

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

**TWENTY-FIFTH 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

Thursday, May 13, 2010

The Senate was called to order at 9:40 o'clock A.M. by Hon. Sharon Weston Broome, President Pro Tempore of the Senate.

**Morning Hour**

**CONVENING ROLL CALL**

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

**PRESENT**

Adley	Erdey	Martiny
Alario	Gautreaux B	Morrish
Amedee	Guillory	Mount
Appel	Hebert	Murray
Broome	Heitmeier	Nevers
Chabert	Kostelka	Peterson
Cheek	LaFleur	Shaw
Claitor	Long	Smith
Duplessis	Marionneaux	Thompson
Total - 27		

**ABSENT**

Mr. President	Gautreaux N	Morrell
Crowe	Jackson	Quinn
Donahue	McPherson	Riser
Dorsey	Michot	Walsworth
Total - 12		

The President Pro Tempore of the Senate announced there were 27 Senators present and a quorum.

**Prayer**

The prayer was offered by Bishop Michael Jarrell, 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 Duplessis, the reading of the Journal was dispensed with and the Journal of May 12, 2010, was adopted.

**Privilege Report of the  
Legislative Bureau**

May 13, 2010

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 48—**  
BY REPRESENTATIVE ANDERS  
AN ACT

To amend and reenact R.S. 3:3553(B) and 3556, relative to the assessment on grain sorghum; to authorize the application for and receipt of national assessment funds; to suspend the state assessment; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 242—**  
BY REPRESENTATIVE ANDERS  
AN ACT

To enact R.S. 3:3816(7), relative to arborist licenses; to provide for the issuance of temporary arborist licenses by the commissioner; to provide for certain temporary arborist license requirements; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 313—**  
BY REPRESENTATIVE GARY SMITH  
AN ACT

To amend and reenact R.S. 3:2772(E)(introductory paragraph) and (G)(introductory paragraph), relative to kennel licenses; to provide for license fees; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 430—**  
BY REPRESENTATIVE PUGH  
AN ACT

To amend and reenact R.S. 3:730.8 and to enact R.S. 3:730.9, relative to the labeling of strawberries offered for sale; to provide for farm of origin labeling; to provide for rules and regulations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 576—**  
BY REPRESENTATIVE MILLS  
AN ACT

To amend and reenact R.S. 3:2731 and 2778 and to repeal R.S. 3:2733 through 2737, relative to the regulation by local authorities of dogs; to provide for the adoption of ordinances; to provide for the imposition of fees and fines; to provide for the disposition of proceeds; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 891—**  
BY REPRESENTATIVE LAMBERT  
AN ACT

To amend and reenact R.S. 36:231(C)(1), to enact R.S. 30:2011(D)(26), and to repeal R.S. 30:2011(C)(1)(b) and R.S. 36:238(C), relative to the offices within the Department of Environmental Quality; to provide for the purposes for the offices within the Department of Environmental Quality; to provide for the elimination of the office of environmental assessment; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 893—**  
BY REPRESENTATIVE CHAMPAGNE  
AN ACT

To amend and reenact R.S. 30:2011(D)(3), 2014(A)(1), and 2054(B)(2)(a), relative to the authority to issue a regulatory permit; to provide for the authority of the secretary of the Department of Environmental Quality; to provide for the authority to issue a regulatory permit; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 894—**  
BY REPRESENTATIVE CHAMPAGNE  
AN ACT

To amend and reenact R.S. 30:2154(B)(2)(a) and to enact R.S. 30:2154(B)(9), relative to regulatory permits; to authorize the secretary of the Department of Environmental Quality to

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develop regulatory permits for solid waste; to provide for limitations on such authority; to provide for delegation of authority; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1169— BY REPRESENTATIVE WHITE

AN ACT

To enact R.S. 30:2060(O), relative to air quality; to provide for toxic air pollution standards and compliance; to provide for rules and regulations; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1169 by Representative White

AMENDMENT NO. 1

On page 1, between lines 6 and 7, insert "§ 2060. Toxic air pollutant emission control program"

Respectfully submitted, ROB MARIONNEAUX Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 80— BY SENATOR CHABERT

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility and costs of constructing additional exit ramps or of reconstructing the US 90 Overpass [Future I-49] with LA 1 and LA 308 in Lafourche Parish.

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

ROLL CALL

The roll was called with the following result:

YEAS

- Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Duplessis, Erdey, Gautreaux B, Total - 29, Gautreaux N, Guillory, Hebert, Heitmeier, Kostelka, LaFleur, Long, Marionneaux, Martiny, McPherson, Morrell, Morrish, Mount, Murray, Nevers, Peterson, Shaw, Smith, Thompson

NAYS

Total - 0

ABSENT

- Mr. President Claitor, Crowe, Donahue, Total - 10, Dorsey, Jackson, Michot, Quinn, Riser, Walsworth

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 12, 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. 68, HB No. 222, HB No. 239, HB No. 420, HB No. 433, HB No. 462, HB No. 496, HB No. 713, HB No. 976, HB No. 987, HB No. 989, HB No. 1146, HB No. 1226, HB No. 1322, HB No. 1336, HB No. 1339, HB No. 1347, HB No. 1354, HB No. 1389, HB No. 1397, HB No. 1463, HB No. 1468, HB No. 1470, HB No. 685, HB No. 927, HB No. 1266, HB No. 1276, HB No. 1313, HB No. 1471, HB No. 1472

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

HOUSE BILL NO. 68— BY REPRESENTATIVE HENRY BURNS AN ACT

To amend and reenact R.S. 40:1379.3(H)(2) and (N)(8) and to enact R.S. 40:1379.3(U), relative to concealed handgun permits; to provide for the adoption of rules and fees; to authorize certain religious organizations to allow concealed handguns to be carried in places of worship pursuant to a valid concealed handgun permit; to provide for exceptions; and to provide for related matters.

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

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.

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

**HOUSE BILL NO. 239—**  
BY REPRESENTATIVE KLECKLEY  
AN ACT

To amend and reenact R.S. 44:4.1(B)(10) and to enact R.S. 22:572.1 and 572.2, relative to company- produced insurance anti-fraud plans; to require each authorized insurer and health maintenance organization to produce and maintain such a plan; to provide for minimum requirements of such plans; to provide for the authority of the commissioner of insurance to review, investigate, and order modification of such plans; to authorize summary reports; to provide for confidentiality; to provide for certain statistical reports; and to provide for related matters.

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

**HOUSE BILL NO. 420—**  
BY REPRESENTATIVE LEGER  
AN ACT

To amend and reenact R.S. 17:3995(A)(1) and (2) and to repeal R.S. 17:3995(A)(3), relative to charter school funding; to provide relative to the use of certain local revenues for computing and allocating the per pupil amount provided to all charter schools; to provide exceptions; to remove provisions requiring certain minimum per pupil funding amounts pursuant to the most recent legislatively approved minimum foundation program formula; 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. 433—**  
BY REPRESENTATIVES HARDY AND HINES  
AN ACT

To enact R.S. 17:7(29), relative to the duties, functions, and responsibilities of the State Board of Elementary and Secondary Education; to require the State Board of Elementary and Secondary Education to develop, adopt, and provide for the implementation of a uniform grading scale for use in public schools; to provide for enforcement and exceptions; to provide for a task force to provide recommendations; to provide for rules and regulations; to provide for effectiveness; and to provide for related matters.

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

**HOUSE BILL NO. 462—**  
BY REPRESENTATIVE MILLS  
AN ACT

To amend and reenact Code of Criminal Procedure Article 648(A)(2), relative to procedures after a determination of mental capacity or incapacity; to provide for treatment after a determination of mental capacity or incapacity; to provide with respect to inpatient and outpatient treatment for persons charged with certain crimes; and to provide for related matters.

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

**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.

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

**HOUSE BILL NO. 685—**  
BY REPRESENTATIVE SAM JONES  
AN ACT

To amend and reenact R.S. 17:221(I), relative to school attendance; to provide relative to the enrollment of certain students in adult education programs that are approved by the State Board of Elementary and Secondary Education; and to provide for related matters.

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

**HOUSE BILL NO. 713—**  
BY REPRESENTATIVES CHAMPAGNE, BARRAS, AND SAM JONES  
AN ACT

To enact R.S. 38:291(AA), relative to levee districts; to create the Iberia Parish Levee, Hurricane, and Conservation District; to provide for jurisdictional limits; to provide for a board of commissioners, to provide for appointment of commissioners, terms of office, and determination of domicile; and to provide for related matters.

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

**HOUSE BILL NO. 927—**  
BY REPRESENTATIVE GALLOT  
AN ACT

To enact R.S. 44:9(A)(5), relative to the expungement of certain criminal records; to authorize the expungement of certain misdemeanor conviction records under certain circumstances; to provide relative to the motion for expungement; and to provide for related matters.

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

**HOUSE BILL NO. 976—**  
BY REPRESENTATIVES WILLMOTT AND LIGI AND SENATOR MARTINY  
AN ACT

To amend and reenact R.S. 33:2740.17(A) and (C), relative to the New Orleans International Airport Sales Tax District; to provide definitions for the district; and to provide for related matters.

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

**HOUSE BILL NO. 987—**  
BY REPRESENTATIVE GARY SMITH  
AN ACT

To amend and reenact R.S. 40:1299.96(A)(2)(b) and (B)(1) and to enact R.S. 40:1299.96(A)(4), relative to health care information; to provide for definitions; to provide for the report of certain test results directly to the patient; to require reporting to the health care professional who requested the test under certain circumstances; to require verification of patient identification prior to the delivery of test results; to prohibit the liability of clinical laboratories or medical facilities that comply with statutory reporting requirements; 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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**HOUSE BILL NO. 989—**  
BY REPRESENTATIVE STIAES

AN ACT

To amend and reenact R.S. 37:1104(A), (B)(1) and (2)(a) and (C), 1110(A)(introductory paragraph), (2), (4), (5), and (7) and (E), 1116(A)(introductory paragraph) and (2), (B)(introductory paragraph) and (1), and 1118 and to repeal R.S. 37:1103(12) and 1120, relative to licensed marriage and family therapists; to provide for an additional member to the Licensed Professional Counselors Board of Examiners; to provide for denial, revocation, or suspension of a licensee; to provide for changes to licensure application for marriage and family therapists; to provide for changes for reciprocity licensure; and to provide for related matters.

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

**HOUSE BILL NO. 1146—**  
BY REPRESENTATIVE LANDRY

AN ACT

To amend and reenact Children's Code Articles 1244(A), 1245(A), 1247(B), and 1253(A), to enact Children's Code Article 1244.1, and to repeal Children's Code Articles 1245.1 and 1258, relative to intrafamily adoptions; to provide for the filing of an opposition; to provide for a hearing; to provide for notice; to provide for an analysis regarding the appointment of an attorney by the court; to provide for time periods; to provide for the refusal of a decree; to provide for 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. 1226—**  
BY REPRESENTATIVE SMILEY

AN ACT

To amend and reenact R.S. 3:559.3, 559.6, 559.8(A), (B), and (C)(introductory paragraph), 559.9(A) and (E), 559.11, 559.12(13), and 559.13(C), (D), and (F), R.S. 17:427.4(A)(2)(c) and (d), (B), and (C), 2902(1) through (3), 2912(A)(introductory paragraph) and (B)(introductory paragraph), and 2913, R.S. 30:2000.2(7) through (10), 2000.3(B), and 2345, R.S. 33:9039.56(B), and 9039.125(B), R.S. 36:101(C)(3)(a)(ii), R.S. 37:3241, R.S. 39:333.1(E) and the heading of Chapter 3-A of Title 39 of the Louisiana Revised Statutes of 1950, R.S. 46:2356(A)(1) and (9) and (B), R.S. 51:938.1(D)(8), and R.S. 56:411(B) and 415 and to repeal R.S. 3:559.4, 559.5, 559.7, and 559.14, Chapter 20 of Title 6 of the Louisiana Revised Statutes of 1950, comprised of R.S. 6:1371 through 1375, Chapter 8-A of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1231 through 1237, R.S. 17:427.4(A)(2)(e) and (D) through (G), 2902(4), and 2911, Chapter 4-A of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:315 through 318, and Chapter 33 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1301 through 1307, R.S. 30:2000.2(11) and 2000.8, R.S. 36:4(B)(1)(o), 109(H), 259(D), (M), (V), and (II), 478(G), 509(F)(6) and (7) and (U), 629(R), 769(F)(1) and (3), and 919.7, R.S. 37:3214(15) and 3242, Chapter 12 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:2431 through 2439, Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3087.281 through 3087.295, R.S. 39:452 through 456, Chapter 3-D of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:465.1 through 465.8, Chapter 3-E of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:466.1 through 466.7, R.S. 39:1407, and R.S. 39:1409, R.S. 40:5.12, 1235(A)(7), Part LXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.241 and 1300.242, 2009.24, Part XII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2198 through 2198.6, and 2529, R.S. 46:2352(7)(c), Chapter 27 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:2041 through 2046, and Chapter 54 of Title 51 of the

Louisiana Revised Statutes of 1950, comprised of R.S. 51:3111 through 3115, relative to boards, commissions, authorities, districts, and like entities; to abolish certain inactive boards, commissions, authorities, and like entities; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Louisiana Music Commission, the Aquaculture Coordinating Council, the Financial Literacy and Education Commission, the Advisory Panel on the Louisiana Teachers' Homebuyer Program, the Louisiana Geography Education Initiative Program Council, the Atchafalaya Basin Advisory Committee, the Louisiana Advisory Committee on Midwifery, the Lincoln Parish Reservoir Authority, the School Health Advisory Board, the Hurricane Katrina Memorial Commission, the Women's Health Commission, the Silver Alert Steering Committee, the State Building Authority, State Bond and Building Commission, the Capital Construction and Improvement Commission, the Louisiana School Asbestos Abatement Commission, the South Central Regional Transportation Authority, the Rural Health Care Authority, the Regional Transit Authority, the Nursing Home Quality and Efficiency Board, the Commission on Law Enforcement Services for the Elderly, and the Interpreter Certification Board, and the Louisiana Infrastructure Bank; to provide for transfer of some of the powers, functions, and duties of some of the above referenced entities; to provide for certain technical corrections regarding placement of boards and commissions in the Executive Reorganization Act; and to provide for related matters.

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

**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.

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

**HOUSE BILL NO. 1276—**

BY REPRESENTATIVES HARDY, AUBERT, BARRAS, BILLIOT, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHAMPAGNE, DOWNS, GUILLORY, HOFFMANN, LABRUZZO, LEGER, LIGI, MILLS, POPE, PUGH, RICHARD, RICHARDSON, JANE SMITH, PATRICIA SMITH, TALBOT, TEMPLET, THIBAUT, AND WHITE AND SENATORS ALARIO, APPEL, BROOME, LONG, MARTINY, MORRELL, MOUNT, AND WALSWORTH

AN ACT

To amend and reenact R.S. 17:493(A) and (C) and to enact R.S. 17:491.3 and 3996(B)(24), relative to school bus operators; to require a school bus operator to report his arrest for specified offenses involving operating a vehicle; to provide relative to guidelines, procedures, and timelines for such reporting; to provide relative to administration; to provide definitions; to provide applicability; to provide relative to the failure of the operator to report; 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. 1313—**  
BY REPRESENTATIVE DIXON

AN ACT

To amend and reenact R.S. 17:442, relative to teacher tenure; to require each superintendent of a public school system to provide certain information to a teacher employed in the system who acquires permanent status as a teacher; to provide for legislative findings; and to provide for related matters.

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

**HOUSE BILL NO. 1322—**  
BY REPRESENTATIVES BARROW, BOBBY BADON, BILLIOT, HENRY BURNS, GISCLAIR, LAMBERT, AND WILLIAMS  
AN ACT

To enact R.S. 30:2415(H), relative to recycling; to require certain state agencies to adopt solid waste reduction and recycling programs; and to provide for related matters.

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

**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.

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

**HOUSE BILL NO. 1339—**  
BY REPRESENTATIVE DOWNS  
AN ACT

To amend and reenact R.S. 32:405.1 and 407(A)(3), (4), and (5), to enact R.S. 32:407(A)(6), and to repeal R.S. 32:407(E), relative to driver's licenses for minors; to provide additional requirements and restrictions for driver's licenses for minors; and to provide for related matters.

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

**HOUSE BILL NO. 1347—**  
BY REPRESENTATIVE DIXON AND SENATORS MCPHERSON AND B. GAUTREAUX  
AN ACT

To amend and reenact R.S. 51:61, 64, and 65, relative to foreign trade zones; to provide for a board making an application to be designated as a foreign trade zone; and to provide for related matters.

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

**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.

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

**HOUSE BILL NO. 1389—**  
BY REPRESENTATIVE LIGI  
AN ACT

To amend and reenact R.S. 47:2202(A), 2203(C), and 2204, relative to the sale of adjudicated property; to exempt certain property sales from the minimum bid and appraisal requirements for adjudicated property; to provide relative to advertising requirements for adjudicated property sold at public sale; to provide relative to certain public sales by a political subdivision; to provide for certain 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. 1397—**  
BY REPRESENTATIVES ELLINGTON AND ROBIDEAUX  
AN ACT

To amend and reenact R.S. 49:330, relative to certain mineral revenue contracts; to establish an advisory committee relative to contracting with respect to such contracts; to provide for committee membership, powers, duties, and functions; to provide for annual meetings; to provide for annual reporting; and to provide for related matters.

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

**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.

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

**HOUSE BILL NO. 1468— (Substitute for House Bill No. 792 by Representative Richmond)**  
BY REPRESENTATIVE RICHMOND  
AN ACT

To enact R.S. 6:1083(24), (25), and (26) and Part IV of Chapter 14 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:1101 through 1104, relative to reverse mortgages; to provide for definitions; to provide for requirements on reverse mortgage loans; to provide for counseling; to provide for rescission of a reverse mortgage loan; to provide for duties for elders regarding reverse mortgage loans; and to provide for related matters.

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

**HOUSE BILL NO. 1470— (Substitute for House Bill No. 938 by Representative Michael Jackson)**  
BY REPRESENTATIVE MICHAEL JACKSON  
AN ACT

To amend and reenact R.S. 32:1305(C) and to enact R.S. 32:1304(H) and 1306.1, relative to motor vehicles; to require certain vehicles to be inspected in certain parishes; to authorize an increased fee for inspection and maintenance programs in parishes in the nonattainment area; to permit local option elections in parishes in the nonattainment area; to provide relative to the conduct of such elections and the costs thereof; to exempt certain parishes; and to provide for related matters.

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

**HOUSE BILL NO. 1471— (Substitute for House Bill No. 1117 by Representative Greene)**  
BY REPRESENTATIVE GREENE  
AN ACT

To enact R.S. 47:2323(D), relative to ad valorem taxation; to require consideration of the income approach for valuation of certain unoccupied residential immovable property; 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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**HOUSE BILL NO. 1472— (Substitute for House Bill No. 1351 by Representative Nowlin)**  
BY REPRESENTATIVES NOWLIN AND THIBAUT  
AN ACT

To amend and reenact R.S. 12:407 and 418(B)(1), relative to certain corporations; to provide with respect to electric cooperatives; to provide relative to dissolution; to provide procedures for shareholder voting; to provide for mail or proxy voting; to provide for prospective application; to provide for 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 Bills and Joint Resolutions on Second Reading**

**HOUSE BILL NO. 37—**  
BY REPRESENTATIVE GARY SMITH  
AN ACT

To amend and reenact R.S. 44:36(D), relative to public records; to reduce the time required for the Department of Public Safety and Corrections to retain records regarding adult offenders; 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. 106—**  
BY REPRESENTATIVE LOPINTO  
AN ACT

To enact R.S. 15:587.1.1, relative to criminal history information; to provide with respect to criminal history information of persons with supervisory or disciplinary authority over children; to authorize prospective employees and independent contractors; to receive a certified copy of their criminal history information; to provide for portability of such information; 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. 145—**  
BY REPRESENTATIVE MORRIS  
AN ACT

To enact R.S. 33:423.20, relative to the town of Vivian; to authorize the police chief to take certain personnel actions; 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. 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.

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

**HOUSE BILL NO. 246—**  
BY REPRESENTATIVES POPE, ARMES, ARNOLD, AUBERT, BARRAS, BARROW, BILLIOT, BURFORD, TIM BURNS, BURRELL, CARMODY, CARTER, CHANDLER, CHANEY, CONNICK, CORTEZ, DIXON, DOERGE, DOWNS, ELLINGTON, FANNIN, FOIL, GISCLAIR, GREENE, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HOWARD, HUTTER, MICHAEL JACKSON, JOHNSON, LIGI, LITTLE, LOPINTO, LORUSSO, MCVEA, MORRIS, NOWLIN, PEARSON, PONTI, PUGH, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SCHRODER, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, THIBAUT, WILLIAMS, WILLMOTT, AND WOOTON

A JOINT RESOLUTION

Proposing to add Article VII, Section 21(K) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; to provide an exemption for certain property owned by certain disabled veterans and their spouses; to provide for the amount of the exemption; to prohibit the loss of revenue associated with this exemption from impacting the calculation of millage rates by taxing authorities; to require taxing authorities to absorb the loss of revenue as a result of this exemption; to prohibit the reappraisal and valuation of property for purposes of millage adjustment under certain circumstances; to require a local election called by resolution or ordinance by the local governing authority for the establishment of the exemption; to provide for submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 325—**  
BY REPRESENTATIVE STIAES  
A JOINT RESOLUTION

Proposing to amend Article VII, Sections 18(G)(5) and 20(A)(10) of the Constitution of Louisiana, relative to ad valorem taxes on a homestead which has been destroyed or is uninhabitable due to a disaster; to authorize an extension of the homestead exemption and special assessment level for such homesteads under certain circumstances; to provide for the claiming of the extension of the homestead exemption and the special assessment level; to provide for certain limitations and requirements; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

**HOUSE BILL NO. 418—**  
BY REPRESENTATIVE GARY SMITH  
AN ACT

To amend and reenact R.S. 15:574.2(A), relative to the Board of Parole; to provide relative to the membership of the board; to provide for an ex officio, nonvoting member; 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. 421—**  
BY REPRESENTATIVE MICHAEL JACKSON  
AN ACT

To amend and reenact R.S. 17:221(B), relative to school attendance by certain students; to provide relative to the authority of a city, parish, or other local public school board to deny admission or readmission to school of certain students; to provide limitations; to delete provisions relative to a pilot program regarding school attendance; 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. 472—**  
BY REPRESENTATIVE MONTOUCE  
AN ACT

To enact R.S. 38:2212.8 and Chapter 24 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:2181 and 2182, relative to procurement; to prohibit public entities from contracting with dealers who do not possess a valid dealer license issued by the Louisiana Motor Vehicle Commission; to require proof of certain dealers licenses; 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. 537—**

BY REPRESENTATIVE WOOTON  
AN ACT

To enact R.S. 33:381(C)(30), relative to the municipality of Jean Lafitte; to provide for the filling of the office of police chief by appointment; to provide for the time and method of appointment and for the salary, term, duties, qualifications, and supervision of an appointed police chief; 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. 541—**

BY REPRESENTATIVE PUGH  
AN ACT

To enact R.S. 38:1794(B)(3), relative to Tangipahoa Parish; to provide relative to Consolidated Gravity Drainage District No. 1; to provide relative to the governing board of the district; to provide relative to the schedule of meetings held by the board; to provide relative to the compensation and reimbursement 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. 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.

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

**HOUSE BILL NO. 562—**

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact R.S. 14:34.6, relative to the crime of disarming a peace officer; to provide for the elements of the crime of disarming a peace officer; 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 C.

**HOUSE BILL NO. 589—**

BY REPRESENTATIVE LOPINTO  
AN ACT

To amend and reenact R.S. 32:793(D), relative to rental motor vehicle dealers; to clarify the amount of insurance required for rental dealers; to require policies be placed through insurance companies licensed by and admitted in Louisiana; and to provide for related matters.

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

**HOUSE BILL NO. 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.

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

**HOUSE BILL NO. 648—**

BY REPRESENTATIVE SAM JONES  
AN ACT

To repeal R.S. 17:221(E), relative to school attendance; to repeal provisions relative to permitting children of certain ages to withdraw from school under specified circumstances.

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

**HOUSE BILL NO. 684—**

BY REPRESENTATIVE MONTUCET  
AN ACT

To amend and reenact the heading of Chapter 31 of Title 48 of the Louisiana Revised Statutes of 1950, R.S. 48:2091, 2092, 2093, and 2094(A), (C), and (H) relative to the Lafayette Metropolitan Expressway Commission, to change the name of the commission; to change the composition of the board of directors; to change the jurisdictional boundaries of the commission; 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. 687—**

BY REPRESENTATIVE SMILEY  
AN ACT

To amend and reenact R.S. 32:123(E)(1), relative to motor vehicle traffic regulations; to increase the penalties for operators of motor vehicles cited for failure to yield the right-of-way; to provide for criminal penalties; 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. 715—**

BY REPRESENTATIVE GUINN  
AN ACT

To enact R.S. 33:4581, relative to the creation of the Flyway Byway District in Jefferson Davis Parish; to provide for the purpose of the district; to provide the boundaries of the district; to provide for the governance and organization of the district; to provide the powers of the district; to provide for cooperation with state agencies and departments; 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. 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.

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

**HOUSE BILL NO. 858—**

BY REPRESENTATIVE GALLOT  
AN ACT

To amend and reenact R.S. 33:9038.32(C) and 9038.36, relative to economic development districts; to provide relative to districts created by local governmental subdivisions; to provide additional procedures with respect to the creation of such districts; to provide relative to district funding; to authorize the districts to dedicate a portion of tax proceeds to finance economic development projects; 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.

May 13, 2010

**HOUSE BILL NO. 1058—**  
BY REPRESENTATIVE GREENE  
AN ACT

To enact R.S. 6:969.18(G), relative to motor vehicles; to require disclosure of certain fees not required by law charged upon the sale of a motor vehicle; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 1286—**  
BY REPRESENTATIVE LIGI  
AN ACT

To amend and reenact R.S. 36:4(B)(1)(dd), 801.1(A), and 802.3 and R.S. 40:1299.44(A)(1) and (5)(d), (e), and (f) and (D)(1)(a), relative to the Patient's Compensation Fund and the Patient's Compensation Fund Oversight Board; to provide for the organization of the executive branch of government; to provide for the deposit and investment of the Patient's Compensation Fund; to provide that the Patient's Compensation Fund and the Patient's Compensation Fund Oversight Board shall not be budget units of the state; to provide for the submission of an annual budget to certain legislative committees; to provide for an effective date; 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. 1302—**  
BY REPRESENTATIVE HENRY BURNS  
AN ACT

To amend and reenact R.S. 8:655(A), relative to the disposition of human remains; to provide with respect to the remains of persons who died during military service; 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. 1320—**  
BY REPRESENTATIVE FANNIN  
AN ACT

To enact R.S. 39:112(E)(2)(c), relative to capital outlay; to provide relative to the local match requirement for certain nonstate entity projects; to exempt certain nonstate entity projects from the local match requirement; and to provide for related matters.

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

**HOUSE BILL NO. 1349—**  
BY REPRESENTATIVE ARNOLD AND SENATOR MORRISH  
AN ACT

To amend and reenact R.S. 4:67(C)(1), relative to boxing and wrestling commissioners; to repeal the maximum amount of compensation a commissioner may receive in certain situations; and to provide for related matters.

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

**HOUSE BILL NO. 1380—**  
BY REPRESENTATIVE LEBAS  
AN ACT

To amend and reenact R.S. 37:1479(B), relative to the Louisiana State Board of Home Inspectors; to establish penalties for home inspectors who fail to renew their license within the twelve-month period after expiration; to establish penalties for home inspectors who fail to renew their license within the thirty-six-month period following expiration; and to provide for related matters.

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

**HOUSE BILL NO. 1421—**  
BY REPRESENTATIVE LANDRY  
AN ACT

To amend and reenact R.S. 12:1306(A)(1) and 1309(A)(introductory paragraph) and to enact R.S. 12:1301(A)(21), 1302(C), 1305(B)(3), and 1309(A)(4), relative to limited liability companies; to provide for low-profit limited liability companies; to provide for definitions; to provide for the purpose of low-profit limited liability companies; to provide for articles of organization; to provide for the name of a low-profit limited liability company; to provide for the amendment of articles of organization; and to provide for related matters.

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

**HOUSE BILL NO. 1449—**  
BY REPRESENTATIVE FANNIN  
AN ACT

To enact R.S. 9:1103, relative to the right of riparian owners; to provide for the assignment of rights to access the running waters of the state; to provide for the transfer for agricultural and aquacultural use by public entities; to prohibit fees charged by the state; and to provide for related matters.

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON  
HEALTH AND WELFARE**

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

May 12, 2010

To the President and Members of the Senate:

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

**SENATE BILL NO. 204—**  
BY SENATOR MCPHERSON  
AN ACT

To amend and reenact R.S. 40:1300.53, relative to criminal history checks of licensed ambulance personnel or nonlicensed persons; to remove provisions which allow an employer to waive certain provisions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 408—**  
BY SENATOR MCPHERSON  
AN ACT

To enact R.S. 40:1300.291(B)(3), relative to the hospital prospective payment methodology; to provide for the criteria that must be met in order to be deemed a major teaching hospital; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
WILLIE L. MOUNT  
Chairman



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

**SENATE BILL NO. 18—**  
BY SENATOR MURRAY

AN ACT

To enact R.S. 40:2004, relative to public hospitals; to provide for confirmation of the management board of any legal entity formed for the purpose of financing, constructing, or operating a public hospital or academic medical center in New Orleans; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 18 by Senator Murray

AMENDMENT NO. 1

On page 1, line 9, at the beginning of the line delete "A."

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

**SENATE BILL NO. 71—**  
BY SENATOR APPEL

AN ACT

To amend and reenact R.S. 39:1767 and R.S. 48:251.8, and to enact R.S. 38:2196.1, R.S. 39:200(N), 1493.1, and Part X of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1758, relative to public contracts; to require certain contractors to disclose the full disposition, splitting, or sharing of contract commissions, fees, or other consideration by affidavit; to provide for the form of the affidavit; to provide for nullification of contracts in certain circumstances; to provide for criminal penalties; 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. 71 by Senator Appel

AMENDMENT NO. 1

On page 2, line 11, change "public entity" to "state Board of Ethics"

AMENDMENT NO. 2

On page 3, at the end of line 11, delete "shall" and at the beginning of line 12, delete "apply"

AMENDMENT NO. 3

On page 3, at the end of line 17, delete "shall" and at the beginning of line 18, delete "apply"

AMENDMENT NO. 4

On page 3, at the end of line 24, delete "shall" and at the beginning of line 25, delete "apply"

AMENDMENT NO. 5

On page 4, at the end of line 19, delete "shall" and at the beginning of line 20, delete "apply"

AMENDMENT NO. 6

On page 5, at the end of line 11, delete "shall apply"

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. 167—**  
BY SENATOR WALSWORTH

AN ACT

To enact R.S. 44:4(44), relative to public records; to provide for applicability of records of a cemetery authority under investigation; and to provide for related matters.

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

**SENATE BILL NO. 174—**  
BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 40:1379.3(D)(2) and to enact R.S. 40:1379.3(D)(1)(i), relative to statewide permits for concealed handguns; to reduce training requirements on combat veterans; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 174 by Senator Smith

AMENDMENT NO. 1

On page 1, delete lines 14 through 17 and on page 2, delete lines 1 through 14 and insert the following:

**(i) For personnel released or retired from active duty or the National Guard or reserve components of the Armed Forces for more than sixty months, possession of proof indicating combat service and an "Honorable Discharge" or "General Discharge Under Honorable Conditions" as evidenced by a Department of Defense Form 214 (DD-214) and possession of a certificate of instruction in the following areas:**

**(i) Three hours of instruction on the use of deadly force and conflict resolution which shall include a review of R.S. 14:18 through 22 and which may include a review of any other laws relating to the use of deadly force.**

**(ii) One hour of instruction on child access prevention."**

AMENDMENT NO. 2

On page 2, line 18, after "Subsection" and before comma "," insert "**and training for combat veterans as provided in Subparagraph (1)(i) of this Subsection**"

AMENDMENT NO. 3

On page 2, line 22, after "(1)(g)" and before "**and**" insert "**of this Subsection**"

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

**SENATE BILL NO. 177—**  
BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 46:1802(8)(a) and to enact 46:1802(8)(b)(v) and R.S. 46:1806(D), relative to crime victims reparations; to provide for definitions; to provide for application requirements; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 177 by Senator Thompson

AMENDMENT NO. 1

On page 2, delete line 2 and insert the following: "indicated services by a child victim related to the personal injury."

AMENDMENT NO. 2

On page 2, delete lines 15 through 19 and insert the following: "D. Records, documents, and information in the possession by the board received pursuant to a law enforcement investigation or a verification of application by a law enforcement agency shall be considered investigative records of a law enforcement agency as described in R.S. 44:3 and shall not be disseminated under any condition without the permission of the agency providing the record or information to the board."

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

SENATE BILL NO. 181—

BY SENATOR N. GAUTREUX AN ACT

To enact R.S. 22:1272 and 1338, relative to insurance covering wind damage; to require insurers to provide coverage for wind damage to property located in areas with the same wind zone rating; 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. 181 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, delete "require"

AMENDMENT NO. 2

On page 1, delete line 3 in its entirety and insert in lieu thereof the following: "provide insurance coverage for wind damage in areas with the"

AMENDMENT NO. 3

On page 1, line 7, after "insurance;" delete the remainder of the line and insert "same wind zone classification"

AMENDMENT NO. 4

On page 1, delete lines 8 through 10 in their entirety and insert in lieu thereof the following:

"A. Each insurer providing coverage for wind damage to commercial property within a parish or particular area of a parish that is located in a particular wind zone classification shall spread its exposure to liability for wind damage within the same wind zone classification as provided in this Section.

B. If a policy covering damage caused by wind to a commercial property is terminated, regardless of the reason, then the insurer shall provide new coverage for damage caused by wind to another commercial property that is located in an area having the same classification but in which the insurer's exposure to liability for wind damage is less than the location where the termination of coverage occurred.

C. The total value of new policies written or issued pursuant to this Section shall, as much as practicable, reflect the total value of wind damage policies terminated, regardless of the reason, so that the total value of the insurer's exposure to wind damage remains the same within the same wind zone classification."

AMENDMENT NO. 5

On page 1, line 12, after "insurance;" delete the remainder of the line and insert "same wind zone classification"

AMENDMENT NO. 6

On page 1, delete lines 13 through 17 in their entirety and insert in lieu thereof the following:

"A. Each insurer providing coverage for wind damage to residential property within a parish or particular area of a parish that is located in a particular wind zone classification shall spread its exposure to liability for wind damage within the same wind zone classification as provided in this Section.

B. If a residential property insurance policy covering damages caused by wind is terminated, regardless of the reason, then the insurer shall write or issue a new policy covering damage caused by wind to another residential property that is located in an area having the same classification but in which the insurer's exposure to liability for wind damage is less than the location where the termination of coverage occurred.

C. The total value of new policies written or issued pursuant to this Section shall, as much as practicable, reflect the total value of wind damage policies terminated, regardless of the reason, so that the total value of the insurer's exposure to wind damage remains the same within the same wind zone classification."

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

SENATE BILL NO. 235—

BY SENATOR HEITMEIER AN ACT

To enact Chapter 64 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2891, relative to Medicaid upper payment limit collaboratives; to provide for a Medicaid upper payment limit collaborative to continue access to healthcare services; to provide for development of funding mechanisms for hospitals; 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. 235 by Senator Heitmeier

AMENDMENT NO. 1

On page 1, line 4, after "Medicaid" and before "upper" insert "physician" and after "limit" and before "to" delete "collaborative" and insert "methodology"

AMENDMENT NO. 2

On page 1, line 10, after "64," and before "UPPER" delete "PUBLIC/PRIVATE" and insert "PHYSICIAN" and after "LIMIT" delete "COLLABORATIVE" and insert "METHODOLOGY"

AMENDMENT NO. 3

On page 1, line 11, after "§2891." and before "upper" delete "Public/Private" and insert "Physician" and after "limit" delete "collaborative" and insert "methodology"

AMENDMENT NO. 4

On page 1, line 14 after "programs" delete the remainder of the line in its entirety and insert the following: ", specifically Medicaid, through the utilization of physician upper payment limit reimbursement methodologies. The methodology utilized shall be designed to continue access and delivery of healthcare services to the poor. The implementation of this methodology is subject to federal law and approval of the Centers for Medicare and Medicaid Services. Participation in the utilization of physician upper payment limit reimbursement methodologies shall be limited to only those hospitals which certify public expenditures to the state of Louisiana."

AMENDMENT NO. 5

On page 1, delete lines 15 through 17 in their entirety

AMENDMENT NO. 6

On page 2, delete lines 1 through 3 in their entirety

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. 319—**

BY SENATOR HEITMEIER

## AN ACT

To amend and reenact R.S. 18:463(A)(2)(a)(iv) and to enact R.S. 18:492(A)(7), relative to the Louisiana Election Code; to provide qualifications for candidacy for public office, notice of candidacy, and grounds for objection to candidacy; and to provide for related matters.

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

**SENATE BILL NO. 331—**

BY SENATOR HEBERT

## AN ACT

To enact Code of Criminal Procedure Art. 65.1, relative to district attorneys; to provide for the unlawful representation of a local governmental entity; to provide relative to certain officers; and to provide for related matters.

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

**SENATE BILL NO. —(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.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 65.1 is hereby enacted to read as follows:

**Art. 65.1. Private practice representation of local governmental entity unlawful**

**It is unlawful for the district attorney or any assistant district attorney, of the sixteenth judicial district, or their law partners to engage in the private practice of representing or assisting in the representation of any local governmental entity which is represented by the district attorney's office.**

On motion of Senator Martiny, the committee substitute bill was adopted and becomes Senate Bill No. 793 by Senator Hebert, substitute for Senate Bill No. 331 by Senator Hebert.

**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.

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

**SENATE BILL NO. 335—**

BY SENATOR BROOME

## AN ACT

To amend and reenact R.S. 37:2703(3),(6), (11),(12), (17) and (19), 2704(A)(2) and (4) and (B), 2705(C)(2) and (3), (D) and (G), 2706(A)(1) and (2), the introductory paragraph of 2707(A)(1) and (2) and (B), 2708(A)(1), (2) and (3), 2709, 2711(B), 2712, 2713, 2714, 2715(B) through (E), 2716(A)(1), (2)(a), (c), (d) and (C), the introductory paragraph of 2717(A)(3), (B)(1), (6),

(7), (8), and (C) and (D), 2719, 2720(A)(1), (2) and (3), 2722(A)(1), (2) and (3) and to enact R.S. 37:2703(19), 2716(D) and 2724 and to repeal R.S. 37:2703(11), 2706 (C) and (D), 2707(C), (D) and (E), and 2708(C), relative to the social workers practice act; to provide relative to definitions; to provide relative to membership powers, duties and licencing of the social work examiner's board; to provide relative to licensed master's social worker; to provide relative to certified social workers; to provide relative to a licensed clinical social worker; to provide relative to provisional certificates; 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. 335 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2, after "(6)," and before "(11)" insert "(10)," and after "(17)" and before "and" insert ", (18)"

AMENDMENT NO. 2

On page 1, line 4, after "2708(A)(1)" and before ", 2709" delete ", (2) and (3)" and insert "and (2)" and after "2709," and before "2711(B)" insert "2710,"

AMENDMENT NO. 3

On page 1, line 16, after "(6)," and before "(11)" insert "(10)," and after "(17)" and before "and" insert ", (18)"

AMENDMENT NO. 4

On page 2, line 1, after "2708(A)(1)" and before ", 2709" delete ", (2) and (3)" and insert "and (2)" and after "2709," and before "2711(B)" insert "2710,"

AMENDMENT NO. 5

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

"(10) "Graduate school of social work" means a program within an institution of higher education which offers a full-time course of study in social work, granting a master's degree in social work or social welfare, and accredited **or under candidacy** by the Council on Social Work Education or its predecessor or successor organization."

AMENDMENT NO. 6

On page 3, line 6, after "**practice**" and before "**social**" delete "**baccalaureate**" and insert "**master's**"

AMENDMENT NO. 7

On page 3, between lines 11 and 12, insert the following:

"(18) "Undergraduate social work program" means a program within an institution of higher education which offers a full-time course of study in social work, granting a bachelor's degree in social work or social welfare, and accredited **or under candidacy** by the Council on Social Work Education or its predecessor or successor."

AMENDMENT NO. 8

On page 5, delete lines 19 through 27 in their entirety and insert the following:

"(1) Is of good moral character **and whose screening for criminal history pursuant to R.S. 37:2710 contains no disqualifying information.**"

AMENDMENT NO. 9

On page 6, delete lines 17 through 25 in their entirety and insert the following:

"(1) Is of good moral character **and whose screening for criminal history pursuant to R.S. 37:2710 contains no disqualifying information.**"

May 13, 2010

AMENDMENT NO. 10

On page 8, delete lines 13 through 21 in their entirety and insert the following:

"(1) Is of good moral character and whose screening for criminal history pursuant to R.S. 37:2710 contains no disqualifying information."

AMENDMENT NO. 11

On page 8, delete lines 26 through 29 in their entirety

AMENDMENT NO. 12

On page 9, delete line 1 in its entirety

AMENDMENT NO. 13

On page 9, delete line 14 in its entirety and insert the following:

"§2710. Application and authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meaning:

(1) "Board" means the Louisiana State Board of Social Work Examiners.

(2) "Licensure" means any license, certification, or registration which the board is authorized to issue.

(3) "Applicant" means an individual who has made application to the board for the issuance, renewal, or reinstatement of any form of licensure which the board is authorized by law to issue.

(4) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising there from, including sentencing, criminal correctional supervision and release, but does not include intelligence for investigatory purposes, nor does it include any identification information which does not indicate involvement of the individual in the criminal justice system.

(5) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(6) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

B. In addition to any other requirements established by board rules, the board shall require an applicant, as a condition for eligibility for licensure:

(1) To submit a full set of fingerprints, in a form and manner prescribed by the board.

(2) To permit the board to request and obtain state and national criminal history record information on the applicant.

(3) To charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedure prescribed by this Section, the board shall request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections and the Federal Bureau of Investigation of the United States Department of Justice relative to any applicant for licensure whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. Upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall conduct a search of its criminal history record information relative to the applicant and report the results of its search to the board within sixty days from receipt of any such request. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.

E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure under the applicable law

administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

F. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

G. Upon investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, said notice shall state the reasons for such rejection and the applicant's right to a compliance hearing in accordance with the rules and regulations promulgated by the board.

AMENDMENT NO. 14

On page 10, line 2, after "certification" and before "who" delete "licensed master's"

AMENDMENT NO. 15

On page 10, line 3, after "graduate" and before "social" insert "licensed master's"

AMENDMENT NO. 16

On page 13, line 16, after "graduate" and before "social" insert "certified"

AMENDMENT NO. 17

On page 16, line 17, after "graduate" insert "certified"

AMENDMENT NO. 18

On page 17, delete lines 17 through 25 in their entirety and insert the following:

"(1) Is of good moral character and whose screening for criminal history pursuant to R.S. 37:2710 contains no disqualifying information."

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. 355— BY SENATOR MOUNT

AN ACT

To enact Part XV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2200.11 through 2200.14, relative to proton beam radiotherapy; to provide for a facility need review process for proton beam radiotherapy facilities; to provide for definitions; to provide for rules and regulations and penalties; and to provide for related matters.

Reported by substitute by the Committee on Health and Welfare. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. — Substitute of Senate Bill No. 355 by Senator Mount)

BY SENATOR MOUNT

AN ACT

To enact Part XV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2200.11 through 2200.16, relative to proton beam radiotherapy; to provide for the registration of all proton beam radiotherapy equipment; to provide for an equipment utilization review process for proton beam radiotherapy equipment; to provide for definitions; to

provide for rules and regulations and penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1, Part XV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2200.11 through 2200.16, is hereby enacted to read as follows:

**PART XV. EQUIPMENT UTILIZATION REVIEW FOR PROTON BEAM RADIOTHERAPY FACILITIES**

**§2200.11. Definitions**

As used in this Part, the following terms shall have the following meanings, except when the context clearly indicates otherwise:

(1) "Department" means the Department of Health and Hospitals.

(2) "Proton beam radiotherapy equipment" means any equipment which generates and uses protons or heavy charged particles to irradiate diseased tissue.

(3) "Proton beam radiotherapy facility" means any facility which provides proton beam radiotherapy treatments.

**§2200.12. Registration of providers**

Prior to the operation of any proton beam radiotherapy equipment, such equipment shall be registered with the department. The department shall promulgate all rules and regulations, in accordance with the Administrative Procedure Act, which are necessary to perform this registration requirement.

**§2200.13. Equipment utilization review**

A. The department, in accordance with the Administrative Procedure Act, shall establish by promulgation of rules and regulations an equipment utilization review process for proton beam radiotherapy equipment. Except as provided in R.S. 40:2200.16, an approval under this equipment utilization review process shall be required to be obtained by a provider from the department prior to the operation of the provider's proton beam radiotherapy equipment.

B. The rules and regulations promulgated by the department shall include but not be limited to the following:

(1) Criteria for the review of proton beam radiotherapy equipment pursuant to the equipment utilization review process.

(2) Specific duties of the department to review proposals for new proton beam radiotherapy equipment.

(3) The collection of data necessary for the administration of the program.

(4) Procedures to grant and revoke approvals.

(5) Procedures for review of applications by the department.

(6) Procedures to request a fair hearing from a determination made by the department.

(7) Provisions for judicial review from the decision rendered after a fair hearing.

**§2200.14. Equipment utilization review procedure**

A. Each application for approval under the equipment utilization review process for proton beam radiotherapy equipment shall be made to the department on forms prescribed by the department and shall contain such information as the department may require. Additional information required by the department shall be provided by the applicant as requested.

B. Following receipt of the application, the department shall perform an equipment utilization review analysis, and if the department finds that new equipment is warranted under the equipment utilization review process an approval shall be issued.

**§2200.15. Operation without equipment utilization review approval; penalty**

A. Any provider operating proton beam radiotherapy equipment without registering the equipment or the required equipment utilization review approval shall be guilty of a misdemeanor and upon conviction shall be fined no less than two hundred fifty dollars nor more than one thousand dollars for each violation. It shall be the responsibility of the department to inform the appropriate district attorney of the alleged violation to assure enforcement.

B. If a public or private proton beam radiotherapy facility is operating without the required registration or the required equipment utilization review approval issued by the department, the department shall have the authority to issue an immediate

cease and desist order to that facility. Any such facility or provider receiving such a cease and desist order from the department shall immediately cease operations until such time as that provider is issued an approval by the department.

C. The department shall seek an injunction in the Nineteenth Judicial District Court against any facility or provider who receives a cease and desist order from the department under Subsection B of this Section and who does not cease operations immediately. Any such facility or provider against whom an injunction is granted shall be liable to the department for attorney fees, costs, and damages.

**§2200.16. Exemptions**

Proton beam radiotherapy equipment which is obtained and operated by the following shall be exempt from having to obtain approval under the equipment utilization review process:

(1) A major Louisiana cancer center which functions as the primary sponsoring institution for any of the following accredited graduate medical education programs related to oncology including radiation oncology, medical oncology, hematology/oncology, radiation biology or radiation therapy technology, and maintains an accredited Institutional Review Board for research.

(2) A National Cancer Institute designated Comprehensive Cancer Center.

(3) A nonprofit organization which maintains a joint accreditation with a state university by the Commission on Accreditation of Medical Physics Educational Programs, Inc. (CAMPEP) for a graduate medical physics program and which provides facilities and personnel for use for a joint CAMPEP-accredited graduate medical physics program for research, teaching, and clinical training for graduate students.

(4) Any facility who has executed a contract, secured by a deposit, for proton radiotherapy equipment prior to January 1, 2010.

Section 2. The Department of Health and Hospitals shall promulgate all rules and regulations necessary to carry out the provisions of this Act by August 20, 2011; however, failure by the department to promulgate rules and regulations by that date shall not affect the validity of any rules and regulations promulgated pursuant to this Act.

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

On motion of Senator Mount, the committee substitute bill was adopted and becomes Senate Bill No. 794 by Senator Mount, substitute for Senate Bill No. 355 by Senator Mount.

**SENATE BILL NO. 794 — (Substitute of Senate Bill No. 355 by Senator Mount)**

BY SENATOR MOUNT

AN ACT

To enact Part XV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2200.11 through 2200.16, relative to proton beam radiotherapy; to provide for the registration of all proton beam radiotherapy equipment; to provide for an equipment utilization review process for proton beam radiotherapy equipment; to provide for definitions; to provide for rules and regulations and penalties; and to provide for related matters.

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

**SENATE BILL NO. 359—**

BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 22:972 (A) and (B) and to enact R.S. 22:1016, relative to network adequacy in health insurance; provide with respect to the filing of the network of participating health care providers; provide for definitions; provide with

respect to the requirement of all health insurance issuers to have an adequate network of providers; provide for penalties for violation of network adequacy rules; and to provide for related matters.

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

SENATE BILL NO. — (Substitute Bill for Senate Bill No. 359)

BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 22:972 (A) and (B) and to enact R.S. 22:1016, relative to network adequacy in health insurance; provides for the filing of the network of participating health care providers; provides for definitions; requires all health insurance issuers to have an adequate network of providers; provides for penalties for violation of network adequacy rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:972(A) and (B) are hereby amended and reenacted and R.S. 22:1016 is hereby enacted to read as follows: §972. Approval and disapproval of forms; filing of rates

A. No policy of health and accident insurance shall be delivered or issued for delivery in this state, nor shall any endorsement, rider, or application which becomes a part of any such policy be used in connection therewith until a copy of the form and of the premium rates and of the classifications of risks pertaining thereto and the network of participating health care providers have been filed with the commissioner of insurance; nor shall any such policy, endorsement, rider, or application be so used until the expiration of thirty forty-five days after the form and the network of participating health care providers for such forms has been filed unless the commissioner of insurance shall sooner give his written approval thereto. The commissioner of insurance shall notify in writing the insurer which has filed any such form or network of participating health care providers if it does not comply with the provisions of this Subpart, specifying the reasons for his opinion; and it shall thereafter be unlawful for such insurer to issue such form or use such network of participating providers in this state. An aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with Chapter 12 of this Title, R.S. 22:2191 et seq.

B. After twenty days' notice, the commissioner of insurance may withdraw his approval of any such form or network of participating providers on any of the grounds stated in this Section. It shall be unlawful for the insurer to issue or use such form or such network of participating providers or use it in connection with any that policy after the effective date of such withdrawal of approval. An aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with Chapter 12 of this Title, R.S. 22:2191 et seq.

\* \* \*

§1016 Network adequacy and accessibility; definitions; requirements; penalties

A. The purpose and intent of this Section is to establish standards for the creation and maintenance of networks by health insurance issuers.

B. For the purposes of this Section:

(1) "Commissioner" means the insurance commissioner of this state.

(2) "Covered health care services" or "covered benefits" or "benefits" means services, including ancillary services, items, supplies, or drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease that are either covered and payable under the terms of health insurance coverage or required by law to be covered.

(3) "Covered person" means a policyholder, subscriber, enrollee or other individual participating in a health benefit plan.

(4) "Health benefit plan" means a policy, contract, certificate or agreement entered into, offered or issued by a health insurance issuer to provide, deliver, arrange for, pay for or reimburse any of the costs of covered health care services.

(5) "Health care physician" means a physician licensed, certified, or registered to perform specified health care services consistent with state law.

(6) "Health care provider" or "provider" means a licensed health care physician or a hospital or the agent or assignee of such physician or hospital.

(7) "Health insurance issuer" means an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of covered health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health services corporation, or any other entity providing a plan of health insurance, health benefits or health services.

(8) "Network of providers" or "network" means for each form, all the participating health care providers directly or indirectly contracted with a health insurance issuer to provide covered health care services to covered persons.

(9) "Participating health care provider" means a health care provider who, under a contract with the health insurance issuer or with its contractor or subcontractor, has agreed to provide covered health care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the health insurance issuer.

C.(1) A health insurance issuer will effectively provide or arrange for the provision of covered health care services through its network of participating health care providers. A health insurance issuer that does not utilize a network of participating providers to provide covered health care services to its enrollees or insureds may file for an exemption to be approved by the Commissioner.

(2) Beginning January 31, 2011 and no later than January 31 of each year thereafter, a health insurance issuer shall file for approval with the commissioner the network of providers that supports each of the health insurance issuer's health benefit plans. Any network filed for approval by the commissioner shall contain:

(a) A copy of the contract or the form of any contract made, or to be made, between the health insurance issuer and any participating provider of covered health care services.

(b) A statement describing the health insurance issuer's method of providing for covered health care services and describing the professional services to be rendered. This statement shall include the health care delivery capabilities of each health benefit plan including the number of primary health care physicians, the number of nonprimary health care physicians identified by specialty, and the number and type of contracted hospitals. For purposes of this Section, primary health care physicians may include general and family practitioners, internists, pediatricians, obstetricians, and gynecologists.

(c) A statement reasonably describing the geographic service area or areas to be served by the health insurance issuer; this statement shall also include a listing of principal and other offices maintained in this state by the health insurance issuer.

(3) (a) A health insurance issuer shall file a notice describing any material modification of any network filed for approval in accordance with this Section. The notice shall be filed with the commissioner as soon as possible but not later than thirty days following the material modification or receipt of any updated information by the health insurance issuer. If the commissioner does not disapprove the material modification or updated information within forty-five days of filing, the material modification shall be deemed approved.

(b) Material modification shall include, but not be limited to, the following:

(i) Loss of a general or acute hospital from the network.

(ii) Any case where the health insurance issuer has an insufficient number or type of participating providers to provide a covered health care service.

(iii) Any other circumstances deemed to be an adverse material modification to an insured or enrollee obtaining a covered health care service.

D.(1) Whenever an health insurance issuer is in violation of the provisions of this Section, the commissioner shall notify the health insurance issuer in writing of such violation and may:

(a) Send notice to the health insurance issuer requesting a corrective action plan be submitted within thirty days; or

(b) Issue and cause to be served an order requiring the health insurance issuer to cease and desist the use of such form or network of participating providers; or

(c) Issue and cause to be served an order to cease any action that is in violation of this Section.

(2) The commissioner may not impose a cease and desist order if the health insurance issuer demonstrates to the commissioner's satisfaction that the health insurance issuer has remedied the reason for the notice from the commissioner or there will be no detriment to the insured or enrollee obtaining covered health care services and upon a written agreement from the health insurance issuer ensuring that the insured or enrollee obtains covered health care services at no greater cost than if the covered health care services were obtained from participating health care providers.

(3) The commissioner may suspend or revoke any certificate of authority issued to a health insurance issuer under this Section if he finds that:

(a) A health insurance issuer fails to comply with any provision of Subparagraph (1) or (2) of this Subsection.

(b) A health insurance issuer's network impairs the ability of the health insurance issuer to adequately provide or arrange for covered health care services for its enrollees or insureds.

(c) The health insurance issuer is operating significantly in contravention of the documents submitted or in a manner contrary to that described in any information submitted under this Section, unless the health insurance issuer filed with the commissioner those modifications as required by this Section.

E. The commissioner of insurance may promulgate rules and regulations that he determines are necessary for implementation of this Section. Such implementation shall be subject to the legislative oversight of the House of Representatives and Senate committees on insurance in accordance with R.S. 49:968.

On motion of Senator Hebert, the committee substitute bill was adopted and becomes Senate Bill No. 795 by Senator Broome, substitute for Senate Bill No. 359 by Senator Broome.

**SENATE BILL NO. 795 — (Substitute Bill for Senate Bill No. 359)**

BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 22:972 (A) and (B) and to enact R.S. 22:1016, relative to network adequacy in health insurance; provides for the filing of the network of participating health care providers; provides for definitions; requires all health insurance issuers to have an adequate network of providers; provides for penalties for violation of network adequacy rules; and to provide for related matters.

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

**SENATE BILL NO. 371—**

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R. S. 22:236.8(B), 237.10(B), and 696(A)(2), relative to insurers; to provide for filing articles of incorporation of certain reorganizing insurers; and to provide for related matters.

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

**SENATE BILL NO. 453—**

BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 32:154, relative to the Open Roads Law; to provide relative to motor vehicle fatalities; to provide for protocol when organs are to be transplanted after a death in which a moving conveyance is involved; 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. 453 by Senator Cheek

**AMENDMENT NO. 1**

On page 1, line 17, after "transplant," and before "it" insert "**one physician, not a member of the transplant team, may make the pronouncement of death at the scene, and**"

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. 494—**

BY SENATOR MARTINY

AN ACT

To enact Children's Code Article 857(D), relative to parole eligibility; to provide for parole eligibility of certain juveniles upon reaching thirty-one years of age; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 494 by Senator Martiny

**AMENDMENT NO. 1**

On page 1, line 3, change "thirty-one" to "forty-five" and after "age" and before the semicolon ";" insert "and who have met certain conditions;"

**AMENDMENT NO. 2**

On page 1, line 9, change "**D.**" to "**D.(1)**" and after "**contrary**" and before comma "," insert "**and unless eligible for parole at an earlier date**"

**AMENDMENT NO. 3**

On page 1, line 13, change "**thirty-one**" to "**forty-five**" and after "**years**" delete the comma "," and delete the remainder of the line and delete lines 14 and 15 in their entirety and insert the following: "**if the following circumstances are met:**

**(a) The offender has not committed any disciplinary offense in the twelve consecutive months prior to the parole eligibility date.**

**(b) The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with R.S. 15:827.1.**

**(c) The offender has completed substance abuse treatment as applicable.**

**(d) The offender has obtained a GED, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED due to a learning disability. If the offender is deemed incapable of obtaining a GED, the offender must complete at least one of the following:**

**(i) A literacy program.**

**(ii) An adult basic education program.**

**(iii) A job skills training program.**

(e) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

(2) The provisions of this Subsection shall only apply to offenses occurring on or after July 1, 2010.

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

**SENATE BILL NO. 520—**

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 29:725.6(B)(6)(a),(b) and (c), relative to homeland security and emergency preparedness; to provide for annual reports from the Unified Command Group's three permanent subcommittees to the UCG and the governor; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 520 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 29:725.6(B)(6)(a), (b) and (c)" to "R.S. 29:725.6(B)(6)(a)(ii)(ee), (b)(ii)(cc), and (c)(ii)(cc)"

AMENDMENT NO. 2

On page 1, line 7, change "R.S. 29:725.6(B)(6)(a), (b) and (c)" to "R.S. 29:725.6(B)(6)(a)(ii)(ee), (b)(ii)(cc), and (c)(ii)(cc)"

AMENDMENT NO. 3

On page 1, line 11, after "(a)" insert:  
" \* \* "

AMENDMENT NO. 4

On page 2, line 1, after "(b)" insert:  
" \* \* "

AMENDMENT NO. 5

On page 2, line 7, after "(c)" insert:  
" \* \* "

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

**SENATE BILL NO. 523—**

BY SENATOR CHEEK

AN ACT

To enact Subpart E of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes, to be comprised of R.S. 40:1236.21 through 1236.31, relative to emergency medical services; to provide for the creation of the statewide ambulance service district; to provide for the purpose and object of the district; to provide for a board of commissioners; to provide for powers and duties of the board of commissioners; to provide for domicile of the district; to provide for rules and regulations; to provide for the authority to incur debt and issue general bonds; to provide for legislative findings; 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. 523 by Senator Cheek

AMENDMENT NO. 1

On page 2, between lines 16 and 17, insert the following:

"(7) That the Louisiana Ambulance Alliance and the Department of Health and Hospitals are interested in exploring the use of local revenues to enhance the delivery of emergency ambulance services through the use of certified public expenditures, intergovernmental transfers or other financing mechanisms that are in accordance with the applicable state and federal regulations."

AMENDMENT NO. 2

On page 3, line 14, after "amendment," delete the remainder of the line in its entirety and insert the following: "The department and the statewide ambulance district may enter into an agreement, in accordance with state and federal law, to develop funding methodologies in a way that is consistent with the legislative intent set forth herein. The methodology shall be created with the intent to maximize, to the fullest extent possible, the return to the providers located within the jurisdiction of the local governing body which subsidized the delivery of services. Any licensed provider of ambulance services shall be eligible to participate in the district. Participation is on a strictly voluntary basis."

AMENDMENT NO. 3

On page 3, delete lines 15 through 25 in their entirety

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. 578—**

BY SENATOR CLAITOR

AN ACT

To enact R.S. 22:1880, relative to health insurance, to prohibit health insurance issuers from seeking recovery from insurers providing automobile medical payment coverage without written consent; to prohibit reimbursements that exceed amounts actually paid by an insurer or insurance provider; to provide for payment of court costs and attorney fees in certain cases; 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. 578 by Senator Claitor

AMENDMENT NO. 1

On page 1, line 2, after "insurance" delete the remainder of the line and delete lines 3 and 4 and insert the following: "to prohibit health insurance issuers from seeking recovery from insurers providing automobile medical payment coverage without written consent; to prohibit"

AMENDMENT NO. 2

On page 1, at the end of line 10, change "by liability insurers" to "under automobile medical payment provisions"

AMENDMENT NO. 3

On page 1, line 12, after "no" delete the remainder of the line and delete lines 13 through 17 in their entirety and insert the following: "health insurance issuer shall seek reimbursement from an insurer that provides automobile medical payment coverage to the health insurance issuer's insured or member without obtaining the prior written consent of the insured or member or his legal representative."



AMENDMENT NO. 4

On page 2, delete lines 1 through 3 in their entirety.

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

**SENATE BILL NO. 614—**  
BY SENATOR THOMPSON

## AN ACT

To enact Chapter 3-F of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:562 through 15:562.6, relative to the crime of arson; to provide for the creation of the registration of arson offenders; to provide for purposes and notification; to provide for definitions; to provide for certain criteria; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 614 by Senator Thompson

AMENDMENT NO. 1

On page 5, line 17, after "person" and before "residing" insert "over the age of seventeen"

AMENDMENT NO. 2

On page 7, line 11, change "State Fire Marshall Arson Enforcement and Prevention Fund" to "Louisiana Life Safety and Property Protection Fund"

AMENDMENT NO. 3

On page 7, delete lines 19 through 23 in their entirety

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

**SENATE BILL NO. 625—**BY SENATOR MARTINY AND REPRESENTATIVE LIGI  
AN ACT

To enact R.S. 9:2780.1, relative to contracts; to provide relative to motor carrier transportation contracts; to provide relative to construction contracts; to provide relative to liability provisions; 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. 625 by Senator Martiny

AMENDMENT NO. 1

On page 2, line 2, after "of North America" delete the remainder of the line and delete line 3, and insert the following: "or other agreements providing for the interchange, use or possession of intermodal chassis, containers, or other intermodal equipment."

AMENDMENT NO. 2

On page 2, between lines 20 and 21, insert the following: "(3) 'Indemnitee' means any named party in the contract, employee, or affiliate thereof, and any third party beneficiary seeking or benefitting from the indemnification."

AMENDMENT NO. 3

On page 2, line 26, after "damage", delete the remainder of the line, on line 27, delete "the indemnitee" and insert the following: "where there is negligence or fault (strict liability) on the part of the indemnitee, or an agent or employee of the indemnitee, or an

independent contractor over which the indemnitor has no control"

AMENDMENT NO. 4

On page 3, line 3, change "obilgor" to "obligor"

AMENDMENT NO. 5

On page 3, delete lines 5 through 7

AMENDMENT NO. 6

On page 3, at the beginning of line 8, change "E." to "D."

AMENDMENT NO. 7

On page 3, at the beginning of line 15, change "F." to "E."

AMENDMENT NO. 8

On page 3, at the beginning of line 18, change "G." to "F."

AMENDMENT NO. 9

On page 3, line 18, change "apply to" to "not apply to prohibited clauses in"

AMENDMENT NO. 10

On page 3, line 19, delete "for any accident, injury," and delete line 20 and insert "entered into prior to January 1, 2011."

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. 648—**

BY SENATOR HEBERT

## AN ACT

To amend and reenact R.S. 37:3392(1) and (3), relative to real estate appraisers; to require real estate appraisers to consider energy efficiency aspects when assigning value to certain property; 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. 648 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 6, change "is" to "are"

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. 676—**

BY SENATOR HEBERT

## AN ACT

To amend and reenact R.S. 22:1984 and R.S. 44:4.1(B)(10), relative to examination and investigation of insurers and regulated entities; to provide for financial and market analysis of insurers and regulated entities; to provide for penalties; to provide for confidentiality; to provide for standards and procedures; 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. 676 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 15, after "Department of Insurance" and before the period (.), insert "except for trusts established and operated under R.S. 22:46(9)(b),(c), or (d)"

May 13, 2010

AMENDMENT NO. 2

On page 1, line 15, change "shall" to "shall may"

AMENDMENT NO. 3

On page 2, line 20, change "shall" to "may"

AMENDMENT NO. 4

On page 2, at the end of line 22, insert: "Every insurer or regulated entity shall produce and make freely accessible to the commissioner of insurance the accounts, records, documents and files in its possession or control."

AMENDMENT NO. 5

On page 2, at the beginning of line 26, after "market analysis" insert a comma "," and delete the remainder of the line and insert "including market conduct annual statement information, performed under this Section, as well as the review and analysis of such information, shall be given confidential"

AMENDMENT NO. 6

On page 2, line 27, after "subpoena" insert "or to discovery"

AMENDMENT NO. 7

On page 2, line 28, after "except that" delete "any"

AMENDMENT NO. 8

On page 3, at the end of line 5, insert: "Any documents, materials, or other information which are disclosed by the commissioner to a third party shall not be admissible in evidence in a private civil action and shall be exempt from any applicable freedom of information law, public records law, or similar statute. No person or entity which receives or has access to documents, materials, or other information under this Section shall be permitted or required to testify in a private civil action concerning such documents, materials, or other information. No waiver of an applicable privilege or a claim of confidentiality in the documents, materials, or other information shall occur as a result of disclosure to the commissioner or to someone else granted access under this Section as a result of sharing such documents, materials or other information as provided in this Section. Nothing in this Section shall require an insurer to disclose documents, materials, or other information to a third party that is not otherwise required by law to be disclosed."

AMENDMENT NO. 9

On page 3, line 19, change "ten" to "thirty"

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

SENATE BILL NO. 679—

BY SENATOR B. GAUTREUX

AN ACT

To enact Code of Criminal Procedure Article 900(A)(6)(c)(vi) and (vii), relative to probation; to amend the definition of a "technical violation"; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 679 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 1, line 16, after "(vii)" delete the remainder of the line and insert in lieu thereof "At the discretion of the court, failing to report to the probation officer for more than ninety consecutive days."

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

SENATE BILL NO. 690—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 18:401(B)(2)(a)(i) and 1275.1(A), relative to congressional primary elections; to provide that voters not affiliated with a recognized political party may choose to vote in a recognized political party's primary elections; and to provide for related matters.

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

SENATE BILL NO. —

(Substitute of Senate Bill No. 690 by Senator Adley)

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), 110(B), 193(F), 197, 401(B), 402(B), the introductory paragraph of (C), (E), and (G), 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453(A) and (B), the introductory paragraph of 467 and (2), 468(A), 481, 491(A) and (C), 511(A) and (B), 512(B), 535(B), the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1314(B) and (C), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and 1461(A)(17), and to repeal R.S. 18:1275.1 through 1275.24, relative to elections; to provide for an open primary system of elections for congressional offices; to provide relative to objections to candidacy and contests of elections; to provide relative to changes to and challenge and cancellation of voter registration; to provide relative to procedures for voting; to provide for election dates; to provide relative to courses of instruction for commissioners; to provide relative to selection and replacement of commissioners; to provide relative to alternate commissioners; to provide relative to watchers; to provide relative to dual candidacy; to provide relative to qualification of candidates; to provide relative to the election of candidates in a primary and general election; to provide relative to notice of location of precincts and polling places; to provide relative to election materials; to provide relative to filling vacancies in federal offices; to provide relative to recall elections; to provide relative to absentee by mail and early voting; to provide relative to voting machines; to provide relative to election offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:44(A) and (B)(5)(b), 110(B), 193(F), 197, 401(B), 402(B), the introductory paragraph of (C), (E), and (G), 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453(A) and (B), the introductory paragraph of 467 and (2), 468(A), 481, 491(A) and (C), 511(A) and (B), 512(B), 535(B), the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1314(B) and (C), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and 1461(A)(17) are hereby amended and reenacted to read as follows:

§44. Contesting election; referral for prosecution

A. Whenever the board determines as a result of an investigation that violations of law, irregularities, error, or fraud have occurred in the conduct of an election which in the judgment of the board has resulted in the apparent qualification for the ~~second party primary election~~ or for the general election or the apparent election of a candidate not entitled to be so qualified or elected, the board, upon the favorable vote of three members, may institute suit to contest the election in order to protect the interest and rights of the state in fair and honest elections. In addition, for the same cause and upon the same vote, the board may intervene in any suit instituted by any other party to contest an election.

B. In any suit instituted by the board to contest an election, the provisions of Chapter 9 of this Title shall apply, except that:

\* \* \*

(5) The petition shall contain, but shall not be limited to, the following:

(b) The allegation that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, a different candidate would have qualified for a second party primary election or a general election or would have been elected.

§110. Removal from precinct; removal from parish

B.(1) A change of registration based upon a change of residence within a parish received after the closing of registration for a primary election shall become effective the day after the general election or special general election when a special primary election is held in conjunction with a general election except as follows:

(a) A person whose registration has been canceled pursuant to R.S. 18:193(G).

(b) A person whose registration has been canceled or whose address has been corrected pursuant to R.S. 18:196(C).

(2) A change of registration based upon a change of residence within a parish received after the closing of registration for a first party primary election or special first party primary election and prior to the closing of registration for the second party primary election or special second party primary election shall become effective prior to the second party primary election or special second party primary election, except as follows:

(a) A person whose registration has been canceled pursuant to R.S. 18:193(G).

(b) A person whose registration has been canceled pursuant to R.S. 18:196(C).

(3) (2) The change of residence of a registrant from one precinct to another in the same parish does not deprive him of the right to remain as a legal registrant, as to all issues upon which he was entitled to vote prior to his change of residence, in the precinct from which he has removed until he changes his registration as provided in Subsection A of this Section and has the right to vote in the precinct to which he has moved.

(4) (3) However, in a regularly scheduled general election where the only candidate's election appearing on any ballot in the parish is a special primary election, then in such instance, the change shall become effective prior to the special primary election. In a regularly scheduled or special general election, where the change of registration does not change any issues or candidate offices upon which the voter was entitled to vote prior to the change, the change shall become effective prior to the regularly scheduled or special general election.

§193. Challenge and cancellation of registration; notice; procedures

F. A list of names and addresses to whom address confirmation notices are sent and whether or not each person responded to the confirmation notice shall be maintained for a period of two years and shall be open to inspection and copying as provided in R.S. 18:154. Ninety days prior to a regularly scheduled first party federal primary election, the names and addresses of those persons on the inactive list shall be published for one day in the official journal of the parish governing authority or in a newspaper calculated to provide maximum notice in the parish.

§197. Registration; cancellation

No registrar of voters shall cancel the registration of any voter in his parish between any primary or first party primary election, as the case may be, and the subsequent general election occurring in that parish as a result of any of the processes authorized by this Part, except in the case of a person who has been fraudulently placed upon the registration records or in the case of a person whose registration is canceled pursuant to the annual canvass conducted by the registrar.

§401. Purpose and nature of primary and general elections

B. Nature. (1) Except for the election of persons to congress, all All qualified voters of this state may vote on candidates for public office in primary and general elections without regard to the voter's party affiliation or lack of it, and all candidates for public office who

qualify for a primary or general election may be voted on without regard to the candidate's party affiliation or lack of it.

(2)(a) In the election of persons to congress, the following shall apply:

(i) In primary elections, recognized political parties shall make all nominations of candidates by direct primary elections held under the provisions of this Chapter. In primary elections, each qualified voter may vote only on the candidates for public office who are affiliated with the same political party with which the voter is affiliated. In primary elections, each qualified voter who is not affiliated with a recognized political party may choose to vote in one recognized political party's primary elections, except as otherwise provided by R.S. 18:1275.1.

(ii) In general elections, each qualified voter of this state may vote for candidates for public office in general elections without regard to the voter's party affiliation or lack thereof, and all candidates for public office who qualify for a general election may be voted for without regard to the candidates' party affiliation or lack thereof.

§402. Dates of primary and general elections

B. Congressional elections. Elections for members of Congress congress and officers elected at the same time as members of Congress congress shall be held every two years, beginning in 1982.

(1) Congressional first primary elections for recognized political parties shall be held on the first Saturday in September of an election year.

(2) Congressional second primary Primary elections for recognized political parties and primary elections for members of congress and officers elected at the same time as members of Congress congress shall be held on the first Saturday in October Tuesday after the first Monday in November of an election year.

(3) Congressional general (2) General elections for members of congress and officers elected at the same time as members of congress shall be held on the first Tuesday after the first Monday in November of an election year Saturday in December of an election year.

C. Municipal and ward elections. In all municipalities with a population of less than four hundred seventy-five thousand, elections for municipal and ward officers who are not elected at the same time as the governor or members of congress shall be held every four years. The primary election for municipal and ward officers who are elected at the same time as members of Congress shall be held on the same date as the congressional second party primary, and the general election shall be held at the same time as the general election for congressional offices.

E. Special elections to fill newly created office or vacancy in office. An election to fill a newly created office or vacancy in an existing office, except the office of state legislator or representative in congress, shall be held on the dates fixed by the appropriate authority in the proclamation ordering a special election as follows:

(1) A special primary election shall be held on the first of the following days that is not less than eleven weeks after the date on which the proclamation calling the special primary election was issued:

(a) The second to last Saturday in October, when the special general election is held on the fourth Saturday after the second to last Saturday in October.

(b) The first Tuesday after the first Monday in November, when the special general election is held on the first Saturday in December.

(b) (c) The first Saturday in April, when the special general election is held on the fourth Saturday after the first Saturday in April or on the second or third Saturday in February during the presidential election year, if the statewide presidential preference primary election is scheduled on the second or third Saturday in February of the presidential election year; however, commencing in 1986 and every fourth year thereafter, this date shall not be applicable in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(e) (d) The third Saturday in October, when the special general election is held on the fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.

(f) (e)(i) The first Saturday in February of an election year for parish and municipal officers in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(ii) The first Saturday in February of 1995, except in parishes and municipalities where an election on bonds, taxes, and other propositions or questions has been called and held in January of 1995. Notwithstanding the provisions contained in R.S. 18:467 and 468, the qualifying period for primary elections held on the first Saturday in February of 1995 shall open on the third Monday in December of 1994 and shall close at 5:00 p.m. on the Wednesday following the third Monday in December of 1994.

(2) A special primary election shall be held on the first of the following days which is not less than fifteen weeks after the date on which the proclamation calling the special primary election was issued: the first Saturday in October, when the special general election is held on the first Tuesday after the first Monday in November.

(3) (2) A special general election shall be held on one of the following days:

(a) The fourth Saturday after the second to last Saturday in October of 1983 and every fourth year thereafter.

(b) The first Tuesday after the first Monday in November Saturday in December of even-numbered years.

(c) The fourth Saturday after the first Saturday in April of any year unless the primary election is held on the second or third Saturday in February; in such case the general election shall be held on the fourth Saturday after the second or third Saturday in February, as the case may be; however commencing in 1986 and every fourth year thereafter, this date shall not be applicable in a parish containing a municipality with a population of four hundred seventy-five thousand or more.

(d) The fourth Saturday after the third Saturday in October of 1985 and every fourth year thereafter.

(e)(i) The fourth Saturday after the first Saturday in February in a parish containing a municipality with a population of four hundred seventy-five thousand or more, when the special primary election in such parish and municipality is held on the first Saturday in February of an election year for parish and municipal officers.

(ii) The fourth Saturday after the first Saturday in February of 1995, when the special primary election is held as authorized in R.S. 18:402(E)(1)(e)(ii) Item (1)(e)(ii) of this Subsection on the first Saturday in February of 1995.

(4) (3) The secretary of state shall not include the name of any candidate on any ballot for a special election to fill a vacancy in any office to which this Subsection is applicable unless such special election has been called in accordance with the provisions of this Subsection and scheduled on one of the dates provided herein. Any elector who is eligible to vote in any such special election may apply for injunctive relief to prohibit the placing of the name of any candidate in an improperly called election on the ballot. Venue for such application shall be in any parish in which the election is called, and the secretary of state shall be the proper party defendant.

G. Prohibited days. No election of any kind shall be held in this state on any of the days of Rosh Hashanah, Hashana, Yom Kippur, Sukkoth Sukkot, Shmini Atzereth, Shemini Atzeret, Simchas Torah, Simchat Torah, the first two days and the last two days of Passover, Shavuoth Shavuot, Fast of Av, Tish'a B'Av, the two days preceding Labor Day or the three days preceding Easter. If the date of any election falls on any of the above named above-named days, the election shall be held on the same weekday of the preceding week. If the date of the election for a second party primary is advanced pursuant to this Subsection, the first party primary shall also be advanced by the same number of weeks.

§433. Commissioners-in-charge; course of instruction; selection; commission; disqualification; replacement

G. Replacement. (1) Except as provided in Subsection H of this Section, if it becomes certain that a commissioner-in-charge will not be able to serve for a primary or first party primary election, or if

a commissioner-in-charge fails to attend a course of instruction held immediately prior to a primary or first party primary election as provided in R.S. 18:431(B), the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the primary or first party primary and general elections. Except as provided in Subsection H of this Section, if it becomes certain that a commissioner-in-charge will not be able to serve for a second party primary or a general election, or if a commissioner-in-charge fails to attend the course of instruction held prior to a second party primary or a general election, the parish board of election supervisors shall select a replacement commissioner-in-charge who shall serve for both the second party primary and the general election.

H. Replacement. (1) If a commissioner-in-charge fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, the commissioners in attendance at the polling place shall immediately notify the clerk of court of the absence. Immediately upon receipt of the notice, the clerk of court shall select a replacement commissioner-in-charge for that precinct. Subject to the provisions of Subsection G of this Section, a replacement commissioner-in-charge selected for a primary or first party primary election also shall serve for the second party primary and the general election. The replacement commissioner-in-charge shall be selected from the following categories in the order of priority listed:

§434. Commissioners and alternate commissioners; selection; commission; disqualification; replacement

A. Time and place of selection. (1) The parish board of election supervisors shall meet at 10:00 a.m. on the twenty-ninth day before a primary or first party primary election to select the commissioners and alternate commissioners for each precinct. The meeting shall be open to the public. The board shall have previously posted a notice on the front courthouse door designating the location within the courthouse where the meeting is to be held.

C. Commission. Once the commissioners and alternate commissioners are selected for a primary, first party primary, second party primary, and general election, the parish board of election supervisors shall immediately:

D. Replacement of a commissioner. (1) If prior to the day of the election a commissioner notifies the parish board of election supervisors that he is unable to serve as commissioner, the parish board of election supervisors shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary or first party primary election shall replace the absent commissioner in the second party primary and in the general election. An alternate commissioner who replaces an absent commissioner in a second party primary election shall replace the absent commissioner in the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the parish board of election supervisors shall select a person to serve as commissioner from the list containing the names of persons within that ward who have received certificates of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If no person on that list is available to serve as commissioner, the parish board of election supervisors shall select any person within the parish who has received a certificate of instruction from the clerk of court pursuant to R.S. 18:431(A)(1). If there is no such qualified person available, the parish board of election supervisors shall select a watcher.

(2) If a commissioner fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, or if a commissioner is selected as commissioner-in-charge, the commissioner-in-charge shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary or first party primary election shall replace the absent commissioner in the second party primary and in the general election. An alternate commissioner who replaces an absent commissioner in a second party primary election shall replace the absent commissioner in the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the

commissioner-in-charge shall select a person to serve as commissioner from the list containing the names of those who have received certificates of instruction that was furnished him by the parish board of election supervisors pursuant to R.S. 18:431(A)(5). If no person on that list is available to serve as commissioner, the commissioner-in-charge shall select any person present at the polls who possesses the qualifications of a commissioner as set forth in R.S. 18:425(B). If there is no such qualified person available, the commissioner-in-charge shall select a watcher.

\* \* \*

§435. Watchers; appointment and commission

A. Right to have watchers. (1) Each candidate is entitled to have one watcher at every precinct where the office he seeks is voted on in ~~any a~~ primary or general election. The candidate or his authorized representative shall file one list of watchers on a form provided by the secretary of state or on a form which contains the same information as required by the form provided by the secretary of state. When a candidate's list of watchers is filed by the candidate's authorized representative, a letter of authorization from the candidate shall accompany the list of watchers; ~~However~~ **however**, in the case of a presidential election, each slate of candidates for presidential elector is entitled to have one watcher at every precinct. The state central committee of each recognized political party shall be responsible for filing the list of watchers for its slate of candidates for presidential elector. The list of watchers for an independent or other party slate of candidates for presidential elector shall be filed by any person so authorized by the presidential candidate supported by the slate of electors. A letter of authorization from the presidential candidate, or an authorized agent of his campaign, shall accompany the list of watchers.

\* \* \*

B. Lists of watchers. A list of watchers shall be filed with the clerk of court before 5:00 p.m. on the tenth day before ~~any the~~ primary or general election; ~~However~~ **however**, if the tenth day before ~~any the~~ primary or general election falls on a Saturday, Sunday, or other legal holiday, the list shall be filed on the next day which is not a Saturday, Sunday, or other legal holiday. Except for a candidate or recognized political party filing for a slate of candidates for presidential elector, any person filing a list of watchers must attach a certified statement that the report required by R.S. 18:1486 has been filed with the supervisory committee in compliance with the Campaign Finance Disclosure Act. If any candidate submits a list for the ~~primary or first party~~ primary election and does not submit a list for the ~~second party primary or the~~ general election, the list submitted in the ~~primary or first party~~ primary election shall be treated as his list submitted for the ~~second party primary election and the~~ general election. ~~If any candidate submits a list for the second party primary election and does not submit a list for the general election, the list submitted in the second party primary election shall be treated as his list submitted for the general election.~~ A list of watchers shall contain only one watcher and one alternate watcher for each precinct where the candidate or person submitting the list is entitled to have a watcher. The list shall be typed or legibly written, and it shall contain the name and mailing address of each watcher and a designation of the precinct where he is to serve.

\* \* \*

§436. Election officials at certain special elections

A. When a special primary election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled general election, or if a previously scheduled election is delayed for any reason, the commissioners who were selected to serve at the previously scheduled primary ~~or first party and second party primary~~ and general election also shall be the commissioners for the special primary and general elections and any such delayed primary or general election, and the compensation for each shall be only that amount provided for in R.S. 18:426.1 for a day of service as a commissioner or commissioner-in-charge. Each candidate to be voted on in the special primary election or delayed primary election may appoint one watcher for each precinct in which that candidate is to be voted on. Notwithstanding the provisions of R.S. 18:427(C) or of any other law to the contrary, the watchers so appointed shall be allowed to remain in the polling place at all times.

B. When a special general election to fill a vacancy or an anticipated vacancy in elective public office is called to be held at the same time as a previously scheduled primary election, the commissioners who were selected to serve at the special primary election for which the special general election is to be held shall also be the commissioners for ~~both~~ the previously scheduled primary, ~~and including any first party or second party primary~~ and general elections. In such case the compensation for each shall be only that amount provided for in R.S. 18:426.1 for a day of service as a commissioner or commissioner-in-charge.

\* \* \*

§453. Dual candidacy

A. General prohibitions. A person shall not become a candidate in ~~any a~~ primary, ~~first party or second party primary~~ or general election for more than one office unless one of the offices is membership on a political party committee, nor shall a person be a candidate at the same time for two or more different offices to be filled at separate elections.

B. Unexpired and succeeding term of office. A person may become a candidate in a primary ~~or first or second party primary~~ election or general election for the unexpired and the succeeding term of an office when both terms are to be filled at the same election.

\* \* \*

§467. Opening of qualifying period

The qualifying period for candidates in ~~the first party primary or a~~ primary election shall open:

\* \* \*

(2) For candidates in a ~~primary or~~ congressional ~~first party~~ primary election and those in any special primary ~~or first party~~ primary election to be held at the same time, on the ~~second~~ **third** Wednesday in ~~July~~ **August** of the year of the election.

\* \* \*

§468. Close of the qualifying period

A. The qualifying period for candidates in a primary ~~or first party primary~~ election shall close at 5:00 p.m. on the Friday after the opening of the qualifying period for candidates in the primary ~~or first party primary~~ election or, if that Friday is a legal holiday, at 5:00 p.m. on the next day which is not a legal holiday.

\* \* \*

§481. Candidates who qualify for a general election

~~Except for candidates for the public office of United States senator or representative in Congress,~~ The candidates who qualify for each office remaining to be filled in the general election are those who received the two highest numbers of votes, the four highest number of votes, and so on among those not elected in the primary election, until the maximum number of candidates for each office on the general election ballot is reached.

\* \* \*

§491. Standing to object to candidacy

A. A registered voter may bring an action objecting to the candidacy of a person who qualified as a candidate in a ~~primary or first party~~ primary election for an office for which the plaintiff is qualified to vote.

\* \* \*

C. In addition to the persons with standing to bring an action objecting to candidacy as provided in Subsections A and B of this Section:

(1) The Supervisory Committee on Campaign Finance Disclosure shall bring or join in an action objecting to the candidacy of a person who qualified as a candidate in a primary ~~or first party~~ primary election for an office on the grounds provided in R.S. 18:492(A)(5).

(2) The Board of Ethics shall bring or join in an action objecting to the candidacy of a person who qualified as a candidate in a primary ~~or first party primary~~ election for an office on the grounds provided in R.S. 18:492(A)(6).

\* \* \*

§511. Election of candidates in a primary election; ~~exception; congressional candidates~~

A. Majority vote. A candidate, ~~other than a candidate for United States senator or representative in congress,~~ who receives a majority of the votes cast for an office in a primary election is elected. If there are two or more offices of the same character to be filled, the number of votes necessary to constitute a majority shall be

greater than the result obtained by dividing the total votes cast for all of the candidates by the number of offices to be filled and dividing the result so obtained by two. If more candidates receive a majority than there are offices to be filled, those of such candidates receiving the highest total of votes shall be elected, to the number required to fill all of the offices. Any votes received by a withdrawn candidate or a deceased candidate shall be void and shall not be counted for any purpose whatsoever.

B. Election of unopposed candidates for public office. If, after the close of the qualifying period for candidates in a primary election, ~~other than a primary election for United States senator or representative in congress~~, the number of candidates for a public office does not exceed the number of persons to be elected to the office, the candidates for that office, or those remaining after the withdrawal of one or more candidates, are declared elected by the people, and their names shall not appear on the ballot in either the primary or the general election.

\* \* \*

§512. Election of candidates in a general election

\* \* \*

B. Election of unopposed candidates. If, as a result of the death or withdrawal of one or more candidates, the number of candidates for an office in a general election does not exceed the number of persons to be elected to the office, ~~other than the office of United States senator or representative in congress~~, the remaining candidates are declared elected by the people, and their names shall not appear on the ballot in the general election.

\* \* \*

§535. Notice of location of precincts and polling places

\* \* \*

B. Before primary elections. The parish board of election supervisors shall publish the location of the polling places in the parish at least once before each primary ~~or first party primary~~ election. The publication shall be in the official journal of the parish during the third week before the primary ~~or first party primary~~ election.

\* \* \*

§552. Election materials

A. Materials furnished. At least twenty-two days before a primary ~~or first party primary~~ election and as soon as possible for a ~~second party primary and a~~ general election:

\* \* \*

§1272. United States senators; representatives in ~~Congress~~ congress; time of electing

A. All general elections for representatives in ~~Congress~~ congress shall be held on the first ~~Tuesday next following the first Monday in November~~ Saturday in December, 1982, and every two years thereafter, in even-numbered years. The ~~first party and second party primary elections~~ election shall be held ~~in accordance with the provisions of Chapter 5 of this Title on the first Tuesday after the first Monday in November of an election year.~~

\* \* \*

§1278. Vacancies; United States senator

\* \* \*

B. If a vacancy occurs in the office of United States senator and the unexpired term is more than one year, an appointment to fill the vacancy shall be temporary. Any senator so appointed shall serve until his successor is elected at a special election and takes office. Within ten days after receiving official notice of the vacancy, the governor shall issue ~~his a~~ proclamation for special election to fill the vacancy for the unexpired term. The date of the special election shall be established by the governor in accordance with the provisions of R.S. 18:402(E). The special first primary election shall be held four weeks prior to the dates for special primary elections as provided in R.S. 18:402(E)(1) or (E)(2), the special second primary election shall be held on the dates as provided for special primary elections in R.S. 18:402(E)(1) or (E)(2), and the special general election shall be held on the dates as provided in R.S. 18:402(E)(3). The dates of the qualifying period shall be established by the governor in accordance with ~~this Part~~ R.S. 18:467, 467.1, and 468. Immediately after issuance of the proclamation, which shall include the dates of the ~~first and second party~~ primary and general elections and the dates of the qualifying period, the governor shall publish the proclamation in the official journal of each parish in

which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted and the returns shall be certified as in regular elections for United States senator.

\* \* \*

§1279. Vacancies; representatives in congress

When a vacancy occurs in the office of representative in congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue ~~his a~~ proclamation ordering a special election and specifying the dates on which the ~~first and second party~~ primary and general elections will be held and the dates of the qualifying period for the election. Immediately thereafter he shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state, who shall within twenty-four hours of receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. The election shall be conducted in the same manner and at the same places and the returns shall be certified as in regular congressional elections. If at a ~~first or second party~~ primary or general election in a congressional district one representative in congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term for which the candidates are respectively nominated.

\* \* \*

§1285. Notice of election

\* \* \*

B.(1)(a) Written notice of the election and the certificate required by Subparagraph ~~(1)(b)~~ (b) of this ~~Subsection~~ Paragraph shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election. If the election is to be held on a primary ~~or second party primary~~ election date, then such notice and certificate shall be received by the secretary of state on or before the seventy-first day prior to the primary ~~or second party primary~~ election. If the election is not to be held on a primary ~~or second party primary~~ election date, then the notice and certificate shall be received by the secretary of state on or before the forty-sixth day prior to the election. The secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice and certificate to the secretary of state.

\* \* \*

§1300. Procedures; notice of election; expenses

\* \* \*

C.(1) When an election is called under the provisions of this Chapter, written notice of the election shall be transmitted to the secretary of state, the commissioner of elections, and each clerk of court and registrar of voters in the area affected by the election. If the election is to be held on a primary ~~or second party primary~~ election date, then such notice shall be received by the secretary of state on or before the seventy-first day prior to the primary ~~or second party primary~~ election. If the election is not to be held on a primary ~~or second party primary~~ election date, then such notice shall be received by the secretary of state on or before the forty-sixth day prior to the election.

\* \* \*

§1300.7. Governor to order election; proclamation; publication

A. If the required number of qualified electors of the voting area sign the petition for recall, the governor shall issue a proclamation ordering an election to be held for the purpose of voting on the question of the recall of the officer. The total number of registered voters in the voting area and the total number of registered voters in the voting area signing the petition shall be calculated from the totals on the certificates of all of the registrars of voters received by the

governor. The governor shall issue such proclamation within fifteen days after he receives the certified petitions from all of the registrars of voters in the voting area who have received petitions for certification. The proclamation shall order the election to be held on the next available date specified in R.S. 18:402(F). If the election is to be held on a ~~primary or second party~~ primary election date, the proclamation shall be issued on or before the last day for candidates to qualify in the election. If the election is not to be held on a ~~primary or second party~~ primary election date, then the proclamation shall be issued on or before the forty-sixth day prior to the election.

§1306. Preparation and distribution of absentee by mail and early voting ballots

A.

(4) The secretary of state shall prepare a special absentee ballot for candidates and constitutional amendments to be voted on in ~~second party primary or~~ general elections, subject to approval as to content by the attorney general. This special ballot shall only be for use by a qualified voter who is either a member of the United States Service or who resides outside of the United States. Such special ballot shall contain a list of the titles of all offices being contested at the ~~primary or first party primary~~ election and the candidates qualifying for the ~~primary or first party primary~~ election for each office, and shall permit the elector to vote in the ~~second party primary or~~ general election by indicating his order of preference for each candidate for each office. On the special ballot shall also be printed each constitutional amendment to be voted on in the ~~second party primary or~~ general election. To indicate his order of preference for each candidate for each office to be voted on in the election, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number two for his second choice and so forth so that, in consecutive numerical order, a number indicating the voter's preference is written by the voter next to each candidate's name on the ballot. A space shall be provided for the voter to indicate his preference for or against each constitutional amendment contained on the ballot. The voter shall not be required to indicate his preference for more than one candidate on the ballot if the voter so chooses. The secretary of state shall also prepare instructions for use of the special ballot.

C.

(2) At least twenty days before each ~~primary or first party~~ primary election the secretary of state shall deliver to the registrar in each parish in which the election is to be held the special absentee ballot for qualified voters who are either members of the United States Service or persons residing outside of the United States. The number of special ballots and other necessary paraphernalia, including instructions for the use of the special ballot, to be so delivered shall be up to one percent of the registered voters within each parish.

§1307. Application by mail

A. A person qualified to vote absentee by mail under this Chapter may make application therefor to the registrar by letter; over his signature; or mark if the voter is unable to sign his name, signed by two witnesses who witnessed the applicant's mark; setting forth:

(8) If the person requests that a ballot for a general election ~~or the second party primary election, or both~~, be sent in addition to a ballot for the ~~primary or first party primary~~, he shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the general election ~~or the second party primary, or both, as the case may be.~~

E. A person entitled to vote absentee by mail may request in his application for an absentee ballot for a ~~primary or first party~~ primary election that an absentee ballot for the succeeding general election ~~or the second party primary election, or both~~, be sent to him when such ballots become available for distribution; ~~However however~~, in such case, the applicant shall declare in writing to the registrar that he will be eligible to vote absentee by mail in the general election ~~or the second party primary election, or both, as the case may be.~~

§1308. Absentee voting by mail

A.

(2)(a) With respect to persons on active duty in the United States military service or outside the continental boundaries of the United States, these materials shall be mailed as provided by the Uniformed and Overseas Citizens Absentee Voting Act (39 ~~USE~~ ~~U.S.C.~~ 3406 and 42 ~~USE~~ ~~U.S.C.~~ 1973ff et seq.) and shall include both the ~~primary or first party~~ primary election ballot and the special ~~ballots~~ ~~ballot~~ for the ~~general election or the second party primary election and the~~ general election. The envelope mailed to the voter shall contain ~~six~~ ~~four~~ envelopes, ~~three~~ ~~two~~ of which shall be the ballot envelopes and ~~three~~ ~~two~~ of which shall be return envelopes. Each return envelope shall bear the official title and mailing address of the registrar, whether it contains a ~~primary, first party primary, second party primary or~~ general election ballot, and the name, return address, and precinct or district number of the voter. The voter shall return his voted ~~primary or first party primary~~ election ballot and special ~~ballots~~ ~~ballot~~ for the ~~general election or the second party primary and the~~ general election to the registrar in the appropriate envelopes. The registrar of voters shall not mail a regular ~~general election or the second party primary and~~ general election absentee ballot to a member of the United States Service or to persons residing overseas if the registrar has mailed ~~a~~ ~~the~~ special ballot, as provided herein, to such voter. The ~~envelopes~~ ~~envelope~~ for the special ~~ballots~~ ~~ballot~~ shall contain language on the outside of the envelope which will clearly designate which envelope is to be used for return of the ~~second primary election ballot and which envelope is to be used for return of the~~ general election ballot.

§1314. Absentee by mail and early voting commissioners

B. Selection for a ~~primary or first party~~ primary election. (1) The parish board of election supervisors shall determine the number of absentee by mail and early voting commissioners necessary to count the absentee by mail and early voting ballots in the parish. The parish board of election supervisors shall select a minimum of three such commissioners.

(2) The parish board of election supervisors shall meet at 10:00 a.m. on the fifth day before a ~~primary or first party~~ primary election and shall select the absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners for the parish in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as an absentee by mail and early voting commissioner if a certified commissioner has been selected as an alternate absentee by mail and early voting commissioner.

(3) Absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners shall be issued commissions, take the oath of office, be replaced, and be disqualified, all in the manner provided by law for commissioners and alternate commissioners.

C. Selection for ~~second party primary or~~ general election. (1)(a) The parish board of election supervisors shall determine if the number of absentee by mail and early voting commissioners necessary to count the absentee by mail and early voting ballots in the ~~second party primary or~~ general election can be reduced or should be increased from the number which counted absentee by mail and early voting ballots in the ~~previous~~ primary election.

(b) If it determines that the number cannot be reduced or should be increased, those persons who served as absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners for the parish in the ~~primary or first party primary~~ election shall serve in the ~~second party primary and~~ general election, unless replaced or disqualified in the manner provided by law for commissioners and alternate commissioners. The number of absentee by mail and early voting commissioners for a ~~second party primary and~~ general election shall not be less than three.

(2)(a) If the parish board determines that the number of absentee by mail and early voting commissioners can be reduced, it shall notify each person who served as an absentee by mail and early voting commissioner or alternate absentee by mail and early voting commissioner in the primary or first party primary election of its decision to reduce the number of absentee by mail and early voting commissioners and of the date and time of the meeting to select the absentee by mail and early voting commissioners for the second party primary or general election. The parish board shall meet at 10:00 a.m. on the fifth day before a second party primary and a general election and shall select the absentee by mail and early voting commissioners or and alternate absentee by mail and early voting commissioners to serve in such elections the general election for the parish.

(b)(i) The parish board shall prepare a list containing the names of all persons who served as absentee by mail and early voting commissioners in the primary or first party primary election. The absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners for the second party primary election and for the general election shall be selected from that list in the manner provided by law for the selection of commissioners or and alternate commissioners. The absentee by mail and early voting commissioners so chosen shall then serve as needed for the second party primary election and the general election.

(ii) If the list does not contain sufficient names to select the number of absentee by mail and early voting commissioners or and alternate absentee by mail and early voting commissioners determined by the board to be needed for the second party primary election and the general election, the board shall fill any remaining alternate commissioner positions from a list of those persons who were selected as alternate absentee by mail and early voting commissioners for the primary or first party primary election, such list to be prepared and the selection made in the same manner provided herein for selection of absentee by mail and early voting commissioners for the second party primary election and the general election.

(3) If the parish board determines that the number of absentee by mail and early voting commissioners should be increased, the parish board shall meet at 10:00 a.m. on the fifth day before a the second party primary election and the general election and shall select the additional absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners to serve in the second party primary election and the general election for that parish from the list of certified commissioners who have not been chosen to serve in the second party primary and the general election as a commissioner-in-charge, commissioner, or, if applicable, absentee by mail and early voting commissioner in the manner provided by law for the selection of commissioners and alternate commissioners. If there are not enough certified commissioners to select the appropriate number of absentee by mail and early voting commissioners and alternate absentee by mail and early voting commissioners, the board of election supervisors may select a qualified elector of the parish to serve; however, no such elector shall serve as an absentee by mail and early voting commissioner if a certified commissioner has been selected as an alternate absentee by mail and early voting commissioner.

§1355. Construction and equipment of machines; requirement  
Each voting machine used in an election shall be so constructed and equipped as to:

(6) When used in a first or second primary or a primary election at which members of a political party committee are to be voted on, allow election officials to lock out all candidate counters except those of the party with which the voter is affiliated or those of the party for which a voter unaffiliated with a recognized political party may vote in accordance with law.

§1401. Objections to candidacy and contests of elections; parties authorized to institute actions

B. A candidate who alleges that, except for substantial irregularities or error, or except for fraud or other unlawful activities in the conduct of the election, he would have qualified for a second

party primary election or for a general election or would have been elected may bring an action contesting the election.

§1402. Proper parties

B.(1) The following persons are the proper parties against whom election contests shall be instituted:

(c) The person or persons whose eligibility to be a candidate in a second party primary election or in a general election or whose election to office is contested.

§1405. Time for commencement of action

A. An action objecting to candidacy shall be instituted not later than 4:30 p.m. of the seventh day after the close of qualifications for candidates in the primary or first party primary election. After the expiration of the time period set forth in this Section, no further action shall be commenced objecting to candidacy based on the grounds for objections to candidacy contained in R.S. 18:492.

§1406. Petition; answer; notification

B. The petition shall set forth in specific detail the facts upon which the objection or contest is based. If the action contests an election, the petition shall allege that except for substantial irregularities or error, fraud, or other unlawful activities in the conduct of the election, the petitioner would have qualified for a second party primary election or for a general election or would have been elected. The trial judge may allow the filing of amended pleadings for good cause shown and in the interest of justice.

§1407. Appointment of agent for service of process

By filing notice of candidacy a candidate appoints the clerk of court for each parish in which he is to be voted on as his agent for service of process in any action objecting to his candidacy, contesting his qualification as a candidate in a second party primary election or in a general election, or contesting his election to office.

§1409. Trial; decision; appeal

B.(1) If the action involves the contest of a primary or first party primary election for a major office, the trial judge, for good cause shown, may postpone the date of the second party primary election or the general election for the office as to which the contest was filed for a period not to exceed five weeks. If the action involves the contest of a second party primary for a major office, the trial judge may, for good cause shown, so postpone the general election.

(2) Whenever the trial of an action contesting a primary or first or second party primary election for a major office, extends past 5:00 p.m. on the fourteenth day after the day of the election, the trial judge shall order the second party primary election and the general election, or the general election, as the case may be, for the affected office postponed to a Saturday specified by him which, for a second party primary election is at least thirty days after the date on which the trial court renders judgment and which for a general election is at least thirty days after the second party primary election.

§1432. Remedies

A. If the trial judge in an action contesting an election determines that: (1) it is impossible to determine the result of election, or (2) the number of qualified voters who were denied the right to vote by the election officials was sufficient to change the result in the election, if they had been allowed to vote, or (3) the number of unqualified voters who were allowed to vote by the election officials was sufficient to change the result of the election if they had not been allowed to vote, or (4) a combination of the factors referred to in (2) and (3) in this Subsection would have been sufficient to change the result had they not occurred, the judge may render a final judgment declaring the election void and ordering a new primary or first and second party primary or second party primary or general election for all the candidates, or, if the judge determines that the appropriate remedy is the calling of a restricted election, the judge may render a final judgment ordering a restricted election, specifying the date of the election, the appropriate



candidates for the election, the office or other position for which the election shall be held, and indicating which voters will be eligible to vote.

\* \* \*

§1461. Election offenses; penalties

A. No person shall knowingly, willfully, or intentionally:

\* \* \*

(17) Give or offer to give, directly or indirectly, any money or thing of present or prospective value to any person who has withdrawn or who was eliminated prior or subsequent to the primary or first or second primary election as a candidate for public office, for the purpose of securing or giving his political support to any remaining candidates or to candidates for public office in the primary or first or second primary or general election.

\* \* \*

Section 2. R.S. 18:1275.1 through 1275.24 are hereby repealed in their entirety.

Section 3. This Act shall become effective on January 1, 2011.

On motion of Senator Kostelka, the committee substitute bill was adopted and becomes Senate Bill No. 796 by Senator Adley, substitute for Senate Bill No. 690 by Senator Adley.

**SENATE BILL NO. 796— (Substitute of Senate Bill No. 690 by Senator Adley)**

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), 110(B), 193(F), 197, 401(B), 402(B), the introductory paragraph of (C), (E), and (G), 433(G)(1) and the introductory paragraph of (H)(1), 434(A)(1), the introductory paragraph of (C), and (D)(1) and (2), 435(A)(1) and (B), 436, 453(A) and (B), the introductory paragraph of 467 and (2), 468(A), 481, 491(A) and (C), 511(A) and (B), 512(B), 535(B), the introductory paragraph of 552(A), 1272(A), 1278(B), 1279, 1285(B)(1)(a), 1300(C)(1), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(8) and (E), 1308(A)(2)(a), 1314(B) and (C), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), and 1461(A)(17), and to repeal R.S. 18:1275.1 through 1275.24, relative to elections; to provide for an open primary system of elections for congressional offices; to provide relative to objections to candidacy and contests of elections; to provide relative to changes to and challenge and cancellation of voter registration; to provide relative to procedures for voting; to provide for election dates; to provide relative to courses of instruction for commissioners; to provide relative to selection and replacement of commissioners; to provide relative to alternate commissioners; to provide relative to watchers; to provide relative to dual candidacy; to provide relative to qualification of candidates; to provide relative to the election of candidates in a primary and general election; to provide relative to notice of location of precincts and polling places; to provide relative to election materials; to provide relative to filling vacancies in federal offices; to provide relative to recall elections; to provide relative to absentee by mail and early voting; to provide relative to voting machines; to provide relative to election offenses; and to provide for related matters.

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

**SENATE BILL NO. 710—**

BY SENATOR CHEEK

AN ACT

To enact R.S. 22:1874(A)(5), relative to billing by contracted health care providers; to provide with respect to the payment to any new provider to the contracted network of providers; 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. 710 by Senator Cheek

**AMENDMENT NO. 1**

On page 1, delete lines 9 through 17 in their entirety and insert the following:

**"(5)(a) Under certain circumstances and when the provisions of Subparagraph (b) are met, a health insurance issuer contracting with a group of physicians that bills a health insurance issuer utilizing a group identification number, such as the group federal tax identification number or the group National Provider Identifier as set forth in 45 CFR162.402 et seq., shall pay the contracted reimbursement rate of the physician group for covered health care services rendered by a new physician to the group, without health care provider credentialing as described in R.S. 22:1009. This provision shall apply in either of the following circumstances:**

**(i) When the new physician has already been credentialed by the health insurance issuer and the physician's credentialing is still active with the issuer.**

**(ii) When the health insurance issuer has received the required credentialing application and information, including proof of active hospital privileges, from the new physician and the issuer has not notified the physician group that credentialing of the new physician has been denied.**

**(b) A health insurance issuer shall comply with the provisions of Subparagraph (a) of this Paragraph no later than thirty days of receipt of a written request from the physician group. The written request shall include a statement that the physician group agrees that all contract provisions, including the provision holding covered persons harmless for charges beyond reimbursement by the issuer and deductible, coinsurance and copayments, apply to the new physician. Such compliance shall apply to any claims for covered services rendered by the new physician to covered persons on dates of service no earlier than the date of the written request from the physician group.**

**(c) Compliance by a health insurance issuer with the provisions of Subparagraph (a) shall not be construed to mean that a physician has been credentialed by an issuer or that the issuer is required to list the physician in a directory of contracted physicians."**

**AMENDMENT NO. 2**

On page 2, delete line 1 in its entirety

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. 725—**

BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R. S. 9:3514(B), relative to consumer credit contracts; to provide for the contents of credit contracts and agreements; and to provide for related matters.

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

**SENATE BILL NO. 757—**

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 22:1266(A)(1)(b), relative to automobile insurance policies; to provide with respect to a policy insuring multiple automobiles; and to provide for related matters.

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

May 13, 2010

SENATE BILL NO. 782—

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 27:44(15), 205(17), and 353(8) and to enact R.S. 27:21.2, 44(20.1), 205(30.1), 244(D), and 353(9.1), relative to promotional expense deductions; to provide for a promotional expense deduction from the calculation of net gaming proceeds, net slot machine proceeds, and gross revenue; to provide for definitions; to provide for exceptions; to require certain gaming licensees and the casino gaming operator report the total amount of promotional expenses; to provide for an amendment to the casino operating contract; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 782 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 27:21.2," insert "24(A)(5),"

AMENDMENT NO. 2

On page 1, line 12, after "R.S. 27:21.2," insert "24(A)(5),"

AMENDMENT NO. 3

On page 2, between lines 6 and 7, insert the following: "§24. Rulemaking authority; fees and fines, collection

A. \* \* \*

(5) The methods of and forms and procedures for promotional expense deductions. \* \* \*

AMENDMENT NO. 4

On page 2, line 11, change "~~whether collected or not,~~" to "whether collected or not,"

AMENDMENT NO. 5

On page 2, line 16, change "all riverboat licensees" to "the licensee"

AMENDMENT NO. 6

On page 2, line 17, change "riverboat licensees" to "the licensee"

AMENDMENT NO. 7

On page 2, line 18, after "2010-2011." delete the remainder of line and delete lines 19 through 21 and on line 22 delete "year by all licensees."

AMENDMENT NO. 8

On page 2, line 23, after "year" insert ", but only up to an amount such that the total taxes paid in that fiscal year by the licensee exceed the total taxes paid in Fiscal Year 2010-2011"

AMENDMENT NO. 9

On page 2, line 25, change "refers to" to "means the"

AMENDMENT NO. 10

On page 2, delete line 26, and insert "the actual redeemable face value of a complimentary wager on"

AMENDMENT NO. 11

On page 2, line 28, delete "or"

AMENDMENT NO. 12

On page 2, line 29, after "merchandise" insert ", or other expenses related to the promotion"

AMENDMENT NO. 13

On page 3, line 14, change "taxes" to "compensation"

AMENDMENT NO. 14

On page 3, line 15, change "taxes" to "compensation to the state"

AMENDMENT NO. 15

On page 3, line 18, change "taxes" to "compensation to the state"

AMENDMENT NO. 16

On page 3, line 19, change "taxes" to "compensation to the state"

AMENDMENT NO. 17

On page 3, line 22, change "refers to" to "means the"

AMENDMENT NO. 18

On page 3, delete line 23, and insert "the actual redeemable face value of a complimentary wager on"

AMENDMENT NO. 19

On page 3, line 25, delete "or"

AMENDMENT NO. 20

On page 3, line 26, after "merchandise" insert ", or other expenses related to the promotion"

AMENDMENT NO. 21

On page 4, line 20, change "all eligible facility licensees" to "a licensee"

AMENDMENT NO. 22

On page 4, line 22, change "eligible facility licensees" to "that licensee" and after "2010-2011." delete the remainder of the line and delete lines 23 through 26

AMENDMENT NO. 23

On page 4, line 27, at the beginning of the line insert "The"

AMENDMENT NO. 24

On page 4, line 28, after "year" insert ", but only up to an amount such that the total taxes paid in that fiscal year by the licensee exceed the total taxes paid in Fiscal Year 2010-2011"

AMENDMENT NO. 25

On page 5, line 1, change "refers to" to "means the"

AMENDMENT NO. 26

On page 5, delete line 2, and insert "the actual redeemable face value of a complimentary wager on"

AMENDMENT NO. 27

On page 5, line 4, delete "or"

AMENDMENT NO. 28

On page 5, line 5, after "merchandise" insert ", or other expenses related to the promotion"

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

SENATE BILL NO. 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.

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. 788 by Senator Hebert

## AMENDMENT NO. 1

On page 2, delete lines 16 through 18, and insert the following:

"(4) "Engineer" or "professional engineer" means an individual who, by reason of his special knowledge and ability to apply the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by an engineering education and engineering experience, is qualified to practice engineering, as evidenced by his licensure as such by the Louisiana Professional Engineering and Land Surveying Board, as set forth in Chapter 8 of this Title."

## AMENDMENT NO. 2

On page 2, delete lines 23 and 24

## AMENDMENT NO. 3

On page 2, at the beginning of line 25, change "(7)" to "(6)"

## AMENDMENT NO. 4

On page 2, at the beginning of line 29, change "(8)" to "(7)"

## AMENDMENT NO. 5

On page 3, at the beginning of line 4, change "(9)" to "(8)"

## AMENDMENT NO. 6

On page 3, at the beginning of line 6, change "(10)" to "(9)"

## AMENDMENT NO. 7

On page 3, line 7, after "Louisiana" change "that" to "who"

## AMENDMENT NO. 8

On page 3, at the beginning of line 10, change "(11)" to "(10)"

## AMENDMENT NO. 9

On page 3, at the beginning of line 14, change "(12)" to "(11)" and at the end of line 14, delete "or firm"

## AMENDMENT NO. 10

On page 3, between lines 14 and 15, insert the following:

"(12) (a) "Practice of engineering" means responsible professional service which may include consultation, investigation, evaluation, planning, designing, or inspection of construction in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering who practices in any discipline of the profession of engineering, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who himself operates or maintains machinery or equipment."

## AMENDMENT NO. 11

On page 3, between lines 18 and 19, insert the following:

"(14)(a) "Practice of land surveying" includes the measuring of areas, land surfaces, streams, bodies of water, and swamps for correct determination and description, for the establishment, reestablishment, ascertainment, or description of land boundaries, corners, divisions, distances, and directions, the

plotting and monumenting of lands and subdivisions thereof, and mapping and topographical work.

(b) A person shall be construed to practice or offer to practice land surveying who engages in land surveying and who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a land surveyor, or who represents himself as able to perform or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying."

## AMENDMENT NO. 12

On page 3, at the beginning of line 19, change "(14)" to "(15)"

## AMENDMENT NO. 13

On page 3, between lines 21 and 22, insert the following:

"(16) "Water well driller" or "licensed water well driller" means a person, firm, or corporation licensed to drill a water well, as set forth in R.S. 38:3098.

§711.3. Application of Chapter

A. This Chapter shall not authorize the practice of professional land surveying by a licensed geoscientist. This Chapter shall not apply to a qualified and licensed professional land surveyor who confines the professional land surveyor's practice to the practice of land surveying as described in Chapter 8 of this Title.

B. This Chapter shall not authorize the practice of engineering by a licensed geoscientist.

C. This Chapter shall not require a licensed professional engineer, or a person acting under the responsible charge of a licensed professional engineer, who also regularly performs geoscientific services or work that is both engineering and geoscience, to be licensed as a geoscientist or to work under the supervision of a licensed geoscientist.

D. A recommendation, design, analysis, redesign, or review and evaluation, the supervision, or a summary analysis of an engineered structure or work, the performance of which requires engineering education, training, and experience in the application of special knowledge of mathematical, physical, and engineering sciences, is the practice of engineering and is subject to Chapter 8 of this Title.

E. This Chapter shall not permit a licensed geoscientist to perform an engineering analysis supporting an engineering design unless the action is under the responsible charge of a professional engineer.

F. This Chapter shall not permit a licensed geoscientist to provide construction quality control and evaluation, to perform materials engineering and testing, or to design, develop, or perform engineering review and evaluation of engineering plans and engineering specifications for an engineered structure or work unless the action is under the responsible charge of a professional engineer.

G. (1) With regard to an environmental and pollution remediation project, this Chapter permits the characterization, study, appraisal, investigation, analysis, and geoscientific review and evaluation of and the making of recommendations regarding the geoscientific components of the project by a licensed geoscientist.

(2) This Chapter shall not permit the design, development, or performance of engineering review and evaluation of a component of the project consisting of an engineered structure, work, or process or a related constructed improvement by a licensed geoscientist.

H. (1) With regard to a geoscientific investigation of geological conditions affecting an engineered structure, work, or process, this Chapter permits the characterization, study, appraisal, investigation, analysis, and geoscientific review and evaluation of and the making of recommendations regarding the geoscientific components of the engineered structure, work, or process by a licensed geoscientist.

(2) This Chapter shall not permit the design, development, or performance of engineering review and evaluation of the engineered structure, work, or process or a related constructed improvement by a licensed geoscientist.

**I. The board and the Louisiana Professional Engineering and Land Surveying Board by rule, memorandum of understanding, or other appropriate procedure or document shall jointly resolve any conflict between this Chapter or a rule adopted under this Chapter and Chapter 8 of this Title or a rule adopted under that Chapter.**

**J. This Chapter shall not authorize a licensed geoscientist to act as or offer to perform services as a water well driller. This Chapter shall not apply to a licensed water well driller who confines the water well driller's to activities described under R.S. 38:3098.**

AMENDMENT NO. 14

On page 3, at the beginning of line 22, change "§711.3" to "§711.4"

AMENDMENT NO. 15

On page 3, line 25, after "licensed geoscientist," delete the remainder of the line and insert the following: "one of whom shall be a licensed professional engineer with expertise in geotechnical engineering and geoscience, and two of whom shall"

AMENDMENT NO. 16

On page 4, at the beginning of line 8, change "§711.4" to "§711.5"

AMENDMENT NO. 17

On page 4, at the beginning of line 11, change "§711.5" to "§711.6"

AMENDMENT NO. 18

On page 4, at the beginning of line 18, change "§711.6" to "§711.7"

AMENDMENT NO. 19

On page 5, at the beginning of line 6, change "§711.7" to "§711.8"

AMENDMENT NO. 20

On page 7, delete line 13 through 29, and on page 8, delete lines 1 through 5

AMENDMENT NO. 21

On page 10, line 2, change "personnel" to "personal"

AMENDMENT NO. 22

On page 10, line 16, after "of the board," delete the remainder of the line and delete line 17

AMENDMENT NO. 23

On page 12, delete lines 22 and 23

AMENDMENT NO. 24

On page 12, at the beginning of line 24, change "(4)" to "(3)"

AMENDMENT NO. 25

On page 14, at the beginning of line 9, change "(4)" to "(4)(a)"

AMENDMENT NO. 26

On page 14, between lines 11 and 12, insert the following:  
**"(b) An applicant that applies for licensure under this Chapter prior to January 1, 2012, shall be exempted from taking the examination described in Subparagraph (a) of this Paragraph if the applicant satisfies all the requirements of this Subsection."**

AMENDMENT NO. 27

On page 20, delete lines 26 through 29

AMENDMENT NO. 28

On page 21, at the beginning of line 1, change "D." to "C."

AMENDMENT NO. 29

On page 21, at the beginning of line 13, change "E." to "D."

AMENDMENT NO. 30

On page 21, at the beginning of line 16, change "F." to "E."

AMENDMENT NO. 31

On page 21, at the beginning of line 24, change "G." to "F."

AMENDMENT NO. 32

On page 22, at the beginning of line 4, change "H." to "G."

AMENDMENT NO. 33

On page 22, at the beginning of line 9, change "I." to "H."

AMENDMENT NO. 34

On page 22, at the beginning of line 12, change "J." to "I."

AMENDMENT NO. 35

On page 22, at the beginning of line 17, change "K." to "J."

AMENDMENT NO. 36

On page 22, at the beginning of line 20, change "L." to "K."

AMENDMENT NO. 37

On page 22, at the beginning of line 25, change "M." to "L."

AMENDMENT NO. 38

On page 23, at the beginning of line 3, change "N." to "M."

AMENDMENT NO. 39

On page 24, delete lines 4 through 7

AMENDMENT NO. 40

On page 24, at the beginning of line 8, change "D." to "C."

AMENDMENT NO. 41

On page 24, at the beginning of line 20, change "E." to "D."

AMENDMENT NO. 42

On page 24, at the beginning of line 23, change "F." to "E."

AMENDMENT NO. 43

On page 25, at the beginning of line 3, change "G." to "F."

AMENDMENT NO. 44

On page 25, at the beginning of line 12, change "H." to "G."

AMENDMENT NO. 45

On page 25, at the beginning of line 17, change "I." to "H."

AMENDMENT NO. 46

On page 25, at the beginning of line 20, change "J." to "I."

AMENDMENT NO. 47

On page 25, at the beginning of line 25, change "K." to "J."

AMENDMENT NO. 48

On page 25, at the beginning of line 28, change "L." to "K."

AMENDMENT NO. 49

On page 26, at the beginning of line 4, change "M." to "L."

AMENDMENT NO. 50

On page 26, at the beginning of line 10, change "N." to "M."

AMENDMENT NO. 51

On page 26, at the beginning of line 15, change "O." to "N."

AMENDMENT NO. 52

On page 26, at the beginning of line 23, change "P." to "O."

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.

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

**HOUSE BILL NO. 36—**

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact R.S. 15:709(C), relative to prisoners; to provide for the housing of certain prisoners convicted and sentenced in another state; and to provide for related matters.

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

**Rules Suspended**

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

**Introduction of  
Senate Concurrent Resolutions**

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

**SENATE CONCURRENT RESOLUTION NO. 81—**  
BY SENATOR MORRELL

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations on the implementation of laws in Louisiana relative to surrogacy agreements and to report its findings to the legislature.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adeley	Gautreaux N	Morrell
Alario	Guillory	Mount
Amedee	Hebert	Murray
Appel	Heitmeier	Peterson
Broome	Jackson	Riser
Chabert	Kostelka	Shaw
Cheek	LaFleur	Smith
Dorsey	Long	Thompson
Duplessis	Marionneaux	Walsworth
Erdey	Martiny	
Gautreaux B	McPherson	
Total - 31		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Donahue	Nevers
Claitor	Michot	Quinn
Crowe	Morrish	
Total - 8		

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

**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 13, 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 Concurrent Resolution has been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 76—**  
BY SENATOR BROOME AND REPRESENTATIVE BARROW

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide an exemption or authorize states to exempt certain nonprofit organizations exempt from federal taxation under Section 501(c) of the Internal Revenue Code making residential mortgage loans to promote home ownership or home improvements for the disadvantaged, and its employees and agents, from requirements of the S.A.F.E. Act.

Respectfully submitted,  
ROBERT W. "BOB" KOSTELKA  
Chairman

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

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

May 13, 2010

To the Honorable President and Members of the Senate:

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

**HOUSE CONCURRENT RESOLUTION NO. 157—**

BY REPRESENTATIVES CONNICK, ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMANN, GISCLAIR, GREENE, GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MCVEA, MILLS, MONICA, MONTUCET, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, THIERRY, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON

A CONCURRENT RESOLUTION

To urge and request that British Petroleum remove Houston, Texas, from the choice of forum provision in the contract form utilized in the hiring of vessel owners in the response to the Deepwater Horizon disaster.

May 13, 2010

HOUSE CONCURRENT RESOLUTION NO. 158—

BY REPRESENTATIVE HARDY
A CONCURRENT RESOLUTION

To urge and request the secretary of state to develop and implement an annual educational and instructional presentation concerning voting and voter registration targeted at high school seniors.

HOUSE CONCURRENT RESOLUTION NO. 159—

BY REPRESENTATIVES WILLMOTT, ABRAMSON, BARROW, BURFORD, DOERGE, HILL, HINES, MICHAEL JACKSON, JOHNSON, KATZ, LABRUZZO, LEBAS, MILLS, NOWLIN, POPE, AND SIMON AND SENATOR THOMPSON

A CONCURRENT RESOLUTION

To commend the Department of Social Services on receiving a national bronze 2010 Telly Award for the department's public service television commercial to raise awareness of the Safe Haven Law of this state.

HOUSE CONCURRENT RESOLUTION NO. 149—

BY REPRESENTATIVE KATZ AND SENATORS MOUNT AND THOMPSON

A CONCURRENT RESOLUTION

To commend Durand "Rudy" Macklin on the retirement of his basketball jersey number by Louisiana State University and for his outstanding achievements in promoting physical fitness and sports in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 153—

BY REPRESENTATIVE DOVE
A CONCURRENT RESOLUTION

To recognize Tuesday, May 11, 2010, as Coastal Day at the Louisiana Legislature

HOUSE CONCURRENT RESOLUTION NO. 154—

BY REPRESENTATIVE LOPINTO AND SENATORS ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, DUPLESSIS, ERDEY, B. GAUTREAU, N. GAUTREAU, GUILLORY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, AND WALSWORTH

A CONCURRENT RESOLUTION

To commend Jim Funk, president and chief executive officer of the Louisiana Restaurant Association.

HOUSE CONCURRENT RESOLUTION NO. 156—

BY REPRESENTATIVE RICHARD AND SENATORS ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, DUPLESSIS, ERDEY, B. GAUTREAU, N. GAUTREAU, GUILLORY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, AND WALSWORTH

A CONCURRENT RESOLUTION

To recognize Tuesday, May 11, 2010, as Louisiana Society of Professional Surveyors Day at the Louisiana State Capitol and to commend the society's members.

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

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

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

ATTENDANCE ROLL CALL

PRESENT

- Adley, Alario, Amedee, Appel, Broome, Chabert, Gautreaux B, Gautreaux N, Guillory, Hebert, Heitmeier, Jackson, Morrell, Morrish, Mount, Murray, Nevers, Peterson

- Cheek, Claitor, Crowe, Dorsey, Duplessis, Erdey, Kostelka, LaFleur, Long, Marionneaux, Martiny, McPherson, Quinn, Riser, Shaw, Smith, Thompson, Walsworth

Total - 36

ABSENT

- Mr. President, Total - 3, Donahue, Michot

Leaves of Absence

The following leaves of absence were asked for and granted:

- Chaisson, Michot, 1 Day, 1 Day, Donahue, 1 Day

Announcements

The following committee meetings for May 17, 2010, were announced:

- Finance, Retirement, Rev. & Fiscal Affairs, 10:00 A.M., 12:30 P.M., 1:00 P.M., Room A, Room E, Hainkel Rm

Adjournment

On motion of Senator Thompson, at 10:45 o'clock A.M. the Senate adjourned until Monday, May 17, 2010, at 3:00 o'clock P.M.

The President Pro Tempore of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Monday, May 17, 2010.

GLENN A. KOEPP Secretary of the Senate

DIANE O' QUIN Journal Clerk