

**DAILY PROOF OF THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA
TWENTY-FIRST DAY'S PROCEEDINGS**

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, May 5, 2010

The Senate was called to order at 1:15 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	Morrell
Adley	Dorsey	Morrish
Alario	Erdey	Mount
Amedee	Guillory	Murray
Appel	Jackson	Nevers
Broome	Kostelka	Riser
Chabert	Long	Shaw
Cheek	Marionneau	Smith
Claitor	Martiny	Thompson
Crowe	McPherson	
Total - 29		

ABSENT

Duplessis	Heitmeier	Quinn
Gautreaux B	LaFleur	Walsworth
Gautreaux N	Michot	
Hebert	Peterson	
Total - 10		

The President of the Senate announced there were 29 Senators present and a quorum.

Prayer

The prayer was offered by Father Ronnie Calkins, 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 Nevers, the reading of the Journal was dispensed with and the Journal of May 4, 2010, was adopted.

**Privilege Report of the
Legislative Bureau**

May 5, 2010

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

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 without amendments.

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 without amendments.

HOUSE BILL NO. 480—
BY REPRESENTATIVE MONTOU CET
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 without amendments.

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 without amendments.

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 without amendments.

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 without amendments.

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 without amendments.

Respectfully submitted,
ROB MARIONNEAUX
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Marionneau, the Bills and Joint Resolutions were read by title and passed to a third reading.

May 5, 2010

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 67— BY SENATOR MORRISH

A RESOLUTION

To declare May 5, 2010, as "Louisiana Chemical Industry Day" in the state of Louisiana.

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 68— BY SENATOR MORRELL

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the admission and expulsion criteria in charter schools and the impact of that criteria on at-risk and special needs students.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators who voted 'YEAS' for Senate Concurrent Resolution No. 68.

Total - 29

NAYS

Total - 0

ABSENT

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

Total - 10

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

SENATE CONCURRENT RESOLUTION NO. 69— BY SENATOR PETERSON

A CONCURRENT RESOLUTION

To urge and request the state of Louisiana, through the Department of Health and Hospitals and the Department of Economic Development, Louisiana State University, Xavier University, Tulane University, United States Department of Veterans

Affairs, Board of Trustees for the New Orleans University Medical Center, and the Greater New Orleans Biosciences Economic Development District to execute a community benefits agreement.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators who voted 'YEAS' for Senate Concurrent Resolution No. 69.

Total - 33

NAYS

Total - 0

ABSENT

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

Total - 6

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

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:

Table listing House Bills and Joint Resolutions for which concurrence is being asked.

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

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

HOUSE BILL NO. 308—

BY REPRESENTATIVE LORUSSO

AN ACT

To amend and reenact R.S. 33:9091.1 (D)(1)(c), (d), (e), and (f) and (3) and (F)(2)(a) and (3) and to repeal R.S. 33:9091.1 (D)(1)(g) and (h), relative to the Lakeview Crime Prevention District; to provide for appointments to the board of commissioners; to provide term limits for board members; to provide filing requirements for board members; to provide for elections relative to the levy and the renewal of a parcel fee in the district; to remove certain restrictions on renewing the fee; to provide a maximum term for renewal of the 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. 337—

BY REPRESENTATIVE LEBAS

AN ACT

To enact R.S. 22:1856(F), relative to pharmacy claims; to provide relative to determination of processing fees on such claims; and to provide for related matters.

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

HOUSE BILL NO. 484—

BY REPRESENTATIVE EDWARDS

AN ACT

To amend and reenact R.S. 3:3652(9) and (15), 3653, 3656(A)(1) and (D), the heading of Part XIV of Chapter 1 of Code Title XXI of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 and R.S. 9:4770, R.S. 10:9-102(d), 9-308(b), 9-309(13), 9-315(a)(introductory paragraph) and (1), 9-322(f)(introductory paragraph) and (5), and 9-501(a)(introductory paragraph) and (1), to enact R.S. 10:9-322(g) and 9-501(a)(4), and to repeal R.S. 9:4521 and 4524 and R.S. 10:9-322(f)(6) and 9-501(a)(2), relative to security devices; to provide definitions; to provide for agricultural liens; to provide for perfection of liens; to provide for conflicts; to provide for rankings; and to provide for related matters.

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

HOUSE BILL NO. 636—

BY REPRESENTATIVE GISCLAIR

AN ACT

To enact R.S. 47:820.5.6, relative to exemptions from tolls on the Tomey J. Doucet Bridge; to provide for the exemptions from tolls for certain vehicles; and to provide for related matters.

