

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

TWENTY-FIRST 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

Wednesday, June 3, 2009

The Senate was called to order at 9:25 o'clock A.M. by Hon. Joel T. Chaisson II, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Dupre	Michot
Adley	Erdey	Morrell
Amedee	Gray Evans	Morrish
Appel	Guillory	Mount
Cheek	Heitmeier	Murray
Claitor	Jackson	Nevers
Crowe	Kostelka	Riser
Donahue	Long	Shaw
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Total - 30		

ABSENT

Alario	Gautreaux N	Marionneaux
Broome	Hebert	Quinn
Gautreaux B	LaFleur	Smith
Total - 9		

The President of the Senate announced there were 30 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Raymond Watson, 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 Michot, the reading of the Journal was dispensed with and the Journal of June 2, 2009, was adopted.

**Privilege Report of the
Legislative Bureau**

June 3, 2009

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

HOUSE BILL NO. 59—

BY REPRESENTATIVES RICHARDSON, AUBERT, BARROW, BILLIOT, BURRELL, CARMODY, CARTER, CHAMPAGNE, DANAHAY, HILL, GIROD JACKSON, SAM JONES, AND NORTON
AN ACT

To amend and reenact R.S. 25:1001(A) and (D), relative to the Louisiana Naval War Memorial Commission; to change the membership composition of the commission; to provide relative to the use of commission funds; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 96—

BY REPRESENTATIVE PEARSON
AN ACT

To enact R.S. 11:247, 446(A)(6), and 783(A)(4), relative to state and statewide retirement systems; to provide relative to cost-of-living adjustments; to permit the selection of a retirement option that would provide for automatic cost-of-living adjustments subject to an actuarial reduction of benefits; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 115—

BY REPRESENTATIVE GUINN
AN ACT

To enact R.S. 40:1498(G), relative to Jefferson Davis Parish Fire District #2; to provide relative to the per diem for members of the governing board; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 116—

BY REPRESENTATIVE GUINN
AN ACT

To enact R.S. 33:3819(G), relative to certain waterworks districts in Jefferson Davis Parish; to provide relative to the per diem paid to the commissioners of the districts; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 117—

BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact R.S. 33:4576(A), relative to the West Calcasieu Parish Community Center Authority; to provide that the authority is a political subdivision of the state; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 121—

BY REPRESENTATIVE GUINN
AN ACT

To enact R.S. 33:3819(G), relative to Waterworks District #8 of Calcasieu Parish; to provide relative to the per diem paid to the commissioners of the district; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 121 by Representative Guinn

AMENDMENT NO. 1

On page 1, line 2, following "District" change "#" to "No."

AMENDMENT NO. 2

On page 1, line 14, following "District" change "#" to "No."

June 3, 2009

HOUSE BILL NO. 144—

BY REPRESENTATIVE HOWARD
AN ACT

To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1), relative to assessment districts; to create an assessment district in Red River Parish to fund the office of the assessor; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 170—

BY REPRESENTATIVE ELLINGTON
AN ACT

To enact R.S. 33:4574(B)(44) and (F)(7) and 4574.1.1(A)(46), relative to Caldwell Parish; to create the Caldwell Parish Tourist Commission; to provide for a board of directors, governance, terms, and duties; to provide the commission with taxing authority; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 183—

BY REPRESENTATIVE HOFFMANN
AN ACT

To enact R.S. 17:7(6)(f), relative to teacher certification; to require the State Board of Elementary and Secondary Education to establish an appeals process with respect to the denial of teacher certification; to provide for appeals to the Teacher Certification Appeals Council; to provide for the membership of the council; to provide for rules and regulations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 184—

BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 33:130.471(A) and 130.472(A), (B), (C), (H), and (I), relative to the Concordia Economic and Industrial Development District; to provide relative to the board of commissioners of the district; to provide relative to board membership and appointments; to provide relative to the terms and powers and duties of board members; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 185—

BY REPRESENTATIVE CORTEZ
AN ACT

To enact R.S. 22:1289.1, relative to automobile insurance policies; to prohibit insurers from refusing to issue automobile insurance policies to certain purchasers based solely upon an impending named tropical storm or hurricane; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 188—

BY REPRESENTATIVES EDWARDS, AUBERT, BILLIOT, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, HILL, GIROD, JACKSON, MICHAEL JACKSON, SAM JONES, MCVEA, NORTON, PEARSON, POPE, PUGH, RICHARDSON, RITCHIE, AND SIMON
AN ACT

To enact Chapter 10 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:571 through 576, and to enact R.S. 36:209(AA), relative to creating the West Florida Republic Commission; to provide for appointment of the commission; to provide for the powers and duties of the commission; to provide for funding of the commission; to provide a termination date for the commission; to establish the commission within the Department of Culture, Recreation and Tourism; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 273—

BY REPRESENTATIVE FANNIN
AN ACT

To amend and reenact R.S. 39:551.10(B) and (C), relative to Jackson Parish; to provide relative to the Jackson Parish Industrial District; to provide relative to the board of commissioners; to provide relative to board membership and appointments; to provide relative to terms of board members; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 283—

BY REPRESENTATIVE WHITE
AN ACT

To enact R.S. 33:9097.5, relative to East Baton Rouge Parish; to create the Greenwood Crime Prevention and Improvement District; to provide the boundaries of the district; to provide for the governance of the district; to provide for the powers, terms, and duties of the board of directors; to provide for the imposition and collection of a parcel fee and for the use thereof; to provide for dissolution of the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 333—

BY REPRESENTATIVES KLECKLEY, ANDERS, CORTEZ, MONICA, PEARSON, ROY, GARY SMITH, AND TALBOT AND SENATORS DUPRE, HEBERT, MORRISH, AND QUINN
AN ACT

To enact R.S. 22:1337, relative to homeowners' insurance and certain fire and allied lines insurance; to provide for limitations on named-storm, hurricane, and wind and hail deductibles; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 347—

BY REPRESENTATIVE DOWNS
AN ACT

To amend and reenact R.S. 44:4.1(B)(10) and to enact R.S. 22:42.1, relative to the Department of Insurance; to provide with respect to the confidentiality of certain health information; to provide for the definition of protected health information; to provide for limited disclosures by the department; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 353—

BY REPRESENTATIVE MONICA
AN ACT

To amend and reenact R.S. 38:2212(A)(1)(d)(introductory paragraph), relative to public contracts; to increase the contract limit for public works projects undertaken by the public entity's own employees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 358—
BY REPRESENTATIVE ARMES

AN ACT

To amend and reenact R.S. 11:1755(A)(2) and to enact R.S. 11:1755(F), relative to the Municipal Employees' Retirement System; to allow for purchases of certain prior service by certain members; to provide an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 368—
BY REPRESENTATIVES BURRELL, AUBERT, AUSTIN BADON, BARROW, DIXON, ELLINGTON, HARDY, HAZEL, HINES, GIROD JACKSON, MICHAEL JACKSON, KATZ, LAFONTA, LEBAS, LIGI, PATRICIA SMITH, ST. GERMAIN, AND WILLMOTT

AN ACT

To amend and reenact R.S. 26:901(10) through (16) and to enact R.S. 26:901(17) and 910.1, relative to tobacco products; to provide for definitions; to prohibit the sale or delivery of tobacco products through a self-service display; to provide for exceptions; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 401—
BY REPRESENTATIVE PERRY

AN ACT

To amend and reenact R.S. 33:4067(B), relative to Cameron Parish Water and Wastewater District No. 1; to provide for a change in the membership of the governing board of the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 406—
BY REPRESENTATIVE PEARSON

AN ACT

To amend and reenact R.S. 22:1023(A)(8) and (9) and to enact R.S. 22:1023(A)(16) and (17), (B)(4) through (10), and (C)(6), relative to health insurance; to revise the definitions of "genetic information" and "genetic test"; to add the definitions for "genetic services" and "underwriting purposes"; to prohibit health insurers from requesting or requiring genetic testing or genetic information under certain circumstances; to prohibit health insurers from using genetic information for underwriting purposes under certain circumstances; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 406 by Representative Pearson

AMENDMENT NO. 1

In Senate Committee Amendment No. 1, proposed by the Senate Committee on Insurance and adopted by the Senate on June 2, 2009, on line 2, after "On page 1," and before "insert "and 1050(H)(3)"" change "line 2, after "(9)"" to "line 3, after "(C)(6)""

AMENDMENT NO. 2

In Senate Committee amendment No. 3, proposed by the Senate Committee on Insurance and adopted by the Senate on June 2, 2009, on line 7, after "On page 1," and before "insert "and 1050(H)(3)"" change "line 11, after "(9)"" to "line 12, after "(C)(6)""

HOUSE BILL NO. 411—
BY REPRESENTATIVE PUGH

AN ACT

To enact Subpart B-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.791, relative to certain economic development districts; to provide relative to the board of commissioners of any such district; to provide relative to the schedule of regular and special meetings held by any such board; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 437—
BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 22:1319 and 1332(B)(introductory paragraph) and (2) and to enact R.S. 22:1332(B)(6) and (C), relative to property insurance; to require disclosure of separate hurricane, wind, or named-storm deductibles on homeowners' and fire insurance policies; to otherwise provide with respect to all disclosures on such policies, including providing that such disclosures are for informational purposes only; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 444—
BY REPRESENTATIVES PERRY, BALDONE, HENRY BURNS, TIM BURNS, CHAMPAGNE, DOWNS, FOIL, GISCLAIR, MICKEY GULLORY, LITTLE, MILLS, PEARSON, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, AND JANE SMITH AND SENATORS AMEDEE, CHAISSON, CHEEK, CROWE, DUPLESSIS, DUPRE, KOSTELKA, LONG, MICHOT, QUINN, SHAW, SMITH, AND WALSWORTH

AN ACT

To amend and reenact R.S. 32:668(A)(introductory paragraph), to enact R.S. 32:668.1, and to repeal 32:668(A)(6) relative to drivers licenses; to provide for scope of administrative hearings related to driver's license suspension; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 449—
BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 37:1049(introductory paragraph) and (3), 1051(C)(1) and (3), 1052, and 1063.1(C)(introductory paragraph) and to enact R.S. 37:1048(6)(c), (d), and (e) and 1049(7), relative to the practice of optometry; to provide for the expansion of the regulatory authority of the Louisiana State Board of Optometry Examiners; to provide for the modification of certain qualifications and requirements of applicants seeking to practice optometry; to name a certain examination that tests an applicant's knowledge of the treatment and management of ocular disease; to change the entity giving the treatment and management of ocular disease examination; to require the payment of fees within a certain period of time for certification

to practice optometry; to authorize the practice of therapeutic optometry; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 465—
BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 33:9097.2(B), relative to the South Burbank Crime Prevention and Development District; to change the boundaries of the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 499—
BY REPRESENTATIVE MONICA
AN ACT

To amend and reenact R.S. 32:295.1(B), relative to seat belts; to require that all motor vehicle occupants wear a seat belt; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 503—
BY REPRESENTATIVE MONTOUCE
AN ACT

To amend and reenact R.S. 33:4574(B)(1), 4574.1.1(A)(1), and 4574.2(G) and to enact R.S. 33:4574.2(H) and 4574.17, relative to the Acadia Parish Convention and Visitors Bureau; to change the name to the Acadia Parish Convention and Visitors Commission; to provide for additional powers of the commission relative to debt, funds, property, and contracting; to authorize the commission to issue bonds and certificates of indebtedness; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 526—
BY REPRESENTATIVE CHANDLER
AN ACT

To enact Subpart B-6-A of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.161 through 130.169, relative to economic development in Grant Parish; to create and provide for the Grant Parish Economic and Industrial Development District; to provide for the governance, powers, duties, and funding of the district; to authorize the district to issue bonds and levy taxes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 527—
BY REPRESENTATIVE CHANDLER
AN ACT

To enact R.S. 33:4570.14, relative to Grant Parish; to create the Grant Parish Recreation Authority; to provide for the powers and duties of the authority; to provide for a commission and its appointment, duties, and terms; to provide for the funding of the authority; to authorize the authority to levy taxes and issue bonds; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 528—
BY REPRESENTATIVE CHANDLER
AN ACT

To enact Subpart B-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.791 through 130.800, relative to economic development in LaSalle Parish; to create and provide for the Olla, Urania, Tullos, Standard Economic and Industrial Development District; to provide for the governance, powers, duties, and funding of the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 558—
BY REPRESENTATIVES BILLIOT, LABRUZZO, LIGI, LOPINTO,
TALBOT, AND WILLMOTT AND SENATORS MARTINY AND MORRELL
AN ACT

To amend and reenact R.S. 48:711, relative to immovable property in the parish of Jefferson; to authorize and provide for the disposal of immovable property by the municipalities within such parish; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 561—
BY REPRESENTATIVE POPE AND SENATOR B. GAUTREAUX
AN ACT

To amend and reenact R.S. 11:105(A), 106(A), and 107(A) and to enact R.S. 11:107.1, relative to the authority of boards of trustees of statewide retirement systems or funds; to provide relative to employer contributions; to establish funding deposit accounts; to provide for an effective date; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 561 by Representative Pope

AMENDMENT NO. 1
On page 1, line 15, before the ":" change "system" to "systems"

AMENDMENT NO. 2
On page 2, line 23, following "funds," and before ":" change "system" hereafter in this Section" to "hereinafter referred to in this Section as systems"

HOUSE BILL NO. 581—
BY REPRESENTATIVE ELLINGTON AND SENATOR RISER
AN ACT

To amend and reenact R.S. 33:3887, relative to the Columbia Heights Sewerage District No. 1 in Caldwell Parish; to authorize the parish governing authority to authorize the treasurer of the district to increase the per diem paid to members of the district board of supervisors for attending meetings; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 583—
BY REPRESENTATIVE ELLINGTON AND SENATOR RISER
AN ACT

To enact R.S. 33:3819(G), relative to the Columbia Heights Water District in Caldwell Parish; to authorize the governing authority of the parish to authorize the treasurer of the district to increase the per diem paid to district commissioners for attending meetings; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 598—
BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 22:366 and 386, relative to annual reports to the commissioner of insurance; to delete reports on premiums received; to delete reports on loss reserves; to provide for annual

filing of an audited financial statement; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 601—
BY REPRESENTATIVE AUBERT
AN ACT

To amend and reenact R.S. 48:250, relative to electronic signatures; to provide relative to electronic signatures on contracts; to provide for the acceptance of electronically signed documents by the recorder of mortgages; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 621—
BY REPRESENTATIVE HOFFMANN
AN ACT

To enact R.S. 17:7(6)(f), relative to the certification of certain teachers; to require the State Board of Elementary and Secondary Education to develop and implement certain policies relative to the certification of foreign associate teachers; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 646—
BY REPRESENTATIVES SAM JONES AND BILLIOT
AN ACT

To amend and reenact R.S. 11:1733(D) and (E) and 1864(B) and (C) and to enact R.S. 11:1733(F), relative to the Municipal Employees' Retirement System of Louisiana; to provide with respect to continuing liability of a participating employer which terminates its agreement for coverage of employees; to provide relative to interest rates on delinquent amounts owed to the system; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 647—
BY REPRESENTATIVE DOWNS
AN ACT

To enact Subpart B-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.791 through 130.797, relative to Lincoln Parish; to authorize the governing authority of the parish to create a geographic information system district; to provide relative to the board of commissioners for the district; to provide for the powers, duties, and functions of the district; to authorize the board to levy certain taxes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 648—
BY REPRESENTATIVE FOIL
AN ACT

To enact R.S. 33:9097.5, relative East Baton Rouge Parish; to create a crime prevention and development district for Hermitage and Cross Creek Subdivisions; to provide the purpose and boundaries of the district; to provide for the governance of the district; to provide for the duties and powers of the district; to provide for the levy of a parcel fee within the district; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 675—
BY REPRESENTATIVE NOWLIN
AN ACT

To amend and reenact R.S. 11:2031(10), relative to the Registrars of Voters Employees' Retirement System; to provide with respect to membership; to provide with respect to the definition of employee; to add employees of the Louisiana Registrar of

Voters Association, Inc., to the membership of the system; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 697—
BY REPRESENTATIVE BARROW
AN ACT

Solely to reenact Sections 1, 2, and 3 of Act No. 891 of the 2008 Regular Session of the Legislature as that Act was enacted by the legislature, which Act amended and reenacted R.S. 33:4720.151(B)(6), (E), (G)(5), (9), and (12), (H)(4)(b), (I)(2), (J)(1), (K), (L)(1), (3), and (4), (O)(introductory paragraph), (1), and (4), and (Q)(6), and R.S. 44:4.1(B)(18), to enact R.S. 33:4720.151(H)(23), (Q)(7), and (S), and to repeal R.S. 33:4720.151(G)(13), relative to the East Baton Rouge Redevelopment Authority; which provided relative to the purposes and objects and powers and duties of the authority; which provided relative to the members of the governing board of the authority; which authorized the authority to initiate an expedited quiet title and foreclosure action; which provided relative to the procedures for any such action; which provided relative to the rights of property owners; which provided relative to due process; and which provided for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 749—
BY REPRESENTATIVE SCHRODER
AN ACT

To enact R.S. 48:1309.3, relative to road lighting districts in St. Tammany Parish; to provide for assessment of service charges or rates of service charges within the district; to provide for the use of such charges; to provide for the collection of such charges; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 784—
BY REPRESENTATIVES KATZ, ABRAMSON, AUSTIN BADON, BOBBY BADON, BALDONE, BROSSETT, BURFORD, HENRY BURNS, CARMODY, CHAMPAGNE, CHANEY, CONNICK, CORTEZ, DOERGE, DOVE, DOWNS, FOIL, GISCLAIR, MICKY GUILLORY, GUINN, HILL, HOWARD, SAM JONES, LANDRY, LEBAS, LIGI, LITTLE, LOPINTO, MCVEA, MILLS, PEARSON, PERRY, POPE, PUGH, RICHARD, RICHARDSON, ROBIDEAUX, SIMON, SMILEY, GARY SMITH, JANE SMITH, ST. GERMAIN, TEMPLET, THIBAUT, WILLIAMS, AND WILLMOTT AND SENATORS CROWE, DUPLESSIS, KOSTELKA, MICHOT, SMITH, AND WALSWORTH
AN ACT

To amend and reenact R.S. 46:51.2(A) and R.S. 49:992(D)(1) and to enact R.S. 49:992(D)(9), relative to information searches in the central registry of justified abuse or neglect within the Department of Social Services; to prohibit certain individuals from obtaining or maintaining a license; to prohibit certain individuals from employment with the Department of Social Services unless a risk evaluation panel has determined that the individuals do not pose a risk to children; to provide for a system of appeal and judicial review; to provide for an exemption to allow the Department of Social Services to handle certain adjudications; to direct the Department of Social

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Services to conduct an assessment to determine cost of utilizing information in the central registry to prohibit certain individuals from owning or being employed by child care facilities; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

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.

Reported without amendments.

Respectfully submitted,
ROB MARIONNEAUX
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 78—
BY SENATOR MURRAY
A RESOLUTION

To commend Dorothy F. "Dottie" Reese for her contributions in the fields of social work, health care, higher education, and diversity management.

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

SENATE RESOLUTION NO. 79—
BY SENATOR MURRAY
A RESOLUTION

To commend the University of New Orleans and to declare Monday, June 8, 2009, as UNO Day at the Louisiana Senate.

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

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

SENATE BILL NO. 350— (Substitute of Senate Bill No. 153 by Senator Morrell)
BY SENATOR MORRELL
AN ACT

To enact R. S. 38:330.14, relative to the non-flood protection assets of the Orleans Levee District; to create and provide relative to a non-flood protection management commission; to provide for the composition of the commission; to provide for the meetings of the commission; to provide for submittal of the plan from the

commission; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 351— (Substitute of Senate Bill No. 258 by Senator McPherson)
BY SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 48:250.3(B), (C), (D), (E), (F), (G), and (H) and to repeal R.S. 48:250.4, relative to design-build contracts; to provide for requirements for design build contracts of the Department of Transportation and Development; and to provide for related matters.

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

Message from the House

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

June 2, 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. 563—
BY REPRESENTATIVE BURRELL
AN ACT

To amend and reenact R.S. 47:2134(D), 2153(B)(5), 2201, and 2202, relative to ad valorem taxes; to provide relative to certain challenges to assessments; to provide for bidding procedures at tax sales; to provide for tax sale title to undivided interests; to provide for public sale or donation of tax parcels; to provide for the sale of adjudicated property to adjoining property owners; to provide for effectiveness as to suits filed on or after a certain date; and to provide for related matters.

HOUSE BILL NO. 622—
BY REPRESENTATIVE WILLMOTT
AN ACT

To amend and reenact R.S. 33:4762(A) and (C), relative to the removal of dangerous structures; to provide for the type of notice required prior to the removal of dangerous structures by certain political subdivisions; to provide additional procedures for notice in cases of grave public emergency; to provide for applicability and effectiveness in certain parishes; and to provide for related matters.

HOUSE BILL NO. 639—
BY REPRESENTATIVE MORRIS
AN ACT

To amend and reenact R.S. 32:190(A), relative to safety helmets; to require certain motor vehicle operators to wear safety helmets; and to provide for related matters.

HOUSE BILL NO. 673—
BY REPRESENTATIVE POPE
AN ACT

To enact R.S. 11:163.1, relative to service credit or benefit accruals in certain state retirement systems for certain public university and college employees; to provide relative to employer and employee contributions during periods of furlough for such members of those systems; to provide for accumulation of service credit during such periods; to provide for calculation of benefits for such furloughed members; to provide for funding; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 711—

BY REPRESENTATIVES RITCHIE, ANDERS, BOBBY BADON, HENRY BURNS, CHANEY, GISCLAIR, MICKEY GUILLORY, GUINN, HOWARD, JOHNSON, LITTLE, PERRY, SIMON, AND ST. GERMAIN
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 4425, relative to forestry; to create the Forestry Product Fairness Act; to provide for legislative purpose; to provide relative to incentives to directly support the purchase of forestry products; to provide for promulgation of rules and regulations; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 753—

BY REPRESENTATIVE RICHMOND
AN ACT

To amend and reenact R.S. 47:6016(B)(1)(c) and (E), relative to the new markets tax credit; to increase the maximum amount of qualified low-income community investments that may be issued by a single business; to provide for the allocation of tax credits; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 819—

BY REPRESENTATIVE GREENE
AN ACT

To enact R.S. 47:301(14)(g)(iv), relative to the sales and use tax on repair services; to exclude from the definition of "tangible personal property" the repair of certain machinery and equipment which becomes a component part of a building; and to provide for related matters.

HOUSE BILL NO. 823—

BY REPRESENTATIVE DANAHAY
AN ACT

To enact R.S. 38:2212(A)(1)(f)(v) and 2212.1(B)(4)(e), relative to public contracts through the receipt of electronic bids; to exempt any special service district created by a parish with a police jury form of government from the requirements relating to the receipt of bids via high speed Internet access; and to provide for related matters.

HOUSE BILL NO. 893— (Substitute for House Bill No. 278 by Representative Ligi)

BY REPRESENTATIVES LIGI, TIM BURNS, GISCLAIR, LABRUZZO, TALBOT, AND TUCKER AND SENATOR MORRELL
AN ACT

To enact R.S. 30:2195.12, relative to motor fuel dispensing facilities; to provide for definitions; to require alternate generated power capacity at newly constructed or completely rebuilt motor fuel dispensing facilities capable of operation during declared emergencies and disasters; to provide for guidelines on the installation and maintenance of the alternate generated power source; and to provide for related matters.

HOUSE BILL NO. 481—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 33:2181(A) and (B), relative to the investigation of fire employees; to provide definitions; to provide minimum standards for investigations; and to provide for related matters.

HOUSE BILL NO. 644—

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

To enact R.S. 33:1236(49)(f), relative to Jefferson Parish; to provide for the enforcement of local building and property law and ordinance violations by adding judgments for such violations to the ad valorem tax rolls of the parish or municipalities therein; to provide for the adoption of ordinances and procedures for adding judgments to the ad valorem tax rolls; to provide for collection and enforcement of said judgments; to provide for a designated proper party defendant in actions to contest the levy; to provide for the continued enforceability of such judgments; and to provide for related matters.

HOUSE BILL NO. 769—

BY REPRESENTATIVE JANE SMITH
AN ACT

To amend and reenact R.S. 47:305.14(A)(1), relative to the sales and use tax; to provide relative to the exemption for certain nonprofit organizations; to provide relative to necessary expenses; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 894— (Substitute for House Bill No. 809 by Representative Peterson)

BY REPRESENTATIVE PETERSON
AN ACT

To enact Children's Code Article 896.1 and Part VI of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:971 through 974, relative to juvenile delinquency; to provide for the disposition and treatment of juveniles following adjudication; to provide for the creation of the Functional Family Therapy Pilot Program; to provide for the administration of the program by the Department of Public Safety and Corrections, youth services, office of juvenile justice; to authorize the use of cooperative endeavor agreements and contracts to implement the program; to provide for the eligibility of participants in the pilot program; to authorize courts to recommend that eligible juveniles participate in the program; to provide for definitions; and to provide for related matters.

HOUSE BILL NO. 825—

BY REPRESENTATIVE TUCKER AND SENATOR HEITMEIER
AN ACT

To enact R.S. 11:1631(F)(3), relative to the District Attorneys' Retirement System; to allow reemployed retirees to regain membership and receive a recalculation of retirement benefits under certain circumstances; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 882—

BY REPRESENTATIVE GREENE
AN ACT

To enact R.S. 47:301(16)(q), relative to sales and use tax; to provide with respect to the definition of tangible personal property for purposes of sales and use tax levied by the state and its political subdivisions; to exclude certain component parts of immovable property; to provide with respect to legislative intent of Act No. 632 of the 2008 Regular Session of the Legislature as relates to sales and use tax; to provide for applicability and retroactivity; and to provide for related matters.

HOUSE BILL NO. 291—

BY REPRESENTATIVE GREENE
AN ACT

To enact R.S. 47:1675(A)(6), relative to tax credits; to provide relative to income and corporate income tax credits; to provide for the allocation of tax credits with annual or total program caps; to provide for certain limitations; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 667—

BY REPRESENTATIVE FANNIN
AN ACT

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

HOUSE BILL NO. 670—

BY REPRESENTATIVE ERNST
AN ACT

To amend and reenact R.S. 40:600.62(2) and (3), 600.63, 600.65, and 600.67, relative to The Road Home Program and The Road Home Corporation; to provide relative to the purpose of the corporation; to provide relative to the sale of property by the corporation; to provide for audit of the corporation by the legislative auditor; to provide relative to the nature of the

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corporation with respect to the state and its subdivisions; and to provide for related matters.

HOUSE BILL NO. 863—
BY REPRESENTATIVES FANNIN AND TUCKER AND SENATORS MICHOT AND CHAISSON

AN ACT

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

HOUSE BILL NO. 869—
BY REPRESENTATIVE TUCKER

AN ACT

To appropriate funds for Fiscal Year 2009-2010 to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; and otherwise to provide with respect to the appropriations and allocations herein made.

HOUSE BILL NO. 874—
BY REPRESENTATIVE PETERSON

AN ACT

To amend and reenact R.S. 39:570 and to enact R.S. 39:571(C), relative to the sale of bonds by a political subdivision; to authorize the private sale of bonds issued pursuant to the American Recovery and Reinvestment Act of 2009; to authorize the sale of such bonds at a price which is less than their par value under certain circumstances; 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. 291—
BY REPRESENTATIVE GREENE

AN ACT

To enact R.S. 47:1675(A)(6), relative to tax credits; to provide relative to income and corporate income tax credits; to provide for the allocation of tax credits with annual or total program caps; to provide for certain limitations; 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. 481—
BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 33:2181(A) and (B), relative to the investigation of fire employees; to provide definitions; to provide minimum standards for investigations; and to provide for related matters.

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

HOUSE BILL NO. 563—
BY REPRESENTATIVE BURRELL

AN ACT

To amend and reenact R.S. 47:2134(D), 2153(B)(5), 2201, and 2202, relative to ad valorem taxes; to provide relative to certain challenges to assessments; to provide for bidding procedures at tax sales; to provide for tax sale title to undivided interests; to provide for public sale or donation of tax parcels; to provide for the sale of adjudicated property to adjoining property owners; to

provide for effectiveness as to suits filed on or after a certain 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. 622—
BY REPRESENTATIVE WILLMOTT

AN ACT

To amend and reenact R.S. 33:4762(A) and (C), relative to the removal of dangerous structures; to provide for the type of notice required prior to the removal of dangerous structures by certain political subdivisions; to provide additional procedures for notice in cases of grave public emergency; to provide for applicability and effectiveness in certain parishes; and to provide for related matters.

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

HOUSE BILL NO. 639—
BY REPRESENTATIVE MORRIS

AN ACT

To amend and reenact R.S. 32:190(A), relative to safety helmets; to require certain motor vehicle operators to wear safety helmets; 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. 644—
BY REPRESENTATIVES TALBOT, LABRUZZO, LIGI, LOPINTO, AND WILLMOTT AND SENATORS APPEL, MARTINY, AND MORRELL

AN ACT

To enact R.S. 33:1236(49)(f), relative to Jefferson Parish; to provide for the enforcement of local building and property law and ordinance violations by adding judgments for such violations to the ad valorem tax rolls of the parish or municipalities therein; to provide for the adoption of ordinances and procedures for adding judgments to the ad valorem tax rolls; to provide for collection and enforcement of said judgments; to provide for a designated proper party defendant in actions to contest the levy; to provide for the continued enforceability of such judgments; and to provide for related matters.

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

HOUSE BILL NO. 667—
BY REPRESENTATIVE FANNIN

AN ACT

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

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

HOUSE BILL NO. 670—
BY REPRESENTATIVE ERNST

AN ACT

To amend and reenact R.S. 40:600.62(2) and (3), 600.63, 600.65, and 600.67, relative to The Road Home Program and The Road Home Corporation; to provide relative to the purpose of the corporation; to provide relative to the sale of property by the corporation; to provide for audit of the corporation by the legislative auditor; to provide relative to the nature of the corporation with respect to the state and its subdivisions; and to provide for related matters.

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

HOUSE BILL NO. 673—
BY REPRESENTATIVE POPE

AN ACT

To enact R.S. 11:163.1, relative to service credit or benefit accruals in certain state retirement systems for certain public university and college employees; to provide relative to employer and employee contributions during periods of furlough for such members of those systems; to provide for accumulation of service credit during such periods; to provide for calculation of benefits for such furloughed members; to provide for funding; 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 Retirement.

HOUSE BILL NO. 711—
BY REPRESENTATIVES RITCHIE, ANDERS, BOBBY BADON, HENRY BURNS, CHANEY, GISCLAIR, MICKEY GUILLORY, GUINN, HOWARD, JOHNSON, LITTLE, PERRY, SIMON, AND ST. GERMAIN

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 4425, relative to forestry; to create the Forestry Product Fairness Act; to provide for legislative purpose; to provide relative to incentives to directly support the purchase of forestry products; to provide for promulgation of rules and regulations; to provide for definitions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

HOUSE BILL NO. 753—
BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 47:6016(B)(1)(c) and (E), relative to the new markets tax credit; to increase the maximum amount of qualified low-income community investments that may be issued by a single business; to provide for the allocation of tax credits; 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. 769—
BY REPRESENTATIVE JANE SMITH

AN ACT

To amend and reenact R.S. 47:305.14(A)(1), relative to the sales and use tax; to provide relative to the exemption for certain nonprofit organizations; to provide relative to necessary expenses; 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. 819—
BY REPRESENTATIVE GREENE

AN ACT

To enact R.S. 47:301(14)(g)(iv), relative to the sales and use tax on repair services; to exclude from the definition of "tangible personal property" the repair of certain machinery and equipment which becomes a component part of a building; 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. 823—
BY REPRESENTATIVE DANAHAY

AN ACT

To enact R.S. 38:2212(A)(1)(f)(v) and 2212.1(B)(4)(e), relative to public contracts through the receipt of electronic bids; to exempt any special service district created by a parish with a police jury form of government from the requirements relating to the

receipt of bids via high speed Internet access; 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. 825—
BY REPRESENTATIVE TUCKER AND SENATOR HEITMEIER

AN ACT

To enact R.S. 11:1631(F)(3), relative to the District Attorneys' Retirement System; to allow reemployed retirees to regain membership and receive a recalculation of retirement benefits under certain circumstances; 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 Retirement.

HOUSE BILL NO. 863—
BY REPRESENTATIVES FANNIN AND TUCKER AND SENATORS MICHOT AND CHAISSON

AN ACT

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

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

HOUSE BILL NO. 869—
BY REPRESENTATIVE TUCKER

AN ACT

To appropriate funds for Fiscal Year 2009-2010 to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; and otherwise to provide with respect to the appropriations and allocations herein made.

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

HOUSE BILL NO. 874—
BY REPRESENTATIVE PETERSON

AN ACT

To amend and reenact R.S. 39:570 and to enact R.S. 39:571(C), relative to the sale of bonds by a political subdivision; to authorize the private sale of bonds issued pursuant to the American Recovery and Reinvestment Act of 2009; to authorize the sale of such bonds at a price which is less than their par value under certain circumstances; 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. 882—
BY REPRESENTATIVE GREENE

AN ACT

To enact R.S. 47:301(16)(q), relative to sales and use tax; to provide with respect to the definition of tangible personal property for purposes of sales and use tax levied by the state and its political subdivisions; to exclude certain component parts of immovable property; to provide with respect to legislative intent of Act No. 632 of the 2008 Regular Session of the Legislature as relates to sales and use tax; to provide for applicability and retroactivity; 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.

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HOUSE BILL NO. 893— (Substitute for House Bill No. 278 by Representative Ligi)
BY REPRESENTATIVES LIGI, TIM BURNS, GISCLAIR, LABRUZZO, TALBOT, AND TUCKER AND SENATOR MORRELL
AN ACT

To enact R.S. 30:2195.12, relative to motor fuel dispensing facilities; to provide for definitions; to require alternate generated power capacity at newly constructed or completely rebuilt motor fuel dispensing facilities capable of operation during declared emergencies and disasters; to provide for guidelines on the installation and maintenance of the alternate generated power source; 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. 894— (Substitute for House Bill No. 809 by Representative Peterson)
BY REPRESENTATIVE PETERSON
AN ACT

To enact Children's Code Article 896.1 and Part VI of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:971 through 974, relative to juvenile delinquency; to provide for the disposition and treatment of juveniles following adjudication; to provide for the creation of the Functional Family Therapy Pilot Program; to provide for the administration of the program by the Department of Public Safety and Corrections, youth services, office of juvenile justice; to authorize the use of cooperative endeavor agreements and contracts to implement the program; to provide for the eligibility of participants in the pilot program; to authorize courts to recommend that eligible juveniles participate in the program; to provide for definitions; and to provide for related matters.

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 2, 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. 182— BY REPRESENTATIVE TUCKER
A CONCURRENT RESOLUTION

To urge and request the Department of Social Services and the Department of Health and Hospitals jointly to study whether applicants for and current recipients of Temporary Assistance for Needy Families (TANF) benefits should be required to apply for Medicaid and receive annual health screenings in order to receive or continue to receive TANF benefits, to study the fiscal impact of such requirements, and to report study findings and recommendations to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare prior to February 1, 2010.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 182— BY REPRESENTATIVE TUCKER
A CONCURRENT RESOLUTION

To urge and request the Department of Social Services and the Department of Health and Hospitals jointly to study whether applicants for and current recipients of Temporary Assistance for Needy Families (TANF) benefits should be required to apply for Medicaid and receive annual health screenings in order to receive or continue to receive TANF benefits, to study the fiscal impact of such requirements, and to report study findings and recommendations to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare prior to February 1, 2010.

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

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 44— BY REPRESENTATIVES LAFONTA, HARDY, AND STIAES
AN ACT

To enact R.S. 14:95.2.2, relative to offenses affecting the public safety; to create the crime of reckless discharge of a firearm at a parade or demonstration; to provide for definitions; to provide for the elements of the crime; to provide for penalties; to provide for exceptions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 44 by Representative LaFonta

AMENDMENT NO. 1

On page 2 delete lines 19 and 20 in their entirety and insert the following:

"(4) The discharge of a firearm by a person engaged in any lawful hunting or sport shooting activity on public or private property."

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

HOUSE BILL NO. 50— BY REPRESENTATIVE CHAMPAGNE
AN ACT

To enact R.S. 15:712 and 1113 and R.S. 40:2853, relative to facilities providing housing or temporary residence to individuals referred to or participating in work release programs; to provide for a limitation on the location of those facilities in relationship to schools or day care centers; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 64— BY REPRESENTATIVE NORTON
AN ACT

To amend and reenact R.S. 15:873(A) and (C), relative to the rate of inmate compensation; to provide for increased wages for inmates who are assigned to Prison Enterprises or who are certified as academic tutors; and to provide for related matters.

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

HOUSE BILL NO. 76—
BY REPRESENTATIVE WILLMOTT
AN ACT

To amend and reenact R.S. 14:202.1(D) and (E) and to enact R.S. 14:202.1(F) and (G), relative to the crime of home improvement fraud; to provide for increased penalties for the crime of home improvement fraud under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 76 by Representative Willmott

AMENDMENT NO. 1

On page 1, line 12, after "dollars" and before "imprisoned" delete "or" and insert "and shall be" and after "months" delete ", or"

AMENDMENT NO. 2

On page 1 at the beginning of line 13 delete "both"

AMENDMENT NO. 3

On page 2, line 8, after "two years," delete the remainder of the line and insert "and shall"

AMENDMENT NO. 4

On page 2, line 9, after "more than" and before "thousand" delete "two" and insert "five" and after "dollars," and before "when" delete "or both"

AMENDMENT NO. 5

On page 2, line 15, after "second" and before "violation" delete "or subsequent"

AMENDMENT NO. 6

On page 2, line 21, after "more than" and before "thousand" delete "ten" and insert "twenty" and after "dollars" and before "imprisoned" delete "or" and insert "and shall be"

AMENDMENT NO. 7

On page 2, line 22, after "ten years" delete "or both"

AMENDMENT NO. 8

On page 2 between lines 26 and 27 insert the following:
"(2) The home improvement fraud is a third or subsequent violation of the provisions of Paragraph (A)(2) of this Section."

AMENDMENT NO. 9

On page 2, at the beginning of line 27, change "(2)" to "(3)"

AMENDMENT NO. 10

On page 3, at the beginning of line 1, change "(3)" to "(4)"

AMENDMENT NO. 11

On page 3, at the beginning of line 3, change "(4)" to "(5)"

AMENDMENT NO. 12

On page 3, line 7, after "Restitution" delete "may" and insert "shall"

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

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.

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

HOUSE BILL NO. 197—
BY REPRESENTATIVE DOERGE
AN ACT

To enact R.S. 13:1899(L), relative to fees charged in specified city courts; to provide for an additional fee in juvenile delinquency matters in the City Court of Minden and in the City Court of Springhill which funds shall be used to fund the office of the marshal; to provide for a contingency effective date; and to provide for related matters.

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

HOUSE BILL NO. 219—
BY REPRESENTATIVE CARMODY
AN ACT

To amend and reenact R.S. 33:1423.1(A), relative to collection and disposition of bonds, fines, fees, licenses, and taxes; to provide for payment by electronic check; to authorize the collection of a fee for electronic check processing; and to provide for related matters.

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

HOUSE BILL NO. 265—
BY REPRESENTATIVE HENRY BURNS
AN ACT

To amend and reenact R.S. 32:393(A) and (C)(1)(b) and 853(A)(1)(a) and (c)(iii), relative to operator's records; to provide for the time in which convictions be sent to the Department of Public Safety and Corrections; to provide for the authority to add conviction to driver's operating record; and to provide for related matters.

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

HOUSE BILL NO. 266—
BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 14:35.3(K), relative to domestic abuse battery; to provide with respect to the criminal penalties for domestic abuse battery committed upon certain persons; and to provide for related matters.

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

HOUSE BILL NO. 274—
BY REPRESENTATIVE TEMPLET
AN ACT

To amend and reenact R.S. 14:34.3 and 38.2(B), relative to crimes committed against school teachers; to provide for increased penalties for battery of a school teacher under certain circumstances; to provide for increased penalties for assault on a school teacher; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 274 by Representative Templet

AMENDMENT NO. 1

On page 1, line 2, after "38.2(B)" delete the comma "," and insert "and to enact R.S. 14:38.2(A)(2)(c) and (d)."

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AMENDMENT NO. 2

On page 1, line 5, after "teacher" delete the semi colon ";" and insert "under certain circumstances; to provide for definitions;"

AMENDMENT NO. 3

On page 1, line 7, after "reenacted" and before "to" insert "and R.S. 14:38.2(A)(2)(c) and (d) are hereby enacted"

AMENDMENT NO. 4

On page 2, delete lines 20 through 24 in their entirety and insert the following:

"§38.2. Assault on a school teacher

- A. * * *
- (2) * * *

(c) For the purposes of this Section, "school" means any public or nonpublic elementary, secondary, high school, vocational-technical school, college, special, or postsecondary school or institution, or university in this state.

(d) For the purposes of this Section, "student" means any person registered or enrolled at the school where the school teacher is employed.

B. Whoever commits the crime of assault on a school teacher shall be punished as follows:

(1) If the assault was committed by a student, upon conviction, the offender shall be fined not more than two thousand dollars or imprisoned not less than thirty days nor more than one hundred eighty days, or both.

(2) If the assault was committed by someone who is not a student, upon conviction, the offender shall be fined not more than two thousand dollars or imprisoned with or without hard labor for not less than one year nor more than three years, or both."

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

HOUSE BILL NO. 297—

BY REPRESENTATIVE WHITE AN ACT

To amend and reenact R.S. 15:1354(A), relative to racketeering; to provide for a minimum mandatory sentence for the crime of racketeering in certain cases involving securities violations; and to provide for related matters.

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

HOUSE BILL NO. 310—

BY REPRESENTATIVE HAZEL AN ACT

To amend and reenact R.S. 14:81.3(A), relative to computer-aided solicitation of a minor; to amend the elements of the crime of computer-aided solicitation of a minor; and to provide for related matters.

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

HOUSE BILL NO. 340—

BY REPRESENTATIVES HENRY, ARMES, BALDONE, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CHANDLER, CROMER, DOVE, DOWNS, ERNST, FANNIN, GEYMAN, GISCLAIR, GREENE, GUINN, HARRISON, HAZEL, HOFFMANN, KLECKLEY, LABRUZZO, LAMBERT, LIGL, LITTLE, MILLS, PONTI, POPE, PUGH, RICHARD, RICHARDSON, SCHRODER, SMILEY, GARY SMITH, JANE SMITH, TALBOT, WADDELL, AND WHITE

A JOINT RESOLUTION

Proposing to amend Article I, Section 8 of the Constitution of Louisiana, relative to freedom of religion; to prohibit government infringement of the right of every person to freely

express his religious belief; to provide that the right shall not be burdened without the showing of a compelling governmental interest; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

HOUSE BILL NO. 361—

BY REPRESENTATIVES TEMPLET AND WOOTON AN ACT

To enact R.S. 27:310(H) and to repeal R.S. 27:311.1(B)(3), relative to suitability for designated representatives; to repeal provision of law requiring designated representatives to obtain a video draw poker employee permit; to require licensees employing designated representatives to request a record of convictions; to require licensees to maintain the criminal conviction information of designated representatives; and to provide for related matters.

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

HOUSE BILL NO. 363—

BY REPRESENTATIVES AUBERT AND LANDRY AN ACT

To amend and reenact Civil Code Articles 2358, 2362.1 through 2364, and 2365 through 2367.2 and R.S. 9:374, to enact Civil Code Article 2367.3, and to repeal Civil Code Article 2364.1, relative to the community property regime; to provide for claims for reimbursement between spouses; to provide for a reduction in reimbursement for obligations paid with respect to certain movable property; to provide when a claim for reimbursement may be made; to provide for the use of a residence of the spouses; and to provide for related matters.

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

HOUSE BILL NO. 391—

BY REPRESENTATIVE GALLOT AN ACT

To enact Code of Criminal Procedure Article 895.5, relative to court-ordered payment of restitution; to authorize district attorneys to create a restitution recovery division for the enforcement and recovery of certain sums ordered by the court; to provide for the recovery of victim compensation; to provide for enforcement; to provide for collection fees; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 391 by Representative Gallot

AMENDMENT NO. 1

On page 2, at the end of line 14, after "noncompliance," insert "In the event that the district attorney institutes any other civil or criminal proceedings pursuant to this Section, the defendant shall be charged costs of court and such costs shall be added to the amount due."

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

HOUSE BILL NO. 403—

BY REPRESENTATIVE FOIL AN ACT

To amend and reenact R.S. 10:1-201(b)(5), (6), (15), (16), (21), and (42), R.S. 10:4-104(c)(introductory paragraph), 4-210(c)(introductory paragraph), Chapter 7 of Title 10 of the Louisiana Revised Statutes of 1950, formerly comprised of R.S.

10:7-101 through 7-105, 7-201 through 7-210, 7-301 through 7-309, 7-401 through 7-404, 7-501 through 7-509, 7-601 through 7-603, and 7-701, to be comprised of R.S. 10:7-101 through 7-106, 7-201 through 7-210, 7-301 through 7-309, 7-401 through 7-404, 7-501 through 7-509, and 7-601 through 7-604, 9-102(a)(30), (b), and (d)(7), 9-203(b)(introductory paragraph) and (3)(D), 9-207(c), 9-208(b)(5) and (6), 9-301(3), 9-310(b)(5) and (8), 9-312(e), 9-313(a), 9-314(a) and (b), 9-317(b) and (d), 9-338, and 9-601(b) and to enact R.S. 10:8-103(g) and 9-208(b)(7), relative to warehouses and documents of title; to provide for definitions; to provide for documents of title, warehouse receipts, destination bills, and bills of lading; to provide for rules of negotiability of documents of title; to provide for liens of carriers; to provide for a carrier's duty of care; to provide for negotiation of documents of title; to provide for lost or missing documents of title; to provide for conforming amendments to other sections of the Uniform Commercial Code; to provide for applicability and retroactivity; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 445—

BY REPRESENTATIVES BALDONE, BILLIOT, HENRY BURNS, TIM BURNS, CHAMPAGNE, DOERGE, DOWNS, FOIL, GISCLAIR, MICKY GULLORY, HOWARD, KATZ, LITTLE, MILLS, PEARSON, PERRY, POPE, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, AND JANE SMITH AND SENATORS AMEDEE, CHAISSON, CHEEK, CROWE, DUPLESSIS, DUPRE, KOSTELKA, LONG, MICHOT, QUINN, SHAW, SMITH, AND WALSWORTH

AN ACT

To amend and reenact R.S. 32:667(B)(2) and to repeal R.S. 32:667(B)(1)(a) and (4), relative to driving while under the influence; to increase suspension of driving privileges upon refusal to submit to a chemical test; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 445 by Representative Baldone

AMENDMENT NO. 1

On page 1, line 2, after "To amend and reenact" insert "R.S. 14:98.2(A) and"

AMENDMENT NO. 2

On page 2, line 6, after "accident" delete the period "." insert "and the person's intoxication is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury."

AMENDMENT NO. 3

On page 2, delete lines 7 through 9 in their entirety and insert the following:

"(c)(i) Four years from the date of suspension on the second and subsequent refusal occurring within five years of the date of the first refusal to submit to the test.

(ii) Four years from the date of suspension on the second and subsequent refusal occurring within five years of the date of the first refusal to submit to the test, without the benefit of eligibility for a hardship license in the event that a fatality occurred or a person sustained serious bodily injury as a result of an accident and the person's intoxication is determined by a trier of fact to be the contributing factor of the fatality or serious bodily injury."

AMENDMENT NO. 4

On page 2, delete lines 10 through 14 in their entirety.

AMENDMENT NO. 5

On page 2, between lines 15 and 16, insert the following:

"Section 2. R.S. 14:98.2(A) is hereby amended and reenacted to read as follows:

§98.2. Unlawful refusal to submit to chemical tests; arrests for driving while intoxicated

A. No person under arrest for a violation of R.S. 14:98, 98.1, or any other law or ordinance which prohibits operating a vehicle while intoxicated may refuse to submit to a chemical test when requested to do so by a law enforcement officer if he has refused to submit to such test on ~~two one~~ previous and separate ~~occasions~~ occasion of any previous such violation.

* * *

AMENDMENT NO. 6

On page 2, line 16 change "Section 2." to "Section 3."

AMENDMENT NO. 7

On page 2, line 17, change "Section 3." to "Section 4."

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

HOUSE BILL NO. 447—

BY REPRESENTATIVE THIBAUT

AN ACT

To repeal R.S. 13:974, relative to court reporters in the Eighteenth Judicial District; to repeal provisions providing for duties, qualifications of office, salary, transcription fees, and bond requirements applicable only to the Eighteenth Judicial District.

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

HOUSE BILL NO. 502—

BY REPRESENTATIVE CORTEZ

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 Youngsville to expropriate property for the Chemin Metairie Phase II Project; to provide procedures for the expropriation by a declaration of taking; and to provide for related matters.

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

HOUSE BILL NO. 532—

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact R.S. 40:2405(B) and to enact R.S. 40:2402(1)(d), relative to Peace Officer Standards and Training Law; to include the Supreme Court of Louisiana security personnel within the definition of "peace officer"; to prohibit the security personnel from receiving supplemental pay even though they have successfully completed the certified training program; and to provide for related matters.

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

HOUSE BILL NO. 538—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 3:263, 265(B), and 266(13) and (19) and to enact R.S. 3:262(D), 266(22), and 283.1 and R.S. 35:410, relative to the Louisiana Agricultural Finance Authority; to revise legislative findings; to expand definitions; to revise the powers of authority; to provide for certain loans and guarantees for agricultural plants; to provide for restrictions; to provide for reports; to provide for a special fund; to provide for positions; to provide for administration and implementation; to provide for ex officio notaries public; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

June 3, 2009

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Re-Reengrossed House Bill No. 538 by Representative Anders

AMENDMENT NO. 1

On page 9, line 24, after "Authority" insert "or the Department of Agriculture and Forestry"

AMENDMENT NO. 2

On page 9, line 27, after "Authority" and before "as" insert "or the Department of Agriculture and Forestry"

AMENDMENT NO. 3

On page 9, line 28, after "public" and before "." insert "for the agriculture loan program"

AMENDMENT NO. 4

On page 10, line 4, after "functions" delete the remainder of the line and insert "for the agriculture loan program."

AMENDMENT NO. 5

On page 10, line 9, after "Authority" insert "or the Department of Agriculture and Forestry"

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

HOUSE BILL NO. 588—

BY REPRESENTATIVE LANDRY AN ACT

To amend and reenact R.S. 15:588, relative to individual access to criminal history information; to authorize an individual or his authorized representative to obtain a certified copy of his criminal history information record; and to provide for related matters.

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

HOUSE BILL NO. 599—

BY REPRESENTATIVES HILL, CONNICK, ERNST, FOIL, HARRISON, ROSALIND JONES, LEGER, MONICA, AND WHITE AN ACT

To enact R.S. 37:2556(D), relative to temporary court reporting permits; to provide for qualifications and limitations; to provide for licensing and education requirements; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 599 by Representative Hill

AMENDMENT NO. 1

On page 2, at the beginning of line 5, after "(3)" and before "If no" insert "(a)"

AMENDMENT NO. 2

On page 2, between lines 9 and 10, insert the following: "(b) The board shall respond to the judge regarding the capabilities of any noncertified applicant submitted by the judge for consideration by the board within sixty days of the board's receipt of the noncertified applicant's name."

AMENDMENT NO. 3

On page 2, line 10, after "(4)" and before "The board" insert "(a)"

AMENDMENT NO. 4

On page 2, between lines 14 and 15, insert the following:

"(b) If the board fails to approve the judge's noncertified applicant for a temporary permit, the judge shall have the authority to temporarily permit the applicant for a period of one year. Such applicant shall comply with and be subject to Subparagraphs 5(a) and (b) of this Subsection."

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

HOUSE BILL NO. 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.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 600 by Representative Johnson

AMENDMENT NO. 1

On page 2, line 29, change "shall" to "shall" and delete "may"

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

HOUSE BILL NO. 701—

BY REPRESENTATIVES THIBAUT, FOIL, AND LEGER AN ACT

To enact R.S. 15:1093.2, relative to juvenile justice districts; to provide for additional power and authority; and to provide for the establishment and maintenance of certain evidence-based juvenile services and programs; to authorize the boards of commissioners of any juvenile justice district to enter into certain cooperative endeavor agreements; to provide for the expenditure of funds and payment of costs and expenses; and to provide for related matters.

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

HOUSE BILL NO. 716—

BY REPRESENTATIVE LEGER AN ACT

To amend and reenact R.S. 26:805(F)(introductory paragraph) and (1), relative to exceptions for a supplier to terminate, cancel, not renew, or discontinue an agreement to supply specified brands of alcohol or beer to a distributor; and to provide for related matters.

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

HOUSE BILL NO. 757—

BY REPRESENTATIVE DIXON AN ACT

To enact R.S. 14:126.3.1, relative to the unauthorized participation in medical assistance programs; to create the crime of unauthorized participation in medical assistance programs; to provide for definitions; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 822—
BY REPRESENTATIVE PATRICIA SMITH
AN ACT

To amend and reenact R.S. 15:574.22(G), relative to the Louisiana Risk Review Panel; to provide with respect to those persons who are eligible for a review by the Louisiana Risk Review Panel; to provide with respect to eligibility of persons sentenced for certain violations of the Uniform Controlled Dangerous Substances Law; and to provide for related matters.

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

HOUSE BILL NO. 890— (Substitute for House Bill No. 177 by Representative Mills)

BY REPRESENTATIVES MILLS, CHAMPAGNE, HARDY, HAZEL, LEBAS, LOPINTO, NORTON, PERRY, SCHRODER, WOOTON, ANDERS, BALDONE, BARROW, BURFORD, TIM BURNS, BURRELL, CHANDLER, CORTEZ, DIXON, DOWNS, ELLINGTON, FANNIN, GISCLAIR, HOFFMANN, HOWARD, HUTTER, KLECKLEY, LABRUZZO, LAFONTA, LIGI, LITTLE, PEARSON, RICHARDSON, RITCHIE, STIAES, TALBOT, WILLIAMS, AND WILLMOTT
AN ACT

To enact R.S. 40:962.1(E), 962.1.1(F), 964(Schedule V)(E), and 1006(E) and (F), and Part X-F of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1049.1 through 1049.11 and to repeal R.S. 40:962.1.1(D) and 962.1.2, relative to nonprescription compounds, mixtures, or preparations containing ephedrine, pseudoephedrine, or phenylpropanolamine; to provide that such nonprescription compounds, mixtures, and preparations and prescription products not otherwise scheduled are Schedule V drugs; to provide for the production of a photo identification prior to the purchase of nonprescription products containing pseudoephedrine, ephedrine, and phenylpropanolamine; to require the purchaser sign a log book prior to the purchase of nonprescription products containing ephedrine, pseudoephedrine, and phenylpropanolamine; to provide for a central computer monitoring system to monitor the purchase of those products; to provide for the acquisition and implementation of the central computer monitoring system; to provide for the access to information contained in the central computer monitoring system; to provide for the sharing of that information by certain agencies; to provide with respect to funding for the central computer monitoring system; to provide limitations on the quantities of products containing pseudoephedrine, ephedrine, or phenylpropanolamine which may be sold within a specified period of time; to authorize the reporting of suspected violations of law which are discovered due to the Prescription Monitoring Program to appropriate law enforcement and prosecutorial agencies; to repeal the provision of law authorizing the secretary of the Department of Health and Hospitals to exempt certain products containing ephedrine, pseudoephedrine, and phenylpropanolamine from sales and possession restrictions if determined not to be used in the manufacture or production of methamphetamines; to repeal conflicting provisions of law regarding the purchase of products containing ephedrine, pseudoephedrine, and phenylpropanolamine; to provide for definitions; to repeal provisions of law providing for certain dosage forms containing ephedrine, pseudoephedrine, and phenylpropanolamine from sales restrictions; to provide for legislative findings; to provide for a limitation of liability; to provide for a defense for certain violations of the Uniform Controlled Substances Law; and to provide for related matters.

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

Senator Broome in the Chair

Reconsideration

Pursuant to the previous notice given, the vote by which House Bill No. 123 failed to pass on Tuesday, June 2, 2009, was reconsidered.

HOUSE BILL NO. 123—
BY REPRESENTATIVE WOOTON
AN ACT

To enact R.S. 27:306(A)(5)(d), relative to video draw poker devices; to provide that the owner or lessor of a qualified truck stop facility may close the restaurant at a qualified truck stop facility during a legal holiday; and to provide for related matters.

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

Rules Suspended

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

Senate Concurrent Resolutions
on Second Reading
Reported by Committees

SENATE CONCURRENT RESOLUTION NO. 78—
BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and recommend guidelines on the professional responsibilities, rights and duties of attorneys who represent fiduciaries, such as succession representatives and trustees.

Reported favorably by the Committee on Judiciary A.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEA, NAY. Lists names of senators and their votes for the Yeas.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, YEA, NAY. Lists names of senators who were absent.

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

Rules Suspended

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 313— BY SENATOR MCPHERSON

AN ACT

To enact R.S. 32:154, relative to the Open Roads Law; to provide relative to motor vehicle fatalities; and to provide for related matters.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 313 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 3, after "fatalities;" insert "to provide for protocol when organs are to be transplanted after death;"

AMENDMENT NO. 2

On page 1, at the end of line 14, insert "Notwithstanding any other law to the contrary, in any and all cases of death, when organs are to be used in a transplant, it is not mandatory that an additional physician, not a member of the transplant team, make the pronouncement of death."

On motion of Senator McPherson, the amendments were adopted.

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

SENATE BILL NO. 335—

BY SENATORS JACKSON, BROOME, CHAISSON, CHEEK, DORSEY, DUPLESSIS, DUPRE, B. GAUTREAU, GRAY EVANS, HEITMEIER, LAFLEUR, LONG, MICHOT, MORRELL, MOUNT, MURRAY, NEVERS AND THOMPSON

AN ACT

To amend and reenact R.S. 47:293(3), relative to the individual income tax; to provide for a deduction for excess federal itemized personal deductions; to provide for the effectiveness of such deduction; and to provide for related matters.

Floor Amendments Sent Up

Senator Jackson sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 335 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 12, change "sixty-five percent" to "the following percentages"

On motion of Senator Jackson, the amendments were adopted.

Floor Amendments Sent Up

Senator Jackson sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 335 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:233(3)" insert "and to enact R.S. 47:293.1"

AMENDMENT NO. 2

On page 1, line 3, after "deductions;" insert "to dedicate revenue relative to such deduction;"

AMENDMENT NO. 3

On page 1, line 6, after "reenacted" insert "and R.S. 47:293.1 is hereby enacted"

AMENDMENT NO. 4

On page 2, between lines 5 and 6, insert:

"\$293.1 Higher Education Emergency Fund

A. Funds received by the Department of Revenue as a result of retaining the deduction for excess federal itemized deductions at sixty-five percent for tax years beginning during calendar year 2009, 2010, and 2011 as provided for in R.S. 47:293(3)(a) shall be deposited upon receipt in the state treasury.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund and prior to any money being placed into the general fund or any other fund, an amount equal to that deposited as required by Subsection A of this Section shall be credited by the treasurer to a special fund hereby created in the state treasury to be known as the "Higher Education Emergency Fund." The money in the fund shall be appropriated by the legislature to be used solely as provided for in Subsection D of this Section.

C.(a) The money in the fund shall be invested by the treasurer in the same manner as money in the state general fund and interest earned on the investment of the money shall be credited to the fund after compliance with the requirements of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund.

(b) All unexpended and unencumbered money in the fund at the end of the year shall remain in the fund.

D. The money in the Higher Education Emergency Fund shall be appropriated by the legislature to be used solely for funding higher education."

On motion of Senator Jackson, the amendments were adopted.

Senator McPherson in the Chair

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 335 by Senator Jackson

AMENDMENT NO. 1

Delete Senate Floor Amendment No. 1 proposed by Senator Jackson in SFBNSB335 GUILLOTJ 1949 and adopted by the Senate on June 3, 2009.

AMENDMENT NO. 2

Delete Senator Floor Amendment Nos. 1 and 3 proposed by Senator Jackson in SFASB335 GUILLOTJ 2339 and adopted by the Senate on June 3, 2009.

AMENDMENT NO. 3

On page 1, line 2, change "R.S. 47:293(3)" to "Section 2 of Act No. 399 of the 2007 Regular Session of the Louisiana Legislature"

AMENDMENT NO. 4

On page 1, line 4, between "deduction;" and "and" insert "to provide for effective date;"

AMENDMENT NO. 5

On page 1, line 6, change "R.S. 47:293(3)" to "Section 2 of Act No. 399 of the 2007 Regular Session of the Legislature of Louisiana"

AMENDMENT NO. 6

On page 1, delete lines 7 through 17, on page 2, delete lines 1 through 5, and insert the following:

"Section 2. The provisions of **R.S. 47:293(2)(c) as enacted in this Act, regardless of any subsequent redesignation and any contrary provision in this Act, shall become effective for all taxable periods beginning on or after January 1, 2012 and the remaining provisions of** this Act shall become effective for all taxable periods beginning on or after January 1, 2007."

AMENDMENT NO. 7

In Senate Floor Amendment No. 4 proposed by Senator Jackson and adopted by the Senate on June 3, 2009, on line 9 thereof, change "**§293.1**" to "**Section 2.**"

AMENDMENT NO. 8

In Senate Floor Amendment No. 4 proposed by Senator Jackson in SFASB335 GUILLOTJ 2339 and adopted by the Senate on June 3, 2009, on lines 12 and 13 thereof, change "**as provided for in R.S. 47:293(3)(a)**" to "**pursuant to Section 1 of this Act**"

AMENDMENT NO. 9

On page 2, delete lines 6 through 12, and insert the following:

"Section 3. The provisions of this Act are remedial and procedural in nature and shall apply prospectively and retroactively to the effective date of Act No. 399 of the 2007 Regular Session of the Louisiana Legislature.

Section 4. 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 Chaisson, the amendments were adopted.

Mr. President in the Chair

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	McPherson
Adley	Gray Evans	Michot
Amedee	Guillory	Morrell
Broome	Hebert	Morrish
Cheek	Heitmeier	Mount
Claitor	Jackson	Murray
Dorsey	Kostelka	Nevers

Duplessis	LaFleur	Quinn
Dupre	Long	Thompson
Erdey	Martiny	
Total - 29		

NAYS

Alario	Donahue	Shaw
Appel	Gautreaux N	Smith
Crowe	Riser	Walsworth
Total - 9		

ABSENT

Marionneaux
Total - 1

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

SENATE BILL NO. 37—

BY SENATOR DONAHUE

A JOINT RESOLUTION

Proposing to amend Article VII, Section 23(C) and to add Article VII, Section 18(H) of the Constitution of Louisiana, relative to the levy of ad valorem property tax by taxing authorities; to limit certain taxing authorities' power to levy millages without voter approval; to require the election for approving ad valorem property tax levies or renewals of certain taxing authorities to occur only at certain elections; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Floor Amendments Sent Up

Senator Donahue sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Donahue to Engrossed Senate Bill No. 37 by Senator Donahue

AMENDMENT NO. 1

On page 1, line 2, after "(C)" delete the remainder of the line and insert "of the"

AMENDMENT NO. 2

On page 1, line 5, after "approval;" delete the remainder of the line, delete line 6, and insert "and to"

AMENDMENT NO. 3

On page 1, line 12, after "(C)" delete the remainder of the line and insert "of the Constitution of Louisiana, to read"

AMENDMENT NO. 4

On page 1, delete lines 14 through 17 and on page 2, delete lines 1 through 3

AMENDMENT NO. 5

On page 2, delete lines 11 through 21, and insert:
"(2)(a)(i) increases Increases in the millage rate in excess of the rates established as provided by Paragraph (B) above but not in excess of the prior year's maximum authorized millage rate may be levied by a two-thirds vote of the total membership of a taxing authority who were elected by voters without further voter approval, provided that unelected tax authorities shall be limited to an annual increase in their millage rate which does not increase the ad valorem taxes collected by the unelected taxing authority by an amount which exceeds two and one-half percent of the collections for the calendar year immediately preceding the increase in the millage rate except as provided for in Item (b) of this Subparagraph.

(ii) For purposes of this Paragraph, "unelected taxing authority" or "unelected political entity" means a taxing

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authority or governmental entity with a governing body whose member is not elected by the voters, or a governing body a majority of whose total membership is composed of persons who were not elected by the voters.

(iii) The provisions of Item (i) of this Subparagraph and Subparagraph (b) of this Paragraph limiting the power of unelected taxing authorities shall not apply to St. George Fire Protection District within East Baton Rouge Parish.

(b) An unelected taxing authority may increase a millage rate in excess of the rates established as provided by Paragraph (B) above, but not in excess of the prior year's maximum authorized millage rate, if it obtains the approval of the political subdivision which appoints its members, or the approval of the parish governing authority, as follows:

(i) For an unelected taxing authority with a governing body membership which is composed of persons who are appointed by an entity which itself is an unelected political entity, the increase in millage rate shall require approval by a two-thirds vote of the total membership of the governing authority of the parish or parishes in which the unelected taxing authority is located.

(ii) For a taxing authority with a governing body which is composed of persons who are appointed by a political subdivision with a governing authority whose entire membership is composed of persons who were elected by the voters, the increase in millage rate shall require the approval by two-thirds vote of the total membership of the governing authority of each such political subdivision which appoints members for participation on the governing body of the unelected taxing authority."

AMENDMENT NO. 6

On page 2, line 22, change "(b)" to "(c)"

AMENDMENT NO. 7

On page 3, delete lines 10 through 19, and insert: "To provide that the power of a tax authority with a governing body which is not fully comprised of elected members, other than the St. George Fire Protection District in East Baton Rouge Parish, to increase millage rates without voter approval after reappraisal, presently limited by the maximum millage rate, be further limited to annual increases which do not exceed two and one-half percent of the property tax collections for the calendar year immediately preceding the increase in the millage rate the tax authority obtains the approval of two-thirds of the membership of the elected governing authority of the political subdivision which appoints the members to the governing body of the taxing authority, or the governing authority of the parish or parishes in which the taxing authority is located.

(Amends Article VII, Section 23(C))"

On motion of Senator Donahue, the amendments were adopted.

Floor Amendments Sent Up

Senator Dorsey sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dorsey to Engrossed Senate Bill No. 37 by Senator Donahue

AMENDMENT NO. 1

In Senate Floor Amendments of the set of seven amendments proposed by Senator Donahue and adopted by the Senate on June 3, 2009: In Amendment No. 5, on page 1, line 30, after "apply to" delete the remainder of the line, and insert: "taxing authorities which are special fire protection or fire department districts."

In Amendment No. 7, on page 2, line 9, after "other than" delete the remainder of the line, on line 10, delete "District in East Baton Rouge Parish" and insert: "taxing authorities which are special fire protection or fire department districts"

Senator Dorsey moved adoption of the amendments.

Senator Donahue objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Gray Evans, Michot. Includes Mr. President, Amedee, Cheek, Dorsey, Dupre, Erdey, Total - 18.

NAYS

Table with 3 columns: Name, Gautreaux B, Riser. Includes Appel, Claitor, Crowe, Donahue, Total - 11.

ABSENT

Table with 3 columns: Name, Jackson, Mount. Includes Adley, Alario, Broome, Duplessis, Total - 10.

The Chair declared the amendments were adopted.

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

SENATE BILL NO. 123—

BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 47:6023, relative to income tax credits; to provide for a sound recording investor tax credit; to provide for certain definitions; to remove certain limitations of the sound recording investor tax credit; to provide for certification and payment of the tax credit; to require the display of the state brand or logo as a condition of receiving the credit; and to provide for related matters.

Floor Amendments Sent Up

Senator Michot sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 123 by Senator Michot

AMENDMENT NO. 1

On page 4, line 24, following "have" and before "on or before" change "applied" to "been applied for"

On motion of Senator Michot, the amendments were adopted.

Floor Amendments Sent Up

Senator Michot sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 123 by Senator Michot

AMENDMENT NO. 1

On page 8, line 17, after "After" insert "final"

On motion of Senator Michot, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and their votes (Yeas, Nays, Absent) for the roll call.

NAYS

Total - 0

ABSENT

Table listing names of senators who were absent during the roll call.

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

SENATE BILL NO. 245— BY SENATOR ADLEY

AN ACT

To amend and reenact the introductory paragraphs of R.S. 47:6007(C)(1)(b) and (c), and R.S. 47:6007(C)(1)(c)(i), to enact R.S. 47:6007(D)(2)(e), and to repeal R.S. 47:6007(C)(1)(d), relative to tax credits; to increase the motion picture investor tax credit; to provide with respect to the submission to the Department of Economic Development of a notarized statement by the applicant which demonstrates conformity with certain provisions of law; and to provide for related matters.

Floor Amendments Sent Up

Senator Adley sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 245 by Senator Adley

AMENDMENT NO. 1

On page 2, line 3, delete ", and thereafter"

On motion of Senator Adley, the amendments were adopted.

Floor Amendments Sent Up

Senator Adley sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 245 by Senator Adley

AMENDMENT NO. 1

On page 2, line 17, between "all" and "obligations" insert "undisputed legal"

On motion of Senator Adley, the amendments were adopted.

Floor Amendments Sent Up

Senator Adley sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 245 by Senator Adley

AMENDMENT NO. 1

On page 1, line 3, after "(C)(1)(c)(i)" insert "and (ii), and (5)"

AMENDMENT NO. 2

On page 1, line 7, after "law;" insert "to provide for transfers of certain credits; to provide for the amount of payroll credit;"

AMENDMENT NO. 3

On page 1, line 10, after "(C)(1)(c)(i)" insert "and (ii), and (5)"

AMENDMENT NO. 4

On page 2, between lines 6 and 7, insert:

"(ii) To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, each investor shall be allowed an additional tax credit of ten five percent of such payroll. However, if the payroll to any one person exceeds one million dollars, this additional credit shall exclude any salary for that person that exceeds one million dollars."

AMENDMENT NO. 5

On page 2, between lines 7 and 8, insert:

"(5) Transferability of the credit. Any motion picture tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayer or to the office, subject to the following conditions:

* * *

(f)(i) Beginning on and after January 1, 2007, the investor who earned the motion picture investor tax credits may transfer the credits to the office for seventy-two percent of the face value of the credits. Beginning January 1, 2009, and every second year thereafter, the percent of the face value of the tax credits allowed for transferring credits to the office shall increase two percent until the percentage reaches eighty percent. Upon the transfer, the Department of Economic Development shall notify the Department of Revenue and shall provide it with a copy of the transfer documentation. The Department of Revenue may require the transferor to submit such additional information as may be necessary to administer the provisions of this Section. The secretary of the Department of Revenue shall make payment to the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, provided such credits are transferred to the office within one calendar year of certification.

(ii) For projects which receive initial certification on and after July 1, 2009, the investor who earned the motion picture investor tax credits pursuant to such certification may transfer the credits to the office for eighty-five percent of the face value of the credits.

* * *

On motion of Senator Adley, the amendments were adopted.

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

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ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

McPherson
Total - 1

ABSENT

Broome	Marionneaux	Quinn
Total - 3		

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

SENATE BILL NO. 277—

BY SENATORS DUPLESSIS, ERDEY, GRAY EVANS, KOSTELKA, LONG, MARIONNEAUX, MICHOT, QUINN, RISER AND WALSWORTH AND REPRESENTATIVES ABRAMSON, ARNOLD, CORTEZ, DOWNS, LEGER, LIGI AND ROBIDEAUX

AN ACT

To amend and reenact R.S. 47:6022, relative to digital interactive media producer tax credit; to provide terms and conditions; to provide relative to qualifications, administration and procedures; to provide an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Duplessis sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 277 by Senator Duplessis

AMENDMENT NO. 1

On page 2, line 24, following "to" delete "1"

AMENDMENT NO. 2

On page 3, line 15, following "to" delete "1"

AMENDMENT NO. 3

On page 3, line 27, following "to" delete "1"

AMENDMENT NO. 4

On page 6, line 11, following "there" and before "hereby" change "is" to "are"

AMENDMENT NO. 5

On page 6, line 19, following "of" change "such" to "the"

On motion of Senator Duplessis, the amendments were adopted.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Duplessis to Engrossed Senate Bill No. 277 by Senator Duplessis

AMENDMENT NO. 1

On page 3, line 3, after "production" insert a "1" and after "use" insert a "1"

AMENDMENT NO. 2

On page 4, delete lines 12 and 13

AMENDMENT NO. 3

On page 4, line 14, change "(ii)" to "(i)"

AMENDMENT NO. 4

On page 4, line 16, change "(iii)" to "(ii)"

AMENDMENT NO. 5

On page 4, line 18, change "(iv)" to "(iii)"

AMENDMENT NO. 6

On page 4, line 29, after "Louisiana" delete the remainder of the line and on page 5, delete lines 1 and 2 and insert the following: **"means an expenditure to purchase or lease immovable property located in the state; an expenditure to purchase or lease tangible personal property from a source within the state where the transaction is subject to state sales tax but for a statutory exclusion or exemption; or an expenditure as compensation for services performed within the state."**

AMENDMENT NO. 7

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

"(7)(a) "Production expenses" means preproduction and production expenditures in the state directly relating to a state-certified production including without limitation the following: testing software, source code development, patches, updates, sprites, three-dimensional models, and level design; costs associated with photography and sound synchronization, lighting and related services; rental of Louisiana facilities and equipment; purchase of prepackaged audio files, video files, photographic, or libraries; purchase of licenses to use pre-recorded audio files, video, or photographic files; development costs associated with producing audio files and video files to be used in the production of the end product under development.

(b) "Production expenses" shall not include postproduction expenditures for marketing and distribution, non-production related overhead, amounts that are later reimbursed by the state or any other governmental entity, costs related to the transfer of tax credits, amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production, the application fee, or state or local taxes."

AMENDMENT NO. 8

On page 5, line 3, change "(7)" to "(8)"

AMENDMENT NO. 9

On page 5, line 5, change "(8)" to "(9)"

AMENDMENT NO. 10

On page 5, line 7, change "(9)" to "(10)"

AMENDMENT NO. 11

On page 5, line 10, change "(10)" to "(11)"

AMENDMENT NO. 12

On page 5, line 15, change "(11)" to "(12)"

AMENDMENT NO. 13

On page 5, line 17, change "(12)" to "(13)"

AMENDMENT NO. 14

On page 5, line 19, change "(13)" to "(14)"

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	Michot
Adley	Erdey	Morrell
Alario	Gautreaux N	Morrish
Amedee	Gray Evans	Murray
Appel	Guillory	Nevers
Cheek	Hebert	Riser
Claitor	Heitmeier	Shaw
Crowe	Kostelka	Smith
Donahue	LaFleur	Thompson
Dorsey	Long	Walsworth
Duplessis	Martiny	
Total - 32		

NAYS

McPherson
Total - 1

ABSENT

Broome	Jackson	Mount
Gautreaux B	Marionneaux	Quinn
Total - 6		

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. 342—

BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 47:6007(B)(3) and (12), (C)(2)(b)(i), and (D)(1)(b) and (2)(d)(i) and Section 3(C) of Act No. 456 of the 2007 Regular Session of the Legislature, relative to motion picture investor tax credits; to provide relative to the initial certification of certain state-certified infrastructure projects and submission of applications for certain state-certified infrastructure projects; to provide relative to requirements and limitations; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Erdey sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 342 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 2, following "and (2)(d)" delete "(i)"

AMENDMENT NO. 2

On page 1, line 10, following "and (2)(d)" and before "are" delete "(i)"

On motion of Senator Erdey, the amendments were adopted.

On motion of Senator Erdey the amended bill was read by title and returned to its regular order in Third Reading and Final Passage.

SENATE BILL NO. 209—

BY SENATOR WALSWORTH

A JOINT RESOLUTION

Proposing to amend Sections 2(B)(11) and (12) and to add Section 2 (B)(13) of Article X of the Constitution of Louisiana, relative to public officials and employees; to provide that the director, deputy director and all employees of the Governor's Office of Homeland Security and Emergency Preparedness shall serve in unclassified service of the state civil service; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Gautreaux B	Michot
Amedee	Gautreaux N	Morrell
Appel	Gray Evans	Morrish
Broome	Guillory	Mount
Cheek	Hebert	Murray
Claitor	Heitmeier	Nevers
Crowe	Kostelka	Riser
Donahue	LaFleur	Shaw
Dorsey	Long	Smith
Dupre	Martiny	Thompson
Erdey	McPherson	Walsworth
Total - 33		

NAYS

Total - 0

ABSENT

Mr. President	Duplessis	Marionneaux
Adley	Jackson	Quinn
Total - 6		

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

Rules Suspended

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 80—

BY SENATOR GRAY EVANS

A RESOLUTION

To commend the efforts of Links, Incorporated and to recognize June 3, 2009, as Louisiana Links Day at the State Capitol.

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Resumed

SENATE BILL NO. 228—

BY SENATOR GRAY EVANS

AN ACT

To enact R.S. 47:297.13, relative to individual income tax; to provide certain tax credits against certain taxes for certain homeowners

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who are also residential lessees; to provide for definitions; to provide for effective dates; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Alario	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Appel	Gray Evans	Murray
Broome	Guillory	Nevers
Cheek	Hebert	Riser
Claitor	Heitmeier	Shaw
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Martiny	Walsworth
Dupre	McPherson	
Total - 32		

NAYS

Total - 0

ABSENT

Adley	Kostelka	Quinn
Duplessis	Marionneaux	
Jackson	Morrell	
Total - 7		

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

SENATE BILL NO. 235—

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 33:381(C)(29), relative to the town of Duson; to provide that the chief of police of the town shall be appointed; to provide for the time of the initial appointment; to provide for the method of appointment and for the salary, term, duties, and supervision of the police chief; and to provide for related matters.

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 235 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, following "To" and before "R.S." change "amend and reenact" to "enact"

AMENDMENT NO. 2

On page 2, line 4, following "establish the" change "chief's salary" to "salary of the chief"

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	Erdey	Michot
Adley	Gautreaux N	Morrish
Alario	Gray Evans	Murray
Amedee	Guillory	Nevers
Appel	Hebert	Riser
Cheek	Heitmeier	Shaw
Donahue	LaFleur	Smith
Dorsey	Long	Walsworth
Dupre	Martiny	
Total - 26		

NAYS

Claitor	Kostelka
Crowe	Thompson
Total - 4	

ABSENT

Broome	Jackson	Morrell
Duplessis	Marionneaux	Mount
Gautreaux B	McPherson	Quinn
Total - 9		

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. 252—

BY SENATORS WALSWORTH AND NEVERS

AN ACT

To enact Chapter 39-C of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2399.1 through 2399.6, relative to economic development; to provide definitions for words and terms; to provide for a modernization tax credit; to provide the process for approval of the modernization tax credit; to provide for the promulgation of rules and regulations; to provide for penalties for false or fraudulent applications; and to provide for related matters.

Floor Amendments Sent Up

Senator Walsworth sent up floor amendments.

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

On page 3, line 19, following "**building**" and before "**the**" insert "**only**"

AMENDMENT NO. 2

On page 3, line 20, delete "**only**"

AMENDMENT NO. 3

On page 3, line 23, following "**Project**" and before "**the**" change "**means**" to "**includes**" and at the end of the line, change "**and/or**" to "**and**"

AMENDMENT NO. 4

On page 3, line 24, following "**building**" and before "**equipment**" change "**and/or**" to "**and**"

AMENDMENT NO. 5

On page 6, line 22, at the end of the line insert "**, in accordance with the Administrative Procedure Act,**"

On motion of Senator Walsworth, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Erdey	Michot
Alario	Gautreaux B	Morrell
Amedee	Gautreaux N	Morrish
Appel	Guillory	Mount
Broome	Hebert	Murray
Cheek	Heitmeier	Nevers
Claitor	Kostelka	Riser
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Martiny	Walsworth
Total - 33		

NAYS

Total - 0

ABSENT

Duplessis	Jackson	Quinn
Gray Evans	Marionneaux	Shaw
Total - 6		

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

Notice Regarding Vote

Senator Shaw stated he appeared as absent on the vote on Senate Bill No. 252. He had intended to vote yea on the bill. He asked that the Official Journal so state.

SENATE BILL NO. 270—
BY SENATOR LONG

AN ACT

To enact R.S. 22:1014, relative to health insurance; to provide for definitions; to provide with respect to reduced health insurance copayments for primary care services; and to provide for related matters.

Floor Amendments Sent Up

Senator Long sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 270 by Senator Long

AMENDMENT NO. 1

On page 2, delete lines 11 and 12, and insert "**health maintenance organization as defined and licensed pursuant to R.S. 22:241 et seq.**"

On motion of Senator Long, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Jackson	Marionneaux	Quinn
Total - 3		

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

SENATE BILL NO. 279—

BY SENATOR WALSWORTH AND REPRESENTATIVE PETERSON
AN ACT

To enact R.S. 29:726.2, relative to the use of public facilities as emergency evacuation shelters; to provide for terms; to provide for certain entities to identify and maintain a list of public facilities suitable for use as emergency evacuation shelters; to provide for duties; and to provide for related matters.

Floor Amendments Sent Up

Senator Walsworth sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 279 by Senator Walsworth

AMENDMENT NO. 1

On page 2, line 6, before "**facility**" change "**such**" to "**the**"

AMENDMENT NO. 2

On page 2, line 22, before "**facility**" change "**said**" to "**the**"

On motion of Senator Walsworth, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrell
Alario	Gautreaux N	Morrish

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Amedee	Gray Evans	Mount
Appel	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Heitmeier	Riser
Claitor	Kostelka	Shaw
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Martiny	Walsworth
Dupre	McPherson	

Total - 35

NAYS

Total - 0

ABSENT

Duplessis	Marionneaux
Jackson	Quinn

Total - 4

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

SENATE BILL NO. 289—
BY SENATORS APPEL AND WALSWORTH
AN ACT

To amend and reenact R.S. 47:463.61(C), (D), and (E) and to repeal R.S. 47:463.61 (F), (G) and (H), relative to the dedication of revenue; to provide for the distribution of revenues collected from "Choose Life" prestige license plate fees; and to provide for related matters.

Floor Amendments Sent Up

Senator Appel sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 289 by Senator Appel

AMENDMENT NO. 1

On page 1, line 14, following "forth in" delete the remainder of the line and insert "**Paragraph (E)(1) of "**

On motion of Senator Appel, the amendments were adopted.

The bill was read by title. Senator Appel 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	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Cheek	Kostelka	Riser
Crowe	LaFleur	Shaw
Donahue	Long	Smith
Dorsey	Martiny	Thompson
Dupre	McPherson	Walsworth

Total - 33

NAYS

Total - 0

ABSENT

Claitor	Gautreaux B	Marionneaux
Duplessis	Jackson	Quinn

Total - 6

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

SENATE BILL NO. 338—
BY SENATOR GRAY EVANS
AN ACT

To enact R.S. 47:305.62, relative to the sales and use tax of the state and its political subdivisions; to exempt the sale and use of certain construction materials sold to certain organizations; to limit the amount of exemptions granted on a calendar year basis; and to provide for related matters.

The bill was read by title. Senator Gray Evans moved the final passage of the 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	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Heitmeier	Riser
Claitor	Kostelka	Shaw
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	

Total - 35

NAYS

Total - 0

ABSENT

Gautreaux B	Marionneaux
Jackson	Quinn

Total - 4

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

SENATE BILL NO. 343—
BY SENATORS CROWE AND SHAW
AN ACT

To amend and reenact R.S. 47:6007(B)(5) and to enact R.S. 47:6007(G) and (H), relative to the motion picture investor tax credit; to prohibit a motion picture company from obtaining a motion picture investor tax credit to produce certain motion pictures; and to provide for related matters.

Floor Amendments Sent Up

Senator Crowe sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 343 by Senator Crowe

AMENDMENT NO. 1

On page 2, line 25, change "15th" to "fifteenth"

AMENDMENT NO. 2

On page 2, line 27, change "first-come-first-served" to "first-come, first-served"

On motion of Senator Crowe, the amendments were adopted.

The bill was read by title. Senator Crowe 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	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Heitmeier	Riser
Claitor	Kostelka	Shaw
Crowe	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Total - 35		

NAYS

Total - 0

ABSENT

Gautreaux B	Marionneaux
Jackson	Quinn
Total - 4	

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

Rules Suspended

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

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

Called from the Calendar

Senator Hebert asked that Senate Bill No. 304 be called from the Calendar.

SENATE BILL NO. 304—

BY SENATOR HEBERT AND REPRESENTATIVES BARRAS, CHAMPAGNE, SAM JONES, MILLS, MONToucET AND PERRY

AN ACT

To provide for the membership of the transportation policy committee of certain metropolitan planning organizations; and to provide for related matters.

The bill was read by title. Senator Hebert 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	Guillory	Murray
Appel	Hebert	Nevers
Broome	Heitmeier	Riser
Cheek	Kostelka	Shaw
Claitor	LaFleur	Smith
Donahue	Long	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Dupre	Michot	
Total - 34		

NAYS

Total - 0

ABSENT

Crowe	Jackson	Quinn
Gautreaux B	Marionneaux	
Total - 5		

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

Called from the Calendar

Senator Gray Evans asked that Senate Bill No. 253 be called from the Calendar.

SENATE BILL NO. 253—

BY SENATORS GRAY EVANS AND BROOME AND REPRESENTATIVE LEGER

AN ACT

To enact Chapter 9 of Title XV of the Louisiana Children's Code, to be comprised of Articles 1581 through 1590, relative to children's rights; to provide a bill of rights for children held in detention centers, juvenile facilities, and other placements; to provide for responsibilities of children; to provide for the use of restraints; to provide for the confidentiality of records; to provide for enforcement; and to provide for related matters.

Floor Amendments Sent Up

Senator Gray Evans sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 253 by Senator Gray Evans

AMENDMENT NO. 1

On page 2, line 21, following "Specifically" insert ";" and on line 22 delete "(a)" and change "Mechanical" to "mechanical"

AMENDMENT NO. 2

On page 2, line 25, following "danger to" change "self" to "himself" and after "shall" change "only be used" to "be used only"

AMENDMENT NO. 3

On page 3, line 23, following "right" insert ";"

AMENDMENT NO. 4

On page 4, line 3, following "**well-being, and**" and before "**an obligation**" insert "**has**" and on line 4 change "**complying**" to "**compliance**"

On motion of Senator Gray Evans, the amendments were adopted.

Floor Amendments Sent Up

Senator Gray Evans sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Gray Evans to Engrossed Senate Bill No. 253 by Senator Gray Evans

AMENDMENT NO. 1

On page 2, at the end of line 11, delete "**and**" and at the beginning of line 12, delete "**corresponding responsibilities**"

AMENDMENT NO. 2

On page 2, line 16, after "**centers**" insert "**and shall in no way limit any rights provided to children elsewhere in the law**"

AMENDMENT NO. 3

On page 2, line 18, delete "**A.**"

AMENDMENT NO. 4

On page 2, delete line 22, and on line 23, delete "**and the use of tasers.**" and insert "**(a)**" and after "**restraints**" insert "**of any form, including mechanical restraints, restraints to fixed objects, chemical restraints, or the use of tasers**"

AMENDMENT NO. 5

On page 2, line 25, after "**used**" delete the remainder of the line

AMENDMENT NO. 6

On page 2, at the beginning of line 26, change "**to deescalate.**" to "**only**" and after "**as soon as**" delete the remainder of the line

AMENDMENT NO. 7

On page 2, line 27, change "**controllable**" to "**possible**"

AMENDMENT NO. 8

On page 3, after "(b)" delete line 6, and insert "**Mandate that medical staff thoroughly document all**"

AMENDMENT NO. 9

On page 3, delete lines 18 through 20

AMENDMENT NO. 10

On page 3, line 22, delete "**A.**"

AMENDMENT NO. 11

On page 3, line 28, after "**child**" change "**or the court officers**" to "**or for other good cause**"

AMENDMENT NO. 12

On page 4, delete lines 2 through 5

AMENDMENT NO. 13

On page 4, line 7, delete "**A.**"

AMENDMENT NO. 14

On page 4, line 13, change "**and information to them of their right to**" to "**and they shall be informed of the procedure by which they may**"

AMENDMENT NO. 15

On page 4, line 16, delete "**all**"

AMENDMENT NO. 16

On page 4, line 17, delete "**all**"

AMENDMENT NO. 17

On page 4, line 20, after "**free**" insert "**, regular**" and delete "**at least three times a week**"

AMENDMENT NO. 18

On page 4, delete lines 22 through 25

AMENDMENT NO. 19

On page 4, line 27, delete "**A.**"

AMENDMENT NO. 20

On page 5, delete lines 1 through 4

AMENDMENT NO. 21

On page 5, line 6, delete "**A.**"

AMENDMENT NO. 22

On page 5, delete lines 8 and 9

AMENDMENT NO. 23

On page 5, line 20, after "**shall**" delete the remainder of the line and delete line 21, and insert "**ensure that:**"

AMENDMENT NO. 24

On page 5, line 23, after "**community**" insert "**which is available**"

AMENDMENT NO. 25

On page 5, line 27, after "**educational,**" delete the remainder of the line

AMENDMENT NO. 26

On page 5, line 28, delete "**and psychological guidance, training,**"

AMENDMENT NO. 27

On page 5, line 29, after "**child**" delete the remainder of the line and insert a period "."

AMENDMENT NO. 28

On page 6, delete lines 1 through 4

AMENDMENT NO. 29

On page 6, at the beginning of line 6, insert "**Right to access the courts while in a facility.**"

AMENDMENT NO. 30

On page 6, line 7, after "**Article,**" delete the remainder of the line, delete line 8, and insert "**every owner or**"

AMENDMENT NO. 31

On page 6, line 11, change "**(a)**" to "**(1)**"

AMENDMENT NO. 32

On page 6, delete line 13, and insert "**(2) Distribute to all children a**"

AMENDMENT NO. 33

On page 6, line 14, after "**children**" insert "**, as made available by the office of the Public Defender**"

AMENDMENT NO. 34

On page 6, line 15, change "**(c)**" to "**(3)**"

AMENDMENT NO. 35

On page 6, line 17, change "**(d)**" to "**(4)**"

AMENDMENT NO. 36

On page 6, line 18, change "**twelve**" to "**twenty-four**"

AMENDMENT NO. 38

On page 6, line 19, change "(e)" to "(5)"

AMENDMENT NO. 39

On page 6, delete lines 21 through 23

AMENDMENT NO. 40

On page 6, at the beginning of line 25, delete "A." and insert "**Grievance Procedure.**"

AMENDMENT NO. 41

On page 6, line 26, after "**Chapter,**" delete the remainder of the line, delete line 27, and on line 28, change "**(1) Grievance Procedure. Every**" to "**every**"

AMENDMENT NO. 42

On page 7, line 4, change "(a)" to "(1)"

AMENDMENT NO. 43

On page 7, delete line 6, and insert "**(2) Provides for the defense counsel of record to be notified of allegations of**"

AMENDMENT NO. 44

On page 7, between lines 7 and 8, insert the following:
"(3) Provides that immediate safety measures be taken to address allegations of physical, sexual, or emotional harm pending investigations."

AMENDMENT NO. 45

On page 7, line 8, change "(c)" to "(4)" and change "**fifteen**" to "**ninety**"

AMENDMENT NO. 46

On page 7, line 10, change "(d)" to "(5)"

AMENDMENT NO. 47

On page 7, line 11, after "**facility**" insert "**or agency**"

AMENDMENT NO. 48

On page 7, line 12, after "**sent to the**" delete the remainder of the line and insert "**Juvenile Justice Implementation Commission.**"

AMENDMENT NO. 49

On page 7, delete lines 13 through 16

On motion of Senator Gray Evans, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Michot
Adley	Gray Evans	Morrell
Alario	Hebert	Murray
Appel	Heitmeier	Nevers
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Dorsey	Martiny	Thompson
Dupre	McPherson	
Total - 23		

NAYS

Amedee	Erdey	Riser
Crowe	Kostelka	Walsworth
Total - 6		

ABSENT

Broome	Guillory	Mount
Donahue	Jackson	Quinn
Duplessis	Marionneaux	
Gautreaux N	Morrish	
Total - 10		

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

Recess

On motion of Senator McPherson, the Senate took a recess at 12:25 o'clock A.M. until 4:00 o'clock P.M.

After Recess

The Senate was called to order at 4:40 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Gautreaux B	Marionneaux
Adley	Gray Evans	Martiny
Appel	Guillory	Morrell
Claitor	Hebert	Morrish
Crowe	Heitmeier	Mount
Dorsey	Jackson	Nevers
Dupre	Kostelka	Riser
Erdey	Long	Shaw
Total - 24		

ABSENT

Alario	Duplessis	Murray
Amedee	Gautreaux N	Quinn
Broome	LaFleur	Smith
Cheek	McPherson	Thompson
Donahue	Michot	Walsworth
Total - 15		

The President of the Senate announced there were 24 Senators present and a quorum.

Senate Business Resumed After Recess

Rules Suspended

Senator Chaisson asked for and obtained a suspension of the rules to allow the Senate Committee on Finance to meet while the Senate is in Session.

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

June 3, 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. 82—
BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 88—
BY SENATOR CROWE AND REPRESENTATIVES CROMER AND PEARSON

A CONCURRENT RESOLUTION

To commend and congratulate Floyd Fogg on being inducted in the 2009 class of the New Orleans Professional Baseball Hall of Fame.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 94—
BY SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to expedite the replacement of "REDUCED SPEED AHEAD" signs with the new speed reduction warning signs on Louisiana roadways.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 95—
BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To commend Overseas Distribution Solutions on its tenth anniversary.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 96—
BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Newman Trowbridge, Jr., of Lafayette.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 97—
BY SENATOR CROWE AND REPRESENTATIVES HENDERSON AND HUTTER

A CONCURRENT RESOLUTION

To declare May 27, 2009, as St. Bernard Day at the Legislature.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 98—
BY SENATOR CROWE AND REPRESENTATIVE CROMER

A CONCURRENT RESOLUTION

To commend the Northshore High School boys baseball team of Slidell, Louisiana, and to congratulate the Panthers on an outstanding 2009 season and their first place finish in the Class 5A state championship.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 99—
BY SENATOR BROOME

A CONCURRENT RESOLUTION

To commend Herbert Brown for his contribution to the opening of the North Baton Rouge Clinic.

Reported without amendments.

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

Rules Suspended

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 81—

BY SENATOR BROOME

A RESOLUTION

To designate June 4, 2009, as "PICO LIFT DAY" at the Louisiana Senate.

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

Message from the House

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

June 3, 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. 147—

BY REPRESENTATIVE LAFONTA

AN ACT

To amend and reenact R.S. 37:2160(C) and 2162(I) and to enact R.S. 37:2158(E) and 2160(D), relative to the business of contracting; to provide for increased criminal penalties for engaging in the business of contracting without authority; to provide for an increase in civil penalties which may be assessed for a violation of provisions of law regulating the business of contracting; to provide for the remission of fines to the contractor's educational trust fund; and to provide for related matters.

HOUSE BILL NO. 179—

BY REPRESENTATIVES STIAES, BARROW, AND PATRICIA SMITH

AN ACT

To amend and reenact R.S. 17:24.4(F)(4)(a), relative to requirements for pupil progression; to provide with regard to the impact of established proficiency levels on certain tests on the progress of students in grades four and eight; to require the state superintendent of education to submit recommendations to the State Board of Elementary and Secondary Education relative to expanding opportunities for student promotion in limited circumstances; to require implementation of such recommendations; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 194—

BY REPRESENTATIVE DIXON

AN ACT

To amend and reenact R.S. 18:135(A), relative to registration of voters; to provide relative to the close of registration records; to provide relative to application for registration and changes in a registration; to provide for definitions; 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. 147— BY REPRESENTATIVE LAFONTA AN ACT

To amend and reenact R.S. 37:2160(C) and 2162(I) and to enact R.S. 37:2158(E) and 2160(D), relative to the business of contracting; to provide for increased criminal penalties for engaging in the business of contracting without authority; to provide for an increase in civil penalties which may be assessed for a violation of provisions of law regulating the business of contracting; to provide for the remission of fines to the contractor's educational trust fund; 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. 179— BY REPRESENTATIVES STIAES, BARROW, AND PATRICIA SMITH AN ACT

To amend and reenact R.S. 17:24.4(F)(4)(a), relative to requirements for pupil progression; to provide with regard to the impact of established proficiency levels on certain tests on the progress of students in grades four and eight; to require the state superintendent of education to submit recommendations to the State Board of Elementary and Secondary Education relative to expanding opportunities for student promotion in limited circumstances; to require implementation of such recommendations; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 194— BY REPRESENTATIVE DIXON AN ACT

To amend and reenact R.S. 18:135(A), relative to registration of voters; to provide relative to the close of registration records; to provide relative to application for registration and changes in a registration; to provide for definitions; 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.

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 3, 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. 183— BY REPRESENTATIVE HOFFMANN A CONCURRENT RESOLUTION

To urge and request the Louisiana State University School of Veterinary Medicine to study its current practices relating to recruiting, admissions, training, and career counseling and placement in an effort to find ways to increase the number of large animal veterinarians practicing in Louisiana, and to report its findings and recommendations to the House Committee on Education and Senate Committee on Education prior to the convening of the 2010 Regular Session of the Legislature.

HOUSE CONCURRENT RESOLUTION NO. 184— BY REPRESENTATIVE HARRISON A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals and the Department of Education to study jointly the feasibility and advisability of funding more school nurse positions through the Medicaid program and to report their study findings to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Education, and the Senate Committee on Education prior to the beginning of the 2010 Regular Session of the Legislature.

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

House Concurrent Resolutions on First Reading

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

HOUSE CONCURRENT RESOLUTION NO. 183— BY REPRESENTATIVE HOFFMANN A CONCURRENT RESOLUTION

To urge and request the Louisiana State University School of Veterinary Medicine to study its current practices relating to recruiting, admissions, training, and career counseling and placement in an effort to find ways to increase the number of large animal veterinarians practicing in Louisiana, and to report its findings and recommendations to the House Committee on Education and Senate Committee on Education prior to the convening of the 2010 Regular Session of the Legislature.

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

HOUSE CONCURRENT RESOLUTION NO. 184— BY REPRESENTATIVE HARRISON A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals and the Department of Education to study jointly the feasibility and advisability of funding more school nurse positions through the Medicaid program and to report their study findings to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Education, and the Senate Committee on Education prior to the beginning of the 2010 Regular Session of the Legislature.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON INSURANCE

Senator Troy Hebert, Chairman on behalf of the Committee on Insurance, submitted the following report:

June 3, 2009

To the President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 103—

BY REPRESENTATIVE TALBOT
A CONCURRENT RESOLUTION

To urge and request the Department of Insurance to study the disparities in the amounts of co-payments between orally and intravenously administered chemotherapy medications.

Reported favorably.

HOUSE BILL NO. 175—

BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 22:999(A)(2), relative to health insurance; to provide with respect to coverage of off-label cancer drugs; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 201—

BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 22:1266(B)(2), relative to automobile, property, casualty, and liability insurance policies; to provide for the nonrenewal of any policy in effect for less than sixty days at time of notice of cancellation; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 208—

BY REPRESENTATIVE MONICA
AN ACT

To amend and reenact R.S. 22:1282, relative to automobile liability insurance; to provide for prohibitions on limitations of coverage under certain circumstances; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 369—

BY REPRESENTATIVE LIGI
AN ACT

To amend and reenact R.S. 22:47(2) through (6), (8), (10), (12), (13), (16)(a), 81, 82, 111, 112, 165, 851(A), 861(A)(1), 864(D), 1460(D)(2), 1594(1), 2053(A), 2322(5), and 2336(5), to enact R.S. 22:47(18) and (19), and to repeal R.S. 22:47(7), relative to kinds of insurance; to define kinds of insurance for purposes of the Louisiana Insurance Code, including capital and surplus requirements; to change references to kinds of insurance; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 385—

BY REPRESENTATIVE CORTEZ
AN ACT

To amend and reenact R.S. 22:1091(B)(13), relative to health insurance; to define a small employer for the purposes of the rate limitation provisions for health benefit plans providing coverage for small employers; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 386—

BY REPRESENTATIVE MONICA
AN ACT

To amend and reenact R.S. 22:821(B)(3)(e), relative to fees collected by the commissioner of insurance; to provide relative to fees collected for renewal of surplus lines broker licenses; and to provide for related matters.

Reported favorably.

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.

Reported favorably.

HOUSE BILL NO. 404—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:2, 3, 11, 12, 14(A)(introductory paragraph) and (4) and (B), 16, 18, 19, 21, 23(A), (B), (C), and (D)(2), 24, 31, 32(A)(1)(introductory paragraph) and (1)(f) and (j), (B), (C), and (E), 33(A)(introductory paragraph), 41(6) and (13), 43(B)(2), 46(1), (4), (5), (7), (8), (9)(b), (c), and (d), (11), (12), (13), and (15), 47(2), (3), (6), (8), (10)(b), (12), and (13)(a), 48(A), 61, 62(7) and (11), 63, 65(11)(c), 67(C), 68(C)(1), 69, 71, 72(C), 73, 81, 82(B), (C)(1)(a) and (b), and (D), 86, 88, 91, 94, 96(A), 111, 112(B) and (D), 116, 117, 119, 120(6), 124, 132(A), (B), and (D), 133, 135, 141, 142(C), 143(A)(4), 146(B), 148, 149, 150, 161(B), 165, 168, 171, 172, 175(introductory paragraph), 176, 177(B), 183, the title of Subpart G of Part I of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:191 through 194, 195(A) and (B)(1) and (2), 196, 197(A), 198 through 202, 204, 206, 208, 210(introductory paragraph), 211 through 215, 216(A) and (B), 236(11), 236.3(A), (B), and (D), 236.4(A), 242(3), (6), and (7), 243(D)(1) and (E)(3), 247, 249, 250(B), 252(C)(3) and (4), 254(C)(1), 255, 256(A), 260(A), 262(C), 266, 270(A), 272(F), 290(introductory paragraph) and (6), 310(A)(2), (B), and (D), 313, 331, 332(A)(4), 333(B) and (C), 337(A)(18) and (B), 340(A)(introductory paragraph), 347(D)(1), 361(4) and (5), 364(introductory paragraph) and (1), 365(A) and (C) through (F), 369(2) and (4), 371(A), 381(3), 384(introductory paragraph) and (1), 385(C), (D), and (E), 388.1, 393(A), 409, 413, 432, 433(A), 434, 435(B)(1)(a) and (b), (D), and (H)(1)(introductory paragraph) and (2), 436(A), (D)(2), and (G), 437, 438(A), 439(B) and (C), 440, 441(A)(3), (B), (C), and (D), 442(A), 443(A)(introductory paragraph) and (B), 445, the Title of Subpart P of Part I of Title 22 of the Louisiana Revised Statutes of 1950, 451, 453(A), 455, 456, 457, 460(B) and (C), 461(A), (F), (G), (H), and (I), 465, 466, 467, 469(A), 481, 482(3)(introductory paragraph) and (12)(g)(ii), 483(A), 484(B)(1) and (2), (D)(1) and (2)(introductory paragraph), (H), and (K), 485(introductory paragraph), 490, 491(A) and (C), 492, 493, 494, 498(B), 511(B), 512(5), (6), (7), (8), (14), (16), and (17)(b)(introductory paragraph), 513, 515(C)(1)(introductory paragraph) and (b), 517, 518, 519, 520(A)(introductory paragraph) and (7) and (B), 521(A)(introductory paragraph), (B), and (D), 522, 523, 524, 525, 526(A), 527, 528(1) and (2), 529, 530, 531(A), 532(A)(introductory paragraph), (1)(introductory paragraph) and (a) and (3)(b) and (B)(2), (3)(b), (d), and (k)(introductory paragraph) and (ii), 533, 534, 536(A)(introductory paragraph) and (2), (B), and (D), the Title of Part II of Chapter 2 of the Louisiana Revised Statutes of 1950, R.S. 22:551, 552(2), (4), and (5), 553, 554(A), (B), and (D), 555, and 556(A), (B), (C), and (D), 571, 572, 574(B)(1) and (D), 583, 584(A)(4), (5)(a)(i), (b)(introductory paragraph), and (h), (6), (9), (13), and (18)(b), (B), (D)(1)(b), (G)(2), (3), and (6), (L)(2), and (N), 586(B)(introductory paragraph), 588(A)(5), 589(A) and (B), 590(A), 593, 596, 598(introductory paragraph) and (8), 599(5), 601(F)(1), 611(4) and (11)(b), 613(A)(2) and (B)(1), 615(B), 616(B), 617(introductory paragraph), 618(A), 619(A), 620(C), 631(4) and (6), 634(A)(introductory paragraph) and (1), (B)(introductory paragraph) and (1) and (2), and (C)(1), 635(A)(introductory paragraph) and (1), (6)(b), and (8), (B)(introductory paragraph), and (C)(1), 636(A)(introductory paragraph) and (1) and (B), 637(A)(introductory paragraph) and (1) and (B), 638(2)(b) and (3), 651(D)(1), 654(A)(1), 661(B), 672, 673, 674(A)(3) and (B), 693(B)(2)(introductory paragraph), 694(D)(1)(introductory paragraph), 696(C), 699, 701,

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703(A)(1)(b), 704(B)(2)(a)(introductory paragraph) and (b), 709(B), 710, 714, 715, 722, 723, 731(A)(3), 751(E)(introductory paragraph) and (F), 752(A), (B)(1), and (D)(1), 753(B)(1)(a), (b), (e), and (f), (2)(a)(introductory paragraph) and (ii), (iii), and (v), (3)(a), (b)(i) and (ii), (c)(introductory paragraph) and (iii), (d)(iii) and (iv), (4)(a)(introductory paragraph), (b), and (c), (6)(a), (8)(b), (9), and (10), 754, 763, 768, 769, 770, 771, 781(C), (I)(3), and (J), 791 through 796, 802, 809(A), 821, 831, 832(A) and (B), 833(A), (B), and (C)(1), 834(B)(1) and (2), 835(A) and (C), 838, 839, 840, 842, 844, 845, and 846(A) and (B); to enact R.S. 22:46(19), (20), and (21), 74, and 971.1; and to repeal R.S. 22:15, 22, 32(A)(1)(h), 49, 64(C), 65(5) and (7), 169, 246(D), 261, 435(B)(5), 454(E), 469(D), 487, 497, 554(E), 584(A)(16), 595, 724, 751(E)(5), 753(B)(2)(b), and Chapter 14 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 2271 through 2277; all relative to technical recodification of the Louisiana Insurance Code, including correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or ineffective provisions, and harmonizing of inconsistent provisions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 580—

BY REPRESENTATIVE ROY

AN ACT

To amend and reenact R.S. 22:887(A)(introductory paragraph) and (4) and to enact R.S. 22:887(A)(5), relative to homeowner's insurance policies; to require all homeowner's insurance companies to notify certain individuals of a cancellation or substitution on a policy; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 623—

BY REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 22:881.1, relative to insurance policies; to define certificates of insurance and otherwise provide with respect to their issuance; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 669—

BY REPRESENTATIVE TALBOT

AN ACT

To amend and reenact R.S. 22:1641(1), 1651(F), (H), and (I), and 1656 and to repeal R.S. 22:1651(G), relative to third-party administrators; to provide for the definition of third-party administrator; to delete certain insurers and adjusters from the list of exclusions from the definition of third-party administrator; to provide for the requirements for licensure and exceptions to licensure of third-party administrators; to provide for the confidentiality of contracts between a third-party administrator and an insurer; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 704—

BY REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 22:821(B)(28) and Part X of Chapter 5 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1806.1 through 1806.9, relative to home service contracts; to provide for scope and purpose; to provide for definitions; to provide for regulation by the commissioner of insurance, including the requirement for registration by home service contract providers; to provide for the application for registration; to provide for expiration and renewal of registration; to provide for required disclosures in contracts; to provide relative to

cancellation by the consumer; to provide for required recordkeeping; to provide for fees; to provide for enforcement, including authorizing examination of providers by the commissioner; to provide relative to prohibited acts; to provide for suspension or revocation of registration; to provide for penalties; and to provide for related matters.

Reported favorably.

Respectfully submitted,
TROY HEBERT
Chairman

**REPORT OF COMMITTEE ON
COMMERCE, CONSUMER PROTECTION AND
INTERNATIONAL AFFAIRS**

Senator Ann D. Duplessis, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

June 3, 2009

To the President and Members of the Senate:

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

SENATE BILL NO. 152—

BY SENATOR CROWE

AN ACT

To enact R.S. 51:1427, relative to unfair or deceptive trade practices; to prohibit certain materials from being sold or distributed without proof of age; to limit liability; to provide for penalties; and to provide for related matters.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 114—

BY REPRESENTATIVE PONTI

A CONCURRENT RESOLUTION

To request the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs to meet and function as a joint committee to study and make recommendations with respect to issues relating to the Louisiana State Plumbing Code and the adoption of the International Plumbing Code.

Reported favorably.

HOUSE BILL NO. 65—

BY REPRESENTATIVE GIROD JACKSON

AN ACT

To amend and reenact R.S. 9:156(7), relative to the Uniform Unclaimed Property Act; to provide relative to the custody of certain unclaimed bank issued checks; and to provide for related matters.

Reported favorably.

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.

Reported favorably.

June 3, 2009

HOUSE BILL NO. 120—

BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 9:1131.4(A)(2)(introductory paragraph), (a)(introductory paragraph), and (b)(introductory paragraph), relative to timeshare projects; to reduce the number of required completed or proposed units located within a timeshare plan for a timeshare project; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 199—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To enact R.S. 40:1601, relative to novelty lighters; to prohibit the sale and distribution of certain novelty lighters; to provide for definitions; to provide for exemptions; to provide authority for the seizure, forfeiture, and destruction of certain novelty lighters; to provide for penalties; to provide for the deposit of proceeds from penalties collected into a certain state trust fund; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 228—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 40:1574.1(B)(4)(c) and to enact R.S. 40:1563(K), 1563.1(E), and 1646(D), relative to the powers and duties of the state fire marshal; to authorize the fire marshal to perform duties required by the state emergency operations plan; to authorize the fire marshal to commission a multi-jurisdictional arson task force; to require the installing contractor to be on-site during the final inspection by the fire marshal; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 351—

BY REPRESENTATIVE RICHARDSON
AN ACT

To amend and reenact R.S. 40:1730.35(C), and to enact R.S. 40:1730.24(C), relative to building code enforcement; to provide for the documentation of compliance with the energy efficiency provisions of the state uniform construction code; to establish a period of validity for provisional certificates of registration; to provide for certificates of registration for building code enforcement officers with ten years of experience; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 384—

BY REPRESENTATIVE LIGI
AN ACT

To amend and reenact R.S. 37:1474(B) and R.S. 40:600.4(A)(3)(b), relative to boards and commissions; to provide for the membership of the Louisiana Mortgage Lenders Association on the Louisiana State Board of Home Inspectors; to provide for the membership of the Louisiana Mortgage Lenders Association on the board of commissioners of the Louisiana Housing Finance Agency; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 441—

BY REPRESENTATIVE PONTI
AN ACT

To enact Part IV-E of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.71, relative to modular housing; to provide for definitions; to provide for installation standards; to provide for licensing requirements; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 572—

BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 22:1624(C), relative to insurance-related activities of financial institutions; to require that funds be held by certain banks; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 637—

BY REPRESENTATIVES PONTI AND ARNOLD
AN ACT

To amend and reenact R.S. 40:1730.53(2), (5)(a) and (d), and (6), 1730.60, 1730.62(B) and (C)(introductory paragraph), and 1730.65(C)(1) and to enact R.S. 40:1730.53(5)(e), (7), (8), and (9), 1730.63(C), 1730.67, and 1730.68, relative to the Industrialized Building Act; to provide for changes to definitions; to provide for new definitions; to provide for inspections by the fire marshal; to provide for exemptions for decals or insignia; to provide for fees; to provide for the Industrialized Building Program Fund; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 834—

BY REPRESENTATIVE STIAES
AN ACT

To amend and reenact R.S. 37:1103(12) and 1116(C)(1), relative to licensed marriage and family therapists; to provide for a change in definitions; to provide for graduate level coursework that is equivalent to a master's degree in marriage and family therapy; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ANN D. DUPLESSIS
Chairman

**REPORT OF COMMITTEE ON
HEALTH AND WELFARE**

Senator Willie L. Mount, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

June 3, 2009

To the President and Members of the Senate:

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

HOUSE BILL NO. 60—

BY REPRESENTATIVE PERRY
AN ACT

To amend and reenact R.S. 40:76(C)(introductory paragraph) and (3) and 79(C)(introductory paragraph) and to enact R.S. 40:76(D) and 79(E), relative to records of birth; to clarify that a single adoptive parent who adopts a child in another state or a foreign country may obtain a record of birth listing the adoptive parent's name; to clarify that the registrar of vital records may only issue a new record of birth to an adoptive parent or parents under certain circumstances; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 257—

BY REPRESENTATIVE SAM JONES
AN ACT

To amend and reenact R.S. 37:2465, relative to the sale of hearing aids; to provide that any person who owns, maintains, or operates a business which employs or contracts with a person who practices the selling and fitting of hearing aids is

considered to be practicing the selling and fitting of hearing aids and is required to be licensed; to specify which persons shall be licensed; to provide the procedure for submitting to the board a list of those licensed under an organization to practice the selling and fitting of hearing aids; to provide for exemptions for physicians and audiologists; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 405—
BY REPRESENTATIVE KATZ

AN ACT

To amend and reenact R.S. 40:2120.2(5) and 2120.3(A), relative to home- and community-based service providers; to provide for clarification of the definition of home- and community-based service provider; to provide for exclusions from the definition; to provide for reimbursement from Medicaid; and to provide for related matters.

Reported favorably.

Respectfully submitted,
WILLIE L. MOUNT
Chairman

Rules Suspended

Senator Chaisson asked for and obtained a suspension of the rules to recommit a bill.

HOUSE BILL NO. 710—
BY REPRESENTATIVES ERNST AND FOIL

AN ACT

To amend and reenact R.S. 29:26(A), 28.1(B), and 148, relative to the Military Department; to provide for benefits paid to members of the military forces of the state; to authorize the operation of certain morale, welfare, and recreational activities; to provide for contempts of court for certain courts-martial; to provide for an effective date; and to provide for related matters.

Senator Chaisson moved to recommit the bill from the Committee on Judiciary A to the Committee on Judiciary C.

Without objection, so ordered.

Message from the House

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

June 3, 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. 264—
BY REPRESENTATIVE EDWARDS

AN ACT

To amend and reenact R.S. 44:9(A)(3)(a) and to enact R.S. 44:9(A)(4) and (K), relative to expungement of arrest records in misdemeanor and felony cases; to increase the fee that the Bureau of Criminal Identification and Information may charge for processing an expungement when ordered to do so by the court; to provide that no fee shall be charged in certain cases; to require the expungement fees to be imposed in all other cases; to authorize the sheriff and the district attorney to charge a processing fee for expungement of arrest records when ordered to do so by the court; 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. 264—
BY REPRESENTATIVE EDWARDS
AN ACT

To amend and reenact R.S. 44:9(A)(3)(a) and to enact R.S. 44:9(A)(4) and (K), relative to expungement of arrest records in misdemeanor and felony cases; to increase the fee that the Bureau of Criminal Identification and Information may charge for processing an expungement when ordered to do so by the court; to provide that no fee shall be charged in certain cases; to require the expungement fees to be imposed in all other cases; to authorize the sheriff and the district attorney to charge a processing fee for expungement of arrest records when ordered to do so by the court; and to provide for related matters.

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

**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:

June 3, 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 Bill has been properly enrolled:

SENATE BILL NO. 27—
BY SENATOR MARTINY

AN ACT

To enact R.S. 9:203(E)(7), relative to marriage officiants, judges, and justices of the peace; to provide for the extension of authority for certain federal judges to preside over a marriage ceremony for a particular period of time; and to provide for related matters.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

The foregoing Senate Bill was signed by the President of the Senate.

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

ENROLLMENTS

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

June 3, 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:

June 3, 2009

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 77—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to collaborate with the Department of Education to examine the adequacy of current practices for ensuring the preventative health and well-being of adolescents in Louisiana.

SENATE CONCURRENT RESOLUTION NO. 89—

BY SENATOR BROOME AND REPRESENTATIVE HONEY

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Johnnie Emerson Merrick, Sr., and to note his lifetime of contributions made on behalf of the Baton Rouge community.

SENATE CONCURRENT RESOLUTION NO. 85—

BY SENATOR GRAY EVANS

A CONCURRENT RESOLUTION

To commend Paul Lester and Joyce Luerean Brown upon the celebration of their fiftieth wedding anniversary.

SENATE CONCURRENT RESOLUTION NO. 91—

BY SENATOR NEVERS

A CONCURRENT RESOLUTION

To commend and honor the 2009 Foster Parents of the Year from each region of the state and to acknowledge the valuable contributions they provide to the abused children of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 93—

BY SENATORS WALSWORTH AND THOMPSON

A CONCURRENT RESOLUTION

To commend the Pilots for Patients for their work in bringing vital medical assistance to children, the elderly and others in need.

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	McPherson
Adley	Gautreaux B	Michot
Alario	Gautreaux N	Morrell
Amedee	Gray Evans	Morrish
Appel	Guillory	Mount
Broome	Hebert	Murray
Cheek	Heitmeier	Nevers
Claitor	Jackson	Quinn
Crowe	Kostelka	Riser
Donahue	LaFleur	Shaw
Dorsey	Long	Smith
Duplessis	Marionneaux	Thompson
Dupre	Martiny	Walsworth
Total - 39		

ABSENT

Total - 0

Adjournment

On motion of Senator Thompson, at 5:10 o'clock P.M. the Senate adjourned until Thursday, June 4, 2009, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Thursday, June 4, 2009.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk