

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

**SEVENTEENTH DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Thursday, April 12, 2012

The Senate was called to order at 9:05 o'clock A.M. by Hon. John A. Alario Jr., President of the Senate.

**Morning Hour**

**CONVENING ROLL CALL**

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

**PRESENT**

Mr. President	Donahue	Peacock
Adley	Gallot	Riser
Allain	Guillory	Smith, G.
Amedee	Johns	Tarver
Appel	Kostelka	Thompson
Broome	Long	Walsworth
Brown	Martiny	Ward
Chabert	Murray	
Crowe	Nevers	
Total - 25		

**ABSENT**

Buffington	Heitmeier	Perry
Claitor	LaFleur	Peterson
Cortez	Mills	Smith, J.
Dorsey-Colomb	Morrell	White
Erdey	Morrish	
Total - 14		

The President of the Senate announced there were 25 Senators present and a quorum.

**Prayer**

The prayer was offered by Cindy Collins, 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 Thompson, the reading of the Journal was dispensed with and the Journal of April 11, 2012, was adopted.

**Introduction of Senate Resolutions**

**SENATE RESOLUTION NO. 48—**  
BY SENATOR ADLEY

A RESOLUTION

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

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

**SENATE RESOLUTION NO. 49—**  
BY SENATOR ADLEY

A RESOLUTION

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

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

**SENATE RESOLUTION NO. 50—**  
BY SENATOR ADLEY

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Sergeant Christopher P. Soderlund during ground combat in Afghanistan.

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

**SENATE RESOLUTION NO. 51—**  
BY SENATOR ADLEY

A RESOLUTION

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

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

**SENATE RESOLUTION NO. 52—**  
BY SENATOR ADLEY

A RESOLUTION

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

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

**SENATE RESOLUTION NO. 53—**  
BY SENATOR ADLEY

A RESOLUTION

To commend Moonbot Studios in Shreveport upon winning the Oscar for Best Animated Short Film for The Fantastic Flying Books of Mr. Morris Lessmore at the Eighty-Fourth Annual Academy Awards on February 26, 2012.

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

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

**SENATE BILL NO. 747— (Substitute of Senate Bill No. 108 by  
Senator Morrell)**

BY SENATOR MORRELL

AN ACT

To enact R.S. 27:19(D), relative to video poker; to prohibit persons and entities advising the state from representing any business or legal entity seeking to be engaged in or who is engaged in any activity regulated by the Video Draw Poker Devices Control Law; and to provide for related matters.

On motion of Senator Morrell the bill was read by title, ordered engrossed and passed to a third reading.

**SENATE BILL NO. 748— (Substitute of Senate Bill No. 344 by  
Senator Morrish)**

BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 30:2373(B)(1), relative to environmental quality; to provide for the failure to report of certain reportable releases; to provide for the reportable release from natural gas distribution lines; and to provide for related matters.

On motion of Senator Walsworth the bill was read by title, ordered engrossed and passed to a third reading.

April 12, 2012

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 46— BY SENATOR KOSTELKA

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Charles Gerald Clark Sr.

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

SENATE RESOLUTION NO. 47— BY SENATORS WALSWORTH AND RISER

A RESOLUTION

To urge and request the U.S. Army Corps of Engineers to maintain its current hours of operations at its four locks and dams on the Ouachita River.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 56— BY SENATOR BROOME

A CONCURRENT RESOLUTION

To recognize and designate April 21, 2012, as Global Youth Service Day in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Dorsey-Colomb, Murray, Adley, Erdey, Nevers, Allain, Gallot, Peacock, Amedee, Guillory, Riser, Broome, Johns, Smith, G., Brown, Kostelka, Smith, J., Buffington, Long, Tarver, Chabert, Martiny, Thompson, Cortez, Mills, Walsworth, Donahue, Morrish, Ward

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Appel, Heitmeier, Perry, Claitor, LaFleur, Peterson, Crowe, Morrell, White

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 11, 2012

To the Honorable President and Members of the Senate:

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

Table with 3 columns of bill numbers: HB NO. 285, HB NO. 296, HB NO. 317, HB NO. 371, HB NO. 245, HB NO. 568, HB NO. 121, HB NO. 274, HB NO. 363, HB NO. 367, HB NO. 377, HB NO. 400, HB NO. 413, HB NO. 754, HB NO. 766, HB NO. 804, HB NO. 852

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 121— BY REPRESENTATIVE LOPINTO AN ACT

To amend and reenact R.S. 15:574.4.2(A)(2) and (3) and to enact R.S. 15:574.4.2(A)(4) and (5), relative to conditions of parole; to revise statutory provisions regarding conditions of parole; to provide for the forfeiture of good time or credits earned; and to provide for related matters.

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

HOUSE BILL NO. 245— BY REPRESENTATIVE HARRISON AND SENATOR MORRELL AN ACT

To amend and reenact R.S. 56:700.2(A)(4) and to repeal R.S. 30:101.11, relative to the Underwater Obstruction Removal Fund and the Fishermen's Gear Compensation Fund; to remove the termination date for deposits from the Fishermen's Gear Compensation Fund to the Underwater Obstruction Fund; to remove the termination date from the Underwater Obstruction Removal Fund; and to provide for related matters.

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

HOUSE BILL NO. 274— BY REPRESENTATIVE FOIL AN ACT

To amend and reenact R.S. 19:2, 2.1(A)(2), 2.2(A)(introductory paragraph) and (2) and (B), 5(B) and (C)(6), 6, 7, 8(A) and (B), 9, 12, 14(B), and 201, to enact R.S. 19:2.2(C), 8(E), and 16, and to repeal R.S. 9:3176 through 3191, relative to expropriation; to provide notice, service, and filing requirements when property is sought to be acquired through expropriation; to provide additional requirements when property is sought to be acquired by expropriating authorities other than the state or its political subdivisions or corporations; to provide procedures for delay periods, trial, and burden of proof; to provide for determination of compensation and attorney fees; to repeal outdated or duplicative expropriation statutes; and to provide for related matters.

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

HOUSE BILL NO. 285— BY REPRESENTATIVE BROADWATER AN ACT

To amend and reenact R.S. 49:327(B)(2), relative to funds on deposit in the state treasury; to provide relative to the investment of funds in the state treasury; to provide relative to the maturity of

securities purchased as investments; and to provide for related matters.

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

**HOUSE BILL NO. 296—**

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 39:197(1) and 200(F), relative to data processing procurement; to provide for definitions; to provide for contract forms; and to provide for related matters.

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

**HOUSE BILL NO. 317—**

BY REPRESENTATIVE GISCLAIR

AN ACT

To amend and reenact R.S. 48:264.1, relative to salvaged material; to authorize the use of salvage material in coastal protection and restoration projects; to provide for the powers and duties of the secretary of the Department of Transportation and Development and the Office of Coastal Protection and Restoration; and to provide for related matters.

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

**HOUSE BILL NO. 363—**

BY REPRESENTATIVE THOMPSON

AN ACT

To enact R.S. 47:120, relative to overtime compensation; to require employers to retain a record of overtime compensation paid; to provide for employee receipt of overtime data; to provide a time period for retention of the data; 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. 367—**

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 38:2212(A)(3)(g), relative to construction managers; to remove certain restrictions on the use of construction managers or third-party consultants in Orleans Parish; and to provide for related matters.

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

**HOUSE BILL NO. 371—**

BY REPRESENTATIVE ST. GERMAIN

AN ACT

To enact R.S. 45:844.12(6)(k), relative to telephone solicitation; to authorize telephone solicitations on behalf of nonprofit organizations composed of public safety personnel; and to provide for related matters.

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

**HOUSE BILL NO. 377—**

BY REPRESENTATIVE ROBIDEAUX

AN ACT

To enact R.S. 47:201.1(F), relative to income tax returns; to provide with respect to composite returns of partnerships; to provide for the payment and distribution of overpayments; 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 BILL NO. 400—**

BY REPRESENTATIVE FOIL

AN ACT

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

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

**HOUSE BILL NO. 413—**

BY REPRESENTATIVE HARRISON

AN ACT

To amend and reenact R.S. 38:3086.24(H)(1) and 3086.26 and to enact R.S. 38:3086.24(L), relative to the Bayou Lafourche Fresh Water District; to authorize the board of such district to control and regulate the activities on the banks of Bayou Lafourche; to authorize the Coastal Protection and Restoration Authority to assist the district; to authorize the board to contract for services related to integrated coastal protection; and to provide for related matters.

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

**HOUSE BILL NO. 568—**

BY REPRESENTATIVE WESLEY BISHOP

AN ACT

To enact R.S. 47:305.71 and 337.9(D)(33), relative to local sales and use tax exemptions; to provide for a local sales and use tax exemption for sales of certain property to the "St. Bernard Project, Inc."; 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 BILL NO. 754—**

BY REPRESENTATIVES ROBIDEAUX, ABRAMSON, ADAMS, ARMES, BADON, BARRAS, BERTHELOT, BILLIOT, STUART BISHOP, WESLEY BISHOP, BROADWATER, BROWN, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, CROMER, FANNIN, FOIL, GAROFALO, GISCLAIR, GREENE, GUILLORY, GUINN, HARRIS, HAZEL, HENSGENS, HOFFMANN, HOLLIS, HOWARD, HUVAL, JEFFERSON, JOHNSON, KLECKLEY, LAMBERT, LEBAS, LEGER, LEOPOLD, LIGI, LORUSSO, MILLER, MONTOUÇET, ORTEGO, PIERRE, PONTI, POPE, PYLANT, REYNOLDS, RICHARDSON, RITCHIE, SCHEXNAYDER, SEABAUGH, SHADOIN, SIMON, ST. GERMAIN, THIBAUT, THOMPSON, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT

AN ACT

To enact Subpart R of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.126, and Chapter 3 of Subtitle VII of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:6301, relative to rebates; to authorize contracts for certain state sales and use tax rebates; to provide for definitions, requirements, and limitations; to provide for the amount, approval, and issuance of rebates; to provide for the recapture of rebates under certain circumstances; to provide relative to the payment of certain taxes in error; to provide with respect to administrative expenses; to provide for the disposition of certain state revenues; to establish the Specialized Educational Institutions Support Fund; to provide for the deposit, use, and investment of monies in the fund; to authorize the promulgation of rules and regulations; 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 BILL NO. 766—**

BY REPRESENTATIVE LIGI

AN ACT

To amend and reenact R.S. 40:1299.39.1(A)(1)(b)(ii) and (B)(2), 1299.44(A)(3), (D)(2)(b)(xiv) and (5), 1299.47(A)(1)(b)(ii) and (B)(2) and (3), to enact R.S. 40:1299.39.1(A)(6) and

1299.47(A)(6), and to repeal R.S. 40:1299.44(A)(7)(e), relative to medical review; to provide relative to the state medical review panel; to provide for the Patient's Compensation Fund; to provide relative to the surcharge levied on health care providers; to provide for time limitations; to provide relative to proper parties to remit the surcharge to the Patient's Compensation Fund; to provide for procedure of board meetings; to provide for requests for review of a malpractice claim; to provide relative to raising peremptory 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. 804—**

BY REPRESENTATIVE JAMES

AN ACT

To amend and reenact R.S. 32:781(5), (12), and (13)(a), 788(B), 793(A)(introductory paragraph), (2), and (5) and to enact R.S. 32:792(B)(16) and 795, relative to used motor vehicles; to provide for definitions; to provide relative to civil penalties; to provide for definitions in rent with option-to-purchase program; to provide relative to deposits and down payments; and to provide for related matters.

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

**HOUSE BILL NO. 852—**

BY REPRESENTATIVE TIM BURNS

AN ACT

To amend and reenact R.S. 18:25(B), 104(A)(3), 109, 152(C)(2)(a), 154(C), 177(A), 402(F)(2), and (G), 427(B), 431(A)(1)(a) and (3)(a) and (B)(3), 435(A)(1), 465(E)(1)(a), 532.1(F), 562(A)(2), 591, 602(A), (B), (C), (D), (E)(1)(a), (2)(a), and (4), and (F), 604(B)(1) and (2)(a), 1284(F), 1299.1, 1300.13, 1302(g), 1307(B)(2) and (H), 1308(A)(1) and (2)(d), (e), (f), and (g), 1308.1(A), 1309(D)(1) and (E)(4), 1309.1, 1313(F)(9) and (10) and (I)(2)(a), 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1352, 1402(C), 1405(B), 1406(B), 1415(B), (C), (D), (E), and (F), 1431, 1432(A), 1433(A) and (B), and 1941(A) and (B), to enact R.S. 18:1307(B)(1)(d) and (I), 1308(A)(2)(h), (i), and (j), 1309(E)(5), 1313(F)(11), 1401(F), 1404(E), 1405(H), and 1415(G), and to repeal R.S. 18:1317, relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to the authority and duties of the State Board of Election Supervisors and the secretary of state; to provide relative to voter registration; to provide relative to application for voter registration; to provide relative to notice of registration and change in registration; to provide relative to precinct registers used by the registrar of voters; to provide relative to disclosure of voter information; to provide relative to reinstatement of voter registration after suspension; to provide for election dates; to provide relative to watchers; to provide relative to courses of instruction for commissioners; to provide relative to qualifying for an election; to provide relative to nominating petitions; to provide relative to changing of precinct boundaries by parish governing authorities; to provide relative to procedures for voting during early voting and on election day; to provide relative to identification of voters; to provide for the time limits for making appointments to fill vacancies in certain offices; to provide for the time limits for issuing proclamations for special elections to fill vacancies in certain offices; to provide relative to the requirements for special elections for certain offices; to provide relative to propositions submitted to voters at certain elections; to provide relative to recall elections; to provide relative to applying to vote absentee by mail; to provide relative to procedures and requirements for voting absentee by mail; to provide relative to the transmission of absentee by mail materials; to provide relative to absentee by mail ballots; to provide relative to the counting and tabulation and recounting of absentee by mail and early voting ballots; to provide relative to the preparation of voting machines; to provide relative to absentee by mail and early voting commissioners; to provide for the use of paper

ballots; to provide relative to submission of certain changes in voting practice and procedure by political subdivisions; 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.

**Message from the House**

**ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS**

April 11, 2012

To the Honorable President and Members of the Senate:

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

HCR NO. 82                      HCR NO. 83                      HCR NO. 85

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

**House Concurrent Resolutions on First Reading**

**HOUSE CONCURRENT RESOLUTION NO. 82—**

BY REPRESENTATIVE SHADOIN

A CONCURRENT RESOLUTION

To urge and request the Lincoln Parish School Board to name the Ruston High School field house in honor of Jimmy "Chick" Childress.

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

**HOUSE CONCURRENT RESOLUTION NO. 83—**

BY REPRESENTATIVE SHADOIN

A CONCURRENT RESOLUTION

To urge and request the Lincoln Parish School Board to name the Ruston High School football stadium in honor of the late L.J. "Hoss" Garrett.

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

**HOUSE CONCURRENT RESOLUTION NO. 85—**

BY REPRESENTATIVE CROMER

A CONCURRENT RESOLUTION

To commend Lou Major, Sr., on the occasion of being inducted into the Manship School of Fame.

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

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

**HOUSE BILL NO. 78—**

BY REPRESENTATIVE POPE

AN ACT

To amend and reenact R.S. 13:5556(C), (D), and (E), relative to the Livingston Parish Retired Employees' Insurance Fund; to provide relative to the administration of the Livingston Parish Retired Employees' Insurance Fund; to provide for the investment of fund monies; to authorize the use of fund monies for the LREIF Board; and to provide for related matters.

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

**HOUSE BILL NO. 149—**

BY REPRESENTATIVE HENRY BURNS  
AN ACT

To enact R.S. 17:236(C), (D), and (E); to define for purposes of general school law the terms "elementary school", "middle school", "junior high school", and "high school"; to specify that middle schools, junior high schools, and high schools shall be considered secondary schools; 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. 309—**

BY REPRESENTATIVE JAMES  
AN ACT

To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create the Park Forest Crime Prevention and Improvement District in East Baton Rouge Parish; to provide relative to the boundaries, purpose, and governance of the district; to provide relative to the powers and duties of the district; to provide for the levy of a parcel fee within the district; and to provide for related matters.

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

**HOUSE BILL NO. 352—**

BY REPRESENTATIVE BURFORD  
AN ACT

To enact R.S. 13:5557.1, relative to payment of group health insurance premiums for retired sheriffs and deputy sheriffs; to create the DeSoto Parish Retired Employees' Insurance Fund to fund premium costs for eligible retired sheriffs and retired deputy sheriffs; to provide for the total amount of principal and earnings in the DeSoto Parish Retired Employees' Insurance Fund; to provide for the limitations on withdrawal and appropriation of monies; to provide for limitations of equity and fixed income investments; to provide for the membership and election on the investment advisory board; and to provide for related matters.

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

**HOUSE BILL NO. 498—**

BY REPRESENTATIVE DIXON  
AN ACT

To amend and reenact R.S. 23:1293(A)(1) and to enact R.S. 23:1291.2, relative to workers' compensation; to provide that payors shall make certain information available; to provide for confidentiality; and to provide for related matters.

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

**HOUSE BILL NO. 503—**

BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 13:2501.1(F) and to enact R.S. 13:1337(C), 2151(E), and 2151.4(E), relative to courts and judicial procedure; to provide relative to the jurisdiction of the Traffic Court of New Orleans and the First and Second City Courts of New Orleans; to provide relative to appeals by any person aggrieved by a decision concerning a traffic violation enforced by the city of New Orleans' automated traffic enforcement system; to provide certain terms and conditions; 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. 521—**

BY REPRESENTATIVES MORENO, ADAMS, ARMES, ARNOLD, BADON, BERTHELOT, BILLIOT, BROADWATER, BROSSETT, BROWN, HENRY BURNS, BURRELL, CARMODY, CONNICK, COX, EDWARDS, FOIL, GAINES, GAROFALO, GISCLAIR, HARRIS, HOLLIS, HONORE, HOWARD, HUNTER, GIROD JACKSON, JAMES, JEFFERSON, LEGER, LEOPOLD, LOPINTO, LORUSSO, MILLER, NORTON, ORTEGO, PRICE, PUGH, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHEXNAYDER, SHADOIN, SIMON, SMITH, ST. GERMAIN, THIERRY, AND WHITNEY

AN ACT

To amend and reenact Chapter 34 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5401, to enact Chapter 35 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5501, and to repeal R.S. 13:621.41(J) and 1343(C), relative to reentry courts; to authorize the creation of reentry divisions of court in certain judicial district courts in the state; to provide for the implementation of the workforce development sentencing program in the reentry division; to provide for conditions and procedures; to provide for applicability; to repeal provisions related to the Criminal District Court of Orleans Parish or the Forty-First Judicial District workforce development program; 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. 737—**

BY REPRESENTATIVE BROADWATER  
AN ACT

To amend and reenact R.S. 23:1231(B)(2) and to enact R.S. 23:1231(B)(3) and 1251(3), relative to workers' compensation; to provide death benefits to living descendants of a deceased employee; and to provide for related matters.

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

**HOUSE BILL NO. 873—**

BY REPRESENTATIVE ARNOLD  
AN ACT

To enact Code of Civil Procedure Article 4850.2 and Section 2 of Chapter 2 of Title 1 of Book VIII of the Code of Civil Procedure, to be comprised of Code of Civil Procedure Article 4857, relative to the appellate jurisdiction and procedure; to provide the Traffic Court of New Orleans with exclusive jurisdiction for appeals taken from an administrative hearing for certain traffic violations; to authorize de novo review by the traffic court on administrative hearing appeals; to provide the First and Second City Court of New Orleans with appellate jurisdiction over appeals taken from the Traffic Court of New Orleans for certain traffic violations; to require the adoption of rules to implement the procedure for hearing and deciding such appeals; to direct the Louisiana State Law Institute to make certain conforming technical changes; 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. 931—**

BY REPRESENTATIVE STUART BISHOP  
AN ACT

To amend and reenact R.S. 23:1306(B), relative to workers' compensation job injury data; to require the submission of reports to the office of workers' compensation administration; and to provide for related matters.

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

**HOUSE BILL NO. 960—**

BY REPRESENTATIVE JOHNSON  
AN ACT

To enact R.S. 13:852 and 853, relative to court costs, to provide relative to court costs in the Twelfth Judicial District Court; to provide for additional court costs for criminal cases including

traffic offenses in the Twelfth Judicial District Court; to provide relative to court costs in the Twenty-Second Judicial District Court; to provide for additional court costs for criminal cases in the Twenty-Second Judicial District Court; to provide for use of additional funds; and to provide for related matters.

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

**HOUSE BILL NO. 1006—**

BY REPRESENTATIVE PYLANT

AN ACT

To amend and reenact R.S. 13:5554(S), relative to payment of group insurance premiums for sheriffs and deputy sheriffs retired from the Franklin Parish Sheriff's Office; to provide for requirements relative to age and years of service with the Franklin Parish Sheriff's Office; and to provide for related matters.

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

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

**SENATE BILL NO. 111—**

BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 44:9(F) and (G), relative to the Public Records Law; relative to records of violations of municipal ordinances and of state statutes classified as a misdemeanor or felony; to provide the Louisiana Board of Pharmacy with access to expunged records under certain circumstances; 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. 161—**

BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 18:1311, relative to the Louisiana Election Code; to delete the requirement for the Registrar of Voters to post a list of voters who request to vote absentee by mail 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. 170—**

BY SENATOR ALLAIN

AN ACT

To enact R.S. 40:1300.143(7)(a)(xiv), relative to rural hospitals; to provide with respect to the definition of a rural hospital; 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. 170 by Senator Allain

**AMENDMENT NO. 1**

On page 1, line 3, after "hospital;" insert "to provide with respect to reimbursements and payments; to provide for effective date and application;"

**AMENDMENT NO. 2**

On page 1, between lines 15 and 16 insert:

**"(aa) A rural hospital as defined in this Item shall maintain the same per diem rates and shall not participate in the uncompensated care hospital payments.**

**(bb) A rural hospital as defined in this Item shall fully participate in the rural hospital upper payment limit program administered by the Department of Health and Hospitals."**

**AMENDMENT NO. 3**

On page 1, after line 16 insert

"Section 2. This Act shall become effective July 1, 2013, subject to additional appropriation by the legislature. Any hospital affected by this Act shall participate in the rural hospital upper payment limit program administered by the Department of Health and Hospitals only to the extent additional funds are available which exceed the amount of funds appropriated for that program for fiscal year 2012-2013."

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

**SENATE BILL NO. 206—**

BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 22:1060.3(A), 1068(D), and 1074(D) and to repeal R.S. 22:1061(5)(y), relative to health benefit plans; to provide with respect to the continuation of coverage; to provide for guaranteed renewability of coverage for employers in the group market; to repeal special definitions related to prescription drug programs; 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. 206 by Senator Morrish

**AMENDMENT NO. 1**

On page 1, line 2, after "22:1060.3(A)," delete the remainder of the line and in lieu thereof insert "1068(D)(2), and 1074(D)(2)."

**AMENDMENT NO. 2**

On page 1, line 3, delete "22:1061(5)(y)."

**AMENDMENT NO. 3**

On page 1, at the end of line 4, delete "for" and delete lines 5 and 6 and in lieu thereof insert the following: "in the group and individual market with regard to modifications affecting drug coverage; and to provide for related matters."

**AMENDMENT NO. 4**

On page 1, line 8, change "1068(D), and 1074(D)" to "1068(D)(2), and 1074(D)(2)"

**AMENDMENT NO. 5**

On page 1, line 16, after "renewal date." delete the remainder of the line and delete line 17 in its entirety.

**AMENDMENT NO. 6**

On page 2, delete lines 6 through 20 in their entirety and in lieu thereof insert the following:

"D. A health insurance issuer may modify health insurance coverage offered to a group health plan if each of the following conditions is met:

\* \* \*

(2) The modification is approved by the commissioner and is effective on a uniform basis among all small or large employers covered by that group health plan. **However, for purposes of this Section, modifications affecting drug coverage shall not require approval by the commissioner.**

\* \* \*"

AMENDMENT NO. 7

On page 2, delete lines 23 through 29 in their entirety and in lieu thereof insert the following:

"D. A health insurance issuer may modify the health insurance coverage for a policy form offered to individuals in the individual market if each of the following conditions is met:

(2) The modification is approved by the commissioner, is consistent with state law, and is effective on a uniform basis among all the individuals with that policy form. **However, for purposes of this Section, modifications affecting drug coverage shall not require approval by the commissioner.**

AMENDMENT NO. 8

On page 3, delete lines 1 through 5 in their entirety and on line 6, change "Section 3." to "Section 2."

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

SENATE BILL NO. 207—  
BY SENATOR MORRISH

## AN ACT

To enact R.S. 22:1098, relative to review of health coverage premium rates; to provide for definitions; to enact requirements that meet the provisions of effective rate review as defined by the U.S. Department of Health and Human Services; to provide for information to be filed by health insurance issuers; to provide for review of filed information by the commissioner of insurance; 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. 207 by Senator Morrish

AMENDMENT NO. 1

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

**"(3) 'Excepted benefits' means benefits under one or more of the following:**

- (a) Benefits not subject to requirements:**
- (i) Coverage only for accident or disability income insurance, or any combination.**
  - (ii) Coverage issued as a supplement to liability insurance.**
  - (iii) Liability insurance, including general liability insurance and automobile liability insurance.**
  - (iv) Workers' compensation or similar insurance.**
  - (v) Automobile medical payment insurance.**
  - (vi) Credit-only insurance.**
  - (vii) Coverage for on-site medical clinics.**
  - (viii) Other similar insurance coverage, specified in regulations issued by the commissioner under the Administrative Procedure Act, under which benefits for medical care are secondary or incidental to other insurance benefits.**
- (b) Benefits not subject to requirements if offered separately:**
- (i) Limited scope dental or vision benefits.**
  - (ii) Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof.**
  - (iii) Such other similar, limited benefits as specified in reasonable regulations issued by the commissioner.**
- (c) Benefits not subject to requirements if offered as independent, non-coordinated benefits:**
- (i) Coverage only for a specified disease or illness.**
  - (ii) Hospital indemnity or other fixed indemnity insurance.**
  - (d) Benefits not subject to requirements if offered as a separate insurance policy:**
  - (i) Medicare supplemental health insurance as defined under Section 1882(g)(1) of the Social Security Act.**
  - (ii) Insurance coverage supplemental to military health benefits.**

**(iii) Similar supplemental coverage provided under a group health benefit plan.**

**(4) "Excessive" in relation to premiums means the premium charged for the health insurance coverage is considered to be unreasonably high in relation to the benefits provided under the product. In determining whether the premium rate is unreasonably high in relation to the benefits provided, the department shall consider:**

**(a) Whether the premium rate results in a projected medical loss ratio below the federal medical loss ratio standard in the applicable market to which the premium rate applies, after accounting for any adjustments allowable under federal law.**

**(b) Whether one or more of the assumptions on which the premium rate is based is not supported by substantial evidence.**

**(c) Whether the choice of assumptions or combination of assumptions on which the premium rate is based is unreasonable.**

**(5) "Grandfathered health plan" has the same meaning as that in 45 C.F.R. 147.140."**

AMENDMENT NO. 2

On page 1, line 17, change "(3)" to "(6)"

AMENDMENT NO. 3

On page 2, line 1, after "insurance" and before "subject" insert "or subscriber agreement"

AMENDMENT NO. 4

On page 2, line 3, delete "in R.S. 22:242" and insert "and licensed pursuant to Subpart I of Part I of Chapter 2 of this Title"

AMENDMENT NO. 5

On page 2, delete lines 4 through 10 in their entirety and in lieu thereof insert the following:

**"(7) 'Individual health insurance coverage' or 'individual policy' means health insurance coverage offered to individuals in the individual market, or through an association.**

**(8) 'Product' means a package of benefits with a discrete set of rating and pricing methodologies including health care services paid for under any plan, policy, subscriber agreement, or certificate of insurance offered in the state. Products, for the purposes of this Section, shall not include excepted benefits plans, high deductible health plans, or grandfathered plans.**

**(9) 'Rate increase' means an increase of the rates for a product, including a premium volume-weighted average increase for all insureds for the aggregate rate changes during the twelve-month period preceding the proposed rate increase effective date."**

AMENDMENT NO. 6

On page 2, at the beginning of line 11 change "(7)" to "(10)"

AMENDMENT NO. 7

On page 2, delete lines 13 through 16 in their entirety and in lieu thereof insert the following:

**"(11) Small group market" means the market in which small group coverage is issued as currently defined in R.S. 22:1061. "Small group" or "small employer" means any person, firm, corporation, partnership, trust, or association actively engaged in business which has employed an average of at least one but not more than fifty employees, and beginning on January 1, 2014, at least one but not more than one hundred employees, on business days during the preceding calendar year or plan year and that employs at least one employee on the first day of the plan year. "Small group" or "small employer" shall include coverage sold to small groups or small employers through associations or through a blanket policy. An employer group of one shall be considered individual insurance under this Section.**

**(12) "Unfairly discriminatory" means premium rates that result in premium differences between insureds within similar risk categories that do not reasonably correspond to differences in expected costs. When applied to premium rates charged, "unfairly discriminatory" shall refer to any premium rate charged by a small group or individual health insurance issuer in violation of R.S. 22:1095.**

**(13) "Unjustified" means a premium rate for which a health insurance issuer has provided data or documentation to the department in connection with premium rates for a product that is incomplete, inadequate, or otherwise do not provide a basis upon which the reasonableness of a premium rate may be determined or is otherwise inadequate insofar as the premium rate charged is clearly insufficient to sustain projected losses and expenses.**

**(14) "Unreasonable rate increase" means a rate increase subject to review that, following review, fails to meet specified criteria. "Unreasonable" means any rate increase that contains a provision or provisions that:**

- (a) Are excessive.**
- (b) Are unfairly discriminatory.**
- (c) Are unjustified.**
- (d) Do not comply with R.S. 22:1095 or federal law."**

**AMENDMENT NO. 8**

On page 2, line 18, after "issuer" delete the remainder of the line and delete line 19 in its entirety and in lieu thereof insert the following: **"proposes a rate increase that meets or exceeds ten percent of the rate implemented, the issuer shall file with"**

**AMENDMENT NO. 9**

On page 2, delete line 29 and in lieu thereof insert the following: **"(a) Part I shall be a rate increase summary, consisting"**

**AMENDMENT NO. 10**

On page 3, line 12, between "be a" and "simple" insert **"written description justifying the rate increase, including a"**

**AMENDMENT NO. 11**

On page 3, delete lines 16 and 17 in their entirety and in lieu thereof insert the following:

**"(ii) An explanation of the most significant factors causing the increase, including a brief description of the relevant claims and non-claims expense increases reported in the rate increase summary.**

**(iii) A brief description of the policies' overall experience, including historical and projected expenses, and loss ratios."**

**AMENDMENT NO. 12**

On page 4, line 18, change "forty-five" to "sixty"

**AMENDMENT NO. 13**

On page 5, line 13, between "costs" and the period "." insert: **"related to programs that improve health care quality"**

**AMENDMENT NO. 14**

On page 5, line 16, after "status" insert **"and surplus"**

**AMENDMENT NO. 15**

On page 5, delete lines 19 through 21 in their entirety and in lieu thereof insert the following: **"whether a rate increase is an unreasonable rate increase or is otherwise unlawful:**

**(a) To determine whether a rate increase is excessive, he shall consider whether the increase would cause the premium to be unreasonably"**

**AMENDMENT NO. 16**

On page 5, delete line 29 in its entirety and in lieu thereof insert the following:

**"(b) To determine whether a rate increase is an unjustified rate increase, he shall consider whether data or documentation provided by the health insurance"**

**AMENDMENT NO. 17**

On page 6, line 3, after "(c)" delete "Whether" and insert: **"To determine whether a rate increase is unfairly discriminatory, he shall consider whether"**

**AMENDMENT NO. 18**

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

**"(d) The commissioner shall consider R.S. 22:1095 and any applicable federal rating restrictions to determine whether rating increases are compliant with state and federal law."**

**AMENDMENT NO. 19**

On page 6, delete lines 6 through 8 in their entirety and in lieu thereof insert the following:

**"(6) Within fifteen days of submission of any proposed rate increase which meets or exceeds the federal review threshold, the department shall publish a summary consistent with Part I and Part II of the rate increase information provided by the health insurance issuer on the department's website. After publication, the public shall have thirty days to submit comments to the department regarding the proposed rate increase."**

**AMENDMENT NO. 20**

On page 6, line 11, between "C(2)" and "of" insert "(c)"

**AMENDMENT NO. 21**

On page 6, delete lines 13 through 15 in their entirety and in lieu thereof insert the following:

**"(8) A proposed rate increase shall be deemed to have been reasonable after the sixtieth day following the date of filing with the commissioner if notice is not received by the health insurance issuer from the commissioner regarding a final determination with respect to the reasonableness of the filing."**

**AMENDMENT NO. 22**

On page 6, between lines 21 and 22, insert the following:

**"F. Any premium rate reviewed by the department shall be implemented within ninety days of the proposed effective date documented in the filing. Any premium rate implemented following this date shall be void, and any health insurance issuer seeking to implement the rate thereafter shall be required to file a new rate filing in compliance with this Section.**

**G. The requirements set forth in this Section shall not apply to excepted benefits, high deductible health plans, grandfathered plans, or to those benefits specifically excepted from review in R.S. 22:1091(A).**

**H. The commissioner may promulgate such rules and regulations as may be necessary or proper to carry out the provisions of this Section. Such rules and regulations shall be promulgated and adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq."**

**AMENDMENT NO. 23**

On page 6, delete lines 22 through 27 in their entirety and in lieu thereof insert the following:

"Section 2. The provisions of this Act shall expire and be void after a final, non-appealable judgment by the United States Supreme Court that includes the merits of the provisions of Section 2794 of the Public Health Service Act and that rejects the validity of such provisions, together with any and all federal regulations promulgated in accordance therewith by any federal agency. The provisions of this Act shall become null and void immediately upon congressional repeal of Section 2794 of the Public Health Service Act."

On motion of Senator Morrish, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**SENATE BILL NO. 225—**

BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 22:1122(1), 1132(A) and (B)(introductory paragraph), 1133, 1135(A), (B), and (D)(introductory paragraph), 1137(A), and 1144(B) and to enact R.S. 22:1122(27.1), 1132(B)(3), (4), and (5), and 1137(E), and to repeal R.S. 22:1122(18), relative to Medical Necessity Review Organizations; to provide definitions; to provide with respect to independent external review and appeal processes; 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. 232—**  
BY SENATOR BROOME

AN ACT

To enact R.S. 22:18(C), relative to the suspension or revocation of insurers' licenses; to provide for the issuance of cease and desist orders by the commissioner; 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. 232 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2, change "enact R.S. 22:18(C)" to "amend and reenact R.S. 22:18(A)"

AMENDMENT NO. 2

On page 1, delete lines 6 through 12 and in lieu thereof insert the following:

"Section 1. R.S. 22:18(A) is hereby amended and reenacted to read as follows:

§18. Suspension or revocation of insurers' licenses; fines; orders

A. The commissioner of insurance may, as a penalty, in accordance with R.S. 49:961, refuse to renew, or may suspend, or revoke the certificate of authority **or license** of any insurer, **person, or entity** violating any of the provisions of this Title, or in lieu of suspension or revocation of a **certificate or** license duly issued, the commissioner may levy a fine not to exceed one thousand dollars for each violation per insurer, **person, or entity**, up to one hundred thousand dollars aggregate for all violations in a calendar year per insurer, **person, or entity**, when such violations warrant the refusal, suspension, or revocation of such certificate **or license**, or the imposition of the fine. **The commissioner is also authorized to order any insurer, person, or entity to cease and desist any such action that violates any provision of this Code.** 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. If the insurer has demanded a timely hearing, the penalty or fine ordered by the commissioner shall not be imposed until such time as the division of administrative law makes a finding that the penalty or fine is warranted in a proper hearing, held in the manner provided in Chapter 12 of this Title.

\* \* \*

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

**SENATE BILL NO. 316—**  
BY SENATOR MARTINY

AN ACT

To enact R.S. 6:356, relative to financial institutions; to provide relative to the use of a power of attorney for certain bank transactions; to provide for revocation of a power of attorney; to provide for definitions; to provide for terms, conditions, and procedures; 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. 316 by Senator Martiny

AMENDMENT NO. 1

On page 1, delete line 10 and insert the following: "**federally insured financial institution presented with an original or certified true copy of a power of attorney that is**"

AMENDMENT NO. 2

On page 1, line 14, change "**the power**" to "**such power**"

AMENDMENT NO. 3

On page 1, line 15, change "**the power**" to "**such power**"

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. 326—**

BY SENATORS BROOME AND DORSEY-COLOMB  
AN ACT

To enact R.S. 9:3578.8(C), relative to the Louisiana Deferred Presentment and Small Loan Act; to provide for duties of the commissioner of the office of financial institutions; to provide for the compiling of certain information; to require the commissioner to submit a report to the Louisiana Legislature by January 1, 2013; 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. 326 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 9:3578.8(C)" insert "and (D)"

AMENDMENT NO. 2

On page 1, line 5, change "January 1, 2013," to "April 1, 2014,"

AMENDMENT NO. 3

On page 1, line 8, change "is" to "and (D) are"

AMENDMENT NO. 4

On page 1, line 11, change "**September 1, 2012,**" to "**January 1, 2013,**"

AMENDMENT NO. 5

On page 1, line 14, change "**transaction**" to "**transactions**"

AMENDMENT NO. 6

On page 2, line 1, change "**per month**" to "**quarterly**"

AMENDMENT NO. 7

On page 2, line 2, change "**monthly**" to "**quarterly**"

AMENDMENT NO. 8

On page 2, delete line 5

AMENDMENT NO. 9

On page 2, line 6, change "**(e)**" to "**(d)**"

AMENDMENT NO. 10

On page 2, delete line 8

AMENDMENT NO. 11

On page 2, delete lines 9 and 10 and insert:

**"D. The commissioner shall compile and submit to the legislature the information and data collected by April 1, 2014."**

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. 381—**

BY SENATOR BROOME  
AN ACT

To amend and reenact R.S. 24:972(A)(22), R.S. 36:4(N) and 802.14, the title of Chapter 17 of Title 49 of the Louisiana Revised Statutes of 1950, R.S. 49:1112(A) and (B)(2)(a) and 1122 and

to repeal R.S. 49:1121, relative to the Louisiana Serve Commission; to provide for a change in the name of the commission; 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. 381 by Senator Broome

AMENDMENT NO. 1

On page 2, line 3, after "R.S. 49:1111" delete "through 1122" and insert "et seq."

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

SENATE BILL NO. 421— BY SENATOR DONAHUE

AN ACT

To amend and reenact the introductory paragraph of R.S. 22:347(A)(4)(a) and the introductory paragraph of R.S. 48:756(A)(1), relative to population estimates used in certain fund distributions; to provide for an entity under the latest federal-state cooperative program for local population estimates; to provide for an effective date; 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. 446— BY SENATOR PETERSON

AN ACT

To enact RS. 40:2013.7, relative to mental health; to provide a prohibition on discrimination by a healthcare facility based on a person's mental illness or disorder; to provide definitions; 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. 446 by Senator Peterson

AMENDMENT NO. 1

On page 1, line 3 delete "by a healthcare facility based on a person's mental illness or disorder;" and insert "by a community-based physical healthcare provider based on a serious mental illness;"

AMENDMENT NO. 2

On page 1, line 7, delete "health care facility" and insert "community-based physical health care provider"

AMENDMENT NO. 3

On page 1, line 8, delete "mental illness or disorder" and insert "serious mental illness"

AMENDMENT NO. 4

On page 1, line 9, delete "health care facility" and insert "community-based physical health care provider"

AMENDMENT NO. 5

On page 1, lines 10 and 11, delete "mental illness or disorder" and insert "serious mental illness"

AMENDMENT NO. 6

On page 1, line 13, delete "Health care facility" insert "Community-based physical health care provider"

AMENDMENT NO. 7

On page 1, delete lines 16 and 17, and insert "(2) Serious mental illness means any of various conditions characterized by impairment of an individual's normal emotional or"

AMENDMENT NO. 8

On page 2, line 2 after "factors" insert "expected to exist for more than six months"

AMENDMENT NO. 9

On page 2, after line 2 insert "C. This Section shall not apply to hospitals, chiropractors, nursing homes, optometrists, or dentists."

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

SENATE BILL NO. 500—

BY SENATORS BUFFINGTON AND MILLS AN ACT

To amend and reenact R.S. 36:919.4 and R.S. 40:1231, 1231.1(A), 1232(A) and (B), 1232.1(A) and (B), 1232.2(B)(1)(b) and (d), (B)(2), and (G), 1232.3(A)(1) through (3) and (B), 1232.4(1), (3), and (5), 1232.5, the introductory paragraph of 1232.6, and 1232.6 (1), (2), and (12), 1232.7 (D) and (E), 1232.9, 1232.11, 1233, 1234, 1235(A)(1), (2)(a), (c), and (d), 1235.1(A), 1236, 1236.1, 1236.13(B) and (F), 1299.58.2(4), 1299.64.2(3); to enact R.S. 40:1232.4(10) and 1232.6(15), and to repeal R.S. 40:1236.3, relative to the changes within the emergency medical services provisions; to provide for changes in references to emergency medical personnel; to provide with respect to title designations for certain licensee providing emergency medical services; to provide with respect to grounds for disciplinary proceedings relative to intentional falsification of documents; to provide relative to the duties of emergency medical personnel; to provide relative to the permissible functions which an emergency medical services practitioner student may perform and under what conditions they may be performed; to provide with respect to the certifications necessary for an emergency medical services practitioner to hold; 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. 500 by Senator Buffington

AMENDMENT NO. 1

On page 2, line 9, delete "certification" and insert "licensure"

AMENDMENT NO. 2

On page 2, line 10, delete "certification" and insert "licensure"

AMENDMENT NO. 3

On page 4, line 10, after "individual" insert "who is a licensed emergency medical responder or"

AMENDMENT NO. 4

On page 5, line 9, after "Standards" insert "approved by the bureau and who is licensed by the bureau"

AMENDMENT NO. 5

On page 6, line 4, after "a" insert "licensed emergency medical responder,"

April 12, 2012

AMENDMENT NO. 6

On page 7, line 9, after "**has**" delete the remainder of the line and delete lines 10 and 11 and insert the following: "**responsibility and authority to ensure quality of care and provide guidance for all medical aspects of EMS.**"

AMENDMENT NO. 7

On page 8, line 5, after "will" change "assure" to **ensure**"

AMENDMENT NO. 8

On page 13, line 8, after "Transportation" insert "**an**"

AMENDMENT NO. 9

On page 13, delete line 26, and insert "as ~~a certified first responder or certified emergency medical technician.~~ **an emergency medical services practitioner.**"

AMENDMENT NO. 10

On page 18, line 25, delete "**license**" and insert "**licensed**"

AMENDMENT NO. 11

On page 19, line 24, delete "**license**" and insert "**licensed**"

AMENDMENT NO. 12

On page 24, line 23, after "**paramedic**," insert the following: "**a licensed respiratory therapist, a licensed nurse practitioner, a licensed physician assistant, a licensed occupational therapist.**"

AMENDMENT NO. 13

On page 25, line 4, delete "**license**" and insert "**licensed**"

AMENDMENT NO. 14

On page 25, line 13, delete "**at least a**"

AMENDMENT NO. 15

On page 25, line 16, delete "**is**" and insert "**is**"

AMENDMENT NO. 16

On page 25, line 22, after "Medical examiners" insert "**, a licensed respiratory therapist, a licensed nurse practitioner, a licensed physician assistant, or a licensed occupational therapist**"

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

**SENATE BILL NO. 631—**

BY SENATOR LONG

## AN ACT

To enact R.S. 37:2804(L), relative to chiropractors; to authorize the Louisiana Board of Chiropractic Examiners to promulgate rules; to provide for licensure of chiropractors; to provide for criminal background checks; 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. 631 by Senator Long

AMENDMENT NO. 1

On page 1, delete lines 2 and 3 and insert:  
"To enact R.S. 37:2804(L), relative to chiropractors; to provide for licensure of"

AMENDMENT NO. 2

On page 1, delete lines 10 and 11 and insert:  
"**L. The board may require a licensee or an applicant, as a condition of licensure to:**"

AMENDMENT NO. 3

On page 1, delete line 15 and insert the following: "**history record information on the licensee or applicant. The Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections shall, upon request and after receipt of fingerprint cards or other identifying information from the board, make available to the board all arrest and conviction information contained in the bureau's criminal history record and identification files, which pertain to a licensee or an applicant for licensure. In addition, the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.**"

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. 643—**

BY SENATOR CORTEZ

## AN ACT

To amend and reenact R.S. 22:1061(5)(e)(ii) and (iii), relative to portability, availability, and renewability of health insurance coverage; to provide for definitions of large and small employers for purposes of such coverage; 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 Resolutions  
on Second Reading  
Reported by Committees**

**SENATE RESOLUTION NO. 43—**

BY SENATOR ALARIO

## A RESOLUTION

To amend and readopt Senate Rule No. 13.22(C) of the Rules of Order of the Senate; to provide relative to the procedure for establishing the annual vouchered allotment for members of the Senate; to provide that the vouchered allotment be established at the beginning of each term for members of the Senate.

Reported favorably by the Committee on Senate and Governmental Affairs.

The resolution was read by title. On motion of Senator Murray, the Senate Resolution was adopted.

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

**Bagneris Rule**

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

Without objection, so ordered.

**SENATE BILL NO. 72—**

BY SENATOR MILLS AND REPRESENTATIVE BARRAS

## AN ACT

To enact R.S. 13:3049(B)(1)(e)(iii) and R.S. 15:255(P), relative to Sixteenth Judicial District Court special funds; to provide with respect to surplus juror compensation fees; to provide with respect to surplus witness fees payable to off-duty law enforcement officers; and to provide for related matters.

**Floor Amendments**

Senator Peacock proposed the following amendments.

April 12, 2012

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peacock to Engrossed Senate Bill No. 72 by Senator Mills

AMENDMENT NO. 1

On page 1, line 2, after "enact" delete the remainder of the line and insert in lieu thereof the following: "R.S. 13:3049(B)(1)(e)(iii) and (iv) and R.S. 15:255(P) and (Q), relative to special funds for certain district courts; to provide for the deposit and use of certain monies in special funds in the Sixteenth Judicial District Court and the First Judicial District Court;"

AMENDMENT NO. 2

On page 1, line 3, delete "Court special funds;"

AMENDMENT NO. 3

On page 1, line 7, delete "is" and insert in lieu thereof the following: "and (iv) are"

AMENDMENT NO. 4

On page 2, between lines 13 and 14, insert the following: "(iv)(aa) In the First Judicial District, the parish governing authority may adopt an ordinance which provides that surplus monies in the juror compensation fund in the parish that exceeds fifty thousand dollars at the end of each calendar year may be used to defray the costs of providing courthouse security and all expenses associated with the trial of a capital case.

(bb) As used in this Item, "special fund" means the special fund provided for in this Subparagraph, and "surplus monies" means the amount of money that is in the special fund at the end of each calendar year and that is in excess of the total amount paid from costs of court collected as provided in Item (e)(i) of this Subparagraph in that calendar year. No money obligated to be paid to any juror shall be considered surplus money pursuant to this Item.

(cc) For the purposes of this Item, the balance of fifty thousand dollars required to be maintained in the juror compensation fund shall mean fifty thousand dollars in unexpended and unencumbered funds, and under no circumstances shall the balance in the fund be reduced below fifty thousand dollars as a result of an expenditure made under the provisions of this Item."

AMENDMENT NO. 5

On page 2, line 15, change "is" to "and (Q) are"

AMENDMENT NO. 6

On page 3, below line 12, add the following: "Q.(1) In the First Judicial District, all surplus monies in the special fund that exceed fifty thousand dollars at the end of each calendar year shall be transferred by the governing authority of Caddo Parish to the criminal court fund of the First Judicial District Court. However, no more than one hundred fifty thousand dollars per year shall be transferred to the criminal court fund of the First Judicial District Court. The surplus monies that are required to be transferred by this Subsection shall be transferred no later than January thirty-first of each year, and may be used for any purpose for which the other monies in the criminal court fund of the First Judicial District Court may be used.

(2) As used in this Subsection, "special fund" means the special fund provided for in Subsection D of this Section, and "surplus monies" means the amount of money that is in each special fund at the end of each calendar year and that is in excess of the total amount paid from each special fund as witness fees for off-duty law enforcement officers in that calendar year. No money obligated to be paid to any officer or agency for an off-duty law enforcement officer's court appearance shall be considered surplus money pursuant to this Subsection.

(3) For the purposes of this Subsection, the balance of fifty thousand dollars required to be maintained in the witness fee fund shall mean fifty thousand dollars in unexpended and unencumbered funds, and under no circumstances shall the

balance in the witness fee fund be reduced below fifty thousand dollars as a result of a transfer made under the provisions of this Subsection."

On motion of Senator Peacock, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Name, Name. Includes Mr. President, Adley, Allain, Amedee, Appel, Broome, Buffington, Chabert, Claitor, Cortez, Crowe, Donahue, Total - 35, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, Long, Martiny, Mills, Morrish, Murray, Nevers, Peacock, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Name. Includes Brown, LaFleur, Total - 4, Morrell, Perry.

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

SENATE BILL NO. 121— BY SENATORS KOSTELKA, GUILLORY, MILLS AND PERRY AN ACT

To amend and reenact R.S. 14:35.3(G)(2) and to enact R.S. 14:37.7, relative to assault and battery affecting domestic household members; to create the crime of domestic abuse aggravated assault; to provide for enhancement of penalties when a minor under the age of thirteen is present during the commission of the crime; to provide relative to the cleansing period for prior domestic abuse battery convictions; to provide for definitions; to provide for penalties; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Name, Name. Includes Mr. President, Adley, Allain, Amedee, Appel, Broome, Buffington, Chabert, Claitor, Cortez, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, Long, Martiny, Mills, Morrish, Peacock, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

Donahue  
Dorsey-Colomb  
Total - 34

Murray  
Nevers

NAYS

Total - 0

ABSENT

Brown  
Crowe  
Total - 5

LaFleur  
Morrell

Perry

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

**SENATE BILL NO. 152—**  
BY SENATOR BROOME

AN ACT

To amend and reenact Children's Code Articles 606(A)(5), 623(B) and (C), 661(B),(C) and (D), 672.1(C)(2) and (3), 675(B)(2), (3), (4), and (5), 679(C) and (D), 695(Heading) and (A), (B), and (C), 696(B), 702(J), 705, 706(B), 776(B), 853, 908(Heading) and (C), 1015(3)(k), 1030(2), 1211(Introductory Paragraph) and to enact Children's Code Articles 623(D) and (E), 661(E), 675(B)(6), 679(E) and (F), 695(D), 696(C), 706(C), and 908(D), and to repeal Children's Code Article 730(10), relative to continuous revision of the Children's Code; to provide for the grounds which must be alleged in a child in need of care proceeding; to provide relative to notice and who has the right to be heard at a continued custody Child in Need of Care ("CINC") hearing; to provide for who shall be present at an adjudication hearing; to provide for a reunification efforts determination; to provide for the purpose and contents of the case plan; to provide for who receives notice of and who may be present at the disposition hearing; to provide for who shall receive notice of the right to appear and be heard at a case review hearing; to provide for the rights of the parties at a case review hearing; to provide for permanency hearings; to provide for notice of, the right to be heard, and the rights of the parties at permanency hearings; to provide for permanency planning reports; to provide for the effect of a parent's non-appearance at a delinquency hearing; to provide for the juvenile's care and treatment by the department; to provide for the grounds for termination of parental rights; to provide for suspension of the right of voluntary surrender of parental rights by initiation of a termination proceeding; to provide for the final decree at an adoption hearing; to provide for the grounds upon which an allegation that a family is a Family in Need of Services (or "FINS") must be based; and to provide for related matters.

**Floor Amendments**

Senator Martiny sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 152 by Senator Broome

AMENDMENT NO. 1

On page 1, line 5, after "1030(2)," insert "the introductory paragraph of" and after "1211" delete "(Introductory Paragraph)"

AMENDMENT NO. 2

On page 2, line 12, after "1030(2)," insert "the introductory paragraph of" and after "1211" delete "(Introductory Paragraph)"

AMENDMENT NO. 3

On page 5, line 24, delete "\* \* \*

AMENDMENT NO. 4

On page 10, line 8, following "**with**" and before "**Article**" insert "**Subparagraph (B)(3) of**"

AMENDMENT NO. 5

On page 10, line 9, delete "**B(3)**"

AMENDMENT NO. 6

On page 14, line 7, following "either" change "." to ":"

On motion of Senator Martiny, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

LaFleur	Morrell	Perry
Total - 3		

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

**SENATE BILL NO. 173—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:2519(B) and to repeal R.S. 13:2501.1(J), 2502, 2503, 2504, 2504.1, 2505(A), 2508, 2510, 2511, 2517, and 2518, relative to the Traffic Court of New Orleans; to repeal provisions relative to certain multiple misdemeanors or ordinance violations; to repeal provisions relative to certain judicial employees and their compensation; to repeal provisions relative to certain fidelity bonds; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Donahue	Murray
Adley	Dorsey-Colomb	Nevers
Allain	Erdey	Peterson
Amedee	Gallot	Riser
Appel	Guillory	Smith, G.
Broome	Heitmeier	Smith, J.

April 12, 2012

Brown	Johns	Tarver
Buffington	Kostelka	Walsworth
Chabert	Long	Ward
Claitor	Martiny	White
Cortez	Mills	
Crowe	Morrish	
Total - 34		

NAYS

Peacock  
Total - 1

ABSENT

LaFleur	Perry
Morrell	Thompson
Total - 4	

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

**SENATE BILL NO. 228—**  
BY SENATOR MORRISH

AN ACT

To enact R.S. 30:2054(B)(2)(b)(x), relative to air quality control; to provide for exceptions to the powers of the secretary of the Department of Environmental Quality; to allow sweet potato farmers to burn their crates used to store or transport sweet potatoes; to provide terms and conditions; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

LaFleur	Morrell	Perry
Total - 3		

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

**SENATE BILL NO. 633—**  
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 14:68.2 and to enact R.S. 14:68.2.1, relative to crimes involving the supplemental nutrition assistance program; to create the crime of unauthorized use of supplemental nutrition assistance program benefits or supplemental nutrition assistance program benefit access devices and the crime of failure to report unauthorized use of supplemental nutrition assistance program benefits; to provide

for definitions; to provide for penalties; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

LaFleur	Morrell	Perry
Total - 3		

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

**SENATE BILL NO. 642—**  
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 33:2337(A)(1) and (2), relative to mutual assistance between law enforcement agencies; to authorize city marshals and city constables to provide police manpower and equipment to a requesting police department or sheriff's office during an emergency or special event; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Amedee	LaFleur	Perry
Gallot	Morrell	
Total - 5		

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

**SENATE BILL NO. 317—**  
BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 15:574.4(B) and to enact R.S. 15:574.4(D), relative to juvenile parole eligibility; to provide relative to juvenile parole eligibility; to provide for parole eligibility for juveniles sentenced to life imprisonment for certain offenses; to provide for exceptions; to provide for conditions; and to provide for related matters.

**Floor Amendments**

Senator Martiny sent up floor amendments.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 317 by Senator Martiny

AMENDMENT NO. 1

On page 2, line 21, following "**Rules**" and before "**for**" insert "**and Procedures**"

On motion of Senator Martiny, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Nevers
Allain	Erdey	Peacock
Amedee	Gallot	Peterson
Appel	Guillory	Riser
Broome	Heitmeier	Smith, G.
Brown	Johns	Smith, J.
Buffington	Kostelka	Tarver
Chabert	Long	Thompson
Claitor	Martiny	Walsworth
Cortez	Mills	Ward
Crowe	Morrish	White
Donahue	Murray	
Total - 35		

NAYS

Adley  
Total - 1

ABSENT

LaFleur	Morrell	Perry
Total - 3		

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

**SENATE BILL NO. 621—**  
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 13:2497 and 2500.2(A)(1), to provide relative to courts and judicial procedures; to provide relative to the Municipal Court of New Orleans; to provide relative to certain court fees and salaries; to remove reference to specific dollar amounts of salaries for certain deputy clerks of the Municipal Court of New Orleans; to provide for an increase in certain fees collected by the Municipal Court of New Orleans; and to provide for related matters.

**Floor Amendments**

Senator Murray submitted the following amendments on behalf of Senator Donahue.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Donahue to Engrossed Senate Bill No. 621 by Senator Murray

AMENDMENT NO. 1

On page 2, line 18 delete "taxed" and insert "~~taxed~~ **assessed**"

On motion of Senator Murray, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Amedee	Morrell	Peterson
LaFleur	Perry	
Total - 5		

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

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

**Rules Suspended**

Senator Murray asked for and obtained a suspension of the rules to take up out of its regular order House Bill No. 491.

April 12, 2012

HOUSE BILL NO. 491—
BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact R.S. 42:162, relative to oaths of office; to provide relative to manner in which the oath of certain officials is subscribed to and recorded; to provide for the duties of certain officials relative thereto; to provide for effectiveness; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, NAYS. Lists names like Mr. President, Adley, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Cortez, Crowe, Donahue, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, Long, Martiny, Mills, Morrish, Murray, Nevers, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, ABSENT. Lists LaFleur, Morrell, Peacock, Perry.

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

Explanation of Vote

Senator Peacock stated he appeared as absent on the vote on House Bill No. 491. He intended to vote yea and asked that the Official Journal so state.

Rules Suspended

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

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

April 12, 2012

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 50—

BY SENATORS BROOME, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVE BARROW

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Victor V. Bussie, former president of the Louisiana AFL-CIO and a pivotal force in labor relations for over five decades.

SENATE CONCURRENT RESOLUTION NO. 51—

BY SENATORS THOMPSON, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, WALSWORTH, WARD AND WHITE AND REPRESENTATIVE RICHARDSON

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the passing of a beloved statesman, The Honorable Donald Ray Kennard, former member of the Louisiana House of Representatives.

SENATE CONCURRENT RESOLUTION NO. 52—

BY SENATOR ALARIO

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of New Orleans public relations executive, Ray A. Liuzza, to commend his life of service to the community, and to note the proud legacy of good works that he leaves to the state of Louisiana.

Respectfully submitted,
"JODY" AMEDEE
Chairman

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

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

April 12, 2012

To the President and Members of the Senate:

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

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 22—

BY SENATOR MILLS
A RESOLUTION

To urge and request the Department of Health and Hospitals to establish prevention of disease as a primary model of health care; to increase awareness of vitamin D deficiency and vitamin D blood testing; and to promote awareness of the potential long-term health benefits of and increased chances of cancer survival with sufficient levels of vitamin D.

SENATE RESOLUTION NO. 29—

BY SENATOR BROOME
A RESOLUTION

To recognize the importance of proper infant nutrition and the creation of outreach nutritional and health screening programs



and acknowledge the benefits of breastfeeding for both infants and mothers.

**SENATE RESOLUTION NO. 30—**  
BY SENATOR MURRAY

A RESOLUTION

To recognize April as Minister Appreciation Month and to commend and honor the ministers of Louisiana.

**SENATE RESOLUTION NO. 31—**  
BY SENATOR DORSEY-COLOMB

A RESOLUTION

To commend and congratulate the pastor and members of the Little Rising Sun Baptist Church of Baton Rouge, Louisiana, upon the celebration of its One Hundredth Anniversary.

**SENATE RESOLUTION NO. 33—**  
BY SENATOR CLAITOR

A RESOLUTION

To commend the Christian Life Academy Crusaders boys basketball team on winning the 2012 Class 1A state championship.

**SENATE RESOLUTION NO. 34—**  
BY SENATOR BROOME

A RESOLUTION

To designate March 2012 as "Safer and Healthier Choices Awareness Month"

**SENATE RESOLUTION NO. 35—**  
BY SENATOR CHABERT

A RESOLUTION

To commend Jay Paul Molinere as a great ambassador of Louisiana's outdoor lifestyle and culture.

**SENATE RESOLUTION NO. 36—**  
BY SENATOR CHABERT

A RESOLUTION

To commend R.J. Molinere as a great ambassador of Louisiana's outdoor lifestyle and culture.

**SENATE RESOLUTION NO. 37—**  
BY SENATOR DORSEY-COLOMB

A RESOLUTION

To commend and congratulate Louisiana State University Professor Emeritus Dr. Milton C. "Chuck" Rush on his distinguished career and accomplishments in the field of plant pathology.

**SENATE RESOLUTION NO. 38—**  
BY SENATOR LONG

A RESOLUTION

To commend Lisa Tarpley Price upon her induction as Louisiana district governor for Pilot International.

**SENATE RESOLUTION NO. 39—**  
BY SENATOR BROOME

A RESOLUTION

To commend the service and contributions of The Links, Incorporated and to recognize Tuesday, April 10, 2012, as Louisiana Links Day at the State Capitol.

**SENATE RESOLUTION NO. 40—**  
BY SENATOR BROOME

A RESOLUTION

To express sincere condolences of the Senate of the Legislature of Louisiana upon the death of Lynn Valeria Spearman Dickerson.

**SENATE RESOLUTION NO. 41—**  
BY SENATOR BROOME

A RESOLUTION

To commend Dr. Velma Hunter Jackson, DDS, for her many contributions made to the greater Baton Rouge area.

**SENATE RESOLUTION NO. 42—**  
BY SENATOR NEVERS

A RESOLUTION

To commend and congratulate Lou Major Sr. of Bogalusa, Louisiana, upon induction into the LSU Manship School Hall of Fame at the 38<sup>th</sup> Annual Hall of Fame Gala on Thursday evening, April 19<sup>th</sup>, 2012.

**SENATE RESOLUTION NO. 45—**  
BY SENATOR PETERSON

A RESOLUTION

To recognize Thursday, April 19, 2012, as the twenty-eighth annual "Red and White Day" at the Louisiana Senate.

Respectfully submitted,  
"JODY" AMEDEE  
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

**Message to the Secretary of State**

**SIGNED**

**SENATE CONCURRENT RESOLUTIONS**

April 12, 2012

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 27—**

BY SENATORS DORSEY-COLOMB, WHITE, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH AND WARD AND REPRESENTATIVES BARROW, CARTER, FOIL, GREENE, HONORE, JAMES, PONTI, RICHARDSON, SMITH, ALFRED WILLIAMS AND WILLMOTT

A CONCURRENT RESOLUTION

To commend Seimone Augustus upon her receipt of the Most Valuable Player award presented by the Women's National Basketball Association (WNBA) for the 2011 Championship Finals.

**SENATE CONCURRENT RESOLUTION NO. 28—**

BY SENATORS JOHNS, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES DANAHAY, FRANKLIN, GEYMAN AND KLECKLEY

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Lake Charles attorney, Benjamin W. Mount, and to commend a life well spent in service to his community and to note the proud legacy he leaves to the state of Louisiana.

**SENATE CONCURRENT RESOLUTION NO. 29—**

BY SENATORS JOHN SMITH AND LONG AND REPRESENTATIVE HOWARD

A CONCURRENT RESOLUTION

To commend and congratulate Robert Eugene "Bobby" Williams Jr. of Florien, Louisiana, upon being named as the fifteenth honoree to be inducted into the prestigious Sabine Hall of Fame on March 27, 2012.

April 12, 2012

SENATE CONCURRENT RESOLUTION NO. 30—  
BY SENATOR CROWE AND REPRESENTATIVES CROMER AND PEARSON

A CONCURRENT RESOLUTION

To designate April 3, 2012, as "Slidell Ladies For Liberty Day" at the Louisiana State Capitol.

SENATE CONCURRENT RESOLUTION NO. 32—  
BY SENATOR CROWE AND REPRESENTATIVES CROMER AND PEARSON

A CONCURRENT RESOLUTION

To designate the week of April 1-7, 2012, as "Junior Auxiliary Week" at the legislature.

SENATE CONCURRENT RESOLUTION NO. 33—  
BY SENATORS BROWN, AMEDEE AND GARY SMITH AND REPRESENTATIVES GAINES, PRICE AND SCHEXNAYDER

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Reverend Lucien R. Garrett Sr.

SENATE CONCURRENT RESOLUTION NO. 34—  
BY SENATORS CLAITOR AND WHITE AND REPRESENTATIVES BERTHELOT AND LAMBERT

A CONCURRENT RESOLUTION

To commend Kenny Almond on being inducted into the Louisiana High School Basketball Coaches Association Hall of Fame.

SENATE CONCURRENT RESOLUTION NO. 43—  
BY SENATOR LONG

A CONCURRENT RESOLUTION

To recognize the seventy-fifth anniversary of the United States Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program.

SENATE CONCURRENT RESOLUTION NO. 44—  
BY SENATORS MORRELL, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GILLOT, GULLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVE BROSSETT

A CONCURRENT RESOLUTION

To commend and congratulate Ashton Phelps Jr. upon his retirement as publisher of the New Orleans Times-Picayune and as president of The Times-Picayune Publishing Corporation and for his many contributions made to the state of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 47—  
BY SENATORS MARTINY, ADLEY, ALARIO, APPEL, CHABERT, CORTEZ, CROWE, DORSEY-COLOMB, ERDEY, GULLORY, HEITMEIER, JOHNS, KOSTELKA, LONG, MILLS, MORRELL, MURRAY, NEVERS, PEACOCK, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

A CONCURRENT RESOLUTION

To commend William Goldring as the recipient of the Times-Picayune Loving Cup for 2011.

SENATE CONCURRENT RESOLUTION NO. 48—  
BY SENATOR MILLS

A CONCURRENT RESOLUTION

To commend Mary Julia S. Terrebbonne upon her retirement from the Louisiana Department of Health and Hospitals.

SENATE CONCURRENT RESOLUTION NO. 50—  
BY SENATORS BROOME, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GILLOT, GULLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVE BARROW

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of Victor V. Bussie, former president of the Louisiana AFL-CIO and a pivotal force in labor relations for over five decades.

SENATE CONCURRENT RESOLUTION NO. 51—  
BY SENATORS THOMPSON, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GILLOT, GULLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, WALSWORTH, WARD AND WHITE AND REPRESENTATIVE RICHARDSON

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the passing of a beloved statesman, The Honorable Donald Ray Kennard, former member of the Louisiana House of Representatives.

SENATE CONCURRENT RESOLUTION NO. 52—  
BY SENATOR ALARIO

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of New Orleans public relations executive, Ray A. Liuzza, to commend his life of service to the community, and to note the proud legacy of good works that he leaves to the state of Louisiana.

Respectfully submitted,  
GLENN A. KOEPP  
Secretary of the Senate

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 12, 2012

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 70—  
BY REPRESENTATIVE HARRIS AND SENATOR GILLOT  
A CONCURRENT RESOLUTION

To commend Harry B. Silver for his outstanding accomplishments and dedicated service to the city of Alexandria and the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 71—  
BY REPRESENTATIVE SEABAUGH AND SENATOR PEACOCK  
A CONCURRENT RESOLUTION

To commend Georgia Lynn Hilburn upon being named the Caddo Public Schools 2012 Elementary School Student of the Year and to recognize her extraordinary accomplishments.

HOUSE CONCURRENT RESOLUTION NO. 72—  
BY REPRESENTATIVE SEABAUGH AND SENATOR PEACOCK  
A CONCURRENT RESOLUTION

To commend Ruth Bishop of Caddo Magnet High School upon being named the Caddo Public Schools 2012 High School Student of the Year and to recognize her extraordinary accomplishments.

HOUSE CONCURRENT RESOLUTION NO. 73—  
BY REPRESENTATIVE SEABAUGH AND SENATOR PEACOCK  
A CONCURRENT RESOLUTION

To commend Samantha Hilburn upon being named the Caddo Public Schools 2012 Middle School Student of the Year and to recognize her extraordinary accomplishments.

HOUSE CONCURRENT RESOLUTION NO. 74—  
BY REPRESENTATIVE JOHNSON  
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of J. Ray Teddlie.

**HOUSE CONCURRENT RESOLUTION NO. 75—**  
 BY REPRESENTATIVE DANAHAY  
**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences upon the death of William "Bill" Lovejoy Henning, Sr., of Sulphur.

**HOUSE CONCURRENT RESOLUTION NO. 80—**  
 BY REPRESENTATIVES BROSSETT, BADON, BARROW, WESLEY BISHOP, DIXON, LEGER, MORENO, NORTON, AND SMITH AND SENATORS MORRELL, MURRAY, AND PETERSON  
**A CONCURRENT RESOLUTION**

To express sincere and heartfelt condolences upon the death of Elizabeth Catlett, the former chair of the art department at Dillard University in New Orleans and an internationally renowned artist.

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

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

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

**ATTENDANCE ROLL CALL**

**ROLL CALL**

The roll was called with the following result:

**PRESENT**

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

**ABSENT**

LaFleur	Morrell	Perry
Total - 3		

**Leaves of Absence**

The following leaves of absence were asked for and granted:

LaFleur	1 Day	Morrell	1 Day
Perry	1 Day		

**Announcements**

The following committee meetings for April 16, 2012, were announced:

Finance	1:00 P.M.	Room A
Natural Resources	9:00 A.M.	Hainkel Room
Retirement	9:30 A.M.	Room E
Revenue and Fiscal Affairs	1:00 P.M.	Hainkel Room

**Adjournment**

On motion of Senator Thompson, at 9:50 o'clock A.M. the Senate adjourned until Monday, April 16, 2012, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Monday, April 16, 2012.

GLENN A. KOEPP  
 Secretary of the Senate

DIANE O' QUIN  
 Journal Clerk

