

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

TWENTY-THIRD 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

Tuesday, April 24, 2012

The Senate was called to order at 1:05 o'clock P.M. by Hon. John A. Alario Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Donahue	Peacock
Adley	Dorsey-Colomb	Perry
Allain	Erdey	Smith, G.
Amedee	Guillory	Smith, J.
Appel	Johns	Tarver
Broome	Kostelka	Thompson
Buffington	Long	Walsworth
Chabert	Mills	Ward
Claitor	Morrish	White
Cortez	Murray	
Crowe	Nevers	
Total - 31		

ABSENT

Brown	LaFleur	Peterson
Gallot	Martiny	Riser
Heitmeier	Morrell	
Total - 8		

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

Prayer

The prayer was offered by Dr. Durrell Tuberville, 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 Tarver, the reading of the Journal was dispensed with and the Journal of April 23, 2012, was adopted.

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules to take up at this time:

**Senate Resolutions on
Second Reading,
Subject to Call**

Senator Broome in the Chair

Called from the Calendar

Senator Adley asked that Senate Resolution No. 25 be called from the Calendar.

SENATE RESOLUTION NO. 25—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Air Force Technical Sergeant Daniel Douville in combat in Operation Enduring Freedom.

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

Mr. President in the Chair

Called from the Calendar

Senator Adley asked that Senate Resolution No. 26 be called from the Calendar.

SENATE RESOLUTION NO. 26—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Navy Chief Petty Officer Robert J. Reeves in Operation Enduring Freedom.

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 27 be called from the Calendar.

SENATE RESOLUTION NO. 27—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Marine Corps Corporal Matthew T. Richard in combat in Operation Enduring Freedom.

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 28 be called from the Calendar.

SENATE RESOLUTION NO. 28—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Navy Lieutenant Commander Jonas Kelsall in Operation Enduring Freedom

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 48 be called from the Calendar.

SENATE RESOLUTION NO. 48—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Staff Sergeant Michael Garcia in ground combat in Operation Enduring Freedom.

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 49 be called from the Calendar.

SENATE RESOLUTION NO. 49—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Nevada Army National Guard Lieutenant Colonel Heath A. Kelly while in the service of his country.

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 50 be called from the Calendar.

SENATE RESOLUTION NO. 50—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Sergeant Christopher P. Soderlund during ground combat in Afghanistan.

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 51 be called from the Calendar.

SENATE RESOLUTION NO. 51—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Staff Sergeant Nicholas P. Bellard in combat in Operation New Dawn.

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 52 be called from the Calendar.

SENATE RESOLUTION NO. 52—

BY SENATORS ADLEY, ALARIO, 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 express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Captain Aaron D. Istre in Operation Enduring Freedom

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 57 be called from the Calendar.

SENATE RESOLUTION NO. 57—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Marine Corps Corporal Trent William Robert Blankenship while in the service of his country.

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 60 be called from the Calendar.

SENATE RESOLUTION NO. 60—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Specialist Matthew Wade Comeaux while in the service of his country.

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

Called from the Calendar

Senator Adley asked that Senate Resolution No. 67 be called from the Calendar.

SENATE RESOLUTION NO. 67—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Specialist Jordan Chase Soulier.

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

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 71—

BY SENATORS ADLEY, ALARIO, 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 express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Master Sergeant Jared Neville Van Aalst upon his tragic and untimely death in Operation Enduring Freedom, and for his brave and heroic service to his country in support of the Global War on Terrorism.

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

Recess

On motion of Senator Adley, the Senate took a recess at 3:00 o'clock P.M. until 3:25 o'clock P.M.

After Recess

The Senate was called to order at 3:25 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

Table with 3 columns: Name, Name, Name. Lists present members: Mr. President, Adley, Allain, Amedee, Appel, Broome, Buffington, Claitor, Cortez, Crowe, Donahue, Dorsey-Colomb, Erdey, Johns, Kostelka, Long, Mills, Morrish, Murray, Nevers, Peacock, Perry, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

ABSENT

Table with 3 columns: Name, Name, Name. Lists absent members: Brown, Chabert, Gallot, Guillory, Heitmeier, LaFleur, Martiny, Morrell.

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

Senate Business Resumed After Recess

Message from the House

PASSED SENATE 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 the following Senate Bills and Joint Resolutions:

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.

Reported with amendments.

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

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 72— BY SENATOR ALLAIN

A RESOLUTION

To commend the National Federation of Republican Women and the Louisiana Federation of Republican Women for promoting the ideals of the Republican Party.

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

SENATE RESOLUTION NO. 73— BY SENATOR CLAITOR

A RESOLUTION

To express the condolences of the Senate of the Legislature of Louisiana upon the death of Joseph Jerome "Jerry" McKernan, prominent Baton Rouge and Louisiana attorney.

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

SENATE RESOLUTION NO. 74— BY SENATOR JOHNS

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Don Pat Descant of Bunkie.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 66— BY SENATOR BUFFINGTON

A CONCURRENT RESOLUTION

To establish an advisory work group within the Department of Insurance to examine methods to allow an insured under a life insurance policy or the contract holder of an annuity to convert the policy or annuity to a long term care benefit.

April 24, 2012

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Lists names of senators and representatives who voted 'YEAS'.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, ABSENT, Name. Lists names of senators and representatives who were absent.

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:

Table with 3 columns: HB NO. 202, HB NO. 846, HB NO. 952, etc. Lists various House Bills and Joint Resolutions.

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

House Bills and Joint Resolutions on First 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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

HOUSE BILL NO. 1038—

BY REPRESENTATIVE MONTOUCEZ

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 23, 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. 105

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

**House Concurrent Resolutions
on First 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 placed on the Calendar for a second reading.

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

HOUSE BILL NO. 504—

BY REPRESENTATIVE DOVE
AN ACT

To amend and reenact R.S. 30:5.1, relative to pooling of oil and gas wells; to provide for authority of the commissioner of conservation to create such pools; to provide for applications, allocation of costs, and rules and regulations; 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. 509—

BY REPRESENTATIVE LORUSSO
AN ACT

To enact R.S. 18:1461.5(A)(4), relative to elections; to prohibit certain conduct relative to the withdrawal from an election of a candidate for public office; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 518—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:572.1(A)(1) and 574.2(A), (B), (C)(1), (2)(introductory paragraph), and (3), (D)(introductory paragraph), (4), (9), and (11), (E), (F)(1)(introductory paragraph), (G), and (H)(1) and (2), relative to the Board of Pardons; to merge the functions and duties of the Board of Parole into the Board of Pardons; to create a committee on parole; to provide for the membership, duties, and functions of the committee on parole; to provide for transitional provisions; 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. 543—

BY REPRESENTATIVES SMITH AND TERRY LANDRY
AN ACT

To amend and reenact R.S. 15:574.4(B), relative to parole; to amend provisions relative to parole eligibility for certain offenders; to provide for parole eligibility for offenders sentenced to life imprisonment; to provide for exceptions; to provide for conditions for eligibility; 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. 577—

BY REPRESENTATIVES LOPINTO, HAZEL, HONORE, AND NORTON
AN ACT

To amend and reenact R.S. 14:403(A) and Children's Code Article 603(15)(introductory paragraph) and (d) and 610(A) and (E)(1) and (2) and to enact Children's Code Article 603(15)(j), relative to the reporting of abuse of children; to provide relative to the reporting of the abuse or neglect of children; to provide for criminal penalties; to provide relative to the reporting of sexual abuse of children; to provide for definitions; to amend the definition of "mandatory reporter" for purposes of reporting abuse of children; 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. 594—

BY REPRESENTATIVE LOPINTO
AN ACT

To enact Code of Criminal Procedure Article 718.1 and to repeal R.S. 46:1845, relative to discovery; to provide relative to discovery procedures in certain criminal cases; to prohibit the reproduction of certain evidence in certain cases involving pornography involving juveniles, video voyeurism, and obscenity; 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. 600—

BY REPRESENTATIVES NORTON, ADAMS, BADON, BARROW, BILLIOT, WESLEY BISHOP, BROWN, BURRELL, CHANEY, COX, DIXON, GAROFALO, GISCLAIR, GUILLORY, HENRY, HOFFMANN, HOLLIS, HONORE, HOWARD, KLECKLEY, TERRY LANDRY, LORUSSO, MACK, MORENO, ORTEGO, PIERRE, PYLANT, REYNOLDS, ROBIDEAUX, SEABAUGH, SMITH, TALBOT, THOMPSON, ALFRED WILLIAMS, AND WILLMOTT
AN ACT

To enact R.S. 14:403.7 and 403.8, relative to missing or deceased children; to create a crime for the failure to report a missing child; to provide for presumptions; to create a crime for the failure to report a deceased child; to provide for definitions; to provide for penalties; to provide for exceptions; 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. 634—

BY REPRESENTATIVE HUVAL
AN ACT

To repeal R.S. 22:269(B)(2) and (5), relative to certain fees for health maintenance organizations; to remove conflicting provisions for such fees.

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

HOUSE BILL NO. 692—

BY REPRESENTATIVE ALFRED WILLIAMS
AN ACT

To amend and reenact R.S. 17:3396.4(A)(introductory paragraph) and (6) and to enact R.S. 17:3396.4(A)(7), relative to the Research Park Corporation; provides relative to membership of the board of directors; to add the designee of the chief executive officer of the Baton Rouge Area Chamber to the board membership; to provide for recusal of voting for such designee; 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. 698—

BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 42:441(2) and (3), 442, 443(A), (C), (D), and (F), 445(A), and 447, relative to the state employee leave transfer program; to allow for the donation, receipt, and use of compensatory leave; 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. 790—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:1404(A) and (B)(introductory paragraph) and to enact R.S. 15:1404(B)(9) through (13), relative to criminal gang activity; to provide for the definition of "pattern of criminal gang activity"; 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. 1015—

BY REPRESENTATIVE LIGI
AN ACT

To amend and reenact R.S. 32:1253(A)(1)(introductory paragraph), relative to the Louisiana Motor Vehicle Commission; to provide relative to membership; and to provide for related matters.

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

HOUSE BILL NO. 1026—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:574.4(A)(1)(b)(ii) and (iii) and to enact R.S. 15:574.4(A)(1)(b)(iv), relative to parole eligibility; to provide for parole eligibility for certain offenders after serving a certain portion of the criminal sentence; to provide for prospective application; 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. 1041—

BY REPRESENTATIVE DOVE
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Terrebonne 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.

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

HOUSE BILL NO. 1056—

BY REPRESENTATIVE FRANKLIN
AN ACT

To enact R.S. 47:463.155, relative to prestige license plates; to provide for the Free and Accepted Mason license plate; to provide for qualified applicants; to provide for rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 1065—

BY REPRESENTATIVE BROADWATER
AN ACT

To amend and reenact R.S. 12:1607(A) and (D), relative to the professional licenses of business entities after a conversion; to clarify the provisions of law regarding the updating of a professional license after the conversion of a domestic business entity; to provide for a surviving entity following a merger where the ownership of the entity does not change; to provide for retroactivity; and to provide for related matters.

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

HOUSE BILL NO. 1068—

BY REPRESENTATIVE LOPINTO
AN ACT

To enact Code of Criminal Procedure Article 890.1, relative to criminal sentencing; to provide that certain sentences may be served with the benefit of parole, probation, or suspension of sentence under certain circumstances; to provide for applicability; to provide for limitations; to provide for exceptions; 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. 1086—

BY REPRESENTATIVES SEABAUGH, ANDERS, BARROW, BURFORD, COX, FRANKLIN, HARRIS, HAVARD, HENSGENS, KATRINA JACKSON, LEBAS, POPE, SIMON, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT
AN ACT

To amend and reenact R.S. 40:1299.55 and 1299.58.10(A), relative to consent to medical treatment and procedures; to provide for general application of laws providing for medical consent and declarations concerning life-sustaining procedures; and to provide for related matters.

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

**House Concurrent Resolutions on
Second Reading**

HOUSE CONCURRENT RESOLUTION NO. 102—

BY REPRESENTATIVE BARROW
A CONCURRENT RESOLUTION

To recognize Saturday, April 28, 2012, as Workers' Memorial Day in recognition of workers killed, injured, and disabled on the job.

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

April 24, 2012

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Peterson
Adley Heitmeier Riser
Allain Johns Smith, G.
Amedee Kostelka Smith, J.
Appel Long Tarver
Broome Martiny Thompson
Brown Mills Walsworth
Chabert Morrish Ward
Cortez Murray White
Crowe Nevers
Dorsey-Colomb Peacock
Total - 31

NAYS

Total - 0

ABSENT

Buffington Gallot Morrell
Claitor Guillory Perry
Donahue LaFleur
Total - 8

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

HOUSE CONCURRENT RESOLUTION NO. 103—

BY REPRESENTATIVE BROSSETT

A CONCURRENT RESOLUTION

To commend Darryl C. Kilbert upon his retirement as superintendent of the Orleans Parish Public School System, to recognize and record his myriad accomplishments and contributions, and to extend to him the best wishes of the legislature as he embarks upon new challenges and endeavors.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dorsey-Colomb Nevers
Adley Erdey Peacock
Allain Heitmeier Peterson
Amedee Johns Riser
Appel Kostelka Smith, G.
Broome Long Smith, J.
Brown Martiny Tarver
Chabert Mills Thompson
Cortez Morrell Walsworth
Crowe Morrish Ward
Donahue Murray White
Total - 33

NAYS

Total - 0

ABSENT

Buffington Gallot LaFleur
Claitor Guillory Perry
Total - 6

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

HOUSE CONCURRENT RESOLUTION NO. 104—

BY REPRESENTATIVE BARROW

A CONCURRENT RESOLUTION

To commend Dr. Velma Jackson for her accomplishments and contributions upon the occasion of having a scholarship named in her honor by the Greater Baton Rouge Chapter of the Meharry National Alumni Association, Incorporated.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Heitmeier Peterson
Adley Johns Riser
Allain Kostelka Smith, G.
Amedee Long Smith, J.
Appel Martiny Tarver
Broome Mills Thompson
Brown Morrell Walsworth
Chabert Morrish Ward
Cortez Murray White
Dorsey-Colomb Nevers
Erdey Perry
Total - 31

NAYS

Total - 0

ABSENT

Buffington Donahue LaFleur
Claitor Gallot Peacock
Crowe Guillory
Total - 8

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Ben W. Nevers, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

April 24, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 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.

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.

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.

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.

Respectfully submitted,
BEN W. NEVERS
Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Jean-Paul "JP" Morrell, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

April 24, 2012

To the President and Members of the Senate:

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

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.

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.

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.

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.

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.

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.

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.

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.

April 24, 2012

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.

HOUSE BILL NO. 271—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 27:44.1(D)(1)(a), relative to alternative inspections for riverboats; to provide with respect to inspection standards utilizing United States Coast Guard criteria; and to provide for related matters.

Reported favorably.

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.

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.

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.

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.

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.

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.

Respectfully submitted,
JEAN-PAUL "JP" MORRELL
Chairman

**REPORT OF COMMITTEE ON
JUDICIARY C**

Senator Robert W. Kostelka, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

April 24, 2012

To the President and Members of the Senate:

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

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.

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 licenced 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.

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.

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.

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.

SENATE BILL NO. 738—

BY SENATORS MORRELL 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.

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.

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.

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.

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.

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.

Respectfully submitted,
ROBERT W. KOSTELKA
Chairman

REPORT OF COMMITTEE ON

ENVIRONMENTAL QUALITY

Senator Michael A. Walsworth, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

April 24, 2012

To the President and Members of the Senate:

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

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.

Respectfully submitted,
MICHAEL A. WALSWORTH
Chairman

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

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.

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

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

April 24, 2012

Lake; to remove the limitations on the number of special permits issued; and to provide for related matters.

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

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.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 219 by Senator Johns

AMENDMENT NO. 1

On page 1, line 13 between "South" and "Right-of-Way" insert "of the"

AMENDMENT NO. 2

On page 1, delete line 14 and insert: "Street), said point of commencement being located South 0 degrees 13'36" East 40 feet and North 89""

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

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), 380.54(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 secretary of state to temporarily close the Old State Capitol and certain museums under his jurisdiction when no funds are appropriated for the operation of such facilities; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 268 by Senator LaFleur

AMENDMENT NO. 1

On page 1, line 3, after "380.34(C)," insert "380.44(C),"

AMENDMENT NO. 2

On page 1, at the beginning of line 6, change "secretary of state" to Department of State"

AMENDMENT NO. 3

On page 1, at the beginning of line 7, after "under" change "his" to "its"

AMENDMENT NO. 4

On page 1, line 11, after "380.34(C)," insert "380.44(C),"

AMENDMENT NO. 5

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

AMENDMENT NO. 6

On page 2, line 1, between "Capitol," and "the" insert "and funds from other local, public, or private sources are not available for this purpose,"

AMENDMENT NO. 7

On page 2, between lines 5 and 6, insert the following:
"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the Old State Capitol."

AMENDMENT NO. 8

On page 2, at the beginning of line 13, change "B." to "B.(1)"

AMENDMENT NO. 9

On page 2, line 14, between "Museum," and "the" insert "and funds from other local, public, or private sources are not available for this purpose,"

AMENDMENT NO. 10

On page 2, between lines 18 and 19, insert the following:
"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 11

On page 2, at the beginning of line 22, change "C." to "C.(1)"

AMENDMENT NO. 12

On page 2, line 23, between "Museum," and "the" insert "and funds from other local, public, or private sources are not available for this purpose,"

AMENDMENT NO. 13

On page 2, between lines 27 and 28, insert the following:
"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 14

On page 3, at the beginning of line 2, change "C." to "C.(1)"

AMENDMENT NO. 15

On page 3, line 3, between "Museum," and "the" insert "and funds from other local, public, or private sources are not available for this purpose,"

AMENDMENT NO. 16

On page 3, between lines 7 and 8, insert the following:
"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 17

On page 3, at the beginning of line 11, change "C." to "C.(1)"

AMENDMENT NO. 18

On page 3, line 12, between "Museum," and "the" insert "and funds from other local, public, or private sources are not available for this purpose,"

AMENDMENT NO. 19

On page 3, between lines 16 and 17, insert the following:
"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 20

On page 3, between lines 17 and 18, insert as follows:

"§380.44. Operating funds; appropriations by the legislature

C.(1) In the event that funds are not appropriated by the legislature for the operation of the Livingston Parish Museum and Cultural Center, and funds from other local, public, or private sources are not available for this purpose, the Department of State is authorized to temporarily close the museum and cultural center to the public until such time as funds are appropriated by the legislature for the operation of the museum. The Department of State shall maintain the museum and cultural center during any period of temporary closure.

(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum and cultural center.

AMENDMENT NO. 21

On page 3, at the beginning of line 20, change "C." to "C.(1)"

AMENDMENT NO. 22

On page 3, line 21, between "Museum." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 23

On page 3, between lines 25 and 26, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 24

On page 3, at the beginning of line 29, change "C." to "C.(1)"

AMENDMENT NO. 25

On page 4, line 1, between "Museum." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 26

On page 4, between lines 5 and 6, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 27

On page 4, at the beginning of line 9, change "C." to "C.(1)"

AMENDMENT NO. 28

On page 4, line 10, between "Museum." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 29

On page 4, between lines 14 and 15, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 30

On page 4, at the beginning of line 18, change "C." to "C.(1)"

AMENDMENT NO. 31

On page 4, line 19, between "Museum." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 32

On page 4, between lines 23 and 24, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations,

endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 33

On page 4, at the beginning of line 27, change "C." to "C.(1)"

AMENDMENT NO. 34

On page 4, line 28, between "Museum." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 35

On page 5, between lines 3 and 4, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 36

On page 5, at the beginning of line 7, change "C." to "C.(1)"

AMENDMENT NO. 37

On page 5, line 8, between "Museum." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 38

On page 5, between lines 12 and 13, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 39

On page 5, at the beginning of line 16, change "C." to "C.(1)"

AMENDMENT NO. 40

On page 5, line 17, between "Louisiana." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 41

On page 5, between lines 21 and 22, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 42

On page 5, at the beginning of line 25, change "C." to "C.(1)"

AMENDMENT NO. 43

On page 5, line 26, between "Museum." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 44

On page 6, between lines 1 and 2, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 45

On page 6, at the beginning of line 5, change "C." to "C.(1)"

AMENDMENT NO. 46

On page 6, line 6, between "Museum." and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 47

On page 6, between lines 10 and 11, insert the following:

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"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 48

On page 6, at the beginning of line 14, change "C." to "C.(1)"

AMENDMENT NO. 49

On page 6, line 15, between "Museum," and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 50

On page 6, between lines 19 and 20, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 51

On page 6, at the beginning of line 23, change "C." to "C.(1)"

AMENDMENT NO. 52

On page 6, line 24, between "Museum," and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 53

On page 6, between lines 28 and 29, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

AMENDMENT NO. 54

On page 7, at the beginning of line 5, change "B." to "B.(1)"

AMENDMENT NO. 55

On page 7, line 6, between "Museum," and "the" insert "and funds from other local, public, or private sources are not available for this purpose."

AMENDMENT NO. 56

On page 7, between lines 10 and 11, insert the following:

"(2) The Department of State may accept and use, in accordance with law, gifts, grants, bequests, donations, endowments, or funds from any public or private source to support the operations of the museum."

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

SENATE BILL NO. 335—
BY SENATOR MORRISH

AN ACT

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

Reported by substitute by the Committee on Transportation, Highways and Public Works. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. — (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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1256 is hereby amended and reenacted and R.S. 32:1256.1 is hereby enacted to read as follows:
§1256. Auto shows

The commission may authorize or prohibit motor vehicle or recreational products sales and shows at off-site locations. The commission may, in its discretion, allow such sales and shows in accordance with the rules and regulations adopted by the commission in accordance with the Administrative Procedure Act.

§1256.1. Recreational products shows

A. (1) Shows where recreational products are displayed and promoted for sale are hereby authorized as provided for in this Section, provided that no final sale and delivery of a recreational product shall occur at such show except by a licensed Louisiana dealer.

(2) The term "show" includes but is not limited to displays at off-site locations.

B. Participation in such shows is limited to recreational products dealers, distributors, or manufacturers who are licensed in Louisiana pursuant to this Chapter, except as provided in Subsection C of this Section.

C. Nonresident recreational products dealers, distributors, or manufacturers who hold a current equivalent license in another state may participate in a recreational products show in Louisiana, provided all of the following criteria are satisfied:

(1) Louisiana recreational products dealers, whose territory for the brands they represent includes the location of the show, have been given first option on space at such show.

(2) Louisiana recreational products dealers, whose territory does not include the location of the show, have been given second option on space at such show, provided that such dealers shall not show the same brand of recreational product as shown by a participating Louisiana recreational products dealer whose territory includes the location of the show.

(3) Non-Louisiana recreational products dealers, distributors, and manufacturers shall not show the same brand of recreational products as shown by participating Louisiana recreational products dealers.

(4) Non-Louisiana recreational products dealers, distributors, and manufacturers shall register their participation with the commission not later than ten business days prior to the date of the show. To register, each non-Louisiana recreational products dealer, distributor, and manufacturer shall submit its name, address, and a copy of its current equivalent license from the state of its domicile to the commission.

D. The provisions of Paragraphs (1), (2), and (3) of Subsection C of this Section shall not apply to participation by a nonresident manufacturer or distributor in a national or a regional show hosted in this state consisting of dealers, distributors, or manufacturers from multiple states.

E. The provisions of this Section shall not apply to any display of recreational products which is a part of a fair or festival held in this state.

F. The commission may adopt rules and regulations consistent with the provisions of this Section in accordance with the Administrative Procedure Act.

Section 2. Chapter 15, Subpart 1, Part V of Title 46 of the Louisiana Administrative Code, entitled "Recreational Product Shows" and comprised of Sections 1501 through 1515, are hereby repealed as of the effective date of this Act.

Section 3. This Act shall become effective on July 1, 2012; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2012, or on the day following such approval by the legislature, whichever is later.

On motion of Senator Adley, the committee substitute bill was adopted and becomes Senate Bill No. 751 by Senator Morrish, substitute for Senate Bill No. 335 by Senator Morrish.

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.

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

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.

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

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.

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

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.

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

SENATE BILL NO. 447—

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

AN ACT

To amend and reenact R.S. 33:5062 and 5063, relative to ordinances requiring property be maintained in a safe and sanitary condition; to provide for the governing authority of a municipality to require that property is maintained by its owners; to provide for definitions; to provide for notice; and to provide for related matters.

Reported by substitute by the Committee on Local and Municipal Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. — (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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:5396 is hereby enacted to read as follows:

§5396. Maintenance of abandoned mortgaged property

A. If a mortgagee or loan servicer receives a notice from a governing authority in accordance with R.S. 33:5062 or R.S. 33:5065 et seq., identifying certain maintenance required on the mortgaged property, the mortgagee and loan servicer shall have the right to directly or through third parties enter onto the property to perform maintenance.

B. If any abandoned residential property, as defined by R.S. 33:5066, affected by a mortgage is unoccupied or abandoned and is constructively seized relative to a foreclosure action and a notice of seizure has been recorded in the parish mortgage records, the mortgagee and loan servicer shall each have the legal right, directly or through third parties, to enter onto the property and to perform maintenance to protect and preserve the property until it can be sold at private sale or sheriff's sale.

C. The mortgagee, loan servicer, and any third parties hired by them to perform maintenance on the property, as defined by R.S. 33:5066, shall not be liable to the mortgagor or the owner of the seized property or any other person for any financial or pecuniary loss or damage claimed to have been suffered by the mortgagor or owner of the property or any other person by reason of the maintenance of the property.

D. Any costs and expenses incurred by the mortgagee or loan servicer for maintaining the property may be added to any loan balance secured by the mortgage and recoverable from proceeds received from a sale of the property.

Section 2. R.S. 33:5065 through 5069 are hereby enacted to read as follows:

§5065. Maintenance of abandoned residential properties in municipalities and parishes

The governing authority of any parish with a population between four hundred thousand and four hundred forty thousand based on the latest federal decennial census, and any governing authority of a municipality that lies within such a parish, may enact ordinances requiring that abandoned residential property be maintained in safe and sanitary condition to maintain the stability of the neighborhood.

§5066. Definitions

The following words and phrases when used in R.S. 33:5065 through 33:5069 shall have the following meaning, unless the context clearly indicates otherwise:

A. "Abandoned residential property" shall mean one-to-four family residential property that is vacant as the result of the relinquishment of physical possession or control by a homeowner or any other person or entity with an interest in the property. Property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, which would lead a reasonable person to conclude that the property was unoccupied including, but not limited to evidence of vacancy.

B. "Evidence of vacancy" shall mean condition that on its own, or combined with other conditions present which would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to overgrown or dead vegetation, accumulation of newspapers, circulars, fliers, or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, and statements by neighbors, passersby, delivery agents, or government employees that the property is unoccupied.

C. "Maintenance" shall mean but is not limited to repairing or replacing broken glass windows, repairing or replacing exterior doors, repairing or replacing soffit, fascia, shutters, and siding, repairing or replacing fences, and maintaining or covering swimming pools and hot tubs.

D. "Owner" is defined as those with care, custody, or control of the property at issue, including but not limited to record owners, seizing creditors, mortgage holders, lien holders, loan servicers of foreclosed property pending title transfer, or is an agent or assignee of the seizing creditor, mortgage holders, lien holders, or loan servicer.

E. "Notice" shall mean posting notice of the alleged violation on the door of the property at issue and sending notice via

certified mail, return receipt requested, from the governing authority addressed to the property owner, referencing the subject property, providing an explanation of the maintenance needed on the property, specifying the time period in which the work is required to be completed, providing the name and phone number of a contact person with the governing authority who has knowledge of the matter who can provide more information, including a copy of the applicable ordinance, and including a photo of the subject property. If the property is encumbered by a recorded mortgage, then a notice letter shall also be sent certified mail, return receipt requested, from the governing authority addressed to the seizing creditor, mortgage holder, lien holder, or loan servicer of foreclosed property pending title transfer that includes all of the information and enclosures required to be provided in the letter to the owner.

§5067. Time delays, procedure for maintenance

A. No such work shall be undertaken by the governing authority pursuant to this Section until the owner of the property, as defined in R.S. 33:5066 (D), has been given notice and a minimum of forty-five days to perform the maintenance.

B.(1) A governing authority may undertake the maintenance of the property if the requirements of notice and time delay as provided for herein have been met and the maintenance has not been performed.

(2) The governing authority shall take a photograph showing the condition of the property before the maintenance is performed and shall take a photograph showing the condition of the property after the maintenance is performed. The governing authority shall keep records showing the expenses incurred in maintaining the property, and those records shall be retained for a period of five years or until the property is sold, whichever time is less.

(3) The governing authority shall use licensed and insured vendors to perform maintenance on property pursuant to this Section.

C. After completion of the maintenance on the subject property, the governing authority shall record in the public mortgage records in the parish where the property is located, an affidavit, signed by either the chief elected official or his designee or by the parish or city attorney or his designee. The required affidavit shall include the following:

(1) A legal description of the property to which maintenance was performed, sufficient to reasonably identify it.

(2) The name of the property owner.

(3) A description of the maintenance performed and an itemization of the amounts of money spent on maintenance.

(4) The name of the governing authority and a statement that the provisions of this statute and the provisions of the applicable local ordinance have been complied with.

§5068. Privilege

A. The governing authority shall have a privilege against the subject property for the cost of maintenance it incurs, as documented in the recorded affidavit, and the privilege shall have the ranking priority as to other mortgages and privileges as provided in R.S. 9:4821(1).

B. The cost of maintenance shall include charges, costs, and expenses incurred by the governing authority in enforcing such ordinances enacted pursuant to R.S. 33:5065 through 33:5069 shall be the actual cost thereof to the governing authority, not to exceed a total amount of five thousand dollars in a twelve-month period.

§5069. Procedure for disputing privileges

A property owner and a mortgage holder shall have the right to dispute a privilege created against a mortgaged property under R.S. 33:5068, if the work creating a privilege was not performed on the property. A privilege may be disputed by submitting an affidavit to the governing authority. The affidavit shall be made by someone with knowledge of the condition of property, providing a statement that the work giving rise to the lien was not performed on the subject property, and giving an explanation as to why it believes the work was not performed on the property. Additional documentation may be submitted with the affidavit, such as pictures of the identity and condition of the property, and invoices or records showing that work was performed privately.

Upon receiving the affidavit and other documentation, the governing authority shall have thirty days to investigate the dispute and respond by either producing pictures or records to prove that the privilege established on the property for work performed is accurate, or by issuing a written release and cancellation of the privilege.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

On motion of Senator Dorsey-Colomb, the committee substitute bill was adopted and becomes Senate Bill No. 752 by Senator Peterson, substitute for Senate Bill No. 447 by Senator Peterson.

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.

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

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.

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

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.

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

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.

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

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.

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

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.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 489 by Senator Perry

AMENDMENT NO. 1

On page 2, line 1, after "**person to**" and before "**testify**" insert "**appear or**"

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

SENATE BILL NO. 505—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 30:10(A)(2)(e), 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.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 505 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 30:10(A)(2)(e)" and insert "the introductory paragraph of R.S. 30:10(A), (A)(1) and (2)"

AMENDMENT NO. 2

On page 1, line 7, delete "R.S. 30:10(A)(2)(e) is" and insert "The introductory paragraph of R.S. 30:10(A), (A)(1) and (2) are"

AMENDMENT NO. 3

On page 1, line 11, after "agree" insert "**by separate contract**" and after "pool" insert "**, drill, and produce**"

AMENDMENT NO. 4

On page 1, delete line 13 and insert the following:
 "(1) Where the owners have not agreed **by separate contract** to pool, **drill, and produce** their interests, the commissioner shall require them to do so and to develop their lands as a drilling unit, if he finds it to be necessary to prevent waste or to avoid drilling unnecessary wells."

AMENDMENT NO. 5

On page 1, line 14, delete "pooling is required," and insert "**a drilling unit is formed by a pooling order by the commissioner and absent any agreement or contract between owners as provided in this Section, then**"

AMENDMENT NO. 6

On page 1, delete line 17 and insert the following:

"(a)(i) Any owner drilling or intending to drill a unit well, ~~including~~ a substitute unit well, **an alternate unit well, or a cross-unit well** on any drilling unit heretofore or hereafter created by the commissioner, may, by **certified registered** mail, return receipt requested, **or other form of guaranteed delivery and notification method, not including electronic communication or mail,** notify all other owners in the unit **prior to the actual spudding of any such well** of the drilling or the intent to drill and give each owner an opportunity to elect to participate in the risk and expense of such well. Such notice shall contain:

(aa) An **authorization for expenditure form ("AFE"), which shall include a detailed estimate of the cost of drilling, testing, completing, and equipping the unit such proposed well. The AFE shall be dated within one hundred twenty days of the date of the mailing of the notice;**

(bb) The proposed location of the ~~unit~~ well;

(cc) The proposed objective depth of the ~~unit~~ well; and

(dd) **An estimate of ownership as a percentage of expected unit size or approximate percentage of well participation;**

(e) **In the event that the proposed well is being drilled or drilled at the time of the notice, then a copy of all available AFE logs, core analysis, production data, and well test data from the ~~unit~~ well which has not been made public.**

(i) ~~Such An~~ election to participate must be exercised by mailing written notice thereof by **certified registered** mail, return receipt requested, **or other form of guaranteed delivery and notification method, not including electronic communication or mail,** to the owner drilling or intending to drill the ~~unit~~ **proposed** well within thirty days after receipt of the initial notice. Failure to give timely written notice of the election to participate shall be deemed to be an election not to participate **and the owner shall be deemed a nonparticipating owner.**

(iii) ~~Another initial notice must be sent in order for the provisions of this Subsection to apply if~~ **If** the drilling of the proposed ~~unit~~ well is not commenced in accordance with the initial notice within ninety days after receipt of the initial notice, **then the drilling owner shall send a supplemental notice in order for the provisions of this Subsection to apply.**

(b)(i) Should a notified owner elect not to participate in the risk and expense of the unit well, **substitute unit well, alternate unit well, or cross-unit well** or should such owner elect to participate in the risk and expense of the ~~unit~~ **proposed** well **and but** then fail to pay his share of such expenses **the drilling costs determined by the AFE** within sixty days of **the spudding of the well or fail to pay its share of subsequent drilling, completion, and operating expenses within sixty days** of receipt of **subsequent** detailed invoices, **then the above notified owner shall be deemed a nonparticipating owner, and the drilling owner** ~~drilling same~~ shall, in addition to any other available legal remedies to enforce collection of such expenses, be entitled to own and recover out of production from such ~~unit~~ well allocable to the tract belonging to the nonparticipating owner such tract's allocated share of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the ~~unit~~ well, including a charge for supervision, together with a risk charge; ~~which~~ **The risk charge for a unit well or substitute unit well shall be two hundred percent of such tract's allocated share of the cost of drilling, testing, and completing the unit well. The risk charge for an alternate unit well or cross-unit well shall be one hundred percent of such tract's allocated share of the cost of drilling, testing, and completing such well.**

(ii)(aa) **During the recovery of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the well, the charge for supervision, and the risk charge, the nonparticipating owner shall receive from the drilling owner for the benefit of its lessor royalty owner that portion of production due to the lessor royalty owner under the terms of the contract or agreement creating the royalty between the royalty owner and the nonparticipating owner. In the event the contract or agreement creating the royalty between the royalty owner and the nonparticipating owner is dissolved or terminated, then the provisions of this Subitem shall remain in effect and enforceable by both the drilling owner and the former royalty owner, whose**

contract or agreement was dissolved or terminated, except the drilling owner shall tender revenue proceeds equal to the royalty percentage and in accordance with the terms that existed in the dissolved or terminated contract or agreement directly to the former royalty owner, whose contract or agreement was dissolved or terminated, during the recoupment period of the well costs and risk charge provided in this Subitem.

(bb) In addition, during the above recovery, the nonparticipating owner shall receive from the drilling owner for the benefit of the overriding royalty owner the lesser of: (i) the nonparticipating owner's total percentage of actual overriding royalty burdens associated with the existing lease or leases which cover each tract attributed to the nonparticipating owner at the time of the well proposal; or (ii) the difference between the weighted average percentage of the total actual royalty and overriding royalty burdens of the drilling owner's leasehold within the unit and the nonparticipating owner's actual leasehold royalty burdens at the time of the well proposal.

(cc) The share that is to be received by the nonparticipating owner on behalf of its lessor royalty owner and overriding royalty owner shall be made by the drilling owner in accordance with Part I of Chapter 2 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950.

(dd) Nothing in this Section shall relieve any lessee of its obligations to pay, from the commencement of production, any lessor royalty and overriding royalty owned under the terms of his lease, and other agreements during the recovery of actual well costs and the risk charge, or shall relieve any lessee of his obligation to pay all royalty and overriding royalty owned under the terms of his lease and other agreements after the recovery of the actual well costs and the risk charge. Except as provided in this Paragraph, the drilling owner's obligation to pay the royalty to the nonparticipating owner in no way creates an obligation, duty, or relationship between the drilling owner and any person to whom the nonparticipating owner is liable to contractually or otherwise.

(ee) In the event of nonpayment by the nonparticipating owner of the royalty and overriding royalty due, the lessor royalty owner and overriding royalty owner shall provide written notice of such failure to the nonparticipating owner and the drilling owner as a prerequisite to a judicial demand for damages. The nonparticipating owner and the drilling owner shall have thirty days after receipt of the required notice within which to pay the royalties due or to respond in writing by stating a reasonable cause for nonpayment. If the nonparticipating owner or the drilling owner fail to make payment of the royalties or fail to state a reasonable cause for nonpayment within this period, the court may award as damages double the amount of royalties due, interest on that sum from the date due, and a reasonable attorney's fee regardless of the cause for the original failure to pay royalties.

(iii) Any owner not notified shall bear only his tract's allocated share of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the unit well, including a charge for supervision, which share shall be subject to the same obligation and remedies and rights to own and recover out of production in favor of the drilling party or parties as hereinabove provided. A participating owner shall deliver to the owner whom has not been notified the proceeds attributable to his royalty and overriding royalty burdens as described in this Section.

(c) Should a drilling unit be created by order of the commissioner around a well already drilled or drilling and including one or more tracts as to which the owner or owners thereof had not participated in the risk and expense of drilling such well, then within thirty days of the date of the order creating such unit the provisions hereinabove for notice, election, and participation shall be applicable as if a unit well were being proposed by the owner who drilled or was drilling such well; however, the cost of drilling, testing, completing, equipping, and operating the well allocable to each tract included in the unit shall be reduced in the same proportion as the recoverable reserves in the unitized pool have been recovered by prior production, if any, in which said tract or tracts did not participate prior to determining the share of cost allocable to such tract or tracts.

(d)(i) Should a drilling unit be revised by order of the commissioner so as to include an additional tract or tracts, then within thirty days of the date of the order revising such unit the provisions hereinabove for notice, election, and participation shall be applicable to such added tract or tracts and the owner thereof as if a unit well were being proposed by the owner who had drilled the unit well; however, the cost of drilling, testing, completing, equipping, and operating the unit well shall be reduced in the same proportion as the recoverable reserves in the unitized pool have been recovered by prior production, if any, in which said tract or tracts did not participate prior to determining the share of cost allocable to the subsequently included tract or tracts.

(ii) Should a drilling unit be revised by order of the commissioner as to exclude a tract or tracts, the cost of drilling, testing, completing, equipping, and operating the unit well shall be reduced in the same proportion as the recoverable reserves in the unitized pool have been recovered by prior production to determine the share of cost allocable to the subsequently excluded tract or tracts.

(e)(i) The provisions of Paragraph 2(b) above Subparagraph (b) of this Paragraph with respect to the risk charge shall not apply to any unleased interest not subject to an oil, gas, and mineral lease.

(ii) Notwithstanding the provisions of Paragraph 2(b) above Subparagraph (b) of this Paragraph, the royalty owner and overriding royalty owner shall receive that portion of production due to them under the terms of the contract creating the royalty.

(f) In the event of a dispute relative to the calculation of unit well costs or depreciated unit well costs, the commissioner shall determine the proper costs after notice to all interested owners and a public hearing thereon.

(g) Nothing contained herein shall have the effect of enlarging, displacing, varying, altering, or in any way whatsoever modifying or changing the rights and obligations of the parties thereto under any contract between or among owners having a tract or tracts in the unit.

(h) The owners in the unit to whom the notice provided for hereinabove may be sent, are the owners of record as of the date on which the notice is sent.

* * *

AMENDMENT NO. 7

On page 2, delete lines 1 through 11

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

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.

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

SENATE BILL NO. 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.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 530 by Senator Peacock

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AMENDMENT NO. 1

On page 2, line 3, after "**interest**" insert, "**, limited to one-half of a mile beyond the described property line.**"

AMENDMENT NO. 2

On page 2, line 7, after "**term of the lease**" insert "**or any extension**"

AMENDMENT NO. 3

On page 2, delete lines 8 and 9

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

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 reapportionment of the East Baton Rouge Parish School Board; to provide for effectiveness and for implementation; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

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

AMENDMENT NO. 1

On page 3, line 21, change "Airline Highway" to "Interstate 10"

AMENDMENT NO. 2

On page 3, line 26, change "Airline Highway" to "Interstate 10"

AMENDMENT NO. 3

On page 3, line 27, change "Airline Highway" to "Interstate 10"

AMENDMENT NO. 4

On page 8, line 19, change "42:4.1 through 13" to "42:11 through 28"

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

SENATE BILL NO. 564—

BY SENATOR GALLOT

AN ACT

To enact R.S. 33:9038.66, relative to the city of Grambling; to create the Grambling Legends Square Taxing District; to provide for the governing authority of the city of Grambling to create a special taxing district; to provide relative to the purpose and boundaries of the district; to provide for the governance, powers, and duties of the district; to provide for definitions; to provide for taxes to be levied by the district and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 564 by Senator Gallot

AMENDMENT NO. 1

On page 1, at the end of line 6, after "district" and before "and" insert a semi-colon ";"

AMENDMENT NO. 2

On page 4, between lines 9 and 10 insert:

"(5) A certain parcel of ground, together with all buildings and improvements thereon with the POINT-OF-BEGINNING of herein-described tract of land represented by the point and corner where the Western boundary of the SE ¼ of Section 13, Township 18 North – Range 4 West, Land District North of Red River, City of Grambling, Lincoln Parish, Louisiana, intersects with the Southern right-of-way of U. S. Interstate No. 20 and run thence Southeasterly, along said right-of-way, and to the intersection with the Eastern boundary of said Section 13 and the Western boundary of Section 18, Township 18 North – Range 3 West; thence continuing Southeasterly, along said right-of-way, and to the point where said right-of-way begins the off-ramp right-of-way transition into the right-of-way of Louisiana Highway No. 149 and R.W.E. Jones Drive; thence continuing Southeasterly, along said right-of-way transition, and to the intersection with the Southern boundary of said Section 18 and the Northern boundary of Section 19; thence continuing Southeasterly and then Southwesterly, along said right-of-way transition, and to the intersection with the Western right-of-way of aforesaid Louisiana Highway No. 149 and R.W.E. Jones Drive; thence continuing Southwesterly, along said Western right-of-way, and to the intersection with the Southern boundary of the Margaret C. Wright, et al land (Lincoln Parish Parcel No. 19183000030; Conveyance Book 803, Page 56 of the public records of the Office of the Clerk of Court in and for Lincoln Parish, Louisiana); thence turning Easterly, along said Southern boundary and across said highway, and to the intersection with the Eastern right-of-way of said highway; thence turning Northeasterly, along said Eastern right-of-way, and to the point where said right-of-way intersects and begins the on-ramp transition into the Southern right-of-way of aforesaid U. S. Interstate No. 20; thence continuing Northeasterly, along said right-of-way transition, and to the intersection with the said Southern right-of-way; thence turning Southeasterly, along said Southern right-of-way, and to the intersection with the Eastern boundary of aforesaid Section 18 and the Western boundary of Section 17; thence continuing Southeasterly, along said Southern right-of-way, and to the intersection with the Southern boundary of Section 17 and the Northern boundary of Section 20; thence continuing Southeasterly, along said Southern right-of-way, and to the intersection with the Eastern boundary of the NW ¼ of said Section 20; thence turning Southerly, leaving said Southern right-of-way and along said Eastern boundary, and to the intersection with the Northern right-of-way of Louisiana Highway No. 150 and Martin Luther King Jr. Avenue; thence turning Southwesterly, leaving said Eastern boundary of the NW ¼ and along said Northern right-of-way, to the intersection with the Western boundary of said Section 20 and the Eastern boundary of aforesaid Section 19; thence turning Northerly, along said Section line, and to the intersection with the Southern boundary of the North ½ of the NE ¼ of the NE ¼ of said Section 19; thence turning Westerly, along said Southern boundary, and to the Northeastern corner of the Theodis Osborne land (Lincoln Parish Parcel No. 19183000173; Conveyance Book 1145, Page 485 of said public records); thence turning Easterly and then Southerly alternately, along the Eastern boundary of said Osborne land and boundary common with adjoining lots identified by Lincoln Parish Parcel No's 19183000004, 19183224001 and 19183135075, and to the intersection with the Southern boundary of the South ½ of said NE ¼ of NE ¼; thence turning Westerly, along said Southern boundary, and to the intersection with the Western boundary of said NE ¼ of NE ¼ and the Eastern boundary of the City of Grambling land (Lincoln

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Parish Parcel No. 1918300023); thence turning Northerly, leaving said Southern boundary and along said Eastern boundary of the Grambling land, and to the Northeast corner of said Grambling land common with the Southern boundary of the aforesaid Margaret Wright land; thence, turning Westerly, along the boundary common with said Grambling (South) and Wright (North) lands, and to the intersection with the Southwesterly extension of the Eastern boundary of the Tsegai Emmanuel land ((Lincoln Parish Parcel No. 1918300029; Conveyance Book 1308, Page 758 of said public records); thence turning Northeasterly, leaving said boundary common with said Grambling and Wright, and along said Eastern boundary and its' extension thereof of said Emmanuel land, and to the Northeastern corner of said Emmanuel land; thence turning Westerly, along the Northern boundary of said Emmanuel land, and to the intersection with the aforesaid Interstate No. 20 right-of-way transition; thence turning Southwesterly, along said right-of-way transition, and to the intersection with the aforesaid Eastern right-of-way of Louisiana Highway No. 149 and R.W.E. Jones Drive; thence continuing Southwesterly, along said Eastern right-of-way and to the intersection with the aforesaid Southern boundary of the Margaret Wright land; thence turning Westerly, along said Southern boundary and across said highway, and to the intersection with the Western right-of-way of said highway; thence continuing Westerly, leaving said right-of-way and along the said Southern boundary of the Wright land, and to the intersection with the Eastern boundary of the NW ¼ of aforesaid Section 19 and the Eastern boundary of the North Louisiana Development Co., L.L.C. or the M.B. Brim, L.L.C. land (Lincoln Parish Parcel No. 1918300009; Conveyance Book 1291, Page 273 of said public records); thence turning Southerly, along said Eastern boundary, to the Southeastern corner of said land; thence turning Westerly, along the Southern boundary of said land, and to the Southwestern corner of said land and the Southeastern corner of the North Louisiana Development Co., L.L.C. land (Lincoln Parish Parcel No. 19183112001; Conveyance Book 1285, Page 552 of said public records); thence continuing Westerly, along the Southern boundary of said land, and to the Southwestern corner of said land; thence turning Northerly, along the Western boundary of said land, and to the intersection with the aforesaid Northern boundary of Section 19 and the aforesaid Southern boundary of Section 18; thence turning Westerly, along said Section line, to the Section corner common with Sections 19 (Southeast), 18 (Northeast) of Township 18 North - Range 3 West, and 13 (Northwest) and 24 (Southwest) of Township 18 North - Range 4 West; thence continuing Westerly, along the line common with said Sections 24 and 13, and to the intersection with the Northwestern right-of-way line of the existing metal structure electrical transmission line; thence turning Southwesterly, along said Northwestern right-of-way, and to the intersection with the Southern boundary of the NE ¼ of aforesaid Section 24; thence turning Westerly, leaving said right-of-way and along said Southern boundary of said NE ¼, and to the Southwestern corner of said NE ¼; thence turning Northerly, along the Western boundary of said NE ¼, and to the Northwestern corner of said NE ¼ and the Southwestern corner of aforesaid SE ¼ of Section 13; thence continuing Northerly, leaving said NE ¼ and along the said Western boundary of SE ¼, and back to the POINT-OF-BEGINNING of herein-described tract of land."

AMENDMENT NO. 3

On page 7, line 24, delete "the state of Louisiana," and after "subdivisions" delete the comma ","

AMENDMENT NO. 4

On page 8, line 12, after "commissioners," delete the remainder of the line, delete line 13, and insert: "after the board has called a special election submitting the proposition for the levy of such tax to the qualified electors of the district and the proposition has received the favorable vote of a majority of the electors voting in the election; however, in the event there are no qualified electors in the district as certified by the registrar of voters, no such election shall be required. The powers and rights conferred by

this Paragraph shall be in addition to the powers and rights conferred by any other general or special law and shall be construed to provide a complete and additional method for the levy of the tax. No election, proceeding, notice, or approval shall be required for the levy of the tax except as provided in this Paragraph."

AMENDMENT NO. 5

On page 8, line 18, after "of any other" insert "non-statewide"

AMENDMENT NO. 6

On page 8, line 28, after "by other" insert "non-statewide"

AMENDMENT NO. 7

On page 9, delete lines 26 through 29, on page 10, line 1 delete "coterminous with those of the state" and insert:

"(2)(a)(i) A sales tax increment consisting of that portion of sales tax revenues of any and all non-statewide taxing authorities"

AMENDMENT NO. 8

On page 10, between lines 8 and 9, insert:

"(ii) A sales tax increment consisting of that portion of sales tax revenues of the state of Louisiana and any political subdivision whose boundaries are coterminous with those of the state levied upon the same transactions in the same area which exceeds the sales tax revenues that were collected by such taxing authorities in the year immediately prior to the year of designation of such area may be dedicated to pay the revenue bonds of the district in the manner provided for in R.S. 33:9038.34(A)(6)."

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

SENATE BILL NO. 579—

BY SENATORS ADLEY, APPEL, GUILLORY, PERRY, WALSWORTH AND WHITE

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(b)(i), (c)(i), (d)(i) and (4)(a)(iii), (B)(3)(a), (P)(1)(c), (2)(b), (3)(b) and (4)(b), (Q)(1)(d), and (V)(1)(c), relative to the Taylor Opportunity Program for Students; to provide for initial award eligibility and continuing eligibility for certain students who reenlist in the United States Armed Forces and maintain continuous active duty under certain circumstances; to extend the length of time required to claim or maintain an award for certain students on active duty under certain circumstances; to provide for applicability; and to provide for related matters.

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

SENATE BILL NO. 599—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 36:508.2(A) and R.S. 48:1161; to enact R.S. 36:509(F)(11), R.S. 48:25.1, 197, 1161.1 and 1167.1; to repeal R.S. 33:2201(B)(17), R.S. 35:408, R.S. 36:504(A)(9) and 509(M), R.S. 47:820.5, 820.5.2, and 820.5.3, and R.S. 48:1092.1 and 1101.1, relative to the Department of Transportation and Development; provides relative to termination of the Crescent City Connection Division; provides relative to the Crescent City Connection Bridge and ferries; provides relative to the Mississippi River Bridge Authority; provides relative to transfer of funds, property, buildings, and improvements; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 599 by Senator Adley

AMENDMENT NO. 1

On page 1, line 3, change "1161.1 and" to "1161.1, 1161.2, and"

AMENDMENT NO. 2

On page 1, line 8, after "Authority;" and before "provides" insert "to create the Crescent City Transition Fund as a special fund in the state treasury; to provide for the use of monies in the fund;"

AMENDMENT NO. 3

On page 2, line 13, change "1161.1 and" to "1161.1, 1161.2, and"

AMENDMENT NO. 4

On page 2, line 15, at the beginning of the line, insert "A."

AMENDMENT NO. 5

On page 2, at the end of line 20, insert the following: "If the department enters into a contract or franchise agreement with a non-public entity to provide ferry service formerly operated by its Crescent City Connection Division, the provisions of R.S. 48:999 and 1000 which provide for certain free and unhampered passage on toll ferries shall not apply."

AMENDMENT NO. 6

On page 2, between lines 20 and 21, insert the following:

"B. If the department enters into a contract or franchise agreement with a non-public entity to provide such ferry service, such contract shall include a contract provision which appoints the New Orleans Regional Planning Commission as an advisor to such ferry service contractor. The commission may follow its customary procedures to satisfy such advisory function."

AMENDMENT NO. 7

On page 3, line 27, after "laws" insert "and particularly under the effective provisions of Act 7 of 1952, Act 402 of 1976, Act 204 of 1980, Act 329 of 1981, Act 522 of 1984, Act 762 of 1988, and Act 315 of 1989"

AMENDMENT NO. 8

On page 4, between lines 2 and 3 insert the following:

"§1161.2. Crescent City Transition Fund

A. Upon the final payment on any public indebtedness issued by the Mississippi River Bridge Authority or the Crescent City Connection Division of the Department of Transportation and Development, all books, papers, records, actions, and other property and improvements thereon, both movable and immovable, heretofore owned, possessed, controlled, or used by the Mississippi River Bridge Authority or the Crescent City Connection Division of the Department of Transportation and Development in the exercise of functions of those bodies are hereby transferred to the department.

B. There is hereby created, as a special fund in the state treasury, the Crescent City Transition Fund, hereinafter referred to as the "fund". The source of monies for the fund shall be amounts paid to the Mississippi River Bridge Authority pursuant to Sections 4.21 and 12.1 of the Amended and Restated Indenture and Deed of Trust between the Secretary of the Department of Transportation and Development (Acting in the Name of and on Behalf of the Mississippi River Bridge Authority) and Bank One Trust Company, N.A., dated November 1, 2002, or funds possessed, controlled, or due to the Mississippi River Bridge Authority or the Crescent City Connection Division of the Department of Transportation and Development.

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, an amount equal to that deposited into the state treasury from the foregoing sources shall be deposited in and credited to the fund. The monies in the fund shall be invested by the treasurer in the same manner as the state

general fund, and interest earnings shall be deposited into the fund. All unexpended and unencumbered monies remaining in the fund at the end of each fiscal year shall remain in the fund.

D. Monies in the fund shall be subject to appropriation by the legislature. The first four million dollars of monies deposited in the fund shall be appropriated for use by the Department of Transportation and Development, hereinafter referred to as the "department", for the purpose of capitalizing ferry service formerly operated by the Crescent City Connection Division in the Marine Trust Program. The balance of the monies in the fund shall be appropriated to the New Orleans Regional Planning Commission.

E. As used in this Section, the "Mississippi River Bridge Authority" shall mean the Mississippi River Bridge Authority originally created as a body politic and corporate of the state under the authority of Act No. 7 of 1952 and transferred to and incorporated within the Department of Transportation and Development under the Executive Reorganization Act of Louisiana, as amended, and called and operated as the Crescent City Connection Division of the Department of Transportation and Development."

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

SENATE BILL NO. 634—

BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 32:707(D)(1)(f) and R.S. 45:164(A), 178, and 200.3, and to enact R.S. 32:707(N) and R.S. 47:469.1, relative to vehicles; to prohibit operation of vehicles issued a reconstructed title as a motor carrier of passengers or as a public carrier vehicle; and to provide for related matters.

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

SENATE BILL NO. 635—

BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 17:3802(C)(5), relative to the Louisiana Quality Education Support Fund; to provide for payment of certain costs attributable to the State Board of Elementary and Secondary Education related to the use of external peer-review consultants; and to provide for related matters.

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

SENATE BILL NO. 661—

BY SENATOR JOHNS

AN ACT

To authorize the Chennault International Airport Authority to transfer certain property to the governing authority of the city of Lake Charles; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; and to provide for related matters.

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

SENATE BILL NO. 683—

BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 38:1607(C) and to repeal Section 2 of Act 319 of the 2011 Regular Session of the Louisiana Legislature, relative to the Sunset Drainage District in St. Charles Parish; to require request of board of commissioners of the Sunset Drainage District before the parish council begins process to become district's governing authority; to repeal the sunset date for parish council to act; and to provide for related matters.

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

SENATE BILL NO. 685—

BY SENATOR LONG

AN ACT

To enact R.S. 17:406.7, relative to parent-teacher conferences; to require parents to attend at least one conference each year; to require local school boards to adopt rules; and to provide for related matters.

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

SENATE BILL NO. 698—

BY SENATORS MORRISH AND JOHNS AND REPRESENTATIVE KLECKLEY

AN ACT

To enact R.S. 34:218 and 219, relative to the Lake Charles Harbor and Terminal District; to provide for additional powers and authority of the district; to provide for the Calcasieu River and Pass Project; to provide for the acquisition of certain lands; to provide terms, conditions, and requirements; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 698 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 2, delete "and 219"

AMENDMENT NO. 2

On page 1, line 7, change "and 219 are" to "is"

AMENDMENT NO. 3

On page 2, delete line 1, and insert "land for the purposes of the"

AMENDMENT NO. 4

On page 2, line 2, change "such project" to "the Calcasieu River and Pass Project"

AMENDMENT NO. 5

On page 2, line 8, change "August 1, 2012" to "the effective date of this Section" and after "Cameron Parish" insert "by the Lake Charles Harbor and Terminal District"

AMENDMENT NO. 6

On page 2, delete lines 11 through 15, and insert: "Section 2. If any provision or item of this Act, or the application thereof, should be found to be invalid or unenforceable in a final, unappealable judgment by a court of competent jurisdiction, then such provision shall be ineffective to the extent of such invalidity or parts unenforceable, but shall not affect other provisions, items, or applications of the Act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable."

AMENDMENT NO. 7

On page 2, line 16, change "Section 2." to "Section 3."

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

SENATE BILL NO. 712—

BY SENATORS LAFLEUR, ALLAIN, CORTEZ, GUILLORY, JOHNS, MILLS, MORRISH AND PERRY AND REPRESENTATIVES BARRAS, BERTHELOT, STUART BISHOP, CHAMPAGNE, DANAHAY, GISCLAIR, GUILLORY, GUINN, HARRISON, HENSGENS, HUVAL, JOHNSON, JONES, NANCY LANDRY, TERRY LANDRY, MONTOUCE, ORTEGO, PIERRE, PRICE, RICHARD, ST. GERMAIN, THIBAUT, THIERRY AND WHITNEY

AN ACT

To enact Part II-C of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1970.31 through 1970.34, relative to establishment of an international school; to provide for legislative intent; to create an exploratory committee to develop an implementation plan for an international school; to provide for membership, duties and functions of such committee regarding the establishment of such school; to provide for an effective date to begin operation of the school; to provide for a report; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 712 by Senator LaFleur

AMENDMENT NO. 1

On page 1, line 3, change "1970.34" to "1970.33"

AMENDMENT NO. 2

On page 1, line 4, after "international" delete the remainder of the line and on line 5, delete "committee to develop" and insert "language immersion school exploratory committee; to provide relative to the development of"

AMENDMENT NO. 3

On page 1, line 6, after "committee" delete the remainder of the line and line 7 in its entirety and insert "; to"

AMENDMENT NO. 4

On page 1, line 11, change "1970.34" to "1970.33"

AMENDMENT NO. 5

On page 2, delete lines 22 through 27

AMENDMENT NO. 6

On page 2, line 28, change "§1970.33. Exploratory" to "§1970.32. International school in Lafayette; exploratory"

AMENDMENT NO. 7

On page 3, line 3, after "school" delete ", which" and insert "at the University of Louisiana at Lafayette. The committee"

AMENDMENT NO. 8

On page 4, between lines 18 and 19, insert the following: "(9) Determine the feasibility of opening the school by the beginning of the 2014-2015 school year."

AMENDMENT NO. 9

On page 4, line 19, change "(9)" to "(10)"

AMENDMENT NO. 10

On page 4, line 28, change "§1970.34" to "§1970.33"

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

SENATE BILL NO. 714—

BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 40:600.87(8), and 600.91(A)(18)(c),(27), and (28)(b)(ii), and to enact R.S. 40:600.91(E), relative to the Louisiana Housing Corporation Act; to provide for the definition of "persons or families of low or moderate income"; to provide for the powers and duties of the corporation; to

provide for members on the commission; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 714 by Senator Broome

AMENDMENT NO. 1

On page 2, delete line 20 in its entirety and insert in lieu thereof: "**and may include the division of administration.**"

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

SENATE BILL NO. 725—

BY SENATOR GALLOT

AN ACT

To enact Subpart B-47 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.851, relative to economic and industrial development districts; to provide for the inclusion of municipal areas in certain parish economic and industrial development districts; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 725 by Senator Gallot

AMENDMENT NO. 1

On page 3, delete lines 9 through 29 in their entirety.

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

SENATE BILL NO. 733—

BY SENATOR CHABERT

AN ACT

To amend and reenact R.S. 56:578.2(A), (B), and (C) and to enact R.S. 56:578.2(F), relative to the Louisiana Seafood Promotion and Marketing Board; to provide for its membership; to provide for the election of its officers; to provide for certain term limits for officers; to provide certain requirements, terms, and conditions; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 733 by Senator Chabert

AMENDMENT NO. 1

On page 1, line 2, delete "and (C)" and insert "(C), and (D)"

AMENDMENT NO. 2

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

AMENDMENT NO. 3

On page 2, line 11, delete "**Crawfish Farmers Association**" and insert "**Crawfish Processors Alliance, Inc.**"

AMENDMENT NO. 4

On page 2, line 23, after "shall" delete the remainder of the line and insert "**be appointed from a list of three names submitted by the Louisiana Restaurant Association.**"

AMENDMENT NO. 5

On page 4, between lines 5 and 6, insert:

"D.(1) The board shall maintain a record of its proceedings, and all matters requiring a vote of the board shall be recorded in the minutes in sufficient detail to determine whether subsequent action thereon is in compliance with the board's directives.

(2) At the end of each calendar year, the board shall submit to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources a report that describes the accomplishments and contributions of the board toward achieving the mission of promoting Louisiana seafood, and shall include in such report the budget of the board for that calendar year and for the following calendar year."

AMENDMENT NO. 6

On page 4, after line 17, insert:

(3) At the first regularly scheduled meeting of the board after January 1, 2013, the board shall adopt rules and bylaws which shall be submitted no later than thirty days after their adoption to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources for approval by the committees. The rules and bylaws shall not go into effect until the committees approve of such rules and bylaws."

On motion of Senator Long, 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. 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 favorably by the Committee on Natural Resources. The bill was read by title and referred to the Legislative Bureau.

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 with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Reengrossed House Bill No. 89 by Representative Ligi

AMENDMENT NO. 1

On page 1, line 6, after "documents;" insert "to provide for enforcement;"

AMENDMENT NO. 2

On page 1, delete lines 12 through 20 and on page 2, delete lines 1 through 8

AMENDMENT NO. 3

On page 2, at the beginning of line 9, change "§67.2." to "§67.1."

AMENDMENT NO. 4

On page 2, delete lines 10 through 12 and insert the following:
"A. No collective bargaining agreement to which a public employer is a party shall be accepted or ratified by the public employer or its representative until the collective"

AMENDMENT NO. 5

On page 2, line 13, after "via the Internet" insert "website of the public employer"

AMENDMENT NO. 6

On page 2, line 14, after "least five" and before "days" insert "business"

AMENDMENT NO. 7

On page 2, at the end of line 16, delete the period "." and insert the following: "and the date, time, and place of the meeting at which the agreement will be considered by the public employer for acceptance or ratification."

B. For purposes of this Part, "public employer" means the state or a political subdivision thereof, or a department, agency, office, institution, or other organizational unit of state or local government that employs one or more individuals in any capacity.

§67.2. Construction; enforcement

A. The provisions of this Part shall be liberally construed to accomplish its purposes.

B. The provisions of this Part shall not be construed to affect the rights of a public employer pursuant to Part V of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950 or to require a particular form of employment agreement between a public employer and its employees.

C. The provisions of this Part may be enforced as provided in R.S. 44:35.

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

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 favorably by the Committee on Natural Resources. The bill was read by title and referred to the Legislative Bureau.

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

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 favorably by the Committee on Labor and Industrial Relations. The bill was read by title and referred to the Legislative Bureau.

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 by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Reengrossed House Bill No. 309 by Representative James

AMENDMENT NO. 1

On page 2, at the end of line 6, insert "The district shall also include all lots that front on Great Smoky Avenue whether or not the lot lies within the boundaries otherwise described in this Subsection."

AMENDMENT NO. 2

On page 5, line 9, after "(5) The" and before "East Baton" change "parish of" to "sheriff of the parish of"

AMENDMENT NO. 3

On page 5, line 11, after "(6) The" and before "East Baton" change "parish of" to "sheriff of the parish of"

AMENDMENT NO. 4

On page 5, delete lines 13 and 14 in their entirety and insert the following: "an agreement with the sheriff to authorize the sheriff to retain a collection fee."

AMENDMENT NO. 5

On page 5, line 15, after "parcel fee" and before "shall be" delete "which is unpaid"

AMENDMENT NO. 6

On page 5, line 17, after "procedures as" and before "ad valorem" delete "unpaid"

AMENDMENT NO. 7

On page 5, delete lines 28 and 29 in their entirety and on page 6, delete lines 1 through 4 in their entirety and insert the following:
"(a) All funds of the district shall be transmitted to the parish of East Baton Rouge and shall be used for law enforcement purposes in the area included within the district."

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

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 favorably by the Committee on Natural Resources. The bill was read by title and referred to the Legislative Bureau.

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

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 favorably by the Committee on Natural Resources. The bill was read by title and referred to the Legislative Bureau.

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 favorably by the Committee on Labor and Industrial Relations. The bill was read by title and referred to the Legislative Bureau.

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 favorably by the Committee on Natural Resources. The bill was read by title and referred to the Legislative Bureau.

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

SENATE CONCURRENT RESOLUTION NO. 31—
BY SENATORS CROWE, DONAHUE AND NEVERS AND
REPRESENTATIVES TIM BURNS, HOLLIS, SCHRODER AND SIMON
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to urge the United States Army Corps of Engineers, New Orleans District, to follow the recommendations of the Louisiana Department of Natural Resources, office of coastal management, as to the implementation of fair and reasonable regulations on wetland habitat assessment and compensation for wetland impacts.

Reported favorably by the Committee on Natural Resources.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Claitor	LaFleur	Morrell
Total - 3		

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

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

SENATE BILL NO. 360—
BY SENATOR MARTINY AND REPRESENTATIVE PONTI
AN ACT

To amend and reenact R.S. 32:1252(4) and (19), 1261, 1261.1, and 1263, to enact R.S. 32:1252(52) through (69), 1262(C), 1264(D), 1267(C), 1268(D), and Parts II, III, and IV of Chapter 6 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:1270 through 1270.30, and to repeal R.S. 32:1257.1, 1261(6)(a)(ii), and 1268.1, relative to marine products, motorcycles, all-terrain vehicles, and recreational vehicles; to provide for certain terms, conditions, requirements, and procedures; to provide for definitions; to provide for the establishment of new dealerships and the relocation of existing dealerships; to provide for payment to dealers; to provide for unauthorized acts; to provide for warranty agreements and application thereof; to provide for the sale and leasing of certain marine products, motorcycles, all-terrain vehicles, and recreational vehicles; to provide for the succession of a dealer; to provide for the procedure to terminate a dealership; to provide for the repurchase of certain products, equipment, parts, and tools; 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. 360 by Senator Martiny

AMENDMENT NO. 1
On page 1, line 5, after "32:1257.1" delete ", "

AMENDMENT NO. 2

On page 1, line 6, delete "1261(6)(a)(ii),"

AMENDMENT NO. 3

On page 3, line 23, delete "**product**"

AMENDMENT NO. 4

On page 4, line 2, following "**associations**" change "**enumerated in**" to "**defined as**"

AMENDMENT NO. 5

On page 4, line 3, before "**when engaged**" change "**the definition of**" to "**used marine dealer**" to "**used marine dealers**"

AMENDMENT NO. 6

On page 5, line 18, following "**salesman**" and before "**under**" insert "**license**"

AMENDMENT NO. 7

On page 8, line 27, delete "*" * *" and insert

"(1) For a manufacturer, a distributor, a wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative thereof:

(a) To induce or coerce, or attempt to induce or coerce, any licensee:

(i) To order or accept delivery of any recreational product, motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities which shall not have been voluntarily ordered.

(ii) To order or accept delivery of any vehicle with special features, appliances, accessories, or equipment not included in the list price of said vehicles as publicly advertised.

(iii) To order for any person any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever.

(iv) To assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability to be imposed by law, unless done in connection with a settlement agreement to resolve a matter pending a commission hearing or pending litigation between a manufacturer, distributor, wholesaler, distributor branch or factory branch, or officer, agent, or other representative thereof.

(v) To enter into a franchise with a licensee or during the franchise term, use any written instrument, agreement, release, assignment, novation, estoppel, or waiver, to attempt to nullify or modify any provision of this Chapter, or to require any controversy between a dealer and a manufacturer to be referred to any person or entity other than the commission, or duly constituted courts of this state or the United States, if such referral would be binding upon the dealer. Such instruments are null and void, unless done in connection with a settlement agreement to resolve a matter pending a commission hearing or pending litigation.

(vi) To waive the right to a jury trial.

(vii) To participate in an advertising group or to participate monetarily in an advertising campaign or contest or to purchase any promotional materials, showroom, or other display decorations or materials at the expense of such motor vehicle dealer or specialty dealer.

(viii) To adhere to performance standards that are not applied uniformly to other similarly situated motor vehicle dealers or specialty dealers. Any such performance standards shall be fair, reasonable, equitable, and based on accurate information. If dealership performance standards are based on a survey, the manufacturer, converter, distributor, wholesaler, distributor branch, or factory branch shall establish the objectivity of the survey process and provide this information to any motor vehicle dealer or specialty vehicle dealer of the same line make covered by the survey request. Each response to a survey used by a manufacturer in preparing an evaluation or performance-rating of a motor vehicle dealer shall be made available to that motor vehicle dealer, or it cannot be used by the manufacturer. However, if a customer requests that the manufacturer or distributor not disclose the consumer's identity to the dealer, the manufacturer may withhold the consumer's identity in providing the survey response to the dealer, and the manufacturer may use the response. Any survey used must have the following characteristics:

(aa) It was designed by experts.

(bb) The proper universe was examined.

(cc) A representative sample was chosen.

(dd) The data was accurately reported.

(ix) To release, convey, or otherwise provide customer information, if to do so is unlawful or if the customer objects in writing. This does not include information that is necessary for the manufacturer to meet its obligations to the dealer or consumers in regard to contractual responsibilities, vehicle recalls, or other requirements imposed by state or federal law. The manufacturer is further prohibited from providing any consumer information received from the dealer to any unaffiliated third party.

(x) To pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this Chapter.

(b) To refuse to deliver to any licensee having a franchise or contractual arrangement for the retail sale of vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or factory branch, any motor vehicle, publicly advertised for immediate delivery, within sixty days after such dealer's order shall have been received.

(c) To threaten to cancel any franchise or any contractual agreement existing between such manufacturer, distributor, wholesaler, distributor branch or factory branch and said dealer for any reason including but not limited to failure to meet performance standards.

(d) To unfairly, without just cause and due regard to the equities of such dealer, cancel the franchise of any licensee. Failure to meet performance standards based on a survey of sales penetration in a regional, national, territorial, or other geographic area shall not be the sole cause for cancellation of a franchise. The nonrenewal of a franchise or selling agreement with such dealer or his successor without just provocation or cause, or the refusal to approve a qualified transferee or qualified successor to the dealer-operator as provided for in the franchise or selling agreement, or solely for failure to meet performance standards based on a survey of sales penetration in a regional, national, territorial, or other geographic area, shall be deemed an evasion of this Paragraph and shall constitute an unfair cancellation, regardless of the terms or provisions of such franchise or selling agreement. However, at least ninety-days notice shall be given to the dealer of any cancellation or nonrenewal of a franchise except for a cancellation arising out of the financial default of the motor vehicle dealer or fraudulent activity of the dealer principal which results in the conviction of a crime punishable by imprisonment. The provisions of this Subsection relating to performance standards shall not apply to recreational products dealers.

(e) To refuse to extend to a licensee the privilege of determining the mode or manner of available transportation facility that such dealer desires to be used or employed in making deliveries of vehicles to him or it.

(f) To resort to or use any false or misleading advertisement in connection with his business as such manufacturer of motor vehicles, distributor, wholesaler, distributor branch or factory branch, or officer, agent, or other representative thereof.

(g) To delay, refuse, or fail to deliver motor vehicles in reasonable quantities relative to the licensee's facilities and sales potential in the relevant market area. This Subparagraph shall not be valid, however, if such failure is caused by acts or causes beyond the control of the manufacturer, distributor, or other such party.

(h) To ship or sell motor vehicles or recreational products to a licensee prior to the licensee having been granted a license by the commission to sell such vehicles.

(i) To unreasonably withhold consent to the sale, transfer, or exchange of the franchise to a qualified transferee capable of being licensed as a dealer in this state, provided the transferee meets the criteria generally applied by the manufacturer in approving new dealers and agrees to be bound by all the terms and conditions of the standard franchises.

(j) To fail to respond in writing to a written request for consent as specified in Subparagraph (i) above within sixty days of receipt of a written request on the forms, if any, generally utilized by the manufacturer or distributor for such purposes and containing the information required therein. Failure to respond shall be deemed to be consent to the request.

(k)(i) To sell or offer to sell a new or unused motor vehicle or recreational product directly to a consumer except as provided in this Chapter, or to compete with a licensee in the same-line makes, models, or classifications operating under an agreement or franchise from the aforementioned manufacturer. A manufacturer shall not, however, be deemed to be competing when any one of the following conditions are met:

(aa) Operating a dealership temporarily for a reasonable period, not to exceed two years.

(bb) Operating a bona fide retail dealership which is for sale to any qualified independent person at a fair and reasonable price, not to exceed two years.

(cc) Operating in a bona fide relationship in which a person independent of a manufacturer has made a significant investment subject to loss in the dealership, and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions.

(ii) After any of the conditions have been met under Subitems (aa) and (bb) of Item (i) of this Subparagraph, the commission shall allow the manufacturer to compete with licensees of the same-line makes, models, or classifications under an agreement or franchise from said manufacturer for longer than two years when, in the discretion of the commission, the best interest of the manufacturer, consuming public, and licensees are best served.

(l) To condition the renewal or extension of a franchise on a new motor vehicle dealer's substantial renovation of the dealer's place of business or on the construction, purchase, acquisition, or rental of a new place of business by the new motor vehicle dealer, unless the manufacturer has advised the new motor vehicle dealer in writing of its intent to impose such a condition within a reasonable time prior to the effective date of the proposed date of renewal or extension, but in no case less than one hundred eighty days, and provided the manufacturer demonstrates the need for such demand in view of the need to service the public and the economic conditions existing in the motor vehicle industry at the time such action would be required of the new motor vehicle dealer. As part of any such condition the manufacturer shall agree, in writing, to supply the dealer with an adequate supply and marketable model mix of motor vehicles to meet the sales levels necessary to support the increased overhead incurred by the dealer by reason of such renovation, construction, purchase, or rental of a new place of business.

(m) To fail to compensate its dealers for the work and services they are required to perform in connection with the dealer's delivery and preparation obligations according to the terms of compensation that shall be filed with the commission on or before October first of each year. The commission shall find the compensation to be reasonable or the manufacturer shall remedy any deficiencies.

(n) To fail to designate and provide to the commission in writing the community or territory assigned to a licensee.

(o) To fail or refuse to sell or offer to sell to all motor vehicle franchisees in a line make, every motor vehicle sold or offered for sale under a franchise to any motor vehicle franchisee of the same-line make, or to unreasonably require a motor vehicle dealer to pay an extra fee, purchase unreasonable advertising displays or any other materials, or to remodel, renovate, or recondition its existing facilities as a prerequisite to receiving a certain model or series of vehicles. However, the failure to deliver any such motor vehicle shall not be considered a violation of this Section if the failure is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause of which the franchisor has no control. This Subparagraph shall not apply to recreational product manufacturers.

(p) To unreasonably discriminate among competing, similarly situated, same-line make dealers in the sales of vehicles, in the availability of such vehicles, in the terms of incentive programs or sales promotion plans, or in other similar programs.

(q) To terminate, cancel, or refuse to continue any franchise agreement based upon the fact that the motor vehicle dealer owns, has an investment in, participates in the management, or holds a franchise agreement for the sale or service of another make or line of new motor vehicles at a different dealership location, or intends to or has established another make or line of new motor vehicles in the same dealership facilities of the manufacturer or distributor.

(r) To demand compliance with facilities requirements that include any requirements that a motor vehicle dealer establish or

maintain exclusive office, parts, service or body shop facilities, unless such requirements would be reasonable and justified by business considerations. The burden of proving that such requirements are reasonable and justified by business considerations is on the manufacturer. If the franchise agreement of the manufacturer or distributor requires the approval of the manufacturer or distributor for facility uses or modifications, the manufacturer or distributor shall approve or disapprove such a request in writing within sixty days of receipt of such request.

(s) To use any subsidiary, affiliate, or any other controlled person or entity, or to employ the services of a third party, to accomplish what would otherwise be illegal conduct under this Chapter on the part of the manufacturer or distributor.

(t) To operate a satellite warranty and repair center, to authorize a person to perform warranty repairs who is not a motor vehicle dealer, or to authorize a motor vehicle dealer to operate a satellite warranty and repair center within the community or territory of a same-line or make motor vehicle dealer. This Subparagraph shall not apply to recreational product manufacturers.

(u) To make a change in the area of responsibility described in the franchise agreement or sales and service agreement of a dealer, without the franchisor, converter, or manufacturer giving said dealer and the commission no less than sixty days prior written notice by certified or registered mail.

(v) To attempt to induce or coerce, or to induce or coerce, any motor vehicle dealer to enter into any agreement with such manufacturer, distributor, wholesaler, distributor branch or factory branch or representative thereof, or to do any other act unfair to said dealer.

(w)(i) To coerce or attempt to coerce any retail motor vehicle dealer or prospective retail motor vehicle dealer to offer to sell or sell any extended service contract or extended maintenance plan or gap product offered, sold, backed by, or sponsored by the manufacturer or distributor or affiliate or sell, assign, or transfer any retail installment sales contract or lease obtained by the dealer in connection with the sale or lease by him of motor vehicles manufactured or sold by the manufacturer or distributor, to a specified finance company or class of finance companies, leasing company or class of leasing companies, or to any other specified persons by any of the following:

(aa) By any statement, promise, or threat that the manufacturer or distributor will in any manner benefit or injure the dealer, whether the statement, suggestion, threat, or promise is express or implied or made directly or indirectly.

(bb) By any act that will benefit or injure the dealer.

(cc) By any contract, or any express or implied offer of contract, made directly or indirectly to the dealer, for handling the motor vehicle on the condition that the dealer shall offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor or that the dealer sell, assign, or transfer his retail installment sales contract on or lease of the vehicle, to a specified finance company or class of finance companies, leasing company or class of leasing companies, or to any other specified person.

(dd) Any such statements, threats, promises, acts, contracts, or offers of contracts, when their effect may be to lessen or eliminate competition.

(ii) Nothing contained in this Subparagraph shall prohibit a manufacturer or distributor from offering or providing incentive benefits or bonus programs to a retail motor vehicle dealer or prospective retail motor vehicle dealer who makes the voluntary decision to offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed, or sponsored by the manufacturer or distributor or to sell, assign, or transfer any retail installment sale or lease by him of motor vehicles manufactured or sold by the manufacturer or distributor to a specified finance company or leasing company.

(2) For a motor vehicle dealer, specialty vehicle dealer, recreational product dealer, used motor vehicle dealer, or a motor vehicle salesman:

(a) To require a purchaser of a vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, accessories, or equipment not desired or requested by the purchaser; however, this prohibition shall not apply as to special features,

appliances, accessories, or equipment which are permanently affixed to the vehicle.

(b) To represent and sell as a new vehicle any vehicle, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(c) To resort to or use any false or misleading advertisement in connection with his business as such vehicle dealer or motor vehicle salesman.

(d) To sell or offer to sell makes, models, or classifications of new vehicles for which no franchise and license to sell is held.

(e) Except as otherwise approved by the commission, to sell or offer to sell a vehicle from an unlicensed location.

(f) To deliver to a prospective purchaser a new or a used vehicle on a sale conditioned on financing, i.e., a spot delivery, except on the following terms and conditions which shall be in writing and shall be a part of the conditional sales contract or other written notification signed by the purchaser:

(i) That if the sale is not concluded by the financing of the sale to the purchaser within twenty-five days of the delivery, the sale contract shall be null and void.

(ii) That the vehicle being offered for trade-in by the purchaser shall not be sold by the dealer until the conditional sale is complete.

(iii) That there shall be no charge to the purchaser should the conditional sale not be completed, including but not limited to mileage charges or charges to refurbish the vehicle offered for trade-in. However, the purchaser shall be responsible for any and all damages to the vehicle or other vehicles damaged by the fault of the purchaser and any and all liability incurred by the purchaser during the purchaser's custody of the vehicle to the extent provided for in R.S. 22:1296.

(iv) That if the conditional sale is not completed, the dealer shall immediately refund to the purchaser upon return of the vehicle all sums placed with the dealership as a deposit or any other purpose associated with the attempted sale of the vehicle.

(v) That the prospective purchaser shall return the vehicle to the dealership within forty-eight hours of notification by the dealer that the conditional sale will not be completed. If the prospective purchaser does not return the vehicle to the dealership within forty-eight hours of notification by the dealer, an authorized agent of the dealer shall have the right to recover the vehicle without the necessity of judicial process, provided that such recovery can be accomplished without unauthorized entry into a closed dwelling, whether locked or unlocked and without a breach of peace.

(g) To pay a fee to any person in return for the solicitation, procurement, or production by that person of prospective purchasers for new and used vehicles, except to a salesman licensed under the provisions of this Chapter.

(h) To fail to fully and completely explain each charge listed on a retail buyer's order or vehicle invoice prior to the purchase of a vehicle.

(i) When selling a vehicle to a consumer, to assess any consumer services fees, which shall include fees for treating the interior upholstery of the vehicle, oil changes, roadside assistance, dealer inspections, or any other service offered by the dealer, without allowing the buyer to refuse such services and be exempt from payment for such services. The provisions of this Subparagraph shall not apply to dealer-added options or accessories which are permanently affixed to the vehicle.

(j) To fail to disclose to a purchaser, in writing, which components of a specialty vehicle are subject to a manufacturer's or distributor's warranty agreement and which components are subject to a specialty vehicle dealer's or other warranty agreement. The specialty vehicle dealer shall identify in writing the location of the two nearest authorized manufacturer or distributor warranty service providers. School bus warranty repair work, except for engine and transmission repair work, may also be performed by repair facilities, authorized by the manufacturer or distributor, which are not school bus dealers. Further, nothing in this Chapter shall prohibit a manufacturer of school buses licensed by the Louisiana Motor Vehicle Commission from authorizing warranty and other repair or maintenance services to be performed at any location of a motor vehicle dealer licensed under this Chapter which holds a franchise from any affiliate or subsidiary of the school bus manufacturer.

(k)(i) To fail to disclose to a purchaser in writing on the sales contract, buyer's order, or any other document that the dealer may be participating in finance charges associated with the sale.

(ii) To participate in a finance charge that would result in a difference between the buy rate and the contract rate of more than three percentage points.

(iii) The provisions of this Subparagraph shall apply only to transactions subject to the Louisiana Motor Vehicle Sales Finance Act.

(3) For a motor vehicle or recreational product lessor or motor vehicle lessor agent:

(a) To represent and sell as a new vehicle any vehicle which has been used or intended to be used and operated for leasing and rental purposes.

(b) To resort to or use any false or misleading advertising in connection with the business of leasing or renting vehicles.

(c) To lease, rent, sell, or offer to sell a vehicle from a location not licensed for such activity.

(d) To rent or lease any vehicle which has been located within this state for a period of thirty days or more, unless such vehicle has been issued a Louisiana license plate by, and all license fees and taxes have been paid to, this state.

(e) To pay a fee to any person in return for the solicitation, procurement, or production by that person of prospective lessees of vehicles, unless the person receiving the fee is a lease facilitator who holds a valid license as provided by this Chapter and a valid appointment from the motor vehicle lessor as provided by R.S. 32:1266(B)(1). The fees prohibited by this Subparagraph shall not include amounts paid to a dealer as part of the consideration for the sale or assignment of a lease or leased vehicle or other amounts paid to the dealer who transfers the title on the vehicle or assigns the lease contract to the motor vehicle lessor.

(f) To fail to fully and completely explain each charge listed on a retail buyer's or lessee's order or vehicle invoice or leasing agreement prior to the lease of a vehicle.

(g) When leasing a vehicle to a consumer, to assess any consumer services fees, which shall include fees for treating the interior upholstery of the vehicle, oil changes, roadside assistance, dealer inspections, or any other service offered by the motor vehicle lessor, without allowing the consumer to refuse such services and be exempt from payment for such services. The provisions of this Subparagraph shall not apply to motor vehicle lessor-added options or accessories which are permanently affixed to the vehicle.

(4) For a lease facilitator:

(a) To hold himself out to any person as a "leasing company", "leasing agent", "lease facilitator", or similar title, directly or indirectly engaged in the business of a lease facilitator, or otherwise engaged in the solicitation or procurement of prospective lessees for vehicles not titled in the name of and registered to the lease facilitator, without holding a valid lease facilitator license and being in compliance with the terms of this Chapter.

(b) To sell or offer to sell a new vehicle.

(c) To accept a fee from a dealer or consumer.

(d) To sign a vehicle manufacturer's statement of origin to a vehicle, accept an assignment of a manufacturer's statement of origin to a vehicle, or otherwise assume any element of title to a new vehicle.

(e) To procure or solicit prospective lessees for or on behalf of any person other than a motor vehicle lessor.

(f) To act in the capacity of or engage in the business of a lease facilitator without a valid appointment from a motor vehicle lessor to act on behalf of the motor vehicle lessor in soliciting prospective lease clients or customers as provided by this Chapter.

(5) For a broker:

(a) To hold himself out to any person as a "broker", "purchasing company", "sales agent", or similar title, engaged in the business of broker, or otherwise engaged in the solicitation or procurement of prospective purchasers for vehicles not titled in the name of and registered to the broker, unless the broker holds a valid broker license and is in compliance with the terms of this Chapter.

(b) To sell, or offer to sell, or display a new vehicle.

(c) To be paid a fee by a dealer.

(d) To sign a vehicle manufacturer's statement of origin to a vehicle, accept an assignment of a manufacturer's statement of origin

to a vehicle, or otherwise assume any element of title to a new vehicle.

(e) To act in the capacity of or engage in the business of a broker without a valid license issued as provided by this Chapter and a valid appointment from a motor vehicle lessor to act on behalf of the motor vehicle lessor in soliciting prospective lease clients or customers as provided by this Chapter.

(f) To fail to execute a written brokering agreement and provide a completed copy to both of the following:

(i) Any consumer entering into the brokering agreement. The completed copy shall be provided prior to the consumer's signing an agreement for the purchase of the vehicle described in the brokering agreement, or, prior to accepting one hundred dollars or more from that consumer, whichever comes first.

(ii) The selling dealer. The completed copy shall be provided prior to the selling dealer's entering into a purchase agreement with the consumer at the time of delivery.

(g) To accept a purchase deposit from any consumer that exceeds two point five percent of the selling price of the vehicle described in the brokering agreement.

(h) To fail to refund any purchase money, including purchase deposits, upon demand by a consumer at any time prior to the consumer's signing a vehicle purchase agreement with a selling dealer of the vehicle described in the brokering agreement.

(i) To fail to cancel a brokering agreement and refund, upon demand, any money paid by a consumer, including any brokerage fee, under any of the following circumstances:

(i) When the final price of the brokered vehicle exceeds the purchase price listed in the brokering agreement.

(ii) When the vehicle delivered is not as described in the brokering agreement.

(iii) When the brokering agreement expires prior to the customer's being presented with a purchase agreement from a selling dealer arranged through the brokering dealer that contains a purchase price at or below the price listed in the brokering agreement.

(j) To act as a seller and provide brokering services, both in the same transaction.

(k) To fail to disclose to the consumer the dollar amount of any fee that the consumer is obligated to pay to the broker. This arrangement shall be confirmed in a brokering agreement.

(l) To fail to maintain, for a minimum of three years, a copy of the executed brokering agreement and other notices and documents related to each brokered transaction.

(m) To fail to advise the consumer, prior to accepting any money, that a full refund will be given if the motor vehicle ordered through the broker is not obtained for the consumer.

(6) For any person or other licensee:

(a) To modify a franchise during the term of the agreement or upon its renewal if the modification substantially and adversely affects the franchisee's rights, obligations, investment, or return on investment without giving sixty days written notice of the proposed modification to the licensee and the commission which includes the grounds upon which the modification is based, unless the modification is required by law, court order, or the commission. Within the sixty day notice period the licensee may file with the commission a complaint for a determination whether there is good cause for permitting the proposed modification. The party seeking to modify or replace an agreement shall demonstrate by a preponderance of the evidence that there is good cause for the modification or replacement. The commission shall schedule a hearing within sixty days to decide the matter. Multiple complaints pertaining to the same proposed modifications shall be consolidated for hearing. The proposed modification may not take effect pending the determination of the matter.

(ii) With respect to recreational products, to modify a franchise during the term of the agreement or upon its renewal if the modification substantially and adversely affects the franchisee's rights, obligations, investment, or return on investment without giving sixty-day written notice of the proposed modification to the licensee and the commission unless the modifications are required by law, court order, or the commission. Within the sixty-day notice period the licensee may file with the commission a complaint for a determination whether there is good cause for permitting the proposed modification. The party seeking to modify or replace an

agreement shall demonstrate by a preponderance of the evidence that there is good cause for the modification or replacement. The commission shall schedule a hearing within sixty days to decide the matter. Multiple complaints pertaining to the same proposed modifications shall be consolidated for hearing. The proposed modification may not take effect pending the determination of the matter.

(b) In making a determination of whether there is good cause for permitting a proposed modification, the commission may consider any relevant factor including:

(i) The reasons for the proposed modification.

(ii) Whether the proposed modification is applied to or affects all licensees in a nondiscriminating manner.

(iii) The degree to which the proposed modification will have a substantial and adverse effect upon the licensee's investment or return on investment.

(iv) Whether the proposed modification is in the public interest.

(v) The degree to which the proposed modification is necessary to the orderly and profitable distribution of vehicles and other services by the licensee.

(vi) Whether the proposed modification is offset by other modifications beneficial to the licensee.

(c) The decision of the commission shall be in writing and shall contain findings of fact and a determination of whether there is good cause for permitting the proposed modification. The commission shall deliver copies of the decision to the parties personally or by registered mail.

(7) For any employee of a licensee while acting in the scope of his employment, to accept any payment, commission, fee, or compensation of any kind from any person other than the employing licensee, unless such payment is fully disclosed to and approved by the employing licensee."

AMENDMENT NO. 8

On page 9, line 14, following "dealer," and before "motorcycle" change "and" to "or"

AMENDMENT NO. 9

On page 10, line 25, following "license" and before "would" change "which" to "that"

AMENDMENT NO. 10

On page 12, line 25, following "in" and before "discretion" change "their" to "its"

AMENDMENT NO. 11

On page 13, line 18, following "litigation" and before "a" change "between" to "involving"

AMENDMENT NO. 12

On page 15, line 27, following "transportation" and before "facility" insert "or"

AMENDMENT NO. 13

On page 16, line 19, following "dealership" and before "is" change "which" to "that"

AMENDMENT NO. 14

On page 16, line 26, following "Subitems" change "(aa)" to "(i)(aa)"

AMENDMENT NO. 15

On page 16, line 27, following "(bb)" and before "of this" delete "of Item (i)"

AMENDMENT NO. 16

On page 21, line 7, following "compensate" and before "for" change "its marine dealers" to "any marine dealer"

AMENDMENT NO. 17

On page 21, line 10, following "pay" and before "marine" change "its" to "any"

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AMENDMENT NO. 18

On page 21, line 11, change "**dealers**" to "**dealer**"

AMENDMENT NO. 19

On page 24, line 5, following "**his**" and before "**intention**" delete "**or her**"

AMENDMENT NO. 20

On page 29, line 10, following "**heirs**" and before "**if the**" insert ";

AMENDMENT NO. 21

On page 29, line 11, following "**intestate**" and before "**or the legatees**" insert ";

AMENDMENT NO. 22

On page 29, line 18, following "**Section**" delete the remainder of the line and insert "**. However,**"

AMENDMENT NO. 23

On page 29, line 24, following "**or**" and before "**provision**" delete "**other**"

AMENDMENT NO. 24

On page 30, line 10, following "**manufacturer**" and before "**converter**" change "**of**" to "**or**"

AMENDMENT NO. 25

On page 31, line 20, following "**notify**" and before "**existing**" change "**the**" to "**any**"

AMENDMENT NO. 26

On page 31, line 21, following "**dealership**" and before "**selling**" delete "**or dealerships**"

AMENDMENT NO. 27

On page 31, line 23, following "**responsibility.**" change "**The**" to "**Any**"

AMENDMENT NO. 28

On page 31, line 24, following "**dealership**" and before "**shall**" delete "**or dealerships**"

AMENDMENT NO. 29

On page 34, line 14, following "**equities of**" insert "**the**"

AMENDMENT NO. 30

On page 36, line 1, change "**(aa)**" to "**(i)(aa)**"

AMENDMENT NO. 31

On page 36, line 2, following "**(bb)**" and before "**of this**" delete "**of Item (i)**"

AMENDMENT NO. 32

On page 39, line 26, following "**giving**" and before "**sixty-day**" insert "**a**"

AMENDMENT NO. 33

On page 41, line 12, following "**manufacturer**" and before "**converter**" change "**of**" to "**or**"

AMENDMENT NO. 34

On page 42, line 15, following "**shall**" and before "**for**" change "**only be**" to "**be only**"

AMENDMENT NO. 35

On page 45, line 9, following "**dealer**" and before "**may**" delete "**of a dealership**"

AMENDMENT NO. 36

On page 45, line 12, following "**his**" and before "**intention**" delete "**or her**"

AMENDMENT NO. 37

On page 47, line 22, change "**(d)**" to "**(2)**"

AMENDMENT NO. 38

On page 47, line 26, change "**(2)**" to "**(3)**"

AMENDMENT NO. 39

On page 48, line 9, following "**or**" and before "**provision**" delete "**other**"

AMENDMENT NO. 40

On page 50, line 24, following "**deemed**" and before "**of this**" change "**an evasion**" to "**a violation**"

AMENDMENT NO. 41

On page 51, line 6, following "**(f)**" and before "**any false**" change "**To resort to or use**" to "**To use**"

AMENDMENT NO. 42

On page 51, line 25, following "**Subparagraph (i)**" and before "**within**" change "**above**" to "**of this Paragraph**"

AMENDMENT NO. 43

On page 52, line 9, following "**price,**" and before "**not**" insert "**for a period**"

AMENDMENT NO. 44

On page 52, line 15, following "**Subitems**" change "**(aa) and**" to "**(i)(aa) and (bb)**"

AMENDMENT NO. 45

On page 52, line 16, delete "**(bb) of Item (i)**"

AMENDMENT NO. 46

On page 54, line 16, following "**(t) To**" and before "**, any**" change "**attempt to induce or coerce, or to induce or coerce**" to "**induce or coerce, or attempt to induce or coerce**"

AMENDMENT NO. 47

On page 56, line 5, following "**(c)**" and before "**any false**" change "**To resort to or use**" to "**To use**"

AMENDMENT NO. 48

On page 61, line 7, following "**shall**" and before "**for the**" change "**only be**" to "**be only**"

AMENDMENT NO. 49

On page 69, line 27, delete ",1261(6)(a)(ii),"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator Martiny proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 360 by Senator Martiny

AMENDMENT NO. 1

On page 5, line 18, between "**salesman**" and "**under**" insert "**license**"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Allain	LaFleur
Total - 2	

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

SENATE BILL NO. 389—
BY SENATOR MARTINY

AN ACT

To enact R.S. 51:1726 and 1727, relative to sweepstakes promotions; to provide for the regulation of sweepstakes promotions by the attorney general; to provide for definitions; to provide for the display of sweepstakes promotions winners; to provide for certain terms, conditions, and procedures; 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. 389 by Senator Martiny

AMENDMENT NO. 1

On page 1, line 10, following "**shall**" and before "**be**" delete "**only**"

AMENDMENT NO. 2

On page 1, line 10, following "**revealed in**" and before "**one of**" change "**any**" to "**only**"

AMENDMENT NO. 3

On page 2, line 13, following "**a**" and before "**exchange**" change "**bargained for**" to "**bargained-for**"

AMENDMENT NO. 4

On page 2, line 25, following "**shall**" and before "**be**" delete "**only**"

AMENDMENT NO. 5

On page 2, line 26, following "**used**" and before "**to allow**" insert "**only**"

AMENDMENT NO. 6

On page 4, line 7, following "**includes**" and before "**but**" delete "**;**"

AMENDMENT NO. 7

On page 4, line 7, following "**to**" and before "**any**" delete "**;**"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator Martiny proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny to Engrossed Senate Bill No. 389 by Senator Martiny

AMENDMENT NO. 1

On page 2, between lines 22 and 23, insert the following:

"D. The provisions of this Section shall not apply to entities holding sweepstakes or contests to which only the entities' employees may enter.

E. The provisions of this Section shall not apply to persons or entities licensed or permitted pursuant to the provisions of Titles 4, 26, and 27 of the Louisiana Revised Statutes of 1950, as it pertains to those gaming or other activities for which they are licensed or permitted."

AMENDMENT NO. 2

On page 4, line 19, after "**4**" insert "**, 26**"

AMENDMENT NO. 3

On page 4, line 20, after "**gaming**" insert "**or other**"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Peterson
Adley	Gallot	Riser
Allain	Guillory	Smith, G.
Amedee	Heitmeier	Smith, J.
Appel	Johns	Tarver
Broome	Martiny	Thompson
Brown	Mills	Walsworth
Buffington	Morrish	Ward
Chabert	Murray	White
Cortez	Peacock	
Crowe	Perry	
Total - 31		

NAYS

Claitor	Kostelka	Long
Total - 3		

ABSENT

Donahue	LaFleur	Nevers
Dorsey-Colomb	Morrell	
Total - 5		

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

SENATE BILL NO. 629—
BY SENATOR JOHNS

AN ACT

To enact Part LXXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.351 through 1300.353, relative to Medicaid; to require the Department of Health and Hospitals to submit an annual report to the legislature on the Louisiana Medicaid Bayou Health and Louisiana Behavioral Health Partnership and Coordinated

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System of Care programs; to provide for the information to be included in the report; and to provide for related matters.

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

SENATE BILL NO. 644— BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 22:453(B), 454(A), 458, 459, 461(B),(C), (D), (E), (F), (G), and (H), and 463, enact R.S. 22:462(H), and to repeal R.S. 22:454(C) and (D) and 461(I), relative to group self-insurers; to provide for application for certificates of authority; to provide for fidelity bonds and insolvency of deposits; to provide for self-insured trusts; to provide for excess stop-loss coverage; to provide for annual audits, examinations by the commissioner, and issuance of annual reports; 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. 644 by Senator Donahue

AMENDMENT NO. 1

On page 2, line 25, following "entity" and before "will" change "which" to "that"

AMENDMENT NO. 2

On page 4, line 25, delete " * * * "

AMENDMENT NO. 3

On page 6, line 20, following "submitted" and before "within" delete "no less than"

AMENDMENT NO. 4

On page 8, line 20, following "the" and before "prepared" change "work papers" to "workpapers"

AMENDMENT NO. 5

On page 8, line 21, following "audit" and before "for" change "work papers" to "workpapers"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Name, Name. Lists members of the Senate who voted 'Yeas'.

NAYS

Total - 0

ABSENT

Total - 0

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

SENATE BILL NO. 708—

BY SENATORS BROOME, APPEL, CORTEZ, CROWE, DONAHUE, ERDEY, JOHNS, LAFLEUR, LONG, MARTINY, NEVERS, PEACOCK, PERRY, RISER, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

AN ACT

To amend and reenact R.S. 40:1299.35.2(D) and 1299.35.6(B)(3)(h), and to enact R.S. 40:1299.35.2(E), relative to abortions; to provide with respect to ultrasound requirements; to provide for informed consent; to provide for penalties; to provide for legislative intent; and to provide for related matters.

Floor Amendments

Senator Broome proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Broome to Engrossed Senate Bill No. 708 by Senator Broome

AMENDMENT NO. 1

On page 2, line 9, after "woman," delete the remainder of the line and delete lines 10 through 14 in their entirety and insert in lieu thereof the following: "the physician who is to perform the abortion, the referring physician, or a qualified person working in conjunction with either physician or the physician's agent shall comply with all of the following requirements:"

AMENDMENT NO. 2

On page 5, line 25, after "of the" insert "verbal explanation"

AMENDMENT NO. 3

On page 5, line 26, change "Subsection D of this Section." to "Subparagraph D(2)(b) of this Section, in addition to having the same options to view or listen to the required medical information as provided in Paragraph D(3) of this Section."

On motion of Senator Broome, the amendments were adopted.

Floor Amendments

Senator Claitor proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 708 by Senator Broome

AMENDMENT NO. 1

On page 2, line 22, delete "Provide" and insert "Offer to provide"

AMENDMENT NO. 2

On page 2, lines 26 after "presence of" insert "external members and internal organs,"

AMENDMENT NO. 3

On page 2, line 29, after "Offer" insert "to provide"

AMENDMENT NO. 4

On page 3, line 4, after "viewable" insert ", but that there is no requirement that she view the print image of her unborn child"

Senator Claitor moved the adoption of the amendments.

Senator Broome objected.

ROLL CALL

The roll was called with the following result:

YEAS

Allain	Heitmeier	Peterson
Claitor	Morrell	
Dorsey-Colomb	Murray	
Total - 7		

NAYS

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

ABSENT

Gallot	Ward
Total - 2	

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Peacock
Adley	Erdey	Perry
Allain	Guillory	Riser
Amedee	Heitmeier	Smith, G.
Appel	Johns	Smith, J.
Broome	Kostelka	Tarver
Brown	LaFleur	Thompson
Buffington	Long	Walsworth
Chabert	Martiny	Ward
Claitor	Mills	White
Cortez	Morrish	
Crowe	Nevers	
Total - 34		

NAYS

Dorsey-Colomb	Murray
Morrell	Peterson
Total - 4	

ABSENT

Gallot
Total - 1

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

SENATE BILL NO. 735—
BY SENATOR PETERSON

AN ACT

To amend and reenact R.S. 36:696(A), relative to the deputy commissioner of consumer advocacy; to provide relative to the commissioner's appointment; to provide for the commissioner's salary; to provide for staff; to provide for the offices; 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. 735 by Senator Peterson

AMENDMENT NO. 1

On page 2, line 7, following "shall" and before "an" change "have" to "employ"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator Peterson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peterson to Engrossed Senate Bill No. 735 by Senator Peterson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 36:696(A)" insert "and (C),"

AMENDMENT NO. 2

On page 1, line 7, change "R.S. 36:696(A) is" to "R.S.36:696(A) and (C) are"

AMENDMENT NO. 3

On page 2, after line 16, insert the following:

"C. The deputy commissioner for consumer advocacy ~~can only~~ **may** be terminated ~~for~~ **without** cause shown. A written report of termination shall be compiled by the commissioner of insurance and delivered to the clerk of the House of Representatives and the secretary of Senate at least ten days before the termination and shall be disclosed to the members of the respective houses of the legislature upon request.

* * *

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

On motion of Senator Peterson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

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Donahue	Morrell	Ward
Dorsey-Colomb	Morrish	White
Total - 36		

NAYS

Total - 0

ABSENT

Appel	Crowe	Peterson
Total - 3		

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

SENATE BILL NO. 749— (Substitute of Senate Bill No. 51 by Senator Guillory)

BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:441(A)(1)(introductory paragraph) and (2)(a)(introductory paragraph) and (b)(introductory paragraph), and 761(A)(1)(introductory paragraph), (2)(a)(introductory paragraph), (3)(introductory paragraph), and (4) and to enact R.S. 11:441(A)(4) and 761(A)(5), relative to retirement eligibility; to provide a schedule of retirement ages for certain members of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 750— (Substitute of Senate Bill No. 328 by Senator Broome)

BY SENATOR BROOME

AN ACT

To enact R.S. 49:953(A)(1)(a)(ix) and 973, relative to administrative procedure; to provide that prior to the adoption, amendment, or repeal of any rule by any state agency that a poverty impact statement be issued; to provide for contents of the poverty impact statement; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Perry
Adley	Gallot	Peterson
Allain	Guillory	Riser
Amedee	Heitmeier	Smith, G.
Appel	Johs	Smith, J.
Broome	LaFleur	Tarver
Brown	Long	Thompson
Buffington	Martiny	Walsworth
Chabert	Mills	Ward
Cortez	Morrell	White
Dorsey-Colomb	Murray	
Total - 32		

NAYS

Claitor	Peacock
Total - 2	

ABSENT

Crowe	Kostelka	Nevers
Donahue	Morrish	
Total - 5		

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

Message from the House

ADOPTION OF CONFERENCE COMMITTEE REPORT

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 adopted the Report of the Conference Committee on the disagreement to **House Bill No. 969**.

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

Conference Committee Reports

The following reports of committees were received and read:

HOUSE BILL NO. 969—

BY REPRESENTATIVE TALBOT

AN ACT

To enact Chapter 3 of Subtitle VII of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:6301, relative to rebates; to authorize a rebate for certain donations to certain school tuition organizations; to provide for definitions, requirements, and limitations; to provide for the amount, approval, and issuance of rebates; to authorize the Department of Education to conduct audits; to authorize the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

**CONFERENCE COMMITTEE REPORT
House Bill No. 969 By Representative Talbot**

April 23, 2012

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 969 by Representative Talbot, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments proposed by the Senate Revenue and Fiscal Affairs Committee and adopted by the Senate on April 17, 2012, be adopted.
2. That the set of Senate Floor Amendments consisting of one amendment proposed by Senator Adley and adopted by the Senate on April 18, 2012, be adopted.
3. That the Senate Floor Amendment proposed by Senator Heitmeier and adopted by the Senate on April 18, 2012, be adopted.
4. That the set of Senate Floor Amendments consisting of four amendments proposed by Senator Adley and adopted by the Senate on April 18, 2012, be adopted.
5. That the set of Senate Floor Amendments proposed by Senator Peacock and adopted by the Senate on April 18, 2012, be rejected.

6. That the following amendment be adopted:

AMENDMENT NO. 1

In Senate Floor Amendment No. 2 of the set consisting of four Senate Floor Amendments proposed by Senator Adley and adopted by the Senate on April 18, 2012, on page 1, at the end of line 4, change "total amount" to "total amount of"

AMENDMENT NO. 2

In Senate Floor Amendment No. 1 of the set consisting of one Senate Floor Amendment proposed by Senator Adley and adopted by the Senate on April 18, 2012, on page 1, line 8, after "brain injury," and before "or autism" insert "dyslexia and related disorders."

Respectfully submitted,

Representatives:
Kirk Talbot
Joel C. Robideaux

Senators:
John A. Alario Jr.
Robert Adley
Neil Riser

Senator Adley moved that the Conference Committee Report be adopted.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Peacock
Adley	Gallot	Perry
Allain	Guillory	Riser
Amedee	Heitmeier	Smith, G.
Appel	Johns	Smith, J.
Broome	LaFleur	Tarver
Buffington	Long	Thompson
Chabert	Martiny	Walsworth
Claitor	Mills	Ward
Cortez	Morrell	White
Crowe	Nevers	
Total - 32		

NAYS

Brown	Kostelka	Peterson
Dorsey-Colomb	Morrish	
Erdey	Murray	
Total - 7		

ABSENT

Total - 0

The Chair declared the Conference Committee Report was adopted.

**House Concurrent Resolutions
on Second Reading
Reported by Committees**

HOUSE CONCURRENT RESOLUTION NO. 3—
BY REPRESENTATIVE LOPINTO

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and make recommendations for the revision of laws regarding expungement.

Reported favorably by the Committee on Judiciary B.

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

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

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 favorably by the Committee on Natural Resources. The concurrent resolution was read by title and referred to the Legislative Bureau.

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

Bagneris Rule

Senator Thompson moved to suspend the rules to temporarily pass over controversial House Bills on Third Reading and Final Passage with the intention of taking them up later, in their regular order.

Without objection, so ordered.

HOUSE BILL NO. 205—
BY REPRESENTATIVE BERTHELOT
AN ACT

To amend and reenact R.S. 47:462(C), relative to motor vehicles; to authorize the use of prestige license plates on certain trucks; and to provide for related matters.

The bill was read by title. Senator Amedee 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

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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 returned to the House. Senator Amedee moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 324—

BY REPRESENTATIVE DANAHAY
AN ACT

To designate a portion of Highway 12 as the "Purple Heart Recipient Highway".

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	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 returned to the House. Senator Johns moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 539—

BY REPRESENTATIVE SMITH
AN ACT

To amend and reenact R.S. 23:2045, 2049(B), and 2063(A)(1), relative to the Louisiana Workforce Investment Council; to provide with respect to the chairman and vice chairman; to provide for the frequency of meetings; to provide for a strategic plan; 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	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 returned to the House. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 814—

BY REPRESENTATIVE HILL
AN ACT

To enact R.S. 47:463.155, relative to motor vehicle special prestige plates; to provide for creation, issuance, and design of such license plates; to provide relative to the fee and distribution of fees for such plates; to authorize promulgation of rules and regulations; and to provide for related matters.

The bill was read by title. Senator John Smith 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 returned to the House. Senator John Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 882—

BY REPRESENTATIVES HOWARD AND HILL
AN ACT

To designate a certain portion of Highway 463 as the "B.R. Harvey Memorial Highway".

The bill was read by title. Senator Long 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 returned to the House. Senator Long moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 109—

BY REPRESENTATIVE CHAMPAGNE
AN ACT

To repeal Part I of Chapter 15 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:1961 through 1971, relative to the production and marketing of livestock; to repeal the regulation of use of stallions and jacks.

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

ROLL CALL

The roll was called with the following result:

YEAS

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 returned to the House. Senator Thompson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 110—

BY REPRESENTATIVE CHAMPAGNE
AN ACT

To amend and reenact the heading of Part IV of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950 and R.S. 3:2226, relative to diseases of animals; to provide for a technical correction; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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 returned to the House. Senator Thompson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 119—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:571.21(B) and to enact R.S. 15:571.21(C), relative to probation and parole fees; to amend provisions relative to monetary assessments imposed as conditions of probation or parole; to provide for the assessment of a collection fee for certain funds due; to provide for the reinvestment of certain collected funds; to authorize the secretary of the Department of Public Safety and Corrections to enter into certain fee collection contracts; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Peacock
Adley	Erdey	Perry

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

Total - 37

NAYS

Murray
Total - 1

ABSENT

Morrish
Total - 1

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

HOUSE BILL NO. 123—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:875(B)(1) and to enact R.S. 15:875(B)(3), relative to the imposition of restitution on offenders; to provide that restitution may be obtained from an offender for expenses incurred for an escape or attempted escape from any place where the offender is legally confined; to provide for applicability; and to provide for related matters.

Floor Amendments

Senator Appel proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Appel to Engrossed House Bill No. 123 by Representative Lopinto

AMENDMENT NO. 1
On page 1, lines 18 and 19, change "penal, correctional" to "penal or correctional facilities"

On motion of Senator Appel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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
Claitor	Mills	Walsworth
Cortez	Morrell	Ward
Donahue	Morrish	White
Dorsey-Colomb	Murray	

Total - 38

NAYS

Total - 0

ABSENT

Crowe
Total - 1

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

HOUSE BILL NO. 152—
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 3:3411.1(A), relative to the agricultural commodity dealer and warehouse law; to provide for a cotton merchant license; to provide for license renewal; to provide for fees; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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
Claitor	Mills	Walsworth
Cortez	Morrell	Ward
Donahue	Morrish	White
Dorsey-Colomb	Murray	

Total - 38

NAYS

Total - 0

ABSENT

Crowe
Total - 1

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

HOUSE BILL NO. 153—
BY REPRESENTATIVE ANDERS
AN ACT

To enact R.S. 3:19 and 20, relative to the Department of Agriculture and Forestry; to provide for an organic certification cost-share rebate program; to provide for the duties of the commissioner of agriculture; to provide for cooperative agreements; to provide for organic labeling standards; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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 returned to the House. Senator Thompson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 171—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 3:1413(C)(2)(a) and 1415(A)(6) and to enact R.S. 3:1415(A)(7), relative to fertilizers; to provide for the regulations on the sale of fertilizers; to provide for an inspection fee; to provide for due dates; to provide for a deficiency assessment; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Murray
Adley	Erdey	Nevers
Allain	Gallot	Peacock
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
Donahue	Morrish	

Total - 38

NAYS

Peterson
Total - 1

ABSENT

Total - 0

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

HOUSE BILL NO. 176—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 3:1400(A)(introductory paragraph) and 1401(C)(1), relative to commercial feeds; to clarify the minimum deficiency assessment; to clarify minimum inspection fees; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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 returned to the House. Senator Thompson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 177—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 3:1430.12(C), relative to agricultural liming materials, to provide for tonnage fees; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 36

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NAYS

Peterson
Total - 1

ABSENT

Adley
Kostelka
Total - 2

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

HOUSE BILL NO. 350—

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact Code of Civil Procedure Article 2379, relative to evictions; to provide for rights of reimbursement; to provide for limitations; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 37

NAYS

Total - 0

ABSENT

Claitor
Crowe
Total - 2

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

HOUSE BILL NO. 405—

BY REPRESENTATIVE DANAHAY

AN ACT

To enact Code of Civil Procedure Article 1922(C), relative to judgments; to provide for required information in a judgment; to provide relative to affidavits of distinction of judgments; to provide for recording fees; and to provide for related matters.

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

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
Claitor	Mills	Walsworth
Cortez	Morrell	Ward
Donahue	Morrish	White
Dorsey-Colomb	Murray	

Total - 38

NAYS

Total - 0

ABSENT

Crowe
Total - 1

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

HOUSE BILL NO. 783—

BY REPRESENTATIVES FANNIN, ADAMS, ANDERS, ARMES, BARRAS, BERTHELOT, BILLIOT, BROADWATER, BURFORD, HENRY BURNS, BURRELL, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, DIXON, EDWARDS, GAINES, GAROFALO, GEYMAN, GISCLAIR, GUILLORY, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HOFFMANN, HONORE, HOWARD, HUNTER, HUVAL, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, LAMBERT, TERRY LANDRY, LEBAS, LEOPOLD, LIGI, LORUSSO, MILLER, MONTUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PIERRE, POPE, PRICE, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SHADON, SIMON, SMITH, ST. GERMAIN, THIBAUT, THOMPSON, WHITNEY, AND PATRICK WILLIAMS AND SENATORS KOSTELKA AND RISER

AN ACT

To amend and reenact R.S. 48:196(A) and to enact R.S. 48:196.1, relative to the issuance of bonds; to authorize the State Bond Commission to issue bonds secured by certain licenses and fees; to provide for the deposit of certain monies into the State Highway Improvement Fund; to provide for the use of the proceeds of the bonds; to provide for a special fund; to provide for certain requirements and limitations on the issuance of bonds; to provide for a procedure to contest the validity of issuance of the bonds; to provide for the rights of bondholders; to authorize the issuance of refunding bonds; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Gallot
Total - 1

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

Rules Suspended

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT 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 concurred in the following Senate Concurrent Resolutions:

**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.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Introduction of Senate Resolutions

**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.

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

**SENATE RESOLUTION NO. 76—
BY SENATOR MURRAY
A RESOLUTION**

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

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

**SENATE RESOLUTION NO. 77—
BY SENATOR PETERSON
A RESOLUTION**

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

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

**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.

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

**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.

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

**SENATE RESOLUTION NO. 80—
BY SENATOR ALARIO
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.

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

**SENATE RESOLUTION NO. 81—
BY SENATOR ALARIO
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.

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

**Introduction of
Senate Concurrent Resolutions**

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

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

**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

April 24, 2012

four lane widening of LA 30 between Interstate 10 and LA 44, all in Ascension Parish.

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

SENATE CONCURRENT RESOLUTION NO. 71—

BY SENATOR JOHNS

A CONCURRENT RESOLUTION

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

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 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. 410 HB NO. 657 HB NO. 684

HB NO. 1194 HB NO. 106

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

House Bills and Joint Resolutions on First Reading

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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 placed on the Calendar for a second reading.

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

BY REPRESENTATIVE BARRÖW

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 placed on the Calendar for a second reading.

Rules Suspended

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

HOUSE BILL NO. 923—

BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 37:3552, 3553, 3554(A), (B), (D), (E), and (F), 3555, 3556, 3557, 3558(A), (B), and (D), 3559, 3561, 3563, 3564, 3565, and 3566(B) and (C) and to repeal R.S. 37:3560, relative to massage therapy; to provide for definitions; to provide for applicability of the Louisiana Massage Therapists and Massage Establishment Act; to provide for exemptions; to provide for the Louisiana Board of Massage Therapy; to provide for membership of the board; to provide for the powers and duties of the board; to require licensure for persons performing massage therapy; to provide for licensure for massage establishments; to establish licensure requirements; to provide for an examination; to provide for licensing regulations; to provide for the expiration and renewal of licenses; to provide for inactive status; to provide for disciplinary actions; to regulate advertising as a massage therapist or a massage establishment; to provide for penalties; to provide for injunctions; and to provide for related matters.

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

Without objection, so ordered.

Rules Suspended

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

HOUSE BILL NO. 292—

BY REPRESENTATIVES PUGH, CHAMPAGNE, HENRY, LORUSSO, AND TALBOT

AN ACT

To enact R.S. 17:60.4, relative to term limits for school board members; to require local option elections in certain school districts to determine if a district's school board members shall have term limits; to specify the term limitations for school board members if approved by the electors voting in a school district; to provide for applicability; to provide relative to the conduct of

such elections and the costs thereof; and to provide for related matters.

Senator Amedee moved to recommit the bill from the Committee on Education to the Committee on Senate and Governmental Affairs.

Without objection, so ordered.

Rules Suspended

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

SENATE BILL NO. 709— BY SENATOR WARD AND REPRESENTATIVE SCHRODER AN ACT

To amend and reenact R.S. 17:416.20, to enact R.S. 14:40.8, R.S. 17:418, 418.1 and 418.2, and to repeal R.S. 17:416.13, relative to bullying, criminal bullying and cyberbullying; to create the crime of criminal bullying; to provide for definitions; to provide for penalties; to provide relative to the student code of conduct; to provide relative to student discipline; to provide for duties; to provide for reporting; to provide for parental notification; to provide for the publication of certain documents; to provide for exceptions; to provide that the Act shall be known as the "Tesa Middlebrook Anti-bullying Act"; and to provide for related matters.

Senator Ward moved to recommit the bill from the Committee on Judiciary C to the Committee on Education.

Without objection, so ordered.

Rules Suspended

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

SENATE BILL NO. 721— BY SENATOR CHABERT AN ACT

To enact R.S. 17:1519.2(C), relative to state hospitals operated by the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; to provide with respect to funding; and to provide for related matters.

Senator Chabert moved to recommit the bill from the Committee on Education to the Committee on Health and Welfare.

Without objection, so ordered.

Rules Suspended

Senator Martiny asked for and obtained a suspension of the rules to recall Senate Bill No. 372 from the Committee on Education.

SENATE BILL NO. 372— BY SENATOR MARTINY AN ACT

To repeal R.S. 17:431, relative to certain school employees; to repeal certain requirements relative to salaries of certain supervisors, principals, and other administrative personnel in certain school systems; and to provide for related matters.

On motion of Senator Martiny the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules to recommit a bill just reported by committee.

HOUSE BILL NO. 271— BY REPRESENTATIVE LOPINTO AN ACT

To amend and reenact R.S. 27:44.1(D)(1)(a), relative to alternative inspections for riverboats; to provide with respect to inspection standards utilizing United States Coast Guard criteria; and to provide for related matters.

Senator Heitmeier moved to recommit the bill to the Committee on Labor and Industrial Relations.

Without objection, so ordered.

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 24, 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 Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 15— BY SENATOR MORRELL AND REPRESENTATIVE HODGES A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to promote the department's EarlySteps system with the Louisiana Hospital Association, the Louisiana State Medical Society, and the Optometry Association of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 63— BY SENATORS JOHNS, ADLEY, APPEL, BROOME, BROWN, BUFFINGTON, CORTEZ, DONAHUE, DORSEY-COLOMB, ERDEY, KOSTELKA, LONG, MARTINY, MILLS, MORRELL, MORRISH, NEVERS, PERRY, PETERSON, RISER, GARY SMITH, WALSWORTH AND WARD AND REPRESENTATIVES ADAMS, STUART BISHOP, BROADWATER, BROSSETT, BROWN, CHAMPAGNE, CROMER, DANAHAY, EDWARDS, GAROFALO, GEYMAN, GUINN, HARRISON, HAZEL, HENSGENS, HILL, HODGES, HOFFMANN, HOWARD, KATRINA JACKSON, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY LANDRY, TERRY LANDRY, LEGER, LIGI, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, JAY MORRIS, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, RICHARDSON, SCHEXNAYDER, SCHRODER, SHADWIN, SIMON, ST. GERMAIN, WHITNEY, ALFRED WILLIAMS AND PATRICK WILLIAMS

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Deputy Sheriff Randall L. Benoit of the Calcasieu Parish Sheriff's Office.

Respectfully submitted, "JODY" AMEDEE Chairman

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 24, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

April 24, 2012

HOUSE CONCURRENT RESOLUTION NO. 41—

BY REPRESENTATIVE ORTEGO

A CONCURRENT RESOLUTION

To designate the city of Scott as the Boudin Capital of the World.

HOUSE CONCURRENT RESOLUTION NO. 97—

BY REPRESENTATIVES HOFFMANN, ANDERS, CHANEY, FANNIN, HUNTER, KATRINA JACKSON, JAY MORRIS, PYLANT, AND SHADOIN AND SENATORS GALLOT, KOSTELKA, RISER, JOHN SMITH, THOMPSON, AND WALSWORTH

A CONCURRENT RESOLUTION

To commend Charles "Charlie Mac" McDonald of Bastrop, former state representative, and to express enduring gratitude for his outstanding contributions to education in the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 98—

BY REPRESENTATIVES HONORE, BADON, BARROW, WESLEY BISHOP, BROSSETT, BURRELL, COX, DIXON, FRANKLIN, GAINES, HUNTER, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, TERRY LANDRY, NORTON, PIERRE, PRICE, SMITH, THIERRY, ALFRED WILLIAMS, PATRICK WILLIAMS, AND LEGER AND SENATORS BROOME, BROWN, DORSEY-COLOMB, GALLOT, GUILLORY, MORRELL, MURRAY, PETERSON, AND TARVER

A CONCURRENT RESOLUTION

To recognize Thursday, April 19, 2012, as Southern University Day at the Louisiana State Capitol.

and asked that the President of the Senate affix his signature to the same.

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

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

ATTENDANCE ROLL CALL

ROLL CALL

The roll was called with the following result:

PRESENT

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		

ABSENT

Total - 0

Announcements

The following committee meetings for April 25, 2012, were announced:

Commerce	9:00 A.M.	Room E
Finance	At Adj	Room A
Health and Welfare	9:00 A.M.	Hainkel Room
Insurance	10:00 A.M.	Room A
Senate and Gov't Affairs	9:30 A.M.	Room F

Adjournment

On motion of Senator Thompson, at 5:35 o'clock P.M. the Senate adjourned until Wednesday, April 25, 2012, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Wednesday, April 25, 2012.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk