

**THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

THIRTEENTH 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

Tuesday, May 17, 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	Peterson
Adley	LaFleur	Quinn
Alario	Long	Riser
Amedee	Marionneaux	Shaw
Broome	Martiny	Smith
Chabert	Mills	Thompson
Claitor	Morrell	Willard-Lewis
Donahue	Murray	
Erdey	Perry	
Total - 25		

ABSENT

Appel	Heitmeier	Morrish
Cheek	Jackson	Mount
Crowe	Kostelka	Nevers
Dorsey	McPherson	Walsworth
Gautreaux	Michot	
Total - 14		

The President of the Senate announced there were 25 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Albert White, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Smith, the reading of the Journal was dispensed with and the Journal of May 16, 2011, was adopted.

**Petitions, Memorials and
Communications**

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

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATION**

May 10, 2011

Honorable Joel T. Chaisson II
Senate President
Post Office Box 94183
Baton Rouge, LA 70804

Dear Senator Chaisson:

Please accept this letter as a formal request for Senate Confirmation for Scott Kipper who was appointed Chief Executive Officer of the Office of Group Benefits. Should you need further information, please don't hesitate to contact my office.

Scott Kipper
P.O. Box 44036
Baton Rouge, LA 70804

Sincerely,
PAUL W. RAINWATER
Commissioner of Administration

DEPARTMENT OF INSURANCE

May 9, 2011

The Honorable Joel Chaisson II
President of the Senate
Louisiana State Senate
Post Office Box 94183
Baton Rouge, LA 70804

Dear Senator Chaisson:

In accordance with LSA-R.S. 36:681 et seq., I have made the following appointment:

Ms. Emma L. Fontenot
Title: Deputy Commissioner for Health Insurance
Department of Insurance

Mailing Address:
1439 Salisbury Drive
Baton Rouge, LA 70816

Appointment Effective: May 9, 2011

In that regard, I hereby acknowledge and submit the above listed appointment for Senate confirmation as required by law. For your records, the previous incumbent, Scott Kipper, resigned effective April 15, 2011. Please contact Ms. Pamela Croxton, Human Resources Director, at (225) 342-0119 to coordinate Senate confirmation.

If further information is needed, please do not hesitate to contact me.

With best wishes and kindest personal regards, I remain
Very truly yours,
JAMES J. DONÉLON
Commissioner of Insurance

BOARD OF REGENTS

May 10, 2011

The Honorable Joel T. Chaisson II
Senate President
13726 River Road
Destrehan, Louisiana 70047

Dear President Chaisson:

In accordance with Louisiana Revised Statutes 17:3123.1 and 24.14, I hereby request Senate confirmation of the appointment of Dr. James Purcell as Louisiana Commissioner of Higher Education. On February 24, 2011, the Louisiana Board of Regents voted

May 17, 2011

unanimously to accept the recommendation of the Search Committee to appoint Dr. Purcell as the next Commissioner of Higher Education for the state of Louisiana.

Dr. James Purcell
P.O. Box 3677
Baton Rouge, LA 70821

On behalf of the Board of Regents, I look forward to working with you in this confirmation process. Dr. Purcell has provided the requested paperwork to Senate staff; however, if additional information is needed, please contact me.

Thank you and your colleagues for your continued interest and support of policies that will serve to increase the knowledge and skills of our citizenry.

Sincerely,
ROBERT W. LEVY
Chairman

Message from the House
CONCURRING IN
SENATE CONCURRENT RESOLUTIONS

May 17, 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 concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 30—
BY SENATOR LONG
A CONCURRENT RESOLUTION
To commend Joshua Phillips and Emma Norton on winning the 2010-2011 Louisiana High School Speech League Tournament of Champions in the Policy Debate category.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 31—
BY SENATOR THOMPSON
A CONCURRENT RESOLUTION
To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Theo J. Coenen III.

Reported without amendments.

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

Senate Resolutions on
Second Reading

SENATE RESOLUTION NO. 29—
BY SENATOR BROOME
A RESOLUTION
To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Uyai Idara Imaabasi.

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

SENATE RESOLUTION NO. 30—
BY SENATOR BROOME
A RESOLUTION
To commend and recognize the first Zion City Elementary School Reunion on June 11, 2011, and its theme "Raising Zion Sixty Years Later".

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

SENATE RESOLUTION NO. 31—
BY SENATOR BROOME
A RESOLUTION
To commend Scott Rogers for outstanding and exemplary service to the Baton Rouge area community.

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

SENATE RESOLUTION NO. 32—
BY SENATORS WALSWORTH AND THOMPSON
A RESOLUTION
To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Neville High Football Coach Charlie Brown.

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

SENATE RESOLUTION NO. 33—
BY SENATOR DORSEY
A RESOLUTION
To express the sincere and heartfelt condolences of the Senate upon the death of Henry Louis "Dickie" Thurman, Jr., and to pay tribute to his significant contributions to the Southern University's School of Architecture and Engineering.

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

Senate Concurrent Resolutions on
Second Reading

SENATE CONCURRENT RESOLUTION NO. 34—
BY SENATOR THOMPSON
A CONCURRENT RESOLUTION
To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the passing of a beloved statesman, Senator Carl J. "Jack" Gordon, Jr., of Okolona, Mississippi.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names like Mr. President, Adley, Alario, Amedee, Broome, Chabert, Cheek, Claitor, Donahue, Erdey, Gautreaux, Morrell, Guillory, Heitmeier, Jackson, Kostelka, LaFleur, Long, Marionneaux, Martiny, Michot, Mills, Morrell, Morrish, Mount, Murray, Peterson, Quinn, Riser, Shaw, Smith, Thompson, Walsworth, Willard-Lewis.

Total - 33

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Yeas, Nays. Lists names Appel, Crowe, Dorsey, McPherson, Nevers, Perry.

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

SENATE CONCURRENT RESOLUTION NO. 35—

BY SENATOR WILLARD-LEWIS
A CONCURRENT RESOLUTION

To commend and congratulate the "Mighty" Southern Region of Zeta Phi Beta Sorority, Incorporated and to welcome the sorority to New Orleans on June 2-4, 2011, for its 82nd Southern Regional Leadership Conference and Youth Retreat.

The concurrent resolution was read by title. Senator Willard-Lewis moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Jackson	Nevers
Adley	Kostelka	Perry
Alario	LaFleur	Peterson
Amedee	Long	Quinn
Broome	Marionneaux	Riser
Cheek	Martiny	Shaw
Claitor	Michot	Smith
Crowe	Mills	Thompson
Erdey	Morrell	Walsworth
Gautreaux	Morrish	Willard-Lewis
Guillory	Mount	
Heitmeier	Murray	
Total - 34		

NAYS

Total - 0

ABSENT

Appel	Donahue	McPherson
Chabert	Dorsey	
Total - 5		

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 16, 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. 37	HB No. 166	HB No. 209
HB No. 256	HB No. 261	HB No. 227
HB No. 342	HB No. 344	HB No. 417
HB No. 426	HB No. 481	

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 37—
BY REPRESENTATIVE NOWLIN
AN ACT

To amend and reenact R.S. 47:2060, relative to the transmission of tax collection information by local tax collectors; to change the

time period within which certain tax collection information must be transmitted; and to provide for related matters.

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

HOUSE BILL NO. 166—

BY REPRESENTATIVES HOFFMANN, ANDERS, BALDONE, HENRY BURNS, CARMODY, CHANEY, CONNICK, DOWNS, GISCLAIR, HARDY, HENDERSON, HENRY, HOWARD, ROSALIND JONES, KATZ, LAFONTA, LITTLE, LOPINTO, RICHARD, RICHARDSON, SEABAUGH, GARY SMITH, JANE SMITH, STIAES, THIERRY, AND WILLMOTT
AN ACT

To designate portions of Louisiana highways to honor public service of Louisiana citizens; to designate Louisiana Highway 34 from Louisiana Highway 546 to Kings Lake Road as the "Corporal J.R. Searcy Memorial Highway"; to designate the section of United States Highway 51 from the intersection of Louisiana Highway 38 to the Mississippi state line as the "Trooper Rudolph H. Miller Memorial Highway"; to designate the section of Louisiana Highway 118 from Florien to Kisatchie as the "Louisiana Maneuvers and Purple Heart Memorial Highway"; to designate the section of Louisiana Highway 749 from the intersection of West Martin Luther King Drive to the intersection of Louisiana Highway 167 as the "Griffin Pat Miller Memorial Highway"; and to provide for related matters.

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

HOUSE BILL NO. 209—

BY REPRESENTATIVE ROBIDEAUX
AN ACT

To amend and reenact R.S. 47:1541(B) and to enact R.S. 47:1541(D) and 1601(A)(2)(e), relative to the Department of Revenue; to provide relative to the audit of taxpayer records by the department; to provide the purposes for which sampling audits may be utilized; to authorize the use of managed audits at the secretary's discretion under certain circumstances; to authorize agreements regarding managed audits; to provide for definitions; to provide for limitations; to authorize the discretionary waiver of interest; and to provide for related matters.

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

HOUSE BILL NO. 227—

BY REPRESENTATIVES THIBAUT, GREENE, AND HARDY
AN ACT

To enact R.S. 9:1123.113, relative to condominiums; to require condominium associations to maintain a fidelity bond; to provide for a coverage amount; to establish a minimum coverage amount; to provide for compliance through a managing agent who maintains a bond; to require proof of the bond to be maintained on the premises of the condominium; to require inspection of the proof upon request; to require written or electronic notice of the bond; and to provide for related matters.

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

HOUSE BILL NO. 256—

BY REPRESENTATIVE RITCHIE
AN ACT

To amend and reenact R.S. 37:877(B)(1)(b)(ii) and 883(C), (D), (E), (F), and (G) and to enact R.S. 37:877(B)(1)(b)(iii) and 883(H) and (I), relative to cremation; to provide for representation of identity of deceased on cremation authorization forms; to require the coroner to identify human remains when releasing them to a funeral establishment; to exempt funeral or crematory establishments from liability when relying upon information provided by health care providers and coroners; to exempt funeral establishments and coroners from liability when permitting the viewing of human remains for the purposes of identification; and to provide for related matters.

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

HOUSE BILL NO. 261—
BY REPRESENTATIVE CARMODY
AN ACT

To amend and reenact R.S. 32:1254(A)(19) and (E)(9)(d), 1261(6)(a), and 1262(B)(1) and (4) and to enact R.S. 32:1262(B)(5) through (7), relative to the sale and distribution of motor vehicles; to exclude nonresident exhibitors from licensure by the Motor Vehicle Commission; to exempt recreational products dealers from certain licensure, franchise modification, and warranty requirements under certain circumstances; to provide for certain prohibited acts involving franchise agreements; to provide guidelines for audits of dealer records; and to provide for related matters.

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

HOUSE BILL NO. 342—
BY REPRESENTATIVES EDWARDS, ARMES, BALDONE, HENRY BURNS, BURRELL, CARMODY, CHANDLER, DIXON, DOERGE, DOWNS, ELLINGTON, GISCLAIR, GUILLORY, HARDY, HENRY, HILL, HINES, HOFFMANN, HOWARD, JOHNSON, SAM JONES, KATZ, LANDRY, LEBAS, LIGI, LITTLE, LORUSSO, MCVEA, MONTOUCET, POPE, RICHARD, RICHARDSON, SMILEY, GARY SMITH, JANE SMITH, TALBOT, TEMPLET, WHITE, WILLIAMS, AND WILLMOTT
AN ACT

To enact R.S. 38:2212.10, relative to public contracts; to provide for the verification of employees engaged in public contract work; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 344—
BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 9:1123.102(11), relative to condominiums; to require a ten-day grace period for paying condominium assessments; to provide for limitations on charges for later payment of assessments; to require unit owners' association to provide written or electronic notice; and to provide for related matters.

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

HOUSE BILL NO. 417—
BY REPRESENTATIVES CORTEZ, ARMES, ARNOLD, BOBBY BADON, BALDONE, BARRAS, BISHOP, BURFORD, HENRY BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, DIXON, DOWNS, FANNIN, GISCLAIR, GUINN, HARDY, HENDERSON, HOFFMANN, HOWARD, SAM JONES, KATZ, LANDRY, LEBAS, LOPINTO, MONTOUCET, NOWLIN, POPE, RICHARD, RICHARDSON, SCHRODER, SEABAUGH, GARY SMITH, JANE SMITH, THIBAUT, AND WOOTON
AN ACT

To amend and reenact R.S. 11:710(A)(1), (B)(1)(a), (C)(2), and (D), to enact R.S. 11:710(A)(4), and to repeal R.S. 11:710(H), relative to the Teachers' Retirement System of Louisiana; to allow certain retirees reemployed as substitute teachers to receive benefits during reemployment; to provide limitations; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 426—
BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 11:511, 822(A) and (B), 1162(A), 1164, and 1302(A), relative to certain state retirement systems; to provide relative to the membership of the boards of trustees of the Louisiana State Employees' Retirement System, the Teachers' Retirement System of Louisiana, the State Police Pension and Retirement System, and the Louisiana School

Employees' Retirement System; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 481—
BY REPRESENTATIVE BARRAS
AN ACT

To amend and reenact R.S. 11:1402(6)(c) and (8), 1404(A), 1411(D), 1444(C) and (D), 1451, 1457(C), 1458(B)(1), (2)(a), (b), and (d), (3)(caption), and (4) and (E)(2) and (5)(c), to enact R.S. 11:1402(6)(d), 1444(E)(3), 1445(G), 1455(C), and 1458(A)(3), and to repeal R.S. 11:1404(E), 1457(B), 1458(B)(2)(c) and (E)(5)(d) and (e), relative to the Louisiana Assessors' Retirement Fund; to provide relative to compliance with applicable federal tax qualification requirements; to provide for an effective date; and to provide for related matters.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 17, 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. 104

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

**House Concurrent Resolutions
on First Reading**

HOUSE CONCURRENT RESOLUTION NO. 104—
BY REPRESENTATIVES PATRICIA SMITH, AUBERT, AUSTIN BADON, BARROW, BISHOP, BROSETT, BURRELL, DIXON, FRANKLIN, GALLOT, HARDY, HONORE, GIROD JACKSON, MICHAEL JACKSON, ROSALIND JONES, LAFONTA, NORTON, STIAES, THIERRY, AND WILLIAMS AND SENATORS BROOME, DORSEY, GUILLORY, JACKSON, MORRELL, MURRAY, PETERSON, AND WILLARD-LEWIS
A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the residents of the states of Alabama, Arkansas, Mississippi, Missouri, and Tennessee who have lost loved ones as a result of the devastating storms that tore through their states.

