

**DAILY PROOF OF THE OFFICIAL JOURNAL
OF THE
SENATE**

**OF THE
STATE OF LOUISIANA**

TWENTIETH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 4, 2010

The Senate was called to order at 3:10 o'clock P.M. by Hon. Joel T. Chaisson II, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Donahue	Michot
Adley	Gautreaux B	Morrish
Amedee	Guillory	Murray
Appel	Jackson	Nevers
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Martiny	Thompson
Total - 24		

ABSENT

Alario	Gautreaux N	Morrell
Broome	Hebert	Mount
Dorsey	Heitmeier	Peterson
Duplessis	Marionneaux	Quinn
Erdey	McPherson	Walsworth
Total - 15		

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

Prayer

The prayer was offered by Pastor Tony Sanders, 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 Smith, the reading of the Journal was dispensed with and the Journal of May 3, 2010, was adopted.

**Petitions, Memorials and
Communications**

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

**STATE OF LOUISIANA
OFFICE OF THE LIEUTENANT GOVERNOR**

April 30, 2010

The Honorable Bobby Jindal
Governor, State of Louisiana
Louisiana State Capitol
Baton Rouge, LA 70804

Dear Governor Jindal,

By this letter I submit my resignation as Lieutenant Governor of the State of Louisiana, effective upon my searing-in as Mayor on May 3, 2010. It has been a high honor and distinct pleasure to serve in this position for the past six years.

As you are aware I was recently elected as Mayor of the City of New Orleans. I am energized by the challenges and opportunities that lie ahead. My move to mayor comes with a strong voter mandate for unity, empowerment and results on important issues that affect the City and the entire state. During my time as Lieutenant Governor, I strived to serve the people of Louisiana professionally and effectively; in my new capacity as Mayor I will do the same, and I look forward to working with you to show America and the world what it means to rebuild a great city.

Sincerely,
MITCHELL J. LANDRIEU
Lieutenant Governor

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

May 3, 2010

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. 106—
BY SENATORS RISER AND THOMPSON
AN ACT**

To amend and reenact R.S. 23:1123, 1172.2(E), 1201(A), and to repeal R.S. 23:1201.1, relative to workers' compensation; to provide for an examination of an injured employee when certain disputes arise; to provide for the prompt reporting of certain information relative to payment of workers' compensation premiums which may be considered false, fraudulent, or misleading; to provide for payors and insurers to make weekly indemnity payments by electronic funds transfer; to repeal provisions requiring workers' compensation indemnity payments be mailed; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 255—
BY SENATORS CHAISSON AND THOMPSON
AN ACT**

To enact R.S. 23:1203.2, relative to electronic medical billing for workers' compensation claims; to provide for electronic submission of medical bills; to provide for electronic processing and payment of medical bills; to provide for acceptance of electronic payment; to provide for rules and regulations; and to provide for related matters.

Reported without amendments.

May 4, 2010

SENATE BILL NO. 328—
BY SENATORS MURRAY, GULLORY AND THOMPSON
AN ACT

To amend and reenact R.S. 23:76(C)(4)(i), relative to the Occupational Forecasting Conference; to provide for membership in the Occupational Forecasting Conference; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 398—
BY SENATOR RISER
AN ACT

To amend and reenact R.S. 23:1660(C)(1), relative to employment records and reports for purposes of unemployment insurance; to provide relative to the confidentiality of information; and to provide for related matters.

Reported without amendments.

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

CONCURRING IN
SENATE CONCURRENT RESOLUTIONS

May 4, 2010

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. 60—
BY SENATOR NEVERS
A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the feasibility of offering community college services on the north shore of Lake Pontchartrain, and to determine how the state can best meet the educational needs of students and the economic and workforce development needs of this region of the state.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 62—
BY SENATORS SMITH AND MOUNT
A CONCURRENT RESOLUTION

To urge and request the Board of Elementary and Secondary Education to study and review the clarity of board regulations and guidelines relative to the education of dyslexic students and the effectiveness of procedures for monitoring the compliance of public schools and school districts when implementing such regulations and related state law.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 63—
BY SENATOR BROOME
A CONCURRENT RESOLUTION

To proclaim May 5, 2010, as "Sex has Consequences" Prevent Teen Pregnancy Day.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 64—
BY SENATOR CROWE
A CONCURRENT RESOLUTION

To urge and request the Department of Insurance to study and make recommendations with respect to solutions to the health care insurance crisis.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 65—
BY SENATOR NEVERS
A CONCURRENT RESOLUTION

To recognize September 2010 as Parent Teacher Association Month in Louisiana, to commend those involved in their schools and communities, and to encourage school and community participation.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 66—
BY SENATOR LONG AND REPRESENTATIVE NOWLIN
A CONCURRENT RESOLUTION

To proclaim May 18, 2010, as "Louisiana School for Math, Science, and the Arts Day".

Reported without amendments.

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

Introduction of
Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 67—
BY SENATORS BROOME, CLAITOR, DORSEY, ERDEY AND
MARIONNEAUX AND REPRESENTATIVES BARROW, CARTER, FOIL,
GREENE, MICHAEL JACKSON, MCVEA, PONTI, RICHARDSON,
PATRICIA SMITH AND WHITE
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Kirt Bennett, founder and executive director of The Young Leaders' Academy.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, NAYS. Lists names of senators and representatives for roll call.

NAYS

Total - 0

ABSENT

Duplessis Mount Quinn
 Morrell Peterson
 Total - 5

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 61—
 BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To designate May 19, 2010, as Louisiana Housing Council Day at the Legislature and commend the organization for its accomplishments.

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 4, 2010

To the Honorable President and Members of the Senate:

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

HB No. 70 HB No. 429 HB No. 527
 HB No. 714 HB No. 1090

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 70—
 BY REPRESENTATIVE GEYMAN
 AN ACT

To enact Subpart B-4-A of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.81 through 130.83, relative to the Wards 4 and 6 Economic Development Board in Beauregard Parish; to establish the board; to provide for appointment of members to the board; to provide the powers and duties of the board; and to provide for related matters.

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

HOUSE BILL NO. 429—
 BY REPRESENTATIVE CHANDLER AND SENATOR GUILLORY
 AN ACT

To amend and reenact R.S. 37:2554(B) and (D), 2555(B), and 2556(A), relative to court reporters; to provide for qualifications; to provide for definitions; to provide for the appointment of court reporters; and to provide for related matters.

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

HOUSE BILL NO. 527—
 BY REPRESENTATIVES SAM JONES, ARMES, ARNOLD, BALDONE, BARROW, BILLIOT, TIM BURNS, BURRELL, CARMODY, CARTER, DIXON, DOERGE, EDWARDS, GISCLAIR, GUILLORY, GUINN, HARDY, HILL, MICHAEL JACKSON, LABRUZZO, LAFONTA, MCVEA, MILLS, MONTOUCET, NOWLIN, RICHARD, GARY SMITH, JANE SMITH, ST. GERMAIN, THIERRY, AND WOOTON
 AN ACT

To enact Chapter 21-B of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:931 through 943, and R.S. 36:209(Q), relative to cemeteries in the state of Louisiana; to establish the Louisiana Historic Cemetery Preservation Program within the Department of Culture, Recreation and Tourism, office of cultural development, division of archaeology; to provide for program requirements and exemptions; to provide for unlawful acts and penalties for violations; to authorize the department to institute civil proceedings for violations of program requirements; to create the Louisiana Historic Cemetery Trust Fund in the state treasury and to provide for the use of the proceeds thereof; to create an advisory board to oversee the fund; and to provide for related matters.

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

HOUSE BILL NO. 714—
 BY REPRESENTATIVE RICHMOND
 AN ACT

To amend and reenact R.S. 33:9073, relative to Orleans Parish, to provide relative to the Lake Willow Subdivision Improvement District; to provide relative to the governing board of the district; to provide for terms of board members; to provide relative to the powers and duties of the district; to provide relative to the imposition of taxes and fees within the district; to remove provisions authorizing the imposition of taxes within the district; to authorize the imposition of a parcel fee within the district; to provide for the use of such fee; and to provide for related matters.

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

HOUSE BILL NO. 1090—
 BY REPRESENTATIVE DOVE AND SENATOR CHABERT
 AN ACT

To amend and reenact R.S. 36:351(B), R.S. 38:111, 112, 213, 221, and 226, R.S. 39:366.3(1), 1482(A)(1)(a), R.S. 41:1701.1(D) and 1702(D)(1), and R.S. 49:214.61(A) and to enact R.S. 39:14(7) and R.S. 49:214.5.2(F) and 214.6.10(C), relative to the Office of Coastal Protection and Restoration; to provide relative to responsibilities of the office with coastal levees; to provide relative to immunity for cooperating landowners; to provide for the responsibilities of the office in reclamation of land; and to provide for related matters.

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

May 4, 2010

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 4, 2010

To the Honorable President and Members of the Senate:

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

HCR No. 147 HCR NO. 146

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 146—

BY REPRESENTATIVES WHITE, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMANN, GISCLAIR, GREENE, GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MCVEA, MILLS, MONICA, MONTUCET, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, THIERRY, TUCKER, WADDELL, WILLIAMS, WILLMOTT, AND WOOTON

A CONCURRENT RESOLUTION

To recognize May 9 through May 15, 2010, as Police Week and May 15, 2010, as Peace Officers Memorial Day, to commend law enforcement officers, and to encourage all citizens to join in the week's special commemorative tributes.

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

Table with 3 columns: Name, Position, and Name. Lists members of the House of Representatives who voted 'YEAS'.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Name, Name. Lists members of the House of Representatives who were absent.

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

HOUSE CONCURRENT RESOLUTION NO. 147—

BY REPRESENTATIVE HARDY

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the rate of suspensions and expulsions in Louisiana and to submit a written report of its findings and conclusions, including any recommendations for legislation relative to the issue, to the House Committee on Education and the Senate Committee on Education not later than sixty days prior to the beginning of the 2011 Regular Session of the Legislature of Louisiana.

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

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 24—

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact R.S. 9:1702, relative to immovable property; to provide for the partition of certain property; to provide an exception allowing agreements not to partition electric generating plants or units for a certain period of time; and to provide for related matters.

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

HOUSE BILL NO. 144—

BY REPRESENTATIVE GEYMANN

AN ACT

To enact R.S. 33:3812(I), relative to waterworks districts in Beauregard Parish; to authorize the parish to create commissioner districts within Waterworks District No. 3; to provide a definition of commissioner districts; to provide for representation on the board of commissioners; and to provide for related matters.

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

HOUSE BILL NO. 260—

BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact Code of Civil Procedure Article 966(E) and to enact Code of Civil Procedure Article 966(F), relative to motions for summary judgment; to provide for the rendering of a summary judgment; to provide for affirmation on appeal; to provide for the allocation of fault; to provide for the admission of evidence; to provide for submission to the jury; and to provide for related matters.

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

HOUSE BILL NO. 402—

BY REPRESENTATIVE PEARSON
AN ACT

To enact R.S. 17:3123.1, relative to the Board of Regents; to provide for live broadcasts over the Internet of meetings of the board and its committees; to provide for recording and archiving of such broadcasts; to provide for public access to such archived meetings; to provide a special effective date; and to provide for related matters.

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

HOUSE BILL NO. 437—

BY REPRESENTATIVE RICHARDSON
AN ACT

To amend and reenact R.S. 43:144, relative to the publication of official proceedings of certain political subdivisions; to provide a deadline by which such official proceedings shall be prepared and recorded in the official journal of the entity; and to provide for related matters.

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

HOUSE BILL NO. 539—

BY REPRESENTATIVE KATZ AND SENATORS KOSTELKA,
THOMPSON, AND WALSWORTH
AN ACT

To authorize and provide for the sale of specified school property by the City of Monroe School Board; to authorize such sale at public auction or private sale; to require an ordinance providing for such sale; to provide for public notice and a public hearing; to provide for legal challenges to the sale; and to provide for related matters.

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

HOUSE BILL NO. 570—

BY REPRESENTATIVE SCHRODER
AN ACT

To amend and reenact Code of Criminal Procedure Article 334.2, relative to bail; to provide with respect to the prohibition of releasing a defendant arrested for a crime of violence on his own recognizance or upon the signature of another person; to provide for technical changes; and to provide for related matters.

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

HOUSE BILL NO. 576—

BY REPRESENTATIVE MILLS
AN ACT

To amend and reenact R.S. 3:2731 and 2778 and to repeal R.S. 3:2733 through 2737, relative to the regulation by local authorities of dogs; to provide for the adoption of ordinances; to provide for the imposition of fees and fines; to provide for the disposition of proceeds; and to provide for related matters.

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

HOUSE BILL NO. 624—

BY REPRESENTATIVE SMILEY
AN ACT

To amend and reenact Code of Criminal Procedure Article 322(A) and (B) and R.S. 15:85(1), (2), (4), and (7), relative to bail; to require the inclusion of additional information on bail bonds and judgments of bond forfeiture; to provide that a bail bond or judgment of bond forfeiture shall not be set aside for the invalidity or failure to include such information; to provide for the liability of a bail agent representing a surety as an insurance agent; to provide for the reliance on this additional information with respect to judgments of bond forfeiture; to provide that a

judgment of bond forfeiture containing inaccurate information shall be deemed ineffective as a judicial mortgage to third parties who rely upon the information; and to provide for related matters.

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

HOUSE BILL NO. 651—

BY REPRESENTATIVE TEMPLET
AN ACT

To amend and reenact Children's Code Articles 1122(B)(8), (F)(12), (G)(12), 1125(B), 1189(3), 1270, 1271(A) and (B), 1272, 1273, 1276, 1515(B)(VI), 1517(A), 1518(B), 1519, 1520(B)(introductory paragraph) and (C), and 1522(B) and to enact Children's Code Articles 1515(A)(7) and 1517(E), relative to the continuous revision of the Children's Code; to provide for adoption; to provide for voluntary transfer of custody; to provide for contents of the surrender form; to provide for the Statement of Family History Form; to provide for voluntary registration, use of the registry, matching procedures, and who may register; to provide for effective date of registration, monitoring, verifying, matching, and counseling registrants; to provide for confidentiality of documents filed; to provide for disclosure of death of biological parents and adopted persons and grounds for disclosure; to provide for the contents and form of the petition for voluntary transfer; to provide for notice and service of the petition; to provide for appointment of counsel; to provide for required testimony at the hearing; to provide for the contents of the judgment; and to provide for related matters.

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

HOUSE BILL NO. 688—

BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 49:214.6.2(E), relative to the Coastal Protection and Restoration Authority; to authorize the authority to assist in the formation of a coastal science consortium; to provide relative to the membership and governing council of the consortium; and to provide for related matters.

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

HOUSE BILL NO. 706—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 22:2302(A), relative to the Louisiana Citizens Property Insurance Corporation; to require such corporation to provide certain information to applicants for coverage; and to provide for related matters.

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

HOUSE BILL NO. 739—

BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 11:710(D); to provide relative to the employment as a full-time classroom teacher of a member of the Teachers' Retirement System of Louisiana who is retired; to provide relative to salary determinations; to provide relative to employment contracts; to provide limitations; to provide relative to the dismissal or discharge of the reemployed retiree; to provide effectiveness; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 844—

BY REPRESENTATIVE GISCLAIR
AN ACT

To amend and reenact R.S. 49:214.30(A), relative to coastal use permits; to provide for consistency with the state's master plan for coastal protection and restoration activities under such permits; and to provide for related matters.

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

HOUSE BILL NO. 856—

BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 9:1725(5), 1893, 1895(A), 1971, 2004(2), 2011, 2025, and 2045 and to enact R.S. 9:1973(C), 2031, and 2235, relative to the Louisiana Trust Code; to provide for the definition of "proper court"; to provide for class trusts; to provide for the interests of beneficiaries; to provide for the correction of cross references; to provide relative to the shifting of the interest of a principal beneficiary; to provide for the delegation of the right to terminate, modify, or amend certain trust provisions; to provide for the delegation of the right to revoke a trust; and to provide for related matters.

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

HOUSE BILL NO. 865—

BY REPRESENTATIVE BURFORD
AN ACT

To enact R.S. 28:827, relative to Medicaid waiver services for active duty military and their immediate family; to provide for waiver services in certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 917—

BY REPRESENTATIVE WHITE
AN ACT

To enact R.S. 14:230(A)(2)(d) and (e), relative to money laundering; to amend the definition of "funds"; and to provide for related matters.

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

HOUSE BILL NO. 974—

BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 17:7.1(B)(3)(introductory paragraph), relative to teacher certification; to provide relative to the employment experience necessary for certain principals to be exempt from certain testing requirements relative to certification; and to provide for related matters.

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

HOUSE BILL NO. 1007—

BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 13:5101(B) and to enact R.S. 13:5106(F), relative to suits against the state; to provide for applicability; to provide for limitations; and to provide for related matters.

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

HOUSE BILL NO. 1030—

BY REPRESENTATIVES ST. GERMAIN, BOBBY BADON, BARROW, BILLIOT, BURRELL, DIXON, DOERGE, GISCLAIR, GUILLORY, HILL, JOHNSON, LAFONTA, MONTOUCKET, NORTON, PUGH, GARY SMITH, PATRICIA SMITH, AND STIAES

AN ACT

To amend and reenact R.S. 40:1232.1(A)(2) and (3) and 1232.3, relative to emergency medical services; to set a maximum fee for an emergency medical technician-basic certification and recertification for any individual who is an employee or volunteer of the state of Louisiana or another public entity, a municipal fire department, a fire protection district, a volunteer fire department, or a municipal law enforcement agency; to exempt certain employees or volunteers of the state of Louisiana or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department from the authority of the Louisiana Emergency Medical Services Certification Commission to conduct disciplinary hearings, request investigations, and initiate prosecution, with certain exceptions and conditions; and to provide for related matters.

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

HOUSE BILL NO. 1161—

BY REPRESENTATIVE ROSALIND JONES
AN ACT

To amend and reenact R.S. 24:202(A)(20) and to enact R.S. 24:202(A)(21) and (22), relative to the membership of the council of the Louisiana State Law Institute; to provide that certain persons shall serve as ex officio members of the council; and to provide for related matters.

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

HOUSE BILL NO. 1185—

BY REPRESENTATIVE NOWLIN
AN ACT

To enact Part LXIX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.321 through 1300.323, relative to long-term care; to provide for legislative findings and purpose; to provide for definitions; to provide for certain reimbursements and procedures in the Medicaid state plan as it relates to long-term care services for the elderly, the disabled, and persons with developmental disabilities; to provide for promulgation of rules by the Department of Health and Hospitals; to provide for a date for promulgation of the rules by the Department of Health and Hospitals; and to provide for related matters.

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

HOUSE BILL NO. 1188—

BY REPRESENTATIVE HARDY
AN ACT

To enact R.S. 17:62.1; relative to the Lafayette Parish school system; to provide relative to guidelines and procedures regarding the transportation of students on field trips within or outside the geographic boundaries of the school system, including equipment used, driver compensation, and operational costs; to provide limitations; to provide applicability; to provide effectiveness; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 1206—

BY REPRESENTATIVE EDWARDS
AN ACT

To amend and reenact R.S. 32:412.2(A)(2), relative to disabled veterans; to decrease the disability threshold for exemption from driver's license fees; and to provide for related matters.

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

HOUSE BILL NO. 1225—
BY REPRESENTATIVE DIXON

AN ACT

To enact R.S. 17:7(29), to provide relative to approval by the State Board of Elementary and Secondary Education of certain alternative schools and alternative education programs; to provide for a report to the House Committee on Education and the Senate Committee on Education by not later than September 15, 2010, relative to specific standards and criteria used by the board to approve schools; to provide guidelines for such report; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 1231—

BY REPRESENTATIVES PERRY, AUSTIN BADON, BARRAS, BILLIOT, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, DOERGE, DOWNS, GISCLAIR, GULLORY, HILL, HOFFMANN, SAM JONES, KATZ, LABRUZZO, LEGER, LIGI, LITTLE, MILLS, MONTOU CET, POPE, PUGH, RICHARD, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, THIBAUT, AND WHITE AND SENATORS ALARIO, APPEL, BROOME, GULLORY, LONG, MARTINY, MORRELL, MOUNT, AND WALSWORTH

AN ACT

To amend and reenact R.S. 32:414(B)(1), relative to driver's license suspension; to provide for the suspension of driving privileges of persons convicted of certain crimes; and to provide for related matters.

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

HOUSE BILL NO. 1240—

BY REPRESENTATIVES PERRY, AUSTIN BADON, BARRAS, BILLIOT, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, GULLORY, HOFFMANN, KATZ, LABRUZZO, LEGER, LIGI, MILLS, POPE, PUGH, RICHARD, JANE SMITH, TALBOT, TEMPLET, THIBAUT, AND WHITE AND SENATORS ALARIO, APPEL, BROOME, GULLORY, LONG, MARTINY, MORRELL, MOUNT, AND WALSWORTH

AN ACT

To enact R.S. 32:667(I)(4), relative to driver's licenses; to provide for ignition interlock code on certain driver's licenses; and to provide for related matters.

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

HOUSE BILL NO. 1271—

BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 40:1232.2(B)(1)(introductory paragraph) and (b) and to enact R.S. 40:1232.2(B)(1)(d) and (e), relative to the Louisiana Emergency Medical Services Certification Commission; to provide for membership; to provide for a date for change of certain membership; and to provide for related matters.

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

HOUSE BILL NO. 1300—

BY REPRESENTATIVE ROSALIND JONES

AN ACT

To enact R.S. 18:1505.2(H)(2)(g), relative to limits applicable to certain campaign contributions by political committees; to provide for the limit applicable to contributions by a political committee to certain other political committees; and to provide for related matters.

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

HOUSE BILL NO. 1459— (Substitute for House Bill No. 533 by Representative Mills)

BY REPRESENTATIVE MILLS

AN ACT

To enact Code of Criminal Procedure Article 573.1, relative to time limitations for initiating prosecutions; to provide relative to time limitations in which to institute prosecution for the crime of exploitation of the infirmed; and to provide for related matters.

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

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 145—

BY REPRESENTATIVE BURFORD AND SENATOR CHEEK

A CONCURRENT RESOLUTION

To commend Curtis L. McCune upon his retirement as mayor of Stonewall.

The resolution was read by title. Senator Cheek 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	Gautreaux N	Mount
Amedee	Hebert	Murray
Appel	Heitmeier	Nevers
Broome	Jackson	Riser
Chabert	Kostelka	Shaw
Cheek	LaFleur	Smith
Claitor	Long	Thompson
Crowe	Marionneaux	Walsworth
Donahue	Martiny	
Dorsey	McPherson	
Total - 34		

NAYS

Total - 0

ABSENT

Duplessis	Morrell	Quinn
Guillory	Peterson	
Total - 5		

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

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

May 4, 2010

To the President and Members of the Senate:

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

SENATE BILL NO. 42—
BY SENATOR MURRAY

A JOINT RESOLUTION

Proposing to amend Article V, Section 8(B) of the Constitution of Louisiana, relative to the judicial branch; to provide relative to courts of appeal; to require reargument before a five-judge panel when an appellate judge dissents from a majority decision to modify or reverse a judgment rendered by the office of workers' compensation; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported favorably.

SENATE BILL NO. 278—
BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 33:4766(E)(1), relative to liens and privileges on immovable property; to provide relative to the procedure for the enforcement of certain liens and privileges by local government; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 281—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 9:951(A), 952(B)(1) and (3) and 954, relative to provisional custody by mandate; to extend to grandparents with custody the right to confer the power of provisional custody by mandate for the care, custody, and control of a minor child; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 284—
BY SENATOR MARTINY

AN ACT

To enact R.S. 13:4249, relative to foreign defamation judgments; to provide the grounds for the recognition of foreign defamation judgments; to provide for jurisdiction; to provide definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 460—
BY SENATOR MARTINY

AN ACT

To enact R.S. 13:4249, relative to the application of foreign laws; to provide for definitions; to provide for legislative findings; to prohibit the enforcement of foreign laws under certain circumstances; to provide for applicability to certain persons; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 587—
BY SENATOR LAFLEUR

AN ACT

To enact R.S. 13:10.5, relative to official court reporters; to provide for the appointment of official court reporters; to provide for education requirements; to provide for restrictions; to provide for certification of transcripts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 733—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 33:2561(E), relative to appeals by employees in the classified service; to provide for the jurisdiction of appeals; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 781—
BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 4:145.2, relative to Louisiana State Racing Commission; to provide for judicial review of adjudication; to provide for venue; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JULIE QUINN
Chairman

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

SENATE BILL NO. 25—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 33:4574.1(A)(1)(b) and 4574.1(C)(1) and R.S. 47:301(14)(c), relative to tax exemptions and exclusions of political subdivisions of the state; to exclude or exempt from certain taxes certain agreements to occupy for a certain time period accommodation, space, or lot which is in an overnight camping facility or trailer park; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 170—
BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:1687, relative to state parks; to provide for certain leases entered into for parks substantially completed after the year 2005; to provide terms and conditions; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 170 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, delete lines 2 through 4, and insert "To enact R.S. 56:1702, relative to state parks; to provide for the Palmetto Island State Park; to provide for certain agreements for the operation and maintenance of such state park; to provide terms, conditions, and requirements; and to provide for related matters."

AMENDMENT NO. 2

On page 1, line 6, delete "R.S. 56:1687 is hereby amended and reenacted" and insert "R.S. 56:1702 is hereby enacted"

AMENDMENT NO. 3

On page 1, delete lines 7 through 13, and insert: "**§1702. Palmetto Island State Park; agreements for operation and maintenance**

A. The Department of Culture, Recreation and Tourism is hereby authorized to enter into a cooperative agreement with any appropriate public or private entity for the operation and maintenance of the Palmetto Island State Park for a public purpose. Such agreement shall require that the state shall be responsible for any and all costs for road construction and maintenance, and"

AMENDMENT NO. 4

On page 1, line 14, delete "shall be responsible" and change "sewage" to "sewerage"

AMENDMENT NO. 5

On page 1, after line 15, insert:

"B. In accordance with the Administrative Procedure Act, the operating entity shall promulgate and adopt rules, regulations, and policies consistent with state and local law for the operation of said site, and all such rules, regulations, and policies shall be subject to approval by the office of state parks of the Department of Culture, Recreation and Tourism."

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

SENATE BILL NO. 183—

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 30:124, relative to the State Mineral and Energy Board; to provide for alternate energy resources; to authorize the State Mineral and Energy Board to lease state lands for the exploration, development, and production of energy from alternative energy resources; to provide definitions, terms, and conditions; to provide for rulemaking authority; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 183 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, between lines 9 and 10, insert:

"A. The legislature finds that the state, through the Department of Natural Resources, should promote the generation and use of alternative energy sources, including but not be limited to wind energy, geothermal energy, solar energy and hydrokinetic energy, throughout the state to ensure the viability of the state's natural resources, to provide a continuing utility-scale clean energy source for the citizens and businesses of Louisiana, to support economic development through job retention and creation in Louisiana, and to promote a clean environment."

AMENDMENT NO. 2

On page 1, line 10, change "A" to "B"

AMENDMENT NO. 3

On page 1, line 17, change "B" to "C"

AMENDMENT NO. 4

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

"D. No lease shall be granted for hydrokinetic energy development that is inconsistent with the terms of a preliminary permit, license, exemption, or other authorization issued by the Federal Energy Regulatory Commission pursuant to its authority under the Federal Power Act, 16 U.S.C. Sec 791a, et seq."

AMENDMENT NO. 5

On page 2, line 6, change "C" to "E"

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

SENATE BILL NO. 240—

BY SENATOR MURRAY

AN ACT

To enact R.S. 17:1990(C)(2)(a)(iii), relative to the Recovery School District; to allow the Orleans Parish School Board to deduct certain costs from the amount of local revenues that it would otherwise be required to transfer to the district; to require for a report accounting for such excluded monies; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 240 by Senator Murray

AMENDMENT NO. 1

On page 1, at the end of line 4, after "to require" delete "for"

AMENDMENT NO. 2

On page 2, line 3, after "for the" delete the remainder of the line, delete lines 4 and 5 in their entirety, and insert the following:

"following items:

(I) Costs incurred on workers' compensation claims filed against the board prior to August 29, 2005, including related administrative costs.

(II) Costs associated with legal claims arising against the board prior to August 29, 2005, and legal claims against the board after August 29, 2005, that are directly attributable to Hurricane Katrina and/or Act 35 of the 2005 First Extraordinary Session of the Legislature of Louisiana.

(III) Employer's cost of health insurance for retired participants in the board's plan as of July 1, 2009, which shall not exceed twenty-five percent of the total premium cost.

(IV) A supplement of two hundred dollars per month for health insurance premiums for retired participants in the board's plan as of July 1, 2009.

(V) Costs of short-term borrowing, including but not limited to attorney fees and interest, to provide stabilized cash flow to the Recovery School District and charter schools.

(VI) A fee of one-tenth of one percent of total ad valorem and sales taxes collected.

(bb) The total amount of the exclusions provided for in Subitem (aa) of this Item shall not exceed six million dollars annually. Actual expenditures in excess of six million dollars in any year shall be carried forward for recapture in future years, if available.

(cc) The exclusions provided for in Subitem (aa) of this Item shall expire upon the extinguishment of the costs associated therewith, upon any action of the board to reduce the constitutional millage from the level in effect for Fiscal Year 2009-1010, except as required pursuant to a property reassessment, or twelve months following the full settlement of Orleans Parish School Board Special Community Disaster Loans, whichever occurs first."

AMENDMENT NO. 3

On page 2, at the beginning of line 6, change "(bb)" to "(dd)"

AMENDMENT NO. 4

On page 2, at the end of line 7, insert the following: "**Such report shall be audited by the legislative auditor and submitted to the state Department of Education within one hundred twenty days of the end of each fiscal year. Any audit adjustments shall be added or deducted, as the case may be, to the subsequent year's exclusion.**"

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

May 4, 2010

SENATE BILL NO. 247—
BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 33:9080.4, a bill relative to Jefferson Parish; to create the Esprit at Stonebridge Neighborhood Improvement District; to provide for district boundaries, purpose, governance, and funding, including the levy of a parcel fee; to provide relative to the powers and duties of the district and its governing board; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 247 by Senator Alario

AMENDMENT NO. 1

On page 1, line 2, change "amend and reenact" to "enact"

AMENDMENT NO. 2

On page 1, line 14, after "as the" change "'district.'" to "'district.'"

AMENDMENT NO. 3

On page 2, delete lines 10 through 29 in their entirety and insert in lieu thereof the following:

"D. Governance. (1) In accordance with Article VI, Section 6 of the Constitution of Louisiana and the Jefferson Parish Charter, the Jefferson Parish Council shall be the governing authority of the district.

(2)The district shall have a six-member advisory board to advise and make recommendations to the governing authority. The advisory board shall be appointed by the governing authority from nominations by the board of directors of the Esprit at Stonebridge Homeowner's Association. These appointed advisory board members shall not be members of the Esprit at Stonebridge Homeowners' Association board of directors."

AMENDMENT NO. 4

On page 3, delete lines 1 through 18 in their entirety and insert in lieu thereof the following:

"E. Powers and Duties. The district, acting through its governing authority, shall "

AMENDMENT NO. 5

On page 4, line 5, delete "board" and insert in lieu thereof "governing authority "

AMENDMENT NO. 6

On page 4, line 6, delete "board" and insert in lieu thereof "governing authority"

AMENDMENT NO. 7

On page 4, delete lines 10 through 14 in their entirety

AMENDMENT NO. 8

On page 4, line 15, delete "(11)" and insert in lieu thereof "(10)"

AMENDMENT No. 9

On page 4, line 21, after "shall be" delete the remainder of the line and insert in lieu thereof "based upon recommendations by a duly adopted"

AMENDMENT NO. 10

On page 4, line 22, delete "commission" and insert in lieu thereof "advisory board"

AMENDMENT NO. 11

On page 5, line 6, after "by" and before "duly" insert "a"

AMENDMENT NO. 12

On page 5, line 7, after "of the" change "commission" to "advisory board"

AMENDMENT NO. 13

On page 6, line 6, delete the word "commission" and insert in lieu thereof the phrase "district, through its governing authority."

AMENDMENT NO. 14

On page 6, line 21, delete "commission" and insert in lieu thereof "governing authority"

AMENDMENT NO. 15

On page 6, line 27, after "transmitted" delete "by the commission"

AMENDMENT NO. 16

On page 7, line 6, delete "and commissioners" and insert in lieu thereof a comma "," and insert "advisory board members, and governing authority"

AMENDMENT NO. 17

On page 7, line 9, delete "commissioner" and insert in lieu thereof "advisory board member, member of the governing authority."

AMENDMENT NO. 18

On page 7, at the end of line 11, delete "a" and at the beginning of line 12, delete "commissioner" and insert "an advisory board member, member of the governing authority."

AMENDMENT NO. 19

On page 7, line 13, delete "a commissioner" and insert in lieu thereof "an advisory board member, member of the governing authority."

AMENDMENT NO. 20

On page 7, line 19, delete "a commissioner" and insert in lieu thereof "an advisory board member, member of the governing authority."

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

SENATE BILL NO. 261—

BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 48:1805(B)(2), relative to the Zachary Taylor Parkway Commission; to provide relative to the term a member appointed to the commission may serve; and to provide for related matters.

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

SENATE BILL NO. 276—

BY SENATOR HEITMEIER

AN ACT

To enact R.S. 33:1448.3, relative to payment of group insurance premiums for retired sheriffs and deputy sheriffs; to create the Plaquemines Parish Retired Employees' Insurance Fund; to provide relative to eligible retired sheriffs and retired deputy sheriffs; to provide for the total amount of principal and earnings; to provide for limitations on withdrawals; to provide limitations of investments; to provide for membership and election of advisory board; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 473—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 56:649.4, relative to nonresident combination lifetime hunting and fishing licenses; to provide for the purchase of certain combination licenses for veterans who have been wounded or disabled; to provide requirements, terms, and conditions; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 473 by Senator Long

AMENDMENT NO. 1

On page 1, line 16, after "**Guard**," insert "**and such injury is service connected**"

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

SENATE BILL NO. 474—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 32:414(T)(1), relative to child restraint systems; to provide for certain notifications; to provide for affidavits under certain circumstances; to provide for suspensions of licenses under certain circumstances; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 474 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 16, after "**within**" change "**thirty days thirty days**" to "**thirty days**"

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

SENATE BILL NO. 527—
BY SENATOR BROOME

AN ACT

To enact R.S. 17:252(D), relative to student behavior and discipline; to provide relative to the model master plan for improving behavior and discipline within schools; to require certain classroom management training be provided to certain school personnel; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 527 by Senator Broome

AMENDMENT NO. 1

On page 1, line 12, between "**teachers**" and "**and**" insert "**principals**,"

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

SENATE BILL NO. 564—
BY SENATOR JACKSON

AN ACT

To repeal Paragraphs 32(b), (c), (d), (e), and (f) of Article 14, Section 32 of the 1921 Constitution of Louisiana, as amended, continued as a statute pursuant to Article XIV, Section 16 of the 1974 Constitution of Louisiana, relative to the Caddo Parish Jail Site Fund; to abolish the fund; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 564 by Senator Jackson

AMENDMENT NO. 1

On page 1, after line 10, insert the following:
"Section 2. Any remaining money in the Jail Site Fund shall be remitted to the general fund of Caddo Parish."

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

SENATE BILL NO. 568—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 17:53(A) and (B), relative to required training and instruction of school board members; to authorize school board members to obtain training and instruction at certain conferences; to require verification of attendance; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 568 by Senator Jackson

AMENDMENT NO. 1

On page 2, line 19, after "**or by**" delete the remainder of the line and insert "**the Council of the Great City Schools**,"

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

SENATE BILL NO. 584—
BY SENATOR PETERSON

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 R.S. 36:651(CC), 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 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.

Reported with amendments by the Committee on Education.

May 4, 2010

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 584 by Senator Peterson

AMENDMENT NO. 1

On page 4, line 12, after "authority" delete the remainder of the line and at the beginning of line 13, delete "school system to fund projects locally"

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

SENATE BILL NO. 635—

BY SENATOR LONG

AN ACT

To amend and reenact R.S. 32:1(10) and (93.1), 2(C) and (D), 3(C), 388(F) and (G), and 389, R.S. 36:408(B)(3), 409(C)(8), R.S. 40:1379.8, and R.S. 47:718(B)(1) and (C) and 812(C), and to repeal R.S. 32:2(E), relative to weights and standards; to transfer the operation and maintenance of stationary weight enforcement scale locations from the Department of Transportation and Development to the Department of Public Safety and Corrections; to provide for authority of the Department of Transportation and Development; to provide for the authority of the Department of Public Safety and Corrections; to provide for definitions; to provide for penalties and payments; to provide for enforcement, payment, and collections procedures; to provide for administrative review; to provide for transition; to provide for effective date; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 635 by Senator Long

AMENDMENT NO. 1

On page 1, delete lines 2, 3, and 4, and insert: "To amend and reenact R.S. 32:1(1), (10) and (93.1), 2(D) and (E), 3(C), 388(A)(3), the introductory paragraph of (B)(1)(a), (B)(4)(a), (C)(3), (F) and (G), 388.1, 389, 390.23(A), and 392(A)(1), R.S. 36:408(B)(3) and 409(C)(8), R.S. 40:1379.8, and R.S. 47:511.1(B), (C), (D), and (E), 516(A), (B)(2), and (D), 718(B)(1) and (C) and 812(C), and to repeal R.S. 32:1(93) and 2(B) and (C), relative to weights and standards; to transfer"

AMENDMENT NO. 2

On page 1, delete line 14, and insert: "Section 1. R.S. 32:1(1), (10) and (93.1), 2(D) and (E), 3(C), 388(A)(3), the introductory paragraph of (B)(1)(a), (B)(4)(a), (C)(3), (F) and (G), 388.1, 389, 390.23(A), and 392(A)(1) are"

AMENDMENT NO. 3

On page 2, between lines 2 and 3 insert the following: "(1) "Authorized emergency vehicle" means a vehicle of a fire department, a vehicle of the department's weights and standards police force, a police vehicle, a privately owned vehicle belonging to members of an organized volunteer fire department or fire district when so designated or authorized by the fire chief of that fire department or fire district, an industrial-owned vehicle assigned to members of a fire department or fire district when so designated or authorized by the fire chief of that fire department or fire district, a vehicle parked or stopped by elevator repair or construction personnel while responding to an elevator emergency, such ambulances and emergency medical response vehicles certified by the Department of Health and Hospitals that are operated by certified ambulance services, and emergency vehicles of municipal departments or public

service corporations as are designated or authorized by the secretary of the Department of Transportation and Development or by the chief of police of any incorporated municipality. For purposes of this Section, elevator repair shall be limited to those elevators that move people.

AMENDMENT NO. 4

On page 2, delete lines 19 through 29, and on page 3, delete lines 1 through 16, and insert the following:

"D. The Department of Transportation and Development department shall have sole authority over the issuance of special permits as set forth in R.S. 32:387. The commissioner may facilitate the issuance of permits by the department's truck permit office to place a vehicle or load in compliance with law.

E. The secretary of the Department of Transportation and Development, through the office of the weights and standards police force, commissioner shall provide the personnel and equipment required to fully implement the provisions of R.S. 32:390.23 the Louisiana Truck Center, Part VI-B of Chapter 1 of Title 32 of the Louisiana Revised Statutes, as it relates to the assessment and collection of fees and taxes of this department. Any money made available and received from the Federal Highway Administration, or from any other entity for the purpose of maintaining, improving, or upgrading the stationary or mobile scales shall be used solely for such purpose. The commissioner shall be responsible for maintenance of the buildings and grounds and the stationary scales at stationary scale locations. The department shall be responsible for the maintenance of the roadways and parking lots at the stationary scale locations."

AMENDMENT NO. 5

On page 4, between lines 10 and 11, insert the following:

"A. (3) Each vehicle that is required to stop at a department stationary weight enforcement scale location and which fails to stop shall be assessed the following penalty:

(a) Vehicles with a gross vehicle weight rating of less than twenty-six thousand pounds shall be fined penalized one hundred dollars for failure to stop at the department stationary a weight scales scale. This fine penalty shall be in addition to any other fines penalties which may be assessed for other violations.

(b) Vehicles with a gross vehicle weight rating of twenty-six thousand pounds or more shall be fined penalized five hundred dollars for failure to stop at the department stationary a weight scales scale. This fine penalty shall be in addition to any other fines penalties which may be assessed for other violations.

(4) Any vehicle which inadvertently bypasses the department stationary weight scales and returns to the scales voluntarily without the assistance of law enforcement shall not be assessed any penalty for bypassing the scales scale.

B.(1)(a) Except as provided in Subparagraphs (b), and (c), and (d), whoever owns or operates any vehicle or combination of vehicles in violation of any rule, regulation, directive, or requirement of the secretary adopted under R.S. 32:386 or in violation of R.S. 32:386 shall be required to reduce the load to the maximum permissible gross weight and shall be assessed a penalty on such weight which exceeds the maximum permissible gross weight as defined by R.S. 32:386 or maximum allowable axle weights, whichever results in the higher fine, in accordance with the following schedule:

(4)(a) Whoever owns any business entity engaged in the sale or shipment of construction aggregates requiring a weighmaster weigh master, not including asphalt, or transfer sales or shipment from rail, barge, or ship to wholesale stockpiles or inventories within a five-mile radius of the point where the shipment was transferred, who violates, or whose driver or contract driver violates any rule, regulation, directive, or requirement of the secretary adopted under R.S. 32:386 or violates R.S. 32:386 shall also be assessed a separate penalty for each violation in accordance with the schedule set forth in Paragraph Subsection B(1) of this Section. However, notwithstanding any other provision of this Chapter or any law to the contrary, any such business, or weighmaster weigh master thereof, who releases a vehicle that is within the maximum permissible gross weight limitations for travel on a state highway shall not be assessed

any penalty when said vehicle is found in violation of gross maximum weight limitations while traveling on any interstate highway. For purposes of enforcing this Paragraph Subsection, any weights and standards and or state policeman having reason to believe that such owner is in violation of R.S. 32:386 is authorized to enter and go upon, without formal warrant, any vehicle, stand, place, building, or premises, for the purpose of inspecting only the shipping ticket or tickets issued in connection with the particular load found in violation of R.S. 32:386 by the any Wweights and Sstandards or state Ppoliceman in order to determine whether such sales at the origin of shipment contain the amounts represented and are offered for sale or sold in a manner in accordance with law. The discovery of an overweight vehicle after proper weighing shall constitute "reason to believe" for purposes of this Paragraph Subsection.

C.

(3) Nothing contained in this Subsection shall authorize the department commissioner or any weights and standards or state policeman to assess any penalty provided for herein for both the failure to possess a required special permit and for operating a vehicle in violation of R.S. 32:386 when arising out of the same activity, and to this extent the penalties provided for in this Subsection shall not be cumulative in nature.

AMENDMENT NO. 6

On page 5, between lines 1 and 2, insert:
"\$388.1. Penalties; multiple violations

Whoever owns or drives any vehicle or combination of vehicles in violation of two or more of the provisions of this Part at any one time shall be assessed the greater or the greatest of the penalties, in the full amount of the penalty. The department commissioner is hereby authorized to promulgate rules and regulations to provide that in addition to assessment of the greater or greatest penalty, the owner or driver shall be assessed a penalty not to exceed ten dollars for each other violation committed at the same time; however, such rules and regulations shall only be promulgated provided the Federal Highway Administration initiates official sanctions which would result in the loss of National Highway System apportionment or other federal funds should such penalties for multiple violations not be provided.

AMENDMENT NO. 7

On page 5, line 20, after "regulations" delete the remainder of the line and delete lines 21 and 22 and insert the following: "adopted pursuant to this"

AMENDMENT NO. 8

On page 6, delete lines 6 through 29 and delete pages 7, 8, 9 and 10 and insert the following:

"C. (1) Whenever any vehicle or combination of vehicles is found in violation of any provision of this Part or any regulation of the department or secretary adopted pursuant thereto, the weights and standards police officer or any state policeman shall take the name and address of the owner and driver and the license number of the vehicle and shall issue a violation ticket assessing a penalty for such violation in accordance with R.S. 32:388.

(2) Upon issuance of the violation ticket, an owner or driver who is a resident of Louisiana or who has a domicile in Louisiana shall receive notification from the weights and standards stationary scale police officer that the penalty shall be paid within thirty days of issuance of the violation ticket or that the owner or driver may request an agency review of the penalty within thirty days of issuance of the violation ticket. An owner or driver who is not a resident of Louisiana or who does not have a domicile in Louisiana shall receive notification from the weights and standards stationary scale police officer that the penalty shall either be paid at the time the violation ticket is issued or he shall post a bond equal to the amount of the penalty, which bond shall be forfeited if, within thirty days of issuance of the violation ticket, the penalty has not been paid or an agency review has not been requested. The owner or driver shall pay the penalty assessed with certified check, cashier's check, money order, or department-approved credit card. The secretary may establish credit accounts for violators, if each violator provides the department a cash deposit in the minimum amount of five thousand

dollars or any amount in excess thereof fixed by the secretary to guarantee payment of said account. The department shall not detain or impound any vehicle issued a violation ticket for any violation of the provisions of R.S. 32:380 through 387 prior to the final disposition of the violation ticket if the owner or driver is a resident of Louisiana or has a domicile in Louisiana, or has paid the penalty or posted the bond in accordance with this Section. For purposes of this Section, "final disposition" shall be defined as a final conviction, not capable of appeal or review.

(3)(a) If a driver of a motor vehicle who is a resident of Louisiana or who has a domicile in Louisiana is determined to be the responsible party for the violation ticket by the Department of Transportation and Development or the office of state police, the driver shall be responsible for the payment of all fines and fees associated with issuance of the violation ticket. If the department or the office of state police fails to receive payment of the violation ticket within sixty calendar days of issuance of the violation ticket or within sixty calendar days of receiving a notice of final judgment from the agency or administrative review, the department or the office of state police shall transmit the driver's license number to the office of motor vehicles. Upon receipt of the driver's license number, the office of motor vehicles shall immediately notify the driver, by first class mail, that his driver's license shall be suspended thirty calendar days after the date of mailing the notice unless all fines and fees associated with the violation ticket are paid in full together with notice of the imposition of a fifty-dollar fee by the office of motor vehicles to cover its administrative costs. Upon payment of all fines and fees associated with the violation ticket, the office of motor vehicles shall immediately authorize the reinstatement of the driver's license.

(b) If a motor carrier is determined by the Department of Transportation and Development or the office of state police to be the responsible party for a violation ticket, and if such party fails to pay the assessed penalty within sixty calendar days of receiving the violation ticket or within sixty calendar days of receiving a notice of final judgment from the agency or administrative review, the department or the office of state police shall transmit the vehicle identification number of the offending vehicle for which the violation ticket was issued to the office of motor vehicles. The office of motor vehicles shall not renew the registration of the offending vehicle until all fines and fees associated with the violation ticket are paid in full. Upon payment of all fines and fees associated with the violation ticket, the office of motor vehicles shall immediately authorize renewal of the vehicle's registration. The Department of Transportation and Development and the office of state police shall adopt rules and regulations in accordance with the Administrative Procedure Act, subject to oversight by the House and Senate Committees on Transportation, Highways and Public Works, as are necessary to implement the provisions of this Subparagraph.

(c) The Department of Transportation and Development and the office of state police shall be prohibited from seizing the registration license plate of a motor vehicle for failing to pay a fine for a violation ticket.

(4)(a) Any owner or driver who pays an assessed penalty in accordance with the provisions of this Section shall have a period of ninety days after the date of payment to institute a civil suit against the department to recover the penalty so paid. However, the ninety-day time period to institute a civil suit against the department shall be suspended for any owner or driver who timely requests an agency review in accordance with the provisions of this Section, in which case the owner or driver shall have a period of ninety days after the final disposition of the agency review to institute a civil suit against the department to recover the penalty so paid.

(b) The right to sue for recovery of a penalty paid shall afford a legal remedy and right of action in any state district court for a full and complete adjudication of any questions arising in the enforcement of a penalty respecting the legality of any penalty assessed or the method of enforcement thereof. Any such suit may be instituted either in the parish in which the violation occurred, the domicile of vehicles, provided the domicile is within the state of Louisiana, or in East Baton Rouge Parish. In any such suit, service of process shall be made on the department, through the secretary. The department shall be a necessary and proper party defendant in any such suit.

(5) No court of this state shall issue any process whatsoever to restrain the collection of any penalty assessed by the department pursuant to this Part.

(6) If upon expiration of the ninety-day period provided in Paragraph (4)(a) of this Subsection any penalty assessed remains unpaid, the department may institute a civil suit in the parish in which the violation occurred or in the domicile of the owner or driver to collect any penalty assessed but unpaid. The department shall have one year from the date of expiration of the ninety-day period to institute such a suit.

(7) Notwithstanding the above provisions, any member of the armed forces, who is in uniform or presents an order for duty and who is operating a military vehicle in the line of duty in violation of any provision of R.S. 32:380 through R.S. 32:387 or any regulation of the department or secretary adopted pursuant thereto shall not be required to pay the penalty assessed, nor shall he be required to surrender his Louisiana driver's license. However, the owner of the vehicle or the federal government shall pay the penalty within thirty days.

(8) Failure of any vehicle or combination of vehicles to stop at a weigh facility may be excused if stopping the vehicle or combination of vehicles would create a serious traffic hazard. The Department of Transportation and Development shall promulgate rules under the provisions of the Administrative Procedure Act for the implementation of this Paragraph. Such rules shall define "serious traffic hazard" and shall authorize the use of green traffic signal lights to allow vehicles to pass the weigh facility at such times as vehicles have accumulated on the entrance ramp to the weigh facility to the extent that the vehicles present a traffic hazard. Rules adopted hereunder shall be subject to oversight by the House and Senate Committees on Transportation, Highways and Public Works.

D.(1) The secretary shall establish a procedure for agency review of violation tickets issued by weights and standards stationary scale police officers and may take appropriate actions based on the findings of the agency's review. The secretary shall adopt rules in accordance with the Administrative Procedure Act to govern agency review and any actions taken based on the findings of the agency.

(2) Following conclusion of the agency's review, the operator or responsible party issued the violation ticket by the weights and standards stationary scale police officer may request a hearing conducted by a review panel comprised of five members. One member of the review panel shall be appointed by the secretary of the Department of Transportation and Development, two members shall be appointed by the chairman of the House Transportation, Highways and Public Works Committee, and two members shall be appointed by the chairman of the Senate Transportation, Highways and Public Works Committee. Decisions of the review panel shall be binding upon the Department of Transportation and Development. The secretary shall adopt rules and regulations in accordance with the Administrative Procedure Act regarding the hearing conducted by the review panel including but not limited to rules and regulations regarding the notification and procedure for requesting a hearing by the review panel and deadlines for request for a hearing before the review panel.

Whenever any carrier, common carrier, contract carrier, private carrier, transport vehicle, or driver is found in violation of any provision of this Chapter, commissioner shall send the responsible party a "Notice of Violation, Proposed Finding and Proposed Civil Penalty", hereafter referred to as a "notice of violation", within thirty calendar days of the violation.

(2)(a) Each notice of violation shall clearly indicate if a monetary penalty is assessed for the violation or if the notice of violation is only a warning. When a monetary penalty is assessed, each notice of violation shall be sent to the responsible party by certificate of mailing. Such notice of violation shall also contain notice that the responsible party shall have forty-five calendar days from the date of issuance of the notice of violation to either pay the monetary penalty for the violation or to request, in writing, an administrative hearing to review the notice of violation. When the amount of the civil penalty is negotiated between the commissioner and the responsible party, the commissioner shall send written notification to the responsible party of the amount of the negotiated civil penalty within thirty calendar days of the date of the final negotiation. Such payment

shall be made by certified check, money order, or credit card. If made by credit card, the payment shall be deemed received by the commissioner when tendered and an approval code is obtained from the credit card company or credit card processor.

(b) The commissioner shall adopt rules and regulations in accordance with the Administrative Procedure Act, subject to oversight by the House and Senate Committees on Transportation, Highways and Public Works as are necessary regarding the administrative hearing, including but not limited to rules and regulations regarding notification and the procedure for requesting a hearing provided such rules shall not conflict with the provisions of R.S. 32:388.1.

(3) If the commissioner fails to issue the notice of violation to the responsible party within thirty calendar days of the violation in accordance with the provisions of this Section, the violation shall be dismissed. However, the commissioner shall be granted an additional sixty calendar days to send the responsible party a notice of violation in accordance with the provisions of this Section if he experiences a data system failure caused by either an act of God or an intentional act of sabotage.

(4) Any appeal of the findings of the administrative law judge shall be filed in a state district court with proper venue over the matter.

D.(1) If a carrier is determined to be the responsible party for a notice of violation by the commissioner and, if such carrier fails to pay the assessed penalty within forty-five calendar days of issuance of the notice of violation, or in the case of an administrative hearing, the responsible party fails to pay the assessed fine within thirty calendar days of receiving a notice of final judgment from the administrative law judge, the outstanding penalty amount shall be posted on the commissioner's official web site. The outstanding penalty amount for such responsible party shall continue to appear on the web site until all fines and fees are paid in full. The commissioner shall transmit the vehicle identification number of the offending vehicle for which the notice of violation was written to the office of motor vehicles. The office of motor vehicles shall not renew the registration of the offending vehicle until all fines and fees associated with the notice of violation have been paid in full. Within seven calendar days of receiving documentation from the responsible party that all fines and fees have been paid in full, the commissioner shall remove the posting of the notice of violation from his web site. Additionally, upon payment of all fines and fees associated with the notice of violation, the office of motor vehicles shall immediately authorize renewal of the vehicle's registration. Such payment shall be made by certified check, money order, or credit card. If made by credit card, the payment shall be deemed received by the commissioner when tendered and an approval code is obtained from the credit card company or credit card processor.

(2) If the driver of a motor vehicle is found to be the responsible party for a notice of violation by the commissioner, the driver shall be responsible for the payment of all fines and fees associated with issuance of the notice of violation. Such payment shall be made by certified check, money order, or credit card. If made by credit card, the payment shall be deemed received by the commissioner when tendered and an approval code is obtained from the credit card company or credit card processor. If the commissioner fails to receive payment within forty-five calendar days of issuance of the notice of violation, or in the case of an administrative hearing, the responsible party fails to pay the assessed penalty within thirty calendar days of receiving a notice of final judgment from the administrative law judge, the commissioner shall transmit the driver's license number to the office of motor vehicles. Upon receipt of the driver's license number, the office of motor vehicles shall immediately notify the driver, by first class mail, that his driver's license shall be suspended thirty calendar days after the date of mailing the notice unless all fines and fees associated with the notice of violation or final judgment from the administrative law judge are paid in full together with notice of the imposition of a fifty-dollar fee by the office of motor vehicles to cover its administrative costs. The driver's license shall remain suspended until all fines and fees associated with the notice of violation or

final judgment from the administrative law judge and the fifty-dollar fee for the office of motor vehicles are paid in full. Upon payment of all fines and fees, the office of motor vehicles shall immediately authorize the reinstatement of the driver's license.

(3) Motor carriers shall not be responsible for driver violations.

E.(1) The commissioner and any law enforcement officer working for the commissioner shall be prohibited from seizing a motor vehicle or the registration license plate of a motor vehicle for failing to pay a fine for a notice of violation.

(2) In the event a motor vehicle for which a notice of violation has been issued is subsequently sold, the new owner of such vehicle shall not be responsible for any outstanding fines or fees associated with a notice of violation. The new owner of the motor vehicle shall present proper documentation to the commissioner evidencing the lawful transfer of ownership.

F. During a state of emergency declared by the governor, the commissioner shall be granted an additional sixty calendar days to send the responsible party a notice of violation in accordance with the provisions of this Section. Such extension of time shall terminate not later than sixty days from the date the state of emergency ends.

G. Notwithstanding the provisions of this Section, any member of the armed forces, who is in uniform or presents an order for duty and who is operating a military vehicle in the line of duty in violation of any provision of R.S. 32:380 through R.S. 32:387, or any regulation adopted pursuant thereto, shall not be required to pay the penalty assessed, nor shall such member be required to surrender his Louisiana driver's license. However, the owner of the vehicle or the federal government shall pay the penalty within thirty days.

H. The failure of any vehicle or combination of vehicles to stop at a weigh facility may be excused if stopping the vehicle or combination of vehicles creates a serious traffic hazard. The commissioner shall promulgate rules under the provisions of the Administrative Procedure Act to implement the provisions of this Subsection. Such rules shall define "serious traffic hazard" and shall authorize the use of green traffic signal lights to allow vehicles to pass the weigh facility at such times as vehicles have accumulated on the entrance ramp to the weigh facility to the extent that the vehicles present a traffic hazard. Rules previously adopted by the department shall remain in full force and effect until such time as the commissioner promulgates rules pursuant to this Subsection. Rules adopted hereunder shall be subject to oversight by the House and Senate Committees on Transportation, Highways and Public Works.

§390.23. Agency representatives

A. Located within the truck center shall be representatives of the following agencies:

- (1) The Public Service Commission.
- (2) The Department of Public Safety and Corrections, public safety services.
- (3) The Department of Revenue.
- (4) The Department of Transportation and Development, ~~office of weights and standards.~~

§392. Impounding of vehicles; prohibitions

A.(1) Upon discovery of any vehicle operated in violation of this Chapter, the vehicle shall not be impounded but shall be directed to and followed by the weights and standards police officer or state policeman to the nearest appropriate place suitable for unloading to its licensed gross weight or maximum size requirements as provided in this Chapter and storage of said product to preserve it for its intended use in commerce and in either case shall be detained or unloaded at the expense and responsibility of the owner or driver. The ~~department~~ commissioner shall not detain or impound any vehicle issued a violation ticket for any violation of the provisions of R.S. 32:380 through 387 prior to the final disposition of the violation ticket if the owner or driver is a resident of Louisiana or has a domicile in Louisiana, or has paid the penalty or posted the bond in

accordance with the provisions of R.S. 32:389(C). For purposes of this Section, "final disposition" shall be defined as a final conviction, not capable of appeal or review.

AMENDMENT NO. 9

On page 12, line 11, after "47:" insert "511.1(B), (C), (D) and (E), 516(A), (B)(2) and (D),"

AMENDMENT NO. 10

On page 12, between lines 12 and 13, insert the following:
"§511.1. Temporary permits

B. The ~~Weights and Standards Police Force of the Department of Transportation and Development~~ is hereby authorized and empowered to issue temporary permits on behalf of the commissioner and to enforce the provisions of this Section.

C. If upon inspecting a vehicle or combination of vehicles it is found that it has no temporary permit, the weights and standards police officer or other enforcement officer of the ~~Department of Public Safety~~ commissioner may impound the vehicle and may require the operator to purchase forthwith a temporary permit. Two hundred dollars shall be added to the cost of purchasing a temporary permit as a penalty.

D. Payments for penalties under this Section shall be remitted to the ~~Department of Transportation and Development~~ commissioner. Such payment shall be made by certified check, money order, or credit card. If payment is made by credit card, the payment shall be deemed received by the commissioner when tendered and an approval code is obtained from the credit card company or credit card processor.

E. All of such penalties collected by the ~~secretary of the Department of Transportation and Development~~ commissioner shall be paid into the state treasury on or before the twenty-fifth day of each month following their collection and, in accordance with Article VII, Section 9 of the constitution shall be credited to the Bond Security and Redemption Fund. However, after a sufficient amount of the penalties collected by the commissioner is allocated from the fund to pay all obligations secured by the full faith and credit of the state within any fiscal year, the treasurer shall pay an amount equal to the penalties paid into the Bond Security and Redemption Fund pursuant to the provisions of this Subsection into the Transportation Trust Fund created under Article VII, Section 27 of the Constitution of Louisiana.

§516. Vehicles improperly licensed; weighing, inspections and investigations; purchase of proper license required; penalty

A. The commissioner, ~~motor vehicle bureau enforcement officers or the division of state police,~~ weights and standards police officers, ~~of the Department of Transportation and Development~~ or other proper legal authority, shall have the right and power at any time and place to investigate, in any lawful manner, and inspect, at any time and place, any vehicle, with respect to its registration, license, tax payment or other manner or thing contemplated by or provided for in this Chapter. To that end the commissioner may select, appoint or designate inspectors, acquire the necessary scales or other equipment incident to their functioning, and where necessary may cause the owner or driver of any vehicle to move the same or cause it to be moved, forthwith, to the nearest scales available in the direction of destination.

B. (2) Twenty-five percent of the annual price of the license or registration shall be added to the cost of purchasing the same as a penalty, which shall be in lieu of the penalties directed to be imposed by R.S. 47:508. There shall be credited against the price of this license or registration the price of the license or registration on the vehicle at the time of its unlawful operation. However, in lieu of impoundment and immediate purchase of license and registration, a ~~Department of Transportation and Development~~ stationary weights and standards enforcement police officer may issue a violation ticket in the amount of seventy-five dollars, in addition to any overweight penalties due as provided by R.S. 32:388, to any operator possessed of an improper Louisiana license and registration.

D. Whoever violates his promise to appear, purchase license plate and registration and pay any penalty assessed under Subsections B and C of this section shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both, and the driver's license or license plate shall be forwarded to the Department of Public Safety commissioner for suspension, revocation, and cancellation.

AMENDMENT NO. 11

On page 13, line 21, change "R.S. 32:2(E) is" to "R.S. 32:1(93) and 2(B) and (C) are"

AMENDMENT NO. 12

On page 13, delete lines 22 through 29 and on page 14, delete lines 1 through 3 and insert the following:

"Section 6. The items which are currently necessary to the duties and responsibilities currently performed by the Department of Transportation and Development for carrying out the functions, duties, and responsibilities of the previously constituted Weights and Standards stationary scales police force are transferred to the Department of Public Safety and Corrections, public safety services. Said transfer of items shall not include the building and property located at 1404 East Highway Drive, Baton Rouge, LA 70802."

AMENDMENT NO. 13

On page 15, line 5, after "Corrections" insert: "and the Louisiana Law Institute shall make the necessary statutory changes in order to comply with the provisions of this Section"

AMENDMENT NO. 14

On page On page 15, between lines 10 and 11 insert the following:

"Section 14. The Department of Transportation and Development and the Department of Public Safety and Corrections, public safety services, shall report benchmark data annually to the House and Senate Committees on Transportation, Highways, and Public Works in order to measure the effectiveness and efficiency of the transfer of the fixed-site scale responsibilities from the Department of Transportation and Development to the Department of Public Safety and Corrections, public safety services. Such report shall include any and all benchmark data including but not limited to the number of employees, expenditures, the number and dollar value of violations issued, the number and dollar value of penalties collected and deposited into the state treasury, and appropriations by the legislature to the Department of Public Safety and Corrections, public safety services, to perform such transferred function either by direct appropriation or interagency transfer. The report shall also reflect whether or not the transfer of the fixed-site scale responsibilities from the Department of Transportation and Development to the Department of Public Safety and Corrections, public safety services, achieves a savings of at least twenty-five percent in the second year through the consolidation of the responsibilities as directed by the Commission on Streamlining Government. The first report shall be presented not later than September 1, 2010, which report shall include a base benchmark data set as of the effective date of Senate Bill 635 of the 2010 Regular Session of the Louisiana Legislature. Thereafter, the report shall be presented annually not later than September 1, 2011, and not later than September 1 of each fiscal year thereafter.

AMENDMENT NO. 15

On page 15, line 11, after "Section" change "14" to "15".

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

SENATE BILL NO. 703— BY SENATOR PETERSON

AN ACT

To enact R.S. 33:9091.16, a bill relative to Orleans Parish; to create the Broadmoor Neighborhood Improvement District; to provide for district boundaries, purpose, governance, and funding, including the levy of a parcel fee; to provide relative to the

powers and duties of the district and its governing board; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 703 by Senator Peterson

AMENDMENT NO. 1

On page 2, line 2, between "Avenue" and "Washington" change the period "." to a comma ","

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

SENATE BILL NO. 712—

BY SENATORS NEVERS, APPEL, DONAHUE, DORSEY AND DUPLESSIS

AN ACT

To enact R.S. 17:1875, relative to postsecondary education; to authorize the Board of Supervisors of Community and Technical Colleges to create a Centers of Excellence Program; to provide for Board of Regents' approval; to provide with respect to an advisory board; to provide relative to admissions, curriculum, tuition and fees, and other program parameters; to provide relative to funding and other resources to support the program; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 712 by Senator Nevers

AMENDMENT NO. 1

On page 2, line 10, change "board" to "Board of Supervisors of Community and Technical Colleges"

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

SENATE BILL NO. 716—

BY SENATOR DORSEY

AN ACT

To amend and reenact R.S. 33:9038.31(3) and to enact R.S. 33:9038.43, relative to the Thomas H. Delpit Area Special District; to create the district and provide for its authority; to grant to the district certain tax increment finance and tax authority; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 716 by Senator Dorsey

AMENDMENT NO. 1

On page 2, line 15, after ""district"" insert a comma ","

AMENDMENT NO. 2

On page 2, line 16, between "B." and "The" insert "Boundaries."

AMENDMENT NO. 3

On page 3, line 15, between "actual" and "and necessary" insert a comma ","

AMENDMENT NO. 4

On page 3, line 20, between "secretary" and "and treasurer" insert a comma ","

AMENDMENT NO. 5

On page 4, line 24, between "F." and "The" insert "Funding."

AMENDMENT NO. 6

On page 4, line 27, after "limited to:" delete the remainder of the line and delete lines 28 and 29 and on page 5, delete lines 1 and 2, and insert in lieu thereof the following:

"(1) Ad valorem tax increment financing and bonding as provided in R.S. 33:9038.33.

(2) Sales tax increment financing and bonding as provided in R.S. 33:9038.34.

(3) Cooperative endeavor authority as provided in R.S. 33:9038.35.

(4) Bond authority as provided in R.S. 33:9038.38.

(5) Ad valorem and sales tax authority as provided in R.S. 33:9038.39."

AMENDMENT NO. 7

On page 5, line 3, between "G." and "The" insert "Pledging of finances."

AMENDMENT NO. 8

On page 5, at the beginning of line 8, between "date" and "all bonds" insert "of"

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

SENATE BILL NO. 728—

BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 17:7(6)(b)(i)(cc)(introductory paragraph), relative to teacher certification requirements; to reduce the number of years of experience needed by an out-of-state certified teacher to qualify for a Louisiana teaching certificate; and to provide for related matters.

Reported favorably by the Committee on Education. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 748—

BY SENATOR THOMPSON

AN ACT

To enact R.S. 56:410.11, relative to the use of certain fishing gear; to regulate the use of certain fishing gear on Lake Saint Joseph; to provide for the use of yo-yos and trigger devices; to provide conditions, requirements, and penalties; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 753—

BY SENATOR PETERSON

AN ACT

To amend and reenact R.S. 17:221.4(B)(2)(introductory paragraph) and to enact R.S. 17:221.4(B)(5), relative to elementary and secondary education; to provide with respect to dropout prevention and recovery programs; to provide with respect to cohort graduation rates and dropout rates; to provide for publication of school and school system cohort graduation rates; to provide for notification to parents of certain students regarding dropout rates and other school performance related information; and to provide for related matters.

Reported favorably by the Committee on Education. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 761—

BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 33:4701(A), 4702(B)(1), (2), (4) and (6)(b), (C), (E), (F), (G), 4703(A) and (C), and 4706(A) and (B); to enact R.S. 33:4701(C), 4702(B)(3) and (D), and 4706(C) and (D), and to repeal R.S. 33:4702(H),(I) and (J); relative to the New Orleans Regional Business Park; to provide with respect to the purpose of the district; to provide with respect to the members appointed to the board; to provide for an executive director; to provide with respect to plans submitted by the board and the process related to such plans; to provide with respect to issuing bonds; to provide with respect to unpaid and outstanding bonds; to provide with respect to the powers of the district; to provide with respect to the use of district funds; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 761 by Senator Duplessis

AMENDMENT NO. 1

On page 1, line 16, after "(D) are" insert "hereby"

AMENDMENT NO. 2

On page 2, at the end of line 6, change "district." to "district."

AMENDMENT NO. 3

On page 3, line 13, change "nine" to "eleven"

AMENDMENT NO. 4

On page 3, at the end of line 15, change "Greater New Orleans Inc." to "Greater New Orleans, Inc."

AMENDMENT NO. 5

On page 3, line 28, strike "two" and insert "three"

AMENDMENT NO. 6

On page 4, line 28, after "membership" change "with such" to "within the next"

AMENDMENT NO. 7

On page 5, line 7, after "who" delete the remainder of the line and insert "has unexcused absences of fifty percent or more of the"

AMENDMENT NO. 8

On page 5, line 16, strike "Subparagraph" and insert "Subparagraphs"

AMENDMENT NO. 9

On page 5, at the beginning of line 17, after "through" delete "(I)" and insert "(h)"

AMENDMENT NO. 10

On page 6, line 8, after "and may" change "do" to "perform"

AMENDMENT NO. 11

On page 10, line 9, after "by the" delete "secretary" and insert "secretary"

AMENDMENT NO. 12

On page 11, at the beginning of line 11, after "\$4703." strike "Corporate status; domicile;" and insert "Domicile;"

AMENDMENT NO. 13

On page 11, line 12, after "A." strike the remainder of the line and strike lines 13 through 19 and on line 20 strike "provision of R.S. 33:4702."

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AMENDMENT NO. 14

On page 16, line 22, change "R.S. 51:1781, et seq." to "R.S. 51:1781, et seq."

AMENDMENT NO. 15

On page 16, between lines 24 and 25, insert the following: "(14) (22) To report to the mayor and the council, at least quarterly, on the problems within the district and progress made in amelioration of the problems."

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

SENATE BILL NO. 778— BY SENATOR LAFLEUR

AN ACT

To enact R.S. 39:1426(D), relative to the sale of general obligation bonds by political subdivisions; to provide for conditions of such sales; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 778 by Senator LaFleur

AMENDMENT NO. 1

On page 1, delete lines 9 through 13 in their entirety, and insert the following:

"D. Notwithstanding the provisions of any other law relating to the issuance of general obligation bonds by political subdivisions or the issuance by political subdivisions of any other bonds or indebtedness secured in whole or in part by ad valorem taxes, all such general obligation bonds or other such bonds or indebtedness may be sold as provided for in Subsection A of this Section or may be sold at private sale in the manner determined by the governing authority of the issuer thereof; provided the issuance of any such general obligation bonds or other such bonds or indebtedness is approved by the State Bond Commission, and in the case of a private sale, is approved by two thirds of the members present and voting of the State Bond Commission. For purposes of this Subsection, the terms "general obligation bonds" and "political subdivisions" shall have the meanings ascribed to them in Article VI, Section 44 of the Constitution of Louisiana."

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

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 127—

BY REPRESENTATIVE KLECKLEY AN ACT

To authorize and provide for the transfer or lease of certain state property in Calcasieu Parish to the Recreation District No. One of Ward Three of Calcasieu Parish from the division of administration; and to provide for related matters.

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

HOUSE BILL NO. 148—

BY REPRESENTATIVE ABRAMSON AN ACT

To amend and reenact R.S. 33:9091.6(F)(3)(b), relative to the Upper Hurstville Security District in Orleans Parish; to provide relative to the renewal of parcel fees; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Engrossed House Bill No. 148 by Representative Abramson

AMENDMENT NO. 1

On page 1, line 3, after "fees;" insert "to provide for an effective date;"

AMENDMENT NO. 2

On page 2, at the end of line 1, after "Paragraph." insert "Any election to authorize the renewal of the fee shall be held only at the same time as the mayoral primary election for the city of New Orleans for that purpose in accordance with the Louisiana Election Code."

AMENDMENT NO. 3

On page 2, line 7, after "effective" delete the remainder of the line and delete lines 8 through 11 in their entirety and insert "on July 1, 2010."

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

HOUSE BILL NO. 480—

BY REPRESENTATIVE MONTOUCET AN ACT

To amend and reenact R.S. 56:1681(A)(2)(c), relative to the State Parks and Recreation Commission membership; to provide relative to nominations; and to provide for related matters.

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

HOUSE BILL NO. 703—

BY REPRESENTATIVE ST. GERMAIN AN ACT

To authorize and provide for the transfer or lease of certain state property in Iberville Parish to Savoie Industries, L.L.C., from the division of administration; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 703 by Representative St. Germain

AMENDMENT NO. 1

On page 1, line 17, after "herein" change "reserves" to "reserved"

AMENDMENT NO. 2

On page 1, line 24, change "same. propellies" to "same properties"

AMENDMENT NO. 3

On page 1, line 28, insert a space between "No. 373-A" and "in"

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

HOUSE BILL NO. 704—

BY REPRESENTATIVE ST. GERMAIN AN ACT

To authorize and provide for the transfer or lease of certain state property in Iberville Parish to the Cora Texas Manufacturing Company, L.L.C., from the division of administration; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 704 by Representative St. Germain

AMENDMENT NO. 1

On page 1, line 11, after "lying" insert "south of Miles Road and west of Bayou Sigur."

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

HOUSE BILL NO. 877—

BY REPRESENTATIVES ST. GERMAIN, DOVE, AND HARRISON AND SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 34:851.14.1, relative to closure of waterways; to provide for the authority to close or restrict the access of a waterway; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Engrossed House Bill No. 877 by Representative St. Germain

AMENDMENT NO. 1

On page 1, delete line 7, and insert "A. In an emergency or disaster, as defined in R.S. 29:723, the"

AMENDMENT NO. 2

On page 1, line 15, after "49:953(B)," insert "Such order shall be subject to oversight by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources in accordance with R.S. 49:953(B)."

AMENDMENT NO. 3

On page 1, after line 20, insert: "Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

HOUSE BILL NO. 880—

BY REPRESENTATIVES WHITE, DOVE, HARRISON, AND ST. GERMAIN AND SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 34:851.14.1, relative to safety zones and security zones; to provide for definitions; to prohibit violating restrictions of an established safety zone or security zone; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 880 by Representative White

AMENDMENT NO. 1

On page 2, after line 12, insert: "Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

Rules Suspended

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

Senate Concurrent Resolutions to be Adopted, Subject to Call

SENATE CONCURRENT RESOLUTION NO. 61—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To designate May 19, 2010, as Louisiana Housing Council Day at the Legislature and commend the organization for its accomplishments.

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 members voting YEAS: Mr. President, Dorsey, Martiny, Adley, Erdey, McPherson, Alario, Gautreaux B, Michot, Amedee, Gautreaux N, Morrish, Appel, Hebert, Mount, Broome, Heitmeier, Murray, Chabert, Jackson, Nevers, Cheek, Kostelka, Riser, Claitor, LaFleur, Shaw, Crowe, Long, Smith, Donahue, Marionneau, Thompson

Total - 33

NAYS

Total - 0

ABSENT

Table listing names of members voting ABSENT: Duplessis, Morrell, Quinn, Guillory, Peterson, Walsworth

Total - 6

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

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Senator Broome in the Chair

Special Order of the Day 1

SENATE BILL NO. 407—

BY SENATORS MCPHERSON, ADLEY, BROOME, HEITMEIER, LAFLEUR, NEVERS AND SHAW AND REPRESENTATIVE NORTON AN ACT

To amend and reenact R.S. 32:409.1(A)(6)(c)(iii), relative to drivers' licenses and application or special certificate applications; to delete authority to impose a record check fee on an applicant for a Class "D" chauffeur's license or a Class "E" personal vehicle driver's license; and to provide for related matters.

Floor Amendments

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 407 by Senator McPherson

AMENDMENT NO. 1

On page 2, line 4, at the end of the line, delete "Section 205(A)(3)" and on line 5, at the beginning of line, delete "of the National Drivers Register Act of 1982" and insert "49 U.S.C.A. 30304(a)(3)"

On motion of Senator Marionneaux, the amendments were adopted.

On motion of Senator Chaisson, Senate Bill No. 407 was made Special Order of the Day No. 1 on Tuesday, May 11, 2010.

Senate Concurrent Resolutions on Second Reading Reported by Committees

Mr. President in the Chair

SENATE CONCURRENT RESOLUTION NO. 3—

BY SENATOR ALARIO

A CONCURRENT RESOLUTION

To urge and request the Commission on Intergovernmental Relations to study tax sales law and procedure in Louisiana and throughout the United States.

Reported favorably by the Committee on Revenue and Fiscal Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, and Total. Lists names like Mr. President, Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Crowe, Donahue, Dorsey, Erdey, Gautreaux B, N, Guillory, Hebert, Heitmeier, Jackson, Kostelka, LaFleur, Long, Marionneaux, Martiny, McPherson, Michot, Morrish, Mount, Murray, Nevers, Riser, Shaw, Smith, Thompson, Walsworth.

NAYS

Total - 0

ABSENT

Duplessis Peterson
Morrell Quinn

Total - 4

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

Motion

Senator Alario moved to suspend the rules to advance to the order of Senate Bills on Third Reading and Final Passage, to take up Senate Bill No. 707 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 707—

BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 47:342(3), relative to the occupational license tax; to define contractor for purposes of the occupational license tax; and to provide for related matters.

On motion of Senator Alario the bill, which was on Third Reading and Final Passage was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 56—

BY SENATORS MARTINY, ALARIO, AMEDEE, APPEL, BROOME, CROWE, DONAHUE, DUPLESSIS, HEITMEIER, KOSTELKA, LONG, MICHOT, MOUNT, SHAW AND THOMPSON AND REPRESENTATIVES ANDERS, ARNOLD, BOBBY BADON, BALDONE, BARRAS, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, CHANEY, CONNICK, CROMER, DOERGE, DOVE, HARDY, HENDERSON, HENRY, HINES, HOFFMANN, HUTTER, JOHNSON, LABRUZZO, LAMBERT, LEGER, LIGI, LORUSSO, MILLS, MONICA, NOWLIN, PEARSON, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, THIBAUT, THIERRY, WHITE, WILLIAMS AND WILLMOTT AN ACT

To amend and reenact R.S. 14:80(D), 81(E)(3), (4), (5) and (6), and 86 and to enact R.S. 14:40.3(C)(4), 46.2(B)(4), 46.3(D)(3), 81(H)(3), 81.1(E)(7), 81.2(G), and 81.3(B)(4) and R.S. 15:593.1, relative to criminal offenses; to provide for forfeiture of certain property used in the commission of certain crimes; to provide for forfeiture procedure; to provide for exempt property; to provide for allocation of proceeds; and to provide for related matters.

Floor Amendments

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. 56 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 2, following "14:80(D)," and before "(E)" change "81" to "81.1"

AMENDMENT NO. 2

On page 1, line 4, following "R.S." and before ", relative" change "15:593.1" to "15:539.1"

AMENDMENT NO. 3

On page 1, line 9, following "14:80(D)," and before "(E)" change "81" to "81.1"

AMENDMENT NO. 4

On page 2, line 6, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 5

On page 2, line 20, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 6

On page 3, line 5, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 7

On page 3, line 23, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 8

On page 4, line 8, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 9

On page 4, line 21, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 10

On page 5, line 5, following "that" and before "sufficient" insert ", "

AMENDMENT NO. 11

On page 5, line 25, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 12

On page 6, line 9, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 13

On page 6, line 29, following "that" and before "recorded" change "is" to "are"

AMENDMENT NO. 14

On page 7, line 21, following "to" and before "date" insert "the"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments

Senator Martiny proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 56 by Senator Martiny

AMENDMENT NO. 1

On page 7, line 15, after "B." insert "(1)"

AMENDMENT NO. 2

On page 7, between lines 19 and 20, insert the following:

"(2) Property subject to forfeiture pursuant to the provisions of this Section shall be exempt from forfeiture when a spouse, co-owner, or interest holder in the property establishes by sworn affidavit executed before a notary public the following:

(a) That he had no knowledge of the commission of the criminal conduct and could not have reasonably known of the conduct.

(b) That he did not consent to the use of property in the commission of the criminal conduct.

(c) That he owns an interest in the property otherwise subject to forfeiture.

(3) Intentionally falsifying information required by the provisions of Paragraph (2) of this Subsection shall subject the affiant to prosecution under the provisions of R.S. 14:125."

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Adeley	Gautreaux N	Morrish
Alario	Guillory	Mount
Amedee	Hebert	Murray
Appel	Heitmeier	Nevers
Broome	Jackson	Riser
Chabert	Kostelka	Shaw
Cheek	LaFleur	Smith
Claitor	Long	Thompson
Crowe	Marionneaux	Walsworth
Donahue	Martiny	
Dorsey	McPherson	
Total - 34		

NAYS

Total - 0

ABSENT

Duplessis	Morrell	Quinn
Gautreaux B	Peterson	
Total - 5		

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

SENATE BILL NO. 81—
BY SENATORS MARTINY AND THOMPSON
AN ACT

To amend and reenact R.S. 14:95.2(C)(4) and R.S. 40:1379.3(N)(11), relative to concealed handguns; to provide for prohibitions on statewide concealed handgun permits; to provide exception in criminal acts; and to provide for related matters.

Floor Amendments

Senator N. Gautreaux proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 81 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 40:1379.3(N)(11)" to "R.S. 40:1379.3(C)(10) and (N)(11)"

AMENDMENT NO. 2

On page 1, line 4, after "acts;" insert "to provide for certain qualifications;"

AMENDMENT NO. 3

On page 1, line 17, change "R.S. 40:1379.3(N)(11) is" to "R.S. 40:1379.3(C)(10) and (N)(11) are"

AMENDMENT NO. 4

On page 2, between lines 4 and 5, insert the following:

"C. To qualify for a concealed handgun permit, a citizen shall:

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(10) Not have been convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment or a bill of information for any crime of violence or any crime felony offense punishable by imprisonment for a term of one year or greater than one year. A conviction, plea of guilty, or plea of nolo contendere under this Paragraph shall include a dismissal and conviction set-aside under the provisions of Code of Criminal Procedure Article 893.

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdy Michot
Adley Gautreaux N Morrish
Alario Guillory Mount
Amedee Hebert Murray
Appel Heitmeier Nevers
Broome Jackson Riser
Chabert Kostelka Shaw
Cheek LaFleur Smith
Claitor Long Thompson
Crowe Marionneaux Walsworth
Donahue Martiny
Dorsey McPherson
Total - 34

NAYS

Total - 0

ABSENT

Duplessis Morrell Quinn
Gautreaux B Peterson
Total - 5

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

SENATE BILL NO. 363— BY SENATOR ADLEY

AN ACT

To enact R.S. 30:28.1, relative to drilling activities; to prohibit permitted oil and gas drilling activities from disturbing privately owned active water wells; to provide requirements and conditions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dorsey McPherson
Adley Erdy Michot
Alario Gautreaux N Morrish
Amedee Guillory Mount
Appel Hebert Murray
Broome Heitmeier Nevers
Chabert Jackson Shaw

Cheek Kostelka Smith
Claitor LaFleur Thompson
Crowe Long Walsworth
Donahue Martiny

Total - 32

NAYS

Riser
Total - 1

ABSENT

Duplessis Marionneaux Peterson
Gautreaux B Morrell Quinn
Total - 6

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

Explanation of Vote

Senator Riser stated he intended to vote yea on Senate Bill No. 363, and asked that the Official Journal so state.

SENATE BILL NO. 381— BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 14:89(A) and to enact R.S. 14:89.2, relative to crime against nature; to create the crime against nature by solicitation; to provide for elements of a crime; to provide for definitions; to provide for penalties; and to provide for related matters.

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

SENATE BILL NO. 696— BY SENATOR QUINN

AN ACT

To amend and reenact Code of Civil Procedure Art. 1914(D), relative to the rendition of judgments; to provide for interlocutory judgments, notice and delay; and to provide for related matters.

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

SENATE BILL NO. 736— BY SENATOR DORSEY

AN ACT

To amend and reenact the Code of Criminal Procedure Article 876 and to enact the Children's Code Article 857(D), relative to criminal procedure; to provide for sentencing of adults for certain crimes committed as a child; to provide for certain adults charged for crimes committed as a child; to provide for requirements of sentencing; to provide for terms, conditions, and procedures; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 751— BY SENATORS MURRAY, PETERSON, HEITMEIER, DUPLESSIS AND MORRELL AND REPRESENTATIVES BROSSETT, HENDERSON, ARNOLD, LORUSSO, ABRAMSON, LEGER, HINES AND STIAES

AN ACT

To amend and reenact R.S. 43:202(A), relative to judicial and legal advertisements in Orleans Parish; to authorize judicial advertisements in specified weekly news publications; to provide for public bid; to provide for requirements for the weekly news publication; and to provide for related matters.

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

SENATE BILL NO. 289—
BY SENATOR DONAHUE

AN ACT

To enact Chapter 28 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 42:1601, relative to the Department of State Civil Service; to provide for reporting of employee turnover; to require the department to report each year to the Joint Legislative Committee on the Budget regarding the employee turnover; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Crowe	Gautreaux B	Peterson
Duplessis	Morrell	Quinn
Total - 6		

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

SENATE BILL NO. 293—
BY SENATOR DONAHUE

AN ACT

To enact R.S. 42:375.1, relative to strategic reductions in positions of employment in the executive branch of state government; to require the commissioner of administration to establish and implement an agency attrition analysis process; to provide for reports to the Commission on Streamlining Government; and to provide for related matters.

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

SENATE BILL NO. 334—
BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 40:1300.253(1) and to repeal R.S. 40:1300.256(B)(5), relative to prohibiting smoking in certain places; to provide for definitions; to provide relative to exceptions; and to provide for related matters.

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

SENATE BILL NO. 348—
BY SENATOR MARIONNEAUX

AN ACT

To repeal R.S. 40:1300.256(B)(5) and (8), relative to prohibiting smoking in certain places; to provide for the removal of certain exemptions; and to provide for related matters.

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

SENATE BILL NO. 528—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 40:1299.35.2 and the introductory paragraph of 1299.35.6(B), (B)(1)(h), and (C)(1)(a), and to enact R.S. 40:1299.35.6(B)(1)(i), relative to abortions; to require an obstetric ultrasound to be performed prior to an abortion; to provide for exceptions; to provide for penalties; and to provide for related matters.

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

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

Rules Suspended

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

SENATE BILL NO. 539—
BY SENATOR NEVERS

AN ACT

To require the secretary of the Department of Health and Hospitals to license and enroll in the Medicaid program certain providers who operate intermediate care facilities for the developmentally disabled; to provide for an exception to the facility need review process; and to provide for related matters.

On motion of Senator Nevers the bill, which was on Third Reading and Final Passage, Subject to Call, was read by title and recommitted to the Committee on Finance.

Rules Suspended

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

SENATE BILL NO. 401—
BY SENATORS THOMPSON AND NEVERS AND REPRESENTATIVE KATZ

AN ACT

To enact R.S. 40:1300.144(A)(4), relative to rural hospitals; to provide for rural hospital reimbursement; to provide for the development of payment methods that optimize federal funds to reduce or eliminate small rural hospitals' reliance upon uncompensated care costs funding; to provide for rules and regulations; and to provide for related matters.

On motion of Senator Thompson the bill, which was on Third Reading and Final Passage, Subject to Call, was read by title and recommitted to the Committee on Finance.

Called from the Calendar

Senator Amedee asked that Senate Bill No. 65 be called from the Calendar.

SENATE BILL NO. 65—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 49:214.24(C), relative to the coastal zone boundary; to include a portion of Ascension Parish within the coastal zone; and to provide for related matters.

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

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ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Includes Mr. President, Erdey, McPherson, Adley, Gautreaux B, Michot, Alario, Gautreaux N, Mount, Amedee, Hebert, Murray, Appel, Heitmeier, Nevers, Broome, Jackson, Riser, Chabert, Kostelka, Shaw, Cheek, LaFleur, Smith, Crowe, Long, Thompson, Donahue, Marionneaux, Walsworth, Dorsey, Martiny.

NAYS

Table with 2 columns: Name, NAYS. Includes Claitor, Morrish.

ABSENT

Table with 3 columns: Name, ABSENT, Name. Includes Duplessis, Morrell, Quinn, Guillory, Peterson.

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

Called from the Calendar

Senator LaFleur asked that Senate Bill No. 309 be called from the Calendar.

SENATE BILL NO. 309— BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 17:233(B)(1)(c), relative to compulsory school attendance; to provide relative to habitual student absence or tardiness; to provide relative to notification to the parent or legal guardian of a student who is at-risk of being considered habitually absent or tardy; 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

Table with 3 columns: Name, YEAS, Name. Includes Mr. President, Dorsey, McPherson, Adley, Erdey, Michot, Alario, Gautreaux B, Morrish, Amedee, Gautreaux N, Mount, Appel, Hebert, Murray, Broome, Heitmeier, Nevers, Chabert, Kostelka, Riser, Cheek, LaFleur, Shaw, Claitor, Long, Smith, Crowe, Marionneaux, Thompson, Donahue, Martiny, Walsworth.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, ABSENT, Name. Includes Duplessis, Jackson, Peterson, Guillory, Morrell, Quinn, Total - 6.

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

Called from the Calendar

Senator LaFleur asked that Senate Bill No. 444 be called from the Calendar.

SENATE BILL NO. 444— BY SENATOR LAFLEUR

AN ACT

To repeal R.S. 17:81.1, 178, 221.1, 225.1, 234, Subpart C-2 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:255 through 260, 267, Subpart E of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:291 through 295, Subpart F of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:322 through 326, Part XIV of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1321 through 1325, 1380 through 1382, 2111, 2113, 2131 through 2135, Chapter 16 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:2851 through 2853, and Chapter 30 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3701 through 3713, relative to schools; to repeal outdated or unconstitutional provisions relative to assignment, enrollment, and transfer of pupils, certain scholastic awards, certain unexcused absences from school, school schedule and parental involvement pilot programs, compulsory attendance for certain special needs children, required instruction, courses, and seminars, establishment of part-time schools for certain students, changes in classification of schools, certain secular education services, creation of junior college districts and colleges, vision and hearing screening supplies and training, certain postsecondary education admission requirements, and asbestos detection programs; 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

Table with 3 columns: Name, YEAS, Name. Includes Mr. President, Erdey, Michot, Adley, Gautreaux B, Morrish, Alario, Gautreaux N, Mount, Amedee, Hebert, Murray, Broome, Heitmeier, Nevers, Chabert, Kostelka, Riser, Cheek, LaFleur, Shaw, Claitor, Long, Smith, Crowe, Marionneaux, Thompson, Donahue, Martiny, Walsworth, Dorsey, McPherson.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, ABSENT, Name. Includes Appel, Jackson, Quinn, Duplessis, Morrell, Guillory, Peterson, Total - 7.

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

Called from the Calendar

Senator LaFleur asked that Senate Bill No. 445 be called from the Calendar.

SENATE BILL NO. 445—
BY SENATOR LAFLEUR

AN ACT

To repeal R.S. 17:16, 412, 418, and 426, relative to public school teachers; to repeal outdated provisions relative to the employment of retired teachers, the issuance of life certificates, the collection and report of statistics regarding aged and incapacitated teachers, and compulsory retirement of certain teachers; 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	Dorsey	McPherson
Adley	Erdey	Michot
Alario	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Marionneaux	Thompson
Donahue	Martiny	Walsworth
Total - 33		

NAYS

Total - 0

ABSENT

Duplessis	Jackson	Peterson
Guillory	Morrell	Quinn
Total - 6		

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

Called from the Calendar

Senator LaFleur asked that Senate Bill No. 446 be called from the Calendar.

SENATE BILL NO. 446—
BY SENATOR LAFLEUR

AN ACT

To repeal R.S. 17:101, 102, 103, and 104, relative to the assignment, transfer, and continuance of pupils; to repeal outdated provisions; 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	Erdey	McPherson
Adley	Gautreaux B	Michot
Amedee	Gautreaux N	Morrish
Appel	Hebert	Mount
Broome	Heitmeier	Murray
Chabert	Jackson	Nevers
Cheek	Kostelka	Riser
Claitor	LaFleur	Shaw
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dorsey	Martiny	Walsworth
Total - 33		

NAYS

Total - 0

ABSENT

Alario	Guillory	Peterson
Duplessis	Morrell	Quinn
Total - 6		

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

Called from the Calendar

Senator LaFleur asked that Senate Bill No. 447 be called from the Calendar.

SENATE BILL NO. 447—
BY SENATOR LAFLEUR

AN ACT

To repeal Subpart G-1 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:331 through 334.1, relative to high school students; to repeal the requirement that the Department of Education establish and maintain a database containing information concerning high school students' plans after leaving high school; 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	Dorsey	McPherson
Adley	Erdey	Michot
Alario	Gautreaux B	Morrish
Amedee	Gautreaux N	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Marionneaux	Thompson
Donahue	Martiny	Walsworth
Total - 33		

NAYS

Total - 0

May 4, 2010

ABSENT

Duplessis	Jackson	Peterson
Guillory	Morrell	Quinn
Total - 6		

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

Called from the Calendar

Senator LaFleur asked that Senate Bill No. 448 be called from the Calendar.

SENATE BILL NO. 448—

BY SENATOR LAFLEUR

AN ACT

To repeal R.S. 17:401, relative to college preparation academic assistance programs; to repeal the requirement for the development and implementation of a program to provide academic assistance to public high school students who plan to attend college but are unprepared to successfully undertake college level work; 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	Dorsey	Morrish
Adley	Erdey	Mount
Alario	Gautreaux N	Murray
Amedee	Hebert	Nevers
Appel	Heitmeier	Riser
Broome	LaFleur	Shaw
Chabert	Long	Smith
Cheek	Martiny	Thompson
Claitor	McPherson	Walsworth
Donahue	Michot	
Total - 29		

NAYS

Marionneaux
Total - 1

ABSENT

Crowe	Guillory	Morrell
Duplessis	Jackson	Peterson
Gautreaux B	Kostelka	Quinn
Total - 9		

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

Called from the Calendar

Senator Claitor asked that Senate Bill No. 638 be called from the Calendar.

SENATE BILL NO. 638—

BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 40:5.11(G), and to enact R.S. 40:5.11(H), relative to the water fluoridation program; to provide notice to consumers of water originating from public water systems under certain circumstances; to prohibit the use of certain chemicals within certain fluoridated water systems; to provide for penalties; and to provide for related matters.

Floor Amendments

Senator Claitor proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 638 by Senator Claitor

AMENDMENT NO. 1

On page 2, between lines 19 and 20, insert the following:

"(2) Each public water system subject to the provisions of this Section shall file an annual written report with the Department of Health and Hospitals, office of public health, listing the countries of origin from which all chemicals used to fluoridate its water for the previous twelve months were processed, manufactured, packaged, or otherwise manipulated. Such report shall be certified as correct by the signature of a duly authorized representative of the public water system and shall be received no later than January fifteenth of each year. The Department of Health and Hospitals shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph."

AMENDMENT NO. 2

On page 2, at the beginning of line 20, change "(2)" to "(3)"

On motion of Senator Claitor, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey	Michot
Adley	Erdey	Mount
Alario	Gautreaux N	Murray
Amedee	Hebert	Riser
Broome	Heitmeier	Shaw
Chabert	Kostelka	Smith
Cheek	LaFleur	Thompson
Claitor	Marionneaux	
Donahue	McPherson	
Total - 25		

NAYS

Appel	Martiny	Nevers
Long	Morrish	Walsworth
Total - 6		

ABSENT

Crowe	Guillory	Peterson
Duplessis	Jackson	Quinn
Gautreaux B	Morrell	
Total - 8		

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

Called from the Calendar

Senator Walsworth asked that Senate Bill No. 622 be called from the Calendar.

SENATE BILL NO. 622—
BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 42:1123(32), relative to the Code of Governmental Ethics; to provide that any person who has a contract for advertising services with an agency is allowed to enter into contracts with any other person who engages in a transaction with that agency; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Appel	Michot	Thompson
Donahue	Morrish	Walsworth
Guillory	Shaw	
Kostelka	Smith	
Total - 10		

NAYS

Adley	Gautreaux N	Mount
Alario	Hebert	Murray
Chabert	Heitmeier	Nevers
Claitor	LaFleur	Riser
Dorsey	Marionneaux	
Erdey	Martiny	
Total - 16		

ABSENT

Mr. President	Duplessis	Morrell
Amedee	Gautreaux B	Peterson
Broome	Jackson	Quinn
Cheek	Long	
Crowe	McPherson	
Total - 13		

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator Walsworth moved to reconsider on the next Legislative Day the vote by which the bill failed to pass.

Rules Suspended

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

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

May 4, 2010

To the Honorable President and Members of the Senate:

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

HB No. 206	HB No. 264	HB No. 327
HB No. 394	HB No. 435	HB No. 601
HB No. 699	HB No. 773	HB No. 1126

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

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

HOUSE BILL NO. 206—
BY REPRESENTATIVE FANNIN
AN ACT

To enact R.S. 40:1730.28(A)(3)(f), relative to building codes; to prohibit the adoption of a code or regulation requiring sprinklers in one- and two-family dwellings; to prohibit the adoption of an ordinance requiring sprinklers in one- and two-family dwellings; and to provide for related matters.

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

HOUSE BILL NO. 264—
BY REPRESENTATIVE WILLMOTT
AN ACT

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

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

HOUSE BILL NO. 327—
BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact Code of Civil Procedure Article 1293(A), relative to service of process; to provide for the appointment of a private process server under certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 394—
BY REPRESENTATIVE MILLS
AN ACT

To amend and reenact R.S. 40:1299.44(A)(2), (5), and (6) and (D)(1)(c) and (2)(b)(iii), relative to the Patient's Compensation Fund and the Patient's Compensation Fund Oversight Board; to provide with respect to exemption of the board and fund from rate regulation by the commissioner of insurance; to provide relative to the annual surcharge, including the manner of its determination; to provide relative to retention of monies in the fund; to provide with respect to composition of the board and to otherwise provide with respect to its authority; and to provide for related matters.

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

HOUSE BILL NO. 435—
BY REPRESENTATIVE PUGH
AN ACT

To enact R.S. 37:1464(C)(4), relative to the Real Estate Research and Education Fund; to authorize additional use of monies in the Real Estate Research and Education Fund; and to provide for related matters.

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

May 4, 2010

HOUSE BILL NO. 601—

BY REPRESENTATIVE LEGER

A JOINT RESOLUTION

Proposing to amend Article X, Sections 1(B), 4(A) and (C), 6(B), 14(A), and 15 of the Constitution of Louisiana, to provide relative to city civil service; to provide relative to a city civil service system, a city civil service commission, and a city civil service department in the city of New Orleans; to remove provision for a civil service system, commission, and department in municipalities of a certain size; to provide for the creation of a civil service system, commission, and department in any other city or parish which elects to be governed by the city civil service provisions of the Constitution of Louisiana; to provide for nomination and appointment to such city civil service commissions; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

HOUSE BILL NO. 699—

BY REPRESENTATIVES GEYMAN, ARMES, LEGER, LIGI, MCVEA, MORRIS, AND SMILEY

AN ACT

To amend and reenact R.S. 39:1496.1(E)(1)(c) and (2) and to enact R.S. 39:1496.1(F), relative to performance-based energy efficiency contracts; to provide for the approval process of such contracts; to provide for the audit and review process of such contracts; to provide for appropriation of such contracts; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 773—

BY REPRESENTATIVE ROY

AN ACT

To amend and reenact R.S. 3:17(E), relative to limitations of liability; to provide a rebuttable presumption of nonnegligence for prescribed burnings; and to provide for related matters.

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

HOUSE BILL NO. 1126—

BY REPRESENTATIVE POPE

AN ACT

To amend and reenact R.S. 11:1521(A) and (C) and 1530(K)(2)(a), relative to the Clerks' of Court Retirement and Relief Fund; to provide for retirement eligibility and calculation of retirement benefits for persons whose system membership begins on or after January 1, 2011; to provide for calculation of benefits for post-Deferred Retirement Option Plan participation; to provide an effective date; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY B

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

May 4, 2010

To the President and Members of the Senate:

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

SENATE BILL NO. 166—

BY SENATOR WALSWORTH

AN ACT

To repeal Chapter 8 of Title 29 of the Louisiana Revised Statutes of 1950, comprised of R.S. 29:751, relative to homeland security and emergency preparedness; to repeal the Southern Regional Homeland Security and Emergency Preparedness Management Assistance Compact; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 364—

BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 27:306(C)(2) and (C)(5)(a)(i), relative to Video Draw Poker Devices Control Law; to provide for licensing requirements for truck stop facilities; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 574—

BY SENATOR CLAITOR

AN ACT

To amend and reenact the introductory paragraph of R.S. 44:9(A)(1), relative to records of violations of traffic ordinances; to provide for expungement of the traffic records; to provide for certain circumstances; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

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

ENROLLMENTS

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

May 4, 2010

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. 106—

BY SENATORS RISER AND THOMPSON

AN ACT

To amend and reenact R.S. 23:1123, 1172.2(E), 1201(A), and to repeal R.S. 23:1201.1, relative to workers' compensation; to provide for an examination of an injured employee when certain disputes arise; to provide for the prompt reporting of certain information relative to payment of workers' compensation premiums which may be considered false, fraudulent, or misleading; to provide for payors and insurers to make weekly indemnity payments by electronic funds transfer; to repeal provisions requiring workers' compensation indemnity payments be mailed; and to provide for related matters.

SENATE BILL NO. 255—

BY SENATORS CHAISSON AND THOMPSON

AN ACT

To enact R.S. 23:1203.2, relative to electronic medical billing for workers' compensation claims; to provide for electronic submission of medical bills; to provide for electronic processing and payment of medical bills; to provide for acceptance of electronic payment; to provide for rules and regulations; and to provide for related matters.

SENATE BILL NO. 328—
BY SENATORS MURRAY, GULLORY AND THOMPSON
AN ACT

To amend and reenact R.S. 23:76(C)(4)(i), relative to the Occupational Forecasting Conference; to provide for membership in the Occupational Forecasting Conference; and to provide for related matters.

SENATE BILL NO. 398—
BY SENATOR RISER
AN ACT

To amend and reenact R.S. 23:1660(C)(1), relative to employment records and reports for purposes of unemployment insurance; to provide relative to the confidentiality of information; 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.

Privilege Report of the Committee on
Senate and Governmental Affairs

ENROLLMENTS

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

May 4, 2010

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. 25—
BY SENATOR CROWE AND REPRESENTATIVES ANDERS, BOBBY BADON, BURFORD, HENRY BURNS, CHANEY, GISCLAIR, GULLORY, GUINN, HAZEL, HOWARD, JOHNSON, LEBAS, LITTLE, MILLS, PERRY, RITCHIE, ROY, ST. GERMAIN AND THIBAUT

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to minimize price volatility risks now being experienced by dairy farmers across the United States.

SENATE CONCURRENT RESOLUTION NO. 59—
BY SENATORS CHEEK AND SHAW
A CONCURRENT RESOLUTION

To commend Andrew Murphy, a student at Captain Shreve High School in Shreveport, on being named the 2010 Louisiana High School Student of the Year.

SENATE CONCURRENT RESOLUTION NO. 58—

BY SENATORS WALSWORTH, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, DUPLESSIS, ERDEY, B. GAUTREAU, N. GAUTREAU, GULLORY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PETERSON, QUINN, RISER, SHAW, SMITH AND THOMPSON AND REPRESENTATIVES ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BROSETT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMAN, GISCLAIR, GREENE, GULLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MCVEA, MILLS, MONICA, MONTUCET, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY,

SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, THIERRY, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT AND WOOTON

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Monroe City Councilman Ben Katz.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

ATTENDANCE ROLL CALL

PRESENT

Table with 3 columns: Name, Present status, Name. Lists names like Mr. President, Erdy, McPherson, etc.

ABSENT

Table with 2 columns: Name, Absent status. Lists names like Duplessis, Morrell, Quinn.

Leaves of Absence

The following leaves of absence were asked for and granted:

Table with 4 columns: Name, Days, Name, Days. Lists Duplessis (1 Day), Peterson (1 Day), Morrell (1 Day), Quinn (1 Day).

Announcements

The following committee meetings for May 5, 2010, were announced:

Table with 3 columns: Committee Name, Time, Room. Lists Insurance (9:00 A.M., Room A), Labor & Ind. Rel. (3:00 P.M., Room C), etc.

Adjournment

On motion of Senator Thompson, at 5:25 o'clock P.M. the Senate adjourned until Wednesday, May 5, 2010, at 1:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:00 o'clock P.M. on Wednesday, May 5, 2010.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk