THE OFFICIAL JOURNAL OF THE **SENATE**

OF THE

STATE OF LOUISIANA

SIXTH DAY'S PROCEEDINGS

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

> Senate Chamber State Capitol Baton Rouge, Louisiana

> > Wednesday, May 4, 2011

The Senate was called to order at 3:10 o'clock P.M. by Hon. Joel T. Chaisson II. President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President Adley Alario Amedee Appel Broome Chabert Claitor Dorsey Erdey Gautreaux Total - 31	Guillory Heitmeier Kostelka LaFleur Long Marionneaux Martiny Mills Morrell Morrish Mount ABSENT	Murray Nevers Perry Riser Shaw Smith Thompson Walsworth Willard-Lewis
Cheek	Jackson	Peterson
Crowe	McPherson	Ouinn

Donahue

Total - 8

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

Michot

Praver

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

Reading of the Journal

On motion of Senator Nevers, the reading of the Journal was dispensed with and the Journal of May 3, 2011, was adopted.

Introduction of Senate Bills and Joint Resolutions

Senator Willard-Lewis asked for and obtained a suspension of the rules to introduce and read Senate Bills and Joint Resolutions a first and second time and refer them to committee.

SENATE BILL NO. 258— BY SENATOR WILLARD-LEWIS AN ACT

To enact R.S. 47:305.66, relative to sales and use taxes; to provide that state and local sales and use taxes shall not apply to purchase of items manufactured within the state for use in orbital environments; and to provide for related matters.

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

SENATE BILL NO. 259— BY SENATOR MARIONNEAUX

AN ACT To amend and reenact R.S. 47:32(A) and (C) and to enact R.S. 47:32(D), relative to income taxes; to phase out the taxes on personal and corporate income; and to provide for related matters.

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 16-

BY SENATOR CHAISSON A RESOLUTION To recognize May 4, 2011, as "Louisiana Chemical Industry Day".

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

SENATE RESOLUTION NO. 17-BY SENATOR THOMPSON

A RESOLUTION

To commend Norene R. Smith of Monroe, Louisiana, on her many years of service to the Louisiana Community and Technical College System.

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

SENATE RESOLUTION NO. 18— BY SENATOR WILLARD-LEWIS

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Lavinia Strong Lundy, aged one hundred eight.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 3, 2011

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB No. 294	HB No. 398	HB No. 194
HB No. 275	HB No. 283	HB No. 291

HB No. 292

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

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6th DAY'S PROCEEDINGS

May 4, 2011

House Bills and Joint Resolutions

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

HOUSE BILL NO. 194— BY REPRESENTATIVE WILLIAMS

AN ACT To enact Subpart A-1 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:236.1, relative to the Supplemental Nutrition Assistance Program; to provide for legislative findings; to provide for nutrition education; to establish certain reporting requirements for the Department of Children and Family Services; and to provide for related matters.

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

HOUSE BILL NO. 275-

BY REPRESENTATIVE BISHOP

To amend and reenact R.S. 22:867(C) and 873, relative to the methods of delivery of an insurance policy or evidence of insurance; to provide for methods of transmitting insurance policies and supporting documents; to provide for electronic

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

transaction of documents; and to provide for related matters.

HOUSE BILL NO. 283-BY REPRESENTATIVE AUBERT

906, 907, 910, 912(Å), (B)(1), (C), (D)(1)(b), (E), and (F), 913, 906, 907, 910, 912(A), (B)(1), (C), (D)(1)(b), (E), and (F), 913, 914, 915(B), 931, 932(B)(introductory paragraph) and (1), (D)(introductory paragraph) and (2), and (E), 934, 935, 936(A)(1)(introductory paragraph) and (2), (B), (D)(1), (2), and (4), (E), (F)(1), (G)(1), (4), and (8)(introductory paragraph) and (b) and (d) through (g), (I)(1), (1), (2), (3), and (5), (K)(1)(g) and (h), 941(B)(introductory paragraph) and (6), 942(introductory paragraph) and (1), (10)(b), and (11), 943(D)(2), 944(A), 951(A), 952(A)(2), (B)(introductory paragraph) and (4), and (J), 961, 1541, 1542(1), (4), (6), (9), (11), (14), and (18), 1544(B)(5) through (8) and (D), 1545(I)(1)(introductory paragraph), 1546(A)(3), (D)(4), and (F). and (3), (B)(2) and (3)(b), (D)(2), and (E), 1549(B)(4) and (5), (C), (D), (E)(introductory paragraph), (F), and (H), 1550(A)(2), (B)(1) and (d) and (2), (C), (D), (E)(introductory paragraph), and (H), 1554(G), 1555, 1556(A), (B), and (C), 1557(B)(1) and (2), 1558(B)(3) and (4), (C), and (D), 1559(C), (D)(1), and (E)(1), 1562(C)(1)(b) and (d), (E)(2), and (H)(introductory paragraph) and (4), 1564(A)(2), (B)(1)(a), and (C), 1571, 1573(C) through (G), (1)(1)(a), (K), (L), and (M), 1574(A) through (D)(1), 1575(C)(2) and (D), 1583, the heading of R.S. 22:1584, 1585(C), 1591, 1592, 1593(A)(introductory paragraph) 22:1584, 1585(C), 1591, 1592, 1593(A)(introductory paragraph) and (1), 1594(introductory paragraph), 1595, 1597, 1598(C), 1599(A) and (C)(introductory paragraph), 1600(B)(introductory paragraph), 1603(1) and (3), 1604(A)(2), 1605, 1622, 1623(A), (B), (D), and (F), 1624, 1625(A) and (H), 1627(A)(2), the heading of Part III of Chapter 5 of the Louisiana Revised heading of Part III of Chapter 5 of the Louisiana Revised Statutes of 1950, 1641(introductory paragraph), (1)(introductory paragraph), (c), (g), and (j), (4), and (7), 1642(A) and (C), 1644(D), 1651(B)(6), (D), (H)(1), and (I)(1), 1652, 1654(A)(introductory paragraph) and (C)(introductory paragraph), 1657, 1662(6)(a)(introductory paragraph) and (14), 1664(A) and (C)(2), 1665(A)(introductory paragraph) and (1), 1669, 1670(A)(2) and (D), 1671(A), (B)(2), and (C), 1673(C), 1693(A), 1694(A), 1696(A), 1697, 1698(A)(2) and (D), 1699(A)(3), (B), and (F), 1704(E)(1)(a) and (b), 1706(F), 1722, 1723(A)(introductory paragraph)) (B)(introductory paragraph) 1723(A)(introductory paragraph), (B)(introductory paragraph)

and (2), (D), and (F), 1724(5), 1726(A) and (B), 1727(A)(1), (2), (2), (4)(introductory paragraph), (7), and (8), (B)(4), (C), (2), (3), (4)(introductory paragraph), (7), and (8), (B)(4), (C), and (F), 1728(6), 1729(A) and (F), 1731(A)(2), 1741, 1747, 1761, 1763(B), 1767, and 1768; to enact R.S. 22:821(B)(31), (32), and (33), 1557(C), 1641(8) and (9), and 1766(C); and to repeal R.S. 22:1546(G) and (H), 1566, 1746(E), 1751, and 1769, all relative to technical recodification of certain provisions of the Louisiana Insurance Code, including correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or ineffective provisions, harmonizing of inconsistent provisions, and consolidating all provisions authorizing fees; and to provide for related matters.

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

HOUSE BILL NO. 291— BY REPRESENTATIVE LAMBERT AND SENATOR AMEDEE AN ACT

To amend and reenact R.S. 14:93.10(2)(introductory paragraph) and 108.1(D)(4) and R.S. 34:851.4 and to repeal R.S. 34:851.5, relative to boating safety; to provide for the possession of alcoholic beverages on waterways; to provide for definitions; to provide for operation of a watercraft; to provide for aggravated flight from an officer; and to provide for related matters.

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

- HOUSE BILL NO. 292— BY REPRESENTATIVES MORRIS, AUBERT, BOBBY BADON, BARRAS, BARROW, BILLIOT, BISHOP, HENRY BURNS, BURRELL, CHAMPAGNE, CHANDLER, CHANEY, DIXON, DOERGE, DOWNS, EDWARDS, ELLINGTON, GISCLAIR, GUILLORY, GUINN, HARRISON, HAZEL, HENDERSON, HOFFMANN, SAM JONES, LAMBERT, LEBAS, LIGI, LITTLE, MCVEA, MONTOUCET, MORENO, PATRICIA SMITH, ST. GERMAIN, STIAES, WILLIAMS, AND WOOTON AND SENATOR MICHOT AN ACT
- To amend and reenact R.S. 30:2506(A)(introductory paragraph) and (B) and 2507(A), R.S. 32:412(A)(1), (2), (5), and (6), (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), and (ee) and (ii)(aa), (cc), (dd)(I), and (ee), R.S. 36:605(B)(4)(a), and R.S. 47:463.43(A), (D), and (E), to enact R.S. 56:10(B)(15), and to repeal R.S. 30:2504 and 2511, R.S. 36:609(B)(4), Section 3 of Act No. 527of the 2003 Regular Session of the Legislature, Act No. 363 of the 2004 Regular Session of the Legislature, Act No. 190 of the 2007 Regular Session of the Legislature, and R.S. 32:412(A)(1), (2), (5), (6), (B)(1), (2), (7)(e)(i)(aa), (dd)(I), (e)(ii)(aa), and (dd)(I) as amended by Act No. 9 of the 2011 First Extraordinary Session of the Legislature, relative to litter abatement, enforcement, and education; to provide for the Louisiana Environmental Education Commission; to provide for the responsibility and duties of the Department of Wildlife and Fisheries; to provide litter abatement and enforcement; to provide for education programs; to abolish the environmental education division within the Department of Wildlife and Fisheries; to provide for special license plates; to provide for the disposition of certain funds collected from driver's license issuance and renewal and special license plates; and to provide for related matters.

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

HOUSE BILL NO. 294— BY REPRESENTATIVE THIBAUT

AN ACT To amend and reenact R.S. 56:116.1(D), relative to hunting; to provide for the trapping of outlaw quadrupeds, nutria, or beaver; to provide for trapping of feral hogs; to provide for the method of such taking on private property; and to provide for related matters.

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

HOUSE BILL NO. 398— BY REPRESENTATIVE ANDERS

AN ACT To amend and reenact R.S. 22:905(A)(2), relative to life insurance policies; to provide with respect to written notice required before lapsing life policies; to require notice be sent to the insured and assignee; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS

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

May 4, 2011

To the President and Members of the Senate:

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

SENATE BILL NO. 23-BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 34:851.36(B), relative to motorboats and vessels; to provide for boating safety education; to exempt certain individuals from the boating safety education requirement; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 87-BY SENATOR SMITH

AN ACT

To enact R.S. 6:103(B)(17), relative to records of the Office of Financial Institutions; to provide for disclosure of certain information to certain state or federal agencies; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 88-BY SENATOR SMITH

AN ACT

To enact R.S. 6:969.18(A)(7), relative to the Louisiana Motor Vehicle Sales Finance Act; to provide for maximum charges allowed for documentation and compliance fees; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 152-BY SENATOR MICHOT

AN ACT

To enact R.S. 37:1285(A)(32), relative to the Louisiana State Board of Medical Examiners; to provide for advertisement requirements by physicians; to provide for causes for which the board may refuse to issue, or may suspend or revoke, any license or permit, or impose probationary or other restrictions on the license of a physician; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 160— BY SENATORS MICHOT, SMITH AND MORRISH AND REPRESENTATIVES ARNOLD, GUINN, DOVE, CORTEZ, LANDRY AND ROBIDEAUX

AN ACT To amend and reenact Part VIII of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1486.1 and 1486.2, relative to monitoring the transportation of offshore oil platform workers; to provide for purpose; to provide for state participation in and promotion of the safe transportation over-water of oil and gas workers and others involved in the offshore oil and gas industry; and to provide for related matters.

Reported favorably.

Respectfully submitted, JOHN R. SMITH Chairman

REPORT OF COMMITTEE ON

HEALTH AND WELFARE

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

May 4, 2011

To the President and Members of the Senate:

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

SENATE BILL NO. 26-BY SENATOR NEVERS

AN ACT

To enact R.S. 37:1291.1, relative to out-of-state physician orders; to provide for an out-of-state physician to order diagnostic tests under certain conditions; to provide for definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 207-BY SENATOR MOUNT

AN ACT

To enact Part XLII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.21 through 1300.22, relative to Medicaid; to require the Department of Health and Hospitals to submit an annual report to the legislature on the Coordinated Care Network Medicaid initiative; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 223-BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 40:978(A) and (B) and R.S. 46:2622(17) and to enact R.S. 40:978(D), relative to electronic prescribing; to allow for the electronic prescribing of certain controlled dangerous substances; to provide for definition of prescription for the purposes of the Louisiana Medical Assistance trust fund; and to provide for related matters.

Reported favorably.

Respectfully submitted, WILLIE L. MOUNT Chairman

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REPORT OF COMMITTEE ON

INSURANCE

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

May 4, 2011

To the President and Members of the Senate:

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

SENATE BILL NO. 38-BY SENATOR ERDEY

AN ACT

To amend and reenact R.S.42:808(E), relative to eligibility in group programs; to provide coverage for a developmentally disabled dependent of a classified or unclassified state civil service employee by life, health or other programs sponsored by the Office of Group Benefits under certain circumstances, and to provide for related matters.

Reported favorably.

SENATE BILL NO. 84-BY SENATOR MORRISH

AN ACT To amend and reenact R.S. 22:885(B), relative to cancellation by the insured; to provide for the calculation of any unearned premium to be returned to the insured; to authorize calculating the unearned premium based on a short-rate provision contained in the policy filed with the commissioner; and to provide for related matters.

Reported with amendments.

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

Reported with amendments.

SENATE BILL NO. 169-BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 22:1891, relative to automobile liability coverage; to provide for payment of medical payment coverage and claims to the insured or his authorized representative; and to provide for related matters.

Reported with amendments.

Respectfully submitted, DAN W. "BLADE" MORRISH Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

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

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May 4, 2011

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 3— BY SENATORS NEVERS AND LONG

ORS NEVERS AND LONG A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to enact laws to establish, implement, and ensure that universal communication is at all times and at all places available to warn the American people of imminent and impending dangers.

Reported favorably.

Respectfully submitted, ROBERT W. KOSTELKA Chairman

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

SENATE BILL NO. 32-

BY SENATORS BROOME, CLAITOR, DONAHUE, MURRAY AND WILLARD-LEWIS AN ACT

To amend and reenact Children's Code Articles 116(12.1), 675(B)(3), 681, 1511, 1515(B) and 1516(B), and to enact Children's Code Articles 718, 719, 720, 721, 722, 723, 724 and 1514(D), relative to guardianship; to define guardianship; to provide for dispositional alternatives; to provide for the purpose of guardianship; to provide for the guardian's rights and responsibilities; to provide for a home study report; to provide for certain procedures; to provide for a motion, hearing, and order for guardianship; and to provide for related matters.

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

SENATE BILL NO. 55-BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 26:359(A), the introductory paragraph of (B)(1), and (B)(1)(h), relative to distribution of alcoholic beverages; to provide for direct shipment of certain alcoholic beverages to consumers; 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. 55 by Senator Murray

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

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

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

AMENDMENT NO. 4

On page 1, line 6, after "(B)(1)(h)" insert ", (C)(2) and (3), and (D)"

AMENDMENT NO. 5

On page 2, after line 10, insert the following: "C.(1) * * *

(2) Any retailer, domiciled outside of Louisiana, of sparkling wine or still wine engaging in the direct shipment of such beverages under the provisions of Subsection B of this Section shall make an

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annual application to the secretary of the Department of Revenue for the authority to make such shipments and shall pay an annual fee of five hundred dollars to the Department of Revenue prior to selling or shipping any sparkling wine or still wine into the state of Louisiana.

(3) The annual application for authority to make such shipments shall be in a written form specified by the secretary of the Department of Revenue, and shall include the express agreement of the wine producer, manufacturer, or out of state retailer to pay all excise and sales and use taxes assessed by the state of Louisiana on the sparkling wine or still wine sold and shipped pursuant to Subsection B of this Section. A copy of the current wine producer's, manufacturer's, or <u>out of state</u> retailer's license issued to such wine producer, manufacturer, or <u>out of state</u> retailer is domiciled shall be submitted to the secretary of the Department of Revenue with the application. No other permit or license shall be required of any such wine producer, manufacturer, or <u>out of state</u> retailer by the state in which the wine producer, manufacturer, or <u>out of state</u> retailer in connection with the direct shipment of sparkling wine or still wine pursuant to Subsection B of this Section.

D. Any wine producer, manufacturer, or out of state retailer who sells and ships directly to a consumer in Louisiana pursuant to Subsection B of this Section shall, within twenty days after the end of each calendar month, file with the secretary of the Department of Revenue a statement showing the total number of bottles sold and shipped during the preceding calendar month, the sizes of those bottles, the name brand of each sparkling wine or still wine included in such shipments, the quantities of each sparkling wine or still wine included in such shipments, and the price of each item included in such shipments. All excise and sales or use taxes due to the state of Louisiana on the sparkling wine or still wine sold and shipped pursuant to Subsection B of this Section shall be remitted by company check drawn on an account in the name of the permit holder or by electronic funds transfer at the time of the filing of the required statement, and copies of all invoices transmitted with each such shipment shall be attached to the statement. This statement shall be made on forms prescribed and furnished by the secretary of the Department of Revenue and shall include such other information as the secretary of the Department of Revenue may require.

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

SENATE BILL NO. 150-BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 44:9(A)(4), relative to expungement of arrest records in misdemeanor and felony cases; to authorize the clerk of court to collect the expungement processing fee; 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. 158-BY SENATOR MURRAY

AN ACT To amend and reenact R.S. 13:2492(F), 2499, 2500.1(C), 2500.2, 2500.3(C) and (D), and 2501, to enact R.S. 13:2495.1 and 2496.4, and to repeal R.S. 13:2501.1(M), relative to courts and judicial procedure; to provide relative to the Municipal Court of New Orleans; to provide relative to the senior and administrative judge; to provide for a judicial administrator and judicial expense fund; to provide relative to the payment of certain operating expenses and costs; to provide relative to the collection and remitting of certain costs, amounts, sums and funds; to provide certain terms, conditions, procedures and requirements; and to provide for related matters.

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

SENATE BILL NO. 161-BY SENATOR QUINN

AN ACT To amend and reenact R.S. 13:621.21 and 1138, and Section 1 of Act No. 873 of the 2008 Regular Session of the Legislature, and to repeal R.S. 13:1139(A), relative to courts and judicial procedure; to provide relative to district courts and district court judges; to dedicate certain judgeships in certain judicial districts and provide for divisions with certain limited or specialized subject matter jurisdiction; to provide for compensation of such judges; to provide for elections and terms of office; to provide certain terms, conditions, procedures, and requirements; to provide certain effective dates; and to provide for related matters

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

SENATE BILL NO. 208-

BY SENATOR PERRY

AN ACT To amend and reenact R.S. 19:201, relative to expropriation; to provide relative to expropriation suits; to provide relative to attorney fees; to provide relative to attorney fees for unsuccessful or abandoned suits; to provide certain terms and conditions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 208 by Senator Perry

AMENDMENT NO. 1

On page 1, line 3, after "attorney fees" insert "and certain costs and expenses"

AMENDMENT NO. 2

On page 1, line 4, after "fees" insert "and certain costs and expenses"

AMENDMENT NO. 3

On page 1, line 14, after "reasonable attorney fees" insert ", court costs, and expenses,

AMENDMENT NO. 4 On page 2, after line 3, insert

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.'

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

Senate Resolutions on Second Reading **Reported by Committees**

SENATE RESOLUTION NO. 8— BY SENATOR BROOME

A RESOLUTION

To urge and request the Louisiana State Law Institute to study revising state law to authorize the creation of testamentary and inter vivos trusts to provide for the care of an animal.

Reported favorably by the Committee on Judiciary A.

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

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

SENATE BILL NO. 1— BY SENATORS ADLEY, ALARIO, BROOME, CHEEK, DONAHUE, JACKSON, LAFLEUR, LONG, MICHOT, MURRAY, THOMPSON, WALSWORTH, MARIONNEAUX, AMEDEE, APPEL, CHABERT, CHAISSON, CLAITOR, DORSEY, ERDEY, GAUTREAUX, GUILLORY, HEITMEIER, KOSTELKA, MARTINY, MILLS, MORRELL, MORRISH, MOUNT, NEVERS, PERRY, RISER, SHAW, SMITH AND WILLARD-LEWIS

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

Floor Amendments

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1 by Senator Adley

AMENDMENT NO. 1 On page 2, line 20, following "<u>**R.S.**</u>" and before "<u>.</u>" change "<u>29:7.1</u>" to "<u>29:7</u>"

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

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

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments

Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

On page 5, line 17, before the period "." insert "who shall also sign the form'

On motion of Senator Adley, the amendments were adopted.

Floor Amendments

Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

On page 3, line 10, after "death" insert "or disability"

AMENDMENT NO. 2 On page 3, line 11, after "National Guard" delete the remainder of the line and lines 12 through 14 in their entirety and insert a "."

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

<u>AMENDMENT NO. 4</u> On page 3, line 20, change "(<u>3)</u>" to "(<u>2</u>)"

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

AMENDMENT NO. 6

On page 4, at the end of line 8, delete "LANG state surgeon of" and on line 9, delete "<u>the LANG for guardsmen</u>" and insert "proper state entity that adjudicates such claims for guardsmen"

AMENDMENT NO. 7

On page 4, line 15, after "D." insert "(1)"

AMENDMENT NO. 8

 On page 4, between lines 22 and 23, insert the following:
"(2) No guardsman shall be eligible to receive benefits pursuant to the provisions of this Section if any of the following occur:

(a) An investigation determines that a killed or injured guardsman was not in the line of duty at the time of death or injury.

(b) The guardsman is killed or injured while in any training status pursuant to Title 29 of the Louisiana Revised Statutes of 1950 or Title 32 of the United States Code, except training pursuant to 32 U.S.C. 502(f)(2)(A).

AMENDMENT NO. 9

On page 4, line 27, delete "LANG state surgeon for guardsmen" and insert "proper state entity that adjudicates such claims for guardsmen'

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

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

"Section 2. The provisions of this Act shall apply to guardsmen activated on or after September 11, 2001.

Section 3. Any death or disability benefits distributed to guardsmen or their beneficiaries prior to the effective date of this Act shall not be affected by the provisions of this Act."

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

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

On motion of Senator Adley, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

Gautreaux

Heitmeier

Guillory

Jackson

Kostelka

Marionneaux

LaFleur

Martiny

Long

Mills

YEAS

Mr. President Adley Alario Amedee Appel Broome Chabert Cheek Claitor Crowe

Mount Murray Nevers Perry Riser Shaw Smith Thompson Walsworth Willard-Lewis

Dorsey Erdey Total - 34 Morrell Morrish

Total - 0

ABSENT

NAYS

Donahue McPherson Total - 5

Quinn

Peterson

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. 28— BY SENATORS NEVERS AND MARIONNEAUX

AN ACT

Michot

To amend and reenact R.S. 47:6033(A) and (B)(1), relative to tax credits; to extend the applicability of the apprenticeship tax credit; and to provide for related matters.

Floor Amendments

Senator Nevers proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Engrossed Senate Bill No. 28 by Senator Nevers

AMENDMENT NO. 1 On page 2, delete lines 6 and 7

AMENDMENT NO. 2 On page 2, line 8, change "Section 3." to "Section 2."

On motion of Senator Nevers, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Adley Alario Amedee Appel Broome Chabert Cheek Claitor Crowe Dorsey Erdey Total - 36	Gautreaux Guillory Heitmeier Jackson Kostelka LaFleur Long Marionneaux Martiny McPherson Mills Morrell NAYS	Morrish Mount Murray Nevers Perry Peterson Riser Shaw Smith Thompson Walsworth Willard-Lewis
Total - 0	ABSENT	
Donahue Total - 3	Michot	Quinn

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

SENATE BILL NO. 43— BY SENATOR DONAHUE

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

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

SENATE BILL NO. 62-BY SENATOR MURRAY

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Adley Alario Amedee Appel Chabert Cheek Dorsey Gautreaux Total - 26	Guillory Heitmeier Jackson LaFleur Long Marionneaux Martiny McPherson Mills NAYS	Morrell Morrish Mount Murray Peterson Smith Thompson Willard-Lewis
Claitor Total - 2	Erdey ABSENT	
Broome Crowe Donahue Kostelka Total - 11	Michot Nevers Perry Quinn	Riser Shaw Walsworth

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

SENATE BILL NO. 69– BY SENATOR NEVERS

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

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

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ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Adley Alario Amedee Appel Broome Chabert Cheek Crowe Dorsey Erdey Gautreaux Total - 34	Guillory Heitmeier Jackson Kostelka LaFleur Long Marionneaux Martiny McPherson Mills Morrell Morrell Morrish	Mount Murray Nevers Perry Riser Shaw Smith Thompson Walsworth Willard-Lewis
Total - 0	ABSENT	

Claitor Donahue	Michot Peterson	Quinn
Total - 5		

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

SENATE BILL NO. 134-BY SENATORS CLAITOR AND MARIONNEAUX

AN ACT To amend and reenact the title to Part VI of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, R.S. 51:2352(3) and 2353 through 2356, relative to the Technology Commercialization Credit and Jobs Program; to extend the program; to change the program benefit from a tax credit to a rebate; to provide for a limitation on the receipt of other tax benefits and incentives; and to provide for related matters.

Floor Amendments

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 134 by Senator Claitor

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

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Morrell
Adley	Guillory	Morrish
Alario	Heitmeier	Mount
Amedee	Jackson	Murray

6th DAY'S PROCEEDINGS

Appel Broome Chabert Cheek Claitor Dorsey Erdey Total - 32	Kostelka LaFleur Long Marionneaux Martiny McPherson Mills NAYS	Perry Riser Smith Thompson Walsworth Willard-Lewis
Total - 0	ABSENT	
Crowe Donahue Michot Total - 7	Nevers Peterson Quinn	Shaw

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

SENATE BILL NO. 142-BY SENATOR OUINN

AN ACT

To amend and reenact R.S. 17:3983(A)(4)(d), relative to charter schools; to provide relative to the chartering process; to provide relative to the withdrawal, revision and resubmission of a charter proposal; and to provide for related matters.

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

SENATE BILL NO. 203— BY SENATORS PETERSON, DORSEY, ERDEY, JACKSON, MARIONNEAUX, MORRELL, RISER, SHAW AND WILLARD-LEWIS AN ACT

To enact Subpart BB of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.96, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate a portion of any refund due to them to the Louisiana Food Bank Association; to provide for the disposition of such donated monies; to establish the Louisiana Food Bank Association Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the fund; to authorize the treasurer to make certain deposits into the fund; to provide for an effective date; and to provide for related matters

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Adley Alario Amedee Broome Chabert Cheek Claitor Dorsey Erdey Gautreaux Guillory Total - 34

Heitmeier Jackson Kostelka LaFleur Long Marionneaux Martiny McPherson Mills Morrell Morrish Mount

Murray Nevers Perry Peterson Riser Shaw Smith Thompson Walsworth Willard-Lewis

NAYS

	ABSENT	
Appel Crowe Total - 5	Donahue Michot	Quinn

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

Total - 0

SENATE BILL NO. 219— BY SENATORS MILLS, MARIONNEAUX AND GUILLORY

AN ACT To enact R.S. 47:337.11.2, relative to exemption from the sales and use taxes of political subdivisions; to create the Acadiana Cultural and Entertainment Special District and authorize certain parishes within the district to provide a certain exemption from their sales and use taxes; and to provide for related matters.

Floor Amendments

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 219 by Senator Mills

AMENDMENT NO. 1

On page 1, line 12, following "<u>The</u>" and before "<u>Louisiana</u>" insert "<u>2011</u>" and between "<u>Entertainment</u>" and "<u>Economic</u>" delete "<u>2011</u>"

AMENDMENT NO. 2

On page 1, line 13, following "Impact" and before "estimates" change "Study" to "Analysis'

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments

Senator Mills proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mills to Engrossed Senate Bill No. 219 by Senator Mills

<u>AMENDMENT NO. 1</u> On page 1, lines 14 and 15, change "<u>one hundred five billion</u> <u>dollars</u>" to "<u>one billion five hundred ten million dollars</u>"

On motion of Senator Mills, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

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Chabert Cheek Claitor Dorsey Erdey Gautreaux Total - 31	Marionneaux Mills Morrell Morrish Mount Murray NAYS	Smith Thompson Walsworth Willard-Lewis
McPherson Total - 1	ABSENT	
Appel Crowe Donahue Total - 7	Heitmeier Martiny Michot	Quinn

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

Rules Suspended

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

Introduction of Senate Bills and Joint Resolutions

Senator Mount asked for and obtained a suspension of the rules to introduce and read Senate Bills and Joint Resolutions a first and second time and refer them to committee.

SENATE BILL NO. 260-BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 51:2457(C), relative to the Louisiana Quality Jobs Program; to provide for incentive rebates or credits; and to provide for related matters.

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

SENATE BILL NO. 261-

BY SENATOR CHAISSON AN ACT

To enact R.S. 38:1607(C), relative to St. Charles Parish; to provide that the St. Charles Parish Council may replace the board of commissioners of the Sunset Drainage District as the governing authority of the district by ordinance; 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.

SENATE BILL NO. 262

BY SENATOR DONAHUE AN ACT

To enact R.S. 47:6038, relative to tax credits; to grant the Louisiana New Start Education Tax Credit; to provide for the power, duties and authority of the department of education with respect to such tax credit; to provide for the eligibility of certain taxpayers to receive the credit for certain payments and contributions; and to provide for related matters.

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

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SENATE BILL NO. 263-BY SENATOR CHAISSON

AN ACT

To enact R.S. 51:2304, relative to tax credits and exemptions; to authorize the creation of the Louisiana Asset Manager Program and provide for its implementation and administration; and to provide for related matters.

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

SENATE BILL NO. 264-BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 47:6007(B)(7) and (C)(2) and (4), relative to tax credits; to provide for granting motion picture investor tax credits; to provide for definitions, allowing the credits, and transferability; and to provide for related matters.

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

SENATE BILL NO. 265-BY SENATOR RISER

AN ACT

To enact R.S. 22:832.1 and Chapter 55 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3121 through 3132, relative to the Louisiana Entrepreneurial Assistance and Development program (LEAD); to create the program; to provide for a tax reduction for investors who make investments of eligible capital under the program; to provide for approval of LEAD funds by the department of economic development and to establish criteria for such approval; to provide criteria for issuers in which investments will be made; and to provide for related matters.

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

Introduction of Senate Concurrent Resolutions

SENATE CONCURRENT RESOLUTION NO. 19-BY SENATOR CHAISSON

A CONCURRENT RESOLUTION

To provide for the suspension of tax benefits and expenditures; to suspend from July 1, 2011, until sixty days after final adjournment of the 2012 Regular Session of the Legislature of Louisiana the provisions of R.S. 47:293(3)(c), (9)(a)(xi), and (10) to the extent those provisions provide for a deduction from individual income tax for excess federal itemized deductions for tax years beginning during the calendar year 2011; and to provide for related matters.

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

SENATE CONCURRENT RESOLUTION NO. 20-BY SENATOR CHAISSO

A CONCURRENT RESOLUTION

To suspend from July 1, 2011, until sixty days after final adjournment of the 2012 Regular Session of the Legislature of Louisiana the provisions of R.S. 47:293(3)(c), (9)(a)(xi), and (10) to the extent those provisions provide for a deduction from individual income tax for excess federal itemized deductions for tax years beginning during the calendar year 2011; and to provide for related matters.

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

Rules Suspended

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

6th DAY'S PROCEEDINGS

SENATE BILL NO. 256-BY SENATOR CROWE

AN ACT To amend and reenact R.S. 33:4574.1(A)(1)(b) and 4574.1.1(C)(1) and R.S. 47:301(14)(c), relative to tax exemptions and exclusions of political subdivisions of the state; to exclude or exempt from certain taxes certain agreements to occupy for a certain time period accommodation, space, or lot which is in an overnight camping facility or trailer park; and to provide for related matters.

Senator Crowe moved to recommit the bill from the Committee on Revenue and Fiscal Affairs to the Committee on Local and Municipal Affairs.

Without objection, so ordered.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

May 4, 2011

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 14-BY SENATOR MORRELL

A CONCURRENT RESOLUTION To designate May 2-6, 2011, as "Be Kind to Animals" week at the legislature.

SENATE CONCURRENT RESOLUTION NO. 15-BY SENATOR MOUNT AND REPRESENTATIVE KATZ A CONCURRENT RESOLUTION

To designate May 2011 as Lupus Awareness Month in the state of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 17— BY SENATORS MORRELL, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, ERDEY, GAUTREAUX, GUILLORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MILLS, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS A CONCURRENT RESOLUTION To command President Barack Obama the Cantral Intelligence

To commend President Barack Obama, the Central Intelligence Agency, the United States military and Congress for the quick decisive steps taken in the mission culminating in the death of terrorist Osama Bin Laden.

> Respectfully submitted, ROBERT W. "BOB" KOSTELKA Chairman

> > Morrish

Mount

Murray

Nevers

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

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Gautreaux	
Adley	Guillory	
Alario	Heitmeier	
Amedee	Jackson	

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Appel Broome Chabert Cheek Claitor Crowe Dorsey Erdey Total - 36	Kostelka LaFleur Long Marionneaux Martiny McPherson Mills Morrell ABSENT	Perry Peterson Riser Shaw Smith Thompson Walsworth Willard-Lewis
Donahue Total - 3	Michot	Quinn
Leaves of Absence		
The following leaves of absence were asked for and granted:		
Donahue 1 Day Quinn 1 Day	Michot 1 Da	ıy
Announcements		
The following committee meetings for May 5, 2011, were announced:		
Education Labor and Ind. Rel. Local and Mun. Affai Natural Resources Transportation	At Adj. At Adj. irs At Adj. At Adj. At Adj. At Adj.	Hainkel Room Room C Room F Room A Room E

Adjournment

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

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

GLENN A. KOEPP Secretary of the Senate

> DIANE O' QUIN Journal Clerk