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.
SENATE BILL NO. 328—
BY SENATORS MURRAY, GUILORY 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

Mr. President
Adley
Alario
Amedee
Appel
Broome
Chabert
Cheek
Claitor
Crowe
Donahue
Dorsey

Erdey
Gautreaux B
Gautreaux N
Guillory
Hebert
Heitmeier
Jackson
Kostelka
LaFleur
Long
Marionneaux
Martiny

McPherson
Michot
Morrish
Murray
Nevers
Riser
Shaw
Smith
Thompson
Walsworth

Total - 34

NAYS

Total - 0
20th DAY'S PROCEEDINGS

Page 3

SENATE
May 4, 2010

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.

METHODS from the House

The following Methods 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 GEYMANN
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 GUILORY
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, GINCLAY, GUILORY, GUINN, HARDY, HILL, MICHAEL JACSON, LABRUZZO, LAFONTA, MCVEA, MILLS, MONTUCET, 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(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.
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, BALDON, BARRAS, BARROW, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANET, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOW, GEYMANN, GISCAR, GRIFFIN, GUILORY, 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, LEVAS, LEE, LEE, LIEBER, LIGI, LITTLE, LOPINTO, LORUSSO, MCVEA, MILLS, MONICA, MONTOUXET, MORRIS, NORTON, NOWLIN, PEACOCK, PERRY, POPE, PURI, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCRODOR, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, THIERRY, TUCKER, WADDELL, WILLIAMS, WOOLLOT, AND WOOTTON

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

Mr. President
Erdey  McPherson
Adley  B. Gautreaux  Michot
Alario  Gautreaux N. Murray
Amedee  Guilory  Nevers
Appel  Hebert  Riser
Broome  Heitmier  Shaw
Chabert  Jackson  Smith
Cheek  Kostelka  Thompson
Crow  LaFleur  Walsworth
Donahue  Long
Dorsey  Martiny
Total - 31

NAYS

Total - 0

ABSENT

Claibor  Morrell  Peterson
Duplessis  Morrise  Quinn
Marionnaux  Mount

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(F), relative to motions for summary judgment; to provide for the rendering of a summary judgment; 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 amend and reenact Code of Criminal Procedure Article 322(A)
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(5), 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 Health and Welfare.

HOUSE BILL NO. 865—
BY REPRESENTATIVE BURFORD
AN ACT
To enact R.S. 28:827, relative to Medicaid waiver services for active employment experience necessary for certain principals to be teacher certification; to provide relative to the correction of cross references; to provide limitations; to provide applicability; to provide for related matters.

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

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 Education.

HOUSE BILL NO. 974—
BY REPRESENTATIVE HOFFMANN
AN ACT
To amend and reenact R.S. 32:412.2(A)(2), relative to disabled drivers; 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 Judiciary A.

HOUSE BILL NO. 987—
BY REPRESENTATIVE VISINTAIN
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 an effective date; 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. 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, BOLIN, BURR, BILLIOT, BURRELL, DIXON, DOERGE, GISCLAIR, GUILLOIRE, HILL, JOHNSON, LAFONTAINE, MONTOUCEAU, NORTON, PUGH, GARY SMITH, PATRICIA SMITH, AND ST. GERMAIN
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 re-certification 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 an effective date; 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. 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 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 to the Senate Committee on Education.

**HOUSE BILL NO. 1231—**
**BY REPRESENTATIVES PERRY, AUSTIN BADON, BARRAS, BILLIOT, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, DOERGE, DOWNS, GISCLAIR, GUILLOIRE, HILL, HOFFMANN, SAM JONES, KATZ, LABRUZZO, LEGER, LIGI, LITTLE, MILLS, MONTOUCET, POPE, PUGH, RICHARD, JANE SMITH, ST. GERMAIN, TAIBOT, TEMPLER, THIBAUT, AND WHITE AND SENATORS ALARIO, APPEL, BROOME, GUILLOIRE, 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 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, GUILLOIRE, HOFFMANN, KATZ, LABRUZZO, LEGER, LIGI, MILLS, POPE, PUGH, RICHARD, JANE SMITH, TEMPLER, THIBAUT, AND WHITE AND SENATORS ALARIO, APPEL, BROOME, GUILLOIRE, 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 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 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 to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 1459—** (Substitute for House Bill No. 533 by Representative Mills)
**BY REPRESENTATIVE MILLIS**
**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 to the Committee on Judiciary C.

**House Concurrent Resolution 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:

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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:
To amend and reenact R.S. 33:2561(E), relative to appeals by
SENATE BILL NO. 733—
AY 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. 278—
BY SENATOR AMEDEE
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. 587—
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. 281—
BY SENATOR LAFLEUR
AN ACT
To amend and reenact 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. 284—
BY SENATOR MARTINY
AN ACT
To enact 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.
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. 33:4766(E)(1)(b) and 4574.1.1(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.
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 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:
(1) 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) 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 2009-2010, 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.
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.

SENEAE 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 Espirit at Stonebridge Homeowner’s Association. These appointed advisory board members shall not be members of the Espirit 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. 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;"

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 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.
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"
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 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 weights and Standards or state policeman 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 for 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:

“(3) Nothing contained in this Subsection shall authorize the department commissioner or any weights and standards or state policeman to assess any penalty for 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. 7
On page 5, line 20, after “regulations” delete the remainder of the line and insert the following:

“...any violations...”

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. 32:386.

(2) Upon issuance of the violation ticket, an owner or driver who is 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 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. An owner or driver having reason to believe that the vehicle has been removed in violation 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 violations, if such violation 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 final approval of any review or hearing.

(b) Any 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 penalties provided herein within ninety calendar days after 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. If the owner of motor vehicles does not renew the registration of the offending vehicle until all fines and fees associated with the violation ticket are paid in full, and fees associated with the violation ticket, the office of motor vehicles shall immediately authorize the reinstatement of the driver’s license.

(c) 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 necessary to implement the provisions of this Subsection.

(d) 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 period to institute a civil suit against the department to recover the penalty so paid shall be extended 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.”
(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.

Whenever the 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 vehicles entering the weigh facility may be adversely affected. No member of the review panel 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 weigh and standards stationary scale police officers. A notice of violation “Proposed Civil Penalty”, hereafter referred to as a “notice of violation”, shall be served on 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 penalty within thirty calendar days of the violation, the notice of 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 R.S. 32:388.1. 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 violation 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) 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 Part if he is excused 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.

(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 penalty within thirty calendar days of the violation, the notice of 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 R.S. 32:388.1. 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 violation 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) 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 information 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 and associated with the notice of violation or
§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. 32:380(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 the owner or driver 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, and state 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 require the owner or driver of any vehicle to move it to 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 an inspection ticket and upon the purchase of a license and registration, a Department of Transportation and Development stationary weights and standards enforcement 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 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 relative 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"

AMENDMENT NO. 2
On page 2, line 46, between "B," and "The" insert "Boundaries:"

AMENDMENT NO. 3
On page 3, line 15, between "actual" and "and necessary"

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 "E." 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
To amend and reenact R.S. 17:7(6)(b)(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
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 for 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
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
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)(1)(J) 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 ""districts."

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 "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."
AMENDMENT NO. 14

AMENDMENT NO. 15
On page 16, between lines 24 and 25, insert the following:
"(4) 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 Marionneaux, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

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 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

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

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.
SENATE
20th DAY'S PROCEEDINGS
May 4, 2010

Senator Broome in the Chair

Special Order of the Day

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 Concurren 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

Mr. President
Erdey
Adley
Alario
Amedee
Appel
Broome
Chabert
Cheek
Clairt
Crowe
Donahue
Dorsey
McPherson
Michot
Morrish
Mount
Murray
Nevers
Riser
Shaw
Smith
Thompson
Walsworth

Total - 35

NAYS

Total - 0

ABSENT

Duplessis
Morrell
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, LONDON, MICROT, MOUNT, SHAW AND THOMPSON AND REPRESENTATIVES ANDERS, ARNOLD, BOBBY BADON, BALDONE, BARRAS, BILLIOT, BROSETT, BURFORD, HENRY BURNS, TIM BURNS, CARTER, CHAMPAIGNE, CHANEY, CONNICK, CROMER, DOERGE, DOVE, HARDY, HENDERSON, HENRY, HINES, HOFFMANN, HUTTER, JOHNSON, LABRIZZO, LAMBERT, LEEGER, LIGI, LORUSSO, MILLS, MONICA, NOWLIN, PEARSON, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, SMITH, ST. GERMAIN, TALBOT, TEMPLTE, 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), 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"
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
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. 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 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 1, line 15, after "R.," 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.
(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 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

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NAYS

Total - 0

ABSENT

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

SENATE BILL NO. 363—

BY SENATOR ADLEY

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

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ABSENT

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<td>Duplessis</td>
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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

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

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

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 BROSSERT, HENDERSON, ARNOLD, LORUSSO, ABRAMSON, LEGER, HINES AND STIAES

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 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)(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.
ROLL CALL

The roll was called with the following result:

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<td>Dorsey Martiny</td>
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<td>Total - 32</td>
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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:

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<td>Mr. President Erdey McPherson</td>
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<td>Dorsey Martiny</td>
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<td>Total - 32</td>
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</tbody>
</table>

Total - 0

ABSENT

Appel Jackson Quinn | |
Duplessis Morrell | |
Guillory Peterson | |

The bill was read by title. Senator LaFleur moved the final passage of the bill.
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  
Adley  
Alario  
Amedee  
Appel  
Broome  
Chabert  
Cheek  
Claitor  
Crowe  
Donahue  
Dorsey  
Total - 33

**NAYS**

Total - 0

**ABSENT**

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  
Adley  
Alario  
Amedee  
Appel  
Broome  
Chabert  
Cheek  
Claitor  
Crowe  
Donahue  
Dorsey  
Total - 33

**NAYS**

Total - 0

**ABSENT**

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  
Adley  
Alario  
Amedee  
Appel  
Broome  
Chabert  
Cheek  
Claitor  
Crowe  
Donahue  
Dorsey  
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. 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 LaFleur asked that Senate Bill No. 448 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
Cheek  Kostelka  Smith
Cheek  LaFleur  Thompson
Claitor  Marionneaux  Walsworth
Donahue  McPherson
Total - 25

NAYS

Appel  Martiny  Nevers
Chabert  Kostelka  Smith
Long  Morrish  Walsworth
Total - 6

ABSENT

Crowe  Guillory  Peterson
Duplessis  Jackson  Quinn
Gautreaux B  Kostelka  Quinn
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   Walsworth
Kostelka  Smith
Total - 10

NAYS

Adley   Gautreaux N   Mount
Alario  Hebert   Murray
Chabert  Heitmeier  Nevers
Claitor  LaFleur  Riser
Dorsey   Marionneau   Nevers
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
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 CLAITHOR
AN ACT
To amend and reenact 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.

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 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 CHAISON 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, GUILLORE 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 to submit 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, GUILLORE,
GUINN, HAZEL, HOWARD, JOHNSON, LEBAS, LITTLE, MILLS, PERRY,
RITCHIE, ROY, S. 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.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman
The foregoing Senate Concurrent Resolutions were signed by
the President of the Senate.

ATTENDANCE ROLL CALL
PRESENT
Mr. President Erdey McPherson
Adley Gautreaux B Michot
Alario Gautreaux N Morrish
Amedee Guilly Mount
Appel Hebert Murray
Broome Heitmeier Nevers
Chabert Jackson Riser
Cheek Kostelka Shaw
Claitor LaFleur Smith
Crowe Long Thompson
Donahue Marionneaux Walsworth
Dorsey Martiny
Total - 35

ABSENT
Duplessis Peterson
Morrell Quinn
Total - 4

Leaves of Absence
The following leaves of absence were asked for and granted:

Duplessis 1 Day Morrell 1 Day
Peterson 1 Day Quinn 1 Day

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

Insurance 9:00 A.M. Room A
Labor & Ind. Rel. 3:00 P.M. Room C
Local & Mun. Affairs At Adj Room F
Natural Resources 3:00 P.M. Room A
Senate & Gov't Affairs 9:00 A.M. Room F
Transportation At Adj Room E

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