after "lands" delete "and" and insert "; to provide for the use of the proceeds of such sale; to provide terms and conditions; and to provide for"

AMENDMENT NO. 2

On page 1, delete lines 4 and 5

AMENDMENT NO. 3

On page 1, line 12, after "**(12)**" insert "**(a)**" and after "**lands**" insert "**as described below, in exchange for consideration proportionate to the appraised value of the property,**" and after "**to**" insert "**acquire property to expand existing park areas in Union Parish, to add new facilities on existing park areas in Union Parish, or for general repairs and improvements to existing facilities on existing park areas within Union Parish.**"

AMENDMENT NO. 4

On page 1, delete lines 13 through 17, and insert:

**"(b) That certain parcel of land comprising 90 acres, more or less, excluding mineral rights, situated within the city of Farmerville and along the shoreline of Lake D'Arbonne in Sections 25 and 36, Township 21 North, Range 1 West, Union Parish, Louisiana."**

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

**SENATE BILL NO. 183—**

BY SENATOR APPEL

## AN ACT

To amend and reenact R.S. 17:3217 and to enact Part III-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3241 through 3251, relative to postsecondary education; to provide for the creation of a comprehensive, integrated postsecondary education delivery

system for the New Orleans region; to provide for the transfer of Southern University at New Orleans and the University of New Orleans to the University of Louisiana System; to provide relative to the transfer of facilities, resources, funds, obligations and functions of these institutions; to provide for the consolidation of Southern University at New Orleans and the University of New Orleans into a newly created postsecondary institution; to provide for the creation of such new postsecondary educational institution; to provide for the transition responsibilities of the individual institutions and the postsecondary education boards; to provide for cooperative agreements; to provide for the creation of a branch campus of Delgado Community College; to provide relative to accreditation issues; to provide relative to student enrollment, program completion, and the awarding of diplomas; to provide for an advisory committee; to provide for reporting; to provide for effectiveness; and to provide for related matters.

Reported by substitute by the Committee on Education. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. —(Substitute of Senate Bill No. 183 by Senator Appel)

BY SENATOR APPEL

AN ACT

To amend and reenact R.S. 17:3217, to enact R.S. 17:3230, and to repeal R.S. 17:3215(2), relative to postsecondary education; to provide for the transfer of the University of New Orleans to the University of Louisiana System; to provide relative to the transfer of the facilities, resources, funds, obligations, and functions of the institution and related foundations; to provide for the transition responsibilities of the impacted institution and management boards and the division of administration; to provide for cooperative agreements; to provide relative to accreditation issues; to provide relative to funding; to provide relative to employees; to provide for effectiveness; and to provide for related matters.

AN ACT

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3217 is hereby amended and reenacted and R.S. 17:3230 is hereby enacted to read as follows:

§3217. University of Louisiana system System

The University of Louisiana system System is composed of the institutions under the supervision and management of the Board of Trustees for State Colleges and Universities Board of Supervisors for the University of Louisiana System as follows:

- (1) Grambling State University at Grambling.
(2) Louisiana Tech University at Ruston.
(3) McNeese State University at Lake Charles.
(4) Nicholls State University at Thibodaux.
(5) Northeast Louisiana University of Louisiana at Monroe.
(6) Northwestern State University of Louisiana at Natchitoches.
(7) Southeastern Louisiana University at Hammond.
(8) University of Southwestern Louisiana at Lafayette.
(9) The University of Louisiana at Lafayette.
(10) The University of Louisiana at Monroe.
(11) The University of New Orleans.
(12) Any other college, university, school, institution or program now or hereafter under the supervision and management of the Board of Trustees for State Colleges and Universities Board of Supervisors for the University of Louisiana System.

§3230. The University of New Orleans; transfer to the University of Louisiana System

A. (1) Not later than August 1, 2011, the chancellor of the University of New Orleans shall submit a letter to the president of the Southern Association for Colleges and Schools, Commission on Colleges, stating his intent for a change in governance for the institution from the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to the Board of Supervisors of the University of Louisiana System.

(2) The chancellor, faculty, and administration of the University of New Orleans shall take every action necessary to

efficiently and expeditiously comply with all established timelines, requirements, and procedures to ensure that the requested change of governance may be effected immediately upon receipt of commission approval.

B.(1) Pursuant to the authority granted to the legislature by Article VIII, Section 5(D)(3) of the Constitution of Louisiana to transfer an institution from one board to another by law enacted by two-thirds of the elected members of each house, the University of New Orleans, and the assets, funds, obligations, liabilities, programs, and functions related thereto, are hereby transferred to the University of Louisiana System, and shall be under the management and supervision of the Board of Supervisors for the University of Louisiana System.

(2) The provisions of this Subsection shall become effective immediately upon receipt of approval from the Southern Association for Colleges and Schools, Commission on Colleges, for the requested change in governance.

C. The Board of Supervisors for the University of Louisiana System shall develop policies and procedures to resolve issues related to the status and tenure of employees of the University of New Orleans which may arise from the transfer of the institution to the University of Louisiana System.

D. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College shall:

(1) Continue to exercise its authority to supervise and manage the University of New Orleans until such time as the Southern Association for Colleges and Schools, Commission on Colleges, grants approval for the requested change in governance and transfer of the University of New Orleans to the University of Louisiana System.

(2)(a) Work cooperatively and collaboratively with the Board of Supervisors of the University of Louisiana System to ensure that the requested transfer may be effected immediately upon receipt of commission approval for the change in governance.

(b) Prior to receipt of such approval, enter into agreements to transfer as many administrative and supervisory functions as possible with respect to the University of New Orleans to the University of Louisiana System, without adversely impacting the accreditation status of the institution.

(3) Upon receipt of such approval, immediately transfer all assets, funds, facilities, property, obligations, liabilities, programs, and functions relative to the University of New Orleans to the University of Louisiana System.

E. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College shall not:

(1) Interfere with, or impede in any way, the processes to transfer the University of New Orleans to the University of Louisiana System.

(2) Sell, transfer, or otherwise remove any asset or thing of value, movable or immovable, tangible or intangible, attributable to or owned by the University of New Orleans, or owned, leased by, or operated by any foundation related to such institution on the effective date of this Section. In addition, access to any asset leased to any foundation related to the University of New Orleans shall not be restricted or denied.

(3) Incur, transfer or assign any debt or other responsibility or obligation to the University of New Orleans that is not properly attributable to the institution on the effective date of this Section.

(4)(a) Disproportionately reduce or reallocate the level of funding that would otherwise be allocated to the University of New Orleans pursuant to the postsecondary education funding formula.

(b) Until such time as the University of New Orleans is transferred to the University of Louisiana System, no budget reductions or changes in funding allocations shall be imposed upon the institution without prior review and approval from the Joint Legislative Committee on the Budget.

(5) Take any personnel action with regard to any instructional or administrative employee of the University of New Orleans without the prior approval of the Board of Regents.

F. The commissioner of administration shall ensure that sufficient funds and resources are available to fully effect the



**transfer of the University of New Orleans to the University of Louisiana System.**

Section 2. R.S. 17:3215(2) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

On motion of Senator Nevers, the committee substitute bill was adopted and becomes Senate Bill No. 266 by Senator Appel, substitute for Senate Bill No. 183 by Senator Appel.

**SENATE BILL NO. 266— (Substitute of Senate Bill No. 183 by Senator Appel)**

BY SENATORS APPEL AND MURRAY  
AN ACT

To amend and reenact R.S. 17:3217, to enact R.S. 17:3230, and to repeal R.S. 17:3215(2), relative to postsecondary education; to provide for the transfer of the University of New Orleans to the University of Louisiana System; to provide relative to the transfer of the facilities, resources, funds, obligations, and functions of the institution and related foundations; to provide for the transition responsibilities of the impacted institution and management boards and the division of administration; to provide for cooperative agreements; to provide relative to accreditation issues; to provide relative to funding; to provide relative to employees; to provide for effectiveness; and to provide for related matters.

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

**SENATE BILL NO. 196—**

BY SENATOR MARIONNEAUX  
AN ACT

To amend and reenact R.S. 38:2251.2, relative to public contracts; to provide a preference for steel pipe manufactured in this state; 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. 196 by Senator Marionneaux

**AMENDMENT NO. 1**

On page 1, line 11, after "rolled" insert "**or steel pipe manufactured**"

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

**SENATE BILL NO. 213—**

BY SENATORS MICHOT AND CHEEK  
AN ACT

To enact Subpart E of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:17 through 20, relative to governmental portal services; to establish the Louisiana Enhanced Governmental Access Portal within the division of administration; to provide for the duties and functions of the commissioner of administration relative to the governmental portal; to provide for outsourcing of certain portal services; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 213 by Senator Michot

**AMENDMENT NO. 1**

On page 1, line 6, after "administration" and before "relative to" insert "and chief information officer"

**AMENDMENT NO. 2**

On page 2, between lines 7 and 8, insert the following:

**"(1.1) "CIO" means the chief information officer, head of the office of information technology within the division of administration."**

**AMENDMENT NO. 3**

On page 2, delete lines 16 through 18 and insert the following:

**"A. The CIO, under the direction of the commissioner of administration, shall have the following duties relative to the oversight and operation of the state of Louisiana's governmental portal:**

**(1) To provide oversight of the agencies within the division of administration which supply and ensure electronic"**

**AMENDMENT NO. 4**

On page 2, delete lines 24 through 27, and insert the following:

**"(3) To provide appropriate oversight of any contracts relative to the operation of the state's portal."**

**AMENDMENT NO. 5**

On page 2, line 28, change "**(5)**" to "**(4)**"

**AMENDMENT NO. 6**

On page 3, line 5, change "**(6)**" to "**(5)**"

**AMENDMENT NO. 7**

On page 3, line 8, change "**(7)**" to "**(6)**"

**AMENDMENT NO. 8**

On page 3, delete lines 10 and 11

**AMENDMENT NO. 9**

On page 3, line 12, change "**shall**" to "**may**"

**AMENDMENT NO. 10**

On page 3, line 15, change "**shall**" to "**may**"

**AMENDMENT NO. 11**

On page 3, delete lines 17 through 23 and insert the following:

**"D. Nothing in this Subpart shall be construed to affect the availability of public records in accordance with the Public Records Law as provided by R.S. 44:1, et seq.**

**E. The commissioner of administration shall recommend any value-added charges for transactions or classes of transactions conducted through the portal for the review and approval of the Joint Legislative Committee on the Budget.**

**F. Nothing herein shall apply to postsecondary education institution portals used to support faculty and students, nor to the Louisiana State University Health Electronic Health Record program established to provide patients and their treating medical team with access to patient medical information."**

**AMENDMENT NO. 12**

On page 3, line 25, change "**commissioner of administration shall use**" to "**"CIO, under the direction of the commissioner of administration, shall oversee"**

**AMENDMENT NO. 13**

On page 4, at the beginning of line 20, change "**(7) Primarily fund**" to "**(7) Fund**"

**AMENDMENT NO. 14**

On page 4, delete lines 22 and 23

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

SENATE BILL NO. 227—

BY SENATOR MILLS

AN ACT

To enact R.S. 39:1800.8, relative to state correctional facilities; to provide with respect to state correctional facilities and contracts for private management of such facilities; and to provide for related matters.

Reported by substitute by the Committee on Finance. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. —(Substitute of Senate Bill No. 227 by Senator Mills)

BY SENATOR MILLS

AN ACT

To enact R.S. 39:1800.4(C)(3), relative to state and local correctional facilities; to provide for pre-paid leases of certain state correctional facilities; to provide for certain terms of pre-paid leases of state correctional facilities; to provide for an effective date; and to provide for related matters.

AN ACT

Be it enacted by the Legislature of Louisiana: Section 1. R.S. 17:3217 is hereby amended and reenacted and R.S. 17:3230 is hereby enacted to read as follows:

§3217. University of Louisiana system ~~System~~ System The University of Louisiana ~~system~~ System is composed of the institutions under the supervision and management of the ~~Board of Trustees for State Colleges and Universities~~ Board of Supervisors for the University of Louisiana System as follows:

- (1) Grambling State University at Grambling.
(2) Louisiana Tech University at Ruston.
(3) McNeese State University at Lake Charles.
(4) Nicholls State University at Thibodaux.
(5) Northeast Louisiana University of Louisiana at Monroe.
(6)(5) Northwestern State University of Louisiana at Natchitoches.
(7)(6) Southeastern Louisiana University at Hammond.
(8) University of Southwestern Louisiana at Lafayette.
(7) The University of Louisiana at Lafayette.
(8) The University of Louisiana at Monroe.
(9) The University of New Orleans.
(9)(10) Any other college, university, school, institution or program now or hereafter under the supervision and management of the ~~Board of Trustees for State Colleges and Universities~~ Board of Supervisors for the University of Louisiana System.

§3230. The University of New Orleans; transfer to the University of Louisiana System

A. (1) Not later than August 1, 2011, the chancellor of the University of New Orleans shall submit a letter to the president of the Southern Association for Colleges and Schools, Commission on Colleges, stating his intent for a change in governance for the institution from the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to the Board of Supervisors of the University of Louisiana System.

(2) The chancellor, faculty, and administration of the University of New Orleans shall take every action necessary to efficiently and expeditiously comply with all established timelines, requirements, and procedures to ensure that the requested change of governance may be effected immediately upon receipt of commission approval.

B.(1) Pursuant to the authority granted to the legislature by Article VIII, Section 5(D)(3) of the Constitution of Louisiana to transfer an institution from one board to another by law enacted by two-thirds of the elected members of each house, the University of New Orleans, and the assets, funds, obligations, liabilities, programs, and functions related thereto, are hereby transferred to the University of Louisiana System, and shall be under the management and supervision of the Board of Supervisors for the University of Louisiana System.

(2) The provisions of this Subsection shall become effective immediately upon receipt of approval from the Southern Association for Colleges and Schools, Commission on Colleges, for the requested change in governance.

C. The Board of Supervisors for the University of Louisiana System shall develop policies and procedures to resolve issues related to the status and tenure of employees of the University of New Orleans which may arise from the transfer of the institution to the University of Louisiana System.

D. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College shall:

(1) Continue to exercise its authority to supervise and manage the University of New Orleans until such time as the Southern Association for Colleges and Schools, Commission on Colleges, grants approval for the requested change in governance and transfer of the University of New Orleans to the University of Louisiana System.

(2)(a) Work cooperatively and collaboratively with the Board of Supervisors of the University of Louisiana System to ensure that the requested transfer may be effected immediately upon receipt of commission approval for the change in governance.

(b) Prior to receipt of such approval, enter into agreements to transfer as many administrative and supervisory functions as possible with respect to the University of New Orleans to the University of Louisiana System, without adversely impacting the accreditation status of the institution.

(3) Upon receipt of such approval, immediately transfer all assets, funds, facilities, property, obligations, liabilities, programs, and functions relative to the University of New Orleans to the University of Louisiana System.

E. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College shall not:

(1) Interfere with, or impede in any way, the processes to transfer the University of New Orleans to the University of Louisiana System.

(2) Sell, transfer, or otherwise remove any asset or thing of value, movable or immovable, tangible or intangible, attributable to or owned by the University of New Orleans, or owned, leased by, or operated by any foundation related to such institution on the effective date of this Section. In addition, access to any asset leased to any foundation related to the University of New Orleans shall not be restricted or denied.

(3) Incur, transfer or assign any debt or other responsibility or obligation to the University of New Orleans that is not properly attributable to the institution on the effective date of this Section.

(4)(a) Disproportionately reduce or reallocate the level of funding that would otherwise be allocated to the University of New Orleans pursuant to the postsecondary education funding formula.

(b) Until such time as the University of New Orleans is transferred to the University of Louisiana System, no budget reductions or changes in funding allocations shall be imposed upon the institution without prior review and approval from the Joint Legislative Committee on the Budget.

(5) Take any personnel action with regard to any instructional or administrative employee of the University of New Orleans without the prior approval of the Board of Regents.

F. The commissioner of administration shall ensure that sufficient funds and resources are available to fully effect the transfer of the University of New Orleans to the University of Louisiana System.

Section 2. R.S. 17:3215(2) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

On motion of Senator Jackson, the committee substitute bill was adopted and becomes Senate Bill No. 267 by Senator Mills, substitute for Senate Bill No. 227 by Senator Mills.

**SENATE BILL NO. 267— (Substitute of Senate Bill No. 227 by Senator Mills)**

BY SENATOR MILLS

AN ACT

To enact R.S. 39:1800.4(C)(3), relative to state and local correctional facilities; to provide for pre-paid leases of certain state correctional facilities; to provide for certain terms of pre-paid leases of state correctional facilities; to provide for an effective date; and to provide for related matters.

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

**SENATE BILL NO. 252—**

BY SENATOR ERDEY

AN ACT

To enact R.S. 38:1805.1, relative to gravity drainage districts; to authorize the Livingston Parish Gravity Drainage District No. 6 to levy a sales and use tax; to require voter approval of such tax; to provide for the purposes of such tax; to authorize the issuance of bonds; 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. 252 by Senator Erdey

**AMENDMENT NO. 1**

On page 1, line 13, after "**purpose, the**" change "**police jury**" to "**parish council**"

**AMENDMENT NO. 2**

On page 1, at the beginning of line 16, after "**of the**" change "**police jury**" to "**parish council**"

**AMENDMENT NO. 3**

On page 2, line 8, after "**ordinance of the**" change "**police jury**" to "**parish council**"

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

**SENATE BILL NO. 261—**

BY SENATOR CHAISSON

AN ACT

To enact R.S. 38:1607(C), relative to St. Charles Parish; to provide that the St. Charles Parish Council may replace the board of commissioners of the Sunset Drainage District as the governing authority of the district by ordinance; 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. 261 by Senator Chaisson

**AMENDMENT NO. 1**

On page 2, line 1, after "effective" delete the remainder of the line and delete lines 2 through 5 and insert in lieu thereof "on January 1, 2012."

On motion of Senator Crowe, 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. 38—**

BY REPRESENTATIVE RITCHIE

AN ACT

To enact R.S. 13:2072.1, relative to court costs in the City Court of Bogalusa; to provide for additional court costs in misdemeanor and traffic matters; to provide for the collection and use of the funds; and to provide for related matters.

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

**HOUSE BILL NO. 52—**

BY REPRESENTATIVE HENDERSON

AN ACT

To enact R.S. 13:2501.1(N), relative to court costs in the Traffic Court of New Orleans; to provide for an increase in court costs; to provide for use of the funds; and to provide for related matters.

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

**HOUSE BILL NO. 58—**

BY REPRESENTATIVES LIGI AND WILLMOTT AND SENATOR MARTINY

AN ACT

To authorize and provide for the lease of certain state property; to authorize the lease of certain water bottoms and reclaimed lands in Jefferson Parish; to provide for reservation of mineral rights; to provide for terms and conditions; to provide for an effective date; 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. 60—**

BY REPRESENTATIVE GUILLORY

AN ACT

To enact R.S. 33:447.8, relative to the mayor's court of the town of Basile; to authorize an increase in court costs for violations of municipal ordinances; and to provide for related matters.

