THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

SIXTH DAY’S PROCEEDINGS

Thirty-Seventh Regular Session of the Legislature
Under the Adoption of the Constitution of 1974

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, May 4, 2011

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: Guillory Murray
Adley: Heitmeier Nevers
Alario: Kostelka Perry
Amedee: LaFleur Riser
Appel: Long Shaw
Broome: Marionneaux Smith
Chabert: Martiny Thompson
Claitor: Mills Walsworth
Dorsey: Morrell Willard-Lewis
Erdey: Morrish
Gautreaux: Mount
Total - 31

ABSENT

Cheek: Jackson Peterson
Crowe: McPherson Quinn
Donahue: Michot
Total - 8

The President of the Senate announced there were 31 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Cyle Clayton, 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 3, 2011, was adopted.

Introduction of Senate Bills and Joint Resolutions

Senator Willard-Lewis 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. 258—
BY SENATOR WILLARD-LEWIS
AN ACT
To enact R.S. 47:305.66, relative to sales and use taxes; to provide that state and local sales and use taxes shall not apply to purchase of items manufactured within the state for use in orbital environments; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 259—
BY SENATOR MARIONNEAUX
AN ACT
To amend and reenact R.S. 47:32(A) and (C) and to enact R.S. 47:32(D), relative to income taxes; to phase out the taxes on personal and corporate income; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 16—
BY SENATOR CHAISSON
A RESOLUTION
To recognize May 4, 2011, as “Louisiana Chemical Industry Day”.

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

SENATE RESOLUTION NO. 17—
BY SENATOR THOMPSON
A RESOLUTION
To commend Norene R. Smith of Monroe, Louisiana, on her many years of service to the Louisiana Community and Technical College System.

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

SENATE RESOLUTION NO. 18—
BY SENATOR WILLARD-LEWIS
A RESOLUTION
To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Lavinia Strong Lundy, aged one hundred eight.

On motion of Senator Willard-Lewis the resolution was read by title and adopted.

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 3, 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. 294  HB No. 398  HB No. 194
HB No. 275  HB No. 283  HB No. 291
HB No. 292

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives
House Bills and Joint Resolutions

Senator Chabert 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. 194—
BY REPRESENTATIVE WILLIAMS
AN ACT
To enact Subpart A-1 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:236.1, relative to the Supplemental Nutrition Assistance Program; to provide for legislative findings; to provide for nutrition education; to establish certain reporting requirements for the Department of Children and Family Services; 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. 275—
BY REPRESENTATIVE BISHOP
AN ACT
To amend and reenact R.S. 22:867(C) and 873, relative to the