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

HOUSE BILL NO. 701—

BY REPRESENTATIVE WOOTON

AN ACT

To enact Code of Civil Procedure Article 2542, relative to foreign defamation judgments; to provide the grounds for the recognition of foreign defamation judgments; to provide for jurisdiction; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 785—

BY REPRESENTATIVE WOOTON

AN ACT

To enact Chapter 1 of Code Title I of Code Book IV of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:6000, relative to the application of foreign laws; to provide for definitions; to provide for legislative findings; to prohibit the enforcement of foreign laws under certain circumstances; to provide for applicability to certain persons; and to provide for related matters.

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

HOUSE BILL NO. 840—

BY REPRESENTATIVES SIMON, BOBBY BADON, BURFORD, HENRY BURNS, CHANEY, GUINN, HOWARD, LEBAS, LITTLE, PERRY, RITCHIE, ROY, AND THIBAUT

AN ACT

To enact Chapter 3-E of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:299, and R.S. 36:629(M) and 919.10, relative to the Louisiana Sustainable Local Food Policy Council; to provide for the council membership, duties and responsibilities, vacancies, and compensation; to provide for termination; and to provide for related matters.

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

HOUSE BILL NO. 873—

BY REPRESENTATIVE PATRICIA SMITH

AN ACT

To amend and reenact R.S. 23:1170(A), 1171.1(C)(1), 1172(A), 1172.1(C), and 1172.2(D), relative to workers' compensation coverage; to require an increase in penalties for employers who fail to secure coverage; to provide for all fines collected to be deposited in the Workers' Compensation Administrative 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. 913—

BY REPRESENTATIVES CHAMPAGNE, BALDONE, BARRAS, BILLIOT, HENRY BURNS, CARMODY, CARTER, CHANDLER, CORTEZ, DOWNS, FANNIN, FOIL, GISCLAIR, GUINN, HARRISON, HAZEL, HOFFMANN, SAM JONES, KATZ, LANDRY, LIGI, MILLS, MONTOU CET, MORRIS, ROBIDEAUX, GARY SMITH, JANE SMITH, ST. GERMAIN, THIBAUT, TUCKER, AND WHITE

AN ACT

To amend and reenact R.S. 30:2011(A)(3) and (D)(4) and (23), 2074(A)(4), 2397, R.S. 33:4548.13, and R.S. 40:2821(B)(2) and 2824(B), to enact Chapter 14 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2301 through 2306, and R.S. 39:1022(C), and to repeal R.S. 30:2078 through 2088, relative to certain loans for water infrastructure from the revolving loan funds; to provide for the Department of Environmental Quality; to provide for the powers and duties of the secretary of the Department of Environmental Quality; to redesignate the Municipal Facilities Revolving Loan Fund as the Clean Water State Revolving Fund; to provide for notices of intention to issue certain bonds; and to provide for related matters.

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

HOUSE BILL NO. 995—

BY REPRESENTATIVE HOWARD

AN ACT

To enact R.S. 26:598, relative to local option elections in a municipality; to authorize the governing authority of a municipality to hold an election for a proposal to allow a restaurant to sell alcohol; to provide for definitions; to provide for the election; and to provide for related matters.

May 5, 2010

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

HOUSE BILL NO. 1018—

BY REPRESENTATIVE WHITE

AN ACT

To amend and reenact R.S. 40:1299.39(E)(1) and 1299.39.1(A)(1)(a), relative to the Malpractice Liability for State Services Act (MLSSA); to provide for malpractice claims of prisoners; to provide for services rendered in a correctional facility; to provide for wrongful death and survival claims; and to provide for related matters.

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

HOUSE BILL NO. 1079—

BY REPRESENTATIVE PONTI

AN ACT

To enact R.S. 23:631(E), 631.1, and 633(F), relative to the payment of wages; to provide that bonus payments shall not be due unless all conditions pursuant to the employer's policy have been met; to provide for a complaint procedure; to provide for legal recourse; to provide for the definition of bonus; and to provide for related matters.

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

HOUSE BILL NO. 1114—

BY REPRESENTATIVE GREENE

AN ACT

To enact R.S. 13:961.2 and 1411, relative to court reporters; to provide for the preparation of transcripts; to provide for time limitations; and to provide for related matters.

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

HOUSE BILL NO. 1137—

BY REPRESENTATIVES WILLIAMS, AUSTIN BADON, BARROW, BURRELL, CARMODY, DIXON, GISCLAIR, GUINN, HINES, ROSALIND JONES, LAFONTA, NORTON, RICHMOND, SIMON, ST. GERMAIN, STIAES, AND WADDELL

AN ACT

To amend and reenact R.S. 17:270(A), R.S. 32:1(48) and (65), 76.1(B), 106, 197(A), 296(A), and 300.2, and R.S. 48:21(B), 163.1(A), (B), (D), (E)(introductory paragraph), (F), (G), and (H), to enact R.S. 32:1(95) through (100), 197(D) and (E), 202, and 300.8, and R.S. 48:1 (24), and to repeal R.S. 32:197(C) and 283 and R.S. 48:163.1(C), relative to bicycles; to revise provisions relative to bicyclists and traffic; to provide for definitions; to provide for construction of bicycle facilities; and to provide for related matters.

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

HOUSE BILL NO. 1214—

BY REPRESENTATIVE WHITE

AN ACT

To enact R.S. 29:739, relative to intrastate mutual aid; to provide for the creation and implementation of an Intrastate Mutual Aid Compact; to provide for an Intrastate Mutual Aid Subcommittee; to provide for guidelines and procedures; to define certain terms; to provide for responsibilities of parishes; to provide for license, certificate, and permit portability; to provide for parish reimbursement; to provide relative to workers' compensation; and to provide for related matters.

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

HOUSE BILL NO. 1317—

BY REPRESENTATIVE BILLIOT

AN ACT

To enact R.S. 48:21(C), relative to functions of the Department of Transportation and Development; to authorize the Department of Transportation and Development to allow state agencies the option to utilize the department to construct, maintain, improve, and repair roads surrounding state offices and other facilities when the agency provides monies for such work to be performed; to provide for certain conditions; and to provide for related matters.

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

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

HOUSE BILL NO. 70—

BY REPRESENTATIVE GEYMAN

AN ACT

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

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

HOUSE BILL NO. 206—

BY REPRESENTATIVE FANNIN

AN ACT

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

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

HOUSE BILL NO. 264—

BY REPRESENTATIVE WILLMOTT

AN ACT

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

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

HOUSE BILL NO. 327—

BY REPRESENTATIVE GREENE

AN ACT

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

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

HOUSE BILL NO. 394—

BY REPRESENTATIVE MILLS

AN ACT

To amend and reenact R.S. 40:1299.44(A)(2), (5), and (6) and (D)(1)(c) and (2)(b)(iii), relative to the Patient's Compensation Fund and the Patient's Compensation Fund Oversight Board; to provide with respect to exemption of the board and fund from

rate regulation by the commissioner of insurance; to provide relative to the annual surcharge, including the manner of its determination; to provide relative to retention of monies in the fund; to provide with respect to composition of the board and to otherwise provide with respect to its authority; and to provide for related matters.

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

HOUSE BILL NO. 429—

BY REPRESENTATIVE CHANDLER AND SENATOR GUILLORY
AN ACT

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

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

HOUSE BILL NO. 435—

BY REPRESENTATIVE PUGH

AN ACT

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

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

HOUSE BILL NO. 527—

BY REPRESENTATIVES SAM JONES, ARMES, ARNOLD, BALDONE, BARROW, BILLIOT, TIM BURNS, BURRELL, CARMODY, CARTER, DIXON, DOERGE, EDWARDS, GISCLAIR, GUILLORY, GUINN, HARDY, HILL, MICHAEL JACKSON, LABRUZZO, LAFONTA, MCVEA, MILLS, MONTOUCKET, 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 referred by the President to the Committee on Education.

HOUSE BILL NO. 601—

BY REPRESENTATIVE LEGER

A JOINT RESOLUTION

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

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

HOUSE BILL NO. 699—

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

AN ACT

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

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

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 referred by the President to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 773—

BY REPRESENTATIVE ROY

AN ACT

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

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

HOUSE BILL NO. 1090—

BY REPRESENTATIVE DOVE AND SENATOR CHABERT

AN ACT

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

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

HOUSE BILL NO. 1126—

BY REPRESENTATIVE POPE

AN ACT

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

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

May 5, 2010

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

Senator Robert W. Kostelka

Chairman on behalf of the Committee on

SENATE AND GOVERNMENTAL AFFAIRS

submitted the following report:

Senate Chamber

State Capitol

State of Louisiana

May 5, 2010

To the President and Members of the Senate:

Gentlemen and Ladies:

I am directed by your Committee on SENATE AND GOVERNMENTAL AFFAIRS to submit the following report regarding the nomination of

Scott A. Angelle

for Lieutenant Governor

The committee recommends that the nominee be confirmed.

Respectfully submitted, ROBERT W. KOSTELKA Chairman

Motion to Confirm

Senator Kostelka moved to confirm Scott A. Angelle who was reported by the Committee on Senate and Governmental Affairs and recommended for confirmation.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Duplessis Heitmeier Quinn
Gautreaux B Michot
Total - 5

The Chair declared Scott A. Angelle was confirmed.

SUPPLEMENTAL REPORT OF COMMITTEE ON

JUDICIARY B

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

May 5, 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. 136— BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 40:1429, relative to the insurance fraud investigation unit within the Department of Public Safety and Corrections, public safety services, office of state police; to extend the termination date of the unit; and to provide for related matters.

Reported by substitute.

Respectfully submitted, DANIEL R. MARTINY Chairman

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 42— BY SENATOR MURRAY

A JOINT RESOLUTION

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

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

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 by the Committee on Judiciary B. The bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 278—
BY SENATOR ERDEY

AN ACT

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

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 278 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 17, delete "**as which**" and insert "as"

AMENDMENT NO. 2

On page 2, line 4, delete "~~director of administration parish assessor~~" and insert "director of administration or tax assessor of the parish in which the property is located"

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

SENATE BILL NO. 281—
BY SENATOR BROOME

AN ACT

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

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 281 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2, after "and 954," insert "and to enact R.S. 9:951(C)."

AMENDMENT NO. 2

On page 1, line 5, after "child;" insert "to provide for exceptions;"

AMENDMENT NO. 3

On page 1, line 8, after "reenacted" insert "and R.S. 9:951(C) is hereby enacted"

AMENDMENT NO. 4

On page 1, between lines 14 and 15 insert the following:

"C. Provisional custody by mandate may not be conferred upon a parent or other person previously denied custody by court order."

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

SENATE BILL NO. 284—
BY SENATOR MARTINY

AN ACT

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

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 284 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 13:4249" and insert "Code of Civil Procedure Article 2542"

AMENDMENT NO. 2

On page 1, line 6, delete "R.S. 13:4249" and insert "Code of Civil Procedure Article 2542"

AMENDMENT NO. 3

On page 1, line 7, delete "**§4249.**" and insert "**Art. 2542**"

AMENDMENT NO. 4

On page 1, line 11, after "**defamation**" insert "**, libel, or slander**"

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

SENATE BILL NO. 364—
BY SENATOR MICHOT

AN ACT

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

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

SENATE BILL NO. 460—
BY SENATOR MARTINY

AN ACT

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

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 460 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 13:4249" and insert "Chapter 1 of Code Title I of Code Book IV of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:6000"

AMENDMENT NO. 2

On page 1, line 7, delete "R.S. 13:4249" and insert "Chapter 1 of Code Title I of Code Book IV of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:6000,"

AMENDMENT NO. 3

On page 1, between lines 7 and 8, insert the following:

"CODE BOOK IV - CONFLICT OF LAWS CODE TITLE I - OF FOREIGN LAW CHAPTER 1. APPLICATION OF FOREIGN LAW"

AMENDMENT NO. 4

On page 1, line 8, delete "**§4249**" and insert "**§6000**"

AMENDMENT NO. 5

On page 3, delete lines 4 and 5 and insert "**Section shall not apply when a juridical person as defined by Civil Code Article 24 is a party to the contract or agreement.**"

May 5, 2010

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

SENATE BILL NO. 574—

BY SENATOR CLAITOR

AN ACT

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

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 574 by Senator Claitor

AMENDMENT NO. 1

On page 1, line 2, after "44:9(A)(1)" and before the comma "," insert "and 9(A)(2)"

AMENDMENT NO. 2

On page 1, delete line 6, and insert: "Section 1. The introductory paragraph of R.S. 44:9(A)(1) and 9(A)(2) are hereby amended and reenacted to read as follows:"

AMENDMENT NO. 3

On page 1, after line 16, insert the following: "(2) If the court finds that the mover is entitled to the relief sought as authorized by this Subsection, it shall order all agencies and law enforcement offices having any record of the arrest, whether on microfilm, computer card or tape, or on any other photographic, electronic, or mechanical method of storing data, to destroy any record of arrest, photograph, fingerprint, or any other information of any and all kinds or descriptions. The court shall order such custodians of records to file a sworn affidavit to the effect that the records have been destroyed and that no notations or references have been retained in the agency's central repository which will or might lead to the inference that any record ever was on file with any agency or law enforcement office. The original of this affidavit shall be kept by the court so ordering same and a copy shall be retained by the affiant agency which said copy shall not be a public record and shall not be open for public inspection but rather shall be kept under lock and key and maintained only for internal record keeping purposes to preserve the integrity of said agency's files and shall not be used for any investigative purpose. This Subsection does not apply to arrests for a first or second violation of any ordinance or statute making criminal the driving of a motor vehicle while under the influence of alcoholic beverages or narcotic drugs, as denounced by R.S. 14:98 or 98.1. Notwithstanding any law relating to set aside the conviction and dismissal of the prosecution either under Article 892.1 or Article 894 of the Louisiana Code of Criminal Procedure or any other law to the contrary, an expungement shall occur only once with respect to any person during a five year period. Notwithstanding any provision of law to the contrary, an expungement for the misdemeanor offense of operating a vehicle while intoxicated may occur only once with respect to any person during a ten year period. * * *

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

SENATE BILL NO. 587—

BY SENATOR LAFLEUR

AN ACT

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

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 587 by Senator LaFleur

AMENDMENT NO. 1

On page 1 delete lines 2 through 5 and insert the following: "To amend and reenact R.S. 37:2554(D) and (F) and 2555(A) and (B) and to enact R.S. 13:10.5, relative to official court reporters; to provide relative to digital recording by official court reporters; to provide procedures, terms, and conditions, and requirements; to provide relative to certification; and to provide for related matters."

AMENDMENT NO. 2

On page 1, at the end of line 11, delete "court" and delete lines 12 through 17, and insert the following: "or deputy official court reporter for the purposes of this Section."

B. The court reporter shall make a verbatim record of oral court proceedings through the use of written symbols or abbreviations in shorthand or machine writing, stenomask voice recording, computer assisted technology, electronic audio recording, or any other generally recognized manner of court reporting that is acceptable and approved by the judge, using equipment generally accepted in the field of court reporting and approved by the judge.

C. A court reporter engaged in electronic reporting shall be proficient and knowledgeable in the operation of any and all electronic equipment chosen by the judge for the purpose of recordation of testimony in the courtroom.

D. As used in this Section:

(1) "Official court reporter" is a salaried permanent or temporary employee on the payroll of a court of record or parish government who is certified to perform and actually performing the duties of a court reporter.

(2) "Deputy official court reporter" is a salaried permanent or temporary employee on the payroll of a court of record or parish government who is certified to perform and actually performing the duties of an interim court reporter during the absence or incapacity of the official court reporter.

E. A court reporter appointed under this Section shall be certified in the following manner:

(1) If not engaged in electronic reporting, by the Louisiana Board of Examiners of Certified Shorthand Reporters as provided by law.

(2)(a) If engaged in electronic reporting, by the American Association of Electronic Reporters and Transcribers.

(b) The board shall issue a certificate to a court reporter appointed under this Section upon proof of passage of the American Association of Electronic Reporters and Transcribers examination.

(c) However, a court reporter certified by the Louisiana Board of Examiners of Certified Shorthand Reporters may engage in electronic reporting if, within a two year period commencing on August 15, 2010, or the date of appointment, whichever is later, such court reporter obtains certification from the American Association of Electronic Reporters and Transcribers. Additionally, a court reporter who has been certified by the Louisiana Board of Examiners of Certified Shorthand Reporters in any method of reporting, whether shorthand, machine writing, stenomask voice recording, computer assisted technology, or other means, or who have received limited certification granted pursuant to any intergovernmental agreement between a court and the board, and who is performing duties for a court of record using electronic reporting as a means of making the verbatim record of court proceedings as of August 15, 2010, shall be deemed certified in electronic reporting and transcribing, and shall not be required to obtain further certification as an electronic reporter and transcriber as long as they remain employed by the same court of record and are using generally acceptable electronic equipment recognized in the field of court reporting and approved by the judge of the court of record.

F. In order to maintain licensure, a court reporter appointed under this Section shall be required to obtain at least twelve continuing education credits during a period of two consecutive calendar years in courses approved by the board.

G. A court reporter appointed under this Section shall be limited to providing transcripts of court proceedings at the direction of the presiding judge or by local court rule and shall be prohibited from serving as a general or freelance reporter, except as provided by law. Such court reporter shall have authority to certify and confirm the integrity of any and all transcripts of proceedings from the court for which they are appointed. The presiding judge shall oversee and supervise such court reporter to insure the proper recordation of testimony and transcription of any testimony taken during a court proceeding."

AMENDMENT NO. 3

On page 2, delete lines 1 through 11

AMENDMENT NO. 4

On page 2, line 12, change "**D.**" to "**H.**"

AMENDMENT NO. 5

On page 2, after line 16, insert the following:

"I. The provisions of this Section shall not be applicable to the Nineteenth Judicial District Court, the Orleans Parish Civil District Court, the Orleans Parish Criminal District Court, the New Orleans First and Second City Courts, the New Orleans Municipal and Traffic Courts, and on and after the effective date of its creation, the Forty-First Judicial District Court.

Section 2. R.S. 37:2554(D) and (F) and 2555(A) and (B) are hereby amended and reenacted to read as follows:
 §2554. Qualifications; examinations; certificates

D. The board shall in no way restrict the use of electronic equipment to certificate holders hereunder in the performance of their duties, but shall exclude the use of all electronic recording equipment, except stenomask **and digital recording equipment**, to all applicants at the time and place of examination.

F. The board shall promulgate by rule a procedure to convert to the certified court reporter, or C.C.R., certificate, all certificates previously issued by the board, including the certified shorthand reporter, or C.S.R., and the certified general reporter, or C.G.R., certificates, which remain in effect subject to the regulatory authority of the board pending conversion. The board may also establish by rule appropriate designations by which the various capabilities of certified court reporters may be identified, including the system of shorthand reporting under which a certificate holder is certified, the means by which a certificate was obtained, and other criteria by which the public may be better informed in contracting for shorthand reporting services. **The board shall further promulgate by rule procedures for issuing a certificate to a court reporter appointed pursuant to R.S. 13:10.5 upon proof of passage of the American Association of Electronic Reporters and Transcribers examination.**

§2555. Definitions

A. The "practice of shorthand reporting" is defined as the making, by written symbols or abbreviations in shorthand or machine writing, or stenomask voice recording **or digital recording**, of a verbatim record of any oral court proceeding, sworn statement, public hearing, deposition, or proceeding.

B. The "practice of court reporting" is defined as the making of a verbatim record of any oral court proceeding, sworn statement, public hearing, deposition, or related proceeding by the use of written symbols or abbreviations in shorthand or machine writing, stenomask voice recording **or digital recording**, computer assisted technology, or other means. A "certified court reporter" is a person certified to engage in the practice of court reporting as provided for in R.S. 37:2554, including the practice of shorthand reporting.

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

SENATE BILL NO. 733—

BY SENATOR AMEDEE

AN ACT

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

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

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 by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 781 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 3, after "review of" insert "a final decision or order of"

AMENDMENT NO. 2

On page 1, line 9, after "**order**" insert "**in an adjudication proceeding**"

AMENDMENT NO. 3

On page 1, line 11, after "**St. Landry**" insert "**, depending upon where the matter arose that was the subject of the final decision or order.**"

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

Reconsideration

The vote by which Senate Bill No. 622 failed to pass on Tuesday, May 4, 2010, was reconsidered.

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.

On motion of Senator Walsworth, 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

Bagneris Rule

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

Without objection, so ordered.

May 5, 2010

SENATE BILL NO. 25—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 33:4574.1(A)(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.

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. 25 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 13, following "used" and before "shall" change "herein" to "in this Section"

AMENDMENT NO. 2

On page 2, line 3, following "used" and before "shall" change "herein" to "in this Section"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Duplessis	Heitmeier	Mount
Gautreaux B	Michot	Quinn
Total - 6		

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

SENATE BILL NO. 170—

BY SENATOR N. GAUTREAU

AN ACT

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Duplessis	Heitmeier	Mount
Gautreaux B	Michot	Quinn
Total - 6		

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

SENATE BILL NO. 183—

BY SENATOR N. GAUTREAU

AN ACT

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

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. 183 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 12, following "not" and before "limited" delete "be"

On motion of Senator Marionneaux, the amendments were adopted.

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

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 a report accounting for such excluded monies; 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. 240 by Senator Murray

AMENDMENT NO. 1

On page 2, line 8, following "Katrina" and before "Act" change "and/or" to "or"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments

Senator Murray proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 240 by Senator Murray

AMENDMENT NO. 1

On page 3, delete lines 2 through 7 in their entirety and insert the following:

"(dd) The excluded costs enumerated in Subitem (aa) of this Item shall be included as a footnote to the annual financial statements of the Orleans Parish School Board and audited by its certified public accountant. These audited financial statements shall be submitted to the state Department of Education, to account for any monies so excluded, within one hundred eighty days of the end of each fiscal year. Any audit adjustments to these exclusions shall be added to or deducted from, as the case may be, the subsequent year's exclusions."

On motion of Senator Murray, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	McPherson
Adley	Gautreaux N	Michot
Alario	Guillory	Morrell
Amedee	Hebert	Morrish
Appel	Jackson	Murray
Broome	Kostelka	Nevers
Chabert	LaFleur	Peterson
Cheek	Long	Shaw
Crowe	Marionneaux	Smith
Dorsey	Martiny	Thompson
Total - 30		

NAYS

Total - 0

ABSENT

Claitor	Gautreaux B	Quinn
Donahue	Heitmeier	Riser
Duplessis	Mount	Walsworth
Total - 9		

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

SENATE BILL NO. 247—
BY SENATOR ALARIO

AN ACT

To enact 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.

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. 247 by Senator Alario

AMENDMENT NO. 1

On page 2, line 3, following "in" and before "of" change "Clerks" to "Clerk"

AMENDMENT NO. 2

On page 2, line 17, change "Espirit" to "Esprit"

AMENDMENT NO. 3

On page 3, line 9, following "sell" and before "property" change "real" to "immovable"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments

Senator Alario proposed the following amendments.

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

On page 2, line 4, after "10022867" delete the period "." and insert a comma "," and after "Bldv." delete "is located"

AMENDMENT NO. 2

On page 2, line 5, after "south" insert a comma "," and after "east" insert a period "." and delete "comprises"

AMENDMENT NO. 3

On page 2, delete line 6 in its entirety

On motion of Senator Alario, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrell
Adley	Gautreaux N	Morrish
Alario	Guillory	Murray
Amedee	Hebert	Nevers

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Appel	Jackson	Peterson
Broome	Kostelka	Riser
Chabert	LaFleur	Shaw
Cheek	Long	Smith
Claitor	Marionneau	Thompson
Crowe	Martiny	Walsworth
Donahue	McPherson	
Dorsey	Michot	
Total - 34		

NAYS

Total - 0

ABSENT

Duplessis	Heitmeier	Quinn
Gautreaux B	Mount	
Total - 5		

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

SENATE BILL NO. 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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Duplessis	Heitmeier	Quinn
Gautreaux B	Mount	
Total - 5		

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

SENATE BILL NO. 473—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 56:649.4, relative to nonresident combination lifetime hunting and fishing licenses; to provide for

the purchase of certain combination licenses for veterans who have been wounded or disabled; to provide requirements, terms, and conditions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Duplessis	Heitmeier	Quinn
Gautreaux B	Mount	Walsworth
Total - 6		

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

SENATE BILL NO. 474—
BY SENATOR CROWE

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	McPherson
Adley	Dorsey	Michot
Alario	Erdey	Morrell
Amedee	Gautreaux N	Morrish
Appel	Guillory	Murray
Broome	Hebert	Nevers
Chabert	Jackson	Peterson
Cheek	Kostelka	Riser
Claitor	Long	Shaw
Crowe	Marionneau	Smith
Total - 30		

NAYS

Total - 0

ABSENT

Duplessis	LaFleur	Quinn
Gautreaux B	Martiny	Thompson
Heitmeier	Mount	Walsworth
Total - 9		

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

SENATE BILL NO. 527—
BY SENATORS BROOME AND THOMPSON
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.

Floor Amendments

Senator Broome proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Broome to Engrossed Senate Bill No. 527 by Senator Broome

AMENDMENT NO. 1

On page 2, line 3, between "**needed**" and the period "." insert "**, if any, and what additional classroom support activities should be provided by the principal and school administration**"

On motion of Senator Broome, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Erdey	Michot
Alario	Gautreaux N	Morrell
Amedee	Guillory	Murray
Appel	Hebert	Nevers
Broome	Jackson	Peterson
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Marionneaux	Thompson
Donahue	Martiny	
Dorsey	McPherson	
Total - 31		

NAYS

Total - 0

ABSENT

Mr. President	Heitmeier	Quinn
Duplessis	Morrish	Walsworth
Gautreaux B	Mount	
Total - 8		

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

SENATE BILL NO. 564—
BY SENATOR JACKSON
AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey	McPherson
Adley	Erdey	Michot
Alario	Gautreaux N	Morrell
Amedee	Guillory	Morrish
Appel	Hebert	Murray
Broome	Jackson	Nevers
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Marionneaux	Thompson
Donahue	Martiny	
Total - 32		

NAYS

Total - 0

ABSENT

Duplessis	Mount	Walsworth
Gautreaux B	Peterson	
Heitmeier	Quinn	
Total - 7		

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

SENATE BILL NO. 568—
BY SENATOR JACKSON
AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux N	Morrell
Adley	Guillory	Murray
Alario	Hebert	Nevers
Amedee	Jackson	Peterson
Appel	Kostelka	Riser
Broome	Long	Shaw
Chabert	Marionneaux	Smith
Cheek	Martiny	Walsworth
Claitor	McPherson	
Dorsey	Michot	
Total - 28		

May 5, 2010

NAYS

Thompson
Total - 1

ABSENT

Crowe	Gautreaux B	Mount
Donahue	Heitmeier	Quinn
Duplessis	LaFleur	
Erdey	Morrish	
Total - 10		

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

Rules Suspended

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

Messages from the House

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

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.

Reported without amendments.

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.

Reported without amendments.

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
INSURANCE

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

May 5, 2010

To the President and Members of the Senate:

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

SENATE BILL NO. 268—
BY SENATOR LAFLEUR
AN ACT

To amend and reenact R.S. 22:2051, 2052, 2053(A), 2054, 2055, 2056, 2057(A) and (C), 2058(A), (B)(7), (C) and (D), 2059(A) and (C)(1) through (4), 2060(A)(1) and (B), 2061(A), 2062(A)

and (B), 2063, 2067, 2068(A) and (B), 2069(A) and (B), and R.S. 44:4.1(B)(10) and to enact R.S. 22:2057(D) and (E), 2059(C)(10) through (14), 2060.1, 2061(D), and 2061.1, and to repeal R.S. 22:2060(A)(3), relative to the Louisiana Insurance Guaranty Association Law, to provide for coverage limitations of the association; to provide for definitions; to provide for the creation of the association; to provide for membership of the board of directors; to provide for the powers and duties of the association; to provide for benefit limitations of the association; to provide for assessments of member insurers; to provide for venue, to provide for the plan of operation of the association; to provide for the powers and duties of the commissioner of insurance; to provide for the coordination among other Guaranty Associations; to provide for the effect of paid claims; to provide for the exclusion of claims of "high net worth insureds"; to provide for the exhaustion of other coverage prior to making a claim against the association; to provide for the prevention of insolvencies; to provide for immunity; to provide for a stay of proceedings against insolvent insurers; to provide for prohibited advertising; to provide for effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 687—
BY SENATOR HEBERT
AN ACT

To amend and reenact R.S. 45:200.4, relative to public carrier vehicle insurance; to increase the minimum amount of insurance for property damage; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 705—
BY SENATOR DONAHUE
AN ACT

To amend and reenact R.S. 22:1000(A)(1), relative to health and accident insurance; to provide for group policies issued to trusts for multiple associations; to provide for coverage involving such associations and their members and employees; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 732—
BY SENATOR HEBERT
AN ACT

To enact R.S. 22:1880, relative to health insurance; to provide for balance billing disclosure; to provide for definitions; to provide with respect to health insurance issuer, facility, and facility-based physician disclosure; and to provide for related matters.

Reported favorably.

Respectfully submitted,
TROY HEBERT
Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

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

May 5, 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:

SENATE BILL NO. 389—

BY SENATOR HEBERT

A JOINT RESOLUTION

Proposing to amend Article V, Section 15(B) of the Constitution of Louisiana, relative to judicial districts; to provide for the establishment of judicial districts; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 477—

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 42:1124(A)(6), relative to financial disclosure; to provide disclosure requirements for certain public servants; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 558—

BY SENATOR WALSWORTH AND REPRESENTATIVE TUCKER

AN ACT

To enact Chapter 27 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1231 through 1237, and R.S. 36:209(Q); to create the Louisiana Bicentennial Commission; to provide for membership of the commission and its operation; to provide relative to powers, duties, and activities of the commission; to provide relative to funds and property of the commission; to provide for termination of the commission; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 615—

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 18:49.1(C), 1461, 1462, 1463(F), 1465(B), 1467, and 1468(C) and to enact R. S. 18:49.1(D), 1461.2, 1461.3, 1461.4, 1461.5, 1461.6, 1461.7 and 1461.8, and to repeal R.S. 14:119 and R.S. 18:1300.6, relative to the election code; to provide relative to certain election offenses, to provide for definitions; to provided for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 652—

BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 18:1299.1, relative to elections; to provide that any question or proposition to be voted on must also include a question in simple language directed to the voter with regard to the passage or rejection of the proposition; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 709—

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 43:19, 24(B) and (C), 81, 82, and 87(A), and to enact R.S. 43:24(D) and (E), relative to the publication of acts of the legislature; to provide relative to the Official Journal of the State; to provide relative to printing contracts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 722—

BY SENATOR APPEL

AN ACT

To amend and reenact R.S. 42:1158(A)(2)(d), relative to the Board of Ethics computerized data management system; to require that

campaign finance disclosure reports required to be filed electronically with the board are able to be searched by the public by the names of campaign contributors; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT W. KOSTELKA
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 5, 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. 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.

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.

SENATE CONCURRENT RESOLUTION NO. 63—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

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

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.

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.

May 5, 2010

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".

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

Message to the Governor

SIGNED SENATE BILLS

May 5, 2010

To the Honorable Governor of the State of Louisiana:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Bills:

SENATE BILL NO. 106—
BY SENATORS RISER AND THOMPSON
AN ACT

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

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

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

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

and they are hereby presented for executive approval.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 5, 2010

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HCR No. 134	HCR No. 135	HCR No. 136
HCR No. 137	HCR No. 138	HCR No. 139
HCR No. 140	HCR No. 141	HCR No. 142

and asked that the President of the Senate affix his signature to the same.

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

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

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

ABSENT

Duplessis	Heitmeier
Gautreaux B	Quinn
Total - 4	

Leaves of Absence

The following leaves of absence were asked for and granted:

Duplessis	1 Day	B. Gautreaux	1 Day
Heitmeier	1 Day	Quinn	1 Day

Announcements

The following committee meetings for May 10, 2010, were announced:

Finance	10:00 A.M.	Room A
Retirement	1:00 P.M.	Room E

Adjournment

On motion of Senator Thompson, at 2:10 o'clock P.M. the Senate adjourned until Monday, May 10, 2010, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Monday, May 10, 2010.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk