

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

FIFTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, March 20, 2012

The Senate was called to order at 1:00 o'clock P.M. by Hon. John A. Alario, Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Erdey	Perry
Allain	Gallot	Riser
Amedee	Johns	Smith, G.
Appel	Kostelka	Smith, J.
Broome	Long	Tarver
Brown	Mills	Thompson
Buffington	Morrish	Walsworth
Chabert	Murray	Ward
Cortez	Nevers	White
Crowe	Peacock	
Total - 29		

ABSENT

Adley	Guillory	Morrell
Claitor	Heitmeier	Peterson
Donahue	LaFleur	
Dorsey-Colomb	Martiny	
Total - 10		

The President of the Senate announced there were 29 Senators present and a quorum.

Prayer

The prayer was offered by Dr. H. Gene Richards, 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 Tarver, the reading of the Journal was dispensed with and the Journal of March 19, 2012, was adopted.

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

March 19, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 25—
BY SENATOR ALARIO

A CONCURRENT RESOLUTION

To commend and congratulate J. C. "Sonny" Gilbert, distinguished legislator, farmer, and businessman, on the occasion of his ninetieth birthday and to honor and celebrate his lifetime of outstanding contributions to the state of Louisiana.

Reported without amendments.

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

**Introduction of Senate Bills
and Joint Resolutions**

SENATE BILL NO. 621—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:2497 and 2500.2(A)(1), and to repeal R.S. 13:2500.3, to provide relative to courts and judicial procedures; to provide relative to the Municipal Court and Traffic Court of New Orleans; to provide relative to certain court fees and salaries; to remove reference to specific dollar amounts of salaries for certain deputy clerks of the Municipal Court of New Orleans; to provide for an increase in certain fees collected by the Municipal Court of New Orleans; to repeal authority of the Municipal Court and Traffic Court of New Orleans to collect bail bond fees; and to provide for related matters.

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

**Senate Bills and Joint Resolutions on
Second Reading to be Referred**

SENATE BILL NO. 615—
BY SENATOR APPEL

AN ACT

To amend and reenact R.S. 33:9613(A)(2) and (B) through (G) and 9614(B) and (C), to enact R.S. 33:9613(H) through (I) and 9614(D), and to repeal R.S. 33:9613(A)(3), relative to local ethics entities, including but not limited to an ethics review board or office of inspector general in the parishes of East Baton Rouge, Jefferson, and Orleans; to provide relative to subpoena powers; to provide for protective orders; to provide relative to enforcement of subpoenas; to provide relative to the privileged nature of certain documents; to provide relative to public access to public documents; and to provide for related matters.

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

SENATE BILL NO. 616—
BY SENATOR MORRELL

AN ACT

To enact R.S. 47:1641.1, relative to criminal penalties for falsifying retail sales records; to prohibit the sale, purchase, possession, or use of automated sales suppression devices; to provide for definitions; to provide for penalties; and to provide for related matters.

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

SENATE BILL NO. 617—
BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 33:130.402(A)(1) and (F), relative to the St. Tammany Parish Development District; to change the composition of the board of commissioners; to provide for quorum; to provide for special meetings; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Local and Municipal Affairs.

March 20, 2012

SENATE BILL NO. 618—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 17:1519.3, relative to the Louisiana State University Health Sciences Center-New Orleans; to provide for certain hospitals and their operations; and to provide for related matters.

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

SENATE BILL NO. 619—

BY SENATORS DORSEY-COLOMB AND WARD

AN ACT

To amend and reenact R.S. 17:416.13(A), (B)(1) and (2), (C), and (D)(1) and (2), to enact R.S. 17:81(W) and 3996(B)(30), and to repeal R.S. 17:416.13(B)(4), relative to harassment, intimidation, and bullying in public schools; to provide relative to codes of conduct for school employees and for students; to require such codes of conduct to have policies which prohibit the harassment, intimidation, and bullying of students and of school employees; to provide relative to definitions; to remove provisions excepting certain parishes from certain requirements relative to student codes of conduct; and to provide for related matters.

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

SENATE BILL NO. 620—

BY SENATOR LONG

AN ACT

To amend and reenact R.S. 32:1263, relative to distribution and sale of motor vehicles; to provide for a fee; to provide for use of the fee; and to provide for related matters.

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

**Senate Concurrent Resolutions on
Second Reading**

SENATE CONCURRENT RESOLUTION NO. 26—

BY SENATOR GALLOT

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the issue of heirship property; to request the Louisiana State Law Institute develop recommendations for facilitating the ability of family members to receive title to immovable property when successive generations of their family have failed to file succession proceedings; and to develop recommendations to facilitate more equitable and economically efficient distribution of immovable property.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Ben W. Nevers, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

March 20, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 70—

BY SENATOR MURRAY

AN ACT

To amend and reenact Code of Civil Procedure Articles 3421 and 3431(A)(introductory paragraph), and to repeal Code of Civil Procedure Article 3422.1(G), relative to small successions; to provide relative to small succession procedures and effects; to provide certain definitions, conditions, terms, and requirements; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 263—

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 9:3424(B), R.S. 13:3471(1)(c), R.S. 22:177(B), 335, and 442(B), and R.S. 45:200.8(B), relative to service of process; to provide for the manner in which the secretary of state effects service of process; to allow the secretary of state to obtain service of process by certified mail, and to remove the requirement that return receipt be requested; to provide for the secretary of state's service of process on a foreign corporation or foreign limited liability company; to provide for the secretary of state's service of process on an insurer's attorney-in-fact, on a foreign insurer and on an unauthorized insurer; to provide for the secretary of state's service of process on the owner of a public carrier vehicle; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 280—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:2501.1(B) and (C), relative to the Traffic Court of New Orleans; to provide relative to the terms of office of certain judges of the traffic court; to reduce the number of judges and sections of the traffic court from four to three effective January 1, 2018, and from three to two effective January 1, 2021; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 393—

BY SENATOR MURRAY

AN ACT

To amend and reenact Code of Civil Procedure Articles 4732 and 4735, relative to eviction of tenants and occupants; to provide relative to a motion for a new trial; to provide certain procedures, time periods, and effects; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 609—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:477(introductory paragraph), 691(A), 1306, 1307, 1311, 1312, 1381.2, and R.S. 44:181; and to enact R.S. 13:1213.2 and 13:1336(D) and to repeal R.S. 13:474.1, 477(41), 621.41, 621.42, 621.43, 621.44, 621.45, 621.46, 714.1, 714.2, 751.1, 751.2 through 751.5, 841.3, 996.62 through 996.64, R.S. 44:181.5 and 181.6, Sections 6, 8, 9, 19, 22, and 31 of Act No. 621 of the 2006 Regular Session of the Legislature, as amended by Acts 635, 674, 675, 743, 792, 868, 873, 879, of the 2008 Regular Session, Act 409 of the 2009 Regular Session of the Legislature, and Act 726 of the 2010 Regular Session, relative to courts and judicial procedure; to provide relative to the civil and criminal district courts and juvenile court of the parish of Orleans; to repeal all provisions relative to the consolidation of the civil and criminal district courts of Orleans Parish into the Forty-First Judicial District Court and their respective clerks; to repeal all effective dates that would repeal

provisions related to the civil and criminal district courts and the abolishment of the juvenile court of Orleans Parish; to provide for the distribution of fees collected in the Civil District Court; to provide for the salaries of the civil and criminal district court judges and certain family and juvenile court judges; to provide exclusive jurisdiction to the magistrate and criminal district court judges and commissioners to set certain bonds and release certain defendants; to direct the Louisiana State Law Institute to redesignate certain statutory provisions; and to provide for related matters.

Reported by substitute.

Respectfully submitted,
BEN W. NEVERS
Chairman

**REPORT OF COMMITTEE ON
HEALTH AND WELFARE**

Senator David R. Heitmeier, O.D., Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

March 20, 2012

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE BILL NO. 86—
BY SENATOR BUFFINGTON

AN ACT

To amend and reenact the introductory paragraph of R.S. 40:4(A)(2), relative to the Sanitary Code; to provide with respect to the duties of a healthcare provider with regard to any general duty to warn concerning communicable diseases; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 116—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 28:912(B)(2) and to enact R.S. 28:912(B)(1)(g) and 915(B)(8), relative to human services districts; to provide with respect to the naming of Region 4; to provide the authority for the naming of human services districts; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 145—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 28:22.8(A) and 451.4(B) and to repeal R.S. 28:894(A)(5) and R.S. 36:259(C)(15), (C)(17) through (C)(21), (C)(25), and (C)(26), relative to the Department of Health and Hospitals; to delete provisions related to certain supports and services centers and employment service programs no longer in existence; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 212—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 37:1177(A), relative to the Louisiana Board of Pharmacy; to provide for a specific date for the beginning of the term of pharmacists who are appointed to the board; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 218—
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 37:1208, relative to the Louisiana Board of Pharmacy; to authorize the board to waive the annual license renewal requirements for pharmacists in certain circumstances; to authorize the board to waive the annual certification renewal requirements for certified technicians in certain circumstances; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 235—
BY SENATOR MILLS

AN ACT

To enact Part LXXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.351 through 1300.352, relative to the Department of Health and Hospitals; to require the department to consult with parish and municipal entities relative to health care funding; to require the department to submit an annual financial report to the legislature; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DAVID R. HEITMEIER, O.D.
Chairman

**REPORT OF COMMITTEE ON
SENATE AND GOVERNMENTAL AFFAIRS**

Senator Lee "Jody" Amedee, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

March 20, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 88—
BY SENATOR BUFFINGTON

AN ACT

To amend and reenact R.S. 49:968(D)(2)(a) and to enact R.S. 49:968(D)(1)(c), relative to the Administrative Procedure Act; to require agencies to provide written notice to the office of state register upon submission of certain reports to the legislature; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 315—
BY SENATOR AMEDEE

AN ACT

To enact R.S. 49:191(6)(a) and to repeal R.S. 49:191(4)(c), relative to the Department of Culture, Recreation and Tourism, including provisions to provide for the re-creation of the Department of Culture, Recreation and Tourism and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 354—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 49:968(B), relative to the Administrative Procedure Act; provides for electronic reporting of rules to oversight committees; and to provide for related matters.

March 20, 2012

Reported favorably.

SENATE BILL NO. 422—
BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 49:953(B)(1) and (4)(a), relative to the Administrative Procedure Act; to provide for legislative review of emergency rules or fees; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 595—
BY SENATOR CROWE

AN ACT

To enact R.S. 12:2.1 and R.S. 44:4(45) and 4.1(B)(37), relative to access of certain public records; to provide for the "Business Identity Theft Prevention Act"; to make confidential certain electronic mail addresses; to provide relative to the duties of the secretary of state; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
LEE "JODY" AMEDEE
Chairman

REPORT OF COMMITTEE ON

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

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

March 20, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 148—
BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 3:3408(A)(10), 3409(B) and (C), 3410(H)(3), 3411(G)(3), and 3420 and to repeal Part VII of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:711 through 716, relative to agriculture commodities; to clarify provisions of the Agricultural Commodity Dealer and Warehouse Law; to provide relative to warehouse licenses; to repeal the Agriculture Commodity Marketing Law; to provide for technical corrections; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 149—
BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 3:1399(A), the introductory paragraph of 1412(C), 1430.5(E), the introductory paragraph of 1430.7(A), 1431(26), 1435(3), 1439, 1440, 1441, and 1444(9), relative to the Louisiana Agricultural Liming Materials Law; to clarify the registration date for liming materials; to clarify terms relative to stop orders; to provide for technical corrections; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 150—
BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 3:1604(A)(5), 1743(A) and (C), and 3801(C)(3) and (G), relative to changes in the membership of certain commissions within the Department of Agriculture and Forestry; to provide for the membership of the Boll Weevil Eradication Commission; to provide for the membership of the Louisiana Sweet Potato Advertising and Development Commission; to provide for the membership of the Horticulture Commission; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 151—
BY SENATOR THOMPSON

AN ACT

To amend and reenact the introductory paragraph of R.S. 3:3243(G), the introductory paragraph of 3245(C), the introductory paragraph of 3246(G), 3367(F) and 3383(B) and to enact R.S. 3:3210(C)(6) and 3365(E), relative to the Pesticide Law; to provide relative to monies in the Pesticide Fund; to authorize the Structural Pest Control Commission to issue subpoenas; to extend records retention requirements for certain entities; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 169—
BY SENATOR ALLAIN

AN ACT

To amend and reenact R.S. 3:730.3(B)(1), relative to the membership of the Louisiana Strawberry Marketing Board; to decrease the membership of the board; to provide for technical corrections; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 288—
BY SENATOR ALLAIN

AN ACT

To enact R.S. 3:14, relative to the authority of the commissioner of agriculture; to authorize the commissioner to employ an executive counsel and assistants; to provide relative to qualifications; and to provide for related matters.

Reported favorably.

Respectfully submitted,
FRANCIS C. THOMPSON
Chairman

REPORT OF COMMITTEE ON

JUDICIARY C

Senator Robert W. Kostelka, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

March 20, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 75—
BY SENATOR KOSTELKA

AN ACT

To amend and reenact R.S. 14:403.3(D) and to enact R.S. 14:403.3(E), 403.7 and 403.8, relative to offenses affecting law enforcement; to increase the penalty for communicating false information to law enforcement regarding a missing child under certain circumstances; to create the crimes of failure to report a missing child and failure to report the death of a child; to

provide for definitions; to provide for penalties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 105—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 14:402(G), relative to contraband in correctional facilities; to require imposition of a monetary penalty for the introduction of contraband into a correctional facility; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 122—
BY SENATOR WHITE

AN ACT

To amend and reenact R.S. 15:541(2)(k) and (25)(f), relative to the registration of sex offenders; to provide relative to certain definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 130—
BY SENATOR CROWE

AN ACT

To enact R.S. 14:91.9, relative to crimes involving the distribution, purchase, or possession of certain substances; to create the crime of unlawful distribution, purchase, or possession of Kratom; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT W. KOSTELKA
Chairman

REPORT OF COMMITTEE ON

INSURANCE

Senator Dan W. "Blade" Morrish, Chairman on behalf of the Committee on Insurance, submitted the following report:

March 20, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 118—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 22:1189, relative to the authority of the commissioner of insurance to promulgate regulations; to provide for the commissioner to promulgate regulations for independent review of benefit determinations; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 146—
BY SENATOR LONG

AN ACT

To enact R.S. 22:1706(H)(10), relative to standards of conduct of public adjusters; to prohibit a public adjuster from acting as an appraiser on claims he or she is adjusting; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 208—
BY SENATOR MORRISH

AN ACT

To enact R.S. 22:2171(C)(8), relative to the Louisiana Property and Casualty Commission; to provide for the addition of a representative of the Louisiana Surplus Lines Association to the commission membership; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 281—
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 22:42.1 and 43(A) and (B), relative to confidentiality of records in the custody of the Department of Insurance; to provide with respect to disclosure of categorical descriptors relative to complaints filed against all persons and entities subject to the jurisdiction of the department; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 359—
BY SENATOR MORRISH

AN ACT

To enact R.S. 22:1295(1)(a)(v), relative to uninsured motorist coverage; to provide for selection or rejection of uninsured motorist coverage pursuant to the Louisiana Electronic Transactions Act; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 391—
BY SENATOR RISER

AN ACT

To amend and reenact R.S. 22:833(A)(1) and to enact R.S. 22:833(E), relative to the authorization of local taxes; to provide with respect to the exemption of Louisiana Medicaid programs from taxes imposed by a municipal or parochial corporation; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 394—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact the heading of R.S. 22:2005 and R.S. 22:2008(B), 2009(E)(3), 2028(D)(3), and 2036(A) and to enact R.S. 22:2005.1 and 2043.1, relative to rehabilitation and liquidation of insurers; to comply with the federal Dodd Frank Act; to provide for notice by mail when the receiver allows or disallows a claim; to provide for actions by and against a receiver; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 551—
BY SENATOR MILLS

AN ACT

To repeal R.S. 22:1573(I)(1)(b), relative to continuing education requirements; to repeal the legislator exemption from continuing education requirements for insurance license renewal; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DAN W. "BLADE" MORRISH
Chairman

March 20, 2012

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 126— BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 38:2225.2.1(A)(3), relative to public contracts; to extend the time relative to the utilization of design-build contracts under certain circumstances; and to provide for related matters.

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

SENATE BILL NO. 157—

BY SENATORS ADLEY, ALARIO, BROWN, BUFFINGTON, ERDEY, HEITMEIER, NEVERS AND GARY SMITH

AN ACT

To enact R.S. 32:412(K) and R.S. 40:1321(K), relative to veteran designation on a driver's license and identification card; to provide for the exhibition of the word "Veteran" on a driver's license and identification card; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 157 by Senator Adley

AMENDMENT NO. 1

On page 1, line 12, change "red" to "black"

AMENDMENT NO. 2

On page 2, line 9, "red" to "black"

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

SENATE BILL NO. 193—

BY SENATOR GUILLORY

AN ACT

To enact R.S. 47:463.155, relative to special prestige motor vehicle license plates; to provide for the creation, issuance, and design of such license plates for the Phi Beta Sigma Fraternity; to provide relative to the fee and distribution of fees for such plates; to authorize the promulgation of rules and regulations; and to provide for related matters.

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

SENATE BILL NO. 221—

BY SENATOR ALARIO

AN ACT

To enact Subpart DD of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.102, relative to donations of refunds; to provide for such donations to the Louisiana Association of United Ways/LA 2-1-1; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 221 by Senator Alario

AMENDMENT NO. 1

On page 2, delete lines 12 through 14, and insert the following: "Ways/LA 2-1-1. Notwithstanding any provision of law to the contrary, donations made under this Subpart shall be administered and disbursed to the fund in accordance with R.S. 47:120.37. The United Ways/LA 2-1-1 shall use the monies"

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

SENATE BILL NO. 396—

BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 34:3494(A) and (B), relative to the Louisiana International Gulf Transfer and Terminal Authority; to provide for changes in the board membership; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 396 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 2, after "(B)" and before "," insert "(3) and to repeal R.S. 34:3494(B)(9)"

AMENDMENT NO. 2

On page 1, line 6, after "(B)" insert "(3)"

AMENDMENT NO. 3

On page 1, line 9, delete "twelve" and insert "fifteen"

AMENDMENT NO. 4

On page 1, line 13, delete "eight" and insert "eleven"

AMENDMENT NO. 5

On page 2, delete lines 2 through 5 and insert

AMENDMENT NO. 6

On page 2, line 7, after "the" delete "New Orleans Steamship" and insert "Louisiana Maritime"

AMENDMENT NO. 7

On page 2, delete lines 8 through 27.

AMENDMENT NO. 8

On page 2, between lines 28 and 29, insert "Section 2. R.S. 34:3494(B)(9) is hereby repealed."

AMENDMENT NO. 9

On page 2, line 29, after "Section" change "2" to "3"

AMENDMENT NO. 10

On page 3, line 1, change "commissioner" to "commissioners" and after "selected" insert "from the lists submitted" and after "Association" insert "and the New Orleans Steamship Association" and delete the remainder of the line and delete lines 2 and 3 and on line 4, delete "Railway; and one of the at large members who shall be chosen by lot" and on line 5, after "Act." delete the remainder of the line and delete lines 6 and 7.

AMENDMENT NO. 11

On page 3, line 8, after "Section" change "3" to "4"

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

SENATE BILL NO. 546—
BY SENATOR PEACOCK

AN ACT

To enact R.S. 32:1254(O), relative to the distribution and sale of motor vehicles; to provide for licensure of dealers; to provide for an exception for non-resident dealers of recreational products; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 546 by Senator Peacock

AMENDMENT NO. 1

On page 1, immediately at the end of line 11, after "offer for sale" add "or to display"

AMENDMENT NO. 2

On page 1, line 12, after "shows" delete "and" and insert "," and immediately at the end of line 12, after "exhibitions" insert ", fairs, and festivals"

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

SENATE BILL NO. 557—

BY SENATORS ERDEY, ADLEY, BROWN, BUFFINGTON, HEITMEIER, NEVERS AND GARY SMITH

AN ACT

To amend and reenact R.S. 47:463.71(C), relative to the special prestige license plate for the Boy Scouts of America; to provide for an annual royalty fee and for distribution of collections; and to provide for related matters.

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

SENATE BILL NO. 581—

BY SENATORS APPEL AND ALARIO AND REPRESENTATIVES CARTER AND KLECKLEY

AN ACT

To enact Part X-A of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:407.21 through 407.24, relative to early childhood education; to provide for the creation of an early childhood care and education network; to provide for the purposes of such network and the duties and responsibilities of certain state agencies related thereto; to provide relative to early childhood education programs and standards; to provide for an accountability system for early childhood education programs; to provide relative to a quality rating system for certain day care centers; to provide for legislative findings and intent; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 581 by Senator Appel

AMENDMENT NO. 1

On page 1, line 3, change "407.24" to "407.25"

AMENDMENT NO. 2

On page 1, line 13, change "407.24" to "407.25"

AMENDMENT NO. 3

On page 4, line 5, change "day care centers" to "child care facilities"

AMENDMENT NO. 4

On page 4, line 13, between "Services" and "and the" delete the comma ","

AMENDMENT NO. 5

On page 4, line 17, between "state" and "shall" change "board" to "Department of Education"

AMENDMENT NO. 6

On page 4, line 19, between "Council" and "for" insert "and the Childcare Association of Louisiana"

AMENDMENT NO. 7

On page 4, after line 29, insert the following:

"§407.25. Applicability; limitation
This Part shall not apply to early childhood programs that receive public funds solely for food and nutrition assistance."

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

SENATE BILL NO. 597—

BY SENATOR APPEL AND REPRESENTATIVES CARTER AND KLECKLEY

AN ACT

To R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2), 3983(A)(3)(a), (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011 through 4025, to enact R.S. 17:10.5(F), 3973(2)(b)(vi), (7), and (8), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3) and (4), 3983(A)(2)(d) and (3)(d) and (G), 3992(D), and Part VII of Chapter 42 of Title 17 of the Revised Statutes of 1950, to be comprised of R.S. 17:4002 through 4007, and to repeal R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4), relative to school choice; to provide relative to the Student Scholarships for Educational Excellence Program; to provide relative to program eligibility and participation requirements for students and schools; to provide relative to selection and enrollment of eligible students; to provide relative to funding and payments to eligible schools including eligible nonpublic schools; to provide for reports; to provide for the submission of petitions by parents requesting that a school be transferred to the Recovery School District under certain conditions; to require rules and regulations to be adopted by the State Board of Elementary and Secondary Education for the petition process; to change charter proposal submission time lines; to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type 2 charter school under certain conditions; to authorize the state board to allow the state superintendent of education and the superintendent of the Recovery School District to amend the charter of Type 5 charter schools to accommodate a unified enrollment system; to modify the initial charter period; to provide for charter school admission requirements; to allow foreign language immersion schools to establish special admission standards; to provide for the qualifications of teachers; to provide relative to the evaluation of charter school teachers and other school employees; to provide relative to teacher certification requirements; to remove the requirement that charter schools comply with laws relative to the length of the school year; to provide for the Course Choice Program; to provide for program definitions and funding; to provide for the powers of the State Board of Elementary and Secondary Education and local public school systems relative to course providers; to provide relative to entities that authorize charter schools; to provide for certification of certain state agencies and nonprofit corporations as charter authorizers; to provide relative to the responsibilities of the State Board of Elementary and Secondary Education with respect to certification of such authorizers; to provide relative to

March 20, 2012

requirements, powers, responsibilities, and limitations of such authorizers; to provide relative to schools whose charter is authorized by such entities, including matters related to funding for such schools; to provide for procedures, processes, fees, and regulations; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 597 by Senator Appel

AMENDMENT NO. 1

On page 1, at the beginning of line 2, after "To" and before "R.S." insert "amend and reenact"

AMENDMENT NO. 2

On page 1, at the end of line 2, change "(2), 3983(A)(3)(a)," to "(2) and (B), 3983(A)(2)(a)(i), (3)(a), and"

AMENDMENT NO. 3

On page 1, line 4, after "paragraph)" change "and (c)," to "and (c) and (4)(a),"

AMENDMENT NO. 4

On page 1, line 6, after "3973(2)(b)(vi)" delete the comma "," and change "(7), and (8)," to "and (7),"

AMENDMENT NO. 5

On page 1, line 7, after "3982(A)(3)" delete the remainder of the line and insert ", 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of" and on line 9, change "17:4002 through 4007" to "17:4002.1 through 4002.6"

AMENDMENT NO. 6

On page 2, at the end of line 24, change "(2)," to "(2) and (B),"

AMENDMENT NO. 7

On page 2, at the beginning of line 25, change "3983(A)(3)(a)," to "3983(A)(2)(a)(i), (3)(a), and"

AMENDMENT NO. 8

On page 2, line 26, after "3995(A)(1)(introductory paragraph)" change "and (c)," to "and (c) and (4)(a),"

AMENDMENT NO. 9

On page 2, line 28, after "3973(2)(b)(vi)" delete the comma "," and change "(7), and (8)," to "and (7),"

AMENDMENT NO. 10

On page 2, line 29, after "3982(A)(3)" delete the remainder of the line and insert ", 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of Chapter 42" and on page 3, line 1, change "R.S. 17:4002.1 through" to "R.S. 17:4002.1 through 4002.6"

AMENDMENT NO. 11

On page 3, line 7, after "**public school**" and before "**shall**" delete "**or public charter school**"

AMENDMENT NO. 12

On page 3, line 12, and on page 4, lines 3 and 4, change "**at least fifty-one**" to "**more than fifty**"

AMENDMENT NO. 13

On page 4, at the end of line 8, delete "**is fewer**" and at the beginning of line 9, delete "**than the fifty-one percent required**" and insert "**does not represent more than fifty percent of the students attending the school**"

AMENDMENT NO. 14

On page 5, line 24, after "**agreements with**" delete the remainder of the line, delete line 25, and insert "**chartering groups.**"

AMENDMENT NO. 15

On page 6, delete lines 7 through 9

AMENDMENT NO. 16

On page 6, line 28, after "**state.**" delete the remainder of the line and delete line 29 and on page 7, delete lines 1 and 2, and insert "**The application shall allow a potential chartering group to propose any number of charter schools through a single application.**"

AMENDMENT NO. 17

On page 7, line 3, change "**charter operators**" to "**chartering groups**"

AMENDMENT NO. 18

On page 7, at the end of line 5, delete "**Industry Based**" and at the beginning of line 6, delete "**Certifications,**" and insert "**industry-based certifications.**"

AMENDMENT NO. 19

On page 7, line 23, after "**assets**" and before "**as**" insert "**net of liabilities**"

AMENDMENT NO. 20

On page 8, line 1, after "**and**" and before "**the**" change "**ensures**" to "**assures**"

AMENDMENT NO. 21

On page 8, line 9, after "**Certify**" and before "**than**" change "**fewer**" to "**not more**"

AMENDMENT NO. 22

On page 8, line 10, change "**Regional Labor Market Area,**" to "**regional labor market area.**"

AMENDMENT NO. 23

On page 8, line 16, after "**(6)**" delete "**The state board shall monitor**" and insert "**Monitor**"

AMENDMENT NO. 24

On page 8, at the beginning of line 28, change "**C.**" to "**C.(1)**"

AMENDMENT NO. 25

On page 8, line 29, after "**thereof**" delete the comma ","

AMENDMENT NO. 26

On page 9, at the beginning of line 7, change "**D.**" to "**(2)**"

AMENDMENT NO. 27

On page 9, at the beginning of line 9, after "**thereof**" delete the comma ","

AMENDMENT NO. 28

On page 9, line 10, between "**the transfer**" and "**the charter**" insert "**of**"

AMENDMENT NO. 29

On page 9, at the beginning of line 13, change "**E.**" to "**D.**"

AMENDMENT NO. 30

On page 9, line 20, after "**years.**" delete the remainder of the line and delete lines 21 and 22, and insert the following:

"E. If the average performance of the charter schools authorized by the local charter authorizer is a letter grade of "C" or any variation thereof after any three year review, the local charter authorizer may not authorize any additional schools until the average performance of those schools is a letter grade of "A" or "B" or any variation thereof. If the average performance of the charter schools authorized by the local charter authorizer is a letter grade of "D" or "F" or any variation thereof after any three year review, the state board shall cancel the local charter authorizer's certification and provide for the transfer of those schools to the state board as Type 2 or Type 5 charter schools."

AMENDMENT NO. 31

On page 9, delete line 23, and insert
"F. The state board may rescind a charter"

AMENDMENT NO. 32

On page 9, at the end of line 24, delete "**charter**" and on line 25, delete "**operator should**" and insert "**chartering group if**"

AMENDMENT NO. 33

On page 9, line 25, after "**state board**" change "**find**" to "**finds**"

AMENDMENT NO. 34

On page 10, line 1, after "**Authorizers**" delete the comma ",."

AMENDMENT NO. 35

On page 11, delete lines 12 through 22 and insert the following:

"(3) If a charter applicant believes that a local charter authorizer has not complied with Paragraphs (1) and (2) of this Subsection in its evaluation of an application, the charter applicant may submit its proposal to the state board for its review and approval as a Type 2 charter. If the state board determines that the local charter authorizer failed to comply with Paragraphs (1) and (2) of this Subsection, it shall notify the local charter authorizer of that determination and may proceed with its own review of the charter application. The state board shall review each proposal"

AMENDMENT NO. 36

On page 13, delete lines 13 through 20 and insert the following:

"(3) If a charter applicant believes that a local school board has not complied with Paragraphs (1) and (2) of this Subsection in its evaluation of an application, the charter applicant may submit its proposal to the state board for its review and approval as a Type 2 charter. If the state board determines that the school board failed to comply with Paragraphs (1) and (2) of this Subsection, it shall notify the school board of that determination and may proceed with its own review of the charter application. The"

AMENDMENT NO. 37

On page 13, delete lines 24 through 29, and insert the following:

"B. Local school boards shall make available to chartering groups any vacant school facilities or any facility slated to be vacant for lease or purchase up to fair market value. In the case of a Type 1B or a Type 2 charter school created as a result of a conversion, the facility and all property within the existing school shall be made available to that chartering group. In return for the use of the facility and its contents, the chartering group shall pay a proportionate share of the local school board's bonded indebtedness to be calculated in the same manner as set forth in R.S. 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school board, then such facilities, including all equipment, books, instructional materials, and furniture within such facilities, shall be provided to the charter school at no cost."

AMENDMENT NO. 38

On page 14, delete line 5 and insert the following:

"(2)(a)(i) Each proposal for a Type 1 or Type 3 charter school shall first be made to the local school board with jurisdiction where the school is to be located, except in the case of a local system in academic crisis as provided for in Item (ii) Items (ii) or (iii) of this Subparagraph, involving the submission of by submitting a written proposal. If, after review as required by R.S. 17:3982, the local school board denies the proposal, or if conditions placed on the proposal by the local school board, as provided in Paragraph (B)(2) of this Section, are not acceptable to those proposing the charter the chartering group, then a proposal for a Type 2 charter school may be made to the State Board of Elementary and Secondary Education state board.

* * *

(iii) If the local school system in which a chartering group intends to apply to operate a school has received a letter grade designation of "D" or "F" or any variation thereof, then a

proposal for a Type 2 charter school may be made to the state board."

AMENDMENT NO. 39

On page 14, line 8, after "**required by**" change "**R.S. 17:3982.1,**" to "**R.S. 17:3981.2,**"

AMENDMENT NO. 40

On page 14, line 22, after "**qualified**" change "**charter operators**" to "**chartering groups**"

AMENDMENT NO. 41

On page 14, line 24, after "**performance of**" change "**charter operators**" to "**chartering groups**"

AMENDMENT NO. 42

On page 14, line 26, after "**(ii)**" change "**Charter operators**" to "**Chartering groups**"

AMENDMENT NO. 43

On page 14, delete lines 27 through 29 and on page 15, delete lines 1 through 5 and insert the following:

"(i) of this Subparagraph are eligible to apply for and be granted approval of multiple charter agreements through a single application. However, even if multiple charter agreements are approved pursuant to a single application, the chartering group shall open only one school at a time. Only after each such school meets specified performance targets, as determined by the chartering authority, may the chartering group open a subsequently approved school."

AMENDMENT NO. 44

On page 15, line 22, after "**17:3981(4)**" delete the remainder of the line and insert "**, 3981.2(A)(1)(a), or 3982(A)(1)(a)(i), as applicable."**

AMENDMENT NO. 45

On page 15, line 24, after "**to the**" delete the remainder of the line and on line 25, delete "**authorizer, or state board.**" and insert "**chartering authority.**"

AMENDMENT NO. 46

On page 16, line 12, between "**board**" and "**to provide**" insert "**or local charter authorizer**"

AMENDMENT NO. 47

On page 16, line 22, after "**held in the**" change "**general**" to "**geographic**"

AMENDMENT NO. 48

On page 16, between lines 24 and 25, insert the following:

"E. * * *"

AMENDMENT NO. 49

On page 16, delete lines 28 and 29, and on page 17, delete lines 1 through 3

AMENDMENT NO. 50

On page 17, line 18, between "mission." and "No" insert "Any school which was chartered prior to July 1, 2012, and which incorporated achievement of a certain academic record as part of its admission requirements may continue to utilize such admission requirements."

AMENDMENT NO. 51

On page 17, line 21, after "(13)" delete "Manner in which" and insert "**Assurance that**"

AMENDMENT NO. 52

On page 18, delete line 13

March 20, 2012

AMENDMENT NO. 53

On page 18, at the beginning of line 14, insert "Employ instructional staff who"

AMENDMENT NO. 54

On page 18, line 14, between "and" and "shall be" insert "who"

AMENDMENT NO. 55

On page 19, line 14, change "H.(1)" to "H." and between "1," and "2," insert "1B."

AMENDMENT NO. 56

On page 19, line 17, between "1," and "2," insert "1B."

AMENDMENT NO. 57

On page 19, line 19, between "authority." and "Charter" insert "Assets that become the property of a local charter authorizer pursuant to this Subsection shall be used solely for purposes of operating charter schools."

AMENDMENT NO. 58

On page 19, line 21, delete "organization" and insert "group"

AMENDMENT NO. 59

On page 19, delete lines 22 through 28

AMENDMENT NO. 60

On page 20, line 7, after "The" and before "charter" delete "initial five-year"

AMENDMENT NO. 61

On page 20, line 21, between "which has" and "met the" insert "received a letter grade designation of "A" or "B" or any variation thereof and has"

AMENDMENT NO. 62

On page 20, line 28, change "charter operator" to "chartering group"

AMENDMENT NO. 63

On page 21, at the beginning of line 1, change "Section" to "Subsection"

AMENDMENT NO. 64

On page 21, at the end of line 4, delete "charter" and at the beginning of line 5 delete "operator" and insert "chartering group"

AMENDMENT NO. 65

On page 21, between lines 5 and 6, insert the following:
* * *

AMENDMENT NO. 66

On page 21, line 7, after "A.(1)" delete "Except as otherwise provided by this Subsection, for" and insert "For"

AMENDMENT NO. 67

On page 21, line 11, after "charter school." delete the remainder of the line and on line 12, delete "provided by this Subsection,"

AMENDMENT NO. 68

On page 21, line 17, after "formula." delete the remainder of the line and on line 18, delete "two percent of the per pupil amount for administrative purposes."

AMENDMENT NO. 69

On page 22, between lines 1 and 2, insert the following:
"(4)(a) A chartering authority The state board, a local school board, and a local charter authorizer may annually charge each charter school it authorizes a fee in an amount equal to two percent of the total per pupil amount as defined by this Subsection that is received by a charter school for administrative overhead costs incurred by the chartering authority for considering the charter application and any amendment thereto, providing monitoring and oversight of the school, collecting and analyzing data of the school,

and for reporting on school performance. Such fee amount shall be withheld from the per pupil amount in monthly increments and shall not be applicable to any federal money or grants received by the charter school. Administrative overhead costs shall not include any cost incurred by the chartering authority to provide purchased services to the charter school. As provided by Subparagraph (b) of this Paragraph, a chartering authority or the Recovery School District, if applicable, may provide other services for a charter school and charge the actual cost of providing such services, but no such arrangement shall be required as a condition for authorizing the charter school.

* * *

AMENDMENT NO. 70

On page 24, between lines 27 and 28, insert:
* * *

AMENDMENT NO. 71

On page 25, line 20, after "by" and before "course" delete "per"

AMENDMENT NO. 72

On page 25, line 28, after "to" and before "low-performing" change "those students enrolled at" to "students enrolled in"

AMENDMENT NO. 73

On page 26, between lines 8 and 9, insert the following:
"(1) "Course provider" means an entity that offers individual courses in person or online, including but not limited to online or virtual education providers, postsecondary education institutions, and corporations that offer vocational or technical course work in their field, and have been authorized to provide such courses by the state board."

AMENDMENT NO. 74

On page 26, at the beginning of line 9, change "(1)" to "(2)"

AMENDMENT NO. 75

On page 26, delete line 16 in its entirety

AMENDMENT NO. 76

On page 26, at the beginning of line 17, change "(d)" to "(c)"

AMENDMENT NO. 77

On page 26, at the beginning of line 19, change "(2)" to "(3)"

AMENDMENT NO. 78

On page 26, between lines 25 and 26, insert the following:
"(c) Is enrolled in a home study program approved by the state board."

AMENDMENT NO. 79

On page 26, delete lines 26 through 29 and on page 27, delete line 1

AMENDMENT NO. 80

On page 27, line 4, after "to" and before "course" delete "per"

AMENDMENT NO. 81

On page 27, line 18, change "17:4004(1)(c)." to "17:4002.3(2)(c)."

AMENDMENT NO. 82

On page 27, line 19, after "the" and before "course" delete "per"

AMENDMENT NO. 83

On page 27, line 22, after "requirements" and before "R.S." change "provided in" to "of"

AMENDMENT NO. 84

On page 27, line 28, after "system" and before "in" delete "or other school"

AMENDMENT NO. 85

On page 28, line 4, delete "student achievement" and insert "academic"

AMENDMENT NO. 86

On page 29, line 2, after "school" and before "shall" change "system" to "board"

AMENDMENT NO. 87

On page 29, line 3, after "each" delete the remainder of the line and delete lines 4 through 17 and insert: "student identified in R.S. 17:4002.3(2)(a), (2)(b), and (3)(a) the following shall apply:

(a) Credits earned through the course provider shall appear on each such student's official transcript and count fully towards the requirements of any approved Louisiana diploma.

(b) Tests required pursuant to R.S. 17:24.4 shall be administered to each such student attending a public school.

(c) All services to which each such student attending public school would be entitled if attending the school in which he is enrolled full time for all courses, including but not limited to special education services pursuant to the student's Individual Education Plan shall be provided."

AMENDMENT NO. 88

On page 29, line 27, change "However, these test scores also" to "The test scores"

AMENDMENT NO. 89

On page 30, delete lines 1 through 4 in their entirety and insert the following:

"E. Each student identified in R.S. 17:4002.3(2)(a), (2)(b), and (3)(a) shall enroll in at least one course at the school in which he is enrolled full time."

AMENDMENT NO. 90

On page 30, line 9, after "\$4002.6." and before "providers" change "Per course" to "Course"

AMENDMENT NO. 91

On page 30, line 10, after "The" delete the remainder of the line and insert "course provider shall receive a course amount for each"

AMENDMENT NO. 92

On page 30, lines 12 and 21, before "course" delete "per"

AMENDMENT NO. 93

On page 30, at the beginning of line 24, after "(3)" and before "amount" change "An" to "For each student identified in R.S. 17:4002.3(2)(a) and (2)(b), an"

AMENDMENT NO. 94

On page 30, line 26, after "which" and before "student" change "the eligible funded" to "such"

AMENDMENT NO. 95

On page 31, delete lines 2 through 11 and insert the following:

"(4) For students identified in R.S. 17:4002.3(3)(c), the course provider shall receive payment only for the courses in which the student is enrolled in accordance with Subsection C of this Section. The remaining funds for each of these students up to the maximum amount for the parish in which the participating student resides as determined each year by the minimum foundation program or actual tuition and fees, as applicable, shall remain with the participating school in which the student is enrolled in accordance with R.S. 17:4011 through 4025."

AMENDMENT NO. 96

On page 31, line 25, after "which the" and before "course" delete "per"

AMENDMENT NO. 97

On page 31, line 27, after "of the" and before "course" delete "per"

AMENDMENT NO. 98

On page 31, line 29, change "exiting" to "leaving school pursuant to R.S. 17:221"

AMENDMENT NO. 99

On page 32, at the beginning of line 1, after "(3)" and before "The" delete the period "."

AMENDMENT NO. 100

On page 33, line 24, between "is" and "Each" change "located." to "located or in a school under the jurisdiction of the Recovery School District."

AMENDMENT NO. 101

On page 33, line 25, between "system" and "shall conduct" insert "or the Recovery School District"

AMENDMENT NO. 102

On page 33, line 29, after "on" delete the remainder of the line and insert "October first and on February first of the most recent school year pursuant to the definition of student membership established by the state board for purposes of the minimum foundation program formula."

AMENDMENT NO. 103

On page 34, line 29, between "grade" and "and" delete the comma "," and insert "and whether the school elects to offer an enrollment preference to a student based on the parish in which the student resides."

AMENDMENT NO. 104

On page 35, between lines 20 and 21, insert the following:

"(iv) Students residing in the parishes as indicated pursuant to the notice of intent, if applicable."

AMENDMENT NO. 105

On page 36, line 2, after "filled" delete the remainder of the line and insert "according to the time line established by the department."

AMENDMENT NO. 106

On page 37, at the beginning of line 16, after "A." change "The state" to "The state"

AMENDMENT NO. 107

On page 37, line 18, after "per" and before "to" change "student" to "pupil"

AMENDMENT NO. 108

On page 37, at the beginning of line 19, change "participating student" to "scholarship recipient"

AMENDMENT NO. 109

On page 37, at the beginning of line 24, change "If" to "For a participating school that charges tuition, if"

AMENDMENT NO. 110

On page 37, line 27, after "per" and before "to" change "student" to "pupil"

AMENDMENT NO. 111

On page 37, line 29, after "local" and before "school" delete "public"

AMENDMENT NO. 112

On page 38, at the beginning of line 4, delete "public"

AMENDMENT NO. 113

On page 38, delete lines 6 through 8

AMENDMENT NO. 114

On page 38, at the beginning of line 14, change "C." to "B.(1)"

AMENDMENT NO. 115

On page 38, at the beginning of line 23, change "(1)" to "(a)"

AMENDMENT NO. 116

On page 38, line 26, after "attending." delete the remainder of the line and delete line 27

March 20, 2012

AMENDMENT NO. 117

On page 38, at the beginning of line 28, change "(2)(a)" to "(b)"

AMENDMENT NO. 118

On page 39, line 3, after "participating" and before "school" insert "nonpublic"

AMENDMENT NO. 119

On page 39, at the end of line 5, between "the" and "nonpublic" insert "participating"

AMENDMENT NO. 120

On page 39, line 6, at the beginning of the line delete "participating" and the end of the line between "the" and "nonpublic" insert "participating"

AMENDMENT NO. 121

On page 39, at the beginning of line 7, delete "participating"

AMENDMENT NO. 122

On page 39, at the beginning of line 8, change "Subsections (A) and (B)" to "Subsection A"

AMENDMENT NO. 123

On page 39, delete lines 12 through 14 in their entirety and insert the following:

"(2) To offer special education services pursuant to Subparagraph (1)(b) of this Subsection, a participating nonpublic school shall meet all of the following criteria:"

AMENDMENT NO. 124

On page 39, at the beginning of line 15, change "(i)" to "(a)"

AMENDMENT NO. 125

On page 39, line 22, after "Plan" insert a period "." and delete the remainder of the line and delete lines 23 through 26 in their entirety and insert the following:

"(b) In accordance with time lines as determined by the department, inform the department of the types of student exceptionalities as defined in R.S. 17:1942(B) that the school is willing to serve."

AMENDMENT NO. 126

On page 39, at the beginning of line 27, change "D." to "C."

AMENDMENT NO. 127

On page 40, line 1, after "local" and before "school" delete "public"

AMENDMENT NO. 128

On page 40, line 5, after "local" and before "school" delete "public"

AMENDMENT NO. 129

On page 40, line 6, after "local" and before "school" delete "public"

AMENDMENT NO. 130

On page 40, line 13, after "shall" delete the remainder of the line and delete lines 14 through 16 and insert the following: "remit transfer scholarship payments directly to each participating school on behalf of the parent or other legal guardian of a scholarship recipient. The parent or other legal guardian shall assign the full value of the scholarship to the participating school responsible local public school system."

AMENDMENT NO. 131

On page 42, at the beginning of line 1, change "(3)(a)" to "(3)"

AMENDMENT NO. 132

On page 42, line 2, between "been" and "for" delete "in operation" and insert "approved, provisionally approved, or probationally approved"

AMENDMENT NO. 133

On page 42, delete lines 4 through 10 in their entirety and insert the following:

~~"(b) The department may grant a waiver of this requirement to a participating school if the governing authority of such school demonstrates a proven record of successful operation of other schools."~~

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

SENATE BILL NO. 603—

BY SENATORS APPEL AND ALARIO AND REPRESENTATIVES CARTER AND KLECKLEY

AN ACT

To amend and reenact R.S. 17:54(B)(1)(b)(i) and (iii), 81(A), and (P)(1), 81.4, 229, and 414.1, 441, 442, 443, 444(B)(1), to enact R.S. 17:418 and 532(C), and to repeal R.S. 17:44, 45, 81(I), 154.2, 235.1(E), 346.1, 419, 419.1, 420, 421, 421.1, 421.2, 421.3, 421.5, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 431, 444(A) and (B)(2) and (3), 446, 461 through 464, and 1207, relative to elementary and secondary education; to provide with respect to teachers and other school employees; to provide with respect to local school superintendents, their employment, and their duties and responsibilities; to provide relative to local school boards and their functions and powers; to provide relative to school personnel decisions; to provide relative to school board reduction in force policies; to provide with respect to the salaries and compensation of teachers and other school employees; to provide relative to tenure for school employees and the removal of tenured and non-tenured teachers; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 603 by Senator Appel

AMENDMENT NO. 1

On page 2, line 27, between "contract" and "between" insert "executed, negotiated, or renegotiated after July 1, 2012,"

AMENDMENT NO. 2

On page 2, line 29, after "Subsection" delete the remainder of the line and insert "is null and void."

AMENDMENT NO. 3

On page 3, at the end of line 17, change "is school's" to "in schools"

AMENDMENT NO. 4

On page 4, line 16, after "superintendent." delete the remainder of the line

AMENDMENT NO. 5

On page 3, at the beginning of line 19, change "(2)" to "(2)" and on page 4, delete lines 17 through 19 in their entirety

AMENDMENT NO. 6

On page 5, line 6, between "seniority" and "be" insert "or tenure"

AMENDMENT NO. 7

On page 6, at the end of line 19, change "local school" to "superintendent"

AMENDMENT NO. 8

On page 6, at the beginning of line 20, delete "board"

AMENDMENT NO. 9

On page 7, line 13, between "seniority" and "to be" delete "as a factor" and insert "or tenure as the primary criterion"

AMENDMENT NO. 10

On page 9, line 1, between "subject area" and "area of" delete "or" and insert a comma ","

AMENDMENT NO. 11

On page 9, at the end of line 1, between "**certification**" and the period "." insert "**, particular school need, or geographic area**"

AMENDMENT NO. 12

On page 9, line 5, after "**receive**" delete the remainder of the line and insert "**a higher salary in the year following the evaluation than he received in the year of the evaluation.**"

AMENDMENT NO. 13

On page 9, line 18, between "**teacher**" and "**has**" insert "**or other school employee**"

AMENDMENT NO. 14

On page 9, line 19, between "**board**" and "**policy**" insert "**or special school district**"

AMENDMENT NO. 15

On page 9, line 20, between "**teacher**" and "**shall**" insert "**or other school employee**"

AMENDMENT NO. 16

On page 11, line 6, between "**board**" and "**acquire**" delete "**but may**" and insert "**or the special school district but shall**"

AMENDMENT NO. 17

On page 11, at the end of line 21, after "**respond.**" insert "**The teacher shall have seven days to respond and such response shall be included in the teacher's personnel file.**"

AMENDMENT NO. 18

On page 11, line 28, between "**respond**" and "**the superintendent**" delete "**, at which time**" and insert "**. The teacher shall have seven days to respond, and such response shall be included in the teacher's personnel file. At the end of this seven-day time period.**"

AMENDMENT NO. 19

On page 11, delete line 29, and insert "**teacher's employment. A teacher shall not be terminated for an ineffective evaluation until completion of the grievance procedure established pursuant to R.S. 17:3883(5) if a grievance was timely filed. Upon dismissal, a teacher may request and upon request shall be granted a hearing by**"

AMENDMENT NO. 20

On page 12, line 1, after "**composed of**" delete the remainder of the line, delete lines 2 and 3, and insert "**a designee of the superintendent, a designee of the principal or the administrative head of the state special school in which the teacher was employed, and a designee of the teacher. In no case shall the superintendent, the principal or state special school administrative head, or teacher designate an immediate family member or any full time employee of the school system by which the teacher is employed and who is under the supervision of the person making the designation**"

AMENDMENT NO. 21

On page 12, at the beginning of line 4, delete "**his right to a hearing**"

AMENDMENT NO. 22

On page 12, line 5, after "teacher" change the period "." to a comma "," and delete the remainder of the line and delete lines 6 and 7 and insert "**and shall occur within ten business days after the teacher's dismissal.**"

AMENDMENT NO. 23

On page 12, at the end of line 15, after "hearing." insert "For the purpose of conducting hearings hereunder, the **board panel** shall have the power to issue subpoenas to compel the attendance of all witnesses."

AMENDMENT NO. 24

On page 12, line 17, between "right" and "a" delete "of appeal to" and insert "**to seek supervisory review from**"

AMENDMENT NO. 25

On page 12, line 27, delete "**If a tenure hearing panel**", delete line 28, and at the beginning of line 29, delete "**employment,**" and insert "**The tenure hearing panel shall submit its recommendation to the superintendent, and the superintendent may choose to reinstate the teacher. If the superintendent does not reinstate the teacher,**"

AMENDMENT NO. 26

On page 13, line 2, between "review" and "the action" insert "**whether**"

AMENDMENT NO. 27

On page 13, line 2, between "**superintendent**" and "court" delete ", and the" and insert "**was arbitrary or capricious. The**"

AMENDMENT NO. 28

On page 13, line 4, between "matter." and "If" insert "**The record on review shall be limited to evidence presented to the tenure hearing panel, and the court shall review the matter not later than ten days after the petition has been filed.**"

AMENDMENT NO. 29

On page 13, line 4, between "If the" and "of the" insert "**action**"

AMENDMENT NO. 30

On page 13, line 19, between "system" and "is" insert "**or the special school district**"

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

SENATE BILL NO. 610—

BY SENATOR RISER

AN ACT

To amend and reenact R.S. 47:120.37(A), (C), and (D), relative to the Department of Revenue; to provide for distribution dates for donations from individual state income tax returns to donees; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 610 by Senator Riser

AMENDMENT NO. 1

On page 1, delete lines 9 and 10, and insert the following:

"A. Notwithstanding **any provision set forth in R.S. 47:120.3 through 120.101 or in** any other provisions **provision of this Part law** to the contrary, the designation"

AMENDMENT NO. 2

On page 1, delete lines 15 and 16, and insert the following:

"C. Notwithstanding **any provision set forth in R.S. 47:120.3 through 120.101 or in** any other provisions **provision of this Part law** to the contrary, upon receipt of any"

AMENDMENT NO. 3

On page 2, line 2, after "donor." delete "The" and insert the following:

"**Notwithstanding any provision set forth in R.S. 47:120.3 through 120.101 or in any other provision of law to the contrary, The the**"

March 20, 2012

AMENDMENT NO. 4

On page 2, line 6, after "filed" insert a period "." and delete the remainder of the line and delete lines 7 and 8 in their entirety and insert the following: "Following the initial disbursement of monies, the secretary shall quarterly disburse monies to the designated donees. The provisions of this Subsection shall supercede any other provision of law in Title 47 of the Louisiana Revised Statutes of 1950 to the contrary."

AMENDMENT NO. 5

On page 2, line 10, after "refund donations" delete the comma "," and delete the remainder of the line and delete lines 11 and 12 in their entirety and insert the following: "including but not limited to donations as provided by Subparts G, H, and I of this Part and Part VI of for in Chapter 41 of Title 46 47 of the Louisiana Revised Statutes of 1950, and shall supercede any provision of law to the"

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

Rules Suspended

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS

Senator Daniel R. Martiny, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

March 20, 2012

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

SENATE BILL NO. 120— BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 6:243(B)(4) and (C), relative to state banks; to provide for assets acquired by a bank from a failed or failing bank; to increase the amount property must be valued from one hundred thousand to two hundred fifty thousand dollars before a qualified appraisal on property is annually required; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 164— BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 6:415(B), (C), (D), (F) and (G), and to enact R.S. 6:415(I), relative to banking; to provide certain restrictions and prohibit certain practices; to provide for loans, credit exposure, derivative transactions, restrictions, and rules; to provide certain definitions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 192— BY SENATOR ADLEY

AN ACT

To enact R.S. 37:3650, relative to professions and occupations; to provide for certain licensure of individuals with military training and experience; to provide terms, conditions, procedures and requirements; to provide for licensure by endorsement for spouses of such individuals; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 318—

BY SENATOR MARTINY AND REPRESENTATIVE TALBOT AN ACT

To amend and reenact R.S. 37:701(B), relative to the Louisiana Professional Engineering and Land Surveying Board; to provide powers, duties, and jurisdiction of the Louisiana Professional Engineering and Land Surveying Board; to provide relative to naval architects and marine engineers; and to provide for related matters.

Reported favorably.

Respectfully submitted, DANIEL R. MARTINY Chairman

Rules Suspended

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

Introduction of Senate Bills and Joint Resolutions

SENATE BILL NO. 622— BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 36:202(A) and 203, relative to the Department of Culture, Recreation and Tourism; authorizes the lieutenant governor to perform the duties, functions and responsibilities of the secretary of culture, recreation and tourism; and to provide for related matters.

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

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

March 20, 2012

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. 5— BY SENATOR KOSTELKA AND REPRESENTATIVE SHADOIN A CONCURRENT RESOLUTION

To commend and congratulate Irene Riley Anderson on the celebration of her one hundredth birthday and to honor her lifetime of outstanding accomplishments.

SENATE CONCURRENT RESOLUTION NO. 6—
 BY SENATOR CLAITOR AND REPRESENTATIVE FOIL
 A CONCURRENT RESOLUTION

To commend Mr. and Mrs. Jim de Brueys and family of Baton Rouge, Louisiana, upon their dedication to the legacy and memory of their late son, James Clifton de Brueys.

SENATE CONCURRENT RESOLUTION NO. 7—
 BY SENATORS DORSEY-COLOMB AND BROOME AND REPRESENTATIVE SMITH
 A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana State University football team on culminating an outstanding season by capturing the 2011 SEC Championship and earning a No. 2 national ranking.

SENATE CONCURRENT RESOLUTION NO. 13—
 BY SENATOR MORRELL AND REPRESENTATIVE BROSSETT
 A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Leon "Smokey" Brier, a lifelong resident of the Gentilly neighborhood in New Orleans, Louisiana, and a man of character known for his good deeds and kind heart.

SENATE CONCURRENT RESOLUTION NO. 14—
 BY SENATOR MORRELL AND REPRESENTATIVE BROSSETT
 A CONCURRENT RESOLUTION

To commend Chief Judge Joan Bernard Armstrong on her retirement from the Louisiana State Court of Appeal Fourth Circuit and for thirty-seven years of dedicated service to the judicial system in Louisiana.

SENATE CONCURRENT RESOLUTION NO. 18—
 BY SENATORS ALARIO, ADLEY, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVE GAROFALO
 A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the passing of renowned politician, beloved gentleman, tireless public servant, and former Louisiana State Senator, the Honorable Samuel Bernard "Sammy" Nunez Jr. and to celebrate a life well spent in service to the betterment of the state of Louisiana and the nation.

SENATE CONCURRENT RESOLUTION NO. 19—
 BY SENATORS PETERSON, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES LEGER AND MORENO
 A CONCURRENT RESOLUTION

To recognize March 15, 2012 as Text4baby Day at the Louisiana Legislature.

SENATE CONCURRENT RESOLUTION NO. 21—
 BY SENATOR MORRISH AND REPRESENTATIVE GUINN
 A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Louis F. Gaudet Jr.

SENATE CONCURRENT RESOLUTION NO. 22—
 BY SENATORS THOMPSON AND WARD
 A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of John W. Barton Sr.

Respectfully submitted,
 "JODY" AMEDEE
 Chairman

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

ATTENDANCE ROLL CALL

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Erdey	Nevers
Allain	Gallot	Peacock
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Buffington	LaFleur	Smith, J.
Chabert	Long	Tarver
Claitor	Mills	Thompson
Cortez	Morrell	Walsworth
Crowe	Morrish	Ward
Dorsey-Colomb	Murray	White
Total - 36		

ABSENT

Adley	Donahue	Martiny
Total - 3		

Leaves of Absence

The following leaves of absence were asked for and granted:

Adley	1 Day	Martiny	1 Day
Donahue	1 Day		

Announcements

The following committee meetings for March 21, 2012, were announced:

Education	At Adj	Hainkel Room
Labor and Ind. Rel.	At Adj	Room C
Local and Mun. Affairs	10:00 A.M.	Room F
Natural Resources	At Adj	Room A
Transportation	At Adj	Room E

Adjournment

On motion of Senator Thompson, at 1:25 o'clock P.M. the Senate adjourned until Wednesday, March 21, 2012, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Wednesday, March 21, 2012.

GLENN A. KOEPP
 Secretary of the Senate

DIANE O' QUIN
 Journal Clerk

