

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

SECOND DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, April 9, 2013

The Senate was called to order at 4:10 o'clock P.M. by Hon. John A. Alario Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Donahue	Morrish
Amedee	Dorsey-Colomb	Murray
Appel	Gallot	Nevers
Broome	Guillory	Peacock
Brown	Heitmeier	Perry
Buffington	Johns	Peterson
Chabert	Kostelka	Riser
Claitor	Long	Thompson
Cortez	Mills	Walsworth
Crowe	Morrell	Ward
Total - 30		

ABSENT

Adley	LaFleur	Smith, J.
Allain	Martiny	Tarver
Erdey	Smith, G.	White
Total - 9		

The President of the Senate announced there were 30 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Danny Donaldson, 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 Walsworth, the reading of the Journal was dispensed with and the Journal of April 8, 2013, was adopted.

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 8, 2013

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. 4—
BY SENATOR ALARIO

A CONCURRENT RESOLUTION
To invite Madame Chief Justice Bernette Johnson of the Louisiana Supreme Court to address a joint session of the legislature.

Reported without amendments.

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 10—
BY SENATOR CHABERT

A RESOLUTION
To commend and congratulate the owners and employees of T. Baker Smith, LLC, in celebrating a Century of Solutions.

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

SENATE RESOLUTION NO. 11—
BY SENATOR BROWN

A RESOLUTION
To commend and congratulate Southern University Law Center on its sixty-fifth anniversary and further recognize the center as an organization that promotes and perpetuates the advancement of all citizens of the state.

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

SENATE RESOLUTION NO. 12—
BY SENATOR BROWN

A RESOLUTION
To recognize April 22, 2013, as "Marathon Petroleum Corporation Day".

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

SENATE RESOLUTION NO. 13—
BY SENATOR THOMPSON

A RESOLUTION
To commend and congratulate the players and coaches of the Rayville High School girls 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.

SENATE RESOLUTION NO. 14—
BY SENATOR NEVERS

A RESOLUTION
To commend and congratulate Reverend Robert L. "Bob" Adams, upon his retirement as pastor of the First Baptist Church of Bogalusa, Louisiana.

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

SENATE RESOLUTION NO. 15—
BY SENATOR HEITMEIER

A RESOLUTION
To amend and readopt Senate Rule Nos. 9.1(A) and 13.95(A) and to adopt Senate Rule No. 7.14.1 of the Rules of Order of the Senate, relative to the pre-filing of certain revenue loss legislative instruments and the requirement for and preparation of revenue loss notes.

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

April 9, 2013

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 3— BY SENATOR THOMPSON

A RESOLUTION

To designate May 1, 2013, as "FFA Day" at the legislature and to commend the state officers of FFA.

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

SENATE RESOLUTION NO. 4— BY SENATORS THOMPSON, GALLOT, RISER AND WALSWORTH

A RESOLUTION

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

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

SENATE RESOLUTION NO. 6— BY SENATOR BROOME

A RESOLUTION

To commend the Volunteer Louisiana Commission upon the celebration of its twentieth anniversary.

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

SENATE RESOLUTION NO. 7— BY SENATORS PEACOCK, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GULLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

A RESOLUTION

To commend and congratulate Judge Carl E. Stewart of the United States Court of Appeals for the Fifth Circuit on becoming Chief Judge.

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

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

SENATE RESOLUTION NO. 8— BY SENATOR WALSWORTH

A RESOLUTION

To designate April 10, 2013, as "YMCA Day in Louisiana".

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

SENATE RESOLUTION NO. 9— BY SENATOR CLAITOR

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Julie Barfield Hamilton of Baton Rouge, Louisiana.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 13— BY SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To commend and congratulate Dr. Daniel D. "Dan" Reneau upon the occasion of his retirement as president of Louisiana Tech University and to recognize his numerous accomplishments and noteworthy contributions to his university, his community, and the state.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Erdey, Nevers, Adley, Gallot, Peacock, Amedee, Heitmeier, Perry, Broome, Johns, Peterson, Buffington, Kostelka, Riser, Chabert, Long, Thompson, Claitor, Mills, Walsworth, Cortez, Morrell, Ward, Donahue, Morrish, White, Dorsey-Colomb, Murray, Total - 29

NAYS

Total - 0

ABSENT

Table with 3 columns: Allain, Guillory, Smith, J., Appel, LaFleur, Tarver, Brown, Martiny, Crowe, Smith, G., Total - 10

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

Motion

Senator Murray moved that the Senate proceed to the House of Representatives to meet in Joint Session.

Joint Session of the Legislature

The joint session of the legislature was called to order at 4:30 P.M. by the Honorable John A. Alario Jr., President of the Senate.

On motion of Senator Broome, the calling of the roll on the part of the Senate was dispensed with.

On motion of Representative Leger, the calling of the roll on the part of the House was dispensed with.

The President of the Senate introduced the Honorable Bernette Johnson, Chief Justice of the Louisiana Supreme Court, who addressed the joint session of the legislature.

On motion of Senator Broome, the Senate retired to its own chamber.

After Joint Session

ROLL CALL

The Senate was called to order by the President of the Senate with the following Senators present:

PRESENT

Table with 3 columns: Mr. President, Donahue, Perry, Adley, Kostelka, Peterson, Appel, Long, Riser, Broome, Mills, Smith, G., Brown, Morrell, Thompson, Buffington, Morrish, Ward, Chabert, Murray, White

Claitor
Crowe
Total - 25

Nevers
Peacock

ABSENT

Allain
Amedee
Cortez
Dorsey-Colomb
Erdey
Total - 14

Gallot
Guillory
Heitmeier
Johns
LaFleur

Martiny
Smith, J.
Tarver
Walsworth

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

**Senate Business Resumed
After Joint Session**

**Senate Concurrent Resolutions on
Second Reading, Resumed**

**SENATE CONCURRENT RESOLUTION NO. 14—
BY SENATOR CORTEZ**

A CONCURRENT RESOLUTION

To recognize May 2013 as Amyotrophic Lateral Sclerosis Awareness Month and to memorialize the Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and a cure for amyotrophic lateral sclerosis.

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

**SENATE CONCURRENT RESOLUTION NO. 16—
BY SENATOR DORSEY-COLOMB**

A CONCURRENT RESOLUTION

To commend the Public Administration Institute Student Association (PAISA) at Louisiana State University and to recognize April 13, 2013, as the fifteenth annual PAISA Day in the state of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Appel
Broome
Brown
Buffington
Chabert
Claitor
Crowe
Total - 25

Donahue
Kostelka
Long
Mills
Morrell
Morrish
Murray
Nevers
Peacock

Perry
Peterson
Riser
Smith, G.
Thompson
Ward
White

NAYS

Total - 0

ABSENT

Allain
Amedee
Cortez
Dorsey-Colomb
Erdey
Total - 14

Gallot
Guillory
Heitmeier
Johns
LaFleur

Martiny
Smith, J.
Tarver
Walsworth

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 CONCURRENT RESOLUTIONS**

April 8, 2013

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. 26 | HCR NO. 27 | HCR NO. 28 |
| HCR NO. 31 | HCR NO. 33 | HCR NO. 35 |
| HCR NO. 36 | | |

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

House Concurrent Resolutions

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

**HOUSE CONCURRENT RESOLUTION NO. 26—
BY REPRESENTATIVE MORENO**

A CONCURRENT RESOLUTION

To recognize Saturday, May 4, 2013, as Lemonade Day Louisiana.

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

**HOUSE CONCURRENT RESOLUTION NO. 27—
BY REPRESENTATIVE LEGER**

A CONCURRENT RESOLUTION

To commend the John D. and Catherine T. MacArthur Foundation for its efforts in establishing successful and replicable models of juvenile justice reform in Louisiana.

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

**HOUSE CONCURRENT RESOLUTION NO. 28—
BY REPRESENTATIVE LEGER**

A CONCURRENT RESOLUTION

To commend Irene Olivia Reed upon the celebration of her one hundred fifth birthday.

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

**HOUSE CONCURRENT RESOLUTION NO. 31—
BY REPRESENTATIVE CARTER**

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of former state representative Kevin P. Reilly, Sr., of Baton Rouge.

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

**HOUSE CONCURRENT RESOLUTION NO. 33—
BY REPRESENTATIVE HUVAL AND SENATOR MILLS**

A CONCURRENT RESOLUTION

To commend Ray Pellerin for his outstanding accomplishments and significant contributions to his community and to express appreciation for the pride he brings to his family, friends and colleagues, the Acadiana community, and the state of Louisiana.

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

April 9, 2013

HOUSE CONCURRENT RESOLUTION NO. 35—

BY REPRESENTATIVE PIERRE
A CONCURRENT RESOLUTION

To commend the Ragin' Cajuns of the University of Louisiana at Lafayette upon winning their second consecutive New Orleans Bowl.

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

HOUSE CONCURRENT RESOLUTION NO. 36—

BY REPRESENTATIVES ST. GERMAIN, BARROW, KATRINA JACKSON, MORENO, NORTON, SMITH, AND THIERRY AND SENATORS BROOME, DORSEY-COLOMB, AND PETERSON
A CONCURRENT RESOLUTION

To recognize Tuesday, April 9, 2013, as Equal Pay Day in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Crowe, Murray; Adley, Dorsey-Colomb, Nevers; Appel, Erdey, Peacock; Broome, Long, Peterson; Brown, Mills, Smith, G.; Buffington, Morrell, Thompson; Chabert, Morrish, Ward; Total - 21

NAYS

Total - 0

ABSENT

Table with 3 columns: Allain, Guillory, Perry; Amedee, Heitmeier, Riser; Claitor, Johns, Smith, J.; Cortez, Kostelka, Tarver; Donahue, LaFleur, Walsworth; Gallot, Martiny, White; Total - 18

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

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 11—

BY REPRESENTATIVE ROBIDEAUX
A CONCURRENT RESOLUTION

To recognize April 10, 2013, as Human Resource Management Day in Louisiana and to commend the members of the Louisiana Society for Human Resource Management.

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

HOUSE CONCURRENT RESOLUTION NO. 19—

BY REPRESENTATIVES SHADOIN, ABRAMSON, ADAMS, ANDERS, ARMES, ARNOLD, BADON, BARRAS, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, WESLEY BISHOP, BROADWATER, BROSSETT, BROWN, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, CROMER, DANAHAY, DIXON, DOVE, EDWARDS, FANNIN, FOIL, FRANKLIN, GAINES, GAROFALO, GEYMAN, GISCLAIR, GREENE, GUILLORY, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, HUVAL, IVEY, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LEOPOLD, LOPINTO, LORUSSO, MACK, MILLER, MONTUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, PONTI, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD,

RITCHIE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SEABAUGH, SIMON, SMITH, ST. GERMAIN, STOKES, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of former state representative Laurice Dean "Buddy" Napper of Ruston.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Dorsey-Colomb, Perry; Adley, Erdey, Peterson; Appel, Kostelka, Riser; Broome, Long, Smith, G.; Brown, Mills, Thompson; Buffington, Morrell, Ward; Chabert, Morrish, White; Crowe, Nevers; Donahue, Peacock; Total - 25

NAYS

Total - 0

ABSENT

Table with 3 columns: Allain, Guillory, Murray; Amedee, Heitmeier, Smith, J.; Claitor, Johns, Tarver; Cortez, LaFleur, Walsworth; Gallot, Martiny; Total - 14

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

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVE PUGH
A CONCURRENT RESOLUTION

To recognize Tuesday, April 9, 2013, as Ponchatoula Strawberry Festival Day.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Donahue, Murray; Adley, Dorsey-Colomb, Nevers; Appel, Erdey, Peacock; Broome, Guillory, Perry; Brown, Kostelka, Riser; Buffington, Long, Smith, G.; Chabert, Mills, Thompson; Cortez, Morrell, Ward; Crowe, Morrish, White; Total - 27

NAYS

Total - 0

ABSENT

Table with 3 columns: Allain, Heitmeier, Peterson; Amedee, Johns, Smith, J.

Claitor	LaFleur	Tarver
Gallot	Martiny	Walsworth
Total - 12		

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

HOUSE CONCURRENT RESOLUTION NO. 25—
 BY REPRESENTATIVE PUGH
 A CONCURRENT RESOLUTION

To recognize Thursday, May 9, 2013, as Elmer's Candy Day in the state of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Nevers
Adley	Dorsey-Colomb	Peacock
Appel	Erdey	Perry
Broome	Guillory	Peterson
Brown	Kostelka	Riser
Buffington	Long	Smith, G.
Chabert	Mills	Thompson
Claitor	Morrell	Ward
Cortez	Morrish	White
Crowe	Murray	
Total - 29		

NAYS

Total - 0

ABSENT

Allain	Johns	Tarver
Amedee	LaFleur	Walsworth
Gallot	Martiny	
Heitmeier	Smith, J.	
Total - 10		

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 Jack Donahue, Chairman on behalf of the Committee on Finance, submitted the following report:

April 9, 2013

To the President and Members of the Senate:

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

SENATE BILL NO. 124—
 BY SENATOR MURRAY
 AN ACT

To amend and reenact R.S. 13:1377(A) and 1381.4(A)(2), relative to courts and judicial procedure; to provide relative to the Criminal District Court for the Parish of Orleans; to provide relative to the imposition of certain fees and court costs; to increase certain amounts; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 155—
 BY SENATOR MURRAY
 AN ACT

To amend and reenact R.S. 13:126, relative to courts and judicial procedure; to provide relative to the Louisiana Supreme Court; to provide for the imposition of certain chargeable fees and costs; to provide for the increase of certain fees; and to provide for related matters.

Reported favorably.

Respectfully submitted,
 JACK DONAHUE
 Chairman

Rules Suspended

Senator Donahue asked for and obtained a suspension of the rules to revert to:

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 16—
 BY SENATOR ALARIO
 A RESOLUTION

To amend and readopt Senate Rule 13.1(C) of the Rules of Order of the Senate relative to interim membership of standing committees, to provide for the powers and duties of interim members appointed to certain statutory committees by virtue of their appointment to interim membership of a standing committee.

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

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Dorsey-Colomb	Nevers
Adley	Erdey	Peacock
Amedee	Gallot	Perry
Appel	Guillory	Peterson
Broome	Heitmeier	Riser
Brown	Johns	Smith, G.
Buffington	Kostelka	Thompson
Chabert	Long	Walsworth
Claitor	Mills	Ward
Cortez	Morrell	White
Crowe	Morrish	
Donahue	Murray	
Total - 34		

ABSENT

Allain	Martiny	Tarver
LaFleur	Smith, J.	
Total - 5		

Leaves of Absence

The following leaves of absence were asked for and granted:

Allain	1 Day	LaFleur	1 Day
Martiny	1 Day	Tarver	1 Day
John Smith	1 Day		

April 9, 2013

Announcements

The following committee meetings for April 10, 2013, were announced:

Education	At Adj	Hainkel Room
Transportation	At Adj	Room E

Adjournment

On motion of Senator Thompson, at 5:30 o'clock P.M. the Senate adjourned until Wednesday, April 10, 2013, at 9:30 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:30 o'clock A.M. on Wednesday, April 10, 2013.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk