

THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

TWENTY-SIXTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, June 9, 2011

The Senate was called to order at 9:15 o'clock A.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	Dorsey	Mount
Adley	Gautreaux	Murray
Alario	Guillory	Nevers
Appel	Kostelka	Perry
Broome	Long	Riser
Cheek	Martiny	Shaw
Claitor	Mills	Smith
Donahue	Morrish	Walsworth
Total - 24		

ABSENT

Amedee	Jackson	Morrell
Chabert	LaFleur	Peterson
Crowe	Marionneaux	Quinn
Erdey	McPherson	Thompson
Heitmeier	Michot	Willard-Lewis
Total - 15		

The President of the Senate announced there were 24 Senators present and a quorum.

Prayer

The prayer was offered by Bishop Glen John Provost, 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 Donahue, the reading of the Journal was dispensed with and the Journal of June 8, 2011, was adopted.

**Privilege Report of the
Legislative Bureau**

June 9, 2011

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 4—
BY REPRESENTATIVE MONTOU CET
AN ACT

To enact R.S. 15:255(O), relative to witness fees to off-duty law enforcement officers in the City Court of Crowley; to authorize the city of Crowley to adopt an ordinance to use surplus fees in the fund to equip the police department of the city of Crowley; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 12—
BY REPRESENTATIVES TEMPLET, ARNOLD, AUBERT, BALDONE, BILLIOT, BROSETT, HENRY BURNS, CHANDLER, CHANEY, CONNICK, DANAHAY, DIXON, EDWARDS, FANNIN, GEYMANN, GISCLAIR, GREENE, HARDY, HAZEL, HENRY, HILL, HOFFMANN, HUTTER, LAMBERT, LEBAS, LIGI, LITTLE, MONTOU CET, 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.

Reported without amendments.

HOUSE BILL NO. 49—
BY REPRESENTATIVES LEGER, ABRAMSON, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BILLIOT, BISHOP, BROSETT, HENRY BURNS, TIM BURNS, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, DOWNS, FANNIN, GISCLAIR, GREENE, GUILLORY, GUINN, HARRISON, HAZEL, HENRY, HINES, HOFFMANN, HOWARD, MICHAEL JACKSON, KATZ, LANDRY, LEBAS, LITTLE, LORUSSO, MORENO, NORTON, POPE, RICHARDSON, SCHROEDER, SEABAUGH, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, TUCKER, WHITE, WILLIAMS, AND WILLMOTT
AN ACT

To amend and reenact R.S. 14:46.2(A) and 46.3(A)(1) and (2), (B), and (D)(1) and to enact R.S. 14:46.2(D) and 46.3(A)(4) and (5) and (G), relative to human trafficking; to provide with respect to the crimes of human trafficking and trafficking of children for sexual purposes; to amend the elements of those crimes; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 94—
BY REPRESENTATIVES KATZ, ABRAMSON, BARROW, DOERGE, HILL, MICHAEL JACKSON, JOHNSON, LABRUZZO, LEBAS, NOWLIN, SIMON, AND WILLMOTT
AN ACT

To amend and reenact R.S. 33:1563(H), R.S. 43:34, and R.S. 46:1431(A) and (C)(3), relative to the Missing and Exploited Children Information Clearinghouse of this state; to provide for administrative authority; to authorize the promulgation of rules; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 106—
BY REPRESENTATIVES MORENO, LOPINTO, AND GARY SMITH
AN ACT

To amend and reenact Code of Criminal Procedure Article 894.2(A)(introductory paragraph) and (3), (B), (C), (E), (H), and (I), relative to criminal sentencing; to provide with respect to home incarceration; to provide for uniform data collection and

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reporting of home incarceration and electronic monitoring services; to provide for oversight; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 131—
BY REPRESENTATIVE TEMPLET
AN ACT

To enact R.S. 15:542.1.4(C), relative to sex offenders; to provide relative to sex offender registration and notification requirements; to provide relative to failure to register; to provide relative to drivers' licenses and state identification cards issued to sex offenders; to provide for criminal penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 176—
BY REPRESENTATIVE ARMES
AN ACT

To enact R.S. 13:2112.1, relative to the City Court of Leesville; to provide for an additional fee for the office of the marshal to collect for service of process in traffic and criminal matters; to provide for deposit, use, and audit of the funds; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 179—
BY REPRESENTATIVE KATZ
AN ACT

To amend and reenact R.S. 15:1085(D), relative to care and treatment of certain youth placed in nonstate treatment programs; to authorize the Department of Public Safety and Corrections to make certain payments; to provide for care and treatment of certain youth placed on probation or parole; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 184—
BY REPRESENTATIVE HILL
AN ACT

To amend and reenact R.S. 3:4278.1(A), (B), (C), and (D), relative to timber theft; to provide for the recovery of treble damages by co-owners or co-heirs of timber; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 196—
BY REPRESENTATIVE ROSALIND JONES
AN ACT

To amend and reenact R.S. 26:71(A)(introductory paragraph), 76(A)(1), (6), and (7), 79, 88(A) and (B), 89, 271(A)(introductory paragraph), 276(A)(1), (6), and (7), 279, 285(A) and (B), 904, and 905(A) and (C), relative to alcohol permits for high and low alcoholic content and registration certificates and permits for tobacco products; to authorize the commissioner to issue a permit and a registration certificate for two years; to provide for rulemaking; to authorize certain persons to issue permits on a probationary basis; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 230—
BY REPRESENTATIVE MORENO
AN ACT

To amend and reenact Children's Code Article 876, relative to delinquency proceedings; to provide relative to motions to dismiss a petition; to delete provision which authorizes a dismissal for good cause; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 234—
BY REPRESENTATIVE TEMPLET
AN ACT

To enact R.S. 26:99.1, 296.1, and 919.1, relative to the regulation of alcohol and tobacco products; to authorize participation at hearings through the use of telecommunications equipment; to provide for rulemaking authority; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 235—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Code of Criminal Procedure Article 775.1, relative to an automatic stay following order of mistrial; to provide that the stay applies to emergency writ applications to the appropriate reviewing courts with appellate jurisdiction, including the Louisiana Supreme Court; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 237—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E) and (H), relative to the jurisdictional amount in dispute for city courts; to increase the jurisdictional amount in dispute for the City Court of Ruston; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 264—
BY REPRESENTATIVE WOOTON
AN ACT

To enact R.S. 14:112.4, relative to offenses affecting law enforcement; to create the crime of unlawful production, manufacturing, distribution, or possession of unauthorized peace officer badges; to provide for definitions; to provide for criminal penalties; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 270—
BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact R.S. 13:783(F)(3), relative to clerks of court; to provide for insurance coverage for clerks of court upon retirement; to provide for the payment of costs; to provide for a

qualifying minimum term of employment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 272—

BY REPRESENTATIVES BISHOP, ARNOLD, AUSTIN BADON, BROSSETT, HENDERSON, LEGER, AND STIAES AND SENATOR MORRELL

AN ACT

To amend and reenact Code of Criminal Procedure Articles 211, 211.1, and 211.2 and to repeal Code of Criminal Procedure Articles 211.3, 211.4, 211.5, and 211.6, relative to arrest; to provide relative to the issuance of a written summons in lieu of arrest for certain crimes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 297—

BY REPRESENTATIVE HENRY BURNS

AN ACT

To enact R.S. 26:792(4), relative to the powers of the commissioner of the office of alcohol and tobacco control; to provide that the commissioner shall have the authority to investigate and enforce provisions of alcohol and tobacco control law against unlicensed persons who are engaging in activity which requires the issuance of a permit; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 317—

BY REPRESENTATIVE GISCLAIR

AN ACT

To amend and reenact R.S. 32:1(1), 24, 194, and 329(F), relative to bicycles operated by peace officers; to afford peace officers operating bicycles the same privileges and duties as peace officers driving vehicles; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 358—

BY REPRESENTATIVES GREENE, ABRAMSON, AND LOPINTO AND SENATOR QUINN

AN ACT

To enact R.S. 9:2800.22, relative to limitations of liability; to provide a limitation of liability for schools who enter into recreational joint-use agreements; to require insurance; to provide definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 392—

BY REPRESENTATIVE HAZEL

AN ACT

To amend and reenact R.S. 15:587(F)(1) and 587.1(C)(introductory paragraph) and (1) and to enact R.S. 15:587.1(J), relative to criminal background checks; to authorize an employer to obtain conviction records for applicants seeking employment; to provide for the taking of fingerprints from prospective employees; to authorize Court Appointed Special Advocate programs to obtain criminal background records for persons considered for involvement with the program; to require the Louisiana Bureau of Criminal Identification and Information to forward fingerprints to the Federal Bureau of Investigation for a national criminal history check; to provide for additional

offenses excluding employment in professions with access to children; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 415—

BY REPRESENTATIVE LOPINTO

AN ACT

To amend and reenact R.S. 15:574.7(B) and to enact R.S. 15:574.7(C) and Code of Criminal Procedure Article 899.1, relative to probation and parole; to authorize probation and parole officers to impose administrative sanctions for technical violations; to provide for limitations; to provide for definitions; to provide for procedures; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 638— (Substitute for House Bill No. 218 by Representative White)

BY REPRESENTATIVES WHITE, ARMES, GISCLAIR, HARDY, RICHARD, RICHARDSON, GARY SMITH, JANE SMITH, AND ST. GERMAIN

AN ACT

To enact R.S. 32:667.1, relative to tests for suspected drunken drivers; to provide for the seizure and suspension of drivers' licenses upon arrest for vehicular homicide; to provide for procedures; to provide for the period of the suspension; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ROB MARIONNEAUX
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 87—

BY SENATOR PERRY

A RESOLUTION

To commend Ronald Menard on the occasion of his retirement having worked forty-two years at Kaplan State Bank.

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

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 73—

BY SENATOR GAUTREAUX

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to work with the Board of Supervisors of Community and Technical Colleges to study the two-year college services offered to the greater south central Louisiana area, and to determine how the state can best meet the educational needs of students and the economic and workforce development needs of this region of the state.

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

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Senate Bills and Joint Resolutions on Second Reading

SENATE BILL NO. 270— (Substitute of Senate Bill No. 247 by Senator Willard-Lewis)

BY SENATOR WILLARD-LEWIS

AN ACT

To enact R.S. 30:2531.1 (D), relative to offenses affecting the public safety; to provide for statewide litter reduction; to provide for criminal penalties; to provide for exceptions; and to provide for related matters.

On motion of Senator Dorsey the bill was read by title, ordered engrossed and passed to a third reading.

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 84—

BY SENATORS BROOME AND DORSEY

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Thelma Louise "Mame" Wethers McDonald.

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

SENATE RESOLUTION NO. 85—

BY SENATOR ERDEY

A RESOLUTION

To commend and congratulate Glenn and Rose Sibley of Livingston, Louisiana, upon the celebration of their Fiftieth Wedding Anniversary.

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

SENATE RESOLUTION NO. 86—

BY SENATOR PETERSON

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Allie Mae "Shirley" Young Singleton.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 68—

BY SENATORS APPEL AND MURRAY

A CONCURRENT RESOLUTION

To urge and request the administration of the University of New Orleans to suspend the reclassification process with the National Collegiate Athletic Association and remain in Division I until such time as independent review of such reclassification is conducted and a recommendation is made to the university's management board.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Murray
Adley Guillory Nevers
Alario Heitmeier Perry
Appel Kostelka Riser

Broome
Cheek
Donahue
Dorsey
Total - 23

Long
Martiny
Mills
Morrish

Shaw
Smith
Walsworth

NAYS

Total - 0

ABSENT

Amedee
Chabert
Claitor
Crowe
Gautreaux
Jackson
Total - 16

LaFleur
Marionneaux
McPherson
Michot
Morrell
Mount

Peterson
Quinn
Thompson
Willard-Lewis

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

SENATE CONCURRENT RESOLUTION NO. 69—

BY SENATOR LONG

A CONCURRENT RESOLUTION

To commend the Louisiana School for Math, Science, and the Arts upon being named one of the "Public Elite High Schools" in America by The Washington Post.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Alario
Appel
Broome
Cheek
Claitor
Crowe
Donahue
Total - 25

Dorsey
Erdey
Heitmeier
Kostelka
Long
Martiny
Mills
Morrish
Murray

Nevers
Perry
Riser
Shaw
Smith
Walsworth
Willard-Lewis

NAYS

Total - 0

ABSENT

Amedee
Chabert
Gautreaux
Guillory
Jackson
Total - 14

LaFleur
Marionneaux
McPherson
Michot
Morrell

Mount
Peterson
Quinn
Thompson

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

SENATE CONCURRENT RESOLUTION NO. 71—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To commend the Martha Grand Chapter, Order of Eastern Star in honor of their annual Grand Session to be held on June 26 through June 30, 2011, in New Orleans, Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Nevers
Adley	Heitmeier	Perry
Alario	Kostelka	Peterson
Appel	Long	Riser
Broome	Martiny	Shaw
Cheek	McPherson	Smith
Donahue	Mills	Walsworth
Dorsey	Morrish	Willard-Lewis
Erdey	Murray	
Total - 26		

NAYS

Total - 0

ABSENT

Amedee	Jackson	Mount
Chabert	LaFleur	Quinn
Claitor	Marionneaux	Thompson
Crowe	Michot	
Gautreaux	Morrell	
Total - 13		

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

June 8, 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. 247	HB No. 354	HB No. 371
HB No. 508	HB No. 580	HB No. 606
HB No. 632	HB No. 319	

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 247—
BY REPRESENTATIVE HENRY
AN ACT

To amend and reenact R.S. 47:305.14(A)(1) and to enact R.S. 47:301(10)(hh) and (14)(k), relative to sales and use tax imposed by the state and certain other political subdivisions; to exclude certain sales of tangible personal property and services sold at certain events sponsored by a tax exempt nonprofit organization; to exclude certain sales of tangible personal property and services sold at certain events sponsored by a tax exempt nonprofit organization when the organization has contracted for certain services associated with the event; 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 Revenue and Fiscal Affairs.

HOUSE BILL NO. 319—
BY REPRESENTATIVE SIMON
AN ACT

To enact R.S. 47:297(P), relative to tax credits; to authorize a credit against the individual income tax for the owner of a newly constructed one- or two-family dwelling which includes certain accessible and barrier-free design elements; to provide for eligibility; to provide for the amount of the credit; to provide for limitations; to authorize rulemaking; 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. 354—
BY REPRESENTATIVES BILLIOT AND TUCKER
AN ACT

To amend and reenact R.S. 2:705(I) and 706(F), relative to the Southeast Regional Airport Authority; provides relative to the required board meetings; deletes the mandatory requirement for the authority to appear before certain committees; 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. 371—
BY REPRESENTATIVE TUCKER
AN ACT

To enact R.S. 47:6021.1, relative to tax credits; to authorize issuance of the Brownfields Investor Tax Credit to eligible taxpayers; to provide for the amount of the credit; to provide for eligibility; to provide for definitions; to provide for the tax credit application process; to authorize the recapture and recovery of the tax credit under certain circumstances; to authorize the transfer of tax credits; to provide relative to the applicable tax periods for which the credits may be granted or allowed; 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. 508—
BY REPRESENTATIVE LANDRY
AN ACT

To enact R.S. 47:305.66, relative to state sales and use tax; to authorize an exemption from state sales and use tax for the purchase of certain motor vehicles which have been or will be modified for use by a person with an orthopedic disability; to provide for requirements; to authorize the payment of rebates; to authorize rulemaking; to provide for applicability and 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. 580—
BY REPRESENTATIVE HOFFMANN
AN ACT

To enact R.S. 17:8.3, 8.4, and 3996(B)(13) and to repeal R.S. 17:8 through 8.2, 351 through 353, and 415.1, relative to textbooks and other instructional materials; to provide relative to procedures for recommendation and purchasing; to provide relative to contracts with publishers; to provide relative to electronic versions; to provide relative to funding; and to provide for related matters.

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

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HOUSE BILL NO. 606—
BY REPRESENTATIVE ROBIDEAUX
AN ACT

To enact R.S. 47:305.64(A)(2)(b)(iii), relative to sales and use taxes; to authorize certain qualifying radiation therapy treatment centers to qualify for the sales and use tax exemption; to provide relative to certain definitions; 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. 632—
BY REPRESENTATIVE HENRY
AN ACT

To amend and reenact R.S. 47:287.95(K) and 606(A)(1)(e), relative to corporation income and franchise tax; to provide for the method of determining certain taxable revenue from broadcasting film or radio programming which is attributable to activity in Louisiana; to provide for definitions; to provide for effectiveness; 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.

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

June 8, 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. 4 HCR No. 162 Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 4—
BY REPRESENTATIVE NORTON
A CONCURRENT RESOLUTION

To adopt Joint Rule No. 5 of the Joint Rules of the Senate and House of Representatives to require clear, concise, and unbiased language in constitutional amendment ballot language and to require such ballot language to be phrased in the form of a question.

The resolution was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 162—
BY REPRESENTATIVE ARNOLD
A CONCURRENT RESOLUTION

To urge and request the Arkansas Department of Finance and Administration to revise its current criteria for determining that a tax "nexus" exists between the state of Arkansas and businesses in other states by adopting a policy that the holder of a mortgage or security interest by an out-of-state business on property located in Arkansas does not create a "nexus" with Arkansas thereby subjecting such businesses to payment of income tax in Arkansas.

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

House Concurrent Resolutions on
Second Reading

HOUSE CONCURRENT RESOLUTION NO. 85—
BY REPRESENTATIVE BARROW
A CONCURRENT RESOLUTION

To request the Louisiana State Law Institute to study the laws regarding adoptions and make recommendations relative to establishing consistent but separate procedures and laws for all types of adoptions.

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

HOUSE CONCURRENT RESOLUTION NO. 87—
BY REPRESENTATIVE ELLINGTON
A CONCURRENT RESOLUTION

To apply for an amendments convention to be called for the purpose of proposing an amendment to the Constitution of the United States which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

The resolution was read by title and referred by the President to the Committee on Senate and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 157—
BY REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend John Peterson of Louisiana State University upon winning the 2011 National Collegiate Athletic Association Division I Men's Golf Championship.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns listing names: Mr. President, Adley, Alario, Appel, Chabert, Cheek, Claitor, Crowe, Donahue, Dorsey, Erdey, Total - 31; Guillory, Heitmeier, Kostelka, LaFleur, Long, Marionneaux, Martiny, McPherson, Mills, Morrish, Mount; Murray, Nevers, Perry, Peterson, Riser, Shaw, Smith, Walsworth, Willard-Lewis

NAYS

Total - 0

ABSENT

Table with 3 columns listing names: Amedee, Broome, Gautreaux, Total - 8; Jackson, Michot, Morrell; Quinn, Thompson

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

HOUSE CONCURRENT RESOLUTION NO. 158—
BY REPRESENTATIVE CARTER
A CONCURRENT RESOLUTION

To commend Austin Ernst of Louisiana State University upon winning the 2011 National Collegiate Athletic Association Division I Women's Golf Championship.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Guillory	Mount
Alario	Heitmeier	Murray
Appel	Kostelka	Nevers
Chabert	LaFleur	Perry
Cheek	Long	Peterson
Claitor	Marionneaux	Riser
Crowe	Martiny	Shaw
Donahue	McPherson	Smith
Dorsey	Mills	Walsworth
Total - 30		

NAYS

Total - 0

ABSENT

Amedee	Jackson	Quinn
Broome	Michot	Thompson
Gautreaux	Morrell	Willard-Lewis
Total - 9		

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

HOUSE CONCURRENT RESOLUTION NO. 159—
 BY REPRESENTATIVE GUINN AND SENATOR MORRISH
 A CONCURRENT RESOLUTION

To commend the Jennings High School track and field team upon being recognized by the Louisiana High School Athletic Association as the rightful winner of the Class 4A state championship in the boys 4x100 meter relay event.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Mount
Adley	Heitmeier	Murray
Alario	Kostelka	Nevers
Chabert	LaFleur	Perry
Cheek	Long	Peterson
Claitor	Marionneaux	Riser
Crowe	Martiny	Shaw
Donahue	McPherson	Smith
Dorsey	Mills	Walsworth
Erdey	Morrish	Willard-Lewis
Total - 30		

NAYS

Total - 0

ABSENT

Amedee	Gautreaux	Morrell
Appel	Jackson	Quinn
Broome	Michot	Thompson
Total - 9		

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
FINANCE**

Senator Michael J. "Mike" Michot, Chairman on behalf of the Committee on Finance, submitted the following report:

June 8, 2011

To the President and Members of the Senate:

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

SENATE BILL NO. 46—
 BY SENATORS SHAW AND LONG
 AN ACT

To enact R.S. 17:236.4, relative to the Louisiana Virtual School; to provide for enrollment of students; to provide for the responsibilities of school governing authorities; to provide for the adoption of policies; to provide relative to student access to and credit for courses taken through the virtual school; to require notification to students and parents of such virtual school option; to provide for rules; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 265—
 BY SENATOR RISER
 AN ACT

To enact R.S. 22:832.1 and Chapter 55 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3121 through 3133, relative to the Louisiana Entrepreneurial Assistance and Development program (LEAD); to create the program; to provide for a tax reduction for investors who make investments of eligible capital under the program; to provide for approval of LEAD funds by the department of economic development and to establish criteria for such approval; to provide criteria for issuers in which investments will be made; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
 MICHAEL J. "MIKE" MICHOT
 Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

SENATE BILL NO. 57—
 BY SENATOR ADLEY
 AN ACT

To amend and reenact R.S. 44:5, relative to public records; to provide for the application of public records law to records of the office of the governor; to provide exceptions; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 57 by Senator Adley

June 9, 2011

AMENDMENT NO. 1

On page 2, between lines 6 and 7, insert the following:
"(2) Any record of the office of the governor relative to fiscal or budgetary matters, including but not limited to a record of communications between the legislative auditor's office and the office of the governor relative to fiscal or budgetary matters, shall be a public record."

AMENDMENT NO. 2

On page 2, line 7, delete "(2)" and insert "(3)"

AMENDMENT NO. 3

On page 2, line 11, change "Paragraph (1)" to "Paragraphs (1) and (2)"

AMENDMENT NO. 4

On page 2, line 12, delete "executive deliberations of the governor and"

AMENDMENT NO. 5

On page 2, line 14, after "disclosure," delete the remainder of the line and delete lines 15 through 20

AMENDMENT NO. 6

On page 2, line 21, change "(3)" to "(4)" and change "Paragraph (1)" to "Paragraphs (1) and (2)"

AMENDMENT NO. 7

On page 3, delete lines 3 through 7

AMENDMENT NO. 8

On page 3, at the beginning of line 8, change "(6)" to "(5)"

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

Motion to Make Special Order

On motion of Senator Adley, Senate Bill No. 57, which was just advanced to a Third Reading and Final Passage, was made Special Order of the Day No. 1 on Monday, June 13, 2011.

Without objection, so ordered.

SENATE BILL NO. 170—

BY SENATOR CHAISSON

AN ACT

To enact R.S. 24:35 and to repeal R.S. 24:35.1, relative to legislative redistricting; to provide for the redistricting of the Senate of the Legislature of Louisiana; to provide for effective dates; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 103—

BY REPRESENTATIVE ARMES

AN ACT

To amend and reenact R.S. 42:1119(B)(2)(a)(i), relative to the Code of Governmental Ethics; to except employment by a local school board of special education related services professionals from the nepotism prohibition of the code; to provide limitations, procedures, and penalties for certain violations; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 133—

BY REPRESENTATIVE ANDERS

AN ACT

To enact Part I-B of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:501, relative to warranty claims; to require claims to be approved or disapproved within thirty days; to require payment of approved claims within thirty days; to require notice of disapproval and the grounds for the disapproval; to provide for claims not disapproved within thirty days; to provide for claims submitted after the termination of a contract; to provide for compensation for work performed by a dealer; to provide for excluded expenses; to provide for compensation for parts; to provide for a supplier's right to adjust for errors; to authorize a dealer to accept a manufacturer's reimbursement terms; to define "dealer"; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 133 by Representative Anders

AMENDMENT NO. 1

On page 2, after line 28, insert the following:

"I. The provisions of this Section shall apply only to warranty agreements executed after the effective date of this Act."

AMENDMENT NO. 2

On page 3, delete lines 1 through 5

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 178—

BY REPRESENTATIVE SCHRODER

AN ACT

To amend and reenact R.S. 46:460.21(A)(2), relative to transfer of funds for representation of children and indigent parents in child protection proceedings; to authorize certain functions of the Department of Children and Family Services relating to child protection proceedings; to delete references to certain entities which provide representation of children and indigent parents; to repeal a requirement for priority in funding; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 271—

BY REPRESENTATIVE FANNIN

AN ACT

To enact R.S. 40:1730.23(F) and 1730.24(C), relative to the state uniform construction code; to require municipalities and parishes to provide a list of registered certified building inspectors; to prohibit municipalities and parishes from imposing a fee for inspections not performed by the municipality or parish; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 276—

BY REPRESENTATIVE MONTOU CET

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.

Reported favorably by the Committee on Health and Welfare. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 381—
BY REPRESENTATIVE GREENE AND SENATOR MICHOT
AN ACT

To amend and reenact R.S. 51:2453(1) and (6), 2455(A), and 2457(A)(2)(a), (b), and (f), relative to tax rebates; to provide with respect to the Louisiana Quality Jobs Program; to provide for definitions; to specify that the value of health insurance benefits offered to employees shall be included in the consideration of the value of a new direct job; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 381 by Representative Greene

AMENDMENT NO. 1
On page 1, line 18, after "Subparagraph" and before the period "." insert the following: ", provided that at least fifty percent of the employees holding new direct jobs accept the health care benefits offered"

AMENDMENT NO. 2
On page 2, line 4, after "six percent" and before the period "." insert the following: ", provided that at least fifty percent of the employees holding new direct jobs accept the health care benefits offered"

AMENDMENT NO. 3
On page 2, line 15, after "offered" and before the period "." insert the following: ", provided that at least fifty percent of the employees holding new direct jobs accept the health care benefits offered"

AMENDMENT NO. 4
On page 3, between lines 22 and 23, insert the following:
"(iii) That at least fifty percent of the employees holding new direct jobs have accepted the health care benefits offered."

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 400—
BY REPRESENTATIVE CORTEZ
AN ACT

To amend and reenact R.S. 32:793(D), relative to automobile liability insurance; to provide with respect to such insurance for rental dealers; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 400 by Representative Cortez

AMENDMENT NO. 1
On page 1, line 15, change "such" to "the"

AMENDMENT NO. 2
On page 1, line 20, change "Such" to "The"

AMENDMENT NO. 3
On page 1, line 21, after "Louisiana" delete the remainder of the line and delete line 22 in its entirety and in lieu thereof insert the following: "or an approved unauthorized insurer with a Best rating of B+ or better."

AMENDMENT NO. 4
On page 2, delete lines 1 through 7 in their entirety and in lieu thereof insert the following:

"(4). It shall be illegal for an association or trade organization to charge or collect from any auto rental dealer, a fee or surcharge associated with the procurement of or access to contingent liability insurance. The prohibition shall not apply to any duly licensed insurance agent or agency in the state of Louisiana."
* * *

On motion of Senator Morrish, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 418—
BY REPRESENTATIVE THIERRY
AN ACT

To amend and reenact R.S. 37:1374, relative to the Louisiana State Plumbing Board; to authorize the board to fine any person performing plumbing work without a license; to provide for dispensation of the monies collected; to provide for exceptions; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 449—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 42:17(A)(1), relative to open meetings; to provide relative to exceptions and executive sessions; to provide relative to discussions regarding awarding of public contracts; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 462—
BY REPRESENTATIVE MCVEA
AN ACT

To amend and reenact R.S. 22:1000(A)(1)(a)(vi) and (2), 1003(A) and (C), and 1003.1(A)(1) and (C), relative to health insurance; to provide with respect to coverage of dependent children and grandchildren; to provide relative to conditions for such coverage for certain benefits; to provide with respect to rating of such dependents; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 462 by Representative McVea

AMENDMENT NO. 1
On page 1, at the beginning of line 3, change "and (C)" to "and (C) and 1111(K)"

AMENDMENT NO. 2
On page 1, at the beginning of line 6, insert "to provide for methods of payment of certain premiums;"

June 9, 2011

AMENDMENT NO. 3

On page 2, line 18, delete "short-term medical policies" and in lieu thereof insert: "short-term, limited duration insurance as defined pursuant to 45 CFR 144.103"

AMENDMENT NO. 4

On page 2, line 20, delete "short-term medical policies," and in lieu thereof insert: "short-term, limited duration insurance as defined pursuant to 45 CFR 144.103,"

AMENDMENT NO. 5

On page 2, line 26, change "Such" to "This"

AMENDMENT NO. 6

On page 2, line 28, change "Such a" to "A"

AMENDMENT NO. 7

On page 4, lines 2 and 3, delete "short-term medical policies" and in lieu thereof insert: "short-term, limited duration insurance as defined pursuant to 45 CFR 144.103"

AMENDMENT NO. 8

On page 4, line 5, delete "short-term medical policies," and in lieu thereof insert: "short-term, limited duration insurance as defined pursuant to 45 CFR 144.103,"

AMENDMENT NO. 9

On page 4, line 11, change "Such" to "This"

AMENDMENT NO. 10

On page 4, line 13, change "Such a" to "A"

AMENDMENT NO. 11

On page 5, lines 9 and 10, delete "short-term medical policies" and in lieu thereof insert: "short-term, limited duration insurance as defined pursuant to 45 CFR 144.103"

AMENDMENT NO. 12

On page 5, line 12, delete "short-term medical policies," and in lieu thereof insert: "short-term, limited duration insurance as defined pursuant to 45 CFR 144.103,"

AMENDMENT NO. 13

On page 5, line 18, change "Such" to "This"

AMENDMENT NO. 14

On page 5, line 20, "Such a" to "A"

AMENDMENT NO. 15

On page 6, line 10, after "provisions" insert ", in reference to age requirements,"

AMENDMENT NO. 16

On page 6, line 11, delete "short-term medical policies," and in lieu thereof insert: "short-term, limited duration insurance as defined pursuant to 45 CFR 144.103,"

AMENDMENT NO. 17

On page 6, line 19, after "grandchild" insert the period "." and delete the remainder of the line.

AMENDMENT NO. 18

On page 6, delete lines 20 and 21 in their entirety.

AMENDMENT NO. 19

On page 6, line 22, delete "rates according to the specific risk represented by such dependent,"

AMENDMENT NO. 20

On page 7, line 3, after "provisions" insert ", in reference to age requirements,"

AMENDMENT NO. 21

On page 7, line 4, change "short-term medical policies" to "short-term, limited duration insurance as defined pursuant to 45 CFR 144.103,"

AMENDMENT NO. 22

On page 7, between lines 4 and 5, insert the following:
"Section 2. R.S. 22:1111(K) is hereby amended and reenacted to read as follows:

§1111. Medicare supplement minimum standards

* * *

K. Payment for premiums for Medicare supplement policies shall only be made as follows:

(1) By check, money order, credit or debit card, or bank draft made payable to the insurer; or

(2) By cash, provided that an insurer's receipt which binds the insurer for receipt of such premium shall be issued to the insured.

* * *

AMENDMENT NO. 23

On page 7, line 5, change "Section 2." to "Section 3."

On motion of Senator Morrish, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 469—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 22:439, relative to surplus lines insurance; to provide with respect to the tax on premiums paid for such insurance, including provisions relative to its receipt, collection, and distribution; to conform state law with federal law; to require the commissioner of insurance to enter into a multistate agreement authorizing a clearinghouse for such taxes and assessment of a clearinghouse fee payable by brokers or independently procuring insureds; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Re-engrossed House Bill No. 469 by Representative Anders

AMENDMENT NO. 1

On page 5, line 6, after "states." add the following: "Upon execution of a Nonadmitted Insurance Multi-State Agreement or other cooperative compact or agreement with another state pursuant to this Act, the commissioner shall notify the Louisiana State Law Institute as to the execution of the agreement or compact and its effective date in order that the Louisiana State Law Institute can direct the appropriate entities as to the effective date of the statutory provisions contained in this Act."

On motion of Senator Morrish, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 501—

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 34:963 and to repeal R.S. 34:950, 951, 952, 954, and 965, relative to bar pilots; to authorize bar pilots to form corporations or limited liability companies; to repeal certain provisions relative to bar pilots for the Port of New Orleans; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 607— (Substitute for House Bill No. 183 by Representative Arnold)

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 9:3530(F), relative to consumer credit transactions; to authorize a lender to charge a fee for electronic lien and title services or E.L.T. fee; to prohibit an E.L.T. fee from being considered as interest or being included in the calculation of interest; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

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.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Engrossed House Bill No. 635 by Representative Thibaut

AMENDMENT NO. 1

On page 1, line 2, after "863.2" delete the remainder of the line and in lieu thereof insert the following: "(A)(1), (2), (6), (B), (E)(1), and"

AMENDMENT NO. 2

On page 2, line 2, after "863.2" delete the remainder of the line and in lieu thereof insert the following: "(A)(1), (2), (6), (B), (E)(1), and"

AMENDMENT NO. 3

On page 4, delete line 20 and in lieu thereof insert the following: "A. (1) All entities providing security in compliance with R.S. 32:861 et seq., hereinafter referred to as "security providers", whether admitted or nonadmitted (surplus line underwriter) insurance companies providing automobile liability policies, or sales representatives or agents of surety companies issuing motor vehicle liability bonds, or the state treasurer holding deposits, shall notify the secretary of the effective dates of each liability policy, liability bond, deposit, or other security within fifteen business days from the date notice of such policy, bond, deposit, or other security was issued by the security provider. or made-

(2) Except as otherwise provided for motor carriers in R.S. 32:900(M), in addition, all such security providers shall notify the secretary when any policy, bond, deposit, or other item of security is terminated, withdrawn, canceled, lapsed, or otherwise made ineffective within fifteen business days of from the date notice of the security became becoming ineffective was issued by the security provider.

* * *

AMENDMENT NO. 4

On page 4, delete line 27, and in lieu thereof insert the following:

"B. Upon failure of When a security provider to does not provide the secretary with the information required by this Section within the time limits set forth in this Section, the insurance company, sales representative or agent, state treasurer, or other provider shall pay be assessed a late fee of not more than fifty dollars per policy, bond, or deposit, or other security item concerning which information is not supplied. All fees collected under this Subsection shall be deposited in the Bond Security and Redemption Fund as provided in R.S. 32:853(B)(2).

* * *

On motion of Senator Morrish, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

Reconsideration

The vote by which Senate Bill No. 218 failed to pass on Wednesday, June 8, 2011, was reconsidered.

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.

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

Senate Concurrent Resolutions on Second Reading Reported by Committees

SENATE CONCURRENT RESOLUTION NO. 44—

BY SENATOR MARTINY

A CONCURRENT RESOLUTION

To urge and request the chief justice of the Louisiana Supreme Court to create a Families in Need of Services Commission that will study and issue recommendations regarding the governance, structure, target population, and necessary legislation for a Louisiana Families in Need of Services (FINS) system by submitting a report of its findings and recommendations to the Louisiana Legislature thirty days prior to the convening of the 2012 Regular Session of the Legislature.

Reported favorably by the Committee on Health and Welfare.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Gauthreaux Murray
Adley Heitmeier Nevers
Alario Kostelka Perry
Appel LaFleur Quinn
Broome Long Riser
Chabert Martiny Shaw
Cheek McPherson Smith
Crowe Mills Walsworth
Donahue Morrell Willard-Lewis
Dorsey Morrish
Erdey Mount

Total - 31

NAYS

Total - 0

ABSENT

Amedee Jackson Peterson
Claitor Marionneaux Thompson
Guillory Michot

Total - 8

June 9, 2011

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

Called from the Calendar

Senator Appel asked that Senate Bill No. 266 be called from the Calendar.

SENATE BILL NO. 266— (Substitute of Senate Bill No. 183 by Senator Appel) BY SENATORS APPEL AND MURRAY AN ACT

To amend and reenact R.S. 17:3217, to enact R.S. 17:3230, and to repeal R.S. 17:3215(2), relative to postsecondary education; to provide for the transfer of the University of New Orleans to the University of Louisiana System; to provide relative to the transfer of the facilities, resources, funds, obligations, and functions of the institution and related foundations; to provide for the transition responsibilities of the impacted institution and management boards and the division of administration; to provide for cooperative agreements; to provide relative to accreditation issues; to provide relative to funding; to provide relative to employees; to provide for effectiveness; and to provide for related matters.

Senator Dorsey moved to place the bill on the Involuntary Calendar.

Senator Appel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley, Broome, Dorsey, Gautreaux, Kostelka, Long, Marionneaux, Morrish, Nevers, Quinn, Shaw, Smith

NAYS

Mr. President, Alario, Appel, Chabert, Cheek, Claitor, Crowe, Donahue, Guillory, Jackson, LaFleur, Martiny, Michot, Mills, Morrell, Mount, Murray, Perry, Peterson, Riser, Walsworth, Willard-Lewis

ABSENT

Amedee, Erdey, Heitmeier, McPherson, Thompson

The Chair declared the Senate refused to place the bill on the Involuntary Calendar.

Explanation of Vote

Senator Quinn stated she intended to vote nay on the motion by Senator Dorsey, and asked that the Official Journal so state.

Floor Amendments

Senator Appel proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Appel to Reengrossed Senate Bill No. 266 by Senator Appel

AMENDMENT NO. 1

On page 5, line 1, after "System," delete the remainder of the line and delete lines 2 and 3, and on line 4, delete "the mandated transfer," and insert the following: "The Board of Regents shall indemnify and hold harmless the transferor and transferee management boards for any liability and costs which may result from the transfer of existing contracts, financing, or immovable property. For one year after the effective date of the transfer, the fees previously paid by the University of New Orleans to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College which become due after the effective date of the transfer shall be paid to the Board of Regents. The Board of Regents shall use the proceeds of the fees collected to defray the costs of the transfer of the University of New Orleans, including insurance to pay for any indemnification costs arising from the transfer. In the event that the costs of transfer exceed the total amount of the proceeds of the fees collected, the commissioner of administration, in his discretion, shall determine responsibility among the transferor and transferee boards for such costs."

Senator Appel moved the adoption of the amendments.

Senator Mount objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President, Adley, Alario, Appel, Claitor, Crowe, Donahue, Guillory, Heitmeier, Jackson, LaFleur, Marionneaux, Martiny, Michot, Mills, Morrell, Murray, Perry, Quinn, Shaw, Walsworth, Willard-Lewis

NAYS

Broome, Chabert, Cheek, Dorsey, Gautreaux, Kostelka, Long, Morrish, Mount, Nevers, Peterson, Riser, Smith

ABSENT

Amedee, Erdey, McPherson, Thompson

The Chair declared the amendments were adopted.

Floor Amendments

Senator Appel proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Appel to Reengrossed Senate Bill No. 266 by Senator Appel

AMENDMENT NO. 1

On page 5, between lines 23 and 24, insert: "(C) No provision of this Act shall preclude a Memorandum of Understanding (MOU) under which a bonded indebtedness obligation

of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College existing on the effective date of this Act would remain in force after an agreement that the Board of Supervisors for the University of Louisiana System would be responsible for all payments, costs, and other covenants contained in said bonded indebtedness. If the maintenance of bonded indebtedness by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College for properties or assets to be transferred to the Board of Supervisors for the University of Louisiana System is advantageous to the state of Louisiana, then the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College shall make every effort to maintain such bonded indebtedness under a Memorandum of Understanding as described herein."

AMENDMENT NO. 2

On page 5, line 24, change "(C)" to "(D)"

On motion of Senator Appel, the amendments were adopted.

Floor Amendments

Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Reengrossed Senate Bill No. 266 by Senator Appel

AMENDMENT NO. 1

On page 4, line 27, delete "**Board of Regents**" and insert "**Board of Supervisors for the University of Louisiana System**"

On motion of Senator Adley, the amendments were adopted.

Floor Amendments

Senator Nevers proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Reengrossed Senate Bill No. 266 by Senator Appel

AMENDMENT NO. 1

On page 5, between lines 6 and 7, insert the following:
"G. The legislature shall appropriate sufficient funds to the Board of Supervisors to fully effect the transfer of the University of New Orleans to the University of Louisiana System."

On motion of Senator Nevers, the amendments were adopted.

Floor Amendments

Senator Peterson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peterson to Reengrossed Senate Bill No. 266 by Senator Appel

AMENDMENT NO. 1

On page 3, at the end of line 15, insert "**However, such policies and procedures shall maintain the tenure policies and procedures which are in place for University of New Orleans employees who have already been awarded tenure or who occupy a tenure-track position on the date the transfer of the University of New Orleans to the University of Louisiana System becomes effective.**"

On motion of Senator Peterson, the amendments were adopted.

Floor Amendments

Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Reengrossed Senate Bill No. 266 by Senator Appel

AMENDMENT NO. 1

Delete Senate Floor Amendment #2192 proposed by Senator Appel and adopted by the Senate on June 9, 2011.

AMENDMENT NO. 2

On page 5, line 1, after "**System.**" delete the remainder of the line and delete lines 2 and 3, and on line 4, delete "**the mandated transfer.**" and insert the following: "**The Board of Regents and the state of Louisiana shall indemnify and hold harmless the Board of Supervisors for Louisiana State University and Agricultural and Mechanical College and Board of Supervisors for the University of Louisiana System for any liability and costs which may result from the transfer of existing contracts, financing, or immovable property. For one year after the effective date of the transfer, the fees previously paid by the University of New Orleans to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College which become due after the effective date of the transfer shall be paid to the Board of Regents. The Board of Regents shall use the proceeds of the fees collected to defray the costs of the transfer of the University of New Orleans, including insurance to pay for any indemnification costs arising from the transfer.**"

On motion of Senator Adley, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Amedee	Nevers
Erdey	Thompson
Total - 4	

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

June 9, 2011

House Concurrent Resolutions on Second Reading Reported by Committees

HOUSE CONCURRENT RESOLUTION NO. 19—

BY REPRESENTATIVE CORTEZ

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Health and Hospitals to minimize the use of complete social security numbers of its clients, to assess the overall security of client identifying information, and to report findings of this assessment to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare.

Reported favorably by the Committee on Health and Welfare.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Alario, Broome, Chabert, Cheek, Donahue, Dorsey, Erdey, Gautreaux, Heitmeier, Jackson, LaFleur, Long, Marionneaux, Martiny, McPherson, Michot, Mills, Morrell, Morrish, Mout, Murray, Nevers, Perry, Peterson, Quinn, Riser, Shaw, Smith, Walsworth, Willard-Lewis. Total - 32

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Amedee, Appel, Claitor, Crowe, Guillory, Kostelka, Thompson. Total - 7

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

HOUSE CONCURRENT RESOLUTION NO. 144—

BY REPRESENTATIVE SCHRODER

A CONCURRENT RESOLUTION

To urge and request the state treasurer and the Office of Financial Institutions to jointly study the feasibility of creating a state-owned bank and report any findings or recommendations to the legislature prior to the start of the 2012 Regular Session of the Legislature of Louisiana.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original House Concurrent Resolution No. 144 by Representative Schroder

AMENDMENT NO. 1

On page 1, line 2, after "treasurer" insert ", the Department of Economic Development,"

AMENDMENT NO. 2

On page 1, line 3, after "state-owned" insert "or infrastructure"

AMENDMENT NO. 3

On page 2, line 16, after "treasurer" insert ", the Department of Economic Development,"

AMENDMENT NO. 4

On page 2, line 17, after "state-owned" insert "or infrastructure"

On motion of Senator Smith, the committee amendment was adopted.

On motion of Senator Murray the amended resolution was read by title and returned to the Calendar, subject to call.

Rules Suspended

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

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

June 9, 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. 57—

BY SENATOR GAUTREAUX

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to review and consider eliminating provisions of federal law, which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 63—

BY SENATOR PERRY

A CONCURRENT RESOLUTION

To urge and request United States Postal Service to keep the post office in the Village of Maurice open.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 66—

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To urge and request the United States Army Corps of Engineers and the United States Coast Guard to gather the information learned during the 2011 Mississippi River floods, report their findings to the legislature, and incorporate such findings into updated plans for possible future flooding conditions on the lower Mississippi River.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 72—

BY SENATOR MORRELL AND REPRESENTATIVE LORUSSO

A CONCURRENT RESOLUTION

To designate Thursday, June 9, 2011, as University of New Orleans Day at the Louisiana Legislature and to commend the university

for its significant and lasting contributions to the state of Louisiana.

Reported without amendments.

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

**Introduction of
Senate Concurrent Resolutions**

SENATE CONCURRENT RESOLUTION NO. 74—
BY SENATOR MILLS AND REPRESENTATIVE MONTOUCEY
A CONCURRENT RESOLUTION

To commend Mrs. LouAnn Gerard, Director of Patient Relations at LSU University Medical Center, on the occasion of her retirement.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

June 9, 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. 163 HCR No. 131 HCR No. 143

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. 131—
BY REPRESENTATIVE HARRISON
A CONCURRENT RESOLUTION

To create and form a Human Services Coordinated Transit Work Group, led by the Department of Transportation and Development, with active support and leadership commitment from both public and private stakeholders to improve mobility, optimize efficiencies, and manage costs of transit and paratransit services for both able-bodied and disabled persons.

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

HOUSE CONCURRENT RESOLUTION NO. 143—
BY REPRESENTATIVE ROSALIND JONES
A CONCURRENT RESOLUTION

To urge and request the Supreme Court to conduct a comprehensive study of the caseload data and the number of judges of each appellate court, district court, parish court, city court, mayor's court, and justice of the peace court in Louisiana to determine changes necessary to the existing structure of the judiciary to provide the most efficient use of judicial resources and to report its findings and recommendations to the Louisiana Legislature prior to February 15, 2012.

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

HOUSE CONCURRENT RESOLUTION NO. 163—
BY REPRESENTATIVE LEGER
A CONCURRENT RESOLUTION

To memorialize the United States Congress and the President of the United States to take such actions as are necessary to provide adequate funding for essential dredging activities on the Lower Mississippi River.

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

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

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

June 9, 2011

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 60—
BY SENATOR MILLS
A CONCURRENT RESOLUTION

To urge and request the Louisiana Workforce Commission to establish a website to provide relevant and current information to the oilfield workers of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 61—
BY SENATORS THOMPSON, KOSTELKA, RISER AND WALSWORTH
A CONCURRENT RESOLUTION

To urge and request the Board of Regents to work with the Board of Supervisors of Community and Technical Colleges to study the two-year college services offered to the greater northeast Louisiana area, and to determine how the state can best meet the educational needs of students and the economic and workforce development needs of this region of the state.

SENATE CONCURRENT RESOLUTION NO. 64—
BY SENATOR PERRY
A CONCURRENT RESOLUTION

To commend LSU Eunice Lady Bengals softball team on winning the NJCAA Division II National Championship.

SENATE CONCURRENT RESOLUTION NO. 67—
BY SENATOR MCPHERSON
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study possible methods which would increase the provision of graduate medical education in central Louisiana by designating certain hospitals which enter into public/private partnerships with Huey P. Long Medical Center as major teaching hospitals for purposes of Medicaid reimbursement.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

June 9, 2011

ATTENDANCE ROLL CALL**PRESENT**

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

ABSENT

Amedee	Thompson
Total - 2	

Leaves of Absence

The following leaves of absence were asked for and granted:

Amedee 1 Day Thompson 1 Day

Announcements

The following committee meetings for June 13, 2011, were announced:

Rev. and Fiscal Affairs 11:00 A.M. Hainkel Room

Adjournment

On motion of Senator Crowe, at 11:10 o'clock A.M. the Senate adjourned until Monday, June 13, 2011, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Monday, June 13, 2011.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk