

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

TWENTY-FOURTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, April 25, 2012

The Senate was called to order at 3:05 o'clock P.M. by Hon. Sharon Weston Broome, President Pro Tempore of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Allain	Erdey	Peacock
Amedee	Gallot	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Chabert	Long	Smith, J.
Claitor	Martiny	Walsworth
Cortez	Mills	Ward
Donahue	Morrell	White
Dorsey-Colomb	Murray	
Total - 29		

ABSENT

Mr. President	Guillory	Tarver
Adley	LaFleur	Thompson
Buffington	Morrish	
Crowe	Nevers	
Total - 10		

The President Pro Tempore of the Senate announced there were 29 Senators present and a quorum.

Prayer

The prayer was offered by Father Gregory P. Fratt, 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 Adley, the reading of the Journal was dispensed with and the Journal of April 24, 2012, was adopted.

**Privilege Report of the
Legislative Bureau**

April 25, 2012

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. We advise and suggest the following amendments to the engrossed bills.

HOUSE CONCURRENT RESOLUTION NO. 31—

BY REPRESENTATIVE ST. GERMAIN
A CONCURRENT RESOLUTION

To approve the Atchafalaya Basin Annual Basin Plan for Fiscal Year 2012-2013, as adopted by the Atchafalaya Basin Research and Promotion Board and the Coastal Protection and Restoration Authority.

Reported without amendments.

HOUSE BILL NO. 71—

BY REPRESENTATIVE BERTHELOT
AN ACT

To enact R.S. 40:1602, relative to the state fire marshal; to authorize the state fire marshal to issue a burn ban; to authorize the state fire marshal and the commissioner of agriculture to issue civil fines for violations; to provide for the amount of the civil fine; to provide for the appeal of the civil fines; to provide for the deposit of monies collected in the Life Safety and Property Protection Trust Fund; to exempt prescribed burning; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 89—

BY REPRESENTATIVE LIGI
AN ACT

To enact Part IV of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:67.1 and 67.2, relative to collective bargaining involving public entities; to provide relative to acceptance or offering for acceptance of certain collective bargaining agreements; to provide for public availability of certain documents; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 111—

BY REPRESENTATIVE GUILLORY
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in St. Landry Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 217—

BY REPRESENTATIVE PUGH
AN ACT

To enact R.S. 33:3887.6, relative to Tangipahoa Parish; to provide relative to the governing board of the Tangipahoa Parish Sewerage District No. 1; to increase the maximum per diem authorized to be paid to members of such board for attending board meetings; to provide relative to the number of meetings for which board members may be paid; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 298—

BY REPRESENTATIVE BROADWATER
AN ACT

To amend and reenact R.S. 23:1127(C)(3), relative to written communication in workers' compensation claims; to provide for transmission by electronic mail in certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 309—

BY REPRESENTATIVE JAMES
AN ACT

To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create the Park Forest Crime Prevention and Improvement District in East Baton Rouge Parish; to provide relative to the

boundaries, purpose, and governance of the district; to provide relative to the powers and duties of the district; to provide for the levy of a parcel fee within the district; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 309 by Representative James

AMENDMENT NO. 1

On page 2, line 11, following "successor" insert "shall serve as a member"

AMENDMENT NO. 2

On page 5, line 23, following "Miscellaneous" change "provision" to "provisions"

HOUSE BILL NO. 320—

BY REPRESENTATIVE DANAHAY
AN ACT

To enact R.S. 25:151(B)(4) and (C)(3), relative to the Calcasieu Parish Library; to provide relative to the disposition of surplus library books; to authorize the library, subject to the approval of its governing board, to sell such books; to provide relative to the disposition of proceeds collected from such sales; to provide relative to the location of such sales; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 456—

BY REPRESENTATIVES BURRELL AND RICHARD
AN ACT

To repeal R.S. 33:4874 and R.S. 48:492 through 495, relative to revision of local government laws pursuant to House Concurrent Resolution No. 218 of the 2009 Regular Session of the Legislature; to repeal certain obsolete or ineffective provisions, specifically provisions relative to the power of local governments to punish vagrancy and provisions for laying out of public roads by a jury of freeholders, including provisions for an oath, for compensation of owners, for an appeal, and for the width of the roads and causeways; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 571—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 30:2000.6(A)(11) and (12) and (D) and 2000.11(B), relative to the Atchafalaya Basin Research and Promotion Board; to provide relative to voting members of the board; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 737—

BY REPRESENTATIVE BROADWATER
AN ACT

To amend and reenact R.S. 23:1231(B)(2) and to enact R.S. 23:1231(B)(3) and 1251(3), relative to workers' compensation; to provide death benefits to living descendants of a deceased employee; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 809—

BY REPRESENTATIVE HAVARD
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in East Feliciana Parish; to provide for the property description; to provide for

reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Martiny, the Legislative Bureau amendments were adopted and the Bills and Concurrent Resolutions were read by title and passed to a third reading.

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 82—

BY SENATOR JOHNS
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of William "Bill" L. Henning Sr.

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

SENATE RESOLUTION NO. 83—

BY SENATOR WALSWORTH
A RESOLUTION

To urge and request the Department of Environmental Quality to study the establishment of a recycling and collection system for electronic waste in Louisiana and report its findings to the legislature.

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

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 72—

BY SENATOR ERDEY
A CONCURRENT RESOLUTION

To establish an advisory group within the Department of Veterans Affairs to study, evaluate, and make recommendations on the proper utilization of the former Greenwell Springs Mental Health Hospital facility.

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

Senate Bills and Joint Resolutions on Second Reading

SENATE BILL NO. 751— (Substitute of Senate Bill No. 335 by Senator Morrish)

BY SENATOR MORRISH
AN ACT

To amend and reenact R.S. 32:1256 and to enact R.S. 32:1256.1, relative to the Louisiana Motor Vehicle Commission; to provide relative to recreational product shows; and to provide for related matters.

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

SENATE BILL NO. 752— (Substitute of Senate Bill No. 447 by Senator Peterson)

BY SENATORS PETERSON, APPEL, MARTINY AND MORRELL AND REPRESENTATIVES ADAMS, BILLIOT, CONNICK, HENRY, LEOPOLD, LIGI, LOPINTO, LORUSSO, TALBOT AND WILLMOTT
AN ACT

To enact R.S. 9:5396 and R.S. 33:5065 through 5069, relative to ordinances requiring abandoned property be maintained in a safe and sanitary condition; to allow the governing authority of

certain municipalities to maintain abandoned properties; to provide for definitions; to provide for notice; and to provide for related matters.

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

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 75—

BY SENATOR BROOME

A RESOLUTION

To commend Willie C. Johnson upon the memorable and historic occasion of "The Ultimate Graduation", hosted by the Leadership Greater Baton Rouge Alumni.

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

SENATE RESOLUTION NO. 76—

BY SENATOR MURRAY

A RESOLUTION

To commend airman Calvin Moret, the last surviving New Orleans member of the Tuskegee Airmen.

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

SENATE RESOLUTION NO. 77—

BY SENATOR PETERSON

A RESOLUTION

To commend Xavier University Preparatory School on its commitment to excellence and exemplary achievement.

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

SENATE RESOLUTION NO. 78—

BY SENATOR PERRY

A RESOLUTION

To commend Dr. A. David Barry, Dean of the College of Liberal Arts at the University of Louisiana at Lafayette, on the occasion of his retirement.

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

SENATE RESOLUTION NO. 79—

BY SENATOR PEACOCK

A RESOLUTION

To commend Kathleen "Kathy" Barberousse on a distinguished career as an educator, to recognize her contributions to the children and educational system of Caddo Parish, and to designate Friday, April 27, 2012, as Kathleen "Kathy" Barberousse Day.

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

SENATE RESOLUTION NO. 80—

BY SENATORS ALARIO, ADLEY, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

A RESOLUTION

To commend Edwin William "Bill" Curry for his lengthy career of exemplary public service to the state of Louisiana, in particular the thirty years of faithful service to the Senate body, and to congratulate him upon the occasion of his most deserved retirement.

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

SENATE RESOLUTION NO. 81—

BY SENATORS ALARIO, ADLEY, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

A RESOLUTION

To commend Sherri Breaux for her many years of dedicated public service to the state of Louisiana, in particular, the Louisiana Senate and to congratulate her on the occasion of her retirement.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 68—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of motor vehicles, to study the impact of collecting the motor vehicle license tax on private passenger vehicles based upon the vehicle's fair market value at the time of each renewal.

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

Allain	Dorsey-Colomb	Peacock
Amedee	Erdey	Perry
Appel	Gallot	Peterson
Broome	Guillory	Riser
Brown	Heitmeier	Smith, G.
Buffington	Johns	Smith, J.
Chabert	Kostelka	Tarver
Claitor	Long	Thompson
Cortez	Martiny	Walsworth
Crowe	Mills	White
Donahue	Murray	
Total - 32		

NAYS

Total - 0

ABSENT

Mr. President	Morrell	Ward
Adley	Morrish	
LaFleur	Nevers	
Total - 7		

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

SENATE CONCURRENT RESOLUTION NO. 69—

BY SENATOR HEITMEIER AND REPRESENTATIVE ARNOLD

A CONCURRENT RESOLUTION

To commend New Orleans Fire Department Eighth District Fire Chief Darryl Klumpp for his heroic actions which saved an elderly man and his two dogs from a fire that consumed his Algiers home.

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

April 25, 2012

ROLL CALL

The roll was called with the following result:

YEAS

Allain Gallot Perry
Appel Guillory Peterson
Broome Heitmeier Riser
Brown Johns Smith, G.
Chabert Kostelka Smith, J.
Claitor LaFleur Tarver
Cortez Long Thompson
Crowe Martiny Walsworth
Donahue Mills Ward
Dorsey-Colomb Murray White
Erdey Peacock

Total - 32

NAYS

Total - 0

ABSENT

Mr. President Buffington Nevers
Adley Morrell
Amedee Morrish
Total - 7

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

SENATE CONCURRENT RESOLUTION NO. 70—

BY SENATOR BROWN

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility and costs of the four lane widening of LA 73 between LA 30 and Interstate 10 and the four lane widening of LA 30 between Interstate 10 and LA 44, all in Ascension Parish.

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

SENATE CONCURRENT RESOLUTION NO. 71—

BY SENATOR JOHNS

A CONCURRENT RESOLUTION

To designate May 16, 2012, as Louisiana Housing Council Day.

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

ROLL CALL

The roll was called with the following result:

YEAS

Allain Erdey Peacock
Amedee Gallot Perry
Appel Guillory Peterson
Broome Heitmeier Riser
Brown Johns Smith, G.
Buffington Kostelka Smith, J.
Chabert LaFleur Tarver
Claitor Long Thompson
Cortez Martiny Walsworth
Crowe Mills Ward
Donahue Morrell White
Dorsey-Colomb Murray

Total - 35

NAYS

Total - 0

ABSENT

Mr. President Morrish
Adley Nevers
Total - 4

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

April 24, 2012

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. 107 HB NO. 188 HB NO. 457
HB NO. 1010 HB NO. 1098 HB NO. 1164
HB NO. 1196

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 107—

BY REPRESENTATIVE RICHARDSON
AN ACT

To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create the Hampton Village Crime Prevention and Improvement District within the parish; to provide relative to the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

HOUSE BILL NO. 188—

BY REPRESENTATIVE BROADWATER
AN ACT

To enact R.S. 23:1601(1)(b), relative to disqualification for unemployment compensation benefits; to provide with respect to temporary employees employed by a staffing firm; to provide definitions; and to provide for related matters.

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

HOUSE BILL NO. 457—

BY REPRESENTATIVE KATRINA JACKSON
AN ACT

To amend and reenact R.S. 46:1804 and 1806(A), relative to crime victims reparations; to provide for notification requirements by the Crime Victims Reparations Board; to provide relative to applications for reparations; to extend the time in which an application for reparations is to be filed by certain applicants; and to provide for related matters.

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

HOUSE BILL NO. 1010—
BY REPRESENTATIVES ARNOLD, EDWARDS, AND MACK
AN ACT

To amend and reenact R.S. 13:392 and to enact R.S. 13:352(D), (E), and (F), and 588, relative to furniture and equipment purchased or owned by the courts of appeal and each judicial district court; to require the title of all furniture and equipment purchased and in possession of the courts of appeal to vest in the purchasing court; to require an itemized statement of furniture and equipment requested for purchase; to authorize certain persons to complete the sale of furniture or equipment; to authorize any judge to purchase furniture and equipment with nonpublic funds upon termination of office; to provide for the disposition of the sale proceeds; and to provide for related matters.

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

HOUSE BILL NO. 1098—
BY REPRESENTATIVE CHAMPAGNE
AN ACT

To amend and reenact R.S. 26:902 through 905, 906(B), (C), (D), and (E), 912, 913, 918(B), and 919(A), (E), and (F) and to repeal R.S. 26:907 and 915, relative to tobacco product permits for retail dealers; to eliminate requirements relative to registration certificates for tobacco retail dealers and all references thereto; to provide for a single class of permits for tobacco retail dealers; to provide for a decrease in retail dealer permit fees; and to provide for related matters.

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

HOUSE BILL NO. 1164—
BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 26:80(A) and (F)(2)(introductory paragraph) and 280(A) and (F)(2)(introductory paragraph), relative to qualifications of applicants for low and high alcoholic beverage permits; to prohibit any applicant from obtaining a state or local permit who has been convicted of crimes involving distribution or possession with intent to distribute certain substances; and to provide for related matters.

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

HOUSE BILL NO. 1196— (Substitute for House Bill No. 868 by Representative Pearson)
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 22:1046(B), (C), (F), and (G)(3) and (4) and to repeal R.S. 22:1046(E), relative to group health plans; to provide for continuation of group health plans; and to provide for related matters.

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

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

April 25, 2012

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. 109 HCR NO. 110 HCR NO. 111

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

House Concurrent Resolutions
on First Reading

HOUSE CONCURRENT RESOLUTION NO. 109—
BY REPRESENTATIVES ARNOLD, ST. GERMAIN, ABRAMSON, ADAMS, ANDERS, ARMES, 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, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LEOPOLD, LIGI, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, PONTI, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADON, SIMON, SMITH, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT

A CONCURRENT RESOLUTION
To commend H. "Butch" Browning, Jr., upon his retirement for his service to the state as the Louisiana State Fire Marshal.

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

HOUSE CONCURRENT RESOLUTION NO. 110—
BY REPRESENTATIVES DOVE, HARRISON, AND WHITNEY AND SENATORS ALLAIN AND CHABERT

A CONCURRENT RESOLUTION
To recognize October seventeenth annually as Mesothelioma Awareness Day in Louisiana.

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

HOUSE CONCURRENT RESOLUTION NO. 111—
BY REPRESENTATIVE DOVE

A CONCURRENT RESOLUTION
To recognize Friday, June 8, 2012, as "A Day of Giving" and to commend volunteers throughout the state of Louisiana.

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

House Bills and Joint Resolutions on
Second Reading

HOUSE BILL NO. 40—
BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 11:822(A)(1), relative to the membership of the board of trustees of the Teachers' Retirement System of Louisiana; to authorize the state superintendent of education to appoint a designee to serve on the board; and to provide for related matters.

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

HOUSE BILL NO. 66—
BY REPRESENTATIVE CROMER
AN ACT

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

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

April 25, 2012

HOUSE BILL NO. 106—
BY REPRESENTATIVE DOVE
AN ACT

To repeal R.S. 33:2481.3(C), relative to the city of Houma; to provide relative to the position of police chief in the city; to provide relative to provisions that place the position in the unclassified service; to provide relative to the date on which such provisions shall terminate; to repeal the termination date; and to provide for related matters.

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

HOUSE BILL NO. 158—
BY REPRESENTATIVE BADON
AN ACT

To amend and reenact R.S. 15:81(H)(1), relative to bond for release of municipal ordinances; to provide for an increase in the maximum amount of the bond which can be set in the Municipal Court of New Orleans; and to provide for related matters.

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

HOUSE BILL NO. 164—
BY REPRESENTATIVE BURFORD
AN ACT

To amend and reenact R.S. 3:742, relative to livestock inspections; to provide for inspection of cattle; and to provide for related matters.

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

HOUSE BILL NO. 202—
BY REPRESENTATIVE RICHARDSON
AN ACT

To amend and reenact Children's Code Article 305(B)(4) and (E) and Code of Criminal Procedure Article 644.1, relative to juvenile proceedings; to amend provisions relative to divestiture of juvenile court jurisdiction; to provide relative to the jurisdiction over mental capacity determinations; to provide relative to mental capacity determination proceedings; and to provide for related matters.

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

HOUSE BILL NO. 215—
BY REPRESENTATIVE SMITH
AN ACT

To amend and reenact R.S. 46:1846, relative to communication between offender and victim; to amend provisions relative to prohibited communication between an offender and a victim; to amend procedures by which an offender and victim may communicate; and to provide for related matters.

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

HOUSE BILL NO. 410—
BY REPRESENTATIVE FANNIN
AN ACT

To amend and reenact R.S. 33:4564.5, relative to a recreation district in Jackson Parish; to provide relative to the board of commissioners of such a district; to provide relative to the authority of the governing authority of Jackson Parish with respect to the budget and taxing authority and the compensation and expenses of board members, the secretary-treasurer, and director of such a district; and to provide for related matters.

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

HOUSE BILL NO. 657—
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 41:1603(B), relative to the Department of Culture, Recreation, and Tourism; provides relative to the division of archaeology; provides relative to the minimum qualifications of the state archaeologist; and to provide for related matters.

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

HOUSE BILL NO. 684—
BY REPRESENTATIVE PYLANT
AN ACT

To amend and reenact R.S. 40:1502.4(A) and (C)(2)(c), relative to Crowville Fire District #1; to provide relative to a service charge on structures imposed by the district; and to provide for related matters.

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

HOUSE BILL NO. 846—
BY REPRESENTATIVES SIMON, BADON, BERTHELOT, BILLIOT, WESLEY BISHOP, BROWN, HENRY BURNS, COX, DOVE, GAROFALO, GISCLAIR, HARRIS, HOFFMANN, HOWARD, JAMES, JEFFERSON, LEGER, LIGI, MORENO, POPE, REYNOLDS, RICHARD, RICHARDSON, SHADOIN, AND THOMPSON
AN ACT

To amend and reenact R.S. 28:2(14), (17), and (29)(a)(introductory paragraph), 52(A) and (C), 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E) and to enact R.S. 28:171.1, relative to mental health law; to provide for definitions; to establish principles for the state mental health system; and to provide for related matters.

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

HOUSE BILL NO. 932—
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 33:1947(A) and to enact R.S. 33:2201(F), relative to law enforcement; to provide for a member of the Law Enforcement Officers and Firemen's Survivor Benefit Review Board; to provide with respect to the eligibility of the surviving spouses and children of certain deceased law enforcement officials to receive benefits; to authorize that benefits may be paid if certain officers were in the course of traveling at the time of death; and to provide for related matters.

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

HOUSE BILL NO. 952—
BY REPRESENTATIVES BROSSETT, ARNOLD, BADON, BARROW, BERTHELOT, BILLIOT, WESLEY BISHOP, HENRY BURNS, BURRELL, CARMODY, COX, DOVE, EDWARDS, GAROFALO, HARRIS, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JONES, LEGER, LIGI, MORENO, PIERRE, SCHEXNAYDER, SMITH, AND WILLMOTT
AN ACT

To enact Part I-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:26.10.1 through 26.10.5, relative to mental and behavioral health services; to provide a short title; to provide a statement of legislative intent; to provide for management of mental and behavioral health resources; to provide for funding priorities; to provide for innovative mental and behavioral health services; and to provide for related matters.

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

HOUSE BILL NO. 957—

BY REPRESENTATIVE EDWARDS
AN ACT

To enact R.S. 30:4(L), relative to hydraulic fracturing; to provide for the authority of the commissioner of conservation to promulgate rules, regulations, and orders; to provide for the reporting of additives and ingredients of hydraulic fracturing fluid; to provide for reporting of certain ingredients with trade secret protection; and to provide for related matters.

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

HOUSE BILL NO. 989—

BY REPRESENTATIVES HUVAL, PIERRE, REYNOLDS, RITCHIE,
TALBOT, AND THIBAUT
AN ACT

To enact R.S. 22:978(E) and (F), relative to group, family group, blanket, and association health and accident insurance and health maintenance organizations; to provide with respect to notice required for certain premium increase, cancellation, or nonrenewal; to provide for the release of claims data; to provide with respect to civil immunity and certifications; and to provide for related matters.

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

HOUSE BILL NO. 1020—

BY REPRESENTATIVES DANAHAY AND KLECKLEY
AN ACT

To amend and reenact R.S. 18:1285(A)(1) and 1293, relative to certain elections; to require certain notification to electors relative to the remittance of portions of tax collections to specified retirement systems in accordance with law; to require certain records to be kept regarding certain elections; and to provide for related matters.

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

HOUSE BILL NO. 1038—

BY REPRESENTATIVE MONTOU CET
AN ACT

To enact R.S. 13:5554(G)(3), relative to payment of group insurance premiums for sheriffs and deputy sheriffs of the Acadia Parish Sheriff's Office; to provide for requirements relative to age and years of service with the Acadia Parish Sheriff's Office after a certain date; and to provide for related matters.

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

HOUSE BILL NO. 1082—

BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 26:71.1(1)(h) and 271.2(1)(h), relative to Class A-General retail permits for low and high alcoholic beverages; to require a Class A-General retail establishment to adhere to certain guidelines relative to public restrooms; to require the retail establishment to obtain proof of compliance from the office of public health; and to provide for related matters.

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

HOUSE BILL NO. 1177—

BY REPRESENTATIVE HARRISON
AN ACT

To enact R.S. 22:1576, relative to insurance producers; to require certain training for insurance producers in order to sell annuity products; to provide for the registration of annuity training course providers as continuing education providers; to require insurers to verify that a producer who sells annuities has

satisfied annuity training requirements; and to provide for related matters.

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

HOUSE BILL NO. 1192— (Substitute for House Bill No. 922 by Representative Barras)

BY REPRESENTATIVE BARRAS
AN ACT

To enact R.S. 35:191(W), relative to notaries public; to provide for qualifications of notaries in certain parishes; to provide for authority and jurisdiction; to provide for employment; to provide for bonding and liability; to provide for provisional status; to provide for enforceability of certain notarial acts; to provide for expiration of commissions; and to provide for related matters.

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

HOUSE BILL NO. 1194— (Substitute for House Bill No. 525 by Representative Barrow)

BY REPRESENTATIVE BARROW
AN ACT

To enact R.S. 17:264, relative to public high school graduation; to authorize the State Board of Elementary and Secondary Education to develop a diploma endorsement program for the performance of community service by high school students; to provide relative to rules, guidelines, and implementation; to provide for a report; and to provide for related matters.

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

HOUSE BILL NO. 1195— (Substitute for House Bill No. 622 by Representative Jackson)

BY REPRESENTATIVE KATRINA JACKSON
AN ACT

To amend and reenact R.S. 32:871(A) and 872(A), relative to uninsured motorists; to provide for reimbursement for damages; and to provide for related matters.

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

HOUSE BILL NO. 1197— (Substitute for House Bill No. 893 by Representative Fannin)

BY REPRESENTATIVE FANNIN
AN ACT

To amend and reenact R.S. 18:602(C) and to enact R.S. 18:602(E)(1)(c), relative to vacancies in the office of sheriff; to provide for the filling of such vacancies under certain circumstances; to provide relative to the eligibility of the person filling such a vacancy to seek the office; to provide for retroactive application; and to provide for related matters.

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

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 105—

BY REPRESENTATIVE LORUSSO
A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Veterans Affairs to study Veterans Treatment Courts and the feasibility of creating and implementing such courts in the state of Louisiana.

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

April 25, 2012

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS

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

April 25, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 214— BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 37:1202(A)(5), 1203(A)(5), 1207(B), 1213, 1214, and 1230(C), and to repeal R.S. 37:1215, relative to the Louisiana Board of Pharmacy; to provide with respect to certain qualifications to engage in the practice of pharmacy; to require submission of an application by any applicant for licensure by examination; to provide with respect to submission of an application by any applicant for licensure as a pharmacist by reciprocity; to provide for applications for certain renewals; to provide for certain notifications of change; to provide for certain permit renewal applications; to remove the requirement to display certain licenses, certificates, and registrations; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 388— BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 51:712(E) and to enact R.S. 51:712(F), relative to securities; to provide for the offering, selling, or purchasing of mutual funds under certain circumstances; to provide for unlawful practices; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 723— BY SENATORS APPEL, CHABERT AND MORRELL AND REPRESENTATIVES LEGER AND BROSSETT

AN ACT

To enact Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3111 through 3117, relative to the Louisiana International Trade Initiative; to create the Louisiana International Trade Initiative within the Department of Economic Development; to create the Louisiana International Trade Initiative Board; to provide for membership of the board; to provide for powers and duties of the board; to provide for definitions, terms, procedures, and conditions; to provide for development of a master international trade plan and an annual report; to provide for legislative oversight; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 8— BY REPRESENTATIVE SIMON

AN ACT

To amend and reenact R.S. 40:1737(A), 1738(D), 1741, and 1742(A)(2), relative to equal access to governmental and public facilities for the disabled community; to provide for proper designation of a certain office of the state; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 25— BY REPRESENTATIVE HENRY BURNS

AN ACT

To enact R.S. 37:2156.1(N), relative to certain state contractors' licenses; to provide for an exemption from certain examination requirements for licensed arborists; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 91— BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 51:1783(10) and (12), relative to the Louisiana Enterprise Zone Act; to provide for definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 144— BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 51:708(8)(introductory paragraph), relative to securities; to change a reference to the Financial Industry Regulatory Authority to the Nasdaq Stock Market, LLC; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 161— BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact R.S. 37:846(A)(11) and to enact R.S. 37:831(80) through (87), 846(A)(20), and 854, relative to embalmers and funeral directors; to create a continuing education program; to provide for definitions; to provide for powers and duties of the board; to provide for renewal of licenses; to provide for requirements and enforcement; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 178— BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 44:3.2(C), (D), and (E) and to enact R.S. 44:3.2(F), relative to economic development; to provide for the confidentiality of any proprietary or trade secret information submitted to the Department of Economic Development for economic development purposes; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 208— BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 44:22(F), relative to economic development; to extend the sunset for the confidentiality of information submitted to the Department of Economic Development; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 311— BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 9:1123.113, relative to condominiums; to authorize an equivalent form of insurance to satisfy the requirement that condominium associations maintain a fidelity bond; to require proof of the insurance to be kept on the condominium premises; to provide for the right to inspect the proof of insurance; to require notice of the insurance and the

right to inspect the proof of insurance; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 508—

BY REPRESENTATIVE PONTI

AN ACT

To enact R.S. 6:1083(24) and 1086(D), relative to residential mortgages; to define "regularly engaged"; to exempt from licensure as a mortgage loan originator or a mortgage broker or lender those persons not regularly engaged in residential mortgage lending; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 663—

BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact R.S. 8:501, 502, 502.1(3), 505.1, and 506(A)(3), relative to cemetery authorities; to provide for contracts for the sale of personal property or services; to provide for deposits into a merchandise trust fund; to provide relative to personal property delivery; to provide for annual reports and report filing fees; to provide for examination by the board; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 732—

BY REPRESENTATIVES HENRY BURNS, ADAMS, ANDERS, ARNOLD, BADON, BARROW, BERTHELOT, BROWN, TIM BURNS, BURRELL, CARTER, CHANEY, CONNICK, COX, CROMER, EDWARDS, FOIL, GAINES, GAROFALO, GISCLAIR, GREENE, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JONES, KLECKLEY, TERRY LANDRY, LEBAS, LEOPOLD, LIGI, LORUSSO, MACK, MILLER, MORENO, JAY MORRIS, NORTON, PIERRE, PONTI, POPE, PRICE, PUGH, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, SMITH, ST. GERMAIN, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT

AN ACT

To enact R.S. 37:3650, relative to professions and occupations; to provide for certain licensure of individuals with military training and experience; to provide for terms, conditions, procedures, and requirements; to provide certain exceptions; to provide for licensure by endorsement for spouses of such individuals; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 748—

BY REPRESENTATIVE PONTI

AN ACT

To enact R.S. 37:702(7), relative to the practice of engineering; to provide an exception for the evaluation of oil and gas resources; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 824—

BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 40:1749.12(11) and (12) and 1749.20(C)(introductory paragraph) and to enact R.S. 40:1749.12(16) and 1749.15(C), relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to define "operator"; to define "person"; to define "wildfire"; to require notification of an emergency excavation within four hours after commencement of excavation; to require notification within twelve hours of an emergency excavation after a gubernatorially declared state of emergency due to a tropical storm or hurricane; to require notification of an emergency excavation within twenty-four hours after control of an

emergency caused by a wildfire; to provide for penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1029— (Substitute for House Bill No. 798 by Representative Ponti)

BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 51:911.23, to enact Part XIV-A of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:912.1 through 912.10, and to repeal R.S. 51:911.25, relative to manufactured housing; to enact the New Manufactured and Modular Home Warranty Act; to provide for the purpose of the act; to provide for definitions; to provide for warranties for new manufactured and modular housing; to provide for exclusions to the warranties; to require an owner to provide notice of defects; to require notice of the warranties to be given to the owner; to provide for a preemption period for warranties; to allow the use of insurance to meet the warranty requirements; to provide for transfer of warranties and insurance; to establish a cause of action for actual damages due to violations; to authorize attorney fees and court costs; to provide for arbitration; to provide for exclusiveness; to repeal existing warranty provisions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1128—

BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 6:1033(B) and 1040(A), (B), and (C), R.S. 9:3561.1(B) and (F), and R.S. 37:1785(A) and 1786(C) and (D) and to enact R.S. 6:1033(D), R.S. 9:3561.1(I), and R.S. 37:1786(F), relative to licensure renewal dates within the regulation of the Office of Financial Institutions; to provide for annual renewal of licenses under the Sales of Checks and Money Transmission Act, the Louisiana Consumer Credit Law, and the Louisiana Pawnshop Act; to provide relative to the electronic database licensing system; to provide for failure to pay renewal fee; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

Senator Lee "Jody" Amedee, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 25, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 81—

BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 42:1102(23), relative to the Code of Governmental Ethics; to provide an exception to the definition of a "transaction involving the governmental entity" for certain transactions involving real property under certain circumstances; and to provide for related matters.

Reported by substitute.

April 25, 2012

SENATE BILL NO. 99—
BY SENATORS GALLOT AND RISER
AN ACT

To amend and reenact R.S. 18:532.1(C)(3)(a) and 532.1(D)(1), relative to the election code; to allow certain parish governing authorities to merge certain precincts; to provide for approval and review of certain precinct changes; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 123—
BY SENATOR BUFFINGTON
AN ACT

To enact R.S. 1:58.5, relative to special days; to designate three days in October as "Care Enough to Wear Pink" in Louisiana to recognize and honor those individuals who have been diagnosed with breast cancer; to provide that these dates shall be observed annually by the state; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 615—
BY SENATOR APPEL
AN ACT

To amend and reenact R.S. 33:9613(A)(2) and (B) through (G) and 9614(B) and (C), to enact R.S. 33:9613(H) through (I) and 9614(D), and to repeal R.S. 33:9613(A)(3), relative to local ethics entities, including but not limited to an ethics review board or office of inspector general in the parishes of East Baton Rouge, Jefferson, and Orleans; to provide relative to subpoena powers; to provide for protective orders; to provide relative to enforcement of subpoenas; to provide relative to the privileged nature of certain documents; to provide relative to public access to public documents; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 706—
BY SENATOR GALLOT
AN ACT

To enact R.S. 47:1508(B)(30), relative to the Department of Revenue; to provide with respect to the confidentiality of taxpayer records; to authorize the sharing of information to the Louisiana Public Service Commission in certain circumstances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 729—
BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 42:1113(D)(2)(b), relative to the Code of Governmental Ethics; to provide for an exception to the prohibition of contractual arrangements for any contract with any plan providing medicaid services to medicaid recipients; and to provide for related matters.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 46—
BY REPRESENTATIVE ORTEGO
A CONCURRENT RESOLUTION

To urge and request state agencies, when translating information from the English language to the French language, to make every effort to make such translations using Louisiana French by utilizing dictionaries and other resources dedicated to the preservation and celebration of this unique language.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 58—
BY REPRESENTATIVE NORTON
A CONCURRENT RESOLUTION

To direct the presiding officers of the Legislature of Louisiana to ensure that appropriate recognition of the sacrifices of Louisianians who have served as members of the Armed Forces of the United States in Iraq be displayed on the website of the legislature.

Reported with amendments.

HOUSE BILL NO. 108—
BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 17:2048.51(C)(14) and to enact R.S. 17:2048.51(C)(18) and (G)(7), relative to the Louisiana Health Works Commission; to provide for membership of such commission; to provide for membership of the executive committee within such commission; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 578—
BY REPRESENTATIVE DANAHAY
AN ACT

To enact R.S. 18:1309(L), relative to voting; to provide relative to early voting at certain locations; to provide relative to the days and hours of early voting at such locations; to provide relative to the authority and duties of registrars of voters and the secretary of state relative to early voting; to require notice; to provide for effectiveness; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 763—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 13:917(A) and (C), 1221(A), 1903(A), 1904(A) and (C) through (E), 1904.1, and 2562.26(A) and R.S. 44:40(E) and to repeal R.S. 44:40(F) and 427, relative to records in the custody of a clerk of court; to provide for the destruction of such records in certain circumstances; to provide for retention in certain circumstances and in certain formats; and to provide for related matters.

Reported favorably.

Respectfully submitted,
LEE "JODY" AMEDEE
Chairman

**REPORT OF COMMITTEE ON
INSURANCE**

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

April 25, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 40—
BY SENATOR MORRISH
AN ACT

To amend and reenact R.S. 40:1429, relative to the insurance fraud investigation unit within the Department of Public Safety and Corrections; to extend the enforcement provisions of the unit to July 1, 2014; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 251—
BY SENATOR MORRISH

AN ACT

To enact Part II-A of Chapter 7 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1931 through 1942, relative to insurance fraud; to provide definitions; to prohibit insurance fraud; to provide for civil actions and monetary penalties; to provide with respect to civil investigative demand and deposition; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 373—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 22:1657 and to enact R.S. 37:1164(57) and 1182(A)(25), relative to pharmacy benefit managers; to provide for definitions; to provide for certain powers and duties of the Louisiana Board of Pharmacy; to authorize promulgation of rules; to provide for effectiveness of certain licenses; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 669—
BY SENATOR WARD

AN ACT

To amend and reenact R.S. 22:997, relative to visual services and choice of practitioners; to provide with respect to vision care services performed by a licensed optometrist; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 744—
BY SENATOR PETERSON

AN ACT

To enact Chapter 20 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:3401 through 3407, relative to health insurance; to create the Louisiana Health Insurance Exchange as an agency of the state; to provide for a board; to provide for the duties, terms, and membership of the board; to provide for the powers, duties, and obligations of the exchange; to provide relative to the hiring of employees; to provide relative to contracts; to provide relative to fees; and to provide that if certain federal laws are repealed, defunded, or declared unconstitutional by the U.S. Supreme Court, this act is repealed; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DAN W. "BLADE" MORRISH
Chairman

**REPORT OF COMMITTEE ON
HEALTH AND WELFARE**

Senator David R. Heitmeier, O.D., Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 25, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 87—
BY SENATOR BUFFINGTON

AN ACT

To enact R.S. 49:191(6) and to repeal R.S. 49:191(4)(e), relative to the Department of Health and Hospitals; to provide for the re-creation of the Department of Health and Hospitals and the

statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 191—
BY SENATOR CLAITOR

AN ACT

To amend and reenact the introductory paragraph of R.S. 37:2405(A), and (A)(1) and (6), (B)(1), (2), (9), and (10), R.S. 37:3552(1), and 3562(D), and to repeal R.S. 36:259(CC) and 37:3554, relative to the transfer of the powers and duties of the Louisiana Board of Massage Therapy to the Louisiana Physical Therapy Board; to abolish the Louisiana Board of Massage Therapy and transfer the powers and duties of that board to the Louisiana Physical Therapy Board; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 216—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 37:1103(7) and (12)(e), relative to mental health counselors; to provide with respect to certain definitions for the Mental Health Counselors Licensing Act; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 320—
BY SENATOR MARTINY

AN ACT

To enact R.S. 37:1743.1, relative to certain healthcare providers; to restrict the use of the title "Doctor" or "Dr." by certain healthcare providers; to provide for procedures and terms; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 378—
BY SENATOR MILLS

AN ACT

To enact R.S. 37:1218.1, relative to immunizations; to provide for the administration of certain immunizations in health professional shortage areas; to provide for the requirements of pharmacists administering the immunization; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 541—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 33:5151(A) and R.S. 39:1503(B) and to enact R.S. 38:2212(T), R.S. 39:1594(E)(3), and R.S. 42:802(B)(8)(b)(iii), all relative to procurement; to provide for certain bid evaluation criteria or documentation relative to the procurement of certain medical products and services; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 571—
BY SENATORS MILLS, CORTEZ AND PERRY AND REPRESENTATIVES BARRAS, STUART BISHOP, CHAMPAGNE, HARRISON, HUVAL, NANCY LANDRY, MONTOUCET, ORTEGO AND ROBIDEAUX

AN ACT

To enact Chapter 10-D of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1191 through 1198, relative to health care service districts; to provide the authority to create health care service districts; to provide for governing boards for health care service districts; to provide for governing board's membership, appointment, terms, and compensation; to

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authorize districts to levy taxes and incur debt and issue and sell bonds; and to provide for related matters.

Reported by substitute.

Respectfully submitted,
DAVID R. HEITMEIER, O.D.
Chairman

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

**SENATE BILL NO. 162—
BY SENATOR ERDEY**

AN ACT

To amend and reenact R.S. 14:91.2(A)(1) and (2) and (C), and to enact R.S. 14:91.2(D)(3), relative to sex offenders; to add public libraries to the places at which the presence of sex offenders is prohibited; to provide for exceptions; to provide relative to immunity from civil or criminal liability for head librarians; to provide for definitions; and to provide for related matters.

Reported by substitute by the Committee on Judiciary C. The bill was read by title; the committee substitute bill was read.

**SENATE BILL NO. — (Substitute of Senate Bill No. 162 by
Senator Erdey)**

BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 14:91.2(D) and (E) and to enact R.S. 14:91.2(A)(5) and (6) and (F), relative to sex offenders; to add public libraries to the places at which the physical presence of sex offenders is prohibited; to provide for exceptions; to provide relative to immunity from civil and criminal liability for certain public servants; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.2(D) and (E) are hereby amended and reenacted and R.S. 14:91.2(A)(5) and (6) and (F) are hereby enacted to read as follows:

§91.2. Unlawful presence of a sex offender

A. The following acts when committed by a person convicted of a sex offense as defined in R.S. 15:541 when the victim is under the age of thirteen years shall constitute the crime of unlawful residence or presence of a sex offender:

* * *

(5) The physical presence of the offender in or on public library property.

(6) Loitering within one thousand feet of public library property without lawful business or reason to be present.

* * *

D. (1) It shall not be a violation of this Section if the offender has complied with all regulations of the governing board of the public library that restrict access of sex offenders to public library property.

(2) By January 1, 2013, each governing board of a public library shall develop and implement a plan to regulate access of sex offenders to the public library property under its jurisdiction.

(3) Each governing board of a public library shall tailor its regulations to reasonably restrict the time, place, and manner of access to public library property and shall narrowly tailor the regulations to serve the significant governmental interest of protecting children from contact with sex offenders.

(4) The State Library of Louisiana shall provide technical assistance in the development of the regulations by the governing boards.

(5) Any public servant, including any head librarian, member of a governing board of a public library, staff and volunteers of a public library, and the state of Louisiana, who acts in good faith in compliance with this Subsection shall be immune from civil and criminal liability for his actions in connection with any injury or claim arising from a sex offender being present on public library property.

(6) Nothing in this Subsection shall prevent a public library from adopting a total ban on a sex offender's access to public library property, provided that the governing board complies with the criteria set forth in Paragraph (3) of this Subsection.

E. For purposes of this Section:

(1) "School property" means any property used for school purposes, including but not limited to school buildings, playgrounds, and parking lots.

(2) "Public park or recreational facility" means any building or area owned by the state or by a political subdivision which that is open to the public and used or operated as a park or recreational facility and shall include all parks and recreational areas administered by the office of state parks in the Department of Culture, Recreation and Tourism.

(3) "Public library" means a parish or municipal library provided for by Chapter 3 of Title 25 of the Louisiana Revised Statutes of 1950.

(4) "Public library property" means immovable property that is open to the public and is used as a branch of a parish or municipal public library, including any courtyard or parking lot that is under the direct and exclusive control of the public library.

(5) "Governing board of the public library" means a library board of control or other public body responsible for the operations of a public library.

F. Whoever violates the provisions of this Section shall be fined not more than one thousand dollars, imprisoned with or without hard labor for not more than one year, or both.

Section 2. This Act shall become effective on January 1, 2013.

On motion of Senator Kostelka, the committee substitute bill was adopted and becomes Senate Bill No. 753 by Senator Erdey, substitute for Senate Bill No. 162 by Senator Erdey.

**SENATE BILL NO. 753— (Substitute of Senate Bill No. 162 by
Senator Erdey)**

BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 14:91.2(D) and (E) and to enact R.S. 14:91.2(A)(5) and (6) and (F), relative to sex offenders; to add public libraries to the places at which the physical presence of sex offenders is prohibited; to provide for exceptions; to provide relative to immunity from civil and criminal liability for certain public servants; to provide for definitions; and to provide for related matters.

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

SENATE BILL NO. 176—

BY SENATOR BUFFINGTON

AN ACT

To amend and reenact R.S. 40:1299.41(A)(13), relative to medical malpractice; to provide for definitions; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 176 by Senator Buffington

AMENDMENT NO. 1

On page 1, delete lines 2 and 3, and insert:

"To enact R.S. 40:1299.41(L), relative to medical malpractice; to provide for definitions and general applications; to provide relative to certain acts or omissions regarding declarations or orders related to life-sustaining procedures; to provide for prospective application; to provide for an effective date; and to provide for related matters."

AMENDMENT NO. 2

On page 1, line 5, after "Section 1." delete the remainder of the line and insert the following: "R.S. 40:1299.41(L) is hereby enacted to read as"

AMENDMENT NO. 3

On page 1, delete lines 8-17 in their entirety and insert the following:
 * * *

L. Any cause of action for the unintentional acts or omissions arising from resuscitating a patient who has a declaration concerning life-sustaining procedures executed pursuant to R.S. 40:1299.58.1 et seq., a Louisiana Physician Order for Scope of Treatment executed pursuant to R.S. 40:1299.64.1 et seq., or a Do Not Resuscitate order issued by a physician licensed in this state shall be governed by the provisions of this Part.

AMENDMENT NO. 4

On page 2, delete lines 1 through 7 and insert:
 Section 2. The provisions of this Act shall be given prospective application only and shall not affect any action pending or claim arising prior to the effective date of this Act.

AMENDMENT NO. 5

On page 2, line 8, change "Section 2." to "Section 3."
 On motion of Senator Nevers, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 330—
 BY SENATOR WARD

AN ACT

To enact R.S. 14:32.9 and 32.9.1, relative to abortion; to create the crime of criminal abortion; to create the crime of aggravated criminal abortion; to prohibit any individual who is not a licensed physician from performing an abortion; to prohibit the dismemberment of an unborn child by an abortionist who is not a licensed physician; to provide for definitions; to provide for exceptions; to provide for construction; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 330 by Senator Ward

AMENDMENT NO. 1

On page 2, at the beginning of line 26, change "**Exceptions.**" to "**Statutory Construction.**"

AMENDMENT NO. 2

On page 3, at the end of line 6, after "**is**" insert "**intentionally**"

AMENDMENT NO. 3

On page 3, at the beginning of line 25, change "**Dismemberment**" to "**Dismembered**" or "**dismemberment**"

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.

SENATE BILL NO. 444—
 BY SENATOR PETERSON

AN ACT

To amend and reenact Children's Code Articles 737(A), 738(A) and (D), 779(A)(5), 782(A)(6), 791, and 1509.1(C), and to repeal Children's Code Articles 739(B) and 742(B), relative to families in need of services proceedings; to eliminate commitment of the child to a detention facility; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 444 by Senator Peterson

AMENDMENT NO. 1

On page 1, line 3, after "739(B)" delete the remainder of the line and lines 4 and 5 and insert ", 742(B) and 1509.1(C)(2), relative to families in need of services proceedings; to provide relative to commitment of the child; to eliminate under certain conditions commitment of the child to a detention facility; to provide certain terms, conditions, procedures and requirements; to provide certain effective dates for amendment and repeal of law; and to provide for related matters."

AMENDMENT NO. 2

On page 1, between lines 6 and 7, insert:
 "Section 1. Children's Code Article 1509.1(C) is hereby amended and reenacted to read as follows:
 Art. 1509.1. Penalties for contempt; children
 * * *

C. In families in need of services proceedings, when the child is adjudged guilty of direct contempt of court or constructive contempt of court for repeated disobedience of the court's judgment of disposition, the court may:

(1) Commit the child to a shelter care facility for not more than fifteen days, including time spent there for the contempt prior to the contempt hearing.

(2) Commit the child to a secure detention facility for not more than fifteen days, including time spent there for the contempt prior to the contempt hearing **a total of ten days in any six-month period**, if the court finds that all of the following have occurred:

(a) A judgment of disposition was entered pursuant to Article 782.

(b) The child willfully violated the judgment of disposition.

(c) All sanctions other than secure confinement have been exhausted or are clearly inappropriate.
 * * *

AMENDMENT NO. 3

On page 1, line 7, change "Section 1." to "Section 2."

AMENDMENT NO. 4

On page 1, line 8, delete "791, and 1509.1(C)" and insert "and 791"

AMENDMENT NO. 5

On page 4, delete lines 10 through line 23 in their entirety.

AMENDMENT NO. 6

On page 4, delete line 24 and insert:
 "Section 3. Children's Code Articles 739(B), 742(B) and 1509.1(C)(2) are hereby repealed.

Section 4. The provisions of Section 1 of this Act shall become effective on August 1, 2012. The provisions of Sections 2 and 3 of this Act shall become effective on August 1, 2014."

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

SENATE BILL NO. 467—
 BY SENATOR BROOME

AN ACT

To amend and reenact Children's Code Articles 730 (introductory paragraph) and 731(A) and to enact Children's Code Articles 731(C)(5) and 749(A)(5), relative to families in need of services; to provide for grounds for initiating proceedings; to provide for required documentation prior to filing complaints; to provide for required allegations; and to provide for related matters.

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

April 25, 2012

SENATE BILL NO. 474—
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 45:162(2) and 164(C), relative to motor carriers; to provide for definitions; to exempt motor carriers of non-hazardous oilfield waste from proving public convenience and necessity; and to provide for related matters.

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

SENATE BILL NO. 533—
BY SENATOR MILLS

AN ACT

To amend and reenact of R.S. 14:98(B)(1)(introductory paragraph) and (C)(1) and to enact R.S. 14:98(B)(3) and (C)(4), relative to the crime of operating a vehicle while intoxicated; to provide relative to penalties for first and second offense operating a vehicle while intoxicated; to require persons convicted of first or second offense operating a vehicle while intoxicated to be evaluated to determine the nature and extent of the offender's substance use disorder and to participate in a treatment plan; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 533 by Senator Mills

AMENDMENT NO. 1

On page 1, delete lines 2 through 7 and insert the following:
"To amend and reenact the introductory paragraph of R.S. 14:98(B)(1), (B)(1)(a) and (b), (C)(1), (D)(1)(b)(i), and (E)(1)(b)(i), and to enact R.S. 14:98(B)(3), (C)(4), (D)(4), and (E)(4), relative to the crime of operating a vehicle while intoxicated; to provide relative to penalties for operating a vehicle while intoxicated; to require a person convicted of operating a vehicle while intoxicated to be evaluated to determine the nature and extent of the offender's substance use disorder and to participate in a treatment plan;"

AMENDMENT NO. 2

On page 1, delete lines 10 and 11 and insert the following:
"Section 1. The introductory paragraph of R.S. 14:98(B)(1), (B)(1)(a) and (b), (C)(1), (D)(1)(b)(i), and (E)(1)(b)(i) are hereby amended and reenacted and R.S. 14:98(B)(3), (C)(4), (D)(4), and (E)(4) are hereby enacted to read as follows:"

AMENDMENT NO. 3

On page 1, line 16, after "dollars," delete "and"

AMENDMENT NO. 4

On page 1, line 17, after "evaluation and" insert ", at the discretion of the court,"

AMENDMENT NO. 5

On page 2, line 1, after "treatment" change "plan" to "program"

AMENDMENT NO. 6

On page 2, between lines 2 and 3, insert the following:
(a) The offender is placed on probation with a minimum condition that he serve two days in jail, **undergo an evaluation and treatment as provided in Paragraph (1) of this Subsection**, and participate in a court-approved substance abuse program **pursuant to Subparagraph (3)(a) of this Subsection**, and participate in a court-approved driver improvement program; or
(b) The offender is placed on probation with a minimum condition that he perform four eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, **undergo an evaluation and treatment as provided in Paragraph (1) of this Subsection**, participate in a court-approved substance abuse program

pursuant to Subparagraph (3)(a) of this Subsection, and participate in a court-approved driver improvement program. An offender, who participates in a litter abatement or collection program pursuant to this Subparagraph, shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, including a municipality, parish, sheriff, or other entity, nor against any official, employee, or agent of such entity, for any injury or loss suffered by him during or arising out of his participation in the program, if such injury or loss is a direct result of the lack of supervision or act or omission of the supervisor, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the entity or its official, employee, or agent."

AMENDMENT NO. 7

On page 2, line 27, after "treatment" delete "plan"

AMENDMENT NO. 8

On page 3, line 4, after "dollars," delete "and"

AMENDMENT NO. 9

On page 3, line 6, after "treatment" change "plan" to "program"

AMENDMENT NO. 10

On page 3, at the beginning of line 16, after "abuse program" insert "**pursuant to Subparagraph (4)(a) of this Subsection**"

AMENDMENT NO. 11

On page 3, line 21, after "abuse program" insert "**pursuant to Subparagraph (4)(a) of this Subsection**"

AMENDMENT NO. 12

On page 4, line 27, after "treatment" delete "plan"

AMENDMENT NO. 13

On page 4, after line 29, insert the following:
"D.(1)(a) * * *
(b) Any offender placed on probation pursuant to the provisions of this Subsection shall be required as a condition of probation to participate in thirty eight-hour days of court-approved community service activities and to submit to and complete either of the following requirements:
(i) To immediately undergo an evaluation by **a licensed mental health professional, who is an employee of the Department of Health and Hospitals, office of behavioral health, following the best practices published by the office of behavioral health**, to determine the nature and extent of the offender's substance abuse disorder and to participate in any treatment plan recommended by the office of behavioral health, including treatment in an inpatient facility approved by the office for a period of not less than four weeks followed by outpatient treatment services for a period not to exceed twelve months, **or as determined by medical necessity criteria.**

* * *
(4) It shall be the responsibility of the offender to obtain the evaluation and treatment. All costs of evaluation and treatment shall be borne by the offender, unless the offender has been declared indigent.

E.(1)(a) * * *
(b) Any offender placed on probation pursuant to the provisions of this Subsection shall be required, as a condition of probation, to participate in forty eight-hour days of court-approved community service activities and to submit to and complete either of the following requirements:
(i) To immediately undergo an evaluation by **a licensed mental health professional, who is an employee of the Department of Health and Hospitals, office of behavioral health, following the best practices published by the office of behavioral health**, to determine the nature and extent of the offender's substance abuse disorder and to participate in any treatment plan recommended by the office of behavioral health, including treatment in an inpatient facility approved by the office for a period of not less than four weeks followed by outpatient treatment services for a period not to

exceed twelve months, or as determined by medical necessity criteria.

* * *

(4) It shall be the responsibility of the offender to obtain the evaluation and treatment. All costs of evaluation and treatment shall be borne by the offender, unless the offender has been declared indigent.

* * *

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.

SENATE BILL NO. 536—
BY SENATOR PETERSON

AN ACT

To amend and reenact Children's Code Art. 901.1(A), relative to probation and parole supervision fees; to provide with respect to a reduction in supervision fees; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 536 by Senator Peterson

AMENDMENT NO. 1

On page 1, delete line 14 and insert: "The supervision fee imposed shall be not less than ten nor more than ~~one hundred~~ fifty"

AMENDMENT NO. 2

On page 1, line 15, delete "not exceed ten"

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

SENATE BILL NO. 606—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 44:9(A)(3)(a) and (b), (4)(a), (5)(a), (c) and (d), (B)(1)(b) and (2), (C)(2), and (E)(1)(b), relative to records of arrests and violations of municipal ordinances and state statutes; to provide with respect to expungement of records; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 606 by Senator Morrell

AMENDMENT NO. 1

On page 1, lines 2 and 7, delete "and (b), (4)(a)," and insert a comma ", "

AMENDMENT NO. 2

On page 1, line 13, delete "not more than"

AMENDMENT NO. 3

On page 1, delete lines 16 and 17, and on page 2, delete lines 1 through 11 in their entirety

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

SENATE BILL NO. 639—
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 14:30(A)(10) and to enact R.S. 14:30(A)(11), relative to the crime of first degree murder; to provide that first degree murder includes the killing of a taxicab driver under certain circumstances; to provide for definitions; and to provide for related matters.

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

SENATE BILL NO. 689—
BY SENATOR APPEL

AN ACT

To enact R.S. 14:34.5.2, relative to assault and battery; to create the crime of battery of a security officer; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 689 by Senator Appel

AMENDMENT NO. 1

On page 1, at the end of line 12, after "**R.S. 37:3272**" insert "**and licensed by the state of Louisiana pursuant to Chapter 47 of Title 37 of the Louisiana Revised Statutes of 1950**"

AMENDMENT NO. 2

On page 1, delete lines 14 and 15 and insert "**fined not more than one thousand dollars and imprisoned for not more than six months.**"

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.

SENATE BILL NO. 710—
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 15:1302(4), (11) and (15), 1303(A)(1), (2), (3), and (4), (C)(2), (3) and (4), 1304(A), the introductory paragraph of 1308(A) and 1308(B), 1309, the introductory paragraph of 1310(A) and 1310(A)(6), the introductory paragraph of 1310(C) and 1310(C)(5), the introductory paragraph of 1310(D)(1), 1310(E), (F)(1) and (2), the introductory paragraph of 1310(F)(4), 1310(F)(4)(c) and (G), the introductory paragraph of 1310(H)(1) and 1310(H)(2), 1311(C) and the introductory paragraph of 1312(A), relative to the interception of communications; to provides for definitions; to provide relative to authorizations and disclosures; to provide relative to procedures for interception and reporting requirements; and to provide for related matters.

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

SENATE BILL NO. 738—
BY SENATORS MORRELL, DORSEY-COLOMB AND HEITMEIER AND REPRESENTATIVES BROSSETT, LEGER AND MORENO

AN ACT

To enact R.S. 14:20.1, relative to self-defense; to provide relative to when such immunity from criminal prosecution is not available; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 738 by Senator Morrell

April 25, 2012

AMENDMENT NO. 1

On page 1, line 2, after "self-defense;" delete the remainder of the line and delete line 3 and insert the following: "to require full investigation of all deaths due to violence or suspicious circumstances when a claim of self-defense is raised; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 6 through 17 and insert the following: "§20.1. Investigation of death due to violence or suspicious circumstances when claim of self-defense is raised
Whenever a death results from violence or under suspicious circumstances and a claim of self-defense is raised, the appropriate law enforcement agency and coroner shall expeditiously conduct a full investigation of the death. All evidence of such investigation shall be preserved in accordance with the Public Records Law."

AMENDMENT NO. 3

On page 2, delete lines 1 through 11

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.

House Bills and Joint Resolutions
on Second Reading
Reported by Committees

HOUSE BILL NO. 23—

BY REPRESENTATIVE SEABAUGH
AN ACT

To enact R.S. 13:1565.1(C), relative to the Caddo Parish juvenile court; to authorize the clerk of the Juvenile Court for Caddo Parish to lease or purchase an automobile for office use; to provide for the purchase of insurance for the automobile; and to provide for related matters.

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

HOUSE BILL NO. 48—

BY REPRESENTATIVE HARRIS
AN ACT

To enact R.S. 14:67.28, relative to misappropriation without violence; to create the crime of theft of copper or other metals; to provide for a determination of the value of the copper or other metals taken; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 48 by Representative Harris

AMENDMENT NO. 1

On page 2, at the beginning of line 18, before "imprisoned" insert "and may be"`

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

HOUSE BILL NO. 68—

BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact R.S. 13:2583.3(A) and (B), relative to constables; to provide with respect to the constable of a justice of the peace court in Caddo Parish; to provide for the appointment of one or more deputy constables; and to provide for related matters.

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

HOUSE BILL NO. 74—

BY REPRESENTATIVE SEABAUGH
AN ACT

To enact Code of Criminal Procedure Articles 163(D) and 163.1(D), relative to search warrants; to provide relative to the examination and testing of property and bodily samples seized pursuant to a search warrant; to provide relative to the timing of the examination or testing; and to provide for related matters.

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

HOUSE BILL NO. 121—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:574.4.2(A)(2) and (3) and to enact R.S. 15:574.4.2(A)(4) and (5), relative to conditions of parole; to revise statutory provisions regarding conditions of parole; to provide for the forfeiture of good time or credits earned; and to provide for related matters.

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

HOUSE BILL NO. 138—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:536(A), 537(A), 541(2)(n) and (o), 542.1(A)(2)(d), and 543.1(8), relative to sex offender registration and notification; to make technical corrections to sex offender registration and notification provisions; to make technical corrections to sex offender registration and notification provisions relative to crime against nature and crime against nature by solicitation; and to provide for related matters.

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

HOUSE BILL NO. 146—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 27:65(B)(11), 239.1, and 361(F), relative to gaming; to provide with respect to the methods of wagering at gaming facilities; to prohibit the use of debit cards for wagering; and to provide for related matters.

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

HOUSE BILL NO. 190—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact Code of Criminal Procedure Article 349.3(A)(1), relative to bail; to provide relative to notice provided to a commercial surety upon a judgment of bond forfeiture; to provide relative to the registered address of a commercial surety; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 237—

BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 15:499(A)(introductory paragraph), relative to certificates of analysis; to provide with respect to proof of analysis or examination of physical evidence; and to provide for related matters.

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

HOUSE BILL NO. 248—

BY REPRESENTATIVE RICHARD
AN ACT

To amend and reenact R.S. 15:571.35.1(C)(2)(e), relative to the Lafourche Parish Pretrial Home Incarceration Program; to authorize the earning of credit for time served participating in the program under certain conditions; and to provide for related matters.

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

HOUSE BILL NO. 352—

BY REPRESENTATIVE BURFORD
AN ACT

To enact R.S. 13:5557.1, relative to payment of group health insurance premiums for retired sheriffs and deputy sheriffs; to create the DeSoto Parish Retired Employees' Insurance Fund to fund premium costs for eligible retired sheriffs and retired deputy sheriffs; to provide for the total amount of principal and earnings in the DeSoto Parish Retired Employees' Insurance Fund; to provide for the limitations on withdrawal and appropriation of monies; to provide for limitations of equity and fixed income investments; to provide for the membership and election on the investment advisory board; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 447—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 27:44(3), 45(A)(introductory paragraph), 52(introductory paragraph) and (3) and (4), and 65(B)(2), (5), (13), and (15) and to repeal R.S. 27:46, 48, 51, 88, and 97, relative to the Riverboat Gaming Commission; to repeal antiquated references to the Riverboat Gaming Commission; and to provide for related matters.

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

HOUSE BILL NO. 759—

BY REPRESENTATIVES NANCY LANDRY, ADAMS, ANDERS, ARNOLD, BARROW, WESLEY BISHOP, BURRELL, CHAMPAGNE, KATRINA JACKSON, LEBAS, NORTON, PYLANT, REYNOLDS, ROBIDEAUX, AND WILLMOTT
AN ACT

To enact R.S. 14:43.4, relative to rape and sexual battery; to create the crime of female genital mutilation; to provide for the elements of such offense; to provide for exceptions; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 759 by Representative Nancy Landry

AMENDMENT NO. 1

On page 2, at the beginning of line 16, after "years" delete the remainder of the line and insert a period "."

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

HOUSE BILL NO. 826—

BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 44:9(E)(2), relative to arrest and prosecution records; to make a technical correction to the

provision regarding the expungement of arrest and prosecution records of sex offenders; and to provide for related matters.

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

HOUSE BILL NO. 827—

BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 14:110(B)(3) and (E) and to enact R.S. 14:110(B)(4), relative to escape; to provide relative to the crime of simple and aggravated escape; to expand the listing of prison facilities to include home incarceration; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 836—

BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact Code of Criminal Procedure Article 905.2(B), relative to sentencing hearings in capital cases; to provide that members of the Board of Pardons shall not be required to appear at sentencing hearings for capital cases; and to provide for related matters.

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

HOUSE BILL NO. 984—

BY REPRESENTATIVE ALFRED WILLIAMS
AN ACT

To amend and reenact R.S. 15:705(D)(1) and (2), relative to the imposition of restitution on offenders in local correctional facilities; to expand restitution to cover medical costs to the offender or others which are caused by the offender; to provide for the amount of restitution; and to provide for related matters.

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

HOUSE BILL NO. 1006—

BY REPRESENTATIVE PYLANT
AN ACT

To amend and reenact R.S. 13:5554(S), relative to payment of group insurance premiums for sheriffs and deputy sheriffs retired from the Franklin Parish Sheriff's Office; to provide for requirements relative to age and years of service with the Franklin Parish Sheriff's Office; and to provide for related matters.

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

Mr. President in the Chair

Special Order of the Day No. 1

SENATE BILL NO. 727—

BY SENATORS CLAITOR, APPEL, CORTEZ, CROWE, GUILLORY, LONG AND PERRY
AN ACT

To enact R.S. 11:413(11), relative to membership in the Louisiana State Employees' Retirement System; to provide for classes of employees who are ineligible for membership in the system; to provide for an effective date; and to provide for related matters.

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

Senator Claitor objected.

April 25, 2012

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Allain, Appel, Broome, Brown, Buffington, Chabert, Cortez, Crowe, Donahue, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, LaFleur, Long, Martiny, Mills, Morrell, Morrish, Murray, Nevers, Perry, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White. Total - 35

NAYS

Table with 3 columns of names: Amedee, Claitor, Peterson. Total - 3

ABSENT

Table with 1 column of names: Peacock. Total - 1

The Chair declared the bill was placed on the Involuntary Calendar.

Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments

SENATE BILL NO. 640— BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 39:22(1) and 25, relative to the attendance of an economist principal at a session or meeting of the Revenue Estimating Conference; to authorize the economist principal to appoint an ad hoc member or to attend a session or meeting by telephone, video-conference, or other communications technology under certain circumstances; to provide for an effective date; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Engrossed Senate Bill No. 640 by Senator Alario

AMENDMENT NO. 1

On page 1, line 4, after "member" delete the remainder of the line and delete line 5 and insert "under"

AMENDMENT NO. 2

On page 2, line 9, delete "physically"

AMENDMENT NO. 3

On page 2, at the end of line 11, after "may" delete the colon ":" and at the beginning of line 12, delete "(1) Appoint" and insert "designate"

AMENDMENT NO. 4

On page 2, line 12, between "member of" and "a university" insert "the faculty of"

AMENDMENT NO. 5

On page 2, at the end of line 14, after "meeting" delete the period "." and delete lines 15 through 19 and insert "and act on his behalf. In the event the economist principal is incapacitated to the extent that he is unable to designate the ad hoc member as provided in this Subsection, the president of the college or university of which the economist principal is a faculty member shall make the designation on behalf of the economist principal."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Kleckley to Engrossed Senate Bill No. 640 by Senator Alario

AMENDMENT NO. 1

On page 2, line 11, change "may" to "shall"

Senator Claitor moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Adley, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Cortez, Crowe, Donahue, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, LaFleur, Long, Martiny, Mills, Morrell, Morrish, Murray, Nevers, Peacock, Perry, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White. Total - 39

NAYS

Total - 0

ABSENT

Total - 0

The Chair declared the Senate concurred in the amendments proposed by the House.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 202— BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 56:435.1.1(A), relative to oyster harvesting in Calcasieu Lake; to remove the time limitation on the issuance of special permits for oyster harvesting in Calcasieu Lake; to remove the limitations on the number of special permits issued; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 202 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 11, following "authorized by" change "R.S. 56:435.1.1(D)(2)" to "Paragraph (D)(2) of this Section"

AMENDMENT NO. 2

On page 2, line 7, following "tongs" and before "a single" change "; a hand dredge;" to ", a hand dredge,"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 219—

BY SENATOR JOHNS

AN ACT

To authorize McNeese State University to transfer certain state property to the Chennault International Airport Authority; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Murray
Adley	Erdey	Nevers
Allain	Gallot	Peacock
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Smith, G.
Brown	Kostelka	Smith, J.
Buffington	LaFleur	Tarver
Chabert	Long	Thompson
Claitor	Martiny	Walsworth
Cortez	Mills	Ward

Crowe	Morrell	White
Donahue	Morrish	
Total - 38		

NAYS

Total - 0

ABSENT

Riser
Total - 1

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

SENATE BILL NO. 268—

BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 25:376, 379.4 and 1245, and to enact R.S. 25:380.3(C), 380.24(C), 380.34(C), 380.44(C), 380.54(C), 380.64(C), 380.74(C), 380.84(C), 380.94(C), 380.104(C), 380.114(C), 380.124(C), 380.134(C), 380.154(C) and 380.165(C), relative to operations of the Old State Capitol and certain museums; to authorize the Department of State to temporarily close the Old State Capitol and certain museums under its jurisdiction when no funds are appropriated for the operation of such facilities; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Morrish
Adley	Dorsey-Colomb	Murray
Allain	Erdey	Nevers
Amedee	Guillory	Perry
Appel	Heitmeier	Riser
Broome	Johns	Smith, G.
Brown	Kostelka	Smith, J.
Buffington	LaFleur	Tarver
Chabert	Long	Thompson
Claitor	Martiny	Walsworth
Cortez	Mills	Ward
Crowe	Morrell	White

Total - 36

NAYS

Gallot	Peacock	Peterson
Total - 3		

ABSENT

Total - 0

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

SENATE BILL NO. 62—

BY SENATOR APPEL AND REPRESENTATIVE CARTER

AN ACT

To enact R.S. 49:191(6)(a) and to repeal R.S. 49:191(4)(h), relative to the Department of Education, including provisions to provide for the re-creation of the Department of Education and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

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

April 25, 2012

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Nevers
Adley Gallot Peacock
Allain Guillory Perry
Amedee Heitmeier Peterson
Appel Johns Riser
Broome Kostelka Smith, G.
Brown LaFleur Smith, J.
Buffington Long Tarver
Chabert Martiny Thompson
Cortez Mills Walsworth
Crowe Morrell Ward
Donahue Morrish White
Dorsey-Colomb Murray
Total - 38

NAYS

Total - 0

ABSENT

Claitor
Total - 1

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

SENATE BILL NO. 370— BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 56:105(A), relative to wild birds and wild quadrupeds; to provide for special permits and licenses; to provide for special permits and licenses for the entertainment industry to take and possess certain wildlife; and to provide for related matters.

Floor Amendments

Senator Crowe proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Crowe to Engrossed Senate Bill No. 370 by Senator Crowe

AMENDMENT NO. 1

On page 2, line 1, change "entertaining" to "entertainment industry."

On motion of Senator Crowe, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dorsey-Colomb Murray
Adley Erdey Nevers
Allain Gallot Peacock
Amedee Guillory Perry
Appel Heitmeier Peterson
Broome Johns Riser
Brown Kostelka Smith, G.
Buffington LaFleur Smith, J.
Chabert Long Tarver

Claitor Martiny Thompson
Cortez Mills Walsworth
Crowe Morrell Ward
Donahue Morrish White
Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 404— BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 38:2211(A)(12), relative to public contracts; to provide relative to letting contracts for public works; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dorsey-Colomb Murray
Adley Erdey Nevers
Allain Gallot Peacock
Amedee Guillory Perry
Appel Heitmeier Peterson
Broome Johns Riser
Brown Kostelka Smith, G.
Buffington LaFleur Smith, J.
Chabert Long Tarver
Claitor Martiny Thompson
Cortez Mills Walsworth
Crowe Morrell Ward
Donahue Morrish White
Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 405— BY SENATOR BUFFINGTON

AN ACT

To enact R.S. 33:2481.5 and 2541.2, relative to the municipal fire civil service; to authorize the municipal governing authority to create the position of chief of administration of fire department; to provide that the position is appointed on a competitive basis; to provide relative to the appointment, supervision, and discharge of any person in any such position; to provide relative to the qualifications, duties, and responsibilities for such position; to provide relative to reinstatement to previous class of positions; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 405 by Senator Buffington

AMENDMENT NO. 1

On page 3, line 18, following "that" and before "which" delete "from"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Morrish
Adley	Dorsey-Colomb	Murray
Allain	Guillory	Nevers
Amedee	Heitmeier	Perry
Appel	Johns	Riser
Broome	Kostelka	Smith, G.
Brown	LaFleur	Smith, J.
Buffington	Long	Thompson
Chabert	Martiny	Walsworth
Cortez	Mills	Ward
Crowe	Morrell	
Total - 32		

NAYS

Peacock
Total - 1

ABSENT

Claitor	Gallot	Tarver
Erdey	Peterson	White
Total - 6		

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

SENATE BILL NO. 461—

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 17:151(B), relative to public schools; to provide for pupil-classroom-teacher ratios; and to provide for related matters.

Floor Amendments

Senator Walsworth proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Walsworth to Engrossed Senate Bill No. 461 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 3, between "ratios;" and "and" insert "to provide for waivers; to provide for reporting requirements;"

AMENDMENT NO. 2

On page 1, delete lines 9 through 12, and insert the following:
"B.(1) Except as otherwise provided in Paragraph (2) of this Subsection ~~and effective with the 1989-1990 school year and thereafter~~, no parish or city school board shall have a systemwide

pupil-classroom-teacher ratio in kindergarten through grade three in excess of twenty pupils to one classroom teacher."

AMENDMENT NO. 3

On page 2, line 8, before "Effective" insert "(2)"

AMENDMENT NO. 4

On page 2, line 10, after "shall" delete the remainder of the line and at the beginning of line 11 delete "kindergarten through grade three and shall"

AMENDMENT NO. 5

On page 2, after line 18, insert the following:

"(3) Not later than September first of each year, the Department of Education shall submit a written report to the Senate Committee on Education and the House Committee on Education detailing all waiver requests submitted by city, parish, and other local public school boards for the prior school year and the disposition of each request."

On motion of Senator Walsworth, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Crowe	Peacock
Adley	Donahue	Perry
Allain	Guillory	Riser
Amedee	Heitmeier	Smith, G.
Appel	Kostelka	Thompson
Broome	LaFleur	Walsworth
Buffington	Long	Ward
Chabert	Martiny	White
Claitor	Mills	
Cortez	Nevers	
Total - 28		

NAYS

Brown	Morrell	Peterson
Dorsey-Colomb	Morrish	Smith, J.
Johns	Murray	Tarver
Total - 9		

ABSENT

Erdey
Total - 2

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

SENATE BILL NO. 483—

BY SENATOR PERRY

AN ACT

To enact R.S. 32:127.2, relative to golf carts; to authorize operation of golf carts on roadways within Palmetto Island State Park; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

April 25, 2012

YEAS

Mr. President	Dorsey-Colomb	Nevers
Adley	Erdey	Peacock
Allain	Gallot	Perry
Amedee	Heitmeier	Peterson
Appel	Johns	Riser
Broome	Kostelka	Smith, G.
Brown	LaFleur	Smith, J.
Buffington	Long	Tarver
Chabert	Mills	Thompson
Claitor	Morrell	Walsworth
Cortez	Morrish	Ward
Donahue	Murray	White
Total - 36		

NAYS

Total - 0

ABSENT

Crowe	Guillory	Martiny
Total - 3		

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

SENATE BILL NO. 486—
BY SENATOR PERRY

AN ACT

To enact R.S. 32:414(D)(1)(c), relative to offenses involving operating a vehicle while intoxicated; to provide relative to a hardship license for certain persons convicted of certain offenses involving operating a vehicle while intoxicated; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Peacock
Adley	Gallot	Perry
Allain	Guillory	Peterson
Amedee	Heitmeier	Riser
Appel	Johns	Smith, G.
Broome	Kostelka	Smith, J.
Brown	LaFleur	Tarver
Buffington	Long	Thompson
Chabert	Martiny	Walsworth
Claitor	Mills	Ward
Cortez	Morrish	White
Donahue	Murray	
Dorsey-Colomb	Nevers	
Total - 37		

NAYS

Total - 0

ABSENT

Crowe	Morrell
Total - 2	

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

SENATE BILL NO. 488—
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 32:414(A)(1)(c)(ii), relative to denial of driving privileges; to provide with respect to eligibility for a restricted license by persons convicted of certain crimes involving operating a vehicle while intoxicated; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Nevers
Allain	Erdey	Peacock
Amedee	Gallot	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Buffington	LaFleur	Smith, J.
Chabert	Long	Tarver
Claitor	Martiny	Thompson
Cortez	Mills	Walsworth
Crowe	Morrish	Ward
Donahue	Murray	White
Total - 36		

NAYS

Total - 0

ABSENT

Adley	Guillory	Morrell
Total - 3		

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

SENATE BILL NO. 489—
BY SENATOR PERRY

AN ACT

To amend and reenact the introductory paragraph of R.S. 32:668(A), relative to hearing procedures following revocation or denial of drivers' licenses; to provide relative to testimony of law enforcement officers; and to provide for related matters.

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

SENATE BILL NO. 505—
BY SENATOR ADLEY

AN ACT

To amend and reenact the introductory paragraph of R.S. 30:10(A), (A)(1) and (2), relative to minerals, oil, and gas; to provide for the agreements for drilling units; to provide for pooling interests; to provide for the election not to participate in a unit well; to provide for payment to certain royalty owners; to provide terms and conditions; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 505 by Senator Adley

AMENDMENT NO. 1

On page 3, line 14, following "pay" and before "share" change "its" to "his"

AMENDMENT NO. 2

On page 3, line 15, following "then" change "the above notified" to "such"

AMENDMENT NO. 3

On page 4, line 1, following "of" and before "lessor" change "its" to "his"

AMENDMENT NO. 4

On page 4, line 14, following "during the" and before ", the" change "above recovery" to "recovery set forth in Subsection (ii)(aa) of this Subparagraph"

AMENDMENT NO. 5

On page 5, line 24, following "as" and before "." change "hereinabove provided" to "provided in this Subsection"

AMENDMENT NO. 6

On page 5, line 25, following "owner" and before "has not" change "whom" to "who"

AMENDMENT NO. 7

On page 6, line 3, following "provisions" and before "for" change "hereinabove" to "of this Subsection"

AMENDMENT NO. 8

On page 6, line 12, following "provisions" and before "for notice" change "hereinabove" to "of this Subsection"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result: YEAS

Table listing names of senators: Mr. President, Adley, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Cortez, Crowe, Donahue, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, LaFleur, Long, Martiny, Mills, Morrell, Morrish, Murray, Nevers, Peacock, Perry, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

Total - 39

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 524— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 33:180(B), relative to annexation of territory owned by a public body; to provide for the authority to exclude certain territory from annexation; and to provide for related matters.

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

SENATE BILL NO. 530— BY SENATOR PEACOCK

AN ACT

To enact Part 6 of Chapter 13 of Title 31 of the Louisiana Revised Statutes of 1950, comprised of R.S. 31:216, relative to mineral rights and interests; to provide relative to certain unsolicited offers for lease or purchase of mineral rights or interests; to provide certain terms, conditions, requirements, and effects of such unsolicited offers; and to provide for related matters.

Floor Amendments

Senator Peacock proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peacock to Engrossed Senate Bill No. 530 by Senator Peacock

AMENDMENT NO. 1

On page 1, lines 3 and 9, change "216" to "218"

AMENDMENT NO. 2

On page 1, line 12, change "216" to "218"

On motion of Senator Peacock, the amendments were adopted.

Floor Amendments

Senator Peacock proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peacock to Engrossed Senate Bill No. 530 by Senator Peacock

AMENDMENT NO. 1

On page 2, line 19, after "D." insert "(1)"

AMENDMENT NO. 2

On page 2, after line 20, insert:

"(2) The provisions of this Section shall not apply to any lease established by an authentic act, or any lease executed in the presence of two witnesses, and signed by each party who executed it and by each witness, or any lease executed in the presence of a notary, signed by the notary and each party that executed it."

On motion of Senator Peacock, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators: Mr. President, Adley, Allain, Amedee, Appel, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Murray, Peacock, Perry, Peterson, Riser.

April 25, 2012

Broome	Johns	Smith, G.
Brown	Kostelka	Smith, J.
Buffington	LaFleur	Tarver
Chabert	Long	Thompson
Claitor	Martiny	Walsworth
Cortez	Mills	Ward
Crowe	Morrill	White
Donahue	Morrish	

Total - 38

NAYS

Total - 0

ABSENT

Nevers
Total - 1

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

SENATE BILL NO. 563—
BY SENATOR WHITE

AN ACT

To enact R.S. 17:58.2(I), 67, and 67.1, relative to the Southeast Baton Rouge Community School System; to provide for the school system, including its establishment and geographic boundaries; to provide for the school board and an interim board of control; to provide for board membership, apportionment, qualifications, method of selection, terms of office, filling of vacancies, compensation, expenses, powers, duties, and responsibilities; to provide relative to facilities and property; to provide relative to the collection and remittance of certain taxes; to provide relative to the provision of certain student services; to provide relative to certain applications for funding; to provide for the reappointment of the East Baton Rouge Parish School Board; to provide for effectiveness and for implementation; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 563 by Senator White

AMENDMENT NO. 1

On page 2, line 10, following "of" and before "board" change "said" to "such"

AMENDMENT NO. 2

On page 4, line 4, following "in" and before "that" change "a manner such" to "such a manner"

AMENDMENT NO. 3

On page 4, line 18, following "otherwise" and before "provided" insert "generally"

AMENDMENT NO. 4

On page 4, line 19, following "law" and before "for" delete "generally"

AMENDMENT NO. 5

On page 4, line 21, following "as" and before "provided" insert "generally"

AMENDMENT NO. 6

On page 4, line 21, following "law" delete "generally"

AMENDMENT NO. 7

On page 4, line 25, following "as" change "provided by law generally" to "generally provided by law"

AMENDMENT NO. 8

On page 4, line 26, following "as" and before "provided" insert "generally"

AMENDMENT NO. 9

On page 4, line 27, following "law" and before "for" delete "generally"

AMENDMENT NO. 10

On page 6, line 21, following "due date" change "of, on," to "on"

AMENDMENT NO. 11

On page 7, line 3, following "state" and before "shall" change "dollars" to "monies"

AMENDMENT NO. 12

On page 10, line 1, following "immovable," change "tangible or intangible" to "corporeal or incorporeal"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator White proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator White to Engrossed Senate Bill No. 563 by Senator White

AMENDMENT NO. 1

On page 6, line 4, between "taxes" and "collected" insert "levied for school purposes"

AMENDMENT NO. 2

On page 6, line 7, change "tax" to "taxes levied for school purposes"

AMENDMENT NO. 3

On page 6, line 10, between "taxes" and "collected" insert "levied for school purposes"

AMENDMENT NO. 4

On page 6, line 14, between "taxes" and "collected" insert "levied for school purposes"

AMENDMENT NO. 5

On page 6, line 17, between "taxes" and "collected" insert "levied for school purposes"

On motion of Senator White, the amendments were adopted.

Floor Amendments

Senator Broome proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Broome to Reengrossed Senate Bill No. 563 by Senator White

AMENDMENT NO. 1

On page 6, delete lines 26 through 29 and insert:
"L. The Southeast Baton Rouge Community School System shall be obligated to compensate the East Baton Rouge Parish School System for its proportional share of legacy costs in an amount equal to its student enrollment beginning January 1, 2013, and ending December 31, 2033. The legacy costs shall be allocated on a per pupil basis."

AMENDMENT NO. 2

On page 7, delete line 1 and insert:

"M. Beginning July 1, 2013, and ending June 30, 2018, the East Baton Rouge Parish School Board shall be permitted to continue collecting its voter approved one-cent sales tax within the geographic boundaries of the Southeast Baton Rouge Community School System as provided by R.S. 33:2740.37.

N. Beginning January 1, 2014, and ending January 1, 2018, the sheriff of East Baton Rouge Parish shall withhold from the ad valorem tax collections of the Southeast Baton Rouge Community School System for payment to the dEast Baton Rouge Parish School Board related to all costs associated with debt incurred to acquire Qualified School Construction Bonds"

AMENDMENT NO. 3

On page 7, line 2, change "M" to "O"

Senator Broome moved the adoption of the amendments.

Senator White objected.

ROLL CALL

The roll was called with the following result:

YEAS

Broome	LaFleur	Smith, G.
Brown	Mills	Tarver
Dorsey-Colomb	Murray	Thompson
Gallot	Nevers	Ward
Heitmeier	Perry	
Kostelka	Peterson	
Total - 16		

NAYS

Mr. President	Cortez	Morrish
Adley	Donahue	Peacock
Allain	Erdey	Riser
Appel	Johns	Smith, J.
Buffington	Long	Walsworth
Chabert	Martiny	White
Claitor	Morrell	
Total - 20		

ABSENT

Amedee	Crowe	Guillory
Total - 3		

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Peacock
Adley	Guillory	Perry
Allain	Johns	Riser
Appel	Kostelka	Smith, G.
Buffington	Long	Smith, J.
Chabert	Martiny	Tarver
Claitor	Mills	Thompson
Cortez	Morrell	Walsworth
Crowe	Morrish	Ward
Donahue	Nevers	White
Total - 30		

NAYS

Broome	Gallot	Murray
Brown	Heitmeier	Peterson
Dorsey-Colomb	LaFleur	
Total - 8		

ABSENT

Amedee
Total - 1

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

Rules Suspended

Senator White asked for and obtained a suspension of the rules to advance to:

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

Called from the Calendar

Senator White asked that Senate Bill No. 299 be called from the Calendar.

SENATE BILL NO. 299—
BY SENATOR WHITE

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 13(D)(1) of the Constitution of Louisiana, to provide that for certain effects and purposes the Southeast Baton Rouge community school system in East Baton Rouge Parish shall be regarded and treated as a parish and shall have the authority granted parishes, including the purposes of certain funding and the raising of certain local revenues for the support of elementary and secondary schools; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guillory	Perry
Adley	Johns	Riser
Allain	Kostelka	Smith, G.
Appel	LaFleur	Smith, J.
Buffington	Long	Tarver
Chabert	Martiny	Thompson
Claitor	Mills	Walsworth
Cortez	Morrish	Ward
Crowe	Nevers	White
Donahue	Peacock	
Total - 29		

NAYS

Broome	Gallot	Peterson
Brown	Heitmeier	
Dorsey-Colomb	Murray	
Total - 7		

ABSENT

Amedee	Erdey	Morrell
Total - 3		

April 25, 2012

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

Rules Suspended

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

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 73— BY SENATOR CROWE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States and to urge and request the President of the United States to maintain steadfast support for the State of Israel and express vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 25, 2012

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. 907 HB NO. 1125 HB NO. 1145

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 907— BY REPRESENTATIVES KATRINA JACKSON AND HENRY BURNS AN ACT

To amend and reenact R.S. 3:2(D), 4274.1, 4276, 4279(A), 4292, 4325, and 4326 and to repeal R.S. 3:4271(B), 4274(6), 4274.2, 4279(B) and (C), 4280, 4284 through 4289, 4290, 4291, 4293 through 4295, and 4302, relative to forests and forestry; to provide for cooperative endeavors; to provide for the powers and duties of the state forester; to provide for the duties of forestry officers; to provide for the clearing of combustible material; to provide for the instruction of forestry on certain days; to provide for a parish board of forestry; to provide for a forestry program; to repeal certain provisions for the protection and reforestation of lands; to repeal certain provisions relative to forest tree seedling nurseries; to repeal the provisions of acreage tax on certain forest lands; and to provide for related matters.

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

HOUSE BILL NO. 1125— BY REPRESENTATIVE BROADWATER AN ACT

To amend and reenact Code of Civil Procedure Article 1469(5), Code of Criminal Procedure Article 740, R.S. 13:3667.3(B), and R.S. 49:956.1, relative to the attendance and testimony of legislators

in certain court and administrative hearings; to extend the requirement of a preliminary motion and hearing to former legislators where their attendance or testimony is being solicited on matters relating to their former service as lawmakers; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 1145— BY REPRESENTATIVE FOIL AN ACT

To amend and reenact Code of Civil Procedure Articles 2166 and 2167 and Children's Code Article 1143(C)(1), (2), and (3) and (D)(1), to enact Children's Code Article 1143(E), and to repeal R.S. 13:4446, relative to appellate procedure; to provide for notices of judgment; to provide for electronic and facsimile transmission; and to provide for related matters.

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

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

April 25, 2012

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 Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 67— BY SENATOR PEACOCK AND REPRESENTATIVE SEABAUGH A CONCURRENT RESOLUTION

To commend and congratulate Georgia Lynn Hilburn of South Highlands Magnet Elementary School in Caddo Parish on being selected as the Louisiana 2012 Elementary School Student of the Year.

Respectfully submitted, "JODY" AMEDEE Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

ATTENDANCE ROLL CALL

ROLL CALL

The roll was called with the following result:

PRESENT

Table with 3 columns: Name, Dorsey-Colomb, Murray. Lists names of present members including Mr. President, Adley, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, LaFleur, Long, Martiny, Nevers, Peacock, Perry, Peterson, Riser, Smith, G. Smith, J. Smith, J., Tarver, and Thompson.

Cortez	Mills	Walsworth
Crowe	Morrell	Ward
Donahue	Morrish	White
Total - 39		

ABSENT

Total - 0

Announcements

The following committee meetings for April 26, 2012, were announced:

Education	At Adj	Hainkel Room
Finance	1:30 P.M.	Hainkel Room
Labor and Ind. Rel.	At Adj	Room C
Local and Mun. Affairs	At Adj	Room F
Natural Resources	8:00 A.M. & At Adj	Room A
Transportation	At Adj	Room E

Adjournment

On motion of Senator Thompson, at 6:10 o'clock P.M. the Senate adjourned until Thursday, April 26, 2012, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Thursday, April 26, 2012.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk

