

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

THIRTY-SEVENTH 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

Thursday, May 17, 2012

The Senate was called to order at 9:25 o'clock A.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:

YEAS

Mr. President	Donahue	Nevers
Appel	Erdey	Peacock
Broome	Gallot	Perry
Brown	Guillory	Peterson
Buffington	Kostelka	Smith, G.
Chabert	LaFleur	Tarver
Claitor	Martiny	Thompson
Cortez	Mills	Walsworth
Crowe	Morrell	White
Total - 27		

NAYS

Total - 0

ABSENT

Adley	Heitmeier	Murray
Allain	Johns	Riser
Amedee	Long	Smith, J.
Dorsey-Colomb	Morrish	Ward
Total - 12		

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

Prayer

The prayer was offered by Bishop Robert Muench, 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 Peacock, the reading of the Journal was dispensed with and the Journal of May 16, 2012, was adopted.

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

May 16, 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 the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 98—
BY SENATOR MORRELL

AN ACT

To enact R.S. 40:1510, relative to fire protection districts, municipal fire departments or volunteer fire departments; to allow expenditure of public funds in connection with certain activities; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 173—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:2519(B) and to repeal R.S. 13:2501.1(J), 2502, 2503, 2504, 2504.1, 2505(A), 2508, 2510, 2511, 2517, and 2518, relative to the Traffic Court of New Orleans; to repeal provisions relative to certain multiple misdemeanors or ordinance violations; to repeal provisions relative to certain judicial employees and their compensation; to repeal provisions relative to certain fidelity bonds; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 234—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 26:932(1) and (5) through (9), 933(B)(2), (D) and (E), 934(2) and (3), 935(A), (B)(1)(a), and (C), 936(B), and 937 and to enact R.S. 26:932(10) and 933(F), relative to alcoholic beverages and tobacco; to provide regarding the Louisiana Responsible Vendor Program; to create server permits for security personnel; to provide for definitions; to provide for training requirements and for certification; to provide for security personnel liability and for penalties, fines, suspension or revocation of a permit; to provide for permit fees; to provide for exemption from local training and licensing regulation in certain instances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 115—
BY SENATOR MILLS

AN ACT

To enact R.S. 40:2110(D) and (E), relative to suspension of a license for a freestanding inpatient psychiatric hospital; to provide for immediate suspension of a license under certain circumstances; to provide for notice, appeal, and injunctive relief; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 167—
BY SENATOR GARY SMITH

AN ACT

To enact R.S. 22:821(B)(34) and 1431, and Part VIII-A of Chapter 5 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1781.1 through 1781.6, relative to portable electronics insurance; to provide definitions; to provide with respect to the vendors of portable electronic devices; to provide for the requirements for the sale of portable electronics insurance; to provide with respect to termination of portable electronics insurance; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 341—
BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 56:699.5(A) and (B) and 699.6 and to repeal R.S. 56:699.1 and 699.2, relative to the firearm and hunter education courses; to provide for firearm and hunter education requirements; to provide terms and conditions for exceptions from firearm and hunter education; and to provide for related matters.

Reported with amendments.

May 17, 2012

SENATE BILL NO. 19—
BY SENATORS CORTEZ AND WALSWORTH
AN ACT

To amend and reenact R.S. 11:710(A)(1) and (4), (B)(1)(a), (C)(2), and (D), to enact R.S. 11:710(A)(5) and (6), and to repeal R.S. 11:710(H), relative to the Teachers' Retirement System of Louisiana; to provide for definitions; to allow certain retirees reemployed as substitute teachers to receive benefits during reemployment; to allow certain retirees reemployed as an instructor of adult education or literacy program to receive benefits during reemployment; to provide limitations; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 31—
BY SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 11:728(C)(1)(a) and (b)(ii) and (iii) and (2)(a) and (b) and R.S. 17:3997(A)(2) and (3) and to repeal Act 999 of the 2010 Regular Session, relative to the Teachers' Retirement System of Louisiana; to provide relative to membership in the system of charter school teachers; to provide for purchase of service credit by charter school teachers; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 97—
BY SENATORS MORRELL, ALARIO, JOHNS, LAFLEUR AND GARY SMITH AND REPRESENTATIVE ARNOLD
AN ACT

To enact Part IV of Chapter 35 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5631 through 5636 and R.S. 36:4(B)(1)(ff), to create and provide relative to the Louisiana Sheriff's Executive Management Institute; to provide relative to the board of directors, their qualifications and appointment; to provide for Senate confirmation; to provide for the necessary conditions required to receive an increase in compensation; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 324—
BY SENATOR PERRY
AN ACT

To amend and reenact R.S. 13:783(D)(7), relative to clerks of court; to provide relative to the clerk of court of Cameron Parish, East Feliciana Parish, Vermilion Parish, and West Feliciana Parish; to provide for an automobile expense allowance for the clerk of court of Cameron Parish, East Feliciana Parish, Vermilion Parish, and West Feliciana Parish; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 625— (Substitute of Senate Bill No. 609 by Senator Murray)
BY SENATOR MURRAY
AN ACT

To amend and reenact R.S. 13:477(introductory paragraph), 691(A), 1306, 1307, 1311, 1312, 1381.2, and 1594, and R.S. 44:181, to enact R.S. 13:1213.2 and 1336(D), to repeal R.S. 13:474.1, 477(41), 621.41, 621.42 through 621.46, 714.1, 714.2, 751.1, 751.2 through 751.5, 841.3, 983, 996.62 through 996.64, R.S. 44:181.5 and 181.6, and Sections 6, 8, 9, 22, and 31 of Act No. 621 of the 2006 Regular Session of the Legislature, and to provide for certain provisions of Section 19 of Act No. 621 of the 2006 Regular Session of the Legislature as amended by Act No. 675 and Act No. 873 of the 2008 Regular Session of the Legislature, and Act No. 340 of the 2011 Regular Session of the Legislature, 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 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 effective dates for repeals of provisions related to the civil and criminal district courts and the abolition of the juvenile court of Orleans Parish; to provide that certain provisions of law that would have otherwise been repealed shall remain in effect; 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 provide relative to terms of office and elections for Orleans Parish Juvenile Court judges; to direct the Louisiana State Law Institute to redesignate certain statutory provisions; and to provide for related matters.

Reported with amendments.

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

**Privilege Report of the
Legislative Bureau**

May 17, 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. 37—
BY REPRESENTATIVE GISCLAIR
AN ACT

To enact R.S. 33:447.9, relative to the Mayor's Court of the town of Lockport; to provide for additional court costs for violations of municipal ordinances; to provide for the use of additional funds; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 103—
BY REPRESENTATIVE THIERRY
AN ACT

To amend and reenact R.S. 13:783(D)(1)(a) and (7), relative to the clerks of court for East Feliciana Parish, West Feliciana Parish, and St. Landry Parish; to exempt the clerks of court for East Feliciana Parish, West Feliciana Parish, and St. Landry Parish from obtaining consent from the governing authority to purchase an automobile; to authorize an automobile expense allowance for the East Feliciana Parish, West Feliciana Parish, and St. Landry Parish clerks of court; to require automobile insurance for bodily injury and property damage; to allocate surplus funds to the expense allowance; to prohibit additional expenses from being paid by the state or local governing authority; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 126—

BY REPRESENTATIVES DIXON AND BROADWATER
AN ACT

To enact R.S. 23:1203.1(O) and 1294(C), relative to the Workers' Compensation; to provide for immunity from legal proceedings to the Medical Advisory Council; to provide for immunity from legal proceedings to the Workers' Compensation Advisory Council; to provide with respect to subpoenas; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 126 by Representative Dixon

AMENDMENT NO. 1

In Senate Committee Amendment No. 2 proposed by the Senate Committee on Judiciary A and adopted by the Senate on May 16, 2012, on page 1, line 10, following "provisions" insert "of Paragraph (1)"

AMENDMENT NO. 2

In Senate Committee Amendment No. 3 proposed by the Senate Committee on Judiciary A and adopted by the Senate on May 16, 2012, on page 1, line 22, following "provisions" insert "of Paragraph (1)"

HOUSE BILL NO. 166—

BY REPRESENTATIVE LEGER
AN ACT

To enact Children's Code Article 603(15)(j), relative to the mandatory reporting of child abuse; to provide for the addition of certain coaches to the statutory list of mandatory reporters; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 220—

BY REPRESENTATIVES WESLEY BISHOP, BADON, BROWN, BURRELL,
GUILLORY, HODGES, MORENO, AND NORTON
AN ACT

To amend and reenact R.S. 14:95.2.2(D), relative to reckless discharge of a firearm at a parade; to increase penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 222—

BY REPRESENTATIVE WESLEY BISHOP
AN ACT

To amend and reenact R.S. 14:95(F), relative to illegal carrying of weapons; to provide with respect to prior offenses; to authorize the use of convictions of ordinances as predicate offenses for the purpose of increased penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 326—

BY REPRESENTATIVE WILLMOTT
AN ACT

To amend and reenact Children's Code Articles 1421, 1422(A)(1) and (2), and 1423(A)(2) and to enact Children's Code Article 1404(23) and (24), relative to the emergency certificate admission procedure; to provide for definitions; to authorize a family psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate under certain circumstances; to require the inclusion of the date that an examination was conducted by a family psychiatric mental health nurse practitioner or psychologist on the emergency certificate; to require the director of a treatment facility to provide the parish coroner with the name of the family psychiatric mental health nurse practitioner or psychologist that

executed an emergency certificate for a minor's admission to treatment; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 326 by Representative Willmott

AMENDMENT NO. 1

On page 1, line 19, following "practitioner" delete the remainder of the line and insert "means an individual who maintains the"

AMENDMENT NO. 2

On page 1, line 20, following "and" and before "the" change "meet" to "meets"

HOUSE BILL NO. 426—

BY REPRESENTATIVE JAY MORRIS
AN ACT

To amend and reenact Code of Civil Procedure Article 4916, relative to justice of the peace courts; to provide for venue; to provide for applicability of rules of venue; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 445—

BY REPRESENTATIVE LOPINTO
AN ACT

To enact R.S. 27:311(D)(5) and (6), relative to video draw poker; to provide for the holding of franchise payments until remitted to the state; to provide for liability of device owners and shareholders, officers, directors, partners, managers, and managing members for payment of the franchise payment to the state of Louisiana; to provide for rulemaking; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 446—

BY REPRESENTATIVE LOPINTO
AN ACT

To enact R.S. 4:735(D), relative to violations of the Charitable Raffles, Bingo and Keno Licensing Law; to prohibit persons associated or affiliated with charitable gaming licensees from benefitting from net gaming proceeds; to provide for exceptions; to provide for definitions; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 446 by Representative Lopinto

AMENDMENT NO. 1

On page 1, line 16, following "violation of" and before ":" change "R.S. 4:735(B)(9)" to "Paragraph (B)(9) of this Section"

HOUSE BILL NO. 450—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 9:4823(A)(introductory paragraph) and (2), 4831(A), 4833(E), 4835(A) and (B), 4862(B)(3), 4865(C), 4872(A) and (B), and 4885(C), relative to claims and privileges; to provide for a one-year time limitation within which to file a suit to enforce a Private Works Act privilege; to provide with respect to a notice of pendency of action; to provide for technical corrections; and to provide for related matters.

Reported without amendments.

May 17, 2012

HOUSE BILL NO. 452—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 13:4344.1(A)(introductory paragraph), (6), and (7), (D), (E), and (F) and to enact R.S. 13:4344.1(G) and (H), relative to inscriptions on mortgage certificates; to provide for deletion of inscriptions; to delete antiquated references to the recorder of mortgages for Orleans Parish; to provide for technical corrections; to provide for inscriptions of cancelled and prescribed mortgages; to provide for retroactive application; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 453—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Code of Civil Procedure Article 2293(B)(1), relative to notice of seizure in judgment debtor cases; to provide for the form of such notice; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 455—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 9:371 and Code of Civil Procedure Article 3604(B)(introductory paragraph) and (3) and to enact Code of Civil Procedure Article 3604(D) and (E), relative to injunctions; to provide for service of injunctions, preliminary injunctions, and temporary restraining orders on federally insured financial institutions; to provide for liability of federally insured financial institutions for compliance with injunctions, preliminary injunctions, and temporary restraining orders; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 455 by Representative Abramson

AMENDMENT NO. 1

On page 2, line 21, following "of this" and before "shall" change "Section" to "Article"

AMENDMENT NO. 2

On page 2, line 23, following "of this" and before "shall" change "Section" to "Article"

AMENDMENT NO. 3

On page 2, line 29, following "of this" and before "have" change "Section" to "Article"

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.

Reported without amendments.

HOUSE BILL NO. 469—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 9:2092(A) and (B)(2) and 2262.2(A) and (B)(2), to enact R.S. 9:2092(B)(3) and 2262.2(B)(3), and to repeal R.S. 9:2092(B)(1)(f) and 2262.2(B)(1)(g), relative to property held in a trust; to provide for recordation of certain documents; to provide for the contents of an extract of trust

relative to the authority of a trustee; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 470—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 35:2.1(A), relative to notaries; to provide for the execution of an act of correction; to provide for notaries who may execute an act of correction; to provide for the form of the act of correction; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 535—
BY REPRESENTATIVE JAY MORRIS
AN ACT

To amend and reenact R.S. 9:4422(introductory paragraph) and (3), relative to obligations secured by mortgages or privileges; to provide with the respect to promissory notes; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 566—
BY REPRESENTATIVE BROSSETT
AN ACT

To enact R.S. 15:542(F)(4), relative to sex offender registration and notification requirements; to authorize certain persons convicted of crime against nature to petition the court to be relieved of sex offender registration and notification requirements; to provide for exceptions; to provide for procedures; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 581—
BY REPRESENTATIVE LEGER
AN ACT

To enact Code of Criminal Procedure Article 334.4, relative to bail; to provide for the reinstatement of bail in certain cases; to provide for the circumstances in which bail may be reinstated; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 766—
BY REPRESENTATIVE LIGI
AN ACT

To amend and reenact R.S. 40:1299.39.1(A)(1)(b)(ii) and (B)(2), 1299.44(A)(3), (D)(2)(b)(xiv) and (5), 1299.47(A)(1)(b)(ii) and (B)(2) and (3), to enact R.S. 40:1299.39.1(A)(6) and 1299.47(A)(6), and to repeal R.S. 40:1299.44(A)(7)(e), relative to medical review; to provide relative to the state medical review panel; to provide for the Patient's Compensation Fund; to provide relative to the surcharge levied on health care providers; to provide for time limitations; to provide relative to proper parties to remit the surcharge to the Patient's Compensation Fund; to provide for procedure of board meetings; to provide for requests for review of a malpractice claim; to provide relative to raising peremptory exceptions; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 766 by Representative Ligi

AMENDMENT NO. 1

On page 2, line 1, following "(b)" insert "A request for review of a malpractice claim or malpractice complaint shall contain, at a minimum, all of the following:"

HOUSE BILL NO. 781—

BY REPRESENTATIVE PYLANT

AN ACT

To amend and reenact R.S. 32:666(A)(1)(a)(i), (2)(introductory paragraph), and (3), relative to chemical tests for suspected drunken drivers; to provide for the administration of multiple chemical tests; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 904—

BY REPRESENTATIVE HUNTER

AN ACT

To amend and reenact R.S. 9:2799(A)(1) and 2799.3, relative to limitation of liability for damages from donated food; to provide for limitation of liability of schools, churches, and civic organizations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 912—

BY REPRESENTATIVE NANCY LANDRY

AN ACT

To amend and reenact Children's Code Articles 1247 through 1250 and 1252(A), relative to intrafamily adoptions; to provide relative to notice to certain persons; to provide for the filing of an answer; to provide for redacting of social security numbers; to provide for service of process; to provide relative to investigations by the Department of Children and Family Services; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 941—

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact R.S. 9:4821 and to enact R.S. 9:4820(D), relative to the Private Works Act; to provide for effective dates of privileges; to provide for priority of privileges; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1011—

BY REPRESENTATIVE PRICE

AN ACT

To amend and reenact R.S. 13:691(B)(5), relative to vehicle expenses for certain judges; to authorize an increase in the amount of reimbursements for vehicle expenses; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1116—

BY REPRESENTATIVE BADON

AN ACT

To amend and reenact R.S. 14:35.3(D)(introductory paragraph), relative to domestic abuse battery; to increase the minimum mandatory sentence for second offense domestic abuse battery; to require participation in a domestic abuse prevention program; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1144— (Substitute for House Bill No. 953 by Representative Leger)

BY REPRESENTATIVE LEGER AND SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:477(introductory paragraph), 691(A), 1306, 1307, 1311, 1312, 1381.2, and 1594, and R.S. 44:181, to enact R.S. 13:1213.2, and to repeal R.S. 13:474.1, 477(41), 621.41, 621.42, 621.43 through 621.46, 714.1, 714.2, 751.1 through 751.5, 841.3, 983, 996.62 through 996.64, R.S. 44:181.5 and 181.6, and Sections 6, 8, 9, 22, and 31 of Act No. 621 of the 2006 Regular Session of the Legislature, and Section 19 of Act No. 621 of the 2006 Regular Session of the Legislature as amended by Act No. 675 and Act No. 873 of the 2008 Regular Session of the Legislature, and Act No. 340 of the 2011 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 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 effective dates for repeals of provisions related to the civil and criminal district courts and the abolition of the juvenile court of Orleans Parish; to provide that certain provisions of law that would have otherwise been repealed shall remain in effect; 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 relative to terms of office and elections for Orleans Parish Juvenile Court judges; to direct the Louisiana State Law Institute to redesignate certain statutory provisions; and to provide for related matters.

Reported without amendments.

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

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

SENATE RESOLUTION NO. 128—

BY SENATOR WALSWORTH

A RESOLUTION

To commend Dr. Prem Menon for his contributions and achievements in medicine.

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

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 117—

BY SENATOR LONG

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Donald Long, a gentleman and Christian family man, and to commemorate a life well spent in service to his fellow man.

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

May 17, 2012

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 123— BY SENATOR LONG

A RESOLUTION

To commend and congratulate Mayor Wayne McCullen of Natchitoches upon his retirement.

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

SENATE RESOLUTION NO. 124— BY SENATOR WALSWORTH

A RESOLUTION

To commend Dr. Gary Stringer on his retirement as head of the University of Louisiana at Monroe Atmospheric Science, Earth Science and Physics Department after a lengthy and highly successful career in geology.

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

SENATE RESOLUTION NO. 125— BY SENATOR APPEL

A RESOLUTION

To urge and request the University of New Orleans and the Board of Supervisors for the University of Louisiana System to develop a new degree program in International Business and a new degree program in Transportation/Port Management and Logistics to be offered at the university.

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

SENATE RESOLUTION NO. 126— BY SENATOR JOHNS

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of John Emmett Boagni Jr.

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

SENATE RESOLUTION NO. 127— BY SENATOR JOHNS

A RESOLUTION

To commend Louis Bonnette for forty-six years of dedicated service to McNeese State University on the occasion of his retirement.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 114— BY SENATOR PEACOCK

A CONCURRENT RESOLUTION

To authorize and direct the Department of Wildlife and Fisheries to study entering into recreational fishing and hunting license reciprocity agreements with Arkansas, Mississippi, and Texas and to submit the findings of the study to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources no later than January 1, 2013.

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

SENATE CONCURRENT RESOLUTION NO. 115— BY SENATOR CROWE

A CONCURRENT RESOLUTION

To commend Jerrie LeDoux for her ten years of outstanding service to the Louisiana TeenPact Leadership School.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Donahue, Murray, Adley, Erdey, Nevers, Allain, Gallot, Peacock, Amedee, Guillory, Perry, Appel, Johns, Peterson, Broome, Kostelka, Smith, G., Brown, LaFleur, Smith, J., Buffington, Long, Tarver, Chabert, Martiny, Thompson, Claitor, Mills, Walsworth, Cortez, Morrell, Ward, Crowe, Morrish, White

Total - 36

NAYS

Total - 0

ABSENT

Table with 3 columns: Dorsey-Colomb, Heitmeier, Riser

Total - 3

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

SENATE CONCURRENT RESOLUTION NO. 116— BY SENATOR ERDEY

A CONCURRENT RESOLUTION

To urge and request that the Department of Transportation and Development study LA 37, between its intersection with Sullivan Road and its intersection with LA 409 (Liberty Road) in East Baton Rouge Parish, to improve its safety to the traveling public.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 16, 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:

Table with 3 columns: HB NO. 806, HB NO. 810, HB NO. 982, HB NO. 1213, HB NO. 1214

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 806— BY REPRESENTATIVE SMITH

AN ACT

To amend and reenact R.S. 17:281(A)(2), relative to the Department of Education; authorizes the department to survey students

about risk behavior associated with chronic health conditions; provides relative to sex education classes; and to provide for related matters.

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

HOUSE BILL NO. 810—

BY REPRESENTATIVE JAMES

AN ACT

To enact R.S. 42:456(A)(3), relative to permitted payroll withholdings for public employees; to provide authority for certain payroll deductions; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 982—

BY REPRESENTATIVE BARROW

AN ACT

To enact R.S. 15:1110(F), 1110.1, and 1110.2, relative to juvenile detention facilities; to provide for annual licensing fees; to provide for fines, sanctions, and penalties; to provide for the Juvenile Detention Licensing Trust Fund and for its uses; to require and provide relative to the disclosure of recordation on the state central registry for the abuse or neglect of children for certain persons associated with the juvenile detention facility; to provide for a process of appeal; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 1213— (Substitute for House Bill No. 664 by Representative Ortego)

BY REPRESENTATIVES ORTEGO, ARMES, ARNOLD, BARROW, BROSSETT, HENRY BURNS, CARMODY, CHAMPAGNE, COX, DIXON, EDWARDS, FOIL, GISCLAIR, GUINN, HAVARD, HUNTER, HUVAL, JOHNSON, LEGER, MONToucET, REYNOLDS, RICHARD, RITCHIE, WHITNEY, AND ALFRED WILLIAMS

AN ACT

To amend and reenact R.S. 39:364, relative to motor vehicles used by state agencies; to provide for the purchase or lease of vehicles which use certain fuels; to provide for the types of vehicles; to provide for the use of certain funds administered by the Department of Natural Resources; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 1214— (Substitute for House Bill No. 407 by Representative Smith)

BY REPRESENTATIVES SMITH, BADON, WESLEY BISHOP, BROSSETT, HENRY BURNS, CARMODY, COX, DIXON, GAINES, GISCLAIR, HONORE, HUNTER, GIROD JACKSON, JAMES, JEFFERSON, TERRY LANDRY, ORTEGO, PIERRE, PRICE, THIERRY, AND ALFRED WILLIAMS

AN ACT

To amend and reenact R.S. 17:416.13(B)(1), (2), and (3) and (D)(3), 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 provide relative to the prohibition in such codes of conduct against harassment, intimidation, and bullying; to provide relative to definitions, training, reporting, and investigation; to remove provisions excepting certain parishes from certain requirements relative to student codes of conduct; to provide relative to effectiveness; 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. 206—**

BY REPRESENTATIVE GIROD JACKSON

AN ACT

To amend and reenact R.S. 42:1119(B)(2)(b)(ii) and to enact R.S. 42:1119(B)(2)(b)(iii), relative to nepotism; to remove certain restrictions relative to contracting with and employment of immediate family members by certain hospital service districts and hospital public trust authorities; to provide for recusal; and to provide for related matters.

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

HOUSE BILL NO. 327—

BY REPRESENTATIVES RICHARD, ADAMS, ARNOLD, BADON, BERTHELOT, STUART BISHOP, WESLEY BISHOP, BURFORD, CARMODY, CARTER, CHAMPAGNE, GAINES, GAROFALO, GISCLAIR, GREENE, HARRISON, HAVARD, HENSGENS, HODGES, HUNTER, LAMBERT, NANCY LANDRY, LIGI, LORUSSO, JAY MORRIS, PYLANT, REYNOLDS, SCHEXNAYDER, ST. GERMAIN, TALBOT, THIBAUT, WHITNEY, ALFRED WILLIAMS, AND WILLMOTT

AN ACT

To enact Subpart G of Part I of Chapter 16 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1493.11 and 1498(A)(10), relative to professional, personal, and consulting services procurement; to require a reduction in the dollar amount of certain professional, personal, and consulting service contracts; to provide for the submission of periodic reports; to provide for exceptions; to provide for certain determinations before contract approval; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 380—

BY REPRESENTATIVES MACK, BURFORD, HILL, HOFFMANN, AND POPE

AN ACT

To amend and reenact R.S. 46:460.10, relative to drug testing of adult recipients of cash assistance; to require participants to consent to possible random drug testing prior to receipt of cash benefits; to require random drug testing for twenty percent of recipients of cash assistance; to authorize the drug testing of more than twenty percent of all participants of the Family Independence Temporary Assistance Program under certain circumstances; to establish a cost savings program for drug testing; to provide for a determination of sufficiency of funding; to provide certain penalties for participants with positive test results for illegal drug use; to provide relative to the responsibility for the cost of drug testing; to require investigations under certain circumstances; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 740—

BY REPRESENTATIVE LEBAS

AN ACT

To amend and reenact R.S. 17:3137(B) and to repeal R.S. 17:3137(C) and (D), relative to eligibility of high school students to participate in a dual enrollment program at participating postsecondary education institutions; to provide relative to participation in such program by a student who is enrolled in a Louisiana educational program; to provide residency requirements; to provide provisions relative to the use of state funds to pay the tuition costs of students enrolled in such a program; to remove provisions relative to a study and report by the Board of Regents concerning certain program cost estimates; to provide an effective date; and to provide for related matters.

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

May 17, 2012

HOUSE BILL NO. 784—
BY REPRESENTATIVE RICHARD
AN ACT

To enact R.S. 44:4(45), relative to records exempt from the public records law; to provide for an exemption for information contained on certain electronic devices used by court reporters; to provide for an exemption for certain physical medium used in or as an electronic storage device by a court reporter; to provide an exemption for certain paper documents created by court reporters; to provide for definitions; 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 Senate and Governmental Affairs.

HOUSE BILL NO. 838—
BY REPRESENTATIVE CHAMPAGNE
AN ACT

To enact R.S. 49:214.5.4(I), relative to the Coastal Protection and Restoration Fund; to dedicate certain monies into the fund; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 1043—
BY REPRESENTATIVE HENRY BURNS
AN ACT

To amend and reenact R.S. 39:100.61(B), relative to the New Opportunities Waiver Fund; to provide for the deposit of monies into the New Opportunities Waiver Fund; provides for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 1045—
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact R.S. 13:5108.1(A)(1) and (E)(2) and (3) and to enact R.S. 13:5108.1(E)(4), relative to individuals covered under the Louisiana Governmental Claims Act; to provide for indemnification; to provide for the definition of "covered individual"; and to provide for related matters.

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

HOUSE BILL NO. 1058—
BY REPRESENTATIVES FANNIN AND KLECKLEY AND SENATORS
ALARIO AND DONAHUE
AN ACT

To appropriate funds to defray the expenses of the Louisiana Judiciary, including the Supreme Court, Courts of Appeal, District Courts, Criminal District Court of Orleans Parish, and other courts; and to provide for related matters.

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

HOUSE BILL NO. 1097—
BY REPRESENTATIVE CHAMPAGNE
AN ACT

To enact R.S. 40:1498(H), relative to Vermilion Parish Fire Protection District No. 7; to provide relative to the per diem paid for members of its governing board; 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.

HOUSE BILL NO. 1174—
BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact R.S. 11:62(6) and 2213(introductory paragraph), (4), and (20) and to enact Part II of Chapter 8 of

Subtitle III of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:2241.1 through 2241.8, and Part III of Chapter 8 of Subtitle III of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:2242.1 through 2242.8, relative to the establishment of subplans for new hires within the Municipal Police Employees' Retirement System; to provide relative to eligibility, benefits, accrual and contribution rates; to provide for definitions; to provide restrictions; and to provide for related matters.

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

**House Concurrent Resolutions on
Second Reading**

HOUSE CONCURRENT RESOLUTION NO. 155—
BY REPRESENTATIVE HUNTER AND SENATOR THOMPSON
A CONCURRENT RESOLUTION

To urge and request the legislative auditor to examine the allocation of funds provided to the Department of Children and Family Services relative to furthering access to visitation and to report its findings to the legislature on or before January 1, 2013.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adeley	Erdey	Peacock
Allain	Gallot	Perry
Amedee	Guillory	Peterson
Appel	Kostelka	Riser
Broome	LaFleur	Smith, G.
Brown	Long	Smith, J.
Buffington	Martiny	Tarver
Chabert	Mills	Thompson
Claitor	Morrell	Walsworth
Cortez	Morrish	Ward
Crowe	Murray	White
Donahue	Nevers	
Total - 35		

NAYS

Total - 0

ABSENT

Mr. President	Heitmeier
Dorsey-Colomb	Johns
Total - 4	

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

HOUSE CONCURRENT RESOLUTION NO. 156—
BY REPRESENTATIVE HUNTER AND SENATOR THOMPSON
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study certain procedures for implementing visitation orders in conjunction with support orders and to report its findings and recommendations in the form of specific proposed legislation to the legislature on or before January 1, 2013.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Adley	Heitmeier
Dorsey-Colomb	Johns

Total - 4

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

REVENUE AND FISCAL AFFAIRS

Senator Neil Riser, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 16, 2012

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

HOUSE BILL NO. 319—
BY REPRESENTATIVE MONTOUCKET
AN ACT

To enact R.S. 47:1907(A)(4), relative to assessors; to provide relative to the salary for the assessor of Lafayette Parish; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1096—
BY REPRESENTATIVE BILLIOT
AN ACT

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, Section 1 of Act No. 7 of the 2001 First Extraordinary Session of the Legislature, Section 1 of Act No. 14 of the 2004 First Extraordinary Session of the Legislature, Section 1 of Act No. 76 of the 2006 Regular Session of the Legislature, and Section 1 of Act No. 232 of the 2008 Regular Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to change the termination date of the program; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1102—
BY REPRESENTATIVE LIGI
AN ACT

To enact R.S. 47:1508(B)(30), relative to the Department of Revenue; to authorize the disclosure of certain taxpayer information to the Louisiana Clerks of Court Association; to restrict the use of such information; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1120—
BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 47:301(10)(a)(ii), relative to exclusions from local sales tax; to provide with respect to the exclusion for the resale of certain services from local sales tax; to clarify certain provisions; to provide with respect to compliance with rules and regulations; to provide for the acceptance by a local collector of a resale certificate; and to provide for related matters.

Reported favorably.

Respectfully submitted,
NEIL RISER
Chairman

**House Bills and Joint Resolutions
on Second Reading
Just Reported by Committees**

Senator Riser asked for and obtained a suspension of the rules to take up House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 319—
BY REPRESENTATIVE MONTOUCKET
AN ACT

To enact R.S. 47:1907(A)(4), relative to assessors; to provide relative to the salary for the assessor of Lafayette Parish; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 1096—
BY REPRESENTATIVE BILLIOT
AN ACT

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, Section 1 of Act No. 7 of the 2001 First Extraordinary Session of the Legislature, Section 1 of Act No. 14 of the 2004 First Extraordinary Session of the Legislature, Section 1 of Act No. 76 of the 2006 Regular Session of the Legislature, and Section 1 of Act No. 232 of the 2008 Regular Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to change the termination date of the program; and to provide for related matters.

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

HOUSE BILL NO. 1102—
BY REPRESENTATIVE LIGI
AN ACT

To enact R.S. 47:1508(B)(30), relative to the Department of Revenue; to authorize the disclosure of certain taxpayer information to the Louisiana Clerks of Court Association; to

restrict the use of such information; and to provide for related matters.

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

HOUSE BILL NO. 1120—
BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 47:301(10)(a)(ii), relative to exclusions from local sales tax; to provide with respect to the exclusion for the resale of certain services from local sales tax; to clarify certain provisions; to provide with respect to compliance with rules and regulations; to provide for the acceptance by a local collector of a resale certificate; and to provide for related matters.

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

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

SENATE BILL NO. 226—
BY SENATOR MORRISH
AN ACT

To enact R.S. 42:1123(42), relative to the code of governmental ethics; to provide for an exception to the prohibition of a public servant from doing business with a person who has a business relationship with the agency of the public servant under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 226 by Senator Morrish

AMENDMENT NO. 1
On page 1, line 11, after "Any" delete "mayor or"

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

SENATE BILL NO. 371—
BY SENATOR HEITMEIER AND REPRESENTATIVE BROSSETT
AN ACT

To enact R.S. 40:1300.332, relative to Medicaid; to provide for an upper payment limit financing mechanism for Medicaid services provided in a capitated system; to provide for rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 371 by Senator Heitmeier

AMENDMENT NO. 1
On page 1, line 2, after "relative to Medicaid;" insert "to provide for the Department of Health and Hospitals upper payment limit mechanism for outpatient behavioral health services for certain Medicaid recipients;"

AMENDMENT NO. 2
On page 1, lines 2 and 3, delete "to provide for an upper payment limit financing mechanism for Medicaid services provided in a capitated system;"

AMENDMENT NO. 3
On page 1, delete lines 7 through 17 and on page 2, delete lines 1 through 5 and insert:

"§1300.332. Upper payment limit mechanism for outpatient behavioral health services for Medicaid recipients under the age of twenty-one

A. The Department of Health and Hospitals is authorized to seek approval from the Center for Medicare and Medicaid Services of a program designed to reimburse non-state, governmental entities through the Medicaid program for outpatient behavioral health services to Medicaid recipients under the age of twenty-one.

B. The Department of Health and Hospitals may develop and maintain a Medicaid upper payment limit financing methodology for the behavioral health services provided for in Subsection A of this Section. The disbursements of monies generated by the use of an upper payment limit methodology shall be made only in accordance with an approved waiver or state plan amendment. The source of the non-federal match for these payments may only be by voluntary certification of expenditures or intergovernmental transfer of funds."

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

SENATE BILL NO. 423—
BY SENATOR CLAITOR
AN ACT

To enact R.S. 51:122(D), relative to contracts, combinations, and conspiracies in restraint of trade or commerce; to exempt officers and employees acting on behalf of the same entity from such provisions; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 423 by Senator Claitor

AMENDMENT NO. 1
On page 1, delete lines 9 through 11 and insert:

"D. For the purposes of Part IV of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950 only, an officer or employee of a legal entity is not capable of conspiring with the legal entity or with another officer or employee of the legal entity when they are acting on behalf of the entity."

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

SENATE BILL NO. 590—
BY SENATOR ALARIO
AN ACT

To amend and reenact R.S. 17:3045.3 and 3045.8; R.S. 23:3003; R.S. 25:933(9) through (15), and 941(A) and the introductory paragraph of (B)(1); R.S. 32:57(G)(2), 171(F)(1) and (2), 175(C)(4), the introductory paragraph of 412(H) and (H)(1), and 783(G); R.S. 36:209(T); R.S. 37:3390.6; R.S. 38:2216(E); R.S. 39:100.94(B)(1), 2162(B), and 2165.11(B); R.S. 47:463.88(E); R.S. 51:955.4(F); and Sections 2, 3, 4(C), and 5 of Act No. 1212 of the 2001 Regular Session; to enact R.S. 3:3391.12(C); and to repeal R.S. 2:904; R.S. 3:283.2(H), Part II of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:321 through 323, and 3391.13; R.S. 17:10.3, 421.12, 2036, and 3042.11; R.S. 23:1310.12, and Part XIII of Chapter

11 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1771 through 1776, and 3003; R.S. 25:933(16), 940 and 942; R.S. 27:270(B); R.S. 29:731.1; R.S. 30:2417(B) and (C); R.S. 32:412(H)(2) and (3) and 783(H); R.S. 33:3006, 4769 and 4770; R.S. 37:3119; Subpart H of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11 and 100.12, Subpart L of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.36, Subpart P of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.71, 100.93, Subpart P-3 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.101, Subpart Q of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.121, Subpart Q-1 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:122, Subpart Q-2 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.123, Subpart Q-3 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.124, Subpart Q-4 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.125, R.S. 39:127.2, 2161, and 2165.10; Part LX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.221, and 1300.263; R.S. 46:2609 and 2802, Chapter 65 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2901; R.S. 47:120.81, 322.44, 332.15, 332.50, 463.88(F) and (G); R.S. 48:393; R.S. 51:955.5, 1262.1, and 2315(D), relative to the elimination of certain special treasury funds; to eliminate the General Aviation and Reliever Airport Maintenance Grant Program Fund, Agricultural Products Processing Development Fund, Rural Development Fund, Formosan Termite Initiative Fund, School and District Accountability Rewards Fund, Teacher Educational Aid for Children Fund, Job Reserve Fund, Teachers Education Incentive Program Trust Fund, Louisiana Opportunity Loan Fund, Director Of Workers' Compensation Revolving Fund, Domestic Violence Victims Account, Special Fund for the Vocational Rehabilitation of Individuals with Disabilities, Louisiana Historic Cemetery Trust Fund, Casino Gaming Proceeds Fund, State Disaster or Emergency Relief Fund, Used Oil Recycling Trust Fund, Greater New Orleans Expressway Commission Additional Cost Fund, Office of Motor Vehicles Testing Fund, Louisiana Used Motor Vehicle Commission Fund, Allen Parish Local Government Gaming Mitigation Fund, Louisiana Blighted Property Reclamation Revolving Loan Fund, Louisiana Auctioneers Licensing Board Fund, Addictive Disorders Professionals Licensing and Certification Fund, Small Contract Bond Fund, Municipalities Energy Expense Fund, Louisiana Economic and Port Development Infrastructure Fund, Manufactured Home Tax Fairness Fund, Grants for Grads Fund, FEMA Mobile Home Reimbursement Fund, Hurricane Recovery Health Insurance Premium Fund, Center of Excellence for Autism Spectrum Disorder Fund, Walking the Walk of Our Kids Fund, Technology Commercialization Fund, Statewide Education Facilities Fund, Capitol Complex Master Plan Fund, Hurricane Relief Programs Fraud Detection Fund, Oil Spill Relief Programs Fraud Detection Fund, Community-based Primary Health Care Initiative Fund, Tobacco Control Program Fund, Louisiana Children, Youth and Families Investment Fund, Child Poverty Prevention Fund, Community Hospital Stabilization Fund, St. Helena Parish Tourist Commission Fund, Claiborne Parish Tourism and Economic Development Fund, Kappa Kamp Fund, Railroad Crossing Safety Fund, Broadband Infrastructure and Information Technology Fund, Louisiana Welcome Center Improvement Fund, Rural Economic Development Account, and the Manufactured and Mobile Homes Settlement Fund; to authorize the transfer of balances between funds; to provide for deposit of monies into the state general fund; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 590 by Senator Alario

AMENDMENT NO. 1

On page 2, line 7, change "R.S. 39:122," to "R.S. 39:100.122,"

AMENDMENT NO. 2

On page 2, line 14, change "2802," to "2802;" and delete the remainder of the line

AMENDMENT NO. 3

On page 2, delete line 15 and insert "R.S. 47:120.81,"

AMENDMENT NO. 4

On page 3, line 12, after "Prevention Fund," delete the remainder of the line

AMENDMENT NO. 5

On page 3, at the beginning of line 13, delete "Fund,"

AMENDMENT NO. 6

On page 17, at the beginning of line 19, change "39:122," to "39:100.122,"

AMENDMENT NO. 7

On page 17, line 25, change "2802," to "2802;" and delete the remainder of the line

AMENDMENT NO. 8

On page 17, delete line 26 and insert "R.S. 47:120.81, 322.44,"

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

SENATE BILL NO. 593—

BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 40:1299.35.1(4), (7) through (11), 1299.35.2(B) and (C), the heading of R.S. 40:1299.35.4, 1299.35.4(A),(B) and (C) and 1299.35.12 and to enact R.S. 40:1299.35 and 1299.35.1(12),(13),(14) and (15), relative to abortion; to provide for the Viable and Pain-Capable Unborn Child Protection Act; to provide for definitions; to provide for penalties; to provide for an effective date, and to provide for related matters.

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

SENATE BILL NO. — (Substitute of Senate Bill No. 593 by Senator Alario)

BY SENATOR ALARIO

AN ACT

To enact R.S. 40:1299.30.1, relative to abortion; to provide for the Pain-Capable Unborn Child Protection Act; to provide for legislative intent; to provide for definitions; to provide for the determination of postfertilization age; to provide for penalties; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1299.30.1 is hereby enacted to read as follows:

§1299.30.1 Pain-Capable Unborn Child Protection Act

A. This Part may be cited as the "Pain-Capable Unborn Child Protection Act".

B. Legislative intent. (1) The legislature makes the following findings:

(a) Pain receptors (nociceptors) are present throughout the unborn child's entire body and nerves link these receptors to the

brain's thalamus and subcortical plate by no later than twenty weeks.

(b) By eight weeks after fertilization, the unborn child reacts to touch. After twenty weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(c) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(d) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(e) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia.

(f) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than twenty weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(g) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(h) In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(i) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(j) The position, asserted by some medical experts, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from thrashing about in reaction to invasive surgery.

(k) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty weeks after fertilization.

(2)(a) It is the purpose of the state to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(b) Louisiana's compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of Louisiana's compelling state interest in protecting the lives of unborn children from the stage of viability, and neither state interest is intended to replace the other.

(3) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the United States Supreme Court noted that an explicit statement of legislative intent specifically made applicable to a particular statute is of greater weight than a general savings or severability clause, it is the intent of the state that if any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this Act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this Act shall remain effective notwithstanding such unconstitutionality. Moreover, the state declares that it would have passed this Act, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provisions, sections, subsections,

sentences, clauses, phrases or words, or any of their applications, were to be declared unconstitutional.

C. Definitions. For purposes of this Section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma, or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy.

(2) "Attempt to perform or induce an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this state in violation of this Section.

(3) "Department" means Department of Health and Hospitals.

(4) "Fertilization" means the fusion of a human spermatozoon with a human ovum.

(5) "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy without first determining postfertilization age to avert her death or for which the delay necessary to determine postfertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(6) "Medically futile" means that, in the reasonable medical judgment of the attending physician, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth.

(7) "Physician" means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in the state of Louisiana.

(8) "Postfertilization age" means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

(9) "Probable postfertilization age of the unborn child" means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is planned to be performed or induced.

(10) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(11) "Unborn child" or "fetus" each mean an individual organism of the species homo sapiens from fertilization until live birth.

(12) "Woman" means a female human being whether or not she has reached the age of majority.

D. Determination of postfertilization age.

(1) Except in the case of a medical emergency or when a pregnancy is diagnosed as medically futile, no abortion shall be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.

(2) Failure by any physician to conform to any requirement of this Section constitutes "unprofessional conduct" pursuant to R.S. 37:1261.

E. Abortion of unborn child of twenty or more weeks postfertilization age prohibited.

(1) No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman's unborn child is twenty or more weeks, unless the pregnancy is diagnosed as medically futile or, in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(2) When an abortion upon a woman whose unborn child has been determined to have a probable postfertilization age of twenty or more weeks is not prohibited by Paragraph (1) of this Subsection, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

F. Penalties. Any person who intentionally or knowingly fails to comply with the requirements of this Section shall be subject to the penalties as provided for in R.S. 40:1299.35.19.

G. Construction.

This Section shall not be construed to repeal, by implication or otherwise, R.S. 40:1299.35.2 or any otherwise applicable provision of Louisiana law regulating or restricting abortion. An abortion that complies with this Section but violates the provisions of R.S. 40:1299.35.2 or any otherwise applicable provision of Louisiana law shall be deemed unlawful as provided in such provision. An abortion that complies with the provisions of R.S. 40:1299.35.2 or any otherwise applicable provision of Louisiana law regulating or restricting abortion but violates this Section shall be deemed unlawful as provided in this Section. If some or all of the provisions of this Section are temporarily or permanently restrained or enjoined by judicial order, all other provisions of Louisiana law regulating or restricting abortion shall be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order of injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

On motion of Senator Mills, the committee substitute bill was adopted and becomes Senate Bill No. 766 by Senator Alario, substitute for Senate Bill No. 593 by Senator Alario.

SENATE BILL NO. 766— (Substitute of Senate Bill No. 593 by Senator Alario)

BY SENATOR ALARIO

AN ACT

To enact R.S. 40:1299.30.1, relative to abortion; to provide for the Pain-Capable Unborn Child Protection Act; to provide for legislative intent; to provide for definitions; to provide for the determination of postfertilization age; to provide for penalties; to provide for an effective date; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 73—

BY REPRESENTATIVE LIGI

AN ACT

To amend and reenact R.S. 40:41(D)(1) and (2)(introductory paragraph), relative to disclosure of records in the vital records registry; to authorize the use of certain records by judicial district courts; to provide for specified uses of vital records; and to provide for related matters.

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

HOUSE BILL NO. 80—

BY REPRESENTATIVE TIM BURNS

AN ACT

To amend and reenact R.S. 40:2115(C), relative to smoking in hospitals; to eliminate the requirement for accommodation of smoking by inpatients in psychiatric facilities of the Department of Health and Hospitals; to establish procedures for treatment of smokers with mental illness in such facilities; and to provide for related matters.

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

HOUSE BILL NO. 95—

BY REPRESENTATIVES HENRY, ADAMS, ARNOLD, STUART BISHOP, BROWN, HENRY BURNS, CHAMPAGNE, GAROFALO, GISCLAIR, GREENE, HAVARD, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, LEOPOLD, LIGI, LOPINTO, LORUSSO, MACK, JAY MORRIS, PUGH, PYLANT, REYNOLDS, RICHARD, SEABAUGH, TALBOT, THOMPSON, AND WHITNEY

AN ACT

To amend and reenact R.S. 46:231.13 and 450.1(B)(6) and (C)(3) and to enact R.S. 46:231(15) and (16), 231.2.1, and 450.1(C)(4) and (5), relative to aid to needy families; to provide for the Family Independence Temporary Assistance Program; to prohibit certain uses of Family Independence Temporary Assistance Program benefits; to provide limitations on retailers participating in the cash assistance electronic benefits transfer system; to provide for definitions; to authorize promulgation of rules; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 95 by Representative Henry

AMENDMENT NO. 1

On page 2, line 11, after "business" insert ", except in the non-gaming areas a qualified truck stop facility is required to have pursuant to R.S. 27:306(4)(c)"

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

HOUSE BILL NO. 172—

BY REPRESENTATIVE DIXON

AN ACT

To amend and reenact R.S. 37:793(A)(1), (6), and (7), (B)(1) and (4), (C)(1), (2), and (3), (E)(1), (G)(1), and (H)(2) and 795(B)(2)(q) and (s), to enact R.S. 37:751(F) and 793(A)(9) and (10) and (C)(6), (7), (8), and (9), and to repeal R.S. 37:793(A)(2), (4), and (5) and (C)(4) and (5), relative to the practice of dentistry; to provide for a short title; to provide for definitions; to provide

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regulations for sedation of dental patients; to authorize promulgation of rules; and to provide for related matters.

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

HOUSE BILL NO. 292— BY REPRESENTATIVES PUGH, CHAMPAGNE, HENRY, LORUSSO, AND TALBOT

AN ACT

To enact R.S. 17:60.4, relative to term limits for school board members; to require local option elections in certain school districts to determine if a district's school board members shall have term limits; to specify the term limitations for school board members if approved by the electors voting in a school district; to provide for applicability; to provide relative to the conduct of such elections and the costs thereof; and to provide for related matters.

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

HOUSE BILL NO. 349— BY REPRESENTATIVE DIXON

AN ACT

To amend and reenact R.S. 37:757(B), 760(A)(4)(b) and (9), 780(B)(1) and (3), 786(G), and 786.1(A)(1) and to enact R.S. 37:760(A)(16), relative to the Dental Practice Act; to provide for the provision of dental records in compliance with statutory law; to clarify the board's powers and duties to impose fines under certain circumstances; to authorize the board to defend employees, agents, or contractors in a lawsuit under certain circumstances; to clarify that the committee's administrative fine covers all of the board's costs from the start of the investigation through administrative hearings, judicial review, and appeals; to specify that the issuance of a stay of a board decision does not harm the Louisiana State Board of Dentistry; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 349 by Representative Dixon

AMENDMENT NO. 1

On page 3, line 20, after "person." insert: "Any costs assessed by the committee shall not include costs related to a complaint which is later dismissed or not proven at adjudication, unless the investigation related to the allegations in such complaint resulted in the discovery of violations subsequently proven in another administrative adjudication. Should the person contend that some costs assessed by the committee are allocable solely to allegations dismissed or not proven, he may file within thirty days of his receipt of the costs claimed a motion to traverse assessment of those costs in accordance with applicable rules and regulations."

AMENDMENT NO. 2

On page 3, line 29, after "members" insert: ", as detailed in a recapitulation of said costs provided by the board to the licensee or unlicensed person"

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

HOUSE BILL NO. 357— BY REPRESENTATIVE BROWN

AN ACT

To amend and reenact R.S. 13:2618, relative to the LaSalle Parish justice of the peace courts; to provide for the territorial jurisdiction of such courts; to provide relative to the election to

the offices of justice of the peace and constable; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 362— BY REPRESENTATIVE KATRINA JACKSON

AN ACT

To amend and reenact R.S. 40:1236.13(E), relative to automated external defibrillators; to allow high schools that participate in interscholastic athletics to have an automated external defibrillator on their premises; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 362 by Representative Katrina Jackson

AMENDMENT NO. 1

On page 1, line 12, change "may" to "shall"

AMENDMENT NO. 2

On page 1, line 13, delete "at the athletic director's option" and insert ", if funding is available"

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

HOUSE BILL NO. 365— BY REPRESENTATIVE STUART BISHOP

AN ACT

To enact R.S. 18:461.1, relative to candidates for certain office; to require certain ethics education and training for certain candidates; to provide relative to certifying such training; and to provide for related matters.

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

HOUSE BILL NO. 385— BY REPRESENTATIVE MORENO

AN ACT

To amend and reenact R.S. 18:101(F), relative to voter registration and voting; to provide relative to qualifications for registration and voting; to provide relative to the residence of persons involuntarily displaced by the effects of certain states of emergency for such purposes; and to provide for related matters.

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

HOUSE BILL NO. 510— BY REPRESENTATIVES BURFORD AND COX

AN ACT

To enact R.S. 13:2621, relative to the DeSoto Parish justice of the peace courts; to provide for the territorial jurisdiction of such courts; to provide relative to the election to the offices of justice of the peace and constable; to provide for effective dates; and to provide for related matters.

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

HOUSE BILL NO. 541—BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 40:2017.11 and to enact R.S. 40:1563(L), relative to the review of plans or specifications; to authorize the fire marshal to review plans for health care facilities and residential living options and collect charges; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 541 by Representative St. Germain

AMENDMENT NO. 1

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

"L.(1) The state fire marshal shall have the authority to conduct plan reviews for plans or specifications of a facility licensed, certified, or seeking licensure or certification by the Department of Health and Hospitals.

(2) In consultation with the state fire marshal, the Department of Health and Hospitals shall develop and promulgate rules in accordance with the Administrative Procedure Act to implement the provisions of this Subsection. The rules shall be applicable to both public and private entities."

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

HOUSE BILL NO. 639—BY REPRESENTATIVE PATRICK WILLIAMS
AN ACT

To amend and reenact R.S. 37:791(B) and to enact R.S. 37:770(F), 791(A)(3) and (4), and 795(B)(2)(v) and (3)(m), relative to the well-being program for dentists and dental hygienists; to provide for the assessment and collection of a fee to be used for the treatment of dentists and dental hygienists suffering from mental illness, physical deficiencies, or substance abuse; to provide for the limitation of liability of the Louisiana State Board of Dentistry and certain other specified people involved in the identification, investigation, and treatment of dentists and dental hygienists suffering from certain illnesses or deficiencies; to authorize the recovery of the cost of defending a frivolous lawsuit under certain circumstances; to establish minimum and maximum fees to be collected from dentists and dental hygienists to support the well-being program; and to provide for related matters.

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

HOUSE BILL NO. 710—BY REPRESENTATIVE BARROW
AN ACT

To amend and reenact R.S. 18:1484(2)(a), relative to campaign finance; to provide for persons required to file reports; to change the threshold for a candidate for any other office to be required to file; and to provide for related matters.

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

HOUSE BILL NO. 715—BY REPRESENTATIVE LEGER
AN ACT

To enact R.S. 49:222(B)(13), relative to the powers of the secretary of state; to provide relative to the fees chargeable by the secretary of state; to authorize fees relative to cable service or video service; and to provide for related matters.

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

HOUSE BILL NO. 721—BY REPRESENTATIVE MORENO
AN ACT

To amend and reenact R.S. 13:5073(A)(1), relative to the certification of tobacco product manufacturers; to provide for a fee for certification for tobacco product manufacturers; to provide for the use of the fees; and to provide for related matters.

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

HOUSE BILL NO. 767—BY REPRESENTATIVE GIROD JACKSON
AN ACT

To amend and reenact R.S. 13:477(24) and 621.24, relative to the Twenty-Fourth Judicial District; to provide for election sections for the Twenty-Fourth Judicial District; to provide for the assignment of judgeships for election purposes; to provide for the election of judges; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 823—BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 37:3415.3(B)(10) and (11), 3415.13, and 3415.21 and to enact R.S. 37:3415.2(11), (12), and (13), 3415.3(C) and (D), and 3415.15, relative to real estate appraisals; to define certain terms; to require an appraiser's license to perform appraisal reviews; to provide that administrative reviews of an appraisal do not require an appraiser's license; to require a surety bond; to provide for the competency of appraisers; to provide for customary and reasonable fees for appraisers; to provide for disclosure of fees paid to appraisers by appraisal management companies; to provide for the disclosure of administration fees charged by appraisal management companies; to require that administrative rules receive affirmative approval from the Louisiana Legislature; to repeal an outdated grandfathering clause; to provide for applicability; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 846—

BY REPRESENTATIVES SIMON, BADON, BERTHELOT, BILLIOT, WESLEY BISHOP, BROWN, HENRY BURNS, COX, DOVE, GAROFALO, GISCLAIR, HARRIS, HOFFMANN, HOWARD, JAMES, JEFFERSON, LEGER, LIGI, MORENO, POPE, REYNOLDS, RICHARD, RICHARDSON, SHADOIN, AND THOMPSON

AN ACT

To amend and reenact R.S. 28:2(14), (17), and (29)(a)(introductory paragraph), 52(A) and (C), 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E) and to enact R.S. 28:171.1, relative to mental health law; to provide for definitions; to establish principles for the state mental health system; and to provide for related matters.

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

HOUSE BILL NO. 867—BY REPRESENTATIVE ORTEGO
AN ACT

To enact R.S. 17:1519.18, relative to a partnership for health care; to authorize certain functions of the University Medical Center in

Lafayette; to provide for a pilot program for coordinated school health and wellness centers; to provide for goals and requirements of the program; to provide for conditions relative to funding availability; and to provide for related matters.

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

HOUSE BILL NO. 936—
BY REPRESENTATIVE DANAHAY
AN ACT

To enact R.S. 36:109(V) and Subpart B of Part I of Chapter 1 of Title 29 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 29:61 through 68, relative to military forces; to create the Louisiana Military Advisory Council within the Department of Economic Development; to provide for the membership of the council and its officers; to provide for terms of office for the members of the council; to provide relative to compensation and expenses for council members; to provide the powers and duties of the council; to require the establishment of working groups; and to provide for related matters.

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

HOUSE BILL NO. 952—
BY REPRESENTATIVES BROSETT, ARNOLD, BADON, BARROW, BERTHELOT, BILLIOT, WESLEY BISHOP, HENRY BURNS, BURRELL, CARMODY, COX, DOVE, EDWARDS, GAROFALO, HARRIS, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JONES, LEGER, LIGI, MORENO, PIERRE, SCHEXNAYDER, SMITH, AND WILLMOTT
AN ACT

To enact Part I-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:26.10.1 through 26.10.5, relative to mental and behavioral health services; to provide a short title; to provide a statement of legislative intent; to provide for management of mental and behavioral health resources; to provide for funding priorities; to provide for innovative mental and behavioral health services; and to provide for related matters.

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

HOUSE BILL NO. 1014—
BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 37:3397(B)(4), 3401(D), 3410, 3415.3(B)(10) and (11), 3415.13, and 3415.21 and to enact R.S. 37:3415.2(11), (12), and (13), 3415.3(C) and (D), and 3415.15, relative to real estate appraisals; to repeal the maximum time an individual may hold a real estate appraiser trainee license; to provide for reciprocity for real estate appraiser licenses; to define certain terms; to require an appraiser's license to perform appraisal reviews; to provide that administrative reviews of an appraisal do not require an appraiser's license; to require a surety bond; to provide for the competency of appraisers; to provide for customary and reasonable fees for appraisers; to provide for disclosure of fees paid to appraisers by appraisal management companies; to provide for the disclosure of administration fees charged by appraisal management companies; to require that administrative rules receive affirmative approval from the Louisiana Legislature; to repeal an outdated grandfathering clause; to provide for applicability; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 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.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 1015 by Representative Ligi

AMENDMENT NO. 1
On page 1, line 2, after "R.S. 32:1253(A)(1)(introductory paragraph)" and before the comma ",", insert "and (2)"

AMENDMENT NO. 2
On page 1, line 6, change "is hereby" to "and (2) are hereby"

AMENDMENT NO. 3
On page 1, after line 17, insert the following:
"(2) Each of the commissioners appointed under the provisions of Paragraph (1) of this Subsection shall have been an actively engaged licensee of the commission or its previous Louisiana licensing commission for not less than five consecutive years prior to such appointment, and be a holder of such a license at all times while a member of the commission. Being engaged in more than one such pursuit shall not disqualify a person otherwise qualified from serving on the commission. Of these members, one member shall be primarily engaged in the business of lease or rental, one member shall be primarily engaged in the business of heavy truck sales, ~~three members shall be primarily engaged in the business of recreational products;~~ one member shall be primarily engaged in the business of marine product sales, one member shall be primarily engaged in the business of motorcycle sales, one member shall be primarily engaged in the business of recreational vehicle sales, and one member shall be primarily engaged in the business of sales finance.

* * *

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

HOUSE BILL NO. 1016—
BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 46:1409(A), 1413(N), and 1414 and to enact R.S. 46:1409(B)(10) and 1413(A)(7), relative to child day care; to provide for rules, regulations, and standards for licensed day care centers; to provide for certain duties of the Department of Children and Family Services relative to regulation of day care centers; to provide for requirements of the Louisiana Advisory Council on Child Care and Early Education; and to provide for related matters.

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

HOUSE BILL NO. 1025—
BY REPRESENTATIVE POPE
AN ACT

To enact R.S. 37:1281.2, relative to the allied practitioner health program; to establish an annual assessment for the identification, monitoring, assistance, and procurement of treatment of medical psychologists, physician assistants, and podiatrists suffering from certain conditions; to provide for a self-reporting waiver applicable to a violation related to the individual's ability to practice his profession with reasonable

skill and safety by reason of substance abuse or psychiatric condition; to extend protected actions and communications to certain enumerated individuals and entities; and to provide for related matters.

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

HOUSE BILL NO. 1034—
BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 42:1102(18)(b), relative to the application of the Code of Governmental Ethics to certain persons; to provide an exception to the definition of "public employee" for persons who perform specified, limited contractual services; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 1034 by Representative Foil

AMENDMENT NO. 1

On page 1, delete lines 16 and 17 in their entirety and insert the following:

"(j) A contract to provide professional services as defined in R.S. 38:2310(7)."

AMENDMENT NO. 2

On page 1, between lines 19 and 20 insert the following:

"(iii) A contract to provide abstracting and land surveying."

AMENDMENT NO. 3

On page 1, line 20, change "(iii)" to "(iv)"

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

HOUSE BILL NO. 1063—
BY REPRESENTATIVES SIMON AND ORTEGO
AN ACT

To enact R.S. 37:158, relative to the practice of architecture; to provide for firm practices; to provide for licensure by the State Board of Architectural Examiners; to provide for promulgation of rules; to provide an effective date; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1063 by Representative Simon

AMENDMENT NO. 1

On page 1, line 4, after "rules;" insert "to provide for exceptions;"

AMENDMENT NO. 2

On page 1, line 13, after "firms," insert "This Subsection shall not include naval architects or civil engineers who perform services as defined in R.S. 37:141(B)(3)."

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

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.

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

HOUSE BILL NO. 1111—
BY REPRESENTATIVE THIBAUT
AN ACT

To enact R.S. 4:183(C), relative to the Horsemen's Benevolent and Protective Association; to describe benefits for permittees and employees; and to provide for related matters.

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

HOUSE BILL NO. 1113—
BY REPRESENTATIVE JOHNSON
AN ACT

To amend and reenact R.S. 44:9(F) and (G) and to enact R.S. 44:4(45), relative to public records; to provide relative to the exemption of certain records in the possession of the Louisiana Licensed Professional Counselors Board of Examiners; to provide for the continued confidentiality of such records; to provide relative to the disclosure of certain confidential information to the Louisiana Licensed Professional Counselors Board of Examiners; and to provide for related matters.

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

HOUSE BILL NO. 1143—
BY REPRESENTATIVE NANCY LANDRY
AN ACT

To amend and reenact R.S. 42:19(A)(1)(b)(ii), relative to meetings of public bodies; to provide relative to notice of such meetings; to provide relative to meeting agendas; to provide relative to the duties of the presiding officer of a public body relative to agenda items; and to provide for related matters.

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

HOUSE BILL NO. 1178—
BY REPRESENTATIVES LEGER AND ORTEGO
AN ACT

To enact Chapter 27 of Title 12 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 12:1801 through 1832, relative to benefit corporations; to enact the "Benefit Corporations Law"; to provide for applicability; to provide for definitions; to provide for formation of benefit corporations; to provide for election and termination of benefit corporation status; to provide for corporate purposes; to provide for a standard of conduct for directors and officers; to provide for a benefit director; to provide for a benefit officer; to provide for a right of action; to require an annual benefits report; to provide for stock certificates; and to provide for related matters.

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

HOUSE BILL NO. 1188— (Substitute for House Bill No. 802 by Representative Anders)

BY REPRESENTATIVES ANDERS, ADAMS, ARMES, BADON, BILLIOT, BROWN, BURRELL, DIXON, GISCLAIR, HARRIS, HARRISON, HENSGENS, KATRINA JACKSON, LEOPOLD, JAY MORRIS, PONTI, PYLANT, REYNOLDS, RICHARDSON, AND ST. GERMAIN

AN ACT

To amend and reenact R.S. 37:1861(B)(introductory paragraph) and 1864.3 and to enact R.S. 37:1861(B)(6) and Chapter 22 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1961 through 1975, relative to used or secondhand property; to provide for an exemption to the secondhand dealer law; to prohibit cash payments for the purchase of copper and other metals; to establish the Louisiana Scrap Metal Recyclers Law; to provide for definitions; to require an occupational license to operate as a scrap metal recycler; to require changes in location to be noted on a license; to provide for hours of operation; to require records of scrap metal purchased; to require the records to be kept for three years; to require the records to be made available for inspection by law enforcement; to require photographic records of scrap metal purchased and of the sellers; to prohibit the purchase of scrap metal not owned by the seller; to prohibit scrap metal purchases from person under the age of eighteen; to require a statement of ownership from the seller; to provide that failure to obtain the statement shall be prima facie evidence of fraud; to provide for exoneration from fraudulent, willful, or criminal knowledge; to require daily reports; to require the use of a national database; to provide for violations; to provide for penalties; to provide for an effective date; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1188 by Representative Anders

AMENDMENT NO. 1

On page 1, line 4, change "1975" to "1976"

AMENDMENT NO. 2

On page 1, line 12, after "sellers;" insert "to provide for form of payments;"

AMENDMENT NO. 3

On page 1, line 18, after "penalties;" insert "to provide for preemption;"

AMENDMENT NO. 4

On page 2, line 4, change "1975" to "1976"

AMENDMENT NO. 5

On page 3, delete lines 5 and 6 and insert:
"C.(1) No secondhand dealer shall allow a seller to engage in multiple transactions within a twenty-four hour period totaling more than three hundred dollars for the purpose of circumventing this Section."

AMENDMENT NO. 6

On page 5, line 9, delete "of materials to be recycled or reused" and insert "of materials to be recycled or reused"

AMENDMENT NO. 7

On page 8, line 24, delete "appropriate" and on line 25, after "entity" insert "owning the materials and"

AMENDMENT NO. 8

On page 11, between lines 12 and 13 insert the following:
"C. Except for copper purchases, in lieu of a check, an operator may make payment to the seller in the form of a loadable payment

card. The operator shall require verification of the seller's identification by a driver's license or similar means, and shall require verification of the seller's address by a current utility bill. The operator shall retain a copy of such utility bill."

AMENDMENT NO. 9

On page 11, delete lines 13 and 14 and insert the following:
"D.(1) No operator shall allow a seller to engage in multiple transactions within a twenty-four hour period totaling more than three hundred dollars for the purpose of circumventing this Section."

AMENDMENT NO. 10

On page 11, line 19, change "D." to "E."

AMENDMENT NO. 11

On page 12, between lines 20 and 21 insert:
"§1976. Preemption
No governing authority of a political subdivision shall enact an ordinance in conflict with the provisions of this Chapter."

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

HOUSE BILL NO. 1207— (Substitute for House Bill No. 604 by Representative Harrison)

BY REPRESENTATIVES HARRISON, DOVE, AND WHITNEY AND SENATOR CHABERT

AN ACT

To enact R.S. 51:1422, relative to unfair and deceptive trade practices; to prohibit misrepresentation regarding the provision of local television service; to provide for exceptions; to provide for violations; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1207 by Representative Harrison

AMENDMENT NO. 1

On page 1, line 2, after "practices;" delete the remainder of the line and delete lines 3 and 4 and insert "to provide for certain contracts governing television services; to provide for exceptions; to provide certain terms, conditions, and requirements; and to provide for related matters."

AMENDMENT NO. 2

On page 1, line 7, delete "misrepresentation; local"

AMENDMENT NO. 3

On page 1, delete lines 9 through 14 and insert:
"A. The initial contract between a consumer and any person offering for sale television services in this state shall specify each television station that shall be accessible for viewing by the consumer under such contract. The failure to specify each television station shall be an unfair and deceptive trade practice and shall be governed by R.S. 51:1401 et. seq."

AMENDMENT NO. 4

On page 1, delete lines 17 through 19 and on page 2 delete lines 1 through 4

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

**Senate Concurrent Resolutions
Returned from the House of Representatives
with Amendments**

SENATE CONCURRENT RESOLUTION NO. 95—
BY SENATORS CROWE, DONAHUE AND NEVERS AND
REPRESENTATIVES CROMER AND PEARSON
A CONCURRENT RESOLUTION
To express the sincere condolences of the Senate of the Legislature
of Louisiana upon the death of Cecelia Louise Minnick
Drennan, a successful real estate agent and civic volunteer in
Slidell.

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

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

SENATE RESOLUTION NO. 110—
BY SENATOR MORRELL
A RESOLUTION
To establish and provide for the Behavior Analysts Licensure and
Regulation Study Commission to study the licensure and
regulation of behavior analysts and to report on the baseline
framework for such licensure and regulation on or before
December 31, 2012.

Reported with amendments by the Committee on Senate and
Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and
Governmental Affairs to Original Senate Resolution No. 110 by
Senator Morrell

AMENDMENT NO. 1
On page 2, between lines 11 and 12, insert the following:
"(8) The president of the Louisiana Psychological Association,
or his designee.
(9) The chairperson of the Louisiana State Board of Social
Work Examiners, or his designee.
(10) The executive director of the Louisiana State Board of
Medical Examiners, or his designee."

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

The amended resolution was read by title. On motion of Senator
Morrell, the amended Senate Resolution was adopted.

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

SENATE CONCURRENT RESOLUTION NO. 79—
BY SENATOR MURRAY
A CONCURRENT RESOLUTION
To urge and request that the hospitals and behavioral health treatment
facilities in the parishes of Orleans, Jefferson, Plaquemines, and
St. Bernard report to the president of the Louisiana Senate, the
speaker of the Louisiana House of Representatives, the Senate
Committee on Health and Welfare, the House of Representatives
Committee on Health and Welfare, and the Senate Select
Committee on Women and Children certain information
regarding the quantity of behavioral health treatment, including
both mental illness and substance abuse, sought in the four
parishes during specific time frames.

Reported with amendments by the Committee on Health and
Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare
to Original Senate Concurrent Resolution No. 79 by Senator Murray

AMENDMENT NO. 1
On page 2, line 16, after "St. Bernard" delete the comma ","

AMENDMENT NO. 2
On page 3, line 3, after "services" delete ";" and insert a period
."

AMENDMENT NO. 3
On page 3, lines 12 and 28, delete "State"

AMENDMENT NO. 4
On page 3, line 19, change "resolution" to "Resolution"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 34

NAYS

Total - 0

ABSENT

Crowe	Heitmeier	Morrell
Dorsey-Colomb	Johns	

Total - 5

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

SENATE CONCURRENT RESOLUTION NO. 99—
BY SENATOR APPEL
A CONCURRENT RESOLUTION
To provide for legislative approval of the formula to determine the
cost of a minimum foundation program of education in all
public elementary and secondary schools as well as to equitably
allocate the funds to city, parish, and other local public school
systems as developed by the State Board of Elementary and
Secondary Education and adopted by the board on February 27,
2012.

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

SENATE CONCURRENT RESOLUTION NO. 111—
BY SENATOR HEITMEIER
A CONCURRENT RESOLUTION
To direct the Department of Health and Hospitals to consult with the
appropriate state entities and healthcare stakeholders based on

May 17, 2012

the United Health Foundation's *America's Health Rankings* twenty-three measures and to prepare and submit a report to the Senate and House committees on health and welfare that addresses raising Louisiana's health ranking as determined by the United Health Foundation's *America's Health Rankings* to thirty-fifth within the next ten years.

Reported favorably by the Committee on Health and Welfare.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Dorsey-Colomb	Johns	LaFleur
Total - 3		

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

Rules Suspended

Senator Peacock asked for and obtained a suspension of the rules to recall Senate Concurrent Resolution No. 114 from the Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 114—
BY SENATOR PEACOCK

A CONCURRENT RESOLUTION

To authorize and direct the Department of Wildlife and Fisheries to study entering into recreational fishing and hunting license reciprocity agreements with Arkansas, Mississippi, and Texas and to submit the findings of the study to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources no later than January 1, 2013.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Peacock
Adley	Erdey	Perry
Allain	Gallot	Peterson
Amedee	Guillory	Riser
Appel	Kostelka	Smith, G.
Broome	Long	Smith, J.
Brown	Martiny	Tarver

Buffington	Mills	Thompson
Chabert	Morrell	Walsworth
Claitor	Morrish	Ward
Cortez	Murray	White
Crowe	Nevers	
Total - 35		

NAYS

Total - 0

ABSENT

Dorsey-Colomb	Johns
Heitmeier	LaFleur
Total - 4	

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 623—
BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 46:1844(W)(2), relative to criminal procedure; to provide relative to the rights of juvenile victims of certain sex offenses; to provide that certain information relative to juvenile victims of misdemeanor sex offenses shall not be publicly disclosed; to provide for definitions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Dorsey-Colomb	Heitmeier	Johns
Total - 3		

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

Rules Suspended

Senator Guillory asked for and obtained a suspension of the rules to pass over House Concurrent Resolutions Reported by Committee to be adopted.

House Bills and Joint Resolutions on Third Reading and Final Passage

HOUSE BILL NO. 39—
BY REPRESENTATIVE MONTOUCKET
AN ACT

To enact R.S. 11:2254(E), 2256(B)(5), and 2271(7), relative to the Firefighters' Retirement System; to provide for compliance with federal tax qualification requirements; to provide relative to benefits accrued during military service; and to provide for related matters.

Floor Amendments

Senator Guillory proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guillory to Engrossed House Bill No. 39 by Representative Montoucet

AMENDMENT NO. 1
On page 2, line 24, after "**thereunder**" delete "**may**" and insert in lieu thereof: "**that do not require legislative action shall**"

On motion of Senator Guillory, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Dorsey-Colomb	Johns
Heitmeier	LaFleur
Total - 4	

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

HOUSE BILL NO. 41—
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:1532 and to enact R.S. 11:1518, 1521.2, 1524(C), and 1533(F), relative to the Clerks' of Court Retirement and Relief Fund; to provide relative to federal tax qualification status; to authorize changes to be made using the Administrative Procedure Act; and to provide for related matters.

Floor Amendments

Senator Guillory proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guillory to Reengrossed House Bill No. 41 by Representative Pearson

AMENDMENT NO. 1
On page 4, line 18, delete "**may**" and insert in lieu thereof: "**that do not require legislative action shall**"

On motion of Senator Guillory, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Perry
Allain	Gallot	Peterson
Amedee	Guillory	Riser
Appel	Kostelka	Smith, G.
Broome	LaFleur	Smith, J.
Brown	Long	Tarver
Buffington	Martiny	Thompson
Chabert	Mills	Walsworth
Claitor	Morrish	Ward
Cortez	Murray	White
Crowe	Nevers	
Donahue	Peacock	
Total - 34		

NAYS

Total - 0

ABSENT

Adley	Heitmeier	Morrell
Dorsey-Colomb	Johns	
Total - 5		

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

HOUSE BILL NO. 50—
BY REPRESENTATIVE PEARSON
AN ACT

To enact R.S. 11:1404(F), 1411(E), and 1446, relative to the Assessors' Retirement Fund; to provide for compliance with federal tax qualification requirements; to provide relative to benefits accrued during military service; and to provide for related matters.

Floor Amendments

Senator Guillory proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guillory to Engrossed House Bill No. 50 by Representative Pearson

AMENDMENT NO. 1
On page 1, line 15, after "**thereunder**" delete "**shall**" and insert in lieu thereof: "**that do not require legislative action shall**"

On motion of Senator Guillory, the amendments were adopted.

May 17, 2012

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Donahue, Peacock, Adley, Erdey, Perry, Allain, Gallot, Peterson, Amedee, Guillory, Riser, Appel, LaFleur, Smith, G., Broome, Long, Smith, J., Brown, Martiny, Tarver, Buffington, Mills, Thompson, Chabert, Morrell, Walsworth, Claitor, Morrish, Ward, Cortez, Murray, White, Crowe, Nevers. Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns: Dorsey-Colomb, Johns, Heitmeier, Kostelka. Total - 4

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

Rules Suspended

Senator Guillory asked for and obtained a suspension of the rules to pass over House Bill No. 61 and House Bill No. 568.

HOUSE BILL NO. 986—

BY REPRESENTATIVE HAZEL

AN ACT

To amend and reenact R.S. 11:2256(B)(2) and (3) and 2259(A) and to enact R.S. 11:2256(G) and 2256.2, relative to the Firefighters' Retirement System; to provide for distribution of benefits of a member to a trust established for the benefit of a child; to provide definitions; to provide requirements; to provide restrictions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Donahue, Peacock, Adley, Erdey, Perry, Allain, Gallot, Peterson, Amedee, Guillory, Riser, Appel, Kostelka, Smith, G., Broome, Long, Smith, J., Brown, Martiny, Tarver, Buffington, Mills, Thompson, Chabert, Morrell, Walsworth, Claitor, Morrish, Ward, Cortez, Murray, White, Crowe, Nevers. Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns: Dorsey-Colomb, Johns, Heitmeier, LaFleur. Total - 4

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

HOUSE BILL NO. 1048—

BY REPRESENTATIVE POPE

AN ACT

To amend and reenact R.S. 11:701(10), 761(A)(3)(b), 768(A)(2) and (B)(2)(introductory paragraph), and 786(A)(1) and to enact R.S. 11:785 and 927(E), relative to the Teachers' Retirement System of Louisiana; to provide with respect to tax-qualification of such system; to make certain changes to such system's provisions in conformity with federal tax-qualification provisions; to provide effective dates; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Donahue, Peacock, Adley, Erdey, Perry, Allain, Gallot, Peterson, Amedee, Guillory, Riser, Appel, Kostelka, Smith, G., Broome, Long, Smith, J., Brown, Martiny, Tarver, Buffington, Mills, Thompson, Chabert, Morrell, Walsworth, Claitor, Morrish, Ward, Cortez, Murray, White, Crowe, Nevers. Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns: Dorsey-Colomb, Johns, Heitmeier, LaFleur. Total - 4

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

HOUSE BILL NO. 1050—

BY REPRESENTATIVE RITCHIE

AN ACT

To enact R.S. 11:2220(I) and 2225(B) and to repeal R.S. 11:2220.1, 2220.2, 2220.3, and 2234, relative to the Municipal Police Employees' Retirement System; to provide relative to compliance with applicable federal tax qualification requirements; to provide an effective date; and to provide for related matters.

Floor Amendments

Senator Guillory proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guillory to Engrossed House Bill No. 1050 by Representative Ritchie

AMENDMENT NO. 1

On page 2, line 10, delete "may" and insert in lieu thereof: "that do not require legislative action shall"

On motion of Senator Guillory, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Dorsey-Colomb	Johns
Heitmeier	LaFleur

Total - 4

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

HOUSE BILL NO. 61—

BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:62(4)(introductory paragraph), (5)(introductory paragraph), and (11)(introductory paragraph), 102(B)(1) and (3)(a) and (d)(v), (vi), and (vii), 542(A)(2)(a), 883.1(A)(2)(a), and 1145.1(A)(1)(introductory paragraph) and (a), (C)(4)(a)(introductory paragraph), and (E), and to enact R.S. 11:62(4.1), (5.1), and (11.1), 102(C)(1)(m), 542(C)(4)(d)(iii) and (e)(iii), 883.1(C)(4)(d)(iii) and (e)(iii), 1145.1(C)(4)(a)(iii) and (b)(iii), and Chapter 7 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:1399.1 through 1399.7, relative to state retirement systems; to create a cash balance plan in certain state systems; to provide for contributions, credits, eligibility, and benefits; to provide for an effective date; and to provide for related matters.

Floor Amendments

Senator Claitor proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Claitor and Gallot to Reengrossed House Bill No. 61 by Representative Pearson

AMENDMENT NO. 1

On page 16, line 9, change "This" to "(A) The", delete the remainder of the line and delete lines 10 and 11 and insert the following: "provisions of Sections 1, 2, and 3 and of this Section of this Act shall become effective thirty days after the systems are in receipt of a private letter ruling issued by the Internal Revenue Service, pursuant to a request by the systems for such a ruling, concluding that the provisions of this Act will not adversely affect the status of the systems as a qualified governmental plans under the Internal Revenue Code.

(B) Thirty days after the effective date of this Section, the Teachers' Retirement System of Louisiana and the Louisiana State Employees' Retirement System shall request a private letter ruling from the Internal Revenue Service regarding the impact the provisions of this Act will have on the systems' status as qualified governmental plans under the Internal Revenue Code."

AMENDMENT NO. 2

On page 16, after line 15 insert:

"Section 7. The provisions of Sections 4, 5, and 6 and of this Section of this Act shall be effective July 1, 2012."

Senator Claitor moved the adoption of the amendments.

Senator Guillory objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Claitor	Smith, G.
Allain	Gallot	Thompson
Broome	Kostelka	
Buffington	Murray	

Total - 10

NAYS

Mr. President	LaFleur	Perry
Appel	Long	Riser
Brown	Martiny	Smith, J.
Chabert	Mills	Tarver
Cortez	Morrell	Walsworth
Crowe	Morrish	Ward
Erdey	Nevers	
Guillory	Peacock	

Total - 22

ABSENT

Amedee	Heitmeier	White
Donahue	Johns	
Dorsey-Colomb	Peterson	

Total - 7

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Kostelka	Riser
Amedee	LaFleur	Smith, G.
Appel	Long	Smith, J.
Brown	Martiny	Tarver
Chabert	Mills	Thompson
Cortez	Morrish	Walsworth

May 17, 2012

Crowe
Guillory
Total - 23

Peacock
Perry

Ward

NAYS

Adley
Allain
Broome
Buffington
Total - 11

Erdey
Gallot
Morrell
Murray

Nevers
Peterson
White

ABSENT

Claitor
Donahue
Total - 5

Dorsey-Colomb
Heitmeier

Johns

The Chair declared the bill was passed and ordered it returned to the House. Senator Guillory 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

PASSED SENATE BILLS AND JOINT RESOLUTIONS

May 17, 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 the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 231—
BY SENATORS MURRAY, MILLS AND THOMPSON
AN ACT

To enact R.S. 22:1006.1, relative to prior authorization forms; to provide with respect to the issuance and use of prior authorization forms; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 130—
BY SENATORS CROWE, ALARIO, APPEL, KOSTELKA, LONG, THOMPSON AND WALSWORTH
AN ACT

To enact R.S. 40:989.2(C)(5)(m), relative to crimes involving the knowing and intentional possession of a compound or mixture of a certain prohibited plant; to provide for certain prohibited plants; and to provide for related matters.

Reported with amendments.

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. 195—
BY SENATOR MILLS
AN ACT

To enact R.S. 40:964(Schedule I)(D)(4), relative to controlled dangerous substances; to provide relative to substances having a depressant effect on the central nervous system, specifically

phenazepam; to add phenazepam to Schedule I of the Uniform Controlled Dangerous Substances Law; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 399—
BY SENATORS WHITE, NEVERS AND THOMPSON
AN ACT

To amend and reenact R.S. 12:403(2) and 407, relative to electric cooperatives; to provide relative to powers and bylaws; to provide for perpetual existence of cooperatives in certain circumstances; to provide relative to adoption, amendment, or repeal of bylaws; to provide certain terms, conditions, and requirements; to provide for the board of directors taking certain actions without authorization of the members of the cooperative; and to provide for related matters.

Reported with amendments.

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 with amendments.

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.

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.

Reported with amendments.

SENATE BILL NO. 667—
BY SENATOR GARY SMITH
AN ACT

To amend and reenact R.S. 32:402.1(A)(1)(a) and the introductory paragraph of 402.1(A)(2), relative to driver education; to provide relative to the requirements for driver education for persons who are less than eighteen years of age and for persons who are eighteen years of age or older; to provide relative to classroom instruction and actual driving instruction; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 271—
BY SENATOR PERRY
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 Dreams Come True, Inc.; to provide for

the administration and disbursement of donated monies; and to provide for related matters.

Reported with amendments.

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

Message from the House

HOUSE CONFEREES APPOINTED

May 17, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to **House Bill No. 231** by Representative Ligi:

Representatives Ligi, Lopinto and Lorusso.

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

Message from the House

HOUSE CONFEREES APPOINTED

May 17, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to **House Bill No. 447** by Representative Lopinto:

Representatives Lopinto, Moreno and Honore.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 17, 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. 134

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

House Bills and Joint Resolutions

Senator Donahue asked for and obtained a suspension of the rules to read House Bills and Joint Resolutions a first and second time by title and refer them to committee.

HOUSE BILL NO. 134—
BY REPRESENTATIVE FANNIN
AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON NATURAL RESOURCES

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

May 17, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 555—
BY SENATOR ADLEY
AN ACT

To amend and reenact R.S. 30:29(A), (C)(1) and (3), and (H), relative to the remediation of oilfield sites and exploration and production sites; to provide for the admission or finding of liability by certain parties; to provide terms, conditions, requirements, and procedures; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
GERALD LONG
Chairman

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

Senator Long asked for and obtained a suspension of the rules to take up Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 555—
BY SENATOR ADLEY
AN ACT

To amend and reenact R.S. 30:29(A), (C)(1) and (3), and (H), relative to the remediation of oilfield sites and exploration and production sites; to provide for the admission or finding of liability by certain parties; to provide terms, conditions, requirements, and procedures; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 555 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 30:29(A), (C)(1) and (3), and (H)," and insert "R.S. 30:29(C)(1), (2), and (3) and to enact R.S. 30:29(B)(5), (6), (7), and (L)."

AMENDMENT NO. 2

On page 1, line 4, after "parties;" insert "to provide for the issuance of subpoenas for certain individuals and the procedure for a preliminary hearing; to suspend the prescriptive period for cases involving environmental damage; to provide for indemnification;"

AMENDMENT NO. 3

On page 1, delete line 7, and insert "Section 1. R.S. 30:29(C)(1), (2), and (3) are hereby amended and reenacted and R.S. 30:29(B)(5), (6), (7), and (L) are hereby enacted"

AMENDMENT NO. 4

On page 1, delete lines 10 through 17 and on page 2, delete lines 1 through 11

AMENDMENT NO. 5

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

"B.(1) * * *"

(5) Any party may subpoena, for purposes of deposition or trial, any employee, contractor, or representative of the department involved in the formulation of the feasible plan approved by the department under Subsection C of this Section, or an agency that reviews and provides comments under Subsection C of this Section. Discovery regarding the department's review, approval, or structuring of the feasible plan and of an agency that reviews and provides comments shall not be allowed until after the department submits its final feasible plan with reasons to the court pursuant to Subsection C of this Section. If a party subpoenas the records or testimony of the department or an agency for deposition or trial, the party issuing the subpoena shall pay the costs of the department or agency in responding to such subpoena.

(6) Within sixty days of being served with a petition or amended petition asserting an action, a defendant may request that the court conduct a preliminary hearing to determine whether there is good cause for maintaining the defendant as a party in the litigation. At the hearing, the parties may introduce evidence in affidavit or written form. The plaintiff shall have the initial burden to introduce evidence to support the allegations of environmental damage, following which the moving party shall have the burden to demonstrate the absence of a genuine issue of material fact that the moving party caused or is otherwise legally responsible for the alleged environmental damage. The rules governing summary judgments in the Code of Civil Procedure shall not apply to the preliminary hearing. Within fifteen days of the preliminary hearing, the court shall issue an order on any timely request for preliminary dismissal. A judgment of dismissal under this Paragraph shall be without prejudice, with all parties reserving the right to rejoin the dismissed defendant during the litigation upon discovery of evidence not reasonably available at the time of the hearing on the motion for preliminary dismissal. If not rejoined, a party dismissed under this Paragraph shall be entitled to a judgment of dismissal with prejudice following a final non-appealable judgment on the claims asserted by the party against whom the preliminary dismissal was granted. Any pleading rejoining any defendant previously dismissed under this Paragraph shall relate back to the filing of the original petition or any amendment thereto as provided in the Code of Civil Procedure Article 1153. The finding of the district court shall be without prejudice of any party to litigate the legal responsibility of any potentially responsible party, the allocation of responsibility among the potentially responsible parties, and any other issues incident to the finder of fact's determination of the party or parties who caused the damage or who are otherwise legally responsible for the alleged environmental damage. The procedure for a preliminary dismissal provided by this Paragraph shall be in addition to the pretrial rights and the remedies available to the

parties under the Code of Civil Procedure, including the right to civil discovery.

(7)(a) The prescriptive period that applies to any claim covered by the provisions of this Section shall be suspended for a period of one year upon the mailing or physical delivery to the department of a notice of intent to investigate. A notice of intent to investigate shall include all of the following information:

(i) A description of the property alleged to have been damaged.

(ii) A description of the alleged environmental damage.

(iii) The general location of the alleged environmental damage on the property.

(iv) The name and address of all known owners of the property.

(v) The name and address of the current operator.

(b) The party issuing the notice of intent to investigate shall mail by certified mail return receipt requested to all persons identified in the notice a copy of the notice.

(c) If a party submits a notice of intent to investigate, any subsequent judicial demand by the party under the provisions of this Section shall identify on a map the location of any alleged environmental damage and include the results of any environmental testing performed on the property. Failure to include this information at the time of the filing of the judicial demand shall result in exclusion of the information."

AMENDMENT NO. 6

On page 2, line 13, delete "(a)"

AMENDMENT NO. 7

On page 2, delete lines 18 through 29 and on page 3, delete lines 1 through 9 and insert "develop a plan or submittal"

AMENDMENT NO. 8

On page 3, line 10, after "applicable" insert "**regulatory**"

AMENDMENT NO. 9

On page 3, line 13, delete "**or any**"

AMENDMENT NO. 10

On page 3, line 14, delete "**interested person**"

AMENDMENT NO. 11

On page 3, line 18, delete "**or any interested person**"

AMENDMENT NO. 12

On page 3, delete line 24, and insert the following:

"(2)(a) Within sixty days from the last day on which any party may provide the department with a plan, comment, or response to a plan as provided in Paragraph (C)(1) of this Section, the department shall conduct a public hearing on the plan or plans submitted. When a public hearing is held following a limited admission pursuant to the Code of Civil Procedure Article 1563, then the department shall not conduct an additional public hearing pursuant to this Section for the same environmental damage. Within sixty days of the conclusion of the hearing, the department shall approve or structure a final plan, or if applicable, a preliminary plan pursuant to Subparagraph (C)(3)(b) of this Section, based on the evidence submitted which the department determines to be the most feasible plan to evaluate or remediate the environmental damage and protect the health, safety, and welfare of the people. The department shall issue written reasons for the plan it approves or structures. On motion of the department, for good cause shown, the court may grant the department additional time, not to exceed sixty days, within which to either conduct the hearing or approve a plan with reasons.

(b) Except as otherwise provided for in this Section, from the date the party or parties, who admit responsibility or whom the court finds legally responsible for the damage, submit a plan to the department until after the department has filed with the court the approved feasible plan for the evaluation or remediation of the environmental damage, no party to the litigation, either directly or indirectly, shall have ex parte communication with any employee, contractor, or representative of the department regarding the formation of the feasible plan or

an agency providing comments to the department regarding the formation of the feasible plan. The feasible plan issued by the department shall contain a signed affidavit of compliance with this restriction. Any comments provided by an agency to the department shall also contain a signed affidavit of compliance with this restriction."

AMENDMENT NO. 13

On page 3, line 25, after "(3)" insert "(a)"

AMENDMENT NO. 14

On page 3, between lines 27 and 28, insert the following:

"(b)(i) If the department preliminarily approves or structures a preliminary plan that requires the application of regulatory standards of an agency other than the department or that provides an exception from the department's standards, within fifteen days of such preliminary structuring or approval, the department shall submit the plan to the Department of Agriculture and Forestry, the Department of Environmental Quality, and the Department of Natural Resources for review and comment. Within thirty days after the department's submission of the plan to all of the agencies, each agency may provide written comments regarding the plan. Each agency providing written comments shall submit a schedule of the agency's costs for review of the plan to the court for reimbursement by the responsible party. Failure of an agency to respond to the department shall not affect the validity of the plan approved by the department. The department and agency heads shall coordinate in order to establish protocol to ensure inter-agency communication regarding plan development, timely delivery of all proposed plans to the appropriate agency heads, and timely receipt of all agency comments back to the department.

(ii) Within thirty days after the receipt of any agency's written comments, the department shall file in the court record the final plan, with written reasons that the department determines to be the most feasible plan to evaluate or remediate the environmental damage under applicable regulatory standards, together with any comments submitted by an agency under Item (C)(3)(b)(i). Based on the findings of the department, the department may issue any compliance order it deems necessary to either the operator of record or, where applicable, a party found responsible or admitting responsibility for implementing the most feasible plan to evaluate or remediate the environmental damage under applicable regulatory standards. If a compliance order is issued against the responsible party who is not the current operator of record, the responsible party shall give the current operator of record notice of the compliance order within thirty days of the responsible party's receipt of the compliance order."

AMENDMENT NO. 15

On page 3, delete line 29 and on page 4, delete lines 1 through 11 and insert the following:

"L. If pursuant to the terms of a contract the responsible party is entitled to indemnification against punitive damages arising out of the environmental damage that is subject to the provisions of this Section, the responsible party shall waive the right to enforce the contractual right to indemnification against such punitive damages caused by the responsible party's acts or omissions if the responsible party admits responsibility for the remediation of the environmental damage under applicable regulatory standards pursuant to the provisions of the Code of Civil Procedure Article 1563. Such waiver of the right to indemnification against punitive damages shall not apply to any other claims or damages.

Section 2. The provisions of this Act shall not apply to any case in which the court on or before May 15, 2012, has issued or signed an order setting the case for trial, regardless of whether such trial setting is continued."

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

Rules Suspended

Senator Long asked for and obtained a suspension of the rules to allow the Senate Committee on Natural Resources to hear certain bills without the required 24-hour notice.

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:

May 17, 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. 65—

BY SENATORS 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, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES ABRAMSON, ADAMS, ANDERS, ARMES, ARNOLD, BADON, BARRAS, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, WESLEY BISHOP, BROADWATER, BROSSETT, BROWN, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, CROMER, DANAHAY, DIXON, DOVE, EDWARDS, FANNIN, FOIL, FRANKLIN, GAINES, GAROFALO, GEYMANN, GISCLAIR, GREENE, GUILLORY, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, HUVAL, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LEOPOLD, LIGI, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, PONTI, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, SIMON, SMITH, ST. GERMAIN, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, ALFRED WILLIAMS, PATRICK WILLIAMS AND WILLMOTT

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.

SENATE CONCURRENT RESOLUTION NO. 101—

BY SENATORS HEITMEIER, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

A CONCURRENT RESOLUTION

To declare the month of May as "National Military Appreciation Month" in Louisiana.

SENATE CONCURRENT RESOLUTION NO. 106—

BY SENATORS CORTEZ, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, 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

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the passing of business entrepreneur, visionary, public servant, legislator, and former state superintendent of education, Louis Joseph Michot Jr., to commemorate a life well spent in service to the Lafayette community, and to note the proud legacy he leaves to the state of Louisiana.

May 17, 2012

SENATE CONCURRENT RESOLUTION NO. 108—
BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study certain aspects of civil jury trial procedure.

SENATE CONCURRENT RESOLUTION NO. 112—
BY SENATOR GUILLORY

A CONCURRENT RESOLUTION

To designate Tuesday, May 15, 2012, as Alpha Phi Alpha Day in the Louisiana Legislature, commends Alpha Phi Alpha for one hundred six years of exemplary leadership, and provides for suitable observance of such day.

SENATE CONCURRENT RESOLUTION NO. 113—
BY SENATOR HEITMEIER AND REPRESENTATIVE SIMON

A CONCURRENT RESOLUTION

To commend Ms. Debra Ann "Debbie" Maxwell Gough for thirty-three years of dedicated service to the citizens of the state of Louisiana as an employee of the Louisiana Department of Health and Hospitals.

Respectfully submitted,
"JODY" AMEDEE
Chairman

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

**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:

May 17, 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 Bills have been properly enrolled:

SENATE BILL NO. 2—
BY SENATOR GUILLORY

AN ACT

To enact R.S. 11:186, relative to state and statewide retirement systems; to provide relative to meetings of system boards of trustees; to provide for representation during executive sessions of the boards and committees of such systems; to provide for written authorization; to provide restrictions; to provide an effective date; and to provide for related matters.

SENATE BILL NO. 10—
BY SENATOR GUILLORY

AN ACT

To enact R.S. 11:22(D), relative to actuarial valuation methods for state and statewide retirement systems; to provide for conversion of such methods; to specify the method to be utilized once the frozen unfunded actuarial accrued liability of certain systems has been fully amortized; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 11—
BY SENATOR GUILLORY

AN ACT

To enact R.S. 11:1902(30) and (31), relative to the Parochial Employees' Retirement System; to provide for definitions; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 18—
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:4(A)(1)(d), 22(B)(12), 42(B)(10), 62(10), 102(B)(3)(d)(viii), 148(B), 154(A)(2), 158(B)(13), 162(A), 173(A)(2), 174(B)(2), 181(A)(4), 182(A)(1), 185(A)(4), 211(heading), 222(A), 223, 234(A)(12), 251, 262(12), 271(B)(12), 272(A)(2), 312(A)(12), 417(A) and (C), 516, 1301(1)(4), and (8), 1302(A)(introductory paragraph), 1305(A)(introductory paragraph) and (B), 1307(D)(1), 1307.1(A), 1329, 1345.1, and 1345.2(4), relative to the State Police Pension and Retirement System; to provide for technical corrections; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 78—
BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 14:95(A)(4), relative to the illegal carrying and discharge of weapons; to exclude certain knives from the prohibition of certain weapons; and to provide for related matters.

SENATE BILL NO. 20—
BY SENATOR CORTEZ AND REPRESENTATIVE HOFFMANN

AN ACT

To enact R.S. 11:710(A)(5), relative to the Teachers' Retirement System of Louisiana; to allow certain retirees reemployed as adjunct professors to receive benefits during reemployment; and to provide for related matters.

SENATE BILL NO. 24—
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:2093, to enact R.S. 11:2077(D), and to repeal R.S. 11:2151, 2152, and 2153, relative to the Registrars of Voters Employees' Retirement System; to provide relative to compliance with applicable federal tax qualification requirements; to provide an effective date; and to provide for related matters.

SENATE BILL NO. 65—
BY SENATOR MORRISH

AN ACT

To enact R.S. 13:985.2, relative to the Thirty-Eighth Judicial District; to provide for the assessment of court costs to fund court reporter fees prepared for indigents; to authorize additional costs in criminal cases; to authorize an additional filing fee in civil cases; to create an indigent transcript fund for the payment of court reporter fees; to provide terms and conditions for such funds; to authorize the clerk of court to retain certain fees; to provide for rates of payment to court reporters; to provide for an annual audit; and to provide for related matters.

SENATE BILL NO. 91—
BY SENATOR JOHN SMITH

AN ACT

To enact R.S. 13:2583.5, relative to the appointment of a deputy constable in Calcasieu Parish; to authorize a constable of a justice of the peace court in Calcasieu Parish to appoint a deputy; to provide for compensation; to provide for qualifications of office; to provide for residency requirements; to provide for prohibitions; and to provide for related matters.

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.

SENATE BILL NO. 657—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 11:1651(B)(introductory paragraph) and (2)(a), relative to the board of trustees of the District Attorneys' Retirement System; to provide for board membership; to increase the number of active members on the board; to specify that one active member shall be an assistant district attorney; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 43—
BY SENATOR GUILLORY

AN ACT

To enact R.S. 11:1404(F), 1411(E), and 1446, relative to the Assessors' Retirement Fund; to provide for compliance with federal tax qualification requirements; to provide relative to benefits accrued during military service; and to provide for related matters.

SENATE BILL NO. 64—
BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 26:85.1, relative to alcohol permits; to provide for Class A-General retail permits; to provide for Class B Retail Liquor Permit; to allow manufacturers to obtain a Class A-General retail permit or a Class B Retail Liquor Permit, or both, under certain circumstances; and to provide for related matters.

SENATE BILL NO. 174—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 13:2501.1(F) and to enact R.S. 13:1337(C), 2151(E) and 2151.4(E), relative to courts and judicial procedure; to provide relative to the jurisdiction of the Traffic Court of New Orleans and the First and Second City Courts of New Orleans; to provide relative to appeals by any person aggrieved by a decision concerning a traffic violation enforced by the city of New Orleans' automated traffic enforcement system; to provide certain terms and conditions; and to provide for related matters.

SENATE BILL NO. 255—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 14:37.4(A) and (C), relative to the crime of aggravated assault with a firearm; to provide relative to the definition of aggravated assault with a firearm; to increase the penalties for aggravated assault with a firearm; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 434—
BY SENATOR PETERSON AND REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 15:168(B)(2), relative to judicial district indigent defender funds; to require the inclusion of certain data with monthly remittances in Orleans Parish; to require certain notification; and to provide for related matters.

SENATE BILL NO. 535—
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 33:441.13, relative to the mayor's court for the town of Westlake; to expand the court's jurisdiction; and to provide for related matters.

SENATE BILL NO. 572—
BY SENATOR MORRELL

AN ACT

To enact R.S. 14:95.1.3, relative to weapons; to prohibit the purchase of firearms or ammunition with the intent to transfer illegally; to provide for definitions; to provide for penalties; and to provide for related matters.

SENATE BILL NO. 642—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 33:2337(A)(1) and (2), relative to mutual assistance between law enforcement agencies; to authorize city marshals and city constables to provide police manpower and equipment to a requesting police department or sheriff's office during an emergency or special event; and to provide for related matters.

SENATE BILL NO. 621—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:2497 and 2500.2(A)(1), to provide relative to courts and judicial procedures; to provide relative to the Municipal 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; and to provide for related matters.

SENATE BILL NO. 457—
BY SENATOR PERRY

AN ACT

To amend and reenact Code of Civil Procedure Article 4843 (E) and (G), relative to city courts; to provide relative to jurisdiction; to increase the civil jurisdictional maximum amount in dispute in the city courts of Abbeville and Kaplan.

Respectfully submitted,
"JODY" AMEDEE
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 16, 2012

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 7—
BY REPRESENTATIVES HENSGENS, CHAMPAGNE, CONNICK, GISCLAIR, GUINN, HUVAL, NANCY LANDRY, LOPINTO, AND WILLMOTT

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to assist the Vermilion Parish Police Jury in regards to the regulatory permitting process and associated mitigation requirements involving maintenance activity performed by drainage districts in the parish.

HOUSE CONCURRENT RESOLUTION NO. 42—
BY REPRESENTATIVE SCHEXNAYDER

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to encourage and enable the United States Army Corps of Engineers to expedite their wetlands permitting process.

HOUSE CONCURRENT RESOLUTION NO. 137—
BY REPRESENTATIVE BURFORD AND SENATOR BUFFINGTON AND REPRESENTATIVE COX

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Jerry Moncrief of DeSoto Parish.

May 17, 2012

HOUSE CONCURRENT RESOLUTION NO. 139— BY REPRESENTATIVE LEBAS A CONCURRENT RESOLUTION

To commend the Barman's Fund New Orleans for its charitable contributions.

HOUSE CONCURRENT RESOLUTION NO. 141— BY REPRESENTATIVE SMITH A CONCURRENT RESOLUTION

To recognize Tuesday, May 15, 2012, as AKA Day at the capitol and to commend the members of Alpha Kappa Alpha Sorority, Incorporated.

HOUSE CONCURRENT RESOLUTION NO. 142— BY REPRESENTATIVE KATRINA JACKSON AND SENATOR THOMPSON A CONCURRENT RESOLUTION

To commend Rueben Randle for his contributions to the Louisiana State University football team and to extend to him best wishes for continued success in his professional career.

HOUSE CONCURRENT RESOLUTION NO. 143— BY REPRESENTATIVE HOFFMANN A CONCURRENT RESOLUTION

To urge and request that the Louisiana Food Bank Association study means by which to facilitate and encourage the donation of food by grocers and restaurants to food banks and other charitable organizations which serve the needy.

HOUSE CONCURRENT RESOLUTION NO. 144— BY REPRESENTATIVE CHAMPAGNE A CONCURRENT RESOLUTION

To urge and request the Governor's Advisory Commission on Coastal Restoration, Protection and Conservation to review the funding opportunities available for the 2012 Coastal Master Plan and report to the legislature and the governor's office regarding the expected level of local, state, federal, and private funding required to achieve the goals of the plan and to recommend steps to be taken to timely secure each component of this funding.

HOUSE CONCURRENT RESOLUTION NO. 148— BY REPRESENTATIVE THOMPSON A CONCURRENT RESOLUTION

To commend Vickey Thrash upon her retirement as principal of Benton High School after nearly three decades of service with the Bossier Parish School System and to recognize and record her myriad accomplishments and contributions.

HOUSE CONCURRENT RESOLUTION NO. 149— BY REPRESENTATIVES BURFORD AND SEABAUGH AND SENATORS BUFFINGTON AND PEACOCK A CONCURRENT RESOLUTION

To commend the Calvary Baptist Academy baseball team upon winning the 2012 Class 2A state championship.

HOUSE CONCURRENT RESOLUTION NO. 150— BY REPRESENTATIVE BURFORD AND SENATORS BUFFINGTON AND PEACOCK A CONCURRENT RESOLUTION

To commend the North DeSoto High School baseball team upon winning the 2012 Class 3A state championship.

HOUSE CONCURRENT RESOLUTION NO. 151— BY REPRESENTATIVE SIMON AND SENATOR HEITMEIER A CONCURRENT RESOLUTION

To commend Ms. Debra Ann "Debbie" Maxwell Gough for thirty-three years of dedicated service to the citizens of the state of Louisiana as an employee of the Louisiana Department of Health and Hospitals.

HOUSE CONCURRENT RESOLUTION NO. 50— BY REPRESENTATIVES HENRY, ABRAMSON, ADAMS, ANDERS, ARMES, ARNOLD, BADON, BARRAS, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, WESLEY BISHOP, BROADWATER, BROSSETT, BROWN, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, CROMER, DANAHAY, DIXON, DOVE, EDWARDS, FANNIN, FOIL, FRANKLIN, GAINES, GAROFALO, GEYMAN, GISCLAIR, GREENE, GUILLORY, GUINN, HARRIS, HARRISON, HAVARD, HAZEL,

HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, HUVAL, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LEOPOLD, LIGI, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, PONTI, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADON, SIMON, SMITH, ST. GERMAIN, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT

A CONCURRENT RESOLUTION To urge and request the National Football League to reconsider the penalties imposed upon the New Orleans Saints.

HOUSE CONCURRENT RESOLUTION NO. 126— BY REPRESENTATIVE COX AND SENATORS 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, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

A CONCURRENT RESOLUTION To recognize the first of May through the fourteenth of June, 2012, as National Military Appreciation Month.

HOUSE CONCURRENT RESOLUTION NO. 136— BY REPRESENTATIVES ORTEGO, TERRY LANDRY, MONTOUCET, AND PIERRE AND SENATORS GUILLORY AND PERRY A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to conduct a study relative to the potential of frontage roads being constructed adjacent to interstate roadways and or urban arterials.

HOUSE CONCURRENT RESOLUTION NO. 16— BY REPRESENTATIVE FOIL A CONCURRENT RESOLUTION

To approve rules promulgated by the Amite River Basin Drainage and Water Conservation District, hereinafter, "ARBC", relative to the acquisition of property for the Comite Diversion Canal Project.

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

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

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

ATTENDANCE ROLL CALL

ROLL CALL

The roll was called with the following result:

PRESENT

Table with 3 columns: Name, Name, Name. Includes Mr. President, Adley, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Cortez, Crowe, Donahue, Erdey, Gallot, Guillory, Johns, Kostelka, LaFleur, Long, Martiny, Mills, Morrell, Morrish, Murray, Nevers, Peacock, Perry, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

Total - 37

ABSENT

Dorsey-Colomb Heitmeier
Total - 2

Leaves of Absence

The following leaves of absence were asked for and granted:

Dorsey-Colomb 1 Day Heitmeier 1 Day

Announcements

The following committee meetings for May 18, 2012, were announced:

Finance 9:00 A.M. Room A

The following committee meetings for May 19, 2012, were announced:

Finance 9:00 A.M. Room A

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

Retirement 10:00 A.M. Room F
Revenue and Fiscal Affairs 11:00 A.M. Hainkel Room

Adjournment

On motion of Senator Thompson, at 11:45 o'clock A.M. the Senate adjourned until Monday, May 21, 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 Monday, May 21, 2012.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk

