

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

TWELFTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 17, 2008

The Senate was called to order at 9:45 o'clock A.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	Donahue	Michot
Adley	Dorsey	Morrish
Alario	Dupre	Mount
Amedee	Erdey	Murray
Broome	Gautreaux B	Nevers
Cassidy	Heitmeier	Shaw
Cheek	Kostelka	Shepherd
Crowe	Long	Smith
Total - 24		

ABSENT

Cravins	Jackson	Quinn
Duplessis	LaFleur	Riser
Gautreaux N	Marionneaux	Scalise
Gray	Martiny	Thompson
Hebert	McPherson	Walsworth
Total - 15		

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

Prayer

The prayer was offered by Pastor Dwayne Rogers, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Long, the reading of the Journal was dispensed with and the Journal of April 16, 2008, was adopted.

**Petitions, Memorials and
Communications**

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

**SENATE
STATE OF LOUISIANA**

April 17, 2008

Honorable Lydia Jackson
State Senator
610 Texas Street
Suite 201
Shreveport, LA 71101

RE: Senate Committee on Local and Municipal Affairs

Dear Senator Jackson:

In accordance with Senate Rule 13.2, I hereby appoint you to serve as Vice Chair of the Senate Committee on Local and Municipal Affairs.

I appreciate your willingness to serve in this important role. Please call if I can be of any assistance.

Sincerely,
JOEL T. CHAISSON II
President of the Senate

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**

April 16, 2008

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:

HOUSE BILL NO. 247—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 27:306(A)(4)(b)(introductory paragraph) and (7)(a), relative to the Video Draw Poker Devices Control Law; to provide for the determination of the number of video draw poker devices operated at truck stops based upon average monthly fuel sales calculated annually; to provide for the operation of twenty-five video draw poker devices at new truck stop facilities for ninety days without average fuel sale requirements; to provide for average monthly fuel sales calculated quarterly for the first year of operation and for monthly fuel sales calculated annually thereafter; and to provide for related matters.

HOUSE BILL NO. 488—
BY REPRESENTATIVE GISCLAIR
AN ACT

To enact R.S. 56:579.1(C)(4), relative to mariculture; to require review by or cooperation with certain marine biologists for mariculture projects located offshore in state waters; and to provide for related matters.

HOUSE BILL NO. 701—
BY REPRESENTATIVE ST. GERMAIN AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 56:8(26), (42), (57), (58), (66), (91), (110), and (112), 320(A), 325(C), 326.1, 327(A)(1)(introductory paragraph) and (2), 332(M), 411, 412, and 413, to enact R.S. 56:8(109.1), and to repeal R.S. 56:327(A)(1)(a), (b), and (c), relative to game fish; to define what fish species are game fish; to define "commercial fishing"; to define "recreational fishing"; to define "aquaculture"; to define "domesticated fish"; to delineate what restrictions apply to game fish, to aquaculturally raised fish, to commercial fishing, and to recreational fishing; to

provide relative to transportation of game fish fingerlings; and to provide for related matters.

HOUSE BILL NO. 702—
BY REPRESENTATIVES ST. GERMAIN AND DOVE AND SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:322.1(A) and (H) and 322.2(B) and (D) and to repeal R.S. 56:322.1(D), relative to commercial taking of shad and skipjack; to remove provisions for a closed season; to provide relative to the prohibition for nighttime taking of commercial shad; to authorize the keeping of other commercial species of fish; and to provide for related matters.

HOUSE BILL NO. 757—
BY REPRESENTATIVES TRAHAN, ELBERT GUILLORY, HOWARD, NORTON, AND SCHRODER

AN ACT

To amend and reenact R.S. 14:34.3(B) and 38.2(B), relative to crimes against a school teacher; to provide for penalties for the crimes of battery of and assault on a school teacher; and to provide for related matters.

HOUSE BILL NO. 848—
BY REPRESENTATIVE HUTTER

AN ACT

To amend and reenact R.S. 56:433(B) and to reenact R.S. 56:433(G), relative to taking oysters from public seed grounds; to provide for a period of time for harvest of seed oysters; to provide for a period of time for the harvest of oysters generally from the seed grounds; to provide for a sacking only area east of the Mississippi River in Plaquemines Parish; and to provide for related matters.

HOUSE BILL NO. 876—
BY REPRESENTATIVES RICHMOND, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, BOBBY BADON, BARROW, BILLIOT, HENRY BURNS, BURRELL, CARTER, CONNICK, DIXON, DOERGE, EDWARDS, FRANKLIN, GALLOT, GISCLAIR, HARDY, HAZEL, HENDERSON, HINES, HONEY, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, LABRUZZO, LAFONTA, LEGER, MARCHAND, MONTUCET, MORRELL, NORTON, PEARSON, PETERSON, PONTI, PUGH, RICHARD, RITCHIE, ROY, SCHRODER, SIMON, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TEMPLET, TUCKER, WILLIAMS, AND WOOTON

AN ACT

To enact R.S. 36:4(X) and Chapter 18 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1211 through 1213, relative to the Louisiana Council on the Social Status of Black Men and Boys; to create the council; to provide for the membership of the council; to provide for the powers, duties, and responsibilities of the council; to provide legislative findings; and to provide for related matters.

HOUSE BILL NO. 877—
BY REPRESENTATIVE MILLS AND SENATOR MICHOT

AN ACT

To amend and reenact R.S. 37:3461, 3462(2) through (5), 3463(C), 3467(A)(2) and (3), 3469, 3470, 3472, 3473, 3474.1(A)(1), (2), (5), and (6) and (B), 3478(C), 3479(A), and 3480 and to enact R.S. 37:3462(6) through (16), 3467(B)(5), 3474, 3474.1(A)(7) and (8) and (C) through (F), 3474.2, 3474.3, 3474.4, and 3477, relative to the Louisiana Wholesale Drug Distributors Act; to provide for a short title; to provide for definitions; to set the terms of board members; to provide for the powers and duties of the board; to provide for qualifications and requirements for licensure; to provide for inspections; to provide for applicants from other states; to provide for the denial, revocation, or suspension of a license; to provide for enforcement proceedings; to provide for injunction proceedings; to provide for quarantine of a legend drug or device; to authorize the board to obtain criminal history record information; to provide for penalties; to provide for fees; to provide for unauthorized sales; and to provide for related matters.

HOUSE BILL NO. 1044—
BY REPRESENTATIVE ABRAMSON
AN ACT

To enact R.S. 18:1463.1, relative to campaign practices; to require certain identification of the sources of telephone campaign communications; to provide for the content of such identification; to require certain approvals prior to causing such calls to be made; to provide definitions; to provide penalties for violations; and to provide for related matters.

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

House Bills and Joint Resolutions

Senator Long asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE BILL NO. 247—
BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 27:306(A)(4)(b)(introductory paragraph) and (7)(a), relative to the Video Draw Poker Devices Control Law; to provide for the determination of the number of video draw poker devices operated at truck stops based upon average monthly fuel sales calculated annually; to provide for the operation of twenty-five video draw poker devices at new truck stop facilities for ninety days without average fuel sale requirements; to provide for average monthly fuel sales calculated quarterly for the first year of operation and for monthly fuel sales calculated annually thereafter; 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. 488—
BY REPRESENTATIVE GISCLAIR
AN ACT

To enact R.S. 56:579.1(C)(4), relative to mariculture; to require review by or cooperation with certain marine biologists for mariculture projects located offshore in state waters; and to provide for related matters.

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

HOUSE BILL NO. 701—
BY REPRESENTATIVE ST. GERMAIN AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 56:8(26), (42), (57), (58), (66), (91), (110), and (112), 320(A), 325(C), 326.1, 327(A)(1)(introductory paragraph) and (2), 332(M), 411, 412, and 413, to enact R.S. 56:8(109.1), and to repeal R.S. 56:327(A)(1)(a), (b), and (c), relative to game fish; to define what fish species are game fish; to define "commercial fishing"; to define "recreational fishing"; to define "aquaculture"; to define "domesticated fish"; to delineate what restrictions apply to game fish, to aquaculturally raised fish, to commercial fishing, and to recreational fishing; to provide relative to transportation of game fish fingerlings; and to provide for related matters.

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

HOUSE BILL NO. 702—
BY REPRESENTATIVES ST. GERMAIN AND DOVE AND SENATOR DUPRE
AN ACT

To amend and reenact R.S. 56:322.1(A) and (H) and 322.2(B) and (D) and to repeal R.S. 56:322.1(D), relative to commercial taking of shad and skipjack; to remove provisions for a closed season; to provide relative to the prohibition for nighttime

taking of commercial shad; to authorize the keeping of other commercial species of fish; and to provide for related matters.

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

HOUSE BILL NO. 757—

BY REPRESENTATIVES TRAHAN, ELBERT GUILLORY, HOWARD, NORTON, AND SCHRODER

AN ACT

To amend and reenact R.S. 14:34.3(B) and 38.2(B), relative to crimes against a school teacher; to provide for penalties for the crimes of battery of and assault on a school teacher; and to provide for related matters.

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

HOUSE BILL NO. 848—

BY REPRESENTATIVE HUTTER

AN ACT

To amend and reenact R.S. 56:433(B) and to reenact R.S. 56:433(G), relative to taking oysters from public seed grounds; to provide for a period of time for harvest of seed oysters; to provide for a period of time for the harvest of oysters generally from the seed grounds; to provide for a sacking only area east of the Mississippi River in Plaquemines Parish; and to provide for related matters.

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

HOUSE BILL NO. 876—

BY REPRESENTATIVES RICHMOND, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, BOBBY BADON, BARROW, BILLIOT, HENRY BURNS, BURRELL, CARTER, CONNICK, DIXON, DOERGE, EDWARDS, FRANKLIN, GALLOT, GISCLAIR, HARDY, HAZEL, HENDERSON, HINES, HONEY, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, LABRUZZO, LAFONTA, LEGER, MARCHAND, MONTOUCET, MORRELL, NORTON, PEARSON, PETERSON, PONTI, PUGH, RICHARD, RITCHIE, ROY, SCHRODER, SIMON, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TEMPLET, TUCKER, WILLIAMS, AND WOOTON

AN ACT

To enact R.S. 36:4(X) and Chapter 18 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1211 through 1213, relative to the Louisiana Council on the Social Status of Black Men and Boys; to create the council; to provide for the membership of the council; to provide for the powers, duties, and responsibilities of the council; to provide legislative findings; 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. 877—

BY REPRESENTATIVE MILLS AND SENATOR MICHOT

AN ACT

To amend and reenact R.S. 37:3461, 3462(2) through (5), 3463(C), 3467(A)(2) and (3), 3469, 3470, 3472, 3473, 3474.1(A)(1), (2), (5), and (6) and (B), 3478(C), 3479(A), and 3480 and to enact R.S. 37:3462(6) through (16), 3467(B)(5), 3474, 3474.1(A)(7) and (8) and (C) through (F), 3474.2, 3474.3, 3474.4, and 3477, relative to the Louisiana Wholesale Drug Distributors Act; to provide for a short title; to provide for definitions; to set the terms of board members; to provide for the powers and duties of the board; to provide for qualifications and requirements for licensure; to provide for inspections; to provide for applicants from other states; to provide for the denial, revocation, or suspension of a license; to provide for enforcement proceedings; to provide for injunction proceedings; to provide for quarantine of a legend drug or device; to authorize the board to obtain criminal history record information; to provide for penalties; to provide for fees; to provide for unauthorized sales; 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. 1044—

BY REPRESENTATIVE ABRAMSON

AN ACT

To enact R.S. 18:1463.1, relative to campaign practices; to require certain identification of the sources of telephone campaign communications; to provide for the content of such identification; to require certain approvals prior to causing such calls to be made; to provide definitions; to provide penalties for violations; 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.

Rules Suspended

Senator Broome asked for and obtained a suspension of the rules for the purpose of advancing to the order of

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

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 44—

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 22:3304(C) and to enact R.S. 22:3309(E), relative to Insure Louisiana Incentive Program; to provide for a third invitation for grant applications; to provide for recovery of unearned grants; to provide for rules; to provide for qualifications; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Cravins, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 69—

BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 40:2009.24(F), relative to the Nursing Home Quality and Efficiency Board; to extend the sunset date of the board; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 75—

BY SENATOR GRAY

AN ACT

To amend and reenact R.S. 40:2116(J)(1), relative to facility need review; to provide for facility need review approvals for nursing homes and intermediate care facilities for people with developmental disabilities that were located in an area affected by executive order or proclamation of emergency or disaster; to provide for extension of such facility need review approvals; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Mount, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 122—

BY SENATORS DUPRE, CRAVINS, LONG AND MORRISH

AN ACT

To enact R.S. 22:636.2(E), relative to insurance policies; to provide for annual review of certain insurers who cancel or fail to renew certain policies that negatively impact the financial solvency of the insurer, and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Cravins, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 123—
BY SENATOR DUPRE

AN ACT

To enact R.S. 23:921(J), (K) and (L), relative to the prohibition on restraint of business; to provide with regard to corporations; to provide with regard to partnerships; to provide with regard to limited liability companies; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Duplessis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 174—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 36:746(A)(introductory paragraph), (B), (C), and (D) and R.S. 49:229(A) and (C)(3), relative to the Department of State; to provide for change in name of the First Stop Shop to the Office of Geauxbiz; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 174 by Senator Duplessis

AMENDMENT NO. 1

On page 1, line 4, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 2

On page 1, line 9, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 3

On page 1, line 11, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 4

On page 1, line 16, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 5

On page 2, line 6, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 6

On page 2, line 11, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 7

On page 2, line 17, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 8

On page 2, line 22, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 9

On page 2, line 27, change "Geauxbiz" to "GeauxBiz"

AMENDMENT NO. 10

On page 3, line 5, change "Geauxbiz" to "GeauxBiz"

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

SENATE BILL NO. 190—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 32:1262(B)(1), relative to the Motor Vehicles and Traffic Regulations Act; to provide for audits of automobile dealer records; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. On motion of Senator Duplessis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 245—
BY SENATOR CRAVINS

AN ACT

To enact R.S. 22:51, relative to insurers; to provide for the type of insurers and other risk bearing entities regulated by the Louisiana Insurance Code; to provide for the effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 245 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 2, change "22:51" to "22:48"

AMENDMENT NO. 2

On page 1, line 6, change "22:51" to "22:48"

AMENDMENT NO. 3

On page 1, line 7, change "§51." to "§48."

AMENDMENT NO. 4

On page 2, line 16, change "Senate Bill No. _____ of this 2008" to "Senate Bill No. 335 of this 2008"

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

SENATE BILL NO. 249—
BY SENATORS MOUNT AND MORRISH AND REPRESENTATIVES
FRANKLIN AND GEYMANN

AN ACT

To amend and reenact R.S. 40:2116(D)(2), relative to the moratorium on beds in nursing facilities; to remove the prohibition on the replacement of existing nursing facilities; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 249 by Senator Mount

AMENDMENT NO. 1

On page 1, line 2, after "40:2116(D)(2)" and before "," insert "and to repeal R.S. 40:2116(D)(3)"

AMENDMENT NO. 2

On page 2, line 2, after "2008." delete the remainder of the line

AMENDMENT NO. 3

On page 2, delete lines 3 through 7 in their entirety

AMENDMENT NO. 4

On page 2, line 8, delete the line in its entirety and insert the following in lieu thereof:

~~"(a) The entire foundation slab has been poured, unless an extension of not more than sixty days has been granted by the secretary of the Department of Health and Hospitals due to circumstances beyond the control of the operator.~~

(b) Vertical framing of the facility has begun."

AMENDMENT NO. 5

On page 2, between lines 8 and 9, insert the following:
 "Section 2. R.S. 40:2116(D)(3) is hereby repealed."

AMENDMENT NO. 6

On page 2, line 9, after "Section" and before "." change "2" to "3"

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

SENATE BILL NO. 335—
 BY SENATOR CRAVINS

AN ACT

To amend and reenact Title 22 of the Louisiana Revised Statutes of 1950; to direct the Louisiana State Law Institute to redesignate the current provisions of Title 22 of the Louisiana Revised Statutes of 1950 into a new format and number scheme without changing the substance of the provisions, to be comprised of R.S. 22:1 through 2368, and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 335 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 5, change "2368," to "2371,"

AMENDMENT NO. 2

On page 1, line 11, change "2368" to "2371"

AMENDMENT NO. 3

On page 1, between lines 16 and 17, insert the following:
 "[Current R.S. 22:1] * * *"

AMENDMENT NO. 4

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

AMENDMENT NO. 5

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

AMENDMENT NO. 6

On page 2, between lines 5 and 6, insert the following:
 " * * *"

AMENDMENT NO. 7

On page 2, between lines 8 and 9, insert the following:
 " * * *"

AMENDMENT NO. 8

On page 2, delete lines 12 through 29 in their entirety and insert in lieu thereof the following:

- "§3: §11. Compliance with Code required; rules and regulations by commissioner * * *
- §4: §12. Insurer: qualification required * * *
- §7: §13. Penalty for violations * * *
- §13: §14. Violations reported by employees; retaliation by insurer prohibited * * *
- §1446: §15. Rules and Regulations * * *
- §1447: §16. Failure to comply with written orders or directives; penalties * * *
- §1456: §17. Particular provisions prevail * * *

- §1457: §18. Suspension or revocations of insurers' license; fines * * *
- §1458: §19. Duration of licenses * * *
- §1459: §20. Producer's compensation * * *
- §1452: §21. Agreement on agents' compensation prohibited * * *
- §1454: §22. Insurers prohibited from engaging in other businesses * * *
- §1474: §23. Exclusive use of expirations * * *
- §1475: §24. Life and health sales quotas; prohibitions * * *

Subpart C. Equal Opportunity in Insurance

- §1921: §31. Division of minority affairs * * *
- §1922: §32. Advisory Committee on Equal Opportunity * * *
- §1923: §33. Sanctions * * *

AMENDMENT NO. 9

Delete pages 3 through 55 in their entirety and insert in lieu thereof the following:

- "§652: §34. Discrimination prohibited * * *
- §652.4: §35. Discrimination; failure to provide coverage; penalties; right of action * * *
- Subpart D. Insurance in General**
- §1455: §41. Policyholder bill of rights * * *
- §2.1: §42. Public records; forms and methods; electronic signatures and filings; timely filing of papers * * *
- §1467: §43. Complaints against insurers; file by company; public information * * *
- §1462.1: §44. False or fraudulent material information * * *
- §1468: §45. Attorney general; writ of mandamus * * *
- §5: §46. General definitions * * *
- §6: §47. Kinds of Insurance * * *
- §48. RESERVED * * *
- §1531: §49. "Officer" defined * * *

CHAPTER 2. Requirements for Insurers and Other Risk Bearing Entities

PART I. Kinds of Insurers

SUBPART A. Domestic Insurers-Generally

- §31: §61. Incorporators * * *
- §32: §62. Articles of incorporation * * *
- §33: §63. Approval of articles * * *
- §34: §64. Recordation * * *
- §35: §65. Application for certificate of authority * * *
- §37: §66. Initial examination: issuance of certificate of authority * * *
- §38: §67. Amendment to articles of incorporation * * *
- §39: §68. Books and records of domestic insurer; securities * * *
- §40: §69. Business Corporation Law governs when Insurance Code silent * * *

April 17, 2008

§1461: §70. Prior approval required before a domestic insurer may apply for admission to another state or country

§801: §71. Conversion requirements

§806: §72. Stock and mutual conversions

§741: §73. Order of dissolution

Subpart B. Domestic Stock Insurers

§71: §81. Capital requirements; applicants prior to September 1, 1989

§71.1: §82. Capital requirements; applicants on and after September 1, 1989

§71.2: §83. Additional capital and surplus

§72: §84. Payment for capital stock

§73: §85. Increase in capital stock

§74: §86. Dividends on stock

§75: §87. Stock dividends

§76: §88. Sales of stock

§77: §89. Impairment of stock to be made good

§78: §90. Impairment removed by reduction of stock

§79: §91. Stockholders meetings

§80: §92. Preferred stock

§81: §93. Elections; officers and directors

§82: §94. Duties of officers

§84: §95. Existing insurers; capital requirements and powers

§764: §96. Voluntary dissolution

Subpart C. Domestic Mutual Insurers

§121: §111. Surplus requirements; applicants prior to September 1, 1989

§121.1: §112. Surplus requirements; applicants on and after September 1, 1989

§121.2: §113. Additional surplus

§122: §114. Hull insurance

§123: §115. Surplus to be paid in cash

§124: §116. Methods of acquiring surplus

§125: §117. Dividends

§126: §118. Impairment of surplus; how made good

§127: §119. Policyholders' meetings; voting rights

§128: §120. Elections of officers and directors

§129: §121. Duties of officers

§131: §122. Non-assessable policies; authority to issue

§132: §123. Policyholders' liability

§133: §124. Domestic nonprofit mutual associations; insurer

Subpart D. Domestic Service Insurers

§291: §131. Service insurance defined

§292: §132. Policy provisions

§293: §133. Deposits

§294: §134. Capital requirements

§295: §135. Incorporation of service insurers prohibited

Subpart E. Industrial Insurers

§251: §141. Industrial insurance defined

§252: §142. Limitations

§253: §143. Funerals described; benefits payable

§254: §144. Capital requirements

§255: §145. Deposit

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§1394: **§2070.** Effective date
* * *

**PART II. Louisiana Life and Health Insurance
Guaranty Association Funds**

§1395.1: **§2081.** Title
* * *

§1395.2: **§2082.** Purpose
* * *

§1395.3: **§2083.** Coverages and limitations
* * *

§1395.4: **§2084.** Definitions
* * *

§1395.5: **§2085.** Creation of association
* * *

§1395.6: **§2086.** Board of directors
* * *

§1395.7: **§2087.** Powers and duties of the association
* * *

§1395.8: **§2088.** Assessments
* * *

§1395.9: **§2089.** Plan of operation
* * *

§1395.10: **§2090.** Powers and duties of the commissioner
* * *

§1395.11: **§2091.** Prevention of insolvencies
* * *

§1395.12: **§2092.** Offsets for assessments paid
* * *

§1395.13: **§2093.** Miscellaneous provisions
* * *

§1395.14: **§2094.** Examination of the association; annual report
* * *

§1395.15: **§2095.** Tax exemption
* * *

§1395.16: **§2096.** Immunity
* * *

§1395.17: **§2097.** Stay of proceeding; reopening of default judgments
* * *

§1395.18: **§2098.** Prohibited advertisement of Insurance Guaranty
Association Act in insurance sales; notice to
policyholders
* * *

§1395.19: **§2099.** Prospective application
* * *

CHAPTER 11. Commissions and Associations
PART I. Fire Insurance Patrol Associations

§1551: **§2111.** Definitions
* * *

§1552: **§2112.** Formation of fire insurance patrol associations
* * *

§1553: **§2113.** Officers; management
* * *

§1554: **§2114.** Certificate of approval
* * *

§1555: **§2115.** Powers
* * *

§1556: **§2116.** No charges or discrimination by associations
* * *

§1557: **§2117.** Right of way enroute to fire
* * *

§1558: **§2118.** Annual statements by fire insurers, assessments for
expenses of associations
* * *

§1559: **§2119.** Delinquent members of associations; demand for
statements and collection of assessments by
commissioner of insurance
* * *

§1560: **§2120.** Revocation of license of delinquent members;
reinstatement
* * *

**PART II. Louisiana Automobile Theft and Insurance Fraud
Prevention Authority**

§3201: **§2131.** Definitions
* * *

§3202: **§2132.** Authority; creation, powers
* * *

§3203: **§2133.** Authority; further powers and duties
* * *

§3204: **§2134.** Automobile Theft and Insurance Fraud Prevention
Authority Fund
* * *

§3205: **§2135.** Plan of operation
* * *

**PART III. Louisiana Consortium of Insurance and
Financial Services**

§1194: **§2141.** Louisiana Consortium of Insurance and Financial
Services; creation
* * *

§1194.1: **§2142.** Purpose
* * *

§1194.2: **§2143.** Board of directors
* * *

§1194.3: **§2144.** Advisory committee
* * *

§1194.4: **§2145.** Powers and duties of the consortium
* * *

§1194.5: **§2146.** Powers and duties of the advisory committee
* * *

§1194.6: **§2147.** Plan of operation
* * *

§1194.7: **§2148.** Funds
* * *

PART IV. Louisiana Health Care Commission

§9: **§2161.** Louisiana Health Care Commission; creation
* * *

**PART V. Louisiana Property and
Casualty Insurance Commission**

§15: **§2171.** Louisiana Property and Casualty Insurance Commission
* * *

**PART VI. Louisiana State University Health Sciences Center
Health Maintenance Organization**

§3021: **§2181.** Establishment of the Louisiana State University Health Sciences Center Health Maintenance Organization
* * *

§3022: **§2182.** Traditional providers access retained
* * *

CHAPTER 12. Administrative Orders, Hearings and Appeals

§1351: **§2191.** Hearings
* * *

§1352: **§2192.** Stay of action
* * *

§1353: **§2193.** Hearing place, public
* * *

§1354: **§2194.** Notice of hearing
* * *

§1355: **§2195.** Show cause notice
* * *

§1356: **§2196.** Adjourned hearing
* * *

§1357: **§2197.** Non-attendance
* * *

§1358: **§2198.** Procedure
* * *

§1359: **§2199.** Order on hearing
* * *

§1360: **§2200.** Review from commissioner of insurance's order
* * *

§1361: **§2201.** How review taken
* * *

§1362: **§2202.** Record to court
* * *

§1363: **§2203.** Hearing the case
* * *

§1364: **§2204.** Stay of action on review
* * *

§1365: **§2205.** Appeal to proper appellate court
* * *

§1366: **§2206.** Use of injunctive process
* * *

§1367: **§2207.** Writ of mandamus
* * *

§1368: **§2208.** Administrative hearings
* * *

CHAPTER 13. Pilot Programs and Databases

§21: **§2221.** Pilot programs; Department of Insurance; establishment
* * *

§22: **§2222.** Pilot program; certain provisions
* * *

§23: **§2223.** Pilot program; requirements; contents
* * *

PART I. Uninsured Motorist Identification Database

§25.1: **§2231.** Database development; authorization; request for proposals
* * *

§25.2: **§2232.** Disclosure of insurance information
* * *

PART II. Louisiana Basic Health Insurance Pilot Program

§244: **§2241.** Louisiana Basic Health Insurance; title
* * *

§245: **§2242.** Authorization to develop pilot programs
* * *

§246: **§2243.** Small employer and individual insurance program criteria
* * *

§246.1: **§2244.** Blanket insurance program; criteria by Department of Health and Hospitals; exemptions
* * *

§247: **§2245.** Employer group health insurance purchasing cooperative plan
* * *

§248: **§2246.** Regulations
* * *

§249: **§2247.** Community-based health care access programs
* * *

PART III. Central Database on Life Insurance Policies

§14: **§2261.** Central database for contact information on life insurance policies
* * *

CHAPTER 14. Joint Legislative Committee on Insurance

§1450.1: **§2271.** Legislative purpose
* * *

§1450.2: **§2272.** Joint Legislative Committee on Insurance; creation; composition
* * *

§1450.4: **§2273.** Report to the legislature
* * *

§1450.5: **§2274.** Publication; draft
* * *

§1450.6: **§2275.** Powers; subpoenas; contempt
* * *

§1450.7: **§2276.** Authority for staff; compensation
* * *

§1450.8: **§2277.** Advisory task force
* * *

CHAPTER 15. Louisiana Citizens Property Insurance Corporation

PART I. Louisiana Citizens Property Insurance Corporation

§1430: **§2291.** Louisiana Citizens Property Insurance Corporation; declaration and purpose; construction
* * *

§1430.1: **§2292.** Definitions
* * *

§1430.2: **§2293.** Creation of the Louisiana Citizens Property Insurance Corporation
* * *

§1430.3: **§2294.** Board of directors of corporation
* * *

§1430.4: **§2295.** Coastal Plan and FAIR Plan; re-created and continued
* * *

§1430.5: **§2296.** Immunity from liability
* * *

§1430.6: **§2297.** Powers and duties of Louisiana Citizens Property Insurance Corporation
* * *

§1430.7: **§2298.** Plan of operation of Louisiana Citizens Property Insurance Corporation
* * *

§1430.8: **§2299.** Functions of assessable insurers participating in the Coastal Plan
* * *

§1430.9: **§2300.** Functions of insurers participating in the FAIR plan
* * *

§1430.10: **§2301.** Assessable insureds
* * *

§1430.11: **§2302.** Eligibility; application
* * *

§1430.12: **§2303.** Rates, rating plans, and rates rules applicable
* * *

§1430.13: **§2304.** Reports of inspection
* * *

§1430.14: **§2305.** Annual and quarterly reports
* * *

§1430.15: **§2306.** Examination of corporation
* * *

§1430.16: **§2307.** Plan deficits; financing
* * *

§1430.17: **§2308.** Louisiana Citizens Property Insurance Corporation not taxable
* * *

§1430.18: **§2309.** Operation of the Coastal and FAIR plans; requirements
* * *

§1430.19: **§2310.** Prohibition against impairment of obligations
* * *

§1430.20: **§2311.** Limitation on bankruptcy
* * *

§1430.21: **§2312.** Severability

- §1430.22: §2313. Agents; authority to bind coverage
- §1430.23: §2314. Policy take-out program
- §1430.24: §2315. Adjusters

PART II. Fair and Coastal Plans

- §1441: §2321. Declaration and purpose
- §1441.1: §2322. Louisiana Insurance Underwriting Plan (Coastal Plan); definitions
- §1441.2: §2323. Louisiana Insurance Underwriting Plan re-created and continued
- §1441.3: §2324. Powers and duties of the governing committee
- §1441.4: §2325. Board of directors of the plan
- §1441.5: §2326. Functions of the plan
- §1441.6: §2327. Plan; review and approval
- §1441.7: §2328. Eligibility; application
- §1441.8: §2329. Participants shall cede insurance to the plan
- §1441.9: §2330. Rates, rating plans, and rate rules applicable
- §1441.10: §2331. Appeal to the commissioner; appeal to the court from the commissioner
- §1441.11: §2332. Reports of inspection
- §1441.12: §2333. Immunity from liability
- §1441.13: §2334. Annual report
- §1441.14: §2335. Examination of plan
- §1441.15: §2336. Louisiana Joint Reinsurance Plan (FAIR Plan); definitions
- §1441.16: §2337. Louisiana Joint Reinsurance Plan; immunity from liability; commissioner of insurance
- §1441.17: §2338. Powers and duties of the governing committee
- §1441.18: §2339. Board of directors of plan
- §1441.19: §2340. Functions of participants in the plan
- §1441.20: §2341. Plan
- §1441.21: §2342. Eligibility; application
- §1441.22: §2343. Plan participants shall cede insurance
- §1441.23: §2344. Rates, rating plans, and rate rules applicable
- §1441.24: §2345. Reports of inspection
- §1441.25: §2346. Annual report
- §1441.26: §2347. Examination of plan

CHAPTER #0 16. Insure Louisiana Incentive Program
PART I. Insure Louisiana Incentive Program

- §3301: §2361. Short title [3301]
- §3302: §2362. Purposes; public purposes
- §3303: §2363. Cooperative endeavors; grants; regulations

- §3304: §2364. Implementation; grant limitations
- §3305: §2365. Minimum capital requirements
- §3306: §2366. Satisfactory prior experience

AMENDMENT NO. 10

On page 56, delete lines 1 through 5 in their entirety and insert in lieu thereof the following:

- "§3307: §2367. Authorized insurers
- §3308: §2368. Matching capital fund grants
- §3309: §2369. Net written premium requirements
- §3310: §2370. Earned capital
- §3311: §2371. Insure Louisiana Incentive Program Fund

AMENDMENT NO. 11

On page 56, line 7, change "chapters, parts, subparts," to "Chapters, Parts, Subparts,"

AMENDMENT NO. 12

On page 56, lines 8 and 9, change "title or code of the revised statutes" to "Title or Code of the Revised Statutes"

AMENDMENT NO. 13

On page 56, line 9, change "chapters, parts, subparts," to "Chapters, Parts, Subparts,"

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

SENATE BILL NO. 347—
BY SENATOR CRAVINS

AN ACT

To repeal Part X of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:391 through 397, relative to insurers on the co-operative or assessment plan; to repeal provisions regarding the continuation of life, health and accident insurers on the co-operative or assessment plan organized as of October 1, 1948, and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 347 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 11, change "Senate Bill No. _____ of this 2008" to "Senate Bill No. 335 of this 2008"

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

SENATE BILL NO. 374—
BY SENATOR CRAVINS

AN ACT

To repeal Part XI of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1931 through 1943, relative to animal insurers; to repeal provisions regarding the licensing and operation of animal insurers; to provide for effectiveness of the Act; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 374 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 10, change "Senate Bill No. ____ of this 2008" to "Senate Bill No. 335 of this 2008"

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

SENATE BILL NO. 426—
BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 6:969.20(D), relative to the Motor Vehicle Sales Finance Act; to provide certain duties for the lender or holder of a retail installment contract; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 426 by Senator Duplessis

AMENDMENT NO. 1

On page 1, line 13, after "**for**" delete the remainder of the line and lines 14 through 17, and on page 2, delete lines 1 through 5 and insert the following: "**the time period specified by the lender or the holder of the retail installment contract. However, the lender or holder of the retail installment contract shall not be bound by erroneous outstanding balance information unless the consumer or the consumer's designee suffers harm in reasonable reliance on the erroneous information prior to the lender or holder of the retail installment contract providing him corrected information. Further, in no event shall the lender or the holder of the retail installment contract be bound if the consumer or the consumer's designee knew or should have known of the error.**"

(2) If the lender or holder of the retail installment contract receives from the consumer or the consumer's designee payment in full in an amount in accordance with the outstanding balance information, then the lender or holder of the retail installment contract shall accept the amount as payment in full, release the lender's or the retail installment contract holder's lien against the motor vehicle, and return the title or a lien satisfaction certification no later than the fourteenth day after the date upon which payment in full is received at the location designated by the lender or holder of the retail installment loan for such payments. If the lender or holder of the retail installment loan fails to return the title to the consumer or the consumer's designee within the specified time period, then the lender or holder of the retail installment contract shall provide sufficient funds to the consumer or the consumer's designee in order to obtain a duplicate title no later than fourteen days after payment in full is received at the location designated by the lender or holder of the retail installment contract for such payments.

(3) For the purposes of this Subsection, a payment in cash or certified funds shall be deemed to be received on the date that the lender or holder of the retail installment contract receives payment. All other forms of payment shall be deemed to be received on the date that the lender or the holder of the retail installment loan receives notice that the financial institution upon which payment is drawn has honored the payment.

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

SENATE BILL NO. 588—

BY SENATORS CRAVINS, DUPRE, HEBERT, LONG AND MORRISH
AND REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 22:3304(D) and (F) and R.S. 36:696(B) and to enact R.S. 22:1068(F) and 3312, relative to the Insure Louisiana Incentive Program; to provide for use of unused monies in the program to assist certain participants of certain government sponsored home loan programs with homeowners insurance premiums; to create and provide for implementation of a homeowner policy premium assistance program; to provide for eligibility and participation in the premium program; to provide for coordination of the program by the office of consumer advocacy in the Department of Insurance; to authorize the department to promulgate rules and regulations to implement the program; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 588 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 3, delete "22:1068(F) and 3312," and insert "22:3312,"

AMENDMENT NO. 2

On page 1, line 4, after "assist" delete the remainder of the line and insert "qualified individuals"

AMENDMENT NO. 3

On page 1, line 5, delete "government sponsored home loan programs"

AMENDMENT NO. 4

On page 1, line 13, delete "22:1068(F) and 3312 are" and insert "22:3312 is"

AMENDMENT NO. 5

On page 1, delete lines 14 through 17 in their entirety.

AMENDMENT NO. 6

On page 2, delete lines 1 through 4 in their entirety.

AMENDMENT NO. 7

On page 2, line 20, after "**individuals**" insert a period "." and delete the remainder of the line.

AMENDMENT NO. 8

On page 2, delete lines 21 through 23 in their entirety.

AMENDMENT NO. 9

On page 2, line 24, delete "**B.**"

AMENDMENT NO. 10

On page 2, line 27, after "**equal the**" delete the remainder of the line and in lieu thereof insert "**pro rata share of funds available.**"

AMENDMENT NO. 11

On page 2, delete lines 28 through 29 in their entirety.

AMENDMENT NO. 12

On page 3, delete lines 1 through 10 in their entirety.

AMENDMENT NO. 13

On page 3, line 11, delete "**(2)**" and in lieu thereof insert "**B.**"

AMENDMENT NO. 14

On page 3, line 15, delete "**D.**" and in lieu thereof insert "**C.**"

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

April 17, 2008

Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 16— BY SENATOR GRAY

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2008 Regular Session of the Legislature certain provisions of R.S. 40:2116(J)(1) and R.S. 40:2116(J)(1)(c), relative to the date upon which the facility need review approval for licensed nursing homes and intermediate care facilities for people with developmental disabilities (ICF/DD) which were located in an area which was affected by an executive order or proclamation of emergency or disaster will be deemed terminated, expired, or revoked.

Reported favorably by the Committee on Health and Welfare.

On motion of Senator Mount, the concurrent resolution was read by title and ordered engrossed and passed to a third reading.

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:

April 17, 2008

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 32— BY SENATOR BROOME

A CONCURRENT RESOLUTION

To designate April 26 through May 4, 2008, as National Safe Kids Week throughout the state of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 33— BY SENATOR NEVERS

A CONCURRENT RESOLUTION

To highly and sincerely commend Leslie R. Jacobs for her service, dedication, and commitment to educational excellence and to developing and sustaining a high quality educational system that will afford every child in Louisiana the opportunity to learn and achieve at the highest possible level.

SENATE CONCURRENT RESOLUTION NO. 34— BY SENATOR CHAISSON

A CONCURRENT RESOLUTION

To commend the Public Administration Institute Student Association (PAISA) at Louisiana State University and to recognize April 13, 2008, as the tenth annual PAISA Day in the state of Louisiana.

Respectfully submitted, ROBERT W. "BOB" KOSTELKA Chairman

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

ATTENDANCE ROLL CALL

PRESENT

Table with 3 columns: Name, Name, Name. Includes Mr. President, Dorsey, McPherson, Adley, Duplessis, Michot, Alario, Dupre, Morrish, Amedee, Erdey, Mount, Broome, Gautreaux B, Murray, Cassidy, Gautreaux N, Nevers, Cheek, Hebert, Shaw, Cravins, Heitmeier, Shepherd, Crowe, Kostelka, Smith, Donahue, Long.

Total - 29

ABSENT

Table with 3 columns: Name, Name, Name. Includes Gray, Martiny, Thompson, Jackson, Quinn, Walsworth, LaFleur, Riser, Marionneaux, Scalise.

Total - 10

Leaves of Absence

The following leaves of absence were asked for and granted:

Table with 4 columns: Name, Days, Name, Days. Includes Gray (1 Day), Jackson (1 Day), LaFleur (1 Day), Marionneaux (1 Day), Martiny (1 Day), Quinn (1 Day), Riser (1 Day), Scalise (1 Day), Thompson (1 Day), Walsworth (1 Day).

Adjournment

Senator Broome moved that the Senate adjourn until Monday, April 21, 2008, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Monday, April 21, 2008.

GLENN A. KOEPP Secretary of the Senate

LYNDA E. WHEELER Journal Clerk