

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

TWENTY-FIFTH 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 26, 2012

The Senate was called to order at 9:10 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 | Guillory | Perry |
| Amedee | Johns | Peterson |
| Appel | Kostelka | Riser |
| Broome | Long | Smith, J. |
| Brown | Martiny | Thompson |
| Chabert | Morrish | Walsworth |
| Claitor | Murray | Ward |
| Cortez | Nevers | White |
| Gallot | Peacock | |
| Total - 26 | | |

ABSENT

| | | |
|------------|---------------|-----------|
| Adley | Dorsey-Colomb | Morrell |
| Allain | Erdey | Smith, G. |
| Buffington | Heitmeier | Tarver |
| Crowe | LaFleur | |
| Donahue | Mills | |
| Total - 13 | | |

The President of the Senate announced there were 26 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Ty Cook, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Claitor, the reading of the Journal was dispensed with and the Journal of April 25, 2012, was adopted.

**Privilege Report of the
Legislative Bureau**

April 26, 2012

To the President and Members of the Senate:

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

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

HOUSE BILL NO. 23—
BY REPRESENTATIVE SEABAUGH
AN ACT

To enact R.S. 13:1565.1(C), relative to the Caddo Parish juvenile court; to authorize the clerk of the Juvenile Court for Caddo Parish to lease or purchase an automobile for office use; to provide for the purchase of insurance for the automobile; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 48—
BY REPRESENTATIVE HARRIS
AN ACT

To enact R.S. 14:67.28, relative to misappropriation without violence; to create the crime of theft of copper or other metals; to provide for a determination of the value of the copper or other metals taken; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 68—
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact R.S. 13:2583.3(A) and (B), relative to constables; to provide with respect to the constable of a justice of the peace court in Caddo Parish; to provide for the appointment of one or more deputy constables; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 74—
BY REPRESENTATIVE SEABAUGH
AN ACT

To enact Code of Criminal Procedure Articles 163(D) and 163.1(D), relative to search warrants; to provide relative to the examination and testing of property and bodily samples seized pursuant to a search warrant; to provide relative to the timing of the examination or testing; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 121—
BY REPRESENTATIVE LOPINTO
AN ACT

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

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 121 by Representative Lopinto

AMENDMENT NO. 1

On page 2, line 13, following "fifth" and before "of" insert "day"

HOUSE BILL NO. 138—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:536(A), 537(A), 541(2)(n) and (o), 542.1(A)(2)(d), and 543.1(8), relative to sex offender registration and notification; to make technical corrections to sex offender registration and notification provisions; to make technical corrections to sex offender registration and notification provisions relative to crime against nature and crime against nature by solicitation; and to provide for related matters.

Reported without amendments.

April 26, 2012

HOUSE BILL NO. 146—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 27:65(B)(11), 239.1, and 361(F), relative to gaming; to provide with respect to the methods of wagering at gaming facilities; to prohibit the use of debit cards for wagering; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 190—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact Code of Criminal Procedure Article 349.3(A)(1), relative to bail; to provide relative to notice provided to a commercial surety upon a judgment of bond forfeiture; to provide relative to the registered address of a commercial surety; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 237—

BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 15:499(A)(introductory paragraph), relative to certificates of analysis; to provide with respect to proof of analysis or examination of physical evidence; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 248—

BY REPRESENTATIVE RICHARD
AN ACT

To amend and reenact R.S. 15:571.35.1(C)(2)(e), relative to the Lafourche Parish Pretrial Home Incarceration Program; to authorize the earning of credit for time served participating in the program under certain conditions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 447—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 27:44(3), 45(A)(introductory paragraph), 52(introductory paragraph) and (3) and (4), and 65(B)(2), (5), (13), and (15) and to repeal R.S. 27:46, 48, 51, 88, and 97, relative to the Riverboat Gaming Commission; to repeal antiquated references to the Riverboat Gaming Commission; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 759—

BY REPRESENTATIVES NANCY LANDRY, ADAMS, ANDERS, ARNOLD, BARROW, WESLEY BISHOP, BURRELL, CHAMPAGNE, KATRINA JACKSON, LEBAS, NORTON, PYLANT, REYNOLDS, ROBIDEAUX, AND WILLMOTT
AN ACT

To enact R.S. 14:43.4, relative to rape and sexual battery; to create the crime of female genital mutilation; to provide for the elements of such offense; to provide for exceptions; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 826—

BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 44:9(E)(2), relative to arrest and prosecution records; to make a technical correction to the provision regarding the expungement of arrest and prosecution records of sex offenders; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 827—

BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 14:110(B)(3) and (E) and to enact R.S. 14:110(B)(4), relative to escape; to provide relative to the crime of simple and aggravated escape; to expand the listing of prison facilities to include home incarceration; to provide for penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 836—

BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact Code of Criminal Procedure Article 905.2(B), relative to sentencing hearings in capital cases; to provide that members of the Board of Pardons shall not be required to appear at sentencing hearings for capital cases; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 984—

BY REPRESENTATIVE ALFRED WILLIAMS
AN ACT

To amend and reenact R.S. 15:705(D)(1) and (2), relative to the imposition of restitution on offenders in local correctional facilities; to expand restitution to cover medical costs to the offender or others which are caused by the offender; to provide for the amount of restitution; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1006—

BY REPRESENTATIVE PYLANT
AN ACT

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

Reported without amendments.

Respectfully submitted,
DANIEL R. MARTINY
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 84—

BY SENATOR THOMPSON
A RESOLUTION

To urge and request the commissioner of administration and the director of the governor's office of coastal activities to utilize all available funding when considering the implementation of the Gulf hypoxia action plan.

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. 753— (Substitute of Senate Bill No. 162 by Senator Erdey)

BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 14:91.2(D) and (E) and to enact R.S. 14:91.2(A)(5) and (6) and (F), relative to sex offenders; to add public libraries to the places at which the physical presence of sex offenders is prohibited; to provide for exceptions; to provide relative to immunity from civil and criminal liability for certain public servants; to provide for definitions; and to provide for related matters.

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

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 82—

BY SENATOR JOHNS

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of William "Bill" L. Henning Sr.

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

SENATE RESOLUTION NO. 83—

BY SENATOR WALSWORTH

A RESOLUTION

To urge and request the Department of Environmental Quality to study the establishment of a recycling and collection system for electronic waste in Louisiana and report its findings to the legislature.

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

Senate Resolutions on Second Reading, Subject to Call

Called from the Calendar

Senator Thompson asked that Senate Resolution No. 80 be called from the Calendar.

SENATE RESOLUTION NO. 80—

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

A RESOLUTION

To commend Edwin William "Bill" Curry for his lengthy career of exemplary public service to the state of Louisiana, in particular the thirty years of faithful service to the Senate body, and to congratulate him upon the occasion of his most deserved retirement.

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

Called from the Calendar

Senator Thompson asked that Senate Resolution No. 81 be called from the Calendar.

SENATE RESOLUTION NO. 81—

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

A RESOLUTION

To commend Sherri Breaux for her many years of dedicated public service to the state of Louisiana, in particular, the Louisiana Senate and to congratulate her on the occasion of her retirement.

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

Called from the Calendar

Senator Morrell asked that Senate Resolution No. 44 be called from the Calendar.

SENATE RESOLUTION NO. 44—

BY SENATOR MORRELL

A RESOLUTION

To commend and congratulate the Brother Martin High School wrestling team upon its win of the 2011-2012 Louisiana High School Athletic Association State Wrestling Championship Tournament for Division I.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 72—

BY SENATOR ERDEY

A CONCURRENT RESOLUTION

To establish an advisory group within the Department of Veterans Affairs to study, evaluate, and make recommendations on the proper utilization of the former Greenwell Springs Mental Health Hospital facility.

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

SENATE CONCURRENT RESOLUTION NO. 73—

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States and to urge and request the President of the United States to maintain steadfast support for the State of Israel and express vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 25, 2012

To the Honorable President and Members of the Senate:

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

- HB NO. 618 HB NO. 801 HB NO. 857
HB NO. 866 HB NO. 1049 HB NO. 1104

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| HB NO. 1130 | HB NO. 1178 | HB NO. 1112 |
| HB NO. 1053 | HB NO. 1054 | HB NO. 1096 |
| HB NO. 1159 | HB NO. 1168 | HB NO. 1199 |

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

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

HOUSE BILL NO. 618—
BY REPRESENTATIVE ABRAMSON
AN ACT

To enact Code of Civil Procedure Article 1563, relative to liability for environmental damage; to provide for limitations on the effect of an admission of liability; to provide for admissibility of evidence; to provide for referral to the Department of Natural Resources; to provide for admissibility of admission of responsibility; to provide for funding of the department's review; to provide for reimbursement to plaintiff; to provide for primary jurisdiction; and to provide for related matters.

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

HOUSE BILL NO. 801—
BY REPRESENTATIVE MONTUCET
AN ACT

To enact R.S. 33:2490(E) and 2550(E), relative to the municipal fire and police civil service; to provide relative to employees who have resigned or retired from the classified service due to injury; to provide that any such employee may be reemployed at any time after his resignation or retirement; to provide relative to the position and class to which he may be reemployed; to provide relative to the qualifications and seniority of any such employee; to provide limitations; and to provide for related matters.

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

HOUSE BILL NO. 857—
BY REPRESENTATIVE JOHNSON
AN ACT

To enact R.S. 32:900.1, relative to for-hire motor vehicles used to transport railroad workers; to provide for minimum liability coverage for passengers; and to provide for related matters.

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

HOUSE BILL NO. 866—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 36:802(introductory paragraph), Part XXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.39.5 through 1299.39.7, and R.S. 40:1299.58(C), 1299.131(A)(3), and 1300.11, and to enact R.S. 36:259(MM), relative to consent to medical treatment; to provide for methods by which informed consent may be obtained; to provide for definitions; to create the Louisiana Medical Disclosure Panel; to provide for membership, powers, and duties of such panel; to provide for attendance via telecommunications; to provide for limitations on liability; to provide for medical disclosure lists; to provide for exceptions to obtaining informed consent; to provide for the promulgation of rules and regulations; to provide for placement of the Louisiana Medical Disclosure Panel within the Department of Health and Hospitals; 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. 1049—
BY REPRESENTATIVE STUART BISHOP
AN ACT

To enact R.S. 9:203(E)(10), relative to judges of a court of the United States; to authorize federal judges in certain municipalities to perform marriage ceremonies; and to provide for related matters.

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

HOUSE BILL NO. 1053—
BY REPRESENTATIVE GAROFALO
AN ACT

To repeal R.S. 32:392.1, relative to motor vehicles; to repeal the prohibition on the impoundment of motor vehicles in certain circumstances.

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

HOUSE BILL NO. 1054—
BY REPRESENTATIVE HILL
AN ACT

To enact R.S. 56:1948.5(57)(f) through (l), and (62)(b) through (l), and (64), relative to Louisiana Byways designation, to provide for route additions; and to provide for related matters.

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

HOUSE BILL NO. 1096—
BY REPRESENTATIVE BILLIOT
AN ACT

To amend and reenact Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature, as amended by Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, Section 3 of Act No. 1291 of the 1997 Regular Session of the Legislature, Section 1 of Act No. 50 of the 1998 Regular Session of the Legislature, Section 1 of Act No. 7 of the 2001 First Extraordinary Session of the Legislature, Section 1 of Act No. 14 of the 2004 First Extraordinary Session of the Legislature, Section 1 of Act No. 76 of the 2006 Regular Session of the Legislature, and Section 1 of Act No. 232 of the 2008 Regular Session of the Legislature, relative to the Louisiana Tax Free Shopping Program; to change the termination date of the program; and to provide for related matters.

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

HOUSE BILL NO. 1104—
BY REPRESENTATIVES KATRINA JACKSON, ARMES, BARROW, WESLEY BISHOP, BURRELL, DIXON, GAINES, HARRISON, HUNTER, JAMES, JOHNSON, LAMBERT, PIERRE, PRICE, REYNOLDS, SCHEXNAYDER, AND THIBAUT
AN ACT

To enact R.S. 47:1517.1, relative to tax incentives; to require state agencies which administer tax credits and tax rebates to make certain reports; to provide relative to the contents of such reports; to provide for certain requirements and limitations; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 1112—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 47:501(C)(1) and (2), relative to application for a motor vehicle registration; to require submission of a current and valid photo identification; and to provide for related matters.

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

HOUSE BILL NO. 1130—

BY REPRESENTATIVES CROMER AND JAMES
AN ACT

To amend and reenact R.S. 32:851, 862(B)(1), (G)(1) and (3), and (H), 863(B)(1), 863.1(A)(1)(a)(introductory paragraph) and (G)(1), and 874(B)(2) and to enact R.S. 32:862(I) and (J) and 874(C), relative to proof of insurance; to allow for the usage of mobile electronic devices as a method of providing proof of insurance; to authorize the commissioner of the Department of Public Safety and Corrections to compel a motor vehicle operator to provide a paper copy of proof insurance; to provide relative to a court's authority to compel a motor vehicle operator to provide a paper copy of proof of insurance; and to provide for related matters.

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

HOUSE BILL NO. 1159—

BY REPRESENTATIVES ARNOLD AND LEGER AND SENATOR MORRELL

AN ACT

To amend and reenact Code of Civil Procedure Article 681, relative to real and actual interests; to provide for real and actual interests of certain legal entities; and to provide for related matters.

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

HOUSE BILL NO. 1168—

BY REPRESENTATIVE TIM BURNS
AN ACT

To enact Code of Civil Procedure Article 1293(C), relative to service of process; to provide for the appointment of certain persons as private process servers; to provide for qualifications; and to provide for related matters.

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

HOUSE BILL NO. 1178—

BY REPRESENTATIVES LEGER AND ORTEGO
AN ACT

To enact Chapter 27 of Title 12 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 12:1801 through 1832, relative to benefit corporations; to enact the "Benefit Corporations Law"; to provide for applicability; to provide for definitions; to provide for formation of benefit corporations; to provide for election and termination of benefit corporation status; to provide for corporate purposes; to provide for a standard of conduct for directors and officers; to provide for a benefit director; to provide for a benefit officer; to provide for a right of action; to require an annual benefits report; to provide for stock certificates; and to provide for related matters.

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

HOUSE BILL NO. 1199— (Substitute for House Bill No. 817 by Representative Katrina Jackson)

BY REPRESENTATIVE KATRINA JACKSON
AN ACT

To repeal R.S. 40:608.3, relative to organic food; to repeal the provisions regulating the labeling of organic food.

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

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 107—

BY REPRESENTATIVE RICHARDSON
AN ACT

To enact R.S. 33:9097.13, relative to East Baton Rouge Parish; to create the Hampton Village Crime Prevention and Improvement District within the parish; to provide relative to the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; 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. 188—

BY REPRESENTATIVE BROADWATER
AN ACT

To enact R.S. 23:1601(1)(b), relative to disqualification for unemployment compensation benefits; to provide with respect to temporary employees employed by a staffing firm; to provide definitions; 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. 457—

BY REPRESENTATIVE KATRINA JACKSON
AN ACT

To amend and reenact R.S. 46:1804 and 1806(A), relative to crime victims reparations; to provide for notification requirements by the Crime Victims Reparations Board; to provide relative to applications for reparations; to extend the time in which an application for reparations is to be filed by certain applicants; 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. 907—

BY REPRESENTATIVES KATRINA JACKSON AND HENRY BURNS
AN ACT

To amend and reenact R.S. 3:2(D), 4274.1, 4276, 4279(A), 4292, 4325, and 4326 and to repeal R.S. 3:4271(B), 4274(6), 4274.2, 4279(B) and (C), 4280, 4284 through 4289, 4290, 4291, 4293 through 4295, and 4302, relative to forests and forestry; to provide for cooperative endeavors; to provide for the powers and duties of the state forester; to provide for the duties of forestry officers; to provide for the clearing of combustible material; to provide for the instruction of forestry on certain days; to provide for a parish board of forestry; to provide for a forestry program; to repeal certain provisions for the protection and reforestation of lands; to repeal certain provisions relative to forest tree seedling nurseries; to repeal the provisions of acreage tax on certain forest lands; and to provide for related matters.

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

HOUSE BILL NO. 1010—

BY REPRESENTATIVES ARNOLD, EDWARDS, AND MACK
AN ACT

To amend and reenact R.S. 13:392 and to enact R.S. 13:352(D), (E), and (F), and 588, relative to furniture and equipment purchased or owned by the courts of appeal and each judicial district court; to require the title of all furniture and equipment purchased and in possession of the courts of appeal to vest in the purchasing court; to require an itemized statement of furniture and equipment requested for purchase; to authorize certain persons to complete the sale of furniture or equipment; to authorize any judge to purchase furniture and equipment with nonpublic funds

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upon termination of office; to provide for the disposition of the sale proceeds; 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. 1098— BY REPRESENTATIVE CHAMPAGNE AN ACT

To amend and reenact R.S. 26:902 through 905, 906(B), (C), (D), and (E), 912, 913, 918(B), and 919(A), (E), and (F) and to repeal R.S. 26:907 and 915, relative to tobacco product permits for retail dealers; to eliminate requirements relative to registration certificates for tobacco retail dealers and all references thereto; to provide for a single class of permits for tobacco retail dealers; to provide for a decrease in retail dealer permit fees; 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. 1125— BY REPRESENTATIVE BROADWATER AN ACT

To amend and reenact Code of Civil Procedure Article 1469(5), Code of Criminal Procedure Article 740, R.S. 13:3667.3(B), and R.S. 49:956.1, relative to the attendance and testimony of legislators in certain court and administrative hearings; to extend the requirement of a preliminary motion and hearing to former legislators where their attendance or testimony is being solicited on matters relating to their former service as lawmakers; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 1145— BY REPRESENTATIVE FOIL AN ACT

To amend and reenact Code of Civil Procedure Articles 2166 and 2167 and Children's Code Article 1143(C)(1), (2), and (3) and (D)(1), to enact Children's Code Article 1143(E), and to repeal R.S. 13:4446, relative to appellate procedure; to provide for notices of judgment; to provide for electronic and facsimile transmission; 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. 1164— BY REPRESENTATIVE HAZEL AN ACT

To amend and reenact R.S. 26:80(A) and (F)(2)(introductory paragraph) and 280(A) and (F)(2)(introductory paragraph), relative to qualifications of applicants for low and high alcoholic beverage permits; to prohibit any applicant from obtaining a state or local permit who has been convicted of crimes involving distribution or possession with intent to distribute certain substances; 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. 1196— (Substitute for House Bill No. 868 by Representative Pearson) BY REPRESENTATIVE PEARSON AN ACT

To amend and reenact R.S. 22:1046(B), (C), (F), and (G)(3) and (4) and to repeal R.S. 22:1046(E), relative to group health plans; to provide for continuation of group health plans; and to provide for related matters.

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

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 109— BY REPRESENTATIVES ARNOLD, ST. GERMAIN, ABRAMSON, ADAMS, ANDERS, ARMES, BADON, BARRAS, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, WESLEY BISHOP, BROADWATER, BROSSETT, BROWN, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, CROMER, DANAHAY, DIXON, DOVE, EDWARDS, FANNIN, FOIL, FRANKLIN, GAINES, GAROFALO, GEYMAN, GISCLAIR, GREENE, GUILLORY, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, HUVAL, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LEOPOLD, LIGI, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCKET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, PONTI, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHEE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADON, SIMON, SMITH, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT

A CONCURRENT RESOLUTION To commend H. "Butch" Browning, Jr., upon his retirement for his service to the state as the Louisiana State Fire Marshal.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of legislators and their counts for Yeas and Nays.

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Absent. Lists names of legislators who were absent.

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

HOUSE CONCURRENT RESOLUTION NO. 110— BY REPRESENTATIVES DOVE, HARRISON, AND WHITNEY AND SENATORS ALLAIN AND CHABERT

A CONCURRENT RESOLUTION To recognize October seventeenth annually as Mesothelioma Awareness Day in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of legislators and their counts for Yeas and Nays.

| | | |
|------------|-----------|-----------|
| Allain | Gallot | Perry |
| Amedee | Heitmeier | Peterson |
| Appel | Johns | Riser |
| Broome | Kostelka | Smith, G. |
| Brown | LaFleur | Smith, J. |
| Buffington | Long | Tarver |
| Chabert | Martiny | Thompson |
| Claitor | Mills | Walsworth |
| Cortez | Morrish | Ward |
| Donahue | Murray | White |

Total - 36

NAYS

Total - 0

ABSENT

| | | |
|-------|----------|---------|
| Crowe | Guillory | Morrell |
|-------|----------|---------|

Total - 3

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

HOUSE CONCURRENT RESOLUTION NO. 111—
BY REPRESENTATIVE DOVE

A CONCURRENT RESOLUTION

To recognize Friday, June 8, 2012, as "A Day of Giving" and to commend volunteers throughout the state of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 38

NAYS

Total - 0

ABSENT

Crowe
Total - 1

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

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

SENATE BILL NO. 40—
BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 40:1429, relative to the insurance fraud investigation unit within the Department of Public Safety and Corrections; to extend the enforcement provisions of the unit to July 1, 2014; 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. 81—

BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 42:1102(23), relative to the Code of Governmental Ethics; to provide an exception to the definition of a "transaction involving the governmental entity" for certain transactions involving real property under certain circumstances; and to provide for related matters.

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

SENATE BILL NO. — (Substitute of Senate Bill No. 81 by Senator Mills)

BY SENATOR MILLS

AN ACT

To enact R.S. 42:1123(42), relative to the Code of Governmental Ethics; to provide for an exception to the provisions of law relative to ethical standards for public servants; to provide relative to a public servant doing business with a person who has a business relationship with the agency of the public servant under certain circumstances; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(42) is hereby enacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(42) Notwithstanding any other provision of law in this Part, an individual who serves on a port commission, or a related family member, or an entity in which the member has a substantial economic interest to a grain elevator owned by a port commission may contract for the sale of grain provided:

(a) That the member complies with R.S. 42:1120.4, including matters related to the management and operations of the grain elevator.

(b) The terms and conditions of the sale are the same or substantially the same as a sale to a non-member.

On motion of Senator Amedee, the committee substitute bill was adopted and becomes Senate Bill No. 754 by Senator Mills, substitute for Senate Bill No. 81 by Senator Mills.

SENATE BILL NO. 754— (Substitute of Senate Bill No. 81 by Senator Mills)

BY SENATOR MILLS

AN ACT

To enact R.S. 42:1123(42), relative to the Code of Governmental Ethics; to provide for an exception to the provisions of law relative to ethical standards for public servants; to provide relative to a public servant doing business with a person who has a business relationship with the agency of the public servant under certain circumstances; and to provide for related matters.

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

SENATE BILL NO. 87—

BY SENATOR BUFFINGTON

AN ACT

To enact R.S. 49:191(6) and to repeal R.S. 49:191(4)(e), relative to the Department of Health and Hospitals; to provide for the re-creation of the Department of Health and Hospitals and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

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

SENATE BILL NO. 99—
BY SENATORS GALLOT AND RISER
AN ACT

To amend and reenact R.S. 18:532.1(C)(3)(a) and 532.1(D)(1), relative to the election code; to allow certain parish governing authorities to merge certain precincts; to provide for approval and review of certain precinct changes; 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. 99 by Senator Gallot

AMENDMENT NO. 1

On page, 2, line 12, after "**that**" insert "**both the parish and all school boards within the parish have completed**"

AMENDMENT NO. 2

On page 2, line 13, after "**census**" delete the remainder of the line and delete line 14.

AMENDMENT NO. 3

On page 2, at the beginning of line 15, delete "**has been completed**"

AMENDMENT NO. 4

On page 2, line 20, after "**Representatives,**" insert "**the secretary of state, the clerk of court,**"

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. 123—
BY SENATOR BUFFINGTON
AN ACT

To enact R.S. 1:58.5, relative to special days; to designate three days in October as "Care Enough to Wear Pink" in Louisiana to recognize and honor those individuals who have been diagnosed with breast cancer; to provide that these dates shall be observed annually by the state; 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. 191—
BY SENATOR CLAITOR
AN ACT

To amend and reenact the introductory paragraph of R.S. 37:2405(A), and (A)(1) and (6), (B)(1), (2), (9), and (10), R.S. 37:3552(1), and 3562(D), and to repeal R.S. 36:259(CC) and 37:3554, relative to the transfer of the powers and duties of the Louisiana Board of Massage Therapy to the Louisiana Physical Therapy Board; to abolish the Louisiana Board of Massage Therapy and transfer the powers and duties of that board to the Louisiana Physical Therapy Board; and to provide for related matters.

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

SENATE BILL NO. — (Substitute of Senate Bill No. 191 by Senator Claitor)
BY SENATOR CLAITOR
AN ACT

To enact Part VII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1360.81 through 1360.97, relative to behavior analysts; to provide for licensure of behavior analysts and certification for assistant behavior analysts; to provide for a board to develop standards and

procedures and to promulgate rules and regulations with respect to the practice of behavior analysis; to provide for the future creation of an independent regulatory authority; to provide qualifications for licensure and certification; to provide for continuing education; to provide with respect to fees for licensure and certification; to provide for causes for refusal to issue, suspension, or revocation; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1360.81 through 1360.97, is hereby enacted to read as follows:

PART VII. BEHAVIOR ANALYSTS

§1360.81. Legislative intent

The enacting of the Licensed Behavior Analyst Practice Act is necessary in order to safeguard life, health, property and public welfare of the citizens of the state, and to protect the people of this state from the unauthorized, unqualified, and improper application of applied behavior analysis. The goal of this Part is to:

(1) Establish licensure for behavior analysts and certification for assistant behavior analysts, to authorize the promulgation of rules and regulations for the practice of behavior analysis in the state, and to authorize the development of standards or procedures for all other matters related to applied behavior analysis.

(2) Create a committee of behavioral analysts to recommend action on applicants, to recommend changes in the rules relating to their practice, and to advise the board on related matters.

(3) Provide for the future creation of an independent regulatory authority.

§1360.82. Short title

This Part shall be known and may be cited as the "Licensed Behavior Analyst Practice Act".

§1360.83. Definitions

As used in this Part the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

(1) "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvements in and understanding of human behavior based on the principles of behavior identified through the experimental analysis of behavior. It includes the empirical identification of functional relations between behavior and environments. It uses direct observation and measurement of behavior and environment. Interventions based on scientific research are used and includes contextual factors, establishing operations, antecedent stimuli, positive reinforcers, and other consequences, based on identified functional relationships with the environment, in order to produce practical behavior change.

(2) "Board" means Louisiana State Board of Examiners of Psychologists.

(3) "Licensed behavior analyst" or "LBA" means an individual who by education and experience meets the requirements for licensing by the board and is duly licensed to independently practice applied behavior analysis.

(4) "Certified assistant behavior analyst" or "CABA" means an individual who by education and experience meets the requirements for certification as a certified assistant behavior analyst by the board and who shall only practice behavior analysis under the supervision of a licensed behavior analyst or psychologist experienced in behavior analysis.

(5) "Licensed Behavior Analyst Committee" or "LBAC" means a committee, established by the board for purposes as defined in this Part.

(6) "Recognized educational institution" means a degree-granting college or university that is accredited by a regional board or association of institutions of higher education approved by the Council on Post Secondary Education of the United States Department of Education.

(7) "Supervised experience" means services rendered as a part of the certification requirements of a behavior analyst or board certified associate behavior analyst under the supervision

of a licensed behavior analyst or psychologist as approved by the Licensed Behavior Analyst Committee.

§1360.84. Powers and duties of the board

The board shall have and exercise with respect to licensed behavior analysts and certified assistant behavior analyst, all powers and duties granted to it by R.S. 37:2351 et seq. In addition, the board shall have the authority to:

(1) Establish and publish standards of applied behavior analysis practice in accordance with those developed and accepted by the behavior analysis professional organizations.

(2) Approve, deny, revoke, suspend, renew and reinstate licensure or certification of duly qualified applicants based on the recommendation of the Licensed Behavior Analyst Committee and approved by the board.

(3) Adopt, revise, and enforce orders, rules, and regulations for licensure or certification and renewal as recommended by the Licensed Behavior Analyst Committee to ensure the competency of applicants, the protection of the public, and proper administration of this Part in accordance with the Administrative Procedure Act.

(4) Conduct hearings on charges calling for the denial, suspension, revocation, or refusal to renew a license or certification with a designee from the Licensed Behavior Analyst Committee present. Such designee shall be appointed as needed by the chair of the board.

§1360.85. License or certification required

No person shall hold himself out as a licensed behavior analyst or a certified assistant behavioral analyst unless licensed or certified in accordance with the provisions of this Part.

§1360.86. Qualifications of applicants of a licensed behavior analysts

A. Notwithstanding any other provision of the Part or other law to the contrary, an applicant for licensure as an applied behavior analyst shall be issued an applied behavior analyst license by the board upon satisfaction of all of the following criteria:

(1) Submission to the board of a completed application form approved by the Licensed Behavior Analyst Committee.

(2) Payment of all mandatory licensure fees.

(3) Proof of good moral character.

(4) Proof that the applicant holds a master's degree or doctoral degree in behavioral analysis from a regionally accredited college or university with a board approved course sequence reviewed by the Licensed Behavior Analyst Committee and approved by the board. The course work will include the ethics of behavioral analysis, principles of behavior analysis, research methods in behavioral analysis, applied behavioral analysis and supervised practice in behavioral analysis.

(5) Completion of an approved supervised practice totaling at least one thousand five hundred hours.

(6) Submission of applicant to a criminal background check in accordance with the authority granted to the board.

(7) Successful completion of an approved or supervised experience in the practice of applied behavior analysis as an approved experiential sequence reviewed by the Licensed Behavior Analyst Committee and approved by the board.

(8) Proof that the applicant passed a nationally recognized examination related to the principles and practice of the profession of applied behavior analysis reviewed by the Licensed Behavior Analyst Committee and approved by the board.

(9) Proof that the applicant passed the jurisprudence examination covering the laws and rules governing the practice of behavior analysis in Louisiana reviewed by the Licensed Behavior Analyst Committee and approved by the board. Once a candidate passes the jurisprudence examination, a candidate may pay the licensure fee and be granted a license to practice applied behavior analysis in Louisiana.

(10) Proof that the applicant conducts his professional activities in accordance with accepted standards, including the Guidelines for Responsible Conduct for Behavior Analysts and Professional Disciplinary Standards of the Behavior Analyst Certification Board or other national professional organizations as reviewed by the Licensed Behavior Analyst Committee and approved by the board.

B. An applied behavior analyst applicant who has a suspended license may reapply after one year.

C. Until August 1, 2013, an applicant who has graduated with a doctoral or master's degree from a regionally accredited university and who holds the board certified behavior analyst certificate from the Behavior Analyst Certification Board shall be eligible to be granted status as a licensed behavior analyst. Thereafter, applications shall meet the requirements set forth in this Section.

§1360.87. Qualifications of applicants for certified assistant behavior analysts

Notwithstanding any other provision of law to the contrary, an applicant as a certified assistant behavior analyst shall be issued a certified applied behavior analyst certificate by the board upon satisfaction of all the following criteria:

(1) Submission to the board of a completed application form approved by the Licensed Behavior Analyst Committee.

(2) Payment of all mandatory certification fees.

(3) Proof of good moral character.

(4) Proof that the applicant holds a bachelor's or graduate degree from an accredited college or university and completed behavior analyst course work, and is obtaining supervised field experience, approved by the board, under a licensed behavior analyst or qualified psychologist.

(5) Completion of an approved supervised practice totaling at least one thousand hours.

(6) Submission of applicant to a criminal background check in accordance with the authority granted to the board.

(7) Proof that the applicant passed the state jurisprudence exam, reviewed by the Licensed Behavior Analyst Committee and approved by the board. Once the examination is passed, candidates may pay the certification fee and be granted a certificate to practice.

(8) Proof that the applicant conducts his professional activities in accordance with accepted standards, including the Guidelines for Responsible Conduct for Behavior Analysts and Professional Disciplinary Standards of the Behavior Analyst Certification Board or other national professional organizations as reviewed by the Licensed Behavior Analyst Committee and approved by the board.

(9) Proof that the applicant has not been subject to disciplinary suspension or revocation by the Behavior Analyst Certification Board, for violation of the professional disciplinary and ethical standards.

§1360.88. Issuance and renewal of license or certificate

A. The board shall issue a license or certificate to any person who meets the qualifications provided in this Part and the rules and regulations of the board, and who pays the applicable fees fixed by the board.

B. A license or certificate issued under provisions of this Part shall be subject to annual renewal and shall expire and become null and void unless renewed in the manner prescribed by the board, as recommended by the Licensed Behavior Analyst Committee.

C. License renewal shall require documentation of completion of the continuing education required by this Part.

§1360.89. Reinstatement of license or certificate

A. Any license or certificate suspended, revoked, or otherwise restricted by the board may be reinstated by the board based upon recommendations by the Licensed Behavior Analyst Committee.

B. A license or certificate that has expired without renewal for a period of one year from the date of expiration may be reinstated by the board upon recommendation from the Licensed Behavior Analyst Committee, provided the applicant shall otherwise be eligible under the provisions of this Part, pays the applicable fees, satisfies the continuing education requirement, and such other requirements as may be established by the board based on recommendation by the Licensed Behavior Analyst Committee.

§1360.90. Licensed Behavior Analyst Committee

A. The Licensed Behavior Analyst Committee shall be established by the board for the purpose of reviewing and recommending action on applications for licensure, certification,

relicensure, and recertification, recommending educational and training requirements, establishing a professional code of conduct, recommending changes in related statutes and rules, as well as other activities as may be requested by the board or activities provided in this Part. The committee shall be statutorily created for a period of three years beginning July 1, 2012, and terminating on July 1, 2015, unless recreated by a majority vote of the committee and subsequently approved by the board.

B. The Licensed Behavior Analyst Committee shall consist of three licensed behavior analysts and one member of the public at large. The executive director of the board shall serve ex officio as a voting member.

(1) Three licensed behavior analysts, who shall become licensed once this Part becomes effective, shall be appointed by the governor and confirmed by the Senate.

(2) For the vacancies occurring July 1, 2012, one member shall be appointed for a one-year term and one member shall be appointed for a two-year term, and one member shall be appointed to a three-year term. The members shall be limited to two consecutive terms.

(3) The licensed behavior analyst members shall be appointed by the governor from a list of three nominees for each position submitted by the Louisiana Association for Behavior Analysis.

(4) The member of the public at large shall be a parent of a child with a behavior disorder and shall be appointed by the governor.

C. Members of the committee shall serve at the pleasure of the governor. A vacancy in an unexpired term shall be filled in the manner of the original appointment.

D. The committee may meet as needed but shall meet at least quarterly. A majority of the members of the committee shall constitute a quorum for the transaction of all business. A quorum shall be three voting members.

E. Members of the committee shall serve without compensation but shall be reimbursed for reasonable travel expenses incurred in attendance at meetings and other official business on behalf of the committee or the board.

§1360.91. Continuing education

A. A licensed behavior analyst shall annually complete a minimum of twelve hours of continuing education relevant to the practice of behavior analyst.

B. To qualify under the requirements of this Part, continuing education classes shall be approved by the Licensed Behavior Analyst Committee.

§1360.92. Fees

The board under its authority established in R.S. 37:2351 et seq., shall fix fees in accordance with the Administrative Procedure Act for the purpose of administering the provisions of this Part.

§1360.93. Causes for refusal to issue, suspension, or revocation of license or certificate

A. Upon the recommendation of the Licensed Behavior Analyst Committee, the board may refuse to issue any license or certificate required under this Part for any cause or any combination of causes stated in this Section. The Licensed Behavior Analyst Committee shall give written notice of the reasons for the refusal.

B. Upon the recommendation of the Licensed Behavior Analyst Committee, the board may suspend or revoke any license or certificate or impose probationary or other restrictions on any license or certificate under this Part for the following causes:

(1) Conviction of a felony or nolo contendere plea or conviction of any crime or offense of or relating to the practice of applied behavioral analysis.

(2) Knowingly make or present, or cause to be made or presented, any false, fraudulent, or forged statement, writing, certificate, or diploma in connection with an application for a license or certificate.

(3) Refusing to appear before the Licensed Behavior Analyst Committee after having been duly ordered to do so in writing by

a duly authorized agent of the board as a result of the Licensed Behavior Analyst Committee recommendation.

(4) Habitual or recurring abuse of drugs, including alcohol, which affects the central nervous system, and which is capable of inducing physiological or psychological dependence applicant or licensee or certificate holder's physical and mental fitness and ability to practice applied behavior analysis with reasonable skill and safety to patients.

(5) Impersonating another licensed practitioner or any person holding a certificate of registration of authority, permit, or license or allowing any person to use his or her certificate or authority, permit, license or diploma from any school.

(6) Incompetence, including but not limited to a person who has been unable to practice applied behavior analysis to acceptable and prevailing standards of care by reason of mental or physical illness or other condition, including but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills.

(7) Voluntary or involuntary commitment or interdiction.

(8) Failing to self-report in writing to the Licensed Behavior Analyst Committee any personal action which constitutes a violation of the Part within thirty days of the occurrence.

(9) Soliciting patients or self-promoting through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading.

(10) Making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or government authority for the purpose of obtaining anything of economic value.

(11) Soliciting, accepting, or receiving anything of economic value in return for and based on referral of patients to another person, firm, or corporation.

(12) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof.

(13) Continuing or recurring practice, which fails to satisfy the prevailing and usually accepted standards of the practice of applied behavior analysis.

(14) Gross, willful, and continued overcharging for professional services.

(15) Abandoning a patient by failure to make reasonable efforts to plan for facilitating care in the event that behavior analytic services are interrupted by factors such as the behavior analyst's illness, impending death, unavailability, or relocation or by the patient's relocation or financial limitations.

(16) Knowingly performing any act which, in any way, assists an unqualified person to practice applied behavior analysis, or having professional connection with or lending one's name to an illegal practitioner.

(17) Violating ethical codes of conduct as promulgated by the Board of Certified Behavior Analysts or the guidelines for Responsible Conduct for Behavior Analysts or violating any code of ethics adopted in the rules and regulations of the board as developed by the Licensed Behavior Analyst Committee, or other immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations of the board.

(18) Practicing applied behavior analysis in such a manner as to endanger the welfare of patients, including but not limited to:

(a) Harassment, intimidation, or abuse, sexual or otherwise, of a patient.

(b) Engaging in any sexual contact with a patient.

(c) Gross malpractice, repeated malpractice, or gross negligence in the practice of applied behavior analysis.

(19) Using of untruthful, deceptive, or improbable statements concerning the licensee or certificate holder's qualifications or the effects or results of proposed treatment, including functioning outside one's professional competence established by education, training, and experience.

(20) Exercising undue influence in such a manner as to exploit the patient for financial or other personal advantage to the practitioner or a third party.

(21) Refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice applied behavior analysis in that state or the revocation or suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.

(22) Any suspension or revocation of certification by the certification board would vacate licensure in this state.

C. The board may, as a probationary condition, or as a condition of the reinstatement of any license or certificate suspended or revoked hereunder, require the license or certificate holder to pay all costs of the board proceedings, including investigator, stenographer, and attorney fees, and to pay a fine not to exceed five thousand dollars. Such fines received by the board under this Subsection shall be paid into the treasury of the board.

D. The board's final decision in an adjudication proceeding conducted pursuant to this Section other than by consent or agreement or other informal disposition, shall constitute a public record, and the board may disclose and provide such final decision to any person, firm, or corporation or to the public generally. The board's disposition of an adjudication proceeding by consent order shall not constitute a public record, but the board shall have authority and discretion to disclose such disposition.

E. No judicial order staying or enjoining the effectiveness or enforcement of a final decision or order in an adjudication proceeding, whether issued pursuant to R.S. 49:964(C) or otherwise, shall be effective, beyond the earlier of either of the following:

(1) One hundred twenty days from the date on which the board's decision or order was rendered.

(2) The date on which a court of competent jurisdiction enters judgment in a proceeding for judicial review of the board's decision or order issued pursuant to R.S. 49:964.

F. Notwithstanding any other law to the contrary, no judicial order staying, enjoining, or continuing and adjudication proceeding before, or a preliminary, procedural, or intermediate decision, ruling, order, or action of, the board shall be effective, whether pursuant to R.S. 49:964 or otherwise, prior to the exhausting of all administrative remedies and issuance of a final decision by the board.

G. No order staying or enjoining a final decision or order of the board shall be issued unless the district court finds that the applicant or petitioner has established that the issuance of the stay does neither of the following:

(1) Threaten harm to other interested parties, including individuals for whom the applicant or petitioner may render applied behavior analysis services.

(2) Constitute a threat to the health, safety, and welfare of the citizens of this state.

H. No stay of a final decision or order of the board shall be granted ex parte. The court shall schedule a hearing request for a stay order within ten days from filing of the request. The court's decision to either grant or deny the stay order shall be rendered within five days at the conclusion of the hearing.

§1360.94. Persons and practices not affected

The provisions of this Part shall not be construed as prohibiting or restricting the practice of any of the following:

(1) A licensed professional who is not a behavior analyst, so long as the licensed professional does not represent that he is a behavior analyst or qualified to provide applied behavior analysis, and so long as the services of the licensed professional are specified within the scope of the practice of the licensing law governing the licensed professional and the services performed are commensurate with the licensed professional's formal training and supervised experience.

(2) The practice of applied behavior analysis expressly excludes psychological testing, neuropsychology, psychotherapy, cognitive therapy, psychoanalysis, hypnotherapy, diagnosis of

mental or emotional disorders, and long-term counseling as treatment modalities.

§1360.95. Injunctive proceedings

A. The board may investigate any evidence or allegation which appears to show that any person is or may be in violation of any provision of this Part.

B. The board may apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act which is in violation of this Part.

C. If it is established that the defendant has been or is committing an act which is in violation of this Part, the court shall enjoin the defendant from further committing the act or acts.

D. In case of violation of any injunction issued under the provisions of this Section, the court may summarily try and punish the offender for contempt of court.

E. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Part.

§1360.96. Penalties

A. It shall be a misdemeanor for any individual:

(1) Not licensed under this Part to represent himself as a licensed behavior analyst.

(2) Not licensed under this Part to engage in the practice of behavior analysis.

(3) To represent himself as a licensed behavior analyst during the time that his license as a behavior analyst shall be suspended or revoked or lapse.

(4) To otherwise violate this Part.

B. Such misdemeanor shall be punishable upon conviction by imprisonment for not more than six months, or by a fine of not less than one hundred dollars nor more than five hundred dollars, or both. Each violation shall be deemed a separate offense.

C. Such misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense was committed.

§1360.97. Access to files

The Licensed Behavior Analyst Committee shall make available to the board all files relating to behavior analysts practicing within the state.

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

On motion of Senator Heitmeier, the committee substitute bill was adopted and becomes Senate Bill No. 755 by Senator Claitor, substitute for Senate Bill No. 191 by Senator Claitor.

SENATE BILL NO. 755— (Substitute of Senate Bill No. 191 by Senator Claitor)

BY SENATOR CLAITOR

AN ACT

To enact Part VII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1360.81 through 1360.97, relative to behavior analysts; to provide for licensure of behavior analysts and certification for assistant behavior analysts; to provide for a board to develop standards and procedures and to promulgate rules and regulations with respect to the practice of behavior analysis; to provide for the future creation of an independent regulatory authority; to provide qualifications for licensure and certification; to provide for continuing education; to provide with respect to fees for licensure and certification; to provide for causes for refusal to issue, suspension, or revocation; to provide for penalties; and to provide for related matters.

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

SENATE BILL NO. 214—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 37:1202(A)(5), 1203(A)(5), 1207(B), 1213, 1214, and 1230(C), and to repeal R.S. 37:1215, relative to the Louisiana Board of Pharmacy; to provide with respect to certain qualifications to engage in the practice of pharmacy; to require submission of an application by any applicant for licensure by examination; to provide with respect to submission of an application by any applicant for licensure as a pharmacist by reciprocity; to provide for applications for certain renewals; to provide for certain notifications of change; to provide for certain permit renewal applications; to remove the requirement to display certain licenses, certificates, and registrations; and to provide for related matters.

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

SENATE BILL NO. 216—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 37:1103(7) and (12)(e), relative to mental health counselors; to provide with respect to certain definitions for the Mental Health Counselors Licensing Act; and to provide for related matters.

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

SENATE BILL NO. 251—
BY SENATOR MORRISH

AN ACT

To enact Part II-A of Chapter 7 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1931 through 1942, relative to insurance fraud; to provide definitions; to prohibit insurance fraud; to provide for civil actions and monetary penalties; to provide with respect to civil investigative demand and deposition; 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. 251 by Senator Morrish

AMENDMENT NO. 1

On page 5, line 21, delete "in violation of R.S. 22:1924." and insert "or violate any provision of R.S. 22:1924."

AMENDMENT NO. 2

On page 5, delete lines 22 through 29 in their entirety

AMENDMENT NO. 3

On page 6, delete line 1 and on line 2, change "E" to "B"

AMENDMENT NO. 4

On page 6, delete lines 4 through 6 in their entirety and on line 7, change "G" to "C"

AMENDMENT NO. 5

On page 6, between lines 11 and 12, insert the following: "D. To the extent that the conduct giving rise to the cause of action involves the provision of services, supplies, merchandise, or benefits of a medical assistance program administered by the Louisiana Department of Health and Hospitals, including any medical assistance programs administered by the state pursuant to 42 U.S.C. 1396 et. seq., the provisions of this Part shall not apply."

AMENDMENT NO. 6

On page 9, delete lines 12 through 16 in their entirety and in lieu thereof insert the following:

"C. In the instance of a state criminal action, the action for recovery of the civil monetary penalty shall be brought within one year of the date of the criminal conviction or final plea."

AMENDMENT NO. 7

On page 12, delete lines 4 through 7 in their entirety and in lieu thereof insert "Sixty percent of all monies collected pursuant to this Part shall be dedicated to and deposited into the Insurance Fraud Investigation Fund pursuant to R.S. 40:1428(C). The remaining forty percent recovered shall be dedicated to the attorney general's office."

AMENDMENT NO. 8

On page 16, after line 9, insert the following:

"Section 2. The provisions of this Act shall be effective August 1, 2012, and shall be null and void and have no effect on August 1, 2014. Except as provided in this Act, there shall be no reduction or recalculation in the Insurance Fraud Investigation Fund assessment as provided in R.S. 40:1428."

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. 320—
BY SENATOR MARTINY

AN ACT

To enact R.S. 37:1743.1, relative to certain healthcare providers; to restrict the use of the title "Doctor" or "Dr." by certain healthcare providers; to provide for procedures and terms; 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. 320 by Senator Martiny

AMENDMENT NO. 1

On page 1, delete line 8 and insert:

"A. No healthcare provider, while providing direct patient care, shall present himself, whether orally or in writing, to a patient using"

AMENDMENT NO. 2

On page 2, after line 6, insert:

"D. The provisions of this Section shall not apply to a physician as defined by Medicare pursuant to 42 USC 1395x(r)."

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. 373—
BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 22:1657 and to enact R.S. 37:1164(57) and 1182(A)(25), relative to pharmacy benefit managers; to provide for definitions; to provide for certain powers and duties of the Louisiana Board of Pharmacy; to authorize promulgation of rules; to provide for effectiveness of certain licenses; and to provide for related matters.

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

April 26, 2012

SENATE BILL NO. — (Substitute of Senate Bill No. 373 by Senator Mills)

BY SENATOR MILLS

AN ACT

To enact R.S. 22:1856.1, relative to the audit of pharmacy records by certain entities including pharmacy benefit managers; to provide for definitions; to provide with respect to an appeals process; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1856.1 is hereby enacted to read as follows:

§1856.1. Pharmacy record audits; appeals

A. As used in this Section, "entity" means a managed care company, insurance company, third-party payor, or the representative of the managed care company including pharmacy benefit managers, insurance company, or third-party payor.

B. Notwithstanding any other provision of law to the contrary, when an on-site audit of the records of a pharmacy is conducted by an entity, the audit shall be conducted in accordance with the following criteria:

(1) The audit may not take place during the first three business days of the month.

(2) No entity shall conduct an on-site audit at a particular pharmacy more than one time annually. However, this Subsection shall not apply when an entity must return to a pharmacy to complete an audit already in progress, or there is a suspected or previously identified history of errors or inappropriate or illegal activity that the entity has brought to the attention of the pharmacy owner or corporate headquarters of the pharmacy.

(3)(a) The entity conducting the initial on-site audit shall give the pharmacy notice at least two weeks before conducting the initial on-site audit for each audit cycle.

(b) If the audit, review, or investigation is initiated based on or involves suspected or alleged fraud, willful misrepresentation, or abuse, notice before the initial on-site audit is not mandatory where it could impede the audit, review, or investigation.

(4)(a)(i) Any clerical or record-keeping error, such as a typographical error, scrivener's error, or computer error, regarding a required document or record shall not necessarily constitute fraud.

(ii) A claim arising under Subsection B of this Section may be subject to recoupment.

(b) No claim arising under Subsection B of this Section shall be subject to criminal penalties without proof of intent to commit fraud.

(5) A pharmacy may provide the records of a hospital, physician, or other authorized practitioner of the healing arts for drugs or medicinal supplies written or transmitted by any means of communication for purposes of supporting the pharmacy record with respect to orders or refills of a legend or narcotic drug.

(6) Each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies audited by the entity.

(7)(a) The preliminary audit report shall be delivered to the pharmacy within ninety days after conclusion of the audit.

(b) A pharmacy shall be allowed at least thirty days following receipt of the preliminary audit report in which to initiate an appeal to address any discrepancy found during an on-site audit, as outlined in Subsection F of this Section.

(c) A final audit report shall be delivered to the pharmacy within one hundred twenty days after receipt of the preliminary audit report or notice of appeal, whichever is later.

(d) Each entity conducting an audit shall make available a copy of the final audit report to the plan sponsor upon request or as otherwise required by contractual agreement.

(8) Any audit which involves clinical judgment shall be conducted by or in consultation with a licensed pharmacist.

(9) Interest on recoupment debts shall not accrue during the audit or appeal period.

C.(1) Recoupment of any disputed funds, or repayment of funds to the entity by the pharmacy if permitted pursuant to contractual agreement, shall occur after final internal disposition of the audit, including the appeals process. Recoupment shall not be based on documentation requirements in addition to or

exceeding requirements for creating or maintaining documentation prescribed by the Louisiana Board of Pharmacy; or on a requirement that a pharmacy or pharmacist perform a professional duty in addition to or exceeding professional duties prescribed by the Louisiana Board of Pharmacy.

(2) The provisions of this Section shall not apply in cases of United States Food and Drug Administration regulation or manufacturer safety programs.

(3) The full amount of any recoupment on an audit shall be refunded to the responsible party.

(a) Except as provided in this Subsection, a charge or assessment for an audit shall not be based, directly or indirectly, on amounts recouped.

(b) Nothing in this Subsection shall prevent the entity conducting the audit from charging or assessing the responsible party, directly or indirectly, based on amounts recouped if both the following conditions are met:

(i) The responsible party and the entity have a contract that explicitly states the percentage charge or assessment to the responsible party.

(ii) A commission or other payment to an agent or employee of the entity conducting the audit is not based, directly or indirectly, on amounts recouped.

(4) Before recoupment of funds may be made based on an audit finding overpayment or underpayment, a final audit report shall be distributed, unless fraud, waste, or abuse is suspected.

D. Recoupment of claims shall be based on the actual financial harm to the entity or on the actual overpayment or underpayment. A finding of an overpayment that is the result of dispensing in excess of the benefit design, as established by the plan sponsor, shall be calculated as the difference between what was dispensed in accordance with the prescriber's orders and the dispensing requirements as set forth by the benefit design. Calculations of overpayments shall not include dispensing fees unless one of the following conditions is present:

(1) A prescription was not actually dispensed.

(2) The prescriber denied authorization.

(3) The prescription dispensed was a medication error by the pharmacy.

(4) The identified overpayment is solely based on an extra dispensing fee.

(5) The pharmacy was noncompliant with program guidelines.

(6) There was insufficient documentation.

E. Should the identified discrepancy for an individual audit exceed ten thousand dollars, future payments to the pharmacy may be withheld pending finalization of the audit.

F. Each entity conducting an audit shall establish an appeal process under which a pharmacy may appeal an unfavorable preliminary audit report to the entity.

(1) If, following an appeal, the entity finds that an unfavorable audit report or any portion of an unfavorable audit report is unsubstantiated, the entity shall dismiss the audit report or the unsubstantiated portion of the audit report without any further proceedings.

(2) No interest shall be charged to the entity during the appeal period.

(3) Following the final audit report, and if not otherwise provided for in the provider contract, either party may seek mediation to address outstanding disagreements.

(4) Notwithstanding any other provision of law to the contrary, the agency conducting the audit shall not use the accounting practice of extrapolation in calculating recoupment or penalties for audits, unless otherwise agreed to by the pharmacy or mandated by a government agency or in the case of fraud.

G. Unless otherwise provided for in the network agreement, pharmacies or payors may seek mediation to resolve contractual disputes related to pricing or on-site audits.

H. This Section shall not apply to:

(1) Any quality assurance review, as defined by the time period prior to the reimbursement by the entity to the pharmacy.

(2) An investigation that is initiated based on or that involves suspected or alleged fraud, willful misrepresentation, or abuse.

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(3) Any federally funded activity specifically preempted by law or rule.

Section 2. This provisions of this Act shall apply to contracts entered into, amended, extended, or renewed on or after January 1, 2013.

On motion of Senator Morrish, the committee substitute bill was adopted and becomes Senate Bill No. 756 by Senator Mills, substitute for Senate Bill No. 373 by Senator Mills.

SENATE BILL NO. 756— (Substitute of Senate Bill No. 373 by Senator Mills)

BY SENATOR MILLS

AN ACT

To enact R.S. 22:1856.1, relative to the audit of pharmacy records by certain entities including pharmacy benefit managers; to provide for definitions; to provide with respect to an appeals process; and to provide for related matters.

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

SENATE BILL NO. 378—

BY SENATOR MILLS

AN ACT

To enacts R.S. 37:1218.1, relative to immunizations; to provide for the administration of certain immunizations in health professional shortage areas; to provide for the requirements of pharmacists administering the immunization; 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. 378 by Senator Mills

AMENDMENT NO. 1

On page 1, line 3, after "in" and before "health" insert "primary care"

AMENDMENT NO. 2

On page 1, line 8, after "in" insert "primary care"

AMENDMENT NO. 3

On page 1, delete line 10, and insert

"A. In any parish designated wholly or in part as a primary care health professional shortage area as set"

AMENDMENT NO. 4

On page 1, lines 12 and 13 delete "**Department of Health and Hospitals, Bureau of Primary Care and Rural Health,**" and insert "**United States Department of Health and Human Services.**"

AMENDMENT NO. 5

On page 1, delete line 15

AMENDMENT NO. 6

On page 1, line 16 delete "**(2)**" and insert "**(1)**"

AMENDMENT NO. 7

On page 1, line 17 delete "**(3)**" and insert "**(2)**" and delete "**eighteen**" and insert "**fifty**"

AMENDMENT NO. 8

On page 2, line 7, delete "**influenza**"

AMENDMENT NO. 9

On page 2, lines 7 and 8 delete "**office of public health's**" and insert "**Department of Health and Hospitals, office of public health's**"

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. 388—

BY SENATOR MARTINY

AN ACT

To amend and reenact R.S. 51:712(E) and to enact R.S. 51:712(F), relative to securities; to provide for the offering, selling, or purchasing of mutual funds under certain circumstances; to provide for unlawful practices; and to provide for related matters.

Reported by substitute by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. — (Substitute of Senate Bill No. 388 by Senator Martiny)

BY SENATOR MARTINY

AN ACT

To enact R.S. 51:705(C)(1)(p), relative to securities; to provide relative to the registration of securities subject to certain laws or practices; to provide certain terms, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:705(C)(1)(p) is hereby enacted to read as follows:

§705. Registration of securities; when and how required; delivery of prospectus

* * *

C. Registration statement. (1) Every registration statement filed under R.S. 51:705(B) shall contain the following information:

* * *

(p)(i) Whether the security is subject to, bound by, or otherwise controlled by a religious law, ethic, custom, or practice and, if so, a declaration that identifies all of the following information:

(aa) Such law, ethic, custom, or practice.

(bb) Any precept or edict of such law, ethic, custom, or practice that would affect the type or nature of activities of the issuer, whether any earnings may not be distributed to the purchaser, whether any earnings may be distributed to third parties, and whether any religious qualification may apply to the selection of directors, officers or managers of the issuer.

(ii) The issuer shall be solely responsible for disclosing and ensuring the accuracy of the information required by this Subparagraph.

* * *

On motion of Senator Martiny, the committee substitute bill was adopted and becomes Senate Bill No. 757 by Senator Martiny, substitute for Senate Bill No. 388 by Senator Martiny.

SENATE BILL NO. 757— (Substitute of Senate Bill No. 388 by Senator Martiny)

BY SENATOR MARTINY

AN ACT

To enact R.S. 51:705(C)(1)(p), relative to securities; to provide relative to the registration of securities subject to certain laws or practices; to provide certain terms, conditions, procedures, and requirements; and to provide for related matters.

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

SENATE BILL NO. 541—

BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 33:5151(A) and R.S. 39:1503(B) and to enact R.S. 38:2212(T), R.S. 39:1594(E)(3), and R.S. 42:802(B)(8)(b)(iii), all relative to procurement; to provide for certain bid evaluation criteria or documentation relative to the procurement of certain medical products and services; to provide for an effective date; 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. 541 by Senator Mills

AMENDMENT NO. 1

On page 1, delete lines 2 and 3 and insert:
"To amend and reenact R.S. 33:5151(A) and to enact R.S. 38:2212(T) and R.S. 42:802(B)(8)(b)(iii) and (iv), relative to procurement; to"

AMENDMENT NO. 2

On page 2, line 11, change "(T)" to "T.(1)"

AMENDMENT NO. 3

On page 2, between lines 16 and 17 insert:
"(2) For the purposes of this Section, "Louisiana companies" means any legal entity which has been certified as a small entrepreneurship, veteran-owned small entrepreneurship, or service-connected disabled veteran-owned small entrepreneurship by the Louisiana Department of Economic Development."

AMENDMENT NO. 4

On page 2 delete lines 17 through 29 and on page 3 delete lines 1 through 13

AMENDMENT NO. 5

On page 3, delete line 14 and insert:
"Section 3. R.S. 42:802(B)(8)(b)(iii) and (iv) are hereby enacted to read as follows:"

AMENDMENT NO. 6

On page 3, delete line 16

AMENDMENT NO. 7

On page 3, line 18, after "B." insert "In addition, the office shall have the following powers and duties:"

AMENDMENT NO. 8

On page 4 between lines 3 and 4 insert:
"(iv) For the purposes of this Subparagraph, "Louisiana companies" means any legal entity which has been certified as a small entrepreneurship, veteran-owned small entrepreneurship, or service-connected disabled veteran-owned small entrepreneurship by the Louisiana Department of Economic Development."

AMENDMENT NO. 9

On page 4, line 5, change "Section 5." to "Section 4."

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. 571—

BY SENATORS MILLS, CORTEZ AND PERRY AND REPRESENTATIVES BARRAS, STUART BISHOP, CHAMPAGNE, HARRISON, HUVAL, NANCY LANDRY, MONTTOUCET, ORTEGO AND ROBIDEAUX
AN ACT

To enact Chapter 10-D of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1191 through 1198, relative to health care service districts; to provide the authority to create health care service districts; to provide for governing boards for health care service districts; to provide for governing board's membership, appointment, terms, and compensation; to authorize districts to levy taxes and incur debt and issue and sell bonds; and to provide for related matters.

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

SENATE BILL NO. — (Substitute of Senate Bill No. 571 by Senator Mills)

BY SENATOR MILLS

AN ACT

To enact Chapter 10-D of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1191 through 1197, relative to a health care service district within Department of Health and Hospitals' Region IV; to provide such authority to create the health care service district; to provide for the governing board for the health care service district; to provide for the membership of the governing board and for the appointment, terms, and compensation of the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 10-D of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1191 through 1197 is hereby enacted to read as follows:

CHAPTER 10-D. HEALTH CARE SERVICE DISTRICT - DEPARTMENT OF HEALTH AND HOSPITALS' REGION IV

§1191. Legislative intent

It is the intent of the legislature to allow the governing authority of the parish or the governing authorities of parishes that are located within the Department of Health and Hospitals' Region IV, upon their own initiative, to form and create a health care service district to support the provision of inpatient and outpatient health care services within the Department of Health and Hospitals' Region IV.

§1192. Definitions

As used in this Chapter and unless the context clearly requires otherwise:

- (1) "Department" means the Department of Health and Hospitals.
- (2) "District" means the health care service district authorized in this Chapter.
- (3) "Governing board" means the governing board of the health care service district.
- (4) "Secretary" means the secretary of the Department of Health and Hospitals.

§1193. Authority

The governing authority of a parish or the governing authorities of the parishes that are located within the department's Region IV, upon their own initiative, are hereby authorized and empowered to form and create a health care service district.

§1194. Purpose

The purpose of the health care service district and the governing board created under the provisions of this Chapter shall be:

- (1) To identify local public sources of revenue or expenditure that may be used by the department as state match to draw down federal matching funds for the provision of health care services for the low income and uninsured population of the district.
- (2) To participate, so far as circumstances may warrant, in any activity designed and conducted to promote the general health of the community.
- (3) To promote and support graduate medical education activities in the respective communities.
- (4) To cooperate with other institutions and agencies engaged in providing hospital and outpatient health services to residents of the district for the purpose of improving access to care for residents of the district.

§1195. Powers and duties of governing board

A. In addition to the duties defined elsewhere in this Chapter, the governing board shall have the duty and authority:

- (1) To represent the public interest in supporting health care services in the district.
- (2) To advise on issues concerning the provision of health care services for the low income and uninsured population of the district.
- (3) To conduct public hearings and share public input on the community's priorities for the provision of health care services in the district.

(4) To appoint the necessary standing and special committees that may be necessary to carry out the purposes of this Chapter.

(5) To enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions and with any public or private association, corporation, business entity or person to promote the public purposes of the district.

B. The secretary of the department shall review each such agreement, including a plan for the use of state Medicaid and disproportionate share dollars. If the secretary finds that the agreement and plans are sufficient to support medical care for low income and uninsured population of the district and the funds are eligible for federal matching funds to be reimbursed, he shall verify that funding to the governing board.

C. The governing board shall collect or cause to be collected all public monies identified by the district as available for the purpose of serving as state match for federal matching funds to ensure the provision of health care services delivered for the low income and uninsured population of the district.

D. The department shall make available for reimbursement these local and federally matched funds to the designated providers in the district to ensure the continued provision of health care services for the low income and uninsured population of the district.

E. Neither the division of administration nor the department shall displace, replace, or supplant state appropriations from the state general fund or other state funds designated for the district.

F. The governing board shall submit any reports or information related to the health care service district to the secretary of the department or the Senate and House committees on health and welfare upon request of the secretary or the chairman of either committee.

§1197. Governing board; membership; appointment; terms; compensation

A.(1) For a district created pursuant to this Chapter, the district shall be governed by a governing board.

(2)The governing board shall be comprised of the following members:

(a) The president of each parish governing authority within the department's Region IV, or his designee.

(b)The secretary of the Department of Health and Hospitals, or his designee;

(c) The executive director of the Louisiana Hospital Association, or his designee.

(d) The executive director of the Greater Lafayette Chamber of Commerce, or his designee.

(e) The hospital administrator for University Medical Center, or his designee.

B. All appointees shall serve terms of three years. No board member shall serve more than two three-year consecutive terms.

C. A vacancy on a governing board shall be filled in the same manner as required for the original appointment.

D. Each governing board member shall serve without compensation but shall be reimbursed for expenses and mileage at the same rate set by the division of administration for state employees for each day in actual attendance at governing board meetings or for representing the governing board in an official governing board-approved activity.

E. The chairman shall be elected by a majority vote of the governing board. The term of the chairman shall be established under the governing board's bylaws.

F. The governing board shall adopt bylaws to provide for its governance within ninety days of being established. Such bylaws shall include but not be limited to:

(1) Procedures for the election of governing board officers, including terms of office and methods and grounds for removal. Governing board officers shall include, at a minimum, a chairman, treasurer, and secretary.

(2) Procedures and grounds for the removal of any governing board member. Grounds for removal shall include the conviction of a felony. Grounds for removal may include failure to meet board attendance requirements, as provided in the bylaws.

G. All governing board members of the district shall be subject to the Code of Governmental Ethics. No member of the governing board or of his immediate family shall own or have any interest in any public or private organization, business, company, or entity conducting business of any kind with the district.

On motion of Senator Heitmeier, the committee substitute bill was adopted and becomes Senate Bill No. 758 by Senator Mills, substitute for Senate Bill No. 571 by Senator Mills.

SENATE BILL NO. 758— (Substitute of Senate Bill No. 571 by Senator Mills)

BY SENATOR MILLS

AN ACT

To enact Chapter 10-D of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1191 through 1197, relative to a health care service district within Department of Health and Hospitals' Region IV; to provide such authority to create the health care service district; to provide for the governing board for the health care service district; to provide for the membership of the governing board and for the appointment, terms, and compensation of the board; and to provide for related matters.

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

SENATE BILL NO. 615—

BY SENATOR APPEL

AN ACT

To amend and reenact R.S. 33:9613(A)(2) and (B) through (G) and 9614(B) and (C), to enact R.S. 33:9613(H) through (I) and 9614(D), and to repeal R.S. 33:9613(A)(3), relative to local ethics entities, including but not limited to an ethics review board or office of inspector general in the parishes of East Baton Rouge, Jefferson, and Orleans; to provide relative to subpoena powers; to provide for protective orders; to provide relative to enforcement of subpoenas; to provide relative to the privileged nature of certain documents; to provide relative to public access to public documents; 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. 615 by Senator Appel

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 1, line 3, delete "(H) through (I)" and insert "(A)(4)" and after "9614(D)" insert "and (E)," and delete the remainder of the line

AMENDMENT NO. 3

On page 1, line 12, delete "(B) through (G)" and insert "(3)" and on line 13 delete "(H) through (I)" and insert "(A)(4)," and after "9614(D)" insert "and (E)"

AMENDMENT NO. 4

On page 2, delete lines 9 through 29 and insert:

"(3) In the performance of its duties, a local ethics entity, ethics review board, or office of the inspector general may compel the attendance of witnesses to be deposed under oath or the production of public and private records by issuing a subpoena. **However Except as provided in Paragraph (4) of this Subsection,** such a subpoena or subpoena duces tecum shall be issued only upon approval of a judge of the district court of the parish in which a local ethics entity, ethics review board, or office of inspector general is domiciled upon application in writing by such entity, board, or office. The judge shall issue a written decision within seventy-two hours after receipt of

such application. Any subpoena for production of private records shall be in compliance with all applicable constitutionally established rights and processes. Any request for financial records in the possession or under the control of a bank pursuant to this Chapter is subject to and shall comply with the requirements and procedures of R.S. 6:333. The subpoena may be served by certified mail, return receipt requested, at the addressee's residence or business address, or by representatives appointed by the local ethics entity, ethics review board, or office of inspector general, or may be directed for service to the office of the municipal police. If a person refuses to obey a subpoena issued by the local ethics entity, ethics review board, or office of inspector general, the district court of the parish in which the local ethics entity, ethics review board, or office of inspector general is domiciled may issue an order to the person requiring the person to appear before the court to show cause why an order shall not be issued ordering such person to obey the subpoena.

(4)(a) In the performance of its duties, a local office of inspector general in the city of New Orleans or parish of Jefferson may also issue an administrative subpoena duces tecum to require the production of books, records, documents, or other evidence deemed relevant or material to an investigation, audit, or inspection. The subpoena duces tecum shall only be issued in furtherance of the authority provided by respective local ordinance and in Subsections D and E of this Section, and shall comply with all applicable constitutionally established rights and processes.

(b) The subpoena duces tecum may be served by certified mail, return receipt requested, at the addressee's residence or business address.

(c) The entity receiving the subpoena duces tecum may file a motion with the district court of the parish in which the office of inspector general is domiciled to amend or quash the subpoena. The motion shall be filed any time before the date for attendance or compulsion specified in the subpoena or within twenty days after the subpoena duces tecum has been served, whichever is earlier. In no event shall any penalty attach to the recipient of such an administrative subpoena duces tecum for failure to respond without an order from the district court of the parish in which the office of inspector general is domiciled.

(d) If the subpoena duces tecum is not quashed and is not complied with by the date for production of documents, the office of the inspector general may apply to the district Court of the parish in which the office of inspector general is domiciled for an order compelling compliance with the subpoena. Any person failing to comply with the order compelling compliance shall be adjudged in contempt of court.

* * *

AMENDMENT NO. 5

Delete pages 3 and 4 in their entirety

AMENDMENT NO. 6

On page 5, delete lines 1 through 5 in their entirety

AMENDMENT NO. 7

On page 6, between lines 13 and 14, insert the following:

"E. Notwithstanding Subsections B and C of this Section, the legislative auditor shall have the authority to examine, audit, inspect or copy all records compiled, prepared or obtained by the ethics entity, ethics review board or office of inspector general, including but not limited to all books, accounts, papers, documents, records, files, instruments, films, tapes, and any other forms of recordation, including but not limited to computers and recording devices, whether confidential, privileged or otherwise. However, the legislative auditor shall comply with all restrictions imposed by law on documents, data, or information deemed confidential and privileged by law and furnished to the legislative auditor."

AMENDMENT NO. 8

On page 6, delete line 15 in its entirety

AMENDMENT NO. 9

On page 6, line 16, change "Section 3." to "Section 2."

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. 669—

BY SENATOR WARD

AN ACT

To amend and reenact R.S. 22:997, relative to visual services and choice of practitioners; to provide with respect to vision care services performed by a licensed optometrist; 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. 669 by Senator Ward

AMENDMENT NO. 1

On page 1, line 10, after "**managed care organization,**" insert "**accountable care organization,**"

AMENDMENT NO. 2

On page 2, line 21, after "**care organization,**" insert "**accountable care organization,**"

AMENDMENT NO. 3

On page 2, at the beginning of line 23, insert "**accountable care organization,**"

AMENDMENT NO. 4

On page 2, line 28, after "**managed care organization,**" insert "**accountable care organization,**"

AMENDMENT NO. 5

On page 3, delete lines 4 through 8 in their entirety

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. 706—

BY SENATOR GALLOT

AN ACT

To enact R.S. 47:1508(B)(30), relative to the Department of Revenue; to provide with respect to the confidentiality of taxpayer records; to authorize the sharing of information to the Louisiana Public Service Commission in certain circumstances; 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. 706 by Senator Gallot

AMENDMENT NO. 1

On page 1, line 2, after "(30)" insert "and (31)"

AMENDMENT NO. 2

On page 1, line 4, after "Commission" insert "and the Louisiana Senate and House of Representatives"

AMENDMENT NO. 3

On page 1, line 7, after "(30)" delete "is" and insert "and (31) are"

AMENDMENT NO. 4

On page 1, after line 17, insert the following:

"(31) The sharing or furnishing of taxpayer records of any person nominated or appointed to a board, commission, committee, corporation, district or other office or position that requires confirmation or election by the Senate or the House of Representatives. Any records so furnished shall be considered confidential and privileged by the Senate or the House of Representatives to the same extent provided for in Subsection A of this Section."

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. 723—

BY SENATORS APPEL, CORTEZ, CHABERT, CROWE, MARTINY AND MORRELL AND REPRESENTATIVES LEGER AND BROSSETT
AN ACT

To enact Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3111 through 3117, relative to the Louisiana International Trade Initiative; to create the Louisiana International Trade Initiative within the Department of Economic Development; to create the Louisiana International Trade Initiative Board; to provide for membership of the board; to provide for powers and duties of the board; to provide for definitions, terms, procedures, and conditions; to provide for development of a master international trade plan and an annual report; to provide for legislative oversight; 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. 723 by Senator Appel

AMENDMENT NO. 1

On page 1, line 3, change "3117" to "3118"

AMENDMENT NO. 2

On page 1, delete lines 4 and 5, and insert: "to create the office of international commerce within the Department of Economic Development; to create the Louisiana Board of International Commerce;"

AMENDMENT NO. 3

On page 1, line 12, change "3117" to "3118"

AMENDMENT NO. 4

On page 2, delete line 10, and insert:

"(1) "Board" means the Louisiana Board of International Commerce."

AMENDMENT NO. 5

On page 3, between lines 8 and 9 insert:

"(8) "Office" means the office of international commerce within the Department of Economic Development."

AMENDMENT NO. 6

On page 3, line 9, change "(8)" to "(9)"

AMENDMENT NO. 7

On page 3, line 10, change "plus" to "and"

AMENDMENT NO. 8

On page 3, line 14, change "Initiative" to "office"

AMENDMENT NO. 9

On page 3, delete lines 16 through 19 and insert the following:

"(10) "Secretary" means the secretary of the Department of Economic Development."

§3113. Office of international commerce

A. The office of international commerce is hereby created as the office within the Department of Economic Development."

AMENDMENT NO. 10

On page 3, delete lines 20 and 21 and insert:

"B. The office shall include the secretary, the executive director of international commerce, staff of the department assigned to the office, the board."

AMENDMENT NO. 11

On page 3, line 22, change "on" to "of"

AMENDMENT NO. 12

On page 3, line 24, change "deputy secretary" to "executive director"

AMENDMENT NO. 13

On page 3, line 26, change "Initiative" to "office"

AMENDMENT NO. 14

On page 3, delete lines 28 and 29 and on page 4, delete lines 1 through 7 and insert the following:

"B. The secretary may execute partnerships, joint ventures, memoranda of understanding, cooperative endeavors, or other similar relationships with local, state, or federal public entities, foreign governments, or private entities and business interests to implement the master plan. Such state public entities shall include, but are not limited to, the following: the Department of Transportation and Development, the Department of Agriculture and Forestry, and the Department of Culture, Recreation and Tourism."

C. The executive director of the office of international commerce shall report directly to the secretary."

D. The secretary and the executive director shall represent the board in all matters."

E. The secretary and the executive director shall represent the policy and viewpoints of the office at foreign, state, regional, and local levels."

§3115. Louisiana Board of International Commerce

A. The Louisiana Board of International Commerce is hereby created within the office of international commerce of the Department of Economic Development. The board shall be domiciled in Baton Rouge."

B. The board shall exercise, subject to the provisions of this Chapter, the following duties:"

AMENDMENT NO. 15

On page 4, line 9, change "for a comprehensive" to "of the"

AMENDMENT NO. 16

On page 4, line 10, delete "comprehensive"

AMENDMENT NO. 17

On page 4, line 13, delete "serve to"

AMENDMENT NO. 18

On page 4, line 14, delete "comprehensive"

AMENDMENT NO. 19

On page 4, line 26, after "organizations" insert ", entities, or persons"

AMENDMENT NO. 20

On page 4, line 27, delete "those" and change "that the board approves" to "approved by the board."

AMENDMENT NO. 21

On page 4, line 28, delete "that are consistent with such criteria."

AMENDMENT NO. 22

On page 5, line 4, change "and parties" to ", entities, or persons"

AMENDMENT NO. 23

On page 5, line 5, change "their" to "its"

AMENDMENT NO. 24

On page 5, delete lines 12 and 13

AMENDMENT NO. 25

On page 5, line 14, change "(6)" to "(5)"

AMENDMENT NO. 26

On page 5, delete line 17 through 20, and insert

"(6) Identify, solicit, and recommend to the secretary, partnerships, joint ventures, memoranda of understanding, cooperative endeavors, or other similar relationships with local, state, or federal public entities, foreign governments, or private entities and business interests to"

AMENDMENT NO. 27

On page 5, line 21, change "state agencies and departments" to "public entities"

AMENDMENT NO. 28

On page 5, delete line 25 and insert the following:

"(7) Identify, accept, obtain or assist in obtaining, foreign, federal, state, and"

AMENDMENT NO. 29

On page 5, line 27, after "sources," insert "gifts,"

AMENDMENT NO. 30

On page 6, delete lines 1 and 2, and insert "office and execution of projects included in the master plan"

AMENDMENT NO. 31

On page 6, line 3, change "(9)" to "(8)"

AMENDMENT NO. 32

On page 6, line 4, delete "to" and change "and parties" to ", entities, or persons"

AMENDMENT NO. 33

On page 6, line 5, change "to engage in" to "to enter into"

AMENDMENT NO. 34

On page 6, line 6, change "such as public-private partnerships" to ", such as public-private partnerships,"

AMENDMENT NO. 35

On page 6, line 7, change "(10)" to "(9)"

AMENDMENT NO. 36

On page 6, line 8, change "(11)" to "(10)"

AMENDMENT NO. 37

On page 6, line 10, change "(12)" to "(11)"

AMENDMENT NO. 38

On page 6, line 13, change "such" to ", the"

AMENDMENT NO. 39

On page 6, delete lines 14 and 15 and insert "subcommittee may include non-board personnel. Such personnel shall not be compensated by the board. The board may request the secretary to engage experts to assist the board in performing its functions and duties. Every effort shall be made to utilize the staff of the office, department,"

AMENDMENT NO. 40

On page 6, line 16, change "nongovernment" to "nongovernmental"

AMENDMENT NO. 41

On page 6, delete lines 18 through 23 and insert the following:

"(12) Establish a recommended annual budget for the operation of the office and submit such recommended budget to

the secretary for inclusion in the department's annual budget. Funding of the office for the first year of operation shall be derived from existing department resources and funds. Details of the office's revenues and expenses, including its recommended annual budget, shall be included in the annual report."

AMENDMENT NO. 42

On page 6, line 24, change "(14)" to "(13)"

AMENDMENT NO. 43

On page 6, line 25, change "(15)" to "(14)" and change "Enter into" to "Recommend that the secretary enter into"

AMENDMENT NO. 44

On page 6, line 26, after "foreign" delete the remainder of the line and insert "governments, private entities, nongovernmental agencies, and local, state, and"

AMENDMENT NO. 45

On page 6, line 27, after "entities" insert "that are"

AMENDMENT NO. 46

On page 6, line 28, change "(16)" to "(15)"

AMENDMENT NO. 47

On page 6, line 29, change "Initiative" to "office"

AMENDMENT NO. 48

On page 7, line 1, change "(17)" to "(16)"

AMENDMENT NO. 49

On page 7, line 6, change "(18)" to "(17)" and change "Initiative" to "office"

AMENDMENT NO. 50

On page 8, line 14, delete "appointed by the governor"

AMENDMENT NO. 51

On page 8, after line 29, insert the following:

"(v) England Airpark.
(vi) Lafayette Regional Airport."

AMENDMENT NO. 52

On page 9, line 18, after "term" insert period "." and delete the remainder of the line and delete line 19

AMENDMENT NO. 53

On page 10, line 17, change "(2)(a)" to "(2)"

AMENDMENT NO. 54

On page 10, delete line 19, and insert "(a) Status of the office."

AMENDMENT NO. 55

On page 10, line 20, change "(ii)" to "(b)"

AMENDMENT NO. 56

On page 10, line 22, change "(iii)" to "(c)"

AMENDMENT NO. 57

On page 10, line 24, change "(iv)" to "(d)"

AMENDMENT NO. 58

On page 10, line 25, change "Initiative" to "office"

AMENDMENT NO. 59

On page 10, line 26, change "(v)" to "(e)"

AMENDMENT NO. 60

On page 10, line 29, change "(vi)" to "(f)" and change "Initiative" to "office"

AMENDMENT NO. 61

On page 11, line 1, after "of the" insert "recommended" and change "as provided in R.S. 51:3115(B)(13)" to ", provided in R.S. 51:3115(B)(12)"

AMENDMENT NO. 62

On page 11, line 2, change "(b)" to "(B)(1)" and delete "or the annual report"

AMENDMENT NO. 63

On page 11, line 3, change "Initiative" to "office"

AMENDMENT NO. 64

On page 11, delete lines 6 and 7, and insert "process set forth in this Subsection, provided such project proposal was first submitted to the board for evaluation and inclusion in the master"

AMENDMENT NO. 65

On page 11, line 9, change "(i)" to "(a)"

AMENDMENT NO. 66

On page 11, line 10, after "shall" and before "consider" insert "promptly"

AMENDMENT NO. 67

On page 11, line 13, change "(ii)" to "(b)"

AMENDMENT NO. 68

On page 11, line 16, change "(iii)" to "(c)"

AMENDMENT NO. 69

On page 11, line 17, after "decision." insert the following: "In addition, the board shall submit a written evaluation of such project to the secretary of the Department of Transportation and Development, the House Committee on Appropriations, the Senate Committee on Finance, and the division of administration."

AMENDMENT NO. 70

On page 11, line 19, delete "in subsequent years"

AMENDMENT NO. 71

On page 11, line 20, change "(c)" to "(2)"

AMENDMENT NO. 72

On page 11, line 21, after "organizations" insert ", entities, or persons"

AMENDMENT NO. 73

On page 11, line 22, delete "or parties"

AMENDMENT NO. 74

On page 11, line 24, after "regulations" change "and" to "but"

AMENDMENT NO. 75

On page 11, delete lines 25 and 26 and insert "assistance of the office or the state, except as provided in Paragraph (B)(3) of this Section."

AMENDMENT NO. 76

On page 11, line 27, change "(d)" to "(3)" and after "organizations" insert ", entities, or persons"

AMENDMENT NO. 77

On page 11, line 28, delete "or parties"

AMENDMENT NO. 78

On page 11, line 29 delete "pursuant to Subparagraph (c) of this Paragraph"

AMENDMENT NO. 79

On page 12, delete lines 1 through 5, and insert the following: "accordance with all applicable laws and procedures. The legislature shall utilize the evaluation submitted by the board in

accordance with Paragraph (1)(c) of this Subsection when determining whether to fund such project or provide legislative incentives of any kind for the project or to the organization, entity, or person proposing such project."

AMENDMENT NO. 80

On page 12, line 6, change "B.(1)(a)" to "C.(1)"

AMENDMENT NO. 81

On page 12, line 11, change "(b)" to "(2)"

AMENDMENT NO. 82

On page 12, after line 16, insert the following:

"§3118. Exceptions

A. Notwithstanding any provision of law to the contrary, nothing in this Chapter shall be construed to affect the Port Construction and Development Priority Program, R.S. 34:3451 et seq.

B. Notwithstanding any provision of law to the contrary, nothing in this Chapter shall be construed to affect the Department of Transportation and Development Aviation Trust Fund for any purposes other than construction or maintenance of Louisiana airport facilities."

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. 729—

BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 42:1113(D)(2)(b), relative to the Code of Governmental Ethics; to provide for an exception to the prohibition of contractual arrangements for any contract with any plan providing medicaid services to medicaid recipients; 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. 744—

BY SENATOR PETERSON

AN ACT

To enact Chapter 20 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:3401 through 3407, relative to health insurance; to create the Louisiana Health Insurance Exchange as an agency of the state; to provide for a board; to provide for the duties, terms, and membership of the board; to provide for the powers, duties, and obligations of the exchange; to provide relative to the hiring of employees; to provide relative to contracts; to provide relative to fees; and to provide that if certain federal laws are repealed, defunded, or declared unconstitutional by the U.S. Supreme Court, this act is repealed; 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. 744 by Senator Peterson

AMENDMENT NO. 1

On page 11, at the end of line 6, insert the following: "The budget of the exchange shall be subject to approval by the Joint Legislative Committee on the Budget."

AMENDMENT NO. 2

On page 11, delete lines 25 through 29 in their entirety and in lieu thereof insert the following:

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

April 26, 2012

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.

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

HOUSE BILL NO. 8—

BY REPRESENTATIVE SIMON

AN ACT

To amend and reenact R.S. 40:1737(A), 1738(D), 1741, and 1742(A)(2), relative to equal access to governmental and public facilities for the disabled community; to provide for proper designation of a certain office of the state; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 25—

BY REPRESENTATIVE HENRY BURNS

AN ACT

To enact R.S. 37:2156.1(N), relative to certain state contractors' licenses; to provide for an exemption from certain examination requirements for licensed arborists; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 91—

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 51:1783(10) and (12), relative to the Louisiana Enterprise Zone Act; to provide for definitions; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 108—

BY REPRESENTATIVE HOFFMANN

AN ACT

To amend and reenact R.S. 17:2048.51(C)(14) and to enact R.S. 17:2048.51(C)(18) and (G)(7), relative to the Louisiana Health Works Commission; to provide for membership of such commission; to provide for membership of the executive committee within such commission; and to provide for related matters.

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

HOUSE BILL NO. 144—

BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 51:708(8)(introductory paragraph), relative to securities; to change a reference to the Financial Industry Regulatory Authority to the Nasdaq Stock Market, LLC; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 161—

BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact R.S. 37:846(A)(11) and to enact R.S. 37:831(80) through (87), 846(A)(20), and 854, relative to

embalmers and funeral directors; to create a continuing education program; to provide for definitions; to provide for powers and duties of the board; to provide for renewal of licenses; to provide for requirements and enforcement; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 161 by Representative Ritchie

AMENDMENT NO. 1

On page 1, line 6, after "enforcement;" insert "to provide an effective date;"

AMENDMENT NO. 2

On page 3, line 25, after "age" insert "or older"

AMENDMENT NO. 3

On page 5, after line 20 insert the following:

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

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

HOUSE BILL NO. 178—

BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 44:3.2(C), (D), and (E) and to enact R.S. 44:3.2(F), relative to economic development; to provide for the confidentiality of any proprietary or trade secret information submitted to the Department of Economic Development for economic development purposes; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 208—

BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 44:22(F), relative to economic development; to extend the sunset for the confidentiality of information submitted to the Department of Economic Development; to provide for an effective date; 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 Engrossed House Bill No. 208 by Representative Ponti

AMENDMENT NO. 1

On page 1, line 2, change "amend and reenact" to "repeal" and after "development;" delete the remainder of the line and insert "to repeal the sunset"

AMENDMENT NO. 2

On page 1, delete lines 6 through 10, and insert the following:

"Section 1. R.S. 44:22(F) is hereby repealed."

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

April 26, 2012

HOUSE BILL NO. 311—
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 9:1123.113, relative to condominiums; to authorize an equivalent form of insurance to satisfy the requirement that condominium associations maintain a fidelity bond; to require proof of the insurance to be kept on the condominium premises; to provide for the right to inspect the proof of insurance; to require notice of the insurance and the right to inspect the proof of insurance; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 508—
BY REPRESENTATIVE PONTI
AN ACT

To enact R.S. 6:1083(24) and 1086(D), relative to residential mortgages; to define "regularly engaged"; to exempt from licensure as a mortgage loan originator or a mortgage broker or lender those persons not regularly engaged in residential mortgage lending; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 578—
BY REPRESENTATIVE DANAHAY
AN ACT

To enact R.S. 18:1309(L), relative to voting; to provide relative to early voting at certain locations; to provide relative to the days and hours of early voting at such locations; to provide relative to the authority and duties of registrars of voters and the secretary of state relative to early voting; to require notice; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 663—
BY REPRESENTATIVE RITCHIE
AN ACT

To amend and reenact R.S. 8:501, 502, 502.1(3), 505.1, and 506(A)(3), relative to cemetery authorities; to provide for contracts for the sale of personal property or services; to provide for deposits into a merchandise trust fund; to provide relative to personal property delivery; to provide for annual reports and report filing fees; to provide for examination by the board; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 732—
BY REPRESENTATIVES HENRY BURNS, ADAMS, ANDERS, ARNOLD, BADON, BARROW, BERTHELOT, BROWN, TIM BURNS, BURRELL, CARTER, CHANEY, CONNICK, COX, CROMER, EDWARDS, FOIL, GAINES, GAROFALO, GISCLAIR, GREENE, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JONES, KLECKLEY, TERRY LANDRY, LEBAS, LEOPOLD, LIGI, LORUSSO, MACK, MILLER, MORENO, JAY MORRIS, NORTON, PIERRE, PONTI, POPE, PRICE, PUGH, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, SMITH, ST. GERMAIN, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT
AN ACT

To enact R.S. 37:3650, relative to professions and occupations; to provide for certain licensure of individuals with military training and experience; to provide for terms, conditions, procedures, and requirements; to provide certain exceptions; to provide for

licensure by endorsement for spouses of such individuals; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 748—
BY REPRESENTATIVE PONTI
AN ACT

To enact R.S. 37:702(7), relative to the practice of engineering; to provide an exception for the evaluation of oil and gas resources; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 763—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 13:917(A) and (C), 1221(A), 1903(A), 1904(A) and (C) through (E), 1904.1, and 2562.26(A) and R.S. 44:40(E) and to repeal R.S. 44:40(F) and 427, relative to records in the custody of a clerk of court; to provide for the destruction of such records in certain circumstances; to provide for retention in certain circumstances and in certain formats; and to provide for related matters.

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

HOUSE BILL NO. 824—
BY REPRESENTATIVE PONTI
AN ACT

To amend and reenact R.S. 40:1749.12(11) and (12) and 1749.20(C)(introductory paragraph) and to enact R.S. 40:1749.12(16) and 1749.15(C), relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to define "operator"; to define "person"; to define "wildfire"; to require notification of an emergency excavation within four hours after commencement of excavation; to require notification within twelve hours of an emergency excavation after a gubernatorially declared state of emergency due to a tropical storm or hurricane; to require notification of an emergency excavation within twenty-four hours after control of an emergency caused by a wildfire; to provide for penalties; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1029— (Substitute for House Bill No. 798 by Representative Ponti)
BY REPRESENTATIVE PONTI
AN ACT

To amend and reenact R.S. 51:911.23, to enact Part XIV-A of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:912.1 through 912.10, and to repeal R.S. 51:911.25, relative to manufactured housing; to enact the New Manufactured and Modular Home Warranty Act; to provide for the purpose of the act; to provide for definitions; to provide for warranties for new manufactured and modular housing; to provide for exclusions to the warranties; to require an owner to provide notice of defects; to require notice of the warranties to be given to the owner; to provide for a preemption period for warranties; to allow the use of insurance to meet the warranty requirements; to provide for transfer of warranties and insurance; to establish a cause of action for actual damages due to violations; to authorize attorney fees and court costs; to provide for arbitration; to provide for exclusiveness; to repeal existing warranty provisions; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1128—

BY REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 6:1033(B) and 1040(A), (B), and (C), R.S. 9:3561.1(B) and (F), and R.S. 37:1785(A) and 1786(C) and (D) and to enact R.S. 6:1033(D), R.S. 9:3561.1(D), and R.S. 37:1786(F), relative to licensure renewal dates within the regulation of the Office of Financial Institutions; to provide for annual renewal of licenses under the Sales of Checks and Money Transmission Act, the Louisiana Consumer Credit Law, and the Louisiana Pawnshop Act; to provide relative to the electronic database licensing system; to provide for failure to pay renewal fee; to provide for an effective date; 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 Engrossed House Bill No. 1128 by Representative Ponti

AMENDMENT NO. 1

On page 1, line 2, delete "and 1040(A),(B), and (C)" and insert ", 1040(A),(B), and (C) and 1088.1(B)"

AMENDMENT NO. 2

On page 1, delete line 8 and insert "electronic database licensing system; to provide for the failure to pay renewal fees; to provide relative to the payment of certain licensing system utilization fees under the Louisiana Secure and Fair Enforcement of Mortgage Licensing Act of 2009; to"

AMENDMENT NO. 3

On page 1, line 11, delete "and 1040(A),(B), and (C)" and insert ", 1040(A),(B), and (C) and 1088.1(B)"

AMENDMENT NO. 4

On page 2, after line 28, insert
 "§1088.1. Licensing system; authorization; fees; required use

~~B.(1) Except as provided in Paragraph (2) of this Subsection, persons Persons engaged in activities that require licensure pursuant to this Chapter shall be required to pay all applicable fees to utilize the licensing system.~~

~~(2) For persons licensed or locations established as of June 30, 2008, payment of only the following fees to utilize the licensing system pursuant to this Section shall be required:~~

~~(a) For each residential mortgage lender, an annual licensing system renewal fee not to exceed the lesser of the amount charged by the licensing system or one hundred dollars per year.~~

~~(b) For each loan originator, an annual licensing system renewal fee not to exceed the lesser of the amount charged by the licensing system or thirty dollars per year.~~

~~(c) For each loan originator, a notification of change in employer fee not to exceed the lesser of the amount charged by the licensing system or thirty dollars per change of employment.~~

~~(d) For each branch location, annual licensing system renewal fees not to exceed the lesser of the amount charged by the licensing system or twenty dollars; provided, however, payment of all applicable fees to utilize the licensing system shall be required for branch locations established after July 1, 2008.~~

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

Bagneris Rule

Senator Gallot 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. 564—

BY SENATOR GALLOT

AN ACT

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

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. 564 by Senator Gallot

AMENDMENT NO. 1

On page 7, line 24, following "development" and before "the" change "between" to "among"

AMENDMENT NO. 2

On page 8, line 13, following "member" and before "appointed" delete "shall be"

AMENDMENT NO. 3

On page 8, line 17, following "members" and before "appointed" delete "shall be"

AMENDMENT NO. 4

On page 8, line 21, before "(b)" change "through" to "and"

AMENDMENT NO. 5

On page 8, line 22, following "Grambling" change ";" to ".""

AMENDMENT NO. 6

On page 8, line 24, before "(d)" change "through" to "and"

AMENDMENT NO. 7

On page 8, line 26, following "(c)" and before "member" change "One" to "The initial terms of the members of the board serving pursuant to Subparagraphs (1)(c) and (d) of this Subsection shall be as follows: one"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|----------|---------|
| Mr. President | Gallot | Peacock |
| Adley | Guillory | Perry |

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| | | |
|---------------|-----------|-----------|
| Allain | Heitmeier | Peterson |
| Appel | Johns | Riser |
| Broome | Kostelka | Smith, G. |
| Brown | LaFleur | Smith, J. |
| Buffington | Long | Tarver |
| Chabert | Martiny | Thompson |
| Claitor | Mills | Walsworth |
| Cortez | Morrish | Ward |
| Donahue | Murray | White |
| Dorsey-Colomb | Nevers | |
| Total - 35 | | |

NAYS

Total - 0

ABSENT

| | |
|-----------|---------|
| Amedee | Erdey |
| Crowe | Morrell |
| Total - 4 | |

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

SENATE BILL NO. 579—
BY SENATORS ADLEY, APPEL, GUILLORY, PERRY, WALSWORTH AND WHITE

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

| | |
|-----------|---------|
| Amedee | Erdey |
| Crowe | Morrell |
| Total - 4 | |

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

SENATE BILL NO. 634—
BY SENATOR MORRISH

AN ACT

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

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

NAYS

Total - 0

ABSENT

| | |
|-----------|---------|
| Amedee | Erdey |
| Crowe | Morrell |
| Total - 4 | |

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. 635—
BY SENATOR LAFLEUR

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|-----------|
| Mr. President | Gallot | Peacock |
| Adley | Guillory | Perry |
| Allain | Heitmeier | Peterson |
| Appel | Johns | Riser |
| Broome | Kostelka | Smith, G. |
| Brown | LaFleur | Smith, J. |
| Buffington | Long | Tarver |
| Chabert | Martiny | Thompson |
| Claitor | Mills | Walsworth |
| Cortez | Morrish | Ward |

Donahue Murray White
Dorsey-Colomb Nevers

Total - 35

NAYS

Amedee Erdey
Crowe Morrell
Total - 4

ABSENT

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

SENATE BILL NO. 661—
BY SENATOR JOHNS

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 33

NAYS

Total - 0

ABSENT

Amedee Erdey Mills
Crowe LaFleur Morrell
Total - 6

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. 683—
BY SENATOR GARY SMITH

AN ACT

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

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. 683 by Senator Gary Smith

AMENDMENT NO. 1

On page 1, line 4, following "require" and before "request" insert "a"

AMENDMENT NO. 2

On page 1, line 4, following "of" and before "board" insert "the"

AMENDMENT NO. 3

On page 1, line 5, following "become" and before "district's" insert "the"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Amedee Erdey
Crowe Morrell
Total - 4

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

SENATE BILL NO. 698—
BY SENATORS MORRISH AND JOHNS AND REPRESENTATIVE KLECKLEY

AN ACT

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

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:

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YEAS

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

NAYS

Total - 0

ABSENT

| | |
|-----------|---------|
| Amedee | Erdey |
| Crowe | Morrell |
| Total - 4 | |

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. 712—

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

AN ACT

To enact Part II-C of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1970.31 through 1970.33, relative to establishment of an international language immersion school exploratory committee; to provide relative to the development of an implementation plan for an international school; to provide for membership, duties and functions of such committee; to provide for a report; and to provide for related matters.

Floor Amendments

Senator LaFleur proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator LaFleur to Engrossed Senate Bill No. 712 by Senator LaFleur

AMENDMENT NO. 1

On page 3, between lines 22 and 23, insert the following: "(12) The state superintendent of education, or his designee."

On motion of Senator LaFleur, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|---------------|-----------|
| Mr. President | Dorsey-Colomb | Peacock |
| Adley | Gallot | Perry |
| Allain | Guillory | Peterson |
| Appel | Heitmeier | Riser |
| Broome | Johns | Smith, G. |

| | | |
|------------|----------|-----------|
| Brown | Kostelka | Smith, J. |
| Buffington | LaFleur | Tarver |
| Chabert | Long | Thompson |
| Claitor | Morrish | Walsworth |
| Cortez | Murray | Ward |
| Donahue | Nevers | White |
| Total - 33 | | |

NAYS

Total - 0

ABSENT

| | | |
|-----------|---------|---------|
| Amedee | Erdey | Mills |
| Crowe | Martiny | Morrell |
| Total - 6 | | |

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

SENATE BILL NO. 714—

BY SENATOR BROOME

AN ACT

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

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. 714 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2, following "600.91(A)(18)(c)," and before "and to" change "(27), and (28)(b)(ii)" to "and (27)"

AMENDMENT NO. 2

On page 1, line 3, following "enact R.S." and before "relative" change "40:600.91(E)," to "40:600.91(A)(28)(b)(ii)(oo) and (pp) and (E),"

AMENDMENT NO. 3

On page 1, line 8, following "600.91(A)(18)(c)," and before "are" change "(27), and (28)(b)(ii)" to "and (27)"

AMENDMENT NO. 4

On page 1, line 9, following "reenacted and R.S." and before "hereby" change "40:600.91(E) is" to "40:600.91(A)(28)(b)(ii)(oo) and (pp) and (E) are"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator Broome proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Broome to Engrossed Senate Bill No. 714 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2, after "(28)(b)(ii)," delete "and"

AMENDMENT NO. 2

On page 1, line 3, after "40:600.91(E)," insert "and to repeal R.S. 40:600.91(A)(28)(b)(ii)(ii)"

AMENDMENT NO. 3

On page 3, after line 9, insert: "Section 2. R.S. 40:600.91(A)(28)(b)(ii)(ii) is hereby repealed."

On motion of Senator Broome, 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

Table with 3 columns of names: Mr. President, Gallot, Peacock, Adley, Guillory, Perry, Allain, Johns, Peterson, Appel, Kostelka, Riser, Broome, LaFleur, Smith, G., Brown, Long, Tarver, Chabert, Mills, Thompson, Claitor, Morrell, Walsworth, Cortez, Morrish, White, Donahue, Murray, Dorsey-Colomb, Nevers. Total - 31

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Amedee, Erdey, Smith, J., Buffington, Heitmeier, Ward, Crowe, Martiny. Total - 8

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. 725— BY SENATOR GALLOT

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Gallot, Peacock, Adley, Guillory, Perry, Allain, Heitmeier, Peterson, Appel, Johns, Riser, Broome, Kostelka, Smith, G., Brown, LaFleur, Smith, J., Buffington, Long, Tarver, Chabert, Mills, Thompson, Cortez, Morrell, Walsworth

Table with 3 columns of names: Donahue, Murray, Ward, Dorsey-Colomb, Nevers, White, Total - 33

NAYS

Total - 0

ABSENT

Table with 3 columns of names: Amedee, Crowe, Martiny, Claitor, Erdey, Morrish, Total - 6

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

SENATE BILL NO. 733— BY SENATOR CHABERT

AN ACT

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

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. 733 by Senator Chabert

AMENDMENT NO. 1

On page 2, delete lines 26 through 29

AMENDMENT NO. 2

On page 3, delete lines 1 through 6

AMENDMENT NO. 3

On page 3, line 14, delete "(h)"

AMENDMENT NO. 4

On page 5, line 9, following "Paragraph" and before ";" change "(F)(1) of this Section" to "(1) of this Subsection"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator Mills proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mills to Engrossed Senate Bill No. 733 by Senator Chabert

AMENDMENT NO. 1

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

On motion of Senator Mills, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

April 26, 2012

YEAS

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

NAYS

Total - 0

ABSENT

| | | |
|-----------|-------|---------|
| Amedee | Crowe | Martiny |
| Total - 3 | | |

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

SENATE BILL NO. 176—
BY SENATOR BUFFINGTON

AN ACT

To enact R.S. 40:1299.41(L), relative to medical malpractice; to provide for definitions and general applications; to provide relative to certain acts or omissions regarding declarations or orders related to life-sustaining procedures; to provide for prospective application; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Claitor
Total - 1

ABSENT

| | | |
|-----------|---------|-------|
| Amedee | Martiny | Perry |
| Crowe | Morrish | |
| Total - 5 | | |

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

SENATE BILL NO. 467—
BY SENATOR BROOME

AN ACT

To amend and reenact Children's Code Articles 730 (introductory paragraph) and 731(A) and to enact Children's Code Articles 731(C)(5) and 749(A)(5), relative to families in need of services; to provide for grounds for initiating proceedings; to provide for required documentation prior to filing complaints; to provide for required allegations; and to provide for related matters.

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

NAYS

Total - 0

ABSENT

| | | |
|------------|---------|---------|
| Amedee | Crowe | Morrell |
| Buffington | Martiny | |
| 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. 474—
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 45:162(2) and 164(C), relative to motor carriers; to provide for definitions; to exempt motor carriers of non-hazardous oilfield waste from proving public convenience and necessity; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|-----------|
| Mr. President | Erdey | Nevers |
| Adley | Gallot | Peacock |
| Allain | Guillory | Perry |
| Appel | Heitmeier | Peterson |
| Broome | Johns | Riser |
| Brown | Kostelka | Smith, G. |
| Buffington | LaFleur | Smith, J. |
| Chabert | Long | Tarver |
| Claitor | Mills | Thompson |
| Cortez | Morrell | Walsworth |

| | | |
|--|-------------------|---------------|
| Donahue Dorsey-Colomb Total - 36 | Morrish Murray | Ward White |
| NAYS | | |
| Total - 0 | | |
| ABSENT | | |
| Amedee Total - 3 | Crowe | Martiny |

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

SENATE BILL NO. 536—
BY SENATOR PETERSON

AN ACT

To amend and reenact Children's Code Art. 901.1(A), relative to probation and parole supervision fees; to provide with respect to a reduction in supervision fees; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

| | | |
|--|--|---|
| YEAS | | |
| Mr. President Adley Allain Appel Broome Brown Buffington Chabert Claitor Cortez Donahue Dorsey-Colomb Total - 35 | Gallot Guillory Heitmeier Johns Kostelka LaFleur Long Mills Morrell Morrish Murray Nevers | Peacock Perry Peterson Riser Smith, G. Smith, J. Tarver Thompson Walsworth Ward White |
| NAYS | | |
| Total - 0 | | |
| ABSENT | | |
| Amedee Crowe Total - 4 | Erdey Martiny | |

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

SENATE BILL NO. 689—
BY SENATOR APPEL

AN ACT

To enact R.S. 14:34.5.2, relative to assault and battery; to create the crime of battery of a security officer; to provide for definitions; to provide for penalties; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

| | | |
|---|---|--|
| YEAS | | |
| Mr. President Adley Allain Appel Broome Brown Buffington Chabert Cortez Donahue Dorsey-Colomb Total - 33 | Gallot Guillory Heitmeier Johns Kostelka LaFleur Long Martiny Mills Morrell Morrish | Murray Nevers Peacock Perry Riser Smith, J. Tarver Thompson Walsworth Ward White |

NAYS

| | | |
|----------------------|----------|-----------|
| Claitor Total - 3 | Peterson | Smith, G. |
| ABSENT | | |
| Amedee Total - 3 | Crowe | Erdey |

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

SENATE BILL NO. 752— (Substitute of Senate Bill No. 447 by Senator Peterson)

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

To enact R.S. 9:5396 and R.S. 33:5065 through 5069, relative to ordinances requiring abandoned property be maintained in a safe and sanitary condition; to allow the governing authority of certain municipalities to maintain abandoned properties; to provide for definitions; to provide for notice; and to provide for related matters.

Floor Amendments

Senator Peterson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Peterson to Engrossed Senate Bill No. 752 by Senator Peterson

AMENDMENT NO. 1

On page 1, line 15 after "**abandoned**", delete the remainder of the line, delete line 16 in its entirety and on line 17, delete the words "**parish mortgage records**"

On motion of Senator Peterson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

| | | |
|--|---|--|
| YEAS | | |
| Mr. President Adley Allain Appel Broome Brown Buffington Chabert Claitor Cortez | Erdey Guillory Heitmeier Johns Kostelka LaFleur Long Martiny Mills Morrish | Peacock Perry Peterson Riser Smith, G. Smith, J. Tarver Thompson Walsworth Ward |

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Donahue Murray White
Dorsey-Colomb Nevers
Total - 35

NAYS

Total - 0

ABSENT

Amedee Gallot
Crowe Morrell
Total - 4

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

Rules Suspended

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

**Message from the House
PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

April 26, 2012

To the Honorable President and Members of the Senate:

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

SENATE BILL NO. 110—
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 26:91(A)(2) and 287(A)(1)(a), relative to the office of alcohol and tobacco control; to provide relative to the suspension or revocation of permits; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 262—
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 26:80(A), the introductory paragraph of (F)(2), and (H) and 280(A), the introductory paragraph of (F)(2), and (H), and to enact R.S. 26:80(I), (J), and (K), and 280(I), (J) and (K), relative to the office of alcohol and tobacco control; to provide relative to the qualifications of applicants for alcoholic beverage permits; to provide relative to the consideration of arrests, summons, charges, or indictments of applicants; to provide relative to the duty of licensees and permittees to provide certain information to the commissioner; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 318—
BY SENATOR MARTINY AND REPRESENTATIVE TALBOT
AN ACT

To amend and reenact R.S. 37:701(B), relative to the Louisiana Professional Engineering and Land Surveying Board; to provide powers, duties, and jurisdiction of the Louisiana Professional Engineering and Land Surveying Board; to provide relative to naval architects and marine engineers; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 334—
BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 51:923(B) and (C), 924(A), and 928 and to enact R.S. 51:924(C), relative to the State Board of Commerce and Industry; to provide for membership; to provide for terms of office; and to provide for related matters.

Reported with amendments.

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 26, 2012

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 69—
BY SENATOR HEITMEIER AND REPRESENTATIVE ARNOLD
A CONCURRENT RESOLUTION

To commend New Orleans Fire Department Eighth District Fire Chief Darryl Klumpp for his heroic actions which saved an elderly man and his two dogs from a fire that consumed his Algiers home.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 71—
BY SENATOR JOHNS
A CONCURRENT RESOLUTION

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

Reported without amendments.

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

**Introduction of
Senate Concurrent Resolutions**

Senator Thompson asked for and obtained a suspension of the rules to read Senate Concurrent Resolutions a first and second time and act upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 74—
BY SENATOR PEACOCK AND REPRESENTATIVES CARMODY AND THOMPSON
A CONCURRENT RESOLUTION

To commend and congratulate Clifford Harris LeBlanc on being selected as Louisiana Non-Public 8th Grade Student of the Year.

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

SENATE CONCURRENT RESOLUTION NO. 75—
BY SENATORS PEACOCK AND ADLEY AND REPRESENTATIVE THOMPSON
A CONCURRENT RESOLUTION

To commend and congratulate Taylor Cox on being elected President of the Student Government Association at Louisiana State University in Baton Rouge.

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

SENATE CONCURRENT RESOLUTION NO. 76—

BY SENATOR ALARIO

A CONCURRENT RESOLUTION

To commemorate the Louisiana Bicentennial of statehood and to encourage civic participation in local activities and statewide observances throughout the anniversary year of 2012.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

| | | |
|-----------|--------|---------|
| Amedee | Crowe | LaFleur |
| Claitor | Gallot | |
| Total - 5 | | |

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 26, 2012

To the Honorable President and Members of the Senate:

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

| | | |
|------------|-------------|------------|
| HB NO. 887 | HB NO. 1111 | HB NO. 815 |
| HB NO. 844 | HB NO. 412 | HB NO. 414 |
| HB NO. 545 | HB NO. 706 | |

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 412—

BY REPRESENTATIVE JOHNSON

AN ACT

To amend and reenact R.S. 47:338.210(A)(1), (B), (C), and (D), relative to the hotel occupancy tax; to provide for legislative intent relative to substitution of the city of Bunkie for municipalities in a particular population range in existing law

which is authorized to levy and collect a hotel occupancy tax; and to provide for related matters.

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

HOUSE BILL NO. 414—

BY REPRESENTATIVE BARROW

AN ACT

To amend and reenact R.S. 33:4574(B)(6) and (F)(1)(a) and (b)(v), 4574.1.1(A)(6) and (L), and 4574.16(introductory paragraph) and to repeal R.S. 33:4574.1.1(H), relative to East Baton Rouge Parish; to provide relative to the Baton Rouge Area Convention and Visitors Bureau; to change the name of the bureau; to provide for legislative intent; to direct the Louisiana State Law Institute to change the name of the bureau in other provisions of law; and to provide for related matters.

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

HOUSE BILL NO. 545—

BY REPRESENTATIVE PEARSON

AN ACT

To enact R.S. 33:2957 and R.S. 46:1073.1, relative to hospital service districts and certain hospitals; to authorize and provide relative to investments of hospital service districts, including certain hospitals; to provide for limitations and procedures; and to provide for related matters.

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

HOUSE BILL NO. 706—

BY REPRESENTATIVE BERTHELOT

AN ACT

To amend and reenact R.S. 33:405(A)(3) and (4), relative to the Lawrason Act; to provide relative to the board of aldermen of municipalities governed by the Lawrason Act; to provide relative to meetings of any such board; to provide relative to the authority granted to the mayor pro tempore and other board members to preside at any such meeting in the absence of the mayor; to provide relative to the physical or mental disability of the mayor; to authorize the mayor pro tempore to perform the duties of the mayor during any such disability; to provide limitations on the authority of the mayor pro tempore; and to provide for related matters.

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

HOUSE BILL NO. 815—

BY REPRESENTATIVE KATRINA JACKSON

AN ACT

To enact R.S. 3:15, relative to applications for licenses, permits, or certificates; to provide for social security numbers; and to provide for related matters.

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

HOUSE BILL NO. 844—

BY REPRESENTATIVE KATRINA JACKSON

AN ACT

To amend and reenact R.S. 3:4321(D) and to repeal R.S. 3:4341 and 4342, relative to forests and forestry; to provide relative to the forest protection tax fund; to provide for the expenditure of monies; to repeal provisions relative to severance taxes; and to provide for related matters.

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

April 26, 2012

HOUSE BILL NO. 887—
BY REPRESENTATIVE JOHNSON
AN ACT

To enact R.S. 3:3107, relative to imported exotic deer and antelope, elk, and farm-raised white tail deer and other exotic cervidae; to provide for a regulatory fee; to provide for the redesignation of certain provisions of Title 3 of the Louisiana Revised Statutes of 1950; and to provide for related matters.

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

HOUSE BILL NO. 1111—
BY REPRESENTATIVE THIBAUT
AN ACT

To enact R.S. 4:183(C), relative to the Horsemen's Benevolent and Protective Association; to describe benefits for permittees and employees; and to provide for related matters.

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

**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 26, 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 Bill has been properly enrolled:

SENATE BILL NO. 640—
BY SENATOR ALARIO
AN ACT

To amend and reenact R.S. 39:22(1) and 25, relative to the attendance of an economist principal at a session or meeting of the Revenue Estimating Conference; to authorize the economist principal to appoint an ad hoc member under certain circumstances; to provide for an effective date; and to provide for related matters.

Respectfully submitted,
"JODY" AMEDEE
Chairman

The foregoing Senate Bill was signed by the President of the Senate.

Message to the Governor

SIGNED SENATE BILLS

April 26, 2012

To the Honorable Governor of the State of Louisiana:

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

SENATE BILL NO. 640—
BY SENATOR ALARIO
AN ACT

To amend and reenact R.S. 39:22(1) and 25, relative to the attendance of an economist principal at a session or meeting of the Revenue Estimating Conference; to authorize the economist principal to appoint an ad hoc member under certain

circumstances; to provide for an effective date; and to provide for related matters.

and it is hereby presented for executive approval.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

April 26, 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 Bills and Joint Resolutions:

HOUSE BILL NO. 109—
BY REPRESENTATIVE CHAMPAGNE AND SENATOR THOMPSON
AN ACT

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

HOUSE BILL NO. 110—
BY REPRESENTATIVE CHAMPAGNE AND SENATOR THOMPSON
AN ACT

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

HOUSE BILL NO. 119—
BY REPRESENTATIVE LOPINTO
AN ACT

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

HOUSE BILL NO. 152—
BY REPRESENTATIVE ANDERS
AN ACT

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

HOUSE BILL NO. 153—
BY REPRESENTATIVE ANDERS
AN ACT

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

HOUSE BILL NO. 171—
BY REPRESENTATIVE ANDERS
AN ACT

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

fee; to provide for due dates; to provide for a deficiency assessment; and to provide for related matters.

HOUSE BILL NO. 176—
BY REPRESENTATIVE ANDERS
AN ACT

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

HOUSE BILL NO. 177—
BY REPRESENTATIVE ANDERS
AN ACT

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

HOUSE BILL NO. 205—
BY REPRESENTATIVE BERTHELOT
AN ACT

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

HOUSE BILL NO. 350—
BY REPRESENTATIVE ARNOLD
AN ACT

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

HOUSE BILL NO. 405—
BY REPRESENTATIVE DANAHAY
AN ACT

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

HOUSE BILL NO. 539—
BY REPRESENTATIVE SMITH
AN ACT

To amend and reenact R.S. 23:2045, 2049(B), and 2063(A)(1), relative to the Louisiana Workforce Investment Council; to provide with respect to the chairman and vice chairman; to provide for the frequency of meetings; to provide for a strategic plan; and to provide for related matters.

HOUSE BILL NO. 814—
BY REPRESENTATIVE HILL AND SENATOR JOHN SMITH
AN ACT

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

HOUSE BILL NO. 882—
BY REPRESENTATIVES HOWARD AND HILL AND SENATOR JOHN SMITH
AN ACT

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

HOUSE BILL NO. 969—
BY REPRESENTATIVE TALBOT
AN ACT

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

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 Bills and Joint 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 | Erdey | Nevers |
| Adley | Gallot | Peacock |
| Allain | Guillory | Perry |
| Amedee | Heitmeier | Peterson |
| Appel | Johns | Riser |
| Broome | Kostelka | Smith, G. |
| Brown | LaFleur | Smith, J. |
| Buffington | Long | Tarver |
| Chabert | Martiny | Thompson |
| Claitor | Mills | Walsworth |
| Cortez | Morrell | Ward |
| Donahue | Morrish | White |
| Dorsey-Colomb | Murray | |
| Total - 38 | | |

ABSENT

Crowe
Total - 1

Leaves of Absence

The following leaves of absence were asked for and granted:

Crowe 1 Day

Announcements

The following committee meetings for April 29, 2012, were announced:

| | | |
|---------|-----------|--------|
| Finance | 1:00 P.M. | Room A |
|---------|-----------|--------|

The following committee meetings for April 30, 2012, were announced:

| | | |
|----------------------------|-----------|--------------|
| Finance | 9:00 A.M. | Room A |
| Retirement | 9:00 A.M. | Room E |
| Revenue and Fiscal Affairs | 9:30 A.M. | Hainkel Room |

Adjournment

On motion of Senator Thompson, at 10:40 o'clock A.M. the Senate adjourned until Monday, April 30, 2012, at 1:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:00 o'clock P.M. on Monday, April 30, 2012.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk