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

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

HOUSE BILL NO. 27—
BY REPRESENTATIVES BROSETT AND BISHOP
AN ACT

To amend and reenact R.S. 47:1703.1(A), relative to registration for the homestead exemption; to require the assessor in Orleans Parish to provide a form for the permanent registration of the homestead exemption for taxpayers in that parish; 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. 39—

BY REPRESENTATIVE THIBAUT
AN ACT

To enact R.S. 13:2575.4, relative to ordinance violations in West Baton Rouge Parish; to provide for administrative adjudications; to provide for definitions; to provide for violations subject to administrative adjudication procedures; 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. 70—

BY REPRESENTATIVE JANE SMITH
AN ACT

To repeal R.S. 33:1418(B), relative to hybrid or alternative fuel vehicles and to the use of such vehicles by agencies of political subdivisions; to repeal an exemption from the authority to use such vehicles; and to provide for related matters.

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

HOUSE BILL NO. 85—

BY REPRESENTATIVE KLECKLEY
AN ACT

To enact R.S. 22:513.1, relative to title insurance; to require identifying information on acts transferring an interest in residential property; to provide immunity from liability 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. 87—

BY REPRESENTATIVE BARRAS
AN ACT

To rename and designate the Jefferson Street bridge on Louisiana Highway 3156 in Iberia Parish as the "Joe Daigre Memorial Bridge"; and to provide for related matters.

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

HOUSE BILL NO. 91—

BY REPRESENTATIVE ROY
AN ACT

To repeal R.S. 40:1496.14, relative to fire protection districts; to abolish the Rapides Parish Tri Fire Protection District.

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

HOUSE BILL NO. 93—

BY REPRESENTATIVE MORRIS
AN ACT

To amend and reenact R.S. 40:1496(B)(5), relative to fire protection districts; to provide for additional members of the board of commissioners of Caddo Parish Fire District Number One; to provide relative to the appointment and terms of the additional members; 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. 104—

BY REPRESENTATIVE DOWNS
AN ACT

To amend and reenact R.S. 47:1837(G), relative to hearings of the Louisiana Tax Commission; to require certain hearings of the commission to be held at the state capitol; to provide relative to the duties of the commission; 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.

HOUSE BILL NO. 149—

BY REPRESENTATIVE POPE
AN ACT

To amend and reenact R.S. 11:701(33)(a)(viii), relative to the Teachers' Retirement System of Louisiana; to exclude certain employees of the Louisiana High School Athletic Association from membership in such system; 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.

HOUSE BILL NO. 150—

BY REPRESENTATIVE DOWNS
AN ACT

To enact R.S. 11:710(A)(4), relative to the Teachers' Retirement System of Louisiana; to allow certain retirees reemployed as adjunct professors to receive benefits during reemployment; 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. 159—

BY REPRESENTATIVE ROSALIND JONES
AN ACT

To enact R.S. 33:9038.65, relative to the city of Monroe; to create the Ouachita Riverfront Development Commission as a special taxing district within the city; to provide relative to the purpose, boundaries, governance, and powers and duties of the district; to provide relative to district funding, including the authority to use tax increment financing; 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. 160—

BY REPRESENTATIVE SAM JONES
AN ACT

To enact R.S. 33:103(C)(1)(m) and 4780.46.1, relative to the parish of St. Mary; to provide relative to the planning and zoning commission and to the board of adjustment; to authorize the parish governing authority to pay a per diem to members of the commission and the board; to provide for the rate of per diem and the number of meetings for which per diem is to be paid; to require the governing authority to pay per diem from parish funds; 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. 162—

BY REPRESENTATIVE AUSTIN BADON
AN ACT

To enact R.S. 33:9091.18, relative to Orleans Parish; to create the Pressburg East Neighborhood Improvement and Security District within the parish; to provide relative to the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; 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. 164—

BY REPRESENTATIVE HILL
AN ACT

To designate that section of Louisiana Highway 113, between its intersection with Louisiana Highway 10, in Vernon Parish, to the Occupy II Baptist Church as the "Staff Sergeant Robert 'Pete' Sweat Memorial Highway"; and to provide for related matters.

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

May 17, 2011

HOUSE BILL NO. 182—
BY REPRESENTATIVE GIROD JACKSON
AN ACT

To amend and reenact R.S. 38:2225.2.1(A)(3), relative to public contracts; to extend the time relative to the utilization of design-build contracts under certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 192—
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 38:2212(A)(1)(f)(iii) and (iv) and 2212.1(B)(4)(c) and (d) and to enact R.S. 38:2212(A)(1)(f)(vi) and (vii) and 2212.1(B)(4)(f), relative to public contracts; to provide an exception for electronic bidding in certain parishes; to authorize public entities to require electronic bidding; and to provide for related matters.

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

HOUSE BILL NO. 193—
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 3:1407, 1421(1)(b), (2)(a) and (b), and (3), 1430.13(A) and (D), 1655(C)(3) and (5)(a), 2311(B) and (D)(1), 3210(C)(1), and 3806(G)(2) and (4)(a), relative to certain funds within the Department of Agriculture and Forestry; to provide for the merger of the Feed Fund and the Fertilizer Fund; to provide for the merger of the Crop Pests and Diseases Fund, the Apiary Fund, and the Horticulture Fund; to provide for the Pesticide Fund; to provide for the disposition of monies; and to provide for related matters.

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

HOUSE BILL NO. 195—
BY REPRESENTATIVES RICHARDSON, BOBBY BADON, BARROW, BISHOP, CARMODY, FOIL, HARDY, HENDERSON, PUGH, SEABAUGH, AND THIBAUT
AN ACT

To amend and reenact R.S. 37:1861(A)(1) and (B)(2), 1862.1, 1864, 1864.2(B), 1869(A), and 1870, to enact R.S. 37:1861(A)(5), (6), and (7) and (B)(5), 1861.1, 1864.2(C) and (D), 1864.3, and 1864.4, and to repeal Part V of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:571 through 579, relative to secondhand dealers; to define "secondhand dealer"; to provide for an exemption for motor vehicle dismantlers and parts recyclers; to provide for an exemption for certain persons performing waste management and recycling; to prohibit certain purchases of secondhand property; to provide an exemption for pawnbrokers; to require a record of secondhand property purchased; to require the record to be kept for three years; to require the record to be made available for inspection by law enforcement; to prohibit the purchase of junk from minors; to require a statement of ownership from the seller; to provide that failure to obtain the statement shall be prima facie evidence of fraud; to provide for exoneration from fraudulent, willful, or criminal knowledge; to require payment by check or money order; to require daily reports; to provide for violations; to provide for penalties; to repeal provisions regulating the purchase of junk; to repeal provisions regulating the purchase of certain metals; 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. 207—
BY REPRESENTATIVE JOHNSON
AN ACT

To enact R.S. 33:2740.18.5, relative to taxing authority of municipalities; to authorize certain municipalities, subject to voter approval, to levy and collect a hotel occupancy tax; to provide relative to collection and use of proceeds of the tax; 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.

HOUSE BILL NO. 208—
BY REPRESENTATIVE SAM JONES
AN ACT

To amend and reenact R.S. 34:321, relative to the Morgan City Harbor and Terminal District; to expand the territorial limits of the Morgan City Harbor and Terminal District; and to provide for related matters.

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

HOUSE BILL NO. 214—
BY REPRESENTATIVE DIXON
AN ACT

To enact R.S. 11:2220(B)(2)(c), relative to the Municipal Police Employees' Retirement System; to allow a member to designate a trustee for survivor benefits payable to a child; 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.

HOUSE BILL NO. 219—
BY REPRESENTATIVES SAM JONES, BARRAS, CHAMPAGNE, CORTEZ, GUILLORY, HARRISON, HAZEL, LAMBERT, LEBAS, LEGER, MCVEA, GARY SMITH, ST. GERMAIN, AND WILLIAMS AND SENATOR MILLS
AN ACT

To amend and reenact R.S. 30:2000.12(C), relative to the Atchafalaya Basin Conservation Fund; to provide for funds to purchase, from willing sellers, land in the Atchafalaya Basin; 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. 228—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 47:462(B)(3)(a) and (6) and (C), 475, and 508(F), relative to truck registration taxes or fees; to modify registration tax or fee schedule for trucks of certain weights; and to provide for related matters.

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

HOUSE BILL NO. 281—
BY REPRESENTATIVE ELLINGTON
AN ACT

To amend and reenact R.S. 47:1923(D)(1), relative to tax assessors; to require the payment by an assessor of premiums for group insurance for coverage of certain retirees of the office of the assessor in certain parishes; 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. 282—
BY REPRESENTATIVE ELLINGTON
AN ACT

To amend and reenact Section 3 of Act No. 345 of the 2005 Regular Session of the Legislature, relative to sales and use taxes; to provide relative to the state sales and use tax exclusion for certain alternative substances used as fuel by manufacturers; to

extend the effectiveness of the exclusion; 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 Revenue and Fiscal Affairs.

HOUSE BILL NO. 296—

BY REPRESENTATIVE GREENE

AN ACT

To enact R.S. 56:639.8(E)(3), relative to the Artificial Reef Development Fund; to allow the monies in said fund to be used by the Department of Wildlife and Fisheries for inshore fisheries habitat enhancement projects; 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. 299—

BY REPRESENTATIVE CHAMPAGNE

AN ACT

To enact R.S. 47:463.152 and 463.153, relative to motor vehicle special prestige license plates; to provide for the creation, issuance, and design of such license plates; to provide relative to the fee and distribution of fees for such plates; to authorize the promulgation of rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 355—

BY REPRESENTATIVE BROSETT

AN ACT

To amend and reenact R.S. 33:4071(B) and to enact R.S. 33:4071(A)(3), relative to the city of New Orleans; to provide relative to the sewerage and water board of the city; to provide relative to the authority of the mayor to designate a person to attend meetings of the board in his absence; to provide relative to the qualifications and powers and duties of any such person; 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. 369—

BY REPRESENTATIVES GARY SMITH, BALDONE, BARROW, BISHOP, BURRELL, GISCLAIR, HARDY, HOFFMANN, SAM JONES, KATZ, LAFONTA, MONICA, MONTOUCET, PATRICIA SMITH, ST. GERMAIN, STIAES, AND WILLMOTT

AN ACT

To amend and reenact R.S. 11:710(D) and to enact R.S. 11:710(A)(4), relative to the Teachers' Retirement System of Louisiana; to allow certain reemployed retirees to receive benefits during reemployment; 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.

HOUSE BILL NO. 372—

BY REPRESENTATIVES MCVEA AND MONICA

AN ACT

To enact R.S. 56:799, relative to revenues generated on the MC Davis Property; to create the MC Davis Conservation Fund in the state treasury as a fund within the Conservation Fund; to provide for deposits of monies into the fund; to provide for investment and uses of monies in the fund; 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. 393—

BY REPRESENTATIVE GUILLORY

AN ACT

To enact R.S. 11:1151(H), 1151.1(J), 1165.1, 1302.1, 1315, 1945(D), 1965(C), and 1975(C) and to repeal R.S.11:1141(D), 1141.1, 1141.2, 1141.3, 1153, 1336, 1337, and 1338, relative to the Louisiana School Employees' Retirement System, the State Police Pension and Retirement System, and the Parochial Employees' Retirement System; to provide relative to compliance with applicable federal tax qualification requirements; 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.

HOUSE BILL NO. 424—

BY REPRESENTATIVES MONTOUCET, BOBBY BADON, BALDONE, BARRAS, BISHOP, BROSETT, CHAMPAGNE, CONNICK, CORTEZ, DIXON, DOERGE, DOVE, EDWARDS, ELLINGTON, GISCLAIR, GUILLORY, GUINN, HARDY, HARRISON, HENRY, HUVAL, SAM JONES, LANDRY, LEBAS, LEGER, LOPINTO, PONTI, RITCHIE, ROBIDEAUX, ST. GERMAIN, TEMPLET, AND TUCKER

AN ACT

To enact Chapter 14 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:671 through 674, to provide for the Louisiana French Language Services Program; to provide for identification of employees in state departments who can provide services in French or assist employees in providing services to French-speaking persons; to provide for development and implementation of the program by the Department of Culture, Recreation and Tourism in concert with the Council for the Development of French in Louisiana; 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. 466—

BY REPRESENTATIVE DANAHAY

AN ACT

To enact R.S. 47:2212, relative to Calcasieu Parish; to provide relative to the sale of adjudicated property by the parish; to authorize the governing authority of the parish to sell such property without notification to political subdivisions created by the parish, subject to limitations; to provide relative to the cancellation of tax liens, assessments, penalties, or other charges; 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. 485—

BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 33:9097.8(D)(1) through (3), (F), (G)(1), and (H)(2) and to enact R.S. 33:9097.8(I), relative to the Broadmoor Crime Prevention and Improvement District; to provide for membership on the board of commissioners of the district; to provide for terms of the commissioners; to provide for the levy of a parcel fee; to provide relative to the taxing authority of the district; to provide relative to the district's budget; to provide for indemnity for commissioners; to provide for vacancies and subsequent appointments to 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. 493—

BY REPRESENTATIVE LORUSSO

AN ACT

To enact R.S. 38:2212.10, relative to the procurement of services; to provide for public entities that are not subject to the State Procurement Code; and to provide for related matters.

May 17, 2011

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

HOUSE BILL NO. 531— BY REPRESENTATIVE ROBIDEAUX AN ACT

To amend and reenact R.S. 44.4.1(B)(18) and to enact Chapter 13-M of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4720.201, to create the Lafayette Parish Redevelopment Authority; to provide for the formation of a program or programs in the parish of Lafayette for the use of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas; to allow the rehabilitation, clearance, and redevelopment of slum, blighted, and distressed areas; to provide for the expeditious conversion of blighted or underused property into habitable residential dwellings in the parish of Lafayette; to define the duties, liabilities, authority, and functions of the redevelopment authority; to authorize public bodies to furnish funds, services, facilities, and property in aid of redevelopment projects; 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. 565— BY REPRESENTATIVE DIXON AND SENATOR MCPHERSON AN ACT

To rename and designate the KCS underpass on Louisiana Highway 165 in Rapides Parish as the "Fred H. Baden Underpass"; and to provide for related matters.

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

HOUSE BILL NO. 595— BY REPRESENTATIVES LABRUZZO, BALDONE, BARRAS, CHANDLER, GREENE, HOFFMANN, RICHARD, RITCHIE, ROBIDEAUX, JANE SMITH, AND TEMPLET AN ACT

To amend and reenact R.S. 47:6030(B)(1), relative to tax credits; to provide relative to the tax credit for wind or solar energy systems; to authorize the state tax credit in addition to federal grants for the same system; 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.

HOUSE BILL NO. 635— (Substitute for House Bill No. 168 by Representative Thibaut)

BY REPRESENTATIVE THIBAUT AN ACT

To amend and reenact R.S. 32:861(A)(3), 863(A)(3)(a) and (B), and 863.2(A)(6), (E)(1), and (2) and to enact R.S. 22:885(E), relative to the cancellation of automobile insurance by the insured; to provide for notification by the office of motor vehicles to insureds relative to cancellation fees; to provide for the surrender of a vehicle's license plates upon cancellation of liability coverage; to limit the circumstances under which a vehicle owner will not be charged a fee upon cancellation of automobile liability coverage; and to provide for related matters.

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

HOUSE BILL NO. 636— (Substitute for House Bill No. 586 by Representative Hoffmann)

BY REPRESENTATIVES HOFFMANN, ANDERS, ARNOLD, AUSTIN, BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, BURRELL, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CROMER, DANAHAY, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, GEYMAN, GISCLAIR, GREENE, GUILLORY, GUINN, HARDY, HAZEL, HENDERSON, HENRY, HENSGENS, HILL, HINES, HONORE, HOWARD, HUTTER, JOHNSON, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAMBERT, LANDRY, LEBAS, LIGI, LITTLE, LOPINTO, LORUSSO, MCVEA, MONICA, NOWLIN, PEARSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SEABAUGH, SMILEY, GARY

SMITH, JANE SMITH, TALBOT, TEMPLET, THIBAUT, THIERRY, WHITE, WILLIAMS, AND WILLMOTT

AN ACT

To amend and reenact R.S. 40:1299.35.6, 1299.35.9(A)(1) and (B)(2), and 1299.35.19 and to enact R.S. 40:1299.35.1(11) and 1299.35.5.1, relative to abortion; to require certain signage in abortion facilities; to provide for certain requirements of the Department of Health and Hospitals relative to abortion; to provide for voluntary and informed consent criteria; to provide for delivery of certain information under the Woman's Right to Know law; to provide relative to conscience in health care protection, including provisions relative to living human embryos; to provide for penalties; 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 Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 89— BY REPRESENTATIVES LIGI, BILLIOT, GISCLAIR, HENRY, GIROD, JACKSON, LABRUZZO, LOPINTO, TALBOT, TEMPLET, TUCKER, WILLMOTT, AND WOOTON AND SENATORS ALARIO, APPEL, HEITMEIER, MARTINY, MORRELL, AND QUINN A CONCURRENT RESOLUTION

To commend Manny Barocco, director of athletics for the Jefferson Parish Public School System, upon his selection as the 2011 Athletic Director of the Year by the National Association for Sport and Physical Education.

The resolution was read by title. Senator Alario moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of members and their counts for Yeas and Nays.

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Absent. Lists names of absent members.

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

HOUSE CONCURRENT RESOLUTION NO. 95— BY REPRESENTATIVE AUSTIN BADON A CONCURRENT RESOLUTION

To commend Frank Garnett upon his induction into the Grambling Legends Sports Hall of Fame in July of 2011.

The resolution was read by title. Senator Willard-Lewis moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Morrish
Adley	Guillory	Murray
Alario	Heitmeier	Nevers
Amedee	Jackson	Perry
Appel	Kostelka	Peterson
Broome	LaFleur	Quinn
Chabert	Long	Riser
Cheek	Marionneaux	Shaw
Claitor	Martiny	Smith
Crowe	Michot	Thompson
Donahue	Mills	Walsworth
Erdey	Morrell	Willard-Lewis
Total - 36		

NAYS

Total - 0

ABSENT

Dorsey	McPherson	Mount
Total - 3		

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

HOUSE CONCURRENT RESOLUTION NO. 99—
BY REPRESENTATIVE HARRISON

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the legislature upon the death of Easton DeHart.

The resolution was read by title. Senator Gautreaux moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Perry
Amedee	Kostelka	Peterson
Appel	LaFleur	Quinn
Broome	Long	Riser
Chabert	Marionneaux	Shaw
Cheek	Martiny	Smith
Claitor	Michot	Thompson
Crowe	Mills	Walsworth
Donahue	Morrell	Willard-Lewis
Erdey	Morrish	
Gautreaux	Mount	
Total - 37		

NAYS

Total - 0

ABSENT

Dorsey	McPherson
Total - 2	

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

HOUSE CONCURRENT RESOLUTION NO. 101—

BY REPRESENTATIVE BILLIOT

A CONCURRENT RESOLUTION

To express heartfelt good wishes to the Louisiana shrimping fleet as they embark on Opening Day of the 2011 brown shrimp season.

The resolution was read by title. Senator Alario moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Perry
Amedee	Kostelka	Peterson
Appel	LaFleur	Quinn
Broome	Long	Riser
Chabert	Marionneaux	Shaw
Cheek	Martiny	Smith
Claitor	Michot	Thompson
Crowe	Mills	Walsworth
Erdey	Morrell	Willard-Lewis
Gautreaux	Morrish	
Total - 35		

NAYS

Total - 0

ABSENT

Donahue	McPherson
Dorsey	Mount
Total - 4	

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

HOUSE CONCURRENT RESOLUTION NO. 103—

BY REPRESENTATIVE LAMBERT

A CONCURRENT RESOLUTION

To proclaim May 21 through May 27, 2011, as "Safe Boating Week" in Louisiana.

The resolution was read by title. Senator Amedee moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Morrish
Adley	Guillory	Murray
Alario	Heitmeier	Nevers
Amedee	Jackson	Perry
Appel	Kostelka	Peterson
Broome	LaFleur	Quinn
Chabert	Long	Riser
Cheek	Marionneaux	Shaw
Claitor	Martiny	Smith
Crowe	Michot	Thompson
Donahue	Mills	Walsworth
Erdey	Morrell	Willard-Lewis
Total - 36		

NAYS

Total - 0

May 17, 2011

ABSENT

Dorsey McPherson Mount
Total - 3

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

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

May 17, 2011

To the President and Members of the Senate:

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

SENATE BILL NO. 155— BY SENATOR MARTINY

AN ACT

To amend and reenact Children's Code Articles 1187 and 1188(C) and to enact R.S. 40:73(E), relative to adoptions; to provide for accessing original birth certificates under certain circumstances; and to provide for related matters.

Reported favorably.

Respectfully submitted, JULIE QUINN Chairman

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 2— BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:2091(B) and (C), relative to the Registrars of Voters Employees' Retirement System; to provide for membership of and election to the board of trustees; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 2 by Senator Guillory

AMENDMENT NO. 1

On page 1, line 13 change "ex-officio, and" to "ex-officio, and ex officio, or his designee"

AMENDMENT NO. 2

On page 1, line 15 change "ex-officio, and" to "ex-officio, and ex officio, or his designee"

AMENDMENT NO. 3

On page 2, delete lines 2 and 3 in their entirety and insert in lieu thereof the following: "Association Employees' Retirement System according to such the rules and regulations adopted by as the board of trustees shall adopt to govern such elections. The term of office of"

AMENDMENT NO. 4

On page 2, line 4, after "four years" insert "; provided, however, that one elected member whose term of office begins January 1, 2012, shall serve an initial term of two years, with subsequent terms of four years"

AMENDMENT NO. 5

On page 2, line 5 after "consecutive" and before "terms" insert "four-year"

AMENDMENT NO. 6

On page 2, line 6, delete "July 1" and insert "December 31"

AMENDMENT NO. 7

On page 2, at the beginning of line 12, delete "July 1" and insert "December 31" and after "extended to" delete "July first" and insert "December thirty-first" and at the end of line 12 delete the comma and insert a period and delete lines 13 through 16 in their entirety.

AMENDMENT NO. 8

On page 2, between lines 24 and 25 insert the following: "Section 2. The board of trustees of the retirement system shall promulgate rules in accordance with the Administrative Procedure Act and take any other action the board deems necessary and prudent for the orderly transition and implementation of the provisions of this Act."

AMENDMENT NO. 9

On page 2, at the beginning of line 25, delete "Section 2. This" and insert "Section 3. The provisions of Sections 2, 3, and 4 of this"

AMENDMENT NO. 10

On page 2, after line 27 insert the following: "Section 4. The provisions of Section 1 of this Act shall become effective on January 1, 2012."

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

SENATE BILL NO. 3— BY SENATOR GAUTREUX

AN ACT

To amend and reenact R.S. 11: 2174.2 and 2178(B)(1)(b), (C), and (I)(1), relative to the Sheriffs' Pension and Relief Fund; to provide for changes to the existing defined benefit plan; to provide for calculation of benefits and retirement eligibility requirements for new hires; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 3 by Senator Gautreaux

AMENDMENT NO. 1

On page 1, line 5 change "new hires" to "persons whose system membership begins after a certain date"

AMENDMENT NO. 2

On page 2, line 16 change "the person" to "him"

AMENDMENT NO. 3

On page 3, line 24 change "the person" to "him"

AMENDMENT NO. 4

On page 3, delete line 14 and insert "fifty-five; or,"

AMENDMENT NO. 5

On page 3, line 21 change "sixty-two; or" to "sixty-two."

AMENDMENT NO. 6

On page 3, line 23 change "~~sixty; or~~" to "sixty."

AMENDMENT NO. 7

On page 4, line 17 after "2012." delete "~~and~~"

AMENDMENT NO. 8

On page 4, at the beginning of line 24 change "in a system" to "in another system"

AMENDMENT NO. 9

On page 4, line 29 change "under" to "pursuant to"

AMENDMENT NO. 10

On page 7, delete line 6 in its entirety and insert in lieu thereof the following: "fund of these circumstances, ~~to present presenting~~ satisfactory evidence of same, and ~~to request requesting~~"

AMENDMENT NO. 11

On page 7, delete lines 19 and 20 in their entirety and insert in lieu thereof the following: "the pension fund of these circumstances, ~~to present presenting~~ satisfactory evidence of same, and ~~to request requesting~~ the change of the reduced benefit to the maximum benefit. Adjustment"

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

SENATE BILL NO. 16—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 33:4580(B)(1)(b) and (3), relative to the Vernon Parish Arena District; to provide relative to governance; and to provide for related matters.

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

SENATE BILL NO. 17—

BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 33:2541.1(B)(1), relative to the position of deputy chief of police for the city of Jennings; to provide for qualifications; and to provide for related matters.

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

SENATE BILL NO. 18—

BY SENATOR LAFLEUR

AN ACT

To enact 33:381(C)(31), relative to the town of Simmesport; to provide that the chief of police shall be appointed; to provide for the time of the initial appointment; to provide for the method of appointment and for the salary, term, duties, and supervision of the police chief; to provide for the qualifications of the police chief; and to provide for related matters.

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

SENATE BILL NO. 19—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 33:3887.5, relative to Sewerage District No. 1 of Rapides Parish; to authorize an increase in the amount of per diem paid to members of the board of supervisors; and to provide for related matters.

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

SENATE BILL NO. 20—

BY SENATOR CROWE

AN ACT

To enact R.S. 33:423.22, relative to the town of Pearl River; to authorize the police chief to take certain personnel actions with respect to police personnel; and to provide for related matters.

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

SENATE BILL NO. 30—

BY SENATOR WALSWORTH

AN ACT

To enact Subpart O of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.38, relative to donations of refunds; to provide for such donations to the Louisiana Bicentennial Commission; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 30 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 4, after "Commission" insert "and Battle of New Orleans Bicentennial Commission"

AMENDMENT NO. 2

On page 1, line 9, after "COMMISSION" insert "AND BATTLE OF NEW ORLEANS BICENTENNIAL COMMISSION"

AMENDMENT NO. 3

On page 1, line 10, at the end of the line insert "and Battle of New Orleans Bicentennial Commission"

AMENDMENT NO. 4

On page 1, line 16, after "et seq.," insert "and Battle of New Orleans Bicentennial Commission, as provided for in Chapter 27-A of that Title (R.S. 25:1238.1 et seq.),"

AMENDMENT NO. 5

On page 2, line 5, after "B.(1)", delete "(a)"

AMENDMENT NO. 6

On page 2, line 6, delete "deposited upon receipt in the state" and delete lines 7 through 23 and insert the following: "remitted to Louisiana Historical Legacy Incorporated, a 501(c)(3) non-profit foundation, registered with the Louisiana Secretary of State's office, to accept donations to assist with funding the statutory missions of the Louisiana Bicentennial Commission and the Battle of New Orleans Bicentennial Commission."

(2) The donations remitted to Louisiana Historical Legacy Incorporated shall be used solely for the purposes provided for in Chapters 27 and 27-A of such Title 25.

(3) The annual reports required by R.S. 25:1238.5 and R.S. 25:1235 shall include an accounting of refund donations received and a detailed explanation of expenditures, as well as a description of the Louisiana Historical Legacy Incorporated's activities.

Section 2. The provisions of this Act shall be applicable to taxable years beginning on or after January 1, 2011 and before January 1, 2016.

Section 3. 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 Marionneaux, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 42—

BY SENATOR WALSWORTH

AN ACT

To amend and reenact Paragraph (6) of Section 5 of Act No. 253 of the 1952 Regular Session of the Legislature, as amended by Act No. 623 of the 2010 Regular Session of the Legislature; Paragraph (15) of Section 5 of Act No. 253 of the 1952 Regular Session of the Legislature; and Section 6 of Act No. 253 of the 1952 Regular Session of the Legislature, as amended by Act No. 623 of the 2010 Regular Session of the Legislature, relative to the city of Bastrop; to provide relative to the powers and duties of the city; to provide relative to restrictions; to provide relative to penalties for the violation of city ordinances; and to provide for related matters.

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

SENATE BILL NO. 44—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 2:319, relative to Beauregard Parish; to increase the number of members of the board of commissioners for the Beauregard Parish Airport Board; and to provide for related matters.

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

SENATE BILL NO. 45—

BY SENATOR SMITH

AN ACT

To enact R.S. 46:1053(EE), relative to Hospital Service District Number Two of Beauregard Parish; to increase the membership of the board of commissioners; to provide relative to the terms of office of the members of the board of commissioners; and to provide for related matters.

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

SENATE BILL NO. 59—

BY SENATORS DONAHUE, APPEL, LAFLEUR, LONG, MARTINY AND NEVERS AND REPRESENTATIVES HARDY, SCHRODER AND SIMON

AN ACT

To amend and reenact R.S. 17:7(5)(b) and to enact R.S. 17:416.21 and 3996(B)(28), relative to student behavior; to provide with respect to the appropriate use of seclusion and physical restraint in response to student behavior; to provide for definitions; to provide relative to rules, guidelines, and procedures; to provide relative to school employee training; to provide for reporting and documentation; to provide for parental notification; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 59 by Senator Donahue

AMENDMENT NO. 1

On page 1, line 4, change "student behavior" to "the behavior of students with exceptionalities"

AMENDMENT NO. 2

On page 1, line 5, after "procedures;" delete the remainder of the line and at the beginning of line 6, delete "employee training;"

AMENDMENT NO. 3

On page 2, at the end of line 1, insert "with exceptionalities as defined in R.S. 17:1942"

AMENDMENT NO. 4

On page 2, line 5, change "Student behavior" to "Behavior of students with exceptionalities"

AMENDMENT NO. 5

On page 2, line 23, change "Brief holding" to "Holding"

AMENDMENT NO. 6

On page 4, line 2, after "who" delete the remainder of the line, and at the beginning of line 3, delete "including the" and insert "uses"

AMENDMENT NO. 7

On page 4, delete lines 16 through 19

AMENDMENT NO. 8

On page 5, delete lines 1 through 4 in their entirety, and at the beginning of line 5, delete "such" and insert the following: "(4) A school employee shall only apply"

AMENDMENT NO. 9

On page 5, at the beginning of line 20, change "H.(1)" to "H."

AMENDMENT NO. 10

On page 5, delete lines 23 through 26

AMENDMENT NO. 11

On page 6, delete lines 14 through 16 and insert the following: "K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Plan team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports."

AMENDMENT NO. 12

On page 6, at the beginning of line 17, change "L.(1)" to "L."

AMENDMENT NO. 13

On page 6, line 18, between "whose" and "behavior" insert "challenging"

AMENDMENT NO. 14

On page 6, delete lines 20 through 29

AMENDMENT NO. 15

On page 7, at the beginning of line 1, change "N." to "M."

AMENDMENT NO. 16

On page 7, at the beginning of line 3, change "(1)(a)" to "(1)"

AMENDMENT NO. 17

On page 7, at the beginning of line 4, change "(i)" to "(a)"

AMENDMENT NO. 18

On page 7, at the beginning of line 5, change "(ii)" to "(b)"

AMENDMENT NO. 19

On page 7 at the beginning of line 7, change "(iii)" to "(c)"

AMENDMENT NO. 20

On page 7, at the beginning of line 9, change "(b)" to "(2)"

AMENDMENT NO. 21

On page 7, line 10, after "and" delete the remainder of the line and insert "every parent of a child with an exceptionality."

AMENDMENT NO. 22

On page 7, delete lines 11 through 29

AMENDMENT NO. 23

On page 8, at the beginning of line 1, change "**O.(1)**" to "**N.(1)**"

AMENDMENT NO. 24

On page 8, line 5, between "**restraint of**" and "**and**" change "**a student**" to "**students with exceptionalities**"

AMENDMENT NO. 25

On page 8, at the end of line 7, change "**employee**" to "**employees**"

AMENDMENT NO. 26

On page 8, line 19, change "**students**" to "**students with exceptionalities**"

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

SENATE BILL NO. 66—

BY SENATORS RISER AND CHEEK
AN ACT

To enact R.S. 23:998, relative to the verification of legal status of certain aliens prior to employment in public contract work; to provide for definitions; to provide for the scope of applicability; to provide for the cost of such verification; to provide relative to a de-funding of such federal program; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 66 by Senator Risier

AMENDMENT NO. 1

On page 3, between lines 7 and 8 insert the following:

"(4) Any person, contractor, or employer who complies with the provisions of this Section shall not be liable, either criminally or civilly, under state law for the hiring of an unauthorized alien, as defined in 8 U.S.C. §1324a, if the information obtained in accordance with the status verification system indicated that the individual's federal legal status allowed the employer to hire the employee.

"(5) Any person, contractor, or employer who complies with the provisions of this Section shall not be liable, either criminally or civilly, under state law for a refusal to hire an individual if the information obtained in accordance with the status verification system indicated that the individual's federal legal status was that of an unauthorized alien, as defined in 8 U.S.C. §1324a."

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

SENATE BILL NO. 76—

BY SENATOR MARTINY
AN ACT

To amend and reenact R.S. 38:2211(A)(12) and to enact R.S. 38:2225.5, relative to contracts by public entities; to provide for certain restrictions; to provide for definitions; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 76 by Senator Martiny

AMENDMENT NO. 1

On page 3, between lines 15 and 16, insert:

"E. The provisions of this Section shall not apply to any work-release program or to any contract under the Quality Jobs Program."

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

SENATE BILL NO. 80—

BY SENATOR NEVERS AND REPRESENTATIVE AUSTIN BADON
AN ACT

To amend and reenact R.S. 36:642(C)(1), 643, 645(A)(5), 646, 648, and 649, to repeal R.S. 17:23 and Chapter 34 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3781 through 3784, and to repeal R.S. 36:647, relative to the Department of Education; to provide relative to the offices within the department and their functions; to provide relative to the titles of the officers of the department; to provide relative to the appointment and duties of the deputy superintendent of education; to remove provisions relative to the purposes and functions of certain offices; to remove duplicative and outdated provisions; to delete provisions relative to the establishment, governance, programs, and services of the regional education service centers; and to provide for related matters.

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

SENATE BILL NO. 82—

BY SENATOR DORSEY
AN ACT

To enact R.S. 47:305.66, relative to sales and use taxes; to provide that the state and local sales and use taxes shall not apply to purchases of breastfeeding items; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 82 by Senator Dorsey

AMENDMENT NO. 1

On page 1, at the end of the line 2, delete "and local"

AMENDMENT NO. 2

On page 1, line 3, change "taxes" to "tax"

AMENDMENT NO. 3

On page 1, at the end of line 8, delete "**or any of its**" and on line 9, delete "**political subdivisions**"

AMENDMENT NO. 4

On page 1, delete lines 16 and 17, and delete page 2, and insert:
"Section 2. This Act shall become effective on October 1, 2011."

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

May 17, 2011

SENATE BILL NO. 99—

BY SENATORS MORRELL AND ADLEY
AN ACT

To amend and reenact the introductory paragraph of R.S. 47:6016(E)(2)(a), 6016(E)(2)(a)(iv), and (I) and to enact R.S. 47:6016(E)(2)(a)(v), (vi), and (7) and (8), relative to the new markets tax credit; to provide for the allocation and allowance of tax credits; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 113—

BY SENATOR CROWE
A JOINT RESOLUTION

Proposing to amend Article VII, Section 10(F)(2)(a) and (b) of the Constitution of Louisiana, relative to the expenditure of state funds; to authorize the limited redirection and transfer of funds supporting appropriations or allocations from the state general fund and dedicated funds, including those constitutionally protected or mandated, to be used for other nonmandatory purposes under certain circumstances; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 113 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 2, after "(b)" and before "of the" insert "and to add Article VII, Section 10(F)(4)(g)"

AMENDMENT NO. 2

On page 1, at the end of line 6, insert "to prohibit the limited redirection and transfer of certain funds;"

AMENDMENT NO. 3

On page 1, line 12, after "(b)" and before "of the" insert "and to add Article VII, Section 10(F)(4)(g)"

AMENDMENT NO. 4

On page 2, delete lines 7 and 8 and insert the following: "such allocations and appropriations for a fiscal year **or when there is a decrease in federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures.** Such adjustments may not exceed five percent of the"

AMENDMENT NO. 5

On page 2, at the end of line 21 delete "a"

AMENDMENT NO. 6

On page 2, delete line 22

AMENDMENT NO. 7

On page 2, at the beginning of line 23, delete "year" and insert "**when there is a decrease in federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures**"

AMENDMENT NO. 8

On page 3, between lines 10 and 11, insert the following:
"(4) The provisions of Subparagraphs (1) and (2) of this Paragraph shall not be applicable to, nor affect:
* * *

(g) The Medicaid Trust Fund for the Elderly created under the provisions of R.S. 46:2691 et seq.
* * *

AMENDMENT NO. 9

On page 3, delete lines 21 and 22 and insert the following: "general fund have been made or when there is a decrease in federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures; to authorize, for the purposes of the budget estimate and"

AMENDMENT NO. 10

On page 3, delete lines 25 and 26 and insert the following: "forecast for the current fiscal year or when there is a decrease in federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures, an amount not to exceed five"

AMENDMENT NO. 11

On page 3, line 29, after "law or" delete the remainder of the line and insert the following: "constitution; to prohibit adjustments of allocations and appropriations from the Medicaid Trust Fund for the Elderly.

(Amends Article VII, Section 10(F)(2)(a) and (b) and adds Article VII, Section 10(F)(4)(g))"

AMENDMENT NO. 12

On page 4, delete line 1

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

SENATE BILL NO. 114—

BY SENATOR CROWE
AN ACT

To amend and reenact R.S. 39:75(A)(1), (B), and the introductory paragraph of (E), relative to the expenditure of state funds; to authorize the limited redirection and transfer of funds supporting appropriations or allocations from the state general fund and dedicated funds, including those constitutionally protected or mandated, to be used for other nonmandatory purposes under certain circumstances; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 114 by Senator Crowe

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 39:2(11.1), the introductory paragraph of 75(C), and the introductory paragraph of R.S. 39:75(E) and to enact R.S. 39:75(F), relative"

AMENDMENT NO. 2

On page 1, line 6, after "circumstances;" and before "to provide" insert "to define projected deficit for certain circumstances;"

AMENDMENT NO. 3

On page 1, line 9, after "Section 1." delete the remainder of the line and insert "R.S. 39:2(11.1), the introductory paragraph of 75(C), and the introductory paragraph of R.S. 39:75(E) are hereby amended and reenacted, and R.S. 39:75(F) is hereby enacted"

AMENDMENT NO. 4

On page 1, at the beginning of line 10, delete "amended and reenacted"

AMENDMENT NO. 5

On page 1 between lines 10 and 11, insert the following:
"§2. Definitions

As used in this Chapter, except where the context clearly requires otherwise, the words and expressions defined in this Section shall be held to have the meanings here given to them.
* * *

(11.1) "Deficit" means the excess for any fiscal year of actual expenditures paid by warrant or transfer over the actual monies received and any monies or balances carried forward for any fund at the close of the fiscal year as such are reported by the office of statewide reporting within the division of administration. "Projected deficit" means the excess of appropriations and non-appropriated requirements over the official forecast for any fund during any fiscal year. For purposes of determining if adjustments to any constitutionally protected or mandated allocations or appropriations, and the transfer of monies associated with such adjustments, are authorized pursuant to Article VII, Section 10(F)(2)(a) of the Constitution and R.S. 39:75(C) and for purposes of determining if an amount not to exceed five percent of the total appropriations or allocations from any fund established by law or the constitution shall be available for expenditure in the next fiscal year for a purpose other than as specifically provided by law or the constitution as authorized in Article VII, Section 10(F)(2)(b) of the Constitution and R.S. 39:75(E), "projected deficit" shall include a reduction in federal funds when such reduction requires an increase in state funding needed to maintain the current level of those state assistance expenditures for non-discretionary state general fund expenditures.

* * *

AMENDMENT NO. 6

On page 1, delete lines 12 through 17 and insert the following:

"* * *

C. Upon receiving notification that a projected deficit exists or that a decrease in federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures in the current fiscal year is causing an increase in state funding needed to maintain the current level of those state assistance expenditures for non-discretionary state general fund expenditures, the governor shall have interim budget balancing powers to adjust the budget in accordance with the following provisions:"

AMENDMENT NO. 7

On page 2, delete lines 1 through 8

AMENDMENT NO. 8

On page 2, delete lines 12 and 13 and insert the following: "year or if there is a decrease in the federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures in the next fiscal year causing an increase in state funding needed to maintain the current level of expenditures for those state assistance expenditures for non-discretionary state general fund expenditures, the governor and the legislature may employ the following"

AMENDMENT NO. 9

On page 2, between lines 17 and 18, insert the following:

"F. The decreases in the federal financial participation in state assistance expenditures for non-discretionary state general fund expenditures shall be incorporated into the continuation and five-year base line budget projection for the next fiscal year as presented to the Joint Legislative Committee on the Budget."

AMENDMENT NO. 10

On page 2, line 20, after "No." and before "of this" change " ___ " to "113"

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

SENATE BILL NO. 121—
BY SENATOR RISER

AN ACT

To amend and reenact R.S. 23:1533, relative to unemployment compensation experience rating records; to provide for an exception for unemployment caused by acts or omissions of third parties; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 121 by Senator Riser

AMENDMENT NO. 1

On page 1, line 2 after "1533" insert "and 1552(E)"

AMENDMENT NO. 2

On page 1, line 6 delete the line and insert "Section 1. R.S. 23:1533 and 1552(E) are hereby amended and reenacted to read as follows:"

AMENDMENT NO. 3

On page 2, delete lines 15 through 19 and insert the following:

"(4)(a) Benefits shall not be charged against the experience rating records of a claimant's base period employer if both of the following conditions are met:

(i) Benefits are paid in a situation in which the unemployment is caused solely by an act or omission of any third party or parties, or solely by such act or omission in combination with an act of God or an act of war. The determination of the responsibility of any third party or parties shall be as determined by the Oil Pollution Act, 33 U.S.C. 2701, et seq.

(ii) Reimbursement for such benefits shall have been paid by the responsible third party or parties into the Unemployment Trust Fund.

(b) The amount owed by any responsible third party or parties shall equal the amount of regular and extended benefits paid to individuals as a result of the act or omission attributed to the responsible party or parties.

(c) At the end of each calendar quarter, or at the end of any other period as the administrator may prescribe by regulation, the administrator shall charge the responsible party or parties accordingly.

(d) Paragraph (4) of Subsection A of this Section is remedial and shall be retroactive to January 1, 2010."

AMENDMENT NO. 4

On page 3, after line 5 insert the following:

"* * *

§1552. Financing benefits paid to employees of nonprofit organizations and of the state, its instrumentalities and political subdivisions and Indian tribes or tribal units

* * *

E.(1) Each employer who is liable for payments in lieu of contributions shall pay to the administrator for the fund the amount of regular benefits plus the amount of extended benefits paid (not reimbursed by the federal government) that are attributable to services in the employ of such employer, except in the following circumstances:

(1)(a) that those benefits Benefits paid to an individual pursuant to R.S. 23:1635 or through any administrative error shall not be charged to the employer's account if it is finally determined that such claimant was not entitled to such benefits or the employer is held not to be liable for such payments; and,

(2) (b) that benefits Benefits paid to an individual who continues to remain in the employ of a base-period employer without a reduction in the number of hours worked or wages paid shall not be charged to the employer's accounts. In addition, any payment previously tendered the administrator on behalf of claims subject to these exceptions, which occur subsequent to July 23, 1981, shall be immediately credited to the employer's account

(2) If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount attributable to each employer who is liable for such payments shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(3)(a) Benefits shall not be charged to the base period employer's account if both of the following conditions are met:

(i) Benefits are paid in a situation in which the unemployment is caused solely by an act or omission of any third party or parties, or solely by such act or omission in combination with an act of God or an act of war. The determination of the responsibility of any third party or parties shall be as determined by the Oil Pollution Act, 33 U.S.C. 2701, et seq.

(ii) Reimbursement for such benefits shall have been paid by the responsible third party or parties into the Unemployment Trust Fund.

(b) The amount owed by any responsible third party or parties shall equal the amount of regular and extended benefits paid to individuals as a result of the act or omission attributed to the responsible party or parties.

(c) At the end of each calendar quarter, or at the end of any other period as the administrator may prescribe by regulation, the administrator shall charge the responsible party or parties accordingly.

(d) Paragraph (3) of Subsection E of this Section is remedial and shall be retroactive to January 1, 2010."

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

SENATE BILL NO. 122—
BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 33:1236(30)(b)(i), (iii), (iv), and (vi), relative to the powers of local governing authorities; to authorize the governing authority of Ascension Parish to require and compel property owners to remove debris, wrecked or used motor vehicles, or any other discarded or abandoned items on their property; to authorize the governing authority to adopt ordinances placing any cost incurred for removal of such debris or items on the ad valorem tax bills of the parish; to authorize a collection fee for the sheriff of such parish; to provide relative to any action brought to contest the placing of such costs on the tax bills; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 122 by Senator Amedee

AMENDMENT NO. 1

On page 1, after line 17, insert asterisks
" * * *

AMENDMENT NO. 2

On page 2, after line 28, insert asterisks
" * * *

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

SENATE BILL NO. 124—
BY SENATOR WALSWORTH

AN ACT

To enact R.S. 33:1236(66), relative to the Ouachita Parish Police Jury; to authorize the prohibition of certain sales; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 124 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 15, change "Shall" to "shall"

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

SENATE BILL NO. 129—
BY SENATOR DONAHUE

AN ACT

To amend and reenact Section 2.1(A), (C)(1), and (P) of Act No. 180 of the 1984 Regular Session of the Legislature, as amended by Act No. 562 of the 2003 Regular Session of the Legislature, Act No. 1214 of the 2003 Regular Session of the Legislature, Act No. 682 of the 2004 Regular Session of the Legislature, and Act No. 178 of the 2007 Regular Session of the Legislature, relative to the St. Tammany Parish Hospital District No. 2; to provide for the membership of the board of commissioners; to provide for residency requirements of the board of commissioners; to provide that members of the board of commissioners who are physicians may contract or accept employment with Slidell Memorial Hospital upon expiration of service as a member of the board; to provide for retroactive effect; and to provide for related matters.

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

SENATE BILL NO. 135—
BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 47:6015, relative to tax credits; to change the research and development tax credit to a rebate and make certain changes in its calculation and administration; to provide for a limitation on the receipt of other tax benefits and incentives; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 135 by Senator Claitor

AMENDMENT NO. 1

On page 6, line 8, after "from the" delete "original due date"

AMENDMENT NO. 2

On page 6, delete line 9, and insert "date on which the rebate was issued."

AMENDMENT NO. 3

On page 6, delete lines 15 through 17 and insert the following:
"I. A taxpayer shall not receive any other incentive administered by the Department of Economic Development for any expenditures for which the taxpayer has received a rebate pursuant to this Section."

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

SENATE BILL NO. 144—
BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 49:308.5, relative to the state treasury; to sunset and abolish certain funds and statutory dedications; to

AMENDMENT NO. 1
On page 1, underline line 10

AMENDMENT NO. 2
On page 1, line 11, change "§300.7" to "§300.33:"

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

SENATE BILL NO. 165—
BY SENATORS WALSWORTH, DORSEY, LAFLEUR, LONG AND NEVERS AN ACT

To enact 17:3351.16, relative to community and technical colleges; to provide relative to increasing the availability and use of electronic textbooks and other instructional materials; to provide relative to the purchase of electronic textbooks and other instructional materials and content; to provide for rules; to provide relative to fees; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 165 by Senator Walsworth

AMENDMENT NO. 1
On page 1, at the beginning of line 2, after "To enact" insert "R.S."

AMENDMENT NO. 2
On page 1, line 9, change "§17:3351.16." to "§3351.16."

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

SENATE BILL NO. 166—
BY SENATOR WALSWORTH AN ACT

To amend and reenact R.S. 34:1401(A) and (B), and to enact R.S. 34:1402(C), relative to membership on the commission; to provide for residency requirements and removal of commissioners failing to attend the required number of regular meetings; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 166 by Senator Walsworth

AMENDMENT NO. 1
On page 1, line 5, change "commission" to "Greater Ouachita Port Commission"

AMENDMENT NO. 2
On page 2, at the end of lines 6 and 12, change "precincts" to "districts"

AMENDMENT NO. 3
On page 2, at the end of line 16, change "wards" to "districts"

AMENDMENT NO. 4
On page 3, line 9, change "Subsection A and B of this" to "R.S. 34:1401(A) and (B)."

AMENDMENT NO. 5
On page 3, delete line 10

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

SENATE BILL NO. 167—
BY SENATOR CHEEK AN ACT

To enact R.S. 33:2589.1, relative to the city of Shreveport; to provide for the creation of the position of chief of fire support staff; to provide for the appointment, powers, qualifications, and responsibilities of such position; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 167 by Senator Cheek

AMENDMENT NO. 1
On page 1, line 9, change "Chief" to "chief"

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

SENATE BILL NO. 171—
BY SENATOR CHAISSON AN ACT

To amend and reenact R.S. 39:94(C)(4)(b), relative to the Budget Stabilization Fund; to provide for deposits into the Budget Stabilization Fund in certain circumstances; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 171 by Senator Chaisson

AMENDMENT NO. 1
On page 1, at the end of line 3, after "to" insert the following: "provide for the interruption of deposits into the Budget Stabilization Fund in certain circumstances; to"

AMENDMENT NO. 2
On page 1, delete lines 15 through 17, and on page 2, delete lines 1 through 7, and insert the following:

(b)(i) Notwithstanding any provision of this Section to the contrary, except pursuant to a specific appropriation by the legislature; if at any time mineral revenues exceed the base as provided in Subparagraphs A(2)(a) and (b) of this Section, and monies in the fund are made available for appropriation or use as provided in Subsection C of this Section, no appropriation or deposit of mineral revenues as provided in Subparagraph A(2)(a) of this Section to the fund shall be made in the same fiscal year as an appropriation, use or withdrawal is made from the fund or until such time as the official forecast exceeds the actual collections of state general fund (direct) revenue for Fiscal Year 2008: in the fiscal year for which money in the fund is appropriated or for which money in the fund is incorporated into the official forecast nor for the ensuing fiscal year, except by specific appropriation by the legislature. Thereafter, deposits of mineral revenues shall resume as provided in Subparagraph A(2)(a) of this Section except in an annual amount not to exceed twenty-five percent of the most recent amount made available for appropriation or use as provided in this Paragraph until either the balance in the fund equals the maximum as provided in Subparagraph C(4)(a) of this Section or an amount equal to the amount made available for appropriation or use is deposited into the fund, whichever is less.

AMENDMENT NO. 3
On page 2, line 10, after "the fund" and before "be made" change "may" to "shall"

AMENDMENT NO. 4

On page 2, line 11, after "**Subsection**" and before "**of this**" change "**(A)**" to "**A**"

AMENDMENT NO. 5

On page 2, line 14, after "No." and before "of this" change "___" to "147"

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

SENATE BILL NO. 187—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 47:6026(E)(1), relative to the Cane River Heritage Area Development Zone; to extend the tax credit provided within the zone to January 1, 2014; and to provide for related matters.

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

SENATE BILL NO. 218—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 39:1800.4(C)(3), relative to state and local correctional facilities; to provide for pre-paid leases of certain state correctional facilities; to provide for certain terms of pre-paid leases of state correctional facilities; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 237—
BY SENATOR WILLARD-LEWIS

AN ACT

To enact R.S. 33:9039(4), relative to special taxing districts; to remove sales tax authority for plaza districts; and to provide for related matters.

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

SENATE BILL NO. 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.

Reported favorably by the Committee on Revenue and Fiscal Affairs.

Rules Suspended

Senator Claitor asked for a suspension of the rules to recommit the bill.

Senator Marionneaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Morrish
Alario	Erdey	Mount
Appel	Kostelka	Nevers
Cheek	McPherson	Perry

Claitor
Crowe
Total - 18

Michot
Mills

Shaw
Walsworth

NAYS

Adley
Amedee
Broome
Chabert
Gautreaux
Total - 14

Heitmeier
Jackson
LaFleur
Marionneaux
Morrell

Murray
Peterson
Riser
Willard-Lewis

ABSENT

Dorsey
Guillory
Long
Total - 7

Martiny
Quinn
Smith

Thompson

The Chair declared the Senate refused to suspend the rules to recommit the bill.

Rules Suspended

Senator Claitor asked for a suspension of the rules.

Senator Marionneaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Alario
Appel
Cheek
Claitor
Crowe
Donahue
Total - 20

Erdey
Kostelka
Long
Martiny
McPherson
Michot
Mills

Morrish
Mount
Nevers
Perry
Shaw
Walsworth

NAYS

Adley
Amedee
Broome
Chabert
Gautreaux
Total - 14

Heitmeier
Jackson
LaFleur
Marionneaux
Morrell

Murray
Peterson
Riser
Willard-Lewis

ABSENT

Dorsey
Guillory
Total - 5

Quinn
Smith

Thompson

The Chair declared the rules were suspended.

Senator Claitor moved that the bill be recommitted to the Committee on Finance.

Senator Marionneaux moved as a substitute motion that the bill be advanced to a Third Reading and Final Passage.

ROLL CALL

The roll was called on the substitute motion with the following result:

YEAS

Adley	Kostelka	Peterson
Amedee	LaFleur	Riser
Broome	Marionneaux	Shaw
Chabert	McPherson	Thompson

May 17, 2011

Gautreaux
Heitmeier
Jackson
Total - 19

Morrell
Murray
Perry

Willard-Lewis

NAYS

Mr. President
Alario
Appel
Cheek
Claitor
Crowe
Total - 17

Donahue
Erdey
Guillory
Long
Martiny
Michot

Mills
Morrish
Mount
Quinn
Walsworth

ABSENT

Dorsey
Total - 3

Nevers

Smith

The Chair declared the bill was ordered engrossed and passed to a Third Reading.

On motion of Senator Marionneaux Senate Bill No. 259, which was just advanced to Third Reading and Final Passage, was made Special Order of the Day No. 1 on Tuesday, May 24, 2011.

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.

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

Rules Suspended

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

HOUSE BILL NO. 276—

BY REPRESENTATIVE MONTOUCET
AN ACT

To amend and reenact R.S. 37:2442(6)(introductory paragraph), 2446.1(C), 2449(B), and 2449.1(B)(4), (C)(1) and (2), and (E), 2449.2(A)(introductory paragraph) and (B), and 2449.3(A) and to enact R.S. 37:2444.1 and 2444.2, relative to hearing aid dealers; to provide for definitions; to establish a testing period for hearing aids; to establish a three-day cooling off period for the purchase of a hearing aid; to provide for continuing education requirements; to provide for temporary training permits; to provide for guidelines for training of temporary training permit holders; to establish sponsor and co-sponsor requirements; to provide for authority of temporary training permit holders; and to provide for related matters.

Senator Smith moved to recommit the bill from the Committee on Commerce, Consumer Protection, and International Affairs to the Committee on Health and Welfare.

Without objection, so ordered.

**Senate Bills and Joint Resolutions on
Third Reading and Final Passage**

SENATE BILL NO. 13—

BY SENATOR MARIONNEAUX
AN ACT

To amend and reenact R.S. 47:297.10(A), relative to income tax deductions; to authorize a deduction for the amount of certain tuition and fees paid to certain elementary and secondary schools; and to provide for related matters.

On motion of Senator Marionneaux, Senate Bill No. 13 was made Special Order of the Day No. 1 on Wednesday, May 18, 2011.

SENATE BILL NO. 21—

BY SENATOR RISER

AN ACT

To amend and reenact R.S. 47:305(D)(1)(c) and (p), relative to exemptions from the sales and use taxes of the state; to provide an exemption for certain water; and to provide for related matters.

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

SENATE BILL NO. 40—

BY SENATORS MORRELL AND ADLEY

AN ACT

To amend and reenact R.S. 47:6021(A), (B)(1), (D)(2)(a)(i) and (b)(i), (H), the introductory paragraph of (I), (I)(2), (I)(6), and (J) and to enact R.S. 47:6021(B)(6), relative to income tax credits; to provide income tax credits for certain brownfields investors; to clarify the applicability of such credit to remediation of public lands; to provide for an effective date; and to provide for related matters.

Floor Amendments

Senator Morrell proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Morrell to Engrossed Senate Bill No. 40 by Senator Morrell

AMENDMENT NO. 1

On page 4, line 9, after "Revenue" insert "and the Department of Environmental Quality"

On motion of Senator Morrell, the amendments were adopted.

Floor Amendments

Senator Marionneaux proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 40 by Senator Morrell

AMENDMENT NO. 1

On page 4, line 18, after "June 30, 2011" insert "and after December 31, 2013"

AMENDMENT NO. 2

On page 4, line 19, after "effective" delete the remainder of the line, delete line 20 and insert: "after December 31, 2009 for tax credits properly authorized on and prior to such date during the time periods provided for in this Subsection."

On motion of Senator Morrell, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Heitmeier	Morrish
Alario	Jackson	Mount
Amedee	Kostelka	Murray
Appel	LaFleur	Perry

Broome	Long	Quinn
Chabert	Martiny	Riser
Cheek	McPherson	Shaw
Claitor	Michot	Walsworth
Crowe	Mills	Willard-Lewis
Gautreaux	Morrell	
Total - 29		

NAYS

Total - 0

ABSENT

Mr. President	Guillory	Smith
Donahue	Marionneaux	Thompson
Dorsey	Nevers	
Erdey	Peterson	
Total - 10		

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

SENATE BILL NO. 53—

BY SENATORS ALARIO AND THOMPSON
A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.8(A)(1)(c), (A)(2), (3), and (4), and (C)(1) of the Constitution of Louisiana, all relative to the Millennium Trust, the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund; to provide for the allocation of interest to the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund; to provide for the dedication of certain proceeds from the Settlement Agreement to the TOPS Fund; to provide for the deposit, transfer, or credit of certain Settlement Agreement proceeds received by the state to the TOPS Fund; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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. 53 by Senator Alario

AMENDMENT NO. 1

On page 1, delete line 14 and insert the following: "Section 10.8(A)(1)(c), (A)(2), (3), (4), and"

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. 53 by Senator Alario

AMENDMENT NO. 1

On page 2, line 19, after "**monies**" and before "**received**", insert "**deposited in and credited to the Millennium Trust**"

AMENDMENT NO. 2

On page 4, line 6, after "**proceeds**" and before "**received**", insert "**deposited in and credited to the Millennium Trust**"

On motion of Senator Alario, the amendments were adopted.

Floor Amendments

Senator Gautreaux proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Gautreaux to Engrossed Senate Bill No. 53 by Senator Alario

AMENDMENT NO. 1

On page 1, line 7 change "the TOPS Fund" to "fund certain unfunded accrued liabilities"

AMENDMENT NO. 2

On page 1, line 8 delete "the TOPS" and at the beginning of line 9 delete "Fund" and insert "certain state public retirement systems"

AMENDMENT NO. 3

On page 2, line 22 delete "**and (c)**" and insert "**, (c), and (d)**"

AMENDMENT NO. 4

On page 3, line 27 after "**Fund**" delete the remainder of the line and delete line 28 and insert "**one-third of all**"

AMENDMENT NO. 5

On page 4, between lines 3 and 4, insert:

"(c) Beginning Fiscal Year 2011-2012, and each fiscal year thereafter, the treasurer shall transfer one hundred percent of the Settlement Agreement proceeds deposited into the Millennium Trust to fund the unfunded accrued liability of the state retirement systems as provided by law. The treasurer shall report annually to the legislature as to the amount of Millennium Trust Settlement Agreement proceeds so funded."

AMENDMENT NO. 6

On page 4, line 4 change "**(c)**" to "**(d)**"

AMENDMENT NO. 7

On page 4, line 7 after "**to the**" delete the remainder of the line and insert "**unfunded accrued liability.**"

AMENDMENT NO. 8

On page 4, delete lines 9 through 29, and on page 5, delete lines 1 through 14

AMENDMENT NO. 9

On page 5, line 26 after "allocated to" delete the remainder of the line and delete lines 27 through 29 in their entirety and insert "fund the unfunded accrued liability of certain state retirement systems."

Senator Gautreaux moved the adoption of the amendments.

Senator Alario objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Jackson	Shaw
Broome	Morrell	Thompson
Gautreaux	Peterson	
Total - 8		

NAYS

Alario	Guillory	Murray
Amedee	Heitmeier	Perry
Appel	Kostelka	Quinn
Chabert	LaFleur	Riser
Cheek	Long	Smith
Claitor	Michot	Walsworth
Crowe	Mills	Willard-Lewis

May 17, 2011

Donahue Morrish
Erdey Mount
Total - 25

ABSENT

Mr. President Marionneau McPherson
Dorsey Martiny Nevers
Total - 6

The Chair declared the amendments were rejected.

Floor Amendments

Senator Jackson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 53 by Senator Alario

AMENDMENT NO. 1
On page 1, line 2, change "(C)(1)" to "(C)(1) and (4)"

AMENDMENT NO. 2
On page 1, line 9, after "Fund;" and before "and to" insert "to provide for uses of the monies in the TOPS Fund;"

AMENDMENT NO. 3
On page 1, delete lines 14 and 15 and insert the following:
"Section 10.8(A)(1)(c), (A)(2), (3), (4), and (4), and (C)(1) and (4) of the Constitution of Louisiana, to read as follows:"

AMENDMENT NO. 4
On page 5, between lines 14 and 15, insert the following:
"(4)(a) Appropriations from the TOPS Fund shall be restricted to support of state programs for financial assistance for students attending Louisiana institutions of postsecondary education.

(b) Notwithstanding the provisions of Subsubparagraph (a) of this Subparagraph, for Fiscal Year 2011-2012, thirty percent of the Settlement Agreement proceeds credited to and deposited into the TOPS Fund as provided by Subsubparagraphs (A)(4)(b) and (c) of this Section shall be appropriated for the Louisiana GO Grant Program to provide Louisiana students with demonstrated financial need, the financial assistance to help cover the cost of attending Louisiana institutions of postsecondary education. No amount appropriated as required herein shall displace, replace, or supplant appropriations from the general fund for the purposes specified. This Subsubparagraph shall mean that no appropriation for any fiscal year from the TOPS Fund shall be made for such purpose for which a general fund appropriation was made in the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceeds general fund appropriations of the previous year.

(c) Notwithstanding the provisions of Subsubparagraph (a) of this Subparagraph, for Fiscal Year 2012-2013 and each fiscal year thereafter, thirty percent of the Settlement Agreement proceeds credited to and deposited into the TOPS Fund as provided by Subsubparagraph (A)(4)(b) of this Section shall be appropriated for the Louisiana GO Grant Program to provide Louisiana students with demonstrated financial need, the financial assistance to help cover the cost of attending Louisiana institutions of postsecondary education. No amount appropriated as required herein shall displace, replace, or supplant appropriations from the general fund for the purposes specified. This Subsubparagraph shall mean that no appropriation for any fiscal year from the TOPS Fund shall be made for such purpose for which a general fund appropriation was made in the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceeds general fund appropriations of the previous year.

AMENDMENT NO. 5
On page 5, at the beginning of line 28, change "institutions;" to "institutions, including thirty percent of the annual Settlement

Agreement proceeds to be appropriated for the Louisiana GO Grant Program for students with demonstrated financial need and shall not displace, replace, or supplant appropriations from the state general fund for such purposes;"

AMENDMENT NO. 6
On page 6, line 1, change "(C)(1))" to "(C)(1) and (4))"

Senator Jackson moved the adoption of the amendments.

Senator Alario objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Jackson	Murray
Broome	LaFleur	Peterson
Chabert	McPherson	Thompson
Gautreaux	Morrell	
Total - 11		

NAYS

Adley	Guillory	Nevers
Alario	Heitmeier	Perry
Amedee	Kostelka	Quinn
Appel	Long	Riser
Cheek	Martiny	Shaw
Claitor	Michot	Smith
Crowe	Mills	Walsworth
Donahue	Morrish	Willard-Lewis
Erdey	Mount	
Total - 26		

ABSENT

Dorsey Marionneau
Total - 2

The Chair declared the amendments were rejected.

Floor Amendments

Senator Peterson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peterson to Engrossed Senate Bill No. 53 by Senator Alario

AMENDMENT NO. 1
On page 1, line 2, change "(C)(1)" to "(C)(1) and to add Article VII, Section 10.8(C)(2)(d)"

AMENDMENT NO. 2
On page 1, line 9, after "Fund;" and before "and to" insert "to provide for the uses of a portion of the monies in the Health Excellence Fund and the TOPS Fund;"

AMENDMENT NO. 3
On page 1, delete lines 14 and 15 and insert the following:
"Section 10.8(A)(1)(c), (A)(2), (3), (4), and (C)(1) and to add Article VII, Section 10.8(C)(2)(d) of the Constitution of Louisiana, to read as follows:"

AMENDMENT NO. 4
On page 3, delete lines 2 through 6 and insert the following:
"(b) Beginning Fiscal Year 2011-2012, and each fiscal year thereafter, the treasurer shall credit to the Health Excellence Fund fifty percent of the Settlement Agreement proceeds deposited into the Millennium Trust, and one-third of all investment earnings on the investment of the Millennium Trust. The treasurer shall report annually to the legislature as to the

amount of Millennium Trust Settlement Agreement proceeds and investment earnings credited to the Health Excellence Fund.

(c) Upon the effective date of this Subsubparagraph, the state treasurer shall deposit, transfer, or otherwise credit funds in an amount equal to fifty percent of such Settlement Agreement proceeds received by the state between April 1, 2011 and the effective date of this Subsubparagraph to the Health Excellence Fund.

AMENDMENT NO. 5

On page 3, line 27, change "**one hundred**" to "**fifty**"

AMENDMENT NO. 6

On page 4, at the end of line 5, after "**equal to**" and before "**such**" insert "**fifty percent of**"

AMENDMENT NO. 7

On page 5, between lines 13 and 14, insert the following:

"(2) Appropriations from the Health Excellence Fund shall be restricted to the following purposes:

* * *

(d)(i) For Fiscal Year 2011-2012, the Settlement Agreement proceeds credited to and deposited into the Health Excellence Fund as provided by Subsubparagraphs (A)(2)(b) and (c) of this Section shall be appropriated for additional funding of the Children's Health Insurance Program, also known as LaCHIP. No amount appropriated as required herein shall displace, replace, or supplant appropriations from the general fund for the purposes specified. This Subsubparagraph shall mean that no appropriation for any fiscal year from the Health Excellence Fund shall be made for such purpose for which a general fund appropriation was made in the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceeds general fund appropriations of the previous year.

(ii) For Fiscal Year 2012-2013 and each fiscal year thereafter, the Settlement Agreement proceeds credited to and deposited into the Health Excellence Fund as provided by Subsubparagraph (A)(2)(b) of this Section shall be appropriated for additional funding of the Children's Health Insurance Program, also known as LaCHIP. No amount appropriated as required herein shall displace, replace, or supplant appropriations from the general fund for the purposes specified. This Subsubparagraph shall mean that no appropriation for any fiscal year from the Health Excellence Fund shall be made for such purpose for which a general fund appropriation was made in the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceeds general fund appropriations of the previous year.

AMENDMENT NO. 8

On page 5, delete lines 25 through 29 and insert the following: "hundred eighty million dollars, fifty percent of the annual Settlement Agreement proceeds shall be allocated to the TOPS Fund to support state programs of financial assistance for students attending Louisiana postsecondary institutions and fifty percent shall be allocated to the Health Excellence Fund for additional funding of LaCHIP and shall not displace, replace, or supplant appropriations from the state general fund for such purposes; to provide for the deposit, transfer, or credit of certain monies in the Millennium Trust to the TOPS Fund and the Health Excellence Fund for such purposes."

AMENDMENT NO. 9

On page 6, at the end of line 1, change "(C)(1)" to "(C)(1) and add Article VII, Section 10.8(C)(2)(d))"

Senator Peterson moved the adoption of the amendments.

Senator Alario objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	McPherson	Peterson
Broome	Mills	Thompson
Gautreaux	Morrell	Willard-Lewis
Jackson	Murray	
Total - 11		

NAYS

Adley	Erdey	Mount
Alario	Guillory	Nevers
Amedee	Heitmeier	Perry
Appel	Kostelka	Quinn
Chabert	LaFleur	Riser
Cheek	Long	Shaw
Claitor	Martiny	Smith
Crowe	Michot	Walsworth
Donahue	Morrish	
Total - 26		

ABSENT

Dorsey	Marionneaux
Total - 2	

The Chair declared the amendments were rejected.

Floor Amendments

Senator Peterson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments (SFASB53 LUECKELJ 881) proposed by Senator Peterson to Engrossed Senate Bill No. 53 by Senator Alario

AMENDMENT NO. 1

On page 1, line 2, change "(C)(1)" to "(C)(1) and to add Article VII, Section 10.8(C)(2)(d)"

AMENDMENT NO. 2

On page 1, line 9, after "Fund;" and before "and to" insert "to provide for the uses of a portion of the monies in the Health Excellence Fund and the TOPS Fund;"

AMENDMENT NO. 3

On page 1, delete lines 14 and 15 and insert the following: "Section 10.8(A)(1)(c), (A)(2), (3), (4), and (C)(1) and to add Article VII, Section 10.8(C)(2)(d) of the Constitution of Louisiana, to read as follows:"

AMENDMENT NO. 4

On page 3, delete lines 2 through 6 and insert the following:
"(b) Beginning Fiscal Year 2011-2012, and each fiscal year thereafter, the treasurer shall credit to the Health Excellence Fund fifty percent of the Settlement Agreement proceeds deposited into the Millennium Trust, and one-third of all investment earnings on the investment of the Millennium Trust. The treasurer shall report annually to the legislature as to the amount of Millennium Trust Settlement Agreement proceeds and investment earnings credited to the Health Excellence Fund.

(c) Upon the effective date of this Subsubparagraph, the state treasurer shall deposit, transfer, or otherwise credit funds in an amount equal to fifty percent of such Settlement Agreement proceeds received by the state between April 1, 2011 and the effective date of this Subsubparagraph to the Health Excellence Fund.

May 17, 2011

AMENDMENT NO. 5

On page 3, line 27, change "one hundred" to "fifty"

AMENDMENT NO. 6

On page 4, at the end of line 5, after "equal to" and before "such" insert "fifty percent of"

AMENDMENT NO. 7

On page 5, between lines 13 and 14, insert the following:
(2) Appropriations from the Health Excellence Fund shall be restricted to the following purposes:

(d)(i) For Fiscal Year 2011-2012, the Settlement Agreement proceeds credited to and deposited into the Health Excellence Fund as provided by Subsubparagraphs (A)(2)(b) and (c) of this Section shall be appropriated for reimbursements to non-state providers of health care services under Louisiana's Medicaid program pursuant to Title XIX of the Social Security Act and Title XXI of the Social Security Act. No amount appropriated as required herein shall displace, replace, or supplant appropriations from the general fund for the purposes specified. This Subsubparagraph shall mean that no appropriation for any fiscal year from the Health Excellence Fund shall be made for such purpose for which a general fund appropriation was made in the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceeds general fund appropriations of the previous year.

(ii) For Fiscal Year 2012-2013 and each fiscal year thereafter, the Settlement Agreements proceeds credited to and deposited into the Health Excellence Fund as provided by Subsubparagraph (A)(2)(b) of this Section shall be appropriated for reimbursements to non-state providers of health care services under Louisiana's Medicaid program pursuant to Title XIX of the Social Security Act and Title XXI of the Social Security Act. No amount appropriated as required herein shall displace, replace, or supplant appropriations from the general fund for the purposes specified. This Subsubparagraph shall mean that no appropriation for any fiscal year from the Health Excellence Fund shall be made for such purpose for which a general fund appropriation was made in the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceeds general fund appropriations of the previous year.

AMENDMENT NO. 8

On page 5, delete lines 25 through 29 and insert the following: "hundred eighty million dollars, fifty percent of the annual Settlement Agreement proceeds shall be allocated to the TOPS Fund to support state programs of financial assistance for students attending Louisiana postsecondary institutions and fifty percent shall be allocated to the Health Excellence Fund for reimbursements to non-state providers of Medicaid health care services and shall not displace, replace, or supplant appropriations from the state general fund for such purposes; to provide for the deposit, transfer, or credit of certain monies in the Millennium Trust to the TOPS Fund and the Health Excellence Fund for such purposes."

AMENDMENT NO. 9

On page 6, at the end of line 1, change "(C)(1)" to "(C)(1) and add Article VII, Section 10.8(C)(2)(d)"

Senator Peterson moved the adoption of the amendments.

Senator Alario objected.

Explanation of Vote

Senator Heitmeier recused himself from voting on Amendment No. 881 to Senate Bill No. 53 since he is a Medicaid provider.

Explanation of Vote

Senator Mills recused himself from voting on Amendment No. 881 to Senate Bill No. 53 since he is a Medicaid provider.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Jackson Peterson
Broome McPherson Thompson
Chabert Morrell Willard-Lewis
Gautreaux Murray
Total - 11

NAYS

Adley Erdey Nevers
Alario Guillory Perry
Amedee Kostelka Quinn
Appel LaFleur Riser
Cheek Long Shaw
Claitor Martiny Smith
Crowe Morrish
Donahue Mount
Total - 22

ABSENT

Dorsey Marionneaux Mills
Heitmeier Michot Walsworth
Total - 6

The Chair declared the amendments were rejected.

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

Adley Heitmeier Nevers
Alario Kostelka Perry
Amedee LaFleur Quinn
Appel Long Riser
Chabert Martiny Shaw
Cheek Michot Smith
Claitor Mills Thompson
Crowe Morrell Walsworth
Donahue Morrish Willard-Lewis
Erdey Mount
Guillory Murray
Total - 31

NAYS

Broome Jackson Peterson
Gautreaux McPherson
Total - 5

ABSENT

Mr. President Dorsey Marionneaux
Total - 3

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. 52—
BY SENATORS ALARIO, THOMPSON AND AMEDEE
AN ACT

To amend and reenact R.S. 39:98.1(A)(3), (B), (C), and (D) and 98.3(A), all relative to the Millennium Trust, the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund; to provide for the allocation of interest to the Health Excellence Fund, the Education Excellence Fund, and the TOPS

Fund; to provide for the dedication of certain proceeds from the Settlement Agreement to the TOPS Fund; to provide for the deposit, transfer, or credit of certain Settlement Agreement proceeds received by the state to the TOPS Fund; to provide for the uses of monies in the fund; 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. 52 by Senator Alario

AMENDMENT NO. 1

On page 2, line 23, change "~~Trust and~~" to "Trust and"

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. 52 by Senator Alario

AMENDMENT NO. 1

On page 2, line 15, after "**monies**" and before "**received**", insert "**deposited in and credited to the Millennium Trust**"

AMENDMENT NO. 2

On page 3, line 22, after "**proceeds**" and before "**received**", insert "**deposited in and credited to the Millennium Trust**"

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

Adley	Guillory	Mount
Alario	Heitmeier	Murray
Amedee	Kostelka	Nevers
Appel	LaFleur	Quinn
Chabert	Long	Riser
Cheek	Martiny	Shaw
Claitor	Michot	Smith
Crowe	Mills	Thompson
Donahue	Morrell	Walsworth
Erdey	Morrish	Willard-Lewis
Total - 30		

NAYS

Gautreaux	Perry
Jackson	Peterson
Total - 4	

ABSENT

Mr. President	Dorsey	McPherson
Broome	Marionneaux	
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.

Explanation of Vote

Senator Perry stated he intended to vote yea on Senate Bill No. 52, and asked that the Official Journal so state.

SENATE BILL NO. 54—

BY SENATOR AMEDEE

AN ACT

To enact R.S. 47:1713, relative to ad valorem property tax; to authorize the prohibition of certain property from being considered exempt for the tax of certain tax authorities in certain parishes; and to provide for related matters.

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

SENATE BILL NO. 90—

BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 3:1615(A)(3) and (B)(1) and to enact R.S. 3:1615(A)(4), relative to the Boll Weevil Eradication Fund; to provide relative to monies received from assessments; to transfer unexpended monies received from assessments to the Louisiana Agricultural Finance Authority; to provide relative to expenses of the program; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Heitmeier	Murray
Alario	Kostelka	Nevers
Appel	LaFleur	Perry
Broome	Long	Quinn
Chabert	Martiny	Riser
Cheek	McPherson	Shaw
Crowe	Michot	Smith
Donahue	Mills	Thompson
Erdey	Morrell	Walsworth
Gautreaux	Morrish	Willard-Lewis
Guillory	Mount	
Total - 32		

NAYS

Claitor	Jackson	Peterson
Total - 3		

ABSENT

Mr. President	Dorsey
Amedee	Marionneaux
Total - 4	

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

SENATE BILL NO. 115—

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 26:80(H) and 280(H), relative to alcohol permits; to require spouses of persons submitting alcohol permit applications to submit their fingerprints in their spouses application; to require partners, stockholders and members of limited liability companies and their spouses to submit their

May 17, 2011

fingerprints with the alcohol permit applicant's application; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Jackson	Murray
Alario	Kostelka	Nevers
Appel	LaFleur	Perry
Chabert	Long	Peterson
Cheek	Martiny	Quinn
Crowe	McPherson	Riser
Donahue	Michot	Shaw
Erdey	Mills	Thompson
Guillory	Morrish	Walsworth
Heitmeier	Mount	Willard-Lewis
Total - 30		

NAYS

Adley	Gautreaux
Claitor	Smith
Total - 4	

ABSENT

Amedee	Dorsey	Morrell
Broome	Marionneaux	
Total - 5		

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

SENATE BILL NO. 123—
BY SENATORS MARTINY AND MORRELL
AN ACT

To amend and reenact R.S. 47:6022(A), (C)(4)(c)(i), (5), (10)(b), and (14), (D)(2), and (E) through (J), and to repeal R.S. 47:6022(K), relative to tax credits; to provide for the name and applicability of the digital interactive media producer tax credit; to provide for a refundable tax credit; to provide for rebates of tax credits under certain circumstances; to provide for definitions, limitations, and program administration; 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. 123 by Senator Martiny

AMENDMENT NO. 1
On page 2, line 10, change "Company" to "Company"

AMENDMENT NO. 2
On page 4, line 9, following "any" insert "credit"

AMENDMENT NO. 3
On page 6, line 7, delete
" * * *

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments

Senator Martiny proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 123 by Senator Martiny

AMENDMENT NO. 1
On page 2, line 12, change ":" to "subject to any of the following:"

AMENDMENT NO. 2
On page 2, line 13, change "Which has" to "Has"

AMENDMENT NO. 3
On page 2, line 14, change ":" to a period "."

AMENDMENT NO. 4
On page 2, line 15, change "Which is" to "Is"

AMENDMENT NO. 5
On page 2, line 16, change ":" or " to a period "."

AMENDMENT NO. 6
On page 2, line 17, change "Who has" to "Has"

AMENDMENT NO. 7
On page 2, line 23, between "include" and ":" insert "any of the following"

AMENDMENT NO. 8
On page 2, line 25, change ":" to a period "."

AMENDMENT NO. 9
On page 2, line 28, change ":" to a period "."

AMENDMENT NO. 10
On page 3, line 1, change ":" to a period "."

AMENDMENT NO. 11
On page 3, line 2, change ":" to a period "."

AMENDMENT NO. 12
On page 3, line 4, change ":" or " to a period "."

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Murray
Adley	Guillory	Nevers
Alario	Heitmeier	Perry
Appel	Kostelka	Quinn
Broome	LaFleur	Riser
Chabert	Long	Shaw
Cheek	Martiny	Smith
Claitor	Michot	Thompson
Crowe	Mills	Walsworth
Donahue	Morrish	Willard-Lewis
Erdey	Mount	
Total - 32		

NAYS

Total - 0

ABSENT

Amedee	Marionneaux	Peterson
Dorsey	McPherson	
Jackson	Morrell	

Total - 7

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

SENATE BILL NO. 131—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 39:75(C)(2)(b), relative to avoidance of budget deficits; to provide for an increase in the authority of the governor to reduce certain appropriations or allocations; to provide for an effective date; and to provide for related matters.

Floor Amendments

Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 131 by Senator Long

AMENDMENT NO. 1

On page 1, line 3, change "an increase in the" to "additional"

AMENDMENT NO. 2

On page 2, at the end of line 12, insert the following:

"Such reductions authorized by this Item shall require the prior approval of a majority of the elected members of each house of the legislature. If the legislature is in session, the approval shall be by resolution or Act. If the legislature is not in session, approval shall be obtained using the same mail ballot procedure used to obtain such approval of action of the Interim Emergency Board."

Senator Adley moved the adoption of the amendments.

Senator Long objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Guillory	Nevers
Alario	Heitmeier	Peterson
Broome	Jackson	Shaw
Chabert	Mills	Thompson
Cheek	Morrish	Willard-Lewis
Claitor	Mount	
Gautreaux	Murray	

Total - 19

NAYS

Mr. President	Kostelka	Quinn
Appel	LaFleur	Riser
Crowe	Long	Smith
Donahue	Martiny	Walsworth
Erdey	Michot	

Total - 14

ABSENT

Amedee	Marionneaux	Morrell
Dorsey	McPherson	Perry

Total - 6

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Perry
Appel	Kostelka	Peterson
Broome	LaFleur	Quinn
Chabert	Long	Riser
Cheek	Martiny	Shaw
Claitor	Michot	Smith
Crowe	Mills	Thompson
Donahue	Morrish	Walsworth
Gautreaux	Mount	Willard-Lewis

Total - 33

NAYS

Total - 0

ABSENT

Amedee	Erdey	McPherson
Dorsey	Marionneaux	Morrell

Total - 6

The Chair declared the amended bill was passed, ordered reengrossed and 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. 137—
BY SENATOR LONG

AN ACT

To enact R.S. 39:75(C)(2)(f) and (F), relative to avoidance of budget deficits; to provide for the use of interest earnings from certain statutorily dedicated funds to reduce a mid-year budget deficit; to provide for additional avoidance measures relative to the occurrence of a budget deficit in the next fiscal year; 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. 137 by Senator Long

AMENDMENT NO. 1

On page 2, line 3, change "**allocation**" to "**allocations**"

AMENDMENT NO. 2

On page 2, line 4, change "**requests**" to "**request**"

AMENDMENT NO. 3

On page 2, line 6, following "**any**" and before "**constitutionally**" change "**which are**" to "**amounts which are**"

AMENDMENT NO. 4

On page 2, line 15, following "**any**" and before "**constitutionally**" change "**which are**" to "**amounts which are**"

On motion of Senator Marionneaux, the amendments were adopted.

May 17, 2011

Floor Amendments

Senator Long proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Long to Engrossed Senate Bill No. 137 by Senator Long

AMENDMENT NO. 1

On page 2, line 11, delete "(F)" and insert "E."

On motion of Senator Long, the amendments were adopted.

Floor Amendments

Senator Long proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Long to Engrossed Senate Bill No. 137 by Senator Long

AMENDMENT NO. 1

On page 2, line 1, after "allocations" insert "or appropriations"

On motion of Senator Long, 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. 137 by Senator Long

AMENDMENT NO. 1

On page 2, delete line 9 and insert the following: "approval of a majority of the elected members of each house of the legislature. If the legislature is in session, the approval shall be by resolution or Act. If the legislature is not in session, approval shall be obtained using the same mail ballot procedure used to obtain such approval of action of the Interim Emergency Board."

On motion of Senator Adley, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Guillory, Nevers, Adley, Heitmeier, Perry, Alario, Jackson, Peterson, Appel, Kostelka, Quinn, Broome, LaFleur, Riser, Chabert, Long, Shaw, Cheek, Martiny, Smith, Claitor, Michot, Thompson, Crowe, Mills, Walsworth, Donahue, Morrish, Willard-Lewis, Erdey, Mount, Murray, Gautreaux, Murray. Total - 34

NAYS

Total - 0

ABSENT

Table with 3 columns: Amedee, Marionneaux, Morrell, Dorsey, McPherson, Total - 5

The Chair declared the amended bill was passed, ordered reengrossed and 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. 182— BY SENATOR THOMPSON

AN ACT

To enact R.S. 15:833.3, relative to the duties of the Department of Public Safety and Corrections; to prohibit any inmate incarcerated in a correctional institution operated by the department to establish an account on any Internet-based social networking website; to provide for penalties; and to provide for related matters.

Floor Amendments

Senator Thompson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Thompson to Engrossed Senate Bill No. 182 by Senator Thompson

AMENDMENT NO. 1

On page 1, line 12, after "website," delete the remainder of the line and delete line 13 in its entirety

AMENDMENT NO. 2

On page 1, between lines 13 and 14, insert the following: "B. "Social networking website" means an Internet-based website that has any of the following capabilities:

(1) Allows users to create web pages or profiles about themselves that are available to the general public or to any other users.

(2) Offers a mechanism for communication among users, such as a forum, chat room, electronic mail, or instant messaging."

AMENDMENT NO. 3

On page 1, line 14, change "B." to "C."

On motion of Senator Thompson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Heitmeier, Nevers, Adley, Jackson, Perry, Alario, Kostelka, Quinn, Appel, LaFleur, Riser, Broome, Long, Shaw, Chabert, Martiny, Smith, Cheek, Michot, Thompson, Crowe, Mills, Walsworth, Donahue, Morrish, Willard-Lewis, Erdey, Mount, Murray, Guillory, Murray. Total - 31

NAYS

Peterson
Total - 1

ABSENT

Amedee	Gautreaux	Morrell
Claitor	Marionneau	
Dorsey	McPherson	
Total - 7		

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

SENATE BILL NO. 202—
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 15:572.1(A) and (F), 572.2, 574.1, and 574.2(D)(4) and to enact R.S. 15:572.1(G) and 574.2(A)(5) and (H), relative to the Board of Pardons and the Board of Parole; to provide relative to the membership of the Board of Pardons; to provide for an ex officio, nonvoting member of the Board of Pardons; to provide relative to the duties and obligations of the Board of Parole; to require training for the members of the Board of Parole; to require annual reporting by the Board of Parole; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Murray
Adley	Heitmeier	Nevers
Alario	Jackson	Perry
Appel	Kostelka	Peterson
Broome	LaFleur	Quinn
Chabert	Long	Riser
Cheek	Martiny	Shaw
Claitor	McPherson	Smith
Crowe	Michot	Thompson
Donahue	Mills	Walsworth
Erdey	Morrish	Willard-Lewis
Gautreaux	Mount	
Total - 35		

NAYS

Total - 0

ABSENT

Amedee	Marionneau
Dorsey	Morrell
Total - 4	

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

SENATE BILL NO. 60—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 37:1218, relative to the administration of certain immunizations; to provide for a pharmacist to administer certain immunizations; and to provide for related matters.

Floor Amendments

Senator Marionneau sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneau on behalf of the Legislative Bureau to Engrossed Senate Bill No. 60 by Senator Mills

AMENDMENT NO. 1

On page 1, line 17, following "**Louisiana State**" and before "**, to participate**" change "**Immunization Manual**" to "**Immunization Policies and Procedures Manual**"

On motion of Senator Marionneau, 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. 60 by Senator Mills

AMENDMENT NO. 1

On page 2, line 1 after "**Compensation**" and before "." delete "**Act**" and insert "**Program**"

On motion of Senator Mills, 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. 60 by Senator Mills

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 2, after line 25 insert the following:
"Section 2. The provisions of this Act shall only become effective upon the final adoption of rules and regulations duly promulgated in accordance with the Administrative Procedure Act by the Louisiana Board of Pharmacy pursuant to the provisions of this Act."

On motion of Senator Mills, the amendments were adopted.

Senator Broome in the Chair

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	Donahue	Michot
Adley	Gautreaux	Mills
Alario	Guillory	Murray
Appel	Heitmeier	Nevers
Broome	Kostelka	Quinn

May 17, 2011

Chabert
Crowe
Total - 21

LaFleur
McPherson

NAYS

Shaw
Willard-Lewis

Cheek
Claitor
Erdey
Jackson
Long
Total - 13

Martiny
Morrish
Mount
Perry
Peterson

Smith
Thompson
Walsworth

ABSENT

Amedee
Dorsey
Total - 5

Marionneaux
Morrell

Riser

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

Rules Suspended

Senator Riser asked for and obtained a suspension of the rules to advance to Senate Bill No. 108.

SENATE BILL NO. 108—
BY SENATOR RISER

AN ACT

To amend and reenact R.S. 18:402(F) and 1352, relative to the Louisiana Election Code; to provide relative to the use of voting machines in elections; to provide for the use of paper ballots in elections; to provide relative to tax elections; to provide that local tax elections can only be held at the same time as statewide and congressional primary elections; to provide a limitation on the number of emergency tax elections that can be held; and to provide for related matters.

On motion of Senator Riser the bill was recommitted to the Committee on Finance.

Rules Suspended

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

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 34—
BY SENATOR THOMPSON

A RESOLUTION

To commend and congratulate the players, coaches, and managers of the Carroll High School boys basketball team on winning the Class 3-A state championship.

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

**Introduction of
Senate Concurrent Resolutions**

SENATE CONCURRENT RESOLUTION NO. 36—
BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To express the sincere heartfelt condolences of the Legislature of Louisiana upon the death of former state Senator, Guy W. Sockrider, Jr.

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

Message from the House

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

May 17, 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. 118 | HB No. 339 | HB No. 599 |
| HB No. 420 | HB No. 445 | HB No. 592 |
| HB No. 602 | HB No. 217 | HB No. 12 |
| HB No. 31 | HB No. 75 | HB No. 78 |

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

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

HOUSE BILL NO. 12—

BY REPRESENTATIVES TEMPLET, ARNOLD, AUBERT, BALDONE, BILLIOT, BROSETT, HENRY BURNS, CHANDLER, CHANEY, CONNICK, DANAHAY, DIXON, EDWARDS, FANNIN, GEYMAN, GISCLAIR, GREENE, HARDY, HAZEL, HENRY, HILL, HOFFMANN, HUTTER, LAMBERT, LEBAS, LIGI, LITTLE, MONTOUCET, MORRIS, PEARSON, POPE, PUGH, RICHARD, ROY, SIMON, TALBOT, WHITE, AND WILLMOTT AND SENATORS LAFLEUR, LONG, MARTINY, MILLS, MORRISH, QUINN, SHAW, SMITH, AND THOMPSON

AN ACT

To amend and reenact R.S. 40:964 (Schedule I)(E)(introductory paragraph), to enact R.S. 40:964(Schedule I)(E)(8) and (9) and (F), and to repeal R.S. 40:964(Schedule I)(C)(32), relative to synthetic controlled dangerous substances; to add certain synthetic substances to Schedule I; and to provide for related matters.

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

HOUSE BILL NO. 31—

BY REPRESENTATIVES HARDY, CARMODY, CARTER, DOWNS, EDWARDS, AND SCHRODER

AN ACT

To amend and reenact R.S. 17:176(B) and (C), relative to standards for student participation in interscholastic athletics; to establish minimum academic eligibility requirements for participation by certain students in interscholastic athletics; to require the State Board of Elementary and Secondary Education to adopt a policy relative to such eligibility requirements; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 75—

BY REPRESENTATIVE GISCLAIR

AN ACT

To amend and reenact R.S. 56:333(B)(1) and (2) and to enact R.S. 56:333.3, relative to taking mullet for commercial purposes; to provide relative to taking of mullet for use as bait for recreational fishing; and to provide for related matters.

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

HOUSE BILL NO. 78—

BY REPRESENTATIVE EDWARDS
AN ACT

To amend and reenact R.S. 17:10.6(G), relative to school and district accountability; to provide relative to the auditing of a school system which is academically in crisis; and to provide for related matters.

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

HOUSE BILL NO. 118—

BY REPRESENTATIVE CARMODY
AN ACT

To amend and reenact R.S. 14:229(A), relative to the crime of the illegal use of a counterfeit trademark; to add possession with the intent to sell to the elements of the crime; and to provide for related matters.

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

HOUSE BILL NO. 217—

BY REPRESENTATIVE BARRAS
AN ACT

To enact Code of Criminal Procedure Article 900(A)(6)(c)(vi), relative to probation; to provide relative to violations of probation; to amend definition of "technical violation"; to include failure to report to probation officer as a technical violation of probation; and to provide for related matters.

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

HOUSE BILL NO. 339—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 40:971.1(A) and to repeal R.S. 40:617.1, relative to imitation controlled dangerous substances; to prohibit possession with intent to distribute or dispense an imitation controlled dangerous substance; to repeal the crime of distribution of imitation controlled dangerous substances to a person under eighteen; and to provide for related matters.

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

HOUSE BILL NO. 420—

BY REPRESENTATIVE THIERRY
AN ACT

To amend and reenact R.S. 4:149.5(B)(1), relative to horse racing; to authorize account wagering to be conducted by a facility licensed by the Louisiana State Racing Commission and operating as pari-mutuel live horse racing facility; and to provide for related matters.

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

HOUSE BILL NO. 445—

BY REPRESENTATIVES CHANEY AND LOPINTO
AN ACT

To enact R.S. 6:966.1(E), relative to notices of repossession; to dispense with notice requirements for certain parties involved in secured transactions; and to provide for related matters.

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

HOUSE BILL NO. 592—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 25:1226.6(A), relative to tax exemptions and credits; to provide relative to tax exemptions and credits pursuant to the Atchafalaya Trace Heritage Area Development

Zone; to extend the period in which new applications for tax benefits may be approved; and to provide for related matters.

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

HOUSE BILL NO. 599—

BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 34:851.27(B)(8), relative to the operation of watercraft; to authorize the parish of St. Tammany to regulate or prohibit the operation of watercraft; and to provide for related matters.

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

HOUSE BILL NO. 602—

BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 37:3415.6 and to enact R.S. 37:3415.10, relative to real estate appraisal management companies; to establish an expiration date for licenses; to provide for prorating of assessments; to require a real estate appraisal management company to submit an application assessment along with an application for license or renewal; to require all real estate appraisal management companies doing business in Louisiana to remit the initial license assessment; and to provide for related matters.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 17, 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. 106 HCR No. 107

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. 106—

BY REPRESENTATIVE HOFFMANN
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals and the Department of Education to work together to develop a comprehensive program for elementary, middle, and high school students as well as students in institutions of higher education to emphasize, encourage, and teach the Heimlich maneuver.

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

HOUSE CONCURRENT RESOLUTION NO. 107—

BY REPRESENTATIVE ST. GERMAIN
A CONCURRENT RESOLUTION

To commend Blane Palazzo for his exemplary service and performance at all of the veteran and memorial events at which he has been honored to blow his bugle.

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

Rules Suspended

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

HOUSE BILL NO. 534—

BY REPRESENTATIVE CARTER AN ACT

To amend and reenact R.S. 22:1457(A)(2), R.S. 32:402(B)(1)(a)(ii)(bb), 402.1(A)(introductory paragraph), (1), (2)(introductory paragraph), (a), and (g), 407(A)(2)(a), (4), and (6), 408(A)(4)(a), 408.1(introductory paragraph) and (2), 416, 417(A), 422, 422.1, R.S. 40:1461(A) and (C), R.S. 47:305.26 and 479.1 and to repeal R.S. 17:270, 271, and 271.1, R.S. 32:402.1(A)(2)(h) and (3)(a) and (b), (B), and (C) and 402.2, relative to driver's education programs; to consolidate all driver's education programs and instruction under the Department of Public Safety and Corrections, public safety services; to remove all driver's education programs and instruction from the Department of Education; and to provide for related matters.

Senator Nevers moved to recommit the bill from the Committee on Education to the Committee on Transportation, Highways and Public Works.

Without objection, so ordered.

Rules Suspended

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

SENATE BILL NO. 83—

BY SENATOR DONAHUE AN ACT

To amend and reenact R.S. 39:1554(E) and to enact Part IV-A of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:2271, and Subpart B-1 of Part III of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:1598.1, and R.S. 39:1661(D) and 1671(H), relative to purchasing by certain public entities; to authorize the use of reverse auctions by certain public entities for the purchase of certain materials, supplies, services, products, or equipment; to provide for public notice; to provide for an effective date; and to provide for related matters.

Senator Donahue moved to recommit the bill from the Committee on Transportation, Highways and Public Works to the Committee on Finance.

Without objection, so ordered.

Message from the House

SIGNED HOUSE BILLS AND JOINT RESOLUTIONS

May 17, 2011

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 Bills and Joint Resolutions:

HOUSE BILL NO. 245—

BY REPRESENTATIVE GIROD JACKSON AN ACT

To amend and reenact R.S. 56:437 and to repeal R.S. 40:5.3.1, relative to harvest and sale of oysters for raw consumption; to require a time limit on transportation of such oysters from harvest to refrigeration; and to provide for related matters.

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 Bills and Joint Resolutions contained herein were signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

Table listing present members: Mr. President, Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Crowe, Donahue, Erdey, Gautreaux, Guillory, Heitmeier, Jackson, Kostelka, LaFleur, Long, Marionneaux, Martiny, McPherson, Michot, Mills, Morrell, Morrish, Mount, Murray, Nevers, Perry, Peterson, Quinn, Riser, Shaw, Smith, Thompson, Walsworth, Willard-Lewis.

Total - 38

ABSENT

Dorsey Total - 1

Leaves of Absence

The following leaves of absence were asked for and granted:

Dorsey 1 Day

Announcements

The following committee meetings for May 18, 2011, were announced:

Table of committee meetings: Commerce (9:30 A.M., Room E), Health and Welfare (9:00 A.M., Hainkel Room), Insurance (9:30 A.M., Room A), Senate and Gov't Affairs (9:00 A.M., Room F).

Adjournment

On motion of Senator Thompson, at 7:00 o'clock P.M. the Senate adjourned until Wednesday, May 18, 2011, at 2:30 o'clock P.M.

The President Pro Tempore of the Senate declared the Senate adjourned until 2:30 o'clock P.M. on Wednesday, May 18, 2011.

GLENN A. KOEPP Secretary of the Senate

DIANE O' QUIN Journal Clerk