

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

THIRTY-THIRD 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, May 10, 2012

The Senate was called to order at 9:25 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	Dorsey-Colomb	Murray
Allain	Erdey	Nevers
Amedee	Gallot	Peacock
Appel	Guillory	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, J.
Buffington	LaFleur	Tarver
Chabert	Long	Thompson
Claitor	Martiny	Walsworth
Cortez	Mills	Ward
Crowe	Morrell	White
Donahue	Morrish	
Total - 35		

ABSENT

Adley	Perry
Heitmeier	Smith, G.
Total - 4	

The President of the Senate announced there were 35 Senators
present and a quorum.

Prayer

The prayer was offered by Bishop Gregory Cooper, 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 White, the reading of the Journal was
dispensed with and the Journal of May 9, 2012, was adopted.

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

May 9, 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. 313—
BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 47:302.26, relative to the disposition of
certain state sales tax collections in St. Tammany Parish; to
provide for annual appropriations to the St. Tammany Parish
Fund and for the disposition and use of the money in such fund;
and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 150—

BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG AND
WALSWORTH

AN ACT

To amend and reenact R.S. 3:1604(A)(5), 1743(A) and (C), and
3801(C)(3) and (G), relative to changes in the membership of
certain commissions within the Department of Agriculture and
Forestry; to provide for the membership of the Boll Weevil
Eradication Commission; to provide for the membership of the
Louisiana Sweet Potato Advertising and Development
Commission; to provide for the membership of the Horticulture
Commission; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 367—

BY SENATOR RISER

AN ACT

To amend and reenact R.S. 23:1123, 1142(A) and (B)(1), 1203(E),
1307, and 1317.1(A), relative to workers' compensation; to
provide relative to independent medical examinations; to
provide that certain information be given to certain injured
workers; to provide relative to utilization review companies; and
to provide for related matters.

Reported with amendments.

SENATE BILL NO. 520—

BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 23:1231(B)(2) and 1253 and to enact R.S.
23:1251(3), relative to workers' compensation benefits; to
provide for death benefit awards to dependent children; to
provide for payment to adopted or natural children of deceased
employee; to restrict payments to certain persons; and to provide
for related matters.

Reported with amendments.

SENATE BILL NO. 60—

BY SENATOR RISER

AN ACT

To amend and reenact 47:1923(D)(1), relative to tax assessors; to
provide relative to the payment of certain insurance premiums
for certain retired assessors and assessors' employees in the
parishes of Caldwell and Lincoln; and to provide for related
matters.

Reported with amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

**Privilege Report of the
Legislative Bureau**

May 10, 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. 26—

BY REPRESENTATIVE CONNICK
AN ACT

To enact R.S. 9:3191.1, relative to the return of expropriated residential property; to provide for prescription; to provide for payment; to provide for transfer of ownership; to provide for civil procedures for opposing transfer of ownership; to provide for applicability; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 26 by Representative Connick

AMENDMENT NO. 1

On page 1, line 17, following "state" and before "expropriated" change "which" to "that"

AMENDMENT NO. 2

On page 1, line 19, following "of the state" change "which" to "that"

AMENDMENT NO. 3

On page 2, line 3, following "state" and before "expropriated" change "which" to "that"

HOUSE BILL NO. 49—

BY REPRESENTATIVES ABRAMSON AND LEGER
AN ACT

To amend and reenact R.S. 14:46.2(D), 46.3(D)(1) and (2), 81.1(A)(1), (D), and (E)(1), (2), and (4), 81.3(C), 82.1, 83, 83.1(B), 83.2(B), 84, 85, 86(B)(1), 89(B), 89.2(B)(3), 104, 105, 282, and 403.3(A)(1)(introductory paragraph) and (C), R.S. 15:541(12)(c) and (25)(l), R.S. 40:2521, R.S. 46:1433 and 1809(B)(3)(d) and (4)(a), Code of Criminal Procedure Article 571.1 and Children's Code Articles 804(3) and (5) and 1015(3)(l) and to enact R.S. 14:46.2(E), 46.3(A)(6) and (C)(3), 82(C)(4) and (5) and (G), 83.3(D), 83.4(C), 86(C), 89(C), and 89.2(D), R.S. 15:541(12)(d) and (25)(k), (m), (n), and (o), and 1308(A)(2)(q) and (r), and Children's Code Articles 603(10)(r) and (s), 606(A)(6), 918(D), and 1015(3)(m), relative to human trafficking, trafficking of children for sexual purposes, and the commercial sexual exploitation of children; to amend certain crimes involving the prostitution and trafficking of children for sexual purposes; to provide for increased penalties for certain prostitution and trafficking offenses when the offense involves persons of a certain age; to provide for affirmative defenses; to prohibit certain defenses to certain crimes; to authorize the use of wiretaps for trafficking investigations; to require the reporting of rescued children; to provide relative to victim reparations; to provide with respect to limitations on the institution of prosecution for specific offenses; to provide access of child sex trafficking victims to certain services; to authorize the expungement of certain juvenile adjudication records; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 49 by Representative Abramson

AMENDMENT NO. 1

On page 1, line 16, following "reporting of" change "rescued" to "recovered"

AMENDMENT NO. 2

On page 6, line 4, following "dollars" and before "or" insert ", "

AMENDMENT NO. 3

On page 16, line 26, following "clearinghouse" and before "shall" change "who" to "which"

AMENDMENT NO. 4

On page 17, line 24, following "offenses" and before ":" insert ", regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor shall be thirty years"

AMENDMENT NO. 5

On page 18, line 4, following "age" change ", regardless of" to "."

AMENDMENT NO. 6

On page 18, delete line 5 in its entirety

AMENDMENT NO. 7

On page 18, line 6, before "This" delete "imprisonment at hard labor shall be thirty years."

HOUSE BILL NO. 64—

BY REPRESENTATIVE HENSGENS
AN ACT

To amend and reenact R.S. 14:112.1(A)(introductory paragraph) and (1), (B)(2), and (C) and to enact R.S. 14:112.1(B)(3), relative to offenses affecting law enforcement; to amend the crime of false personation of a peace officer to include firefighters; to provide for definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 65—

BY REPRESENTATIVE BROSETT
AN ACT

To amend and reenact R.S. 14:62.8(B), relative to the crime of home invasion; to provide for increased penalties when the offender is armed with a dangerous weapon; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 66—

BY REPRESENTATIVE CROMER
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(G) and (H), relative to the jurisdictional amount in dispute for city courts; to increase the jurisdictional amount in dispute for the City Court of Slidell; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 86—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:587.1(J), relative to criminal history information; to provide relative to the provision of information to protect children; to amend provisions relative to criminal history requests made to the Federal Bureau of Investigation; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 112—

BY REPRESENTATIVE CONNICK
AN ACT

To amend and reenact Code of Civil Procedure Article 2128 and to enact Code of Civil Procedure Article 2128.1, relative to records for civil appeals; to provide for the form and content of the record on appeal; to provide relative to the form of depositions made a part of the record; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 120—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:568 and 570(A)(4), (C), (D), (E), and (F) and to enact R.S. 15:570(G) and (H), relative to executions of death sentences; to provide relative to those persons required to be present; to provide relative to a person's refusal to attend;

to provide relative to the confidentiality of the identity of certain persons participating in the execution; to provide relative to the licensing of certain persons participating in the execution; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 136—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 14:34.2(A)(2) and to enact R.S. 14:34.2(C), relative to the crime of battery of a police officer; to provide for the definition of "police officer"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 164—
BY REPRESENTATIVE BURFORD
AN ACT

To amend and reenact R.S. 3:742, relative to livestock inspections; to provide for inspection of cattle; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 167—
BY REPRESENTATIVE DIXON
AN ACT

To amend and reenact R.S. 15:572.8(N)(1) and to enact R.S. 15:572.8(R) and (S), relative to compensation for wrongful conviction and imprisonment; to provide for the administration of the Innocence Compensation Fund; to require reporting; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 169—
BY REPRESENTATIVE HENRY
AN ACT

To amend and reenact R.S. 9:2743(B) and (D)(2), relative to certificates of encumbrances; to provide procedures for identifying the mortgagor or obligor of debt; to provide for affidavit to serve as satisfactory evidence; to provide with respect to liability; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 170—
BY REPRESENTATIVE HENRY
AN ACT

To amend and reenact R.S. 9:5175(B), relative to erasure or cancellation of mortgages; to provide with respect to mortgages discharged in bankruptcy; to provide for the use of an affidavit to designate the judgments, mortgages, or privileges to be discharged; to provide for procedures; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 202—
BY REPRESENTATIVE RICHARDSON
AN ACT

To amend and reenact Children's Code Article 305(B)(4) and (E) and Code of Criminal Procedure Article 644.1, relative to juvenile proceedings; to amend provisions relative to divestiture of juvenile court jurisdiction; to provide relative to the jurisdiction over mental capacity determinations; to provide relative to mental capacity determination proceedings; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 228—
BY REPRESENTATIVE SMITH
AN ACT

To amend and reenact R.S. 15:828(C) and to enact R.S. 15:571.3(E), relative to diminution of sentence for good behavior; to authorize certain inmates to earn good time for participation in certified treatment and rehabilitation programs; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 249—
BY REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 15:542.1(D), relative to sex offender registration and notification; to provide relative to sex offender notification requirements; to require certain sex offenders and child predators to provide notification for certain networking websites; to provide for the contents of such notification; to provide for definitions; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 249 by Representative Thompson

AMENDMENT NO. 1
On page 2, line 13, change "Subparagraph" to "Subsection"

HOUSE BILL NO. 274—
BY REPRESENTATIVE FOIL
AN ACT

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

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 274 by Representative Foil

AMENDMENT NO. 1
In Senate Committee Amendment No. 4 proposed by the Senate Committee on Judiciary A to Reengrossed House Bill No. 274 and adopted by the Senate on May 9, 2012, on line 11, delete "½" after "if any"

AMENDMENT NO. 2
On page 6, line 22, following "defendant" insert ";"

HOUSE BILL NO. 281—
BY REPRESENTATIVE GREENE
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 315—

BY REPRESENTATIVE HAVARD
AN ACT

To enact R.S. 13:961(F)(1)(u), relative to court reporter fees for the Twentieth Judicial District Court; to authorize the judges of the Twentieth Judicial District Court to determine the fees to be charged for transcriptions and copies in all cases; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 353—

BY REPRESENTATIVES LOPINTO, ADAMS, BADON, BROWN, GUILLORY, HAZEL, HONORE, HOWARD, MACK, NORTON, AND PYLANT

AN ACT

To amend and reenact R.S. 14:91.2(A)(2) and (3) and (B)(1) and (2), relative to the unlawful presence of sex offenders; to amend provisions relative to the unlawful presence of certain offenders convicted of a sex offense; to provide relative to child care facilities; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 368—

BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact Code of Civil Procedure Article 971(C), relative to the special motion to strike; to provide for certain procedures; to provide delays for filing a motion to strike; to authorize the filing of the motion under certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 369—

BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 10:9-102(a)(7)(B), (10), (50), and (68) through (80), 9-105(a), (b)(introductory paragraph), (4), and (6), 9-307(f)(introductory paragraph) and (2), 9-311(a)(introductory paragraph) and (3), 9-317(b) and (d), 9-326, 9-406(e), 9-408(b), 9-503(a)(1) through (4), and (b)(introductory paragraph) and (2), 9-507(c), 9-515(f), 9-516(b)(3)(B)(introductory paragraph) and (C), and (5), 9-518(a), (b)(introductory paragraph) and (2), and (c), 9-523(g) and to enact R.S. 10:9-102(a)(81), 9-316(h) and (i), 9-503(a)(5) and (6), and (f) through (h), 9-518(d) and (e), and Part 8 of Title 10 of the Louisiana revised Statutes of 1950, to be comprised of R.S. 10:9-801 through 9-809, relative to secured transactions; to provide for definitions; to provide for control of electronic chattel paper; to provide for location of the debtor; to provide for perfection of security interests; to provide for continued perfection of security interests following change in governing law; to provide for discharge of account debtor; to provide for interests that take priority over or take free of security interests or agricultural liens; to provide for priority of security interests created by a new debtor; to provide for restrictions on assignments; to provide for sufficiency of a debtor's name; to provide for duration and effectiveness of the financing statement; to provide for filing and effectiveness of filing; to provide for claims concerning inaccurate or wrongfully filed records; to provide relative to information received from the filing office; to provide for transitional provisions; to provide for applicability and retroactivity; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 400—

BY REPRESENTATIVE FOIL
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 402—

BY REPRESENTATIVES EDWARDS AND MACK
AN ACT

To amend and reenact R.S. 13:996.7 and 996.8, relative to the judicial expense fund for the Twenty-First Judicial District; to prohibit the allocation of funds from the Twenty-First Judicial District's judicial expense fund for payment of salaries for personnel or judges in the Twenty-Second Judicial District and other expenses; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 441—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 14:40.2(F), (G), (H), and (I), R.S. 46:2136(D) and (F), and Code of Criminal Procedure Article 327.1 and to enact R.S. 14:40.2(J) and Code of Criminal Procedure Article 335.2, relative to the issuance of abuse prevention orders; to provide relative to abuse prevention orders in cases of domestic abuse and stalking; to provide relative to the effective term of certain portions of a protective order in cases of domestic abuse; to provide for procedures; to provide for a hearing and notice; to provide for conditions of release in stalking cases; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 466—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Title X of Book III of the Civil Code, consisting of Articles 2778 through 2800, to consist of Articles 2778 through 2791, relative to annuities, the annuity contract, and the annuity charge; to provide for a definition of an annuity contract; to provide for the application of the Titles of Obligations in General and Conventional Obligations or Contracts, or the Title of Sales, or the Title of Donations; to provide for the recipient of payments; to provide for an annuity for life or a time period; to provide for the termination of an annuity in the absence of a designated term; to provide for the assignability and heritability of the rights and obligations of an annuity; to provide for an annuity in favor of successive recipients; to provide for an annuity in favor of several recipients of payments; to provide for the existence of a recipient; to provide for an annuity charge; to provide that an annuity charge must be express and in writing; to provide for the recordation of an annuity contract; to provide for the law applicable to an annuity charge; to provide for the duration of an annuity charge; to provide for the enforcement of an annuity charge; to suppress the concept of the rent of lands; to provide an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 474—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Code of Civil Procedure Articles 683(B), 966(B), 1313(C), 2166(E), and 5188 and to enact Code of Civil Procedure Article 1313(D), relative to continuous revision of the Code of Civil Procedure; to provide for the tutor's enforcement

of rights of unemancipated minors; to provide for statements on denials of summary judgments; to provide for service by couriers; to provide for suspension of writ denials by the supreme court; to provide for entry of judgment notwithstanding an indigent's failure to pay costs; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 476—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 9:1951 and to enact R.S. 9:1953, relative to the Louisiana Trust Code; to provide for the general rule for trusts created for mixed private and charitable purposes; to provide for the assignment of interest in a trust created for mixed private and charitable purposes; to provide for the termination of a trust created for mixed private and charitable purposes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 512—
BY REPRESENTATIVE MORENO
AN ACT

To amend and reenact Code of Evidence Article 803(8)(b)(i), relative to the admission of evidence; to provide with respect to hearsay; to prohibit the notification of administrative sanctions form from being introduced as evidence; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 518—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:572.1(A)(1) and 574.2(A), (B), (C)(1), (2)(introductory paragraph), and (3), (D)(introductory paragraph), (4), (9), and (11), (E), (F)(1)(introductory paragraph), (G), and (H)(1) and (2), relative to the Board of Pardons; to merge the functions and duties of the Board of Parole into the Board of Pardons; to create a committee on parole; to provide for the membership, duties, and functions of the committee on parole; to provide for transitional provisions; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 518 by Representative Lopinto

AMENDMENT NO. 1
On page 3, line 2, change "(7)" to "(6)"

AMENDMENT NO. 2
On page 6, line 25, change "committee" to "committees"

AMENDMENT NO. 3
On page 7, line 2, following "the" and before "may" change "board" to "committee"

AMENDMENT NO. 4
On page 7, line 2, following "may" and before "of" change "make" to "conduct"

HOUSE BILL NO. 521—
BY REPRESENTATIVES MORENO, ADAMS, ARMES, ARNOLD, BADON, BERTHELOT, BILLIOT, BROADWATER, BROSETT, BROWN, HENRY, BURNS, BURRELL, CARMODY, CONNICK, COX, EDWARDS, FOIL, GAINES, GAROFALO, GISCLAIR, HARRIS, HOLLIS, HONORE, HOWARD, HUNTER, GIROD JACKSON, JAMES, JEFFERSON, LEGER, LEOPOLD, LOPINTO, LORUSSO, MILLER, NORTON, ORTEGO, PRICE, PUGH, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHEXNAYDER, SHADOIN, SIMON, SMITH, ST. GERMAIN, THIERRY, AND WHITNEY

AN ACT

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

Reported without amendments.

HOUSE BILL NO. 556—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:542.1.2(A), relative to sex offender registration and notification; to provide relative to changes in a sex offender's registration information; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 577—
BY REPRESENTATIVES LOPINTO, HAZEL, HONORE, AND NORTON
AN ACT

To amend and reenact R.S. 14:403(A) and Children's Code Article 603(15)(introductory paragraph) and (d) and 610(A) and (E)(1) and (2) and to enact Children's Code Article 603(15)(j), relative to the reporting of abuse of children; to provide relative to the reporting of the abuse or neglect of children; to provide for criminal penalties; to provide relative to the reporting of sexual abuse of children; to provide for definitions; to amend the definition of "mandatory reporter" for purposes of reporting abuse of children; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 594—
BY REPRESENTATIVE LOPINTO
AN ACT

To enact Code of Criminal Procedure Article 718.1 and to repeal R.S. 46:1845, relative to discovery; to provide relative to discovery procedures in certain criminal cases; to prohibit the reproduction of certain evidence in certain cases involving pornography involving juveniles, video voyeurism, and obscenity; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 600—
BY REPRESENTATIVES NORTON, ADAMS, BADON, BARROW, BILLIOT, WESLEY BISHOP, BROWN, BURRELL, CHANEY, COX, DIXON, GAROFALO, GISCLAIR, GUILLORY, HENRY, HOFFMANN, HOLLIS, HONORE, HOWARD, KLECKLEY, TERRY LANDRY, LORUSSO, MACK, MORENO, ORTEGO, PIERRE, PYLANT, REYNOLDS, ROBIDEAUX, SEABAUGH, SMITH, TALBOT, THOMPSON, ALFRED WILLIAMS, AND WILLMOTT

AN ACT

To enact R.S. 14:403.7 and 403.8, relative to missing or deceased children; to create a crime for the failure to report a missing child; to provide for presumptions; to create a crime for the failure to report a deceased child; to provide for definitions; to provide for penalties; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 602—
BY REPRESENTATIVE CHANEY
AN ACT

To amend and reenact R.S. 3:2093(6) through (10), to enact R.S. 3:2093(11) and 2135, and to repeal R.S. 3:2095, 2096, 2099,

Part III of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:2171 through 2188, 2221(C), 2228, and Part V of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:2261 through 2264, relative to diseases of animals; to provide for the Louisiana Board of Animal Health; to provide for powers; to provide for technical correction; to repeal the sale of hog cholera serum; to repeal cattle fever tick eradication; to repeal parishwide testing; to repeal sheep scab infection; to provide for the redesignation of certain provisions of Title 3 of the Louisiana Revised Statutes of 1950 and to direct the Louisiana State Law Institute with respect to such redesignations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 718—
BY REPRESENTATIVE WESLEY BISHOP
AN ACT

To amend and reenact R.S. 32:295.1(G)(2) and to enact R.S. 15:571.11(A)(1)(d) and R.S. 32:295.1(G)(3), relative to the disposition of fines collected for safety belt violations; to provide for an additional penalty for safety belt violations in Orleans Parish; to provide for the use of funds received from that assessment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 764—
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact Civil Code Articles 1848 and 2028, to enact Civil Code Article 1849, and to repeal Civil Code Article 2444, relative to counterletters; to provide with respect to testimonial or other evidence as it relates to disproving a writing; to provide for proof of simulation; to provide for instances when introduction of counterletters is required; to provide for effects of counterletters and simulation as to third persons; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 777—
BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 13:5202(A), relative to small claims divisions of city courts; to provide for the jurisdictional amount in a small claims division; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 790—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:1404(A) and (B)(introductory paragraph) and to enact R.S. 15:1404(B)(9) through (13), relative to criminal gang activity; to provide for the definition of "pattern of criminal gang activity"; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

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.

Reported without amendments.

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.

Reported without amendments.

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.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 907 by Representative Katrina Jackson

AMENDMENT NO. 1
On page 2, line 16, following "of" and before "property" change "real" to "immovable"

AMENDMENT NO. 2
On page 4, line 15, following "stakeholders" and before "public" delete "/" and insert "and the"

AMENDMENT NO. 3
On page 5, line 21, following "4-H," and before "and" change "FFA," to "Future Farmers of America."

HOUSE BILL NO. 948—
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact R.S. 13:3733(D)(introductory paragraph) and 3733.1(C) and (G)(1)(a) and Code of Civil Procedure Article 2636(5)(b), relative to the admissibility of certain business records and security agreements; to provide for admissibility; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 948 by Representative Seabaugh

AMENDMENT NO. 1
On page 3, line 9, following "in" and before "(a)" change "Subparagraph" to "Subsubparagraph"

AMENDMENT NO. 2

On page 3, line 10, change "Paragraph" to "Subparagraph"

HOUSE BILL NO. 977—

BY REPRESENTATIVE HENRY BURNS
AN ACT

To amend and reenact R.S. 46:123(D)(1)(c)(iii) and (vi), relative to the Louisiana Military Family Assistance Board; to provide relative to requirements for need-based claims; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1026—

BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:574.4(A)(1)(b)(ii) and (iii) and to enact R.S. 15:574.4(A)(1)(b)(iv), relative to parole eligibility; to provide for parole eligibility for certain offenders after serving a certain portion of the criminal sentence; to provide for prospective application; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 1068—

BY REPRESENTATIVE LOPINTO
AN ACT

To enact Code of Criminal Procedure Article 890.1, relative to criminal sentencing; to provide that certain sentences may be served with the benefit of parole, probation, or suspension of sentence under certain circumstances; to provide for applicability; to provide for limitations; to provide for exceptions; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 1201— (Substitute for House Bill No. 1118 by Representatives Moreno and Leger)

BY REPRESENTATIVES MORENO AND LEGER
AN ACT

To amend and reenact R.S. 14:91.3(A), relative to the unlawful participation in a child-related business; to prohibit certain persons from engaging in certain acts relative to child care

facilities and family child day care homes; 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. 113—

BY SENATOR HEITMEIER
A RESOLUTION

To commend the Louisiana Dental Hygienists' Association and dental hygienists around the state for their outstanding contributions to the oral health of citizens of the state of Louisiana and to recognize Tuesday, May 15, 2012, as Dental Hygiene Day at the Louisiana State Capitol.

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

Senate Resolutions on Second Reading

SENATE RESOLUTION NO. 111—

BY SENATOR MURRAY
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Louis Donald Neveu, son, husband, father, brother, friend and Christian.

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

SENATE RESOLUTION NO. 112—

BY SENATOR WALSWORTH
A RESOLUTION

To commend Adrian DeLukie on his ninetieth birthday, for a life well lived, and for his brave and faithful service to his country, state and community.

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

Senate Concurrent Resolutions on Second Reading

SENATE CONCURRENT RESOLUTION NO. 102—

BY SENATOR MILLS
A CONCURRENT RESOLUTION

To commend Breaux Bridge High School for placing second in the Louisiana High School Technology Challenge.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Nevers
Adley	Gallot	Peacock
Allain	Guillory	Peterson
Amedee	Johns	Riser

May 10, 2012

Appel	Kostelka	Smith, J.
Broome	LaFleur	Tarver
Brown	Long	Thompson
Buffington	Martiny	Walsworth
Chabert	Mills	Ward
Cortez	Morrell	White
Crowe	Morrish	
Donahue	Murray	
Total - 34		

NAYS

Total - 0

ABSENT

Claitor	Heitmeier	Smith, G.
Erdey	Perry	
Total - 5		

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

SENATE CONCURRENT RESOLUTION NO. 103—
BY SENATOR DONAHUE

A CONCURRENT RESOLUTION

To urge and request the Chairman of the Senate Committee on Finance and two members from Finance appointed by the President, the Chairman of the House Appropriations Committee and two members from Appropriations appointed by the Speaker, the Chairman of the Senate Committee on Revenue and Fiscal Affairs and two members from the Senate Committee on Revenue and Fiscal Affairs appointed by the President, and the Chairman of the House Committee on Ways and Means and two members from the House Committee on Ways and Means, appointed by the Speaker, and the President of the Senate and Speaker of the House to meet and to function as a commission to study Louisiana revenue laws with respect to Louisiana's exemptions, credits, rebates, and other tax preference expenditures, identify the low-performing or antiquated tax preference expenditures and recommend their temporary or permanent reduction or elimination, and report its findings and recommendations.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Claitor	Perry
Heitmeier	Smith, G.
Total - 4	

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

May 9, 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. 575	HB NO. 293	HB NO. 436
HB NO. 661	HB NO. 1131	HB NO. 1202

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 293—
BY REPRESENTATIVE HARRISON
AN ACT

To amend and reenact R.S. 17:491 and 492, relative to tenure of school bus operators; to provide relative to a school bus operator becoming a regular and permanent employee of the employing school board; to provide definitions; to provide applicability; to provide relative to the removal of certain operators; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 436—
BY REPRESENTATIVES HARRISON, ADAMS, BERTHELOT, STUART BISHOP, BROADWATER, BROWN, BURFORD, TIM BURNS, CARMODY, COX, GISCLAIR, HARRIS, HAVARD, HENRY, HENSGENS, HILL, HODGES, HOFFMANN, HUVAL, JONES, KLECKLEY, MACK, PUGH, PYLANT, SCHEXNAYDER, SEABAUGH, SIMON, AND WHITNEY
AN ACT

To enact R.S. 17:264 and 3996(B)(30), relative to required instruction in public schools; to require certain public school governing authorities to provide instruction on certain aspects of American history; to provide for guidelines pertaining to such instruction; and to provide for related matters.

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

HOUSE BILL NO. 575—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:572.8(H)(2), (3), and (4) and (N)(1) and to enact R.S. 15:572.8(H)(5), (R), and (S), relative to compensation for wrongful conviction and imprisonment; to provide relative to the disbursement of funds for loss of life opportunities; to provide for the management of the Innocence Compensation Fund; to require reporting; and to provide for related matters.

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

HOUSE BILL NO. 661—
BY REPRESENTATIVE HARRISON
AN ACT

To enact R.S. 17:7(33), relative to the powers and duties of the State Board of Elementary and Secondary Education; to require the board to assist governing authorities in maximizing

reimbursement of certain school-based health care services; to identify certain funding sources in order to create and maintain electronic health reports; and to provide for related matters.

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

HOUSE BILL NO. 1131—

BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:102(B)(1), (2)(introductory paragraph), (b)(introductory paragraph) and (ii), and (c), (3)(a) and (d)(vii), (4), and (5)(b) and to enact R.S. 11:102(D), relative to employer contribution rates for the Teachers' Retirement System of Louisiana; to provide for calculation of individualized employer contribution rates for classes of employees; to provide for system valuations; and to provide for related matters.

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

HOUSE BILL NO. 1202— (Substitute for House Bill No. 58 by Representative Pearson)

BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:1581(5), 1612, 1614, 1617, 1631(F)(1), and 1635 and to enact R.S. 11:1588, 1631(G), 1632(C), (D), (E), and (F), 1633(C), 1636(C) and (D), 1638(C), 1645, and 1646, relative to the District Attorneys' Retirement System of Louisiana; to provide relative to federal tax qualification status of the system; to authorize changes to be made using the Administrative Procedure Act; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 10—

BY REPRESENTATIVES LIGI, ABRAMSON, ADAMS, ARNOLD, BILLIOT, STUART BISHOP, BROADWATER, BROSETT, BURFORD, TIM BURNS, CHAMPAGNE, CHANEY, DANAHAY, DIXON, EDWARDS, GAINES, GAROFALO, GISCLAIR, GUINN, HARRIS, HARRISON, HAVARD, HENRY, HENSGENS, HOFFMANN, HOLLIS, HOWARD, JONES, KLECKLEY, NANCY LANDRY, LEGER, LORUSSO, MORENO, ORTEGO, PEARSON, PYLANT, REYNOLDS, RITCHIE, SCHRODER, SEABAUGH, ST. GERMAIN, TALBOT, THIBAUT, THOMPSON, WHITNEY, AND WILLMOTT

AN ACT

To amend and reenact the heading of Subpart L of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950 and to enact R.S. 11:293, relative to retirement benefits; to provide relative to public servants who are members, former members, or retirees of public retirement systems; to provide relative to forfeiture of a portion of retirement benefits by such persons who are convicted of certain felonies related to their offices; to provide relative to amounts awarded to spouses or dependents; to provide relative to restitution; to provide relative to the rights of spouses and former spouses; to provide relative to the employer and employee contributions made on behalf of such persons; to require the Department of Public Safety and Corrections and the secretary of state to report such office-related felonies; and to provide for related matters.

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

HOUSE BILL NO. 421—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 32:2(A)(2) and to enact R.S. 32:2(A)(3), relative to rules, regulations, and orders of the Department of Transportation and Development; to remove certain requirements for filing certain regulations in clerks of court offices; to remove specific requirements for references; to

provide for effectiveness of certain orders issued by the Department of Transportation and Development; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 468—

BY REPRESENTATIVES ABRAMSON AND THOMPSON
AN ACT

To amend and reenact Civil Code Articles 689, 690, 691, 692, 694, and 705 and to enact Civil Code Article 696.1, relative to rights and servitudes of passage; to provide for the right of passage for utilities; to provide for limitations and locations of a servitude of passage; 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. 566—

BY REPRESENTATIVE BROSETT
AN ACT

To enact R.S. 15:542(F)(4), relative to sex offender registration and notification requirements; to authorize certain persons convicted of crime against nature to petition the court to be relieved of sex offender registration and notification requirements; to provide for exceptions; to provide for procedures; 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. 705—

BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 17:81(Q)(2)(c), to provide relative to the reporting of certain electronic communication between an employee at a public elementary or secondary school and a student enrolled at that school; to provide relative to the manner and frequency of reporting certain communication that is made or received by an employee using a means other than one provided by or made available by the school system; to provide guidelines; to provide applicability; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 781—

BY REPRESENTATIVE PYLANT
AN ACT

To amend and reenact R.S. 32:666(A)(1)(a)(i), (2)(introductory paragraph), and (3), relative to chemical tests for suspected drunken drivers; to provide for the administration of multiple chemical tests; and to provide for related matters.

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

HOUSE BILL NO. 911—

BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact the heading of Part II of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950 and R.S. 17:4031(A), (B), and (E), relative to the School Choice Pilot Program for Certain Students with Exceptionalities; to remove the limitation that the program be a two-year pilot program; to provide relative to student eligibility; to remove certain reporting requirements; and to provide for related matters.

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

May 10, 2012

HOUSE BILL NO. 1034—
BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 42:1102(18)(b), relative to the application of the Code of Governmental Ethics to certain persons; to provide an exception to the definition of "public employee" for persons who perform specified, limited contractual services; and to provide for related matters.

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

HOUSE BILL NO. 1129—
BY REPRESENTATIVE HODGES

AN ACT

To amend and reenact R.S. 38:2212(A)(1)(b)(ii)(bb) and (3)(c)(ii), relative to public bids; requires lowest bidders on certain contracts to submit certain documentation and information within a certain time; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 1207— (Substitute for House Bill No. 604 by Representative Harrison)

BY REPRESENTATIVES HARRISON, DOVE, AND WHITNEY AND SENATOR CHABERT

AN ACT

To enact R.S. 51:1422, relative to unfair and deceptive trade practices; to prohibit misrepresentation regarding the provision of local television service; to provide for exceptions; to provide for violations; and to provide for related matters.

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

HOUSE BILL NO. 1208— (Substitute for House Bill No. 840 by Representative Thompson)

BY REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 9:315.47 and to enact R.S. 9:315.46(C) and (D), relative to the suspension of licenses for failure to pay child support; to provide for modification or lifting of suspensions for partial compliance; to provide for a court order lifting the suspension of a license in certain circumstances; to provide for reinstatement of licenses for partial compliance; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

FINANCE

Senator Jack Donahue, Chairman on behalf of the Committee on Finance, submitted the following report:

May 9, 2012

To the President and Members of the Senate:

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

SENATE BILL NO. 50—
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:242(E) and 2178(K) and to enact R.S. 11:2175.1(C)(4), relative to the Sheriffs' Pension and Relief

Fund; to provide relative to permanent benefit increases; to provide for credits to the funding deposit account; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 265—
BY SENATOR MORRELL

AN ACT

To enact R.S. 40:1563(L) and Subpart E of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1651 and 1652, relative to condemnation of buildings and structures; to authorize the state fire marshal to condemn certain buildings and structures in parishes and municipalities; to provide for service of notice; to provide for costs and fees attributed to such notice; and to provide for related matters.

Reported without action.

HOUSE BILL NO. 526—

BY REPRESENTATIVES MONTOUCET, BERTHELOT, HENRY BURNS, BURRELL, CHANEY, CONNICK, HARRISON, JAMES, MORENO, POPE, AND SCHRODER

AN ACT

To amend and reenact R.S. 33:2002(A)(1) and to enact R.S. 33:2002(A)(5), relative to eligibility for state supplemental pay for firefighters; to provide for eligibility for certain firefighters who are ordered to active military duty; to waive certain requirements as to length of employment; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 754—

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

AN ACT

To enact Subpart R of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.126, and Chapter 3 of Subtitle VII of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:6301, relative to rebates; to authorize contracts for certain state sales and use tax rebates; to provide for definitions, requirements, and limitations; to provide for the amount, approval, and issuance of rebates; to provide for the recapture of rebates under certain circumstances; to provide relative to the payment of certain taxes in error; to provide with respect to administrative expenses; to provide for the disposition of certain state revenues; to establish the Specialized Educational Institutions Support Fund; to provide for the deposit, use, and investment of monies in the fund; to authorize the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 932—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 33:1947(A) and to enact R.S. 33:2201(F), relative to law enforcement; to provide for a member of the Law Enforcement Officers and Firemen's Survivor Benefit Review Board; to provide with respect to the eligibility of the surviving spouses and children of certain deceased law enforcement officials to receive benefits; to authorize that benefits may be

paid if certain officers were in the course of traveling at the time of death; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 937—

BY REPRESENTATIVES ROBIDEAUX, ADAMS, BARRAS, WESLEY BISHOP, BROADWATER, BURFORD, GUILLORY, HAZEL, HOFFMANN, LORUSSO, AND THIBAUT

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 3115, relative to the creation of a Corporate Headquarters Relocation Program; to authorize contracts with businesses that relocate or expand a headquarters in the state; to provide for the content and approval of contracts; to provide for the authority of the Department of Economic Development; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 958—

BY REPRESENTATIVES ROBIDEAUX, ADAMS, BARRAS, WESLEY BISHOP, BROADWATER, GUILLORY, HAZEL, HOFFMANN, JOHNSON, LORUSSO, AND THIBAUT

AN ACT

To enact Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3111, relative to the creation of the Competitive Projects Payroll Incentive Program; to provide for contract for the payment of rebates to certain qualified businesses; to provide for procedures and requirements for the execution of such contracts and the payment or repayment of such rebates; to prohibit the approval of certain contracts after a certain date; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1028— (Substitute for House Bill No. 323 by Representative Hoffman)

BY REPRESENTATIVE HOFFMANN

AN ACT

To enact R.S. 47:463.2(E), relative to the advertisement of special prestige license plates; to provide for advertisements for special prestige license plates; to provide rule making authority; to provide for deadlines; and to provide for related matters.

Reported without action.

Respectfully submitted,
JACK DONAHUE
Chairman

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

Senator Donahue asked for and obtained a suspension of the rules to take up Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 50—

BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:242(E) and 2178(K) and to enact R.S. 11:2175.1(C)(4), relative to the Sheriffs' Pension and Relief Fund; to provide relative to permanent benefit increases; to provide for credits to the funding deposit account; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 265—

BY SENATOR MORRELL

AN ACT

To enact R.S. 40:1563(L) and Subpart E of Part III of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1651 and 1652, relative to condemnation of buildings and structures; to authorize the state fire marshal to condemn certain buildings and structures in parishes and municipalities; to provide for service of notice; to provide for costs and fees attributed to such notice; and to provide for related matters.

Reported without action by the Committee on Finance. On motion of Senator Donahue, the bill was read by title and passed to a third reading.

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

Senator Donahue asked for and obtained a suspension of the rules to take up House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 526—

BY REPRESENTATIVES MONTOUCKET, BERTHELOT, HENRY BURNS, BURRELL, CHANEY, CONNICK, HARRISON, JAMES, MORENO, POPE, AND SCHRODER

AN ACT

To amend and reenact R.S. 33:2002(A)(1) and to enact R.S. 33:2002(A)(5), relative to eligibility for state supplemental pay for firefighters; to provide for eligibility for certain firefighters who are ordered to active military duty; to waive certain requirements as to length of employment; and to provide for related matters.

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

HOUSE BILL NO. 754—

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

AN ACT

To enact Subpart R of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.126, and Chapter 3 of Subtitle VII of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:6301, relative to rebates; to authorize contracts for certain state sales and use tax rebates; to provide for definitions, requirements, and limitations; to provide for the amount, approval, and issuance of rebates; to provide for the recapture of rebates under certain circumstances; to provide relative to the payment of certain taxes in error; to provide with respect to administrative expenses; to provide for the disposition of certain state revenues; to establish the Specialized Educational Institutions Support Fund; to provide for the deposit, use, and investment of monies in the fund; to authorize the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 754 by Representative Robideaux

AMENDMENT NO. 1

On page 2, line 16, after "of the" and before "Pennington", insert "Louisiana Cancer Research Center of L.S.U. Health Sciences Center in New Orleans/Tulane Health Sciences Center, the Feist-Weiller Cancer Center of LSU Health Sciences Center - Shreveport, the"

AMENDMENT NO. 2

On page 2, between lines 24 and 25, insert the following:
(1) Five Million Dollars for the Louisiana Cancer Research Center of L.S.U. Health Sciences Center in New Orleans/Tulane Health Sciences Center.
(2) Five Million Dollars for the Feist-Weiller Cancer Center of LSU Health Sciences Center - Shreveport."

AMENDMENT NO. 3

On page 2, line 25, change "(1)" to "(3)"

AMENDMENT NO. 4

On page 2, line 27, change "(2)" to "(4)"

AMENDMENT NO. 5

On page 2, line 28, change "(3) One" to "(5) Two"

AMENDMENT NO. 6

On page 3, between lines 2 and 3, insert the following:
"CHAPTER 3. PROCUREMENT PROCESSING COMPANY
REBATE PROGRAM"

AMENDMENT NO. 7

On page 3, at the end of line 13, insert: "The term "new taxable sales" shall not include any sales or purchases of services or property upon which such sales and use tax would have been due if the procurement processing company was not operating in the state."

AMENDMENT NO. 8

On page 3, line 21, after "Contract." insert "(1)"

AMENDMENT NO. 9

On page 4, between lines 2 and 3, insert:
(2) The contract shall include a provision whereby the procurement processing company agrees to reimburse the state or otherwise hold it harmless for any refund of tax and interest which the procurement processing company, the purchasing company, any other affiliate of the procurement processing company, or the state may be required to make which is based upon a transaction for which a rebate was paid pursuant to this Chapter."

AMENDMENT NO. 10

On page 5, line 7, change "sixteen" to "twenty-seven"

AMENDMENT NO. 11

On page 5, line 10, change "sixteen" to "twenty-seven"

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

HOUSE BILL NO. 932—

BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 33:1947(A) and to enact R.S. 33:2201(F), relative to law enforcement; to provide for a member of the Law Enforcement Officers and Firemen's Survivor Benefit Review Board; to provide with respect to the eligibility of the surviving spouses and children of certain deceased law enforcement officials to receive benefits; to authorize that benefits may be paid if certain officers were in the course of traveling at the time of death; and to provide for related matters.

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

HOUSE BILL NO. 937—

BY REPRESENTATIVES ROBIDEAUX, ADAMS, BARRAS, WESLEY BISHOP, BROADWATER, BURFORD, GUILLORY, HAZEL, HOFFMANN, LORUSSO, AND THIBAUT

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 3115, relative to the creation of a Corporate Headquarters Relocation Program; to authorize contracts with businesses that relocate or expand a headquarters in the state; to provide for the content and approval of contracts; to provide for the authority of the Department of Economic Development; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Engrossed House Bill No. 937 by Representative Robideaux

AMENDMENT NO. 1

On page 5, line 12, change "forty-five days" to "sixty days"

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

HOUSE BILL NO. 958—

BY REPRESENTATIVES ROBIDEAUX, ADAMS, BARRAS, WESLEY BISHOP, BROADWATER, GUILLORY, HAZEL, HOFFMANN, JOHNSON, LORUSSO, AND THIBAUT

AN ACT

To enact Chapter 54 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3111, relative to the creation of the Competitive Projects Payroll Incentive Program; to provide for contract for the payment of rebates to certain qualified businesses; to provide for procedures and requirements for the execution of such contracts and the payment or repayment of such rebates; to prohibit the approval of certain contracts after a certain date; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 958 by Representative Robideaux

AMENDMENT NO. 1

In Senate Committee Amendment No. 15 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on May 8, 2012, on page 2, line 29, delete "natural resource extraction or exploration;"

AMENDMENT NO. 2

On page 7, line 13, change "forty-five days" to "sixty days"

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

HOUSE BILL NO. 1028— (Substitute for House Bill No. 323 by Representative Hoffman)

BY REPRESENTATIVE HOFFMANN
AN ACT

To enact R.S. 47:463.2(E), relative to the advertisement of special prestige license plates; to provide for advertisements for special prestige license plates; to provide rule making authority; to provide for deadlines; and to provide for related matters.

Reported without action by the Committee on Finance. The bill was read by title. On motion of Senator Donahue the bill was referred to the Legislative Bureau.

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

**SENATE BILL NO. 204—
BY SENATOR MORRISH**

AN ACT

To amend and reenact R.S. 13:4581, relative to bonds; to provide an exemption for Louisiana Citizens Property Insurance Corporation from posting bond; 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. 204 by Senator Morrish

AMENDMENT NO. 1

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

"Section 2. The provisions of this Act shall be given prospective application only and shall not affect any action pending or claim arising prior to the effective date of this Act."

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

**SENATE BILL NO. — (Substitute of Senate Bill No.251 by
Senator Morrish)**

BY SENATOR MORRISH

AN ACT

To enact R.S. 22:1923(3) and 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 1931.13, 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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1923(3) and Part II-A of Chapter 7 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1931 through 1931.13 are hereby enacted to read as follows:
§1923. Definitions

* * *

(3) "Claim" shall mean any request or demand for payment or benefit, whether paid or not, made by a person either in writing or filed electronically, and shall include requests for payment, benefits, or both on pre-service and post-service basis.

* * *

**PART II-A. LOUISIANA INSURANCE FRAUD
PREVENTION ACT**

§1931. Legislative findings

The legislature finds that to protect the health, safety, and welfare of the citizens of this state, the attorney general of Louisiana and his assistants shall be agents of this state with the ability, authority, and resources to pursue civil monetary penalties, liquidated damages, or other remedies to protect the integrity of the insurance industry from persons who engage in fraud, misrepresentation, abuse, or other illegal practices, as

further provided in this Part, in order to obtain payments to which these insurance providers or persons are not entitled.
§1931.1. Definitions

As used in this Part the following terms shall have the following meanings unless a different meaning is clearly required by context:

(1) "Agent" means a person who is employed by or has a contractual relationship with another person or who acts on behalf of that person.

(2) "Attorney general" means the attorney general for the state of Louisiana.

(3) "Department" means the Department of Insurance.

(4) "Insurer" means any person or other entity authorized to transact and transacting insurance business in this state. Notwithstanding any contrary provisions of R.S. 22:242(7) or any other law, regulation, or definition contained in this Code, a health maintenance organization shall be deemed an insurer for purposes of this Part.

(5) "Knowing" or "knowingly" means that the person has actual knowledge of the falsity of the information or that the person acts in deliberate ignorance or reckless disregard of the truth or falsity of the information.

(6) "Order" means a final order imposed pursuant to a civil or criminal adjudication.

(7) "Person" means any natural or juridical entity or agent thereof as defined in federal or state law furnishing or claiming to furnish a good, service, or supply who is compensated with insurance proceeds.

(8) "P.O.S.T.-certified" means peace officer standards and training certified as established by the Louisiana Peace Officer Standards and Training Council.

(9) "Property" means any and all property, movable and immovable, corporeal and incorporeal.

(10) "Recovery" means the recovery of attempted benefits pursued, overpayments, damages, fines, penalties, costs, expenses, restitution, attorney fees, interest, or settlement amounts.

§1931.2. Prescription

A. No action brought pursuant to this Part shall be instituted later than ten years after the date upon which the alleged violation occurred. For violations involving a scheme or course of conduct, no action pursuant to this Part shall be instituted more than ten years after the latest component of the scheme or course of conduct occurred.

B. 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 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.

C. An action by a prevailing defendant to recover costs, expenses, fees, and attorney fees pursuant to R.S. 22:1931.3 may be brought no later than sixty days after the rendering of a final nonappealable judgment. 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, final plea, or pre-trial diversion agreement.

D.(1) In the case of a civil judgment rendered in federal court, the action for recovery of the civil monetary penalty pursuant to R.S. 22:1931.6 may be brought after the judgment becomes enforceable and no later than one year after written notification to the attorney general of the enforceable judgment.

(2) In the case of a criminal conviction, final plea, or pre-trial diversion agreement in federal court, the action for recovery pursuant to this Part may be brought after the conviction or plea is final and no later than one year after written notification to the attorney general of the rendering of the conviction or final plea.

(3) Any action for recovery brought pursuant to the provisions of this Part shall be filed in the Nineteenth Judicial District Court for the Parish of East Baton Rouge.

§1931.3. Civil actions authorized

A. No person shall knowingly commit any fraudulent insurance act as defined in R.S. 22:1923 or violate any provision of R.S. 22:1924.

B. The attorney general may institute a civil action in the Nineteenth Judicial District Court for the parish of East Baton Rouge to seek recovery from any person or persons who violate any provision of R.S. 22:1924. Each violation may be treated as a separate violation or may be combined into one violation at the option of the attorney general.

C. An action by a prevailing defendant to recover costs, expenses, fees, and attorney fees shall be ancillary to and shall be brought and heard in the same court as the civil action brought pursuant to the provisions of Subsection B of this Section.

D. A prevailing defendant may seek recovery only for costs, expenses, fees, and attorney fees if the court finds, following a contradictory hearing, that either of the following applies:

(1) The action was instituted by the attorney general pursuant to Subsection A of this Section after it should have been determined by the attorney general to be frivolous, vexatious, or brought primarily for the purpose of harassment.

(2) The attorney general proceeded with an action properly instituted pursuant to Subsection A of this Section after it should have been determined by the attorney general that proceeding would be frivolous, vexatious, or for the purpose of harassment.

E. Any action brought pursuant to the provisions of this Part shall be filed in the Nineteenth Judicial District Court for the Parish of East Baton Rouge.

§1931.4. Burden of proof; prima facie evidence; standard of review

A. The burden of proof in an action instituted pursuant to this Part shall be a preponderance of the evidence.

B. Proof by a preponderance of the evidence of a violation of R.S. 22:1924 shall be deemed to exist if the defendant has pleaded guilty to, been convicted of, or entered a plea of nolo contendere to, or participated in a pre-trial diversion program for a criminal charge in any federal or state court when such charge arises out of circumstances which would be a violation of R.S. 22:1924.

C. The submission of a certified or true copy of an order, a civil judgment in a state or federal court, or a criminal conviction, final plea, or pre-trial diversion agreement shall be prima facie evidence of the same. The submission of the bill of information or of the indictment and the minutes of the court shall be prima facie evidence as to the circumstances underlying a criminal conviction, final plea, or pre-trial diversion agreement.
§1931.5. Civil monetary penalty

A. In a civil action instituted in the Nineteenth Judicial District Court for the parish of East Baton Rouge pursuant to the provisions of this Part, the attorney general may seek a civil monetary penalty provided in R.S. 22:1931.6 from any of the following:

(1) Any person determined by a court of competent jurisdiction to have violated any provision of R.S. 22:1924.

(2) Any person who has violated a settlement agreement entered into pursuant to this Part.

(3) A person who has been found liable in a civil action filed in federal court pursuant to 18 U.S.C. 1347 et seq., or 42 U.S.C. 1320a-7(a) or (b), et seq., or 31 U.S.C. 3729.

(4) A person who has entered a plea of guilty or nolo contendere to or has participated in a pre-trial diversion program for, or has been convicted in federal or state courts of criminal conduct arising out of circumstances which would constitute a violation of R.S. 22:1924.

§1931.6. Recovery

A.(1) Actual damages incurred as a result of a violation of the provisions of this Part shall be recovered only once by the insurer and shall not be waived by the court.

(2) Except as provided in Paragraph (3) of this Subsection, actual damages shall equal the difference between the amount the insurer paid or would have paid and the amount that would have been due had not a violation of this Part occurred, plus interest at the maximum rate of judicial interest provided by R.S. 13:4202, from the date the damage occurred to the date of repayment. Actual damages shall include investigative expenses incurred by the insurer.

(3) If the violator is a managed care healthcare provider contracted with a health insurer, actual damages shall be determined in accordance with the violator's provider agreement.

B. Any person who is found to have violated R.S. 22:1924 shall be subject to a civil fine in an amount not to exceed ten thousand dollars per violation.

C. In addition to the actual damages provided in Subsection A of this Section and any civil fine imposed pursuant to Subsection B of this Section, a civil monetary penalty shall be imposed on the violator in an amount which equals three times the benefit pursued, including actual damages as a result of the violation.

D.(1) Any person who is found to have violated this Part shall be liable for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.

(2) All awards of costs, expenses, fees, and attorney fees are subject to review by the appellate court for abuse of discretion.

(3) The attorney general shall promptly remit awards recovered for those costs, expenses, and fees incurred by the parties involved in the investigations or proceedings to the appropriate party.

E.(1) Payment of interest on the amount of the civil fine imposed pursuant to Subsection B of this Section shall be at the maximum rate of legal interest provided by R.S. 13:4202 from the date the damage occurred to the date of repayment.

(2) Prior to the imposition of a civil monetary penalty, the court may consider whether extenuating circumstances exist as provided in R.S. 22:1931.7.

§1931.7. Waiver; extenuating circumstances

If a waiver is requested by the attorney general, the court may waive any recovery, except for actual damages, required to be imposed pursuant to the provisions of this Part provided all of the following extenuating circumstances are found to be applicable:

(1) The violator furnished all the information known to him about the specific allegation to the department or attorney general no later than thirty days after the violator first obtained the information.

(2) The violator cooperated fully with all federal or state investigations concerning the specific allegation.

(3) At the time the violator furnished the information concerning the specific allegation to the department or the attorney general, no criminal, civil, or departmental investigation or proceeding had been commenced as to the alleged violation.

§1931.8. Deposit of monies collected

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). Forty percent of the monies deposited into the fund pursuant to this Part shall be allocated from the fund to the attorney general's office for purposes as provided by law.

§1931.9. Assessment reduction or recalculation

Except as provided in this Part, there shall be no reduction or recalculation in the Insurance Fraud Investigation Fund assessment as provided in R.S. 40:1428.

§1931.10. Civil investigative demand

A. If the attorney general has information, evidence, or reason to believe that any person or entity may be in possession, custody, or control of any documentary material or information relevant to an investigation for a possible violation of this Part, he or any of his assistants may issue to the person or entity a civil investigative demand before the commencement of a civil proceeding to require the production of the documentary material for inspection or copying or reproduction, or the answering under oath and in writing of interrogatories. Any civil investigative demand issued pursuant to this Part shall state a general description of the subject matter being investigated and the applicable provisions of law constituting the alleged violation of this Part. A civil investigative demand for the production of documentary material shall describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified. A civil investigative demand for answers to written interrogatories shall set forth with specificity the written interrogatories to be answered. Each investigative demand shall set a return date of

no earlier than twenty days after service of the demand upon the person or his representative or agent.

B. A civil investigative demand issued pursuant to this Part may be served by the sheriff or a P.O.S.T.-certified investigator employed by the attorney general or by the office of state police when the demand is issued to a resident or a domestic business entity found in this state. A civil investigative demand issued to a non-resident or a foreign business entity may be served using long-arm jurisdiction as provided for in the Code of Civil Procedure.

C. Upon failure to comply with the civil investigative demand, the attorney general may apply to the district court having jurisdiction over the person to compel compliance with the civil investigative demand.

D. Except as otherwise provided in this Section, no documentary material, answers to interrogatories, or copies thereof, while in the possession of the attorney general or any other agency assisting the attorney general with the matter under investigation, shall be available for examination by any person or entity except as determined by the attorney general and subject to any conditions imposed by him for effective enforcement of the laws of this state. Nothing in this Section shall be construed to prohibit or limit the attorney general from sharing any documentary material, answers to interrogatories, or copies thereof with the United States government, any other state government, any federal or state agency, or any person or entity that may be assisting in the investigation or prosecution of the subject matter of the civil investigative demand.

E. The attorney general may use documentary material derived from information obtained pursuant to this Section, or copies of that material, as the attorney general determines necessary for the enforcement of the laws of this state, including presentation before a court.

F. If any documentary material has been produced by any person or entity in the course of any investigation pursuant to a civil investigative demand and any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any state agency involving such material has been completed, or if no case or proceeding in which such material may be used has been commenced within a reasonable time after analysis of all documentary material and other information assembled in the course of the investigation, the attorney general, upon written request of the person or entity who produced the material, shall return to such person or entity any such material that has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.

G. "Documentary material" as used in this Section shall include but is not limited to all electronically-stored information including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations that would be subject to a request for production under Federal Rule of Civil Procedure 34 as it exists now or is hereafter amended.

§1931.11. Investigative deposition

A. When the attorney general has information, evidence, or reason to believe that a violation of this Part has occurred, the attorney general may issue an investigative subpoena for deposition testimony to any person or entity that may have information or knowledge relevant to the matter under investigation, or for the purpose of revealing, identifying, or explaining documentary material or other physical evidence sought under R.S. 22:1940. Such investigative subpoena shall contain a general description of the matter under investigation and a notice informing the prospective deponent of his right to counsel at the deposition with opportunity for cross-examination. Such deposition shall be conducted at the principal place of business of the deponent, at his place of residence, at his domicile, or, if agreeable to the deponent, at some other place convenient to the attorney general and the lawful and designated attorney representative of the deponent. Such deposition shall be held at a date no earlier than seven days after the date on which demand is received, unless the attorney general or an assistant attorney general designated by the attorney general determines that

exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.

B. An investigative subpoena issued pursuant to this Part may be served by the sheriff or a P.O.S.T.-certified investigator employed by the attorney general or by the office of state police when the demand is issued to a resident or a domestic business entity of this state. An investigative subpoena issued to a non-resident or a foreign business entity may be served using long-arm jurisdiction as provided for in the Code of Civil Procedure.

C. When the investigative subpoena is issued to a business entity, the entity shall designate one or more officers, directors, or managing agents, who are responsible for complying with the subpoena on the entity's behalf, and may set forth, for each person designated, the matters on which he will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

D. Upon failure of a person or entity to comply with the investigative subpoena, the attorney general may apply to the district court having jurisdiction over the person to compel compliance with the investigative subpoena. Failure to comply with a court order is punishable by contempt.

§1931.12. Asset forfeiture

A. In accordance with the provisions of Subsection B of this Section, the court may order the forfeiture of property to satisfy recovery pursuant to this Part under either of the following circumstances:

(1) The court may order a person from whom recovery is due to forfeit property which constitutes or was derived directly or indirectly from gross proceeds traceable to the violation which forms the basis for the recovery.

(2) If the attorney general shows that property was transferred to a third party to avoid paying recovery, or in an attempt to protect the property from forfeiture, the court may order the third party to forfeit the transferred property.

B. Prior to the forfeiture of property, a contradictory hearing shall be held during which the attorney general shall prove by clear and convincing evidence that the property in question is subject to forfeiture pursuant to Subsection A of this Section. No such contradictory hearing shall be required if the owner of the property in question agrees to the forfeiture.

C. If property is transferred to another person within six months prior to the occurrence or after the occurrence of the violation for which recovery is due or within six months prior to or after the institution of a criminal, civil, or departmental investigation or proceeding, it shall be prima facie evidence that the transfer was intended to avoid paying recovery or was an attempt to protect the property from forfeiture.

D. The healthcare provider or other person from whom recovery is due shall have an affirmative duty to fully disclose all property and liabilities and all transfers of property which meet the criteria of Subsection C of this Section to the court and the attorney general.

§1931.13. Termination of Part

This Part shall terminate on August 1, 2014.

On motion of Senator Morrish, the committee substitute bill was adopted and becomes Senate Bill No. 765 by Senator Morrish, substitute for Senate Bill No. 251 by Senator Morrish.

SENATE BILL NO. 765— (Substitute of Senate Bill No.251 by Senator Morrish)

BY SENATOR MORRISH

AN ACT

To enact R.S. 22:1923(3) and 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 1931.13, 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.

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

May 10, 2012

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 67—

BY REPRESENTATIVE FANNIN AN ACT

To amend and reenact R.S. 13:5554(J), relative to the payment of group insurance premium costs; to provide for eligibility for payment of such costs for retired sheriffs and retired deputy sheriffs of the Winn Parish Sheriff's Office; and to provide for related matters.

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

HOUSE BILL NO. 141—

BY REPRESENTATIVE ST. GERMAIN AN ACT

To amend and reenact R.S. 18:1495.7(A) and R.S. 42:1124.4(A)(2), relative to financial disclosure; to change the deadline for certain disclosures by candidates for certain offices; to change the time for certain notices relative to financial disclosure statements; to provide for penalties; 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 Engrossed House Bill No. 141 by Representative St. Germain

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 42:1124.4(A)(2)" and insert "the introductory paragraph of R.S. 42:1124(A), (B) and the introductory paragraph of 1124(C), the introductory paragraph of 1124.2(A), (B) and the introductory paragraph of 1124.2(C), the introductory paragraph of 1124.2.1(A), (B) and the introductory paragraph of 1124.2.1(C), 1124.3(A), (B), and the introductory paragraph of 1124.3(C), and 1124.4(A)(2) and to enact R.S. 42:1124(I), 1124.2(J), 1124.2.1(E), and 1124.3(E)"

AMENDMENT NO. 2

On page 2, line 1, delete "R.S. 42:1124.4(A)(2) is" and insert "The introductory paragraph of R.S. 42:1124(A), (B) and the introductory paragraph of 1124(C), the introductory paragraph of 1124.2(A), (B) and the introductory paragraph of 1124.2(C), the introductory paragraph of 1124.2.1(A), (B) and the introductory paragraph of 1124.2.1(C), 1124.3(A), (B), and the introductory paragraph of 1124.3(C), and 1124.4(A)(2) are" and after "reenacted" insert "and R.S. 42:1124(I), 1124.2(J), 1124.2.1(E), and 1124.3(E) are hereby enacted"

AMENDMENT NO. 3

On page 2, between lines 1 and 2, insert the following: "§1124. Financial disclosure; statewide elected officials; certain public servants

A. The following persons shall annually file a financial statement as provided in this Section:

B. Except as provided in Subsection I of this Section, the financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office or position included in Subsection A of this Section and by May fifteenth of the year following the termination of the holding of such office or position the financial statement shall include all the required information in Subsection C of this Section for the preceding calendar year.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information for the preceding calendar year:

I. In the year in which the holding of the office or position is terminated, the financial statement required by this Section shall be filed within sixty days following the termination of the holding of such office or position and the financial statement shall include all the required information in Subsection C of this Section for the period in which the person held the office or position in the year in which the holding of the office or position was terminated.

§1124.2. Financial disclosure; certain elected officials; members of certain boards and commissions; ethics administrator A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124, shall annually file a financial statement as provided in this Section:

B. (1) Except as provided in Subsection J, the financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office or position included in Subsection A of this Section and by May fifteenth of the year following the termination of the holding of such office or position the financial statement shall include all the required information in Subsection C of this Section for the preceding calendar year.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information for the preceding calendar year:

J. In the year in which the holding of the office or position is terminated, the financial statement required by this Section shall be filed within sixty days following the termination of the holding of such office or position and the financial statement shall include all the required information in Subsection C of this Section for the period in which the person held the office or position in the year in which the holding of the office or position was terminated.

§1124.2.1 Financial disclosure; members of boards and commissions A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124 or 1124.2, shall annually file a financial statement as provided in this Section:

B. Except as provided in Subsection E, the financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office included in Subsection A of this Section and by May fifteenth of the year following the termination of the holding of such office the financial statement shall include all the required information in Subsection C of this Section for the preceding calendar year.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information for the preceding calendar year:

E. In the year in which the holding of the office or position is terminated, the financial statement required by this Section shall be filed within sixty days following the termination of the holding of such office or position and the financial statement shall include all the required information in Subsection C of this Section for the period in which the person held the office or position in the year in which the holding of the office or position was terminated.

§1124.3. Financial disclosure; certain elected officials, voting districts of under five thousand

A. Each person holding a public office who represents a voting district having a population of fewer than five thousand and each member of the governing authority or management board of a charter school created pursuant to Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950, except any person who is required to file a financial statement by R.S. 42:1124, 1124.2, or 1124.2.1 shall annually file a financial statement as provided in this Section.

B. Except as provided in Subsection E, the financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office included in Subsection A of this Section and by May fifteenth of the year following the termination of the holding of such office the financial statement shall include all the required information in Subsection C of this Section for the preceding calendar year.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information for the preceding calendar year:

E. In the year in which the holding of the office or position is terminated, the financial statement required by this Section shall be filed within sixty days following the termination of the holding of such office or position and the financial statement shall include all the required information in Subsection C of this Section for the period in which the person held the office or position in the year in which the holding of the office or position was terminated.

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

HOUSE BILL NO. 313—
BY REPRESENTATIVE JAMES
AN ACT

To enact R.S. 24:202(A)(23), relative to the council of the Louisiana State Law Institute; to provide for the membership of the council; 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.

SENATE BILL NO. 314—
BY SENATOR MARTINY
AN ACT

To enact R.S. 49:191(6) and to repeal R.S. 49:191(4)(c), relative to the Department of Culture, Recreation and Tourism; to provide for the re-creation of the Department of Culture, Recreation and Tourism and the statutory entities made a part of the Department of Culture, Recreation and Tourism 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 with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 314 by Representative Berthelot

AMENDMENT NO. 1
On page 2, at the end of line 23, after "Regents" insert "after the board consults with the president of the Louisiana Association of Independent Colleges and Universities"

AMENDMENT NO. 2
On page 3, at the end of line 5, after "Regents" insert "after the board consults with the president of the Louisiana Association of Independent Colleges and Universities"

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

HOUSE BILL NO. 359—
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 22:1921(B) and (C) and to enact R.S. 22:1921(D), relative to the insurance fraud section of the Department of Insurance; to clarify language relative to background checks; to provide for certain technical changes; and to provide for related matters.

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

HOUSE BILL NO. 492—
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 22:887(I), relative to property insurance policies; to provide relative to notices of reinstatement of certain such policies; and to provide for related matters.

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

HOUSE BILL NO. 569—
BY REPRESENTATIVE HUNTER
AN ACT

To amend and reenact R.S. 22:1926(A), relative to insurance fraud; to clarify terms relative to insurance fraud; and to provide for related matters.

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

HOUSE BILL NO. 634—
BY REPRESENTATIVE HUVAL
AN ACT

To repeal R.S. 22:269(B)(2) and (5), relative to certain fees for health maintenance organizations; to remove conflicting provisions for such fees.

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

HOUSE BILL NO. 693—
BY REPRESENTATIVES CROMER, ADAMS, ANDERS, ARNOLD, BILLIOT, BROSSETT, HENRY BURNS, DIXON, EDWARDS, HARRISON, HAZEL, HENRY, HUNTER, HUVAL, JOHNSON, JONES, KLECKLEY, TERRY LANDRY, LEGER, LIGI, LOPINTO, LORUSSO, MONTOUCET, MORENO, PIERRE, PONTI, PUGH, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHRODER, SIMON, ST. GERMAIN, TALBOT, THIBAUT, THIERRY, THOMPSON, AND WILLMOTT AND SENATORS ALARIO, AMEDEE, CHABERT, LAFLEUR, AND WHITE
AN ACT

To enact R.S. 22:999.1, relative to health insurance issuers which provide coverage for cancer treatment; to require that such issuers provide for parity for orally administered anti-cancer medications with intravenously administered or injected anti-cancer medications; to provide for definitions; to provide for applicability; and to provide for related matters.

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

HOUSE BILL NO. 771—
BY REPRESENTATIVES FOIL, BROSSETT, CONNICK, DOVE, HAZEL, HUVAL, LAMBERT, LEGER, MACK, MORENO, PUGH, THIBAUT, THIERRY, AND PATRICK WILLIAMS
AN ACT

To amend and reenact R.S. 22:1050(A)(1) and (D)(1) and to repeal R.S. 22:1050(H)(1), relative to the mandate for coverage of diagnosis and treatment of autism spectrum disorders; to raise the age for such coverage; to eliminate the limitation on lifetime benefits; to provide relative to applicability; and to provide for related matters.

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

HOUSE BILL NO. 849—
BY REPRESENTATIVE TALBOT
AN ACT

To amend and reenact R.S. 22:651 and 652(2) and (3)(a), relative to reinsurance credits; to clarify terms, duties, and obligations; to provide for new accreditation requirements; to provide relative to the assumption of insurers' duties and obligations; to provide relative to trust requirements; and to provide for related matters.

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

May 10, 2012

HOUSE BILL NO. 878—
BY REPRESENTATIVE STUART BISHOP
AN ACT

To repeal R.S. 18:1311(A), relative to voting prior to election day; to repeal a requirement that the registrar of voters compile and post a list of certain information concerning persons who have applied to vote prior to election day; and to provide for an effective date.

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. 942—
BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 42:1142, relative to enforcement of the laws under the jurisdiction of the Board of Ethics; to provide for the appeal of actions taken to enforce the laws under the jurisdiction of the Board of Ethics; to provide for appeal of actions of the Board of Ethics and the Ethics Adjudicatory Board; to provide the Board of Ethics a limited right to appeal final decisions of the Ethics Adjudicatory Board; to provide for the payment of attorney fees and court costs under 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 Engrossed House Bill No. 942 by Representative Tim Burns

AMENDMENT NO. 1

On page 3, line 3, after "other party" insert "inclusive of all stages of litigation and appeal"

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

HOUSE BILL NO. 950—
BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 42:1132(A), (B)(introductory paragraph), (C), and (D), 1134(A)(1) and (K), 1135, 1141(A), (B)(1)(a), (C)(1), (2), and (3)(c) and (d), and 1151 through 1157, to enact R.S. 42:1141(B)(3) and (C)(3)(e) and (f) and 1141.2 through 1141.6, and to repeal R.S. 42:1141(C)(4), (5), (6), (7), and (8), (D), (E), and (F), 1141.1, and 1157.2, relative to enforcement of the laws under the jurisdiction of the Board of Ethics; to clarify the powers and duties of the Board of Ethics and the Ethics Adjudicatory Board relative to such enforcement; to provide relative to certain time limitations; 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 Reengrossed House Bill No. 950 by Representative Tim Burns

AMENDMENT NO. 1

On page 5, at the end of line 25, after "investigation" insert ", which has the effect of delaying or impeding the proceeding"

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

HOUSE BILL NO. 954—
BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact R.S. 3:2004, 4222(C), and 4674(F), R.S. 12:1084, 1164, and 1413, R.S. 13:32, R.S. 14:403.6(A), R.S. 17:1808(G), 2048.31(B), 2048.32(C), 3139.5(3)(a), 3201(A) and (B)(1), 3202(1), 3351.11(D)(3), 3973(1)(e) and (2)(b)(i) and (ii), 3991(F), 3995(B), and 4001(A) and (C)(1), (2), and (4), R.S. 23:43, 1203.1(F)(introductory paragraph), and 1294(A)(1), R.S. 24:36(C)(3), 513(A)(4) and (5)(a)(ii) and (F), R.S. 28:821(C) and 824(A) and (C), R.S. 32:123(B) and (D), 143(A)(5) and (6), 175(A), 213, 215, and 234(A)(1), R.S. 33:4169.1(G), R.S. 36:3(4), 4(B)(1)(aa) and (ee), (6)(a), and (18), (F), (L), (N), (U), and (X), 4.1(D)(9) and (15), 53(A), 109(N), 201(C)(1), 209(B)(1)(a), (C)(1), (F), (H)(1), (4), (5), (6), (10), and (11), (J), (K), (L), (M), (N), (O), (Q), (S), (T), (U), (W)(2), and (X), 239(B)(1), (4), and (6) and (E), 259(E), (F)(9), (10), (16), (18), and (21), (G), (I)(5), (J)(1), and (L)(1), (M), (Q), (T), (U), (W), (X), (BB)(1), (CC), and (GG), 309(B), (C)(1), and (D), 359(D), (J), (K), and (L), 409(B), (C)(1), (2), (4), (5), and (8), (D), (E), (F), (G), (H), (J), (L), and (O), 459(B), (C), and (H), 474(B)(1)(a)(introductory paragraph) and (i), 475(A), 478(F), (H)(3) and (4), 509(C), (F)(2), (3), and (8), (H), (K), (L), (M), (O), (Q), (R), (S), and (T), 610(B)(1), (10), and (11), (E), (F), (H), (I), (K), (L), and (N), 629(C)(5), (6), and (8), (D), (E), (F), (G), (H), (J), (K), (L), and (N), 643(A) and (C), 651(B), (C), (D), (E), (H), (L), (M), (P), (U), (X), (Y), (Z), and (BB), 686(A)(2), (3), and (5), (B), and (F), 706(B) and (C), 725(A), 744(E), (H), (I), (J), (Q), (T), and (U), 769(C), (D)(1), (2), (4), and (6), (F), (H), (I), and (L), 802(introductory paragraph), 802.6, 802.9, 803(A)(1), 851(A), 901(A), 918, and 921(A), R.S. 37:3103(A)(3.1) and 3134, R.S. 39:1593.1(B), R.S. 40:2009.1(C)(2)(d), R.S. 42:17(A)(9), 66(C), 1119(C)(3), and 1123(12) and (14), and R.S. 56:1699(C)(introductory paragraph), to enact R.S. 36:4(B)(14) and (H), 4.1(D)(16), 239(C), 259(D), 309(F) and (G), 409(I), (P), and (Q), 459(D), 478(M), 629(R), 651(S), and 686(G), and to repeal R.S. 17:3138, Chapter 10 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:571 through 576, R.S. 25:802(3), (4), (10), and (11), R.S. 35:396, R.S. 36:4.1(D)(18), 53(E), 109(A), 209(A), (H)(9) and (14), and (AA), 239(A) and (B)(3) and (5), 259(A), (C)(24), (E)(22), (F)(8), (15), and (19), and (I)(4), 309(A) and (C)(3), 359(A), 408(B)(3), 409(A) and (J)(2), 459(A), 478(A), (B), and (H)(8), (9), (10), and (11), 509(A), (E), (F)(1), and (G), 610(A), 629(A) and (C)(4), 650(B), 651(A), (K), (N), and (V), 744(A), 769(A), (D)(3) and (5), (E), and (K), 802.4, and 802.8, R.S. 37:3601, Chapter 30 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2801 through 2803, and Act No. 16 of the 1960 Regular Session of the Legislature, relative to the various provisions of the Louisiana Revised Statutes of 1950; to provide for various technical corrections in provisions of the statutes, including corrections in legal citations, corrections in names of agencies, officers, and other entities, removal of references to agencies and other entities that have otherwise been repealed or no longer exist, and conforming changes to clarify potentially conflicting language; 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. 955—
BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 18:463(A)(2)(c)(i), 1505.4(A)(1) and (4), (C), and (D)(1), 1511.4(D), and 1511.5(A)(1) and (2), (B), and (D) and to enact R.S. 18:1511.4.1, relative to the Campaign Finance Disclosure Act; to clarify the enforcement of certain violations of the Campaign Finance Disclosure Act; to provide for the powers, functions, and duties of the Supervisory Committee on Campaign Finance Disclosure and the Ethics Adjudicatory Board relative to such enforcement; 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. 989—
BY REPRESENTATIVES HUVAL, PIERRE, REYNOLDS, RITCHIE, TALBOT, AND THIBAUT
AN ACT

To enact R.S. 22:978(E) and (F), relative to group, family group, blanket, and association health and accident insurance and health maintenance organizations; to provide with respect to notice required for certain premium increase, cancellation, or nonrenewal; to provide for the release of claims data; to provide with respect to civil immunity and certifications; and to provide for related matters.

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

HOUSE BILL NO. 1020—
BY REPRESENTATIVES DANAHAY AND KLECKLEY
AN ACT

To amend and reenact R.S. 18:1285(A)(1) and 1293, relative to certain elections; to require certain notification to electors relative to the remittance of portions of tax collections to specified retirement systems in accordance with law; to require certain records to be kept regarding certain elections; 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. 1090—
BY REPRESENTATIVE LIGI
AN ACT

To amend and reenact R.S. 49:958 and 964(B), relative to decisions and orders in adjudication proceedings; to provide for notice of decisions and orders in adjudication proceedings; to authorize the use of electronic means of notification; 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. 1177—
BY REPRESENTATIVE HARRISON
AN ACT

To enact R.S. 22:1576, relative to insurance producers; to require certain training for insurance producers in order to sell annuity products; to provide for the registration of annuity training course providers as continuing education providers; to require insurers to verify that a producer who sells annuities has satisfied annuity training requirements; 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 Reengrossed House Bill No. 1177 by Representative Harrison

AMENDMENT NO. 1
On page 2, line 3, after "January 1, 2013," insert "An individual who holds a life insurance line of authority and has satisfied the training requirements in another state with substantially similar requirements prior to January 1, 2013, shall be deemed to have satisfied the training requirements of this state."

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

HOUSE BILL NO. 1195— (Substitute for House Bill No. 622 by Representative Jackson)
BY REPRESENTATIVE KATRINA JACKSON
AN ACT

To amend and reenact R.S. 32:871(A) and 872(A), relative to uninsured motorists; to provide for reimbursement for damages; and to provide for related matters.

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

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.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 1196 by Representative Pearson

AMENDMENT NO. 1
On page 2, line 20, change "employer" to "employee"

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

HOUSE BILL NO. 1197— (Substitute for House Bill No. 893 by Representative Fannin)
BY REPRESENTATIVE FANNIN
AN ACT

To amend and reenact R.S. 18:602(C) and to enact R.S. 18:602(E)(1)(c), relative to vacancies in the office of sheriff; to provide for the filling of such vacancies under certain circumstances; to provide relative to the eligibility of the person filling such a vacancy to seek the office; to provide for retroactive application; 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.

**Senate Concurrent Resolutions
on Second Reading
Reported by Committees**

SENATE CONCURRENT RESOLUTION NO. 11—
BY SENATOR MURRAY
A CONCURRENT RESOLUTION

To create a special committee to study the process of redistricting or reapportionment including, creation of precincts, demographer certification, notice requirements for changes in voting, reapportionment and redistricting plans, electronic data requirements for Geographic Information Systems (GIS), submission deadlines for changes in voting and to develop recommendations for changes to the Louisiana Election Code to implement such changes.

Reported favorably by the Committee on Senate and Governmental Affairs.

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

May 10, 2012

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Brown	Heitmeier	Smith, G.
Claitor	Perry	
Total - 5		

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

SENATE CONCURRENT RESOLUTION NO. 66—

BY SENATOR BUFFINGTON

A CONCURRENT RESOLUTION

To establish an advisory work group within the Department of Insurance to examine methods to allow an insured under a life insurance policy or the contract holder of an annuity to convert the policy or annuity to a long term care benefit.

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

SENATE CONCURRENT RESOLUTION NO. —

BY SENATOR BUFFINGTON

(Substitute of SCR No. 66 by Senator Buffington)

A CONCURRENT RESOLUTION

To establish an advisory work group within the Department of Insurance to examine options that may be available to allow an insured under a life insurance policy or contract holder of an annuity to fund long-term care benefits.

WHEREAS, a need exists to fund long-term care benefits; and

WHEREAS, a study is necessary to determine the options available today and those that may be available in the future to combine life insurance and annuity benefits with long-term care benefits for the purpose of addressing the long-term care needs of the insured and contract holder; and

WHEREAS, the study of those issues is best undertaken by an advisory work group within the Department of Insurance, with the assistance of the Department of Health and Hospitals and others knowledgeable in the subject matter areas associated with those issues; and

WHEREAS, the advisory work group shall study, examine, evaluate, and make recommendations and findings on the feasibility of combining life insurance and annuity benefits with long-term care benefits as a means to fund long-term care.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby establish the advisory work group within the Department of Insurance to examine options that may be available to allow an insured under a life insurance policy or contract holder of an annuity to fund long-term care benefits.

BE IT FURTHER RESOLVED that the membership on the advisory work group shall consist of the following:

(1) The commissioner of the Department of Insurance, or his designee.

(2) The secretary of the Department of Health and Hospitals, or his designee.

(3) The executive director of the Louisiana Nursing Home Association, or his designee.

(4) The executive director of the Louisiana Insurers' Conference, or his designee.

(5) A representative of the American Council of Life Insurers, selected by the council members, or such person's designee.

(6) The executive director of the office of elderly affairs in the office of the governor, or his designee.

(7) A company representative from one of the ten top writers of insurance, annuities, and long-term care benefits in the state of Louisiana selected by such writers.

(8) The executive director of the National Association of Independent Fee Appraisers of Louisiana, or his designee.

BE IT FURTHER RESOLVED that the names of the members of the advisory work group shall be submitted to the commissioner of the Department of Insurance no later than September 1, 2012.

BE IT FURTHER RESOLVED that the commissioner of the Department of Insurance shall convene the first meeting of the advisory work group no later than September 15, 2012.

BE IT FURTHER RESOLVED that the commissioner of the Department of Insurance shall designate the chairperson of the advisory work group from the membership of the working group.

BE IT FURTHER RESOLVED that the advisory work group shall provide for the manner and frequency of its meetings at its first meeting, and it shall be staffed by the Department of Insurance.

BE IT FURTHER RESOLVED that the advisory work group shall meet as necessary and shall report its findings to the legislature no later than February 1, 2013.

BE IT FURTHER RESOLVED that the advisory work group shall terminate upon the date of submission of its report or February 1, 2013, whichever occurs first.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the commissioner of the Department of Insurance, the secretary of the Department of Health and Hospitals, the executive director of the Louisiana Nursing Home Association, the executive director of the Louisiana Insurers' Conference, and the executive director of the office of elderly affairs in the office of the governor.

On motion of Senator Morrish, the committee substitute concurrent resolution was adopted and becomes Senate Concurrent Resolution No. 104 by Senator Buffington, substitute for Senate Concurrent Resolution No. 66 by Senator Buffington.

SENATE CONCURRENT RESOLUTION NO. 104—

BY SENATOR BUFFINGTON

(Substitute of SCR No. 66 by Senator Buffington)

A CONCURRENT RESOLUTION

To establish an advisory work group within the Department of Insurance to examine options that may be available to allow an insured under a life insurance policy or contract holder of an annuity to fund long-term care benefits.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Murray
Adley	Erdey	Nevers
Allain	Gallot	Peacock
Amedee	Guillory	Peterson
Appel	Johns	Riser
Broome	Kostelka	Smith, J.
Buffington	LaFleur	Tarver
Chabert	Long	Thompson

Claitor	Martiny	Walsworth
Cortez	Mills	Ward
Crowe	Morrell	White
Donahue	Morrish	
Total - 35		

NAYS

Total - 0

ABSENT

Brown	Perry
Heitmeier	Smith, G.
Total - 4	

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

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.

Reported favorably by the Committee on Senate and Governmental Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Morrell
Adley	Dorsey-Colomb	Morrish
Allain	Erdey	Murray
Amedee	Gallot	Nevers
Appel	Johns	Peacock
Broome	Kostelka	Riser
Brown	LaFleur	Smith, J.
Buffington	Long	Thompson
Cortez	Martiny	Ward
Crowe	Mills	White
Total - 30		

NAYS

Total - 0

ABSENT

Chabert	Heitmeier	Smith, G.
Claitor	Perry	Tarver
Guillory	Peterson	Walsworth
Total - 9		

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

SENATE BILL NO. 194—

BY SENATOR APPEL

AN ACT

To amend and reenact R.S. 9:4208, relative to arbitration awards; to provide for payment of attorney fees and costs in arbitration awards under certain circumstances; 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	Donahue	Murray
Adley	Dorsey-Colomb	Nevers
Allain	Erdey	Peacock
Amedee	Gallot	Peterson
Appel	Guillory	Riser
Broome	Johns	Smith, J.
Brown	Kostelka	Tarver
Buffington	Long	Thompson
Chabert	Martiny	Walsworth
Claitor	Mills	Ward
Cortez	Morrell	White
Crowe	Morrish	
Total - 35		

NAYS

Total - 0

ABSENT

Heitmeier	Perry
LaFleur	Smith, G.
Total - 4	

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. 321—

BY SENATOR MARTINY

AN ACT

To enact R.S. 15:574.4(A)(5), relative to parole; to provide for eligibility for parole consideration for certain inmates who are at least fifty years of age and have met certain conditions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Murray
Adley	Dorsey-Colomb	Nevers
Allain	Gallot	Peacock
Amedee	Johns	Peterson
Appel	Kostelka	Smith, J.
Broome	LaFleur	Tarver
Brown	Long	Thompson
Buffington	Martiny	Walsworth
Chabert	Mills	Ward
Cortez	Morrell	White
Crowe	Morrish	
Total - 32		

NAYS

Claitor	Riser
Total - 2	

ABSENT

Erdey	Heitmeier	Smith, G.
Guillory	Perry	
Total - 5		

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

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

Called from the Calendar

Senator Morrell asked that Senate Bill No. 512 be called from the Calendar.

**SENATE BILL NO. 512—
BY SENATOR MORRELL**

AN ACT

To amend and reenact R.S. 18:1300.31(A)(1), (2), (5), and (7), (B), (C), (D), (E), and (F), and 1300.33 (A) and (B), and R.S. 33:9100.21(B) and (C), and to repeal R.S. 18:1300.32, relative to crime prevention and security districts; to streamline the procedure by which municipalities and parishes may create such districts and levy parcel fees; to remove all references to the need for a petition to request an election for the approval of such districts; to remove the requirement that an election must be held to approve the creation of such districts; to authorize municipalities and parishes to create such districts; and to provide for related matters.

On motion of Senator Morrell the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Guillory asked that Senate Bill No. 740 be called from the Calendar.

**SENATE BILL NO. 740—
BY SENATOR GUILLORY**

AN ACT

To amend and reenact R.S. 11:542(A)(2) and (3), (B)(introductory paragraph), and (F)(2), 883.1(A)(2) and (3), (B)(introductory paragraph), and (G)(2) and to enact Subpart P of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:331, and R.S. 11:542(A)(4), (B)(4), (F)(3), and 883.1(A)(4), (B)(4), and (G)(3), relative to certain accounts of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide for calculation and application of credits and debits to the systems' experience accounts; to provide for subaccounts; to provide for an effective date; 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. 740 by Senator Guillory

AMENDMENT NO. 1

On page 2, line 2, following "certain" change "Acts" to "acts"

AMENDMENT NO. 2

On page 2, line 5, following "Bill No." insert "740"

On motion of Senator Martiny, the amendments were adopted.

Floor Amendments

Senator Guillory proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guillory to Engrossed Senate Bill No. 740 by Senator Guillory

AMENDMENT NO. 1

On page 2, line 5, change "____" to "740"

On motion of Senator Guillory, the amendments were adopted.

Floor Amendments

Senator Claitor proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 740 by Senator Guillory

AMENDMENT NO. 1

On page 1, line 2 after "542" delete the remainder of the line and delete line 3 and insert "(F)(2) and 883.1(G)(2) and to enact Subpart"

AMENDMENT NO. 2

On page 1, line 8 after "for" delete the remainder of the line

AMENDMENT NO. 3

On page 1, line 9 after "accounts;" delete "to provide for subaccounts;"

AMENDMENT NO. 4

On page 1, line 13 after "542" delete the remainder of the line and delete line 14 and insert "(F)(2) and 883.1(G)(2) are hereby amended and "

AMENDMENT NO. 5

On page 1, line 16 after "331" delete the remainder of the line and delete line 17 and insert "is hereby enacted to read as follows:"

AMENDMENT NO. 6

On page 2, delete lines 10 through 29 in their entirety and on page 3, delete lines 1 through 21 in their entirety

AMENDMENT NO. 7

On page 3, line 25 after "increase" delete the remainder of the line and delete lines 26 through 29 in their entirety and on page 4 delete lines 1 through 4 and insert: "shall be authorized based on any actuarial valuation in which ~~both of the following apply:~~

~~(a) The system fails to earn an actuarial rate of return which exceeds the board-approved actuarial valuation rate.~~

~~(b) The the system is less than eighty percent funded."~~

AMENDMENT NO. 8

On page 4, delete lines 7 through 29 in their entirety and on page 5 delete lines 1 through 17 in their entirety

AMENDMENT NO. 9

On page 5, line 21 after "increase" delete the remainder of the line and delete lines 22 through 29 in their entirety and insert: "shall be authorized based on any actuarial valuation in which ~~both of the following apply:~~

~~(a) The system fails to earn an actuarial rate of return which exceeds the board-approved actuarial valuation rate.~~

~~(b) The the system is less than eighty percent funded."~~

Senator Claitor moved the adoption of the amendments.

Senator Guillory objected.

ROLL CALL

The roll was called with the following result:

YEAS

Amedee	Kostelka	Smith, J.
Brown	Martiny	Tarver
Buffington	Morrish	Thompson
Claitor	Murray	Walsworth
Cortez	Peterson	
Gallot	Riser	
Total - 16		

NAYS

Mr. President	Crowe	Mills
Adley	Donahue	Nevers
Allain	Dorsey-Colomb	Peacock
Appel	Erdey	Ward
Broome	Guillory	White
Chabert	Long	
Total - 17		

ABSENT

Heitmeier	LaFleur	Perry
Johns	Morrell	Smith, G.
Total - 6		

The Chair declared the amendments were rejected.

Floor Amendments

Senator Amedee proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee to Engrossed Senate Bill No. 740 by Senator Guillory

AMENDMENT NO. 1

On page 3, between lines 9 and 10, insert the following:
"(gg) Judges and court officers"

Senator Amedee moved the adoption of the amendments.

Senator Peterson objected.

ROLL CALL

The roll was called with the following result:

YEAS

Amedee	Gallot
Total - 2	

NAYS

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

ABSENT

Guillory	Perry
Heitmeier	Smith, G.
Total - 4	

The Chair declared the amendments were rejected.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Crowe	Morrish
Adley	Donahue	Nevers
Allain	Guillory	Peacock
Appel	Johns	Smith, J.
Chabert	Kostelka	Walsworth
Claitor	Martiny	Ward
Cortez	Morrell	
Total - 20		

NAYS

Amedee	Erdey	Murray
Broome	Gallot	Peterson
Brown	LaFleur	Riser
Buffington	Long	Tarver
Dorsey-Colomb	Mills	Thompson
Total - 15		

ABSENT

Heitmeier	Smith, G.
Perry	White
Total - 4	

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

Rules Suspended

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 10, 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. 8—
BY SENATOR DORSEY-COLOMB**

A CONCURRENT RESOLUTION
 To urge and request the Department of Transportation and Development to study improving the operational safety of the exit from Interstate 10 to East Washington Street in Baton Rouge.

Reported without amendments.

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

**Introduction of
Senate Concurrent Resolutions**

**SENATE CONCURRENT RESOLUTION NO. 105—
BY SENATOR CORTEZ**

A CONCURRENT RESOLUTION

To commend the city of Lafayette, Louisiana on being honored as the winner of The South's Tastiest Town 2012 competition promoted by Southern Living Magazine.

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

**SENATE CONCURRENT RESOLUTION NO. 106—
BY SENATOR CORTEZ**

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the passing of business entrepreneur, visionary, public servant, legislator, and former state superintendent of education, Louis Joseph Michot Jr., to commemorate a life well spent in service to the Lafayette community, and to note the proud legacy he leaves to the state of Louisiana.

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

**SENATE CONCURRENT RESOLUTION NO. 107—
BY SENATOR ERDEY**

A CONCURRENT RESOLUTION

To authorize and direct public agencies to provide in-service education and training on sexual harassment for its public servants.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 10, 2012

To the Honorable President and Members of the Senate:

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

HCR NO. 135 HCR NO. 136

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

**House Concurrent Resolutions
on First Reading**

**HOUSE CONCURRENT RESOLUTION NO. 135—
BY REPRESENTATIVES COX AND BURFORD**

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to reexamine the agreement relative to creel limits applicable to waters shared between Louisiana and Texas.

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

**HOUSE CONCURRENT RESOLUTION NO. 136—
BY REPRESENTATIVE ORTEGO**

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to conduct a study relative to the potential of

frontage roads being constructed adjacent to interstate roadways and or urban arterials.

The resolution 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:

May 10, 2012

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 96—
BY SENATOR JOHNS AND REPRESENTATIVE GEYMANN**

A CONCURRENT RESOLUTION

To commend the Sam Houston High School Lady Broncos on winning the Class 5A Girls High School State Softball Championship.

**SENATE CONCURRENT RESOLUTION NO. 97—
BY SENATOR MILLS AND REPRESENTATIVE HUVAL**

A CONCURRENT RESOLUTION

To commend the St. Martinville Senior High School's Academic Decathlon Team for winning the state championship and for its performance in the national competition.

**SENATE CONCURRENT RESOLUTION NO. 98—
BY SENATOR MURRAY**

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations on certain aspects of child support calculations involving net child care costs.

Respectfully submitted,
"JODY" AMEDEE
Chairman

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

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

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

May 10, 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 Bills have been properly enrolled:

SENATE BILL NO. 48—
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:511, 822(A) and (B), 1162(A), and 1164, relative to state retirement systems; to provide relative to the membership of the boards of trustees of the Louisiana State Employees' Retirement System, the Teachers' Retirement System of Louisiana, and the Louisiana School Employees' Retirement System; and to provide for related matters.

SENATE BILL NO. 95—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 37:1782(5)(a), 1797(B), and 1798(A)(1)(a) and to enact R.S. 37:1798(A)(3), relative to information furnished to police or sheriff; requires a pawnbroker to provide certain information obtained to the Department of Public Safety and Corrections, division of probation and parole; to provide relative to the means for providing transactional information; to provide with respect to time delays for delivery of certain information; and to provide for related matters.

SENATE BILL NO. 140—
BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 47:1908(A)(26) and (C), relative to expenses of assessors; to increase the amount the assessor of Jefferson Parish is allowed for clerical and other expenses; and to provide for related matters.

SENATE BILL NO. 151—
BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH

AN ACT

To amend and reenact the introductory paragraph of R.S. 3:3243(G), the introductory paragraph of 3245(C), the introductory paragraph of 3246(G), 3367(F) and 3383(B) and to enact R.S. 3:3210(C)(6) and 3365(E), relative to the Pesticide Law; to provide relative to monies in the Pesticide Fund; to authorize the Structural Pest Control Commission to issue subpoenas; to extend records retention requirements for certain entities; and to provide for related matters.

SENATE BILL NO. 158—
BY SENATORS MORRELL, ALARIO, BROOME, DORSEY-COLOMB, ERDEY, GUILLORY, LONG, MARTINY, MURRAY, PETERSON, GARY SMITH, JOHN SMITH, TARVER, THOMPSON AND WHITE

AN ACT

To enact R.S. 23:968, relative to whistleblower protection; to provide employment protection for a person who reports the sexual abuse of a minor child; to provide a cause of action for certain employees; to provide for damages; to provide for exceptions; and to provide for related matters.

SENATE BILL NO. 169—
BY SENATORS ALLAIN, LONG, RISER, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 3:730.3(B)(1) and (D), relative to the membership of the Louisiana Strawberry Marketing Board; to decrease the membership of the board; to provide for quorum; to provide for technical corrections; and to provide for related matters.

SENATE BILL NO. 252—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 23:1538(A), relative to the unemployment compensation fund; to provide for penalties against employers who fail to file complete and accurate quarterly payroll reports in a timely manner; and to provide for related matters.

SENATE BILL NO. 288—
BY SENATORS ALLAIN, LONG, RISER, THOMPSON AND WALSWORTH

AN ACT

To enact R.S. 3:14, relative to the authority of the commissioner of agriculture; to authorize the commissioner to employ an executive counsel and assistants; to provide relative to qualifications; and to provide for related matters.

SENATE BILL NO. 375—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 56:266(D)(1), relative to the Louisiana Fur Public Education and Marketing Fund; to provide for the trapping license fees; and to provide for related matters.

SENATE BILL NO. 614—
BY SENATORS ADLEY, ALLAIN, BUFFINGTON, DORSEY-COLOMB, ERDEY, GUILLORY, HEITMEIER, MILLS, NEVERS AND THOMPSON AND REPRESENTATIVE LORUSSO

AN ACT

To amend and reenact R.S. 46:123(D)(1)(c)(iii) and (vi), relative to the Louisiana Military Family Assistance Board; to provide relative to requirements for need-based claims; and to provide for related matters.

SENATE BILL NO. 646—
BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH AND REPRESENTATIVES ANDERS, CARMODY, CHAMPAGNE, CHANEY, GISCLAIR, HENSGENS, HILL, HOWARD, HUVAL, JOHNSON, TERRY LANDRY, LEBAS AND THIBAUT

AN ACT

To amend and reenact R.S. 3:1615(A)(1) and (4), relative to Boll Weevil Eradication assessments; to provide for the transfer of assessments to the Louisiana Agricultural Finance Authority; and to provide for related matters.

SENATE BILL NO. 148—
BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH

AN ACT

To amend and reenact R.S. 3:3408(A)(10), 3409(B) and (C), 3410(H)(3), 3411(G)(3), and 3420 and to repeal Part VII of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:711 through 716, relative to agriculture commodities; to clarify provisions of the Agricultural Commodity Dealer and Warehouse Law; to provide relative to warehouse licenses; to repeal the Agriculture Commodity Marketing Law; to provide for technical corrections; and to provide for related matters.

SENATE BILL NO. 149—
BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH

AN ACT

To amend and reenact R.S. 3:1399(A), the introductory paragraph of 1412(C), 1430.5(E), the introductory paragraph of 1430.7(A), 1431(26), 1435(3), 1439, 1440, 1441, and 1444(9), relative to the Louisiana Agricultural Liming Materials Law; to clarify the registration date for liming materials; to clarify terms relative to stop orders; to provide for technical corrections; and to provide for related matters.

Respectfully submitted,
"JODY" AMEDEE
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

Message to the Governor

SIGNED SENATE BILLS

May 10, 2012

To the Honorable Governor of the State of Louisiana:

May 10, 2012

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

SENATE BILL NO. 48—
BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:511, 822(A) and (B), 1162(A), and 1164, relative to state retirement systems; to provide relative to the membership of the boards of trustees of the Louisiana State Employees' Retirement System, the Teachers' Retirement System of Louisiana, and the Louisiana School Employees' Retirement System; and to provide for related matters.

SENATE BILL NO. 95—
BY SENATOR MORRELL

AN ACT

To amend and reenact R.S. 37:1782(5)(a), 1797(B), and 1798(A)(1)(a) and to enact R.S. 37:1798(A)(3), relative to information furnished to police or sheriff; requires a pawnbroker to provide certain information obtained to the Department of Public Safety and Corrections, division of probation and parole; to provide relative to the means for providing transactional information; to provide with respect to time delays for delivery of certain information; and to provide for related matters.

SENATE BILL NO. 140—
BY SENATOR ALARIO

AN ACT

To amend and reenact R.S. 47:1908(A)(26) and (C), relative to expenses of assessors; to increase the amount the assessor of Jefferson Parish is allowed for clerical and other expenses; and to provide for related matters.

SENATE BILL NO. 151—
BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH

AN ACT

To amend and reenact the introductory paragraph of R.S. 3:3243(G), the introductory paragraph of 3245(C), the introductory paragraph of 3246(G), 3367(F) and 3383(B) and to enact R.S. 3:3210(C)(6) and 3365(E), relative to the Pesticide Law; to provide relative to monies in the Pesticide Fund; to authorize the Structural Pest Control Commission to issue subpoenas; to extend records retention requirements for certain entities; and to provide for related matters.

SENATE BILL NO. 158—
BY SENATORS MORRELL, ALARIO, BROOME, DORSEY-COLOMB, ERDEY, GUILLORY, LONG, MARTINY, MURRAY, PETERSON, GARY SMITH, JOHN SMITH, TARVER, THOMPSON AND WHITE

AN ACT

To enact R.S. 23:968, relative to whistleblower protection; to provide employment protection for a person who reports the sexual abuse of a minor child; to provide a cause of action for certain employees; to provide for damages; to provide for exceptions; and to provide for related matters.

SENATE BILL NO. 169—
BY SENATORS ALLAIN, LONG, RISER, THOMPSON AND WALSWORTH

AN ACT

To amend and reenact R.S. 3:730.3(B)(1) and (D), relative to the membership of the Louisiana Strawberry Marketing Board; to decrease the membership of the board; to provide for quorum; to provide for technical corrections; and to provide for related matters.

SENATE BILL NO. 252—
BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 23:1538(A), relative to the unemployment compensation fund; to provide for penalties against employers who fail to file complete and accurate quarterly payroll reports in a timely manner; and to provide for related matters.

SENATE BILL NO. 288—
BY SENATORS ALLAIN, LONG, RISER, THOMPSON AND WALSWORTH

AN ACT

To enact R.S. 3:14, relative to the authority of the commissioner of agriculture; to authorize the commissioner to employ an executive counsel and assistants; to provide relative to qualifications; and to provide for related matters.

SENATE BILL NO. 375—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 56:266(D)(1), relative to the Louisiana Fur Public Education and Marketing Fund; to provide for the trapping license fees; and to provide for related matters.

SENATE BILL NO. 614—

BY SENATORS ADLEY, ALLAIN, BUFFINGTON, DORSEY-COLOMB, ERDEY, GUILLORY, HEITMEIER, MILLS, NEVERS AND THOMPSON AND REPRESENTATIVE LORUSSO

AN ACT

To amend and reenact R.S. 46:123(D)(1)(c)(iii) and (vi), relative to the Louisiana Military Family Assistance Board; to provide relative to requirements for need-based claims; and to provide for related matters.

SENATE BILL NO. 646—

BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH AND REPRESENTATIVES ANDERS, CARMODY, CHAMPAGNE, CHANEY, GISCLAIR, HENSGENS, HILL, HOWARD, HUVAL, JOHNSON, TERRY LANDRY, LEBAS AND THIBAUT

AN ACT

To amend and reenact R.S. 3:1615(A)(1) and (4), relative to Boll Weevil Eradication assessments; to provide for the transfer of assessments to the Louisiana Agricultural Finance Authority; and to provide for related matters.

SENATE BILL NO. 148—

BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH

AN ACT

To amend and reenact R.S. 3:3408(A)(10), 3409(B) and (C), 3410(H)(3), 3411(G)(3), and 3420 and to repeal Part VII of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:711 through 716, relative to agriculture commodities; to clarify provisions of the Agricultural Commodity Dealer and Warehouse Law; to provide relative to warehouse licenses; to repeal the Agriculture Commodity Marketing Law; to provide for technical corrections; and to provide for related matters.

SENATE BILL NO. 149—

BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG, RISER AND WALSWORTH

AN ACT

To amend and reenact R.S. 3:1399(A), the introductory paragraph of 1412(C), 1430.5(E), the introductory paragraph of 1430.7(A), 1431(26), 1435(3), 1439, 1440, 1441, and 1444(9), relative to the Louisiana Agricultural Liming Materials Law; to clarify the registration date for liming materials; to clarify terms relative to stop orders; to provide for technical corrections; and to provide for related matters.

SENATE BILL NO. 175—

BY SENATOR APPEL

AN ACT

To amend and reenact R.S. 32:1268(A)(1)(a)(introductory paragraph) and (c), (2) and (B), and to enact R.S. 32:1261(1)(x), relative to the Louisiana Motor Vehicle Commission; to provide for regulation and enforcement by the commission; to provide for repurchase of certain tools and equipment; to provide for unauthorized actions of certain persons regulated by the commission; and to provide for related matters.

SENATE BILL NO. 435—

BY SENATORS BROOME, ALARIO, BROWN, BUFFINGTON, CROWE, DORSEY-COLOMB, ERDEY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MURRAY, NEVERS, PETERSON, GARY SMITH, TARVER, THOMPSON, WALSWORTH AND WARD AND REPRESENTATIVES BARROW, STUART BISHOP, COX, GREENE, HARRIS, HAVARD, HODGES, HOLLIS, KATRINA JACKSON, MORENO, JAY MORRIS, NORTON, ORTEGO, PIERRE, PRICE, REYNOLDS, SMITH, ST. GERMAIN, TALBOT AND THOMPSON

AN ACT

To enact R.S. 15:541.1, relative to human trafficking; to provide that certain establishments shall post information regarding the National Human Trafficking Resource Center hotline; to provide for the form and content of the posting; to provide for languages in which the information is to be posted; to provide for certain departments to notify affected establishments of the requirements; to provide for a civil penalty; and to provide for related matters.

SENATE BILL NO. 575—

BY SENATOR MORRELL AND REPRESENTATIVE LOPINTO

AN ACT

To amend and reenact R.S. 14:90(C), R.S. 27:20(A)(1)(d)(ii), and Chapter 8 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:401 through 457, to enact Chapter 9 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:501 and 502, and to repeal Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950, comprised of R.S. 27:301 through 326, relative to the licensing and operation of video draw poker devices; to provide for a comprehensive reorganization of the Video Draw Poker Devices Control Law; to provide for definitions; to provide for the types of licensed establishments which may be issued for the operation of video draw poker devices; to provide for limits on the number of devices which may be offered at those licensed establishments; to provide for specifications of video draw poker devices; to provide for the types of games which may be played on video draw poker devices; to provide with respect to suitability criteria for the issuance of video draw poker devices; to provide for criteria and amenities which shall be offered at different licensed establishments; to provide for the calculation of fuel sales at qualified truck stop facilities; to provide with respect to the construction and location of qualified truck stop facilities; to provide for the temporary operation of video draw poker devices; to provide with respect to force majeure; to provide for applicability; to provide for exceptions; to provide with respect to leasing qualified truck stop facilities; to repeal statutory provisions which have become obsolete; to provide with respect to the sale or transfer of a license; to provide for tax clearances for the granting or renewal of a license to operate video draw poker devices; to provide for the application process for three machine locations; to provide for issuance of licenses by the office of state police for three machine locations; to provide for the regulation and enforcement regarding the operation of video draw poker devices; to provide for rulemaking; and to provide for related matters.

SENATE BILL NO. 556—

BY SENATOR ERDEY

AN ACT

To enact Subpart DD of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.102, relative to donations of refunds; to provide for such donations to the Alliance for the Advancement of End of Life Care; and to provide for related matters.

and they are hereby presented for executive approval.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

ATTENDANCE ROLL CALL

ROLL CALL

The roll was called with the following result:

PRESENT

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

ABSENT

Heitmeier	Perry	Smith, G.
Total - 3		

Leaves of Absence

The following leaves of absence were asked for and granted:

Heitmeier	1 Day	Gary Smith	1 Day
Perry	1 Day		

Announcements

The following committee meetings for May 14, 2012, were announced:

Finance	9:30 A.M.	Room A
Retirement	9:00 A.M.	Room F
Revenue and Fiscal Affairs	12:00 P.M.	Hainkel Room

Adjournment

On motion of Senator Thompson, at 10:45 o'clock A.M. the Senate adjourned until Monday, May 14, 2012, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Monday, May 14, 2012.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk

