

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

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**NINETEENTH 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

Thursday, May 26, 2011

The Senate was called to order at 9:10 o'clock A.M. by Hon. Joel T. Chaisson II, President of the Senate.

**Morning Hour**

**CONVENING ROLL CALL**

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

PRESENT

Mr. President	Donahue	Murray
Alario	Heitmeier	Nevers
Amedee	Kostelka	Perry
Appel	LaFleur	Riser
Broome	Long	Shaw
Cheek	Marionneau	Walsworth
Claitor	Mills	
Total - 20		

ABSENT

Adley	Jackson	Peterson
Chabert	Martiny	Quinn
Crowe	McPherson	Smith
Dorsey	Michot	Thompson
Erdey	Morrell	Willard-Lewis
Gautreaux	Morrish	
Guillory	Mount	
Total - 19		

The President of the Senate announced there were 20 Senators present and a quorum.

**Prayer**

The prayer was offered by Senator Nevers, 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 Nevers, the reading of the Journal was dispensed with and the Journal of May 25, 2011, was adopted.

**Privilege Report of the  
Legislative Bureau**

May 26, 2011

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

**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 without 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 without amendments.

Respectfully submitted,  
ROB MARIONNEAUX  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Marionneau, the Bills and Joint Resolutions were read by title and passed to a third reading.

**Senate Resolutions on  
Second Reading**

**SENATE RESOLUTION NO. 64—**  
BY SENATOR CHAISSON  
A RESOLUTION

To urge and request that all Gulf Coast Claims Facility offices in Louisiana remain open.

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

**SENATE RESOLUTION NO. 65—**  
BY SENATOR DORSEY  
A RESOLUTION

To commend and congratulate Reverend Thomas N. Bessix on being named the President of the Fourth District's Congress of Christian Education.

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

**Senate Concurrent Resolutions on  
Second Reading**

**SENATE CONCURRENT RESOLUTION NO. 48—**  
BY SENATOR MOUNT  
A CONCURRENT RESOLUTION

To commend the St. Louis High School baseball team on winning the 2011 Class 4A state championship.

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

**SENATE CONCURRENT RESOLUTION NO. 49—**  
BY SENATOR ERDEY  
A CONCURRENT RESOLUTION

To urge and request the office of state parks to study the use of golf carts by certain individuals within Louisiana state parks.

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

May 26, 2011

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	Murray
Alario	Kostelka	Nevers
Amedee	LaFleur	Riser
Appel	Long	Shaw
Broome	Marionneaux	Smith
Cheek	McPherson	Thompson
Claitor	Michot	Walsworth
Donahue	Mills	
Total - 23		

**NAYS**

Total - 0

**ABSENT**

Adley	Heitmeier	Perry
Chabert	Jackson	Peterson
Crowe	Martiny	Quinn
Dorsey	Morrell	Willard-Lewis
Gautreaux	Morrish	
Guillory	Mount	
Total - 16		

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

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

**HOUSE BILL NO. 123—**

BY REPRESENTATIVE RICHARD  
AN ACT

To amend and reenact R.S. 6:765(B) and 767(D) and R.S. 9:2449(B) and to enact R.S. 9:2432 through 2439, relative to the estate tax apportionment; to authorize the payment of certain savings or shares; to provide for the death of a member or depositor; to provide for the withholding of taxes; to provide exemptions, deductions, and credits when apportioning taxes; to provide an action for the recovery of taxes paid; to provide for actions against nonresidents; to provide for the estate tax marital deduction; to provide for individual retirement accounts; to provide for retroactive application; 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. 135—**

BY REPRESENTATIVES NOWLIN, ANDERS, ARMES, ARNOLD, AUBERT, BALDONE, BARRAS, BARROW, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHANDLER, CHANEY, CORTEZ, DANAHAY, DIXON, DOERGE, DOVE, ELLINGTON, FANNIN, FOIL, FRANKLIN, GEYMAN, GREENE, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HOFFMANN, HONORE, HUTTER, GIROD JACKSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAMBERT, LANDRY, LEBAS, LIGI, LITTLE, LOPINTO, LORUSSO, MCVEA, MONICA, MONTUCET, MORRIS, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TEMPLET, THIBAUT, THIERRY, WHITE, WILLIAMS, WILLMOTT, AND WOOTON AND SENATORS ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHEEK, CROWE, DONAHUE, ERDEY, GAUTREAUX, GUILLORY, HEITMEIER, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MICHOT, MILLS, MORRISH, MOUNT, NEVERS, PERRY, QUINN, SMITH, THOMPSON, WALSWORTH, AND WILLARD-LEWIS

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 2.3 of the Constitution of Louisiana, relative to the authority to tax; to prohibit the state or any political subdivision from levying a new tax or fee upon the sale or transfer of immovable property; to provide for an effective date; to provide for submission of the proposed amendment to the electors; 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. 191—**

BY REPRESENTATIVES AUSTIN BADON, MORENO, AND THIBAUT  
AN ACT

To amend and reenact R.S. 17:3141.2(5)(introductory paragraph) and to enact R.S. 17:3141.2(5)(o), relative to the definition of a proprietary school; to provide exceptions; to provide an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 235—**

BY REPRESENTATIVE ABRAMSON  
AN ACT

To amend and reenact Code of Criminal Procedure Article 775.1, relative to an automatic stay following order of mistrial; to provide that the stay applies to emergency writ applications to the appropriate reviewing courts with appellate jurisdiction, including the Louisiana Supreme Court; 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. 272—**

BY REPRESENTATIVES BISHOP, ARNOLD, AUSTIN BADON, BROSSETT, HENDERSON, LEGER, AND STIAES AND SENATOR MORRELL  
AN ACT

To amend and reenact Code of Criminal Procedure Articles 211, 211.1, and 211.2 and to repeal Code of Criminal Procedure Articles 211.3, 211.4, 211.5, and 211.6, relative to arrest; to provide relative to the issuance of a written summons in lieu of arrest for certain crimes; 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. 304—**

BY REPRESENTATIVES PEARSON, TIM BURNS, AND SCHRODER AND SENATORS CROWE, DONAHUE, AND NEVERS  
AN ACT

To enact R.S. 15:1093.2, 1093.3, and 1093.4, relative to regional juvenile facilities; to provide relative to financial audits of regional juvenile facility districts; to require regional juvenile facility districts to provide annual sworn financial statements; to provide relative to reporting by the legislative auditor; to provide relative to the composition of the board of commissioners and board of directors of regional juvenile districts; to provide for training; 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. 311—**

BY REPRESENTATIVE LABRUZZO  
AN ACT

To enact R.S. 17:16 and 3996(B)(28), relative to public school employees; to require a school employee to report his arrest for certain sexual offenses involving minors, other crimes, and instances of child abuse or neglect; to provide relative to guidelines, procedures, and time lines for such reporting; to provide relative to administration; to provide definitions; to provide applicability; to provide relative to the failure of the employee to report; to provide effectiveness; to provide an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 312—**  
BY REPRESENTATIVE CHANDLER  
AN ACT

To amend and reenact R.S. 56:329(B), relative to placement of fishing gear; to exempt hoop nets on portions of Little River from certain restrictions; and to provide for related matters.

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

**HOUSE BILL NO. 373—**  
BY REPRESENTATIVE GUINN  
AN ACT

To amend and reenact R.S. 17:24.8 and 222(C), relative to prekindergarten programs at nonpublic elementary schools; to authorize certain nonpublic schools to develop and offer prekindergarten instruction; to provide for the minimum age at which children enter prekindergarten at nonpublic schools; to provide for rules and regulations; and to provide for related matters.

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

**HOUSE BILL NO. 375—**  
BY REPRESENTATIVES LORUSSO AND LIGI  
AN ACT

To amend and reenact R.S. 24:772(A) and (B), relative to reports required to be submitted to the legislature; to delete the requirement that an agency provide only one printed copy of such a report to the presiding officer of each house of the legislature; to permit an agency to send an electronic copy of a report to one or more members of the legislature; to require electronic delivery of a list of agency reports and publications; to require the list to be submitted to the David R. Poynter Legislative Research Library; to provide for the content of the list; to require each agency to distribute an electronic copy of each report and publication on such list to the David R. Poynter Legislative Research Library; to provide a deadline for the submission of such information; to provide for delivery of the information in the list to the members of the legislature; to change the number of paper copies required to be submitted to the David R. Poynter Legislative Research Library; and to provide for related matters.

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

**HOUSE BILL NO. 415—**  
BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 15:574.7(B) and to enact R.S. 15:574.7(C) and Code of Criminal Procedure Article 899.1, relative to probation and parole; to authorize probation and parole officers to impose administrative sanctions for technical violations; to provide for limitations; to provide for definitions; to provide for procedures; 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. 591—**  
BY REPRESENTATIVES RITCHIE, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BISHOP, BROSSETT, BURRELL, DIXON, DOWNS, EDWARDS, FRANKLIN, HARDY, HENDERSON, HINES, HOFFMANN, HONORE, MICHAEL JACKSON, ROSALIND JONES, LAFONTA, LEGER, MONTOUÇET, MORENO, PATRICIA SMITH, ST. GERMAIN, STIAES, AND WOOTON  
AN ACT

To amend and reenact R.S. 47:841(B)(2) and Section 4 of Act No. 32 of the 2000 Regular Session of the Legislature, as amended and reenacted by Act No. 21 of the 2002 Regular Session of the Legislature, and to enact R.S. 47:841(G), relative to the tobacco tax; to remove termination of the applicability of a certain portion of the tax levied on cigarettes; to provide for the use of the avails of the tax; 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. 122—**  
BY REPRESENTATIVE CARTER 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 commend Yvette Girouard, head coach of the Louisiana State University softball team, for her monumental achievements upon the end of her extraordinary coaching career.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dorsey	Morrish
Adley	Erdey	Murray
Alario	Heitmeier	Nevers
Amedee	Kostelka	Perry
Appel	LaFleur	Peterson
Broome	Long	Riser
Cheek	Marionneaux	Shaw
Claitor	McPherson	Smith
Crowe	Michot	Thompson
Donahue	Mills	Walsworth
Total - 30		

**NAYS**

Total - 0

**ABSENT**

Chabert	Jackson	Mount
Gautreaux	Martiny	Quinn
Guillory	Morrell	Willard-Lewis
Total - 9		

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

**HOUSE CONCURRENT RESOLUTION NO. 123—**  
BY REPRESENTATIVE HUVAL AND SENATOR MILLS  
A CONCURRENT RESOLUTION

To commend the Breaux Bridge High School boys' track and field team upon winning the 2011 Class 4A state championship.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dorsey	Morrish
Adley	Erdey	Murray
Alario	Heitmeier	Nevers
Amedee	Kostelka	Peterson
Appel	LaFleur	Riser
Broome	Long	Shaw
Cheek	Marionneaux	Smith
Claitor	McPherson	Thompson

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Crowe Donahue Total - 29	Michot Mills	Walsworth
	NAYS	
Total - 0		
	ABSENT	
Chabert Gautreaux Guillory Jackson Total - 10	Martiny Morrell Mount Perry	Quinn Willard-Lewis

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

**HOUSE CONCURRENT RESOLUTION NO. 124—**  
BY REPRESENTATIVE CARTER AND SENATOR CLAITOR  
A CONCURRENT RESOLUTION

To commend Glasgow Middle School eighth grader Scott Wu upon winning the 2011 Raytheon MATHCOUNTS National Competition in Washington, D.C.

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

**ROLL CALL**

The roll was called with the following result:

YEAS		
Mr. President Adley Alario Amedee Appel Broome Cheek Claitor Crowe Donahue Total - 29	Dorsey Erdey Heitmeier Kostelka LaFleur Long Marionneaux McPherson Michot Mills	Morrish Murray Nevers Peterson Riser Shaw Smith Thompson Walsworth
	NAYS	
Total - 0		
	ABSENT	
Chabert Gautreaux Guillory Jackson Total - 10	Martiny Morrell Mount Perry	Quinn Willard-Lewis

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

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

**SENATE BILL NO. 195—**  
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 18:463(A)(2)(c), relative to the Louisiana Election Code; to provide relative to candidacy for public office; to provide that a person with an outstanding ethics fine cannot qualify for public office unless the fine has been paid in full; and to provide for related matters.

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

**SENATE BILL NO. 226—**  
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 12:1143, R.S. 13:3715.1(J) and 3715.3(G)(1)(a), R.S. 15:560.2(B)(1), R.S. 17:2048.51(O)(1)(c), R.S. 23:1371.1(6), R.S. 36:259(E)(10), R.S. 37:1103(3), 1104, 1105, 1360.52(4), 1360.55(B)(1), 1360.57(1), 1744(A)(1), 1745(A)(1), 1745.13(8), 2351, 2352(2), 2353, 2354(A), R.S. 40:2114(B), and R.S. 44:4(29), to enact Chapter 28 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2721 through 2726, and to repeal R.S. 36:259(EE), relative to boards and commissions; to create and establish the Louisiana Behavioral Sciences Regulatory Board; to consolidate the powers and duties of the Louisiana Licensed Professional Counselors Board of Examiners and the State Board of Examiners of Psychologists into the Louisiana Behavioral Sciences Regulatory Board; to provide for definitions; to provide for organization, membership, compensation, domicile, meetings, quorum, and powers and duties of the Louisiana Behavioral Sciences Regulatory Board; to provide for an annual report to be submitted by Louisiana Behavioral Sciences Regulatory Board; to provide for the prohibition on receipt or expenditure of state funds by the Louisiana Behavioral Sciences Regulatory Board; to provide for the transfer of assets, liabilities, and obligations; to provide for the transfer of documents; to provide for rules and regulations; and to provide for related matters.

Reported by substitute by the Committee on Health and Welfare. The bill was read by title; the committee substitute bill was read.

**SENATE BILL NO. —(Substitute of Senate Bill No. 226 by Senator Mount)**

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 37:1103(7), the introductory paragraph of 1103(10), and R.S. 37:1107(A)(8)(a), and to enact R.S. 37:1103(12), relative to boards and commissions; to provide for the definition of mental health counseling services; to provide for the definition of the practice of mental health counseling; to provide for the definition of serious mental illness; to provide for the requirements of a licensed professional counselor; and to provide for related matters.

AN ACT

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 12:1143 is hereby amended and reenacted to read as follows:

§1143. Regulation by the Louisiana ~~State Board of Examiners of Psychologists~~ **Behavioral Sciences Regulatory Board**

Professional psychology corporations shall be subject to the discipline of the Louisiana ~~State Board of Examiners of Psychologists~~ **Behavioral Sciences Regulatory Board** and to its authority to adopt rules and regulations governing the practice of psychology.

Section 2. R.S. 13:3715.1(J) and 3715.3(G)(1)(a) are hereby amended and reenacted to read as follows:

§3715.1. Medical or hospital records of a patient; subpoena duces tecum and court order to a health care provider; reimbursement for records produced  
\* \* \*

J. The Louisiana State Board of Medical Examiners, Louisiana State Board of Dentistry, Louisiana ~~State Board of Psychologists~~ **Behavioral Sciences Regulatory Board**, Louisiana State Board of Nursing, Louisiana Board of Pharmacy, Louisiana State Board of Social Work Examiners, Louisiana State Board of Physical Therapy Examiners, and the Louisiana State Board of Chiropractic Examiners, while acting in an official capacity relating to an investigation of an individual over whom such board has regulatory authority shall be exempt from complying with the notice provisions of this Section when the subpoena clearly states that no notice or affidavit is required. Notwithstanding any privilege of confidentiality recognized by law, no health care provider or health care institution with which such health care provider is affiliated shall, acting under any such privilege, fail or refuse to respond to a lawfully issued subpoena of

such board for any medical information, testimony, records, data, reports or other documents, tangible items, or information relative to any patient treated by such individual under investigation; however, the identity of any patient identified in or by such records or information shall be maintained in confidence by such board and shall be deemed a privilege of confidentiality existing in favor of any such patient. For the purpose of maintaining such confidentiality of patient identity, such board shall cause any such medical records or the transcript of any such testimony to be altered so as to prevent the disclosure of the identity of the patient to whom such records or testimony relates.

\* \* \*  
§3715.3. Peer review committee records; confidentiality

G.(1) As used in this Subsection, the following terms shall mean:

(a) "Board" means the Louisiana State Board of Medical Examiners, Louisiana State Board of Dentistry, Louisiana State Board of Psychologists ~~Behavioral Sciences Regulatory Board~~, Louisiana State Board of Nursing, Louisiana Board of Pharmacy, as well as any Louisiana licensing and regulatory board or agency whose licensees, certificate holders, or registrants are subject to any form of peer review identified in Subsection A of this Section.

\* \* \*  
Section 3. R.S. 15:560.2(B)(1) is hereby amended and reenacted to read as follows:

§560.2. Louisiana Sex Offender Assessment Panel

B.

(1) One member shall be either a psychologist licensed by the Louisiana State Board of Examiners of Psychologists ~~Behavioral Sciences Regulatory Board~~ or a medical psychologist licensed by the Louisiana State Board of Medical Examiners who has been engaged in the practice of clinical or counseling psychology for not less than three consecutive years who is employed by the Department of Public Safety and Corrections or the Department of Health and Hospitals or a physician in the employ of the Department of Public Safety and Corrections or the Department of Health and Hospitals or under contract to the Department of Public Safety and Corrections whose credentials and experience are compatible with the evaluation of the potential threat to public safety that may be posed by a sexually violent predator or a child sexual predator. If the psychologist or physician is an employee of the Department of Health and Hospitals, the secretary of both departments shall consult and jointly select the member.

\* \* \*  
Section 4. R.S. 17:2048.51(O)(1)(c) is hereby amended and reenacted to read as follows:

§2048.51. Louisiana Health Works Commission; creation; membership; compensation; staff and facilities; powers and duties; data collection and reporting

O.(1)

(c) Compiling statistics which will be used to measure and track the supply of licensed health care professionals as evidenced by licenses and renewed licenses granted by the health care professional boards of the state of Louisiana. Those boards affected shall include but not be limited to:

- (i) Louisiana Board of Chiropractic Examiners.
- (ii) Louisiana State Board of Dentistry.
- (iii) Louisiana State Board of Examiners in Dietetics and Nutrition.
- (iv) Louisiana Board for Hearing Aid Dealers.
- (v) Louisiana Licensed Professional Counselors Board of Examiners ~~Behavioral Sciences Regulatory Board~~.
- (vi) Louisiana State Board of Medical Examiners and related health professions under its jurisdiction.
- (vii) Louisiana State Board of Nursing.
- (viii) Louisiana Board of Examiners of Nursing Facility Administrators.
- (ix) Louisiana State Board of Optometry Examiners.
- (x) Louisiana Board of Pharmacy.
- (xi) Louisiana State Board of Physical Therapy Examiners.
- (xii) Louisiana State Board of Practical Nurse Examiners.

(xiii) Louisiana State Board of Examiners of Psychologists.  
(xiv) (xiii) Louisiana Radiologic Technology Board of Examiners.

(xv) (xiv) Louisiana State Board of Social Work Examiners.  
(xvi) (xv) Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

(xvii) (xvi) Louisiana Professional Vocational Rehabilitation Counselors Board of Examiners.

(xviii) (xvii) Louisiana Board of Wholesale Drug Distributors.  
(xix) (xviii) Louisiana Department of Health and Hospitals and the health professions under its jurisdiction.

\* \* \*  
Section 5. R.S. 23:1371.1(6) is hereby amended and reenacted to read as follows:

§1371.1. Definitions

As used in this Part, unless the context clearly indicates otherwise, the following terms shall be given the meanings ascribed to them in this Section:

\* \* \*  
(6) "Psychologist" shall mean an individual licensed to practice psychology by the Louisiana State Board of Examiners of Psychologists ~~Behavioral Sciences Regulatory Board~~ or licensed to practice medical psychology by the Louisiana State Board of Medical Examiners, or, in the event an individual is practicing psychology in a jurisdiction other than Louisiana, licensed by the appropriate member board of the Association of State and Provincial Psychology Boards to practice psychology, who has registered specialty in a relevant clinical area of practice, who has been in clinical practice for at least three years and has training and experience in the evaluation, diagnosis, and treatment of mental retardation.

\* \* \*  
Section 6. R.S. 36:259(E)(10) is hereby amended and reenacted to read as follows:

§259. Transfer of agencies and functions to Department of Health and Hospitals

E. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter shall be within the Department of Health and Hospitals, as provided in R.S. 36:803:

(10) ~~State Board of Examiners for Psychologists (R.S. 37:2351-37:2368)~~ Louisiana Behavioral Sciences Regulatory Board (R.S. 40:2721-2726)

\* \* \*  
Section 7. R.S. 37: 1103(3), 1104, 1105, 1360.52(4), 1360.55(B)(1), 1360.57(1), 1744(A)(1), 1745(A)(1), 1745.13(8), 2351, 2352(2), 2353, and 2354(A) are hereby amended and reenacted to read as follows:

§1103. Definitions

(3) "Board" means the Louisiana Licensed Professional Counselors Board of Examiners ~~Behavioral Sciences Regulatory Board as provided for in R.S. 40:2721 et seq.~~

§1104. Louisiana Licensed Professional Counselors Board of Examiners ~~Marriage and Family Advisory Committee~~

A. There is hereby created in the Department of Health and Hospitals the Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the "board", consisting of eleven members who shall be residents of the state of Louisiana. Each term shall be for four years. Seven appointments to the board, including one individual from the public at large, shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana Counseling Association. Four appointments to the board shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana Association for Marriage and Family Therapy. Each appointment by the governor shall be submitted to the Senate for confirmation.

B.(1) The membership of the board shall consist of three licensed professional counselors, three educators who are licensed professional counselors and whose function is the training of mental health counselors in accredited programs, four licensed marriage and

family therapists, and one individual from the public at large. The professional membership of the board shall be licensed under this Chapter. The board shall perform such duties and exercise such powers as this Chapter prescribes and confers upon it. No member of the board shall be liable in any civil action for any act performed in good faith in the execution of his duties under this Chapter.

(2)(a) A. The board shall establish a Marriage and Family Therapy Advisory Committee, which shall consist of the four licensed marriage and family therapist board members appointed by the governor from a list of names submitted by the executive board of the Louisiana Association for Marriage and Family Therapy.

(b) B. The functions of the advisory committee shall be established by rules and regulations developed by the advisory committee, ~~promulgated by the board, and approved jointly by the House and Senate Health and Welfare Committees and duly promulgated by the board pursuant to the Administrative Procedure Act.~~

(c) C. The functions and duties of the advisory board may include but are not limited to the following:

(i) (1) Develop rules and regulations in accordance with the Administrative Procedure Act as it may deem necessary to implement the provisions of this Chapter for promulgation and implementation by the board.

(ii) (2) Examine and qualify all applicants for licensure as marriage and family therapists and recommend to the board each successful applicant for licensure, attesting to his professional qualifications to be a marriage and family therapist.

(iii) (3) Develop for the board application forms for licensure pursuant to this Chapter.

(iv) (4) Maintain complete records of all meetings, proceedings, and hearings conducted by the advisory committee.

C. No board member shall serve more than two full consecutive terms. Any board member may be removed by the governor or majority vote of the board, after notice and hearing, for incompetence, neglect of duty, malfeasance in office, or moral turpitude. Any vacancy occurring in board membership for the three licensed professional counselors, three counselor educators, or one member of the public at large, other than by expiration of term, shall be appointed for the remainder of the unexpired term by the governor within thirty days from a list of qualified candidates supplied by the executive board of the Louisiana Counseling Association. Any vacancy occurring in board membership for the four licensed marriage and family therapists, other than by expiration of term, shall be appointed for the remainder of the unexpired term by the governor within thirty days from a list of qualified candidates supplied by the executive board of the Louisiana Association for Marriage and Family Therapy.

D. Each board member shall serve without compensation, but shall be reimbursed for actual travel, incidental, and clerical expenses incurred while engaged on official board business.

E. Each board member shall take the constitutional oath of office for state officials before any officer authorized to administer oaths in this state.

F. This board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment, travel or expenses, office supplies and materials, rent, purchase of any product or service, or for any other purpose.

§1105. Board meetings; procedures; powers and duties

A. The board shall be domiciled in Baton Rouge and shall hold its meetings in places to be designated by the board. The board shall hold a meeting within sixty days after October 1, 1987, and semiannually thereafter. The board shall elect from its membership a chairman, vice chairman, and secretary. The board may meet at such other times as deemed necessary by the chairman, or by the majority of its members, or by the governor. Reasonable notice of all meetings shall be given in the manner prescribed by the board. Four members of the board shall constitute a quorum at any meeting or hearing.

B. An executive director, who shall not be a member of the board, shall be employed, within the limits of the funds received by

the board pursuant to R.S. 37:1106. The board shall be empowered to accept grants from foundations and institutions to carry on its functions.

C. The board shall adopt a seal which shall be affixed to all licenses issued by the board.

D. A. The board shall adopt such rules, regulations, and examination procedures as it may deem necessary to effect the provisions of this Chapter. The board shall adopt the Code of Ethics of the American Counseling Association, including any revisions or additions deemed appropriate or necessary by the board.

E. B. The board may examine, approve, revoke, suspend, and renew the license of applicants and conduct investigations into alleged violations by a licensed professional counselor or applicant of this Chapter and rules and regulations promulgated pursuant thereto. The board shall review applications at least once a year. The board shall keep a record of its proceedings including applicant examinations, a register of applicants for licenses, and a register of licensed professional counselors which shall be made available to the public. Any person aggrieved by a ruling of the board may, within thirty days after notification, appeal to the district court for the parish of East Baton Rouge. The board shall have the power to conduct hearings on suspension or revocation of a license.

F. ~~The board shall submit an annual report to the governor containing the financial and professional actions of the board during the past year.~~

G. C. The board shall approve, revoke, suspend, and renew the license of applicants for licensure as marriage and family therapists upon recommendation of the advisory committee.

§1360.52. Definitions

As used in this Part the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

(4) "LSBEP" means the Louisiana State Board of Examiners of Psychologists "LBSRB" means the Louisiana Behavioral Sciences Regulatory Board.

§1360.55. Qualifications of applicants

B. After January 1, 2010, the board shall issue a medical psychology license to applicants who submit an application upon a form and in such a manner as the board prescribes and who furnish evidence to the board which meets all of the following criteria:

(1) Holds a current and unrestricted license in good standing to practice psychology issued by the Louisiana State Board of Examiners of Psychologists Behavioral Sciences Regulatory Board.

§1360.57. Certificate of advanced practice

Medical psychologists who satisfy the requirements specified by R.S. 37:1360.55(A) and who possess all of the following additional qualifications to the satisfaction of the board shall be issued a certificate of advanced practice:

(1) Three years of experience practicing as a medical psychologist. For those individuals licensed under R.S. 37:1360.55(A), such experience shall be deemed to have commenced with the issuance of the original certificate of prescriptive authority issued by the Louisiana State Board of Examiners of Psychologists Behavioral Sciences Regulatory Board.

§1744. Disclosure of financial interest by referring health care providers

A. For the purposes of this Section, the following terms shall have the following meanings:

(1) "Board" means Louisiana State Board of Medical Examiners, Louisiana State Board of Dentistry, Louisiana Board of Chiropractic Examiners, Louisiana State Board of Optometry Examiners, Louisiana State Board of Physical Therapy Examiners, Louisiana State Board of Examiners for Psychologists Behavioral Sciences Regulatory Board, Louisiana State Board of Nursing, Louisiana Licensed Professional Counselors Board of Examiners, Louisiana State Board of Practical Nurse Examiners, Louisiana Licensed

Professional Counselors Board of Examiners; or Louisiana Board of Pharmacy.

\* \* \*

§1745. Prohibition on payment for patient referrals

A. For the purposes of this Section, the following terms shall have the following meanings:

(1) "Board" means the Louisiana State Board of Medical Examiners, Louisiana Board of Chiropractic Examiners, Louisiana State Board of Dentistry, Louisiana State Board of Optometry Examiners, Louisiana State Board of Physical Therapy Examiners, Louisiana State Board of Examiners for Psychologists Behavioral Sciences Regulatory Board, Louisiana State Board of Nursing, Louisiana Licensed Professional Counselor Board of Examiners, Louisiana State Board of Practical Nurse Examiners, or Louisiana Board of Pharmacy.

\* \* \*

§1745.13. Definitions

For the purposes of this Part, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

\* \* \*

(8) "Professional licensing board" means the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, or the Louisiana State Board of Examiners of Psychologists Behavioral Sciences Regulatory Board.

\* \* \*

§2351. Declaration of purpose

It is hereby declared that the creation of a State Board of Examiners of Psychologists it is necessary to regulate the practice of psychology in order to safeguard life, health, property and the public welfare of this state, and in order to protect the people of this state against unauthorized, unqualified, and improper application of psychology.

§2352. Definition of terms

As used in this Chapter the following terms mean:

\* \* \*

(2) "Board" means the State Board of Examiners of Psychologists Louisiana Behavioral Sciences Regulatory Board as provided for in R.S. 40:2721 et seq.

\* \* \*

§2353. State board of examiners; organization; duties; meetings; fees Board powers and duties

A.(1) There is hereby created within the Department of Health and Hospitals a Louisiana State Board of Examiners of Psychologists which shall be subject to the provisions of R.S. 36:803. The board shall consist of five members who are citizens of the United States, residents of the state of Louisiana, and appointed by the governor.

(2) Upon expiration of the three-year terms of the members in office on September 1, 1987, and except for the transition set forth below, the governor shall appoint members for terms of five years. For the two vacancies occurring July 1, 1988, one member shall be appointed for a three-year term and one member for a four-year term; for the vacancy occurring July 1, 1989, the member shall be appointed for a four-year term; and for the two vacancies occurring July 1, 1990, one member shall be appointed for a four-year term and one member for a five-year term. A board member shall not be eligible to succeed himself. All appointments shall be from a list provided by the Louisiana Psychological Association. The list shall report the results of an election in which persons qualified for board membership may nominate themselves and in which licensed members of the Louisiana Psychological Association and other persons licensed under this Chapter are entitled to one vote for each vacancy on the board.

(3) Each board member shall have rendered service, teaching, training, or research in psychology for at least five years, shall have held a doctoral degree in psychology from a school or college as defined in this Chapter for a period of five years, and shall be licensed under this Chapter.

(4) Board members shall serve without compensation but shall receive seventy-five dollars per diem allowance plus the mileage rate provided state employees to cover expenses incurred while engaged in the discharge of their duties.

(5) Membership on the board of a public employee or official shall not constitute dual office holding within the meaning of R.S. 42:61 et seq.

(6) Each appointment by the governor shall be submitted to the Senate for confirmation.

B. The board shall, annually in the month of July, hold a meeting and elect from its membership a chairman and vice chairman. Special sessions may be called by the chairman or the governor. A majority of the board shall constitute a quorum at any meeting or hearing.

C. The board is authorized and empowered to:

(1) Adopt, and from time to time, revise, such rules and regulations not inconsistent with the law as may be necessary to effect the provisions of this Chapter.

(2) Employ, within the limits of the funds received by the board, an administrative assistant, general legal counsel, or other personnel necessary for the proper performance of work under this Chapter.

(3) Adopt a seal, which shall be affixed to all licenses issued by the board.

(4) (2) Examine for, deny, approve, revoke, suspend, and renew the licenses of applicants, candidates, and psychologists as provided under this Chapter.

(5) (3) Conduct hearings upon complaints concerning the disciplining of a psychologist; provided that, notwithstanding Chapter 1-A of Title 37 of the Louisiana Revised Statutes of 1950, no disciplinary proceeding shall be commenced more than one year after the date upon which the board knows or should know of the act or omission upon which the disciplinary action is based.

(6) (4) Cause the prosecution and enjoinder of all persons violating this Chapter, and incur necessary expenses therefor.

D. The board shall have the authority to correct an error made in processing an application, examining a candidate, investigating a complaint, rendering due process during hearings, or in any of its other activities.

E. Any person aggrieved by an action of the board may seek judicial review in the district court for the parish of East Baton Rouge in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

F. Within thirty days after the close of each fiscal year, the board shall submit a report, reviewed and signed by the board members, to the governor, concerning the financial and professional transactions of the board during the preceding fiscal year.

G. This board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment, travel or expenses, office supplies and materials, rent, purchase of any product or service, or for any other purpose.

§2354. Fees

A. All monies received by the board under this Chapter shall be paid into the treasury of the State Board of Examiners of Psychologists board and may be expended by the board without appropriation for costs of administration and other expenses, and any surplus at the end of a fiscal year or a biennium may be retained by the board for future expenditures and the board is not required to pay any such surplus into the general fund of the state of Louisiana.

\* \* \*

Section 8. R.S. 40:2114(B) is hereby amended and reenacted to read as follows:

§2114. Organization of medical and dental staff

\* \* \*

B. Each hospital offering care or services within the scope of the practice of psychology, as defined in R.S. 37:2352(5), shall establish rules, regulations, and procedures for consideration of an application for medical staff membership and clinical privileges submitted by a psychologist licensed to practice psychology by the Louisiana State Board of Examiners of Psychologists Behavioral Sciences Regulatory Board or a medical psychologist licensed to practice medical psychology by the Louisiana State Board of Medical Examiners. No hospital shall deny such medical staff membership and clinical privileges solely because the applicant is licensed under R.S. 37:2351 et seq., or R.S. 37:1360.51 et seq.