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

**HOUSE BILL NO. 77—**

BY REPRESENTATIVE BARRAS

AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Iberia Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; 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. 113—**

BY REPRESENTATIVE ST. GERMAIN

AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Iberia Parish and Iberville Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 113 by Representative St. Germain

AMENDMENT NO. 1

On page 1, line 2, after "property;" delete the remainder of the line and line 3, and insert "to provide for the"

AMENDMENT NO. 2

On page 2, at the end of line 32, after "less;" insert "the remainder containing 21.49 acres, more or less."

AMENDMENT NO. 3

On page 2, delete line 33

AMENDMENT NO. 4

On page 3, line 4, after "2/3rd" insert "undivided interest"

AMENDMENT NO. 5

On page 3, line 6, after "1/3rd" insert "undivided interest in the"

AMENDMENT NO. 6

On page 3, line 8, after "2/3rd" insert "undivided interest in the"

AMENDMENT NO. 7

On page 3, line 13, change "Section 1" to "Section 5"

AMENDMENT NO. 8

On page 3, between lines 16 and 17, insert:

"Section 7. The secretary of the Department of Culture, Recreation and Tourism and the commissioner of the division of administration, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, in accordance with R.S. 41:131 et seq., the state may have to all or any portion of the following described parcel of property:

That certain parcel of land comprising 90 acres, more or less, excluding mineral rights, situated within the city of Farmerville and along the shoreline of Lake D'Arbonne in Sections 25 and 36, Township 21 North, Range 1 West, Union Parish, Louisiana.

Section 8. The secretary of the Department of Culture, Recreation and Tourism and the commissioner of the division of administration are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 7, and as more specifically described in any such agreements entered into and documents executed by and between secretary of the Department of Culture, Recreation and Tourism and the commissioner of the division of administration and the person or entity purchasing the property, in exchange of consideration proportionate to the appraised value of the property.

Section 9. Notwithstanding any provisions of law to the contrary, the net proceeds of the transfer authorized in Section 7 shall be deposited into the Louisiana State Parks Improvement and Repair Fund and dedicated for the acquisition of property to expand existing park areas in Union Parish, the addition of new facilities on existing park areas in Union Parish, or for general repairs and improvements to existing facilities on existing park areas within Union Parish."

AMENDMENT NO. 9

On page 3, line 17, change "7" to "10"

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

HOUSE BILL NO. 169—

BY REPRESENTATIVE HENRY

AN ACT

To enact R.S. 56:116.1(D)(3), relative to hunting; to authorize the use of sound suppressors when taking nongame nuisance quadrupeds; 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. 201—

BY REPRESENTATIVE ARMES

AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Vernon Parish and Jefferson Davis Parish; to provide for the property description; to provide terms and conditions; to provide an effective date; 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. 224—

BY REPRESENTATIVE NOWLIN

AN ACT

To amend and reenact R.S. 13:996.22(A), relative to court costs in the Tenth Judicial District Court; to provide for additional court costs in criminal matters; and to provide for related matters.

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

HOUSE BILL NO. 292—

BY REPRESENTATIVES MORRIS, AUBERT, BOBBY BADON, BARRAS, BARROW, BILLIOT, BISHOP, HENRY BURNS, BURRELL, CHAMPAGNE, CHANDLER, CHANEY, DIXON, DOERGE, DOWNS, EDWARDS, ELLINGTON, GISCLAIR, GUILLORY, GUINN, HARRISON, HAZEL, HENDERSON, HOFFMANN, SAM JONES, LAMBERT, LEBAS, LIGL LITTLE, MCVEA, MONTOUCEY, MORENO, PATRICIA SMITH, ST. GERMAIN, STIAES, WILLIAMS, AND WOOTON AND SENATOR MICHOT

AN ACT

To amend and reenact R.S. 30:2506(A)(introductory paragraph) and (B) and 2507(A), R.S. 32:412(A)(1), (2), (5), and (6), (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), and (ee) and (ii)(aa), (cc), (dd)(I), and (ee), R.S. 36:605(B)(4)(a), and R.S. 47:463.43(A), (D), and (E), to enact R.S. 56:10(B)(15), and to repeal R.S. 30:2504 and 2511, R.S. 36:609(B)(4), Section 3 of Act No. 527 of the 2003 Regular Session of the Legislature, Act No. 363 of the 2004 Regular Session of the Legislature, Act No. 190 of the 2007 Regular Session of the Legislature, and R.S. 32:412(A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I) as amended by Act No. 9 of the 2011 First Extraordinary Session of the Legislature, relative to litter abatement, enforcement, and education; to provide for the Louisiana Environmental Education Commission; to provide for the responsibility and duties of the Department of Wildlife and Fisheries; to provide litter abatement and enforcement; to provide for education programs; to abolish the environmental education division within the Department of Wildlife and Fisheries; to provide for special license plates; to provide for the disposition of certain funds collected from driver's license issuance and renewal and special license plates; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 292 by Representative Morris

AMENDMENT NO. 1

On page 1, line 2, delete "and 2507(A)," and insert ", 2507(A), and 2532(A)(4) and (B)(1),"

AMENDMENT NO. 2

On page 1, line 5, delete "and 2511," and insert ", 2511, and 2532(C) and (D),"

AMENDMENT NO. 3

On page 1, line 13, at the end of the line, insert "to create the litter abatement and education account; to provide for the deposit of certain fines into the litter abatement and education account;"

AMENDMENT NO. 4

On page 2, line 2, delete "and 2507(A)" and insert ", 2507(A), and 2532(A)(4) and (B)(1)"

AMENDMENT NO. 5

On page 2, between lines 20 and 21, insert:  
 "§2532. Collection and distribution of fines; ~~Keep Louisiana Beautiful Fund~~ litter abatement and education account

A. All fines collected under the provisions of this Part shall be payable as follows:

\* \* \*

(4) The remainder shall be paid to the state treasury for credit to the ~~Keep Louisiana Beautiful Fund~~ litter abatement and education account.

B.(1) All other monies received under the provisions of this Part shall be paid into the state treasury on or before the twenty-fifth day of each month following their collection and, in accordance with Article VII, Section 9 of the Constitution of Louisiana, shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated therefrom to pay all obligations secured by the full faith and credit of the state which become due and payable within each fiscal year, the treasurer shall pay an amount equal to the total amount of such funds collected or received under the provisions of this Part paid into the treasury into a special fund which is hereby created in the state treasury and designated as the ~~Keep Louisiana Beautiful Fund~~ for administration by the Department of Environmental Quality. The secretary shall administer the ~~Keep Louisiana Beautiful Fund~~ and shall make disbursements from the fund for the necessary and appropriate operating expenses of the ~~section~~ litter abatement and education account.

\* \* \*

AMENDMENT NO. 6

On page 9, line 11, delete "driver's license" and insert "R.S. 32:412(A)(1):"

AMENDMENT NO. 7

On page 9, line 12, delete "issuance;"

AMENDMENT NO. 8

On page 9, line 29, after "Legislature," and before "and", insert "R.S. 30:2532(C) and (D),"

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

**HOUSE BILL NO. 294—**

BY REPRESENTATIVE THIBAUT  
 AN ACT

To amend and reenact R.S. 56:116.1(D), relative to hunting; to provide for the trapping of outlaw quadrupeds, nutria, or beaver; to provide for trapping of feral hogs; to provide for the method of such taking on private property; 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. 407—**

BY REPRESENTATIVES WHITE AND POPE AND SENATOR ERDEY  
 AN ACT

To enact R.S. 13:996.68, relative to the Twenty-First Judicial District Court in Livingston Parish; to establish a judicial building fund; to provide for ownership and control of the fund; to provide for

costs of court; to provide for a service charge per filing in civil matters; to provide for recordation fees; to provide for dedication, purposes, and disbursement of such funds; to provide for the reduction of fees in certain circumstances; to authorize cooperative endeavor agreements; and to provide for related matters.

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

**HOUSE BILL NO. 556—**

BY REPRESENTATIVE FOIL  
 AN ACT

To amend and reenact Code of Criminal Procedure Article 887(F)(1), relative to liability for costs; to provide for court costs in criminal matters; to increase such costs; to authorize the use of such costs for the implementation of an integrated juvenile justice information system; and to provide for related matters.

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

**Rules Suspended**

Senator Gautreaux asked for and obtained a suspension of the rules to pass over Senate Resolutions on Third Reading and Final Passage.

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

**SENATE CONCURRENT RESOLUTION NO. 5—**

BY SENATOR MORRISH AND REPRESENTATIVE DOVE  
 A CONCURRENT RESOLUTION

To approve the fiscal year 2011-2012 annual plan for integrated coastal protection, as adopted by the Coastal Protection and Restoration Authority.

Reported favorably by the Committee on Natural Resources.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Adeley	Gautreaux	Murray
Alario	Guillory	Nevers
Amedee	Heitmeier	Perry
Appel	Jackson	Peterson
Broome	Kostelka	Quinn
Chabert	LaFleur	Riser
Cheek	Marionneaux	Shaw
Claitor	Martiny	Smith
Crowe	Mills	Thompson
Donahue	Morrell	Walsworth
Dorsey	Morrish	Willard-Lewis
Erdey	Mount	
Total - 35		

NAYS

Total - 0

ABSENT

Mr. President	McPherson
Long	Michot
Total - 4	

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

May 24, 2011

SENATE CONCURRENT RESOLUTION NO. 18—

BY SENATOR MORRISH

A CONCURRENT RESOLUTION

To urge and request the office of coastal protection and restoration and the Department of Wildlife and Fisheries to jointly study shoreline protection, effects on marine species diversity and habitat quality, and economic and other ecosystem service values of the Sabine Reef.

Reported favorably by the Committee on Natural Resources.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Crowe, Donahue, Dorsey, Erdey, Gautreaux, Guillory, Heitmeier, Jackson, Kostelka, LaFleur, Marionneaux, Martiny, Mills, Morrell, Morrish, Mount, Murray, Nevers, Perry, Peterson, Quinn, Riser, Shaw, Smith, Thompson, Walsworth, Willard-Lewis

Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns: Mr. President, Long, McPherson, Michot

Total - 4

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

Called from the Calendar

Senator Murray asked that Senate Bill No. 154 be called from the Calendar.

SENATE BILL NO. 154—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 22:1053(A), (B), and (C), relative to health insurance; to provide for coverage of step therapy or fail first protocols; to provide for any health care coverage plan which includes prescription benefits as part of its policy or contract; to provide for the duration of step therapy or fail first protocol when treatment is deemed ineffective; and to provide for related matters.

Floor Amendments

Senator Murray proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 154 by Senator Murray

AMENDMENT NO. 1

On page 2, line 7, after "demonstrate" and before the comma "," insert "to the health coverage plan"

AMENDMENT NO. 2

On page 2, line 11, after "demonstrate" and before the comma "," insert "to the health coverage plan"

AMENDMENT NO. 3

On page 2, at the beginning of line 13, after "protocol is" insert "reasonably"

AMENDMENT NO. 4

On page 2, at the beginning of line 14, after "characteristics" insert "and medical history"

AMENDMENT NO. 5

On page 2, line 15, after "demonstrate" and before the comma "," insert "to the health coverage plan"

AMENDMENT NO. 6

On page 2, at the end of line 20, delete "deemed" and insert "demonstrated by the prescribing physician to be"

AMENDMENT NO. 7

On page 2, at the beginning of line 21, after "clinically ineffective" delete "by the prescribing physician"

AMENDMENT NO. 8

On page 2, line 25, after "extended for" delete "a" and insert "an additional" and at the end of line 25, delete "to be determined"

AMENDMENT NO. 9

On page 2, delete line 26, in its entirety and insert "no longer than the original customary period for the medication."

On motion of Senator Murray, 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

Table with 3 columns of names: Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Crowe, Donahue, Dorsey, Erdey, Guillory, Heitmeier, Jackson, Kostelka, LaFleur, Marionneaux, Martiny, Mills, Morrish, Mount, Murray, Nevers, Perry, Peterson, Quinn, Riser, Smith, Thompson, Walsworth, Willard-Lewis

Total - 32

NAYS

Total - 0

ABSENT

Table with 3 columns: Mr. President, Long, McPherson, Michot, Morrell, Shaw

Total - 7

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.

**Called from the Calendar**

Senator Martiny asked that Senate Bill No. 76 be called from the Calendar.

**SENATE BILL NO. 76—**  
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 38:2211(A)(12) and to enact R.S. 38:2225.5, relative to contracts by public entities; to provide for certain restrictions; to provide for definitions; to provide for an effective date; and to provide for related matters.

**Floor Amendments**

Senator Martiny proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 76 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 17 after "**contractors' rights**" delete the remainder of the line

AMENDMENT NO. 2

On page 2, line 1 change "**Unless**" to "**Except as provided in Subsection E of this Section or as**"

AMENDMENT NO. 3

On page 3, at the end of line 2 delete "**Furthermore,**" and delete lines 3 through 6 in their entirety

AMENDMENT NO. 4

On page 3, line 16 after "**apply to**" delete the remainder of the line and delete line 17 in its entirety and insert: "**the following:**"

**(a) Any inmate work-release program.**

**(b) Any contract pursuant to the Louisiana Quality Jobs Program.**

**(c) Any contract or cooperative endeavor agreement pursuant to the Incumbent Worker Training Program.**

**(d) Any public-private agreement for any construction or infrastructure project in which the private entity, as a condition of its investment or partnership with the public entity, requires that the private entity have the right to control its labor relations policy with its own employees and the employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act, 29 U.S.C. 151 et seq."**

On motion of Senator Martiny, the amendments were adopted.

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

Adley	Erdey	Morrish
Alario	Gautreaux	Mount
Amedee	Guillory	Nevers
Appel	Heitmeier	Perry
Chabert	Kostelka	Quinn
Cheek	LaFleur	Riser
Claitor	Martiny	Smith
Crowe	Mills	Thompson
Donahue	Morrell	Walsworth
Total - 27		

NAYS

Dorsey	Peterson
Murray	Willard-Lewis
Total - 4	

ABSENT

Mr. President	Long	Michot
Broome	Marionneau	Shaw
Jackson	McPherson	
Total - 8		

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.

**House Concurrent Resolutions  
on Second Reading  
Reported by Committees**

**HOUSE CONCURRENT RESOLUTION NO. 46—**  
BY REPRESENTATIVE HARRISON AND SENATORS BROOME, LONG, AND MORRELL

A CONCURRENT RESOLUTION

To urge and request the Department of Insurance to study the practice of credit scoring.

Reported favorably by the Committee on Insurance.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Guillory	Nevers
Alario	Heitmeier	Perry
Amedee	Jackson	Peterson
Appel	LaFleur	Quinn
Broome	Marionneau	Riser
Chabert	Martiny	Smith
Cheek	Mills	Thompson
Claitor	Morrell	Walsworth
Crowe	Morrish	Willard-Lewis
Dorsey	Mount	
Gautreaux	Murray	
Total - 31		

NAYS

Total - 0

ABSENT

Mr. President	Kostelka	Michot
Donahue	Long	Shaw
Erdey	McPherson	
Total - 8		

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

**HOUSE CONCURRENT RESOLUTION NO. 93—**  
BY REPRESENTATIVE HOFFMANN AND SENATORS GAUTREAUX, GUILLORY, MILLS, PERRY, AND THOMPSON

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce

May 24, 2011

Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds.

Reported favorably by the Committee on Retirement.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Guillory	Murray
Alario	Heitmeier	Nevers
Amedee	Jackson	Perry
Appel	Kostelka	Quinn
Broome	LaFleur	Riser
Chabert	Marionneaux	Shaw
Cheek	Martiny	Smith
Crowe	Mills	Thompson
Donahue	Morrell	Walsworth
Dorsey	Morrish	Willard-Lewis
Gautreaux	Mount	
Total - 32		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Long	Peterson
Claitor	McPherson	
Erdey	Michot	
Total - 7		

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

**HOUSE CONCURRENT RESOLUTION NO. 94—**  
BY REPRESENTATIVE GARY SMITH AND SENATORS GAUTREAU, GUILLORY, MILLS, PERRY, AND THOMPSON

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds.

Reported favorably by the Committee on Retirement.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Mount
Alario	Guillory	Murray
Amedee	Heitmeier	Nevers
Appel	Jackson	Perry
Broome	Kostelka	Quinn
Chabert	LaFleur	Riser
Cheek	Marionneaux	Shaw
Crowe	Martiny	Smith
Donahue	Mills	Thompson
Dorsey	Morrell	Walsworth
Erdey	Morrish	Willard-Lewis
Total - 33		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Long	Michot
Claitor	McPherson	Peterson
Total - 6		

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

**HOUSE CONCURRENT RESOLUTION NO. 102—**  
BY REPRESENTATIVES DOVE, ST. GERMAIN, BILLIOT, GISCLAIR, HARRISON, AND HENDERSON AND SENATORS AMEDEE AND CHABERT

**A CONCURRENT RESOLUTION**

To express the support of the Louisiana Legislature for the request by the secretary of the Department of Wildlife and Fisheries to the U.S. Secretary of Commerce and the administrator of the Small Business Administration to declare a fisheries disaster in the state of Louisiana as a result of the Mississippi River flooding and the opening of the Morganza and Bonnet Carre spillways.

Reported favorably by the Committee on Natural Resources.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Erdey	Murray
Alario	Gautreaux	Nevers
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	LaFleur	Quinn
Chabert	Marionneaux	Riser
Cheek	Martiny	Shaw
Claitor	Mills	Smith
Crowe	Morrell	Thompson
Donahue	Morrish	Walsworth
Dorsey	Mount	Willard-Lewis
Total - 33		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Kostelka	McPherson
Jackson	Long	Michot
Total - 6		

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

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

**HOUSE BILL NO. 107—**  
BY REPRESENTATIVES TALBOT, BILLIOT, CONNICK, HENRY, LABRUZZO, LIGI, LOPINTO, TEMPLET, AND WILLMOTT AND SENATORS APPEL, MARTINY, MORRELL, AND QUINN

**AN ACT**

To amend and reenact R.S. 22:1923(introductory paragraph) and to enact R.S. 22:1923(1)(j), relative to fraudulent insurance acts; to define certain activity toward a self-insured governmental entity that maintains a self-insured loss fund or risk pool as such an act; and to provide for related matters.

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



**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Erdey	Mount
Alario	Guillory	Murray
Amedee	Heitmeier	Perry
Appel	Jackson	Peterson
Broome	Kostelka	Riser
Chabert	LaFleur	Shaw
Cheek	Marionneaux	Smith
Claitor	Martiny	Thompson
Crowe	Mills	Walsworth
Donahue	Morrell	Willard-Lewis
Dorsey	Morrish	
Total - 32		

**NAYS**

Total - 0

**ABSENT**

Mr. President	McPherson	Quinn
Gautreaux	Michot	
Long	Nevers	
Total - 7		

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

**Explanation of Vote**

Senator Quinn stated she intended to vote yea on House Bill No. 107, and asked that the Official Journal so state.

**HOUSE BILL NO. 137—**  
BY REPRESENTATIVE CORTEZ  
**AN ACT**

To enact R.S. 22:1567, relative to producer compensation; to authorize producers and certain insurers or policyholders to negotiate any combination of commissions, fees, or fees in lieu of commissions, for certain insurance coverages; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Murray
Alario	Guillory	Nevers
Amedee	Heitmeier	Perry
Appel	Jackson	Peterson
Broome	Kostelka	Quinn
Chabert	LaFleur	Riser
Cheek	Marionneaux	Shaw
Claitor	Martiny	Smith
Crowe	Mills	Thompson
Donahue	Morrell	Walsworth
Dorsey	Morrish	Willard-Lewis
Erdey	Mount	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Mr. President	McPherson
Long	Michot
Total - 4	

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

**HOUSE BILL NO. 148—**  
BY REPRESENTATIVE AUBERT  
**AN ACT**

To enact R.S. 22:613(A)(1)(c), relative to domestic insurers; to expand the definition of company-action level event; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Murray
Alario	Guillory	Nevers
Amedee	Heitmeier	Perry
Appel	Jackson	Peterson
Broome	Kostelka	Quinn
Chabert	LaFleur	Riser
Cheek	Marionneaux	Shaw
Claitor	Martiny	Smith
Crowe	Mills	Thompson
Donahue	Morrell	Walsworth
Dorsey	Morrish	Willard-Lewis
Erdey	Mount	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Mr. President	McPherson
Long	Michot
Total - 4	

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

**HOUSE BILL NO. 259—**  
BY REPRESENTATIVE KLECKLEY  
**AN ACT**

To amend and reenact R.S. 32:900(B)(2)(c), relative to motor vehicle liability policies; to provide minimum liability limits for property damage under certain circumstances; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Murray
Alario	Guillory	Nevers
Amedee	Heitmeier	Perry
Appel	Jackson	Peterson
Broome	Kostelka	Quinn

May 24, 2011

Chabert	LaFleur	Riser
Cheek	Marionneaux	Shaw
Claitor	Martiny	Smith
Crowe	Mills	Thompson
Donahue	Morrell	Walsworth
Dorsey	Morrish	
Erdey	Mount	
Total - 34		

NAYS

Total - 0

ABSENT

Mr. President	McPherson	Willard-Lewis
Long	Michot	
Total - 5		

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

**HOUSE BILL NO. 275—**

BY REPRESENTATIVE BISHOP  
AN ACT

To amend and reenact R.S. 22:867(C) and 873, relative to the methods of delivery of an insurance policy or evidence of insurance; to provide for methods of transmitting insurance policies and supporting documents; to provide for electronic transaction of documents; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Gautreaux	Nevers
Alario	Heitmeier	Peterson
Amedee	Jackson	Quinn
Appel	Kostelka	Riser
Broome	LaFleur	Shaw
Chabert	Martiny	Smith
Cheek	Mills	Thompson
Crowe	Morrell	Walsworth
Donahue	Morrish	Willard-Lewis
Dorsey	Mount	
Erdey	Murray	
Total - 31		

NAYS

Total - 0

ABSENT

Mr. President	Long	Michot
Claitor	Marionneaux	Perry
Guillory	McPherson	
Total - 8		

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

**HOUSE BILL NO. 283—**

BY REPRESENTATIVE AUBERT  
AN ACT

To amend and reenact R.S. 22:901(A), (B), (C)(1) and (3), and (D)(1)(introductory paragraph) and (a) and (2), 902, 904, 905, 906, 907, 910, 912(A), (B)(1), (C), (D)(1)(b), (E), and (F), 913, 914, 915(B), 931, 932(B)(introductory paragraph) and (1), (D)(introductory paragraph) and (2), and (E), 934, 935, 936(A)(1)(introductory paragraph) and (2), (B), (D)(1), (2), and (4), (E), (F)(1), (G)(1), (4), and (8)(introductory paragraph) and

(b) and (d) through (g), (I)(1), (J)(1), (2), (3), and (5), (K)(1)(g) and (h), 941(B)(introductory paragraph) and (6), 942(introductory paragraph) and (1), (10)(b), and (11), 943(D)(2), 944(A), 951(A), 952(A)(2), (B)(introductory paragraph) and (4), and (J), 961, 1541, 1542(1), (4), (6), (9), (11), (14), and (18), 1544(B)(5) through (8) and (D), 1545(I)(1)(introductory paragraph), 1546(A)(3), (D)(4), and (F), 1547(A)(10), (C)(2), (D), (E), (G), (H), and (I)(3), 1548(A)(1) and (3), (B)(2) and (3)(b), (D)(2), and (E), 1549(B)(4) and (5), (C), (D), (E)(introductory paragraph), (F), and (H), 1550(A)(2), (B)(1) and (d) and (2), (C), (D), (E)(introductory paragraph), and (H), 1554(G), 1555, 1556(A), (B), and (C), 1557(B)(1) and (2), 1558(B)(3) and (4), (C), and (D), 1559(C), (D)(1), and (E)(1), 1562(C)(1)(b) and (d), (E)(2), and (H)(introductory paragraph) and (4), 1564(A)(2), (B)(1)(a), and (C), 1571, 1573(C) through (G), (I)(1)(a), (K), (L), and (M), 1574(A) through (D)(1), 1575(C)(2) and (D), 1583, the heading of R.S. 22:1584, 1585(C), 1591, 1592, 1593(A)(introductory paragraph) and (1), 1594(introductory paragraph), 1595, 1597, 1598(C), 1599(A) and (C)(introductory paragraph), 1600(B)(introductory paragraph), 1603(1) and (3), 1604(A)(2), 1605, 1622, 1623(A), (B), (D), and (F), 1624, 1625(A) and (H), 1627(A)(2), the heading of Part III of Chapter 5 of the Louisiana Revised Statutes of 1950, 1641(introductory paragraph), (1)(introductory paragraph), (c), (g), and (j), (4), and (7), 1642(A) and (C), 1644(D), 1651(B)(6), (D), (H)(1), and (I)(1), 1652, 1654(A)(introductory paragraph) and (C)(introductory paragraph), 1657, 1662(6)(a)(introductory paragraph) and (14), 1664(A) and (C)(2), 1665(A)(introductory paragraph) and (1), 1669, 1670(A)(2) and (D), 1671(A), (B)(2), and (C), 1673(C), 1693(A), 1694(A), 1696(A), 1697, 1698(A)(2) and (D), 1699(A)(3), (B), and (F), 1704(E)(1)(a) and (b), 1706(F), 1722, 1723(A)(introductory paragraph), (B)(introductory paragraph) and (2), (D), and (F), 1724(5), 1726(A) and (B), 1727(A)(1), (2), (3), (4)(introductory paragraph), (7), and (8), (B)(4), (C), and (F), 1728(6), 1729(A) and (F), 1731(A)(2), 1741, 1747, 1761, 1763(B), 1767, and 1768; to enact R.S. 22:821(B)(31), (32), and (33), 1557(C), 1641(8) and (9), and 1766(C); and to repeal R.S. 22:1546(G) and (H), 1566, 1746(E), 1751, and 1769, all relative to technical recodification of certain provisions of the Louisiana Insurance Code, including correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or ineffective provisions, harmonizing of inconsistent provisions, and consolidating all provisions authorizing fees; and to provide for related matters.

**Floor Amendments**

Senator Guillory proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Guillory to Reengrossed House Bill No. 283 by Representative Aubert

AMENDMENT NO. 1

On page 4, line 17, change "employee up to" to "employee up to twenty-five hundred dollars"

AMENDMENT NO. 2

On page 19, line 25, after "less" insert "issued"

AMENDMENT NO. 3

On page 82, line 2, change "shall find" to "finds"

AMENDMENT NO. 4

On page 85, line 15, between "state" and the period "." insert the following: "and the new home state awards nonresident claims adjuster licenses to residents of this state on the same basis"

AMENDMENT NO. 5

On page 85, delete lines 21 and 22 in their entirety.

**AMENDMENT NO. 6**

On page 88, line 21, between "state" and the period "." insert the following: "and the new home state awards nonresident public adjuster licenses to residents of this state on the same basis"

**AMENDMENT NO. 7**

On page 88, delete lines 26 and 27 in their entirety.

On motion of Senator Guillory, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Guillory	Nevers
Alario	Heitmeier	Peterson
Amedee	Jackson	Quinn
Appel	Kostelka	Riser
Broome	LaFleur	Shaw
Chabert	Martiny	Smith
Cheek	Mills	Thompson
Crowe	Morrell	Walsworth
Dorsey	Morrish	Willard-Lewis
Erdey	Mount	
Gautreaux	Murray	
Total - 31		

**NAYS**

Claitor  
Total - 1

**ABSENT**

Mr. President	Marionneaux	Perry
Donahue	McPherson	
Long	Michot	
Total - 7		

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

**HOUSE BILL NO. 398—**

BY REPRESENTATIVE ANDERS  
AN ACT

To amend and reenact R.S. 22:905(A)(2), relative to life insurance policies; to provide with respect to written notice required before lapsing life policies; to require notice be sent to the insured and assignee; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Erdey	Mount
Alario	Gautreaux	Murray
Amedee	Guillory	Nevers
Appel	Heitmeier	Peterson
Broome	Jackson	Quinn
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Claitor	Martiny	Smith

Crowe	Mills	Thompson
Donahue	Morrell	Walsworth
Dorsey	Morrish	Willard-Lewis
Total - 33		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Marionneaux	Michot
Long	McPherson	Perry
Total - 6		

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

**HOUSE BILL NO. 446—**

BY REPRESENTATIVES LITTLE AND ELLINGTON  
AN ACT

To amend and reenact R.S. 22:885(D), relative to cancellation of an insurance policy by the insured; to provide for limited applicability of cancellation provisions; to exclude credit property and casualty insurance from cancellation requirements; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Nevers
Alario	Guillory	Perry
Amedee	Heitmeier	Peterson
Appel	Jackson	Quinn
Broome	Kostelka	Riser
Chabert	LaFleur	Shaw
Cheek	Martiny	Smith
Claitor	Mills	Thompson
Crowe	Morrell	Walsworth
Donahue	Morrish	Willard-Lewis
Dorsey	Mount	
Erdey	Murray	
Total - 34		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Marionneaux	Michot
Long	McPherson	
Total - 5		

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

**Rules Suspended**

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

**Called from the Calendar**

Senator Willard-Lewis asked that Senate Concurrent Resolution No. 9 be called from the Calendar.

May 24, 2011

SENATE CONCURRENT RESOLUTION NO. 9—
BY SENATORS WILLARD-LEWIS, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREUX, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON AND WALSWORTH

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of United States Army Staff Sergeant Quadi S. Hudgins.

On motion of Senator Willard-Lewis the resolution was read by title and withdrawn from the files 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:

May 24, 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. 32—
BY SENATOR CHEEK

A CONCURRENT RESOLUTION

To request the Department of Health and Hospitals to study whether to amend Louisiana's State Medicaid Plan to permit physicians to apply fluoride varnish to the teeth of children under the age of seven who are enrolled in the state Medicaid program and receive appropriate reimbursement, to determine the feasibility of providing such reimbursement, to estimate the costs of such a program, and to submit a written report of its findings and conclusions, including any recommendations for legislation and appropriations relative to the issue, to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare by February 1, 2012.

SENATE CONCURRENT RESOLUTION NO. 33—
BY SENATORS BROOME, ALARIO, APPEL, CROWE, MARTINY, MICHOT, SMITH AND THOMPSON

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to sustain home energy assistance for at-risk Louisianians and to declare June 2011 as "Save LIHEAP" Month.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

ATTENDANCE ROLL CALL

PRESENT

Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Gautreaux, Guillory, Heitmeier, Jackson, Kostelka, LaFleur, Marionneaux, Martiny, Murray, Nevers, Perry, Peterson, Quinn, Riser, Shaw, Smith

Crowe, Donahue, Dorsey, Erdey, Mills, Morrell, Morrish, Mount, Thompson, Walsworth, Willard-Lewis

ABSENT

Mr. President Long, McPherson, Michot, Total - 4

Leaves of Absence

The following leaves of absence were asked for and granted:

Chaisson 1 Day, Long 1 Day, McPherson 1 Day, Michot 1 Day

Announcements

The following committee meetings for May 25, 2011, were announced:

Commerce 9:30 A.M. Room E, Health and Welfare 9:00 A.M. Hainkel Room, Insurance 9:30 A.M. Room A, Senate and Gov't Affairs 9:30 A.M. Room F

Adjournment

On motion of Senator Thompson, at 4:10 o'clock P.M. the Senate adjourned until Wednesday, May 25, 2011, at 3:00 o'clock P.M.

The President Pro Tempore of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Wednesday, May 25, 2011.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk