THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

FOURTH DAY’S PROCEEDINGS

Thirty-Eighth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Monday, March 28, 2011

The Senate was called to order at 4:10 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
Alario
Appel
Broome
Cheek
Claitor
Crowe
Donahue
Dorsey

Total - 27

ABSENT

Adley
Amedee
Chabert
Heitmeier

Total - 12

The President of the Senate announced there were 27 Senators present and a quorum.

Prayer

The prayer was offered by Senator Walsworth, 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 Gautreaux, the reading of the Journal was dispensed with and the Journal of March 24, 2011, was adopted.

Introduction of Senate Bills
and Joint Resolutions

Senator Mills asked for and obtained a suspension of the rules to introduce and read Senate Bills and Joint Resolutions a first and second time and refer them to committee.

SENATE BILL NO. 29—
BY SENATOR MILLS
AN ACT
To enact R.S. 18:1276.1 and to repeal R.S. 18:1276, relative to congressional districts; to provide for the redistricting of Louisiana’s congressional districts; to provide relative to the terms of members of congress serving on the effective date of the Act; to provide for the filling of vacancies; to provide relative to positions and offices, other than congressional, that are based upon congressional districts; to provide for the effectiveness of the Act; 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.

Senate Concurrent Resolutions on
Second Reading

SENATE CONCURRENT RESOLUTION NO. 3—
BY SENATORS LAFLEUR AND MICHOT AND REPRESENTATIVES JOHNSON, LORUSSO AND ROY
A CONCURRENT RESOLUTION
To commend Dr. John E. Lemoine for his work with healthcare and physician liability.

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

Message from the House
ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS

March 24, 2011

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. 20
HB No. 21
HB No. 22
HB No. 26

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

House Bills and Joint Resolutions
on First Reading

Senator Long asked for and obtained a suspension of the rules to read House Bills and Joint Resolutions a first and second time by title and refer them to Committee.

HOUSE BILL NO. 20—
BY REPRESENTATIVE KATZ
AN ACT
To amend and reenact R.S. 46:1081(A) and 1091(A)(1) and (B)(1)(b), relative to provisions of Title 46 (Public Welfare and Assistance) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to repeal provisions that are outdated or obsolete; 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. 21—
BY REPRESENTATIVE PEARSON
AN ACT
To amend and reenact R.S. 33:103(C)(1)(j)(introductory paragraph) and (C), 1752(B)(3), and 1921(A)(3)(a)(ii), relative to provisions of Title 11 (Consolidated Public Retirement Systems) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

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

HOUSE BILL NO. 22—
BY REPRESENTATIVE WOOTON
AN ACT
To amend and reenact Code of Criminal Procedure Articles 161(B), 211.6(A), 324(B) and (C), 336(B)(introductory paragraph), and 404.1(A), relative to provisions of the Code of Criminal Procedure which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

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

HOUSE BILL NO. 26—
BY REPRESENTATIVE BARRAW
AN ACT
To amend and reenact R.S. 33:103(C)(1)(j)(introductory paragraph) and (I), 112(C)(1)(a), 121, the heading of Subpart B-32 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.721(A), multi-district political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

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

4th DAY'S PROCEEDINGS
March 28, 2011

HOUSE BILL NO. 13—
BY REPRESENTATIVE FANNIN
AN ACT
To amend and reenact R.S. 49:149.5(C) and 214.5.8(E), relative to provisions in Title 49 (State Administration) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; to repeal provisions that are outdated or obsolete; 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.

Message from the House
ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS
March 27, 2011

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. 11
Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 11—
BY REPRESENTATIVE DIXON
A CONCURRENT RESOLUTION
To urge and request the Louisiana Workforce Commission to become more efficient in correspondence.

The resolution was read by title and referred by the President to the Committee on Labor and Industrial Relations.

Rules Suspended

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

HOUSE BILL NO. 13—
BY REPRESENTATIVE FANNIN
AN ACT
To amend and reenact R.S. 49:149.5(C) and 214.5.8(E), relative to provisions in Title 49 (State Administration) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; to repeal provisions that are outdated or obsolete; and to provide for related matters.

Senator Martiny moved to recommit the bill from the Committee on Judiciary A to the Committee on Judiciary B.

Without objection, so ordered.
Senate Resolutions on Second Reading
Reported by Committees

SENATE RESOLUTION NO. 4—
BY SENATOR MARIONNEAUX
A RESOLUTION
To urge and request the Senate and Governmental Affairs Committee to recommend, and the Louisiana Senate to enact, a Senate redistricting plan that includes the entirety of Pointe Coupee Parish within one Senate district.

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 11—
BY SENATOR CLAITOR
AN ACT
To amend and reenact R.S. 18:2(5), 54, 423(D)(2), 574(A)(3), (D)(1), and (E)(1), and 1483(7)(d), relative to provisions of Title 18 (Louisiana Election Code) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; and to provide for related matters.

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

ROLL CALL
The roll was called with the following result:

YEAS
Mr. President Guillory Morrish
Alario Heitmeier Mount
Appel LaFleur Perry
Broome Long Marionneaux Riser
Claitor Martiny Shaw
Crowe McPherson Smith
Dorsey Michot Thompson
Erdey Mills Walsworth
Gautreaux Morrell Willard-Lewis
Total - 32

NAYS
Total - 0

ABSENT
Adley Donahue Quinn
Amedee Kostelka
Chabert Nevers
Total - 7

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

SENATE BILL NO. 15—
BY SENATOR CLAITOR
AN ACT
To amend and reenact R.S. 43:140(5), 142(B), 171(B), 200(5), and 201(C), relative to provisions of Title 43 (Public Printing and Advertisements) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; and to provide for related matters.

The bill was read by title. Senator Claitor moved to reconsider the vote by which the bill was passed and laid the motion on the table.

ROLL CALL
The roll was called with the following result:

YEAS
Mr. President Guillory Morrish
Alario Heitmeier Mount
Appel LaFleur Perry
Broome Long Marionneaux Riser
Claitor Martiny Shaw
Crowe McPherson Smith
Dorsey Michot Thompson
Erdey Mills Walsworth
Gautreaux Morrell Willard-Lewis
Total - 33

NAYS
Total - 0

ABSENT
Adley Donahue Quinn
Amedee Kostelka
Chabert Nevers
Total - 7

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

Rules Suspended

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

Introduction of Senate Bills and Joint Resolutions

Senator Walsworth asked for and obtained a suspension of the rules to introduce and read Senate Bills and Joint Resolutions a first and second time and refer them to committee.

SENATE BILL NO. 30—
BY SENATOR WALSWORTH
AN ACT
To enact R.S. 45:1161.5 and to repeal R.S. 45:1161.4, relative to redistricting the Public Service Commission; to provide for the redistricting of the five districts of the Public Service Commission; to provide for the retention of the incumbent commissioners; to provide for the effectiveness of the Act; to provide for elections from Public Service Commission districts; 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.

SENATE BILL NO. 31—
BY SENATOR MCPHERSON
AN ACT
To enact R.S. 18:1276.1 and to repeal R.S. 18:1276, relative to congressional districts; to provide for the redistricting of Louisiana’s congressional districts; to provide relative to the terms of members of congress serving on the effective date of the Act; to provide for the filling of vacancies; to provide relative to positions and offices, other than congressional, that are based upon congressional districts; to provide for the effectiveness of the Act; 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.

Introduction of Senate Concurrent Resolutions

Senator Smith asked for and obtained a suspension of the rules to introduce and read Senate Concurrent Resolutions a first and second time and refer them to committee.

SENATE CONCURRENT RESOLUTION NO. 6—
BY SENATOR SMITH AND REPRESENTATIVES ARMES, HILL, DANAHAY AND GEYMANN
A CONCURRENT RESOLUTION
To commend Betty J. Cunningham for her twenty-nine years of dedicated public service as secretary-treasurer of the Beauregard Parish Police Jury and to congratulate her upon her retirement.

The concurrent resolution was read by title. Senator Smith moved to adopt the Senate Concurrent Resolution.
A CONCURRENT RESOLUTION
To commend Jim Beam, a legendary Louisiana journalist, for more than fifty years of outstanding service with the Lake Charles American Press.

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.

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:

March 28, 2011

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. 4—
BY SENATOR SMITH AND REPRESENTATIVE DANAHAY
A CONCURRENT RESOLUTION
To commend and congratulate the Starks High School Lady Panthers basketball team on winning the Class C state title in the Louisiana Girls' Top 28 Tournament.

SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATORS BROOME, ADLEY, ALARIO, AMEDEE, APPEL, CHABERT, CHAISSON, CHEEK, CLAIGHTOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAX, GUILORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCFHERSON, MICHT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS
A CONCURRENT RESOLUTION
To express the sincere condolences of the Legislature of Louisiana upon the passing of Emmett W. Bashful, Ph. D., one of the great champions of public education and the first chancellor of Southern University and A & M College at New Orleans, Louisiana, SUNO, and to commend his lifetime of contributions and achievements.

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  Heitmeier  Mount
Alario  Jackson  Murray
Appel  Kostelka  Perry
Broome  LaFleur  Peterson
Cheek  Long  Riser
Claightor  Marionneaux  Shaw
Crowe  Martiny  Smith
Donahue  McPherson  Thompson

The following leaves of absence were asked for and granted:

Adley 1 Day  Amedee 1 Day  Quinn 1 Day
Chabert 1 Day  Nevers 1 Day

The following committee meetings for March 29, 2011, were announced:

Agriculture  At Adj  Room C
Health and Welfare  9:00 A.M.  Room A
Judiciary B  At Adj  Room E
Senate and Gov't Affairs  At Adj  Hainkel Room
Transportation  At Adj  Room A

Adjournment

On motion of Senator Thompson, at 4:30 o’clock P.M. the Senate adjourned until Tuesday, March 29, 2011, at 10:00 o’clock A.M.

The President of the Senate declared the Senate adjourned until 10:00 o’clock A.M. on Tuesday, March 29, 2011.

GLENN A. KOEPP
Secretary of the Senate

DIANE O’QUIN
Journal Clerk