May 26, 2011

Section 9. R.S. 44:4(29) is hereby amended and reenacted to read as follows:
§4. Applicability

(29) To any records, writings, accounts, recordings, letters, exhibits, data, pictures, drawings, charts, photographs, or copies or memoranda thereof, and any report or reports concerning the fitness of any person to receive or continue to hold a license to practice as a psychologist in the custody or control of the Louisiana State Board of Examiners of Psychologists Behavioral Sciences Regulatory Board or to receive or continue to hold a license to practice as a medical psychologist in the custody or control of the Louisiana State Board of Medical Examiners; however, any action taken by the board and any legal grounds upon which such action is based, relative to the fitness of any person to receive or continue to hold a license to practice as a psychologist shall be a public record, and statistical reports which do not reveal the identity of any licensed psychologist may be released to the public.

Section 10. Chapter 28 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2721 through 2726, is hereby enacted to read as follows:

§2721. Louisiana Behavioral Sciences Regulatory Board; organization; membership; appointment and removal; oath; compensation

A. There is hereby created within the Department of Health and Hospitals the Louisiana Behavioral Sciences Regulatory Board which shall be subject to the provisions of R.S. 36:803. The board shall consist of nine members who are citizens of the United States and residents of the state of Louisiana.

B. The membership of the Louisiana Behavioral Sciences Regulatory Board shall be appointed by the governor and submitted to the Senate for confirmation, and shall consist of the following:

(1) Three members representing the psychology profession who each satisfy the following criteria:

(a) Has rendered service, teaching, training, or research in psychology for at least five years.

(b) Holds a doctoral degree in psychology from a school or college as defined in R.S. 37:2352 for a period of five years.

(c) Holds a current and unrestricted license under Chapter 27 of Title 37 of the Louisiana Revised Statutes of 1950.

(d) Has been included on the list submitted by the Louisiana Psychological Association to the governor for consideration for appointment.

(2) Three members representing the mental health counseling profession, of which two members shall be selected by the governor from a list submitted by the Louisiana Counseling Association and one member selected by the governor from a list submitted by the Louisiana Association of Marriage and Family Therapy. Each member shall be duly licensed pursuant to Chapter 13 of Title 37 of the Louisiana Revised Statutes of 1950.

(3) Three members who shall represent the general public and who are not, and have never been, licensed in a mental health related profession and who are in no way connected with the practice of any such profession regulated by the board.

C.(1) No later than December 1, 2011, the governor shall initially appoint the nine members of the board as follows:

(a) Three members for terms of two years.

(b) Three members for terms of three years.

(c) Three members for terms of four years.

(2) As the terms of the initial appointments expire, the governor shall appoint successors for terms of four years.

D. Each member shall hold office until the expiration of his appointed term or until a successor is duly appointed. Any vacancy occurring in board membership other than by expiration of term shall be filled by the governor, under the provisions of Subsection B of this Section, by appointment of a member to serve for the unexpired term. A board member may be removed upon one or more of the following grounds:

(1) The refusal or inability of a board member for any reason to perform the duties as a member of the board in an efficient, responsible, and professional manner.

(2) The misuse of office by a member of the board for pecuniary or material gain personally or for another through such office.

(3) For other just and reasonable causes as determined solely by the board pursuant to applicable laws.

E. Each board member shall receive a certificate of appointment from the governor. Before commencing the discharge of his duties, and within thirty days from the effective date of his appointment, each board member shall subscribe to the oath for state officials before any officer authorized to administer oaths in this state and shall file the oath with the secretary of state.

F. Board members shall serve without compensation but shall receive seventy-five dollars per diem allowance plus the mileage rate provided state employees to cover expenses incurred while engaged in the discharge of their duties.

§2722. Board; domicile; meetings; quorum

The board shall be domiciled in Baton Rouge and shall hold its meetings in places to be designated by the board. The board shall hold a meeting within forty-five days after December 1, 2011, and at least semiannually thereafter. The board shall, at its initial meeting, elect from its membership a chairman, vice chairman, and secretary, and thereafter the board shall, annually in the month of July, hold a meeting and elect from its membership a chairman and vice chairman, and secretary. The board may meet at such other times as deemed necessary by the chairman, or by the majority of its members, or by the governor. Five members of the board shall constitute a quorum at any meeting or hearing.

§2723. Board; powers and duties

A. On and after December 1, 2011, the board is authorized and empowered to:

(1) Perform such duties and exercise such powers as this Chapter prescribes and confers upon it.

(2) Employ, within the limits of the funds received by the board, an executive director and any other administrative assistants, general legal counsel, or other personnel necessary for the proper performance of work under this Chapter. The board may enter into such professional service contracts as necessary to carry out its responsibilities under this Chapter in accordance with R.S. 36:803.

(3) Adopt a seal, which shall be affixed to all licenses issued by the board.

(4) Cause the prosecution and enjoinder of all persons violating this Chapter, Chapter 13 or Chapter 28 of Title 37 of the Louisiana Revised Statutes of 1950, and incur necessary expenses therefor.

(5) Correct an error made in processing an application, examining a candidate, investigating a complaint, rendering due process during hearings, or in any of its other activities.

B. On and after January 1, 2012, the board is authorized and empowered to:

(1) Perform such duties and exercise such powers as are prescribed and conferred by Chapters 13 and 28 of Title 37 of the Louisiana Revised Statutes of 1950.

(2) Adopt, and from time to time, revise, such rules and regulations not inconsistent with the law as may be necessary to effectuate the provisions of Chapters 13 and 28 of Title 37 of the Louisiana Revised Statutes of 1950.

§2724. Board; judicial review

Any person aggrieved by an action of the board may seek judicial review in the district court for the parish of East Baton Rouge in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. No member of the board shall be liable in any civil action for any act performed in good faith in the execution of his duties under this Chapter or Chapters 13 or 28 of Title 37 of the Louisiana Revised Statutes of 1950.

§2725. Board; annual report

Within thirty days after the close of each fiscal year, the board shall submit a report, reviewed and signed by the board members, to the governor, concerning the financial and professional transactions of the board during the preceding fiscal year.



**§2726. Board; prohibition on receipt of state funds**

**The board shall be financially self-sufficient. It shall receive no state funds through appropriation or otherwise and shall not expend any such state funds. No state funds shall be expended or committed to expenditure for the group benefits program or any other health insurance or employee benefit program, for any retirement system, for any salary, per diem payment, travel or expenses, office supplies and materials, rent, purchase of any product or service, or for any other purpose.**

Section 11. R.S. 36:259(EE) is hereby repealed in its entirety.

Section 12. (A) The State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners shall provide all resources to the Louisiana Behavioral Sciences Regulatory Board which are necessary to ensure that there is a minimum amount of disruption of the services provided to the professionals licensed by these boards during the transition period.

(B) Transfer of licenses. After December 31, 2011, all current licenses issued by the State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners shall be transferred to the Louisiana Behavioral Sciences Regulatory Board. Nothing in this Act shall be deemed to change or extend the expiration date of current licenses issued by the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners.

(C) Legal proceedings and documents continued. Any legal proceeding to which the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners is a party and which is filed, initiated, or pending before any court on the effective date of this Section, and all documents involved in or affected by such legal proceeding, shall retain their effectiveness and shall be continued in the name of the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners. All further legal proceedings and documents in the continuation, disposition, and enforcement of such legal proceedings shall be in the name of the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners and the Louisiana Behavioral Sciences Regulatory Board shall be substituted for the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners without the necessity for amendment of any document to substitute the name of the Louisiana Behavioral Sciences Regulatory Board or the name or title of any office, official, employee, or other agent or representative of the Louisiana Behavioral Sciences Regulatory Board. Any legal proceeding and all documents involved in or affected by such legal proceeding, which has been continued in the name of the Louisiana Behavioral Sciences Regulatory Board shall retain their effectiveness, and those provisions of this Section requiring that the continuation, disposition, and enforcement of a legal proceeding and documents related thereto shall be in the name of the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners and shall not affect their validity.

(D) Protection of obligations. This Act is not intended to and it shall not be construed so as to impair the contractual or other obligations of the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners. All obligations of the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners hereafter shall be considered to be the obligations of the Louisiana Behavioral Sciences Regulatory Board to the same extent as if originally made by it and the same are hereby ratified. In like manner, and in order to prevent any violation of the provisions, terms, or conditions of any gift, donation, deed, will, trust, or other instrument or disposition by which property vested in the Louisiana Behavioral Sciences Regulatory Board by this Act was previously vested in the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners or diversion from the purposes for which such property was so vested, it is hereby specifically provided that each such instrument or disposition hereafter shall be considered to have vested such property in the Louisiana Behavioral Sciences Regulatory Board in the same manner and to the same extent as if originally so done. The Louisiana Behavioral Sciences Regulatory Board shall be the successor in every way to the State Board of Examiners of Psychologists and the

Louisiana Licensed Professional Counselors Board of Examiners, including all of the obligations and debts of the State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners.

(E) Transfer of property. All books, papers, records, money, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners are hereby transferred to the Louisiana Behavioral Sciences Regulatory Board. All funds of the State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners are hereby transferred to the Louisiana Behavioral Sciences Regulatory Board.

(F) Unfinished business. Upon the abolition of the State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners any pending or unfinished business of the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners shall be taken over and be completed by the Louisiana Behavioral Sciences Regulatory Board with the same power and authorization as that which was exercised by the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners, respectively. The Louisiana Behavioral Sciences Regulatory Board shall be the successor in every way to the State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners, and every act done by the Louisiana Behavioral Sciences Regulatory Board in the exercise of the functions transferred from the State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners shall be considered to have the same force and effect under any provisions of the constitution and laws in effect on the effective date of this Section as if done by State Board of Examiners of Psychologists or the Louisiana Licensed Professional Counselors Board of Examiners.

(G) Rules and regulations. All duly promulgated rules and regulations of the State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners shall remain in effect and transferred under the jurisdiction of the Louisiana Behavioral Sciences Regulatory Board. The office of state register is hereby directed and authorized to make any revisions necessary in those rules and regulations to change to all references to the State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners to the Louisiana Behavioral Sciences Regulatory Board.

Section 13. The State Board of Examiners of Psychologists and the Louisiana Licensed Professional Counselors Board of Examiners are hereby terminated.

Section 14. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 13 of this Act shall become effective on January 1, 2012.

Section 15. Sections 10, 12, 14 and this Section of 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 Cheek, the committee substitute bill was adopted and becomes Senate Bill No. 268 by Senator Mount, substitute for Senate Bill No. 226 by Senator Mount.

**SENATE BILL NO. 268— (Substitute of Senate Bill No. 226 by Senator Mount)**

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 37:1103(7), the introductory paragraph of 1103(10), and R.S. 37:1107(A)(8)(a), and to enact R.S. 37:1103(12), relative to boards and commissions; to provide for the definition of mental health counseling services; to provide for the definition of the practice of mental health counseling; to provide for the definition of serious mental illness; to provide for the requirements of a licensed professional counselor; and to provide for related matters.

May 26, 2011

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

SENATE BILL NO. 249—
BY SENATOR RISER AND REPRESENTATIVE TUCKER
AN ACT

To enact Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.86 through R.S. 600.110, and R.S. 42:1124.2, and to repeal R.S. 36:769(J), Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:600.1 through 600.25.1, and Chapter 3-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:600.61 through 600.68, relative to housing authorities; to create the Louisiana Housing Corporation and provide for its powers, functions, and duties; to provide for the abolishment of certain programs or agencies, the consolidation of housing programs and the transfer of certain programs or agencies; to provide for the filing of certain financial disclosure statements relative to certain boards and commissions; to provide terms, conditions, definitions, procedures, and effects; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. —(Substitute of Senate Bill No. 249 by Senator Riser)

BY SENATOR RISER
AN ACT

To enact R.S. 40:600.4(E), 600.64(C), and Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.86 through 600.111 and R.S. 42:1124.2(A)(5), and to repeal R.S. 36:769(J) and Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:600.1 through 600.25.1, relative to housing authorities; to create the Louisiana Housing Corporation and provide for its powers, functions, and duties; to provide for the abolishment of certain programs or agencies, the consolidation of housing programs, and the transfer of certain programs or agencies; to provide for the filing of certain financial disclosure statements relative to certain boards and commissions; to provide terms, conditions definitions, procedures, and effects; 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. 40:600.4(E), 600.64(C), and Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:600.86 through 600.111, are hereby enacted to read as follows:
§600.4. Organization of the agency

E.(1) The board of commissioners of the Louisiana Housing Finance Authority is hereby abolished at midnight on December 31, 2011, and its powers, duties, functions, and responsibilities shall be transferred to the Louisiana Finance Authority which is created as a subsidiary of the Louisiana Housing Corporation pursuant to R.S. 40:600.91(A)(25)(e) and which shall terminate at midnight on June 30, 2012. Effective January 1, 2012, the governing body of the Louisiana Housing Finance Authority shall be created pursuant to and in accordance with the provisions of Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950.

(2) All powers, duties, functions, and responsibilities of the board of commissioners of the Louisiana Housing Finance Authority as provided in this Chapter shall be transferred to the governing body of that entity created pursuant to R.S. 40:600.91(A)(25)(e) as a subsidiary of the Louisiana Housing Corporation pursuant to Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950.

§600.64. Membership of the board of directors; vacancies; compensation; expenses

C.(1) The board of directors is hereby abolished at midnight on December 31, 2011, and its powers, duties, functions, and

responsibilities shall be transferred to the Louisiana Land Trust which is created as a subsidiary of the Louisiana Housing Corporation pursuant to R.S. 40:600.91(A)(25)(d). Effective January 1, 2012, the governing body of the Louisiana Land Trust shall be created pursuant to and in accordance with the provisions of Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950.

(2) All powers, duties, functions, and responsibilities of the board of directors of the Road Home Corporation as provided in this Chapter shall be transferred to the governing body of the Louisiana Land Trust created as a subsidiary of the Louisiana Housing Corporation pursuant to Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950.

CHAPTER 3-G. LOUISIANA HOUSING CORPORATION ACT

§600.86. Short title; findings; purpose

A. This Chapter shall be known and may be referred to as the "Louisiana Housing Corporation Act".

B. (1) The legislature hereby finds and declares that there exists in the state of Louisiana a serious shortage of affordable, decent, safe, and sanitary residential housing.

(2) The legislature hereby finds and declares further that private enterprise and investment unaided has not been able to produce the needed construction of decent, safe, and sanitary residential housing at prices which persons and families of low or moderate income can afford, or to achieve the urgently needed rehabilitation of existing inadequate and substandard residential housing. The legislature further finds and declares that it is imperative that the supply of residential housing for persons and families of low or moderate income and for special needs populations be increased substantially and that private enterprise and investors be encouraged to sponsor, build, and rehabilitate residential housing for such persons and families.

(3) The legislature hereby finds and declares further that a major cause of the shortage of residential housing is the inadequate supply of funds available from private mortgage lenders for residential housing mortgage loans at interest rates within the financial means of persons and families of low or moderate income.

(4) The legislature hereby finds and declares that the limited resources available directly to the state or its agencies may be more effectively and efficiently utilized if a single corporation is authorized and directed to coordinate housing programs administered by the state or its agencies and instrumentalities.

(5) The legislature hereby finds and declares further that additional financial resources and technical skills must be available in local communities if the state is to mobilize the capacity of the private sector, including nonprofit community housing development organizations, to provide a more adequate supply of decent, safe, and sanitary housing.

(6) The legislature hereby finds and declares further that state leadership is needed to achieve an adequate supply of affordable housing for all residents of the state and that such leadership shall be provided through the corporation.

(7) The legislature hereby finds and declares further that this corporation should have the maximum amount of flexibility, responsibility, and discretion to assure that all the residents of the state shall have access to decent, safe, sanitary, and affordable housing; therefore, in carrying out the purposes of this Chapter, the corporation shall be presumed to possess broad powers and legal prerogatives which enable the corporation to carry out its purposes directly or indirectly through one or more nonprofit subsidiaries.

(8) The legislature hereby finds and declares further that a major cause of the shortage of residential housing available for persons and families of low or moderate income is the lack of a coordinated approach and clear statewide policy regarding funds for such residential housing.

(9) The legislature hereby finds and declares further that providing housing for citizens with special needs is a crucial responsibility of the state and that any coordinated approach or clear statewide policy regarding funds for residential housing

shall take into account assuring that such housing remains available and affordable for those citizens with special needs.  
§600.87. Definitions

The following terms, whenever used or referred to in this Chapter shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Corporation" means the Louisiana Housing Corporation created by this Chapter.

(2) "Bonds" means the bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, debentures, or other obligations or evidences of indebtedness authorized to be issued by the corporation pursuant to the provisions of this Chapter.

(3) "Federal government" means the United States of America and any agency or instrumentality, corporate or otherwise, of the United States of America.

(4) "Insured mortgage loan" means a mortgage loan for the acquisition, construction, rehabilitation or improvement of residential housing located within the state which is insured or guaranteed in whole or in part by the federal or state government, or any instrumentality or agency of the federal government or the state government, including the Louisiana Housing Corporation, or by a private mortgage insurance company, which insures the holder of the mortgage against financial loss.

(5) "Lending institution" means any bank, investment bank, mortgage bank or company, pension or retirement fund, savings bank, or savings and loan association which is authorized to do business in Louisiana.

(6) "Mortgage" means a conventional mortgage evidencing a contract by which a person binds all or part of his immovable property in favor of another to secure the execution and enforcement of a contract, but without divesting himself of the possession of such property.

(7) "Mortgage loan" means a financial obligation secured by a mortgage.

(8) "Persons or families of low or moderate income" means persons or families, including special needs populations, who qualify to receive a benefit or assistance pursuant to the applicable state or federal statutes, rules, and regulations governing the administration of such program or programs under which the persons or families shall receive the benefit or assistance.

(9) "Residential housing" means a specific work or improvement within the state undertaken primarily to provide decent, safe, and sanitary dwelling accommodations for persons of low or moderate income, including, but not limited to, the acquisition, construction, rehabilitation, or improvement of land, buildings, and improvements thereto in connection with apartments, condominiums, single family homes, townhouses, and nonhousing facilities appurtenant thereto.

(10) "State" means the state of Louisiana.

(11) "State agency" means any board, authority, agency, department, commission, public corporation, body corporate and politic, or instrumentality of the state.

(12) "Subsidiary" means any entity in which the board of directors of the corporation constitute a majority of the governing body of the entity.

§600.88. Creation of the corporation

There is hereby created a public body corporate and politic known as the Louisiana Housing Corporation. The Louisiana Housing Corporation, hereinafter referred to as the corporation, shall be a political subdivision and instrumentality of the state.

§600.89. Organization of the corporation

A. The Louisiana Housing Corporation shall be governed by a board of directors composed of the following members:

(1) One member shall be the state treasurer or his designee.

(2) Eight members shall be appointed by the governor, each of whom shall serve at the pleasure of the governor and meet all of the following criteria:

(a) Each shall be a resident of the state.

(b) Each shall have at least five years of experience in one or more of the following fields:

(i) Commercial banking or bonds.

(ii) Residential or multi-family construction.

(iii) Real estate.

(iv) Affordable housing development.

(v) Nonprofit residential development.

(vi) Programs of the Department of Housing and Urban Development or any successor agency.

(c) Each shall be a resident of one of the eight Labor Market Regions, as provided for in R.S. 23:76, of the state such that each region is represented on the board.

(d) One shall either be a consumer of or an advocate for affordable housing.

(e) The eight members appointed by the governor shall be diverse and representative of the state's population as near as practicable, and shall each be submitted to the Senate for confirmation.

(3) Two additional members shall be appointed as follows:

(a) One person appointed by the president of the Senate.

(b) One person appointed by the speaker of the House of Representatives.

B. In the event of a vacancy in the office of any member of the board of directors, a replacement shall be appointed in the same manner as the person whose position is now vacant was originally appointed and shall serve for the remainder of the unexpired term.

C.(1) Each member of the board of directors shall hold office until the member resigns or is removed from office or until his successor has been appointed and has qualified.

(2) Any appointed member shall be eligible for reappointment.

(3) Any member of the board of directors of the corporation may be removed from office by the appointing authority for incompetence, malfeasance, misconduct, or willful neglect of duty, after reasonable notice and a public hearing, unless the same are expressly waived in writing.

(4) Every member of the board of directors of the corporation shall, before entering office, take the oath of office required of public officials to administer the duties of his office faithfully and impartially, and a record of such oath shall be filed with the secretary of state.

(5) Board members shall serve staggered four-year terms as provided in this Section. Four shall serve initial terms of two years each, four shall serve initial terms of three years each, and three shall serve initial terms of four years each, as determined by lot at the first meeting of the board.

(6) Board members may receive compensation of fifty dollars per diem for their services and may be eligible for reimbursement of reasonable travel expenses incurred in connection with the discharge of their duties only as provided by majority vote of the board.

D. Each member of the board of directors and the executive director shall file financial disclosure statements pursuant to R.S. 42:1124.2.

§600.90. Officers of the corporation; duties; liability

A. Executive director.

(1) Appointment.

(a) An executive director of the corporation shall be appointed by the board subject to confirmation by the Louisiana State Senate. Any person nominated shall meet all the requirements for being a member of the board of directors. Should the governor refuse to approve or the Senate fail to confirm the appointment of the executive director, then the board shall submit another name.

(b) The person whose appointment was not confirmed shall not be reappointed for confirmation for a period of two years.

(c) The governor shall, within thirty days after the nomination of the executive director, either approve or reject the nomination.

(2) Duties; requirements.

(a) The executive director of the corporation shall manage the daily affairs of the corporation and shall have such powers and duties as specified by this Chapter and by the board of directors.

(b) The executive director shall not be a member of the board.

(c) The executive director of the corporation shall serve at the pleasure of the board of directors.

(d) The executive director shall administer, manage, and direct the affairs and business of the corporation, subject to the policies, control, and direction of the board of directors of the corporation.

B. The executive director shall submit a staffing plan to the board for its approval.

C. No officer or employee of the corporation shall be a member of the board.

D. The powers of the board.

(1) The powers of the corporation shall be vested in the board of directors thereof in office from time to time.

(2) A majority of the members of the board currently serving shall constitute a quorum for the transaction of any business and for the exercise of any power or function of the corporation. No vacant office shall be included in the determination of the number of members of the board necessary to establish a quorum.

(3) No action shall be taken by the board until such time as at least seven of the members have been appointed and have taken the oath of office.

(4) No vacancy in the board shall impair the rights of a quorum of the board to exercise any power or function of the corporation.

(5) Action may be taken by a quorum of the board upon an affirmative vote of a majority of the members present.

(6) The board may create and appoint members to any committee deemed necessary or beneficial to carrying out the duties of the board.

(7) The board may employ counsel to represent the board.

(8) The board may appoint and, so appointing, prescribe the duties of the officers as are named to assist in the operation of the corporation, including, but not limited to, a secretary or treasurer of the corporation. The offices and duties shall be included in the bylaws of the corporation.

E. The corporation shall be domiciled in Baton Rouge.

F. The corporation shall adopt bylaws for its own governance and internal organization, provided that such bylaws shall not conflict with any of the provisions of this Chapter or with any other law applicable to public bodies or agencies.

G. No member of the board of directors shall be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in the performance of his duties as member of the board or with respect to the operations of the corporation, but any act, liability for omission, or obligation of a member in the performance of his duties or with respect to the operations of the corporation shall extend to the whole of the property of the corporation, or so much thereof as may be necessary or available to discharge such liability or obligation, and not otherwise.

H.(1) If any member of the board of directors or any officer or employee of the corporation shall have an interest, either direct or indirect, in any contract to which the corporation is, or is to be, a party, or in any lending institution requesting a loan from or offering to sell insured mortgage loans to the corporation, such interest shall be disclosed to the corporation in writing and shall be set forth in the minutes of the corporation.

(2) Notwithstanding the provisions of R.S. 42:1112, no member of the board of directors and no officer or employee having such interest shall participate in any action by the corporation, including, but not limited to, discussion and voting on any issue bearing on that interest. The member of the board of directors shall recuse himself from any action taken by the board of directors.

(3) Failure to make a disclosure required pursuant to this Subsection shall constitute misconduct in office.

I. Fiscal matters.

(1) The corporation shall operate from self-generated funds and shall not be a budget unit of the state.

(2) The corporation may receive state appropriations and the expenditure of such appropriated funds shall be subject to budgetary controls or authority of the division of administration.

(3) The corporation shall establish an operating budget for the use of its funds, subject to approval by a two-thirds vote of the board of directors of the corporation.

(4) The fiscal year for the corporation shall run concurrently with the fiscal year of the state.

(5) Any budget adopted shall be effective for that fiscal year. §600.91. Powers and duties of the corporation

A. The corporation shall have the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the following powers in addition to all other powers granted by other provisions of this Chapter:

(1) The corporation may sue and be sued in its own name.

(2) The corporation may establish a seal and alter the same at its pleasure.

(3) The corporation shall adopt, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., those rules and regulations as are necessary and proper for the performance of its duties and responsibilities, in compliance with and subject to the exceptions in the following provisions:

(a) The Administrative Procedure Act, R.S. 49:950 et seq., shall not apply to the sale of bonds, notes, or other obligations of the corporation or of programs of the corporation funded with the proceeds thereof, when such sale occurs after reasonable public notice and public hearing.

(b) The Administrative Procedure Act, R.S. 49:950 et seq., shall not apply to the administration and allocation of low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, except that upon adoption of rules and regulations relative to such administration and allocation, the corporation shall submit these rules and regulations to the Joint Legislative Committee on the Budget for review.

(c) The Administrative Procedure Act, R.S. 49:950 et seq., shall not apply to the following programs, except that upon adoption of such rules and regulations relative to such programs, the program or the corporation shall submit such rules and regulations to the Joint Legislative Committee on the Budget for review. The programs subject to this provision are as follows:

(i) The Risk Sharing Program.

(ii) The Mark to Market Program.

(iii) The Louisiana Housing Trust Fund.

(iv) The HOME Program.

(v) The Low Income Housing Energy Assistance Program (LIHEAP).

(vi) The Weatherization Program (WAP).

(vii) The Section Eight Contract Administration Program.

(viii) The Louisiana Habitat for Humanity Loan Purchase Program Act.

(4) The corporation may make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions pursuant to this Chapter with any federal or state governmental agency, public or private corporation, lending institution, or other entity or person.

(5) The corporation may accept donations of movable or immovable property from any source and receive appropriations from the legislature or financial assistance or subsidies from the federal or state government.

(6) The corporation may, subject to the rights of holders of bonds of the corporation, renegotiate, refinance, or foreclose on any mortgage or commence any action to protect or enforce any right or benefit conferred upon the corporation by any law, mortgage, contract, or other agreement, and bid for and purchase such property at any foreclosure or at any other sale, or otherwise acquire or take possession of any such property, and, in this event, the corporation may complete, administer, pay the principal of and interest on any obligation incurred in connection with such property, dispose of and otherwise deal with such property in such manner as may be necessary or desirable to protect the interest of the corporation or of holders of its bonds therein.

(7) The corporation may procure or provide for the procurement of insurance or reinsurance against any loss in connection with its property or operations, including, but not

limited to, insurance, reinsurance or other guarantees from a federal or state governmental agency or private insurance company for the payment of any bonds issued by the corporation or bonds, notes, or any other obligations or evidences of indebtedness issued or made by any lending institution or other entity or person or insurance or reinsurance against loss with respect to mortgages or mortgage loans, including the power to pay premiums on such insurance or reinsurance.

(8) The corporation may insure, reinsure, or cause to be insured or reinsured mortgage loans or mortgages on residential housing, to receive premiums on such insurance or reinsurance, to establish reserves for losses, and to participate in the insurance or reinsurance of mortgage loans or mortgages on residential housing with the federal or state government.

(9) The corporation may enter into agreements and contracts with persons and entities including, but not limited to, the federal or state government or its subdivisions, agencies, or instrumentalities, or with mortgagors or lending institutions.

(10) The corporation may undertake and carry out or authorize the completion of studies and analyses of housing conditions and needs within the state and ways of meeting such needs, to make such studies and analyses available to the public and to the housing industry, and to engage in research to disseminate information on housing, in coordination with the office of community development within the division of administration.

(11) The corporation may accept federal, state, or private financial or technical assistance, comply with any conditions for such assistance, and become a "co-insurer" with the United States Department of Housing and Urban Development or other appropriate federal agency for housing finance programs.

(12) The corporation may collect fees and charges in connection with its loans, insurance, commitments, and services including, but not limited to, reimbursement of costs of issuing bonds, service charges, and insurance premiums.

(13) The corporation may purchase secured loans or make lending commitments to purchase or sell construction or mortgage loans with respect to residential housing. Further, the corporation may make secured loans to lending institutions, including commitments therefor, with respect to the making of construction or mortgage loans by lending institutions for residential housing.

(14) The corporation may acquire or contract to acquire from any person, firm, corporation, municipality, federal or state agency, by grant, purchase, or otherwise, movable or immovable property or any interest therein; to own, hold, clear, improve, lease, construct, or rehabilitate, and to sell, invest, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same, subject to the rights of holders of the bonds of the corporation, at public or private sale, with or without public bidding.

(15) The corporation may borrow money, issue bonds, and provide for the rights of the lenders or holders thereof.

(16) The corporation may, subject to the rights of holders of the bonds of the corporation, consent to any modification with respect to the rate of interest, time payment of any installment of principal or interest, security or other term of any loan, contract, mortgage, mortgage loan or commitment therefor, or agreement of any kind to which the corporation is a party or beneficiary.

(17) The corporation may maintain an office, in addition to the office in Baton Rouge, at such place or places in the state as the corporation shall determine.

(18) In carrying out its functions under this Chapter, the corporation shall accomplish all of the following:

(a) The corporation shall adopt rules and regulations which shall require fair, impartial, and equitable treatment of all lending institutions by the corporation.

(b) Such rules and regulations shall insure that favoritism shall not be an element in the allocation of services by the corporation and that objective standards and criteria shall control and govern access to the allocation of services and functions authorized by this Chapter.

(c) The board of directors of the corporation shall establish statewide policy for the financing of housing for persons or

families of low or moderate income and for special needs populations and such policy shall apply to all units, divisions, agencies, public corporations, and instrumentalities of the state involved directly or indirectly in financing single family or multi-family housing for such persons or families.

(19) The corporation may purchase secured loans or make lending commitments to purchase loans on multi-family housing projects under such guidelines, rules, and restrictions as shall be adopted by the corporation.

(20) The corporation is authorized to sell residential loans purchased by it or by others either singly or in "packages" or pools to investors, including the retirement plans and trusts established for the employees of the state and its subdivisions, agencies, instrumentalities, and units of government which may be authorized to purchase residential first mortgages for investment purposes; however, all such mortgage loans purchased by the corporation for resale shall have been made on real estate in the state.

(21) Notwithstanding any provisions of this Chapter or any other law to the contrary, specifically R.S. 12:202.1, the corporation may create or cause to be created such nonprofit corporations as may be necessary or expedient to participate in housing programs of the federal government or its agencies and instrumentalities.

(22) Notwithstanding the provisions of this Chapter or any other law to the contrary, specifically R.S. 12:202.1, the corporation may create or cause to be created such nonprofit corporations as may be necessary or desirable to establish housing equity funds, the purpose of which shall be to direct the investment of capital primarily from Louisiana residents to residential housing developments qualifying under Section 42 of the Internal Revenue Code of 1986 for low income housing credits.

(23) The corporation shall administer the federal grants for energy assistance and weatherization services for low-income persons.

(24) The corporation shall administer the Louisiana Housing Trust Fund.

(25) Notwithstanding any provisions of this Chapter or any other law to the contrary, the corporation is authorized to:

(a) Sponsor a statewide community housing development organization to partnership with or to expand the capacity of local nonprofit organizations in limited resource communities and to develop and manage affordable residential rental housing in partnership with such local nonprofit organizations.

(b) Originate and fund second mortgage loans to persons or households of very low or moderate income as defined by the United States Department of Housing and Urban Development.

(c) Finance directly pools of loans to public housing authorities as established under the Louisiana Housing Authorities Law, contained in R.S. 40:381 et seq.

(d) Establish one or more subsidiaries to carry out the purposes of this Chapter, including, but not limited to, establishing the Louisiana Land Trust as a subsidiary. In establishing the Louisiana Land Trust as a subsidiary, the corporation shall not assume any obligations of the trust.

(e) Establish the Louisiana Housing Finance Agency as a subsidiary of the corporation, and to operate the agency as a subsidiary until June 30, 2012.

(f) Notwithstanding any provision of law to the contrary, the corporation may assume the obligations of any entity that becomes a subsidiary of the corporation in accordance with this Chapter, with the exception of any obligations of the Louisiana Land Trust.

(26)(a) Notwithstanding any provision of law to the contrary, the corporation is authorized and required to assume administration or management of disaster recovery programs funded by the Department of Housing and Urban Development Community Development Block Grants as designated by the governor.

(b) In the event that a state agency has contracts in place for the purpose of the implementation of such programs, the agency may transfer to the corporation the contracts or the portion of the contracts related to the programs transferred.

(27) The corporation shall have all the powers and duties in the Louisiana Housing Authorities Law pursuant to R.S. 40:381, et seq.

(28) The corporation shall have all powers necessary to access any and all federal funding related to housing.

B. The corporation may promulgate rules, regulations, or such other procedures for the coordination of all state-administered housing programs. Notwithstanding any provisions of this Chapter or any other provision of the law to the contrary, every department, agency, or instrumentality of the state administering any federal or state housing resource shall provide assistance to the corporation, including, but not limited to, information, technical assistance, and personnel of such department, agency, or instrumentality, which is being or may be used to provide decent, safe, sanitary, and affordable housing to the residents of the state in order to accomplish the goals and to comply with the provisions of this Chapter.

C. The Louisiana Housing Corporation is authorized and directed to cooperate and coordinate with units of general local government, local public housing authorities, and other instrumentalities of local government, including, but not limited to, public trusts and local nonprofit housing corporations, in developing a comprehensive plan and housing strategy as required by the Department of Housing and Urban Development. Such plan shall be submitted to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Local and Municipal Affairs for review within thirty days of its completion.

D. The Louisiana Housing Corporation is authorized and directed to increase the supply of supportive housing, which combines structural features and services needed to enable persons with special needs to live with dignity and independence. §600.92. Purchase of mortgage loans

A. The corporation may purchase, or contract to purchase, insured mortgage loans with respect to residential housing from lending institutions, at such prices and upon such terms and conditions as it shall determine by rules or regulations adopted by the board of directors. All lending institutions are authorized to sell insured mortgage loans to the corporation in accordance with the provisions of this Chapter and the rules and regulations of the corporation.

B. The corporation may require as a condition of purchase of any insured mortgage loan from a lending institution that the lending institution represent and warrant to the corporation all of the following:

(1) The unpaid balance of the mortgage loan and the interest rate thereon have been accurately stated to the corporation and that the interest rate is not usurious.

(2) The amount of the unpaid principal balance of the mortgage loan is justly due and owing in accordance with the terms thereof.

(3) The lending institution has no notice of the existence of any counterclaim, offset, or defense asserted by the mortgagor or his successor in interest.

(4) The mortgage loan is evidenced by a note and a mortgage which has been properly recorded in the parish in which the immovable property is situated.

(5) The mortgage constitutes a valid first lien on the immovable property described to the corporation, subject to property taxes not yet due, installments of assessments not yet due, and such servitudes, encumbrances, or restrictions which do not adversely affect to a material degree the use or value of the immovable property or the improvements thereon.

(6) The mortgage loan when made was lawful under federal or state law, or both, whichever governed the making of the loan, and would be lawful on the date of purchase by the corporation if made by the lending institution on that date in the amount of the unpaid principal balance.

(7) The mortgagor is not now in default in the payment of any installment of principal or interest, escrow funds, property taxes or otherwise in the performance of his obligations under the mortgage loan documents and has not to the knowledge of the lending institution been in default in the performance of any such

obligation for a period of longer than sixty days during the life of the mortgage.

(8) The improvements to the mortgaged property are covered by a valid and current policy of insurance, in full force and effect, issued by an insurance company authorized to issue such policies in the state and providing fire and extended coverage in an amount not less than the outstanding principal balance of the mortgage loan or the maximum insurable value of the mortgaged property, whichever is greater.

(9) The mortgage loan meets the prevailing investment quality standards for mortgage loans of that type in the state and is an insured mortgage loan.

C. A lending institution shall be liable to the corporation for any damages suffered by the corporation by reason of the untruth of any representation or the breach of any warranty and, in the event that any representation shall prove to be untrue when made or in the event of any breach of warranty, the lending institution at the option of the corporation shall repurchase the mortgage loan for the original purchase price, adjusted for amounts subsequently paid thereon and for damages incurred by the corporation, as the corporation may determine.

D. The corporation may require the recording of an assignment of any mortgage loan or mortgage purchased by it from a lending institution. The corporation shall not be required to inspect or take possession of the mortgage loan documents if the lending institution from which the mortgage loan is purchased by the corporation enters into a contract with the corporation to service such mortgage loan and to account to the corporation regarding such mortgage loan.

E. If the corporation purchases a mortgage loan from a lending institution, the corporation may contract with that or another lending institution to act as servicing agent for the corporation for the collection of mortgage loan payments from the mortgagor and for the exercise of the rights and the discharge of the responsibilities provided for in the mortgage loan documents and federal and state law.

F. To the extent that any provisions of this Section may be inconsistent with any provision of law of the state governing lending institutions, the provisions of this Section shall control.

G. Notwithstanding any provision of this Chapter or of any other law to the contrary, the corporation may directly fund insured mortgage loans in connection with a federal program if benefits provided by such program would not otherwise be made available within the state.

§600.93. Loans to lending institutions

A. (1) The corporation may make, or contract to make, secured loans to lending institutions at such interest rates, terms, and conditions as it shall determine by rules or regulations adopted by the board of directors.

(2) All lending institutions are authorized to borrow funds from the corporation in accordance with the provisions of this Chapter and the rules and regulations of the corporation.

(3) The corporation shall require that the proceeds of its loans to lending institutions or an equivalent amount shall be used by such lending institutions to make mortgage loans with respect to residential housing located within the state, subject to such terms and conditions as the corporation may prescribe.

B. The corporation shall require that each lending institution which is the recipient of a loan pursuant to this Section shall issue and deliver to the corporation an evidence of its indebtedness to the corporation, which shall constitute a general obligation of such lending institution and shall bear such date or dates, shall mature at such time or times, shall be subject to such prepayment, and shall contain such other provisions consistent with this Section as the corporation shall determine.

C. Notwithstanding any other provisions of this Section to the contrary, the interest rate or rates and other terms of such loans to lending institutions made from the proceeds of any issue of bonds of the corporation shall be at least sufficient to assure the payment of said bonds and the interest thereon as the bonds become due.

D. The corporation shall require that loans made to lending institutions pursuant to this Section shall be additionally secured as to payment of both principal and interest by a pledge of

collateral security in such amounts and consisting of such obligations, securities, or mortgages as the corporation shall determine to be necessary to assure the payment of such loans and the interest thereon as the same become due.

E. (1) The corporation may require that collateral for loans to lending institutions be deposited with a bank, trust company, or other financial institution acceptable to the corporation located either within or outside the state as designated by the corporation.

(2) In the absence of such requirement, a lending institution that is the recipient of a loan from the corporation shall enter into an agreement with the corporation containing such provisions as the corporation shall deem necessary or desirable to adequately identify and maintain such collateral, to service such collateral, and to require that the lending institution shall hold such collateral as agent for the corporation and shall be accountable to the corporation as the trustee of an express trust for the application and disposition thereof and the income therefrom solely to the uses and purposes in accordance with the provisions of such agreement.

(3) A copy of each such agreement and any revisions or supplements thereto shall be filed with the secretary of state, and no further filing or other action under any other law of the state shall be required to perfect the security interest of the corporation in such collateral or any additions thereto or substitutions therefor, and the lien and trust for the benefit of the corporation so created shall be binding from and after the time made against all parties having claims of any kind in tort, contract, or otherwise against such lending institution.

(4) The corporation may also establish such additional requirements as it shall deem necessary with respect to the pledging, assigning, setting aside, or holding of such collateral and the making of substitutions therefor or additions thereto and the disposition of income and receipts therefrom.

F. The corporation shall require lending institutions that are the recipients of loans from the corporation to submit evidence satisfactory to the corporation that the lending institution has used the proceeds of such loans by the corporation, or any equivalent amount, to make mortgage loans with respect to residential housing and that the lending institution has complied with the terms and conditions of such loans as prescribed by the corporation. In connection therewith, the corporation, through its employees or agents, may inspect the books and records of such lending institution.

G. The corporation may require as a condition of any loans to lending institutions such representations and warranties as it shall determine to be necessary or desirable to service such loans and implement the provisions of this Section.

H. Subject to the rights of holders of bonds of the corporation, the corporation may collect, enforce the collection of, and foreclose on any collateral securing its loans to lending institutions and acquire or take possession of such collateral and sell the same at private or public sale, with or without public bidding, and otherwise deal with such collateral as may be necessary to protect the interest of the corporation therein.

I. To the extent that any provisions of this Section may be inconsistent with any provision of the law of the state governing lending institutions, the provisions of this Section shall control. §600.94. Bonds of the corporation

A. The corporation is hereby authorized and empowered to issue from time to time bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, debentures, or other obligations or evidences of indebtedness, hereinafter referred to collectively as "bonds", whether the interest thereon is subject to taxation under the provisions of the Internal Revenue Code of 1986 as now enacted or subsequently amended or is exempt therefrom to provide funds for and to fulfill and achieve its authorized public functions or corporate purposes as set forth in this Chapter including, but not limited to, the following purposes:

(1) The purchase of insured mortgage loans from lending institutions.

(2) The making of secured loans to lending institutions.

(3) For construction of residential buildings.

(4) For the purchase of residential loans previously made and secured by first mortgages and for the purchase of securities fully collateralized by first mortgages on residential housing.

(5) For the purchase of "pre-packaged" residential first mortgage loans for investment or resale.

(6) For the payment of interest on bonds of the corporation, the establishment of reserves to secure such bonds, the establishment of reserves with respect to the insurance of mortgage loans for residential housing.

(7) For all other expenditures of the corporation incident to and necessary or convenient to carry out its public functions or corporate purposes.

B. Except as may otherwise be provided by the corporation, all bonds issued by the corporation shall be negotiable instruments and may be general obligations of the corporation, secured by the full faith and credit of the corporation and payable out of any money, assets, or revenues of the corporation or from any other sources whatsoever that may be available to the corporation.

C. The bonds of the corporation shall be solely the obligations of the corporation. In no event shall any bonds of the corporation constitute an obligation, either general or special, of the state, any municipality, or any other political subdivision of the state or constitute or give rise to a pecuniary liability of the state, any municipality, or any other political subdivision of the state, nor shall the corporation have the power to pledge the general credit or taxing power of the state, any municipality or any other political subdivision of the state.

D. Bonds shall be authorized, issued, and sold by a resolution or resolutions of the corporation adopted as provided in this Chapter. Such bonds may be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, payable at such time or times, be in such denominations, be sold at such price or prices, at public or private negotiated sale, after advertisement as is provided for in R.S. 39:1421 through 1427, be in such form, either in coupon form, registered as to principal only or fully registered without coupons, carry such registration and exchangeability privileges, be payable at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the income, revenue, and receipts of, or available to, the corporation as may be provided by the corporation in the resolution or resolutions providing for the issuance and sale of the bonds of the corporation.

E. The bonds of the corporation shall be signed by such directors or officers of the corporation, by either manual or facsimile signatures, as shall be determined by resolution or resolutions of the corporation, and shall have impressed or imprinted thereon the seal of the corporation, or a facsimile thereof. The coupons attached to coupon bonds of the corporation shall bear the facsimile signature of such director or officer of the corporation as shall be determined by resolution or resolutions of the corporation.

F. Any bonds of the corporation may be validly issued, sold, and delivered, notwithstanding that one or more of the directors or officers of the corporation signing such bonds, or whose facsimile signature or signatures may be on the bonds or on coupons shall have ceased to be such director or officer of the corporation at the time such bonds shall actually have been delivered.

G. Bonds of the corporation may be sold in such manner and from time to time as may be determined by the corporation to be most beneficial, and the corporation may pay all expenses, premiums, or commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof, subject to the provisions of this Chapter.

H. Bonds of the corporation may be issued under and subject to such terms, covenants, or conditions, consistent with this Chapter, as may be determined by resolution or resolutions of the corporation to be necessary or desirable, including, but not limited to, all of the following:

(1) The establishment of a trust indenture or indentures by and between the corporation and a corporate trustee, which may be any bank or trust company having the powers of a trust

company, located within or without the state, that is acceptable to the corporation.

(a) Such trust indenture may provide for the pledging or assigning of any assets or income from assets to which or in which the corporation has any rights or interest, and may further provide for such other rights and remedies exercisable by the trustee as may be proper for the protection of the holders of the bonds of the corporation, and not otherwise in violation of law.

(b) Such agreement may provide for the restriction of the rights of any individual holder of bonds of the corporation.

(c) Such trust indenture may provide that all expenses incurred in carrying out the provisions of such trust indenture may be treated as a part of the cost of operation of the corporation.

(d) The trust indenture may contain any further provisions which are reasonable to delineate further the respective rights, duties, safeguards, responsibilities, and liabilities of the corporation.

(2) The pledge or creation of a lien, to the extent provided by resolution or resolutions of the corporation, on all or any part of the money, assets, or revenues of the corporation or on any money or assets held by others for the benefit of the corporation to secure the payment of such bonds.

(3) Provisions for the custody, collection, securing, investment, and payment of any money of or due to the corporation.

(4) The creation or funding of reserves or sinking funds and the regulation or disposition thereof.

(5) Limitations on the purposes to which the proceeds of the sale of any issue of bonds then or thereafter to be issued may be applied.

(6) Limitations on the issuance of additional bonds and on the refunding of outstanding or other bonds.

(7) The procedure, if any, by which the terms of any contract with the holders of bonds of the corporation may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

(8) The creation of special funds into which any money of the corporation may be deposited.

(9) The vesting in a trustee or trustees of such properties, rights, powers, and duties in trust as the corporation may by resolution determine.

(10) The definition of the acts or omissions which shall constitute a default in the obligations and duties of the corporation and providing for the rights and remedies of the holders of bonds of the corporation in the event of such default in accordance with the provisions of the Chapter and the general laws of the state.

(11) Any other matters of like or different character, which in any way affect the security and protection of the bonds and the rights of the holders thereof.

I. The corporation is hereby granted the total allocation for qualified mortgage bonds for state housing finance corporation issuers pursuant to the federal Mortgage Subsidy Bond Tax Act of 1980, 26 U.S.C. 103A. Any allocation made pursuant to this Act to issuers other than state housing finance corporation issues which have not been sold by September first of each year may be allocated, in whole or in part, by the governor of the state of Louisiana to the corporation.

§600.95. Statutory pledge

Any pledge made by the corporation shall be valid and binding from the time when the pledge is made. The money, assets, or revenues of the corporation so pledged and thereafter received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution or any other instrument by which a pledge is created need be recorded or filed in order to establish and perfect a lien or security interest in the property so pledged.

§600.96. Refunding bonds

A. Subject to the rights of the holders of the bonds of the corporation, the corporation is hereby authorized and empowered to issue from time to time its bonds for the purpose of refunding any bonds of the corporation then outstanding, together with the payment of any redemption premiums thereon and interest accrued or to accrue to the date of redemption of such outstanding bonds.

B. All such refunding bonds of the corporation shall be issued, sold or exchanged, and delivered, shall be secured, and shall be subject to the provisions of this Chapter in the same manner and to the same extent as any other bonds issued by the corporation pursuant to this Chapter, unless otherwise determined by resolution of the corporation.

C. Refunding bonds issued by the corporation as herein provided may be sold or exchanged for outstanding bonds of the corporation and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption, or payment of such outstanding bonds.

D. Pending the application of the proceeds of any such refunding bonds, with any other available funds, to the payment of the principal, accrued interest, and redemption premiums, if any, on the bonds being refunded, and, if so provided or permitted in the trust indenture or the resolution of the corporation authorizing the issuance of such refunding bonds, to the payment of any interest on such refunding bonds and any expenses in connection with such refunding, such proceeds may be invested in direct obligations of, or obligations the principal and interest on which are unconditionally guaranteed by, the United States which shall mature or which shall be subject to redemption by the holders thereof, at the option of such holders, not later than the respective dates when the proceeds, together with the interest accruing thereon, will be required for the purposes intended.

§600.97. Liability of directors, officers, or employees of the corporation

The directors, officers, or employees of the corporation, or any other person executing the bonds of the corporation shall not be personally liable on the bonds or be subject to any personal liability or accountability by reason of the issuance, sale, or delivery thereof while acting within the scope of their authority.

§600.98. Purchase of bonds by corporation

Subject to the rights of holders of bonds, the corporation shall have the power out of any funds available therefor, to purchase bonds of the corporation, which shall thereupon be cancelled, at a price not exceeding either of the following:

(1) If the bonds are then subject to optional redemption, the optional redemption price then applicable plus accrued interest to the next interest payment date thereon.

(2) If the bonds are not then subject to optional redemption, the optional redemption price applicable on the first date after such purchase upon which the notes or bonds become subject to optional redemption plus accrued interest to such date.

§600.99. Approval of issuance of bonds by StateBond Commission

The approval of the State Bond Commission shall be obtained prior to the issuance of any bonds of the corporation. No notice to, or consent or approval by any other governmental body or public officer shall be required as a prerequisite to the issuance, sale, or delivery of any bonds of the corporation, or to the making of any loans by the corporation to lending institutions, or to the purchase of insured mortgage loans by the corporation from lending institutions, or to the insurance by the corporation of any mortgage loan with respect to residential housing, or to the exercise of any other public function or corporate power of the corporation, except as is expressly provided in this Chapter.

§600.100. Exemption from taxes

A. It is hereby determined that the creation of the corporation and the carrying out of its public functions and corporate purposes is, in all respects, a public and governmental purpose for the benefit of the people of the state, and for the improvement of their health, safety, welfare, comfort, and security and that said functions and purposes are public purposes



and that the corporation will be performing an essential governmental function in the exercise of the powers conferred upon it by this Chapter.

B. The money, assets, revenues, and operations of the corporation shall be exempt from all taxation by the state or any of its political subdivisions.

C. The corporation shall not be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf.

D. All bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, debentures or other obligations, or evidences of indebtedness, hereinafter collectively referred to as "bonds", authorized to be issued by the corporation pursuant to the provisions of this Chapter, together with interest thereon, income therefrom, and gain upon the sale thereof shall be exempt from all state and local taxes.

§600.101. Covenant of state

In consideration of the acceptance of and payment for the bonds of the corporation by the holders thereof, the state does hereby pledge to and agree with the holders of any bonds of the corporation issued pursuant to the provisions of this Chapter, that the state will not impair, limit, or alter the rights hereby vested in the corporation to fulfill the terms of any agreements made with the holders of the bonds of the corporation, or in any way impair the rights or remedies of such holders thereof, until such bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. The corporation is authorized to include this pledge and agreement of the state in any agreement with the holders of bonds of the corporation.

§600.102. Trust funds

All monies received by the corporation pursuant to the provisions of this Chapter shall be deemed to be trust funds, to be held and applied solely to or for the public functions and corporate purposes of the corporation.

§600.103. Bonds as legal investment and security for public deposits

A. The state and all public officers, any parish or municipality, or other subdivision or instrumentality of the state, any bank, banker, trust company, savings bank and institution, building and loan association, savings and loan association, investment company or any person carrying on a banking or investment business, any insurance company or business, insurance associations and any person carrying on an insurance business, and any executor, administrator, curator, trustee, and other fiduciary, and retirement system or pension fund may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds issued by the corporation pursuant to the provisions of this Chapter, and such bonds shall be authorized security for all public deposits.

B. It is the purpose of this Section to authorize such persons, firms, corporations, associations, political subdivisions and officers, or other entities, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds of the corporation, and that any such bonds shall be authorized security for all public deposits. However, nothing contained in this Section with regard to legal investments or security for public deposits shall be construed as relieving any such person, firm or corporation, or other entity from any duty of exercising reasonable care in selecting securities.

§600.104. Accounts and audits

A. Subject to the provisions of any contract with the holders of its bonds, the corporation shall establish a system of accounts.

B. The legislative auditor shall prepare an annual audit of the accounts and operations of the corporation.

C. The corporation shall submit to the governor and to both houses of the legislature an annual report on the operations of the corporation, together with a copy of the report of every audit of the books and accounts of the corporation, within sixty days from the receipt thereof by the corporation.

§600.105. Cooperation of state agencies

All state officers and agencies are authorized to render such services to the corporation within their respective functions as may be requested by the corporation.

§600.106. Suits to determine validity of bonds

Any suit to determine the validity of bonds of the corporation shall be brought only in accordance with R.S. 13:5121 et seq.

§600.107. State appropriations or grants

The state may make grants or appropriations of money or property to the corporation for the purpose of enabling it to carry out its public functions and corporate purposes.

§600.108. Termination of corporation

A. The corporation and its corporate and public existence shall continue until terminated by law, provided that no such law shall take effect so long as the corporation shall have bonds outstanding, unless adequate provision has been made for the payment thereof.

B. Upon termination of the existence of the corporation, all of its rights, money, assets, and revenues in excess of its obligations shall pass to and be vested in the state.

§600.109. Construction of Chapter

This Chapter being necessary for the welfare of the state and its residents shall be liberally construed to effect the purposes thereof.

§600.110. Fees

A. The corporation may charge only those fees as are being charged by the entity on the date that the entity is, in accordance with this Chapter, transferred to the corporation or made a subsidiary thereof.

B. The corporation shall, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., promulgate the schedule of fees to be charged by the corporation in connection with the programs administered by it. Such schedule shall be submitted for approval to the Joint Legislative Committee on the Budget.

§600.111. Mortgage foreclosure counseling

A.(1) The corporation may establish a program to provide free mortgage foreclosure counseling and education to homeowners who have defaulted or are in danger of defaulting on the mortgages on their homes.

(2) If the corporation establishes such a program, the corporation may work with the office of financial institutions and the office of financial institutions shall cooperate with the corporation to effectuate the purposes of this Section.

(3) The corporation may enter into an agreement with any public, private, or nonprofit entity to carry out any part of the mortgage foreclosure counseling and education program.

(4) The program may include a central toll-free telephone number that homeowners may call to receive mortgage foreclosure counseling and education.

(5) The corporation may award grants for the training of counselors who will provide mortgage foreclosure counseling and education from funds appropriated by the legislature for that purpose or any other funding available for that purpose.

(6) The corporation may establish standards for the certification of counselors who will provide mortgage foreclosure counseling and education.

B. The program shall be funded through self-generated funds of the corporation; however, the corporation may solicit contributions and grants from the private sector, nonprofit entities, and the federal government to assist in carrying out the purposes of this Section.

C. The corporation shall annually submit a report to the Senate Committee on Commerce, Consumer Protection and International Affairs and the House Committee on Commerce on the operation of the mortgage foreclosure counseling and education program and shall include a summary of the mortgage foreclosure rates and trends in the state of Louisiana and the United States of America.

Section 2. R.S. 42:1124.2 (A)(5) is hereby enacted to read as follows:

§1124.2. Financial disclosure; certain elected officials; members of certain boards and commissions; ethics administrator

A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124, shall annually file a financial statement as provided in this Section:

\* \* \*

**(5) Each member of the board of directors and the executive director of the Louisiana Housing Corporation.**

\* \* \*

Section 3. R.S. 36:769(J) and Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:600.1 through 600.25.1, are hereby repealed at midnight on June 30, 2012.

Section 4. The Louisiana Land Trust Board and the Louisiana Housing Finance Agency Board are hereby abolished at midnight on December 31, 2011, and their activities, authority, power, duties, functions, programs, obligations, operations, and responsibilities and any pending or unfinished business of the Road Home Corporation, Louisiana Land Trust, or the Louisiana Housing Finance Agency, hereinafter referred to as the "transferred entities" shall be transferred to the Louisiana Housing Corporation, hereinafter referred to as the "Corporation" and shall be assumed and completed by the Louisiana Housing Corporation with the same power and authority as the transferred entities. The Corporation shall be the successor in every way to the transferred entities and every act done by the Corporation in the exercise of its functions shall be deemed to have the same force and effect under any provisions of the constitution and laws in effect as if done by the transferred entity. The Louisiana Land Trust shall operate as a subsidiary of the Corporation. The Louisiana Housing Finance Agency shall operate as a subsidiary of the Louisiana Housing Corporation until midnight on June 30, 2012.

Section 5.(A) Each reference or designation in the constitution or any law or contract or other document of the Road Home Corporation, the Louisiana Land Trust, or the Louisiana Housing Finance Agency shall be deemed to apply to the Louisiana Housing Corporation.

(B) The Louisiana State Law Institute is hereby directed to change all references to the "Louisiana Housing Finance Agency", the "Road Home Corporation" or the "Louisiana Land Trust" to the "Louisiana Housing Corporation" throughout the Louisiana Revised Statutes of 1950.

Section 6. (A) For purposes of this Section, "legal proceeding" includes, but is not limited to, any suit, action, incidental demand or action, claim, and any other matter filed or pending before any court, administrative agency, or other judicial or quasi-judicial body.

(B) For purposes of this Section, "document" includes, but is not limited to, any petition, application, exception, motion, rule, answer, incidental demand, citation, notice, return, affidavit, certificate, oath, bond or other security summons, subpoena, writ, interrogatory, deposition, inventory, appraisal, evidence, court record, instruction, verdict, judgment, order, injunction, confirmation, appointment, warrant, letter, homologation, and any other pleading or instrument whatsoever permitted or required in any legal proceeding.

(C) Any legal proceeding to which a transferred entity, which is abolished and the powers, duties, functions, and responsibilities of which are transferred in accordance with the provisions of this Act, is a party and which is filed, initiated, or otherwise pending before any court at or prior to midnight on December 31, 2011, and all documents involved in or affected by the legal proceeding, shall retain their effectiveness and shall be continued in the name of the transferred entity. All further legal proceedings and documents in the continuation, disposition, and enforcement of the legal proceeding shall be in the name of the transferred entity which is abolished, and the Louisiana Housing Corporation shall be substituted for the original party agency without necessity for amendment of any document to substitute the name of the transferred entity or the name or title of any office, official, employee, or other agent or representative of the transferred entity. Any legal proceeding, and all documents involved in or affected by the legal proceeding, which has been continued in the name of the transferred entity after midnight on December 31, 2011, shall retain their effectiveness, and those provisions of this Section requiring that the continuation, disposition, and enforcement of a legal proceeding and documents related thereto shall be in the name of the transferred entity shall not apply to or affect the validity of such legal proceeding.

Section 7.(A) The legislature hereby specifically states that this Act is in no way and to no extent intended to nor shall it be construed in any manner which will impair the contractual or other obligations of the transferred entity or of the state of Louisiana. It is hereby specifically provided that all obligations of the transferred entity except the Louisiana Land Trust, whose powers, duties, functions, and responsibilities are transferred in accordance with this Act, hereafter shall be deemed to be the obligations of the Corporation to which the powers, duties, functions, and responsibilities of the transferred entity are transferred. In like manner, and in order to prevent any violation of the provisions, terms, or conditions of any gift, donation, deed, will, trust, or other instrument or disposition by which property of any kind has been vested in a transferred entity, or diversion from the purposes for which the property was thus vested in the transferred entity, it is hereby specifically provided that each such instrument or disposition hereafter shall be deemed to have been vested in the Corporation to the same extent as if originally so done.

(B) The Corporation shall be the successor in every way to each transferred entity, including all of the obligations and debts of each transferred entity. All funds heretofore dedicated by or under authority of the constitution and laws of this state or any of its subdivisions to the payment of any bonds issued for construction or improvements for any institution or facility under the control of a transferred entity shall continue to be collected and dedicated to the payment of those bonds, unless under the constitution and laws the bonds are now being paid out of moneys in the Bond Security and Redemption Fund. In like manner, all other dedications and allocations of revenues and sources of revenues heretofore made, which are constitutional under the Louisiana Constitution of 1974, shall continue, until otherwise hereafter provided by the constitution, in the same manner, to the same extent, and for the same purposes as were provided prior to the enactment of this Act.

(C) This Act shall not be construed or applied in any way which will prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any Act of the Congress of the United States or any regulation made thereunder by which federal aid or other federal assistance has been or hereafter is made available to this state, or any department, office, agency, or subdivision thereof, anything contained in this Act to the contrary notwithstanding, and such compliance hereafter shall be accomplished by the Corporation insofar as compliance affects a transferred entity.

Section 8. All books, papers, records, money, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by a transferred entity are transferred to the Corporation.

Section 9. All employees heretofore engaged in the performance of duties in the transferred entity are hereby transferred to the Corporation to the extent the Corporation deems necessary to carry out the functions of the transferred entity and shall, insofar as practicable and necessary, continue to perform the duties heretofore performed, subject to applicable state civil service laws, rules, and regulations. Such employees as continue to work for the Corporation shall be classified employees, in accordance with applicable state civil service laws, rules, and regulations.

Section 10.(A) The provisions of this Act, R.S. 40:600.89 and 600.90, relative to the appointment and organization of the Corporation and its officers and employees 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, the provisions of this Act relative to the appointment and organization of the corporation, and its officers and employees, R.S. 40:600.89 and 600.90 shall become effective on the day following.

(B) On or after the effective date of this Section, the commissioner of administration, the president of the Senate or his designee, the speaker of the House of Representatives or his designee, the chairman of the board of commissioners of the Louisiana Housing Finance Agency at the time that this Act becomes effective, and the chairman of the board of directors of the Louisiana Land Trust at the time that this Act becomes effective shall form a

transition committee that shall be terminated no later than midnight on June 30, 2012.

(C) The transition committee shall determine workable transition plans for the transfer of programs, powers, duties, responsibilities, and functions as shall be necessary to implement the provisions of this Act. These plans shall include detailed procedures for the realignment, distribution, assignment, consolidation, and coordination of agencies, programs, and functions designated within this Act. These plans shall include detailed procedures for the transfer and utilization of positions, personnel, funds, office space, facilities, equipment, and such other detail as is necessary to effectuate the purpose of this Act. A report on these plans shall be presented to the Senate Committee on Local and Municipal Affairs and the House Committee on Municipal, Parochial, and Cultural Affairs for review no later than December 15, 2011. The transition committee shall have the authority to establish subcommittees to report and make recommendations with respect to transition plans and their implementation.

Section 11. The provisions of 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, the provisions of this Act shall become effective on the day following.

On motion of Senator Kostelka, the committee substitute bill was adopted and becomes Senate Bill No. 269 by Senator Riser, substitute for Senate Bill No. 249 by Senator Riser.

**SENATE BILL NO. 269— (Substitute of Senate Bill No. 249 by Senator Riser)**

BY SENATOR RISER

AN ACT

To enact R.S. 40:600.4(E), 600.64(C), and Chapter 3-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.86 through 600.111 and R.S. 42:1124.2(A)(5), and to repeal R.S. 36:769(J) and Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:600.1 through 600.25.1, relative to housing authorities; to create the Louisiana Housing Corporation and provide for its powers, functions, and duties; to provide for the abolishment of certain programs or agencies, the consolidation of housing programs, and the transfer of certain programs or agencies; to provide for the filing of certain financial disclosure statements relative to certain boards and commissions; to provide terms, conditions definitions, procedures, and effects; 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 Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

**HOUSE BILL NO. 144—**

BY REPRESENTATIVE ARNOLD

AN ACT

To enact R.S. 6:121.8, relative to the Office of Financial Institutions; to provide for the use of electronic systems for data subject to regulation by the Office of Financial Institutions; to provide for definitions; to authorize the use of such systems; to provide for a limitation on the use of such systems; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 188—**

BY REPRESENTATIVE HARDY

AN ACT

To amend and reenact R.S. 40:487 and R.S. 44:1(A)(1), relative to affiliates of housing authorities; to remove the public records exception applicable to such affiliates; to provide for the applicability of the Public Records Law to such affiliates; to provide relative to applicability to persons holding an ownership interest in or authority over an affiliate of a housing authority; and to provide for related matters.

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

**HOUSE BILL NO. 195—**

BY REPRESENTATIVES RICHARDSON, BOBBY BADON, BARROW, BISHOP, CARMODY, FOIL, HARDY, HENDERSON, PUGH, SEABAUGH, AND THIBAUT

AN ACT

To amend and reenact R.S. 37:1861(A)(1) and (B)(2), 1862.1, 1864, 1864.2(B), 1869(A), and 1870, to enact R.S. 37:1861(A)(5), (6), and (7) and (B)(5), 1861.1, 1864.2(C) and (D), 1864.3, and 1864.4, and to repeal Part V of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:571 through 579, relative to secondhand dealers; to define "secondhand dealer"; to provide for an exemption for motor vehicle dismantlers and parts recyclers; to provide for an exemption for certain persons performing waste management and recycling; to prohibit certain purchases of secondhand property; to provide an exemption for pawnbrokers; to require a record of secondhand property purchased; to require the record to be kept for three years; to require the record to be made available for inspection by law enforcement; to prohibit the purchase of junk from minors; to require a statement of ownership from the seller; to provide that failure to obtain the statement shall be prima facie evidence of fraud; to provide for exoneration from fraudulent, willful, or criminal knowledge; to require payment by check or money order; to require daily reports; to provide for violations; to provide for penalties; to repeal provisions regulating the purchase of junk; to repeal provisions regulating the purchase of certain metals; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 195 by Representative Richardson

AMENDMENT NO. 1

On page 2, at the end of line 8, insert "ferrous materials, catalytic converters, auto hulks,"

AMENDMENT NO. 2

On page 3, line 1, after "R.S. 37:" insert "1864.3 and"

AMENDMENT NO. 3

On page 6, line 22, after "check" insert ", electronic transfers"

AMENDMENT NO. 4

On page 6, line 24, after "check" insert ", electronic transfers"

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

**HOUSE BILL NO. 221—**

BY REPRESENTATIVE ARNOLD

AN ACT

To enact R.S. 6:412.1, relative to financial institutions; to provide for definitions; to prohibit solicitations using a lender's name; to provide for required disclosures; to prohibit solicitations using

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a lender's customer information; to provide an exception for communications with current or former customers; to prohibit references on envelopes and postcards; to provide an exception for solicitations comparing services and products; to provide for injunctions; to provide for damages; to provide for recovery of costs and attorney fees; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 256—**  
BY REPRESENTATIVE RITCHIE  
AN ACT

To amend and reenact R.S. 37:877(B)(1)(b)(ii) and 883(C), (D), (E), (F), and (G) and to enact R.S. 37:877(B)(1)(b)(iii) and 883(H) and (I), relative to cremation; to provide for representation of identity of deceased on cremation authorization forms; to require the coroner to identify human remains when releasing them to a funeral establishment; to exempt funeral or crematory establishments from liability when relying upon information provided by health care providers and coroners; to exempt funeral establishments and coroners from liability when permitting the viewing of human remains for the purposes of identification; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 273—**  
BY REPRESENTATIVE HUTTER  
AN ACT

To enact R.S. 40:1730.23(F), relative to the state uniform construction code; to authorize the use of an affidavit to meet the requirement of windblown debris storm shutters; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 344—**  
BY REPRESENTATIVE HUTTER  
AN ACT

To amend and reenact R.S. 9:1123.102(11), relative to condominiums; to require a ten-day grace period for paying condominium assessments; to provide for limitations on charges for later payment of assessments; to require unit owners' association to provide written or electronic notice; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 344 by Representative Hutter

**AMENDMENT NO. 1**  
On page 1, line 18, before "assessment" insert "monthly" and change "unit owners" to "condominium"

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

**HOUSE BILL NO. 350—**  
BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 6:1097(C), relative to the Louisiana Consumer Credit Law; to require written confirmation of the application of the Louisiana Consumer Credit Law to residential mortgage loans; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 362—**  
BY REPRESENTATIVE SIMON  
AN ACT

To amend and reenact R.S. 37:155(A)(4)(f) and (5), relative to architects; to provide for exemptions to the licensing and registration requirement for architects; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 383—**  
BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 40:1749.12(4), 1749.13(B)(2) and (5), 1749.14(B) and (C)(1)(b)(iii) and (v), 1749.15, and 1749.20(C) and to enact R.S. 40:1749.12(15) and 1749.20(D), relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to define "emergency"; to define "agricultural excavator"; to provide for a delay period following notification before the commencement of any excavation or demolition activity; to specify who shall receive a notice of intent to excavate; to define the period of time that markings shall be deemed good; to require certification of immediate action in a notice of emergency excavation; to provide for violations; to provide for penalties; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 427—**  
BY REPRESENTATIVE GUINN  
AN ACT

To repeal R.S. 37:2157(A)(6), relative to contractors; to repeal the exemption to the state licensing requirement for contractors bidding work partially funded by the federal government.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 492—**  
BY REPRESENTATIVES HENDERSON AND ARNOLD  
AN ACT

To amend and reenact R.S. 6:1083(16) and 1087(E)(9) and to enact R.S. 6:1087(E)(10), relative to residential mortgage lenders; to establish an exemption from licensure as a residential mortgage loan originator; to delete provisions defining an employee of a registered mortgage loan originator; to provide for severability; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 492 by Representative Henderson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 6:1087(E)(10)" and before the comma "," insert "and (F)(11)"

AMENDMENT NO. 2

On page 1, line 9, after "R.S. 6:1087(E)(10)" change "is" to "and (F)(11) are"

AMENDMENT NO. 3

On page 4, between lines 27 and 28, insert the following:

"(10) Individuals employed by nonprofit corporations exempt under R.S. 6:1087(F)(11)."

AMENDMENT NO. 4

On page 4, at the beginning of line 28, change "(10)" to "(11)"

AMENDMENT NO. 5

On page 5, between lines 2 and 3, insert the following:

"F. The following employers and their employees shall be exempt from the provisions of this Part applicable to residential mortgage lenders and residential mortgage brokers:

\* \* \*

(11) Any nonprofit corporation that is providing financial education and counseling to consumers, is exempt from federal taxation under Section 501(c) of the Internal Revenue Code, is approved by the U.S. Department of Housing and Urban Development (HUD) to provide housing counseling, and does not originate residential mortgage loans."

AMENDMENT NO. 6

On page 6, between lines 2 and 3, insert the following:

"Section 5. If the secretary of the United States Department of Housing and Urban Development or the director of the Consumer Financial Protection Bureau by final administrative decision determines that R.S. 6:1087(E)(10) or F(11) or application of R.S. 6:1087(E)(10) or F(11) to any person or circumstance is considered to be in conflict with the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (P.L. 110-289), or any rules or regulations adopted pursuant to that act, R.S. 6:1087(E)(10) or F(11) shall be held invalid; however, the remainder of Louisiana law implementing the federal act or the application of the provisions thereof to other persons or circumstances shall not be affected. In the event the provisions of R.S. 6:1087(E)(10) or F(11) are null and void or otherwise held invalid, and until such time, any person acting according to this provision of invalidity shall be deemed in compliance with the provisions of Louisiana law implementing the federal act and any transactions of any type covered in Louisiana law implementing the federal act are hereby deemed to be lawful and in full force and effect.

Section 6. Any licensing requirement for any person operating pursuant to the exception found in R.S. 6:1087(E)(10) or F(11), should the provisions of R.S. 6:1087(E)(10) or F(11) be null and void or otherwise held invalid, shall not be effective until one hundred eighty days after the secretary of the United States Department of Housing and Urban Development or the director of the Consumer Financial Protection Bureau makes such a determination of invalidity in writing. This period shall not commence until the commissioner of financial institutions has concurred in this determination and posted official notice of this action on the Office of Financial Institution's official website.

Section 7. If any provision of R.S. 6:1087(E)(10) or F(11) or the application thereof is null and void, or otherwise held invalid, such invalidity shall not affect other provisions or application of R.S. 6:1087 which can be given effect without the invalid provisions or application and to this end the provisions of R.S. 6:1087(E)(10) or F(11) are hereby declared severable."

AMENDMENT NO. 7

On page 6, line 3, change "Section 5." to "Section 6."

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

HOUSE BILL NO. 602—

BY REPRESENTATIVE HOFFMANN  
AN ACT

To amend and reenact R.S. 37:3415.6 and to enact R.S. 37:3415.10, relative to real estate appraisal management companies; to establish an expiration date for licenses; to provide for prorating of assessments; to require a real estate appraisal management company to submit an application assessment along with an application for license or renewal; to require all real estate appraisal management companies doing business in Louisiana to remit the initial license assessment; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

**Reconsideration**

The vote by which Senate Bill No. 6 failed to pass on Wednesday, May 25, 2011, was reconsidered.

SENATE BILL NO. 6—

BY SENATOR GAUTREAU  
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.

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

**Senate Resolutions on  
Third Reading and Final Passage**SENATE RESOLUTION NO. 4—

BY SENATOR CLAITOR  
A RESOLUTION

To amend and readopt Senate Rule 7.6(E) and 10.9(A) of the Rules of Order of the Senate to provide relative to the procedure applicable to the adoption of resolutions.

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

**Senate Concurrent Resolutions  
on Second Reading  
Reported by Committees**SENATE CONCURRENT RESOLUTION NO. 40—

BY SENATOR CHEEK  
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals and the Louisiana Ambulance Alliance to work in collaboration through the Emergency Medical Services Professional Working Group to meet certain goals and to report to the Senate and House committees on health and welfare by February 1, 2012.

Reported favorably by the Committee on Health and Welfare.

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

May 26, 2011

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dorsey	Morrish
Adley	Erdey	Murray
Alario	Heitmeier	Nevers
Amedee	Jackson	Peterson
Appel	Kostelka	Quinn
Broome	LaFleur	Riser
Chabert	Long	Shaw
Cheek	Marionneaux	Smith
Claitor	Michot	Thompson
Crowe	Mills	Walsworth
Donahue	Morrell	Willard-Lewis

Total - 33

**NAYS**

Total - 0

**ABSENT**

Gautreaux	Martiny	Mount
Guillory	McPherson	Perry

Total - 6

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

**SENATE CONCURRENT RESOLUTION NO. 41—**  
BY SENATOR BROOME

**A CONCURRENT RESOLUTION**

To urge and request the Department of Health and Hospitals to continue its reliance on the Medicaid Purchase Plan (MPP) Advisory Council for program outreach, education, review and guidance.

Reported favorably by the Committee on Health and Welfare.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Heitmeier	Murray
Adley	Jackson	Nevers
Alario	Kostelka	Perry
Amedee	LaFleur	Peterson
Appel	Long	Quinn
Broome	Marionneaux	Riser
Chabert	McPherson	Shaw
Cheek	Michot	Smith
Crowe	Mills	Thompson
Dorsey	Morrell	Walsworth
Erdey	Morrish	Willard-Lewis

Total - 33

**NAYS**

Total - 0

**ABSENT**

Claitor	Gautreaux	Martiny
Donahue	Guillory	Mount

Total - 6

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**

**Bagneris Rule**

Senator Adley moved to suspend the rules to temporarily pass over controversial Senate Bills and House Bills on Third Reading and Final Passage with the intention of taking them up later, in their regular order.

Without objection, so ordered.

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

**AN ACT**

To amend and reenact R.S. 56:435.1.1, relative to oyster harvesting; to provide for oyster 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; and to provide for related matters.

**Floor Amendments**

Senator Morrish proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Morrish to Engrossed Senate Bill No. 73 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 10, between "**Fisheries**" and the period "." insert "**or as authorized by R.S. 56:435.1.1(C)(2)**"

AMENDMENT NO. 2

On page 2, line 13, between "**C.**" and "Harvest" insert "**(1)**"

AMENDMENT NO. 3

On page 2, line 17, after the period "." delete the remainder of the line and insert the following:

"**(2)** In addition, recreational fishermen may harvest"

On motion of Senator Morrish, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Perry
Amedee	Kostelka	Peterson
Appel	LaFleur	Quinn
Broome	Long	Riser
Chabert	Marionneaux	Shaw
Cheek	McPherson	Smith
Claitor	Michot	Thompson
Crowe	Mills	Walsworth
Donahue	Morrell	Willard-Lewis
Dorsey	Morrish	

Total - 35

**NAYS**

Total - 0

ABSENT

Gautreaux Martiny  
Guillory Mount  
Total - 4

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

**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.

**Floor Amendments**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 83 by Senator Donahue

AMENDMENT NO. 1

On page 3, line 7, following "**political**" and before "**best**" change "**subdivision**" to "**subdivision's**"

AMENDMENT NO. 2

On page 4, line 23, following "**Vendors**" and before "**register**" insert "**shall**"

AMENDMENT NO. 3

On page 4, line 26, following "**Vendors**" and before "**be**" insert "**shall**"

AMENDMENT NO. 4

On page 5, line 1, following "**on the**" and before "**of the**" change "**structure**" to "**nature**"

AMENDMENT NO. 5

On page 5, line 14, following "**that**" and before "**be**" change "**will**" to "**shall**"

On motion of Senator Marionneaux, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dorsey	Morrish
Adley	Erdey	Murray
Alario	Heitmeier	Nevers
Amedee	Jackson	Perry
Appel	Kostelka	Quinn
Broome	LaFleur	Riser

Chabert	Long	Shaw
Cheek	McPherson	Smith
Claitor	Michot	Thompson
Crowe	Mills	Walsworth
Donahue	Morrell	Willard-Lewis

Total - 33

NAYS

Total - 0

ABSENT

Gautreaux	Marionneaux	Mount
Guillory	Martiny	Peterson

Total - 6

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

**SENATE BILL NO. 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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Heitmeier	Murray
Alario	Jackson	Nevers
Amedee	Kostelka	Peterson
Appel	LaFleur	Quinn
Chabert	Long	Riser
Cheek	Marionneaux	Shaw
Claitor	McPherson	Smith
Crowe	Michot	Thompson
Donahue	Mills	Walsworth
Dorsey	Morrell	Willard-Lewis

Total - 33

NAYS

Total - 0

ABSENT

Broome	Guillory	Mount
Gautreaux	Martiny	Perry

Total - 6

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

**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.

Floor Amendments

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 164 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 2, following "32:402(B)(1)(a)(ii)(aa)," and before "," change "402.1(A)(1)" to "402(A)(introductory paragraph) and (1)"

AMENDMENT NO. 2

On page 1, line 8, following "32:402(B)(1)(a)(ii)(aa)," and before "," change "402.1(A)(1)" to "402(A)(introductory paragraph) and (1)"

AMENDMENT NO. 3

On page 1, line 16, delete "\*" \* \*

AMENDMENT NO. 4

On page 2, line 16, following "tractor" and before "trailer" change "/" to "-"

AMENDMENT NO. 5

On page 3, line 14, following "completion" and before "shall" change "such driver education instructor" to "the contractor-third-party tester"

AMENDMENT NO. 6

On page 3, line 15, following "a" and before "certificate" change "department approved" to "department-approved"

AMENDMENT NO. 7

On page 4, line 2, following "passes" and before "test" change "such" to "the"

AMENDMENT NO. 8

On page 4, line 14, following "40:1461" and before "are" change "(E) and (F)" to "(F) and (G)"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments

Senator Erdey proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Erdey to Engrossed Senate Bill No. 164 by Senator Erdey

AMENDMENT NO. 1

On page, 1 lines 2 and 8, change "402.1(A)(1)" to "402.1(A)"

AMENDMENT NO. 2

On page 2, line 7, between "A." and "No" insert "(1)"

AMENDMENT NO. 3

On page 2, line 13, change "(1)" to "(a)"

AMENDMENT NO. 4

On page 2, between lines 24 and 25, insert the following: "(2) (b) A "prelicensing training course" if a behind-the-wheel course is not completed. The prelicensing training course shall consist of a minimum of six hours of instruction in the National

Safety Council's defensive driving course, Louisiana's traffic safety laws, and substance abuse education, or shall be an equivalent course approved and certified by the Department of Public Safety and Corrections. The course shall include training in railroad and highway grade crossing safety and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation. The secretary of the Department of Public Safety and Corrections shall adopt rules relating to the "prelicensing training course". Oversight review of these rules shall be conducted by the House and Senate Committees on Transportation, Highways and Public Works. The rules shall provide for:

- (i) Licensing of training agencies.
(ii) Course content and presentation.
(iii) Instructor qualifications and certification.
(iv) Classroom size and facilities.
(v) Certificates of completion.
(vi) Required records and reporting.
(vii) Fees, which shall not exceed fifty dollars per student.
(viii) Penalties.
(2)(a) No student shall be required to take the organ and tissue donation instruction required as part of any "driver education course" or "prelicensing training course" if he, or his parent or tutor if he is a minor, submits a written statement indicating that such instruction conflicts with his religious beliefs.

(b) The portion of the "driver education course" or "prelicensing training course" approved by the Department of Public Safety and Corrections involving instruction on organ and tissue donation shall be developed in conjunction with the federally designated organ procurement organization for the state of Louisiana.

AMENDMENT NO. 5

On page 5, line 2, delete "and in accordance with"

On motion of Senator Erdey, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Erdey, Murray, etc.

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Absent. Lists names like Gautreaux, Martiny, Guillory, Mount.

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



**Senator Broome in the Chair**

**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.

**Floor Amendments**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 252 by Senator Erdey

AMENDMENT NO. 1

On page 2, line 7, following "**make**" and before "**provisions**" change "**said**" to "**the**"

On motion of Senator Marionneaux, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Murray
Adley	Jackson	Nevers
Alario	Kostelka	Peterson
Amedee	LaFleur	Quinn
Appel	Long	Riser
Broome	Marionneaux	Shaw
Chabert	McPherson	Smith
Cheek	Michot	Thompson
Crowe	Mills	Walsworth
Dorsey	Morrell	Willard-Lewis
Erdey	Morrish	
Total - 32		

NAYS

Total - 0

ABSENT

Claitor	Guillory	Perry
Donahue	Martiny	
Gautreaux	Mount	
Total - 7		

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Erdey	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Perry
Amedee	Kostelka	Peterson
Appel	LaFleur	Quinn
Broome	Long	Riser
Chabert	Marionneaux	Shaw
Cheek	McPherson	Smith
Claitor	Michot	Thompson
Crowe	Mills	Walsworth
Donahue	Morrell	Willard-Lewis
Dorsey	Morrish	
Total - 35		

NAYS

Total - 0

ABSENT

Gautreaux	Martiny
Guillory	Mount
Total - 4	

The Chair declared the bill was passed and ordered it sent to the House. Senator Alario 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**

**Mr. President in the Chair**

**HOUSE CONCURRENT RESOLUTION NO. 53—**  
BY REPRESENTATIVE HARRISON

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals and the Department of Education to study jointly the feasibility and advisability of funding more school nurse positions through the Medicaid program and to report their study findings to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Education, and the Senate Committee on Education prior to the beginning of the 2012 Regular Session of the Legislature.

Reported favorably by the Committee on Health and Welfare.

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

Mr. President	Heitmeier	Murray
Adley	Jackson	Nevers
Alario	Kostelka	Perry
Amedee	LaFleur	Quinn
Broome	Long	Riser
Chabert	Marionneaux	Shaw
Cheek	McPherson	Smith
Claitor	Michot	Thompson
Donahue	Mills	Walsworth
Dorsey	Morrell	Willard-Lewis
Erdey	Morrish	
Total - 32		

May 26, 2011

NAYS

Total - 0

ABSENT

Appel	Guillory	Peterson
Crowe	Martiny	
Gautreaux	Mount	
Total - 7		

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

HOUSE CONCURRENT RESOLUTION NO. 55—  
BY REPRESENTATIVE HARRISON

A CONCURRENT RESOLUTION

To urge and request the Office of Group Benefits to conduct a study on the financial benefits of establishing a program to address the high rate of obesity in Louisiana and to report the findings to the Legislature of Louisiana no later than January 1, 2012.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original House Concurrent Resolution No. 55 by Representative Harrison

AMENDMENT NO. 1

On page 1, line 15 after "including" delete the remainder of the line

On motion of Senator Cheek, the committee amendment was adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Nevers
Adley	Jackson	Perry
Alario	Kostelka	Peterson
Amedee	LaFleur	Quinn
Appel	Long	Riser
Broome	Marionneaux	Shaw
Chabert	McPherson	Smith
Cheek	Michot	Thompson
Claitor	Mills	Walsworth
Donahue	Morrell	Willard-Lewis
Dorsey	Morrish	
Erdey	Murray	
Total - 34		

NAYS

Total - 0

ABSENT

Crowe	Guillory	Mount
Gautreaux	Martiny	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 57—  
BY REPRESENTATIVE HARRISON AND SENATORS GAUTREAUX,  
MILLS, NEVERS, AND THOMPSON

A CONCURRENT RESOLUTION

To memorialize the United States Food and Drug Administration to take immediate and focused action to improve the enforcement of food import restrictions of seafood imports prior to sale in Louisiana.

Reported favorably by the Committee on Health and Welfare.

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

Mr. President	Heitmeier	Nevers
Adley	Jackson	Perry
Alario	Kostelka	Peterson
Amedee	LaFleur	Quinn
Appel	Long	Riser
Broome	Marionneaux	Shaw
Chabert	McPherson	Smith
Cheek	Michot	Thompson
Claitor	Mills	Walsworth
Donahue	Morrell	Willard-Lewis
Dorsey	Morrish	
Erdey	Murray	
Total - 34		

NAYS

Total - 0

ABSENT

Crowe	Guillory	Mount
Gautreaux	Martiny	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 68—  
BY REPRESENTATIVE HARRISON AND SENATOR THOMPSON

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to require that satellite television providers broadcast local television stations.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs.

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

Mr. President	Erdey	Morrish
Adley	Heitmeier	Murray
Alario	Jackson	Nevers
Amedee	Kostelka	Perry
Appel	LaFleur	Peterson
Broome	Long	Riser
Chabert	Marionneaux	Shaw

Cheek	McPherson	Thompson
Crowe	Michot	Walsworth
Donahue	Mills	Willard-Lewis
Dorsey	Morrell	
Total - 32		

NAYS

Total - 0

ABSENT

Claitor	Martiny	Smith
Gautreaux	Mount	
Guillory	Quinn	
Total - 7		

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

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Murray
Adley	Jackson	Nevers
Alario	Kostelka	Peterson
Amedee	LaFleur	Quinn
Appel	Long	Riser
Broome	Marionneau	Shaw
Chabert	McPherson	Smith
Cheek	Michot	Thompson
Crowe	Mills	Walsworth
Dorsey	Morrell	Willard-Lewis
Erdey	Morrish	
Total - 32		

NAYS

Total - 0

ABSENT

Claitor	Guillory	Perry
Donahue	Martiny	
Gautreaux	Mount	
Total - 7		

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Heitmeier	Murray
Alario	Jackson	Nevers
Amedee	Kostelka	Peterson
Appel	LaFleur	Quinn
Broome	Long	Riser
Chabert	Marionneau	Shaw
Cheek	McPherson	Smith
Claitor	Michot	Thompson
Crowe	Mills	Walsworth
Dorsey	Morrell	Willard-Lewis
Total - 33		

NAYS

Total - 0

ABSENT

Donahue	Guillory	Mount
Gautreaux	Martiny	Perry
Total - 6		

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dorsey	Morrell
Adley	Erdey	Morrish
Alario	Heitmeier	Murray
Amedee	Jackson	Nevers
Appel	Kostelka	Quinn
Broome	LaFleur	Riser
Chabert	Long	Shaw
Cheek	Marionneau	Smith
Claitor	McPherson	Thompson
Crowe	Michot	Walsworth
Donahue	Mills	Willard-Lewis
Total - 33		

NAYS

Total - 0

ABSENT

Gautreaux	Martiny	Perry
Guillory	Mount	Peterson
Total - 6		

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

May 26, 2011

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.

Floor Amendments

Senator McPherson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed House Bill No. 113 by Representative St. Germain

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 9 proposed by Senate Committee on Natural Resources and adopted by the Senate on May 5, 2011

AMENDMENT NO. 2

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

AMENDMENT NO. 3

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

"Section 10. The secretary of the Department of Wildlife and Fisheries or the Louisiana Wildlife and Fisheries Commission, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, and deliver any interest, excluding mineral rights, the state may have to the following described parcel of property to Avahoula Resources, LLC: A certain tract of land identified as being the dried beds of Larto Lake in Sections 13 and 24, Township 4 North, Range 5 East, containing approximately 55.33 acres, more or less, Catahoula Parish.

Section 11. In exchange for the above described property in Section 10, the secretary of the Department of Wildlife and Fisheries or the Louisiana Wildlife and Fisheries Commission, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to accept delivery of title to all or any portion of the following described parcel of property, excluding mineral rights, or to accept any other form of consideration from Avahoula Resources, LLC: A certain tract of land of equal or greater value situated above the ordinary high water mark of Lake Larto as it existed in 1812, located in Catahoula Parish.

Section 12. The secretary of the Department of Wildlife and Fisheries or the Louisiana Wildlife and Fisheries Commission, on behalf of the state of Louisiana, is 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, acceptance or delivery of title, excluding mineral rights, to the properties described in Sections 10 and 11, and as more specifically described in any such agreements entered into and documents executed by and between the secretary of the Department of Wildlife and Fisheries, the Louisiana Wildlife and Fisheries Commission, and Avahoula Resources, LLC, in exchange of consideration proportionate to the appraised value of the properties."

AMENDMENT NO. 4

On page 3, line 17, change "7" to "13"

On motion of Senator McPherson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members voting YEAS: Mr. President, Erdey, Nevers, Adley, Heitmeier, Perry, Alario, Jackson, Peterson, Amedee, Kostelka, Quinn, Appel, LaFleur, Riser, Broome, Long, Shaw, Chabert, Marionneaux, Smith, Cheek, McPherson, Thompson, Claitor, Michot, Walsworth, Crowe, Mills, Willard-Lewis, Donahue, Morrish, Dorsey, Murray.

Total - 34

NAYS

Total - 0

ABSENT

Table listing names of members voting ABSENT: Gautreaux, Martiny, Mount, Guillory, Morrell.

Total - 5

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

Explanation of Vote

Senator Mills stated he intended not to vote on House Bill No. 113, but his machine was voted inadvertently and asked that the Official Journal so state.

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.

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

Table listing names of members voting YEAS: Mr. President, Erdey, Nevers, Adley, Heitmeier, Perry, Alario, Jackson, Peterson, Amedee, Kostelka, Quinn, Appel, LaFleur, Riser, Broome, Long, Shaw, Chabert, Marionneaux, Smith, Cheek, McPherson, Thompson, Claitor, Michot, Walsworth, Crowe, Mills, Willard-Lewis, Donahue, Morrish, Dorsey, Murray.

Total - 34

NAYS

Total - 0

ABSENT

Gautreaux	Martiny	Mount
Guillory	Morrell	
Total - 5		

The Chair declared the bill was passed and ordered it returned 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. 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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Quinn
Amedee	Kostelka	Riser
Appel	LaFleur	Shaw
Broome	Long	Smith
Chabert	Marionneaux	Thompson
Cheek	McPherson	Walsworth
Claitor	Michot	Willard-Lewis
Donahue	Mills	
Dorsey	Morrish	
Total - 31		

NAYS

Total - 0

ABSENT

Crowe	Martiny	Perry
Gautreaux	Morrell	Peterson
Guillory	Mount	
Total - 8		

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

**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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Murray
Adley	Heitmeier	Perry
Alario	Jackson	Quinn
Amedee	Kostelka	Riser
Appel	LaFleur	Shaw
Broome	Long	Smith
Chabert	Marionneaux	Thompson
Cheek	McPherson	Walsworth
Claitor	Michot	Willard-Lewis
Donahue	Mills	
Dorsey	Morrish	
Total - 31		

NAYS

Total - 0

ABSENT

Crowe	Martiny	Nevers
Gautreaux	Morrell	Peterson
Guillory	Mount	
Total - 8		

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

**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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Quinn
Amedee	Kostelka	Riser
Appel	LaFleur	Shaw
Broome	Long	Smith
Chabert	Marionneaux	Thompson
Cheek	McPherson	Walsworth
Claitor	Michot	Willard-Lewis
Donahue	Mills	
Dorsey	Morrish	
Total - 31		

NAYS

Total - 0

ABSENT

Crowe	Martiny	Perry
Gautreaux	Morrell	Peterson
Guillory	Mount	
Total - 8		

May 26, 2011

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Murray
Adley Heitmeier Nevers
Alario Jackson Perry
Amedee Kostelka Peterson
Appel LaFleur Quinn
Broome Long Riser
Chabert Marionneaux Shaw
Cheek McPherson Smith
Claitor Michot Thompson
Crowe Mills Walsworth
Donahue Morrish Willard-Lewis

Total - 33

NAYS

Total - 0

ABSENT

Dorsey Guillory Morrell
Gautreaux Martiny Mount
Total - 6

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

HOUSE BILL NO. 77—

BY REPRESENTATIVE BARRAS AND SENATOR MILLS

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Murray
Adley Heitmeier Nevers
Alario Jackson Perry
Amedee Kostelka Peterson
Appel LaFleur Quinn
Broome Long Shaw
Chabert Marionneaux Smith
Cheek McPherson Thompson
Claitor Michot Walsworth

Donahue Mills Willard-Lewis
Dorsey Morrish
Total - 32

NAYS

Total - 0

ABSENT

Crowe Martiny Riser
Gautreaux Morrell
Guillory Mount
Total - 7

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

Rules Suspended

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 66—

BY SENATOR MARIONNEAUX
A RESOLUTION

To adopt Senate Rule 12.14 of the Rules of Order of the Senate to provide for certain motions and for certain vote requirements relative to an appropriation bill when one-time money is appropriated for recurring expenses.

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

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

May 26, 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. 13 HCR No. 34 HCR No. 45

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 13—

BY REPRESENTATIVE LITTLE
A CONCURRENT RESOLUTION

To urge and request the state of Arkansas, the governor of Arkansas, and the Red River Compact Commission to take affirmative action to increase the flow of all streams to the rates agreed to in the Red River Compact.

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

**HOUSE CONCURRENT RESOLUTION NO. 34—**  
 BY REPRESENTATIVES ST. GERMAIN, BOBBY BADON, BILLIOT,  
 HENRY BURNS, FOIL, GISCLAIR, HENDERSON, SAM JONES,  
 LAMBERT, MONTOUCET, AND MORRIS

**A CONCURRENT RESOLUTION**

To approve the Atchafalaya Basin Program Annual Plan, as adopted by the Atchafalaya Basin Research and Promotion Board.

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

**HOUSE CONCURRENT RESOLUTION NO. 45—**

BY REPRESENTATIVES DOERGE AND STIAES

**A CONCURRENT RESOLUTION**

To establish a study committee to study all aspects of notary education, applications, and examinations, and to develop recommendations and a plan of implementation relative to standards for notary education, applications, and examinations.

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

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

**Called from the Calendar**

Senator LaFleur asked that Senate Resolution No. 61 be called from the Calendar.

**SENATE RESOLUTION NO. 61—**

BY SENATOR LAFLEUR

**A RESOLUTION**

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

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

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

**Called from the Calendar**

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Heitmeier	Nevers
Alario	Jackson	Perry
Amedee	Kostelka	Peterson
Appel	LaFleur	Quinn
Broome	Long	Riser
Chabert	Marionneaux	Shaw
Claitor	McPherson	Smith
Crowe	Michot	Thompson
Donahue	Mills	Walsworth
Dorsey	Morrish	Willard-Lewis
Erdey	Murray	
Total - 32		

**NAYS**

Total - 0

**ABSENT**

Adley	Guillory	Mount
Cheek	Martiny	
Gautreaux	Morrell	
Total - 7		

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

**Called from the Calendar**

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Perry
Amedee	Kostelka	Peterson
Appel	LaFleur	Quinn
Broome	Long	Riser
Chabert	Marionneaux	Shaw
Claitor	McPherson	Smith
Crowe	Michot	Thompson
Donahue	Mills	Walsworth
Dorsey	Morrish	Willard-Lewis
Total - 33		

**NAYS**

Total - 0

**ABSENT**

Cheek	Guillory	Morrell
Gautreaux	Martiny	Mount
Total - 6		

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

**Message from the House**

**SIGNED HOUSE BILLS AND  
 JOINT RESOLUTIONS**

May 26, 2011

To the Honorable President and Members of the Senate:

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

May 26, 2011

HOUSE BILL NO. 519—
BY REPRESENTATIVE DANAHAY
AN ACT

To enact R.S. 17:2.1 and to repeal R.S. 17:2.2, relative to redistricting; to provide for election districts for the State Board of Elementary and Secondary Education; to provide for election of members; to provide for effectiveness; and to provide for related matters.

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

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

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

Privilege Report of the Committee on
Senate and Governmental Affairs

ENROLLMENTS

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

May 26, 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. 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.

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.

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.

SENATE CONCURRENT RESOLUTION NO. 38—
BY SENATORS THOMPSON, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAUX, GUILLORY, HEITMEIER,

JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, WALSWORTH AND WILLARD-LEWIS AND REPRESENTATIVE DOWNS

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

SENATE CONCURRENT RESOLUTION NO. 39—
BY SENATOR GAUTREAUX 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.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

ATTENDANCE ROLL CALL

PRESENT

Table with 3 columns: Name, Present, Absent. Lists Mr. President, Erdey, Murray, Adley, Heitmeier, Nevers, Alario, Jackson, Perry, Amedee, Kostelka, Peterson, Appel, LaFleur, Quinn, Broome, Long, Riser, Chabert, Martonneaux, Shaw, Cheek, McPherson, Smith, Claitor, Michot, Thompson, Crowe, Mills, Walsworth, Donahue, Morrell, Willard-Lewis, Dorsey, Morrish, Total - 35.

ABSENT

Table with 2 columns: Name, Absent. Lists Gautreaux, Martiny, Guillory, Mount, Total - 4.

Leaves of Absence

The following leaves of absence were asked for and granted:

Table with 4 columns: Name, Days, Name, Days. Lists Gautreaux (1 Day), Martiny (1 Day), Guillory (1 Day), Mount (1 Day).

Announcements

The following committee meeting for May 30, 2011, was announced:

Table with 3 columns: Committee, Time, Room. Lists Finance (9:00 A.M., Room A).

The following committee meetings for May 31, 2011, were announced:

Table with 3 columns: Committee, Time, Room. Lists Environmental Qual. (1:30 P.M., Room F), Judiciary A (1:30 P.M., Hainkel Room), Judiciary B (1:30 P.M., Room E), Judiciary C (1:30 P.M., Room C), Rev. and Fiscal Affairs (10:30 A.M., Hainkel Room).



**Adjournment**

On motion of Senator Thompson, at 10:00 o'clock A.M. the Senate adjourned until Tuesday, May 31, 2011, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Tuesday, May 31, 2011.

GLENN A. KOEPP  
Secretary of the Senate

DIANE O' QUIN  
Journal Clerk

