

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

NINTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 12, 2009

The Senate was called to order at 3:05 o'clock P.M. by Hon. Joel T. Chaisson II, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

| | | |
|---------------|-------------|-----------|
| Mr. President | Dupre | Mount |
| Alario | Erdey | Murray |
| Amedee | Jackson | Quinn |
| Appel | Kostelka | Riser |
| Broome | LaFleur | Shaw |
| Cheek | Long | Smith |
| Claitor | Marionneaux | Thompson |
| Donahue | Martiny | Walsworth |
| Dorsey | Morrell | |
| Duplessis | Morrish | |
| Total - 28 | | |

ABSENT

| | | |
|-------------|------------|--------|
| Adley | Gray Evans | Michot |
| Crowe | Hebert | Nevers |
| Gautreaux B | Heitmeier | |
| Gautreaux N | McPherson | |
| Total - 10 | | |

The President of the Senate announced there were 28 Senators present and a quorum.

Prayer

The prayer was offered by Father Paul McDuffie, 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 Walsworth, the reading of the Journal was dispensed with and the Journal of May 11, 2009, was adopted.

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 12, 2009

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 41—
BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To highly and sincerely commend Sandra Bullock for her significant, substantial, and ongoing support of Warren Easton Senior High School in New Orleans, Louisiana.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 19—

BY SENATOR ERDEY

A RESOLUTION

To commend and congratulate Steven Joseph Bosworth upon earning his rank of Eagle Scout as a member of Troop 490 of the Istrouma Area Boy Scout Council.

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

SENATE RESOLUTION NO. 20—

BY SENATOR CHAISSON

A RESOLUTION

To adopt Senate Rule No. 7.6(K) of the Rules of Order of the Senate, relative to requests for legislation to be introduced after the start of a regular session; to provide that requests for legislation to be introduced after the start of a regular session must be received by Senate Legislative Services staff not later than six o'clock in the evening of the day prior to the last day for introduction of such matters.

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

SENATE RESOLUTION NO. 21—

BY SENATOR JACKSON

A RESOLUTION

To urge and request the Department of Social Services, the Department of Health and Hospitals, the Louisiana Workforce Commission, and the Family Services Section of the Division of Dropout Prevention and Adult and Family Services of the office of school and community support within the Department of Education, to jointly conduct a study and develop a comprehensive continuum of support from birth to adulthood for Louisiana's children, in a report to the Senate Select Committee on Women and Children prior to September 1, 2009, and to provide for the appointment of an advisory team from the committee to address the models, to provide quality assurance, and to develop a specific roadmap to secure and plan for the use of Federal Promise Zone Stimulus to replicate Harlem Children's Zone prototypes in Louisiana.

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

**Senate Resolutions on
Second Reading**

SENATE RESOLUTION NO. 18—

BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of Louisiana Army National Guard Sergeant Brandon Boudreaux upon his death on active duty.

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

May 12, 2009

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 39— BY SENATOR N. GAUTREAUX

A CONCURRENT RESOLUTION

To designate May 20, 2009, as Louisiana Housing Council Day.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Alario, Amedee, Appel, Broome, Cheek, Claitor, Crowe, Donahue, Dorsey, Duplessis, Dupre, Erdey, Gautreaux N, Gray Evans, Hebert, Jackson, LaFleur, Long, Marionneaux, Martiny, McPherson, Morrell, Morrish, Mount, Murray, Nevers, Quinn, Riser, Shaw, Smith, Thompson, Walsworth. Total - 34

NAYS

Total - 0

ABSENT

Table with 2 columns of names: Gautreaux B, Heitmeier, Kostelka, Michot. Total - 4

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 12, 2009

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:

HOUSE BILL NO. 19— BY REPRESENTATIVE GISCLAIR AND SENATOR DUPRE AN ACT

To amend and reenact R.S. 34:1651(F), relative to the Greater Lafourche Port Commission; to increase the per diem amount for commission members; and to provide for related matters.

HOUSE BILL NO. 53— BY REPRESENTATIVES ELBERT GUILLORY, ARMES, AUBERT, BOBBY BADON, BARROW, CARTER, CHANDLER, ELLINGTON, GISCLAIR, GUINN, HARDY, HAZEL, HOWARD, JOHNSON, KATZ, LAFONTA, LEBAS, MCVEA, MONTOUCET, MORRIS, PETERSON, RICHARD, RICHARDSON, GARY SMITH, JANE SMITH, PATRICIA SMITH, STIAES, WILLIAMS, AND WOOTON AN ACT

To amend and reenact Civil Code Article 136(C) and to enact Civil Code Article 136(D), relative to grandparent visitation; to provide for visitation by grandparents and siblings in certain circumstances; and to provide for related matters.

HOUSE BILL NO. 158— BY REPRESENTATIVE ANDERS AN ACT

To amend and reenact R.S. 38:3097.3(C)(9), relative to drought relief wells; to provide for the powers and duties of the commissioner of conservation; to provide for temporary agricultural use; and to provide for related matters.

HOUSE BILL NO. 256— BY REPRESENTATIVE RICHARDSON AN ACT

To enact Code of Evidence Article 804(B)(7), relative to hearsay exceptions when declarant is unavailable; to allow the introduction of a statement made by a witness when the declarant is unavailable because of actions taken by a party against whom the statement is offered; and to provide for related matters.

HOUSE BILL NO. 394— BY REPRESENTATIVE MONICA AN ACT

To amend and reenact R.S. 22:821(B)(6), relative to fees collected by the commissioner of insurance; to provide relative to fees collected for registration of securities; to provide relative to fees collected for registration of securities dealers and salesmen; and to provide for related matters.

HOUSE BILL NO. 432— BY REPRESENTATIVE BURFORD AN ACT

To amend and reenact R.S. 40:1300.51(3), 1300.52(D)(1), and 1300.53(C)(1) and to enact R.S. 40:1300.51(2)(n), relative to criminal history checks on nonlicensed persons and licensed ambulance personnel; to amend the definition of employer to include pediatric day health care facilities; to make all crimes reportable in background checks; to amend the provisions for waiver; to provide that certain convictions cannot be waived by an employer; and to provide for related matters.

HOUSE BILL NO. 442— BY REPRESENTATIVE SMILEY AN ACT

To amend and reenact R.S. 49:308.3(D), to enact R.S. 32:402.3, and to repeal R.S. 17:282, relative to the Motorcycle Safety, Awareness, and Operator Training Program; to transfer administration of the Motorcycle Safety, Awareness, and Operator Training Program to the Department of Public Safety and Corrections; and to provide for related matters.

HOUSE BILL NO. 512— BY REPRESENTATIVE GUINN AN ACT

To enact R.S. 40:1846(I) and (J), relative to the authority of the Liquefied Petroleum Gas Commission; to provide for rules and regulations during a governor's declared emergency or disaster; to provide for the promulgation of rules and regulations; to provide for exceptions to certain rules and regulations and standards; and to provide for related matters.

HOUSE BILL NO. 521— BY REPRESENTATIVE LAFONTA AN ACT

To enact Chapter 19 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1221 through 1223, and R.S. 36:4(AA) and 917, to create an advisory council in the governor's office to identify obstacles to the effective delivery of governmental services to Latin Americans and to make recommendations for removal of such obstacles; to provide for membership on the council; to provide for its powers and duties; and to provide for related matters.

HOUSE BILL NO. 597—

BY REPRESENTATIVE LITTLE
AN ACT

To enact R.S. 48:252(C)(2)(e), relative to addenda to advertisement for bids; to provide for the electronic transmission of notice of posting addenda to a bidder's e-mail address; and to provide for related matters.

HOUSE BILL NO. 600—

BY REPRESENTATIVE JOHNSON
AN ACT

To amend and reenact R.S. 9:315.2(A) and to enact R.S. 9:315.1.1 and 326, relative to support; to provide for the determination of income for the payment of child and spousal support obligations; to provide for redirected income; to provide for deferred income; to provide for the admissibility of evidence of income; to provide for required documentation; and to provide for related matters.

HOUSE BILL NO. 652—

BY REPRESENTATIVE NORTON
AN ACT

To amend and reenact R.S. 48:35, relative to the Department of Transportation and Development; to provide with respect to the adoption of minimum safety guidelines by the Department of Transportation and Development for highway design, maintenance, and construction; and to provide for related matters.

HOUSE BILL NO. 671—

BY REPRESENTATIVES WILLMOTT, BURFORD, TIM BURNS, CHANEY, HINES, LANDRY, AND MILLS
AN ACT

To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and 1299.41(A)(10), relative to medical malpractice; to add occupations to the definition of health care provider under the private and state medical malpractice acts; and to provide for related matters.

HOUSE BILL NO. 720—

BY REPRESENTATIVES JANE SMITH, BOBBY BADON, BALDONE, BARROW, BILLIOT, HENRY BURNS, TIM BURNS, CHAMPAGNE, CHANEY, CONNICK, CORTEZ, DOERGE, DOVE, DOWNS, ELLINGTON, FANNIN, GISCLAIR, ELBERT GUILLORY, MICKEY GUILLORY, GUINN, HARRISON, HOFFMANN, JOHNSON, KLECKLEY, LAFONTA, LITTLE, MILLS, MONICA, PEARSON, PERRY, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, THIBAUT, TUCKER, WADDELL, AND WILLIAMS AND SENATORS CROWE, DUPLESSIS, MICHOT, AND SMITH
AN ACT

To enact the Louisiana Tax Delinquency Amnesty Act of 2009; to provide for definitions; to require the Department of Revenue to establish a tax amnesty program as provided for in this Act; to provide for terms and conditions of the program; to provide for the disposition of the monies collected pursuant to the tax amnesty program; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 726—

BY REPRESENTATIVE AUBERT
AN ACT

To enact R.S. 32:387(L), relative to special permits issued by the Department of Transportation and Development; to authorize the governor to delegate authority to the secretary of the Department of Transportation and Development to waive certain permit requirements during certain times; to authorize the Department of Transportation and Development to promulgate rules and regulations; and to provide for related matters.

HOUSE BILL NO. 786—

BY REPRESENTATIVE SAM JONES
AN ACT

To enact R.S. 34:322.1 and to repeal R.S. 34:322, relative to the Morgan City Harbor and Terminal District; to provide for the board of commissioners; to provide for certain powers; and to provide for related matters.

HOUSE BILL NO. 855—

BY REPRESENTATIVE HENDERSON
AN ACT

To amend and reenact R.S. 32:71(B)(1) and to enact R.S. 32:71(C), (D), and (E), relative to multilane highways; to restrict vehicles to driving in the left-hand lane on multilane highways; to provide for a restriction regarding the speed of a vehicle traveling in a left-hand lane; and to provide for related matters.

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

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

Senator Long 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. 19—

BY REPRESENTATIVE GISCLAIR AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 34:1651(F), relative to the Greater Lafourche Port Commission; to increase the per diem amount for commission members; and to provide for related matters.

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

HOUSE BILL NO. 53—

BY REPRESENTATIVES ELBERT GUILLORY, ARMES, AUBERT, BOBBY BADON, BARROW, CARTER, CHANDLER, ELLINGTON, GISCLAIR, GUINN, HARDY, HAZEL, HOWARD, JOHNSON, KATZ, LAFONTA, LEBAS, MCVEA, MONTOUCET, MORRIS, PETERSON, RICHARD, RICHARDSON, GARY SMITH, JANE SMITH, PATRICIA SMITH, STIAES, WILLIAMS, AND WOOTON
AN ACT

To amend and reenact Civil Code Article 136(C) and to enact Civil Code Article 136(D), relative to grandparent visitation; to provide for visitation by grandparents and siblings in certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 158—

BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 38:3097.3(C)(9), relative to drought relief wells; to provide for the powers and duties of the commissioner of conservation; to provide for temporary agricultural use; and to provide for related matters.

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

HOUSE BILL NO. 256—

BY REPRESENTATIVE RICHARDSON
AN ACT

To enact Code of Evidence Article 804(B)(7), relative to hearsay exceptions when declarant is unavailable; to allow the introduction of a statement made by a witness when the declarant is unavailable because of actions taken by a party against whom the statement is offered; and to provide for related matters.

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

HOUSE BILL NO. 394—

BY REPRESENTATIVE MONICA
AN ACT

To amend and reenact R.S. 22:821(B)(6), relative to fees collected by the commissioner of insurance; to provide relative to fees collected for registration of securities; to provide relative to fees

May 12, 2009

collected for registration of securities dealers and salesmen; and to provide for related matters.

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

HOUSE BILL NO. 432—

BY REPRESENTATIVE BURFORD
AN ACT

To amend and reenact R.S. 40:1300.51(3), 1300.52(D)(1), and 1300.53(C)(1) and to enact R.S. 40:1300.51(2)(n), relative to criminal history checks on nonlicensed persons and licensed ambulance personnel; to amend the definition of employer to include pediatric day health care facilities; to make all crimes reportable in background checks; to amend the provisions for waiver; to provide that certain convictions cannot be waived by an employer; 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. 442—

BY REPRESENTATIVE SMILEY
AN ACT

To amend and reenact R.S. 49:308.3(D), to enact R.S. 32:402.3, and to repeal R.S. 17:282, relative to the Motorcycle Safety, Awareness, and Operator Training Program; to transfer administration of the Motorcycle Safety, Awareness, and Operator Training Program to the Department of Public Safety and Corrections; and to provide for related matters.

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

HOUSE BILL NO. 512—

BY REPRESENTATIVE GUINN
AN ACT

To enact R.S. 40:1846(I) and (J), relative to the authority of the Liquefied Petroleum Gas Commission; to provide for rules and regulations during a governor's declared emergency or disaster; to provide for the promulgation of rules and regulations; to provide for exceptions to certain rules and regulations and standards; and to provide for related matters.

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

HOUSE BILL NO. 521—

BY REPRESENTATIVE LAFONTA
AN ACT

To enact Chapter 19 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1221 through 1223, and R.S. 36:4(AA) and 917, to create an advisory council in the governor's office to identify obstacles to the effective delivery of governmental services to Latin Americans and to make recommendations for removal of such obstacles; to provide for membership on the council; to provide for its powers and duties; 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. 597—

BY REPRESENTATIVE LITTLE
AN ACT

To enact R.S. 48:252(C)(2)(e), relative to addenda to advertisement for bids; to provide for the electronic transmission of notice of posting addenda to a bidder's e-mail address; and to provide for related matters.

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

HOUSE BILL NO. 600—

BY REPRESENTATIVE JOHNSON
AN ACT

To amend and reenact R.S. 9:315.2(A) and to enact R.S. 9:315.1.1 and 326, relative to support; to provide for the determination of income for the payment of child and spousal support obligations; to provide for redirected income; to provide for deferred income; to provide for the admissibility of evidence of income; to provide for required documentation; and to provide for related matters.

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

HOUSE BILL NO. 652—

BY REPRESENTATIVE NORTON
AN ACT

To amend and reenact R.S. 48:35, relative to the Department of Transportation and Development; to provide with respect to the adoption of minimum safety guidelines by the Department of Transportation and Development for highway design, maintenance, and construction; and to provide for related matters.

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

HOUSE BILL NO. 671—

BY REPRESENTATIVES WILLMOTT, BURFORD, TIM BURNS, CHANEY, HINES, LANDRY, AND MILLS
AN ACT

To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and 1299.41(A)(10), relative to medical malpractice; to add occupations to the definition of health care provider under the private and state medical malpractice acts; and to provide for related matters.

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

HOUSE BILL NO. 720—

BY REPRESENTATIVES JANE SMITH, BOBBY BADON, BALDONE, BARROW, BILLIOT, HENRY BURNS, TIM BURNS, CHAMPAGNE, CHANEY, CONNICK, CORTEZ, DOERGE, DOVE, DOWNS, ELLINGTON, FANNIN, GISCLAIR, ELBERT GUILLORY, MICKEY GUILLORY, GUINN, HARRISON, HOFFMANN, JOHNSON, KLECKLEY, LAFONTA, LITTLE, MILLS, MONICA, PEARSON, PERRY, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, THIBAUT, TUCKER, WADDELL, AND WILLIAMS AND SENATORS CROWE, DUPLESSIS, MICHOT, AND SMITH
AN ACT

To enact the Louisiana Tax Delinquency Amnesty Act of 2009; to provide for definitions; to require the Department of Revenue to establish a tax amnesty program as provided for in this Act; to provide for terms and conditions of the program; to provide for the disposition of the monies collected pursuant to the tax amnesty program; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 726—

BY REPRESENTATIVE AUBERT
AN ACT

To enact R.S. 32:387(L), relative to special permits issued by the Department of Transportation and Development; to authorize the governor to delegate authority to the secretary of the Department of Transportation and Development to waive certain permit requirements during certain times; to authorize the Department of Transportation and Development to promulgate rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 786—

BY REPRESENTATIVE SAM JONES
AN ACT

To enact R.S. 34:322.1 and to repeal R.S. 34:322, relative to the Morgan City Harbor and Terminal District; to provide for the board of commissioners; to provide for certain powers; and to provide for related matters.

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

HOUSE BILL NO. 855—

BY REPRESENTATIVE HENDERSON
AN ACT

To amend and reenact R.S. 32:71(B)(1) and to enact R.S. 32:71(C), (D), and (E), relative to multilane highways; to restrict vehicles to driving in the left-hand lane on multilane highways; to provide for a restriction regarding the speed of a vehicle traveling in a left-hand lane; and to provide for related matters.

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

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

May 12, 2009

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 110—

BY REPRESENTATIVE HUTTER
A CONCURRENT RESOLUTION

To recognize April 6 through the 10 as National Work Zone Safety Awareness Week.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 110—

BY REPRESENTATIVE HUTTER
A CONCURRENT RESOLUTION

To recognize April 6 through the 10 as National Work Zone Safety Awareness Week.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|----------|
| Mr. President | Dupre | Morrish |
| Adley | Erdey | Mount |
| Alario | Gautreaux N | Murray |
| Amedee | Gray Evans | Nevers |
| Appel | Hebert | Quinn |
| Broome | Jackson | Riser |
| Cheek | LaFleur | Shaw |
| Claitor | Long | Smith |
| Crowe | Marionneaux | Thompson |

Donahue
Dorsey
Duplessis
Total - 34

Martiny
McPherson
Morrell

Walsworth

NAYS

Total - 0

ABSENT

Gautreaux B
Heitmeier
Total - 4

Kostelka
Michot

The Chair declared the Senate had 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

JUDICIARY B

Senator Daniel R. Martiny, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

May 12, 2009

To the President and Members of the Senate:

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

SENATE BILL NO. 56—

BY SENATOR DONAHUE
AN ACT

To amend and reenact R.S. 15:1094.1(A), relative to the Florida Parishes Juvenile Justice District; to provide for the composition of the board of commissioners of the Florida Parishes Juvenile Justice Commission; to provide for the appointment of one additional commissioner for a four-year term; to provide certain terms, conditions and procedures; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 58—

BY SENATOR SHAW
AN ACT

To amend and reenact R.S. 15:555(A)(3), relative to sexual assault task force; to provide for membership; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 121—

BY SENATOR LONG
AN ACT

To enact R.S. 11:609, relative to retired peace officers; to allow officers to purchase their firearms upon retirement; to provide for criteria; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 125—

BY SENATOR THOMPSON
AN ACT

To amend and reenact R.S. 33:1448(G) and to enact R.S. 33:1448(U), relative to sheriffs; to provide for the premium costs of group hospital, health, and life insurance for retired sheriffs and deputy sheriffs in Madison Parish; to provide for eligibility; to provide for an effective date; and to provide for related matters.

Reported with amendments.

May 12, 2009

SENATE BILL NO. 273—
BY SENATOR MARTINY

AN ACT

To enact R.S. 27:306(C)(2)(a)(iii) and (5), relative to the Video Draw Poker Devices Control Law; to provide relative to the requirements for qualified truck stop facilities; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 284—
BY SENATOR HEBERT

AN ACT

To enact R.S. 26:74(E), relative to local license and permit fees; to provide for wholesaler of beverages of high alcoholic content; to provide for restrictions; and to provide for related matters.

Reported favorably.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

**REPORT OF COMMITTEE ON
JUDICIARY C**

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

May 12, 2009

To the President and Members of the Senate:

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

SENATE BILL NO. 31—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 14:102.1, relative to offenses affecting public sensibility; to provide for the reclassification of certain acts as aggravated cruelty to an animal; to provide for penalties for unjustified causing of physical pain, suffering or death of an animal, and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 115—
BY SENATOR MARTINY

AN ACT

To enact Section 5 of Subpart A of Part V of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 14:89.6, relative to human-animal hybrids; to prohibit human-animal hybrids; to provide for criminal elements; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 132—
BY SENATOR DORSEY

AN ACT

To enact R.S. 14:30(A)(10) and Code of Criminal Procedure Art. 905.4(A)(13), relative to the crime of first degree murder and aggravated circumstances; to provide for elements of such crime; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 135—
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 14:112.2(B), relative to offenses affecting law enforcement; to provide relative to fraudulent portrayal of

a law enforcement officer or firefighter; to provide for definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 145—

BY SENATORS CROWE, APPEL, DUPLESSIS, MICHOT, SMITH AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, CHAMPAGNE, FOIL, LITTLE, MILLS, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH AND THIBAUT

AN ACT

To enact R.S. 14:73.8, relative to computer related crimes; to create the crime of "unauthorized use of a wireless router system" for the purpose of downloading, up loading, or selling pornography involving juveniles; to provide for definition; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 254—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 14:35.3(A) and (B)(2), relative to the crime of domestic abuse battery; to provide for definitions; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
YVONNE DORSEY
Chairman

**REPORT OF COMMITTEE ON
ENVIRONMENTAL QUALITY**

Senator Lee "Jody" Amedee, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 12, 2009

To the President and Members of the Senate:

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

SENATE BILL NO. 140—
BY SENATOR RISER

AN ACT

To amend and reenact R.S. 30:2373(D) and to enact R.S. 30:2373(F), relative to certain hazardous materials; to provide a standard of care with respect to the handling or storing of a hazardous material; to provide for reimbursement of emergency response costs of a release of a hazardous material, waste, or substance; to provide for situations when reimbursement from the Oil Spill Contingency Fund is not applicable; to provide for penalties, terms, and conditions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 317—
BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 30:2159.1, relative to construction and demolition debris solid waste facilities; to provide certain restrictions; to provide certain exceptions; to provide an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
LEE "JODY" AMEDEE
Chairman

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Julie Quinn, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 12, 2009

To the President and Members of the Senate:

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

SENATE BILL NO. 60—
BY SENATOR KOSTELKA

AN ACT

To amend and reenact Civil Code Article 3497, and to enact R.S. 3:4278.1(G) and 4278.2(G), relative to liberative prescription; to increase the prescriptive period for an action for damages for the harvesting of timber without the consent of the owner; to provide relative to an action for damages caused by the harvesting and sale of timber without the consent of the owner; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 70—
BY SENATOR MURRAY

AN ACT

To enact R.S. 44:181.7, relative to Orleans Parish; to specify the amount of fees to be collected for notarial archives records by the clerk of court, as ex officio recorder, of the Forty-First Judicial District Court; to provide an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 106—
BY SENATOR CHEEK

AN ACT

To enact R.S. 29:735.5, relative to civil liability of health care providers and health care personnel; to provide immunity for health care providers and health care personnel during a declared state of emergency who render or fail to render emergency care, health care services, first aid, ambulatory assistance, transportation or care delivery during evacuations of health care provider facilities, during repopulations of such facilities and during the sheltering of such facilities; to provide for definitions, terms, and conditions; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 260—
BY SENATORS CLAITOR AND BROOME AND REPRESENTATIVE GREENE

AN ACT

To amend and reenact Children's Code Articles 604 and 1512 and R.S. 46:236.2(A)(2), relative to jurisdiction; to provide for exclusive jurisdiction with the East Baton Rouge Family Court; to provide for procedures; to provide for support orders; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 182—
BY REPRESENTATIVE ROBIDEAUX

AN ACT

To enact Part III-I of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:139 through 139.7, relative to expropriation by a declaration of taking; to authorize the city of

Lafayette and parish of Lafayette to expropriate property for the Kaliste Saloom Road Widening Project; to provide procedures for the expropriation by a declaration of taking; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 336—
BY REPRESENTATIVE EDWARDS

AN ACT

To amend and reenact Code of Civil Procedure Articles 3432(introductory paragraph) and 3434 and to repeal Code of Civil Procedure Article 3433, relative to successions; to provide for the removal of certain references to inheritance taxes and to the inheritance tax collector in succession procedure; to provide for the payment or delivery of money or property of the deceased by certain financial institutions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 566—
BY REPRESENTATIVE ELLINGTON

AN ACT

To amend and reenact R.S. 13:5104(A), relative to the Governmental Claims Act; to provide relative to venue for suits filed against the state, state agency, and officers or employees of the state or state agency under certain circumstances; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 620—
BY REPRESENTATIVE CORTEZ

AN ACT

To amend and reenact R.S. 46:438.3(B), 439.1, 439.2(A)(2)(b), 439.3, and 439.4(A)(1) and (3), (C)(1), (D), and (G), relative to the Medical Assistance Program Integrity Law; to provide for false or fraudulent claims; to provide for qui tam actions; to provide for qui tam procedures; to provide for the recovery awarded to a qui tam plaintiff; to comply with the provisions of section 1909 of the federal Social Security Act to increase by ten percent Louisiana's share of any amounts recovered through a false claims action; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JULIE QUINN
Chairman

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

SENATE BILL NO. 8—
BY SENATOR N. GAUTREAUX

A JOINT RESOLUTION

Proposing to add Article VII, Section 10(D)(2)(g) of the Constitution of Louisiana, relative to state funds; to authorize the allocation or appropriation of money designated in the official forecast as nonrecurring for a tax refund or tax rebate to anyone required to file a Louisiana individual income tax return; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 8 by Senator N. Gautreaux

May 12, 2009

AMENDMENT NO. 1

On page 2, delete lines 3 and 4, and insert:

"(g) Providing for appropriations for a tax refund or tax rebate to anyone required to file a Louisiana individual income tax return, or for appropriations or allocations of such nonrecurring money to the general fund to offset the loss of current collections caused by such tax refunds or tax rebates. Such appropriations or allocations"

AMENDMENT NO. 2

On page 2, at the end of line 9, change "14" to "12" and on line 10, change "2009" to "2010"

AMENDMENT NO. 3

On page 2, line 15, after "appropriate" insert "or allocate"

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

SENATE BILL NO. 20— BY SENATOR CHAISSON

AN ACT

To repeal R.S. 11:1601(3)(b), relative to district attorneys; to provide for eligibility into the District Attorneys' Retirement System; to remove certain prohibitions; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Morrell, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 28— BY SENATOR ALARIO

AN ACT

To enact R.S. 47:1992.1, relative to inspection of assessment lists; to change the inspection period for assessment lists in Jefferson Parish; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Gray Evans, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 43— BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:9108(E) and to enact R.S. 33:9106.2(D), relative to the Orleans Parish Communication District; to provide for an extension of the special fixed rate emergency telephone service charge; to provide relative to reestablishing the original charge; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 43 by Senator Murray

AMENDMENT NO. 1

On page 1, between lines 10 and 11, insert:
** * **

AMENDMENT NO. 2

On page 2, line 2, insert:
** * **

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

SENATE BILL NO. 44—

BY SENATORS MORRISH, ERDEY, MCPHERSON, MOUNT AND SHAW AND REPRESENTATIVE PERRY

AN ACT

To designate the Gibbstown bridge on Louisiana Highway 27 in Cameron Parish as the "Conway LeBleu Memorial Bridge", and to provide for related matters.

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

SENATE BILL NO. 49—

BY SENATOR ERDEY

AN ACT

To enact R.S. 13:2575.3, relative to administrative adjudication for code and ordinance violations; to provide for procedures for Livingston Parish; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Gray Evans, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 55—

BY SENATORS DUPRE AND MORRISH AND REPRESENTATIVES DOVE AND ST. GERMAIN

AN ACT

To amend and reenact R.S. 56:699.1 and 699.2, relative to issuance of hunting licenses; to require completion of a firearm and hunter education course by certain persons; to provide with respect to persons authorized to issue hunting licenses; to prohibit certain actions; 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. 55 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 2, delete "and 699.2" and insert "699.2 and 699.8(B)."

AMENDMENT NO. 2

On page 1, line 5, after "actions;" insert "to provide for temporary firearm and hunter education deferral license; to provide for nonresident temporary firearm and hunter education deferral license; to provide an effective date;"

AMENDMENT NO. 3

On page 1, line 7, delete "and 699.2" and insert ", 699.2 and 699.8(B)."

AMENDMENT NO. 4

On page 2, after line 9, insert

** * *
* * *

§699.8. Temporary firearm and hunter education deferral license

B. The deferral license shall be available to a person only one time. The fee for such deferral license shall be ten dollars for residents and one hundred ten dollars for nonresidents. For residents, the deferral license shall be valid for one month from the date of issuance and shall be issued in lieu of basic hunting, big game, bow, primitive firearms, and state waterfowl licenses, turkey hunting stamps, and WMA hunting permits. For nonresidents, the deferral license shall be valid for five consecutive calendar days and shall be purchased in addition to lieu of nonresident basic hunting, big game, bow, primitive firearms, and state waterfowl licenses, turkey hunting stamps, or WMA hunting permits.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana.

If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

SENATE BILL NO. 64—
BY SENATOR DONAHUE

AN ACT

To authorize and provide for the transfer of certain state property; to provide for the property description; to provide for reservation of mineral rights; to provide for terms and conditions; and to provide for related matters.

Reported without action by the Committee on Natural Resources. On motion of Senator Dupre, the bill was read by title and recommitted to the Committee on Health and Welfare.

SENATE BILL NO. 66—
BY SENATOR DUPRE

AN ACT

To enact R.S. 38:329.4, relative to levees; to provide relative to the powers and duties of the North Lafourche Conservation, Levee and Drainage District; to provide relative to bonding and taxing authority of the district; and to provide for related matters.

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

SENATE BILL NO. 95—
BY SENATORS MARTINY AND MORRELL AND REPRESENTATIVES BILLIOT, GISCLAIR, LABRUZZO, LIGI, LOPINTO, TALBOT AND WILLMOTT

AN ACT

To amend and reenact R.S. 33:2536.2 and to enact R.S. 33:2476.4, relative to Jefferson Parish; to provide for a secretary for any municipal fire and police civil service board in Jefferson Parish; to provide for the assignment of secretarial duties for the Jefferson Parish Fire Civil Service Board; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 95 by Senator Martiny

AMENDMENT NO. 1

On page 2, line 6, after "secretary" and before "**in one**" delete "by"

AMENDMENT NO. 2

On page 2, line 8, change "**e**Employing" to "**By** employing"

AMENDMENT NO. 3

On page 2, line 13, change "**Assigning**" to "**By assigning**"

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

SENATE BILL NO. 117—
BY SENATOR ERDEY

AN ACT

To enact R.S. 33:3887.3, relative to sewerage districts; to authorize an increase in per diem payable to board members of the Livingston Parish Sewer District No. 2; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 117 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 10, after "**Livingston**" and before "**pay**" delete "**may**" and insert "**shall**"

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

SENATE BILL NO. 118—
BY SENATOR ERDEY

AN ACT

To enact R.S. 33:3887.3, relative to sewerage districts; to authorize an increase in per diem payable to board members of the Livingston Parish Sewer District No. 1; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 118 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 10, after "**Livingston**" and before "**pay**" delete "**may**" and insert "**shall**"

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

SENATE BILL NO. 119—
BY SENATOR ERDEY

AN ACT

To enact R.S. 33:4564.7, relative to the Livingston Parish Recreation District No. 3; to increase the per diem of the board of commissioners; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Gray Evans, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 120—
BY SENATOR ERDEY

AN ACT

To authorize the Livingston Parish School Board to create new school districts that overlap the boundaries of existing school districts; to provide relative to the continued collection of prior taxes levied upon existing school districts; to provide relative to the taxing authority of new school districts; and to provide for related matters.

Reported favorably by the Committee on Education. On motion of Senator Nevers, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 124—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 11:3719(A) and 3720, and to repeal R.S. 11:3731(E), relative to the police pension fund for the city of Shreveport; to provide for authority of the board of trustees; to provide relative to the board's authority to invest the pension fund's assets; to allow the board to award benefit increases under certain circumstances; to repeal the requirement that the city use excess proceeds for expenses other than payment of pension fund liabilities; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Morrell, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 127—

BY SENATOR THOMPSON

AN ACT

To authorize and provide for the transfer of Quebec Road in Madison Parish; to provide for terms and conditions; 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. 127 by Senator Thompson

AMENDMENT NO. 1

On page 1, line 9, after "Service" insert ", in exchange of consideration proportionate to the appraised value of the property"

AMENDMENT NO. 2

On page 2, line 7, change "Untied" to "United"

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

SENATE BILL NO. 146—

BY SENATORS DUPLESSIS, APPEL, CROWE, MICHOT, SMITH AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, CHAMPAGNE, CORTEZ, FOIL, LITTLE, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH AND THIBAUT

AN ACT

To amend and reenact R.S. 17:3981(4), 3982(A)(1)(a) and (B), 3983(C)(1)(a), and 3991(C)(1)(c)(iii) and (E), relative to charter schools; to provide relative to the review and evaluation of charter school proposals; to provide relative to public school facilities and property made available to charter schools; to provide relative to the vote required to convert an existing public school to a charter school; to provide relative to enrollment preferences; to provide relative to support or affiliation with charter schools by certain religious organizations or institutions; and to provide for related matters.

Reported favorably by the Committee on Education. On motion of Senator Nevers, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 150—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:9091.1(F)(2)(a), relative to the Lakeview Crime Prevention District; to expand the application of parcel fees to all parcels within the district; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 150 by Senator Murray

AMENDMENT NO. 1

On page 1, line 3, between "district" and ";" insert ", subject to voter approval"

AMENDMENT NO. 2

On page 1, line 15, delete "improved" and insert "improved"

AMENDMENT NO. 3

On page 1, line 15, after "(2)(a)" and before "The" insert "(i)"

AMENDMENT NO. 4

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

" (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the fee imposed pursuant to this Subsection shall be imposed on all parcels in the district, whether or not improved, as provided by duly adopted resolution of the board of commissioners of the district and after approval by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code. Such election shall be held only if requested by duly adopted resolution of the board of commissioners of the district and shall be held only at the 2010 mayoral primary election. If imposition of the fee on all parcels in the district is authorized as provided in this Item, it shall be imposed in the same amount and for the same duration as otherwise authorized pursuant to this Section."

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

SENATE BILL NO. 179—

BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 34:3494(A) and (B)(5) and (9), 3495(A) and (B), and 3504(F), to enact R.S. 34:3494(B)(10) and (11), and 3506(D), relative to the Louisiana International Deep Water Gulf Transfer Terminal Authority; to provide relative to the jurisdiction of the authority; to increase the membership of the board of commissioners; to remove legislative oversight of rules and regulations for maintenance and operation of the authority; to provide for budgets and financial reports of the authority; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 179 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 6, after "commissioners;" insert "to provide for the terms of office for the board of commissioners;"

AMENDMENT NO. 2

On page 2, at the end of line 15, change "seven" to "six"

AMENDMENT NO. 3

On page 3, between lines 11 and 12, insert:
** * **

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

SENATE BILL NO. 182—

BY SENATOR CROWE

AN ACT

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

Reported without action by the Committee on Natural Resources. On motion of Senator Dupre, the bill was read by title and recommitted to the Committee on Education.

SENATE BILL NO. 189—
BY SENATOR ALARIO

AN ACT

To enact R.S. 32:127, relative to highway right of way crossings; to authorize golf carts and all-terrain vehicles to cross Louisiana Highway 1 within the town of Grand Isle; and to provide for related matters.

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

SENATE BILL NO. 222—

BY SENATOR ADLEY AND REPRESENTATIVE DOERGE AND SENATORS MCPHERSON AND SHAW

AN ACT

To amend and reenact R.S. 34:2309(9), relative to powers and authority of the Red River Waterway Commission; to adjust the uses to which the commission's ad valorem property tax is allocated; and to provide for related matters.

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

SENATE BILL NO. 240—

BY SENATOR MOUNT

AN ACT

To enact R.S. 33:3811.2 and 3812(H), relative to Calcasieu Parish; to provide for the creation of waterworks districts and subdistricts; to provide for the expansion of the board of waterworks districts and subdistricts; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 240 by Senator Mount

AMENDMENT NO. 1

On page 2, line 3, after "**districts**" and before "**within**" insert the following: "**created by the consolidation of two or more existing waterworks districts**"

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

SENATE BILL NO. 241—

BY SENATORS MOUNT, DORSEY, DUPRE, ERDEY, KOSTELKA, LONG, MARIONNEAUX, MORRISH, RISER AND SHAW

AN ACT

To enact Subpart K of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.33, relative to state individual income tax checkoffs; to provide for the income tax checkoff for donations to the National Lung Cancer Partnership; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 244—

BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 36:508.3(B), (F) and (G), relative to the assistant secretary of the office of public works, hurricane flood protection, and intermodal transportation; to provide for the qualifications, powers, and duties of the assistant secretary; and to provide for related matters.

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

SENATE BILL NO. 259—

BY SENATORS KOSTELKA, DONAHUE, DUPLESSIS, LAFLEUR, LONG, NEVERS, RISER AND WALSWORTH

AN ACT

To amend and reenact R.S. 17:183.1, 183.2(C), and 183.3, relative to curricula; to provide relative to high school diplomas for the academic major and the career major; to provide for student eligibility for the career major; to provide with respect to dual enrollment; to provide for approval of career major programs and corresponding diplomas by the State Board of Elementary and Secondary Education; to provide relative to course requirements for the career major; to permit certain certification or testing in lieu of the high school graduation exit exam as a requirement for graduation for certain students; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 259 by Senator Kostelka

AMENDMENT NO. 1

On page 1, line 2, change "183.2(C)" to "183.2" and between "183.3," and "relative" insert "and to repeal R.S. 17:183.4, 183.6, 183.7, 183.8, and 183.9,"

AMENDMENT NO. 2

On page 1, delete lines 3 through 9, and insert the following: "relative to high school career option programs; to provide relative to career major programs; to provide relative to a career diploma; to provide relative to program, course, and curriculum approval; to provide for waivers; to provide relative to program participation eligibility criteria; to provide relative to individual graduation plans; to provide for an effective date; and to provide for related matters."

AMENDMENT NO. 3

On page 1, line 11, change "183.2(C)" to "183.2"

AMENDMENT NO. 4

On page 1, line 15, delete "**by providing that in addition to**" and insert "which shall consist of"

AMENDMENT NO. 5

On page 1, at the end of line 16, delete "**with a corresponding diploma, there**" and insert "and"

AMENDMENT NO. 6

On page 1, at the beginning of line 17, delete "**shall be**"

AMENDMENT NO. 7

On page 2, line 1, after "studies" delete "**with a corresponding diploma**"

AMENDMENT NO. 8

On page 2, delete lines 2 through 10, and insert the following:

"B. In addition to any other diplomas issued by the State Board of Elementary and Secondary Education, the board shall develop and adopt course and curriculum requirements for career major programs offered by city, parish, and other local public school boards in accordance with the provisions of this Subpart and shall issue a career diploma to any student who successfully completes the requirements established for each approved career major program curriculum."

AMENDMENT NO. 9

On page 2, at the beginning of line 11, change "**C.**" to "**C.(1)**"

May 12, 2009

AMENDMENT NO. 10

On page 2, delete lines 17 through 29, delete pages 3, 4, 5, and 6 in their entirety, on page 7, delete line 1, and insert the following:

"(2) A career diploma issued by the State Board of Elementary and Secondary Education shall be considered a regular standard diploma and shall be recognized by all institutions under the management of the Louisiana Community and Technical College System."

"§183.2. Career option description

A. To prepare students for choosing a career option at the high school level, in grades six through eight, teachers shall incorporate activities which expose students to career and technical and academic fields of study ~~beginning in the 1997-1998 school year~~. Such activities may include field trips, guest speakers, community services, and other activities such as word processing, desktop production, computer-assisted drafting and graphics, and other uses of technology. At least six activities shall be conducted at each grade level during each school year. Each teacher of grades six through eight shall maintain records of such activities.

B. (1) ~~Beginning in the 1998-1999 school year, by~~ **By** the end of the eighth grade, each student shall develop, with the input of his family, a Five Year Educational **Individual Graduation** Plan. Such a plan shall include a sequence of courses which is consistent with the student's stated goals for one year after graduation. Each student's Five Year Educational **Individual Graduation** Plan shall be reviewed annually thereafter by the student, parents, and school advisor and revised as needed.

(2) School guidance counselors or others designated by the school principal, or both, shall be responsible for the completion of the Five Year Educational **Individual Graduation** Plan of each eighth grade student. The guidance counselors and others shall counsel each student with regard to high school graduation requirements and shall assist the student in developing his plan. The guidance counselors and others shall forward such plans to the appropriate high schools where such students shall attend.

C. ~~During the ninth and tenth grades~~ **Throughout high school**, each student shall pursue the rigorous core curriculum required for his chosen major by his school ~~which shall include required course work as established as approved~~ by the State Board of Elementary and Secondary Education and appropriate elective courses.

D. Students shall be able to change from one major to the other at the end of any school year.

§183.3. Career major; description; curriculum and graduation requirements

A. (1)(a) A career major shall provide a student with greater technical skill and a strong academic core and shall be offered to each high school student **enrolled in a city, parish, or other local public school system that offers a career major program**. Such a major shall be linked to postsecondary options and shall prepare students to pursue either a degree or certification from a postsecondary institution, an industry-based training or certification, an apprenticeship, the military, or immediate entrance into a career field. Such a major shall be primarily designed for those students who are not initially college bound and shall provide them with alternatives to immediate entrance into a four-year university or college after high school graduation.

(b) Students pursuing a career major shall be afforded the opportunity to dually enroll in a community or technical college or participate in a business internship or work-study program, when such opportunities are available and appropriate.

(2) By the year 2006, each high school shall offer at least one career major program: **(a) Each city, parish, and other local public school system shall develop and offer one or more career major programs, subject to approval by the State Board of Elementary and Secondary Education. However, any such school system may be granted a waiver from this requirement by the State Board of Elementary and Secondary Education for good cause.**

(b) Schools shall review majors offered each year and expand offerings as appropriate, including courses offered through articulation, dual enrollment, correspondence, and technological methods such as distance learning through the Internet and compressed video.

B. (1) Students in a career major program shall complete an academic core of courses and a career and technical sequence of courses.

(2) The course requirements for the career major shall consist of the following:

(a) At least four English credits in courses with content equal to that of college preparatory English, **including English I, English II, and two additional courses comparable or identical to English courses offered by the Louisiana Technical College, as approved by the State Board of Elementary and Secondary Education.**

(b) At least three ~~four~~ mathematics credits, ~~not fewer than two~~ courses of which have content equal to that of college preparatory mathematics **including Algebra I, Algebra I Part One and Algebra I Part Two, or an applied or hybrid Algebra course, and additional applied or hybrid mathematics courses comparable or identical to courses offered by the Louisiana Technical College as needed to fulfill the mathematics course requirements as approved by the State Board of Elementary and Secondary Education.**

(c) At least three science credits, ~~not fewer than two~~ courses of which have content equal to that of college preparatory science **including one unit of Biology and two additional courses selected from a list of science courses related to the student's chosen career major as approved by the State Board of Elementary and Secondary Education.**

(d) At least three social studies credits, ~~not fewer than two~~ courses of which shall have content equal to that of college preparatory social studies **including one unit of American History one additional course selected from a list of social studies courses approved by the State Board of Elementary and Secondary Education.** Each student shall successfully complete a course in ~~free enterprise~~ **Free Enterprise**, as provided in R.S. 17:274, and civics, as provided in R.S. 17:274.1.

(e) At least two credits in ~~health~~ **Health** and physical education **Physical Education.**

(f) At least six or more ~~seven~~ credits consisting of four credits in an area of concentration and two related credits, including one credit in a computer technology course **in career and technical education courses with end-of-course testing as appropriate and approved by the State Board of Elementary and Secondary Education, including at least one-half credit in a career readiness course and one credit in a computer applications course.** Courses shall be selected to prepare a student for postsecondary education or a career.

(g) Additional electives or career and technical education courses required by the city, parish, or other local public school board as approved by the State Board of Elementary and Secondary Education.

C. Graduation requirements for the career major shall consist of requirements mandated by the State Board of Elementary and Secondary Education for all high school students, including all testing and course requirements and all provisions of R.S. 17:261 through 279. **Each city, parish, and other local public school board seeking to establish a career major shall submit a proposed curriculum to the State Board of Elementary Education for approval. Such curriculum shall comply with the provisions of Subsection B of this Section and the provisions of R.S. 17:261 through 280.**

D. (1) A student who seeks to pursue a career major curriculum must meet one of the following conditions:

(a) The student has fulfilled all of the requirements established by the State Board of Elementary and Secondary Education and the city, parish, or other local public school system where the student is enrolled for promotion to the ninth grade.

(b) The student is at least fifteen years of age, or will attain the age of fifteen during the next school year, scored at least at the approaching basic level on either the English/Language Arts or Mathematics component of the eighth grade Louisiana Educational Assessment Program test, and meets the objective criteria established by the pupil progression plan of the city, parish, or other local public school system where the student is enrolled to enter the ninth grade for the purpose of pursuing a career major curriculum.

(2) Every student who seeks to pursue a career major must have the written permission of his parent or other legal guardian, after consultation with the school guidance counselor or other school administrator and a determination that participation in a career major curriculum and pursuit of a career diploma issued by the State Board of Elementary Education is appropriate and in the best interest of the student.

Section 2. R.S. 17:183.4, 183.6, 183.7, 183.8, and 183.9 are hereby repealed.

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

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

SENATE BILL NO. 262—
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 40:531(E), relative to commissioners of local housing authority; to remove requirement of landlord commissioner; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 262 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 15, change "**and**" to "**or**"

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

SENATE BILL NO. 264—

BY SENATORS KOSTELKA, MORRELL AND B. GAUTREAUX
AN ACT

To enact R.S. 11:2175.1, relative to the authority of the board of trustees of the Sheriffs' Pension and Relief Fund; relative to employer contributions; to establish a funding deposit account; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. On motion of Senator Morrell, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 281—

BY SENATOR APPEL AND REPRESENTATIVE ELLINGTON
AN ACT

To enact Chapter 5-S of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.161 through 167 and R.S. 36:744(CC) and 801.23, relative to state museums; to create the Schepis Museum advisory board in the department of state; to provide for powers and duties of the board; to provide for funding; to provide for the disposition of property; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 281 by Senator Appel

AMENDMENT NO. 1

On page 1, line 3, between "167" and "and" insert a comma ","

AMENDMENT NO. 2

On page 1, at the end of line 4, change "department of state" to "Department of State"

AMENDMENT NO. 3

On page 1, line 15, between "**cultural**" and "**and**" insert a comma " , "

AMENDMENT NO. 4

On page 2, line 12, between "**shall**" and "**be**" delete "**each**"

AMENDMENT NO. 5

On page 3, line 8, between "**powers**" and "**and**" insert a comma " , "

AMENDMENT NO. 6

On page 3, at the beginning of line 12, after "**§380.164**" insert a period " . "

AMENDMENT NO. 7

On page 4, at the beginning of line 4, change "**(B)**" to "**B.**"

AMENDMENT NO. 8

On page 4, at the beginning of line 10, after "**§380.166**" insert a period " . "

AMENDMENT NO. 9

On page 4, line 16, after "**inter**" change "**vivios**" to "**vivos**"

AMENDMENT NO. 10

On page 6, line 19, between "**processing**" and "**and**" insert a comma " , " and on line 7 after "§801.23" insert " . "

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

SENATE BILL NO. 303—

BY SENATORS RISER AND WALSWORTH AND REPRESENTATIVE PONTI

AN ACT

To enact R.S. 23:1203.1, relative to medical treatment in workers' compensation matters; to provide for definitions; to provide a process for adoption of a medical treatment schedule for use in making medical treatment decisions in workers' compensation matters; to provide for the promulgation of rules; to provide that the schedule shall be based on certain guidelines; to provide for appointment of a medical advisory council to be chosen by the director of the office of workers' compensation administration; to provide regarding the membership of such a council; to provide for the powers and duties of the council; to provide for an expression of legislative intent; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 303 by Senator Riser

AMENDMENT NO. 1

On page 1, delete lines 9 and 10 and insert the following: "with respect to time frame for authorization of medical services; to provide relative to disputes as to recommended care that varies from the medical treatment schedule; and to provide for related matters."

May 12, 2009

AMENDMENT NO. 2

On page 3, delete lines 8 and 9 and insert the following:

"E. The medical advisory council shall develop guidelines in accordance with Subsections C and D of this Section and may amend the schedule in accordance with Subsection C and Paragraph D(2) of this Section before submission to the"

AMENDMENT NO. 3

On page 3, line 11 after "**adoption**" insert "**and promulgation**"

AMENDMENT NO. 4

On page 3, line 23 delete "**physicians**" and insert "**surgeons**"

AMENDMENT NO. 5

On page 3, delete line 26, and insert

"(d) Interventional pain management physicians."

AMENDMENT NO. 6

On page 4, line 5 delete "**biennial**" and insert "**two-year**"

AMENDMENT NO. 7

On page 4, line 12 delete "**B, C and D**" and insert "**C, D, and E**"

AMENDMENT NO. 8

On page 4, line 25 delete "**establishment and**"

AMENDMENT NO. 9

On page 4, line 27 delete "**owed**" and insert "**due, pursuant to R.S. 23:1203, et seq.,**"

AMENDMENT NO. 10

On page 4, delete line 29 and insert the following: "**medical treatment schedule. Medical care, services, and**"

AMENDMENT NO. 11

On page 5, line 1 after "**schedule**" delete the remainder of the line and insert "**shall also be due by the employer when**"

AMENDMENT NO. 12

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

"J. After a medical provider has submitted to the pavor the request for authorization and the information required by the Louisiana Administrative Code, Title 40, Chapter 27, the pavor shall notify the medical provider of their action on the request within five business days of receipt of the request. If any dispute arises after September 30, 2010, as to whether the recommended care, services, or treatment is in accordance with the medical treatment schedule, or whether a variance from the medical treatment schedule is reasonably required as contemplated in Subsection I of this Section, any aggrieved party shall file, within fifteen calendar days, an appeal with the office of workers' compensation administration medical director on a form promulgated by the director. The medical director shall render a decision as soon as is practicable, but in no event, not more than thirty calendar days from the date of filing."

AMENDMENT NO. 13

On page 5, line 6 change "**J**" to "**K**"

AMENDMENT NO. 14

On page 5, line 12 change "**K**" to "**L**"

AMENDMENT NO. 15

On page 5, line 16 change "**L**" to "**M**"

AMENDMENT NO. 16

On page 5, line 19 change "**M**" to "**N**"

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

SENATE BILL NO. 316—

BY SENATORS NEVERS, APPEL, DONAHUE, DORSEY, DUPLESSIS, LAFLEUR AND LONG

AN ACT

To enact Chapter 18 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:2921 through 2932, to enact R.S. 23:6(15), and to repeal Subpart A-1 of Part III of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:183.1 through 183.9, relative to college and career readiness; to provide for programs to improve high school graduation rates and prepare students for postsecondary education and careers; to provide for the development of focused programs of study and related courses and curricula; to provide for student development of individual graduation plans; to provide relative to student guidance and counseling; to provide relative to programs for identification of and assistance to students at risk for being underprepared for the next level of study; to establish a high school graduation rate goal; to provide for consideration of improved graduation rates and completion of certain advanced coursework by the state educational accountability system; to provide relative to articulation and transfer of credit; to provide for consultation and collaboration with business and industry and the Louisiana Workforce Commission; to provide relative to the recruitment and training of certain instructional personnel; to provide for reporting and rules; to provide for implementation guidelines and timelines; to provide relative to funding; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 316 by Senator Nevers

AMENDMENT NO. 1

On page 1, line 3, after "repeal" delete the remainder of the line, delete line 4, and at the beginning of line 5 delete "of R.S. 17:183.1 through 183.9" and insert "R.S. 17:183.4, 183.6, 183.7, 183.8, and 183.9"

AMENDMENT NO. 2

On page 3, line 9, between "**Regents,**" and "**shall**" insert "**local school boards, and teacher organizations,**"

AMENDMENT NO. 3

On page 3, line 16, change "**applied and hybrid**" to "**applied, hybrid, and career and technical**"

AMENDMENT NO. 4

On page 3, delete lines 21 through 25 in their entirety

AMENDMENT NO. 5

On page 3, at the beginning of line 26, delete "**B.(1) By**" and insert "**A.(1) In accordance with the provisions of R.S. 17:183.2, by**"

AMENDMENT NO. 6

On page 4, line 3, between "**requirements**" and "**and**" insert "**relevant to the student's chosen major**"

AMENDMENT NO. 7

On page 4, at the beginning of line 9, delete "**career**"

AMENDMENT NO. 8

On page 4, line 13, between "**meet**" and "**high**" change "**all**" to "**the**" and between "**requirements**" and "**and**" insert "**for his chosen major**"

AMENDMENT NO. 9

On page 4, at the beginning of line 18, change "**C.**" to "**B.**"

AMENDMENT NO. 10

On page 5, line 5, after "**fulfill**" delete the remainder of the line, delete line 6 in its entirety, and insert "**the high school graduation requirements for their chosen major.**"

AMENDMENT NO. 11

On page 5, at the end of line 15, delete "establish" and at the beginning of line 16 delete "and implement a system" and insert "seek to establish a culture in all schools and school systems"

AMENDMENT NO. 12

On page 5, line 17, after "standards." delete the remainder of the line and insert "Schools shall take steps to implement instructional strategies designed to provide"

AMENDMENT NO. 13

On page 6, line 9, between "local" and "school" insert "public"

AMENDMENT NO. 14

On page 6, line 24, after "year," delete the remainder of the line, delete line 25, and insert "while maintaining the integrity of the required curriculum for each major."

AMENDMENT NO. 15

On page 7, line 10, between "schools" and "that" insert "and school districts"

AMENDMENT NO. 16

On page 8 delete lines 20 through 27 in their entirety and insert the following:

"A. The provisions of this Chapter shall be implemented as expeditiously and to the maximum extent possible utilizing any and all available funding sources.

B. The Board of Elementary and Secondary Education shall diligently pursue the funding necessary to fully implement the provisions of this Chapter and shall develop a timeline to prioritize and provide for implementation in phases if deemed necessary."

AMENDMENT NO. 17

On page 9, line 12, after "Section 3." delete the remainder of the line, delete line 13 in its entirety, and insert "R.S. 17:183.4, 183.6, 183.7, 183.8, and 183.9 are hereby repealed."

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

SENATE BILL NO. 333—

BY SENATORS BROOME, DORSEY AND ERDEY AND REPRESENTATIVES BARROW, CARTER, FOIL, HONEY, MICHAEL JACKSON, PONTI, POPE, PATRICIA SMITH AND WHITE
AN ACT

To enact R.S. 33:9038.63, relative to East Baton Rouge Parish; to create the Bluebonnet Convention Hotel Taxing District; to provide for the boundaries of the district; to provide for the governance of the district; to provide for the authority, powers, duties, and function of the governing body to levy and collect a tax upon hotel occupancy within the district and to engage in tax increment financing; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed and passed to a third reading.

Rules Suspended

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 22—

BY SENATORS GRAY EVANS AND JACKSON
A RESOLUTION

To commend the efforts of the Louisiana Assembly on School-Based Health Care youth advocacy program and to recognize May 12, 2009, as "Louisiana Assembly on School-Based Health Care Youth Advocacy Day" at the Louisiana Senate.

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

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

SENATE CONCURRENT RESOLUTION NO. 9—

BY SENATOR NEVERS
A CONCURRENT RESOLUTION

To urge and request each city, parish, and other local public school board to select a high school student from among the students in the school district to serve as a student representative to the school board in an informative, advisory, and nonvoting capacity.

Reported favorably by the Committee on Education.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|-----------|
| Mr. President | Erdey | Morrell |
| Adley | Gautreaux N | Morrish |
| Alario | Gray Evans | Mount |
| Amedee | Hebert | Murray |
| Appel | Heitmeier | Nevers |
| Broome | Jackson | Quinn |
| Cheek | Kostelka | Riser |
| Claitor | LaFleur | Shaw |
| Crowe | Long | Smith |
| Donahue | Marionneaux | Thompson |
| Dorsey | Martiny | Walsworth |
| Duplessis | McPherson | |
| Dupre | Michot | |
| Total - 37 | | |

NAYS

Total - 0

ABSENT

Gautreaux B
Total - 1

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

SENATE CONCURRENT RESOLUTION NO. 13—

BY SENATORS BROOME, APPEL, DONAHUE, DORSEY, LONG AND NEVERS
A CONCURRENT RESOLUTION

To urge and request Southern University and Agricultural and Mechanical College to establish a plan and recommend local, state and federal policies that support university-private sector partnerships in renewable energy through research and development, public and private partnerships, and tax credit incentives that position Louisiana as a leader in clean energy research, workforce development, and economic development.

Reported with amendments by the Committee on Education.

May 12, 2009

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Concurrent Resolution No. 13 by Senator Broome

AMENDMENT NO. 1

On page 1, line 3, between "state" and "and" insert a comma ", "

AMENDMENT NO. 2

On page 1, line 9, between "WHEREAS," and "petroleum" change "its" to "our"

AMENDMENT NO. 3

On page 2, line 10, between "WHEREAS," and "policies" change "the" to "these"

AMENDMENT NO. 4

On page 2, line 18, between "state" and "and" insert a comma ", "

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Morrell
Adley Gautreaux N Morrish
Alario Gray Evans Mount
Amedee Hebert Murray
Appel Heitmeier Nevers
Broome Jackson Quinn
Cheek Kostelka Riser
Claitor LaFleur Shaw
Crowe Long Smith
Donahue Marionneaux Thompson
Dorsey Martiny Walsworth
Duplessis McPherson
Dupre Michot

Total - 37

NAYS

Total - 0

ABSENT

Gautreaux B
Total - 1

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. 14— BY SENATORS DUPRE AND MCPHERSON AND REPRESENTATIVES DOVE AND HUTTER

A CONCURRENT RESOLUTION

To approve the annual Coastal Protection Plan for Fiscal Year 2009-2010, as adopted by the Coastal Protection and Restoration Authority.

Reported favorably by the Committee on Transportation, Highways and Public Works. On motion of Senator McPherson, the concurrent resolution was read by title, ordered engrossed and passed to a third reading.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 61— BY SENATOR HEITMEIER

AN ACT

To enact Children's Code Article 837(I), relative to certain delinquency proceedings; to provide that the court, upon a showing of good cause, may authorize the Department of Health and Hospitals to use restraints on the person of a child during transport; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Morrish
Adley Gautreaux N Mount
Alario Hebert Murray
Amedee Heitmeier Nevers
Appel Kostelka Quinn
Broome LaFleur Riser
Cheek Long Shaw
Claitor Marionneaux Smith
Crowe Martiny Thompson
Dorsey McPherson Walsworth
Duplessis Michot
Dupre Morrell

Total - 34

NAYS

Total - 0

ABSENT

Donahue Gray Evans
Gautreaux B Jackson
Total - 4

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

SENATE BILL NO. 65— BY SENATOR DONAHUE AND REPRESENTATIVES ABRAMSON AND CROMER

AN ACT

To amend and reenact Code of Civil Procedure Article 1471(B) and to enact Code of Civil Procedure Article 1461.1, relative to discovery; to provide for discovery of electronically stored information; to provide for specific limitations on the discovery of electronically stored information; to provide for sanctions; and to provide for related matters.

On motion of Senator Donahue, Senate Bill No. 65 was made Special Order of the Day No. 1 on Tuesday, May 19, 2009.

SENATE BILL NO. 82— BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 40:1472.1, the introductory paragraph of 1472.2(7), 1472.6(A), 1472.7(A), and 1472.12(A), and to enact R.S. 40:1472.3(L), 1472.4(B)(2), and 1472.5(I), relative to public health and safety; to provide with respect to the regulation of explosives; to provide for the purchase and storage of commercially manufactured black powder; to provide for use in antique devices; to provide exceptions; and to provide for related matters.

Floor Amendments Sent Up

Senator LaFleur sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator LaFleur to Engrossed Senate Bill No. 82 by Senator LaFleur

AMENDMENT NO. 1

On page 2, line 4, after "permittee" insert "twenty-one years of age or older"

AMENDMENT NO. 2

On page 2, line 5, change "fifty" to "five" and after "pounds," insert "or quantities not to exceed twenty-five pounds if purchased by a member of a bona fide artillery unit of historical reenactors."

AMENDMENT NO. 3

On page 2, line 16, change "fifty" to "five"

AMENDMENT NO. 4

On page 2, line 23, after "apply to" delete the remainder of the line and delete lines 24 through 27 and insert the following: "the use of commercially manufactured black powder by historical and cultural reenactors sixteen years of age or older or the acquisition and use of commercially manufactured black powder by historical and cultural reenactors twenty-one years of age or older, who have completed the Louisiana State Parks Black Powder Certification. The acquisition and possession of black powder shall be limited to quantities not to exceed the following:

(a) Twenty-five pounds for historical and cultural reenactors who hold artillery designation with a bona fide unit of historical reenactors.

(b) Five pounds for all other lawful purchasers.

(2) Persons acquiring commercially manufactured black powder in quantities in excess of five pounds shall produce evidence of current certification from Louisiana State Parks for participation in Louisiana historical and cultural reenactments."

AMENDMENT NO. 5

On page 3, line 3, after "reenactors" insert "who are members of a bona fide artillery unit and"

AMENDMENT NO. 6

On page 3, line 5, change "fifty" to "twenty-five"

AMENDMENT NO. 7

On page 3, line 19, change "fifty" to "five"

AMENDMENT NO. 8

On page 3, line 20, after "pounds," insert "or twenty-five pounds by a member of a bona fide unit of historical reenactors."

AMENDMENT NO. 9

On page 4, line 12, change "fifty" to "twenty-five"

On motion of Senator LaFleur, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|---------|
| Mr. President | Erdey | Michot |
| Adley | Gautreaux N | Morrell |
| Alario | Gray Evans | Morrish |
| Amedee | Hebert | Mount |
| Appel | Heitmeier | Murray |
| Broome | Jackson | Quinn |

| | | |
|---------|-------------|-----------|
| Cheek | Kostelka | Riser |
| Claitor | LaFleur | Shaw |
| Crowe | Long | Smith |
| Donahue | Marionneaux | Thompson |
| Dorsey | Martiny | Walsworth |
| Dupre | McPherson | |

Total - 35

NAYS

Total - 0

ABSENT

Duplessis
Total - 3

Gautreaux B Nevers

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

SENATE BILL NO. 116—

BY SENATORS MARTINY AND MORRELL AND REPRESENTATIVES CONNICK, LABRUZZO, LIGI, LOPINTO, TALBOT AND WILLMOTT
AN ACT

To amend and reenact R.S. 13:967(C)(1), (J) and (L) and to enact R.S. 13:967(M), relative to the Twenty-Fourth Judicial District; to provide for the establishment of an indigent transcript fund; to provide for court reporter fees; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 116 by Senator Martiny

AMENDMENT NO. 1

On page 2, line 27, following "of" and before "shall" change "R.S. 13:967" to "this Section"

AMENDMENT NO. 2

On page 3, line 1, following "under" and before "," change "R.S. 13:967A(1)" to "Paragraph (A)(1) of this Section"

AMENDMENT NO. 3

On page 3, line 3, following "of" and before "." change "R.S. 13:967A(2)" to "Paragraph (A)(2) of this Section"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|----------|
| Mr. President | Erdey | Morrell |
| Adley | Gautreaux N | Morrish |
| Alario | Gray Evans | Mount |
| Amedee | Hebert | Murray |
| Appel | Heitmeier | Nevers |
| Broome | Jackson | Quinn |
| Cheek | Kostelka | Riser |
| Claitor | LaFleur | Shaw |
| Crowe | Long | Smith |
| Donahue | Marionneaux | Thompson |

May 12, 2009

| | | |
|------------|-----------|-----------|
| Dorsey | Martiny | Walsworth |
| Duplessis | McPherson | |
| Dupre | Michot | |
| Total - 37 | | |
| | NAYS | |
| Total - 0 | | |
| | ABSENT | |

Gautreaux B
Total - 1

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

SENATE BILL NO. 271—
BY SENATORS NEVERS, THOMPSON, LONG, RISER AND WALSWORTH

AN ACT

To enact Part IX of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4421 through 4424, relative to creation of the "Forestry Product Fairness Act"; to provide relative to distribution of tax credits, tax exemptions, tax exclusions or grants made available by the state to any existing individual, partnership, corporation, association or other legal entity purchasing forest product raw materials to produce the generation of steam, heat, electricity or the production of wood-based fuels; to provide for promulgation of rules and regulations; to provide for definitions; and to provide for related matters.

Floor Amendments Sent Up

Senator Nevers sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Engrossed Senate Bill No. 271 by Senator Nevers

AMENDMENT NO. 1
On page 1, line 3, change "4424" to "4425"

AMENDMENT NO. 2
On page 1, line 4, after "Fairness Act"; insert "to provide for legislative purpose;"

AMENDMENT NO. 3
On page 1, line 5, after "exclusions" and before "or grants" insert ", tax deductions, rebates, incentives, investments, contracts,"

AMENDMENT NO. 4
On page 1, line 6, change "product" to "products"

AMENDMENT NO. 5
On page 1, at the beginning of line 7, delete "raw materials"

AMENDMENT NO. 6
On page 1, line 12, change "4424" to "4425"

AMENDMENT NO. 7
On page 1, between lines 15 and 16, insert the following:
"**§4422. Purpose**

The Louisiana Legislature recognizes the enormous contribution that the Louisiana forest products industry makes to the state. The continued health of the industry is vital to Louisiana's economic well-being. A fair and equitable process for awarding state incentives to the forest products industry is necessary to maintain economic viability. The purpose of this Part is to provide for a procedure that will ensure an open process for the awarding of incentives, that encourages the use of forest products but does not unfairly advantage one segment of

the forest products industry over another, and that does not put existing businesses at a competitive disadvantage."

AMENDMENT NO. 8
On page 1, line 16, change "§4422." to "§4423."

AMENDMENT NO. 9
On page 2, between lines 11 and 12 insert the following:
"**(3) "Tax exemption, tax credit, tax exclusion, tax deduction, rebate, incentive, investment, contract, or grant" means any such benefit that is not available by operation of law to all persons purchasing forest products to produce the generation of steam, heat, electricity or the production of wood-based fuels.**"

AMENDMENT NO. 10
On page 2, line 12, change "§4423." to "§4424."

AMENDMENT NO. 11
On page 2, line 13, after "exclusion" and before "or grant" insert ", tax deduction, rebate, incentive, investment, contract,"

AMENDMENT NO. 12
On page 2, line 15, after "forest" delete "product raw materials" and insert "products"

AMENDMENT NO. 13
On page 2, line 20, change "§4424." to "§4425."

AMENDMENT NO. 14
On page 2, line 21, after "regulations" and before "for the" insert "in consultation with the secretary of the Department of Economic Development"

On motion of Senator Nevers, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|-----------|
| Mr. President | Erdey | Morrell |
| Adley | Gautreaux N | Morrish |
| Alario | Gray Evans | Mount |
| Amedee | Hebert | Murray |
| Appel | Heitmeier | Nevers |
| Broome | Jackson | Quinn |
| Cheek | Kostelka | Riser |
| Claitor | LaFleur | Shaw |
| Crowe | Long | Smith |
| Donahue | Marionneaux | Thompson |
| Dorsey | Martiny | Walsworth |
| Duplessis | McPherson | |
| Dupre | Michot | |
| Total - 37 | | |

NAYS

Total - 0

ABSENT

Gautreaux B
Total - 1

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

SENATE BILL NO. 292—

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 4:185(A), relative to amusements and sports; to provide for certain investments of monies in the Horsemen's Bookkeeper Account; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator LaFleur sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator LaFleur to Engrossed Senate Bill No. 292 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 2, line 1, delete "**loans are**" and insert "**loan is**"

AMENDMENT NO. 2

On page 2, line 2, after "**streams**" insert "**of Louisiana Downs**"

On motion of Senator LaFleur, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|----------|
| Mr. President | Dupre | Michot |
| Adley | Erdey | Morrell |
| Alario | Gautreaux N | Morrish |
| Amedee | Gray Evans | Mount |
| Appel | Hebert | Murray |
| Broome | Heitmeier | Nevers |
| Cheek | Jackson | Quinn |
| Claitor | Long | Riser |
| Donahue | Marionneaux | Shaw |
| Dorsey | Martiny | Smith |
| Duplessis | McPherson | Thompson |
| Total - 33 | | |

NAYS

Total - 0

ABSENT

| | | |
|-------------|----------|-----------|
| Crowe | Kostelka | Walsworth |
| Gautreaux B | LaFleur | |
| Total - 5 | | |

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

Senator Broome in the Chair

SENATE BILL NO. 29—

BY SENATOR RISER

AN ACT

To enact Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1741 through 1745, relative to caller ID spoofing; to provide for short title; to provide for definitions; to provide for violations of the Louisiana Consumer Protection Act; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 29 by Senator Riser

AMENDMENT NO. 1

On page 2, line 10, following "**Internet**" and before "**(VoIP)**," change "**Phone**" to "**Protocol**"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Riser sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Riser to Engrossed Senate Bill No. 29 by Senator Riser

AMENDMENT NO. 1

On page 1, line 3, change "51:1741 through 1745," to "51:1741.1 through 1741.5,"

AMENDMENT NO. 2

On page 1, line 8, change "51:1741 through 1745," to "51:1741.1 through 1741.5,"

AMENDMENT NO. 3

On page 1, line 10, change "**§1741.**" to "**§1741.1.**"

AMENDMENT NO. 4

On page 2, line 2, change "**§1742.**" to "**§1741.2.**"

AMENDMENT NO. 5

On page 2, line 5, change "**§1743.**" to "**§1741.3.**"

AMENDMENT NO. 6

On page 2, line 22, change "**§1744.**" to "**§1741.4.**"

AMENDMENT NO. 7

On page 3, line 1, change "**§1745.**" to "**§1741.5.**"

AMENDMENT NO. 8

On page 3, line 6, change "**1744**" to "**1741.4**"

AMENDMENT NO. 9

On page 3, line 11, change "**1744**" to "**1741.4**"

On motion of Senator Riser, the amendments were adopted.

Floor Amendments Sent Up

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 29 by Senator Riser

AMENDMENT NO. 1

On page 2, line 28, after "**agency**" and before the period "." insert "**pursuant to an active criminal investigation**"

AMENDMENT NO. 2

On page 2, line 29, after "**agency**" and before the period "." insert "**pursuant to an active criminal investigation**"

On motion of Senator Martiny, the amendments were adopted.

May 12, 2009

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 29 by Senator Riser

AMENDMENT NO. 1

On page 2, after line 29, add the following:

"4. Any private investigator licensed by the state of Louisiana."

Senator N. Gautreaux moved adoption of the amendments.

Senator Quinn objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley Erdey Morrish
Amedee Gautreaux N Mount
Claitor Hebert Nevers
Crowe Heitmeier Riser
Donahue Kostelka Shaw
Duplessis Michot Smith
Dupre Morrell Walsworth
Total - 21

NAYS

Alario Gray Evans Marionneaux
Appel Jackson Martiny
Cheek LaFleur Murray
Dorsey Long Quinn
Total - 12

ABSENT

Mr. President Gautreaux B Thompson
Broome McPherson
Total - 5

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 29 by Senator Riser

AMENDMENT NO. 1

On page 2, after line 29 insert:

"5. Any duly authorized process server who is attempting to serve process on a person which the court has determined has purposely avoided the service of process."

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley Erdey Morrell
Alario Gautreaux N Morrish
Amedee Gray Evans Mount
Appel Hebert Murray
Broome Heitmeier Quinn
Cheek Jackson Riser
Claitor Kostelka Shaw
Crowe LaFleur Smith
Donahue Long Thompson
Dorsey Martiny Walsworth
Duplessis McPherson
Dupre Michot
Total - 34

NAYS

Marionneaux
Total - 1

ABSENT

Mr. President Gautreaux B Nevers
Total - 3

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

SENATE BILL NO. 51—

BY SENATORS HEITMEIER, DORSEY, ERDEY, GRAY EVANS, MOUNT AND NEVERS

AN ACT

To enact Part LXVI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.291, relative to intergovernmental transfers from local governing bodies to the Department of Health and Hospitals; to provide for acceptance and use of intergovernmental transfers; and to provide for related matters.

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Engrossed Senate Bill No. 51 by Senator Heitmeier

AMENDMENT NO. 1

On page 1, line 10, change "for" to "from"

On motion of Senator Heitmeier, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley Erdey Morrell
Alario Gautreaux N Morrish
Amedee Gray Evans Mount

| | | |
|------------|-------------|-----------|
| Appel | Heitmeier | Murray |
| Broome | Jackson | Nevers |
| Cheek | Kostelka | Quinn |
| Claitor | LaFleur | Riser |
| Crowe | Long | Shaw |
| Donahue | Marionneaux | Smith |
| Dorsey | Martiny | Thompson |
| Duplessis | McPherson | Walsworth |
| Dupre | Michot | |
| Total - 35 | | |

NAYS

Total - 0

ABSENT

| | | |
|---------------|-------------|--------|
| Mr. President | Gautreaux B | Hebert |
| Total - 3 | | |

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

SENATE BILL NO. 91—
BY SENATOR N. GAUTREAU
AN ACT

To enact R.S. 47:6035, relative to tax credits for the individual or corporation income tax or corporation franchise tax; to provide a tax credit for certain qualified energy resource; to provide terms, conditions, and definitions; to provide for promulgation of rules and regulations; to provide an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 91 by Senator N. Gautreaux

AMENDMENT NO. 1
On page 2, line 19, following "**may**" and before "**twice**," change "**only be transferred or sold**" to "**be sold or transferred no more than**"

On motion of Senator Marionneaux, the amendments were adopted.

Mr. President in the Chair

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 91 by Senator N. Gautreaux

AMENDMENT NO. 1
On page 1, at the beginning of line 4, change "resource" to "systems"

AMENDMENT NO. 2
On page 1, line 9, change "**resource**" to "**system**"

AMENDMENT NO. 3
On page 1, at the end of line 12, change "**Revenue**" to "**Natural Resources**"

AMENDMENT NO. 4
On page 1, line 15, change "**resource**" to "**system**"

AMENDMENT NO. 5
On page 1, delete lines 16 and 17 and insert the following:
"**(3) "Qualified energy system" means a system of apparatus and equipment located in this state which uses a qualified energy resource, as the term qualified energy resource is defined in 26 U.S.C. 45 of the Internal Revenue Code of 1986, as amended, with the exception that the term qualified energy resources may include closed-loop biomass or biomass burned in conjunction with fossil fuel (cofiring) beyond such fossil fuel required for startup and flame stabilization, to produce electricity and to transfer such electricity to the point of use or storage.**"

AMENDMENT NO. 6
On page 2, line 1, change "**resource**" to "**system**"

AMENDMENT NO. 7
On page 2, line 3, change "**resource**" to "**system**"

AMENDMENT NO. 8
On page 2, line 5, change "**resource**" to "**system**"

AMENDMENT NO. 9
On page 2, delete lines 6 and 7 and insert the following: "**to a single qualified energy system shall not exceed four hundred fifty thousand dollars.**"

AMENDMENT NO. 10
On page 2, at the beginning of line 9, change "**resource**" to "**system**" and at the end of line 9, change "**resource**" to "**system**"

AMENDMENT NO. 11
On page 2, at the end of line 22, after "**department**" and before "**in**" insert "**, and to the Louisiana Department of Revenue.**"

AMENDMENT NO. 12
On page 2, at the beginning of line 26, change "**resource**" to "**system**"

AMENDMENT NO. 13
On page 2, line 28, change "**resource**" to "**system**"

AMENDMENT NO. 14
On page 3, line 7, change "**resource**" to "**system**"

AMENDMENT NO. 15
On page 3, line 12, change "**resource**" to "**system**"

AMENDMENT NO. 16
On page 3, line 13, change "**resource**" to "**system**"

AMENDMENT NO. 17
On page 3, line 17, change "**resource**" to "**system**"

AMENDMENT NO. 18
On page 3, at the beginning of line 19, change "**resource**" to "**system**"

AMENDMENT NO. 19
On page 4, line 12, between "**department**" and "**shall**" insert "**, in conjunction with the Louisiana Department of Revenue.**"

AMENDMENT NO. 20
On page 4, between lines 14 and 15, insert the following:
"**H. No tax credits shall be granted or allowed after December 31, 2012. However, the carryforward and transferability provisions of Paragraph (C) of this Section shall continue to be effective after December 31, 2012 for tax credits authorized prior to such date.**"

AMENDMENT NO. 21
On page 4, line 15, after "applicable to" and before "costs" insert "eligible"

May 12, 2009

On motion of Senator N. Gautreaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Michot
Adley Erdey Morrell
Alario Gautreaux N Morrish
Amedee Gray Evans Mount
Appel Hebert Murray
Broome Heitmeier Nevers
Cheek Jackson Quinn
Claitor LaFleur Riser
Crowe Long Shaw
Donahue Marionneaux Smith
Dorsey Martiny Thompson
Duplessis McPherson Walsworth
Total - 36

NAYS

Total - 0

ABSENT

Gautreaux B Kostelka
Total - 2

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

SENATE BILL NO. 93— BY SENATOR THOMPSON

AN ACT

To enact Part I-A of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:651 through 654, relative to food safety; to provide for definitions; to provide for written plans for food processing and food recalls; to provide for required reporting and testing of adulterated food by food processing plants; to provide for rules and regulations; and to provide for related matters.

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

SENATE BILL NO. 105— BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 14:71.3, relative to mortgage fraud, to provide for elements of the crime; to provide for penalties; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 105 by Senator Duplessis

AMENDMENT NO. 1

On page 2, line 1, following "provided in" and before "(1) of this" change "Subparagraph" to "Paragraph"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Morrell
Adley Erdey Morrish
Alario Gray Evans Mount
Amedee Hebert Murray
Appel Heitmeier Nevers
Broome Jackson Quinn
Cheek LaFleur Riser
Claitor Long Shaw
Crowe Marionneaux Smith
Donahue Martiny Thompson
Dorsey McPherson Walsworth
Duplessis Michot
Total - 35

NAYS

Total - 0

ABSENT

Gautreaux B Gautreaux N Kostelka
Total - 3

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

SENATE BILL NO. 110— BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 9:3573.3(5), 3573.4(F), 3573.6(B), and 3573.11(B), and to repeal R.S. 9:3573.11(C), relative to the Credit Repair Services Organizations Act; to provide for the filing of a registration statement with the attorney general; to provide for certain terms, notifications, procedures, conditions, and requirements; to provide for orders, injunctions, publication, and availability of records to the general public; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Morrell
Adley Gautreaux N Morrish
Alario Gray Evans Mount
Amedee Hebert Murray
Appel Heitmeier Nevers
Broome Jackson Quinn
Cheek Kostelka Riser
Claitor LaFleur Shaw
Crowe Long Smith
Donahue Marionneaux Thompson
Dorsey Martiny Walsworth
Duplessis McPherson
Dupre Michot
Total - 37

NAYS

Total - 0

ABSENT

Gautreaux B
Total - 1

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

SENATE BILL NO. 183—
BY SENATOR APPEL

A JOINT RESOLUTION

Proposing to add Article VII, Section 2.1 (C) of the Constitution of Louisiana, relative to the constitutional requirements and procedures for the imposition of or increase in a fee; to provide exceptions to such requirements for the increase in tuition or the imposition of or increase in fees at postsecondary institutions; to specify an election for submission of the proposition to electors; and to provide a ballot proposition.

Floor Amendments Sent Up

Senator Alario sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Alario to Engrossed Senate Bill No. 183 by Senator Appel

AMENDMENT NO. 1

On page 1, line 16 after "board" insert "; **provided that such increase in tuition or fee shall not exceed five percent in any calendar year**"

AMENDMENT NO. 2

On page 2, line 10 after "board" insert ", limited to five percent per year"

Senator Alario moved adoption of the amendments.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|------------|-----------|-----------|
| Adley | Heitmeier | Quinn |
| Alario | Jackson | Shaw |
| Amedee | Kostelka | Smith |
| Crowe | LaFleur | Thompson |
| Dupre | McPherson | Walsworth |
| Erdey | Michot | |
| Hebert | Nevers | |
| Total - 19 | | |

NAYS

| | | |
|---------------|-------------|---------|
| Mr. President | Dorsey | Morrish |
| Appel | Duplessis | Mount |
| Broome | Gautreaux N | Murray |
| Cheek | Gray Evans | Riser |
| Claitor | Long | |
| Donahue | Martiny | |
| Total - 16 | | |

ABSENT

| | | |
|-------------|-------------|---------|
| Gautreaux B | Marionneaux | Morrell |
| Total - 3 | | |

The Chair declared the amendments were adopted.

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

SENATE BILL NO. 191—
BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 44:4.1(B)(24) and to enact R.S. 40:2020, relative to the authority of the Department of Health and Hospitals to conduct certain mortality reviews; to provide for legislative intent; to provide for definitions and duties; to provide for records; to provide for confidentiality; to provide for a public records exception; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|-----------|
| Mr. President | Erdey | Morrell |
| Adley | Gautreaux N | Morrish |
| Alario | Hebert | Murray |
| Amedee | Heitmeier | Nevers |
| Broome | Jackson | Quinn |
| Cheek | Kostelka | Riser |
| Claitor | LaFleur | Shaw |
| Crowe | Long | Smith |
| Donahue | Marionneaux | Thompson |
| Dorsey | Martiny | Walsworth |
| Duplessis | McPherson | |
| Dupre | Michot | |
| Total - 34 | | |

NAYS

Total - 0

ABSENT

| | |
|-------------|------------|
| Appel | Gray Evans |
| Gautreaux B | Mount |
| Total - 4 | |

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

SENATE BILL NO. 211—
BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 36:801(introductory paragraph), and to enact R.S. 36:109(U) and Chapter 40 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2401, relative to economic development; to create the Louisiana Innovation Council within the Department of Economic Development; to provide for the membership; to provide for the duties and responsibilities; to provide for reporting; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|---------|
| Mr. President | Dupre | Morrell |
| Adley | Erdey | Morrish |
| Alario | Gautreaux N | Mount |
| Amedee | Gray Evans | Murray |
| Appel | Hebert | Nevers |

May 12, 2009

| | | |
|------------|-----------|-----------|
| Broome | Heitmeier | Quinn |
| Cheek | Jackson | Riser |
| Claitor | LaFleur | Shaw |
| Crowe | Long | Smith |
| Donahue | Martiny | Thompson |
| Dorsey | McPherson | Walsworth |
| Duplessis | Michot | |
| Total - 35 | | |

NAYS

Total - 0

ABSENT

| | | |
|-------------|----------|-------------|
| Gautreaux B | Kostelka | Marionneaux |
| Total - 3 | | |

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

SENATE BILL NO. 212—
BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 18:134(A), relative to registrars of voters; to provide for office hours of registrars of voters; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|-----------|
| Mr. President | Dorsey | McPherson |
| Adley | Duplessis | Michot |
| Alario | Dupre | Murray |
| Amedee | Erdey | Nevers |
| Appel | Gray Evans | Quinn |
| Broome | Heitmeier | Riser |
| Cheek | Jackson | Shaw |
| Claitor | Kostelka | Smith |
| Crowe | Marionneaux | Thompson |
| Donahue | Martiny | Walsworth |
| Total - 30 | | |

NAYS

| | | |
|-----------|---------|---------|
| Hebert | Long | Morrish |
| LaFleur | Morrell | |
| Total - 5 | | |

ABSENT

| | | |
|-------------|-------------|-------|
| Gautreaux B | Gautreaux N | Mount |
| Total - 3 | | |

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

SENATE BILL NO. 247—
BY SENATORS CHEEK, DORSEY AND WALSWORTH
AN ACT

To amend and reenact R.S. 46:2742(B)(7) and to enact R.S. 46:2742(B)(11), relative to case mix reimbursement for nursing homes; to provide for a case mix reimbursement; and to provide for related matters.

Floor Amendments Sent Up

Senator Cheek sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cheek to Engrossed Senate Bill No. 247 by Senator Cheek

AMENDMENT NO. 1

On page 2, after line 3, insert the following:

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Cheek, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|-----------|
| Mr. President | Dupre | Michot |
| Adley | Erdey | Morrell |
| Alario | Gautreaux N | Morrish |
| Amedee | Gray Evans | Mount |
| Appel | Hebert | Murray |
| Broome | Heitmeier | Nevers |
| Cheek | Jackson | Quinn |
| Claitor | Kostelka | Riser |
| Crowe | LaFleur | Shaw |
| Donahue | Long | Smith |
| Dorsey | Martiny | Thompson |
| Duplessis | McPherson | Walsworth |
| Total - 36 | | |

NAYS

Total - 0

ABSENT

| | |
|-------------|-------------|
| Gautreaux B | Marionneaux |
| Total - 2 | |

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

SENATE BILL NO. 278—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 44:5, relative to public records; to provide for the application of laws relative to public records; and to provide for related matters.

On motion of Senator Amedee, Senate Bill No. 278 was made Special Order of the Day No. 1 on Wednesday, May 20, 2009.

SENATE BILL NO. 290—
BY SENATORS QUINN AND HEBERT
AN ACT

To amend and reenact R.S. 22:1317, relative to surplus lines insurers; to exempt surplus lines insurers from provisions regarding co-insurance clauses in policies of fire and extended coverage insurance; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members who voted 'YEAS' in three columns: Mr. President, Dupre, Michot; Adley, Erdey, Morrell; Alario, Gautreaux N, Morrish; Amedee, Gray Evans, Mount; Appel, Hebert, Murray; Broome, Heitmeier, Nevers; Cheek, Jackson, Quinn; Claitor, Kostelka, Riser; Crowe, LaFleur, Shaw; Donahue, Long, Smith; Dorsey, Martiny, Thompson; Duplessis, McPherson, Walsworth; Total - 36.

NAYS

Total - 0

ABSENT

Table listing names of members who were absent: Gautreaux B, Marionneaux; Total - 2.

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

SENATE BILL NO. 294— BY SENATOR NEVERS

AN ACT

To amend and reenact Code of Criminal Procedure Article 644(A) and (D)(1) and 905.5.1(F), R.S. 9:2800.2(A), R.S. 15:560.2(B)(1), R.S. 17:7.1(D), R.S. 22:998(A) and (C), and 1043(A)(4), R.S. 23:1371.1(2), R.S. 28:2(12.1) and (22)(b), 51.1(A)(2)(a) and 221(10), R.S. 37:1744(A)(2), 1745(A)(2), 1745.14(C)(4), 2360(A)(1), (2) and (3), 2365(A) and (B), and 3386.1(15)(b), R.S. 40:1098.2(5)(b) and 2114(B), and R.S. 44:4(29) and to enact Part VI of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1360.51 through 1360.72 and R.S. 37:2356.1, and to repeal Part II of Chapter 28 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2371 through 2378, relative to medical psychologists; to transfer the regulation of medical psychologists from the State Board of Examiners of Psychologists to the Louisiana State Board of Medical Examiners; to provide for definitions; to provide for powers and duties of the Louisiana State Board of Medical Examiners; to provide for licensure; to provide for a certificate of advanced practice; to provide for standards of practice; to create the Medical Psychology Advisory Committee; to provide for privileged communications; to provide for continuing medical education; to provide for violations and penalties; to provide for orders to nurses; to provide for transfer of files; to direct the Louisiana State Law Institute to make certain language corrections to current law; to provide for rules and regulations; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 294 by Senator Nevers

AMENDMENT NO. 1

On page 12, line 12, following "The" and before "of" change "provision" to "provisions"

AMENDMENT NO. 2

On page 14, line 28, following "Medical" and before ":" change "Psychology" to "Psychologists"

AMENDMENT NO. 3

On page 19, line 4, following "board" and before "and" insert ":"

AMENDMENT NO. 4

On page 22, line 14, following "Subsection" and before "of this Section" change "B, C and D" to "C, D and E"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Nevers sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Engrossed Senate Bill No. 294 by Senator Nevers

AMENDMENT NO. 1

On page 22, lines 27 and 28, change "American Association of Osteopathic Physicians" to "American Osteopathic Association"

On motion of Senator Nevers, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members who voted 'YEAS' in three columns: Mr. President, Erdey, Morrell; Adley, Gautreaux N, Morrish; Alario, Gray Evans, Mount; Amedee, Hebert, Murray; Appel, Heitmeier, Nevers; Broome, Jackson, Quinn; Cheek, Kostelka, Riser; Claitor, LaFleur, Shaw; Crowe, Long, Smith; Donahue, Marionneaux, Thompson; Dorsey, Martiny, Walsworth; Duplessis, McPherson; Dupre, Michot; Total - 37.

NAYS

Total - 0

ABSENT

Table listing names of members who were absent: Gautreaux B; Total - 1.

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

SENATE BILL NO. 299—

BY SENATORS DUPLESSIS AND MICHOT AND REPRESENTATIVE ROSALIND JONES

AN ACT

To enact Chapter 3-D of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:296, relative to the Healthy Food Retail Act; to provide for a financing program to stimulate investment in healthy food retail outlets in underserved areas of Louisiana; to provide for administration of the program; to

May 12, 2009

provide for eligible projects and uses for funding; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Morrell
Adley Erdey Morrish
Alario Gautreaux N Mount
Amedee Gray Evans Murray
Appel Hebert Quinn
Broome Heitmeier Riser
Cheek Jackson Shaw
Claitor LaFleur Smith
Crowe Long Thompson
Donahue Martiny Walsworth
Dorsey McPherson
Duplessis Michot
Total - 34

NAYS

Total - 0

ABSENT

Gautreaux B Marionneaux
Kostelka Nevers
Total - 4

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

Rules Suspended

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 23— BY SENATOR MORRISH

A RESOLUTION

To designate May 13, 2009, as "Louisiana Chemical Industry Day."

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

SENATE RESOLUTION NO. 24— BY SENATOR MOUNT

A RESOLUTION

To recognize May 13, 2009, as Dental Hygiene Day and to commend the Louisiana Dental Hygienists' Association and dental hygienists around the state for their outstanding contributions to the oral health of citizens of Louisiana.

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 43—

BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To create the LaPOST study committee to study and make recommendations to the Legislature of Louisiana with respect to the Physician Orders for Life-Sustaining Treatment Paradigm program and whether to establish such a program in this state.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Michot
Adley Gautreaux N Morrell
Alario Gray Evans Morrish
Amedee Hebert Mount
Appel Heitmeier Murray
Broome Jackson Quinn
Cheek Kostelka Riser
Claitor LaFleur Shaw
Crowe Long Smith
Donahue Marionneaux Thompson
Dorsey Martiny Walsworth
Dupre McPherson
Total - 35

NAYS

Total - 0

ABSENT

Duplessis Gautreaux B Nevers
Total - 3

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

SENATE CONCURRENT RESOLUTION NO. 44—

BY SENATOR QUINN

A CONCURRENT RESOLUTION

To recognize the time period from the first of December until the following sixteenth day of April of each year as the official state camellia season in Louisiana.

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

YEAS

Mr. President Dupre McPherson
Adley Erdey Michot
Alario Gautreaux N Morrell
Amedee Gray Evans Morrish
Appel Hebert Mount
Broome Heitmeier Murray
Cheek Jackson Quinn
Claitor Kostelka Riser
Crowe LaFleur Shaw
Donahue Long Smith
Dorsey Marionneaux Thompson
Duplessis Martiny Walsworth
Total - 36

NAYS

Total - 0

ABSENT

Gautreaux B Nevers
Total - 2

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

SENATE CONCURRENT RESOLUTION NO. 45—

BY SENATOR QUINN

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations relative to the laws on relocating a child's residence.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-------------|-----------|
| Mr. President | Erdey | Michot |
| Adley | Gautreaux N | Morrell |
| Alario | Gray Evans | Morrish |
| Amedee | Hebert | Mount |
| Appel | Heitmeier | Murray |
| Broome | Jackson | Quinn |
| Cheek | Kostelka | Riser |
| Claitor | LaFleur | Shaw |
| Crowe | Long | Smith |
| Donahue | Marionneaux | Thompson |
| Dorsey | Martiny | Walsworth |
| Dupre | McPherson | |
| Total - 35 | | |

NAYS

Total - 0

ABSENT

| | | |
|-----------|-------------|--------|
| Duplessis | Gautreaux B | Nevers |
| Total - 3 | | |

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

SENATE CONCURRENT RESOLUTION NO. 46—

BY SENATOR JACKSON

A CONCURRENT RESOLUTION

To recognize Wednesday, May 13, 2009, as Planned Parenthood Day in Louisiana.

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

YEAS

| | | |
|---------------|-------------|-----------|
| Mr. President | Erdey | Michot |
| Adley | Gautreaux N | Morrell |
| Alario | Gray Evans | Morrish |
| Amedee | Hebert | Mount |
| Appel | Heitmeier | Murray |
| Broome | Jackson | Quinn |
| Cheek | Kostelka | Riser |
| Crowe | LaFleur | Shaw |
| Donahue | Long | Smith |
| Dorsey | Marionneaux | Thompson |
| Duplessis | Martiny | Walsworth |
| Dupre | McPherson | |
| Total - 35 | | |

NAYS

Total - 0

ABSENT

| | | |
|-----------|-------------|--------|
| Claitor | Gautreaux B | Nevers |
| Total - 3 | | |

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

Notice Regarding Vote

Senator Crowe stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Erdey stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator N. Gautreaux stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Kostelka stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Long stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Riser stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Shaw stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Smith stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Thompson stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Walsworth stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Alario stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

May 12, 2009

Notice Regarding Vote

Senator Michot stated he had voted in error on Senate Concurrent Resolution No. 46. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

Notice Regarding Vote

Senator Mount stated she had voted in error on Senate Concurrent Resolution No. 46. She voted yea on the resolution and had intended to vote nay. She asked that the Official Journal so state.

Notice Regarding Vote

Senator Quinn stated she had voted in error on Senate Concurrent Resolution No. 46. She voted yea on the resolution and had intended to vote nay. She asked that the Official Journal so state.

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 12, 2009

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:

HOUSE BILL NO. 9— BY REPRESENTATIVES BALDONE AND LEGER AN ACT

To enact R.S. 47:301(6)(c), relative to sales and use tax; to exclude from the definition of "hotel" certain temporary lodging services provided by a nonprofit corporation to a homeless person; to authorize rulemaking; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 88— BY REPRESENTATIVE MCVEA AN ACT

To amend and reenact R.S. 42:63(A)(3), relative to dual officeholding and dual employment; to authorize an employee of the United States government to serve as a part-time elected official; to provide for definitions; to provide exceptions; and to provide for related matters.

HOUSE BILL NO. 97— BY REPRESENTATIVES GISCLAIR AND BALDONE AN ACT

To amend and reenact R.S. 34:851.2(3) and 851.19, relative to vessels; to provide for definitions; to provide for operation of certain vessels; and to provide for related matters.

HOUSE BILL NO. 119— BY REPRESENTATIVE HENRY BURNS AN ACT

To enact R.S. 15:502, relative to testimony by audiovisual transmission; to authorize certain persons to testify through the use of audiovisual equipment in certain proceedings; to provide for written notice to opposing counsel; to provide for limitations; and to provide for related matters.

HOUSE BILL NO. 176— BY REPRESENTATIVE POPE AN ACT

To amend and reenact R.S. 17:270(A) and R.S. 32:402.1(D), relative to the driver education and training program for children operated by the State Board of Elementary and Secondary Education and the state Department of Education; to permit a child who is in at least the ninth grade and is less than fifteen years of age to participate in the classroom instruction

component of the program; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 186— BY REPRESENTATIVE WOOTON AN ACT

To amend and reenact R.S. 15:587(D), (E), and (F) and to enact R.S. 15:587(G), relative to criminal history information; to provide for the remission of fees charged for providing this information; to provide for the use of some of those fees; to authorize the sheriff to conduct screening functions; and to provide for related matters.

HOUSE BILL NO. 309— BY REPRESENTATIVE GALLOT AN ACT

To amend and reenact R.S. 13:312(2) and 312.1(B), relative to the courts of appeal; to provide election sections for the election of judges to the second district of the Court of Appeal for the Second Circuit; to provide for the assignment of judgeships for election purposes; to provide for the election of the judges; and to provide for related matters.

HOUSE BILL NO. 346— BY REPRESENTATIVE POPE AN ACT

To amend and reenact R.S. 15:609(B)(1) and (C) and 610, relative to the method of collecting DNA samples from persons arrested for or convicted of certain offenses for inclusion in the state DNA database; to authorize DNA samples to be drawn or taken from those persons; and to provide for related matters.

HOUSE BILL NO. 366— BY REPRESENTATIVES WOOTON, HENRY BURNS, CHAMPAGNE, FOIL, LITTLE, MILLS, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, AND THIBAUT AND SENATORS CROWE, DUPLESSIS, MICHOT, SMITH, AND WALSWORTH AN ACT

To amend and reenact R.S. 15:560.1, 560.2(B)(introductory paragraph) and (1), (E), and (F), 560.3, 560.4(A), 560.5, 560.6(A), 561.2, and 561.4(A)(1) and (B)(1) and (3) and to enact R.S. 15:560.2(H) and (I) and 560.4(E), relative to sex offenders and child predators; to provide relative to the monitoring of sex offenders and predators; to provide with respect to the determination of which sex offenders are sexually violent predators and child sexual predators; to amend the provisions governing the sex offender assessment panels; to provide for definitions; to provide with respect to the membership of the sex offender assessment panels; to provide for a judicial determination following an assessment by the sex offender assessment panel; to provide for a hearing and notice thereof; to provide with respect to the effects of a determination of status as a sexually violent predator or child sexual predator; to provide with respect to supervision of such persons; to provide for criminal penalties for violations of the conditions of supervision; to provide with respect to supervised release of certain sex offenders; to require that notice be given to the sex offender of supervised release; and to provide for related matters.

HOUSE BILL NO. 370— BY REPRESENTATIVE LAFONTA AN ACT

To amend and reenact R.S. 22:1124(A)(introductory paragraph) and 1138(D), to enact R.S. 22:821(B)(28), and to repeal R.S. 22:1125, relative to fees collected by the commissioner of insurance; to provide relative to fees collected for Medical Necessity Review Organization licenses; to provide for a fee for filing of annual reports of Medical Necessity Review Organizations; to delete the requirement that Medical Necessity Review Organization licenses are subject to biannual renewal and associated fees; and to provide for related matters.

HOUSE BILL NO. 393—

BY REPRESENTATIVE LAFONTA
AN ACT

To enact R.S. 22:821(B)(28), relative to fees collected by the commissioner of insurance; to provide relative to fees collected for review of preclicensing or continuing education provider applications; to provide relative to fees collected for review of preclicensing course or continuing education program applications; and to provide for related matters.

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

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

Senator Mount 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. 9—

BY REPRESENTATIVES BALDONE AND LEGER
AN ACT

To enact R.S. 47:301(6)(c), relative to sales and use tax; to exclude from the definition of "hotel" certain temporary lodging services provided by a nonprofit corporation to a homeless person; to authorize rulemaking; 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 Revenue and Fiscal Affairs.

HOUSE BILL NO. 88—

BY REPRESENTATIVE MCVEA
AN ACT

To amend and reenact R.S. 42:63(A)(3), relative to dual officeholding and dual employment; to authorize an employee of the United States government to serve as a part-time elected official; to provide for definitions; to provide 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. 97—

BY REPRESENTATIVES GISCLAIR AND BALDONE
AN ACT

To amend and reenact R.S. 34:851.2(3) and 851.19, relative to vessels; to provide for definitions; to provide for operation of certain vessels; and to provide for related matters.

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

HOUSE BILL NO. 119—

BY REPRESENTATIVE HENRY BURNS
AN ACT

To enact R.S. 15:502, relative to testimony by audiovisual transmission; to authorize certain persons to testify through the use of audiovisual equipment in certain proceedings; to provide for written notice to opposing counsel; to provide for limitations; and to provide for related matters.

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

HOUSE BILL NO. 176—

BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 17:270(A) and R.S. 32:402.1(D), relative to the driver education and training program for children operated by the State Board of Elementary and Secondary Education and the state Department of Education; to permit a

child who is in at least the ninth grade and is less than fifteen years of age to participate in the classroom instruction component of the program; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 186—

BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 15:587(D), (E), and (F) and to enact R.S. 15:587(G), relative to criminal history information; to provide for the remission of fees charged for providing this information; to provide for the use of some of those fees; to authorize the sheriff to conduct screening functions; and to provide for related matters.

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

HOUSE BILL NO. 309—

BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 13:312(2) and 312.1(B), relative to the courts of appeal; to provide election sections for the election of judges to the second district of the Court of Appeal for the Second Circuit; to provide for the assignment of judgeships for election purposes; to provide for the election of the judges; 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. 346—

BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 15:609(B)(1) and (C) and 610, relative to the method of collecting DNA samples from persons arrested for or convicted of certain offenses for inclusion in the state DNA database; to authorize DNA samples to be drawn or taken from those persons; and to provide for related matters.

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

HOUSE BILL NO. 366—

BY REPRESENTATIVES WOOTON, HENRY BURNS, CHAMPAGNE, FOIL, LITTLE, MILLS, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, AND THIBAUT AND SENATORS CROWE, DUPLESSIS, MICHOT, SMITH, AND WALSWORTH
AN ACT

To amend and reenact R.S. 15:560.1, 560.2(B)(introductory paragraph) and (1), (E), and (F), 560.3, 560.4(A), 560.5, 560.6(A), 561.2, and 561.4(A)(1) and (B)(1) and (3) and to enact R.S. 15:560.2(H) and (I) and 560.4(E), relative to sex offenders and child predators; to provide relative to the monitoring of sex offenders and predators; to provide with respect to the determination of which sex offenders are sexually violent predators and child sexual predators; to amend the provisions governing the sex offender assessment panels; to provide for definitions; to provide with respect to the membership of the sex offender assessment panels; to provide for a judicial determination following an assessment by the sex offender assessment panel; to provide for a hearing and notice thereof; to provide with respect to the effects of a determination of status as a sexually violent predator or child sexual predator; to provide with respect to supervision of such persons; to provide for criminal penalties for violations of the conditions of supervision; to provide with respect to supervised release of certain sex offenders; to require that notice be given to the sex offender of supervised release; and to provide for related matters.

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

May 12, 2009

HOUSE BILL NO. 370—
BY REPRESENTATIVE LAFONTA
AN ACT

To amend and reenact R.S. 22:1124(A)(introductory paragraph) and 1138(D), to enact R.S. 22:821(B)(28), and to repeal R.S. 22:1125, relative to fees collected by the commissioner of insurance; to provide relative to fees collected for Medical Necessity Review Organization licenses; to provide for a fee for filing of annual reports of Medical Necessity Review Organizations; to delete the requirement that Medical Necessity Review Organization licenses are subject to biannual renewal and associated fees; and to provide for related matters.

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

HOUSE BILL NO. 393—
BY REPRESENTATIVE LAFONTA
AN ACT

To enact R.S. 22:821(B)(28), relative to fees collected by the commissioner of insurance; to provide relative to fees collected for review of preclicensing or continuing education provider applications; to provide relative to fees collected for review of preclicensing course or continuing education program applications; and to provide for related matters.

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

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

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

May 12, 2009

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 32—
BY SENATOR B. GAUTREUX AND REPRESENTATIVE ROBIDEAUX AND SENATORS ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, N. GAUTREUX, GRAY EVANS, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SHAW, SMITH, THOMPSON AND WALSWORTH

A CONCURRENT RESOLUTION

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

SENATE CONCURRENT RESOLUTION NO. 34—
BY SENATOR MCPHERSON
A CONCURRENT RESOLUTION

To urge and request the Honorable Bobby Jindal, Governor of Louisiana, to endorse the 25 x 25 national initiative.

SENATE CONCURRENT RESOLUTION NO. 36—
BY SENATOR LAFLEUR
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to refrain from reducing or repealing tax incentives for domestic production of natural gas or oil.

SENATE CONCURRENT RESOLUTION NO. 38—
BY SENATOR DONAHUE AND REPRESENTATIVE CROMER
A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Wildlife and Fisheries to evaluate and study the scenic Bayou Liberty located in St. Tammany Parish for inclusion in the Louisiana Natural and Scenic Rivers System.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

ATTENDANCE ROLL CALL

PRESENT

| | | |
|---------------|-------------|-----------|
| Mr. President | Erdey | Morrell |
| Adley | Gautreaux N | Morrish |
| Alario | Gray Evans | Mount |
| Amedee | Hebert | Murray |
| Appel | Heitmeier | Nevers |
| Broome | Jackson | Quinn |
| Cheek | Kostelka | Riser |
| Claitor | LaFleur | Shaw |
| Crowe | Long | Smith |
| Donahue | Marionneaux | Thompson |
| Dorsey | Martiny | Walsworth |
| Duplessis | McPherson | |
| Dupre | Michot | |

Total - 37

ABSENT

Gautreaux B
Total - 1

Leaves of Absence

The following leaves of absence were asked for and granted:

B. Gautreaux 1 Day

Adjournment

On motion of Senator Walsworth, at 5:45 o'clock P.M. the Senate adjourned until Wednesday, May 13, 2009, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Wednesday, May 13, 2009.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk