

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

**TWENTY-SECOND 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

Monday, April 23, 2012

The Senate was called to order at 4:10 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	Donahue	Nevers
Adley	Dorsey-Colomb	Peacock
Allain	Erdey	Perry
Amedee	Guillory	Peterson
Appel	Johns	Riser
Broome	Kostelka	Smith, G.
Brown	Long	Smith, J.
Buffington	Martiny	Ward
Chabert	Mills	White
Cortez	Morrish	
Crowe	Murray	
Total - 31		

**ABSENT**

Claitor	LaFleur	Thompson
Gallot	Morrell	Walsworth
Heitmeier	Tarver	
Total - 8		

The President of the Senate announced there were 31 Senators present and a quorum.

**Prayer**

The prayer was offered by Dr. Donald Frampton, 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 Chabert, the reading of the Journal was dispensed with and the Journal of April 19, 2012, was adopted.

**Privilege Report of the  
Legislative Bureau**

April 23, 2012

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. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 81—**  
BY REPRESENTATIVE LIGI  
AN ACT

To amend and reenact R.S. 32:1253(A)(2), relative to the Louisiana Motor Vehicle Commission; to provide for membership; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 81 by Representative Ligi

**AMENDMENT NO. 1**

On page 2, line 5, following "shall be" and before "engaged" insert "primarily"

**HOUSE BILL NO. 386—**  
BY REPRESENTATIVE PONTI  
AN ACT

To amend and reenact R.S. 37:2175.1(A)(introductory paragraph), 2175.2(C), and 2175.3(B) and to enact R.S. 37:2175.1(A)(6) and (7) and (D) and 2175.3(A)(9), relative to home improvement contracting; to lower the minimum threshold amount for home improvement contracting; to provide for a right to cancel a contract for home improvement contracting; to require notice of the right to cancel; to provide for refund of payments; to require proof of general liability insurance in a minimum amount; to prohibit a home improvement contractor from advertising or promising to pay or rebate all or any portion of an applicable insurance deductible as an inducement to the sale of goods or service; to provide for nullification of the contract and a cause of action for violations; to provide for an unfair trade practice violation; to provide for remedies for violations; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 386 by Representative Ponti

**AMENDMENT NO. 1**

On page 4, line 18, following "Protection" and before "1" change "Laws" to "Law"

**AMENDMENT NO. 2**

On page 4, line 19, following "provisions of that" and before "1" change "Act" to "Chapter"

Respectfully submitted,  
DANIEL R. MARTINY  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Martiny, the Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

**Introduction of Senate Resolutions**

**SENATE RESOLUTION NO. 71—**  
BY SENATOR ADLEY  
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Master Sergeant Jared Neville Van Aalst upon his tragic and untimely death in Operation Enduring Freedom, and for his brave and heroic service to his country in support of the Global War on Terrorism.

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

Senate Bills and Joint Resolutions on Second Reading

SENATE BILL NO. 749— (Substitute of Senate Bill No. 51 by Senator Guillory)

BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:441(A)(1)(introductory paragraph) and (2)(a)(introductory paragraph) and (b)(introductory paragraph), and 761(A)(1)(introductory paragraph), (2)(a)(introductory paragraph), (3)(introductory paragraph), and (4) and to enact R.S. 11:441(A)(4) and 761(A)(5), relative to retirement eligibility; to provide a schedule of retirement ages for certain members of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide for an effective date; and to provide for related matters.

On motion of Senator Guillory the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 750— (Substitute of Senate Bill No. 328 by Senator Broome)

BY SENATOR BROOME

AN ACT

To enact R.S. 49:953(A)(1)(a)(ix) and 973, relative to administrative procedure; to provide that prior to the adoption, amendment, or repeal of any rule by any state agency that a poverty impact statement be issued; to provide for contents of the poverty impact statement; and to provide for related matters.

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

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 70—

BY SENATOR THOMPSON

A RESOLUTION

To designate May 9, 2012, as "FFA Day" at the legislature and to commend the state officers of FFA.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 65—

BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of a legend and icon in Louisiana legislative politics, Charles L. "Charlie" Smith, lobbyist, political consultant, poet, and writer.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 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 passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB NO. 518

HB NO. 577

HB NO. 594

HB NO. 600

HB NO. 1056

HB NO. 1015

HB NO. 1065

HB NO. 504

HB NO. 509

HB NO. 543

HB NO. 634

HB NO. 692

HB NO. 698

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 504—

BY REPRESENTATIVE DOVE

AN ACT

To amend and reenact R.S. 30:5.1, relative to pooling of oil and gas wells; to provide for authority of the commissioner of conservation to create such pools; to provide for applications, allocation of costs, and rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 509—

BY REPRESENTATIVE LORUSSO

AN ACT

To enact R.S. 18:1461.5(A)(4), relative to elections; to prohibit certain conduct relative to the withdrawal from an election of a candidate for public office; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 518—

BY REPRESENTATIVE LOPINTO

AN ACT

To amend and reenact R.S. 15:572.1(A)(1) and 574.2(A), (B), (C)(1), (2)(introductory paragraph), and (3), (D)(introductory paragraph), (4), (9), and (11), (E), (F)(1)(introductory paragraph), (G), and (H)(1) and (2), relative to the Board of Pardons; to merge the functions and duties of the Board of Parole into the Board of Pardons; to create a committee on parole; to provide for the membership, duties, and functions of the committee on parole; to provide for transitional provisions; and to provide for related matters.

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

HOUSE BILL NO. 543—

BY REPRESENTATIVES SMITH AND TERRY LANDRY

AN ACT

To amend and reenact R.S. 15:574.4(B), relative to parole; to amend provisions relative to parole eligibility for certain offenders; to provide for parole eligibility for offenders sentenced to life imprisonment; to provide for exceptions; to provide for conditions for eligibility; and to provide for related matters.

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

HOUSE BILL NO. 577—

BY REPRESENTATIVES LOPINTO, HAZEL, HONORE, AND NORTON

AN ACT

To amend and reenact R.S. 14:403(A) and Children's Code Article 603(15)(introductory paragraph) and (d) and 610(A) and (E)(1) and (2) and to enact Children's Code Article 603(15)(j), relative to the reporting of abuse of children; to provide relative to the

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reporting of the abuse or neglect of children; to provide for criminal penalties; to provide relative to the reporting of sexual abuse of children; to provide for definitions; to amend the definition of "mandatory reporter" for purposes of reporting abuse of children; and to provide for related matters.

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

**HOUSE BILL NO. 594—**

BY REPRESENTATIVE LOPINTO

AN ACT

To enact Code of Criminal Procedure Article 718.1 and to repeal R.S. 46:1845, relative to discovery; to provide relative to discovery procedures in certain criminal cases; to prohibit the reproduction of certain evidence in certain cases involving pornography involving juveniles, video voyeurism, and obscenity; and to provide for related matters.

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

**HOUSE BILL NO. 600—**

BY REPRESENTATIVES NORTON, ADAMS, BADON, BARROW, BILLIOT, WESLEY BISHOP, BROWN, BURRELL, CHANEY, COX, DIXON, GAROFALO, GISCLAIR, GUILLORY, HENRY, HOFFMANN, HOLLIS, HONORE, HOWARD, KLECKLEY, TERRY LANDRY, LORUSSO, MACK, MORENO, ORTEGO, PIERRE, PYLANT, REYNOLDS, ROBIDEAUX, SEABAUGH, SMITH, TALBOT, THOMPSON, ALFRED WILLIAMS, AND WILLMOTT

AN ACT

To enact R.S. 14:403.7 and 403.8, relative to missing or deceased children; to create a crime for the failure to report a missing child; to provide for presumptions; to create a crime for the failure to report a deceased child; to provide for definitions; to provide for penalties; to provide for exceptions; and to provide for related matters.

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

**HOUSE BILL NO. 634—**

BY REPRESENTATIVE HUVAL

AN ACT

To repeal R.S. 22:269(B)(2) and (5), relative to certain fees for health maintenance organizations; to remove conflicting provisions for such fees.

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

**HOUSE BILL NO. 692—**

BY REPRESENTATIVE ALFRED WILLIAMS

AN ACT

To amend and reenact R.S. 17:3396.4(A)(introductory paragraph) and (6) and to enact R.S. 17:3396.4(A)(7), relative to the Research Park Corporation; provides relative to membership of the board of directors; to add the designee of the chief executive officer of the Baton Rouge Area Chamber to the board membership; to provide for recusal of voting for such designee; and to provide for related matters.

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

**HOUSE BILL NO. 698—**

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 42:441(2) and (3), 442, 443(A), (C), (D), and (F), 445(A), and 447, relative to the state employee leave transfer program; to allow for the donation, receipt, and use of compensatory leave; and to provide for related matters.

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

**HOUSE BILL NO. 1015—**

BY REPRESENTATIVE LIGI

AN ACT

To amend and reenact R.S. 32:1253(A)(1)(introductory paragraph), relative to the Louisiana Motor Vehicle Commission; to provide relative to membership; and to provide for related matters.

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

**HOUSE BILL NO. 1056—**

BY REPRESENTATIVE FRANKLIN

AN ACT

To enact R.S. 47:463.155, relative to prestige license plates; to provide for the Free and Accepted Mason license plate; to provide for qualified applicants; to provide for rules and regulations; and to provide for related matters.

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

**HOUSE BILL NO. 1065—**

BY REPRESENTATIVE BROADWATER

AN ACT

To amend and reenact R.S. 12:1607(A) and (D), relative to the professional licenses of business entities after a conversion; to clarify the provisions of law regarding the updating of a professional license after the conversion of a domestic business entity; to provide for a surviving entity following a merger where the ownership of the entity does not change; to provide for retroactivity; 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

**HOUSE BILL NO. 47—**

BY REPRESENTATIVE MACK

AN ACT

To amend and reenact R.S. 14:98(C)(1)(introductory paragraph) and to enact R.S. 14:98(C)(4), relative to operating a vehicle while intoxicated; to provide for a minimum mandatory prison sentence and treatment for certain offenses of operating a vehicle while intoxicated; 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. 236—**

BY REPRESENTATIVE HODGES

AN ACT

To amend and reenact R.S. 17:280 and to enact R.S. 17:3996(B)(30), relative to instruction in public schools regarding Internet and cell phone safety; to provide relative to guidelines and teaching materials for such instruction; to provide for limitation of liability; 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. 255—**

BY REPRESENTATIVES LEGER, ABRAMSON, BROSSETT, LORUSSO, AND MORENO AND SENATORS MORRELL AND MURRAY

AN ACT

To authorize and provide for the transfer of certain property of the Orleans Parish School Board; to specify the property which may be transferred and the authorized recipient of the property; to provide terms and conditions; and to provide for related matters.

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

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HOUSE BILL NO. 441—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 14:40.2(F), (G), (H), and (I), R.S. 46:2136(D) and (F), and Code of Criminal Procedure Article 327.1 and to enact R.S. 14:40.2(J) and Code of Criminal Procedure Article 335.2, relative to the issuance of abuse prevention orders; to provide relative to abuse prevention orders in cases of domestic abuse and stalking; to provide relative to the effective term of certain portions of a protective order in cases of domestic abuse; to provide for procedures; to provide for a hearing and notice; to provide for conditions of release in stalking cases; 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. 464—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Code of Civil Procedure Article 123(A) and Civil Code Article 38 and to enact Code of Civil Procedure Articles 593.1 and 593.2, relative to civil procedure; to provide relative to venue; to provide relative to domicile; to provide for the domicile of juridical persons; to provide for certain procedures for class actions; and to provide for related matters.

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

HOUSE BILL NO. 586—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 32:405.1, relative to age requirements of Class "E" driver's license; to increase the age of which a person must submit a signed statement attesting to supervised driving practice; and to provide for related matters.

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

HOUSE BILL NO. 782—
BY REPRESENTATIVE CONNICK
AN ACT

To amend and reenact R.S. 37:212(A)(introductory paragraph), (1), and (2)(a) and (b) and to enact R.S. 37:212(A)(2)(e), (f), and (g), (3), and (E) and (F) and R.S. 37:213(A)(8), relative to contracts for collecting or settling certain debts; to provide relative to definitions; to provide that certain activities related to debt settlement or collection shall be considered the practice of law; to provide for exceptions; and to provide for related matters.

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

HOUSE BILL NO. 923—
BY REPRESENTATIVE PONTI
AN ACT

To amend and reenact R.S. 37:3552, 3553, 3554(A), (B), (D), (E), and (F), 3555, 3556, 3557, 3558(A), (B), and (D), 3559, 3561, 3563, 3564, 3565, and 3566(B) and (C) and to repeal R.S. 37:3560, relative to massage therapy; to provide for definitions; to provide for applicability of the Louisiana Massage Therapists and Massage Establishment Act; to provide for exemptions; to provide for the Louisiana Board of Massage Therapy; to provide for membership of the board; to provide for the powers and duties of the board; to require licensure for persons performing massage therapy; to provide for licensure for massage establishments; to establish licensure requirements; to provide for an examination; to provide for licensing regulations; to provide for the expiration and renewal of licenses; to provide for inactive status; to provide for disciplinary actions; to regulate advertising as a massage therapist or a massage establishment; to provide for penalties; to provide for injunctions; and to provide for related matters.

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

House Concurrent Resolutions on
Second Reading

HOUSE CONCURRENT RESOLUTION NO. 29—
BY REPRESENTATIVE MACK
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility of adding two lanes to Highway 190, beginning at the Tangipahoa Parish line and ending at the East Baton Rouge Parish line.

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

HOUSE CONCURRENT RESOLUTION NO. 49—
BY REPRESENTATIVES ORTEGO, BARRAS, CHAMPAGNE, HUVAL,
JONES, TERRY LANDRY, AND LEBAS
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study Bayou Teche for possible inclusion into the Historic and Scenic Rivers program.

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

HOUSE CONCURRENT RESOLUTION NO. 69—
BY REPRESENTATIVE LIGI
A CONCURRENT RESOLUTION

To amend the Department of Health and Hospitals, Board of Medical Examiners, rule (LAC 46:XLV.3149), which provides for limitations on examinations of an applicant for certification as an athletic trainer, and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

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

HOUSE CONCURRENT RESOLUTION NO. 99—
BY REPRESENTATIVE BARROW
A CONCURRENT RESOLUTION

To recognize April of 2012 as Sarcoidosis Awareness Month in Louisiana and to commend the Sarcoidosis Awareness Support Group of Greater Baton Rouge.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dorsey-Colomb, Murray. Lists names of members present for yeas.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, LaFleur, Walsworth. Lists names of members absent.

Crowe Peacock  
 Gallot Thompson  
 Total - 10

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON  
 EDUCATION**

Senator Conrad Appel, Chairman on behalf of the Committee on Education, submitted the following report:

April 19, 2012

To the President and Members of the Senate:

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

**SENATE BILL NO. 62—**  
 BY SENATOR APPEL AND REPRESENTATIVE CARTER  
 AN ACT

To enact R.S. 49:191(6)(a) and to repeal R.S. 49:191(4)(h), relative to the Department of Education, including provisions to provide for the re-creation of the Department of Education 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. 268—**  
 BY SENATOR LAFLEUR  
 AN ACT

To amend and reenact R.S. 25:376, 379.4 and 1245, and to enact R.S. 25:380.3(C), 380.24(C), 380.34(C), 380.54(C), 380.64(C), 380.74(C), 380.84(C), 380.94(C), 380.104(C), 380.114(C), 380.124(C), 380.134(C), 380.154(C) and 380.165(C), relative to operations of the Old State Capitol and certain museums; to authorize the secretary of state to temporarily close the Old State Capitol and certain museums under his jurisdiction when no funds are appropriated for the operation of such facilities; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 461—**  
 BY SENATOR WALSWORTH  
 AN ACT

To amend and reenact R.S. 17:151(B), relative to public schools; to provide for pupil-classroom-teacher ratios; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 579—**  
 BY SENATORS ADLEY AND PERRY  
 AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(b)(i), (c)(i), (d)(i) and (4)(a)(iii), (B)(3)(a), (P)(1)(c), (2)(b), (3)(b) and (4)(b), (Q)(1)(d), and (V)(1)(c), relative to the Taylor Opportunity Program for Students; to provide for initial award eligibility and continuing eligibility for certain students who reenlist in the United States Armed Forces and maintain continuous active duty under certain circumstances; to extend the length of time required to claim or maintain an award for certain students on active duty under certain circumstances; to provide for applicability; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 635—**  
 BY SENATOR LAFLEUR  
 AN ACT

To amend and reenact R.S. 17:3802(C)(5), relative to the Louisiana Quality Education Support Fund; to provide for payment of certain costs attributable to the State Board of Elementary and Secondary Education related to the use of external peer-review consultants; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 685—**  
 BY SENATOR LONG  
 AN ACT

To enact R.S. 17:406.7, relative to parent-teacher conferences; to require parents to attend at least one conference each year; to require local school boards to adopt rules; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 712—**  
 BY SENATOR LAFLEUR  
 AN ACT

To enact Part II-C of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1970.31 through 1970.34, relative to establishment of an international school; to provide for legislative intent; to create an exploratory committee to develop an implementation plan for an international school; to provide for membership, duties and functions of such committee regarding the establishment of such school; to provide for an effective date to begin operation of the school; to provide for a report; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
 CONRAD APPEL  
 Chairman

**REPORT OF COMMITTEE ON  
 LABOR AND INDUSTRIAL RELATIONS**

Senator A. G. Crowe, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

April 19, 2012

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

**HOUSE BILL NO. 89—**  
 BY REPRESENTATIVE LIGI  
 AN ACT

To enact Part IV of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:67.1 and 67.2, relative to collective bargaining involving public entities; to provide relative to acceptance or offering for acceptance of certain collective bargaining agreements; to provide for public availability of certain documents; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 298—**  
 BY REPRESENTATIVE BROADWATER  
 AN ACT

To amend and reenact R.S. 23:1127(C)(3), relative to written communication in workers' compensation claims; to provide for

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transmission by electronic mail in certain circumstances; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 737—**  
BY REPRESENTATIVE BROADWATER  
AN ACT

To amend and reenact R.S. 23:1231(B)(2) and to enact R.S. 23:1231(B)(3) and 1251(3), relative to workers' compensation; to provide death benefits to living descendants of a deceased employee; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
A. G. CROWE  
Chairman

**REPORT OF COMMITTEE ON**

**LOCAL AND MUNICIPAL AFFAIRS**

Senator Yvonne Dorsey-Colomb, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

April 19, 2012

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

**SENATE BILL NO. 405—**  
BY SENATOR BUFFINGTON  
AN ACT

To enact R.S. 33:2481.5 and 2541.2, relative to the municipal fire civil service; to authorize the municipal governing authority to create the position of chief of administration of fire department; to provide that the position is appointed on a competitive basis; to provide relative to the appointment, supervision, and discharge of any person in any such position; to provide relative to the qualifications, duties, and responsibilities for such position; to provide relative to reinstatement to previous class of positions; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 447—**  
BY SENATORS PETERSON, APPEL, MARTINY AND MORRELL AND REPRESENTATIVES ADAMS, BILLIOT, CONNICK, HENRY, LEOPOLD, LIGI, LOPINTO, LORUSSO, TALBOT AND WILLMOTT  
AN ACT

To amend and reenact R.S. 33:5062 and 5063, relative to ordinances requiring property be maintained in a safe and sanitary condition; to provide for the governing authority of a municipality to require that property is maintained by its owners; to provide for definitions; to provide for notice; and to provide for related matters.

Reported by substitute.

**SENATE BILL NO. 524—**  
BY SENATOR HEITMEIER  
AN ACT

To amend and reenact R.S. 33:180(B), relative to annexation of territory owned by a public body; to provide for the authority to exclude certain territory from annexation; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 564—**  
BY SENATOR GALLOT  
AN ACT

To enact R.S. 33:9038.66, relative to the city of Grambling; to create the Grambling Legends Square Taxing District; to provide for the governing authority of the city of Grambling to create a special taxing district; to provide relative to the purpose and boundaries of the district; to provide for the governance, powers, and duties of the district; to provide for definitions; to provide for taxes to be levied by the district and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 683—**  
BY SENATOR GARY SMITH  
AN ACT

To amend and reenact R.S. 38:1607(C) and to repeal Section 2 of Act 319 of the 2011 Regular Session of the Louisiana Legislature, relative to the Sunset Drainage District in St. Charles Parish; to require request of board of commissioners of the Sunset Drainage District before the parish council begins process to become district's governing authority; to repeal the sunset date for parish council to act; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 714—**  
BY SENATOR BROOME  
AN ACT

To amend and reenact R.S. 40:600.87(8), and 600.91(A)(18)(c),(27), and (28)(b)(ii), and to enact R.S. 40:600.91(E), relative to the Louisiana Housing Corporation Act; to provide for the definition of "persons or families of low or moderate income"; to provide for the powers and duties of the corporation; to provide for members on the commission; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 725—**  
BY SENATOR GALLOT  
AN ACT

To enact Subpart B-47 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.851, relative to economic and industrial development districts; to provide for the inclusion of municipal areas in certain parish economic and industrial development districts; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 217—**  
BY REPRESENTATIVE PUGH  
AN ACT

To enact R.S. 33:3887.6, relative to Tangipahoa Parish; to provide relative to the governing board of the Tangipahoa Parish Sewerage District No. 1; to increase the maximum per diem authorized to be paid to members of such board for attending board meetings; to provide relative to the number of meetings for which board members may be paid; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 309—**  
BY REPRESENTATIVE JAMES  
AN ACT

To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create the Park Forest Crime Prevention and Improvement District in East Baton Rouge Parish; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to the powers and duties of the district; to provide for the levy of a parcel fee within the district; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 320—**  
BY REPRESENTATIVE DANAHAY  
AN ACT

To enact R.S. 25:151(B)(4) and (C)(3), relative to the Calcasieu Parish Library; to provide relative to the disposition of surplus library books; to authorize the library, subject to the approval of its governing board, to sell such books; to provide relative to the disposition of proceeds collected from such sales; to provide relative to the location of such sales; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 456—**  
BY REPRESENTATIVES BURRELL AND RICHARD  
AN ACT

To repeal R.S. 33:4874 and R.S. 48:492 through 495, relative to revision of local government laws pursuant to House Concurrent Resolution No. 218 of the 2009 Regular Session of the Legislature; to repeal certain obsolete or ineffective provisions, specifically provisions relative to the power of local governments to punish vagrancy and provisions for laying out of public roads by a jury of freeholders, including provisions for an oath, for compensation of owners, for an appeal, and for the width of the roads and causeways; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
YVONNE DORSEY-COLOMB  
Chairman

**REPORT OF COMMITTEE ON  
NATURAL RESOURCES**

Senator Gerald Long, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

April 19, 2012

To the President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 31—**  
BY SENATORS CROWE, DONAHUE AND NEVERS AND  
REPRESENTATIVES TIM BURNS, HOLLIS, SCHRODER AND SIMON  
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to urge the United States Army Corps of Engineers, New Orleans District, to follow the recommendations of the Louisiana Department of Natural Resources, office of coastal management, as to the implementation of fair and reasonable regulations on wetland habitat assessment and compensation for wetland impacts.

Reported favorably.

**SENATE BILL NO. 202—**  
BY SENATOR MORRISH  
AN ACT

To amend and reenact R.S. 56:435.1.1(A), relative to oyster harvesting in Calcasieu Lake; to remove the time limitation on the issuance of special permits for oyster harvesting in Calcasieu Lake; to remove the limitations on the number of special permits issued; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 219—**  
BY SENATOR JOHNS  
AN ACT

To authorize McNeese State University to transfer certain state property to the Chennault International Airport Authority; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 370—**  
BY SENATOR CROWE  
AN ACT

To amend and reenact R.S. 56:105(A), relative to wild birds and wild quadrupeds; to provide for special permits and licenses; to provide for special permits and licenses for the entertainment industry to take and possess certain wildlife; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 505—**  
BY SENATOR ADLEY  
AN ACT

To amend and reenact R.S. 30:10(A)(2)(e), relative to minerals, oil, and gas; to provide for the agreements for drilling units; to provide for pooling interests; to provide for the election not to participate in a unit well; to provide for payment to certain royalty owners; to provide terms and conditions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 530—**  
BY SENATOR PEACOCK  
AN ACT

To enact Part 6 of Chapter 13 of Title 31 of the Louisiana Revised Statutes of 1950, comprised of R.S. 31:216, relative to mineral rights and interests; to provide relative to certain unsolicited offers for lease or purchase of mineral rights or interests; to provide certain terms, conditions, requirements, and effects of such unsolicited offers; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 661—**  
BY SENATOR JOHNS  
AN ACT

To authorize the Chennault International Airport Authority to transfer certain property to the governing authority of the city of Lake Charles; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 733—**  
BY SENATOR CHABERT  
AN ACT

To amend and reenact R.S. 56:578.2(A), (B), and (C) and to enact R.S. 56:578.2(F), relative to the Louisiana Seafood Promotion and Marketing Board; to provide for its membership; to provide for the election of its officers; to provide for certain term limits for officers; to provide certain requirements, terms, and conditions; and to provide for related matters.

Reported with amendments.

**HOUSE CONCURRENT RESOLUTION NO. 31—**  
BY REPRESENTATIVE ST. GERMAIN  
A CONCURRENT RESOLUTION

To approve the Atchafalaya Basin Annual Basin Plan for Fiscal Year 2012-2013, as adopted by the Atchafalaya Basin Research and Promotion Board and the Coastal Protection and Restoration Authority.

April 23, 2012

Reported favorably.

**HOUSE BILL NO. 71—**  
BY REPRESENTATIVE BERTHELOT  
AN ACT

To enact R.S. 40:1602, relative to the state fire marshal; to authorize the state fire marshal to issue a burn ban; to authorize the state fire marshal and the commissioner of agriculture to issue civil fines for violations; to provide for the amount of the civil fine; to provide for the appeal of the civil fines; to provide for the deposit of monies collected in the Life Safety and Property Protection Trust Fund; to exempt prescribed burning; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 111—**  
BY REPRESENTATIVE GUILLORY  
AN ACT

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

Reported favorably.

**HOUSE BILL NO. 571—**  
BY REPRESENTATIVE ST. GERMAIN  
AN ACT

To amend and reenact R.S. 30:2000.6(A)(11) and (12) and (D) and 2000.11(B), relative to the Atchafalaya Basin Research and Promotion Board; to provide relative to voting members of the board; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 809—**  
BY REPRESENTATIVE HAVARD  
AN ACT

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

Reported favorably.

Respectfully submitted,  
GERALD LONG  
Chairman

**REPORT OF COMMITTEE ON**

**TRANSPORTATION, HIGHWAYS AND  
PUBLIC WORKS**

Senator Robert Adley, Chairman on behalf of the Committee on Transportation, Highways and Public Works, submitted the following report:

April 19, 2012

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways and Public Works to submit the following report:

**SENATE BILL NO. 335—**  
BY SENATOR MORRISH  
AN ACT

To amend and reenact R.S. 32:1256 and to enact R.S. 32:1256.1, relative to the Motor Vehicle Commission; to provide relative to recreational vehicles; and to provide for related matters.

Reported by substitute.

**SENATE BILL NO. 404—**  
BY SENATOR MARTINY  
AN ACT

To amend and reenact R.S. 38:2211(A)(12), relative to public contracts; to provide relative to letting contracts for public works; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 483—**  
BY SENATOR PERRY  
AN ACT

To enact R.S. 32:127.2, relative to golf carts; to authorize operation of golf carts on roadways within Palmetto Island State Park; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 486—**  
BY SENATOR PERRY  
AN ACT

To enact R.S. 32:414(D)(1)(c), relative to offenses involving operating a vehicle while intoxicated; to provide relative to a hardship license for certain persons convicted of certain offenses involving operating a vehicle while intoxicated; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 488—**  
BY SENATOR PERRY  
AN ACT

To amend and reenact R.S. 32:414(A)(1)(c)(ii), relative to denial of driving privileges; to provide with respect to eligibility for a restricted license by persons convicted of certain crimes involving operating a vehicle while intoxicated; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 489—**  
BY SENATOR PERRY  
AN ACT

To amend and reenact the introductory paragraph of R.S. 32:668(A), relative to hearing procedures following revocation or denial of drivers' licenses; to provide relative to testimony of law enforcement officers; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 599—**  
BY SENATOR ADLEY  
AN ACT

To amend and reenact R.S. 36:508.2(A) and R.S. 48:1161; to enact R.S. 36:509(F)(11), R.S. 48:25.1, 197, 1161.1 and 1167.1; to repeal R.S. 33:2201(B)(17), R.S. 35:408, R.S. 36:504(A)(9) and 509(M), R.S. 47:820.5, 820.5.2, and 820.5.3, and R.S. 48:1092.1 and 1101.1, relative to the Department of Transportation and Development; provides relative to termination of the Crescent City Connection Division; provides relative to the Crescent City Connection Bridge and ferries; provides relative to the Mississippi River Bridge Authority; provides relative to transfer of funds, property, buildings, and improvements; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 634—**  
BY SENATOR MORRISH  
AN ACT

To amend and reenact R.S. 32:707(I)(1)(f) and R.S. 45:164(A), 178, and 200.3, and to enact R.S. 32:707(N) and R.S. 47:469.1, relative to vehicles; to prohibit operation of vehicles issued a



reconstructed title as a motor carrier of passengers or as a public carrier vehicle; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 698—  
BY SENATORS MORRISH AND JOHNS AND REPRESENTATIVE KLECKLEY

AN ACT

To enact R.S. 34:218 and 219, relative to the Lake Charles Harbor and Terminal District; to provide for additional powers and authority of the district; to provide for the Calcasieu River and Pass Project; to provide for the acquisition of certain lands; to provide terms, conditions, and requirements; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
ROBERT ADLEY  
Chairman

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

LOUISIANA ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES, INC.  
320 Third Street, Suite 104  
Baton Rouge, LA 70801-1307

February 27, 2012

The Honorable John Alario  
President  
Louisiana Senate  
Post Office Box 94004  
Baton Rouge, LA 70804-9004

Dear President Alario:

In accordance with R.S. 42:1132, the presidents or their designees of Centenary College, Dillard University, Louisiana College, New Orleans Baptist Theological Seminary, Our Lady of Holy Cross College, Our Lady of the Lake College, Saint Joseph Seminary College, Tulane University, and Xavier University constitute the nominating committee for the Louisiana Board of Ethics. By law, this nominating committee must submit at least five names to the Louisiana Senate for its consideration as Board of Ethics members whenever a vacancy occurs or terms expire. The current terms for the Board of Ethics members elected by the Senate expired January 1, 2012.

The nominating committee met on February 22, 2012 on the campus of Our Lady of the Lake College and voted to recommend 14 individuals for consideration.

As required by law, we are submitting to you on this date, February 27, 2012 the names of these 14 nominees. We consider it an honor to participate in the nomination process of this extremely important board. Thank you.

Sincerely,  
DR. SANDRA HARPER  
Chair, Nominating Committee  
President, Our Lady of the Lake College

LOUISIANA BOARD OF ETHICS NOMINEES SENATE A

Mr. Robert P. Bareikis  
302 Linden Street  
Shreveport, LA 71104

Mr. James C. "Jim" Brandt  
233 West Woodgate Court  
Baton Rouge, LA 70808

Ms. Linda Singler Holyfield  
3313 Deborah Drive  
Monroe, LA 71201

Mr. Robert Van McAnelly  
1136 Richland Avenue  
Baton Rouge, LA 70806

Ms. Ashley Kennedy Shelton  
13929 Kimbleton Avenue  
Baton Rouge, LA 70817

Mr. John A. Vallien  
1676 Lawrence  
Opelousas, LA 70570

Mr. Randall Logan Walker  
7325 Hampson Street  
New Orleans, LA 70118

LOUISIANA BOARD OF ETHICS NOMINEES SENATE B

Ms. Sandra C. Adams  
6214 Esplanade Avenue  
Baton Rouge, LA 70806

Ms. Jocelyn Renea Austin-Duffin  
19026 Epernay Court  
Baton Rouge, LA 70817

Mr. Scott O. Brame  
4602 Wellington Blvd.  
Alexandria, LA 71303

Mr. William J. Broussard  
323 Atkins Drive  
Shreveport, LA 71104

Mr. Ben R. Miller Jr.  
6704 Audubon Circle  
Baton Rouge, LA 70806

Mr. Yancey B. Nolan Sr.  
1403 Willis Street West  
Monroe, LA 71291

Ms. Stephanie Robinson  
4750 Sharp Road  
Mandeville, LA 70471

WILLIAM BROUSSARD, PH.D.

March 7, 2012

The Honorable John Alario  
President  
Louisiana Senate

Ms. Yolanda Dixon  
First Assistant Secretary of the Senate

Dear President Alario,

I wish to withdraw my name as a nominee for election by the Louisiana Senate to the Louisiana State Board of Ethics.

I am no longer the athletic director at Centenary College. I resigned my position there last month to pursue an opportunity in college athletics/higher education more suitable to my training, background, and strengths.

Because of the uncertainties associated with several new job opportunities, I believe this would not be the best time for me or for the Louisiana Senate to consider electing me to the Louisiana State Board of Ethics. I am honored to have been nominated and hope that a better opportunity for me to seek election will present itself in the coming years.

Thank you for your consideration, and more importantly, your leadership and service.

Sincerely,  
WILLIAM BROUSSARD, PH.D.  
Shreveport, Louisiana

**DR. ROBERT P. BAREIKIS**

March 14, 2012

RE: Ethics Board

Dear Senate and Governmental Affairs Committee:

I have received a notice that I have been nominated for a seat on the state Ethics Board. I regret to say that my present circumstances will prevent me from being considered. I wish you good success in finding another candidate for this important post. Please send me a confirmation that you have received this notice.

DR. ROBERT P. BAREIKIS

**SANDRA C. ADAMS**  
6214 Esplanade Avenue  
Baton Rouge, LA 70806

March 23, 2012

The Honorable John Alario  
President, Louisiana Senate  
P.O. Box 94183  
Baton Rouge, LA 70804

Dear Senator Alario:

The Louisiana Association of Independent Colleges asked me to consider a nomination for the Louisiana Board of Ethics late last year and I was pleased to accept. Since that time, a number of complications have arisen in the form of family obligations that would prevent me from serving, should I be appointed.

I respectfully ask that you delete my name from the list of those the Senate is considering for this important appointment.

Sincerely,  
SANDRA C. ADAMS

**LINDA SINGLER HOLYFIELD, RN, MSN**  
3313 Deborah Drive  
Monroe, Louisiana 71201

April 16, 2012

Senator Lee "Jody" Amedee  
Chairman, Senate and Government Affairs Committee  
P. O. Box 94183  
Baton Rouge, LA 70804

Mary Ann Coleman, President  
Louisiana Association of Independent Colleges & Universities  
320 3rd Street, Suite 104  
Baton Rouge, LA 70801

RE: Nomination for Louisiana Board of Ethics

Dear Senators and Mrs. Coleman:

I am very honored that my name was submitted as a nominee for the Louisiana Board of Ethics. But after a significant amount of deliberation and prayer, I respectfully request that my name be removed from nomination for the following reason:

- I currently serve as the volunteer President of the University of Louisiana @ Monroe Foundation, a 501(c)(3) organization that exists to support the advancement of the university. My term expires in January 2014.
- I have received inconsistent opinions as to whether or not my service on the Ethics Board, if I were to be selected, would require my resignation from my current ULM commitment.
- Although I would be honored to serve on the Ethics Board, I believe strongly that the right thing to do would be to complete my current leadership commitment to ULM.

Thank you for your consideration.

Respectfully Submitted,  
LINDA S. HOLYFIELD

**Reports of Committees**

The following reports of committees were received and read:

**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:

April 23, 2012

To the President and Members of the Senate:

Gentlemen and Ladies:

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

Pursuant to a meeting held on April 18, 2012, the Committee on Senate and Governmental Affairs recommends that the following nominees be elected to fill the vacancies on the Louisiana Board of Ethics as provided by R.S. 42:1132:

List A  
Mr. Robert Van McAnelly  
Baton Rouge, LA

List B  
Ms. Jocelyn Renea Austin-Duffin  
Baton Rouge, LA

Respectfully submitted,  
LEE "JODY" AMEDEE,  
Chairman

**Motion to Elect**

Senator Amedee moved to elect Mr. Robert Van McAnelly to the Louisiana Board of Ethics.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 35

**NAYS**

Total - 0

**ABSENT**

Claitor	LaFleur
Gallot	Thompson

Total - 4

The Chair declared Mr. Robert Van McAnelly was elected.

**Motion to Elect**

Senator Amedee moved to elect Ms. Jocelyn Renea Austin-Duffin to the Louisiana Board of Ethics.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 35

**NAYS**

Total - 0

**ABSENT**

Gallot	LaFleur
Guillory	Thompson

Total - 4

The Chair declared Ms. Jocelyn Renea Austin-Duffin was elected.

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

**SENATE BILL NO. 5—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact Code of Criminal Procedure Article 793, 801, and 808, relative to jury trials; to provide for use of evidence during jury deliberations; to provide for note taking; to provide for evidence in jury room; to provide for jury charges; 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	Donahue	Murray
Adley	Dorsey-Colomb	Nevers
Allain	Erdey	Peacock
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Buffington	Long	Smith, J.
Chabert	Martiny	Tarver
Claitor	Mills	Thompson
Cortez	Morrell	Walsworth
Crowe	Morrish	

Total - 35

**NAYS**

Total - 0

**ABSENT**

Gallot	Ward
LaFleur	White

Total - 4

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

**SENATE BILL NO. 33—**  
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:102(B)(1), 103(B)(1), 448(A), 450(B), 787(A)(1), 1152(E) and (H), 2221(E)(1)(a), and 2257(E), relative to deferred retirement option plans or programs; to provide for employer contributions in state and statewide retirement systems pursuant to such plans or programs; to require employer contributions to continue during any employee's participation in such a plan or program; to provide for an effective date; and to provide for related matters.

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

**SENATE BILL NO. 47—**  
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:403(5) and 701(5)(b) through (e) and to enact R.S. 11:701(5)(f) and Subpart P of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:331, relative to certain members of the Louisiana State Employees' Retirement System and certain postsecondary education members of the Teachers' Retirement System of Louisiana; to provide with respect to benefit calculation; to provide an effective date; and to provide for related matters.

April 23, 2012

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

SENATE BILL NO. 52—  
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:62(5)(a), (c), and (e) and (11)(c) and to enact R.S. 11:62(11)(d), R.S. 11:102(D), and Subpart P of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:331, relative to certain members of the Louisiana State Employees' Retirement System and certain postsecondary education members of the Teachers' Retirement System of Louisiana; to increase employee contribution rates; and to provide for related matters.

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

SENATE BILL NO. 144—  
BY SENATOR MILLS

AN ACT

To enact R.S. 47:337.11.2, relative to the sales and use tax of political subdivisions of the state; to provide for a conditional phased-in exemption for certain inhibitors and complex biologics; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 144 by Senator Mills

AMENDMENT NO. 1

On page 2, line 9, following "Louisiana" and before "Law" insert "State"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator Mills proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mills to Engrossed Senate Bill No. 144 by Senator Mills

AMENDMENT NO. 1

On page 1, lines 2 and 6, change "337.11.2" to "337.11.4"

AMENDMENT NO. 2

On page 1, line 7, change "337.11.2" to "337.11.4"

On motion of Senator Mills, the amendments were adopted.

Floor Amendments

Senator Mills proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mills to Engrossed Senate Bill No. 144 by Senator Mills

AMENDMENT NO. 1

On page 1, line 8, change "secretary of the Department of Revenue" to "executive director of the Louisiana Association of Tax Administrators"

AMENDMENT NO. 2

On page 2, line 6, change "secretary" to "executive director" in both places

On motion of Senator Mills, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Crowe	Perry
Adley	Donahue	Riser
Allain	Dorsey-Colomb	Smith, G.
Amedee	Heitmeier	Smith, J.
Broome	Johns	Tarver
Brown	Long	Thompson
Buffington	Mills	Walsworth
Chabert	Morrell	White
Cortez	Peacock	
Total - 26		

NAYS

Appel	Kostelka	Nevers
Claitor	Martiny	Peterson
Erdey	Murray	
Total - 8		

ABSENT

Gallot	LaFleur	Ward
Guillory	Morrish	
Total - 5		

The Chair declared the amended bill was passed, ordered reengrossed and 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. 177—  
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 47:1705(B)(2)(c)(i) and (ii), relative to information provided regarding millage rates; to provide relative to certain notice publication deadline to the public in any year in which a tax recipient body intends to consider the levy of additional or increased millage rates without voter approval; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 177 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "reenact" insert "the introductory paragraph of"

AMENDMENT NO. 2

On page 1, line 8, after "Section 1." insert "The introductory paragraph of"

AMENDMENT NO. 3

On page 2, line 21, following "this" and before "and" change "Subsection, if" to "Subsection if"

On motion of Senator Martiny, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 35

**NAYS**

Total - 0

**ABSENT**

Claitor	LaFleur
Gallot	Morrell

Total - 4

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

**SENATE BILL NO. 243—**  
BY SENATOR MARTINY

**AN ACT**

To enact R.S. 14:131.1, relative to the failure to report certain crimes; to create the crime of failure to report the commission of certain felonies; to provide for penalties; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dorsey-Colomb	Perry
Adley	Erdey	Peterson
Allain	Guillory	Riser
Appel	Heitmeier	Smith, G.
Broome	Johns	Smith, J.
Brown	Kostelka	Tarver
Buffington	Long	Thompson
Chabert	Martiny	Walsworth
Claitor	Mills	Ward
Cortez	Murray	White
Crowe	Nevers	
Donahue	Peacock	

Total - 34

**NAYS**

Total - 0

**ABSENT**

Amedee	LaFleur	Morrish
Gallot	Morrell	

Total - 5

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

**SENATE BILL NO. 481—**  
BY SENATOR PERRY

**AN ACT**

To enact Code of Criminal Procedure Article 718.1 and to repeal R.S. 46:1845, relative to discovery; to provide relative to discovery procedures in certain criminal cases; to prohibit the reproduction of certain evidence in certain cases involving pornography involving juveniles, video voyeurism, and obscenity; and to provide for related matters.

**Floor Amendments**

Senator Perry proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Perry to Engrossed Senate Bill No. 481 by Senator Perry

**AMENDMENT NO. 1**

On page 1, line 12, after "**defined in**" change "**R.S. 14:106(A)(2)(b)**" to "**R.S. 14:106(A)(2)**"

**AMENDMENT NO. 2**

On page 2, line 2, after "**defined in**" change "**R.S. 14:106(A)(2)(b)**" to "**R.S. 14:106(A)(2)**"

On motion of Senator Perry, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Donahue	Perry
Adley	Erdey	Peterson
Allain	Guillory	Riser
Amedee	Heitmeier	Smith, G.
Appel	Johns	Smith, J.
Broome	Kostelka	Tarver
Brown	Long	Thompson
Buffington	Martiny	Walsworth
Chabert	Mills	Ward
Claitor	Morrish	White
Cortez	Murray	
Crowe	Peacock	

Total - 34

**NAYS**

Total - 0

**ABSENT**

Dorsey-Colomb	LaFleur	Nevers
Gallot	Morrell	

Total - 5

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

April 23, 2012

SENATE BILL NO. 482—  
BY SENATOR PERRY

AN ACT

To enact Code of Criminal Procedure Article 729.7, relative to discovery in certain criminal cases; to prohibit taking the deposition of the victim in certain sexual abuse cases involving a minor except under certain circumstances; to provide for definitions; and to provide for related matters.

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

SENATE BILL NO. 485—  
BY SENATOR PERRY

AN ACT

To enact R.S. 14:32.1(A)(7), 32.8(A)(2)(g), 39.1(A)(6), 39.2(A)(6), and 98(A)(1)(f), relative to operating a vehicle while intoxicated; to provide that certain crimes involving operating a vehicle while intoxicated include operating a vehicle when any detectable amount of certain controlled dangerous substances is present in the operator's blood; and to provide for related matters.

Floor Amendments

Senator Perry proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Perry to Engrossed Senate Bill No. 485 by Senator Perry

AMENDMENT NO. 1

On page 2, line 2, change "IV, or V" to "or IV"

AMENDMENT NO. 2

On page 2, line 16, change "IV, or V" to "or IV"

AMENDMENT NO. 3

On page 2, line 28, change "IV, or V" to "or IV"

AMENDMENT NO. 4

On page 3, line 11, change "IV, or V" to "or IV"

AMENDMENT NO. 5

On page 3, line 20, change "IV, or V" to "or IV"

On motion of Senator Perry, the amendments were adopted.

Floor Amendments

Senator Claitor proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 485 by Senator Perry

AMENDMENT NO. 1

On page 1, delete line 2 and insert:  
"To enact R.S. 14:32.1(A)(7) and 32.8(A)(2)(g), relative"

AMENDMENT NO. 2

On page 1, delete line 8 and insert:  
"Section 1. R.S. 14:32.1(A)(7) and 32.8(A)(2)(g)"

AMENDMENT NO. 3

On page 2, delete lines 20 through 29

AMENDMENT NO. 4

On page 3, delete lines 1 through 23

Senator Claitor moved the adoption of the amendments.

Senator Perry objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Claitor	Riser
Allain	Dorsey-Colomb	Smith, G.
Amedee	Martiny	Smith, J.
Appel	Morrell	Tarver
Broome	Murray	Walsworth
Brown	Nevers	Ward
Buffington	Peacock	White
Chabert	Peterson	
Total - 23		

NAYS

Mr. President	Guillory	Mills
Cortez	Heitmeier	Morrish
Crowe	Johns	Perry
Donahue	Kostelka	Thompson
Erdey	Long	
Total - 14		

ABSENT

Gallot	LaFleur
Total - 2	

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gallot	LaFleur	Morrell
Total - 3		

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

SENATE BILL NO. 686—  
BY SENATORS ADLEY AND THOMPSON  
AN ACT

To amend and reenact R.S. 14:106(A)(7)(a) and to enact R.S. 14:106(A)(8), relative to the crime of obscenity; to add the intentional transmission of sexually explicit text messages to the

definition of the crime of obscenity; to provide for additional definitions; and to provide for related matters.

**Floor Amendments**

Senator Adley proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 686 by Senator Adley

AMENDMENT NO. 1

On page 2, line 11, after "language" insert "**and is obscene as defined in R.S. 14:106(A)(3)(b)**"

On motion of Senator Adley, the amendments were adopted.

**Floor Amendments**

Senator Gary Smith proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Gary Smith to Engrossed Senate Bill No. 686 by Senator Adley

AMENDMENT NO. 1

On page 1, delete line 5 and insert the following: "definitions; to provide for penalties; and to provide for related matters."

AMENDMENT NO. 2

On page 2, between lines 14 and 15 insert the following: "**(c) Anyone found to have violated the provisions of Paragraphs (7) or (8) of this Section may be fined not less than one hundred nor more than five hundred dollars and such fine shall be deposited into a special fund to address the needs of victims of sexual abuse.**"

On motion of Senator Gary Smith, the amendments were adopted.

**Floor Amendments**

Senator Claitor proposed the following amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 686 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 14:106(A)(7)(a)" and before "and to" insert "and R.S. 45:844.8,"

AMENDMENT NO. 2

On page 1, line 2, after "relative to" and before "the" insert "unrequested text messages; to provide for"

AMENDMENT NO. 3

On page 1, line 4, after "obscenity;" and before "to provide" add the following: "to provide relative to wireless telephonic solicitation, and to provide for regulation of unrequested commercial text messages and third party charges to the consumer for certain text message solicitations;"

AMENDMENT NO. 4

On page 2, after line 15, insert the following:  
"Section 2. R.S. 45:844.8 is hereby amended and reenacted to read as follows:  
§844.8. Wireless telephonic solicitation; rules and regulations

**A.** The Louisiana Public Service Commission shall promulgate such rules and regulations which comply with federal regulations that prohibit a telemarketer from making wireless telephonic solicitations.

**B. The Louisiana Public Service Commission shall further promulgate such rules and regulations regarding unrequested commercial text messages and third-party charges to the consumer for certain text message solicitations.**"

Senator Claitor moved the adoption of the amendments.

Senator Adley objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Allain	Kostelka	Peterson
Claitor	Morrell	Thompson
Total - 6		

NAYS

Mr. President	Dorsey-Colomb	Nevers
Adley	Erdey	Peacock
Amedee	Guillory	Perry
Appel	Heitmeier	Riser
Broome	Johns	Smith, G.
Brown	Long	Smith, J.
Buffington	Martiny	Tarver
Chabert	Mills	Walsworth
Cortez	Morrish	Ward
Donahue	Murray	White
Total - 30		

ABSENT

Crowe	Gallot	LaFleur
Total - 3		

The Chair declared the amendments were rejected.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Peacock
Adley	Erdey	Perry
Allain	Guillory	Peterson
Amedee	Heitmeier	Riser
Appel	Johns	Smith, G.
Broome	Kostelka	Smith, J.
Brown	Long	Tarver
Buffington	Martiny	Thompson
Chabert	Mills	Walsworth
Claitor	Morrell	Ward
Cortez	Morrish	White
Crowe	Murray	
Donahue	Nevers	
Total - 37		

NAYS

Total - 0

ABSENT

Gallot	LaFleur
Total - 2	

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

April 23, 2012

SENATE BILL NO. 740—  
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:542(A)(2) and (3), (B)(introductory paragraph), and (F)(2), 883.1(A)(2) and (3), (B)(introductory paragraph), and (G)(2) and to enact Subpart P of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:331, and R.S. 11:542(A)(4), (B)(4), (F)(3), and 883.1(A)(4), (B)(4), and (G)(3), relative to certain accounts of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide for calculation and application of credits and debits to the systems' experience accounts; to provide for subaccounts; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 128—  
BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 37:711.15(A)(4)(b), and to repeal R.S. 37:711.4(D) relative to the Louisiana Professional Geoscience Practice Act; to provide for license eligibility; to provide for exemptions from examination requirements; to repeal certain prohibitions and limitations upon the receipt and use of state funds; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 128 by Senator Claitor

AMENDMENT NO. 1

On page 1, line 17, following "the" and before "requirements" insert "other"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Nevers
Adley	Dorsey-Colomb	Perry
Allain	Erdey	Peterson
Amedee	Heitmeier	Riser
Appel	Johns	Smith, G.
Broome	Kostelka	Smith, J.
Brown	Long	Tarver
Buffington	Martiny	Thompson
Chabert	Mills	Walsworth
Claitor	Morrell	Ward
Cortez	Morrish	White
Crowe	Murray	
Total - 35		

NAYS

Peacock  
Total - 1

ABSENT

Gallot	Guillory	LaFleur
Total - 3		

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

SENATE BILL NO. 220—  
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 40:2198.12(A), the introductory paragraph of (B)(1) and (B)(1)(f), (D)(2) and (8), and 2198.13 and to enact R.S. 40:2198.12(B)(1)(h) through (j), and 2198.14 through 2198.20, relative to pain management clinics; to transfer the powers and duties for the regulation of pain management clinics from the Department of Health and Hospitals to the Louisiana State Board of Medical Examiners; to provide licensure authority and powers to the Louisiana State Board of Medical Examiners to regulate and license pain management clinics; to provide for criminal penalties for operating a pain management clinic without a license; to provide for certain limitations; and to provide for related matters.

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

SENATE BILL NO. 239—  
BY SENATOR MURRAY

AN ACT

To amend and reenact Part XXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.39.5 through 1299.39.7, 1299.58(C), 1299.131(A)(3), and 1300.11, to enact R.S. 36:259(MM), and to repeal R.S. 40:1299.40, relative to informed consent; to provide for methods in which informed consent may be obtained; to create the Louisiana Medical Disclosure Panel within the Department of Health and Hospitals; to provide for definitions; to provide for membership and terms; to provide for powers and duties; to provide for medical disclosure lists; to provide for exceptions to obtaining informed consent; to provide for attendance of meetings via telecommunications; to provide for limitations of liability; to provide for the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 239 by Senator Murray

AMENDMENT NO. 1

On page 9, line 6, following "One" and before "who" change "Member" to "member"

AMENDMENT NO. 2

On page 9, line 18, following "shall be a" change "hospital employed" to "hospital-employed"

AMENDMENT NO. 3

On page 10, line 19, following "to" and before "per diem" insert "a"

AMENDMENT NO. 4

On page 11, line 13, following "shall" change "only participate" to "participate only"



AMENDMENT NO. 5

On page 12, line 20, following "writing" and before "signed" change "1" to "2"

AMENDMENT NO. 6

On page 12, line 21, following "witness" and before "and" change "1" to "2"

AMENDMENT NO. 7

On page 12, line 21, following "and" and before "in" insert "written"

AMENDMENT NO. 8

On page 12, line 22, following "understand" and before "the risks" change "if the written consent specifically requires" to ", if the written consent specifically so requires,"

AMENDMENT NO. 9

On page 15, line 5, following "omission" and before "arising" delete "to act"

AMENDMENT NO. 10

On page 17, line 16, following "40:1299.40" change "40:1299.35.5(A)" to "40:1299.39.5(A)"

On motion of Senator Martiny, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Donahue	Nevers
Adley	Dorsey-Colomb	Peterson
Allain	Erdey	Riser
Amedee	Heitmeier	Smith, G.
Appel	Johns	Smith, J.
Broome	Kostelka	Tarver
Brown	Long	Thompson
Buffington	Martiny	Walsworth
Chabert	Mills	Ward
Claitor	Morrell	White
Cortez	Morrish	
Crowe	Murray	
Total - 34		

NAYS

Total - 0

ABSENT

Gallot	LaFleur	Perry
Guillory	Peacock	
Total - 5		

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

**SENATE BILL NO. 248—**  
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 42:1132(B)(4)(c), relative to the Board of Ethics; to provide for changes relative to persons eligible for nomination to the board; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Peacock
Adley	Erdey	Perry
Allain	Guillory	Peterson
Amedee	Heitmeier	Riser
Appel	Johns	Smith, G.
Broome	Kostelka	Smith, J.
Brown	Long	Tarver
Buffington	Martiny	Thompson
Chabert	Mills	Walsworth
Claitor	Morrell	Ward
Cortez	Morrish	White
Crowe	Murray	
Donahue	Nevers	
Total - 37		

NAYS

Total - 0

ABSENT

Gallot	LaFleur
Total - 2	

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

**SENATE BILL NO. 353—**

BY SENATORS MURRAY, ALARIO, ALLAIN, APPEL, BROOME, BROWN, CLAITOR, CORTEZ, DONAHUE, DORSEY-COLOMB, HEITMEIER, JOHNS, KOSTELKA, LONG, MARTINY, MORRELL, MORRISH, PEACOCK, PETERSON, GARY SMITH, TARVER, THOMPSON AND WARD

AN ACT

To enact R.S. 49:170.17, relative to Irish-American Heritage Month; to designate the month of March as Irish-American Heritage Month; and to provide for related matters.

**Floor Amendments**

Senator Martiny sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 353 by Senator Murray

AMENDMENT NO. 1

On page 1, line 14, following "family," and before "reflected" change "is" to "are"

On motion of Senator Martiny, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Peacock
Adley	Erdey	Peterson
Allain	Heitmeier	Riser
Amedee	Johns	Smith, G.
Broome	Kostelka	Tarver
Brown	Long	Thompson
Buffington	Mills	Walsworth

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Chabert  
Claitor  
Cortez  
Donahue  
Total - 31

Morrell  
Morrish  
Murray  
Nevers

Ward  
White

NAYS

Total - 0

ABSENT

Appel  
Crowe  
Gallot  
Total - 8

Guillory  
LaFleur  
Martiny

Perry  
Smith, J.

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

**Rules Suspended**

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

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

April 23, 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. 15—  
BY SENATOR MORRELL AND REPRESENTATIVE HODGES  
A CONCURRENT RESOLUTION**

To urge and request the Department of Health and Hospitals to promote the department's EarlySteps system with the Louisiana Hospital Association, the Louisiana State Medical Society, and the Optometry Association of Louisiana.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 63—  
BY SENATORS JOHNS, ADLEY, APPEL, BROOME, BROWN,  
BUFFINGTON, CORTEZ, DONAHUE, DORSEY-COLOMB, ERDEY,  
KOSTELKA, LONG, MARTINY, MILLS, MORRELL, MORRISH, NEVERS,  
PERRY, PETERSON, RISER, GARY SMITH, WALSWORTH AND WARD  
AND REPRESENTATIVES ADAMS, STUART BISHOP, BROADWATER,  
BROSSETT, BROWN, CHAMPAGNE, CROMER, DANAHAY, EDWARDS,  
GAROFALO, GEYMAN, GUINN, HARRISON, HAZEL, HENSGENS,  
HILL, HODGES, HOFFMANN, HOWARD, KATRINA JACKSON,  
JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY  
LANDRY, TERRY LANDRY, LEGER, LIGI, LOPINTO, LORUSSO, MACK,  
MILLER, MONToucET, JAY MORRIS, POPE, PUGH, PYLANT,  
REYNOLDS, RICHARD, RICHARDSON, SCHEXNAYDER, SCHRODER,  
SHADOIN, SIMON, ST. GERMAIN, WHITNEY, ALFRED WILLIAMS AND  
PATRICK WILLIAMS  
A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Deputy Sheriff Randall L. Benoit of the Calcasieu Parish Sheriff's Office.

Reported without amendments.

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

**Introduction of Senate Resolutions**

**SENATE RESOLUTION NO. 72—  
BY SENATOR ALLAIN**

**A RESOLUTION**

To commend the National Federation of Republican Women and the Louisiana Federation of Republican Women for promoting the ideals of the Republican Party.

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

**SENATE RESOLUTION NO. 73—  
BY SENATOR CLAITOR**

**A RESOLUTION**

To express the condolences of the Senate of the Legislature of Louisiana upon the death of Joseph Jerome "Jerry" McKernan, prominent Baton Rouge and Louisiana attorney.

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

**SENATE RESOLUTION NO. 74—  
BY SENATOR JOHNS**

**A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Don Pat Descant of Bunkie.

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

**Introduction of  
Senate Concurrent Resolutions**

**SENATE CONCURRENT RESOLUTION NO. 66—  
BY SENATOR BUFFINGTON**

**A CONCURRENT RESOLUTION**

To establish an advisory work group within the Department of Insurance to examine methods to allow an insured under a life insurance policy or the contract holder of an annuity to convert the policy or annuity to a long term care benefit.

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

**SENATE CONCURRENT RESOLUTION NO. 67—  
BY SENATOR PEACOCK AND REPRESENTATIVE SEABAUGH  
A CONCURRENT RESOLUTION**

To commend and congratulate Georgia Lynn Hilburn of South Highlands Magnet Elementary School in Caddo Parish on being selected as the Louisiana 2012 Elementary School Student of the Year.

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

**Message from the House**

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

April 23, 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 passed and asks your concurrence in the following House Bills and Joint Resolutions:

- HB NO. 790                      HB NO. 1026                      HB NO. 1041
- HB NO. 1068                      HB NO. 1086

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

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

**HOUSE BILL NO. 790—**

BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 15:1404(A) and (B)(introductory paragraph) and to enact R.S. 15:1404(B)(9) through (13), relative to criminal gang activity; to provide for the definition of "pattern of criminal gang activity"; and to provide for related matters.

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

**HOUSE BILL NO. 1026—**

BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 15:574.4(A)(1)(b)(ii) and (iii) and to enact R.S. 15:574.4(A)(1)(b)(iv), relative to parole eligibility; to provide for parole eligibility for certain offenders after serving a certain portion of the criminal sentence; to provide for prospective application; and to provide for related matters.

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

**HOUSE BILL NO. 1041—**

BY REPRESENTATIVE DOVE  
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Terrebonne 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 and placed on the Calendar for a second reading.

**HOUSE BILL NO. 1068—**

BY REPRESENTATIVE LOPINTO  
AN ACT

To enact Code of Criminal Procedure Article 890.1, relative to criminal sentencing; to provide that certain sentences may be served with the benefit of parole, probation, or suspension of sentence under certain circumstances; to provide for applicability; to provide for limitations; to provide for exceptions; and to provide for related matters.

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

**HOUSE BILL NO. 1086—**

BY REPRESENTATIVES SEABAUGH, ANDERS, BARROW, BURFORD, COX, FRANKLIN, HARRIS, HAVARD, HENSGENS, KATRINA JACKSON, LEBAS, POPE, SIMON, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT  
AN ACT

To amend and reenact R.S. 40:1299.55 and 1299.58.10(A), relative to consent to medical treatment and procedures; to provide for general application of laws providing for medical consent and declarations concerning life-sustaining procedures; and to provide for related matters.

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

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

April 23, 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 passed and asks your concurrence in the following House Concurrent Resolutions:

HCR NO. 102                      HCR NO. 103                      HCR NO. 104

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

**House Concurrent Resolutions  
on First Reading**

**HOUSE CONCURRENT RESOLUTION NO. 102—**

BY REPRESENTATIVE BARROW  
A CONCURRENT RESOLUTION

To recognize Saturday, April 28, 2012, as Workers' Memorial Day in recognition of workers killed, injured, and disabled on the job.

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

**HOUSE CONCURRENT RESOLUTION NO. 103—**

BY REPRESENTATIVE BROSSETT  
A CONCURRENT RESOLUTION

To commend Darryl C. Kilbert upon his retirement as superintendent of the Orleans Parish Public School System, to recognize and record his myriad accomplishments and contributions, and to extend to him the best wishes of the legislature as he embarks upon new challenges and endeavors.

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

**HOUSE CONCURRENT RESOLUTION NO. 104—**

BY REPRESENTATIVE BARROW  
A CONCURRENT RESOLUTION

To commend Dr. Velma Jackson for her accomplishments and contributions upon the occasion of having a scholarship named in her honor by the Greater Baton Rouge Chapter of the Meharry National Alumni Association, Incorporated.

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**FINANCE**

Senator Jack Donahue, Chairman on behalf of the Committee on Finance, submitted the following report:

April 23, 2012

To the President and Members of the Senate:

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

April 23, 2012

SENATE BILL NO. 563—  
BY SENATOR WHITE

AN ACT

To enact R.S. 17:58.2(I), 67, and 67.1, relative to the Southeast Baton Rouge Community School System; to provide for the school system, including its establishment and geographic boundaries; to provide for the school board and an interim board of control; to provide for board membership, apportionment, qualifications, method of selection, terms of office, filling of vacancies, compensation, expenses, powers, duties, and responsibilities; to provide relative to facilities and property; to provide relative to the collection and remittance of certain taxes; to provide relative to the provision of certain student services; to provide relative to certain applications for funding; to provide for the reapportionment of the East Baton Rouge Parish School Board; to provide for effectiveness and for implementation; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JACK DONAHUE  
Chairman

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules to take up at this time:

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

Called from the Calendar

Senator Heitmeier asked that Senate Bill No. 364 be called from the Calendar.

SENATE BILL NO. 364—  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 27:306(A)(4)(c)(iii)(aa), relative to the operation of video draw poker devices at qualified truck stop facilities; to amend provisions of law regarding truck stop facility parking areas; and to provide for related matters.

On motion of Senator Heitmeier the bill was read by title and withdrawn from the files of the Senate.

Conference Committee Reports Received

April 23, 2012

HOUSE BILL NO. 969—  
BY REPRESENTATIVE TALBOT

AN ACT

To enact Chapter 3 of Subtitle VII of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:6301, relative to rebates; to authorize a rebate for certain donations to certain school tuition organizations; to provide for definitions, requirements, and limitations; to provide for the amount, approval, and issuance of rebates; to authorize the Department of Education to conduct audits; to authorize the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

The Conference Committee Reports for the legislative instruments above lie over under the rules.

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:

April 23, 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. 42—  
BY SENATOR PERRY AND REPRESENTATIVE ORTEGO  
A CONCURRENT RESOLUTION

To designate the city of Scott as the Boudin Capital of the World.

SENATE CONCURRENT RESOLUTION NO. 58—  
BY SENATOR AMEDEE AND REPRESENTATIVE EDWARDS  
A CONCURRENT RESOLUTION

To commend Chief Justice Burrell Johnston Carter of the First Circuit Court of Appeal upon his retirement and for his service to the legal community and to the citizens of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 59—  
BY SENATOR LONG  
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Reverend Perry Sanders.

SENATE CONCURRENT RESOLUTION NO. 64—  
BY SENATOR NEVERS AND REPRESENTATIVE RITCHIE  
A CONCURRENT RESOLUTION

To commend the Louisiana Foster and Adoptive Parent Association (LFAPA) for its outstanding achievements and to designate Thursday, May 17, 2012, as Louisiana Foster and Adoptive Parent Association Day at the Louisiana State Capitol.

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	Dorsey-Colomb	Peacock
Adley	Erdey	Perry
Allain	Guillory	Peterson
Amedee	Heitmeier	Riser
Appel	Johns	Smith, G.
Broome	Kostelka	Smith, J.
Brown	Long	Tarver
Buffington	Martiny	Thompson
Chabert	Mills	Walsworth
Claitor	Morrell	Ward
Cortez	Morrish	White
Crowe	Murray	
Donahue	Nevers	
Total - 37		

**ABSENT**

Gallot                    LaFleur  
Total - 2

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Gallot                    1 Day                    LaFleur                    1 Day

**Announcements**

The following committee meetings for April 24, 2012, were announced:

Agriculture	9:30 A.M.	Room C
Environmental Quality	11:00 A.M.	Room A
Judiciary A	9:00 A.M.	Hainkel Room
Judiciary B	9:30 A.M.	Room E
Judiciary C	9:30 A.M.	Room F

**Adjournment**

On motion of Senator Thompson, at 6:00 o'clock P.M. the Senate adjourned until Tuesday, April 24, 2012, at 1:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:00 o'clock P.M. on Tuesday, April 24, 2012.

GLENN A. KOEPP  
Secretary of the Senate

DIANE O' QUIN  
Journal Clerk