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

HOUSE BILL NO. 283—
BY REPRESENTATIVE AUBERT
AN ACT
To amend and reenact R.S. 22:901(A), (B), (C)(1) and (3), and
(D)(1)(introductory paragraph) and (a) and (2), 902, 904, 905, 906, 907, 910, 912(A), (B), (C), (D)(1)(b), (E), and (F), 913, 914, 915(B), 931, 932(B)(introductory paragraph) and (1), (D)(introductory paragraph) and (2), and (E), 934, 935, 936(A)(1)(introductory paragraph) and (2), (B), (D)(1), (2), and (4), (E), (F), (G)(1), (4), and (8)(introductory paragraph) and (b) and (d) through (g), (I)(1), (J)(1), (2), (3), and (5), (K)(1)(g) and (h), 941(B)(introductory paragraph) and (6), 942(introductory paragraph) and (1), 10(b), and (11), 943(D)(2), 944(A), 951(A), 952(A)(1, 2), (B)(introductory paragraph) and (4), (J), 961, 1541, 1542(1), 1543, 1544, 56(9), (10), (11), (14), and (18), 1544(5)(4) through (8) and (D), 1545(1)(introductory paragraph), 1546(3)(D)(4) and (F), 1547(A)(2), (C), (D), (E), (F), (G), (H), (I), (3), 1548(A)(1) and (3), (B)(2) and (3)(b), (D)(2), and (E), 1549(B)(4) and (5), (C), (D), (E)(introductory paragraph), (F), and (H), 1550(A)(2), (B)(1) and (d) and (2), (C), (D), (E)(introductory paragraph), (F), and (H), 1554(G), 1555, 1556(A), (B), and (C), 1557(B)(1) and (2), 1558(B)(3) and (4), (C), and (D), and 1559(C), (D)(1), and (E)(1), 1562(C)(1)(b) and (d), (E)(2), and (H)(introductory paragraph) and (4), 1564(A)(2), (B)(1)(a), and (C), 1571, 1573(C) through (G), (I)(1)(a), (K), (L), and (M), 1574(A) through (D)(1), 1575(C)(2) and (D), and 1583, the heading of R.S. 22:1584, 1585(C), 1591, 1592, 1593(A)(introductory paragraph) and (1), 1594(introductory paragraph), 1595, 1597, 1598(C), 1599(A) and (C)(introductory paragraph), 1600(B)(introductory paragraph), 1603(1) and (3), 1604(A)(2), 1605, 1622, 1623(A), (B), (D), and (F), and 1624, 1625(A) and (H), 1627(A)(2), the heading of Part III of Chapter 5 of the Louisiana Revised Statutes of 1950, 1641(introductory paragraph), (1)(introductory paragraph), (a), (e), and (j), 1642(A) and (C), 1644(D), 1651(B)(6), (D), (H)(1), (i), and (I), 1652, 1654(A)(introductory paragraph) and (C)(introductory paragraph), 1657, 1662(6)(a)(introductory paragraph) and (14), 1664(A) and (C), 1665(A)(introductory paragraph) and (1), 1669, 1670(A)(2) and (D), 1671(A), (B)(2), and (C), 1673(C), 1675(A), 1679(A), 1679(A)(2) and (D), 1699(A)(3), (B), and (F), and 1704(E)(1)(a) and (b), 1706(F), 1722, and 1723(A)(introductory paragraph), (B)(introductory paragraph) and (2), (D), and (F), 1724(5), 1726(A) and (B), 1727(A)(1), (2), (3), (4)(introductory paragraph), (7), (8), (B)(4), (C), and (F), 1728(6), 1729(A) and (F), 1731(A)(1)(2), 1741, 1747, 1761, 1763(3), 1767, and 1768; to enact R.S. 22:821(B)(31), (32), and (33), 1557(C), 1641(8) and (9), and 1766(C); and to repeal R.S. 22:1546(G) and (H), 1566, 1574(E), 1751, and 1769, all relative to technical recodification of certain provisions of the Louisiana Insurance Code, including correction of citations, updates of terms and language, removal of ambiguous or obsolete or ineffective provisions, harmonizing of inconsistent provisions, and consolidating all provisions authorizing fees; 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. 291—
BY REPRESENTATIVE LAMBERT AND SENATOR AMEDEE
AN ACT
To amend and reenact R.S. 14:933(10)(introductory paragraph) and 108.1(D)(4) and R.S. 34:851.4 and to repeal R.S. 34:851.5, relative to boating safety; to provide for the possession of alcoholic beverages on waterways; to provide for definitions; to provide for operation of a watercraft; to provide for aggravated flight from an officer; 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. 292—
BY REPRESENTATIVES MORRIS, AUBERT, BOBBY BADON, BARRAS, BARRIO, BILLIOT, BISHOP, HENRY BURNS, BURRELL, CHAMPAIGNE, CHANDLER, CHANEY, DIXON, DOERGE, DOWNS, EDDWARDS, ELINGTON, GISCALAR, GUILLOIRE, GUINN, HARRISON, HAZEL, HENDERSON, HOFFMANN, SAM JONES, LAMBERT, LEBAS, LIGI, LITTLE, MCVEA, MONTOUCET, MORENO, PATRICIA SMITH, ST. GERMAIN, STRAES, WILLIAMS, AND WOOTON AND SENATOR MICHOT
AN ACT
To amend and reenact R.S. 30:2506(A)(introductory paragraph) and (B) and 2507(A), R.S. 32:412(1), (2), (5), and (6), (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(1), and (ee) and (ii)(aa), (cc), (dd)(1), and (ee), R.S. 36:605(B)(4)(a) and (4), and R.S. 47:463.43(A), (D), and (E), to enact R.S. 56:10(B)(15), and to repeal R.S. 30:2504 and 2511, R.S. 36:609(B)(4), Section 3 of Act No. 527 of the 2003 Regular Session of the Legislature, Act No. 363 of the 2004 Regular Session of the Legislature, Act No. 190 of the 2007 Regular Session of the Legislature, and R.S. 32:412(A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(1), (e)(ii)(aa), and (dd)(1) as amended by Act No. 9 of the 2011 First Extraordinary Session of the Legislature, relative to litter abatement, enforcement, and education; to provide for the Louisiana Environmental Education Commission; to provide for the responsibility and duties of the Department of Wildlife and Fisheries; to provide for litter abatement and enforcement; to provide for education programs; to abolish the environmental education division within the Department of Wildlife and Fisheries; to provide for special license plates; to provide for the disposition of certain funds collected from driver's license issuance and renewal and special license plates; 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. 294—
BY REPRESENTATIVE THIBAUT
AN ACT
To amend and reenact R.S. 56:116.1(D), relative to hunting; to provide for the trapping of outlaw quadrupeds, nutria, or beaver; to provide for definition for the Department of Children and Family Services; 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. 398—
BY REPRESENTATIVE ANDERS
AN ACT
To amend and reenact R.S. 22:905(A)(2), relative to life insurance policies; to provide with respect to written notice required before lapsing life policies; to require notice be sent to the insured and assignee; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON
COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS

Senator John R. Smith, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

May 4, 2011
To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

SENATE BILL NO. 23—
BY SENATOR MORRISH
AN ACT
To amend and reenact R.S. 34:851.36(B), relative to motorboats and vessels; to provide for boating safety education; to exempt certain individuals from the boating safety education requirement; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 87—
BY SENATOR SMITH
AN ACT
To enact R.S. 6:103(B)(17), relative to records of the Office of Financial Institutions; to provide for disclosure of certain information to certain state or federal agencies; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 88—
BY SENATOR SMITH
AN ACT
To enact R.S. 40:978(A) and (B) and R.S. 46:2622(17) and to enact R.S. 40:978(D), relative to electronic prescribing; to allow for the electronic prescribing of certain controlled dangerous substances; to provide for definition of prescription for the purposes of the Louisiana Medical Assistance trust fund; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 152—
BY SENATOR MICHOT
AN ACT
To enact R.S. 37:1285(A)(32), relative to the Louisiana State Board of Medical Examiners; to provide for advertisement requirements by physicians; to provide for causes for which the board may refuse to issue, or may suspend or revoke, any license or permit, or impose probationary or other restrictions on the license of a physician; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 160—
BY SENATORS MICHOT, SMITH AND MORRISH AND REPRESENTATIVES ARNOLED, DOWE, CORTEZ, LANDRY AND ROBIDEAUX
AN ACT
To amend and reenact Part VIII of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1486.1 and 1486.2, relative to monitoring the transportation of offshore oil platform workers; to provide for purpose; to provide for state participation in and promotion of the safe transportation over-water of oil and gas workers and others involved in the offshore oil and gas industry; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JOHN R. SMITH
Chairman

REPORT OF COMMITTEE ON
HEALTH AND WELFARE

Senator Willie L. Mount, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

May 4, 2011
To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE BILL NO. 26—
BY SENATOR NEVERS
AN ACT
To enact R.S. 37:1291.1, relative to out-of-state physician orders; to provide for an out-of-state physician to order diagnostic tests under certain conditions; to provide for definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 207—
BY SENATOR MOUNT
AN ACT
To enact Part XLII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.21 through 1300.22, relative to Medicaid; to require the Department of Health and Hospitals to submit an annual report to the legislature on the Coordinated Care Network Medicaid initiative; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 223—
BY SENATOR MOUNT
AN ACT
To amend and reenact R.S. 40:978(A) and (B) and R.S. 46:2622(17) and to enact R.S. 40:978(D), relative to electronic prescribing; to allow for the electronic prescribing of certain controlled dangerous substances; to provide for definition of prescription for the purposes of the Louisiana Medical Assistance trust fund; and to provide for related matters.

Reported favorably.

Respectfully submitted,
WILLIE L. MOUNT
Chairman
SENATE
6th DAY’S PROCEEDINGS
May 4, 2011

REPORT OF COMMITTEE ON
INSURANCE

Senator Dan W. "Blade" Morrish, Chairman on behalf of the Committee on Insurance, submitted the following report:

May 4, 2011

To the President and Members of the Senate:

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

SENATE BILL NO. 38—
BY SENATOR ERDEY
AN ACT
To amend and reenact R.S.42:808(E), relative to eligibility in group programs; to provide coverage for a developmentally disabled dependent of a classified or unclassified state civil service employee by life, health or other programs sponsored by the Office of Group Benefits under certain circumstances, and to provide for related matters.

Reported favorably.

SENATE BILL NO. 84—
BY SENATOR MORRISH
AN ACT
To amend and reenact R.S. 22:885(B), relative to cancellation by the insured; to provide for the calculation of any unearned premium to be returned to the insured; to authorize calculating the unearned premium based on a short-rate provision contained in the policy filed with the commissioner; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 96—
BY SENATORS QUINN AND APPEL AND REPRESENTATIVES BILLIOT, CONNICK, HENRY, LIGI, LOPINTO, TEMPLET AND WILLMOTT
AN ACT
To enact R.S. 22:1567, relative to the purchase of commercial property and casualty insurance by certain entities; to provide for the compensation of an insurance producer for the placement of certain commercial property and casualty coverages; to authorize the negotiation of a combination of commission and fees or fees in lieu of commissions for the placement of coverages by an insurance producer; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 169—
BY SENATOR CLAITOR
AN ACT
To amend and reenact R.S. 22:1891, relative to automobile liability coverage; to provide for payment of medical payment coverage and claims to the insured or his authorized representative; and to provide for related matters.

Reported with amendments.

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 4, 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:

SENATE CONCURRENT RESOLUTION NO. 3—
BY SENATORS NEVERS AND LONG
A CONCURRENT RESOLUTION
To memorialize the Congress of the United States to enact laws to establish, implement, and ensure that universal communication is at all times and at all places available to warn the American people of imminent and impending dangers.

Reported favorably.

Respectfully submitted,
ROBERT W. KOSTELKA
Chairman

Senate Bills and Joint Resolutions on Second Reading

Reported by Committees

SENATE BILL NO. 32—
BY SENATORS BROOME, CLAITOR, DONAHUE, MURRAY AND WILLARD-LEWIS
AN ACT
To amend and reenact Children's Code Articles 116(12.1), 675(B)(3), 681, 1511, 1515(B) and 1516(B), and to enact Children's Code Articles 718, 719, 720, 721, 722, 723, 724 and 1514(D), relative to guardianship; to define guardianship; to provide for dispositional alternatives; to provide for the purpose of guardianship; to provide for the guardian's rights and responsibilities; to provide for a home study report; to provide for certain procedures; to provide for a motion, hearing, and order for guardianship; 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. 55—
BY SENATOR MURRAY
AN ACT
To amend and reenact R.S. 26:359(A), the introductory paragraph of (B)(1), and (B)(1)(h), relative to distribution of alcoholic beverages; to provide for direct shipment of certain alcoholic beverages; and to provide for related matters.

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 55 by Senator Murray

AMENDMENT NO. 1
On page 1, line 2, after "(B)(1)," delete "and"

AMENDMENT NO. 2
On page 1, line 2, after "(B)(1)(h)," insert "(C)(2) and (3), and (D)"

AMENDMENT NO. 3
On page 1, line 6, after "(B)(1)," delete "and"

AMENDMENT NO. 4
On page 1, line 6, after "(B)(1)(h)" insert ", (C)(2) and (3), and (D)"

AMENDMENT NO. 5
On page 2, after line 70, insert the following:

"C.(1) *          *          *
(2) Any retailer domiciled outside of Louisiana, of sparkling wine or still wine engaging in the direct shipment of such beverages under the provisions of Subsection B of this Section shall make an
SENATE BILL NO. 161—
BY SENATOR QUINN
AN ACT
To amend and reenact R.S. 13:621.21 and 1138, and Section 1 of Act No. 873 of the 2008 Regular Session of the Legislature, and to repeal R.S. 13:1139(A), relative to courts and judicial procedure; to provide relative to district courts and district court judges; to dedicate certain judgeships in certain judicial districts and provide for divisions with certain limited or specialized subject matter jurisdiction; to provide for compensation of such judges; to provide for elections and terms of office; to provide certain terms, conditions, procedures, and requirements; to provide certain effective dates; 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. 208—
BY SENATOR PERRY
AN ACT
To amend and reenact R.S. 19:201, relative to expropriation; to provide relative to expropriation suits; to provide relative to attorney fees; to provide relative to attorney fees for unsuccessful or abandoned suits; to provide certain terms and conditions; 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. 208 by Senator Perry

AMENDMENT NO. 1
On page 1, line 3, after “attorney fees” insert “and certain costs and expenses”

AMENDMENT NO. 2
On page 1, line 4, after “fees” insert “and certain costs and expenses”

AMENDMENT NO. 3
On page 1, line 14, after “reasonable attorney fees” insert “, court costs, and expenses”

AMENDMENT NO. 4
On page 2, after line 3, 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 Claitor, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

Senate Resolutions
On Second Reading
Reported by Committees

SENATE RESOLUTION NO. 8—
BY SENATOR BROOME
A RESOLUTION
To urge and request the Louisiana State Law Institute to study revising state law to authorize the creation of testamentary and inter vivos trusts to provide for the care of an animal.

Reported favorably by the Committee on Judiciary A.

On motion of Senator Broome the resolution was read by title and adopted.
SENATE BILL NO. 1—
BY SENATORS ADLEY, ALARIO, BROOME, CHEEK, DONAHEE, JACKSON, LAFLEUR, LONG, Michot, Murray, Thompson, Walsworth, Marionneau, Amedee, Appel, Chabert, Chaisson, Claitor, Dorsey, Erdey, Gautreaux, Guillory, Heitmeier, Kostelka, Martin, Mills, Morrel, Morrish, Mount, Nevers, Perry, Riser, Shaw, Smith and Willard-Lewis

AN ACT
To enact R.S. 29:26.1 and to repeal R.S. 22:941(A)(5), relative to death and disability benefits for Louisiana National Guardsmen activated by the governor or the president; to remove authority for certain lump sum payments of death and permanent disability benefits for Louisiana National Guardsmen activated by the governor or the President of the United States; to provide for an effective date; 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. 1 by Senator Adley

AMENDMENT NO. 1
On page 2, line 20, following ”R.S.” and before “,” change ”29:7.1” to ”29:7”

AMENDMENT NO. 2
On page 4, line 8, following ”state surgeon” delete ”of”

AMENDMENT NO. 3
On page 4, line 9, delete ”the LANG”

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments
Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS
Amendments proposed by Senator Adley to Engrossed Senate Bill No. 1 by Senator Adley

AMENDMENT NO. 1
On page 5, line 17, before the period ”,” insert ”who shall also sign the form”

On motion of Senator Adley, the amendments were adopted.

Floor Amendments
Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS
Amendments proposed by Senator Adley to Engrossed Senate Bill No. 1 by Senator Adley

AMENDMENT NO. 3
On page 3, delete lines 15 through 19 in their entirety.

AMENDMENT NO. 4
On page 3, line 20, change “(3)” to “(2)”

AMENDMENT NO. 5
On page 4, line 1, change “(4)” to “(3)”

AMENDMENT NO. 6
On page 4, at the end of line 8, delete ”LANG state surgeon of” and on line 9, delete ”the LANG for guardsmen” and insert ”proper state entity that adjudicates such claims for guardsmen”

AMENDMENT NO. 7
On page 4, line 15, after ”D.” insert ”(1)”

AMENDMENT NO. 8
On page 4, between lines 22 and 23, insert the following:

”(2) No guardsman shall be eligible to receive benefits pursuant to the provisions of this Section if any of the following occur:
   (a) An investigation determines that a killed or injured guardsman was not in the line of duty at the time of death or injury.
   (b) The guardsman is killed or injured while in any training status pursuant to Title 29 of the Louisiana Revised Statutes of 1950 or Title 32 of the United States Code, except training pursuant to 32 U.S.C. 502(f)(2)(A).”

AMENDMENT NO. 9
On page 4, line 27, delete ”LANG state surgeon for guardsmen” and insert ”proper state entity that adjudicates such claims for guardsmen”

AMENDMENT NO. 10
On page 5, line 7, delete ”LANG state surgeon” and insert ”United States Department of Veterans Affairs”

AMENDMENT NO. 11
On page 5, between lines 19 and 20 insert the following:

”Section 2. The provisions of this Act shall apply to guardsmen activated on or after September 11, 2001.
Section 3. Any death or disability benefits distributed to guardsmen or their beneficiaries prior to the effective date of this Act shall not be affected by the provisions of this Act.”

AMENDMENT NO. 12
On page 5, line 20, change ”Section 2” to ”Section 4”

AMENDMENT NO. 13
On page 5, line 21, change ”Section 3” to ”Section 5”

On motion of Senator Adley, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Alario
Amedee
Appel
Broome
Chabert
Cheek
Claitor
Crowe
Guilleiry
Heitmeier
Jackson
Kostelka
LaFleur
Long
Marionneau
Martin
Mills
Mount
Murray
Nevers
Perry
Riser
Shaw
Smith
Thompson
Walsworth
Willard-Lewis
The Chair declared the amended bill was passed, ordered reengrossed and sent to the House. Senator Nevers moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 43—
BY SENATOR DONAHUE

AN ACT
To amend and reenact R.S. 17:3983(A)(4)(c) and (e), relative to charter schools; to allow a chartering authority to alter the time period within which a charter school must begin operation; 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. 62—
BY SENATOR MURRAY

AN ACT
To amend and reenact R.S. 4:165(A)(1) and (2), and (B)(1) and (2), relative to the Louisiana State Racing Commission; to provide for funds, purses and awards; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  Guillory  Morrell
Adley  Heitmeyer  Morrish
Alario  Jackson  Mount
Amedee  LaFleur  Murray
Appel  Long  Peterson
Chabert  Marionneaux  Smith
Cheek  Martiny  Thompson
Dorsey  McPherson  Willard-Lewis
Gautreaux  Mills  Total - 26

NAYS

Claitor  Erdey  Total - 2

ABSENT

Broome  Michot  Riser
Crowe  Nevers  Shaw
Donahue  Perry  Walsworth
Kostelka  Quinn  Total - 11

The Chair declared the bill was passed and ordered it 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. 69—
BY SENATOR NEVERS

AN ACT
To amend and reenact R.S. 17:3217.1(A) and to enact R.S. 17:3230, relative to postsecondary education; to provide for the creation of the Northshore Technical Community College; to provide with respect to the management, supervision, and operation of the institution; to provide with respect to program offerings; to provide for the awarding of certificates, diplomas, and degrees; to provide for the duties and responsibilities of the Board of Regents and the Board of Supervisors of Community and Technical Colleges; to provide relative to accreditation; to provide reporting requirements; 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:

<table>
<thead>
<tr>
<th>YEAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. President Guilory Mount</td>
</tr>
<tr>
<td>Adley Heitmeier Murray</td>
</tr>
<tr>
<td>Alario Jackson Nevers</td>
</tr>
<tr>
<td>Amedee Kostelka Perry</td>
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<tr>
<td>Appel LaFleur Riser</td>
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<tr>
<td>Broome Long Shaw</td>
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<td>Chabert Marionneaux Smith</td>
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<td>Cheek Martiny Thompson</td>
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<tr>
<td>Crowe McPherson Walsworth</td>
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<tr>
<td>Dorsey Mills Willard-Lewis</td>
</tr>
<tr>
<td>Erdey Morrell</td>
</tr>
<tr>
<td>Gautreaux Morrish</td>
</tr>
<tr>
<td>Total - 34</td>
</tr>
</tbody>
</table>

| NAYS                          |
| Total - 0                     |

| ABSENT                        |
| Claitor Michot Quinn          |
| Donahue Peterson              |
| 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. 134—
By Senators Claitor and Marionneaux
AN ACT
To amend and reenact the title to Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, R.S. 51:2352(3) and 2353 through 2356, relative to the Technology Commercialization Credit and Jobs Program; to extend the program; to change the program benefit from a tax credit to a rebate; to provide for a limitation on the receipt of other tax benefits and incentives; 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. 134 by Senator Claitor

AMENDMENT NO. 1
On page 1, line 8, following "Section 1."
and before "R.S. 51:2352(3)" insert "The title to Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950,"

On motion of Senator Marionneaux, 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:

<table>
<thead>
<tr>
<th>YEAS</th>
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</thead>
<tbody>
<tr>
<td>Mr. President Gautreaux Morrell</td>
</tr>
<tr>
<td>Adley Guilory Morrish</td>
</tr>
<tr>
<td>Alario Heitmeier Mount</td>
</tr>
<tr>
<td>Amedee Jackson Murray</td>
</tr>
</tbody>
</table>

| NAYS                          |
| Total - 34                    |

| ABSENT                        |

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. 142—
By Senator Quinn
AN ACT
To amend and reenact R.S. 17:3983(A)(4)(d), relative to charter schools; to provide relative to the chartering process; to provide relative to the withdrawal, revision and resubmission of a charter proposal; 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. 203—
By Senators Peterson, Dorsey, Erdey, Jackson, Marionneaux, Morrell, Riser, Shaw and Willard-Lewis
AN ACT
To enact Subpart BB of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.96, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate a portion of any refund due to them to the Louisiana Food Bank Association; to provide for the disposition of such donated monies; to establish the Louisiana Food Bank Association Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the fund; to authorize the treasurer to make certain deposits into the fund; to provide for an effective date; and to provide for related matters

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

ROLL CALL

The roll was called with the following result:

<table>
<thead>
<tr>
<th>YEAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. President Heitmeier Murray</td>
</tr>
<tr>
<td>Adley Jackson Nevers</td>
</tr>
<tr>
<td>Alario Kostelka Perry</td>
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<td>Erdey Morrell</td>
</tr>
<tr>
<td>Gautreaux Morrish</td>
</tr>
<tr>
<td>Guillory Mount</td>
</tr>
<tr>
<td>Total - 34</td>
</tr>
</tbody>
</table>
The Chair declared the bill was passed and ordered it sent to the House. Senator Peterson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 219—**
BY SENATORS MILLS, MARIONNEAUX AND GUILLORY
AN ACT
To enact R.S. 47:337.11.2, relative to exemption from the sales and use taxes of political subdivisions; to create the Acadiana Cultural and Entertainment Special District and authorize certain parishes within the district to provide a certain exemption from their sales and use taxes; 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. 219 by Senator Mills

**AMENDMENT NO. 1**
On page 1, line 12, following “The” and before “Louisiana” insert “2011” and between “Entertainment” and “Economic” delete “2011”

**AMENDMENT NO. 2**
On page 1, line 13, following “Impact” and before “estimates” change “Study” to “Analysis”

On motion of Senator Marionneaux, the amendments were adopted.

**Floor Amendments**
Senator Mills proposed the following amendments.

**SENATE FLOOR AMENDMENTS**
Amendments proposed by Senator Mills to Engrossed Senate Bill No. 219 by Senator Mills

**AMENDMENT NO. 1**
On page 1, lines 14 and 15, change “one hundred five billion dollars” to “one billion five hundred ten million dollars”

On motion of Senator Mills, the amendments were adopted.

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

**ROLL CALL**
The roll was called with the following result:

| YEAS | | | | | |
|------|------|------|------|------|
| Mr. President | Guillory | Nevers |
| Adley | Jackson | Perry |
| Alario | Kostelka | Peterson |
| Amedee | LaFleur | Riser |
| Broome | Long | Shaw |

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

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

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.
SENATE BILL NO. 263—
BY SENATOR CHAISSON
AN ACT
To enact R.S. 51:2304, relative to tax credits and exemptions; to authorize the creation of the Louisiana Asset Manager Program and provide for its implementation and administration; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 264—
BY SENATOR CHAISSON
AN ACT
To amend and reenact R.S. 47:6007(B)(7) and (C)(2) and (4), relative to tax credits; to provide for granting motion picture investor tax credits; to provide for definitions, allowing the credits, and transferability; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 265—
BY SENATOR RISER
AN ACT
To enact R.S. 22:832.1 and Chapter 55 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3121 through 3132, relative to the Louisiana Entrepreneurial Assistance and Development program (LEAD); to create the program; to provide for a tax reduction for investors who make investments of eligible capital under the program; to provide for approval of LEAD funds by the department of economic development and to establish criteria for such approval; to provide criteria for issuers in which investments will be made; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 19—
BY SENATOR CHAISSON
A CONCURRENT RESOLUTION
To provide for the suspension of tax benefits and expenditures; to suspend from July 1, 2011, until sixty days after final adjournment of the 2012 Regular Session of the Legislature of Louisiana the provisions of R.S. 47:293(3)(c), (9)(a)(xi), and (10) to the extent those provisions provide for a deduction from individual income tax for excess federal itemized deductions for tax years beginning during the calendar year 2011; and to provide for related matters.

The resolution was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

SENATE CONCURRENT RESOLUTION NO. 20—
BY SENATOR CHAISSON
A CONCURRENT RESOLUTION
To suspend from July 1, 2011, until sixty days after final adjournment of the 2012 Regular Session of the Legislature of Louisiana the provisions of R.S. 47:293(3)(c), (9)(a)(xi), and (10) to the extent those provisions provide for a deduction from individual income tax for excess federal itemized deductions for tax years beginning during the calendar year 2011; and to provide for related matters.

The resolution was read by title and referred by the President to the Committee on Revenue and Fiscal Affairs.

Rules Suspended

Senator Crowe asked for and obtained a suspension of the rules to recommit a bill.
Appel Kostelka Perry
Broome LaFleur Peterson
Chabert Long Riser
Cheek Marionneaux Shaw
Claitor Martiny Smith
Crowe McPherson Thompson
Dorsey Mills Walsworth
Erdey Morrell Willard-Lewis
Total - 36

ABSENT

Donahue Michot Quinn
Total - 3

Leaves of Absence

The following leaves of absence were asked for and granted:

Donahue 1 Day Michot 1 Day
Quinn 1 Day

Announcements

The following committee meetings for May 5, 2011, were announced:

Education At Adj. Hainkel Room
Labor and Ind. Rel. At Adj. Room C
Local and Mun. Affairs At Adj. Room F
Natural Resources At Adj. Room A
Transportation At Adj. Room E

Adjournment

On motion of Senator Mount, at 4:30 o'clock P.M. the Senate adjourned until Thursday, May 5, 2011, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Thursday, May 5, 2011.

GLENN A. KOEPP
Secretary of the Senate

DIANE O’QUIN
Journal Clerk