

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

**TWENTY-SEVENTH 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

Thursday, June 11, 2009

The Senate was called to order at 9:20 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	Dorsey	Michot
Adley	Dupre	Morrish
Alario	Gautreaux B	Murray
Amedee	Guillory	Nevers
Appel	Kostelka	Riser
Broome	Long	Shaw
Cheek	Marionneaux	Smith
Claitor	Martiny	Walsworth
Donahue	McPherson	
Total - 26		

**ABSENT**

Crowe	Hebert	Mount
Duplessis	Heitmeier	Quinn
Erdey	Jackson	Thompson
Gautreaux N	LaFleur	
Gray Evans	Morrell	
Total - 13		

The President of the Senate announced there were 26 Senators present and a quorum.

**Prayer**

The prayer was offered by Archbishop Alfred Hughes, 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 McPherson, the reading of the Journal was dispensed with and the Journal of June 10, 2009, was adopted.

**Privilege Report of the  
Legislative Bureau**

June 11, 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. 36—**  
BY REPRESENTATIVE PONTI  
AN ACT

To amend and reenact R.S. 14:34.1, relative to second degree battery; to amend the definition of second degree battery; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 43—**  
BY REPRESENTATIVES GEYMANN AND KATZ  
AN ACT

To enact R.S. 40:991 and Code of Criminal Procedure Article 532(10), relative to controlled dangerous substances; to provide for proof of a valid prescription as a defense against a violation of the Uniform Controlled Dangerous Substances Act; to provide for a time period for claiming the prescription as a defense; to provide that a valid prescription is a ground for a motion to quash in criminal prosecution; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 58—**  
BY REPRESENTATIVES CHANDLER AND BALDONE  
AN ACT

To amend and reenact R.S. 14:72.4(B), relative to offenses against property; to amend the criminal penalty for the crime of disposal of property with fraudulent or malicious intent; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 69—**  
BY REPRESENTATIVE LOPINTO  
AN ACT

To enact R.S. 40:964(Schedule I)(C)(5.1) and (E)(5.1), relative to the Controlled Dangerous Substances Law; to add drugs to Schedule I classification; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 82—**  
BY REPRESENTATIVES BILLIOT, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, ERNST, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMANN, GISCLAIR, GREENE, ELBERT GULLORY, MICKY GULLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, MCVEA, MILLS, MONICA, MONTOUCE, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PETERSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON  
AN ACT

To enact R.S. 14:95.1(D), relative to the crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies; to provide for the definition of a firearm relative to that crime; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 87—**  
BY REPRESENTATIVE CARMODY  
AN ACT

To amend and reenact R.S. 14:81(A)(2), (C), and (E), relative to indecent behavior with juveniles; to amend the elements of the crime with regard to the type and method of delivery of lewd or lascivious communications to include textual, visual, written, or oral communications; to provide for definitions; and to provide for related matters.

Reported without amendments.

June 11, 2009

**HOUSE BILL NO. 91—**  
BY REPRESENTATIVE WOOTON  
AN ACT

To enact R.S. 13:996.66, relative to judicial expense funds; to provide for an additional fee to be collected as court costs by the clerk of court; to fund a judicial expense fund for the Twenty-Fifth Judicial District Court; to provide that the additional funds collected shall be placed into a separate account; to provide for uses of the fund; to require an annual audit of the fund; to provide for restrictions on use of the fund; to provide for a contingent effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 132—**  
BY REPRESENTATIVE GEYMAN  
AN ACT

To amend and reenact R.S. 14:30.1(A)(3) and (4), relative to second degree murder; to modify the definition of second degree murder to include the unlawful distribution or dispensing of all controlled dangerous substances and combinations of those substances; and to provide for related matters.

Reported without amendments.

**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.

Reported without amendments.

**HOUSE BILL NO. 150—**  
BY REPRESENTATIVE MONTOUCET AND SENATOR HEBERT  
AN ACT

To enact R.S. 13:783(D)(7), relative to expenses of the clerk's office; to authorize the clerks of the district courts in Acadia Parish and in Iberia Parish to receive an automobile expense allowance; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 155—**  
BY REPRESENTATIVE HARDY  
AN ACT

To amend and reenact R.S. 14:32(A) and 39 and to enact R.S. 14:32(C)(3), (D), and (E), relative to certain crimes involving criminal negligence; to amend the definition of negligent homicide to include the killing of a human being by a dog or other animal; to amend the definition of negligent criminal injuring to include an injury caused by a dog or other animal; to provide for exceptions; to provide for definitions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 157—**  
BY REPRESENTATIVES AUSTIN BADON AND LEGER  
AN ACT

To amend and reenact R.S. 14:112.1(B) and to enact R.S. 14:112.1(A)(4) and (C), relative to false personation of a peace officer; to provide for definitions of "badge" and "peace officer"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 186—**  
BY REPRESENTATIVE WOOTON  
AN ACT

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

Reported without amendments.

**HOUSE BILL NO. 221—**  
BY REPRESENTATIVE THIBAUT  
AN ACT

To amend and reenact Children's Code Article 818(C), relative to juvenile identification procedures; to provide for the maintenance of juvenile fingerprints; to delete the provision applicable to the destruction of fingerprint records of certain juveniles upon reaching the age of seventeen; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 225—**  
BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact Code of Criminal Procedure Article 894.2(A) and (G), relative to sentencing in criminal cases; to provide with respect to home incarceration; to authorize home incarceration either in lieu of imprisonment or in addition to a term of imprisonment; to increase the maximum number of years a defendant may be sentenced to home incarceration for a felony; and to provide for related matters.

Reported without amendments.

**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.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 264 by Representative Edwards

AMENDMENT NO. 1

In Senate Committee Amendment No. 1, proposed by the Senate Committee on Judiciary B, and adopted by the Senate on June 10, 2009, on line 6, delete the word "following"

**HOUSE BILL NO. 279—**  
BY REPRESENTATIVES RICHARDSON AND WHITE  
AN ACT

To amend and reenact R.S. 13:910, relative to clerks of court; to provide for the appointment of certain deputy clerks of court in East Baton Rouge Parish; to provide relative to the powers and authority of the deputy clerks of court; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 282—**  
BY REPRESENTATIVE CHAMPAGNE  
AN ACT

To amend and reenact Children's Code Article 793.1(introductory paragraph), 793.2 (introductory paragraph), and 793.3 (A), (B)(introductory paragraph), and (D) and to repeal Children's Code Article 793.3(E), relative to reauthorization of the early intervention program for at-risk children; to make the program permanent; to eliminate a sunset date for the program; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 312—**  
BY REPRESENTATIVE ABRAMSON  
AN ACT

To amend and reenact R.S. 14:95.1(A), relative to the possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies; to add a conviction for possession of a firearm while in the possession of or during the sale or distribution of a controlled dangerous substance as a predicate offense for the crime of unlawful possession of a firearm by persons convicted of certain felonies; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 341—**  
BY REPRESENTATIVES CONNICK AND TUCKER AND SENATOR CHAISSON  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2009-2010 to be used to pay the legal fees and expenses incurred by Dr. Anna Pou; to provide for payment to the Dr. Anna Pou Defense Fund; to provide for payment to the LSU Healthcare Network; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 399—**  
BY REPRESENTATIVES GEYMAN AND WOOTON  
AN ACT

To enact R.S. 40:964(Schedule IV)(B)(52), relative to controlled dangerous substances; to add Carisoprodol to Schedule IV; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 476—**  
BY REPRESENTATIVES CONNICK, HENRY BURNS, CARTER, CHAMPAGNE, FOIL, LEGER, LIGI, LITTLE, MILLS, PERRY, POPE, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, TALBOT, TEMPLET, THIBAUT, AND WILLMOTT AND SENATORS CROWE, DUPLESSIS, MICHOT, SMITH, AND WALSWORTH  
AN ACT

To amend and reenact R.S. 14:81.4(A), (B)(2) and (4), and (E)(1), 91.1(A)(2), 91.2(A)(3) and (4), and R.S. 15:538(A), (D)(1)(b) and (c), and (6)(b) and (c), and to enact R.S. 14:91.3 and 91.4, relative to the protection of children; to amend the crime of prohibited sexual conduct between educator and student; to amend the crime of unlawful presence of a sexually violent predator to apply to child care facilities and family child day care homes; to amend the crime of unlawful presence of a sex offender to apply to certain locations; to create the crime of unlawful participation in a child-related business and to provide for criminal penalties; to create the crime of contributing to the endangerment of a minor and to provide for criminal penalties; to provide relative to conditions of probation, parole, or suspension of sentence for convicted sex offenders with respect to volunteer work activities; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 476 by Representative Connick

**AMENDMENT NO. 1**

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Judiciary C and adopted by the Senate on June 10, 2009, on page 2, between lines 4 and 5, insert

"(1) "School property" means any property used for school purposes, including but not limited to school buildings, playgrounds, and parking lots.

(2) "Public park or recreational facility" means any building or area owned by the state or by a political subdivision which is open to the public and used or operated as a park or recreational facility and shall include all parks and recreational areas administered by the office of state parks in the Department of Culture, Recreation and Tourism."

**AMENDMENT NO. 2**

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Judiciary C and adopted by the Senate on June 10, 2009, on page 2, line 5, delete

" \* \* \* "

**AMENDMENT NO. 3**

On page 4, line 4, delete

" \* \* \* "

**HOUSE BILL NO. 554—**  
BY REPRESENTATIVES LANDRY, BOBBY BADON, HENRY BURNS, CARTER, CHAMPAGNE, CHANEY, CORTEZ, DOERGE, DOWNS, HUTTER, SAM JONES, KATZ, LABRUZZO, MILLS, ROBIDEAUX, AND WOOTON  
AN ACT

To enact R.S. 29:735.3.1, relative to homeland security; to provide civil immunity during a declared state of emergency; to provide immunity for gratuitous volunteers providing care in coordination with the state or political subdivisions; to provide an exception for gross negligence or willful misconduct; to provide an exception for care which requires a license; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 564—**  
BY REPRESENTATIVES ABRAMSON, AUSTIN BADON, BOBBY BADON, BALDONE, BILLIOT, BROSSETT, HENRY BURNS, TIM BURNS, BURRELL, CARTER, CHANEY, FOIL, GISCLAIR, MICKEY GULLORY, GUINN, HARDY, HAZEL, HENDERSON, HILL, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, LAFONTA, LEGER, LIGI, PEARSON, PETERSON, POPE, RICHARDSON, RICHMOND, ROY, SMILEY, ST. GERMAIN, STIAES, TEMPLET, THIBAUT, TUCKER, WADDELL, WILLIAMS, AND WILLMOTT AND SENATOR BROOME  
AN ACT

To enact R.S. 14:46.3, relative to trafficking of children for sexual purposes; to create the crime of trafficking of children for sexual purposes; to provide for definitions; to prohibit the use of certain defenses; to provide for criminal penalties; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 564 by Representative Abramson

**AMENDMENT NO. 1**

On page 1, lines 12 and 14, change ", or" to ";

**AMENDMENT NO. 2**

On page 2, lines 26 and 29, following "parole" and before "or" insert  
"

June 11, 2009

**HOUSE BILL NO. 565—**  
BY REPRESENTATIVE ERNST  
AN ACT

To amend and reenact Children's Code Articles 839(C) and 840(C), relative to informal adjustment agreements; to provide with respect to authority of the court to utilize a teen or youth court program; to require the consent of the district attorney; to extend the maximum period of informal adjustment; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 688—**  
BY REPRESENTATIVE MONTOUCET  
AN ACT

To enact R.S. 14:40.6, relative to the unlawful disruption of the operation of a school; to create the crime of the unlawful disruption of the operation of a school; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 688 by Representative Montoucet

AMENDMENT NO. 1

On page 1, line 6, following "R.S." and before "40.6" insert "14:"

**HOUSE BILL NO. 703—**  
BY REPRESENTATIVES KATZ, HENRY BURNS, CHAMPAGNE, CORTEZ, DOVE, FOIL, LITTLE, MILLS, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, THIBAUT, AND WILLMOTT AND SENATORS CROWE, DUPLESSIS, KOSTELKA, MICHOT, SMITH, AND WALSWORTH AND REPRESENTATIVES BALDONE, BARRAS, BARROW, BURFORD, CHANDLER, CROMER, DOERGE, DOWNS, GISCLAIR, HARDY, HOFFMANN, HOWARD, JOHNSON, LIGI, NOWLIN, POPE, SCHRODER, GARY SMITH, ST. GERMAIN, TUCKER, AND WOOTON  
AN ACT

To amend and reenact R.S. 15:587(A)(2)(a) and (b) and 587.1(A)(1)(a), (B), and (D) and R.S. 46:51.2(A)(1), (D), and (F)(introductory paragraph) and to enact R.S. 15:587.1(I) and R.S. 46:51.2(G) and (H), relative to criminal background checks; to authorize the release of certain criminal history information to the Department of Social Services; to provide the department with the authority to receive such information; to mandate that national criminal history checks be requested on certain individuals; to expand hiring prohibitions for certain individuals; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 707—**  
BY REPRESENTATIVE ROSALIND JONES  
AN ACT

To enact Code of Criminal Procedure Articles 881.1(A)(4), 893(E)(4), and 895(B)(3) and R.S. 15:574.4.1(J), relative to criminal sentencing; to authorize the court to sentence a defendant to not more than six months in the intensive incarceration program; to provide for the procedure to set aside the conviction and dismiss prosecution in certain cases; to provide for the expungement of criminal records in certain cases; to provide for applicability; to authorize the filing of a motion to reconsider sentence in certain cases; to provide for resentencing in certain cases; and to provide for related matters.

Reported without amendments.

**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.

Reported without amendments.

**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.

Reported without amendments.

**HOUSE BILL NO. 755—**  
BY REPRESENTATIVES EDWARDS, BURFORD, TIM BURNS, CHANDLER, HINES, JOHNSON, RICHARDSON, AND WILLMOTT  
AN ACT

To amend and reenact R.S. 14:81.1(F) and to enact Civil Code Article 2315.3, relative to victims of child pornography; to provide for exemplary damages for children who are victims of child pornography; to provide for the sharing of information between law enforcement, the attorney general, and the National Center for Missing and Exploited Children; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 880—**  
BY REPRESENTATIVES TEMPLET, ARMES, AUBERT, HENRY BURNS, GISCLAIR, GUINN, HOWARD, NORTON, AND POPE  
AN ACT

To amend and reenact R.S. 40:1322(B), relative to convenience fees; to authorize the Department of Public Safety and Corrections to charge a convenience fee when a customer pays for a transaction in certain ways; and to provide for related matters.

Reported without amendments.

**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.

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.

**Message from the House**  
**PASSED SENATE BILLS AND**  
**JOINT RESOLUTIONS**

June 10, 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 the following Senate Bills and Joint Resolutions:

**SENATE BILL NO. 138—**  
BY SENATOR WALSWORTH

AN ACT

To enact Subpart H-2 of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:237 through 237.13, relative to the conversion of mutual non-life insurers and mutual insurance holding companies; to provide definitions; to require a plan of reorganization; to provide with respect to consideration and dividend protections; to provide for approval by the commissioner of insurance after a public hearing; to provide with respect to approval by qualified voters; to provide limitations; to require the filing of a certificate of compliance; to provide for the effect of reorganization; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 244—**  
BY SENATOR MOUNT

AN ACT

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

Reported with amendments.

**SENATE BILL NO. 24—**  
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 37:1432(A) and (B), relative to the Louisiana Real Estate Commission; to add two at-large members to the commission; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 115—**  
BY SENATORS MARTINY AND BROOME

AN ACT

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

Reported with amendments.

**SENATE BILL NO. 299—**  
BY SENATORS DUPLESSIS AND MICHOT AND REPRESENTATIVE ROSALIND JONES

AN ACT

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

Reported with amendments.

**SENATE BILL NO. 31—**  
BY SENATOR ADLEY

AN ACT

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

Reported with amendments.

**SENATE BILL NO. 61—**  
BY SENATOR HEITMEIER

AN ACT

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

Reported with amendments.

**SENATE BILL NO. 333—**

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

AN ACT

To enact R.S. 33:9038.63, relative to cooperative development in East Baton Rouge Parish; to create the Bluebonnet Convention Hotel Taxing District as a special taxing and tax increment financing district in East Baton Rouge Parish; to provide for the boundaries of the district; to provide for the governance of the district; to provide for the authority, powers, duties, and function of the governing body; to levy and collect a tax upon hotel occupancy and food and beverage not intended for home consumption within the district and to engage in tax increment financing; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 41—**

BY SENATORS DUPRE, N. GAUTREAUX AND MORRISH

AN ACT

To amend and reenact R.S. 17:9(B) and 3367(B), R.S. 30:4(D)(1), (2) and (3), 83(G), 121(A), 123.1(A) and (C), 124, 126(A), 127(A), 127.1(B)(1), 128(A) and (B)(2), 131, 136(A)(1)(b) and (B)(1), (2) and (3), 136.1(A) and (B), 136.3(A) and (D), 137, 139, 141, 143(A), (D)(4), (5), (6), and (F), 144(A) (introductory paragraph) and (B), 148.1, 148.2(A)(introductory paragraph) and (B), 150(C)(1), 153, 154(C), 155, 156, 158, 159, 179.11, 179.12, 186, 187, 188(A) and (B), 208, 209 (introductory paragraph), (2) and (4)(b), (d) and (e)(introductory paragraph), 209.1(A) and (B)(1), 212(A), (D)(2) and (3), 213, 214, 215, 216(B) and (C)(4), and 804, R.S. 34:3108(E), 3478(E) and 3498(E), R.S. 36:353, 359(E) and 807, R.S. 39:14(1), R.S. 41:643(A), 1217.1(B), 1732(A) and (B) and 1733, R.S. 42:6.1(A)(6), R.S. 44:18, R.S. 56:30.3(B), 426(C), and 798(A)(1), (2)(b) and (c), relative to the Department of Natural Resources; to change the name of the State Mineral Board to the State Mineral and Energy Board; to change the name of the Mineral Resources Operation Fund to the Mineral and Energy Operation Fund; to provide for the dedication of monies in the fund; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 140—**

BY SENATOR RISER

AN ACT

To amend and reenact R.S. 30:2373(D) and to enact R.S. 30:2373(F), relative to certain hazardous materials; to provide a standard of care with respect to the handling or storing of a hazardous material; to provide for reimbursement of emergency response costs of a release of a hazardous material, waste, or substance; to provide for situations when reimbursement from certain funds

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are not applicable; to provide for penalties, terms, and conditions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 301—**  
BY SENATORS DUPRE AND THOMPSON  
AN ACT

To enact R.S. 14:126.5, relative to perjury; to create the crime of false statements concerning participation in medical assistance programs; to provide for elements of the crime; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 29—**  
BY SENATOR RISER  
AN ACT

To enact Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1741.1 through 1741.5, relative to caller ID spoofing; to provide for short title; to provide for definitions; to provide for violations of the Louisiana Consumer Protection Act; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 60—**  
BY SENATORS KOSTELKA AND THOMPSON  
AN ACT

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

Reported with amendments.

**SENATE BILL NO. 106—**  
BY SENATOR CHEEK  
AN ACT

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

Reported with amendments.

**SENATE BILL NO. 175—**  
BY SENATORS MICHOT AND WALSWORTH  
AN ACT

To amend and reenact R.S. 32:781(5), (6), and (19), 782, 783(A), (F)(1), (2), and (8), and (I), 784(B) and (C), 785(C)(1), (D), and (E), 787, 789, 790(A) and (C), 802(A), 1251, 1252(2)(introductory paragraph), (a), and (c), (4), (8), (9), (12), (13), (16), (17), (19), (21), (23)(a), (b)(iv), and (c), (24), (25), (26), (27), (29), (33), (34), (35), (36)(a) and (b)(vi), and (37), 1253(A)(introductory paragraph), (1)(introductory paragraph), and (2), (3)(a) and (b), and (E), 1254(A)(6), (B)(2), (C)(9), (D)(4) and (7), (E)(introductory sentence), (E)(1), (2), (3), (4)(a), (5), (7), (8), (9), (10)(a), and (11), (F)(4), and (N), 1255(A)(2), 1256, 1261(1)(a)(introductory paragraph), (1)(a)(iv) and (v), and (o), (q) and (t), and (6)(a), 1265, and 1268, to enact R.S. 32:1252 (39) through (50), 1254(A)(18) and (19), (D)(6)(c), 1257.1, 1258(A)(10), 1261(7), 1261.1, 1261.2, 1262(A)(5), 1268.1 and 1268.2, and to repeal R.S. 32:781(1) through (4), (9) through (18), (22) through (25), and (28), 783(F)(7) and (10), 784(A)(5) through (8), and Part IV of

Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:811 through 822, relative to the distribution and sale of motor vehicles; to provide for changes in definitions within the Recreational and Used Motor Vehicle Commission and the Motor Vehicle Commission; to provide for changes to the jurisdiction and authority of the Recreational and Used Motor Vehicle Commission and the Motor Vehicle Commission; to provide for changes to the membership of the Used Motor Vehicle Commission and the Motor Vehicle Commission; to transfer authority over recreational products from the Recreational and Used Motor Vehicle Commission to the Motor Vehicle Commission; to provide for unauthorized acts of a manufacturer, distributor, wholesaler, distributor branch, factory branch, or converter; to provide for acts of a motor vehicle dealer or specialty dealer; to provide for violations; to provide for indemnification of franchised dealers; to provide for payments to dealers; to provide for penalties; to provide for repurchase upon termination of a franchise; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 189—**  
BY SENATOR ALARIO  
AN ACT

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

Reported with amendments.

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

**Introduction of Senate Resolutions**

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

**SENATE RESOLUTION NO. 95—**  
BY SENATOR MORRISH  
A RESOLUTION

To urge and request the establishment of a special committee to study and make recommendations regarding abandonment of motor vehicles.

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

**SENATE RESOLUTION NO. 96—**  
BY SENATOR BROOME  
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Hazel Freeman.

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

**Introduction of Senate Concurrent Resolutions**

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

**SENATE CONCURRENT RESOLUTION NO. 126—**  
BY SENATOR MORRISH  
A CONCURRENT RESOLUTION

To commend Leonela "Dawn" Guzman for her commitment and leadership as the first president of the Legislative Youth Advisory Council and for her participation as a senior member.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dorsey	McPherson
Alario	Dupre	Michot
Amedee	Erdey	Morrish
Appel	Gray Evans	Murray
Broome	Guillory	Nevers
Cheek	Kostelka	Riser
Claitor	Long	Shaw
Crowe	Marionneaux	Smith
Donahue	Martiny	Walsworth
Total - 27		

**NAYS**

Total - 0

**ABSENT**

Adley	Hebert	Morrell
Duplessis	Heitmeier	Mount
Gautreaux B	Jackson	Quinn
Gautreaux N	LaFleur	Thompson
Total - 12		

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

**Senate Resolutions on  
Second Reading, Subject to Call  
Called from the Calendar**

Senator Marionneaux asked that Senate Resolution No. 18 be called from the Calendar.

**SENATE RESOLUTION NO. 18—  
BY SENATOR MARIONNEAUX**

**A RESOLUTION**

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

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

**Rules Suspended**

Senator McPherson asked for and obtained a suspension of the rules to pass over House Bills on Second Reading to be Referred.

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

**HOUSE BILL NO. 145—  
BY REPRESENTATIVE ARNOLD**

**AN ACT**

To amend and reenact R.S. 6:314(A), 653.1(A), and 766.1(A), to enact R.S. 6:1255(D), and to repeal R.S. 6:314(C), 653.1(C), and 766.1(C), relative to accounts payable on death; to provide for one or more beneficiaries to collect funds upon a depositor's death; to provide for savings banks to offer payment on death accounts; to repeal definitions; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 145 by Representative Arnold

AMENDMENT NO. 1

On page 1, line 2, after "6:314(A)," and before "653.1(A)" insert "319,"

AMENDMENT NO. 2

On page 1, line 5, after "death accounts;" and before "to repeal" insert "to provide for public funds deposits collateralization;"

AMENDMENT NO. 3

On page 1, line 8, after "6:314(A)," and before "653.1(A)," insert "319,"

AMENDMENT NO. 4

On page 1, at the end of line 19, add the following: "The depositor shall give to the depository bank an affidavit in authentic form stating the names of one or more beneficiaries. The bank may conclusively rely on this affidavit for the disbursal of funds. Upon receiving a death certificate, the bank may disburse funds to the named beneficiaries."

AMENDMENT NO. 5

On page 1, after line 20, add the following:  
"§319. Public funds deposits collateralization

A. Notwithstanding any other law to the contrary, including, but not limited to, R.S. 33:2955 and R.S. 49:327, any bank, savings bank or savings and loan association, domiciled or having a branch in Louisiana, that receives public funds deposits may utilize, and public bodies may accept, any "recognized system or program" like the Certificate of Deposit Account Registry (CDARS) Reciprocal Program offered by Promontory Interfinancial Network, to provide FDIC insurance coverage and such funds shall be deemed and considered fully collateralized, provided that the recognized system or program satisfies the FDIC's requirements for agency pass-through deposit insurance coverage.

B. A "recognized system or program" shall mean a method by which FDIC insurance is obtained by all public funds held on deposit by a governmental entity, such as the Certificate of Deposit Account Registry (CDARS) Reciprocal Program offered by Promontory Interfinancial Network. It shall also include generally any program or system where FDIC coverage of public funds deposited in excess of the maximum amount of coverage available at the depository institution may be obtained by dividing the deposited funds into amounts under the FDIC maximum and spreading the funds out to be held as deposits among other FDIC insured financial institutions participating in such a program. If an FDIC insured institution does place some public funds deposits with other FDIC insured financial institutions participating in the program or network, then the financial institution that originally received the public funds for deposit must, as part of such a program, receive an equal amount of funds for deposit in return from participating FDIC insured institutions from other sources of deposit. The total dollar amount of funds received pursuant to the provisions of this Section by a bank, savings bank, or savings and loan association, domiciled or having a branch in Louisiana, must be maintained by that financial institution.

AMENDMENT NO. 6

On page 2, at the end of line 13, add the following: "The member shall, at the time such share account is established, give to the federal or state credit union an affidavit in authentic form stating the names of one or more beneficiaries. The credit union may conclusively rely on this affidavit for the disbursal of funds. Upon receiving a death certificate, the credit union may disburse funds to the named beneficiaries."

AMENDMENT NO. 7

On page 2, at the end of line 24, add the following: "The depositor shall give to the association an affidavit in authentic form stating the

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names of one or more beneficiaries. The association may conclusively rely on this affidavit for the disbursal of funds. Upon receiving a death certificate, the association may disburse funds to the named beneficiaries."

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

HOUSE BILL NO. 227— BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 43:31(B)(2), relative to public printing; to remove certain exemptions from certain public printing requirements; to limit certain exemptions from certain public printing requirements; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 227 by Representative Greene

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 43:31(B)(2)" insert "and to enact R.S. 43:31(B)(3)" and after "printing;" delete the remainder of the line

AMENDMENT NO. 2

On page 1, delete line 3, and on line 4 delete "from certain public printing requirements;" and insert "to provide for certain reporting requirements;"

AMENDMENT NO. 3

On page 1, line 6, after "R.S. 43:31(B)(2) is hereby amended and reenacted" insert "and R.S. 43:31(B)(3) is hereby enacted"

AMENDMENT NO. 4

On page 1, line 7, after "uniform standards;" insert "exceptions; reporting requirements;"

AMENDMENT NO. 5

On page 1, delete lines 11 through 19 and insert the following: "(2) The provisions of this Subsection shall not apply to the following: printed matter used by the following entities: the Department of Economic Development for the purpose of attracting new industry to locate within the state of Louisiana; the Department of Culture, Recreation and Tourism, relative to new promotional materials; and public colleges and universities, and vocational-technical schools.

(a) Any printed matter used by the Department of Economic Development that is a leaflet, postcard, brochure, or magazine, for the purpose of promoting economic development within the state of Louisiana.

(b) Any printed matter used by the Department of Culture, Recreation and Tourism that is a leaflet, postcard, brochure, or magazine, designed to promote culture, recreation, or tourism.

(c) Any printed matter used by a public institution of postsecondary education or vocational-technical school that is a leaflet, postcard, or brochure, other than a magazine, designed to promote the institution or that is an academic or scholarly document.

(3) The Department of Economic Development, the Department of Culture, Recreation and Tourism, and public institutions of postsecondary education and vocational-technical schools, shall report annually to the Joint Legislative Committee on the Budget the actual expenses associated with the printed matter provided for in Paragraph (B)(2). Such reports shall be provided within forty-five days of the close of each fiscal year.

\* \* \*

AMENDMENT NO. 6

On page 2, delete lines 1 through 3

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

HOUSE BILL NO. 372— BY REPRESENTATIVE MONICA

AN ACT

To amend and reenact R.S. 40:1573(2) and 1581(A) and to enact R.S. 40:1581(C) and (D), relative to smoke detectors in one- or two-family dwellings; to provide for a change in definitions; to provide for a ten-year lithium battery smoke detector in certain dwellings sold or leased on or after January 1, 2011; to provide for exceptions for failure to comply; and to provide for related matters.

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

HOUSE BILL NO. 381— BY REPRESENTATIVE HOFFMANN

AN ACT

To amend and reenact R.S. 37:3393(H)(5), (6), and (7) and to enact R.S. 37:3393(H)(8), relative to real estate appraisers; to provide for exemptions to the licensing requirement; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 381 by Representative Hoffmann

AMENDMENT NO. 1

On page 1, at the end of line 2, delete the comma "," and add the following: "and Chapter 51-B of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3415.1 through 3415.21,"

AMENDMENT NO. 2

On page 1, line 4, after "requirement;" and before "and to" insert the following: "to provide for appraisal management company licensing and regulation;"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 37:3393(H)(8)" delete "is" and insert the following: "and Chapter 51-B of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3415.1 through 3415.21 are"

AMENDMENT NO. 4

On page 2, after line 5, add the following: "CHAPTER 51-B. APPRAISAL MANAGEMENT COMPANY LICENSING AND REGULATION ACT

§3415.1. Short title This Chapter shall be known as the Louisiana Appraisal Management Company Licensing and Regulation Act.

§3415.2. Definitions As used in this Chapter, the following words have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(1) "Appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation.

(2) "Appraisal management company" means any corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that engages in any of the following activity:



(a) For a management fee paid by a lender or other client, administers a network of contract appraisers to perform real estate appraisal services for lenders and other clients.

(b) Receives requests for residential real estate appraisal services from clients and, for a fee paid by the client, enters into an agreement with one or more independent appraisers to perform the real estate appraisal services contained in the request.

(c) Otherwise serves as a third-party broker of appraisal management services between clients and appraisers.

(3) "Appraisal management services" means the process of receiving a request for the performance of real estate appraisal services from a client, and for a fee paid by the client, entering into an agreement with one or more independent appraisers to perform the real estate appraisal services contained in the request.

(4) "Appraiser" is defined as one who is expected to perform valuation services competently and in a manner that is independent, impartial and objective.

(5) "Appraisal fee" is the fee paid to the certified residential appraiser who performs the real estate appraisal service. The appraisal fee shall not be bundled with the fee charged by the appraisal management company to manage appraisers who perform real estate appraisal services on behalf of its client. This appraisal fee shall be disclosed in all loan application documents, "good faith" closing cost estimates, closing documents, and to the client, borrower, applicant, and any other intended users relying on the appraisal report.

(6) "Appraiser panel" means a group of appraisers that have been selected by an appraisal management company to perform real estate appraisal services for the appraisal management company on behalf of lenders or other clients.

(7) "Board" means the Louisiana Real Estate Appraisers Board established pursuant to the provisions of this Chapter.

(8) "Client" means any person or entity that contracts with, or otherwise enters into an agreement for the performance of residential real estate appraisal services.

(9) "Controlling person" means any of the following:

(a) An owner, officer or director of a corporation, partnership or other business entity seeking to offer appraisal management services in this state.

(b) An individual employed, appointed, or authorized by an appraisal management company who has the authority to enter into a contractual relationship with clients to contract for the performance of appraisal management services and has the authority to enter into agreements with independent appraisers for the performance of real estate appraisal services.

(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

(10) "Real estate appraisal services" means residential valuation services performed by an individual acting as an appraiser, including but not limited to appraisal, appraisal review, or appraisal consulting, as these services are defined under the Uniform Standards of Professional Appraisal Practice.

#### §3415.3. License required

A. It shall be unlawful for a person, corporation, partnership, sole proprietorship, subsidiary, unit or any other business entity to directly or indirectly engage or attempt to engage in business as an appraisal management company, to directly or indirectly engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a license issued by the board under the provisions of this chapter, regardless of the entities' use of the term "appraisal management company," "national valuations solutions provider," "mortgage technology company," or any other name.

B. The license required by Subsection A of this Section shall, at a minimum, include the following information:

(1) The name of the entity seeking a license.

(2) The business address of the entity seeking a license.

(3) The phone contact information of the entity seeking a license.

(4) If the entity is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state.

(5) The name, address, and contact information of any individual, corporation, partnership, or other business entity that has any ownership interest in the appraisal management company.

(6) The name, address, and contact information for a controlling person, as defined in this Chapter.

(7) Certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company holds an appraisal license in good standing in this state pursuant to this Chapter.

(8) Certification that the entity has a system in place to review the work on a periodic basis of all independent appraisers that are performing real estate appraisal services for the appraisal management company to ensure that the real estate appraisal services are being conducted in accordance with Uniform Standards of Professional Appraisal Practice, pursuant to this Chapter.

(9) Certification that the entity maintains a detailed record for five years of each real estate appraisal service request that it receives and an itemized list of all fees contracted with each appraiser who performs real estate appraisal services for the appraisal management company, pursuant to this Chapter.

(10) An irrevocable Uniform Consent to Service of Process, pursuant to this Chapter.

(11) Any other information required by the board.

#### §3415.4. Exemptions

A. This Chapter shall not be applicable to any of the following:

(1) Any corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that exclusively employs persons on an employer/employee basis for the performance of real estate appraisal services in the normal course of its business and such entity is responsible for ensuring that the real estate appraisal services being performed by its employees are being performed in accordance with Uniform Standards of Professional Appraisal Practice.

(2) Any individual, corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity engaged in real estate appraisal services who, in the normal course of business, enters into an agreement, whether written or otherwise, with another independent appraiser for the performance of real estate appraisal services that the hiring or contracting appraiser is unable to complete for any reason, including but not limited to competency, work load, schedule, or geographic location.

(3) Any individual, corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity engaged in real estate appraisal services who, in the normal course of business, enters into an agreement, whether written or otherwise, with an independent contractor appraiser for the performance of real estate appraisal services and upon the completion of the appraisal, the report of the appraiser performing the real estate appraisal services is cosigned by the appraiser who subcontracted with the independent appraiser for the performance of the real estate appraisal services.

B. The Louisiana Real Estate Appraisal Board may issue special exemptions, if deemed acceptable by the board, upon special application and review.

#### §3415.5. Forms

An applicant for a license as an appraisal management company in this State shall submit to the board an application on a form prescribed by the board.

#### §3415.6. Expiration of license

A license granted by the board pursuant to this Chapter shall be valid for one year from the date on which it is issued.

#### §3415.7. Consent to service of process

Each entity applying for a license as an appraisal management company in this state shall complete an irrevocable Uniform Consent to Service of Process as prescribed by the board.

#### §3415.8. Owner requirements

A. An appraisal management company applying for a license in this state may not be owned by any person who has had a license or certificate to act as an appraiser, real estate broker or agent, mortgage broker, or mortgage originator, which combined are considered herein to be "real estate or lending-related licenses," refused, denied, suspended, canceled, or revoked in the past in any state without specific approval by the board.

B. Any licensed appraisal management company with an owner or employee who is subsequently refused or denied a real estate or

lending-related license in any state, must notify the board in writing within ten days of such action.

C. Any licensed appraisal management company with an owner or employee whose real estate or lending-related license has been suspended, revoked, or cancelled subsequent to being registered must notify the board in writing within ten days of such action.

D. Either refusal or revocation of any real estate or lending-related license in any state shall be grounds for denying renewal of the appraisal management company's license. However, failure to notify the board of refusal, suspension, revocation or cancellation of said licenses within ten days of such action shall be cause for revocation of an appraisal management company's license.

E. Each person that has any ownership interest in an appraisal management company in this state shall comply with all of the following:

(1) Be of good moral character, as determined by the board.

(2) Submit to a background investigation, as determined by the board.

(3) Certify to the board that the person has never had a license to act as an appraiser refused, denied, cancelled, suspended or revoked in this state or in any other state.

§3415.9. Controlling person; requirements

A. Each appraisal management company applying to the board for a license in this state shall designate one controlling person that will be the main contact for all communication between the board and the appraisal management company.

B. In order to serve as a controlling person of an appraisal management company, a person must comply with all of the following:

(1) Certify to the board that he has never had a certificate or license issued by the board of this state, or the board of any other state, to act as an appraiser refused, denied, canceled, suspended or revoked.

(2) Be of good moral character, as determined by the board.

(3) Submit to a background investigation, as determined by the board.

§3415.10. Employee requirements

Any employee of the appraisal management company, or any person working on behalf of the appraisal management company, that has the responsibility to review completed appraisals must be a licensed appraiser in one or more states.

§3415.11. Limitations

An appraisal management company licensed in this state pursuant to this Chapter shall not enter into contracts or agreements with an independent appraiser for the performance of real estate appraisal services unless that person is licensed and in good standing pursuant to the Louisiana Real Estate Appraisers Law.

§3415.12. Pre-engagement certification

Each appraisal management company seeking to be licensed in this state shall certify to the board, on an annual basis, on a form prescribed by the board, that the appraisal management company has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company holds a license in good standing in this state pursuant to the Louisiana Real Estate Appraisers Law.

§3415.13. Adherence to standards

Each appraisal management company seeking to be licensed in this state shall certify to the board on an annual basis that it has a system in place to review on a periodic basis the work of all appraisers that are performing real estate appraisal services for the appraisal management company to ensure that the real estate appraisal services are being conducted in accordance with Uniform Standards of Professional Appraisal Practice.

§3415.14. Record keeping

Each appraisal management company seeking to be licensed in this state shall certify to the board on an annual basis that it maintains a detailed record for five years of each real estate appraisal service request that it receives including the fee paid by the lenders to all appraisers for all real estate appraisal services and the names of all appraisers or entities that perform all real estate appraisal services for the appraisal management company.

§3415.15. Appraisal fee schedule

A. Appraisal fees shall be paid by the lender or financial institution directly to the real estate appraiser and shall not be paid by

the appraisal management company. The appraisal management company shall charge a management fee directly to the lender for services provided without any fee splits with the appraiser.

B. The establishment of fees must be in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP). Actual appraisal fees paid for real estate appraisal services must not be misrepresented, hidden or bundled with other settlement services. The actual appraisal fee represented in any closing documents shall not be more than the fee paid to the appraisers or entities for the real estate appraisal service.

C. The actual fee paid to the appraisers or entities that perform the real estate appraisal service must be disclosed in all loan application documents, "good faith" closing cost estimates, closing documents, and to the client, borrower, applicant, and any other intended users relying on the appraisal report.

D. The appraiser must display the amount of the appraisal fee within the body of the real estate appraisal services report.

§3415.16. Appraiser independence; prohibitions

A. It shall be unlawful for any employee, director, officer, or agent of an appraisal management company licensed in this state pursuant to this Chapter to influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery or in any other manner, including but not limited to the following:

(1) Withholding or threatening to withhold timely payment for an appraisal.

(2) Withholding or threatening to withhold future business for an independent appraiser, or demoting or terminating or threatening to demote or terminate an independent appraiser.

(3) Expressly or impliedly promising future business, promotions, or increased compensation for an independent appraiser.

(4) Conditioning the request for a real estate appraisal service or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an independent appraiser.

(5) Requesting that an independent appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the independent appraiser's completion of a real estate appraisal service.

(6) Providing to an independent appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided.

(7) Providing to an independent appraiser, or any entity or person related to the appraiser, stock or other financial or non-financial benefits, allowing the removal of an independent appraiser from an appraiser panel, without prior written notice to such appraiser.

(8) Obtaining, using, or paying for a second or subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless a USPAP Standard 3 Review is completed which concludes that the initial real estate appraisal service was flawed or tainted and such basis is clearly and appropriately noted in the loan file, or unless such appraisal or automated valuation model is done pursuant to a bona fide pre- or post-funding appraisal review or quality control process.

(9) Requiring delivery times for real estate appraisal services that are so short that they force the appraiser to render a misleading appraisal report.

(10) Any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or impartiality.

B. Nothing in Subsection A of this Section shall be construed as prohibiting the appraisal management company from requesting that an independent appraiser do either of the following:

(1) Provide additional information about the basis for a valuation.

(2) Correct objective factual errors in an appraisal report.

§3415.17. Alteration of appraisal reports

An appraisal management company shall not alter, modify, or otherwise change a completed real estate appraisal service report submitted by an appraiser.

§3415.18. Adjudication of disputes between an appraisal management company and an appraiser

A. Except within the first thirty days after an independent appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company may not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an independent appraiser without doing all of the following:

(1) Notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company. If the appraiser is being removed from the panel for illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice, or a violation of state licensing standards, the nature of the alleged conduct or violation must be identified.

(2) Providing an opportunity for the appraiser to respond to the notification of the appraisal management company.

B. An appraiser that is removed from the appraiser panel of an appraisal management company for alleged illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice, or violation of state licensing standards, may file a complaint with the board for a review of the decision of the appraisal management company, except that in no case shall the board make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company which is unrelated to the actions specified in Subsection A of this Section.

C. If an appraiser files a complaint against an appraisal management company pursuant to Subsection B of this Section, the board shall adjudicate the complaint.

D. If after opportunity for hearing and review, the board determines that an appraiser did not commit a violation of law, a violation of the Uniform Standards of Professional Appraisal Practice, or a violation of state licensing standards, the board shall order that an appraiser be reinstated to the appraiser panel of the appraisal management company that was the subject of the complaint without prejudice.

E. Following the adjudication of a complaint to the board by an appraiser against an appraisal management company, an appraisal management company may not refuse to make assignments for real estate appraisal services to an appraiser, or reduce the number of assignments, or otherwise penalize the appraiser, if the board has found that the appraisal management company acted improperly in removing the appraiser from the appraiser panel.

§3415.18. Enforcement

A. The board may censure an appraisal management company, conditionally or unconditionally suspend, or revoke any license issued under this Chapter, levy fines or impose civil penalties not to exceed fifty thousand dollars, if in the opinion of the board, an appraisal management company is attempting to perform, has performed, or has attempted to perform any of the following acts:

(1) Committing any act in violation of this Chapter.

(2) Violating any rule or regulation adopted by the board in the interest of the public and consistent with the provisions of this Chapter.

(3) Procuring a license by fraud, misrepresentation, or deceit.

B.(1) In addition to any other civil remedy or civil penalty provided for in this Chapter, the board may issue a subpoena to any person or persons who the board has probable cause to believe has engaged in real estate appraisal activity without a currently valid license.

(2) Subpoenas issued by the board shall comply with the notice requirements of R.S.

49:955. These subpoenas shall be served upon the unlicensed individual personally or by any type of mailing requiring a return receipt and shall include a statement of the manner in which the unlicensed person shall be required to respond to the commission.

C. The board may impose a civil penalty of no more than five thousand dollars upon any unlicensed person who, after a hearing or informal resolution in accordance with all provisions of this Chapter and the Administrative Procedure Act, is found to have engaged in real estate appraisal activity without the benefit of a currently valid license, having been issued by the board pursuant to the provisions of this Chapter. In addition, the board may assess costs and attorney fees

against the unlicensed person found to have been engaged in real estate appraisal activity without a current license.

D. No person engaged in real estate appraisal activity without a currently valid license shall have the right to receive any compensation for services so rendered. In addition to any other penalties imposed under this Chapter, the board may require that any person engaged in real estate appraisal activity without a license return any fees collected for engaging in real estate appraisal activity.

§3415.19. Disciplinary hearings

A. The conduct of adjudicatory proceedings in accordance with the Administrative Procedure Act for violations of this Chapter is vested in the board, subject to the following provisions:

(1) Before censuring, suspending, or revoking any registration, the board shall notify the licensee in writing of any charges made, at least twenty days prior to the date set for the hearing and shall afford the licensee an opportunity to be heard in person or by counsel.

(2) The written notice shall be satisfied by personal service on the controlling person of the licensee, or the licensee's agent for service of process in this state, or by sending the notice by certified mail, return receipt requested to the controlling person of the licensee to the licensee's address on file with the board, or by board personnel hand delivering a copy of the charges to the licensee.

(3) The board shall have the power to subpoena and issue subpoenas duces tecum and to bring before it any person in this state, or take testimony by deposition, in the same manner prescribed by law in judicial proceedings in the courts of this state, or to require production of any records relevant to an inquiry or hearing by the board. Any final decision or determination of the board shall be reviewable by the Nineteenth Judicial District Court in the Parish of East Baton Rouge.

(4) The hearing on the charges shall be at a time and place prescribed by the board and in accordance with the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950.

(5) The board may make findings of fact and shall deliver or mail such findings to the licensee charged with an offense under this Chapter. Any finding of fact by the board pursuant to the provisions of this Section shall be conclusive.

B. (1) The Nineteenth Judicial District Court of the state may review questions of law involved in any final decision of the board. Any application for review made by an aggrieved party shall be filed within thirty days after the final decision of the board.

(2) If the court finds that the Louisiana Real Estate Appraiser Board has regularly pursued its authority and has not acted arbitrarily, it shall affirm the decision, order, or ruling of the board. If a petition to review the final decision of the board is filed, the case shall be specifically fixed for trial within thirty days from the filing of an answer by the board.

C. Administrative proceedings under this Chapter before the board are not exclusive remedies. Criminal action under the terms of this Chapter may be simultaneously instituted and maintained against the accused for any violation of this Chapter. The board may also separately or simultaneously bring and carry on an action by injunction to restrain a licensed or unlicensed individual from further violation of any of the provisions of this Chapter, during the pendency of the criminal proceeding or proceedings before the board and against any unlawful practice thereafter.

§3415.20. Rulemaking authority

The board shall have the power to adopt any rules and regulations in accordance with the Administrative Procedure Act necessary for the enforcement of this Chapter.

Section 2. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable."

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

June 11, 2009

HOUSE BILL NO. 517—

BY REPRESENTATIVES LEBAS, BURFORD, HENRY BURNS, TIM BURNS, GREENE, HAZEL, HOFFMANN, LABRUZZO, LIGI, LOPINTO, SCHRODER, SIMON, JANE SMITH, AND WHITE

AN ACT

To enact R.S. 40:1299.35.9, relative to health care services; to protect persons who refuse to provide health care services from certain types of punitive measures; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 517 by Representative LeBas

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 40:1299.35.9" delete the comma "," and insert "and Part LXVI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.291,"

AMENDMENT NO. 2

On page 1, line 4, after "definitions;" insert "to provide for intergovernmental transfers from local governing bodies to the Department of Health and Hospitals; to provide for acceptance and use of intergovernmental transfers;"

AMENDMENT NO. 3

On page 1, line 6, after "R.S. 40:1299.35.9" delete "is" and insert "and Part LXVI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.291, are"

AMENDMENT NO. 4

On page 1, line 8, after "person" and before "has" delete ", employer, or entity"

AMENDMENT NO. 5

On page 1, line 9, after "person" and before "shall" delete ", employer, or entity"

AMENDMENT NO. 6

On page 1, line 10, after "conscience" and before "." insert "to the extent that patient access to health care is not compromised" and after "person" and before "shall" delete ", employer, or entity"

AMENDMENT NO. 7

On page 1, line 15, after "person" and before "declines" delete ", employer, or entity"

AMENDMENT NO. 8

On page 1, line 17, after "person" and before "shall" delete ", employer, or entity"

AMENDMENT NO. 9

On page 1, line 18, after "practicable," and before "declination" delete "its" and insert "his"

AMENDMENT NO. 10

On page 1, line 19, after "Section." insert the following: "Any pharmacy who employs a pharmacist which declines to participate in any health care service that violates his conscience, shall post a conspicuous notice in the pharmacy area of the facility which sufficiently notifies the public that the pharmacy has employed a pharmacist which will decline to provide health care service based upon a claim of a sincerely held religious belief or moral conviction. All persons who have a sincerely held religious belief or moral conviction and who seek employment at a health care facility shall notify the prospective employer of the existence of any sincerely held religious belief or moral conviction. Any health care facility that employs a person with a sincerely held religious belief or moral conviction shall ensure that the health care facility has sufficient staff to provide patient care in the event an employee declines to participate in any health care service that violates his conscience."

AMENDMENT NO. 11

On page 2, between lines 2 and 3, insert the following:

"(4) A person shall notify his employer in writing as soon as practicable of any health care service which violates his conscience. A person shall notify any patient before such person provides any consultation or service to the patient of the existence of a health care service which he will decline to provide because the health care service violates his conscience."

AMENDMENT NO. 12

On page 2, delete lines 8 through 11 in their entirety

AMENDMENT NO. 13

On page 2, after line 15, insert the following:

"\* \* \*

PART LXVI. INTERGOVERNMENTAL TRANSFERS

§1300.291. Authority to accept and use intergovernmental transfers from local governing bodies

A. The Department of Health and Hospitals may accept intergovernmental transfers from local governing bodies, including but not limited to a parish, for the purpose of enhancing the delivery of health care services to the uninsured and Medicaid patients. Any such transfer shall be in accordance with federal law and subject to approval by the Centers for Medicare and Medicaid Services.

B. It is the intent of the legislation that any transfer authorized herein shall be primarily utilized for the enhancement of health care within the jurisdiction of the transferring entity. However, any such transfer shall be under the administrative control of the Department of Health and Hospitals.

C. The department may establish a methodology utilizing a pool, or pools, to facilitate distribution of any transfers received in addition to any federal financial participation earned through the use of such transfers, as authorized herein. The methodology shall be created with the intent to maximize, to the fullest extent possible, the return to the providers located within the jurisdiction of the local governing body from which such transfer is derived. The department may create criteria for qualification to participate in any pool methodology and establish criteria and priorities for reimbursement within the respective pool. Any such criteria may include health care providers which reside outside the jurisdiction of the transferring body.

D. The department may submit waivers or state plan amendments to the Centers for Medicare and Medicaid Services in order to secure federal financial participation in relation to any such payments or reimbursement. Payments shall be made only in accordance with an approved waiver or state plan amendment.

E. The department and the transferring local governing body may enter into an agreement, in accordance with state and federal law, concerning the use of transferred funds in a way that is consistent with the legislative intent set forth herein."

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

HOUSE BILL NO. 559—

BY REPRESENTATIVES JANE SMITH, CORTEZ, ELLINGTON, FANNIN, HARRISON, HAZEL, LEBAS, LEGER, LIGI, MCVEA, MORRIS, PEARSON, SCHRODER, SMILEY, GARY SMITH, PATRICIA SMITH, STIAES, WHITE, AND WILLIAMS AND SENATOR GUILLORY

AN ACT

To enact Chapter 23 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:2171 through 2179, relative to veterans affairs; to create the Louisiana Initiative for Veteran and Service-Connected Disabled Veteran-Owned Small Entrepreneurships; to provide for state goals for procurements and public contracts for veteran and service-connected disabled veteran-owned small entrepreneurship; to provide for certification; to provide for responsibilities and training of the commissioner of administration; to provide for initiative coordinators and reporting; to provide for responsibilities of the Louisiana Department of Veterans Affairs; to provide for definitions; to provide for application; and to provide for related matters.

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

**HOUSE BILL NO. 591—**

BY REPRESENTATIVE ELLINGTON  
AN ACT

To amend and reenact R.S. 24:55(D)(2) and (E)(2), R.S. 42:1115.1(F), and R.S. 49:76(D)(2) and (E)(2), relative to laws within the jurisdiction of the Board of Ethics; to provide relative to the meaning of certain terms and phrases within such laws; to provide relative to the reporting of certain expenditures; to provide for application and effectiveness; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 591 by Representative Ellington

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 42:1115.1(F)," to "R.S. 42:1115.1(E)(1) and (F) and 1123(13)(a)(i),"

AMENDMENT NO. 2

On page 1, at the end of line 4, after "to provide" insert "certain restrictions on an exemption to the limitation on food, drink, and refreshments; to provide"

AMENDMENT NO. 3

On page 2, line 20, change "R.S. 42:1115.1(F) is" to "R.S. 42:1115.1(E)(1) and (F) and 1123(13)(a)(i) are"

AMENDMENT NO. 4

On page 2, between lines 22 and 23, insert the following:  
"E. The provisions of this Section shall not apply to any of the following:

(1) A gathering held in conjunction with a meeting related to a national or regional organization or a meeting of a statewide organization of governmental officials or employees provided that at least ten persons associated with the organization are invited to the gathering.

\* \* \*

AMENDMENT NO. 5

On page 3, between lines 5 and 6, insert the following:  
"§1123. Exceptions

This Part shall not preclude:

\* \* \*

(13)(a)(i) The acceptance by a public servant of complimentary admission to a civic, non-profit, educational, or political event when the public servant is:

~~(aa) a program honoree;~~

~~(bb) is giving~~ Giving a speech at the event; ~~or,~~

~~(cc) is a~~ panel member for a discussion occurring at the event.

(dd) Attending the event to assist an elected official who meets the provisions of this Subparagraph when the public servant is under the supervision of the elected official and such assistance is within the ordinary employment duties of the public servant.

\* \* \*

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

**HOUSE BILL NO. 595—**

BY REPRESENTATIVES DANAHAY, ARNOLD, BARRAS, BURFORD, HENRY BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, FOIL, GREENE, HOFFMANN, LABRUZZO, LEGER, LIGI, LOPINTO, MONICA, MORRIS, NOWLIN, PEARSON, PETERSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, SCHRODER, SIMON, SMILEY, JANE SMITH, TALBOT, AND WADDELL AND SENATORS KOSTELKA AND MICHOT  
AN ACT

To enact R.S. 42:1266 and Chapter 27 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 42:1501, relative to unclassified civil service; to provide relative to the duties and responsibilities of certain unclassified officials and employees; to require certain education for certain unclassified officials and employees; to provide for the development and content of the education; to provide for duties and responsibilities relative to the education; to make the compensation of certain unclassified officials and employees contingent upon the conduct of certain duties; to provide definitions; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 595 by Representative Danahay

AMENDMENT NO. 1

On page 5, between lines 9 and 10, insert the following:  
"(4) If the unclassified official or employee described in Subsection A of this Section serves in a position at a public postsecondary education institution, the chairman of the management board that governs the institution shall be the certifying official."

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

**HOUSE BILL NO. 695—**

BY REPRESENTATIVE GREENE  
AN ACT

To amend and reenact R.S. 42:1125(A), (C)(introductory paragraph), (D), and (E) and to enact R.S. 42:1125(F), relative to gubernatorial transition and inauguration; to provide relative to contribution limits; to provide relative to reporting; to provide relative to the duties of the Board of Ethics; to provide relative to certain records; to provide for effectiveness and applicability; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 695 by Representative Greene

AMENDMENT NO. 1

On page 2, line 20, after "and all" insert "financial"

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

**HOUSE BILL NO. 728—**

BY REPRESENTATIVE SCHRODER  
AN ACT

To amend and reenact R.S. 40:1300.51(3), 2116(B)(1), 2166.2, 2166.3, 2166.4(A), and 2166.7(A), to enact R.S. 40:1300.51(2)(n), 2166.4(H) and (I), and 2166.5(B)(11) and (C)(introductory paragraph), (4), and (5), and to repeal Part V of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2151 through 2163, relative to

licensing of adult residential care homes and adult residential care providers; to provide a statement of legislative intent; to provide for definitions; to require licensure of all adult residential care providers; to provide for the criteria for the review of beds for adult residential care providers; to provide for the transfer of licensing authority for adult residential care homes from the Department of Social Services to the Department of Health and Hospitals; to provide for waivers granted to adult residential care facilities; to establish the levels of adult residential care providers; and to provide for related matters.

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

**HOUSE BILL NO. 773—**

BY REPRESENTATIVE BURFORD AND SENATOR CHEEK  
AN ACT

To amend and reenact R.S. 36:259(E)(20), Chapter 29 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2401 through 2424 and R.S. 44:4.1(B)(21), relative to physical therapists; to provide for the creation of the Physical Therapy Practice Act of Louisiana; to provide a short title; to provide for purpose and intent; to provide for the composition of the Louisiana Physical Therapy Board; to change the name of the physical therapy board; to provide for the organization of board meetings and member compensation; to provide the powers, duties, and limitations of the board; to provide for board and employee immunity from personal liability; to provide for an exception to the public records law; to provide definitions; to require licensure for certain practices; to establish the qualifications for licensing physical therapists, foreign graduates, and physical therapist assistants; to provide for licensing reciprocity; to provide for an application for a license; to provide for examination of applicants for licensure; to provide for the issuance of a license and updating contact information; to provide for emergency exemptions; to provide for the renewal of a license; to provide for authority to practice as a physical therapist or physical therapist assistant; to provide for the use of titles and terms and restrictions; to provide for disciplinary actions; to provide for violations and penalties; to provide for cease and desist orders, injunctions, and attorney fees and costs associated with litigation; to provide for exemptions and prohibitions; to provide for fees, receipts, and disbursements; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Re-Reengrossed House Bill No. 773 by Representative Burford

**AMENDMENT NO. 1**

On page 4, between lines 19 and 20 insert the following:  
"F. No person shall be appointed to the board if they have served for more than two consecutive three year terms."

**AMENDMENT NO. 2**

On page 16, line 26, after "for" delete "services"

**AMENDMENT NO. 3**

On page 16, line 27, before "'physical" delete "characterized as"

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

**HOUSE BILL NO. 781—**

BY REPRESENTATIVES HINES, ABRAMSON, ARMES, AUBERT, BARRAS, BARROW, BILLIOT, BROSETT, DANAHAY, DIXON, GISCLAIR, HENDERSON, HOWARD, GIROD JACKSON, ROSALIND JONES, KATZ, LAFONTA, PETERSON, RICHARD, RICHMOND, RITCHIE, GARY SMITH, ST. GERMAIN, STIAES, WADDELL, WILLIAMS, AND WILLMOTT

AN ACT

To amend and reenact R.S. 36:801(introductory paragraph) and to enact R.S. 36:474(H) and 478(L) and Chapter 63-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2803 and 2804, relative to the Louisiana Homeless Assistance and Prevention Act; to create the program for homeless assistance and prevention within the Department of Social Services; to provide for the position of a director for homeless assistance and prevention and to provide for his duties; to create the Louisiana Interagency Advisory Council for the Homeless and place it within the Department of Social Services; to provide for the council's purpose; to provide for membership; to provide for governance of the council and compensation of the members; to provide for staffing and facilities; to provide for reporting requirements; and to provide for related matters.

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

**HOUSE BILL NO. 782—**

BY REPRESENTATIVE ELLINGTON  
AN ACT

To enact R.S. 33:9109.1, relative to communications districts; to provide for intent; to provide for definitions; to provide for collection and remittance of prepaid wireless telecommunications service charge; to provide for the administration of the prepaid wireless service charge; to provide for distribution of funds to communications districts; to provide for issues of liability; to provide for exclusivity of the service charge; to provide an effective date; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 782 by Representative Ellington

**AMENDMENT NO. 1**

On page 3, line 21, change "sixty cents per" to "two percent of the amount of the"

**AMENDMENT NO. 2**

On page 4, line 27, after "retain" delete "three" and insert the following: "the entirety of the 2010 first quarter's fees. Thereafter, a seller shall be permitted to deduct and retain four"

**AMENDMENT NO. 3**

On page 5, line 12, change "one" to "two"

On motion of Senator Crowe the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 810—**

BY REPRESENTATIVE ARNOLD AND SENATORS BROOME AND DUPLISSIS

AN ACT

To amend and reenact R.S. 6:1081, 1082, 1083(3.1)(introductory paragraph), (3.2), (4)(introductory paragraph), (5), (6), (9), (11), and (12), 1084, 1086, 1087(E) and (F), 1088, 1088.1(A)(4) and (C), 1089, 1090(A), (C), (D), (E), (F), and (H), 1091, 1092(A)(introductory paragraph), (1), (5), (6), (B), (C), (E), (G), (I), and (K), 1092.2, 1094, 1096(I)(1), 1098(C), and 1099, and R.S. 9:3511(F), to enact R.S. 6:1083(6.1), (13), (14), (15), (16), (17), (18), (19), and (20), 1087(D) and (G), 1088.1(A)(9) and (E), 1088.2, 1088.3, 1088.4, 1092(A)(17)(a)(iv) and (v), 1094.1, and 1097(C) and R.S. 9:3557(C), and to repeal R.S. 6:1083(1), 1092(A)(3), (4), (7), (8), (9), (10), (11), (12), (13), (15), and (17), 1093, and R.S. 9:3560(A)(10), relative to mortgages; to provide for a change in definitions; to provide for new definitions; to provide for prohibitions for certain mortgage

lenders; to provide for licensure requirements; to provide for exemptions to licensure; to provide for application for licensure for persons in the mortgage industry; to provide for surety bonds for persons in the mortgage industry; to provide for a licensing system for persons in the mortgage industry; to provide for fees; to provide for information reporting for persons in the mortgage industry; to provide for notification of name or location changes and closures for persons in the mortgage industry; to provide for restrictions for persons in the mortgage industry; to provide for recordkeeping and retention of records for persons in the mortgage industry; to provide for the investigation of persons in the mortgage industry by the commissioner; to provide for the suspension and revocation of licensure for persons in the mortgage industry; to provide for educational requirements for licensure for persons in the mortgage industry; to provide for testing of loan originators; to provide for residential mortgage loan brokerage contracts; to provide for criminal penalties; and to provide for related matters.

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

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 810 by Representative Arnold

##### AMENDMENT NO. 1

On page 1, line 3, after "and (12)," delete "1084,"

##### AMENDMENT NO. 2

On page 1, line 8, after "1088.4," delete "1092(A)(17)(a)(iv) and (v),"

##### AMENDMENT NO. 3

On page 1, line 9, after "1092(A)" delete the remainder of the line and at the beginning of line 10, delete "(12), (13), (15), and"

##### AMENDMENT NO. 4

On page 2, line 7, after "and (12)," delete "1084,"

##### AMENDMENT NO. 5

On page 2, line 12, after "1088.4," delete "1092(A)(17)(a)(iv) and (v),"

##### AMENDMENT NO. 6

On page 5, at the end of line 7, delete "12 U.S.C.1813(e)." and insert the following: "defined in Section 3 of the Federal Deposit Insurance Act, and includes any credit union."

##### AMENDMENT NO. 7

On page 8, delete lines 12 through 29, delete pages 9 and 10, and on page 11, delete lines 1 through 9

##### AMENDMENT NO. 8

On page 13, line 1, after "exempt from the" delete "licensing"

##### AMENDMENT NO. 9

On page 13, at the beginning of line 2, change "Chapter" to "Part"

##### AMENDMENT NO. 10

On page 14, line 28, after "exempt from the" delete the remainder of the line and delete line 29, and insert the following: "provisions of this Part applicable to residential mortgage lenders and residential mortgage brokers:"

##### AMENDMENT NO. 11

On page 35, at the end of line 23, add "; prohibitions"

##### AMENDMENT NO. 12

On page 37, delete line 20

##### AMENDMENT NO. 13

On page 38, delete line 4, and add the following:

"D. The violations listed in this Subsection are nonexclusive, and are in addition to and exist independent of, any other violations set forth in other provisions of this Chapter. Failure to comply with any provisions set forth herein may serve as a basis for any enforcement or other action accorded the commissioner under this Title. It shall be a violation of this Chapter for a person or individual engaged in residential mortgage lending activity subject to this Chapter to:

(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers, lenders, or any person, when such person or individual knew or should have known that such scheme, device, or artifice was defrauding or misleading.

(2) Engage in any unfair or deceptive practice toward any person.

(3) Obtain property by fraud or misrepresentation.

(4) With the intent to defraud, solicit or enter into a contract with a consumer providing for payment of an unlawful fee or commission to a person subject to this Chapter even though no loan is actually obtained for the consumer.

(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms when the person or individual knew or should have known that such terms are not actually available at the time of soliciting, advertising, or contracting.

(6) Conduct any business covered by this Chapter without holding a valid license as required under this Chapter, or knowingly assist or aid and abet any person in the conduct of business under this Chapter without a valid license as required under this Chapter.

(7) As determined by the commissioner, structure a residential loan transaction in such a manner as to circumvent the provisions of this Chapter.

(8) Fail to comply with this Chapter or rules or regulations promulgated under this Chapter, or fail to comply with any other state or federal law, including the rules and regulations issued thereunder, applicable to any residential mortgage lending activity.

(9) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan when such person or individual knew or should have known that such statement or representation was false or deceptive, or engage in bait and switch advertising.

(10) Negligently make any false statement, or knowingly and willfully make any omission of material fact, in connection with any information or reports filed with a governmental agency or the NMLS&R, or in connection with any investigation conducted by the commissioner or any other governmental agency.

(11) Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property.

(12) Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this Chapter.

(13) Engage in loan processing or underwriting activities as an independent contractor without obtaining a license to act as a residential mortgage loan originator.

(14) Fail to truthfully account for monies belonging to a party to a residential mortgage loan transaction.

(15) Represent to the public through advertising or other means of communicating or providing information including the use of business cards, stationary brochures, signs, rate lists, or other promotional items, that such an individual can or will perform any activities of a mortgage loan originator, while such individual engages in activities solely as a loan processor or underwriter."

##### AMENDMENT NO. 14

On page 38, between lines 24 and 25 insert the following:

"\* \* \*

AMENDMENT NO. 15

On page 39, line 23, change "twenty" to ""twenty-four"

AMENDMENT NO. 16

On page 40, between lines 2 and 3, insert the following:

"(d) Upon review and approval by the NMLS&R of courses offered by the Mortgage Bankers Association or the National Association of Mortgage Brokers by their own facilitators, or review and approval by the NMLS&R of such Mortgage Bankers Association or National Association of Mortgage Brokers courses provided through facilitators approved by them and by the NMLS&R, the applicant shall be required to satisfy four of the twenty-four hours of pre-licensing education by taking said Mortgage Bankers Association or National Association of Mortgage Brokers courses."

AMENDMENT NO. 17

On page 43, line 22, change "eight" to "ten"

AMENDMENT NO. 18

On page 43, after line 29, add the following:

"(d) Upon review and approval by the NMLS&R of courses offered by the Mortgage Bankers Association or the National Association of Mortgage Brokers by their own facilitators, or review and approval by the NMLS&R of such Mortgage Bankers Association or National Association of Mortgage Brokers courses provided through facilitators approved by them and by the NMLS&R, the applicant shall be required to satisfy two of the ten hours of continuing education by taking said Mortgage Bankers Association or National Association of Mortgage Brokers courses."

AMENDMENT NO. 19

On page 46, between lines 25 and 26, insert the following:

"J.(1) It is the purpose of this Subsection to provide for parity among persons engaging in residential mortgage loan transactions in this state by permitting persons licensed pursuant to this Chapter to charge a reasonable application fee in connection with a residential loan transaction if, prior to collecting the fee, the licensee provides the consumer a written disclosure stating the amount of the fee and informing the consumer that the application fee shall be refundable at any time prior to the licensee ordering any service required by the lender to evaluate the potential borrower's loan application. In the event that the lender is unable to approve the loan, after all requested documentation has been provided by the borrower to the lender, the application fee shall be refunded to the borrower."

"(2) Notwithstanding the provisions of this Section or any other law to the contrary, persons licensed to engage in residential mortgage loan transactions pursuant to this Chapter may charge a reasonable application fee, not to exceed five hundred dollars, in connection with a residential mortgage loan. The application fee may be charged only once in connection with a single loan to one borrower. The application fee shall not be considered as an advance expense deposit as provided for herein, or as interest or loan finance charge, nor shall it be included in the calculation of interest."

AMENDMENT NO. 20

On page 49, line 24, after "1092(A)" delete the remainder of the line, and at the beginning of line 25, delete "and"

AMENDMENT NO. 21

On page 50, delete lines 13 and 14, and insert the following: "event the provisions of R.S. 6:1083(17) are null and void by operation of this Section, and until such time, any"

AMENDMENT NO. 22

On page 50, at the beginning of line 18, delete "impacted person as defined in this Act" and insert the following: "person affected should the provisions of R.S. 6:1083(17) be null and void by operation of this Section,"

AMENDMENT NO. 23

On page 50, at the end of line 18, delete "either the"

AMENDMENT NO. 24

On page 50, at the end of line 19, delete "or an" and at the beginning of line 20, delete "appropriate tribunal make" and insert "makes"

AMENDMENT NO. 25

On page 50, line 21, after "thereof is" and before "held invalid" insert the following: "null and void by operation of this Section, or otherwise"

AMENDMENT NO. 26

On page 50, line 24, after "severable." add the following: "Any final written determination made by the secretary of the United States Department of Housing and Urban Development pursuant to this Act, is deemed to be a final judgment in this state, without regard to whether any such final written determination may be reviewed administratively or judicially, according to federal law or regulation."

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

**HOUSE BILL NO. 820—**

BY REPRESENTATIVE MICKEY GUILLORY  
AN ACT

To amend and reenact R.S. 32:702(4) and (16), 706.1(A) and (B), 707(I) and (J), 718 (B) and (C), 1722(A) and (C), 1728.2(C)(2), (D), (E), (F), and (G), and 1728.3(C), (D)(1), (E), and (F) and to enact R.S. 32:706.2, 707.5, 718(D), 1720(C), 1722(D), 1728.2(H) and R.S. 47:522, relative to dismantled or salvaged motor vehicles; to create the Louisiana Omnibus Auto Theft Prevention and Recovery Act (LOATPRA); to define "certificate of destruction"; to define "water-damaged vehicles"; to require sellers to disclose an assembled title to the purchaser of a motor vehicle; to require dismantlers to notify the office of motor vehicles upon receiving a vehicle for dismantling; to create a procedure for titling a total loss salvage motor vehicle prior to reconstruction and operation; to establish an assembled vehicle title and procedures for issuance; to require a storage or parking facility to notify the office of motor vehicles when an owner recovers a motor vehicle or when a motor vehicle is surrendered to a lien holder; to require contracted storage facilities to obtain verification and provide notification to registered lien holders prior to expiration of a vehicle storage contract; to mandate that appraisers use the latest version of the NADA Guide as a guideline for the appraisal of vehicles to be crushed or dismantled; to require an application for crushing and dismantling upon a form created by the Department of Public Safety and Corrections; to provide for a time limit for approval of the application after electronic submission of application to the Department of Public Safety and Corrections, office of motor vehicles; to require licensed dismantlers and crushers to certify the crushing or dismantling of a vehicle by submitting a form provided by the office of motor vehicles; to require the owner-operator to maintain certain records on file for all vehicles dismantled or crushed; to authorize representatives of the Department of Public Safety and Corrections to enter a dealer's premises to recover state credentials when the dealer's license has been suspended or revoked; to provide for information maintained by auto hulk buyers; to provide for the reporting of auto hulks; to provide for an effective date; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 820 by Representative Mickey Guillory

AMENDMENT NO. 1

On page 1, line 4, delete "1720(C),"



AMENDMENT NO. 2

On page 1, line 12, after "issuance;" delete the remainder of the line, and delete line 13

AMENDMENT NO. 3

On page 1, at the beginning of line 14, delete "vehicle is surrendered to a lien holder;"

AMENDMENT NO. 4

On page 2, line 14, delete "1720(C),"

AMENDMENT NO. 5

On page 10, delete lines 26 through 28

AMENDMENT NO. 6

On page 11, delete lines 1 through 6

AMENDMENT NO. 7

On page 17, line 26, after "effective" delete the remainder of the line and insert the following: "no earlier than July 1, 2010. The new electronic reporting requirements specified in this Act shall not take effect until after the Department of Public Safety and Corrections, office of motor vehicles, certifies to the Division of Administration, that the new electronic reporting systems described in this Act have been tested and are fully operational."

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

**HOUSE BILL NO. 837—**

BY REPRESENTATIVE MILLS AND SENATOR WALSWORTH  
AN ACT

To amend and reenact R.S. 28:21(A) and (B) and 771(A) and (B)(5)(c) and R.S. 36:251(C)(1) and 258 (C), to enact R.S. 28:4 and 771(B)(9) and (10), and to repeal R.S. 28:21(E) and R.S. 36:258(E), relative to the office of behavioral health; to provide for the office of behavioral health in the Department of Health and Hospitals; to provide for the office's purposes and functions; to provide for an implementation advisory committee and its membership; to dissolve the office of mental health and office for addictive disorders and transfer relevant purposes and functions to the office of behavioral health; to provide for copayments; to provide for appropriations; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 837 by Representative Mills

AMENDMENT NO. 1

On page 1, line 13, after "Section 1." delete the remainder of the line and insert "R.S. 28:4 is hereby enacted to read as follows:"

AMENDMENT NO. 2

On page 1, delete line 14 in its entirety

AMENDMENT NO. 3

On page 2, line 9, after "available" and before "funding" insert "state, federal, and grant"

AMENDMENT NO. 4

On page 2, delete the lines 10 and 11 in their entirety and insert "persons with a mental illness or an addictive disorder or co-occurring disorders."

AMENDMENT NO. 5

On page 2, line 24, after "2011." and before "The" insert "The Department of Health and Hospitals shall submit to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare on September 1, 2010, and June 30, 2011, a

written status report which details the progress of the implementation of the provisions of this Section."

AMENDMENT NO. 6

On page 4, line 5, after "for" and before "the" insert "persons with a mental illness or an addictive disorder or co-occurring disorders within"

AMENDMENT NO. 7

On page 4, between lines 19 and 20, insert the following:

"D. On or before March 1, 2010, the secretary of the Department of Health and Hospitals shall present the implementation plan for approval by majority vote of the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly. Action by the joint committee of health and welfare is limited to approval or disapproval of the implementation plan in its entirety."

AMENDMENT NO. 8

On page 4, between lines 20 and 21 insert the following:

"Section 2. R.S. 28:21(A) and (B) and 771(A) and (B)(5)(c) are hereby amended and reenacted and R.S. 28:771(B)(9) and (10) are hereby enacted to read as follows:"

AMENDMENT NO. 9

On page 6, line 22, after "Section" and before "." change "2" to "3"

AMENDMENT NO. 10

On page 7, line 20, after "Section" and before "." change "3" to "4"

AMENDMENT NO. 11

On page 7, line 21, after "Section" and before "." change "4" to "5"

AMENDMENT NO. 12

On page 7, delete lines 25 through 28 and insert the following:

"Section 6. Sections 1 and 7 and this Section shall become effective upon signature of the governor, or, if not signed by the governor, upon expiration of the time for bills of become law without signature by the governor, as provided in 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."

AMENDMENT NO. 13

On page 8, delete lines 1 and 2 and insert the following:

"Section 7. Sections 2, 3, 4, and 5 of this Act shall become effective July 1, 2010, upon approval of the implementation plan submitted by the secretary of the Department of Health and Hospitals to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly, as provided in R.S. 28:4. If the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly, fail to approve the implementation plan then these Sections shall be null and void."

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

**HOUSE BILL NO. 840—**

BY REPRESENTATIVE WHITE  
AN ACT

To enact R.S. 29:727(I), relative to parish homeland security and emergency preparedness agencies; to provide for the creation of parish emergency management advisory committees; to provide for the membership of the committee; to provide for reporting procedures; and to provide for related matters.

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

June 11, 2009

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 840 by Representative White

AMENDMENT NO. 1

On page 3, line 4, after "parish" insert "or police jury"

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

HOUSE BILL NO. 852—

BY REPRESENTATIVE SMILEY

AN ACT

To amend and reenact R.S. 8:673, 676, 677, 678(A)(introductory paragraph), 679(A), (B)(introductory paragraph), (C), and (D), 680, and 681, R.S. 17:407.4(C), (D), and (E), R.S. 28:821(D), R.S. 36:3(2), 301(A), and 913(A), R.S. 37:2551 and 2552(A), R.S. 40:2109(C), R.S. 46:2623(B) and (D), R.S. 48:55, R.S. 49:149.62(B) and 968(B)(3)(a), R.S. 51:912.51, 912.52, 935.1(A)(1)(a), (B)(1), and (D), 2452(A)(introductory paragraph), and 2453(2)(d), and Article XIV, Section 47(P)(3) of the Constitution of 1921, continued as statute by Article XIV, Section 16 of the Constitution of 1974, and to repeal R.S. 8:675, R.S. 17:24.4(J), 66.1, 407.1(4), 407.3, and 3951(B)(13), R.S. 36:4(Q) and (V), 209(C)(1) and (H)(3), 259(I)(2), (K), (R), and (T), 309(E) and (F), 651(V) and (W), and 805, R.S. 41:1602, R.S. 42:456.2, R.S. 46:2622(2) and 2624, R.S. 49:149.62(C), and R.S. 51:955.3(F) and Chapter 39-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2375 through 2383, relative to boards, commissions, authorities, districts, and like entities; to abolish certain inactive boards, commissions, authorities, and like entities; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Adult Learning Task Force, the Educational Assessment Testing Commission, the interim school board for Central Community School System, the Louisiana Home Instruction for Preschool Youngsters Advisory Board, the A. Z. Young Memorial Commission, the Archaeology Survey and Antiquities Commission, the Louisiana Unmarked Burial Sites Board, the Disability Services and Supports System Planning Group, the Statewide Health Coordinating Council, the Louisiana Medical Assistance Trust Fund Advisory Council, the Minority Health Affairs Commission, the Louisiana Economic Development Council and Cabinet Advisory Group on Economic Development, the Manufactured Housing State Administrative Agency, the Uniform Payroll Insurance Committee, and the Economic Development Funding Board; to provide for certain technical corrections regarding placement of boards and commissions in the Executive Reorganization Act; to provide relative to the Board of Examiners of Certified Shorthand Reporters; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 852 by Representative Smiley

AMENDMENT NO. 1

On page 1, line 9, after "Constitution of 1974," insert "to enact R.S. 37:3388.3(C)."

AMENDMENT NO. 2

On page 20, line 9, after "reenacted" insert "and R.S. 37:3388.3(C) is hereby enacted"

AMENDMENT NO. 3

On page 21, between lines 25 and 26, insert the following:

"§3388.3. Applicability
A. \* \* \*
\* \* \*

C. Notwithstanding any other provisions of this Section, any person who, on July 8, 2004, held a valid and current status as a board-certified substance abuse counselor for a period of five or more years, had more than ten years of experience as a substance abuse counselor, held an International Certification and Reciprocity Consortium credential, and otherwise met the grandfathering provisions of R.S. 37:3388.3(B)(2) for the credential of licensed addiction counselor, and who left the state after July 8, 2004, before renewing his license and receiving the licensed addiction counselor credential but who exercised reciprocity and continued to practice substance abuse counseling in another state and continued to obtain annual professional education shall, upon payment of the necessary current licensing fee, be immediately credentialed as a licensed addiction counselor, together with all specialty certifications, and shall be allowed to maintain the same level of autonomy and independence in scope of practice relative to functions related to addictive disorders to which he was entitled prior to July 8, 2004."

AMENDMENT NO. 4

On page 22, after line 2, insert the following:

"(C) The provisions of Paragraph (A) of this Section relative to the enactment of R.S. 37:3388.3(C) 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 Kostelka, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

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.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 893 by Representative Ligi

AMENDMENT NO. 1

On page 2, line 2, after "or after" delete the remainder of the line and insert "October 1, 2009"

AMENDMENT NO. 2

On page 2, line 3, delete "Section"

AMENDMENT NO. 3

On page 1, after line 21, insert the following:
"(4) "Completely rebuilt motor fuel retail outlet" means a newly constructed outlet built after the previous outlet on the same site has been completely razed."

**AMENDMENT NO. 4**

On page 2, line 12, after "equipment" and before the period "." insert "in accordance with the manufacturer's specifications"

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

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

**SENATE CONCURRENT RESOLUTION NO. 106—**

BY SENATOR THOMPSON

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to consider appropriate legislation that would require the Federal Communications Commission to prescribe auditory volume standards for commercial advertisements broadcast on television.

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

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	McPherson
Adley	Gautreaux N	Michot
Amedee	Guillory	Morrish
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Cheek	Jackson	Riser
Claitor	Kostelka	Shaw
Donahue	LaFleur	Smith
Dorsey	Long	Thompson
Dupre	Martiny	Walsworth
Total - 30		

**NAYS**

Total - 0

**ABSENT**

Alario	Gautreaux B	Morrell
Crowe	Gray Evans	Mount
Duplessis	Marionneaux	Quinn
Total - 9		

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

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

**Senator Broome in the Chair**

**SENATE BILL NO. 42—**

BY SENATORS MURRAY, DUPLESSIS AND GRAY EVANS AND REPRESENTATIVE LEGER

**AN ACT**

To enact Subpart Q of Part II-A of Chapter 1, Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.118, relative to special funds; to establish the Hurricane Recovery Health Insurance Premium Fund as a special fund in the state treasury; to provide for uses of the monies in the fund; to provide for an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Gautreaux B	Marionneaux	Mount
Gray Evans	Morrell	Quinn
Total - 6		

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

**Rules Suspended**

Senator McPherson asked for and obtained a suspension of the rules to invoke five minute cloture.

Without objection, so ordered.

**SENATE BILL NO. 90—**

BY SENATORS GRAY EVANS AND LAFLEUR

**AN ACT**

To enact Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:409.1 through 409.7, and to enact R.S. 36:651(BB), relative to school facilities; to create and provide for the Louisiana Statewide Education Facilities Authority in the Department of Education; to provide for a board of commissioners and an advisory council and for their membership, powers, duties, and functions; to provide for rules; to provide relative to program participation; to provide relative to ownership and control of public school facilities funded through the authority; to provide relative to implementation and funding; and to provide for related matters.

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

**SENATE BILL NO. 226—**

BY SENATOR GRAY EVANS

**AN ACT**

To enact R.S. 47:870 and R.S. 51:2357, relative to the dedication of certain tobacco proceeds; to establish the Technology Commercialization Fund as a special fund in the state treasury; to provide for the use of monies in the fund; to authorize a grants program related to commercialization of technologies developed at certain institutions; to provide for an effective date; and to provide for related matters.

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

June 11, 2009

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux B	LaFleur
Gautreaux N	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.

Motion

Senator Claitor moved to reconsider the motion by Senator McPherson to invoke the five minute cloture rule.

Senator McPherson objected.

ROLL CALL

The roll was called with the following result:

YEAS

Appel	Hebert	Martiny
Claitor	Heitmeier	Morrell
Crowe	LaFleur	Murray
Gray Evans	Marionneaux	
Total - 11		

NAYS

Mr. President	Duplessis	Nevers
Alario	Dupre	Riser
Amedee	Jackson	Shaw
Broome	Kostelka	Smith
Cheek	Long	Thompson
Donahue	McPherson	Walsworth
Dorsey	Morrish	
Total - 20		

ABSENT

Adley	Gautreaux N	Mount
Erdey	Guillory	Quinn
Gautreaux B	Michot	
Total - 8		

The Chair declared the Senate refused to reconsider the motion.

SENATE BILL NO. 246—

BY SENATORS CHEEK, NEVERS AND THOMPSON  
AN ACT

To enact Part XXIX-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.96.11 through 1299.96.14, relative to the Electronic Health Records Loan Program; to provide findings and purpose; to provide definitions; to facilitate access to funding for acquisition and implementation of certified electronic health record technology by health care providers; and to provide for related matters.

Floor Amendments Sent Up

Senator Cheek sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cheek to Engrossed Senate Bill No. 246 by Senator Cheek

AMENDMENT NO. 1

On page 1, lines 3 and 10, change "1299.96.11 through 1299.96.14" to "1299.97.1 through 1299.97.4"

AMENDMENT NO. 2

On page 1, line 13, change "1299.96.11" to "1299.97.1"

AMENDMENT NO. 3

On page 1, line 16, change "1299.96.12" to "1299.97.2"

AMENDMENT NO. 4

On page 4, line 1, change "1299.96.13" to "1299.97.3"

AMENDMENT NO. 5

On page 4, line 15, change "1299.96.14" to "1299.97.4"

On motion of Senator Cheek, the amendments were adopted.

Floor Amendments Sent Up

Senator Cheek sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cheek to Engrossed Senate Bill No. 246 by Senator Cheek

AMENDMENT NO. 1

On page 5, line 8, change "providers." to "providers, and where integrated, telemedicine technology."

AMENDMENT NO. 2

On page 5, line 9, after "F." and before "secretary" change "The" to "To provide for the expansion and administration of LARHIX and other related matters, the"

AMENDMENT NO. 3

On page 5, line 10, after "rural" delete the remainder of the line, delete lines 11 and 12, and insert the following: "hospitals, and with the secretary's approval, to other rural health care providers who have elected to partner with rural hospitals in the acquisition of certified EHR technology. For purposes of this Subsection and to the extent permitted by the ARRA, certified EHR technology will include telemedicine technology which such technology is fully integrated with the certified EHR technology acquired by the hospital."

On motion of Senator Cheek, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Donahue	Gautreaux N	Smith
Gautreaux B	Quinn	
Total - 5		

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

**SENATE BILL NO. 267—**

BY SENATORS MICHOT, APPEL, CROWE, DUPLESSIS, LONG, SMITH AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, TIM BURNS, CHAMPAGNE, CONNICK, CORTEZ, DOVE, FOIL, LITTLE, MILLS, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH AND WILLMOTT

**AN ACT**

To enact R.S. 49:308.5, relative to special funds in the state treasury and dedicated money; to provide for an annual performance report of the activities funded by such special funds; to provide relative to the development of a plan and schedule relative to the biennial review of special funds and dedications; to provide for the biennial review and report of the findings of such review; to provide for exceptions; to provide for an effective date; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 267 by Senator Michot

**AMENDMENT NO. 1**

On page 2, line 11, following "**Representatives**" and before "**and**" insert " , "

**AMENDMENT NO. 2**

On page 2, line 14, following "**reports**" and before "**an**" change "**on**" to "**in**"

**AMENDMENT NO. 3**

On page 2, line 24, following "**Budget**" and before "**shall**" change "**(the committee)**" to "**, hereinafter referred to as 'the committee,'**"

On motion of Senator Marionneaux, 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**

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

**NAYS**

Total - 0

**ABSENT**

Gautreaux B	Gautreaux N	Quinn
Total - 3		

The Chair declared the amended bill was passed 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. 316—**

BY SENATORS NEVERS, ALARIO, AMEDEE, APPEL, BROOME, CHEEK, CLAITOR, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, N. GAUTREAUX, GUILLORY, JACKSON, KOSTELKA, LAFLEUR, LONG, MARTINY, MICHOT, MOUNT, MURRAY, RISER, SMITH, THOMPSON AND WALSWORTH

**AN ACT**

To enact Chapter 18 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:2921 through 2932, to enact R.S. 23:6(15), and to repeal R.S. 17:183.4, 183.6, 183.7, 183.8, and 183.9, relative to college and career readiness; to provide for programs to improve high school graduation rates and prepare students for postsecondary education and careers; to provide for the development of focused programs of study and related courses and curricula; to provide for student development of individual graduation plans; to provide relative to student guidance and counseling; to provide relative to programs for identification of and assistance to students at risk for being underprepared for the next level of study; to establish a high school graduation rate goal; to provide for consideration of improved graduation rates and completion of certain advanced coursework by the state educational accountability system; to provide relative to articulation and transfer of credit; to provide for consultation and collaboration with business and industry and the Louisiana Workforce Commission; to provide relative to the recruitment and training of certain instructional personnel; to provide for reporting and rules; to provide for implementation guidelines and timelines; to provide relative to funding; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Reengrossed Senate Bill No. 316 by Senator Nevers

June 11, 2009

AMENDMENT NO. 1

On page 3, line 26, following "plan." and before "plan shall" change "Such" to "The"

AMENDMENT NO. 2

On page 5, line 19, following "are" and before "of" change "at-risk" to "at risk"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Dupre, Michot, Adley, Erdey, Morrell, Alario, Gray Evans, Morrish, Amedee, Guillory, Mount, Appel, Hebert, Murray, Broome, Heitmeier, Nevers, Cheek, Jackson, Riser, Claitor, Kostelka, Shaw, Crowe, LaFleur, Smith, Donahue, Long, Thompson, Dorsey, Martiny, Walsworth, Duplessis, McPherson

Total - 35

NAYS

Total - 0

ABSENT

Table with 2 columns of names: Gautreaux B, Marionneaux, Gautreaux N, Quinn

Total - 4

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

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

Called from the Calendar

Senator Donahue asked that Senate Bill No. 65 be called from the Calendar at this time for its reconsideration.

SENATE BILL NO. 65—

BY SENATOR DONAHUE AND REPRESENTATIVES ABRAMSON AND CROMER

AN ACT

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

Floor Amendments Sent Up

Senator Donahue sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Donahue to Engrossed Senate Bill No. 65 by Senator Donahue

AMENDMENT NO. 1

On page 1, line 4, after "for" delete "specific"

AMENDMENT NO. 2

On page 1, at the beginning of line 11, delete "A."

AMENDMENT NO. 3

On page 1, line 13, delete "specifically"

AMENDMENT NO. 4

On page 1, line 16, delete "specific"

AMENDMENT NO. 5

On page 2, line 2, delete "in its ordinary course of business"

AMENDMENT NO. 6

On page 2, delete lines 9 through 17

On motion of Senator Donahue, the amendments were adopted.

Motion

Senator Amedee moved that the amended bill be returned to the Calendar.

Senator Donahue objected.

ROLL CALL

The roll was called on the motion with the following result:

YEAS

Table with 3 columns of names: Mr. President, Guillory, Morrell, Amedee, Heitmeier, Mount, Broome, Jackson, Murray, Claitor, LaFleur, Quinn, Dorsey, Marionneaux, Gray Evans, Martiny

Total - 16

NAYS

Table with 3 columns of names: Adley, Hebert, Riser, Alario, Kostelka, Shaw, Appel, Long, Smith, Cheek, McPherson, Thompson, Donahue, Michot, Walsworth, Duplessis, Morrish, Erdey, Nevers

Total - 19

ABSENT

Table with 2 columns of names: Crowe, Gautreaux B, Dupre, Gautreaux N

Total - 4

The Chair declared the motion failed to pass.

Senator Donahue moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Alario, Hebert, Morrish, Appel, Kostelka, Riser, Donahue, Long, Smith

Duplessis  
Erdey  
Total - 15

McPherson  
Michot  
  
NAYS

Thompson  
Walsworth

Mr. President  
Adley  
Amedee  
Broome  
Cheek  
Claitor  
Crowe  
Total - 20

Dorsey  
Dupre  
Gray Evans  
Guillory  
Heitmeier  
Jackson  
LaFleur  
  
ABSENT

Marionneaux  
Martiny  
Mount  
Murray  
Quinn  
Shaw

Gautreaux B  
Gautreaux N  
Total - 4

Morrell  
Nevers

The Chair declared the amended bill failed to pass. Senator Marionneaux moved to reconsider the vote by which the bill failed to pass and laid the motion on the table.

**Called from the Calendar**

Senator Marionneaux asked that Senate Bill No. 21 be called from the Calendar.

**SENATE BILL NO. 21—**  
BY SENATOR MARIONNEAUX

A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(D)(3) and to enact Article VII, Section 4(D)(4) of the Constitution of Louisiana, relative to the dedication of severance tax revenue; to increase the maximum amount of the proceeds from the tax collected on the severance of certain natural resources which is remitted to parish governing authorities; to require the deposit of a certain amount of the proceeds of severance taxes collected into certain funds and provide for the use of such funds; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 21 by Senator Marionneaux

AMENDMENT NO. 1

On page 2, line 19, following "shall" and before "within" change "only be used" to "be used only"

On motion of Senator Marionneaux, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 21 by Senator Marionneaux

AMENDMENT NO. 1

On page 2, line 29, after "VII," delete "Section" and insert "Sections 10-A and"

On motion of Senator Marionneaux, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Alario sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Alario to Engrossed Senate Bill No. 21 by Senator Marionneaux

AMENDMENT NO. 1

On page 2, line 8, change "2010" to "2011"

AMENDMENT NO. 2

On page 2, line 11, change "2011" to "2012"

AMENDMENT NO. 3

On page 2, line 14, change "2012" to "2013"

AMENDMENT NO. 4

On page 5, line 8, after "Fiscal Year" change "2010-2011" to "2011-2012"

AMENDMENT NO. 5

On page 5, at the end of line 10, change "2011-2012" to "2012-2013"

On motion of Senator Alario, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Marionneaux sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 21 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, line 6, after "authorities" insert "under certain conditions"

AMENDMENT NO. 2

On page 1, line 7, after "taxes" change "collected" to "and royalties collected under certain conditions"

AMENDMENT NO. 3

On page 2, delete lines 3 through 17, and insert:  
"(3)(a) Effective July 1, 2007, one-fifth of the severance tax on all natural resources other than sulphur, lignite, or timber shall be remitted to the governing authority of the parish in which severance or production occurs. **Except as provided in Item (b) of this Subparagraph**, the initial maximum amount remitted to the parish in which severance or production occurs shall not exceed eight hundred fifty thousand dollars. The maximum amount remitted shall be increased each July first, beginning in 2008, **except on a July first of a fiscal year in which the provisions of Item (b) of this Subparagraph become effective**, by an amount equal to the average annual increase in the Consumer Price Index for all urban consumers, as published by the United States Department of Labor, for the previous calendar year, as calculated and adopted by the Revenue Estimating Conference.

**(b)(i) Effective for any fiscal year in which the Revenue Estimating Conference estimates in the last official forecast occurring before the start of such fiscal year that severance tax collections on natural resources other than sulphur, lignite, or timber exceeds the actual amount of such severance taxes collected in Fiscal Year 2008-2009, the maximum amount which shall be remitted to the parish in which severance or production occurs shall not exceed two million eight hundred fifty thousand dollars in that fiscal year.**"

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AMENDMENT NO. 4

On page 2, line 18, change "(b)(i)" to "(ii)"

AMENDMENT NO. 5

On page 2, line 22, change "(ii)" to "(iii)"

AMENDMENT NO. 6

On page 2, line 24, after "remitted to the parish" delete the remainder of the line, delete line 25, and insert: "in the most recent fiscal year in which the increased remittance provided for in Subitem (i) of this Subparagraph did not occur."

AMENDMENT NO. 7

On page 3, delete lines 1 and 2, and insert: "constitution, effective for any fiscal year in which the Revenue Estimating Conference estimates in the last official forecast occurring before the start of such fiscal year that severance tax and royalties collected on natural resources other than sulphur, lignite, or timber will exceed the actual amount of such severance taxes collected in Fiscal Year 2008-2009, an amount equal to fifty percent of the revenues received from severance taxes and royalties on state lands in the Atchafalaya Basin."

AMENDMENT NO. 8

On page 4, after line 29, insert:

"Section 3. Be it further resolved that the increased remittances of severance tax and royalties as provided for in this constitutional amendment shall not occur before Fiscal Year 2011-2012."

AMENDMENT NO. 9

On page 5, line 1, change "Section 3." to "Section 4."

AMENDMENT NO. 10

On page 5, delete lines 5 through 10, and on line 11, delete "and thereafter" and insert: "To increase the maximum proceeds parish governing authorities where severance occurs may receive in a fiscal year of the tax collected on certain natural resources from eight hundred fifty thousand dollars to two million eight hundred fifty thousand dollars"

AMENDMENT NO. 11

On page 5, line 15, delete "such" and after "taxes" insert "and royalties"

AMENDMENT NO. 12

On page 6, line 1, after "department" delete the period "." and insert: "; to authorize such increases only in a fiscal year in which official estimates show that such taxes and/or royalties collected will exceed the actual amount of such taxes collected in Fiscal Year 2008-2009; to provide that the proposal increased remittance of severance tax and royalties shall not occur before Fiscal Year 2011-2012."

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Dupre, Marionneaux, Adley, Erdey, Martiny, Alario, Gray Evans, Morrell, Amedee, Guillory, Morrish, Appel, Hebert, Murray, Broome, Heitmeier, Nevers, Cheek, Kostelka, Quinn, Dorsey, LaFleur, Shaw, Duplessis, Long, Walsworth, Total - 27

NAYS

Claitor, Jackson, Mount, Crowe, McPherson, Riser, Donahue, Michot, Thompson, Total - 9

ABSENT

Gautreaux B, Gautreaux N, Smith, Total - 3

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

Called from the Calendar

Senator Jackson asked that Senate Bill No. 136 be called from the Calendar at this time for its reconsideration.

SENATE BILL NO. 136— BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 26:73(B) and 272(B), relative to alcoholic beverage permits; to provide for restaurant "R" permits, applications and fees; to provide for definitions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Duplessis, Michot, Adley, Guillory, Morrell, Alario, Hebert, Morrish, Appel, Heitmeier, Mount, Cheek, Jackson, Nevers, Claitor, LaFleur, Quinn, Donahue, Martiny, Riser, Dorsey, McPherson, Total - 23

NAYS

Amedee, Kostelka, Shaw, Crowe, Long, Smith, Erdey, Marionneaux, Thompson, Gray Evans, Murray, Walsworth, Total - 12

ABSENT

Broome, Gautreaux B, Dupre, Gautreaux N, Total - 4

The Chair declared the bill, as amended on June 1, June 4 and June 9, 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.

Notice Regarding Vote

Senator Riser stated he had voted in error on Senate Bill No. 136. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.



Notice Regarding Vote

Senator Nevers stated he had voted in error on Senate Bill No. 136. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

House Concurrent Resolutions on Second Reading Reported by Committees

HOUSE CONCURRENT RESOLUTION NO. 6— BY REPRESENTATIVES DANAHAY, ARNOLD, BARRAS, BURFORD, HENRY BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, FOIL, GREENE, HOFFMANN, LABRUZZO, LIGI, LOPINTO, MONICA, MORRIS, NOWLIN, PEARSON, PETERSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, SCHRODER, SIMON, SMILEY, JANE SMITH, TUCKER, AND WADDELL AND SENATORS KOSTELKA AND MICHOT

A CONCURRENT RESOLUTION

To request the Department of State Civil Service to develop and the State Civil Service Commission to adopt certain rules affecting layoff procedures, job classifications, and compensation.

Reported favorably by the Committee on Senate and Governmental Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux N Morrell
Total - 2

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

HOUSE CONCURRENT RESOLUTION NO. 98— BY REPRESENTATIVES DANAHAY, BARRAS, CONNICK, RICHARD, WADDELL, BALDONE, CHAMPAGNE, GISCLAIR, HARDY, HARRISON, HENRY, LABRUZZO, LIGI, NOWLIN, PEARSON, SCHRODER, AND TALBOT

A CONCURRENT RESOLUTION

To call upon the Department of State Civil Service to develop and implement a reporting system for all state departments and agencies to furnish the department certain information concerning the use of the Performance Planning and Review (PPR) system and pay increases for employees and to submit a report thereon to the legislature and certain committees thereof and also to direct all state departments and agencies to submit information to the Department of State Civil Service necessary for completion of such report.

Reported favorably by the Committee on Senate and Governmental Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Michot
Adley Gautreaux B Morrell
Alario Gray Evans Morrish
Amedee Guillory Mount
Appel Hebert Murray
Broome Heitmeier Nevers
Cheek Jackson Quinn
Claitor Kostelka Riser
Crowe LaFleur Shaw
Donahue Long Smith
Dorsey Marionneaux Thompson
Duplessis Martiny Walsworth
Dupre McPherson
Total - 38

NAYS

Total - 0

ABSENT

Gautreaux N
Total - 1

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

HOUSE CONCURRENT RESOLUTION NO. 102— BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, bureau of healthcare financing, to study the use of living wills among Medicaid recipients and report to the House and Senate committees on health and welfare no later than February 1, 2010.

Reported favorably by the Committee on Health and Welfare.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Michot
Adley Gautreaux B Morrell
Alario Gray Evans Morrish
Amedee Guillory Mount
Appel Hebert Murray
Broome Heitmeier Nevers
Cheek Jackson Quinn
Claitor Kostelka Riser
Crowe LaFleur Shaw
Donahue Long Smith
Dorsey Marionneaux Thompson
Duplessis Martiny Walsworth
Dupre McPherson
Total - 38

NAYS

Total - 0

June 11, 2009

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 142—**  
BY REPRESENTATIVE NOWLIN  
A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals to develop and submit to the Centers for Medicare and Medicaid Services new waiver or state plan options for a sustainable system of home- and community-based services, to continue to implement approved cost control mechanisms for the Long Term/Personal Care Services Program, the Elderly and Disabled Adults Waiver, and the New Opportunities Waiver, and to provide quarterly progress reports to the House and Senate committees on health and welfare and the Joint Legislative Committee on the Budget.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Concurrent Resolution No. 142 by Representative Nowlin

AMENDMENT NO. 1

On page 2, line 11, after "services." insert "The Department of Health and Hospitals shall present for approval any new waiver or state plan option to the Senate Committee on Health and Welfare and House Committee on Health and Welfare, meeting jointly, before submission to the Centers for Medicare and Medicaid Services."

AMENDMENT NO. 2

On page 2, line 13, after "a" and before "report" insert "written"

AMENDMENT NO. 3

On page 2, line 15, after "Budget" and before "." insert "and to present the reports to the committees upon request of their committee chairpersons"

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

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrell
Alario	Gray Evans	Morrish
Amedee	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Cheek	Jackson	Quinn
Claitor	Kostelka	Riser
Crowe	LaFleur	Shaw
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 171—**  
BY REPRESENTATIVE HINES  
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study the effect of decreasing Medicare-Medicaid crossover payments on dually eligible people with Medicare and Medicaid in Louisiana and to report study findings and recommendations to the legislature prior to the convening of the 2010 Regular Session.

Reported with amendments by the Committee on Health and Welfare.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Health and Welfare to Original House Concurrent Resolution No. 171 by Representative Hines

AMENDMENT NO. 1

On page 1, line 2, after "Hospitals to" delete the remainder of the line and insert "assist and support the Louisiana delegation in the United States Congress in seeking to restore"

AMENDMENT NO. 2

On page 1, line 4, after "Louisiana" delete the remainder of the line and insert "."

AMENDMENT NO. 3

On page 1, delete line 5 in its entirety

AMENDMENT NO. 4

On page 3, line 26, after "benefits" delete "; and" and insert "."

AMENDMENT NO. 5

On page 3, delete lines 27 through 30 in their entirety and insert the following: "THEREFORE BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Health and Hospitals to assist and support the Louisiana delegation in the United States Congress in seeking to restore Medicare-Medicaid crossover payments on dually eligible people with Medicare and Medicaid in Louisiana."

AMENDMENT NO. 6

On page 4, delete lines 1 through 5 in their entirety

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

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrell
Alario	Gray Evans	Morrish
Amedee	Guillory	Mount
Appel	Hebert	Murray

Broome	Heitmeier	Nevers
Cheek	Jackson	Quinn
Claitor	Kostelka	Riser
Crowe	LaFleur	Shaw
Donahue	Long	Smith
Dorsey	Marionneau	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	

Total - 38

NAYS

Total - 0

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 173—**  
BY REPRESENTATIVE HINES

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to restore the Medicare-Medicaid crossover payments nationally so all Medicare beneficiaries in Louisiana and nationwide have equal access to Medicare benefits.

Reported favorably by the Committee on Health and Welfare.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

Gautreaux N  
Total - 2

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

**HOUSE CONCURRENT RESOLUTION NO. 176—**  
BY REPRESENTATIVE GIROD JACKSON

A CONCURRENT RESOLUTION

To create the Hudson Initiative Task Force to study the feasibility of offering business opportunities through state procurement and public contracts to small entrepreneurs in the state of Louisiana.

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

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE CONCURRENT RESOLUTION NO. 178—**  
BY REPRESENTATIVE HINES

A CONCURRENT RESOLUTION

To urge and request Lafarge North America, Inc. operator of the Lafarge Concrete Factory in Gert Town, New Orleans, Louisiana, to cooperate with local and state entities in relocating the industrial facility so as not to conflict with residential land uses.

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

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

Total - 36

NAYS

Total - 0

June 11, 2009

ABSENT

Claitor Gautreaux N Morrell
Total - 3

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

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.

Reported favorably by the Committee on Health and Welfare.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Claitor Gautreaux N
Total - 2

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

HOUSE CONCURRENT RESOLUTION NO. 188— BY REPRESENTATIVE HINES

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study the effects on human health and the environment by the operations of the Lafarge Cement Factory in Gert Town, New Orleans, Louisiana, and to report findings and recommendations to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare prior to 2010 Regular Session of the Legislature.

Reported favorably by the Committee on Health and Welfare.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Morrish
Adley Gautreaux B Mount
Alario Guillory Murray
Amedee Hebert Nevers
Appel Heitmeier Quinn
Broome Jackson Riser
Cheek Kostelka Shaw
Crowe LaFleur Smith
Donahue Long Thompson
Dorsey Martiny Walsworth
Duplessis Michot
Total - 32

NAYS

Marionneaux Morrell
Total - 2

ABSENT

Claitor Gautreaux N McPherson
Dupre Gray Evans
Total - 5

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

House Concurrent Resolutions to be Adopted, Subject to Call

Called from the Calendar

Senator Erdey asked that House Concurrent Resolution No. 49 be called from the Calendar.

HOUSE CONCURRENT RESOLUTION NO. 49— BY REPRESENTATIVES RICHARDSON AND ST. GERMAIN A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study the possibility of requiring all persons aboard a vessel to wear a personal flotation device.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Claitor                      Gautreaux N  
Total - 2

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

**Mr. President in the Chair**

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

**Bagneris Rule**

Senator McPherson moved to suspend the rules to temporarily pass over controversial House Bills on Third Reading and Final Passage with the intention of taking them up later, in their regular order.

Without objection, so ordered.

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux N              LaFleur  
Total - 2

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

**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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Donahue                      Gautreaux N              Martiny  
Total - 3

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

**HOUSE BILL NO. 309—**  
BY REPRESENTATIVE GALLOT AND SENATORS THOMPSON AND WALSWORTH  
AN ACT

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

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrell
Alario	Gray Evans	Morrish
Amedee	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Cheek	Jackson	Quinn
Claitor	Kostelka	Riser
Crowe	LaFleur	Shaw

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Donahue	Long	Smith
Dorsey	Marionneau	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE BILL NO. 586—**

BY REPRESENTATIVES DOERGE, CORTEZ, HENDERSON, HOFFMANN, LAFONTA, MONTOU CET, POPE, AND ROBIDEAUX AND SENATORS APPEL, CROWE, B. GAUTREAUX, HEBERT, KOSTELKA, MORRELL, AND NEVERS

AN ACT

To enact R.S. 11:542.1.1 and 883.3, relative to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide a minimum benefit increase to certain retirees, beneficiaries, and survivors; to provide for funding; to provide an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux N	LaFleur	Morrell
Total - 3		

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

**HOUSE BILL NO. 649—**

BY REPRESENTATIVES MONTOU CET, BOBBY BADON, BARRAS, DOERGE, GALLOT, GISCLAIR, LAFONTA, MILLS, RICHARD, AND THIBAUT AND SENATORS DUPRE, B. GAUTREAUX, GUILLORY, HEBERT, AND MURRAY

AN ACT

To enact R.S. 11:546 and R.S. 15:574.4.2, relative to the Louisiana State Employees' Retirement System; to provide for a probation and parole processing fee; to create a fund for the deposit of funds generated by such fees; to provide for an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux N	Morrell	Smith
Total - 3		

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

**HOUSE BILL NO. 729—**

BY REPRESENTATIVES BILLIOT, ST. GERMAIN, ARNOLD, AUBERT, BOBBY BADON, BALDONE, BARRAS, HENRY BURNS, TIM BURNS, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, DIXON, DOERGE, GISCLAIR, GUINN, HARDY, HOFFMANN, HOWARD, MICHAEL JACKSON, JOHNSON, LABRUZZO, LAMBERT, LANDRY, LEBAS, LIGI, MILLS, MONICA, NORTON, PERRY, POPE, PUGH, RICHARD, RICHMOND, RITCHIE, ROY, SCHRODER, SIMON, GARY SMITH, PATRICIA SMITH, TEMPLET, THIBAUT, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON

AN ACT

To amend and reenact R.S. 22:347(A)(1) and R.S. 23:1036(A), (C)(1) and (3), (E), and (H), to enact R.S. 23:1036(C)(4) and (L), and to repeal R.S. 23:1036(D)(3), (F), (G), and (J), relative to workers' compensation for firefighters; to provide for the disposition of tax money for the state fire marshal; to require workers' compensation coverage for volunteer firefighters; to provide relative to medical benefits payable; to provide for burial expenses; to require fire companies to furnish certain documents to the fire marshal; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Riser sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Riser to Reengrossed House Bill No. 729 by Representative Billiot

AMENDMENT NO. 1

On page 1, delete line 2 and insert the following: "To amend and reenact R.S. 22:347(A)(1), R.S. 23:1036(A), (C)(1) and (3), (E), and (H) and 1209(A)(3) and 1378(A)(1), (2), (3)(a)(introductory paragraph) and (b)(introductory paragraph), and (7)."

AMENDMENT NO. 2

On page 1, line 4 after "compensation" delete "for firefighters"

AMENDMENT NO. 3

On page 1, delete line 5 and insert the following: "of tax money for the state fire marshal; to provide for the determination of the liability of the Second Injury Fund; to require workers' compensation coverage"

AMENDMENT NO. 4

On page 2, delete line 10 and insert the following: "Section 2. R.S. 23:1036(A), (C)(1) and (3), (E), and (H) and 1209(A)(3) and 1378(A)(1), (2), (3)(a)(introductory paragraph) and (b)(introductory paragraph), and (7) are hereby amended and"

AMENDMENT NO. 5

On page 5, between lines 6 and 7 insert the following:

\* \* \*

§1378. Determination of liability of fund

A. An employer operating under the provisions of this Chapter who knowingly employs or knowingly retains in his employment an employee who has a permanent partial disability, as defined in Subsection F of this Section, shall be reimbursed from the Second Injury Fund as follows:

(1)(a) For injuries occurring before July 1, 2004, and on or after July 1, 2009 2011, if an employee who has a permanent partial disability incurs a subsequent injury arising out of and in the course of his employment resulting in liability for disability due to the merger of the subsequent injury with the preexisting permanent partial disability, the employer or, if insured, his insurer, in the first instance, shall pay all compensation provided in this Chapter, but the employer or, if insured, his insurer thereafter shall be reimbursed from the Second Injury Fund for all weekly compensation payments payable after the first one hundred four weeks of payments. Such payments shall be reimbursed provided they are submitted to the board within one year of the approval for reimbursement or within one year of the payment of such weekly compensation payments, whichever occurs later.

(b) For injuries occurring on or after July 1, 2004, and before July 1, 2009 2011, if an employee who has a permanent partial disability incurs a subsequent injury arising out of and in the course of his employment resulting in liability for disability due to the merger of the subsequent injury with the preexisting permanent partial disability, the employer or, if insured, his insurer thereafter shall be reimbursed from the Second Injury Fund for all weekly compensation payments payable after the first one hundred thirty weeks of payments. Such payments shall be reimbursed provided they are submitted to the board within one year of the approval for reimbursement or within one year of the payment of such weekly compensation payments, whichever occurs later.

(2)(a) For injuries occurring before July 1, 2004, and on or after July 1, 2009 2011, if an employer becomes liable for the payment of death benefits under the provisions of this Chapter, said employer or, if insured, his insurer shall be entitled to reimbursement from the workers' compensation Second Injury Fund for all death benefit payments payable after the first one hundred seventy-five weeks of payments, provided that death benefits are actually paid by said employer or his insurer under the provisions of this Chapter, and provided that the deceased employee of the employer died as a result of a combination of a preexisting permanent partial disability and a subsequent compensable injury or the employee's death would not have occurred but for the preexisting permanent partial disability. Such payments shall be reimbursed provided they are submitted to the board within one year of the approval for reimbursement or within one year of the payment of such death benefits, whichever occurs later.

(b) For injuries occurring on or after July 1, 2004, and before July 1, 2009 2011, if an employer becomes liable for the payment of death benefits under the provisions of this Chapter, said employer or, if insured, his insurer shall be entitled to reimbursement from the workers' compensation Second Injury Fund for all death benefit payments payable after the first one hundred thirty weeks of payments, provided that death benefits are actually paid by the employer or his insurer under the provisions of this Chapter, and provided that the deceased employee of the employer died as a result of a combination of a preexisting permanent partial disability and a subsequent compensable injury or the employee's death would not

have occurred but for the preexisting permanent partial disability. Such payments shall be reimbursed provided they are submitted to the board within one year of the approval for reimbursement or within one year of the payment of such death benefits, whichever occurs later.

(3)(a) For injuries occurring before July 1, 2004, and on or after July 1, 2009 2011, if an employee who has a permanent partial disability incurs a subsequent injury arising out of and in the course of his employment resulting in liability for disability due to the merger of the subsequent injury with the preexisting permanent partial disability, the employer or, if insured, the insurer shall be reimbursed from the Second Injury Fund for medical expenses actually paid and payable in accordance with R.S. 23:1203 as follows:

\* \* \*

(b) For injuries occurring on or after July 1, 2004, and before July 1, 2009 2011, if an employee who has a permanent partial disability incurs a subsequent injury arising out of and in the course of his employment resulting in liability for disability due to the merger of the subsequent injury with the preexisting permanent partial disability, the employer or, if insured, the insurer shall be reimbursed from the Second Injury Fund for medical expenses actually paid and payable in accordance with R.S. 23:1203 as follows:

\* \* \*

(7) Upon the board's approval of a claim for reimbursement, and on an annual basis thereafter, the insurer shall report to the board an estimate of the future medical and indemnity liability to the injured employee on a form promulgated by the director. The report shall be submitted to the board each year at the same time the annual report required by R.S. 23:1291.1 is submitted to the office of workers' compensation administration.

(a) For injuries occurring before July 1, 2004, and on or after July 1, 2009 2011, upon the board's approval of a claim for reimbursement, the insurer shall immediately certify to the board that the medical reserve has been reduced to no more than seven thousand five hundred dollars, and the weekly disability benefits (indemnity) reserve does not exceed one hundred four weeks of indemnity. In the event of a death claim, the weekly benefits reserve will be no more than one hundred seventy-five weeks. No reimbursement will be made to the insurer unless such insurer complies with the provisions of this Paragraph. The Louisiana Insurance Guaranty Association shall be entitled to reimbursement, but only to the extent of the proportion of the Second Injury Fund assessment paid by insurance companies.

(b) For injuries occurring on or after July 1, 2004, and before July 1, 2009 2011, upon the board's approval of a claim for reimbursement, the insurer shall immediately certify to the board that the medical reserve has been reduced to no more than twenty-five thousand dollars, and the weekly disability benefits (indemnity) reserve does not exceed one hundred thirty weeks of indemnity. In the event of a death claim, the weekly benefits reserve will be no more than one hundred thirty weeks. No reimbursement will be made to the insurer unless such insurer complies with the provisions of this Paragraph. The Louisiana Insurance Guaranty Association shall be entitled to reimbursement, but only to the extent of the proportion of the Second Injury Fund assessment paid by insurance companies.

\* \* \*\*

On motion of Senator Riser, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Position, and Name. Mr. President, Edley, Morrell, Adley, Gautreaux B, Morrish, Alario, Gray Evans, Mount.

June 11, 2009

Amedee	Guillory	Murray
Appel	Hebert	Nevers
Broome	Heitmeier	Quinn
Cheek	Jackson	Riser
Claitor	LaFleur	Shaw
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Dupre	Michot	
Total - 37		

NAYS

Total - 0

ABSENT

Gautreaux N	Kostelka
Total - 2	

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

**Senator Walsworth in the Chair**

**HOUSE BILL NO. 891— (Substitute for House Bill No. 799 by Representative Michael Jackson)**

BY REPRESENTATIVE MICHAEL JACKSON  
AN ACT

To amend and reenact R.S. 23:1538(A), relative to unemployment compensation; to provide for penalties to an employer for failure to file a payroll report; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux N	Kostelka	Morrell
Total - 3		

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

**HOUSE BILL NO. 892— (Substitute for House Bill No. 800 by Representative Michael Jackson)**

BY REPRESENTATIVE MICHAEL JACKSON  
AN ACT

To enact R.S. 23:1625.1, relative to unemployment compensation; to provide for the prompt determination of claims; to provide with respect to the abandonment of an employer's right to appeal a

determination of claim; to provide for the employer's right to appeal in the event the failure to provide information is due to compelling circumstances; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux N	Martiny
Kostelka	Morrell
Total - 4	

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

**Mr. President in the Chair**

**HOUSE BILL NO. 39—**

BY REPRESENTATIVES HENRY BURNS, BOBBY BADON, FOIL, GISCLAIR, GUINN, HARRISON, HENDERSON, LAMBERT, MORRIS, AND ST. GERMAIN

AN ACT

To amend and reenact R.S. 56:116.1(B)(4) and to enact R.S. 56:116.1(A)(8), relative to use of a laser when hunting; to authorize certain persons to use a laser device when hunting; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Heitmeier sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Heitmeier to Engrossed House Bill No. 39 by Representative Henry Burns

**AMENDMENT NO. 1**

On page 1, delete lines 14, 15 and 16 and insert in lieu there of the following: "authorized in R.S. 56:104.1, who has the impairment of visual functioning even after treatment and/or standard refractive correction, and has a visual acuity of equal to or less than 20/200 to light perception, or a visual field of less than ten degree from the point of fixation, as certified by a Louisiana licensed optometrist or ophthalmologist. Such hunter shall be"

On motion of Senator Heitmeier, the amendments were adopted.

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



**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Duplessis	Gautreaux N	Kostelka
Total - 3		

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

**HOUSE BILL NO. 55—**  
BY REPRESENTATIVE LAFONTA AND SENATOR THOMPSON  
AN ACT

To enact R.S. 32:378.3, relative to motor vehicles; to prohibit installation of sound amplification systems on the exterior of a vehicle; to provide for penalties; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Guillory	Murray
Appel	Hebert	Nevers
Broome	Jackson	Quinn
Cheek	Long	Shaw
Crowe	Marionneaux	Smith
Donahue	Martiny	Thompson
Dorsey	McPherson	Walsworth
Duplessis	Michot	
Dupre	Morrell	
Total - 31		

**NAYS**

Adley	Claitor	Gray Evans
Total - 3		

**ABSENT**

Gautreaux N	Kostelka	Riser
Heitmeier	LaFleur	
Total - 5		

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

**Notice Regarding Vote**

Senator Adley stated he had voted in error on House Bill No. 55. He voted nay on the bill and had intended to vote yea. He asked that the Official Journal so state.

**HOUSE BILL NO. 143—**  
BY REPRESENTATIVE TALBOT  
AN ACT

To amend and reenact R.S. 47:1992(A)(1)(a) and (2), (B), and (F), relative to the inspection period for tax assessment lists in Jefferson Parish; to provide for the time period during which assessment lists shall be open for inspection; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Gautreaux N	Heitmeier	Kostelka
Total - 3		

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

**HOUSE BILL NO. 159—**  
BY REPRESENTATIVES HENRY BURNS, BOBBY BADON, BILLIOT, BURFORD, CARMODY, CHAMPAGNE, CHANEY, DOWNS, GISCLAIR, GUINN, HENDERSON, HOWARD, LAMBERT, LITTLE, MILLS, MONICA, MONTOUCET, PUGH, AND SIMON AND SENATOR DUPRE  
AN ACT

To amend and reenact R.S. 30:28(B), relative to drilling permits; to provide for the validity of drilling permits; and to provide for related matters.

The bill was read by title. Senator Smith 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 B	Morrish
Amedee	Gray Evans	Mount
Appel	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Jackson	Quinn

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Claitor	LaFleur	Riser
Crowe	Long	Shaw
Donahue	Marionneaux	Smith
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Gautreaux N	Heitmeier	Kostelka
Total - 3		

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

**HOUSE BILL NO. 168—**  
BY REPRESENTATIVE MICKEY GUILLORY  
AN ACT

To amend and reenact R.S. 40:384(16), relative to local housing authorities; to provide relative to the scope and nature of local housing authorities; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Gautreaux N	Kostelka
Total - 2	

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

**HOUSE BILL NO. 187—**  
BY REPRESENTATIVE PATRICIA SMITH  
AN ACT

To amend and reenact R.S. 17:3973(2)(b)(iii) and (iv), relative to the creation of Type 3 and Type 4 charter schools; to provide relative to the approval by certain persons of a proposal to create a Type 3 or Type 4 charter school by means of converting a preexisting public school; to provide relative to attendance at such schools; to provide an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Crowe	Dupre	Gautreaux N
Total - 3		

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

**HOUSE BILL NO. 233—**  
BY REPRESENTATIVE GALLOT  
AN ACT

To amend and reenact R.S. 56:578.2(A)(1), relative to the Louisiana Seafood Promotion and Marketing Board; to place the board under the jurisdiction of the office of fisheries of the Department of Wildlife and Fisheries; and to provide for related matters.

The bill was read by title. Senator Dupre 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 B	Morrish
Amedee	Gray Evans	Mount
Appel	Heitmeier	Murray
Broome	Jackson	Nevers
Cheek	Kostelka	Quinn
Claitor	LaFleur	Riser
Crowe	Long	Shaw
Donahue	Marionneaux	Smith
Dorsey	Martiny	Thompson
Duplessis	McPherson	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Gautreaux N	Guillory	Hebert
Total - 3		

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

**HOUSE BILL NO. 299—**

BY REPRESENTATIVE ST. GERMAIN  
AN ACT

To amend and reenact R.S. 56:497(C)(1), relative to bait shrimp; to increase the fee for a bait shrimp permit; to provide for a beginning date for when bait shrimp may be taken; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Claitor  
Total - 1

ABSENT

Crowe  
Total - 2

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

**HOUSE BILL NO. 334—**

BY REPRESENTATIVE CROMER  
AN ACT

To authorize and provide for the sale of certain state property in St. Tammany Parish to the St. Tammany Parish School Board from the division of administration; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrell
Alario	Gray Evans	Morrish
Amedee	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Cheek	Jackson	Quinn
Claitor	Kostelka	Riser
Crowe	LaFleur	Shaw
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	Martiny	Walsworth
Dupre	McPherson	
Total - 38		

NAYS

Total - 0

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE BILL NO. 468—**

BY REPRESENTATIVE MICHAEL JACKSON  
AN ACT

To enact R.S. 33:9097.5, relative to East Baton Rouge Parish; to create the Melrose East Crime Prevention District within the parish; to provide relative to the purpose, governance, powers, and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Crowe  
Total - 2

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

**HOUSE BILL NO. 545—**

BY REPRESENTATIVE RITCHIE  
AN ACT

To amend and reenact R.S. 17:112(A)(1) and (B), relative to student education records; to require principals of certain schools to provide for the transfer of certain student education records; to require that such records include certain information relative to the suspension of students; and to provide for related matters.

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

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**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 37

**NAYS**

Total - 0

**ABSENT**

Gautreaux N LaFleur  
Total - 2

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

**HOUSE BILL NO. 570—**

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

**AN ACT**

To enact R.S. 17:81(Q) and 3996(B)(21), to require the governing authority of a public elementary or secondary school to formulate, develop, adopt, and implement policies, procedures, and practices applicable to school employees relative to electronic communications by an employee at a school to a student at that school; to provide policy guidelines and requirements; to provide limitations and exceptions; to provide that the occurrence of certain electronic communications be reported by the school employee; to provide for immunity from civil liability; to provide an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 37

**NAYS**

Total - 0

**ABSENT**

Gautreaux N Guillory  
Total - 2

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

**HOUSE BILL NO. 576—**

BY REPRESENTATIVE JOHNSON  
**AN ACT**

To enact R.S. 17:24.3, relative to the state superintendent of education; to authorize the superintendent to set certain rates and fees for the Cecil J. Picard Educational and Recreational Center; to provide that the setting of such rates and fees by the superintendent shall be subject to approval by the State Board of Elementary and Secondary Education; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

Total - 36

**NAYS**

Riser  
Total - 1

**ABSENT**

Gautreaux N Kostelka  
Total - 2

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

**HOUSE BILL NO. 602—**

BY REPRESENTATIVE LEBAS AND SENATOR LAFLEUR  
**AN ACT**

To enact R.S. 17:436.1(J), relative to the administration of medication to public school students; to require public school governing authorities to permit students with certain conditions to self-administer certain medications; to provide relative to authorization and documentation; to provide a limitation of liability and indemnification of schools and school employees; to provide for definitions; to provide for duration of permission granted to self-administer medications; to provide relative to disciplinary actions for misuse of permitted medications; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Gautreaux N	Guillory	Morrell
Total - 3		

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

**HOUSE BILL NO. 609—**

BY REPRESENTATIVES ROSALIND JONES AND KATZ  
AN ACT

To enact Subpart D of Part IV of Chapter 5 of Subtitle III of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:2238.1 through 2238.8, relative to property adjudicated to the city of Monroe; to provide for the authorization of the city of Monroe to sell or transfer adjudicated property; to provide for notice to the owner and other interested parties; to provide for a deposit of monies sufficient to cover the expenses of the sale, advertisement, taxes due, and other costs associated with the sale; to provide for applicability; to provide for an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Gautreaux N	Guillory	Michot
Total - 3		

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

**HOUSE BILL NO. 624—**

BY REPRESENTATIVES GIROD JACKSON, BOBBY BADON, HENRY BURNS, GISCLAIR, GUINN, LAMBERT, MONTOUCET, AND ST. GERMAIN

AN ACT

To enact R.S. 3:4674.1, relative to biodiesel fuel manufacturing; to provide for collection and use of waste fats, oils, and grease; to provide for monitoring; to provide for notices; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Crowe	Donahue	Gautreaux N
Total - 3		

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

**HOUSE BILL NO. 699—**

BY REPRESENTATIVE ERNST

AN ACT

To amend and reenact R.S. 33:909.1(F)(2)(a), relative to the Lakeview Crime Prevention District; to provide relative to the parcel fee imposed within the district; to require the governing authority of the city of New Orleans to impose the fee on all parcels located within the district, subject to voter approval; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Erdey	Michot
Adley	Gautreaux B	Morrell
Alario	Gray Evans	Morrish
Amedee	Hebert	Mount
Appel	Heitmeier	Murray
Broome	Jackson	Nevers
Cheek	Kostelka	Quinn
Claitor	LaFleur	Riser

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Donahue	Long	Shaw
Dorsey	Marionneau	Smith
Duplessis	Martiny	Thompson
Dupre	McPherson	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Crowe	Gautreaux N	Guillory
Total - 3		

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

**HOUSE BILL NO. 718—**

BY REPRESENTATIVE HENRY BURNS  
AN ACT

To enact R.S. 38:214.1, relative to drainage systems; to authorize governing authorities to adopt ordinances with respect to blocking of drainage systems under certain circumstances; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Shaw sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Shaw to Engrossed House Bill No. 718 by Representative Henry Burns

AMENDMENT NO. 1

On page 1, delete line 7, and insert the following:

"§214.1. Prohibiting interference with drainage systems; ordinances authorized"

On motion of Senator Shaw, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Marionneau  
Total - 1

ABSENT

Gautreaux N  
Total - 1

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

**HOUSE BILL NO. 725—**

BY REPRESENTATIVES MICHAEL JACKSON, GEYMAN, HINES, LEGER, PETERSON, ABRAMSON, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BILLIOT, BROSSETT, HENRY BURNS, BURRELL, CARMODY, CARTER, CHANDLER, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, FANNIN, FOIL, GISCLAIR, MICKEY GUILLORY, GUINN, HARDY, HAZEL, HENRY, HONEY, HOWARD, HUTTER, LAFONTA, LIGI, LOPINTO, MCVEA, MILLS, PEARSON, POPE, RICHARD, RICHMOND, SCHRODER, SIMON, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, TUCKER, WADDELL, WILLIAMS, WILLMOTT, AND WOOTON AND SENATORS MARIONNEAUX AND BROOME

AN ACT

To enact R.S. 32:76.1 and 201, relative to bicycles; to provide a method by which drivers of vehicles shall pass bicyclists; to provide for penalties; to provide for publications, signage, and a public awareness campaign; to prohibit certain actions against bicyclists; to provide for penalties; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Crowe  
Total - 2  
Gautreaux N

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

**HOUSE BILL NO. 766—**

BY REPRESENTATIVE ABRAMSON  
AN ACT

To amend and reenact R.S. 33:9091.6, relative to the Upper Hurstville Security District; to provide relative to the purpose, governance, powers, and duties of the district; to provide relative to the funding of the district, including the levy of a parcel fee; to provide for the merger of the district or a part thereof with another district or a part thereof; to provide for indemnification and exculpation of board members; 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	Gautreaux B	Morrell
Adley	Gray Evans	Morrish
Alario	Guillory	Mount
Amedee	Hebert	Murray
Appel	Heitmeier	Nevers
Broome	Jackson	Quinn
Cheek	Kostelka	Riser
Claitor	LaFleur	Shaw
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dorsey	Martiny	Walsworth
Duplessis	McPherson	
Erdey	Michot	
Total - 37		

**NAYS**

Total - 0

**ABSENT**

Dupre	Gautreaux N
Total - 2	

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

**HOUSE BILL NO. 779—**  
BY REPRESENTATIVE TUCKER  
AN ACT

To amend and reenact R.S. 34:1(A) through (H) and 21(A), relative to the Board of Commissioners of the Port of New Orleans; to provide relative to the members of the Board of Commissioners; to provide for their appointment and term of office; to provide relative to the territorial jurisdiction of the Port of New Orleans; to provide for financial disclosure; and to provide for related matters.

Senator Heitmeier moved to place the bill on the Involuntary Calendar.

Senator Appel objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Erdey	McPherson
Alario	Gautreaux B	Michot
Amedee	Guillory	Mount
Broome	Hebert	Quinn
Crowe	Heitmeier	Smith
Dorsey	Jackson	
Duplessis	Marionneaux	
Total - 19		

**NAYS**

Appel	Morrell	Nevers
Claitor	Morrish	Shaw
Donahue	Murray	Thompson
Total - 9		

**ABSENT**

Mr. President	Gray Evans	Martiny
Cheek	Kostelka	Riser

Dupre	LaFleur	Walsworth
Gautreaux N	Long	
Total - 11		

The Chair declared the bill was placed on the Involuntary Calendar.

**HOUSE BILL NO. 785—**  
BY REPRESENTATIVE SAM JONES  
AN ACT

To enact Chapter 10-E of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4550.1 through 4550.12, relative to St. Mary Parish; to create and provide for the St. Mary Hydroelectric Authority as a political subdivision within such parish; to provide for the boundaries, governance, and powers and duties of the district; to provide for district funding, including the issuance of bonds and the use of district funds; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total - 0

**ABSENT**

Appel	Gautreaux N
Dupre	Gray Evans
Total - 4	

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

**HOUSE BILL NO. 859—**  
BY REPRESENTATIVE ST. GERMAIN  
AN ACT

To enact R.S. 33:226, relative to the Central Thruway; to grant East Baton Rouge Parish the authority to name a bridge after a living person; and to provide for related matters.

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

**Rules Suspended**

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

Message from the House
PASSED SENATE BILLS AND JOINT RESOLUTIONS

June 11, 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 the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 146— BY SENATORS DUPLESSIS, APPEL, CROWE, MICHOT, SMITH AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, CHAMPAGNE, CORTEZ, FOIL, LITTLE, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH AND THIBAUT AN ACT

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

Reported with amendments.

SENATE BILL NO. 166— BY SENATORS DUPRE, APPEL, CHEEK, CROWE, DUPLESSIS, KOSTELKA, LONG, MICHOT, QUINN, SHAW, SMITH AND WALSWORTH AND REPRESENTATIVES HENRY BURNS, TIM BURNS, CHAMPAGNE, DOWNS, FOIL, GISCLAIR, MICKEY GUILLORY, LITTLE, MILLS, PEARSON, PERRY, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY AND JANE SMITH AN ACT

To enact R.S. 14:98.3, relative to public safety; to create the crime of operating a vehicle while under suspension for certain prior offenses; to provide for elements of the crime; to provide for penalties; to provide for a prior offense involving operation under the influence of an intoxicant; to provide for certain criteria; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 177— BY SENATOR MARTINY AN ACT

To amend and reenact R.S. 22:14(B), 16, 18(A), 33(A)(introductory paragraph), 35(C), 72(B), 88(E), (I), and (O), 236.4(C) and (E), 255, 259, 264, 267(D), 310, 337(B), 369, 371, 389, 391, 457(C), 584(D)(1)(b), 588(A)(1), 590(B), 595, 613(A)(3), (C)(2), and (D)(3)(b), 614(A)(9) and (C)(2), 615(A)(5), 616(A)(3), 634(A)(3), (C)(2), and (D)(2), 635(A)(3), (7), and (9) and (C)(2), 636(A)(3) and (5), 637(A)(introductory paragraph) and (A)(3), 638(introductory paragraph), 656(B), 661, 674(A)(3) and (B), 694(D)(1)(introductory paragraph), 709(A), (B), and (C), 731(D), 732(A) and (C), 821(G), 833(C)(3), 855(E)(1), 972(A) and (B), 974, 1071(C)(3)(d), 1141, 1143(A)(introductory paragraph) and (B)(introductory paragraph), 1211(B), 1451(E), 1453(A)(1), 1465(A)(3)(a), (B), and (C), 1466(A), (B), (D), and (E), 1469(A), 1470(B), 1471(C), 1529(A), 1546(B)(1)(d), 1547(G), 1549(G), 1550(G), 1554(B), (C), and (D), 1559(G), 1571(H), 1627(A)(introductory paragraph), 1671(C), 1672(B) and (C), 1699(B), 1700(C), (D), and (E), 1731(A)(introductory paragraph), 1793(C), 1837(A)(introductory paragraph) and (B)(introductory paragraph), 1860(A)(introductory paragraph) and (B)(introductory paragraph), 1968, 1969, 1970, 1995(B), 2060(B)(2), 2090(B), 2147(A)(2), 2191, 2193, 2194, 2198, 2204, 2205, 2206, 2208, 2242(C)(3), Article VIII(4)(a) of R.S.

22:2381, and R.S. 22:2401, to enact R.S. 22:33(D), 588(C), 694(D)(4), 709(E), 731(F), 833(D), 1143(D), 1211(C), 1453(D), 1471(E), 1472(C), 1529(C), 1549(K), 1550(K), 1837(C), 1860(C), 2060(C), and 2422(C), and to repeal R.S. 22:2192, 2196, and 2199 through 2203, relative to the Department of Insurance; to provide with respect to administrative hearings for that department held by the Division of Administrative Law; to provide for public hearings held by that department; to make certain technical changes; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 188— BY SENATORS ALARIO, APPEL, MARTINY AND MORRELL AND REPRESENTATIVES GIROD JACKSON, LABRUZZO AND TEMPLET AN ACT

To amend and reenact R.S. 27:93(A)(4)(a), relative to the Louisiana Riverboat Economic Development and Gaming Control Act; to provide for the expenditure of riverboat gaming revenue in the parish of Jefferson; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 230— BY SENATOR SHAW AN ACT

To amend and reenact R.S. 46:236.1.11(A) and (C) and to enact R.S. 46:236.11.1 through 236.11.4, relative to the family and child support program; to provide for certain electronic data matching and cooperation between the Department of Social Services and insurance companies; to provide relative to disclosure of certain information and penalties for intentional or willful unauthorized disclosure; to provide definitions; to provide for procedures and requirements for notice of payment to the state disbursement units; to provide for the redirection of income assignment payments; to provide for the amendment and use of certain records as evidence; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 294— BY SENATOR NEVERS AN ACT

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

Reported with amendments.



**SENATE BILL NO. 318—**  
BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 22:2081, 2083 (B)(2)(d)(i), (C)(2)(b) and (c), and (D), 2084(8)(f) and (g), the introductory paragraph of 2086(A), 2086(A)(2), (3) and (6) and (D), 2087(G), (L) and (N)(5), 2088(C)(1), (D) and (E)(1), 2090(D), 2092(A), 2093(C) and (E)(3) and (5), 2097, and 2098(A) and to enact R.S. 22:2083(B)(2)(h) and (i), 2084(8)(h), 2087(M)(4) and (5) and (P), 2088(I) and (J) and 2089(C)(8) and (9), relative to the Louisiana Life and Health Insurance Guaranty Association Law; to provide for coverage limitations of the association; to provide for benefit limitations of the association; to provide for definitions; to provide for the membership of the board of directors; to provide for the powers and duties of the association; to provide for venue; to provide for assessments of member insurers; to provide for protests of assessments; to provide for the plan of operation of the association; to provide for premium tax liability offsets for assessments paid; to provide for a stay of proceedings against insolvent insurers; to provide for prohibited advertising; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 143—**

BY SENATORS AMEDEE AND MARIONNEAUX  
AN ACT

To amend and reenact R.S. 9:2603(B)(4)(b) and to enact R.S. 9:2603.1 and 2603.2, relative to electronic transactions; to provide for the authorization and utilization of electronic applications for warrants and for electronic signatures; to provide for the electronic approval of such applications; to provide for processing of warrant applications, approvals of applications and documented returns of completed warrants for the judicial branch of state government; to provide for the authorization and utilization of electronic applications for testimony transcripts and electronic signatures; to provide for certification of testimony transcripts with electronic signatures; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

June 11, 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. 113—**  
BY SENATOR MICHOT

A CONCURRENT RESOLUTION

To commend US Airways and Doug Parker for their commitment to Louisiana Honor Air.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 117—**  
BY SENATOR RISER AND REPRESENTATIVE ELLINGTON

A CONCURRENT RESOLUTION

To recognize and commend Kenneth Blackson for his commitment and service as a senior member of the first Legislative Youth Advisory Council.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 118—**  
BY SENATOR RISER AND REPRESENTATIVE CHANDLER

A CONCURRENT RESOLUTION

To recognize and commend Brett Jones for his commitment and service as a senior member of the first Legislative Youth Advisory Council.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 119—**  
BY SENATORS MARTINY AND APPEL AND REPRESENTATIVE WILLMOTT

A CONCURRENT RESOLUTION

To recognize and commend Kaci McGuire for her service and leadership as communications officer of the first Legislative Youth Advisory Council.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 120—**  
BY SENATOR NEVERS AND REPRESENTATIVE RITCHIE

A CONCURRENT RESOLUTION

To recognize and commend Evan Scott Tageant for his commitment and service as a senior member of the first Legislative Youth Advisory Council.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 121—**  
BY SENATOR MORRELL AND REPRESENTATIVE BROSETT

A CONCURRENT RESOLUTION

To recognize and commend Ashton John Pruitt for his commitment and service as a senior member of the first Legislative Youth Advisory Council.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 122—**  
BY SENATOR CHEEK AND REPRESENTATIVE WADDELL

A CONCURRENT RESOLUTION

To recognize and commend Mark Dupee for his commitment and service as a senior member of the first Legislative Youth Advisory Council.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 123—**  
BY SENATOR HEBERT AND REPRESENTATIVE CHAMPAGNE

A CONCURRENT RESOLUTION

To recognize and commend Jasmine Paul-Olivier for her commitment and service as a senior member of the first Legislative Youth Advisory Council.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 124—**  
BY SENATOR CHAISSON

A CONCURRENT RESOLUTION

To commend C.H. "Sonny" Savoie of St. Charles Parish upon being named president of the National School Boards Association.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 125—**  
BY SENATOR MICHOT AND REPRESENTATIVE ROBIDEAUX

A CONCURRENT RESOLUTION

To commend John Patrick Casey for being named USA Today 2<sup>nd</sup> Team Academic All-American and a National Science Foundation Graduate Fellowship.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

June 11, 2009

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 97— BY SENATOR SMITH

A RESOLUTION

To commend Michael Rhea on being named to USA TODAY's 2009 All-USA College Academic Second Team.

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

SENATE RESOLUTION NO. 98— BY SENATOR N. GAUTREUX

A RESOLUTION

To commend the members of the 1-244th Assault Helicopter Battalion on their service to the United States of America.

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

SENATE RESOLUTION NO. 99— BY SENATOR HEITMEIER

A RESOLUTION

To urge and request the United States Army Corps of Engineers to explore all of its other options regarding its plan to place a floodwall across Highway 23, near Oakville, Plaquemines Parish.

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

SENATE RESOLUTION NO. 100— BY SENATOR MOUNT

A RESOLUTION

To urge and request the Department of Health and Hospitals to make changes to, and enhance the effectiveness of, the Medical Care Advisory Committee pursuant to 42 CFR 431.12 of Federal Regulations.

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 127— BY SENATOR MOUNT AND REPRESENTATIVE GEYMANN A CONCURRENT RESOLUTION

To recognize and commend Darrell Guidry, Jr., for his commitment and service as a senior member of the first Legislative Youth Advisory Council.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and representatives who voted 'YEAS', including Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrell, Alario, Gray Evans, Morrish, Amedee, Guillory, Mount, Appel, Hebert, Murray, Broome, Heitmeier, Nevers, Cheek, Jackson, Quinn, Claitor, Kostelka, and Riser.

Table listing names of senators and representatives who voted 'NAYS' or 'ABSENT', including Crowe, Donahue, Dorsey, Duplessis, Dupre, LaFleur, Long, Marionneaux, Martiny, McPherson, Shaw, Thompson, and Walsworth.

Total - 37

NAYS

Total - 0

ABSENT

Gautreaux N Smith Total - 2

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

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 10, 2009

To the President and Members of the Senate:

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

HOUSE BILL NO. 813— BY REPRESENTATIVE CONNICK AN ACT

To amend and reenact R.S. 45:200.4, relative to motor vehicle liability policies; to increase the minimal automobile insurance policy limits for public carrier vehicles; and to provide for related matters.

Reported with amendments.

Respectfully submitted, TROY HEBERT Chairman

Rules Suspended

Senator Murray asked for and obtained a suspension of the rules to recall House Bill No. 782 from the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 782— BY REPRESENTATIVE ELLINGTON AN ACT

To enact R.S. 33:9109.1, relative to communications districts; to provide for intent; to provide for definitions; to provide for collection and remittance of prepaid wireless telecommunications service charge; to provide for the administration of the prepaid wireless service charge; to provide for distribution of funds to communications districts; to provide for issues of liability; to provide for exclusivity of the service charge; to provide an effective date; and to provide for related matters.

The bill was read by title and referred to the Legislative Bureau.

**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 11, 2009

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 35—**  
BY SENATORS MCPHERSON AND B. GAUTREAUX

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to conduct a pilot study on alternative truck-trailer configurations to support the bio-fuels industry.

**SENATE CONCURRENT RESOLUTION NO. 111—**  
BY SENATOR NEVERS AND REPRESENTATIVE RITCHIE

**A CONCURRENT RESOLUTION**

To urge and request each city, parish, and other local public school board and school superintendent to encourage all schools under their jurisdiction and administration to support the formation and ongoing activities of a Parent-Teacher Association unit.

**SENATE CONCURRENT RESOLUTION NO. 112—**  
BY SENATOR BROOME AND REPRESENTATIVE BARROW

**A CONCURRENT RESOLUTION**

To commend Archbishop Alfred C. Hughes, the leader of the Archdiocese of New Orleans, for his outstanding devotion to his faith, for his many contributions of spiritual leadership and tireless community service, and for his solace rendered to the citizens of the state of Louisiana in their time of need.

**SENATE CONCURRENT RESOLUTION NO. 114—**  
BY SENATOR DUPLESSIS AND REPRESENTATIVES ARNOLD AND WOOTON

**A CONCURRENT RESOLUTION**

To memorialize the United States Congress to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality.

**SENATE CONCURRENT RESOLUTION NO. 115—**  
BY SENATOR CROWE AND REPRESENTATIVE WOOTON

**A CONCURRENT RESOLUTION**

To commend the Belle Chasse High School Lady Cardinals on winning the Class 4A girls' softball state championship title.

Respectfully submitted,  
ROBERT W. "BOB" KOSTELKA  
Chairman

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

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

**ENROLLMENTS**

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

June 11, 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 Bills have been properly enrolled:

**SENATE BILL NO. 4—**  
BY SENATOR AMEDEE

**AN ACT**

To enact R.S. 15:255(M), relative to the special witness fee funds in each of the parishes in the Twenty-Third Judicial District; to provide for the transfer of surplus monies in those funds to the criminal court fund of that district court; and to provide for related matters.

**SENATE BILL NO. 38—**  
BY SENATOR MICHOT

**AN ACT**

To amend and reenact R.S. 51:2101(D), relative to the Louisiana Immersive Technologies Enterprise Commission; to provide for the membership of the commission; and to provide for related matters.

**SENATE BILL NO. 70—**  
BY SENATOR MURRAY

**AN ACT**

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

**SENATE BILL NO. 110—**  
BY SENATOR MARIONNEAUX

**AN ACT**

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

**SENATE BILL NO. 151—**  
BY SENATOR DUPLESSIS

**AN ACT**

To enact R.S. 35:191.4, relative to notaries public and registration of notary instructors; to require the secretary of state to develop and administer a program for the registration and reporting of notary instructors; to provide relative to administration and procedures for registration and reporting; to provide for the duties of the secretary of state; to provide for penalties; and to provide for related matters.

**SENATE BILL NO. 184—**  
BY SENATOR MURRAY AND REPRESENTATIVES ABRAMSON,  
CHANEY, ERNST, HINES, MILLS AND WILLMOTT

**AN ACT**

To amend and reenact Code of Civil Procedure Articles 3421, 3431, 3432, and 3434, and to repeal Code of Civil Procedure Article 3433, relative to small successions; to define a small succession; to provide relative to small succession procedure and effects; to authorize recognition and conveyance of an ownership interest in certain immovable property through a small succession; to provide certain definitions, procedures, conditions, and requirements; to provide a prescriptive period for certain actions; and to provide for related matters.

June 11, 2009

SENATE BILL NO. 116—

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

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

SENATE BILL NO. 132—

BY SENATOR DORSEY AND REPRESENTATIVES HENRY BURNS, GREENE, HARRISON, HAZEL, HOWARD, LIGI, PERRY, RICHARDSON, ROBIDEAUX, GARY SMITH, JANE SMITH, ST. GERMAIN AND WHITE AN ACT

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

SENATE BILL NO. 260—

BY SENATORS CLAITOR AND BROOME AND REPRESENTATIVE GREENE AN ACT

To amend and reenact R.S. 46:236.2(A)(2), relative to jurisdiction; to provide relative to support orders; to provide procedures; to provide relative to the jurisdiction of the Juvenile Court for East Baton Rouge Parish; and to provide for related matters.

SENATE BILL NO. 56—

BY SENATOR DONAHUE AN ACT

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

SENATE BILL NO. 120—

BY SENATOR ERDEY AN ACT

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

Respectfully submitted, ROBERT W. "BOB" KOSTELKA Chairman

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

ATTENDANCE ROLL CALL

PRESENT

Table with 3 columns listing names of attendees: Mr. President, Adley, Alario, Amedee, Appel, Broome, Cheek, Claitor, Crowe, Donahue, Dorsey, Duplessis, Dupre, Total - 39, Erdey, Gautreaux B, Gautreaux N, Gray Evans, Guillory, Hebert, Heitmeier, Jackson, Kostelka, LaFleur, Long, Marionneaux, Martiny, McPherson, Michot, Morrell, Morrish, Mount, Murray, Nevers, Quinn, Riser, Shaw, Smith, Thompson, Walsworth

ABSENT

Total - 0

Leaves of Absence

The following leaves of absence were asked for and granted:

N. Gautreaux 1/2 Day

Adjournment

On motion of Senator Riser, at 12:35 o'clock P.M. the Senate adjourned until Monday, June 15, 2009, at 1:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:00 o'clock P.M. on Monday, June 15, 2009.

GLENN A. KOEPP Secretary of the Senate

DIANE O' QUIN Journal Clerk