

**DAILY PROOF OF THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA
THIRTY-FIRST DAY'S PROCEEDINGS**

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 25, 2010

The Senate was called to order at 2:05 o'clock P.M. by Hon. Joel T. Chaisson II, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Duplessis	Murray
Adley	Gautreaux B	Nevers
Amedee	Gautreaux N	Riser
Appel	Jackson	Shaw
Broome	LaFleur	Thompson
Claitor	Long	Walsworth
Donahue	Michot	
Dorsey	Morrish	
Total - 22		

ABSENT

Alario	Hebert	Morrell
Chabert	Heitmeier	Mount
Cheek	Kostelka	Peterson
Crowe	Marionneau	Quinn
Erdey	Martiny	Smith
Guillory	McPherson	
Total - 17		

The President of the Senate announced there were 22 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Christopher S. Wright, 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 Claitor, the reading of the Journal was dispensed with and the Journal of May 24, 2010, was adopted.

**Privilege Report of the
Legislative Bureau**

May 25, 2010

To the President and Members of the Senate:

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

The following concurrent resolution is approved as to construction and duplication.

**HOUSE CONCURRENT RESOLUTION NO. 7—
BY REPRESENTATIVE LEGER**

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2011 Regular Session of the Legislature of Louisiana the provisions of R.S. 49:214.6.6, relative to the Infrastructure Priority Program.

Reported without amendments.

Respectfully submitted,
ROB MARIONNEAUX
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Amedee, the Concurrent Resolution was read by title and passed to a third reading.

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 93—

BY SENATOR LONG

A RESOLUTION

To recognize the Haynesville Shale for its economic impact on the state.

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

SENATE RESOLUTION NO. 94—

BY SENATOR RISER

A RESOLUTION

To declare June 16, 2010, as Asthma Awareness Day.

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

SENATE RESOLUTION NO. 95—

BY SENATOR HEITMEIER

A RESOLUTION

To urge and request the Army Corps of Engineers to quickly approve the emergency authorization request submitted by Governor Bobby Jindal on May 11, 2010, and to incorporate these plans into the Incident Action Plan.

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

**Introduction of
Senate Concurrent Resolutions**

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

SENATE CONCURRENT RESOLUTION NO. 91—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To recognize May 2010 as National Skin Cancer Awareness Month.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Michot
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gautreaux N	Murray

May 25, 2010

Appel	Hebert	Nevers
Broome	Heitmeier	Riser
Chabert	Jackson	Shaw
Cheek	Kostelka	Thompson
Crowe	LaFleur	Walsworth
Donahue	Long	
Dorsey	Martiny	

Total - 31

NAYS

Total - 0

ABSENT

Claitor	McPherson	Quinn
Guillory	Morrell	Smith
Marionneaux	Peterson	

Total - 8

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

SENATE CONCURRENT RESOLUTION NO. 92—
BY SENATOR BROOME

A CONCURRENT RESOLUTION

To declare October 1, 2010, as World Peace Day in the state of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Michot
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gautreaux N	Murray
Appel	Hebert	Nevers
Broome	Heitmeier	Riser
Chabert	Jackson	Shaw
Cheek	Kostelka	Thompson
Crowe	LaFleur	Walsworth
Donahue	Long	
Dorsey	Martiny	

Total - 31

NAYS

Total - 0

ABSENT

Claitor	McPherson	Quinn
Guillory	Morrell	Smith
Marionneaux	Peterson	

Total - 8

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 25, 2010

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. 212 HB No. 849 HB No. 1246

HB No. 1287 HB No. 1297 HB No. 1321

HB No. 1435

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

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

HOUSE BILL NO. 212—
BY REPRESENTATIVE WADDELL
AN ACT

To enact R.S. 9:203(E)(8), relative to marriage officiants, judges, and justices of the peace; to provide for the extension of authority for certain federal judges to preside over a marriage ceremony for a particular period of time; and to provide for related matters.

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

HOUSE BILL NO. 849—
BY REPRESENTATIVE ROY
AN ACT

To enact R.S. 33:2841.1, relative to the collection of municipal taxes; to authorize the employment of private counsel or an agency to assist in the collection of delinquent taxes; to require the payment of attorney fees by a tax delinquent; to provide for the amount of the attorney fees; and to provide for related matters.

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

HOUSE BILL NO. 1246—
BY REPRESENTATIVES MCVEA AND BALDONE
AN ACT

To enact R.S. 22:1157, relative to contracts with dental providers; to provide that no dental plan may require that a dentist provide dental health care services to a covered person at a particular fee unless such services are covered services for which benefits are paid under a contract with such dentist; and to provide for related matters.

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

HOUSE BILL NO. 1287—
BY REPRESENTATIVES LORUSSO, HENDERSON, AND HUTTER
AN ACT

To enact Chapter 27 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1231 through 1237, and R.S. 36:209(Q), relative to creating the Battle of New Orleans Bicentennial Commission; to provide for membership on the commission and its operation; to provide relative to powers, duties, and activities of the commission; to provide relative to funds and property of the commission; to provide for termination of the commission; and to provide for related matters.

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

HOUSE BILL NO. 1297—

BY REPRESENTATIVE WHITE

AN ACT

To amend and reenact R.S. 33:2476(B)(1)(b) and 2536(B)(1)(b) and to enact R.S. 33:2476(B)(1)(c) and 2536(B)(1)(c), relative to the municipal fire and police civil service; to provide relative to the qualifications of certain members appointed to municipal fire and police civil service boards; to provide that members appointed from fire and police departments shall not be required to be residents or qualified voters of the area in which they are appointed to serve or the parish in which the area is located, subject to approval of the local governing authority; and to provide for related matters.

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

HOUSE BILL NO. 1321—

BY REPRESENTATIVE MICHAEL JACKSON

AN ACT

To enact R.S. 9:1105, relative to storage tanks; to provide for certain rights relative to the placement of certain storage tanks; to provide for an exemption; to provide for preemption; and to provide for related matters.

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

HOUSE BILL NO. 1435—

BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact Children's Code Article 311(A)(1)(introductory paragraph) and (B)(1)(introductory paragraph), R.S. 13:1401(A)(1) and 1621(A)(3), and R.S. 46:236.2(A)(2) and (B)(2), and to repeal R.S. 13:1621(B) and (C), relative to jurisdiction; to provide for the exclusive jurisdiction of the East Baton Rouge Parish Family Court; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 189—

BY REPRESENTATIVE RICHARD AND SENATOR KOSTELKA

AN ACT

To enact R.S. 11:441.2, relative to early retirement; to enact the Early Retirement and Payroll Reduction Act; to provide for a reduction in state employment and for early retirement of members of the Louisiana State Employees' Retirement System; to provide for eligibility, retirement benefits, restrictions on hiring new employees, abolition of vacated positions, restrictions on appropriated funds, and funding; 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 Retirement.

HOUSE BILL NO. 214—

BY REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact Code of Civil Procedure Article 253(B) and to enact Code of Civil Procedure Article 253(C), relative to the electronic filing and storage of documents; to authorize the establishment of a system; to provide procedures; and to provide for related matters.

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

HOUSE BILL NO. 244—

BY REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 22:1000(A)(1)(a)(vi) and (2), 1002, and 1003 and to enact R.S. 22:1003.1, relative to dependent health insurance coverage for children or grandchildren; to provide for such coverage until the age of twenty-six; to delete the requirement for full-time student status; to delete the requirement for unmarried status; to provide for exceptions; to set certain requirements and restrictions for health insurance issuers and health maintenance organizations in providing such coverage; to exempt the Office of Group Benefits; and to provide for related matters.

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

HOUSE BILL NO. 538—

BY REPRESENTATIVE BURFORD

AN ACT

To enact R.S. 33:2740.18.4, relative to the city of Mansfield; to authorize the governing authority of the city to levy and collect a hotel occupancy tax subject to voter approval; to provide for the use of such tax; and to provide for related matters.

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

HOUSE BILL NO. 733—

BY REPRESENTATIVE ANDERS

AN ACT

To enact R.S. 3:1221, relative to carbon sequestration; to authorize participation in greenhouse gas emission reduction programs; to provide for the state's participation; and to provide for related matters.

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

HOUSE BILL NO. 781—

BY REPRESENTATIVE CHAMPAGNE

AN ACT

To enact R.S. 33:7714, relative to wastewater districts; to create a consolidated wastewater district for the towns of Erath and Delcambre; to provide for the purpose, boundaries, and powers of the district; to provide for the governance of the district; to provide for the issuance of bonds; to provide restrictions on the issuance of bonds; to provide for the assumption of debt; to provide for the levy of an ad valorem tax; to provide for an election on the question of such ad valorem tax; to provide for the powers, rights, and duties of districts subsumed by this district; to provide for existing contractual rights; and to provide for related matters.

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

HOUSE BILL NO. 1032—

BY REPRESENTATIVE BARROW

AN ACT

To amend and reenact R.S. 33:2740.67(C)(1), (2), and (3), relative to the Greenwell Springs-Airline Economic Development District; to change the membership of the board of commissioners of the district; to provide relative to terms of board members; and to provide for related matters.

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

HOUSE BILL NO. 1172—

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 49:150.1, relative to the state capitol complex; to provide for the allocation and use of space within the state capitol complex; 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. 1293—

BY REPRESENTATIVE PUGH

AN ACT

To enact R.S. 33:423.20, relative to the power of an elected chief of police in certain municipalities; to provide that the police chief shall appoint, promote, discipline, and discharge police personnel subject to limitations; and to provide for related matters.

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

HOUSE BILL NO. 1310—

BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact R.S. 26:932(8) and to enact R.S. 26:901(18) and 903(6), relative to tobacco products; to provide for fees applicable to tobacconists; to provide for definitions; 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. 1376—

BY REPRESENTATIVES HINES, ABRAMSON, AUSTIN BADON, HENRY BURNS, TIM BURNS, CARTER, HARDY, HAZEL, HOWARD, LABRUZZO, LANDRY, LORUSSO, PEARSON, POPE, JANE SMITH, AND TEMPLET

AN ACT

To amend and reenact R.S. 17:158(A), relative to the transportation of students by local school boards to certain elementary and secondary schools; to authorize a local school board to transport to school any student who resides one mile or less from the school; to provide conditions and limitations; 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 Transportation, Highways and Public Works.

HOUSE BILL NO. 1442—

BY REPRESENTATIVES CARMODY, ARMES, CARTER, DIXON, DOWNS, RITCHIE, PATRICIA SMITH, AND THIBAUT

AN ACT

To enact R.S. 17:81.6(C), (D), (E), and (F), relative to public school employees; to provide for the reporting by public school employees of irregularities or improprieties in the administration of standardized tests; to prohibit certain actions relative to such reporting; to provide for penalties; to provide for the recovery of damages, attorney fees, and court costs under certain circumstances; 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. 1443—

BY REPRESENTATIVES EDWARDS, HAZEL, MCVEA, AND RICHARDSON AND SENATOR MARIONNEAUX

AN ACT

To establish requirements of certain contracts entered into by the Department of Health and Hospitals for the privatization of activities performed by certain institutions or programs; to provide for the method of source selection; to provide evaluation factors to be included in a request for proposals; to require legislative approval; to provide for the submission of reports; and to provide for related matters.

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

HOUSE BILL NO. 1458—

BY REPRESENTATIVE LABRUZZO

AN ACT

To enact R.S. 17:416.13(C) and (D), relative to student codes of conduct; to provide relative to a review by a local school board of the student code of conduct; to provide relative to the purpose of such review and to require certain actions as necessary; to provide guidelines and a timeline for such review; to provide definitions; to provide relative to certain notifications to students; to provide relative to the investigation of reports of certain prohibited actions; 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 Education.

HOUSE BILL NO. 1481— (Substitute for House Bill No. 1025 by Representative Landry)

BY REPRESENTATIVE LANDRY

AN ACT

To amend and reenact R.S. 17:416.7, relative to school boards; to require school boards to notify parents prior to implementing new school uniform policies or changing existing school uniform policies; 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 Education.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY B

Senator Daniel R. Martiny, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

May 25, 2010

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. 621—

BY SENATOR MARTINY

AN ACT

To enact R.S. 15:574.4(A)(4), relative to parole eligibility; to provide for eligibility for parole consideration for certain offenders sentenced as a habitual offender; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 5—

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 49:316.1(A)(2)(a) and (c), relative to the administration of state government; to authorize the Department of Public Safety and Corrections, to accept debit or credit cards for payment of obligations owed to the state through the use of a third-party processor; to provide for the collection of a convenience fee; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 16—

BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 40:1379.3(D)(2), relative to concealed handgun permits; to provide with respect to the training of persons applying for a concealed handgun permit; to provide for

the certification of concealed handgun permit instructors; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 29—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 15:893.1(1), relative to incarceration; to provide with respect to the assignment of inmates at certain correctional facilities; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 60—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 40:1379.3(A)(1), (B), (C)(introductory paragraph), and (T), relative to concealed handgun permits; to provide for the issuance of Louisiana concealed handgun permits; to provide with respect to the recognition of nonresident concealed handgun permits; to provide for a period of time when previously issued nonresident concealed handgun permits shall be considered valid; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 130—
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact Code of Criminal Procedure Articles 899(E) and 900(A)(introductory paragraph), relative to procedures following the arrest or summons for a violation of probation; to increase the time period in which a defendant shall be brought before the court for a hearing on a probation violation; to provide for the use of affidavits in determining probable cause; to provide for time limitations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 141—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 40:1784, relative to applications to possess or transfer certain firearms; to provide for the use of electronic applications approved by the Department of Public Safety and Corrections for the possession or transfer of certain firearms; to provide that applications for the possession or transfer of certain firearms may be filed electronically; to provide that electronic applications are contingent upon purchase of equipment; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 158—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 40:1379.3(C)(10) and to enact R.S. 40:1379.3(C)(18) and (19), relative to concealed handgun permits; to provide for the qualifications necessary for the issuance of a permit; to provide for a waiting period for reapplication following revocation or denial; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 195—
BY REPRESENTATIVES MILLS, WOOTON, PATRICIA SMITH, BARROW, BURRELL, CARMODY, DIXON, EDWARDS, HARDY, GIROD JACKSON, KATZ, LAFONTA, LOPINTO, MONTTOUCET, NORTON, NOWLIN, ST. GERMAIN, STIAES, THIERRY, AND WILLIAMS AND SENATOR MARTINY

AN ACT

To amend and reenact R.S. 15:574.2(B), (C), (D), (E), and (F) and to enact R.S. 15:574.2(G), relative to the Board of Parole; to

change the number of votes required to grant parole to offenders convicted of certain offenses; to provide for applicability; to provide for criteria; to provide for the granting of parole to certain offenders participating in work release programs; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 235—
BY REPRESENTATIVE WOOTON
AN ACT

To enact R.S. 11:2185 and 2235 and R.S. 33:4712(G), relative to law enforcement officers; to authorize retired deputy sheriffs and retired municipal police officers to purchase their firearms upon retirement; to provide for certain criteria; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 238—
BY REPRESENTATIVE HOWARD
AN ACT

To enact R.S. 33:1448(Y), relative to the premium costs of group health and life insurance for retired sheriffs and retired deputy sheriffs of the Sabine Parish Sheriff's Office; to provide for eligibility for payment of premium costs; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 556—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 14:95.2(C)(4) and R.S. 40:1379.3(N)(11), relative to firearms; to provide with respect to firearm-free zones; to provide relative to the possession of firearms by concealed handgun permit holders; to retain the prohibition regarding the carrying of concealed handguns at a school; to prohibit the carrying of concealed handguns on any school campus or school bus; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1214—
BY REPRESENTATIVE WHITE
AN ACT

To enact R.S. 29:739, relative to intrastate mutual aid; to provide for the creation and implementation of an Intrastate Mutual Aid Compact; to provide for an Intrastate Mutual Aid Subcommittee; to provide for guidelines and procedures; to define certain terms; to provide for responsibilities of parishes; to provide for license, certificate, and permit portability; to provide for parish reimbursement; to provide relative to workers' compensation; and to provide for related matters.

Reported favorably.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

**REPORT OF COMMITTEE ON
AGRICULTURE, FORESTRY, AQUACULTURE,
AND RURAL DEVELOPMENT**

Senator Francis C. Thompson, Chairman on behalf of the Committee on Agriculture, Forestry, Aquaculture, and Rural Development, submitted the following report:

May 25, 2010

To the President and Members of the Senate:

I am directed by your Committee on Agriculture, Forestry, Aquaculture, and Rural Development to submit the following report:

HOUSE BILL NO. 496—
BY REPRESENTATIVE SMILEY

AN ACT

To amend and reenact R.S. 44:4.1(B)(1), to enact Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:1381 through 1430.13, and to repeal Chapters 10 and 14 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:1311 through 1373 and 1891 through 1907, relative to the Louisiana Feed Commission and the Fertilizer Commission; to provide for the merger of the Louisiana Feed Commission and the Fertilizer Commission; to provide for membership, duties, and responsibilities; to provide for the Louisiana Agricultural Liming Materials Law, and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 606—
BY REPRESENTATIVE ELLINGTON

AN ACT

To amend and reenact R.S. 3:2891, 2892, and 2896, relative to swine running at large; to remove certain exceptions to running at large, seizure and impoundment, and liabilities; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 840—
BY REPRESENTATIVES SIMON, BOBBY BADON, BURFORD, HENRY BURNS, CHANEY, GUINN, HOWARD, LEBAS, LITTLE, PERRY, RITCHIE, ROY, AND THIBAUT

AN ACT

To enact Chapter 3-E of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:299, and R.S. 36:629(M) and 919.10, relative to the Louisiana Sustainable Local Food Policy Council; to provide for the council membership, duties and responsibilities, vacancies, and compensation; to provide for termination; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1463— (Substitute for House Bill No. 1183 by Representative Ritchie)

BY REPRESENTATIVE RITCHIE

AN ACT

To enact R.S. 3:3419.1 and R.S. 6:333(F)(17), relative to the communication of certain producer information; to provide for disclosure of certain financial records; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
FRANCIS C. THOMPSON
Chairman

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

SENATE BILL NO. 66—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 17:3991(B)(4) and to enact R.S. 17:3991(C)(1)(d), relative to charter schools; to require each charter school to establish an enrollment preference for students residing in the immediate neighborhood surrounding the school; to provide relative to the determination of the geographic

boundaries of each such neighborhood; to require that the enrollment of each charter school be composed of a certain percentage of students residing in the immediate neighborhood of the school; to provide for effectiveness; 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. 66 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 3, between "to" and "to establish" change "require each charter school" to "provide relative to authorization for certain charter schools"

AMENDMENT NO. 2

On page 1, line 6, after "neighborhood;" delete the remainder of the line, delete line 7, and at the beginning of line 8, delete "school;"

AMENDMENT NO. 3

On page 2, line 3, between "within" and "be" change "will" to "may"

AMENDMENT NO. 4

On page 2, delete lines 9 through 19, and insert the following:

"(d) Beginning with the 2011-2012 school year, each elementary and middle charter school, other than a Type 2 charter school, may request from and be granted by its chartering authority the authority to give preference in its enrollment procedures to students residing within the neighborhood immediately surrounding the school. The geographic boundaries of the neighborhood immediately surrounding such school shall be determined by the school's chartering authority."

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

SENATE BILL NO. 141—
BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 33:9037(A), 9038.35, and 9038.38(P), relative to tax increment finance; to authorize joint ventures or cooperative endeavors among public entities utilizing tax increment finance; 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. 221—
BY SENATOR APPEL

AN ACT

To enact Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9661, relative to political subdivisions; to prohibit a political subdivision from assessing or charging nonresidents a higher rate or fee than residents; to provide for enforcement; 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. 221 by Senator Appel

AMENDMENT NO. 1

On page 1, delete line 4, and insert "from imposing a tax or fee on certain persons or legal entities in certain circumstances; to"

AMENDMENT NO. 2

On page 1, delete lines 11 through 17, and on page 2, delete lines 1 through 7 and insert the following:

"A. No political subdivision shall charge or impose a tax upon any person or legal entity, the sole basis of which is the fact that the person or legal entity is domiciled, registered, or organized outside of the jurisdiction of that political subdivision.

B. No political subdivision shall charge or impose a fee for the general use of the public streets of the political subdivision upon any person or legal entity which is domiciled, registered, or organized outside of the jurisdiction of that political subdivision, which such fee is not charged or imposed upon the persons or legal entities which are domiciled, residing, registered, organized, or doing business within the jurisdiction of that political subdivision."

AMENDMENT NO. 3

On page 2, line 8, change "**D.(1)**" to "**C.(1)**"

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

SENATE BILL NO. 401—

BY SENATORS THOMPSON AND NEVERS AND REPRESENTATIVE KATZ

AN ACT

To enact R.S. 40:1300.144(A)(4), relative to rural hospitals; to provide for rural hospital reimbursement; to provide for the development of payment methods that optimize federal funds to reduce or eliminate small rural hospitals' reliance upon uncompensated care costs funding; to provide for rules and regulations; and to provide for related matters.

Reported favorably by the Committee on Finance. The bill was read by title and passed to a third reading.

SENATE BILL NO. 432—

BY SENATOR MARIONNEAUX

A JOINT RESOLUTION

Proposing to Article VII, Section 4(B) and to repeal Article IX, Section 9 of the Constitution of Louisiana, relative to taxes related to natural resources and the use of such taxes; to repeal certain severance taxes; to allow certain natural resources to be subject to the levy of a tax upon hydrocarbon processing in the state imposed under the legislature's general authority to tax under the Constitution of Louisiana; to require certain dedications if such tax is levied; to provide for distribution of the revenues from such tax; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported without action by the Committee on Revenue and Fiscal Affairs.

On motion of Senator N. Gautreaux, the bill was returned to the Calendar, subject to call.

Recess

On motion of Senator Thompson, the Senate took a recess at 2:30 o'clock P.M. until the conclusion of the Revenue Estimating Conference Meeting.

After Recess

The Senate was called to order at 4:10 o'clock P.M. by the President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Hebert	Mount
Alario	Heitmeier	Murray
Amedee	Jackson	Nevers
Appel	LaFleur	Peterson
Broome	Long	Shaw
Claitor	Martiny	Smith
Dorsey	Morrell	Thompson
Gautreaux B	Morrish	Walsworth
Total - 24		

ABSENT

Adley	Duplessis	Marionneaux
Chabert	Erdey	McPherson
Cheek	Gautreaux N	Michot
Crowe	Guillory	Quinn
Donahue	Kostelka	Riser
Total - 15		

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

Senate Business Resumed After Recess

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

SENATE BILL NO. 471—

BY SENATOR MICHOT

AN ACT

To enact Chapter 64 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2901, relative to a special treasury fund; to create the Health Care Stabilization Fund; to provide for deposit of certain monies into the fund; to provide for the uses of monies in the fund; to provide for an effective date; 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 Original Senate Bill No. 471 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, change "To enact" to "To amend and reenact R.S. 30:2483(E) and 2484(A)(1) and (7) and to enact R.S. 30:2486(F) and"

AMENDMENT NO. 2

On page 1, line 3, after "relative to" delete the remainder of the line and insert the following: "special treasury funds; to remove the cap on the Oil Spill Contingency Fund in certain circumstances; to provide for the use of monies in the Oil Spill Contingency Fund during declared emergencies or disasters; to provide for the collection of the oil spill contingency fee during declared emergencies or disasters; to create the Health Care"

AMENDMENT NO. 3

On page 1, line 4, change "the fund" to "the Health Care Stabilization Fund"

AMENDMENT NO. 4

On page 1, line 5, change "the fund" to "the Health Care Stabilization Fund"

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AMENDMENT NO. 5

On page 1, between lines 7 and 8, insert the following:
"Section 1. R.S. 30:2483(E) and 2484(A)(1) and (7) are hereby amended and reenacted and R.S. 30:2486(F) is hereby enacted to read as follows:
§2483. Oil Spill Contingency Fund

E. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited, as required in Subsection D hereof, and monies appropriated by the legislature shall be credited to a special fund hereby created in the state treasury to be known as the "Oil Spill Contingency Fund". The monies in this fund shall be used solely as provided in this Section and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall remain in the fund. Except as otherwise provided herein, the balance of the fund shall not exceed thirty million dollars, exclusive of all fees, other than all fees collected pursuant to R.S. 30:2485 and 2486, penalties, judgments, reimbursements, charges, interest, and federal funds collected pursuant to the provisions of this Chapter. As authorized by Article VII, Section 10.7(C) of the Constitution of Louisiana, the amount of monies in the fund shall not be limited to thirty million dollars during a declared state of emergency or disaster caused by an unauthorized discharge of oil.

§2484. Uses of fund

A. Money in the fund may be disbursed for the following purposes and no others:

(1) Administrative and personnel expenses of the office of the coordinator, excluding those of the oil spill technical assistance program, not to exceed six hundred thousand dollars in any fiscal year; except that during a declared state of emergency or disaster caused by an unauthorized discharge of oil, more than six hundred thousand dollars in a fiscal year may be disbursed from the fund after approval of the commissioner of administration and the Joint Legislative Committee on the Budget.

(7) Operating costs and contracts for response and prevention as provided in this Chapter, excluding operating costs and contracts where indicated of the oil spill technical assistance program, not to exceed six hundred thousand dollars in any fiscal year; except that during a declared state of emergency or disaster caused by an unauthorized discharge of oil, more than six hundred thousand dollars in a fiscal year may be disbursed from the fund after approval of the commissioner of administration and the Joint Legislative Committee on the Budget.

§2486. Determination of fee

F. Notwithstanding any other provision of law to the contrary, the amount of monies in the fund shall not be limited to seven million dollars during a declared state of emergency or disaster caused by an unauthorized discharge of oil.

AMENDMENT NO. 6

On page 1, line 8, change "Section 1." to "Section 2."

AMENDMENT NO. 7

On page 2, line 13, change "Section 2." to "Section 3."

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

SENATE BILL NO. 692— BY SENATOR MORRELL

AN ACT

To enact R.S. 32:57(I) and R.S. 38:330.12.1, relative to the Orleans Levee District; to provide relative to the authority of and the disposition of penalties for citations issued by police officers

employed by the Orleans Levee District; 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. 692 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 2, delete "Orleans Levee District" and insert "Non-Flood Protection Asset Management Authority"

AMENDMENT NO. 2

On page 1, line 4, delete "employed by the Orleans Levee District" and insert "of the Non-Flood Protection Asset Management Authority"

AMENDMENT NO. 3

On page 1, line 14, delete "employed by the Orleans Levee District" and insert "of the Non-Flood Protection Asset Management Authority"

AMENDMENT NO. 4

On page 1, line 15, delete "Orleans Levee" and delete line 16 and insert "Non-Flood Protection Asset Management Authority."

AMENDMENT NO. 5

On page 2, line 17, after "monthly to the" delete the remainder of the line and delete line 18 and insert "Non-Flood Protection Asset Management Authority."

AMENDMENT NO. 6

On page 2, after line 18 insert the following:
"Section 2. This bill shall become effective only if the Act which originated as Senate Bill No. _____ of the 2010 Regular Session of the Legislature is enacted."

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

SENATE BILL NO. 699— BY SENATOR PETERSON

AN ACT

To enact Part XV of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1051, relative to local financing; to authorize public entities to create public benefit corporations and enter into contracts with such public benefit corporations for the planning, renovation, construction, leasing, subleasing, management and improvement of public properties and facilities; to exempt such public entities from limitations on property dispositions relating to surplus property in connection with the alienation or disposition of public properties and facilities to public benefit corporations created by such public entities provided that such property remains dedicated for public purposes; to authorize such public entities to enter into financing arrangements with their public benefit corporations and other private parties providing additional funds to such public benefit corporations to construct new facilities and/or to renovate existing public properties or facilities; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. The bill was read by title and passed to a third reading.

SENATE BILL NO. 701— BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 17:221.4(C), relative to education; to require certain persons who fail to graduate from high school as a result of expulsion or legally and voluntarily withdrawing from their

school system to serve not less than two years in the Louisiana National Guard or United States Armed Forces; 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. 701 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 17:221.4(C)" to "R.S. 17:221.4(C) and (D)"

AMENDMENT NO. 2

On page 1, line 2, after "education; to" delete the remainder of the line, delete lines 3 through 4, and at the beginning of line 5, delete "Louisiana National Guard or United States Armed Forces" and insert "provide relative to options available to certain high school dropouts pursuant to court order"

AMENDMENT NO. 3

On page 1, delete lines 11 through 17, on page 2, delete lines 1 through 10, and insert the following:

"C. A student, under eighteen years of age, who withdraws from school, voluntarily or involuntarily, prior to graduating from high school, shall exercise one of the following options within one hundred twenty days of leaving school:

(1) Re-enroll in school and make continual progress toward completing the requirements for high school graduation.

(2) Enroll in a high school equivalency diploma program and make continual progress toward completing the requirements for earning such diploma.

(3) Enlist in the Louisiana National Guard or a branch of the United States Armed Forces, with a commitment for at least two years of service, and earn a high school equivalency diploma during such service period.

D. The provisions of Subsection C of this Section shall only apply to students who have been ruled to be truants, pursuant to the provisions of Chapter 15 of Title VII of the Louisiana Children's Code, by a court of competent jurisdiction and ordered by the court to comply with the provisions thereof."

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

SENATE BILL NO. 730—

BY SENATOR DORSEY

AN ACT

To amend and reenact R.S. 33:9097.2(B), (E)(1) and (3), and (G)(1), (3)(b) and (4), relative to the South Burbank Crime Prevention District; to provide relative to boundaries and governance; to provide relative to parcel fees and ad valorem taxes; 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. 730 by Senator Dorsey

AMENDMENT NO. 1

On page 1, line 2, delete "(G)(1), (3)(b)" and insert "(G)(3)(b)"

AMENDMENT NO. 2

On page 1, line 8, delete "(G)(1), (3)(b)" and insert "(G)(3)(b)"

AMENDMENT NO. 3

On page 1, at the end of line 14, change "**bayou**" to "bayou"

AMENDMENT NO. 4

On page 2, line 5, after "southeast," delete the remainder of the line and delete lines 6 through 11

AMENDMENT NO. 5

On page 2, line 17, after "1991," strike the remainder of the line

AMENDMENT NO. 6

On page 2, line 18, strike "Gardere Lane," and insert "**and**"

AMENDMENT NO. 7

On page 2, line 27, strike "four" and insert "**three**"

AMENDMENT NO. 8

On page 3, line 8, insert "~~(c)~~(d) The mayor-president shall appoint one member."

AMENDMENT NO. 9

On page 3, line 9, change "**(d)**" to "**(e)**"

AMENDMENT NO. 10

On page 3, line 26, delete "**and a millage not exceeding five mills**"

AMENDMENT NO. 11

On page 3, delete line 29 and on page 4, delete lines 1 through 5

AMENDMENT NO. 12

On page 4, line 18, strike "received" and insert "**prepared**"

AMENDMENT NO. 13

On page 4, line 19, strike "October fifteenth" and insert "**September first**"

AMENDMENT NO. 14

On page 4, line 20, strike "received" and insert "**prepared**" and strike "October fifteenth" and insert "**September first**"

AMENDMENT NO. 15

On page 4, delete line 29 and insert the following:

"Section 2. The provisions of R.S. 33:9097.2(G) shall not be applicable to any parcel added to the boundaries of the South Burbank Crime Prevention District by this Act until such time as the imposition of a parcel fee has been approved by a majority of the registered voters of the district voting at an election held for that purpose.

Section 3. This Act shall become effective on July 1, 2010."

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

SENATE BILL NO. 747—

BY SENATOR JACKSON

AN ACT

To enact R.S. 40:600.66(C) and R.S. 49:220.10, relative to housing needs in declared disaster areas as a result of hurricanes Katrina and Rita; to provide with respect to Road Home Program applicants whose claims were denied because of unresolved succession and inheritance issues; to provide for an effective date; 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. 754—

BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 36:801.1(A) and R.S. 38:330.12 and to enact R.S. 36:509(P) and R.S. 38:330.12.1, relative to non-flood assets of levee districts; to provide for the management and control of such assets; to create the Non-flood Protection Asset Management Authority; to provide for the powers, duties, and functions of the authority; to provide for a board of

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commissioners of the authority and for the membership of the board; 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. 754 by Senator Morrell)

BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 36:801.1(A), R.S. 38:330.12 and 330.12.1, to enact R.S. 36:509(P) and R.S. 38:330.12.1, and to repeal R.S. 36:509(P), relative to non-flood protection assets, functions, and activities within a levee district within the jurisdiction of an authority; to provide for the management and control of such assets; to create the Non-flood Protection Asset Management Authority within the Department of Transportation and Development and as a political subdivision; to transfer management of such assets from the division of administration to the authority; to provide for the powers, duties, and functions of the authority; to provide for a board of commissioners of the authority; to provide for membership of the board of commissioners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:801.1(A) is hereby amended and reenacted and R.S. 36:509(P) is hereby enacted to read as follows: §509. Transfer of agencies to Department of Transportation and Development

* * *

P. The Non-Flood Protection Asset Management Authority (R.S. 38:330.12.1) is placed within the Department of Transportation and Development and shall perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

* * *

§801.1. Transfer; retention of all functions

A. The agencies transferred by the provisions of R.S. 36:4(D), 4.1(C) and (G), 53(H), 209(R), 259(J), 409(N), 509(O), 509(P), 651(D), 725(A), and 769(J) shall continue to be comprised and selected as provided by law.

* * *

Section 2. R.S. 38:330.12 is hereby amended and reenacted and R.S. 38:330.12.1 is hereby enacted to read as follows:

§330.12. Ownership and management of non-flood protection functions and activities

A. ~~On and after January 1, 2007, any~~ Any facility or improvement within a levee district within the territorial jurisdiction of an authority, which facility or improvement is not directly related to providing adequate drainage, flood control, or water resources development pertaining to tidewater flooding, hurricane protection, or saltwater intrusion, that is owned or operated by a board of commissioners of the levee district, including all land, rights-of-way, servitudes, and improvements situated thereon, or connected therewith, for such purpose, shall be managed and controlled by the state, through the division of administration; Non-Flood Protection Asset Management Authority, hereinafter referred to as the "authority", without the necessity of any other act or instrument, except that for purposes of the Orleans Levee District, any such facilities or improvement shall continue to be owned by the Orleans Levee District. For the purpose of this Section only, the ~~division of administration authority~~ shall be the successor to the state and the board of commissioners of such levee district. The levee district state through the division of administration shall continue the routine maintenance of all such non-flood properties or facilities within its jurisdiction until the division of administration authority receives responsibility for such maintenance.

B.(1) The ~~division of administration~~ authority may enter into contracts, agreements, or cooperative endeavors of any nature, ~~on behalf of the state~~ with a state agency, political subdivision, or other legal entity or person, or any combination thereof, for the operation and maintenance of any facility or improvement, which it manages or controls pursuant to Subsection A of this Section.

(2) The ~~division of administration~~ authority may sell, lease, or otherwise transfer any such property and perform any and all things necessary to carry out the objects of this Section. If the ~~division of administration~~ authority determines that the sale, lease or transfer of such property is appropriate, it shall first offer the property to political subdivisions in the parish in which the property is located and state agencies conducting operations in that parish, other than levee districts, political subdivisions, or agencies responsible for flood control. If any such public entity is interested in acquiring the property, the ~~division of administration~~ authority shall evaluate proposals submitted by those entities. If no such proposal is received, or if such proposals are not determined to be in the best interest of the ~~state~~ authority, the property may be offered for sale or lease as otherwise provided by law.

C. Except as required by federal law or regulation or state constitution, the expense of operating any facility or improvement referred to in Subsection A of this Section, which produces revenue ~~for the levee district~~ shall be collected by the ~~division of administration~~ authority and, after deducting an amount for the expense of managing and controlling such facility or improvement, the remaining revenues therefrom shall be disbursed to the flood protection authority to the credit of the levee district in which the facility or improvement is located.

D. The ~~division of administration~~ authority may otherwise provide for the implementation of this Section by the adoption of rules and regulations pursuant to the Administrative Procedure Act.

E. No action taken pursuant to this Section or to any provision of this Part shall do any of the following:

(1) Impair the obligation of outstanding bonded indebtedness or of any other contract of any levee district.

(2) Impair the ability of any levee district to satisfy any legal action or claim pending against the district on the effective date of this Section.

§330.12.1. Non-Flood Protection Asset Management Authority; creation; composition; powers, duties, functions

A. The Non-Flood Protection Asset Management Authority, hereafter referred to as the "authority", is hereby created possessing full corporate power to manage, control, regulate, operate, and maintain any non-flood protection facility or improvement asset or function within a levee district within the jurisdiction of a flood protection authority.

B. The authority is placed within the Department of Transportation and Development and shall perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1. The authority shall not be eligible to receive or expend any money from the Transportation Trust Fund.

C. The authority shall be composed of the following members who shall be subject to Senate confirmation, provided that no state senator or state representative shall appoint himself as a member of the authority:

(1) One member appointed by the board of commissioners of the levee district where the non-flood asset is located.

(2) One member appointed by the executive director of the levee district where the non-flood asset is located.

(3) One member appointed by the state senator elected to represent state Senate District No. 4.

(4) One member appointed by the state senator elected to represent state Senate District No. 3.

(5) One member appointed by the state representative elected to represent state House District No. 94.

(6) One member appointed by the state representative elected to represent state House District No. 97.

(7) One member appointed by the state representative elected to represent state House District No. 101.

(8) One member appointed by each state representative in whose representative district a non-flood asset is located.

(9) One member appointed by the secretary of the Department of Transportation and Development.

(10) One member appointed by the commissioner of the division of administration.

(11) One member appointed by the chairman of the Coastal Protection and Restoration Authority.

D.(1) Members of the authority shall serve a term of four years. Any vacancy occurring on the authority shall be filled in the same manner as the original appointment for the unexpired portion of the position vacated.

(2) A majority of the members of the authority shall constitute a quorum for the transaction of official business and all official actions of the authority shall require an affirmative vote by a majority of the members present and voting at a meeting.

(3) Members of the authority shall not receive any compensation for serving on the board but each member may receive not more than fifty dollars per day for attendance at meetings of the authority or its subcommittees. In addition, members may be reimbursed for mileage expenses incurred while in the performance of their official duties at the rate established by the division of administration for travel by state officials.

E. The authority shall be domiciled in the parish of Orleans.

F. The authority shall elect from its members a chairman and a secretary and shall select a vice-chairman to serve in the absence of the chairman. The authority may employ an executive director and such personnel as may be necessary to implement the provisions of this Section.

G. The authority shall be responsible for the development and implementation of a management plan to best utilize the assets under its jurisdiction and maximize the benefits, attributes, and revenue potentials of such assets. Such plan shall include parameters for the interactions between the authority and other political subdivisions in the geographical areas of the assets under the jurisdiction of the authority and shall detail a procedure and process for the operation, maintenance, sale, lease, or transfer of any facility or improvement managed or controlled by the authority.

Section 3. R.S. 36:801.1(A) is hereby amended and reenacted to read as follows:

§801.1. Transfer; retention of all functions

A. The agencies transferred by the provisions of R.S. 36:4(D), 4.1(C) and (G), 53(H), 209(R), 259(J), 409(N), 509(O), ~~509(P)~~; 651(D), 725(A), and 769(J) shall continue to be comprised and selected as provided by law.

* * *

Section 4. R.S. 38:330.12.1 is hereby amended and enacted to read as follows:

§330.12.1. Non-Flood Protection Asset Management Authority; creation; composition; powers, duties, functions

A. The Non-Flood Protection Asset Management Authority, hereafter referred to as the "authority", is hereby created as a political subdivision possessing full corporate power to manage, control, regulate, operate, and maintain any non-flood protection facility or improvement asset or function within a levee district within the jurisdiction of a flood protection authority.

~~B. The authority is placed within the Department of Transportation and Development and shall perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1. The authority shall not be eligible to receive or expend any money from the Transportation Trust Fund.~~

C. The authority shall be composed of the following members who shall be subject to Senate confirmation, provided that no state senator or state representative shall appoint himself as a member of the authority:

- (1) One member appointed by the board of commissioners of the levee district where the non-flood asset is located.
- (2) One member appointed by the executive director of the levee district where the non-flood asset is located.
- (3) One member appointed by the state senator elected to represent state Senate District No. 4.
- (4) One member appointed by the state senator elected to represent state Senate District No. 3.
- (5) One member appointed by the state representative elected to represent state House District No. 94.
- (6) One member appointed by the state representative elected to represent state House District No. 97.
- (7) One member appointed by the state representative elected to represent state House District No. 101.

(8) One member appointed by each state representative in whose representative district any non-flood asset is located.

~~(9) One member appointed by the secretary of the Department of Transportation and Development. Two members appointed by the mayor of the city of New Orleans.~~

~~(10) One member appointed by the commissioner of the division of administration.~~

~~(H) One member appointed by the chairman of the Coastal Protection and Restoration Authority.~~

D.(1) Members of the authority shall serve a term of four years. Any vacancy occurring on the authority shall be filled in the same manner as the original appointment for the unexpired portion of the position vacated.

(2) A majority of the members of the authority shall constitute a quorum for the transaction of official business and all official actions of the authority shall require an affirmative vote by a majority of the members present and voting at a meeting.

(3) Members of the authority shall not receive any compensation for serving on the board but each member may receive not more than fifty dollars per day for attendance at meetings of the authority or its subcommittees. In addition, members may be reimbursed for mileage expenses incurred while in the performance of their official duties at the rate established by the division of administration for travel by state officials.

E. The authority shall be domiciled in the parish of Orleans.

F. The authority shall elect from its members a chairman and a secretary and shall select a vice-chairman to serve in the absence of the chairman. The authority may employ an executive director and such personnel as may be necessary to implement the provisions of this Section.

G. The authority shall be responsible for the development and implementation of a management plan to best utilize the assets under its jurisdiction and maximize the benefits, attributes, and revenue potentials of such assets. Such plan shall include parameters for the interactions between the authority and other political subdivisions in the geographical areas of the assets under the jurisdiction of the authority and shall detail a procedure and process for the operation, maintenance, sale, lease, or transfer of any facility or improvement managed or controlled by the authority.

Section 5. R.S. 36:509(P) is hereby repealed in its entirety.

Section 6.(A) The provisions of law contained in Sections 1 and 2 of this Act shall become effective on January 1, 2011, and shall cease to be effective on January 1, 2012.

(B) The provisions of law contained in Sections 3, 4 and 5 of this Act shall become effective on January 1, 2012.

On motion of Senator McPherson, the committee substitute bill was adopted and becomes Senate Bill No. 804 by Senator Morrell, substitute for Senate Bill No. 754 by Senator Morrell.

SENATE BILL NO. 804— (Substitute of Senate Bill No. 754 by Senator Morrell)

BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 36:801.1(A), R.S. 38:330.12 and 330.12.1, to enact R.S. 36:509(P) and R.S. 38:330.12.1, and to repeal R.S. 36:509(P), relative to non-flood protection assets, functions, and activities within a levee district within the jurisdiction of an authority; to provide for the management and control of such assets; to create the Non-flood Protection Asset Management Authority within the Department of Transportation and Development and as a political subdivision; to transfer management of such assets from the division of administration to the authority; to provide for the powers, duties, and functions of the authority; to provide for a board of commissioners of the authority; to provide for membership of the board of commissioners; and to provide for related matters.

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

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SENATE BILL NO. 768—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 32:473.1(D) and (E), relative to motor vehicles; to provide for the presumption of responsibility for an abandoned motor vehicle; to provide for the towing and storage of an abandoned motor vehicle; 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. 768 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 32:473.1(D)" insert a comma "," and delete the remainder of the line and delete lines 3 and 4 and insert the following: "relative to motor vehicles; to provide relative to the rotation call list in connection with removal of an abandoned motor vehicle; and to provide for related"

AMENDMENT NO. 2

On page 1, line 7, after "R.S. 32:473.1(D)" delete "and (E) are" and insert "is"

AMENDMENT NO. 3

On page 1, delete lines 10 through 15

AMENDMENT NO. 4

On page 1, line 16, change "E." to "D." and after "abandoned" insert "motor"

AMENDMENT NO. 5

On page 2, line 3, after "Section." insert "Law enforcement agencies shall maintain records of the number of abandoned motor vehicles removed."

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

SENATE BILL NO. 772—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 36:801.1(A) and R.S. 38:330.12(A) and to enact R.S. 36:509(P) and R.S. 38:330.12.1, relative to the New Orleans Lakefront Airport; to create the New Orleans Lakefront Airport Authority; to provide for transfer of the management, control, and maintenance of the airport facility to the authority; to provide for the powers, duties, and functions of the authority exercised through a board of commissioners of the authority; to provide for the membership of the board of commissioners; 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.

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

HOUSE BILL NO. 7—
BY REPRESENTATIVES WADDELL, KATZ, AND LEGER

AN ACT

To enact Subpart AA of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.85, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate a portion of any refund due to them to the Louisiana Chapter of the National Multiple Sclerosis Society; to

authorize and provide a method for the making of other donations to the National Multiple Sclerosis Society on the income tax return; to provide for the disposition of such donated monies; to establish the Louisiana Chapter of the National Multiple Sclerosis Society Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the fund; to authorize the secretary of the Department of Revenue to make certain deposits into the fund; to provide for reporting; and to provide for related matters.

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

HOUSE BILL NO. 45—
BY REPRESENTATIVE LAMBERT

AN ACT

To amend and reenact R.S. 56:320(B)(3), relative to taking of crabs; to remove the requirement for a crab trap to have a float and float line if the trap is placed in certain locations of the state; 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. 46—
BY REPRESENTATIVE HUTTER

AN ACT

To enact R.S. 17:81(T) and 3996(B)(24), relative to instruction to students in public schools concerning dating violence; to provide applicability; to provide guidelines for such instruction; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 97—
BY REPRESENTATIVES CORTEZ, ARMES, BILLIOT, HENRY BURNS,
DIXON, DOERGE, GISCLAIR, SAM JONES, AND POPE

AN ACT

To amend and reenact R.S. 32:402.1(D), relative to driver's education; to allow for certain persons to participate in a portion of a driver's education course prior to their fifteenth birthday; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 118—
BY REPRESENTATIVE HENRY BURNS

AN ACT

To amend and reenact R.S. 32:1311(B), relative to motor vehicle inspection; to exempt certain registered antique vehicles from inspection; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 152—
BY REPRESENTATIVE HARDY

AN ACT

To amend and reenact R.S. 32:415(B)(1) and 415.1(A)(1) and (C), relative to driver's license suspensions and revocations; to provide for extension of a driver's license suspension period after certain convictions; to provide for economic and medical hardship license application procedures; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 168—

BY REPRESENTATIVES HENRY BURNS, BILLIOT, CHANDLER,
EDWARDS, LEGER, RICHARD, RICHMOND, AND SMILEY
AN ACT

To amend and reenact R.S. 38:214 and 218 and to enact R.S. 48:223(G), relative to drainage obstruction; to provide for the issuance of citations; to provide for enforcement of penalties; to provide for collection of fines; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 187—

BY REPRESENTATIVE GUILLORY
AN ACT

To amend and reenact R.S. 47:1923(D), relative to tax assessors; to provide relative to the payment of premiums for group insurance for certain retirees of the Acadia Parish Assessor's Office; to increase the years of service requirement for certain retirees; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 223—

BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact R.S. 33:3819(I), relative to waterworks districts in Calcasieu Parish; to provide for the per diem paid to waterworks district commissioners; to authorize the parish governing authority to authorize an increase in per diem upon request from such a district; 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. 229—

BY REPRESENTATIVE PEARSON
A JOINT RESOLUTION

Proposing to amend Article X, Section 29(E)(5) of the Constitution of Louisiana and to add Article X, Section 29(F) of the Constitution of Louisiana, to provide relative to benefit provisions for members of public retirement systems; to require a two-thirds vote for passage of a benefit provision having an actuarial cost; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

HOUSE BILL NO. 251—

BY REPRESENTATIVE PATRICIA SMITH
AN ACT

To amend and reenact R.S. 17:21(B), relative to the state superintendent of education for public elementary and secondary education; to provide that the state superintendent shall possess certain minimum qualifications at the time of appointment by the State Board of Elementary and Secondary Education; to provide that the state board may establish additional qualifications; to provide limitations; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 252—

BY REPRESENTATIVE LORUSSO
AN ACT

To enact R.S. 47:490.22, relative to military honor license plates; to provide for the establishment of a military honor license plate for members of the Washington Artillery; to provide for the design and issuance of the license plate; to authorize the

promulgation of rules and regulations; 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 Reengrossed House Bill No. 252 by Representative Lorusso

AMENDMENT NO. 1

On page 2, line 4 after "R.S. 47:463" insert "." and delete the rest of line 4 and delete line 5.

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

HOUSE BILL NO. 253—

BY REPRESENTATIVES MONTOUCET AND GUILLORY AND SENATOR MORRISH
AN ACT

To enact R.S. 25:215(B)(17), relative to the Acadia Parish Library; to transfer responsibility for accounting and management of library funds to the Acadia Parish Library Board of Control; and to provide for related matters.

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

HOUSE BILL NO. 388—

BY REPRESENTATIVE PATRICIA SMITH
AN ACT

To amend and reenact R.S. 17:3973(4) and 3997(B)(1) and (E), relative to teachers transferring to a charter school from a city, parish, or other local public school system; to provide relative to certain leaves of absence for such teachers; to provide definitions; to provide effectiveness; to provide guidelines relative to the transfer of an employee of a city, parish, or other local public school system to a Type 4 charter school; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 413—

BY REPRESENTATIVE BARROW
AN ACT

To amend and reenact R.S. 33:405(C), relative to meetings of the board of aldermen in a Lawrason Act municipality; to remove prohibitions on business discussed at special meetings; 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. 437—

BY REPRESENTATIVE RICHARDSON
AN ACT

To amend and reenact R.S. 43:144, relative to the publication of official proceedings of certain political subdivisions; to provide a deadline by which such official proceedings shall be prepared and recorded in the official journal of the entity; 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.

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HOUSE BILL NO. 438—
BY REPRESENTATIVE PEARSON
AN ACT

To enact R.S. 33:2956, relative to investments of foundations and similar entities created by the governing bodies of hospital service districts; to authorize and provide relative to investments of such entities; 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. 443—
BY REPRESENTATIVE HUTTER
AN ACT

To repeal R.S. 17:1994(B)(15), (33), (34), and (41); to repeal provisions designating the Jefferson, Sidney N. Collier, Slidell, and West Jefferson campuses as part of the Louisiana Technical College; to provide relative to the transfer of certain programs, courses of study, funds, facilities, property, obligations, and functions; to provide an effective date; 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 Engrossed House Bill No. 443 by Representative Hutter

AMENDMENT NO. 1

On page 1, line 5, between "functions;" and "to" insert "to provide relative to the students and employees of the technical college campuses;"

AMENDMENT NO. 2

On page 1, between lines 14 and 15, insert the following:
"Section 3. Any student enrolled in a program or course of study at the Jefferson, Sidney N. Collier, Slidell, or West Jefferson campus of the Louisiana Technical College shall be permitted to complete his program or course of study at no greater cost or conditions than those applicable to the student prior to the transfer of such program or course of study to Delgado Community College, provided the student completes his program or course of study within two years of such transfer.

Section 4. The Board of Supervisors of Community and Technical Colleges shall review the programs and employees at the former technical college campuses and provide for an employee transition consistent with the mission of Delgado Community College and that provides opportunities for an employee to have a role at the community college at least equivalent to his position prior to the transfer of the employing technical college campus to Delgado Community College."

AMENDMENT NO. 3

On page 1, at the beginning of line 15, change "Section 3." to "Section 5."

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

HOUSE BILL NO. 485—
BY REPRESENTATIVE BILLIOT
AN ACT

To amend and reenact R.S. 38:301.1(A), relative to elevation reports; to require that levee elevation reports indicate the elevation based on the North American Vertical Datum of 1988; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 494—
BY REPRESENTATIVE BILLIOT
AN ACT

To amend and reenact R.S. 38:301(E)(1) and to enact R.S. 38:301(A)(4) and (F), relative to bicycle paths and walkways adjacent to flood control levees or structures; to authorize public use of property along or adjacent to any flood control levee or structure for recreational purposes; to authorize construction or permit bicycle paths and walkways; 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 Reengrossed House Bill No. 494 by Representative Billiot

AMENDMENT NO. 1

On page 1, line 3, after "walkways" delete the remainder of the line, and insert "; to"

AMENDMENT NO. 2

On page 1, delete line 4, and insert "authorize public use of certain property"

AMENDMENT NO. 3

On page 1, line 5, delete "structure"

AMENDMENT NO. 4

On page 1, delete line 14 and on line 15, change "any parish, levee" to "(4) Levee"

AMENDMENT NO. 5

On page 1, line 17, after "board" and insert ", or by the governing authority where a levee district does not exist."

AMENDMENT NO. 6

On page 2, line 7, after "property" delete the remainder of the line and delete lines 8 and 9, and insert "for recreational purposes."

AMENDMENT NO. 7

On page 2, delete lines 11 through 18, and insert:
"F. Nothing in this Section shall be interpreted to either encourage or require the governing authority of a parish or a levee district or a levee and drainage district to allow the public to utilize for recreational purposes property owned or controlled by the board or governing authority nor shall the provisions of this Section be interpreted to encourage or require a parish or a levee district or levee and drainage district to construct, or allow to be constructed, bicycle paths or walkways on the levees."

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

HOUSE BILL NO. 519—
BY REPRESENTATIVES CORTEZ, BOBBY BADON, BARROW, HENRY BURNS, TIM BURNS, CARTER, CONNICK, GISCLAIR, HARDY, MICHAEL JACKSON, KLECKLEY, LANDRY, LORUSSO, PEARSON, ROBIDEAUX, JANE SMITH, PATRICIA SMITH, AND TUCKER
AN ACT

To amend and reenact R.S. 11:710, relative to reemployment of retirees in the Teachers' Retirement System of Louisiana; to prohibit retirees reemployed in certain positions from receiving benefits during the period of reemployment; to provide relative to contributions during such period; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 545—
BY REPRESENTATIVES BALDONE, BILLIOT, GISCLAIR, HENDERSON,
AND SAM JONES

AN ACT

To amend and reenact R.S. 56:325.3(A)(1), relative to commercial taking of spotted sea trout; to provide that the open season for such taking shall close each year when the maximum annual quota is reached; 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. 569—
BY REPRESENTATIVES CARMODY AND HAZEL

AN ACT

To amend and reenact R.S. 56:116.1(B)(10) and (D), relative to hunting; to provide for times, places, and methods of taking outlaw quadrupeds, nutria, and beaver; 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. 580—
BY REPRESENTATIVE PATRICIA SMITH

AN ACT

To amend and reenact R.S. 17:1945(A) and (B), relative to special schools for students with exceptionalities; to provide for a designation for certain special schools under the jurisdiction of the State Board of Elementary and Secondary Education; to authorize such schools to share services and functions under certain conditions; to allow for the enrollment in such schools of children with orthopedic impairments under certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 583—
BY REPRESENTATIVES EDWARDS, ANDERS, ARMES, ARNOLD, AUSTIN BADON, BALDONE, BARROW, BILLIOT, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CONNICK, CORTEZ, CROMER, DIXON, DOERGE, DOVE, ELLINGTON, FANNIN, GALLOT, GISCLAIR, GUINN, HARDY, HARRISON, HENDERSON, HENRY, HINES, HUTTER, GIROD JACKSON, SAM JONES, KATZ, LABRUZZO, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MILLS, MONToucET, PONTI, PUGH, RICHARD, RICHMOND, ROBIDEAUX, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TEMPLET, THIBAUT, TUCKER, WADDELL, WILLIAMS, WILLMOTT, AND WOOTON

AN ACT

To enact R.S. 46:121(4), 122(B)(5), and 123(L), relative to Louisiana Military Family Assistance; to provide for definitions; to provide for uses of the Louisiana Military Family Assistance Fund; and to provide for related matters.

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

HOUSE BILL NO. 584—
BY REPRESENTATIVE MILLS

AN ACT

To amend and reenact R.S. 32:300.3(D), relative to motor vehicles; to limit liability of law enforcement agencies involved in funeral processions; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 585—
BY REPRESENTATIVE PERRY

AN ACT

To amend and reenact R.S. 48:231(A) and (B)(1), relative to the highway priority construction program; to provide for scheduling of public hearings; to provide for notice 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 Engrossed House Bill No. 585 by Representative Perry

AMENDMENT NO. 1
On page 1, line 2, after "48:231" delete "(A) and"

AMENDMENT NO. 2
On page 1, line 6, after "48:231" delete "(A) and" and change "are" to "is"

AMENDMENT NO. 3
On page 1, delete lines 11 through 20 and on page 2, delete lines 1 and 2 and insert

"* * *"

AMENDMENT NO. 4
On page 2, line 8, change "department" to "chairman"

AMENDMENT NO. 5
On page 2, line 17, delete "transportation, highways, and public works committees" and insert "Transportation, Highways, and Public Works Committees"

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

HOUSE BILL NO. 594—
BY REPRESENTATIVE BILLIOT

AN ACT

To amend and reenact R.S. 32:232.1, relative to inoperative traffic signals; to provide for procedures for the operator of a motor vehicle to follow when a traffic signal is inoperative at an intersection; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 597—
BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 56:322.2(A) and (D)(2), to enact R.S. 56:322.2(C)(3), and to repeal R.S. 56:322.2(G) and (I), relative to commercial take of shad and skipjack; to authorize nighttime taking of shad and skipjack in Iberville Parish and the Atchafalaya Basin; 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 Reengrossed House Bill No. 597 by Representative St. Germain

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

AMENDMENT NO. 2
On page 1, line 7, after "(D)" delete "(2)"

AMENDMENT NO. 3
On page 2, delete lines 3 through 8 and insert:
"D.(1) The closed season for commercially harvesting shad and skipjack as provided for in this Section shall include the months of July, August, September, and October of each year. ~~Except as provided in Paragraph (2) of this Subsection, there shall be no commercial taking of shad or skipjack pursuant to the provisions of~~

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this Section during the period after sunset and before sunrise nor Shad and skipjack may be taken after sunset and before sunrise during open season. However, there shall be no commercial taking of shad or skipjack on any Saturday or Sunday.

(2) In Lake Palourde and Lake Verret, shad and skipjack may be taken after sunset and before sunrise during open season. In addition, in Pat's Bay in Iberville Parish from November 1, 2008, through June 31, 2010, shad and skipjack may be taken after sunset and before sunrise during the open season.

(3) During the open season, there shall be no daily take or possession limit for the commercial harvest of shad and skipjack by properly licensed shad gill net commercial fishermen."

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

HOUSE BILL NO. 618— BY REPRESENTATIVE PEARSON AN ACT

To amend and reenact R.S. 33:4713, relative to expenses of certain local government officials; provides with respect to the payment of monies owed the parish governing authority by certain tax recipient bodies; to authorize the retention of tax revenues under certain circumstances; to require the remittance of tax revenues by the sheriff to the parish governing authority; to provide for certain time limitations; 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. 639— BY REPRESENTATIVE HAZEL AN ACT

To amend and reenact R.S. 18:1284(C) and 1285(A)(1), relative to tax elections called by political subdivisions; to provide requirements for tax propositions; to provide requirements for notice of tax elections; and to provide for related matters.

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

HOUSE BILL NO. 641— BY REPRESENTATIVES HENDERSON AND HUTTER AN ACT

To repeal R.S. 56:431.1(D), relative to permits for devices to protect oysters from predation; to remove the date after which such permits may not be granted by the Department of Wildlife and Fisheries; 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. 642— BY REPRESENTATIVES HENDERSON AND HUTTER AN ACT

To amend and reenact R.S. 56:421(B)(introductory paragraph) and to enact R.S. 56:421(B)(14), relative to the Louisiana Oyster Task Force; to add a member to the task force; 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. 644— BY REPRESENTATIVES HENDERSON AND HUTTER AN ACT

To provide for the designation of an area of the public oyster seed grounds for relocation of certain leases; to provide for the leases eligible for such relocation; to provide for restrictions on such leases; to provide for administration of the relocation; 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. 683— BY REPRESENTATIVES BARROW AND RICHARDSON AN ACT

To enact R.S. 33:9097.8, relative to the Park Forest East Crime Prevention and Improvement District in East Baton Rouge Parish; to create the district; to provide for the boundaries and governance of the district; to provide for the powers and duties of the district; to provide for the levy of a parcel fee within the district; to provide for the management of the funds of the district; to provide for dissolution of 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 Engrossed House Bill No. 683 by Representative Barrow

AMENDMENT NO. 1

On page 5, after line 18, insert:

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

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

HOUSE BILL NO. 692— BY REPRESENTATIVES WOOTON AND HUTTER AN ACT

To amend and reenact R.S. 56:426(D), relative to recordation of oyster leases; to extend the time within which a lease renewal must be recorded; 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. 693— BY REPRESENTATIVES WOOTON AND HUTTER AN ACT

To amend and reenact R.S. 40:5.3.1, relative to oyster harvest and production; to require the Department of Health and Hospitals to notify oyster harvesters and dealers of a possible state exemption from the National Shellfish Sanitation Program's Vibrio management plan; 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. 695— BY REPRESENTATIVES WOOTON, HARRISON, AND HUTTER AN ACT

To enact R.S. 56:437, relative to the sale of oysters; to authorize the sale for raw consumption of oysters which have been harvested from Louisiana waters; 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. 712— BY REPRESENTATIVES WOOTON AND HUTTER AN ACT

To amend and reenact R.S. 56:434(G) and to enact R.S.56:434(H), relative to taking of seed oysters from the public seed grounds; to provide for certain restrictions; 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. 745—

BY REPRESENTATIVE WHITE

AN ACT

To amend and reenact R.S. 17:66(A)(2) and to enact R.S. 41:904, relative to certain school systems in East Baton Rouge Parish; to provide for the transfer of certain sixteenth section lands between the East Baton Rouge Parish School System and the Central Community School System; to provide relative to the geographic boundaries of the Central Community School System; 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 Engrossed House Bill No. 745 by Representative White

AMENDMENT NO. 1

On page 3, at the end of line 3, after "beginning." delete "The" and delete lines 4 through 6 in their entirety

AMENDMENT NO. 2

On page 3, delete lines 11 through 24 in their entirety and insert the following in lieu thereof:

"A. The legislature hereby recognizes that the East Baton Rouge Parish School Board and the Central Community School Board entered into a Quitclaim, Transfer and Conveyance Deed and Waiver, Release, and Indemnity Agreement effective June 25, 2009, and filed and recorded in East Baton Rouge Parish Original: 167, Bundle: 12186, by which the East Baton Rouge Parish School Board, to the extent allowed by law, transferred, conveyed, assigned, quitclaimed, released and relinquished to the Central Community School Board any rights, title and interests, including but not limited to mineral rights and rights of management, administration, custodianship, control, and maintenance, that the East Baton Rouge Parish School Board had or may have had in under, and to that portion of sixteenth section land, Township 5 South, Range 2 East, through which Louisiana Highway 64 runs, in East Baton Rouge Parish commonly referred to as the "Indian Mound Tract".

B. Notwithstanding any other law to the contrary, the state of Louisiana hereby acknowledges, consents to, approves, ratifies and confirms the Quitclaim, Transfer and Conveyance Deed and Waiver, Release, and Indemnity Agreement filed and recorded in East Baton Rouge Parish Original: 167, Bundle: 12186. The state of Louisiana hereby further transfers, conveys, and assigns to the Central Community School Board all of its ownership rights, title and interest, including mineral rights, operation, management, administration, custodianship, and control of the property described in Subsection A of this Section subject to any servitudes, building restrictions, rights of way, mineral servitudes or leases, or any other matters, established by law or of record in the records of East Baton Rouge Parish.

C. The state of Louisiana hereby acknowledges and confirms that the Central Community School Board is and shall be entitled to all income derived from the Indian Mound Tract including but not limited to mineral rights and all mineral income, except that portion to which the Livingston Parish School Board is entitled. To the extent necessary, the state of Louisiana transfers and assigns all right, title and interest in and to any and all existing leases including but not limited to mineral leases and mineral contracts related to the Indian Mound Tract."

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

HOUSE BILL NO. 862—

BY REPRESENTATIVE CORTEZ

AN ACT

To authorize and provide for the transfer or lease of certain state property in Lafayette Parish to the Lafayette Parish Consolidated Government from the Department of Transportation and Development and division of administration; 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. 875—

BY REPRESENTATIVES HARRISON, BOBBY BADON, BALDONE, BILLIOT, HENRY BURNS, CARMODY, CHAMPAGNE, CROMER, DOVE, EDWARDS, FOIL, GISCLAIR, GUINN, HARDY, HENDERSON, HOWARD, SAM JONES, LAMBERT, LEGER, LITTLE, LOPINTO, LORUSSO, RICHARD, SIMON, JANE SMITH, ST. GERMAIN, STIAES, TEMPLET, TUCKER, WILLIAMS, AND WOOTON AND SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:10(B)(1)(b) and 578.12(B) and to enact R.S. 36:610(B)(11) and R.S. 56:494, relative to shrimp; to create the Louisiana Shrimp Task Force within the Department of Wildlife and Fisheries; to provide for its membership; to provide for its powers, duties, functions, and responsibilities; to provide relative to funding; to provide relative to the Shrimp Marketing and Promotion Account and the Shrimp Trade Petition Account; 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 Reengrossed House Bill No. 875 by Representative Harrison

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 56:10(B)(1)(b)" insert ", 497(A)(2)"

AMENDMENT NO. 2

On page 1, line 7, after "Account;" insert "to provide for shrimp seasons;"

AMENDMENT NO. 3

On page 2, line 1, after "R.S. 56:10(B)(1)(b)" insert ", 497(A)(2)"

AMENDMENT NO. 4

On page 5, between lines 11 and 12, insert:

"§497. Saltwater shrimp seasons; bait shrimp

A.(1) * * *

(2) The open seasons for all or part of the state waters shall be fixed by the commission, with the exception of the spring brown shrimp season in that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island. The spring brown shrimp seasons in this area shall be opened by the commission no later than the third Monday in May after considering the department's projection as to when fifty percent of the brown shrimp crop will be one hundred per pound or greater. The commission, through the secretary, shall close the season based on biological and technical data.

* * *

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

HOUSE BILL NO. 878—

BY REPRESENTATIVES ST. GERMAIN, DOVE, AND HARRISON AND SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:104(A)(9) and 302.1(H), relative to issuance of hunting and fishing licenses; to provide for the issuance of such licenses at resident rates to nonresident students enrolled full-time in Louisiana colleges and universities; to remove the requirement that such issuance shall only be to a

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student from a state that provides the same reduced-rate option to Louisiana students enrolled in a college or university in that state; 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. 881—
BY REPRESENTATIVES ST. GERMAIN AND DOVE AND SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 56:23, relative to penalties for wildlife and fishery violations; to provide for penalties for violations of certain wildlife and fishery provisions; 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. 882—
BY REPRESENTATIVES ST. GERMAIN, DOVE, AND HARRISON AND SENATOR N. GAUTREAU

AN ACT

To enact R.S. 48:757(A)(1)(d), relative to off-system work by the Department of Transportation and Development; to authorize the department to construct, maintain, and improve roads in wildlife management areas of the state and refuges, and other lands owned by the Department of Wildlife and Fisheries; 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. 884—
BY REPRESENTATIVES ST. GERMAIN, DOVE, AND HARRISON AND SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 56:699.5, relative to hunter education; to provide for exceptions to the requirement for hunter education; 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. 887—
BY REPRESENTATIVES ST. GERMAIN, BALDONE, AND DOVE AND SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 56:325.4(D), relative to finfish; to provide relative to submission of stock assessment reports; to authorize the development of stock management regimes for black drum, flounder, and sheepshead for approval by the Wildlife and Fisheries Commission; 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 Reengrossed House Bill No. 887 by Representative St. Germain

AMENDMENT NO. 1
On page 1, line 12, after "~~biennially~~" insert "every five years"

AMENDMENT NO. 2
On page 1, line 13, delete "evenly divisible by five"

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

HOUSE BILL NO. 888—
BY REPRESENTATIVES ST. GERMAIN AND DOVE AND SENATOR N. GAUTREAU

AN ACT

To amend and reenact R.S. 56:325.2(A) and 326(E)(1)(a), relative to finfish; to provide for identification of certain saltwater finfish; 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. 890—
BY REPRESENTATIVES HARRISON, BOBBY BADON, BILLIOT, HENRY BURNS, CHAMPAGNE, DOVE, FOIL, GISCLAIR, GUINN, HENDERSON, LAMBERT, LITTLE, ST. GERMAIN, AND WILLIAMS AND SENATORS B. GAUTREAU AND N. GAUTREAU

AN ACT

To enact R.S. 56:578.15, relative to a state certification program for Louisiana wild fish; to authorize the secretary of the Department of Wildlife and Fisheries to establish such program; 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. 895—
BY REPRESENTATIVE MORRIS

AN ACT

To amend and reenact R.S. 30:2344(D), to enact R.S. 30:2344(E) and (F), and to repeal R.S. 30:2345, relative to asbestos abatement in schools; to provide for asbestos abatement; to provide for the methods of abatement; to repeal the Louisiana School Asbestos Abatement Commission; 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. 915—
BY REPRESENTATIVE RICHARDSON

AN ACT

To amend and reenact R.S. 13:2571(A) and (B), relative to parking violations; to provide for the enforcement of certain ordinances; to provide with respect to municipalities having a population of twenty-five thousand or more; 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. 953—
BY REPRESENTATIVE LAMBERT

AN ACT

To amend and reenact R.S. 56:332(M), relative to crab fishing; to allow commercial fishermen with appropriate gear licenses to keep finfish while crabbing; 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. 974—
BY REPRESENTATIVE HOFFMANN

AN ACT

To amend and reenact R.S. 17:7.1(B)(3)(introductory paragraph), relative to teacher certification; to provide relative to the employment experience necessary for certain principals to be exempt from certain testing requirements relative to certification; and to provide for related matters.

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

HOUSE BILL NO. 1004—

BY REPRESENTATIVE HARDY

AN ACT

To authorize and provide for the transfer or lease of certain state property in Lafayette Parish to the Lafayette Parish Consolidated Government from the Department of Transportation and Development; 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. 1029—

BY REPRESENTATIVES HOFFMANN, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, FOIL, GISCLAIR, HARDY, HARRISON, HENRY, KATZ, LABRUZZO, LITTLE, MONTOUCKET, NOWLIN, PERRY, RICHARD, SCHRODER, SIMON, GARY SMITH, JANE SMITH, AND WOOTON

AN ACT

To amend and reenact R.S. 17:183.3(B)(2)(d), 274, 274.1, and 3996(B)(14) and to repeal R.S. 17:3996(B)(13), relative to curricula; to provide for Free Enterprise as an elective course rather than a prerequisite to high school graduation; to require inclusion of Free Enterprise instruction in the required Civics course; to provide relative to the duration and credit units of the Civics course; to provide for exceptions; to delete Free Enterprise from course requirements relative to the career major program; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 1065—

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 49:259(B), relative to the Department of Justice Legal Support Fund, to increase the maximum allowable fund balance; to provide for an effective date; 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 House Bill No. 1065 by Representative Leger

AMENDMENT NO. 1

On page 1, between lines 16 and 17 insert the following:

"Section 2. This Act shall become null and void on June 30, 2012."

AMENDMENT NO. 2

On page 1, line 17, change "Section 2." to "Section 3."

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

HOUSE BILL NO. 1093—

BY REPRESENTATIVE FANNIN

AN ACT

To amend and reenact R.S. 17:1990(B)(1)(d), relative to the powers, duties, and functions of the Recovery School District, to require legislative approval of certain expenditures, contracts, and changes to contracts, regarding capital expenses; 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 Engrossed House Bill No. 1093 by Representative Fannin

AMENDMENT NO. 1

On page 1, at the beginning of line 4, delete "expenditures, contracts, and"

AMENDMENT NO. 2

On page 1, line 4, between "contracts" and "regarding" delete the comma ","

AMENDMENT NO. 3

On page 2, line 2, after "approval" delete the remainder of the line, delete lines 3 and 4 in their entirety, and at the beginning of line 5, delete "Committee on the Budget approval"

AMENDMENT NO. 4

On page 2, line 6, between "dollars" and "for" insert "to a contract"

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

HOUSE BILL NO. 1107—

BY REPRESENTATIVE JOHNSON

AN ACT

To authorize the Red River, Atchafalaya, and Bayou Beouf Levee District to exchange certain property in Avoyelles Parish with the adjacent landowners; to provide for property descriptions; to provide for reservation of mineral rights; 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 Engrossed House Bill No. 1107 by Representative Johnson

AMENDMENT NO. 1

On page 1, line 12, after "deliver" delete "any interest" and insert "any servitude or other interest" and after "rights" insert a comma ","

AMENDMENT NO. 2

On page 1, line 13, change "state" to "district"

AMENDMENT NO. 3

On page 2, line 25, after "any" insert "servitude or other"

AMENDMENT NO. 4

On page 3, line 19, after "title," insert "any servitude or other interest" and after "rights" insert a comma ","

AMENDMENT NO. 5

On page 3, line 20, change "state" to "district"

AMENDMENT NO. 6

On page 3, line 22, after "Scallon" insert ", in exchange of consideration proportionate to the appraised value of such properties or interests"

AMENDMENT NO. 7

On page 3, line 25, after "rights" insert a comma ","

AMENDMENT NO. 8

On page 3, line 26, change "state" to "district"

AMENDMENT NO. 9

On page 4, line 10, after "rights" insert a comma ","

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AMENDMENT NO. 10

On page 4, line 11, change "state" to "district"

AMENDMENT NO. 11

On page 4, line 13, after "Bishop" insert ", in exchange of consideration proportionate to the appraised value of such properties or interests"

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

HOUSE BILL NO. 1180—

BY REPRESENTATIVE PATRICIA SMITH
AN ACT

To enact R.S. 17:351(D), relative to the use of state funds for computer hardware; to permit a city, parish, or other local public school board to use state funds to purchase computer hardware; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 1187—

BY REPRESENTATIVE MONTOUCET
AN ACT

To enact R.S.11:1753(C) and 1923(C), relative to the Municipal Employees' Retirement System of Louisiana and the Parochial Employees' Retirement System of Louisiana; to provide with respect to membership of certain employees; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 1238—

BY REPRESENTATIVE DOERGE
AN ACT

To amend and reenact R.S. 25:380.152(C)(1), relative to the governing board of the Germantown Colony Museum; to provide relative to board membership; and to provide for related matters.

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

HOUSE BILL NO. 1265—

BY REPRESENTATIVE ARMES
AN ACT

To authorize and provide for the transfer or lease of certain state property in Vernon Parish from the Department of Transportation and Development to the Vernon Parish Police Jury; 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. 1266—

BY REPRESENTATIVE BARRAS
AN ACT

To authorize and provide for the transfer or lease of certain state property in Iberia Parish from the division of administration to Dr. John Hebert; 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. 1267—

BY REPRESENTATIVE BROSETT
AN ACT

To amend and reenact R.S. 39:6(C), relative to the duties of the commissioner of administration; to require that certain information concerning state contracts be included on the state spending website; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 1288—

BY REPRESENTATIVE GUINN
AN ACT

To amend and reenact R.S. 56:320(A)(1) and 322(E)(5) relative to methods of taking fish; to provide relative to the use of wire nets; to allow the use of wire nets and hoop nets for recreational fishing throughout the state; 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. 1309—

BY REPRESENTATIVE HOWARD
AN ACT

To amend and reenact R.S. 33:3815.3(A), (B), (C), and (F) and R.S. 34:844(A) and (B), relative to drinking water protection; to prohibit certain activity in areas adjacent to drinking water intakes; to provide for restricted areas and water intake zones; to provide for the authority of waterworks districts and local political subdivisions; 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. 1311—

BY REPRESENTATIVE GUILLORY
AN ACT

To authorize and provide for the transfer or lease of certain state property in St. Landry Parish to the city of Eunice from the division of administration; 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. 1336—

BY REPRESENTATIVE BARRAS
AN ACT

To amend and reenact R.S. 34:852.2(5), 852.3(A) as enacted by Act No. 508 of the 2009 Regular Session of the Legislature, and 852.13 and to repeal R.S. 34:852.3(A) as enacted by Act No. 319 of the 2007 Regular Session of the Legislature, relative to vessel hull identification numbers; to provide for assigning hull identification numbers to certain vessels by the Department of Wildlife and Fisheries; to provide for the authority to promulgate rules and regulations; to provide for eligibility as a manufacturer; to provide for record keeping and inspections; to provide for fees; 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. 1346—

BY REPRESENTATIVES DOVE, BOBBY BADON, BALDONE, BILLIOT, HENRY BURNS, CHAMPAGNE, FOIL, GISCLAIR, GUINN, HARRISON, HENDERSON, SAM JONES, LAMBERT, LITTLE, MONTOUCET, RICHARD, ST. GERMAIN, WHITE, AND WOOTON
AN ACT

To amend and reenact R.S. 56:639.8(E) and (G), relative to the Artificial Reef Development Fund; to allow the monies in said fund to be used in association with the wild seafood certification program administered by the Department of Wildlife and Fisheries; 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. 1354—

BY REPRESENTATIVE HILL
AN ACT

To amend and reenact R.S. 56:632(A), 632.5(A), and 632.7 and to enact R.S. 56:632.5.1, relative to the reptile and amphibian wholesale/retail dealer's license; to require such license for a person to possess or sell certain nonindigenous or poisonous snakes or constrictors; 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 Reengrossed House Bill No. 1354 by Representative Hill

AMENDMENT NO. 1

On page 2, line 11, delete "six" and insert "eight"

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

HOUSE BILL NO. 1461— (Substitute for House Bill No. 230 by Representative Pearson)

BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:62(4), 1141(A) and (C)(1)(a), and 1144(B)(2)(a) and to enact R.S. 11:1144(B)(4) and 1147(C)(2)(a)(iii), relative to the Louisiana School Employees' Retirement System; to provide with respect to employee contributions; to provide with respect to calculation of benefits; to provide with respect to retirement eligibility; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 1466— (Substitute for House Bill No. 599 by Representative Ellington)

BY REPRESENTATIVE ELLINGTON
AN ACT

To enact R.S. 56:6(32), relative to the powers of the Wildlife and Fisheries Commission; to authorize the commission, at the request of certain governmental entities, to adopt regulations for the use of certain fishing gear for certain lakes; 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 Engrossed House Bill No. 1466 by Representative Ellington

AMENDMENT NO. 1

On page 1, line 2, after "(32)" insert "and (33)"

AMENDMENT NO. 2

On page 1, line 7, delete "is" and insert "and (33) are"

AMENDMENT NO. 3

On page 1, line 11, delete "the department."

AMENDMENT NO. 4

On page 3, line 8, after "violation" and before the period "." insert ", except there shall be no imprisonment"

AMENDMENT NO. 5

On page 3, after line 9, insert:

"(33)(a) Upon request of a water conservation district, may adopt regulations applicable to the use of jugs or float fishing gear in a specific water body. If adopted by the commission, the regulations shall be uniform in their application to water bodies subject to the regulations and shall provide for the opening and closing dates for the use of such gear.

(b) A violation of any regulations adopted by the commission pursuant to this Paragraph shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Paragraph shall be immediately seized by and forfeited to the department."

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

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

SENATE STATE OF LOUISIANA

MEMORANDUM

To: President Joel Chaisson
From: Senator N. Gautreaux
Date: May 25, 2010

Please be advised that I will be absent from the Senate for the afternoon of Tuesday, May 25, 2010. I will be attending my daughter's graduation ceremony.

Thank you for your consideration in this matter.

Rules Suspended

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY C

Senator Yvonne Dorsey, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 25, 2010

To the President and Members of the Senate:

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

HOUSE BILL NO. 22—

BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 15:570(A)(6), relative to capital punishment; to provide with respect to the witnesses present at the execution of a death sentence; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 95—

BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact Code of Criminal Procedure Articles 411(A), 413, and 415, relative to the drawing and impaneling of grand jurors; to provide for the impaneling of grand jury members; to increase the number of alternate members which can be selected to serve on a grand jury; to provide for the selection of additional alternate grand jurors to fill vacancies on the grand jury; to provide for the selection of the foreman; and to provide for related matters.

Reported favorably.

May 25, 2010

HOUSE BILL NO. 105—
BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact Code of Criminal Procedure Article 875(A)(3), relative to presentence investigations; to amend presentence investigation provisions to include defendant's pretrial and post-conviction disciplinary records; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 123—
BY REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 14:110.3, relative to offenses affecting law enforcement; to create the crime of tampering with surveillance, accounting, inventory, or monitoring systems; to provide for definitions; to provide for penalties; to provide for increased penalties if the monitoring system is located on the premises of a correctional facility; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 173—
BY REPRESENTATIVES TEMPLET, ANDERS, ARMES, ARNOLD, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BILLIOT, HENRY BURNS, TIM BURNS, BURRELL, CHANDLER, CHANEY, CONNICK, CORTEZ, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, FANNIN, GISCLAIR, GREENE, GUILORY, HARDY, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HUTTER, GIROD JACKSON, MICHAEL JACKSON, KATZ, LAFONTA, LAMBERT, LEBAS, LIGI, LORUSSO, MCVEA, MILLS, MONICA, MORRIS, NOWLIN, PUGH, RICHARD, RICHARDSON, RICHMOND, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, ST. GERMAIN, TALBOT, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON AND SENATOR MARTINY
AN ACT

To amend and reenact R.S. 40:966(B)(3), (E), and (F) and to enact R.S. 40:964(Schedule I)(C)(32) and 989.2, relative to controlled dangerous substances; to create the crime of the unlawful production, manufacturing, distribution, or possession of a material, compound, mixture, or preparation which contains a prohibited plant; to provide for definitions; to provide for criminal penalties; to provide for exceptions; to add certain hallucinogenic substances to Schedule I; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 502—
BY REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 14:204.1, relative to fire-raising; to create the crime of fire-raising in a correctional facility; to provide criminal penalties; to provide for definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 549—
BY REPRESENTATIVE BALDONE
AN ACT

To enact Code of Criminal Procedure Article 233, relative to criminal procedure; to authorize the use of electronic signatures of offenders; to provide for the collection of electronic signatures; to provide for definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 608—
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact Code of Criminal Procedure Article 230.2(A), relative to probable cause determinations; to authorize the use of facsimile or other electronic means to transmit affidavits or other written evidence in probable cause determinations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 762—
BY REPRESENTATIVE ROY
AN ACT

To amend and reenact R.S. 14:93.3(E)(1), relative to the crime of cruelty to the infirmed; to provide for a minimum mandatory term of imprisonment for intentional and malicious acts of cruelty to the infirmed; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 847—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 14:207(A), relative to the crime of alteration or removal of identifying numbers on motor vehicles; to provide for the elements of the crime; to include trailers; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 917—
BY REPRESENTATIVE WHITE
AN ACT

To enact R.S. 14:230(A)(2)(d) and (e), relative to money laundering; to amend the definition of "funds"; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 940—
BY REPRESENTATIVE MONTOUCE
A JOINT RESOLUTION

Proposing to amend Article I, Section 17(A) of the Constitution of Louisiana, relative to jury trials in criminal cases; to provide for with respect to the waiver of a trial by jury; to provide that a criminal defendant's waiver of a jury trial shall be contingent upon the prosecution's consent and court approval; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1314—
BY REPRESENTATIVES HARDY, BILLIOT, HENRY BURNS, TIM BURNS, CARTER, CONNICK, GISCLAIR, HENRY, HINES, HUTTER, LIGI, SIMON, JANE SMITH, THIERRY, WILLIAMS, AND WOOTON
AN ACT

To enact R.S. 15:542.1(A)(5), relative to sex offenders; to provide relative to sex offender notification requirements; and to provide for related matters.

Reported favorably.

Respectfully submitted,
YVONNE DORSEY
Chairman

**REPORT OF COMMITTEE ON
JUDICIARY A**

Senator Julie Quinn, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 25, 2010

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. 750—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:3105(A) and to enact R.S. 13:996.67, relative to courts and judicial procedure; to provide for the Civil District Court for the parish of Orleans; to authorize the Civil District Court for the parish of Orleans and the clerk of court of the Civil District Court for the parish of Orleans to impose additional costs of court and service charges in certain civil matters; to provide for the collection of such costs and charges; to establish a judicial building fund; to provide for the dedication and disbursement of such funds; to provide procedures and conditions; to provide for the compensation of jurors in civil cases triable by a jury in the Civil District Court for the parish of Orleans; to increase such compensation; and to provide for related matters.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 48—
BY REPRESENTATIVE RICHMOND

A CONCURRENT RESOLUTION

To urge and request the Judicial Council to study and make recommendations for inclusion by the Supreme Court of Louisiana in the uniform rules of state court guidelines for the qualifications and standards governing the use of interpreters in the courts for non-English-speaking principal parties in interest, defendants, and witnesses in proceedings before the court.

Reported favorably.

HOUSE BILL NO. 18—
BY REPRESENTATIVE MORRIS

AN ACT

To enact R.S. 33:454, relative to mayors' courts; to establish the Mayor's Court of the Village of Hosston, Caddo Parish; to provide for the territorial jurisdiction of the court; to provide for the powers and authority of the mayor as magistrate of the court and other officers of the court; to provide relative to subject matter jurisdiction of the court; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 19—
BY REPRESENTATIVE PEARSON

AN ACT

To enact Code of Civil Procedure Article 4844(A)(6), relative to jurisdiction of a city court in eviction proceedings; to provide that the City Court of Slidell has the same jurisdictional limit for eviction proceedings as a justice of the peace court; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 21—
BY REPRESENTATIVE THIERRY

AN ACT

To enact R.S. 13:841(F), relative to fees of the clerk of court's office; to clarify that the clerk of court of the Twenty-Seventh Judicial District Court is authorized to charge existing fees for the filing and recordation of documents received electronically; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 24—
BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact R.S. 9:1702, relative to immovable property; to provide for the partition of certain property; to provide an exception allowing agreements not to partition electric generating plants or units for a certain period of time; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 40—
BY REPRESENTATIVE FOIL

AN ACT

To enact R.S. 9:2005(3), relative to trusts; to provide for seizure of trust assets in certain circumstances; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 67—
BY REPRESENTATIVE LOPINTO

AN ACT

To amend and reenact R.S. 40:1236.14 and to enact R.S. 9:2793(C), relative to limitations of liability; to provide a limitation of liability for the use of automated external defibrillators at the scene of an emergency; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 208—
BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 46:236.3(K)(2), relative to income assignment orders; to provide for an increase in the fine for failure to comply; to provide relative to the total amount withheld; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 221—
BY REPRESENTATIVE TIM BURNS

AN ACT

To amend and reenact R.S. 9:303(C) and 315.11(A), R.S. 13:1621(B)(3) and (4), R.S. 15:305(D) and (E)(1), R.S. 46:236.1.2(D)(2) and (J), 236.7(A)(1) and (B), and 236.11.1(C)(3), Children's Code Article 311(B)(1)(a), and Code of Evidence Article 902(10), relative to child support; to make technical corrections to provisions governing child support; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 222—
BY REPRESENTATIVE TIM BURNS

AN ACT

To amend and reenact R.S. 46:236.3(E)(3), relative to the enforcement of child support; to provide for the garnishment of income; to provide for the forwarding of payment; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 323—
BY REPRESENTATIVE WILLMOTT

AN ACT

To enact R.S. 9:2800.21, relative to curators; to provide a limitation of liability for certain curators and undercurators for the acts of interdicts; to provide for exceptions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 327—
BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact Code of Civil Procedure Article 1293(A), relative to service of process; to provide for the appointment of a private process server under certain circumstances; and to provide for related matters.

Reported with amendments.

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HOUSE BILL NO. 484—

BY REPRESENTATIVE EDWARDS
AN ACT

To amend and reenact R.S. 3:3652(9) and (15), 3653, 3656(A)(1) and (D), the heading of Part XIV of Chapter 1 of Code Title XXI of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 and R.S. 9:4770, R.S. 10:9-102(d), 9-308(b), 9-309(13), 9-315(a)(introductory paragraph) and (1), 9-322(f)(introductory paragraph) and (5), and 9-501(a)(introductory paragraph) and (1), to enact R.S. 10:9-322(g) and 9-501(a)(4), and to repeal R.S. 9:4521 and 4524 and R.S. 10:9-322(f)(6) and 9-501(a)(2), relative to security devices; to provide definitions; to provide for agricultural liens; to provide for perfection of liens; to provide for conflicts; to provide for rankings; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 623—

BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact Code of Civil Procedure Article 153 and Code of Criminal Procedure Article 673, relative to the recusal of judges; to provide for the authority of judges pending a motion to recuse; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 651—

BY REPRESENTATIVE TEMPLET
AN ACT

To amend and reenact Children's Code Articles 1122(B)(8), (F)(12), (G)(12), 1125(B), 1189(3), 1270, 1271(A) and (B), 1272, 1273, 1276, 1515(B)(VI), 1517(A), 1518(B), 1519, 1520(B)(introductory paragraph) and (C), and 1522(B) and to enact Children's Code Articles 1515(A)(7) and 1517(E), relative to the continuous revision of the Children's Code; to provide for adoption; to provide for voluntary transfer of custody; to provide for contents of the surrender form; to provide for the Statement of Family History Form; to provide for voluntary registration, use of the registry, matching procedures, and who may register; to provide for effective date of registration, monitoring, verifying, matching, and counseling registrants; to provide for confidentiality of documents filed; to provide for disclosure of death of biological parents and adopted persons and grounds for disclosure; to provide for the contents and form of the petition for voluntary transfer; to provide for notice and service of the petition; to provide for appointment of counsel; to provide for required testimony at the hearing; to provide for the contents of the judgment; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 751—

BY REPRESENTATIVE FOIL
AN ACT

To enact R.S. 9:1255, relative to the installation of solar collectors; to provide for definitions; to provide for certain rights and prohibitions relative to the installation of solar collectors; to provide for exceptions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 774—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 9:346(G), relative to visitation; to provide relative to defenses; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 855—

BY REPRESENTATIVE BOBBY BADON
AN ACT

To amend and reenact R.S. 35:407(A) and (B), relative to ex officio notaries public appointed by mayors; to authorize mayors of certain municipalities to appoint ex officio notaries public; to provide for limitations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 856—

BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 9:1725(5), 1893, 1895(A), 1971, 2004(2), 2011, 2025, and 2045 and to enact R.S. 9:1973(C), 2031, and 2235, relative to the Louisiana Trust Code; to provide for the definition of "proper court"; to provide for class trusts; to provide for the interests of beneficiaries; to provide for the correction of cross references; to provide relative to the shifting of the interest of a principal beneficiary; to provide for the delegation of the right to terminate, modify, or amend certain trust provisions; to provide for the delegation of the right to revoke a trust; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 857—

BY REPRESENTATIVE TIM BURNS
AN ACT

To direct the Louisiana State Law Institute to redesignate certain provisions from Title 44 of the Louisiana Revised Statutes of 1950 to Title 9 of the Louisiana Revised Statutes of 1950, relative to mortgage records; to provide for the effectiveness of references to redesignated statutes; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 871—

BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 46:236.6(A) and 236.7(B), relative to summonses for contempt for nonpayment of child support orders or medical support orders; to provide for authority to issue summonses for contempt; to provide for changes to a statutory reference regarding child support collection agencies; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1062—

BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact Code of Civil Procedure Article 1561(A), relative to civil actions; to provide for the procedures for the consolidation of separate actions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1113—

BY REPRESENTATIVES RICHMOND AND LEGER
AN ACT

To enact R.S. 33:9615, relative to local ethics entities; to provide for appellate review of decisions of the board; to provide restrictions on such right of appeal; to provide definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1133—

BY REPRESENTATIVES ARNOLD AND BALDONE
AN ACT

To enact Chapter 4-A of Code Title VII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3131 through 3136, relative to private transfer fee

obligations; to provide for legislative intent; to provide for definitions; to prohibit private transfer fee obligations; to provide for liability for violations; to provide for disclosure of a private transfer fee; to provide for notice requirements for existing private transfer fees; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1335—

BY REPRESENTATIVE HINES

AN ACT

To amend and reenact Children's Code Article 899(B)(2)(b) and to enact Children's Code Article 779(B)(5), relative to juvenile dispositions; to authorize the court to require certain persons to perform community service; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JULIE QUINN
Chairman

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

SENATE BILL NO. 52—

BY SENATOR B. GAUTREAUX

AN ACT

To amend and reenact R.S. 15:574.2(A)(1), relative to the Board of Parole; to provide for minimum qualifications of members; to provide for appointment of members; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 52 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 2, line 1, after "volunteer of" and before "the" delete the comma " , "

AMENDMENT NO. 2

On page 2, line 2, after "of" and before "Corrections" insert "Public Safety and" and change "last" to "preceding"

AMENDMENT NO. 3

On page 2, line 4, at the beginning of the line, after "Inc." delete the comma " , "

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Wooton to Reengrossed Senate Bill No. 52 by Senator B. Gautreaux

AMENDMENT NO. 1

Delete Amendment Nos. 1 through 3 proposed by the House Committee on the Administration of Criminal Justice and adopted by the House on May 17, 2010.

AMENDMENT NO. 2

On page 1, line 17, after "thereof," delete the remainder of the line and insert "or were serving as a member of the board of parole on August 15, 2010."

AMENDMENT NO. 3

On page 2, delete line 1 in its entirety

AMENDMENT NO. 4

On page 2, line 2, delete "of Corrections in the last five years."

AMENDMENT NO. 5

On page 2, delete line 4 in its entirety and insert "Inc. Each"

Senator B. Gautreaux moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Mount
Alario	Gautreaux B	Murray
Amedee	Guillory	Nevers
Appel	Hebert	Peterson
Broome	Heitmeier	Quinn
Chabert	Jackson	Riser
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Martiny	Thompson
Donahue	Michot	Walsworth
Dorsey	Morrell	
Duplessis	Morrish	
Total - 34		

NAYS

Total - 0

ABSENT

Adeley	Kostelka	McPherson
Gautreaux N	Marionneaux	
Total - 5		

The Chair declared the amendments proposed by the House were concurred in. Senator B. Gautreaux moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 61—

BY SENATOR AMEDEE

AN ACT

To amend and reenact Code of Criminal Procedure Article 162 and 731(B) and to enact Code of Criminal Procedure Article 202 (D)(5) and R.S. 9:2603.1 (F), relative to the issuance of warrants and subpoenas; to provide for certain requirements relative to electronic signatures; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 61 by Senator Amedee

AMENDMENT NO. 1

On page 1, line 2, change "Article 162 and 731(B)" to "Articles 162, 202(A)(introductory paragraph) and (1), and 731(B)"

AMENDMENT NO. 2

On page 1, line 3, delete "Code of Criminal Procedure Article 202 (D)(5) and" and change "R.S. 9:2603.1 (F)" to "R.S. 9:2603.1(F)"

AMENDMENT NO. 3

On page 1, line 7, after "Section 1." change "R.S. 9:2603.1 (F)" to "R.S. 9:2603.1(F)"

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AMENDMENT NO. 4

On page 2, line 1, after "Procedure" change "Art. 162 and 731(B)" to "Articles 162, 202(A)(introductory paragraph) and (1), and 731(B)"

AMENDMENT NO. 5

On page 2, line 2, after "reenacted" delete "and Code of Criminal Procedure Art. 202 (D)(5) is enacted"

AMENDMENT NO. 6

On page 2, at the beginning of line 4, insert "A."

AMENDMENT NO. 7

On page 2, delete lines 7 through 9 in their entirety

AMENDMENT NO. 8

On page 2, at the beginning of line 10, insert "B."

AMENDMENT NO. 9

On page 2, between lines 13 and 14, insert the following:

"C. A search warrant shall particularly describe the person or place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search or seizure."

AMENDMENT NO. 10

On page 2, delete lines 16 through 26 in their entirety and insert the following:

"A. A warrant of arrest may be issued by any magistrate pursuant to this Paragraph or as provided in Paragraph D of this Article and, except where a summons is issued under Article 209, shall be issued when all of the following occur:

(1) The person making the complaint executes an affidavit specifying, to his best knowledge and belief, the nature, date, and place of the offense, and the name and surname of the offender if known, and of the person injured if there be any; and, An affidavit containing the electronic signature of the applicant shall satisfy the constitutional requirement that the testimony of the applicant be made under oath, provided that such signature is made under penalty of perjury and in compliance with R.S. 9:2603.1(D)."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Duplessis, Morrell, Adley, Erdey, Morrish, Alario, Gautreaux B, Mount, Amedee, Guillory, Murray, Appel, Hebert, Nevers, Broome, Heitmeier, Peterson, Chabert, Jackson, Quinn, Cheek, Kostelka, Riser, Claitor, LaFleur, Shaw, Crowe, Long, Smith, Donahue, Martiny, Thompson, Dorsey, Michot, Walsworth

Total - 36

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Gautreaux N, Marionneaux, McPherson

The Chair declared the amendments proposed by the House were concurred in. Senator Amedee moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 103—

BY SENATORS N. GAUTREAU, AMEDEE, CHABERT, GUILLORY, HEBERT, MICHOT AND MORRISH AND REPRESENTATIVE JANE SMITH

AN ACT

To enact Subpart B of Part XIII of Chapter 2 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R. S. 33:1419.5 through 1419.10, relative to financial assistance to political subdivisions; creates the Alternative Fuel Vehicle Revolving Loan Fund Program within the Department of Natural Resources to provide financial assistance to political subdivisions of the state for the costs of purchasing or converting all or a portion of the political subdivisions' fleets of motor vehicles to qualified clean fuel vehicles propelled by an alternative fuel; to provide for the forms of such financial assistance; and to provide for related matters.

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

SENATE BILL NO. 151—

BY SENATOR ADLEY

AN ACT

To enact R.S. 14:73.1(14) and 73.9, relative to computer aided crime; to prohibit the use of an Internet, virtual, street-level map in the commission of a crime; to prohibit the use of an Internet, virtual, street-level map in the commission or attempted commission of an act of terrorism; to provide for enhanced penalties; to provide for definitions; and to provide for related matters.

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

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 151 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 14:73.1(11), (12), and (13) and to"

AMENDMENT NO. 2

On page 1, line 8, after "Section 1." and before "R.S. 14:73.1(14)" insert "R.S. 14:73.1(11), (12), and (13) are hereby amended and reenacted and"

AMENDMENT NO. 3

On page 1, at the beginning of line 12, at the beginning of the line change "(14)" to "(11)"

AMENDMENT NO. 4

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

- "(11)(12) "Proper means" includes: (a) Discovery by independent invention. (b) Discovery by "reverse engineering", that is by starting with the known product and working backward to find the method by which it was developed. The acquisition of the known product must be by lawful means. (c) Discovery under license or authority of the owner. (d) Observation of the property in public use or on public display. (e) Discovery in published literature. (12)(13) "Property" means property as defined in R.S. 14:2(8) and shall specifically include but not be limited to financial instruments, electronically stored or produced data, and computer programs, whether in machine readable or human readable form. (13)(14) "Unsolicited bulk electronic mail" means any electronic message which is developed and distributed in an effort to sell or lease consumer goods or services and is sent in the same or substantially similar form to more than one thousand recipients."

AMENDMENT NO. 5

On page 2, delete line 1 in its entirety and insert "§73.9. Criminal use of Internet, virtual, street-map; enhanced penalties"

AMENDMENT NO. 6

On page 2, line 3, after "additional" and before "period" insert "sentence for a"

AMENDMENT NO. 7

On page 2, line 4, after "imposed" delete the remainder of the line and at the beginning of line 5, delete "probation, or suspension of sentence."

AMENDMENT NO. 8

On page 2, line 6, after "consecutively" and before "the sentence" change "to" to "with"

AMENDMENT NO. 9

On page 2, line 7, after "imposed" delete the remainder of the line, delete line 8 in its entirety, and insert "for the underlying offense."

AMENDMENT NO. 10

On page 2, line 11, after "additional" and before "period" insert "sentence for a"

AMENDMENT NO. 11

On page 2, line 14, after "consecutively" and before "the sentence" change "to" to "with", and after "imposed" delete the remainder of the line, delete lines 15 and 16 in their entirety, and insert "for the underlying offense."

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 151 by Senator Adley

AMENDMENT NO. 1

In House Committee Amendment No.4 proposed by the House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 151, on line 10, following "On page 1," change "delete line 17 in its entirety" to "between lines 16 and 17"

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Guillory	Murray
Amedee	Hebert	Nevers
Appel	Heitmeier	Peterson
Broome	Jackson	Quinn
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Crowe	Long	Smith
Donahue	Martiny	Thompson
Dorsey	Michot	Walsworth
Duplessis	Morrell	
Total - 35		

NAYS

Total - 0

ABSENT

Claitor	Marionneaux
Gautreaux N	McPherson
Total - 4	

The Chair declared the amendments proposed by the House were concurred in. Senator Adley moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 526—
BY SENATOR MURRAY

AN ACT

To enact R.S. 33:4076.1, relative to the Sewerage and Water Board of New Orleans; to prohibit unauthorized firearms or other explosive devices on board property; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 567—
BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 47:337.2(B)(1), (C)(4)(b)(iii), and (D), 337.4(A) and (D), 337.27, 337.45, 337.51(A) and (B), 337.53(C), 337.54, 337.56, 337.63(A)(1)(a), 337.67(D)(2), 337.77(F), 337.81, 1401, 1402, 1408, 1410, 1431, 1432, 1434, 1435, 1436, 1437, 1438, and 1451, and to enact R.S. 47:337.2(A)(1)(c), 337.6(A)(4), 337.81-A, and 1407(3), and to repeal R.S. 47:337.61 and 337.67(B)(2), relative to the sales and use tax of political subdivisions of the state; to require an assessment of such tax and to authorize an appeal to a division of the board of tax appeals; to authorize and appeal to such division of the board of tax appeals from the disallowance of certain claims for refund of such taxes; to create the local sales tax division of the board of tax appeals and provide for its authority with respect to such taxes; to provide for appeals from the judgments of the board of tax appeals; to provide with respect to the assessment and distraint procedure for such taxes; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 567 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 6, change "337.81-A" to "337.81.1"

AMENDMENT NO. 2

On page 2, line 2, following "337.6(A)(4)," change "337.81-A" to "337.81.1"

AMENDMENT NO. 3

On page 8, line 22, following "decision" and before "renders" change "which" to "that"

AMENDMENT NO. 4

On page 10, line 4, change "337.81-A" to "337.81.1"

AMENDMENT NO. 5

On page 11, line 5, following "board" and before "for" insert "1"

AMENDMENT NO. 6

On page 11, line 7, following "subdivision" and before "shall" insert "1"

AMENDMENT NO. 7

On page 14, line 5, following "before" and before "," change "the filing of same" to "filing it"

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AMENDMENT NO. 8

On page 15, line 19, change "paragraphs" to "Paragraphs"

AMENDMENT NO. 9

On page 15, line 19, following "Section" and before "by" insert ", "

On motion of Senator Amedee, the amendments were adopted.

Floor Amendments

Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 567 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 2, after "reenact R.S. 47:337" delete the remainder of the line, and delete lines 3 through 13, and insert: ".33(A)(3)(a) and (B), 337.45(A) and (B), 337.51(A) and (B), 337.53(C), 337.54, 337.61(2) and (3), 337.63(A)(1)(a), and 337.81(A), to enact R.S. 47:337.51.1 and 337.67(C)(3), and to repeal R.S. 47:337.101, relative to the sales and use tax of political subdivisions of the state; to provide for a procedure for mandatory arbitration of issues related to the collection or refund of such tax; and to"

AMENDMENT NO. 2

On page 1, delete lines 16 and 17, delete pages 2 through 4, and on page 5, delete lines 1 through 10, and insert:

"Section 1. R.S. 47:33(A)(3)(a) and (B), 337.45(A) and (B), 337.51(A) and (B), 337.53(C), 337.54, 337.61(2) and (3), 337.63(A)(1)(a), and 337.81(A) are hereby amended and reenacted and R.S. 47:337.51.1 and 337.67(C)(3) are hereby enacted to read as follows:

§337.33. Failure to pay tax; rule to cease business

A. * * *

(3)(a) Unless a written request for mandatory arbitration pursuant to R.S. 47:337.51.1 has been mailed before the rule is tried, if the rule is may be made absolute, in which case the order rendered thereon shall be considered a judgment in favor of the taxing authority, and the court shall enjoin and prohibit the taxpayer from the further pursuit of his business until such time as he has paid the delinquent tax, interest, penalties, and all costs or has entered into an agreement with the collector to do so.

* * *

B. Failure to pay any tax due as provided in the local ordinance shall, without demand or putting in default, cause the tax, interest, penalties, and costs to become immediately delinquent and the collector has the authority, on motion in a court of competent jurisdiction, to take a rule on such person, to show cause in not less than two or more than ten days, exclusive of holidays, why such person should not be ordered to cease from further pursuit of business. This rule may be tried out of term and in chambers and shall always be tried by preference. Unless a written request for mandatory arbitration pursuant to R.S. 47:337.51.1 has been mailed, if the rule is may be made absolute, in which case the order rendered thereon shall be considered a judgment in favor of the taxing authority, prohibiting the person from the further pursuit of said business until he has paid the delinquent tax, interest, penalties, and costs, and every violation of the injunction shall be considered as a contempt of court and punished according to law.

* * *

§337.45. Alternative remedies for the collection of taxes

A. In addition to following any of the special remedies provided in this Chapter, the collector may, in his discretion, proceed to enforce the collection of any taxes due under the local ordinance by means of any of the following alternative remedies or procedures unless a written request for mandatory arbitration pursuant to R.S. 47:337.51.1 has been timely mailed:

(1) Assessment and distraint, as provided in R.S. 47:337.48 through 337.60.

(2) Summary court proceeding, as provided in R.S. 47:337.61.

(3) Ordinary suit under the provisions of the general laws regulating actions for the enforcement of obligations.

B. The collector may choose which of these procedures he will pursue in each case, and the counter-remedies and delays to which the taxpayer will be entitled will be only those which are not inconsistent with the proceeding initiated by the collector, provided that in every case the taxpayer shall be entitled to proceed under R.S. 47:337.63 and the mandatory arbitration procedure provided for in R.S. 47:337.51.1 except (a) when an assessment for the tax in question has become final or (b) when a suit involving the same tax obligation is pending against him and the time for filing a written request for mandatory arbitration has elapsed; and provided further, that the fact that the collector has initiated proceedings under the assessment and distraint procedure will not preclude him from thereafter proceeding by summary or ordinary court proceedings for the enforcement of the same tax obligation.

* * *

§337.51. Notice of assessment and right to appeal or arbitration"

AMENDMENT NO. 3

On page 5, delete lines 24 through 29, delete pages 6 through 17, on page 18, delete lines 1 through 18, and insert: "assessment; (b) request a hearing with the collector; (c) request mandatory arbitration pursuant to R.S. 47:337.51.1 or; (d) pay under protest in accordance with R.S. 47:337.63.

B. If any dealer shall be aggrieved by any findings or assessment of the collector, he may, within thirty days of the receipt of notice of the assessment or finding, do either of the following:

(1) File a protest with the collector in writing, signed by himself or his duly authorized agent, which shall be under oath and shall set forth the reason therefor, and may request a hearing. Thereafter, the collector shall grant a hearing to said dealer, if a hearing has been requested, and may make any order confirming, modifying or vacating any such finding or assessment. The filing of any such protest shall not abate any penalty for nonpayment, nor shall it stay the right of the taxing authority to collect the tax in any manner herein provided. Appeals from the decision of the collector shall be directed to any state, city or federal court of competent jurisdiction. This Section shall afford a legal remedy and right of action in any state, city or federal court having jurisdiction of the parties and subject matter for a full and complete adjudication of any and all questions arising in the enforcement of the local ordinance and this Chapter as to the legality of any tax accrued or accruing or the method of enforcement thereof.

(2) Mail a written request for mandatory arbitration pursuant to R.S. 47:337.51.1

* * *

§337.51.1. Mandatory arbitration procedure

A.(1) Any taxpayer who is subject to any collection procedure provided for in this Chapter for sales and use tax, penalty, and/or interest, or whose request for a refund of such tax, penalty, and/or interest has been denied by a collector, may, in lieu of other remedies provided to him in this Chapter, timely initiate a mandatory arbitration proceeding in accordance with the provisions of this Section by mailing to the collector who is attempting to collect the tax, penalty, and/or interest a written request for mandatory arbitration.

(2)(a) A timely mailed request for mandatory arbitration shall preclude any collection action by the collector, and shall suspend the running of any prescription or other time limit or requirement to act in any provision of law or ordinance until the arbitration panel provided for in this Section has issued a final written decision, including but not limited to the time to respond to an ordinary suit; any remedy provided for in R.S. 47:337.45; a rule to cease business in R.S. 47:337.33; a payment under protest in R.S. 47:337.63; or auditing, examining or subpoena authority in R.S. 47:337.41, 337.42, and 337.43.

(b) A written request for mandatory arbitration mailed prior to an answer filed in an ordinary suit filed by a collector under the provisions of the general laws regulating actions for the enforcement of obligations shall be considered timely.

B.(1)(a) Upon receipt of the notification of the request for arbitration, the collector shall provide written notification to the

secretary of the Department of Revenue of the pending arbitration proceeding.

(b) The taxpayer and the collector shall each select one arbitrator from the registry of arbitrators provided for in Subparagraph (d) of this Paragraph within ten days of receipt of the notification of the request for arbitration. The two arbitrators selected shall then jointly agree on a third arbitrator to complete a panel of three. The arbitrators shall then select one of the three as a chief arbitrator.

(c) In the event a taxpayer or a collector fails or refuses to comply with the arbitration procedure within the time periods provided for in this Subsection, plus any additional time as may be granted upon request by such party, the other party may appoint an arbitrator on behalf of such failing or refusing party.

(d)(i) Arbitrators for the panel shall be selected from the registry of arbitrators compiled in accordance with this Subsection.

(ii) The Board of Directors of the Louisiana Association of Tax Administrators shall annually appoint not less than ten arbitrators to the registry, each of whom shall be board certified tax administrators. In the event there are less than ten certified tax administrators available for such appointment, the Board of Directors may select any local sales tax administrator with at least five years experience in sales and use tax, provided such local sales tax administrator is not a party to the arbitration proceeding.

(iii) The Business and Industry Committee of the Louisiana Association of Tax Administrators, the Louisiana Association of Business and Industry, and the Society of Louisiana CPAs jointly shall appoint not less than ten arbitrators to the registry, each of whom shall possess at least five years of experience in the area of sales and use tax.

(2)(a) After his selection, the chief arbitrator shall provide a written request to the taxpayer and the collector for the submission of a detailed statement of fact or law in support of their positions and such other documents as the parties deem necessary, which are to be provided to each member of the panel and to the other party within thirty days of the date of the request.

(b) The chief arbitrator shall then designate a time and place for a hearing, unless a hearing is specifically waived in writing by both parties.

(c) All records, documentation, testimony, and other submissions related to the arbitration proceeding shall be subject to the provisions of R.S. 47:1508 et seq.

(3)(a)(i) After due consideration of the statements and documents provided to the panel, and any additional submissions required by the panel, and argument and evidence submitted at the hearing, the panel shall issue a written decision.

(ii)(AA) Decisions of the panel relating to common sales tax law as defined in R.S. 47:337.2(C)(1)(b) shall require consultation with the Department of Revenue prior to the rendering or issuance of the decision.

(BB) The decision shall be the opinion of at least a majority of the panel; provided that any dissenting panel member may submit reasons for dissent from the majority. The decision shall be rendered within thirty days of the conclusion of the hearing, or within thirty days of timely receipt of the statements and documents in the absence of a hearing.

(4) The parties to the arbitration proceeding provided for in this Section shall share equally in the cost of such proceeding, provided that each party shall bear its own respective costs of providing the necessary documentation, witnesses, travel, or other costs and expenses of the arbitration proceeding.

(5)(a) The decision of the panel shall be in writing and shall state the legal and factual reasons upon which the decision is based.

(b) A copy of the decision shall be sent to the taxpayer, the collector, and the secretary of the Department of Revenue.

(c) The decision of the panel shall be binding on the parties and shall be considered a final judgement under this Chapter.

C. (1) Upon request of a taxpayer and upon proper showing by such taxpayer that the principle of law involved in an additional assessment is already pending before an arbitration

panel pursuant to this Section, the taxpayer, upon agreement to abide by the decision of the arbitration panel, may make a written request to the collector that the additional assessment be included in the pending arbitration matter. If the collector agrees that the principle of law involved in the additional assessment is already pending before the arbitration panel, then the validity of such assessment shall be determined by the decision of the panel.

* * *
§337.53. Assessment and notice when tax is in jeopardy
* * *

C. The taxpayer against whom the assessment lies can stay distraint of his property, or sale of his property already distrainted, as the case may be, only by the immediate payment of the assessment or by posting with the collector a surety bond for twice the amount of such assessment, or of a lower amount acceptable to the collector, with such sureties as the collector deems necessary. The taxpayer shall have sixty calendar days from the date of payment, or the date of posting bond, to either appeal to a court of competent jurisdiction for a redetermination of the assessment or mail a written request for mandatory arbitration pursuant to R.S. 47:337.51.1. During this period, the collector shall hold any payment made in an escrow account. If the taxpayer does not appeal or mail a request for mandatory arbitration, the collector shall immediately credit such payment to tax collections or proceed to collect from sureties, if any were given. In the event of an appeal or request for mandatory arbitration, such payment or demand for payment from sureties given shall be held in abeyance pending the redetermination or affirmation of the assessment by the court which last reviews the matter or a decision by an arbitration panel pursuant to R.S. 47:337.51.1. Final payment, or collection from sureties, will be for the amount of the affirmed or redetermined assessment or the amount set forth in the decision of such arbitration panel.

§337.54. Assessment and claims in bankruptcy and receivership
Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding, or the appointment of a receiver for any taxpayer in a receivership proceeding, before any court of this state or of the United States, the collector may immediately make a determination from any available information or by estimate or otherwise, of the amount of tax, penalty and interest the taxpayer is liable to pay and immediately assess said amount, and by a writing to be retained as a part of his official records indicate that such assessment has been made. Such assessment may be made whenever a tax becomes due under the provisions of this Chapter, regardless of whether it is then payable or not. Claims for such assessments, and additional interest and attorney fees thereon, shall be presented for adjudication in accordance with law to the court before which the bankruptcy or receivership proceeding is pending despite the pendency of delays before assessment provided in R.S. 47:337.48 through 337.51, or the pendency of an appeal to the collector or the courts for a redetermination, or the pendency of a mandatory arbitration proceeding pursuant to R.S. 47:337.51.1. However, no petition for the redetermination of an assessment or request for mandatory arbitration pursuant to R.S. 47:337.51.1 shall be filed with the collector after an adjudication of bankruptcy or the appointment of a receiver, unless the petition is accompanied by a certified copy of an order of the court before which the bankruptcy or receivership proceedings is pending, authorizing the trustee or receiver to prosecute such appeal.

* * *
§337.61. Collection by summary court proceeding authorized
In addition to any other procedure provided in this Chapter or elsewhere in the laws of this state, and for the purpose of facilitating and expediting the determination and trial of all claims for taxes, penalties, interest, attorney fees, or other costs and charges arising, there is hereby provided a summary proceeding for the hearing and determination of all claims by or on behalf of the taxing authority, or by or on behalf of the collector, for taxes and for the penalties, interest, attorney fees, costs or other charges due thereon, by preference in all courts, all as follows:
* * *

(2) All defenses, whether by exception or to the merits, made or intended to be made to any such claim, must be presented at one time and filed in the court of original jurisdiction, or a written request

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for mandatory arbitration pursuant to R.S. 47:337.51.1 shall be mailed, prior to the time fixed for the hearing, and no court shall consider any defense unless so presented and filed. This provision shall be construed to deny to any court the right to extend the time for pleading defenses, and no continuance shall be granted by any court to any defendant except for legal grounds set forth in the Louisiana Code of Civil Procedure.

(3) That, unless a written request for mandatory arbitration pursuant to R.S. 47:337.51.1 has been timely mailed, all matters involving any such claim shall be decided within forty-eight hours after submission, whether in term time or in vacation, and whether in the court of first instance or in an appellate court, and all judgments sustaining any such claim shall be rendered and signed the same day, and shall become final and executory on the fifth calendar day after rendition. No new trial, rehearing or devolutive appeal shall be allowed. Suspensive appeals may be granted, but must be perfected within five calendar days from the rendition of the judgment by giving of bond, with good and solvent security, in a sum double that of the total amount of the judgment, including costs. Such appeals, whether to a court of appeal or to the supreme court, shall be made returnable in not more than fifteen calendar days from the rendition of the judgment.

* * *

§337.63. Mandatory arbitration or remittance of tax under protest; suits to recover

A.(1)(a)(i) Any taxpayer protesting the payment of any amount found due by the collector or the enforcement of any provision of law in relation thereto may mail a written request for mandatory arbitration pursuant to R.S. 47:337.51.1.

(ii) If the taxpayer chooses not to avail himself of mandatory arbitration, he shall remit to the collector the amount due and at that time shall give notice of intention to file suit for the recovery of such tax.

* * *

§337.67. Suspension and interruption of prescription

* * *

C. The running of such prescriptive period may also be suspended as follows:

* * *

(3) By use of the mandatory arbitration procedure provided for in R.S. 47:337.51.1.

* * *

§337.81. Appeals from the collector's disallowance of refund claim

A(1) If the collector fails to act on a properly filed claim for refund or credit within one year from the date received by him or if the collector denies the claim in whole or in part, the taxpayer claiming such refund or credit may within thirty days of the notice of disallowance of the claim request a hearing with the collector for redetermination. The collector shall render a decision within thirty days of the request by the taxpayer.

(2) The taxpayer may appeal a denial of a claim for refund to a court of competent jurisdiction or mail a written request for mandatory arbitration pursuant to R.S. 47:337.51.1. No appeal may be filed or request for arbitration made before the expiration of one year from the date of filing such claim unless the collector renders a decision thereon within that time, nor after the expiration of ninety days from the date of mailing by certified or registered mail by the collector to the taxpayer of a notice of the disallowance of the part of the claim to which such appeal relates.

* * *

Section 2. R.S. 47:337.101 is hereby repealed."

On motion of Senator Adley, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and their counts for YEAS and NAYS.

NAYS

Total - 0

ABSENT

Table listing names of senators and their counts for ABSENT.

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

SENATE BILL NO. 132— BY SENATOR MORRELL

AN ACT

To enact R.S. 9:344(E), relative to visitation rights; to prohibit visitation rights of a family member in certain circumstances; to provide for an effective date; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 132 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 11, following "between" and before "family" change "these" to "those"

On motion of Senator Amedee, the amendments were adopted.

Floor Amendments

Senator Morrell proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Morrell to Engrossed Senate Bill No. 132 by Senator Morrell

AMENDMENT NO. 1

On page 1, delete lines 9 through 11, and insert the following: "E. The court shall prohibit visitation between a family member and a child, if the court finds by a preponderance of the evidence that the family member's criminal conduct resulted in the death of a parent of the child."

On motion of Senator Morrell, 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	Duplessis	Michot
Adley	Erdey	Morrell
Alario	Gautreaux B	Morrish
Amedee	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Chabert	Jackson	Peterson
Cheek	Kostelka	Riser
Claitor	LaFleur	Shaw
Crowe	Long	Smith
Donahue	Martiny	Thompson
Dorsey	McPherson	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Gautreaux N	Marionneaux	Quinn
Total - 3		

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

SENATE BILL NO. 316—
BY SENATOR HEBERT

AN ACT

To enact R.S. 16:1(E), relative to district attorneys; to provide with respect to the district attorney of the Sixteenth Judicial District; and to provide for related matters.

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

SENATE BILL NO. 366—
BY SENATOR MICHOT

AN ACT

To amend and reenact Code of Civil Procedure Art. 45, relative to venue and conflicts between articles; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Guillory	Murray
Amedee	Hebert	Nevers
Appel	Heitmeier	Peterson
Broome	Jackson	Quinn
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Martiny	Thompson
Donahue	McPherson	Walsworth

Dorsey
Duplessis
Total - 37

Michot
Morrell

NAYS

Total - 0

ABSENT

Gautreaux N
Total - 2

Marionneaux

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

SENATE BILL NO. 606—
BY SENATOR MARTINY

AN ACT

To enact Part XIX of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5230 through 5242, relative to religious freedoms; to create a cause of action for the preservation of religious freedom; to provide for definitions; to provide for applicability; to provide for remedies; to require notice; to provide for remediation; to provide certain limitations and procedures; to provide relative to fraudulent or frivolous claims; and to provide for related matters.

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

SENATE BILL NO. 681—
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 40:1484.2(8), relative to air-supported structures; to amend the definition of operator; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Appel	Guillory	Morrell
Claitor	Jackson	Murray
Donahue	Kostelka	Peterson
Dorsey	LaFleur	Quinn
Duplessis	Long	Riser
Gautreaux B	Martiny	
Total - 17		

NAYS

Adley	Cheek	Nevers
Alario	Erdey	Smith
Amedee	Hebert	Thompson
Broome	Heitmeier	Walsworth
Chabert	Mount	
Total - 14		

ABSENT

Mr. President	Marionneaux	Morrish
Crowe	McPherson	Shaw
Gautreaux N	Michot	
Total - 8		

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator Martiny moved to reconsider on the next Legislative Day the vote by which the bill failed to pass.

SENATE BILL NO. 719— BY SENATOR MICHOT

AN ACT

To enact R.S. 27:319(B)(2)(e), relative to penalties for allowing underage persons to play video draw poker devices; to provide for revocation of certain permits, designations and identification cards; and to provide for related matters.

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

SENATE BILL NO. 731— BY SENATOR CHAISSON

AN ACT

To enact R.S. 49:258.1, relative to private contractual legal services to represent the state or a state agency; to authorize the attorney general to enter into certain contingent fee contracts with contracting private attorneys or law firms; to provide for definitions; to provide for approval of such contracts; to provide relative to record keeping; to provide for limitations on such contingent fee contracts; and to provide for related matters.

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

SENATE BILL NO. 780— BY SENATORS CHEEK, DORSEY, DUPLESSIS AND MOUNT AND REPRESENTATIVE BURFORD

AN ACT

To amend and reenact R.S. 15:543.1 and to enact R.S. 15:553, relative to sex offenders; to provide for lifetime registration; to prohibit certain types of employment of sex offenders; to provide for penalties; and to provide for related matters.

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

SENATE BILL NO. 798— (Substitute of Senate Bill No. 517 by Senator Walsworth)

BY SENATOR WALSWORTH

AN ACT

To enact R.S. 17:236.1(G), relative to home study programs; to provide that a high school diploma awarded by an approved home study program shall be recognized by certain educational institutions and governmental entities in the same manner as one awarded by an approved nonpublic school; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Duplessis, Morrish, Adley, Erdey, Mount, Alario, Guillory, Nevers, Amedee, Hebert, Quinn, Appel, Heitmeier, Riser, Broome, Kostelka, Shaw, Chabert, LaFleur, Smith, Cheek, Long, Thompson, Claitor, Martiny, Walsworth, Crowe, McPherson, Donahue, Michot, Total - 31

NAYS

Table with 3 columns: Dorsey, Morrell, Peterson, Jackson, Murray, Total - 5

ABSENT

Table with 3 columns: Gautreaux B, Gautreaux N, Marionneaux, Total - 3

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

SENATE BILL NO. 801— (Substitute of Senate Bill No. 399 by Senator Riser)

BY SENATOR RISER

AN ACT

To enact R.S. 14:323, relative to the use of tracking devices; to prohibit the tracking of the location or movement of another person without the consent of that person; to provide for definitions; to provide for exceptions; to provide for penalties; and to provide for related matters.

Floor Amendments

Senator Riser proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Riser to Engrossed Senate Bill No. 801 by Senator Riser

AMENDMENT NO. 1

On page 2, between lines 4 and 5, insert the following:

"(4) A parent or legal guardian of a minor child whose location or movements are being tracked by the parent or legal guardian."

On motion of Senator Riser, 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. 801 by Senator Riser

AMENDMENT NO. 1

On page 2, line 4, after "order" delete the period "." and insert: "or lawfully using the tracking device in an ongoing criminal investigation, provided that the law enforcement officer employing the tracking device creates a contemporaneous record describing in detail the circumstances under which the tracking device is being used."

AMENDMENT NO. 2

On page 2, between lines 4 and 5, insert the following:

"(4) The Department of Public Safety and Corrections tracking an offender who is under its custody or supervision. (5) Any provider of a commercial mobile radio service (CMRS), such as a mobile telephone service or vehicle safety or security service, which allows the provider of CMRS to determine the location or movement of a device provided to a customer of such service."

On motion of Senator Martiny, the amendments were adopted.

Senator Walsworth in the Chair

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Morrish
Adley	Guillory	Mount
Alario	Hebert	Murray
Amedee	Heitmeier	Nevers
Broome	Jackson	Peterson
Chabert	Kostelka	Quinn
Cheek	LaFleur	Riser
Claitor	Long	Shaw
Crowe	Martiny	Smith
Dorsey	McPherson	Thompson
Duplessis	Michot	Walsworth
Erdey	Morrell	
Total - 35		

NAYS

Total - 0

ABSENT

Appel	Gautreaux N
Donahue	Marionneaux
Total - 4	

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

SENATE BILL NO. 803— (Substitute for Senate Bill No. 773 by Sen. Donahue)

BY SENATORS DONAHUE, CHEEK, B. GAUTREAU, MOUNT, PETERSON AND NEVERS

AN ACT

To amend and reenact R.S. 44:4.1(B)(15) and to enact Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:215.1 through 215.6, relative to coroners; to provide for the establishment of a Coroner's Strategic Initiative for a Health Information and Intervention Program within offices of the coroner; to provide for certain services; to provide for consent; to provide for the Coroner's Strategic Initiative for a Health Information and Intervention Program advisory board; to provide for an exception to the public records law; to provide for duties of certain treatment facilities; to provide for limitations of liability; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 803 by Senator Donahue

AMENDMENT NO. 1

On page 3, line 21, following "any," and before "the" change "to which" to "with whom"

On motion of Senator Amedee, 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

Adley	Erdey	Morrell
Alario	Gautreaux B	Morrish
Amedee	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Chabert	Jackson	Peterson
Cheek	Kostelka	Quinn
Claitor	LaFleur	Riser
Crowe	Long	Shaw
Donahue	Martiny	Smith
Dorsey	McPherson	Thompson
Duplessis	Michot	Walsworth
Total - 36		

NAYS

Total - 0

ABSENT

Mr. President	Gautreaux N	Marionneaux
Total - 3		

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

**Mr. President in the Chair
Called from the Calendar**

Senator Hebert asked that Senate Bill No. 788 be called from the Calendar for reconsideration.

SENATE BILL NO. 788—

BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 44:4.1(B)(21), and to enact Chapter 8-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:711.1 through 711.24, relative to the professional geoscientists; to provide for a board; to provide for meetings; to provide for powers; to provide for records and reports; to provide for requirements; to provide for exemptions; to provide for applications and fees; to provide for examinations; to provide for eligibility; to provide for types of licenses; to provide for issuance of licenses; to provide for expiration and renewal of licenses; to provide for professional development; to provide for a seal; to provide for disciplinary procedures; to provide for enforcement; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Morrell
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Guillory	Murray

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Appel	Hebert	Nevers
Broome	Heitmeier	Peterson
Chabert	Jackson	Quinn
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Martiny	Thompson
Donahue	McPherson	Walsworth
Dorsey	Michot	
Total - 35		

NAYS

Riser
Total - 1

ABSENT

Gautreaux N	Kostelka	Marionneaux
Total - 3		

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

Called from the Calendar

Senator Donahue asked that Senate Bill No. 293 be called from the Calendar.

SENATE BILL NO. 293—
BY SENATOR DONAHUE

AN ACT

To enact R.S. 42:375.1, relative to strategic reductions in positions of employment in the executive branch of state government; to require the commissioner of administration to establish and implement an agency attrition analysis process; to provide for reports to the Commission on Streamlining Government; and to provide for related matters.

Floor Amendments

Senator Donahue proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Donahue to Engrossed Senate Bill No. 293 by Senator Donahue

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 42:375.1" add "and 375.2"

AMENDMENT NO. 2

On page 1, line 4, between "process;" and "to" insert "to require the Board of Regents to establish and implement an agency attrition analysis process;"

AMENDMENT NO. 3

On page 1, line 8, change "is" to "and 375.2 are"

AMENDMENT NO. 4

On page 1, line 13, between "positions" and the comma ";" insert "**funded in whole or in part by the state general fund**" and change "**and**" to "**with a goal to**"

AMENDMENT NO. 5

On page 1, at the beginning of line 15, add "**such**"

AMENDMENT NO. 6

On page 1, line 16, between "of" and "positions" insert "**such**" and change "**agency**" to "**department**"

AMENDMENT NO. 7

On page 2, line 4, between "**The**" and "**cost**" insert "**state general fund**"

AMENDMENT NO. 8

On page 2, line 10, between "**the**" and "**general**" insert "**state**"

AMENDMENT NO. 9

On page 2, between lines 15 and 16, insert the following:

"(1) "Executive branch department" means:

(a) Each of the twenty executive branch departments authorized by Article IV, Section 1(B) of the Constitution of Louisiana, and each executive branch agency allocated thereto, which is not subject to the provisions of R.S. 42:375.2.

(b) Each executive branch agency not allocated to an executive branch department or subject to the provisions of R.S. 42:375.2."

AMENDMENT NO. 10

On page 2, line 16, change "**(1)**" to "**(2)**"

AMENDMENT NO. 11

On page 2, line 18, change "**and**" to "**or**"

AMENDMENT NO. 12

On page 2, line 20, change "**Louisiana Constitution of 1974**" to "**Constitution of Louisiana or any executive branch agencies which are subject to the provisions of R.S. 42:375.2**"

AMENDMENT NO. 13

On page 2, line 21, change "**(2) "Vacancy"**" to "**(3) "Vacant position"**"

AMENDMENT NO. 14

On page 2, line 23, between "**law**" and the comma ";" insert "**which is funded in whole or in part from the state general fund**"

AMENDMENT NO. 15

On page 2, after line 25, add the following:

"§375.2. Agency attrition analysis process, higher education systems

A. The Board of Regents shall establish and implement an agency attrition analysis process to be used by each higher education system to review the historical employee vacancies, relative to authorized table of organization full and part-time positions funded in whole or in part by the state general fund, within each agency with a goal to reduce by five percent annually for three years by an equally proportionate reduction of such positions across all salary ranges of equal increments, beginning Fiscal Year 2010-2011, the number of such positions in each higher education system.

B. In implementing the requirements of Subsection A of this Section, the Board of Regents shall establish a process which requires the analysis of the following:

(1) General staffing needs of each higher education system.

(2) The state general fund cost associated with the filling of each vacant position.

(3) Any other information necessary to properly evaluate whether to retain or eliminate each vacant position.

C. On the first day of the month following the month in which the executive budget is submitted to the Joint Legislative Committee on the Budget, the Board of Regents shall provide a written report to the Commission on Streamlining Government indicating the state general fund dollar savings achieved as a result of the implementation of the agency attrition analysis process and the number of vacant positions eliminated and any other information relating to personnel numbers, costs, and historical vacancies.

D. For the purposes of this Section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Agency" means and includes all agencies, boards, commissions, and other instrumentalities within a higher education system.

(2) "Higher education system" means and includes each system and all institutions, agencies, and offices thereof for which the Board of Regents maintains budgetary responsibility as

provided in Article VIII, Section 5(A) of the Constitution of Louisiana.

(3) "Vacant position" means any authorized table of organization full or part-time position of employment for which a budget has been approved and an appropriation has been made or a transfer of funds effected pursuant to law which is funded in whole or in part by the state general fund, but which is not filled."

On motion of Senator Donahue, the amendments were adopted.

Floor Amendments

Senator Jackson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 293 by Senator Donahue

AMENDMENT NO. 1

On page 1, line 2, after "To enact", delete the remainder of the line and insert "R.S. 39:84.1, relative to agency position attrition analysis in the"

AMENDMENT NO. 2

On page 1, line 8, change "42:375.1" to "39:84.1"

AMENDMENT NO. 3

On page 1, line 9, change "§375.1. Agency" to "§84.1 Agency position"

AMENDMENT NO. 4

On page 1, delete lines 11 through 16 and insert the following: "an agency position attrition analysis process to be used by each executive branch agency to review historical position vacancies, relative to authorized positions for each budget unit, program, and subprogram. For comparative purposes, Fiscal Year 2007-2008 shall be established as the base year. Beginning in Fiscal Year 2010-2011 and each year thereafter, each agency shall compare the number of authorized positions for each budget unit, program, and subprogram to the number of authorized positions for those budget units, programs, and subprograms within the agency during the base year. The agency shall note all changes across budget units, programs, and subprograms, as well as any changes that occur relative to the distribution of positions within salary ranges."

AMENDMENT NO. 5

On page 2, between lines 6 and 7, insert the following:
 "(4) Any workload measures which affect changes in the number of positions over time.
 (5) Any changes in law which affect staffing needs of an agency."

AMENDMENT NO. 6

On page 2, delete lines 7 through 13 and insert the following:
 "C. Each executive branch agency shall report the results of its analysis as provided by Subsection A of this Section to the commissioner of administration no later than January 15 of each year. On the first day of the month following the month in which the executive budget is submitted to the Joint Legislative Committee on the Budget, the commissioner of administration shall provide a written report to the Commission on Streamlining Government."

AMENDMENT NO. 7

On page 2, line 21, after "authorized" delete the remainder of the line and at the beginning of line 22 delete "time"

AMENDMENT NO. 8

On page 2, after line 24, insert the following:
 "E. Nothing in this Section shall limit the authority of the management boards of public post secondary education to manage the institutions under their authority, pursuant to the

Louisiana Constitution or as otherwise provided in R.S. 17:3351 et seq."

On motion of Senator Jackson, 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

Alario	Heitmeier	Peterson
Appel	Jackson	Quinn
Claitor	Kostelka	Riser
Crowe	LaFleur	Shaw
Donahue	Long	Smith
Erdey	Martiny	Walsworth
Guillory	Morrish	
Hebert	Murray	
Total - 22		

NAYS

Adeley	Dorsey	Morrell
Amedee	Duplessis	Mount
Broome	Gautreaux B	Nevers
Chabert	McPherson	
Cheek	Michot	
Total - 13		

ABSENT

Mr. President	Marionneaux
Gautreaux N	Thompson
Total - 4	

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.

Called from the Calendar

Senator Hebert asked that Senate Bill No. 793 be called from the Calendar.

SENATE BILL NO. 793— (Substitute of Senate Bill No. 331 by Senator Hebert)

BY SENATOR HEBERT AN ACT

To enact R.S. 37:223, relative to district attorneys; to prohibit certain legal representation by a district attorney or his staff; and to provide for related matters.

Senator Broome in the Chair

Floor Amendments

Senator Hebert proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hebert to Engrossed Senate Bill No. 793 by Senator Hebert

AMENDMENT NO. 1

On page 2, between lines 1 and 2, insert the following:
 "C. During the time of his tenure in office, the district attorney for the Sixteenth Judicial District shall not appear, plead, or in any way assist or defend in any legal matter which is a compensated matter in his private law practice and is either before any court of the Sixteenth Judicial District or in which the Sixteenth Judicial District would be an appropriate venue."

May 25, 2010

AMENDMENT NO. 2

On page 2, delete line 2 and insert in lieu thereof

"D. Any attorney who violates Subsections A, B, or C of this Section shall"

Senator Hebert moved adoption of the amendments.

Senator Claitor objected.

ROLL CALL

The roll was called with the following result:

YEAS

Adley Hebert Peterson
Alario Heitmeier Quinn
Amedee Jackson Riser
Appel LaFleur Shaw
Broome Long Smith
Chabert McPherson Walsworth
Cheek Morrell
Duplessis Murray
Total - 22

NAYS

Claitor Gautreaux B Martiny
Crowe Kostelka Mount
Total - 6

ABSENT

Mr. President Gautreaux N Morrish
Donahue Guillory Nevers
Dorsey Marionneaux Thompson
Erdey Michot
Total - 11

The Chair declared the amendments were adopted.

Floor Amendments

Senator Adley proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 793 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 8, after "District" insert "and the Twenty-sixth Judicial District"

AMENDMENT NO. 2

On page 1, line 14, after "District" insert "and the Twenty-sixth Judicial District"

On motion of Senator Adley, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Adley Hebert Morrell
Amedee Heitmeier Murray
Appel Jackson Quinn
Broome LaFleur
Cheek Long
Duplessis McPherson
Total - 16

NAYS

Alario Dorsey Nevers
Chabert Gautreaux B Riser
Claitor Kostelka Shaw
Crowe Martiny Smith
Donahue Mount Walsworth
Total - 15

ABSENT

Mr. President Guillory Morrish
Erdey Marionneaux Thompson
Gautreaux N Michot
Total - 8

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Hebert moved to reconsider on the next Legislative Day the vote by which the bill failed to pass.

Rules Suspended

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

DISAGREEMENT TO HOUSE BILL

May 25, 2010

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 292 by Representative Greene, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

Respectfully submitted, ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

May 25, 2010

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. 669— BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 22:1547(I)(2) and 1573(G) and to enact R.S. 22:1557(A)(4) and 1574, relative to insurance producers; to provide with respect to biannual renewal of surplus lines broker license; to provide for commissions; to provide for carry

forward of continuing education hours; to provide for producer training requirements to sell long-term care insurance; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 503—

BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 15:1177(A)(1)(b), relative to judicial review of certain administrative actions; to provide that the Department of Public Safety and Corrections is the only proper party defendant involving the judicial review of department's administrative decisions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 590—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 37:2418(F)(2) and to enact R.S. 37:2418(F)(4), relative to physical therapist assistants; to provide for supervision requirements; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House
PASSED SENATE BILLS AND
JOINT RESOLUTIONS

May 25, 2010

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. 451—

BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 37:3200 and 3208(B) and to enact R.S. 37:3220 and 3221, relative to the Radiologic Technology Board of Examiners; to provide for definitions; to provide for the issuance of permits and for certain clinical experience requirements; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 467—

BY SENATOR LONG

AN ACT

To amend and reenact R.S. 46:285, relative to required training for child protection and foster care workers; to provide for deemed status for certain training; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 386—

BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 49:222(B)(12), relative to fees chargeable by secretary of state; to provide with respect to special fees; to provide with respect to requests for information which require a written response; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 545—

BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 37:1314(A), relative to the Clinical Laboratory Personnel Committee; to provide with respect to certain conditions required for membership of certain members of the committee; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 664—

BY SENATOR HEBERT

AN ACT

To enact R.S. 22:1123(E), relative to medical necessity review organizations; to provide for required notifications to the commissioner of insurance upon changes in fact or circumstance; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 665—

BY SENATOR HEBERT

AN ACT

To repeal R.S. 22:332(A)(5), relative to foreign and alien insurers; to repeal the requirement of filing of policies and applications when applying for a certificate of authority; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 666—

BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 22:243(D)(1) and 251, relative to health maintenance organizations; to provide with respect to the filing of articles of incorporation of health maintenance organizations in the office of the secretary of state; to provide for the retention of original records; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 667—

BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 22:1267(A), relative to commercial insurance; to provide with respect to the cancellation and renewal of commercial automobile insurance policies; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 672—

BY SENATOR HEBERT

AN ACT

To enact R.S. 22:1911, relative to unauthorized insurers; to provide for access to the records of certain insureds by the commissioner of insurance; to provide for penalties; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

CONCURRING IN
SENATE CONCURRENT RESOLUTIONS

May 25, 2010

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. 12—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To recognize the distinct group of legislators representing in whole or in part the parishes of Allen, Beauregard, Cameron, Calcasieu, Jefferson Davis and Vernon as the Southwest Legislative Delegation.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 17—

BY SENATOR DONAHUE

A CONCURRENT RESOLUTION

To direct the Louisiana Sentencing Commission to complete its work and provide the legislature with recommendations during the 2010 Regular Session that will improve public safety and be cost-effective to taxpayers.

Reported with amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 25, 2010

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. 23—

BY SENATOR N. GAUTREAU

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to remove the financial eligibility requirements for patients stricken with amyotrophic lateral sclerosis to be approved to receive Medicaid.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 14—

BY SENATOR N. GAUTREAU

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take necessary actions to promptly consider and pass the New Alternative Transportation to Give Americans Solutions Act of 2009 (H.R. 1835 and S. 1408) and to urge each member of the Louisiana congressional delegation to express their support for the Act by becoming a cosponsor.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 55—

BY SENATOR WALSWORTH

A CONCURRENT RESOLUTION

To authorize and direct the Department of Public Safety and Corrections to imprint "Louisiana Bicentennial 1812-2012" on the license plates for private passenger motor vehicles and to

issue such plates not later than January 3, 2011, through December 31, 2012, or until the Department of Public Safety and Corrections depletes its inventory of such plates.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 89—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To urge and request Louisiana law firms, law departments, and courts to execute the Louisiana State Bar Association Statement of Diversity Principles.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 91—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To recognize May 2010 as National Skin Cancer Awareness Month.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 92—

BY SENATOR BROOME

A CONCURRENT RESOLUTION

To declare October 1, 2010, as World Peace Day in the state of Louisiana.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Mr. President in the Chair

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 96—

BY SENATORS PETERSON, LAFLEUR AND MORRELL

A RESOLUTION

To commend Tulane University for a tradition of academic excellence and to designate Wednesday, May 26, 2010, as "Tulane University Day at the Louisiana Senate".

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

SENATE RESOLUTION NO. 97—

BY SENATOR AMEDEE

A RESOLUTION

To commend Alexander Charles Adams of Vacherie, Louisiana on his admission to the American Chapter of Mensa International.

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

SENATE RESOLUTION NO. 98—

BY SENATORS QUINN AND DONAHUE

A RESOLUTION

To commend Kelly Bernard on her reign as Miss Louisiana's Outstanding Teen for 2009, and to recognize Wednesday, May 26, 2010, as Miss Louisiana Organization Day at the Louisiana State Capitol.

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 25, 2010

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. 520	HB No. 543	HB No. 1290
HB No. 1409	HB No. 544	HB No. 1264
HB No. 1334	HB No. 1000	HB No. 1396

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

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

HOUSE BILL NO. 520—

BY REPRESENTATIVE THIBAUT
AN ACT

To amend and reenact R.S. 15:1096.2 and to repeal R.S. 15:1093.2, relative to the Tri-Parish Juvenile Justice District; to provide for additional purposes and authority; to authorize the board of commissioners to enter into certain cooperative endeavor agreements; to provide for the expenditure of funds and payment of costs and expenses; to repeal provisions applying the additional purposes and authority statewide; and to provide for related matters.

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

HOUSE BILL NO. 543—

BY REPRESENTATIVE BARRAS
AN ACT

To repeal Part V of Chapter 3 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:291 through 294, relative to the Iberia Parish Law Library Commission; to repeal such commission and the powers, rights, and duties of such commission; to provide for the transfer of any obligations, property, records, and employees of the commission; to provide for use of the monies of the commission; and to provide for related matters.

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

HOUSE BILL NO. 544—

BY REPRESENTATIVE PUGH
AN ACT

To amend and reenact R.S. 33:3813.2(C)(2), relative to Tangipahoa Parish; to provide relative to the Tangipahoa Water District; to increase the amount of per diem paid to members of the governing 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. 1000—

BY REPRESENTATIVE WADDELL
AN ACT

To enact R.S. 17:3048.1(B)(5), relative to eligible schools for the use of Taylor Opportunity Program for Students Opportunity, Performance, and Honors awards; to provide relative to the use of such an award by a student to pursue specified skill or occupational training at certain schools having a valid and current certificate of registration issued by the Louisiana State Board of Cosmetology and proprietary schools having a valid and current license issued by the Board of Regents; to provide conditions; to provide relative to award amounts at such schools; to provide limitations; to provide effectiveness; to provide an effective 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. 1264—

BY REPRESENTATIVE LAFONTA
AN ACT

To enact R.S. 14:56.5, relative to damage to property; to create the crime of criminal damage to historic buildings and landmarks by defacing with graffiti; to provide for penalties; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 1290—

BY REPRESENTATIVE AUBERT
AN ACT

To enact R.S. 33:423.20, relative to the power of an elected chief of police in certain municipalities; to provide that the police chief shall appoint, promote, discipline, and discharge police personnel subject to limitations; and to provide for related matters.

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

HOUSE BILL NO. 1334—

BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact the heading of Subpart L of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950 and R.S. 56:638.1 through 638.5 and to repeal R.S. 56:57.2, as enacted by Act No. 283 of the 1987 Regular Session of the Legislature and as enacted by Act No. 891 of the 1987 Regular Session of the Legislature and R.S. 56:57.4, relative to fishery management, conservation, and sustainability; to provide that the Wildlife and Fisheries Commission is responsible for management of all fisheries in the state; to repeal the prohibition on state enforcement of federal laws relative to turtle excluder devices; to repeal the prohibition on state enforcement of federal laws relative to fish excluder devices; and to provide for related matters.

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

HOUSE BILL NO. 1396—

BY REPRESENTATIVE BURRELL
AN ACT

To enact R.S. 17:440.1, relative to school employees; to require first aid training for public school employees; to provide for policies adopted by each city, parish, and other local public school board relative to such requirement; and to provide for related matters.

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

May 25, 2010

HOUSE BILL NO. 1409—
BY REPRESENTATIVE GIROD JACKSON
AN ACT

To amend and reenact R.S. 33:4762(D), relative to notices for demolition or removal of buildings; to provide that notice of demolition or removal of a building is de facto proof that a building is more than fifty percent damaged; and to provide for related matters.

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

May 25, 2010

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. 9 HCR No. 94 HCR No. 121
HCR No. 194 HCR No. 195 HCR No. 196
HCR No. 197 HCR No. 198 HCR No. 199
HCR No. 200

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 9—
BY REPRESENTATIVE RICHMOND
A CONCURRENT RESOLUTION

To direct the Louisiana State Law Institute to study and make recommendations for the revision of the laws regarding criminal procedure, the preservation of forensic evidence, confessions and admissions, the code of evidence, and all other issues regarding the finality and accuracy of criminal convictions.

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

HOUSE CONCURRENT RESOLUTION NO. 94—
BY REPRESENTATIVE RICHARD
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2011 Regular Session of the Legislature of Louisiana the provisions of Part II of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of 1950, relative to Direct Service Workers; to suspend the provisions of Sections 9201 through 9293 of Chapter 92 of Part I of Title 48 of the Louisiana Administrative Code, relative to the Direct Service Worker Registry; and to urge the Department of Health and Hospitals to establish a stakeholder workgroup.

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

HOUSE CONCURRENT RESOLUTION NO. 121—
BY REPRESENTATIVE FANNIN
A CONCURRENT RESOLUTION

To amend and readopt Joint Rule No. 17(F) of the Joint Rules of the Senate and House of Representatives and to repeal Joint Rule No. 17(G) of the Joint Rules of the Senate and House of Representatives, to provide for certain definitions and for the applicability of the requirement of the nongovernmental entity funding request form.

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

HOUSE CONCURRENT RESOLUTION NO. 194—
BY REPRESENTATIVE ROSALIND JONES
A CONCURRENT RESOLUTION

To authorize and request the Judicial Council of the Supreme Court of Louisiana to study the feasibility and necessity of statewide uniformity of jurisdictional amounts in city courts and to make recommendations to the Legislature of Louisiana prior to the 2012 Regular Session of the Legislature.

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

HOUSE CONCURRENT RESOLUTION NO. 195—
BY REPRESENTATIVE ROSALIND JONES
A CONCURRENT RESOLUTION

To authorize and request the Department of Public Safety and Corrections to evaluate the number of work release beds available in this state at the federal, state, and local levels, to make recommendations to provide for more effective reentry programs regarding work release, and to report its findings to the Legislature of Louisiana prior to the convening of the 2012 Regular Session.

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

ROLL CALL

The roll was called with the following result:

YEAS

- Mr. President Heitmeier Murray
Alario Jackson Nevers
Appel Kostelka Riser
Broome Long Shaw
Chabert Martiny Smith
Donahue McPherson Thompson
Dorsey Michot Walsworth
Duplessis Morrish
Hebert Mount

Total - 25

NAYS

Total - 0

ABSENT

- Adley Erdey Marionneau
Amedee Gautreaux B Morrell
Cheek Gautreaux N Peterson
Claitor Guillory Quinn
Crowe LaFleur

Total - 14

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

HOUSE CONCURRENT RESOLUTION NO. 196—

BY REPRESENTATIVE MILLS
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Board of Nursing, the Louisiana Department of Public Safety and Corrections, the Louisiana Bureau of Criminal Identification and Information, the Louisiana Department of Social Services, the Louisiana District Attorneys Association, and the Louisiana Sheriffs' Association to study the means by which the Louisiana State Board of Nursing may obtain access to investigative records so as to fulfill the statutory mandate to protect the citizens of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Murray
Alario	Jackson	Nevers
Appel	Kostelka	Peterson
Broome	Long	Riser
Chabert	Martiny	Shaw
Donahue	McPherson	Smith
Dorsey	Michot	Thompson
Duplessis	Morrish	Walsworth
Hebert	Mount	
Total - 26		

NAYS

Total - 0

ABSENT

Adley	Erdey	Marionneau
Amedee	Gautreaux B	Morrell
Cheek	Gautreaux N	Quinn
Claitor	Guillory	
Crowe	LaFleur	
Total - 13		

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

HOUSE CONCURRENT RESOLUTION NO. 197—

BY REPRESENTATIVE HARRISON
A CONCURRENT RESOLUTION

To urge and request each public institution of postsecondary education to report annually certain information to the House Committee on Education and the Senate Committee on Education and on its website.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Murray
Alario	Jackson	Nevers
Appel	Kostelka	Peterson
Broome	Long	Riser
Chabert	Martiny	Shaw
Donahue	McPherson	Smith
Dorsey	Michot	Thompson
Duplessis	Morrish	Walsworth
Hebert	Mount	
Total - 26		

NAYS

Total - 0

ABSENT

Adley	Erdey	Marionneau
Amedee	Gautreaux B	Morrell
Cheek	Gautreaux N	Quinn
Claitor	Guillory	
Crowe	LaFleur	
Total - 13		

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

HOUSE CONCURRENT RESOLUTION NO. 198—

BY REPRESENTATIVE HARRISON
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study issues relative to partnerships by local public school boards with private entities to provide certain ancillary services, including how cost savings derived from such partnerships could be used to improve instructional and technological services for students, and to submit a written report of findings, including any recommendations for related legislation, to the House Committee on Education and the Senate Committee on Education not later than sixty days prior to the beginning of the 2011 Regular Session of the Legislature.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Hebert	Murray
Alario	Heitmeier	Nevers
Appel	Jackson	Peterson
Broome	Kostelka	Riser
Chabert	Long	Shaw
Claitor	McPherson	Smith
Donahue	Michot	Thompson
Dorsey	Morrish	Walsworth
Duplessis	Mount	
Total - 26		

NAYS

Total - 0

ABSENT

Adley	Gautreaux B	Martiny
Amedee	Gautreaux N	Morrell
Cheek	Guillory	Quinn
Crowe	LaFleur	
Erdey	Marionneau	
Total - 13		

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

HOUSE CONCURRENT RESOLUTION NO. 199—

BY REPRESENTATIVE BURRELL
A CONCURRENT RESOLUTION

To urge and request the city of Shreveport to postpone the closure of the railroad crossings in an effort to afford the citizens of Shreveport the opportunity to voice their concerns or submit public comment to the city of Shreveport with regard to certain railroad closures.

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

May 25, 2010

HOUSE CONCURRENT RESOLUTION NO. 200—
BY REPRESENTATIVE HOFFMANN

A CONCURRENT RESOLUTION

To recognize Wednesday, June 2, 2010, as Pro-Life Day at the Louisiana State Capitol and to commend the state's pregnancy resource centers, adoption agencies, and maternity homes.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Hebert	Mount
Alario	Heitmeier	Murray
Appel	Jackson	Nevers
Broome	Kostelka	Peterson
Chabert	Long	Riser
Claitor	Martiny	Shaw
Donahue	McPherson	Smith
Dorsey	Michot	Thompson
Duplessis	Morrish	Walsworth
Total - 27		

NAYS

Total - 0

ABSENT

Adley	Erdey	LaFleur
Amedee	Gautreaux B	Marionneaux
Cheek	Gautreaux N	Morrell
Crowe	Guillory	Quinn
Total - 12		

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

Rules Suspended

Senator Peterson asked for and obtained a suspension of the rules to recall Senate Bill No. 583 from the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 583—
BY SENATOR PETERSON

AN ACT

To enact R.S. 42:6.1(E), relative to open meetings law; to provide an exception to open meetings law for certain gatherings of municipal and parish governing authorities; and to provide for related matters.

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

Motion to Make Special Order

HOUSE BILL NO. 1033—

BY REPRESENTATIVES HOFFMANN, AUSTIN BADON, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, KATZ, LABRUZZO, LIGI, NOWLIN, ROBIDEAUX, SIMON, SMILEY, WILLIAMS, AND WOOTON AND SENATORS APPEL, DONAHUE, DUPLESSIS, MARTINY, AND QUINN

AN ACT

To amend and reenact R.S. 17:10.1(B) and (C), Subpart A of Part II of Chapter 39 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3881 through 3886, Subpart C of Part II of Chapter 39 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3901 through 3905, R.S. 17:3997(D), to enact R.S. 17:10.1(D), and to repeal Subpart B of Part II of Chapter 39 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3891 through 3895, relative to professional employee quality development; to

provide for evaluation programs for teachers and administrators; to provide for program purposes and definitions; to provide for local evaluation plans and elements required for such plans; to provide relative to the powers and duties of the State Board of Elementary and Secondary Education and local school boards; to provide for an advisory committee to make recommendations relative to the development of a value-added assessment model; to require the state superintendent of education to make certain information available to the public; to provide conditions for the issuance of teacher and higher level certificates; to delete requirements relative to informal evaluations; to require reporting; to provide for applicability; to provide for effectiveness; to repeal provisions relative to the Teacher Assistance and Assessment Program; and to provide for related matters.

On motion of Senator Nevers House Bill No. 1033, which is on Third Reading and Final Passage, was made Special Order of the Day No. 1 on Wednesday, May 26, 2010.

Privilege Report of the Committee on
Senate and Governmental Affairs

ENROLLMENTS

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

May 25, 2010

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 Bills have been properly enrolled:

SENATE BILL NO. 3—
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 13:5107(D)(2), relative to service of citation and process; to clarify dismissal of a suit for failure to request service; and to provide for related matters.

SENATE BILL NO. 303—
BY SENATOR LONG

AN ACT

To enact R.S. 37:2804(K), relative to the powers and duties of the Louisiana Board of Chiropractic Examiners; to provide for the power to enter into certain transactions involving immovable property; to provide for the authority of the board to borrow funds; and to provide for related matters.

SENATE BILL NO. 412—
BY SENATOR DONAHUE

AN ACT

To enact Part XI-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:332.1, relative to property control; to create the State Buildings and Lands Highest and Best Use Advisory Group; to provide for duties and responsibilities; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 214—
BY SENATOR MOUNT AND REPRESENTATIVE KATZ

AN ACT

To amend and reenact R.S. 37:793(G) and to enact R.S. 37:793(B)(5), relative to the administration of nitrous oxide inhalation analgesia; to provide for the administration of nitrous oxide inhalation analgesia by certain dental hygienists; to provide for a permit; and to provide for related matters.

SENATE BILL NO. 514—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 40:1299.44(A)(2), (5), and (6) and (D)(1)(c) and (2)(b)(iii), relative to the Patient's Compensation Fund and the Patient's Compensation Fund Oversight Board; to provide with respect to exemption of the board and fund from rate regulation by the commissioner of insurance; to provide relative to the annual surcharge, including the manner of its determination; to provide relative to retention of monies in the fund; to provide with respect to composition of the board and to otherwise provide with respect to its authority; and to provide for related matters.

SENATE BILL NO. 46—
BY SENATOR APPEL

AN ACT

To amend and reenact Code of Civil Procedure Article 4907(B), relative to procedure in parish and city courts; to provide relative to the delay for applying for a new trial; and to provide for related matters.

SENATE BILL NO. 77—
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 48:2074 (D)(2),(6) and (7), relative to the Louisiana Transportation Authority; to provide that the chairman of the Senate Committee on Transportation, Highways and Public Works and the chairman of the House Committee on Transportation, Highways and Public works shall rotate as chairman of the board; and to provide for related matters.

SENATE BILL NO. 196—
BY SENATOR MOUNT AND REPRESENTATIVE KATZ

AN ACT

To amend and reenact R.S. 46:1403(A)(2) and 1404(B) and to enact R.S. 46:1403(A)(11) and to repeal Chapter 15 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1451 through 1459, relative to child-placing agencies; to expand the definition of a child-placing agency; to provide for licensure of transitional youth residences as child-placing agencies; to provide an exemption to licensure of child-placing agencies operated by the Department of Social Services; and to provide for related matters.

SENATE BILL NO. 374—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 15:529.1(G), relative to the habitual offender law; to provide for imprisonment at hard labor for persons sentenced under the habitual offender law; and to provide for related matters.

SENATE BILL NO. 617—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 32:392.1, relative to motor vehicles; to prohibit impoundment in certain circumstances; and to provide for related matters.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Guillory	Murray
Amedee	Hebert	Nevers
Appel	Heitmeier	Peterson

Broome	Jackson	Quinn
Chabert	Kostelka	Riser
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Crowe	Martiny	Thompson
Donahue	McPherson	Walsworth
Dorsey	Michot	
Duplessis	Morrell	

Total - 37

ABSENT

Gautreaux N
Total - 2

Marionneaux

Leaves of Absence

The following leaves of absence were asked for and granted:

Gautreaux N	½ Day	McPherson	½ Day
Marionneaux	1 Day		

Announcements

The following committee meetings for May 26, 2010, were announced:

Commerce	9:30 A.M.	Room E
Health & Welfare	9:00 A.M.	Hainkel Room
Insurance	10:00 A.M.	Room A
Senate & Gov't Affairs	9:00 A.M.	Room F

Adjournment

On motion of Senator Thompson, at 6:45 o'clock P.M. the Senate adjourned until Wednesday, May 26, 2010, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Wednesday, May 26, 2010.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk