

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

FIFTEENTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, May 21, 2009

The Senate was called to order at 9:10 o'clock A.M. by Hon. Joel T. Chaisson II, President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Duplessis	Michot
Adley	Dupre	Morrell
Amedee	Erdey	Mount
Appel	Gray Evans	Murray
Broome	Guillory	Nevers
Claitor	Heitmeier	Shaw
Crowe	Long	
Donahue	McPherson	
Total - 22		

ABSENT

Alario	Jackson	Quinn
Cheek	Kostelka	Riser
Dorsey	LaFleur	Smith
Gautreaux B	Marionneaux	Thompson
Gautreaux N	Martiny	Walsworth
Hebert	Morrish	
Total - 17		

The President of the Senate announced there were 22 Senators present and a quorum.

Prayer

The prayer was offered by Bishop Robert Muench, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Claitor, the reading of the Journal was dispensed with and the Journal of May 20, 2009, was adopted.

**Privilege Report of the
Legislative Bureau**

May 21, 2009

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.

HOUSE BILL NO. 140—

BY REPRESENTATIVES CHANEY, EDWARDS, ROSALIND JONES, MILLS, AND TEMPLET

AN ACT

To enact Civil Code Articles 178, 179, 199, and 200, relative to filiation; to authorize the Louisiana State Law Institute to provide comments to Civil Code Article 186 and to include those comments in this Act; to authorize the Louisiana State Law Institute to redesignate and rename the headings of Chapters 1 through 4 of Title VII of Book I of the Civil Code and the headings of the Sections and Subsections within those Chapters; to provide for the establishment of filiation; to provide for the effect of adoption; to provide for the adoption of minors; to provide for retroactive application; to provide a special effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 203—

BY REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 3:2501(B), relative to animal control agency officers; to provide for the appointment of certain animal control officers by parish governing authorities in certain parishes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 256—

BY REPRESENTATIVE RICHARDSON

AN ACT

To enact Code of Evidence Article 804(B)(7), relative to hearsay exceptions when declarant is unavailable; to allow the introduction of a statement made by a witness when the declarant is unavailable because of actions taken by a party against whom the statement is offered; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 408—

BY REPRESENTATIVE ANDERS

AN ACT

To amend and reenact R.S. 3:4274.1 and R.S. 32:402(C)(1), relative to the duties and powers of forestry officers; to provide for driver's license requirements for certain operators of firefighting equipment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 439—

BY REPRESENTATIVE ELLINGTON

AN ACT

To enact Subpart H of Part II of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4711 through 4718, relative to country of origin labeling for catfish products; to require retail and food service establishments to notify consumers of the country of origin of catfish; to provide for notification requirements; to provide for definitions; to provide relative to advertising of catfish products; to authorize the commissioner to regulate and inspect retail and food service establishments; to provide for penalties; to provide for testing procedures; to require a cooperative endeavor agreement; to authorize the commissioner to adopt rules and regulations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 628—

BY REPRESENTATIVE LANDRY

AN ACT

To amend and reenact Code of Civil Procedure Article 3945(C)(1) and (2) and (D), relative to child custody; to provide relative to

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orders of temporary custody; to extend the period for the setting of the hearing of the rule to show cause; to provide relative to the expiration of temporary custody and visitation; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 629—
BY REPRESENTATIVE LANDRY
AN ACT

To amend and reenact R.S. 46:2135(B) and (E) and Children's Code Article 1569(B) and (E), relative to temporary restraining orders in domestic abuse cases; to extend the period for the setting of the hearing of the rule to show cause; to extend the period for continuances of the rule to show cause; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 671—
BY REPRESENTATIVES WILLMOTT, BURFORD, TIM BURNS, CHANEY, HINES, LANDRY, AND MILLS
AN ACT

To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and 1299.41(A)(10), relative to medical malpractice; to add occupations to the definition of health care provider under the private and state medical malpractice acts; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ROB MARIONNEAUX
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 41—
BY SENATOR LONG
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the untimely death of Walter Dale Cowser, mayor of the village of Martin, Louisiana, and to celebrate the rich legacy of public service and accomplishment that he leaves to his community.

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

SENATE RESOLUTION NO. 42—
BY SENATOR LONG
A RESOLUTION

To commend Eric Smith upon being named the 2009-2010 High School Teacher of the Year by the Natchitoches Parish School Board.

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

**Senate Resolutions on
Second Reading**

SENATE RESOLUTION NO. 36—
BY SENATOR SHAW
A RESOLUTION

To direct Centerpoint Energy to present a status report at the June 4, 2009, meeting of the Senate Committee on Transportation, Highways, and Public Works.

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

SENATE RESOLUTION NO. 39—
BY SENATOR CHAISSON
A RESOLUTION

To urge and request that funds received by the state from the federal government as part of an economic recovery package, including the American Recovery and Reinvestment Act of 2009, be used to maximize the creation of American jobs and restoring economic growth and opportunity by spending such funds on products and services that both create jobs and help keep Americans employed and for purchasing only products and services that are made or performed in the United States of America whenever and wherever possible and that any request to waive these procurement priorities be published.

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

**Senate Concurrent Resolutions on
Second Reading**

SENATE CONCURRENT RESOLUTION NO. 75—
BY SENATOR ADLEY
A CONCURRENT RESOLUTION

To authorize and direct the Department of Economic Development, with the assistance of the Louisiana Automobile Dealers Association, to take any and all necessary steps and actions to have General Motors and Chrysler to meet with each of their Louisiana dealerships which have been or will be advised of closure in order to permit the dealership to provide information regarding their continued operation and to extend any deadline which may have been set for such closure.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Mount
Adley	Gautreaux B	Murray
Alario	Gray Evans	Nevers
Amedee	Guillory	Quinn
Appel	Heitmeier	Riser
Claitor	Jackson	Shaw
Crowe	Kostelka	Smith
Donahue	Long	Thompson
Dorsey	McPherson	Walsworth
Duplessis	Michot	
Dupre	Morrish	
Total - 31		

NAYS

Total - 0

ABSENT

Broome	Hebert	Martiny
Cheek	LaFleur	Morrell
Gautreaux N	Marionneaux	
Total - 8		

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 20, 2009

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 96—

BY REPRESENTATIVE PEARSON
AN ACT

To enact R.S. 11:247, 446(A)(6), and 783(A)(4), relative to state and statewide retirement systems; to provide relative to cost-of-living adjustments; to permit the selection of a retirement option that would provide for automatic cost-of-living adjustments subject to an actuarial reduction of benefits; and to provide for related matters.

HOUSE BILL NO. 112—

BY REPRESENTATIVE MONTOUCKET
AN ACT

To amend and reenact R.S. 11:701(33)(a)(x) and (xi) and (b)(v) and to enact R.S. 11:701(33)(a)(xii), relative to the Teachers' Retirement System of Louisiana; to provide that membership in such system includes certain foreign teachers who are teaching in Louisiana on J visas; and to provide for related matters.

HOUSE BILL NO. 187—

BY REPRESENTATIVE PATRICIA SMITH
AN ACT

To amend and reenact R.S. 17:3973(2)(b)(iii) and (iv), relative to the creation of Type 3 and Type 4 charter schools; to provide relative to the approval by certain persons of a proposal to create a Type 3 or Type 4 charter school by means of converting a preexisting public school; to provide relative to attendance at such schools; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 558—

BY REPRESENTATIVES BILLIOT, LABRUZZO, LIGI, LOPINTO, TALBOT, AND WILLMOTT AND SENATORS MARTINY AND MORRELL
AN ACT

To amend and reenact R.S. 48:711, relative to immovable property in the parish of Jefferson; to authorize and provide for the disposal of immovable property by the municipalities within such parish; and to provide for related matters.

HOUSE BILL NO. 570—

BY REPRESENTATIVES HOFFMANN, HENRY BURNS, CHAMPAGNE, CORTEZ, DOVE, FOIL, LITTLE, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, AND THIBAUT AND SENATORS APPEL, CROWE, DUPLESSIS, KOSTELKA, MICHOT, SMITH, AND WALSWORTH
AN ACT

To enact R.S. 17:81(Q) and 3996(B)(21), to require the governing authority of a public elementary or secondary school to formulate, develop, adopt, and implement policies, procedures, and practices applicable to school employees relative to electronic communications by an employee at a school to a student at that school; to provide policy guidelines and requirements; to provide limitations and exceptions; to provide that the occurrence of certain electronic communications be

reported by the school employee; to provide for immunity from civil liability; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 586—

BY REPRESENTATIVES DOERGE, CORTEZ, HENDERSON, HOFFMANN, LAFONTA, MONTOUCKET, POPE, AND ROBIDEAUX AND SENATORS CROWE, B. GAUTREAUX, AND KOSTELKA
AN ACT

To enact R.S. 11:542.1.1 and 883.3, relative to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide a minimum benefit increase to certain retirees, beneficiaries, and survivors; to provide for funding; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 590—

BY REPRESENTATIVES BARROW AND PATRICIA SMITH
AN ACT

To amend and reenact R.S. 17:238, relative to the placement in school and education of certain children; to require the governing authority of each public elementary and secondary school to enact a policy ensuring that children in foster care may remain enrolled in certain schools; to require that such governing authorities and the Department of Social Services provide transportation to and from school for certain children in foster care under certain circumstances; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 612—

BY REPRESENTATIVES FANNIN, ANDERS, CHAMPAGNE, CHANDLER, CHANEY, ELLINGTON, GALLOT, GEYMAN, HOFFMANN, SAM JONES, LAMBERT, LEBAS, LEGER, LITTLE, MCVEA, MORRIS, NOWLIN, POPE, RITCHIE, GARY SMITH, JANE SMITH, AND ST. GERMAIN AND SENATORS KOSTELKA, LONG, RISER, AND WALSWORTH
AN ACT

To amend and reenact R.S. 17:183.1, 183.2, and 183.3 and to repeal R.S. 17:183.4, 183.6, 183.7, 183.8, and 183.9, relative to curricula; to provide relative to high school career option programs; to provide relative to career major programs; to provide relative to a career diploma; to provide relative to program, course, and curriculum approval; to provide for waivers; to provide relative to program participation eligibility criteria; to provide relative to individual graduation plans; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 368—

BY REPRESENTATIVES BURRELL, AUBERT, AUSTIN BADON, BARROW, DIXON, ELLINGTON, HARDY, HAZEL, HINES, GIROD JACKSON, MICHAEL JACKSON, KATZ, LAFONTA, LEBAS, LIGI, PATRICIA SMITH, ST. GERMAIN, AND WILLMOTT
AN ACT

To amend and reenact R.S. 26:901(10) through (16) and to enact R.S. 26:901(17) and 910.1, relative to tobacco products; to provide for definitions; to prohibit the sale or delivery of tobacco products through a self-service display; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 503—

BY REPRESENTATIVE MONTOUCKET
AN ACT

To amend and reenact R.S. 33:4574(B)(1), 4574.1(A)(1), and 4574.2(G) and to enact R.S. 33:4574.2(H) and 4574.17, relative to the Acadia Parish Convention and Visitors Bureau; to change the name to the Acadia Parish Convention and Visitors Commission; to provide for additional powers of the commission relative to debt, funds, property, and contracting; to authorize the commission to issue bonds and certificates of indebtedness; and to provide for related matters.

HOUSE BILL NO. 593—

BY REPRESENTATIVE BILLIOT
AN ACT

To enact R.S. 33:2955(A)(1)(j), relative to investments by political subdivisions; to provide for investment in debt instruments issued by the state; to provide for investment in debt instruments

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issued by other political subdivisions; to provide restrictions on such types of investment; and to provide for related matters.

HOUSE BILL NO. 779—

BY REPRESENTATIVE TUCKER

AN ACT

To amend and reenact R.S. 34:1(A) through (H) and 21(A), relative to the Board of Commissioners of the Port of New Orleans; to provide relative to the members of the Board of Commissioners; to provide for their appointment and term of office; to provide relative to the territorial jurisdiction of the Port of New Orleans; to provide for financial disclosure; and to provide for related matters.

HOUSE BILL NO. 784—

BY REPRESENTATIVES KATZ, ABRAMSON, AUSTIN BADON, BOBBY BADON, BALDONE, BROSSETT, BURFORD, HENRY BURNS, CARMODY, CHAMPAGNE, CHANEY, CONNICK, CORTEZ, DOERGE, DOVE, DOWNS, FOIL, GISCLAIR, MICKEY GUILLORY, GUINN, HILL, HOWARD, SAM JONES, LANDRY, LEBAS, LIGI, LITTLE, LOPINTO, MCVEA, MILLS, PEARSON, PERRY, POPE, PUGH, RICHARD, RICHARDSON, ROBIDEAUX, SIMON, SMILEY, GARY SMITH, JANE SMITH, ST. GERMAIN, TEMPLET, THIBAUT, WILLIAMS, AND WILLMOTT AND SENATORS CROWE, DUPLESSIS, KOSTELKA, MICHOT, SMITH, AND WALSWORTH

AN ACT

To amend and reenact R.S. 46:51.2(A) and R.S. 49:992(D)(1) and to enact R.S. 49:992(D)(9), relative to information searches in the central registry of justified abuse or neglect within the Department of Social Services; to prohibit certain individuals from obtaining or maintaining a license; to prohibit certain individuals from employment with the Department of Social Services unless a risk evaluation panel has determined that the individuals do not pose a risk to children; to provide for a system of appeal and judicial review; to provide for an exemption to allow the Department of Social Services to handle certain adjudications; to direct the Department of Social Services to conduct an assessment to determine cost of utilizing information in the central registry to prohibit certain individuals from owning or being employed by child care facilities; and to provide for related matters.

HOUSE BILL NO. 797—

BY REPRESENTATIVES SIMON, ANDERS, ARNOLD, BOBBY BADON, BARROW, BILLIOT, SAM JONES, LAFONTA, PUGH, RICHARD, JANE SMITH, ST. GERMAIN, STIAES, AND WILLMOTT

AN ACT

To amend and reenact R.S. 17:1519.12, relative to the Medical Education Commission; to establish the objectives and duties of the commission; to expand the composition of the commission to include the vice president for the office of health care and medical education within the Louisiana State University System, the executive director of the Louisiana Workforce Commission, the commissioner of administration, and other stakeholders; to require the commission to make certain recommendations; to set a date for the initial report and all other reports issued by the commission; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 829—

BY REPRESENTATIVE CORTEZ

AN ACT

To amend and reenact R.S. 38:3092(6), 3093, 3094(A)(introductory paragraph) and (1) through (5), (B)(introductory paragraph) and (7), (C)(introductory paragraph) and (1), 3097.3(C)(4)(a) and (F)(1) and (2)(introductory paragraph), 3098(A)(introductory paragraph) and (B), 3098.1(4), 3098.2(A)(introductory paragraph), (2), and (5) and (B), 3098.4(7), 3098.5, 3098.6, and 3098.7(B), to enact R.S. 38:3092(7) and 3097.3(F)(2)(h) and (i) and to repeal R.S. 38:3096, 3097, 3098.3, and 3098.7(C), relative to ground water resources, water wells and drillers; to transfer duties and responsibilities relative to ground water resources, water wells and drillers from the Department of Transportation and Development, office of public works, to the office of conservation, Department of Natural Resources; and to provide for related matters.

HOUSE BILL NO. 837—

BY REPRESENTATIVE MILLS AND SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 28:21(A) and (B) and 771(A) and (B)(5)(c) and R.S. 36:251(C)(1) and 258 (C), to enact R.S. 28:4 and 771(B)(9) and (10), and to repeal R.S. 28:21(E) and R.S. 36:258(E), relative to the office of behavioral health; to provide for the office of behavioral health in the Department of Health and Hospitals; to provide for the office's purposes and functions; to provide for an implementation advisory committee and its membership; to dissolve the office of mental health and office for addictive disorders and transfer relevant purposes and functions to the office of behavioral health; to provide for copayments; to provide for appropriations; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 852—

BY REPRESENTATIVE SMILEY

AN ACT

To amend and reenact R.S. 8:673, 676, 677, 678(A)(introductory paragraph), 679(A), (B)(introductory paragraph), (C), and (D), 680, and 681, R.S. 17:407.4(C), (D), and (E), R.S. 28:821(D), R.S. 36:3(2), 301(A), and 913(A), R.S. 37:2551 and 2552(A), R.S. 40:2109(C), R.S. 46:2623(B) and (D), R.S. 48:55, R.S. 49:149.62(B) and 968(B)(3)(a), R.S. 51:912.51, 912.52, 935.1(A)(1)(a), (B)(1), and (D), 2452(A)(introductory paragraph), and 2453(2)(d), and Article XIV, Section 47(P)(3) of the Constitution of 1921, continued as statute by Article XIV, Section 16 of the Constitution of 1974, and to repeal R.S. 8:675, R.S. 17:24.4(J), 66.1, 407.1(4), 407.3, and 3951(B)(13), R.S. 36:4(Q) and (V), 209(C)(1) and (H)(3), 259(I)(2), (K), (R), and (T), 309(E) and (F), 651(V) and (W), and 805, R.S. 41:1602, R.S. 42:456.2, R.S. 46:2622(2) and 2624, R.S. 49:149.62(C), and R.S. 51:955.3(F) and Chapter 39-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2375 through 2383, relative to boards, commissions, authorities, districts, and like entities; to abolish certain inactive boards, commissions, authorities, and like entities; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Adult Learning Task Force, the Educational Assessment Testing Commission, the interim school board for Central Community School System, the Louisiana Home Instruction for Preschool Youngsters Advisory Board, the A. Z. Young Memorial Commission, the Archaeology Survey and Antiquities Commission, the Louisiana Unmarked Burial Sites Board, the Disability Services and Supports System Planning Group, the Statewide Health Coordinating Council, the Louisiana Medical Assistance Trust Fund Advisory Council, the Minority Health Affairs Commission, the Louisiana Economic Development Council and Cabinet Advisory Group on Economic Development, the Manufactured Housing State Administrative Agency, the Uniform Payroll Insurance Committee, and the Economic Development Funding Board; to provide for certain technical corrections regarding placement of boards and commissions in the Executive Reorganization Act; to provide relative to the Board of Examiners of Certified Shorthand Reporters; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

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

Senator Crowe asked for and obtained a suspension of the rules to read House Bills and Joint Resolutions a first and second time by title and refer them to Committee.

HOUSE BILL NO. 96—

BY REPRESENTATIVE PEARSON
AN ACT

To enact R.S. 11:247, 446(A)(6), and 783(A)(4), relative to state and statewide retirement systems; to provide relative to cost-of-living adjustments; to permit the selection of a retirement option that would provide for automatic cost-of-living adjustments subject to an actuarial reduction of benefits; 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. 112—

BY REPRESENTATIVE MONTUCET
AN ACT

To amend and reenact R.S. 11:701(33)(a)(x) and (xi) and (b)(v) and to enact R.S. 11:701(33)(a)(xii), relative to the Teachers' Retirement System of Louisiana; to provide that membership in such system includes certain foreign teachers who are teaching in Louisiana on J visas; 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. 187—

BY REPRESENTATIVE PATRICIA SMITH
AN ACT

To amend and reenact R.S. 17:3973(2)(b)(iii) and (iv), relative to the creation of Type 3 and Type 4 charter schools; to provide relative to the approval by certain persons of a proposal to create a Type 3 or Type 4 charter school by means of converting a preexisting public school; to provide relative to attendance at such schools; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 368—

BY REPRESENTATIVES BURRELL, AUBERT, AUSTIN BADON, BARROW, DIXON, ELLINGTON, HARDY, HAZEL, HINES, GIROD JACKSON, MICHAEL JACKSON, KATZ, LAFONTA, LEBAS, LIGI, PATRICIA SMITH, ST. GERMAIN, AND WILLMOTT
AN ACT

To amend and reenact R.S. 26:901(10) through (16) and to enact R.S. 26:901(17) and 910.1, relative to tobacco products; to provide for definitions; to prohibit the sale or delivery of tobacco products through a self-service display; to provide for exceptions; and to provide for related matters.

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

HOUSE BILL NO. 503—

BY REPRESENTATIVE MONTUCET
AN ACT

To amend and reenact R.S. 33:4574(B)(1), 4574.1.1(A)(1), and 4574.2(G) and to enact R.S. 33:4574.2(H) and 4574.17, relative to the Acadia Parish Convention and Visitors Bureau; to change the name to the Acadia Parish Convention and Visitors Commission; to provide for additional powers of the commission relative to debt, funds, property, and contracting; to authorize the commission to issue bonds and certificates of indebtedness; and to provide for related matters.

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

HOUSE BILL NO. 558—

BY REPRESENTATIVES BILLIOT, LABRUZZO, LIGI, LOPINTO, TALBOT, AND WILLMOTT AND SENATORS MARTINY AND MORRELL
AN ACT

To amend and reenact R.S. 48:711, relative to immovable property in the parish of Jefferson; to authorize and provide for the disposal of immovable property by the municipalities within such parish; and to provide for related matters.

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

HOUSE BILL NO. 570—

BY REPRESENTATIVES HOFFMANN, HENRY BURNS, CHAMPAGNE, CORTEZ, DOVE, FOIL, LITTLE, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, AND THIBAUT AND SENATORS APPEL, CROWE, DUPLESSIS, KOSTELKA, MICHOT, SMITH, AND WALSWORTH

AN ACT

To enact R.S. 17:81(Q) and 3996(B)(21), to require the governing authority of a public elementary or secondary school to formulate, develop, adopt, and implement policies, procedures, and practices applicable to school employees relative to electronic communications by an employee at a school to a student at that school; to provide policy guidelines and requirements; to provide limitations and exceptions; to provide that the occurrence of certain electronic communications be reported by the school employee; to provide for immunity from civil liability; 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. 586—

BY REPRESENTATIVES DOERGE, CORTEZ, HENDERSON, HOFFMANN, LAFONTA, MONTUCET, POPE, AND ROBIDEAUX AND SENATORS CROWE, B. GAUTREAUX, AND KOSTELKA
AN ACT

To enact R.S. 11:542.1.1 and 883.3, relative to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide a minimum benefit increase to certain retirees, beneficiaries, and survivors; to provide for funding; 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 Retirement.

HOUSE BILL NO. 590—

BY REPRESENTATIVES BARROW AND PATRICIA SMITH
AN ACT

To amend and reenact R.S. 17:238, relative to the placement in school and education of certain children; to require the governing authority of each public elementary and secondary school to enact a policy ensuring that children in foster care may remain enrolled in certain schools; to require that such governing authorities and the Department of Social Services provide transportation to and from school for certain children in foster care under certain circumstances; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 593—

BY REPRESENTATIVE BILLIOT
AN ACT

To enact R.S. 33:2955(A)(1)(j), relative to investments by political subdivisions; to provide for investment in debt instruments issued by the state; to provide for investment in debt instruments issued by other political subdivisions; to provide restrictions on such types of investment; and to provide for related matters.

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

HOUSE BILL NO. 612—

BY REPRESENTATIVES FANNIN, ANDERS, CHAMPAGNE, CHANDLER, CHANEY, ELLINGTON, GALLOT, GEYMAN, HOFFMANN, SAM JONES, LAMBERT, LEBAS, LEGER, LITTLE, MCVEA, MORRIS, NOWLIN, POPE, RITCHIE, GARY SMITH, JANE SMITH, AND ST. GERMAIN AND SENATORS KOSTELKA, LONG, RISER, AND WALSWORTH

AN ACT

To amend and reenact R.S. 17:183.1, 183.2, and 183.3 and to repeal R.S. 17:183.4, 183.6, 183.7, 183.8, and 183.9, relative to

curricula; to provide relative to high school career option programs; to provide relative to career major programs; to provide relative to a career diploma; to provide relative to program, course, and curriculum approval; to provide for waivers; to provide relative to program participation eligibility criteria; to provide relative to individual graduation plans; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 779—

BY REPRESENTATIVE TUCKER
AN ACT

To amend and reenact R.S. 34:1(A) through (H) and 21(A), relative to the Board of Commissioners of the Port of New Orleans; to provide relative to the members of the Board of Commissioners; to provide for their appointment and term of office; to provide relative to the territorial jurisdiction of the Port of New Orleans; to provide for financial disclosure; 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. 784—

BY REPRESENTATIVES KATZ, ABRAMSON, AUSTIN BADON, BOBBY BADON, BALDONE, BROSETT, BURFORD, HENRY BURNS, CARMODY, CHAMPAGNE, CHANEY, CONNICK, CORTEZ, DOERGE, DOVE, DOWNS, FOIL, GISCLAIR, MICKEY GUILLORY, GUINN, HILL, HOWARD, SAM JONES, LANDRY, LEBAS, LIGI, LITTLE, LOPINTO, MCVEA, MILLS, PEARSON, PERRY, POPE, PUGH, RICHARD, RICHARDSON, ROBIDEAUX, SIMON, SMILEY, GARY SMITH, JANE SMITH, ST. GERMAIN, TEMPLET, THIBAUT, WILLIAMS, AND WILLMOTT AND SENATORS CROWE, DUPLESSIS, KOSTELKA, MICHOT, SMITH, AND WALSWORTH
AN ACT

To amend and reenact R.S. 46:51.2(A) and R.S. 49:992(D)(1) and to enact R.S. 49:992(D)(9), relative to information searches in the central registry of justified abuse or neglect within the Department of Social Services; to prohibit certain individuals from obtaining or maintaining a license; to prohibit certain individuals from employment with the Department of Social Services unless a risk evaluation panel has determined that the individuals do not pose a risk to children; to provide for a system of appeal and judicial review; to provide for an exemption to allow the Department of Social Services to handle certain adjudications; to direct the Department of Social Services to conduct an assessment to determine cost of utilizing information in the central registry to prohibit certain individuals from owning or being employed by child care facilities; and to provide for related matters.

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

HOUSE BILL NO. 797—

BY REPRESENTATIVES SIMON, ANDERS, ARNOLD, BOBBY BADON, BARROW, BILLIOT, SAM JONES, LAFONTA, PUGH, RICHARD, JANE SMITH, ST. GERMAIN, STIAES, AND WILLMOTT
AN ACT

To amend and reenact R.S. 17:1519.12, relative to the Medical Education Commission; to establish the objectives and duties of the commission; to expand the composition of the commission to include the vice president for the office of health care and medical education within the Louisiana State University System, the executive director of the Louisiana Workforce Commission, the commissioner of administration, and other stakeholders; to require the commission to make certain recommendations; to set a date for the initial report and all other reports issued by the commission; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 829—

BY REPRESENTATIVE CORTEZ
AN ACT

To amend and reenact R.S. 38:3092(6), 3093, 3094(A)(introductory paragraph) and (1) through (5), (B)(introductory paragraph) and (7), (C)(introductory paragraph) and (1), 3097.3(C)(4)(a) and (F)(1) and (2)(introductory paragraph), 3098(A)(introductory paragraph) and (B), 3098.1(4), 3098.2(A)(introductory paragraph), (2), and (5) and (B), 3098.4(7), 3098.5, 3098.6, and 3098.7(B), to enact R.S. 38:3092(7) and 3097.3(F)(2)(h) and (i) and to repeal R.S. 38:3096, 3097, 3098.3, and 3098.7(C), relative to ground water resources, water wells and drillers; to transfer duties and responsibilities relative to ground water resources, water wells and drillers from the Department of Transportation and Development, office of public works, to the office of conservation, Department of Natural Resources; and to provide for related matters.

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

HOUSE BILL NO. 837—

BY REPRESENTATIVE MILLS AND SENATOR WALSWORTH
AN ACT

To amend and reenact R.S. 28:21(A) and (B) and 771(A) and (B)(5)(c) and R.S. 36:251(C)(1) and 258 (C), to enact R.S. 28:4 and 771(B)(9) and (10), and to repeal R.S. 28:21(E) and R.S. 36:258(E), relative to the office of behavioral health; to provide for the office of behavioral health in the Department of Health and Hospitals; to provide for the office's purposes and functions; to provide for an implementation advisory committee and its membership; to dissolve the office of mental health and office for addictive disorders and transfer relevant purposes and functions to the office of behavioral health; to provide for copayments; to provide for appropriations; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 852—

BY REPRESENTATIVE SMILEY
AN ACT

To amend and reenact R.S. 8:673, 676, 677, 678(A)(introductory paragraph), 679(A), (B)(introductory paragraph), (C), and (D), 680, and 681, R.S. 17:407.4(C), (D), and (E), R.S. 28:821(D), R.S. 36:3(2), 301(A), and 913(A), R.S. 37:2551 and 2552(A), R.S. 40:2109(C), R.S. 46:2623(B) and (D), R.S. 48:55, R.S. 49:149.62(B) and 968(B)(3)(a), R.S. 51:912.51, 912.52, 935.1(A)(1)(a), (B)(1), and (D), 2452(A)(introductory paragraph), and 2453(2)(d), and Article XIV, Section 47(P)(3) of the Constitution of 1921, continued as statute by Article XIV, Section 16 of the Constitution of 1974, and to repeal R.S. 8:675, R.S. 17:24.4(J), 66.1, 407.1(4), 407.3, and 3951(B)(13), R.S. 36:4(Q) and (V), 209(C)(1) and (H)(3), 259(I)(2), (K), (R), and (T), 309(E) and (F), 651(V) and (W), and 805, R.S. 41:1602, R.S. 42:456.2, R.S. 46:2622(2) and 2624, R.S. 49:149.62(C), and R.S. 51:955.3(F) and Chapter 39-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2375 through 2383, relative to boards, commissions, authorities, districts, and like entities; to abolish certain inactive boards, commissions, authorities, and like entities; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Adult Learning Task Force, the Educational Assessment Testing Commission, the interim school board for Central Community School System, the Louisiana Home Instruction for Preschool Youngsters Advisory Board, the A. Z. Young Memorial Commission, the Archaeology Survey and Antiquities Commission, the Louisiana Unmarked Burial Sites Board, the Disability Services and Supports System Planning Group, the Statewide Health Coordinating Council, the Louisiana Medical Assistance Trust Fund Advisory Council, the Minority Health Affairs Commission, the Louisiana Economic Development Council and Cabinet Advisory Group on Economic Development, the

Manufactured Housing State Administrative Agency, the Uniform Payroll Insurance Committee, and the Economic Development Funding Board; to provide for certain technical corrections regarding placement of boards and commissions in the Executive Reorganization Act; to provide relative to the Board of Examiners of Certified Shorthand Reporters; 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 Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 125—
BY REPRESENTATIVE HENRY

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States and to urge and request the Attorney General of the United States and the Federal Bureau of Prisons to refrain from sending detainees released or transferred from the facilities at Guantanamo Bay Detention Facility (GTMO), Cuba, to prisons in Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gray Evans	Murray
Amedee	Guillory	Nevers
Appel	Hebert	Quinn
Cheek	Heitmeier	Riser
Claitor	Jackson	Shaw
Crowe	Kostelka	Smith
Donahue	Long	Thompson
Dorsey	McPherson	Walsworth
Duplessis	Michot	
Dupre	Morrell	
Total - 34		

NAYS

Total - 0

ABSENT

Broome	LaFleur	Martiny
Gautreaux N	Marionneaux	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 127—
BY REPRESENTATIVE TUCKER

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office of public health, in consultation with the Board of Secondary and Elementary Education, to study issues related to children who are not immunized and report its findings to the House and Senate committees on health and welfare no later than November 1, 2009.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gray Evans	Murray
Amedee	Guillory	Nevers
Appel	Hebert	Quinn
Cheek	Heitmeier	Riser
Claitor	Jackson	Shaw
Crowe	Kostelka	Smith
Donahue	Long	Thompson
Dorsey	McPherson	Walsworth
Duplessis	Michot	
Dupre	Morrell	
Total - 34		

NAYS

Total - 0

ABSENT

Broome	LaFleur	Martiny
Gautreaux N	Marionneaux	
Total - 5		

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

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 136—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 26:73(B)(1) and 272(B)(1), relative to alcoholic beverage permits; to provide for restaurant "R" permits, applications and fees; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 136 by Senator Jackson

AMENDMENT NO. 1

On page 1, line 2, after "reenact" change "R.S. 26:73(B)(1) and 272(B)(1)" to "R.S. 26:73(B) and 272(B)"

AMENDMENT NO. 2

On page 1, line 6, after "R.S." change "26:73(B)(1) and 272(B)(1)" to "26:73(B) and 272(B)"

AMENDMENT NO. 3

On page 1, between lines 9 and 10, insert the following:

"B.(1) The legislature hereby finds and declares that the food service industry is a viable industry in Louisiana with significant economic impact and finds that a restaurant establishment's purpose and primary function is to take orders for and serve food and food items. Such service of food may include the serving of alcoholic beverages in conjunction with meals."

AMENDMENT NO. 4

On page 1, line 10, strike "B.(1)" and insert "(2)"

AMENDMENT NO. 5

On page 2, line 3, after "premises" and before "." insert "**when food is being offered and served**"

AMENDMENT NO. 6

On page 2, at the end of line 10, change "**restaurant**" to "**restaurant**"

AMENDMENT NO. 7

On page 2, at the beginning of line 11, change "**establishment**" to "**establishment**"

AMENDMENT NO. 8

On page 2, line 16, change "**restaurant establishment**" to "**restaurant establishment**"

AMENDMENT NO. 9

On page 2, between lines 17 and 18, insert the following:
"~~(2)~~ (3) Sparkling or still wine sold or served by the bottle in conjunction with food service shall not be considered an alcoholic beverage by the commissioner when determining gross revenue for purposes of this Section only."

AMENDMENT NO. 10

On page 2, between lines 20 and 21, insert the following:
"**B.(1) The legislature hereby finds and declares that the food service industry is a viable industry in Louisiana with significant economic impact and finds that a restaurant establishment's purpose and primary function is to take orders for and serve food and food items. Such service of food may include the serving of alcoholic beverages in conjunction with meals.**"

AMENDMENT NO. 11

On page 2, line 21, strike "B.(1)" and insert "(2)"

AMENDMENT NO. 12

On page 3, line 2, after "premises" and before "." insert "**when food is being offered and served**"

AMENDMENT NO. 13

On page 3, at the end of line 9, change "**restaurant**" to "**restaurant**"

AMENDMENT NO. 14

On page 3, at the beginning of line 10, change "**establishment**" to "**establishment**"

AMENDMENT NO. 15

On page 3, line 15, change "**restaurant establishment**" to "**restaurant establishment**"

AMENDMENT NO. 16

On page 3, between lines 16 and 17, insert the following:
"~~(2)~~ (3) Sparkling or still wine sold or served by the bottle in conjunction with food service shall not be considered an alcoholic beverage by the commissioner when determining gross revenue for purposes of this Section only."

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

SENATE BILL NO. 156—
BY SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 22:1545(C), 1546(D), 1547(A), the introductory paragraph of R.S. 22:1547(I), R.S. 22:1551(C), 1571(A)(1), (B), (C)(4), and (E), and 1573(B), (C), (D), (E) and the introductory paragraph of R.S. 22:1573(I)(1)(a) and R.S. 44:4.1(B)(10) and to repeal R.S. 22:1545(F), 1546(B)(3),

1553(C), 1572, and 1573(F)(2), relative to insurance producers; to provide for exemptions to preclicensing education requirements; to provide for the fingerprinting and criminal history check of applicants; to provide for confidentiality; to provide for application for license; to provide for lines of authority for licenses; to provide for exemptions from licensing examinations; to provide for preclicensing requirements; to provide for preclicensing and continuing education programs; to abolish the Insurance Education Advisory Council; to repeal certain temporary licenses; to provide for continuing education 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 Original Senate Bill No. 156 by Senator LaFleur

AMENDMENT NO. 1

On page 2, line 10, change "~~industrial fire~~;" to "industrial fire," and after "**accident**" insert a comma: ",."

AMENDMENT NO. 2

On page 3, line 14, change "**fee**" to "**fees**"

AMENDMENT NO. 3

On page 3, at the end of line 15, delete "**and**" and at the beginning of line 16, delete "**the Federal Bureau of Investigation (FBI)**"

AMENDMENT NO. 4

On page 3, delete line 29 in its entirety and on page 4, delete lines 1 and 2 in their entirety

AMENDMENT NO. 5

On page 4, at the beginning of line 3, change "**(5)**" to "**(4)**"

AMENDMENT NO. 6

On page 10, line 7, after "license." add "Beginning with renewals effective in 2007, three hours of approved instruction shall be dedicated to flood insurance."

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

SENATE BILL NO. 158—
BY SENATOR B. GAUTREAU AND REPRESENTATIVE HILL
AN ACT

To amend and reenact R.S. 36:4(U), R.S. 43:111(A)(9), and R.S. 51:1317, 1318(A) and (D), and 1319(A)(1), (2), (3), (4), and (B)(5), relative to the Louisiana Retirement Development Commission; to change the name of the commission to the Encore Louisiana Commission; to provide that the commission shall market Louisiana to persons fifty years old and above; and to provide for related matters.

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

SENATE BILL NO. 170—
BY SENATOR BROOME
AN ACT

To enact Subpart A-1 of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1016 through 1020, relative to health benefit plans; to provide for the adequacy of health care services offered through providers in a network offered in a health benefit plan; to provide definitions; to provide with respect to provider agreement requirements and intermediaries; to provide for enforcement provisions; 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. 170 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2, change "Subpart A-1" to "Subpart N"

AMENDMENT NO. 2

On page 1, delete lines 3 through 6 in their entirety and insert in lieu thereof the following: "of 1950, to be comprised of R.S. 22:1255.1, relative to health insurance; to provide for coverage involving a health network under certain conditions;"

AMENDMENT NO. 3

On page 1, line 7, delete "enforcement provisions;"

AMENDMENT NO. 4

On page 1, line 9, change "Subpart A-1" to "Subpart N" and on line 12, change "**SUBPART A-1**" to "**SUBPART N**"

AMENDMENT NO. 5

On page 1, line 10, change "R.S. 22:1016 through 1020," to "R.S. 22:1255.1,"

AMENDMENT NO. 6

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

"§1255.1. Network advocacy

A. As used in this Section, "terminal or life-threatening illness or condition" means a severe, serious, or acute medical condition from which death is probable.

B. When all of the following circumstances are met, a covered person may request a health insurance issuer provide in-network benefits for health care services rendered to a covered person by a health care provider in another state, subject to the terms of the benefit plan in which the covered person is enrolled:

(1) The covered person has been diagnosed or is being treated for a terminal or life-threatening illness or condition and requests coverage for services of a health care provider in another state;

(2) The health care provider in another state agrees to accept a health insurance issuer's network contracted reimbursement rate or other rate negotiated with the health insurance issuer; and

(3) The health care provider agrees to other standard network provider terms and conditions.

C. For every medical procedure covered by a health care issuer ordered in non-emergency cases, the participating provider shall inform the covered person, in writing and acknowledged by the covered person in writing, of the covered person's right to request that all covered health care services be rendered by participating providers. Such notice shall be on a single and separate form entitled "INSURED'S RIGHT TO REQUEST CONTRACTED PROVIDERS ONLY." The form shall contain the following language conspicuously displayed on the front of the form in at least 12 point boldfaced capital letters:

NOTICE: YOU HAVE THE RIGHT TO REQUEST THAT YOUR HEALTH CARE SERVICES BE PROVIDED SOLELY BY IN-NETWORK CONTRACTED PROVIDERS IN ORDER TO AVOID FINANCIAL LIABILITY OTHER THAN YOUR APPLICABLE IN-NETWORK COPAYMENTS OR IN-NETWORK DEDUCTIBLES PURSUANT TO YOUR HEALTH INSURANCE CONTRACT.

IF YOU CHOOSE TO UTILIZE AN OUT-OF-NETWORK OR NON-CONTRACTED HEALTH CARE PROVIDER OR HEALTH CARE FACILITY, YOU WILL BE FINANCIALLY LIABLE FOR THE ENTIRE AMOUNT BILLED BY THE NONCONTRACTED HEALTH CARE PROVIDER OR HEALTH CARE FACILITY OR ANY PORTION NOT PAID BY YOUR HEALTH INSURANCE ISSUER.

D. If the notice contemplated in Subsection C of this Section, is not provided to the insured, an out of network provider may only collect from the health insurance issuer an amount equal to the contracted reimbursement rate for network providers."

AMENDMENT NO. 7

Delete pages 2 through 19 in their entirety.

AMENDMENT NO. 8

On page 20, delete lines 1 through 12 in their entirety.

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

SENATE BILL NO. 175—

BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 32:1253(A)(2), 1261(1)(a)(iv) and (v), and (q), and 1268; and to enact R.S. 32:1261(7), 1261.1, and 1261.2, relative to the distribution and sale of motor vehicles; to provide for the membership of the Louisiana Motor Vehicle Commission; to provide for unauthorized acts of a manufacturer, distributor, wholesaler, distributor branch, factory branch, or converter; to provide for acts of a motor vehicle dealer or specialty dealer; to provide for violations; to provide for indemnification of franchised dealers; to provide for payments to dealers; to provide for penalties; to provide for repurchase upon termination of a franchise; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 175 by Senator Michot

AMENDMENT NO. 1

On page 1, delete lines 2 through 4 and insert the following:

"To amend and reenact R.S. 32:781(5), (6), and (19), 782, 783(A), (F)(1), (2), and (8), and (I), 784(B) and (C), 785(C)(1), (D), and (E), 787, 789, 790(A) and (C), 802(A), 1251, 1252(2)(introductory paragraph), (a), and (c), (4), (8), (9), (12), (13), (16), (17), (19), (21), (23)(a), (b)(iv), and (c), (24), (25), (26), (27), (29), (33), (34), (35), (36)(a) and (b)(vi), and (37), 1253(A) (introductory paragraph), (1)(introductory paragraph), and (2), (3)(a) and (b), and (E), 1254(A)(6), (B)(2), (C)(9), (D)(4), (6), and (7), (E) (introductory sentence), (E)(1), (2), (3), (4)(a), (5), (7), (8), (9), (10)(a), and (11), (F)(4), and (N), 1255(A)(2), 1256, 1261 (1) (a) (introductory paragraph), (1)(a)(iv) and (v), and (o),(q) and (t), and (6)(a), 1265, and 1268, to enact R.S. 32:1252 (39) through (50), 1254(A)(18) and (19), (D)(6)(c), 257.1, 1258(A)(10), 1261(7), 1261.1, 1261.2, 1262(A)(5), 1268.1, and 1268.2, and to repeal R.S. 32:781(1) through (4), (9) through (18), (22) through (25), and (28), 783(F)(7) and (10), 784(A)(5) through (8), and Part IV of Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:811 through 822, relative to the distribution and sale of motor vehicles; to provide for changes in definitions within the Recreational and Used Motor Vehicle Commission and the Motor Vehicle Commission; to provide for changes to the jurisdiction and authority of the Recreational and Used Motor Vehicle Commission and the Motor Vehicle Commission; to provide for changes to the membership of the Used Motor Vehicle Commission and the Motor Vehicle Commission; to transfer authority over recreational products from the Recreational and Used Motor Vehicle Commission to the Motor Vehicle"

AMENDMENT NO. 2

On page 1, delete lines 12 and 13 and insert the following:
"Section 1. R.S. 32:781(5), (6), and (19), 782, 783(A), (F)(1), (2), and (8), and (I), 784(B) and (C), 785(C)(1), (D), and (E), 787, 789, 790(A) and (C), 802(A), 1251, 1252(2)(introductory paragraph), (a), and (c), (4), (8), (9), (12), (13), (16), (17), (19), (21), (23)(a), (b)(iv), and (c), (24), (25), (26), (27), (29), (33), (34), (35), (36)(a) and (b)(vi), and (37), 1253(A)(introductory paragraph), (1)(introductory paragraph), and (2), (3)(a) and (b), and (E), 1254(A)(6), (B)(2), (C)(9), (D)(4) and (7), (E)(introductory sentence), (E)(1), (2), (3), (4)(a), (5), (7), (8), (9), (10)(a), and (11), (F)(4), and (N), 1255(A)(2), 1256, 1261 (1)(a)(introductory paragraph), (1)(a)(iv) and (v), and (o), (q) and (t), and (6)(a), 1265, and 1268 are hereby amended and reenacted and R.S. 32:1252 (39) through (50), 1254(A)(18) and (19), (D)(6)(c), 1257.1, 1258(A)(10), 1261(7), 1261.1, 1261.2, 1262(A)(5), 1268.1 and 1268.2 are hereby enacted to read"

AMENDMENT NO. 3

On page 1, between lines 14 and 15, insert the following:
"CHAPTER 4-C. LOUISIANA RECREATIONAL AND USED MOTOR VEHICLE COMMISSION
PART I. DEFINITIONS AND GENERAL PROVISIONS
§781. Definitions
As used in this Chapter:

(5) "Broker" means any used motor vehicle or recreational product dealer who, for a fee or commission, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a used motor vehicle or recreational product.

(6) "Commission" means the Louisiana Recreational and Used Motor Vehicle Commission or its designee.

(19) "Motor vehicle" means any motor-driven car, van, or truck required to be registered, which is used or is designed to be used, for the transporting of passengers or goods for public, private, commercial, or for-hire purposes and includes new and used motor homes, new and used motorcycles, new and used all-terrain vehicles, new and used recreational trailers, new and used boat trailers, used ambulances, used buses, used fire trucks, used conversion vehicles, used wreckers, and new and used semitrailers.

§782. Jurisdiction and authority of commission
A. The provisions of this Chapter shall not apply to any person, partnership, corporation, limited liability company, or other entity that is licensed or regulated by the Louisiana Motor Vehicle Commission. If any provision of this Chapter conflicts with any provision of Chapter 6 of this Title, the provisions of Chapter 6 of this Title shall prevail.

B. Notwithstanding the provisions of Subsection A of this Section, any licensee of the Louisiana Motor Vehicle Commission engaged in any additional business not licensed by the Louisiana Motor Vehicle Commission shall be subject to licensure by the appropriate licensing authority for such additional business. However, nothing herein shall be construed to prohibit a motor vehicle dealer licensed by the Louisiana Motor Vehicle Commission or licensed pursuant to this Chapter from dispensing any property at retail he has taken in trade for the sale of a motor vehicle.

§783. Recreational and Used Motor Vehicle Commission; appointment and qualification; terms of office; powers and duties

A.(+) There is hereby created the Louisiana Recreational and Used Motor Vehicle Commission within the office of the governor to be composed of fourteen eight members all appointed by the governor with the confirmation of the Senate. Six Five members shall be licensed used motor vehicle or recreational product dealers, one selected from each public service commission district. One member shall be a licensed automotive dismantler or parts recycler, three members one member shall be consumers a consumer selected from the state at large, one member shall be a licensed motorcycle dealer, one member shall be a licensed marine dealer, and one member shall be a person licensed to conduct used motor vehicle auctions or salvage pool auctions, and one member shall be a representative of a manufacturer licensed by this commission. Such

manufacturer representative shall be a resident of Louisiana. The chairman shall be designated by the governor.

(2) Of the six members who shall be licensed used motor vehicle or recreational product dealers, one member shall be a recreational vehicle dealer and one member shall be a utility trailer dealer.

* * *

F. The commission's powers and duties shall include but are not limited to the following:

(1) Licensing used motor vehicle dealers and salespersons, recreational products dealers and salespersons; motor vehicle crushers, dealers of used parts and accessories, and dismantlers and parts recyclers.

(2) Inspecting used motor vehicle dealers, recreational products, motor vehicle crushers, dealers of used parts and accessories locations, and dismantlers and parts recyclers locations to ensure that they are in an approved location, meet local zoning or other municipal requirements, and have sufficient facilities which shall include but not be limited to a business sign, a listed and usable telephone number, and a sales office.

* * *

(8) Serving in the capacity of a receivership to take possession of certificates of title from a used motor vehicle dealer or a recreational products dealer who has failed or refused to provide a certificate of title to his customer and to further distribute those titles to the rightful owners pursuant to R.S. 32:705.

* * *

I. The commission shall, in addition to the powers herein conferred, be constituted a body politic or political corporation, invested with the powers inherent in corporations. It may sue and be sued under the style of the Louisiana Recreational and Used Motor Vehicle Commission, and all process against the corporation shall be served on the chairman or executive director, and all suits on behalf of the commission shall be brought by the chairman or his designee. The domicile for the purpose of being sued shall be in East Baton Rouge Parish. Service of process shall be made upon the chairman or upon the executive director of the commission in person. No member of the board shall be held liable as an individual in any suit against the board.

§784. Dealers, manufacturers, and distributors to be licensed; exception

* * *

B. Any motor vehicle dealer, not licensed under the provisions of Chapter 6 of this Title, who rents on a daily basis motor vehicles not of the current year or immediate prior year models, that have been titled previously to an ultimate purchaser, shall be subject to the regulation of the Louisiana Recreational and Used Motor Vehicle Commission.

C. No person, partnership, corporation, limited liability company, or other entity, unless licensed by the commission as a used car dealer or recreational products dealer, shall engage in the business as a "broker," "purchasing company," "sales agent," or similar title for the procurement of prospective purchasers for used motor vehicles or recreational products.

§785. Procedures for denial, suspension, or revocation of license; notice; hearings; appeals; abandonment of business

* * *

C.(1)(a) Except as provided by Subparagraph (b) of this Paragraph, in holding and conducting hearings on complaints of violations of the provisions of this Chapter or hearings on the imposition of a civil penalty for any such violation, the commission shall give the licensee or other person, firm, association, corporation, limited liability company, or trust alleged to have committed such violation at least fifteen days written notice specifying the violation charged.

(b)(i) In the event disputes arise between a marine dealer and a manufacturer or distributor of marine products concerning a violation of this Chapter, the notification period shall be a minimum of twenty-one days and either party may elect within the twenty-one-day notification period to have the complaint or violation determined by any court of competent jurisdiction in East Baton Rouge Parish by notifying the commission by certified or registered mail of its intent to invoke the jurisdiction of any competent court. This election shall be made within the twenty-one-day notification period.

(ii) If either party fails to institute legal proceedings in a court of competent jurisdiction in East Baton Rouge Parish within thirty days of its notification to the commission, the commission shall proceed with its scheduled hearing after renotifying the parties and providing them with at least fifteen days notice of the new hearing date.

(iii) During the notice period provided in Item (i) of this Subparagraph and the delay provided for in Item (ii) of this Subparagraph, and provided either party seeks judicial relief during either of those time periods and takes reasonable steps to pursue such relief, the commission shall withhold any further action on the complaint.

(iv) The provisions of Items (i), (ii), and (iii) of this Subparagraph shall not apply to hearings involving complaints of violations of R.S. 32:784(A) and (B), 791, 792, 793, 804, and 814.

D. When the licensed premises of a used motor vehicle or recreational products dealer are abandoned, the dealer is no longer in business, there are no salespersons on the premises, all attempts to locate the dealer have been exhausted, the business telephone is disconnected, and the business sign has been removed, then the used motor vehicle or recreational products dealer's license and the salesperson's licenses shall be revoked without a hearing if a request or application for hearing on the revocation is not made within five business days following the posting of a notice on the front door of the business that said license will be revoked for abandonment or violation of the provisions of this Part.

E. When a licensee is found in violation of any provision of this Chapter, relative to the Louisiana Recreational and Used Motor Vehicle Commission, the licensee shall attend a four-hour educational seminar. The licensee who is found in violation of any provision of this Chapter shall complete the four-hour educational seminar within three months of the date the hearing decision becomes final.

* * *

§787. Criminal penalties

Any person, firm, association, corporation, limited liability company, or trust, except a manufacturer or distributor which is required to be licensed under the provisions of this Chapter, committing a violation of this Chapter shall, upon conviction, be fined not less than five hundred dollars nor more than one thousand dollars, and each day that a person, firm, association, corporation, or trust violates this Chapter shall constitute a separate offense.

* * *

§789. Sale of used water-damaged vehicles and recreational products

A. No used motor vehicle or recreational products dealer, nor any person or entity, shall sell, transfer, or convey any used motor vehicle or recreational product to any person without notifying the buyer or receiver of the vehicle in writing of the extent of any water damage from flooding which occurred to the vehicle prior to the transaction.

B. If a sale, transfer, or conveyance of a used motor vehicle or recreational product occurs in violation of Subsection A of this Section, the person receiving ownership and title to the vehicle who is not otherwise aware of the damage at the time of the transaction may bring an action to set aside the transaction within one year from the date of the transaction and receive all monies or other property given as consideration for the vehicle less a reasonable assessment for miles driven.

§790. Black market sales; prohibition

A. No person shall sell used motor vehicles or recreational products by using fraudulent practices, such as forgery or providing a false or fraudulent name on a certificate of title, to escape the licensing requirements and the payment of license fees provided for in Parts II and IV of this Chapter and to escape the payment of state and local sales and use tax.

* * *

C. The Recreational and Used Motor Vehicle Commission shall have the responsibility to enforce the provisions of this Section.

* * *

§802. License required; application; fee; duration

A. It shall be unlawful and shall constitute a misdemeanor for any person, firm, association, corporation, or trust to engage in

business in whole or in part as, or serve in the capacity of, or act as an automotive dismantler and parts recycler, automotive dismantler and parts recycler salesperson, or motor vehicle crusher in this state without first obtaining a license therefor from the Louisiana Recreational and Used Motor Vehicle Commission.

* * *

§1251. Declaration of public policy

The legislature finds and declares that the distribution and sale of motor vehicles and recreational products in the state of Louisiana vitally affects the general economy of the state, the public interest, and the public welfare, and that in order to promote the public interest, and the public welfare, and in the exercise of its police power, it is necessary to regulate and to license those persons enumerated in R.S. 32:1254 and doing business in Louisiana, in order to prevent frauds, impositions, and other abuses upon its citizens, and avoid undue control of the independent motor vehicle dealer and recreational products by the their motor vehicle manufacturing and distributive organizations and foster and keep alive vigorous and healthy competition, by prohibiting unfair practices by which fair and honest competition is destroyed or prevented, and to protect the public against the creation or perpetuation of monopolies and practices detrimental to the public welfare, to prevent the practice of requiring the buying, leasing, or renting of special features, appliances, and equipment not desired or requested by the purchaser, lessee, or renter, to prevent false and misleading advertising, to prevent unfair practices by said licensees, to promote the public safety and prevent disruption of the system of distribution of motor vehicles and recreational products to the public and prevent deterioration of facilities for servicing motor vehicles and keeping same safe and properly functioning, and prevent bankrupting of motor vehicle and recreational products dealers and lessors, who might otherwise be caused to fail because of such unfair practices and competition, thereby resulting in unemployment, disruption of leases, and nonpayment of taxes and loans, and contribute to an inevitable train of undesirable consequences, including economic depression.

§1252. Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

* * *

(2) "Broker" means a person who, for a fee or commission, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new motor vehicle or recreational product, and who is not:

(a) A motor vehicle dealer or recreational product, or bona fide employee of a motor vehicle dealer, when acting on behalf of a motor vehicle or recreational products dealer.

* * *

(c) At any point in the transaction, the bona fide owner of the motor vehicle or recreational product involved in the transaction.

* * *

(4) "Community or territory" or "area of responsibility" shall mean the licensee's area of principal sales and service responsibility as specified by the franchise in effect with any licensee of the commission.

(a) The area of responsibility of a licensee shall not be comprised of an area less than the applicable area provided for in Subparagraphs (b) and (c) of this Paragraph, unless approved by the commission pursuant to the provisions of this Chapter, or if, on August 15, 2001, such dealer has an effective contractual agreement for a smaller area of responsibility.

(b) A marine dealer's area of responsibility shall mean the marine dealer's area of principal sales and service responsibility as specified by the contract, franchise, or selling agreement in effect with the manufacturer or distributor. The marine manufacturer or distributor shall designate and provide to the commission in writing the marine dealer's area of responsibility when the contract is granted or, should there be contracts in existence on August 15, 2004, without such designation, the commission shall require the manufacturer or distributor to designate the area of responsibility. The manufacturer or distributor shall adopt uniform procedures to establish the area

of responsibility that is assigned to a marine dealer. The uniform procedures shall include market research information from identified credible industry sources that project product sales of the brand of marine product for which the contract or franchise agreement is granted. In the absence of such designation by the manufacturer or distributor, or in the event that the area of responsibility designated by the manufacturer or distributor is rejected by the commission and such decision by the commission is affirmed on appeal, the marine dealer's area of responsibility shall mean either of the following:

(i) The area within a fifteen-mile radius of the dealership if the dealership is located in a parish containing a population of four hundred thousand persons or more.

(ii) The area within a thirty-mile radius of the dealership if the dealership is located in a parish containing a population of less than four hundred thousand persons.

(c) A motorcycle or all-terrain vehicle dealer's area of responsibility shall mean the area within at least a thirty-mile radius of the location of his dealership.

(8) "Distributor" or "wholesaler" means any person, resident or nonresident, who in whole or in part sells or distributes new motor vehicles, or new, remanufactured, reconditioned, or rebuilt motor vehicle motors, or recreational products to motor vehicle or recreational products dealers, or who maintains distributor representatives.

(9) "Distributor branch" means a branch office maintained by a person, resident or nonresident, who in whole or in part sells or distributes new motor vehicles or recreational products to motor vehicle or recreational products dealers, or for directing or supervising, in whole or in part, its representatives.

(12) "Factory branch" means a branch office maintained by a person who fabricates, manufactures, or assembles motor vehicles or recreational products, for the sale of motor vehicles or recreational products to distributors, or for the sale of motor vehicles or recreational products to motor vehicle or recreational products dealers, or for directing or supervising, in whole or in part, its representatives.

(13) "Factory representative" means any officer, agent, or employee employed by a person who fabricates, manufactures, or assembles motor vehicles or recreational products, or by a factory branch, for the purpose of making or promoting the sale of his, its, or their motor vehicles or recreational products, or for supervising or contacting his, its, or their dealers or prospective dealers.

(16) "Franchise" means any written contract or agreement between a motor vehicle or recreational products dealer, a motor vehicle lessor, or a specialty vehicle dealer and a manufacturer, motor vehicle lessor franchisor, or converter of a new motor vehicle or specialty vehicle or its distributor or factory branch by which the motor vehicle or recreational products dealer, motor vehicle lessor, or specialty vehicle dealer is authorized to engage in the business of selling or leasing the specific makes, models, or classifications of new motor vehicles, recreational products, or specialty vehicles marketed or leased by the manufacturer, motor vehicle lessor franchisor, or converter and designated in the franchise agreement or any addendum thereto. For purposes of this Chapter, any written modification, amendment, or addendum to the original franchise agreement, which changes the rights and obligations of the parties to the original franchise agreement, shall constitute a new franchise agreement, effective as of the date of the modification, amendment, or addendum.

(17) "Lease facilitator" means a person, other than a motor vehicle or recreational products dealer or a bona fide employee of a motor vehicle or recreational products dealer, or a motor vehicle lessor or a bona fide employee of a motor vehicle lessor, who engages in one or both of the following activities:

(a) Holds himself out to any person as a "motor vehicle leasing company" or "motor vehicle leasing agent" or uses a similar title, for the purpose of soliciting or procuring a person to enter into a contract or agreement to become the lessee of a motor vehicle or recreational product that is not, and will not be, titled in the name of and registered to the lease facilitator.

(b) Otherwise solicits a person to enter into a contract or agreement to become a lessee of a vehicle that is not, and will not be, titled in the name of and registered to the lease facilitator, or who is otherwise engaged in the business of securing lessees or prospective lessees of motor vehicles or recreational products that are not, and will not be, titled in the name of and registered to the facilitator.

(19) "Manufacturer" means any person, resident or nonresident, who fabricates, manufactures, or assembles new motor vehicles, recreational products, or new, remanufactured, reconditioned, or rebuilt motor vehicle or marine motors. It does not include a person who converts, modifies, or otherwise alters a motor vehicle or motor vehicle motor manufactured by another person or one who uses a motor vehicle or motor vehicle motor manufactured by another person, to construct a motor home as defined in this Section.

(21) "Motor vehicle" means any motor driven car, van, or truck required to be registered which is used, or is designed to be used, for the transporting of passengers or goods for public, private, commercial, or for hire purposes; but does not include those vehicles which are commonly known as motor homes, mobile homes, trailers, semi-trailers, boat trailers, or motorcycles.

(23)(a) "Motor vehicle lessor" shall mean any person, not excluded by Subparagraph (b) of this Paragraph, engaged in the motor vehicle, recreational products, or specialty vehicle leasing or rental business. It shall also include a subsidiary of any such entity.

(b) The term "motor vehicle lessor" does not include any of the following:

(iv) Financial institutions engaged in the leasing of motor vehicles, recreational products, or specialty vehicles.

(c) Any motor vehicle lessor who rents on a daily basis motor vehicles, recreational products, or specialty vehicles not of the current year or immediate prior year models that have been titled previously to an ultimate purchaser, and who is otherwise not required to obtain a license under this Chapter, shall be subject to the regulation of the Louisiana ~~Recreational and~~ Used Motor Vehicle Commission.

(24) "Motor vehicle lessor franchisor" means any person who grants a franchise to any person granting the right to lease or rent a motor vehicle, recreational product, or specialty vehicle under its trade name, trademark, or service mark or to sell used motor vehicles, recreational products, or specialty vehicles formerly a part of its rental fleet.

(25) "Motor vehicle lessor agent" means any natural person, other than a daily rental person, employed by a motor vehicle lessor licensed by the commission whose duties include the leasing, renting or offering for lease or rent motor vehicles, recreational products, or specialty vehicles on behalf of said motor vehicle lessor.

(26) "Motor vehicle salesman" means any natural person employed by a licensee of the commission whose duties include the selling, leasing, or offering for sale or lease, financing or insuring motor vehicles, recreational products, or specialty vehicles on behalf of said licensee.

(27) "New motor vehicle," "new recreational product," or "new specialty vehicle" means a motor vehicle, recreational product, or specialty vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(29) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle, recreational product, or specialty vehicle to an ultimate purchaser for use as a consumer.

(33) "Subsidiary" shall mean any person engaged in the selling or leasing of motor vehicles, recreational products, or specialty vehicles, in which a majority of the ownership interests of such entity is owned by a holder of a license issued by the commission.

(34) "Ultimate purchaser" means, with respect to any new motor vehicle, recreational product, or specialty vehicle, the first person, other than a dealer purchasing in his capacity as a dealer, who

in good faith purchases such new motor vehicles, recreational products, or specialty vehicles for purposes other than resale. "Ultimate purchaser" shall not include a person who purchases a motor vehicle or recreational product for purposes of altering or remanufacturing the motor vehicle or recreational product for future resale.

(35) "Used motor vehicle" means a motor vehicle, recreational product, or specialty vehicle, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(36)(a) "Used motor vehicle dealer" means any person, whose business is to sell, or offer for sale, display, or advertise used motor vehicles, recreational products, or specialty vehicles, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

(b) "Used motor vehicle dealer" shall not include any of the following:

* * *

(vi) Used motor vehicle dealers licensed pursuant to R.S. 32:771 ~~32:781~~ et seq.

(37) "Used motor vehicle facility" means any facility which is owned and operated by a licensee of the commission and offers for sale used motor vehicles, recreational products, or specialty vehicles.

* * *

(39) "All-terrain vehicle" commonly referred to as "ATV" means any vehicle with three or more low-pressure flotation-type tires designed by the manufacturer or any vehicle altered to be used as an off-road recreational vehicle. "All-terrain vehicle" shall also include all-terrain vehicle trailers.

(40) "Boat" means a component of a marine product that is not equipped with an outboard or inboard/outboard motor attached thereto.

(41) "Boat package" means a boat that is equipped from its manufacturer or distributor with an inboard, outboard, or inboard/outboard motor or engine attached thereto, installed thereon, or shipped or invoiced together as a package. For the purposes of this Chapter, the boat package brand shall be determined by the brand of the boat.

(42) "Marine dealer" means any person who holds a bona fide contract or franchise with a manufacturer or distributor of marine products, except for a person engaged in the business of renting or selling new or used watercraft or boats adapted to be powered only by an occupant's energy, and who holds a license as a marine dealer under the provisions of this Chapter.

(43) "Marine motor" means a motor that is a component of a marine product that is sold separately from a boat when delivered to the marine dealer by the distributor or manufacturer.

(44) "Marine product" means a new or used watercraft, boat, or motor designed for recreational or commercial use on water and a boat or watercraft trailer. The term also includes an outboard motor or a boat with an inboard/outboard motor attached thereto. The term shall not mean a watercraft designed for use primarily for commercial purposes or new or used watercraft or boats adapted to be powered only by occupant's energy.

(45) "Marine product line" means a particular model of a marine product designed for recreational or commercial use on water.

(46) "Motorcycle" means a motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor and electric-powered scooters.

(47) "Recreational products" means new and unused motorcycles, all-terrain vehicles, marine products, recreational vehicles, and trailers as defined in this Chapter.

(48) "Recreational products dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale or exchange of an interest in recreational products and who is engaged wholly or in part in the business of buying and selling recreational products in the state of Louisiana.

(a) The term shall also include anyone not licensed under Chapter 6 of Title 32 of the Louisiana Revised Statutes of 1950 who sells recreational products and who rents on a daily basis recreational products, not of the current year or immediate prior year models, that have been titled previously to an ultimate purchaser.

(b) "Recreational products dealer" shall not include any of the following:

(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.

(ii) Public officers while performing their official duties.

(iii) Employees of recreational products dealers when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of recreational products constituting collateral on a mortgage or security agreement.

(v) Insurance companies.

(vi) Auctioneers or auction houses who are not engaged in the auction of recreational products as the principal part of their business, including but not limited to the following auctions: estate auctions, bankruptcy auctions, farm equipment auctions, or government auctions.

(49) "Recreational vehicle" means a motorized or towable vehicle that combines transportation and temporary living quarters for travel, recreation, and camping. For purposes of this Chapter, a "recreational vehicle" includes new and used motor homes, new and used travel trailers, new and used fifth-wheel travel trailers, new and used folding camper trailers, and slide-in truck campers.

(50) "Trailer" means every single vehicle without motive power designed for carrying property or passengers wholly on its own structure, drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels and having one or more load carrying axles. "Trailer" includes but is not limited to utility trailers, boat trailers, recreational trailers, semitrailers, livestock trailers, and dump trailers."

AMENDMENT NO. 4

On page 2, line 2, delete "fifteen" and insert "eighteen"

AMENDMENT NO. 5

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

"(1) A chairman of the commission shall be appointed from the state at large. ~~Eleven~~ Fourteen members shall be appointed in such manner that at least one, but no more than two, shall be from each of the commission districts as listed below:"

AMENDMENT NO. 6

On page 2, line 7, after "commission" and before "for not" insert "or its previous Louisiana licensing commission"

AMENDMENT NO. 7

On page 2, line 12, after "sales," and before "and one" insert "three members shall be primarily engaged in the business of recreational products,"

AMENDMENT NO. 8

On page 2, delete line 14 and insert the following:

"(3)(a) Each of the three remaining appointive members shall be a public member who is not a licensee under this Chapter and shall be appointed from the state at large. These three commissioners shall have the sole function of hearing and deciding matters concerning brokers and disputes between manufacturers, distributors, converters, motor vehicle lessor franchisors, or representatives and motor vehicle dealers, recreational product dealers, specialty vehicle dealers, and motor vehicle lessors.

(b) This function shall be performed only when so requested in writing at the time of the filing of the initial protest or initial answer to the protest by a consumer, motor vehicle dealer, or manufacturer against a broker; or by a manufacturer, distributor, converter, motor vehicle lessor franchisor, representative, motor vehicle lessor, specialty vehicle dealer, or motor vehicle dealer who is a party to a

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dispute. If no party requests a hearing before these commissioners, the commissioners appointed pursuant to Paragraph (1) of this Subsection shall retain jurisdiction over the dispute. Should a consumer, broker, manufacturer, distributor, converter, motor vehicle lessor franchisor, representative, motor vehicle lessor, specialty vehicle dealer, **recreational product dealer**, or motor vehicle dealer make the request as set forth above, the commissioners appointed pursuant to Paragraph (1) of this Subsection shall not participate, deliberate, or in any way take part in the hearing.

E. The commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out the provisions and objects of this Chapter, and is hereby authorized and empowered to make and enforce all reasonable rules and regulations and to adopt and prescribe all forms necessary to accomplish said purpose, and the enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any others necessary to the attainment thereof. A copy of all rules and regulations adopted by the commission shall be published in the Louisiana Register, and same **Administrative Code, as they** may be amended, modified, or repealed from time to time.

§1254. Application for license; requirements for licensure; contents; licenses; franchise filings

A. The following persons shall be licensed by the commission in order to engage in business in the state of Louisiana, regardless of whether or not said person maintains or has a place or places of business in this state, and it is a violation of this Chapter to operate without first obtaining a license:

(6) Used motor vehicle facilities operated by new motor vehicles dealers, motor vehicle lessors, **or specialty vehicles dealers, or recreational products dealers.**

(18) Recreational products dealers.

(19) Auto shows including promotors and non-resident exhibitors.

B. * * *

(2) The license of any **recreational products dealer or any** licensee who does not maintain a place of business in this state shall expire on December thirty-first of each year.

C. General licensing and compliance requirements for all license applicants and holders.

(9) All licensees are required to furnish and keep in force required liability insurance coverage or liability protection provided by a liability trust fund as authorized by R.S. 22:46(9)(d) on vehicles in accordance with the financial responsibility laws of the state of Louisiana. Failure to maintain such insurance or liability protection shall result in the immediate suspension of license, which suspension shall be effective as of the date of said failure to maintain said liability insurance coverage or liability protection until proof of the required liability insurance or liability protection is furnished to the commission. If no proof is furnished to the commission within thirty days, the license of said licensee shall be revoked. **Recreational product dealers selling all-terrain vehicles shall not be required to furnish and keep in force the minimum garage liability insurance coverage on all-terrain vehicles offered for sale unless the vehicles are utilized on the streets and roadways for demonstration or any other purpose.**

D. Additional licensing and compliance requirements for manufacturers, convertors or secondary manufacturers, distributors or wholesalers, factory branches and distributor branches.

(4)(a) The license issued to each manufacturer, converter or secondary manufacturer, distributor or wholesaler, factory branch or distributor branch shall specify the location of the office or factory, or branch thereof, and the makes, models, or classifications of motor vehicles, **recreational products**, or specialty vehicles to be manufactured, distributed or converted. The license issued to any manufacturer, converter or secondary manufacturer, distributor or wholesaler, factory branch or distributor branch shall specify the location of such manufacturer's established place of business.

(b) A change of location, or a change in corporate ownership or majority ownership, or a change in the name of a licensee, or a change by a licensee in the makes, models, or classifications, requiring an addendum to a franchise agreement, of motor vehicles, **recreational products**, or specialty vehicles manufactured, distributed or converted, or the addition of a make of motor vehicle **or recreational product** manufactured, distributed or converted shall require a new license and application therefor.

(6) Applicants for and holders of manufacturer, converter or secondary manufacturer, distributor or wholesaler, factory branch and distributor branch licenses shall obtain and maintain bonds in accordance with the following provisions:

(c) The provisions of this Section shall not apply to manufacturers, distributors, or wholesalers, factory branches and distributor branches of recreational products.

(7) Upon execution of a franchise, or addendum thereto, with a motor vehicle dealer, **recreational products dealer**, or specialty vehicle dealer, the manufacturer or a convertor or secondary manufacturer shall immediately file with the commission a copy of the franchise or addendum.

E. Additional licensing and compliance requirements for motor vehicle **and recreational products** dealers.

(1) The commission shall also require, in all motor vehicle **and recreational products** dealer applications or otherwise, information relating to the applicant's financial standing and established place of business.

(2) All motor vehicle **and recreational products** dealers must provide a suitable office and have a permanently affixed sign in front of the establishment of offices which denotes that vehicles are offered for sale, lease or rent at the location to which the sign is affixed.

(3) All motor vehicle **and recreational products** dealers must have a usable telephone at the place of business, the number of which should be listed on the application for license and in a local directory accessible to the public. The commission must be notified of any change in the telephone number.

(4)(a) Applications for license as motor vehicle **and recreational products** dealer must, in addition to the foregoing, also be accompanied by the filing with the commission of a bona fide contract or franchise in effect between the applicant and a manufacturer or distributor of the new motor vehicle or vehicles **or recreational product or products** proposed to be dealt in for a specific location in the state of Louisiana.

(5) The applicant must also furnish satisfactory evidence that the applicant maintains adequate space in the building or structure wherein the applicant's established business is conducted for the display of new motor vehicles **or recreational products**, together with adequate facilities for the repair and servicing of motor vehicles **or recreational products** and the storage of new parts and accessories for same.

(7) All motor vehicle **or recreational products** dealers shall furnish evidence that they currently have garage liability insurance or liability protection provided by a liability trust fund as authorized by R.S. 22:46(9)(d) covering their place of business. The required insurance policy or liability protection shall have limits of not less than one hundred thousand dollars for bodily injury to one person, three hundred thousand dollars per accident, and fifty thousand dollars for property damage. Said insurance or liability protection shall be maintained throughout the period of licensure. Failure to maintain such insurance or liability protection shall result in the immediate suspension of license, which suspension shall be effective as of the date of said failure to maintain said liability insurance coverage or liability protection until proof of the required garage liability insurance or liability protection is furnished to the commission. Should no proof of insurance or liability protection provided by a liability trust fund as authorized by R.S. 22:46(9)(d) be furnished to the commission within thirty days, the license of said licensee shall be revoked. **Recreational product dealers selling all-terrain vehicles shall not be required to furnish and keep in force the minimum garage liability insurance coverage on all-terrain**

vehicles offered for sale unless the vehicles are utilized on the streets and roadways for demonstration or any other purpose.

(8) In determining whether or not to issue a license to a motor vehicle **or recreational product** dealer, the commission shall also consider the financial standing of the motor vehicle **or recreational product** dealer, the adequacy of the motor vehicle **or recreational product** dealer's established place of business for the purpose for which a license is sought, and the effect on the motor vehicle **or recreational product** sale or leasing/rental business and the consuming public in the state of Louisiana.

(9)(a) The license issued to each motor vehicle **or recreational product** dealer shall specify the location of the office and the makes, models, or classifications of motor vehicles or **specialty vehicles recreational products** to be sold, and the name of the dealer-operator. The license issued to a motor vehicle dealer shall specify the licensee's established place of business.

(b) A change of location, or a change in corporate ownership or majority ownership, or a change in the name of a licensee, or a change by a licensee in the makes, models, or classifications, requiring an addendum to a franchise agreement, of motor vehicles or **specialty vehicles recreational products** sold, or the addition of a make of motor vehicles **or recreational products** sold or a change in the designation of the dealer-operator shall require a new license and application therefor.

(c) Notwithstanding the provisions of Subparagraph (b) of this Paragraph, a licensed motor vehicle **or recreational product** dealer shall not be required to submit an application for and obtain a new license if ownership interests in the dealership changes among existing family member owners, as long as the identity of the majority owner does not change, no additional persons are added as owners, and all changes in ownership interest are declared in the renewal application. For the purposes of this Subparagraph, "family member owners" shall include the majority owner's children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, parents, his spouse, the parents of his spouse, and his grandchildren.

(d) Notwithstanding any other provisions of law to the contrary, any motor vehicle **or recreational product** dealer holding a license hereunder shall not be required to obtain a license as a motor vehicle lessor, used motor vehicle dealer, or specialty vehicle dealer or converter, when modifying or selling those vehicles **or products** he is duly franchised and licensed to sell, provided such operations are conducted from the location from which said motor vehicle **or recreational product** dealer is licensed to do business.

(10)(a) Before any motor vehicle **or recreational product** dealer license is issued to an applicant under the provisions of this Chapter, a good and sufficient surety bond, executed by the applicant as principal and by a surety company qualified to do business in Louisiana as surety, in the sum of twenty thousand dollars, shall be delivered to the commission.

(11) Upon execution of a franchise, or addendum thereto, ~~with a motor vehicle dealer, motor vehicle lessor, or specialty vehicle dealer,~~ the motor vehicle **or recreational product** dealer shall immediately file with the commission a copy of the franchise or addendum.

F. Additional licensing and compliance requirements for used motor vehicle facilities operated by new motor vehicle dealers, motor vehicle lessors and specialty vehicle dealers.

(4) All used motor vehicle facilities licensed by the commission shall furnish evidence that they currently have garage liability insurance or liability protection provided by a liability trust fund as authorized by R.S. 22:46(9)(d) covering their places of business. The required insurance policy or liability protection shall have limits of not less than one hundred thousand dollars for bodily injury to one person, three hundred thousand dollars per accident, and fifty thousand dollars for property damage. Said insurance or liability protection shall be maintained throughout the period of licensure. Failure to maintain such insurance or liability protection shall result in the immediate suspension of license, which suspension shall be effective as of the date of said failure to maintain said liability insurance coverage or liability protection until proof of the required garage liability insurance or liability protection is furnished to the

commission. Should no proof of insurance or liability protection provided by a liability trust fund as authorized by R.S. 22:46(9)(d) be furnished to the commission within thirty days, the license of said licensee shall be revoked. **Recreational product dealers selling all-terrain vehicles shall not be required to furnish and keep in force the minimum garage liability insurance coverage on all-terrain vehicles offered for sale unless the vehicles are utilized on the streets and roadways for demonstration or any other purpose.**

N. Any person who sells or offers to sell new motor vehicles, **recreational products**, or specialty vehicles, or leases, rents, or offers to lease or rent new motor vehicles, **recreational products**, or specialty vehicles, and which is not a licensee of the commission shall, nonetheless, be subject to the provisions of Chapter 6 of Title 32 and the rules and regulations of the commission which pertain to the regulation of advertising.

§1255. Fees; penalties

A. To defray the cost of issuing licenses and administering this Chapter, the commission shall fix reasonable fees to be assessed under this Chapter.

(2) The license for each motor vehicle dealer, specialty vehicle dealer, **recreational products dealer**, motor vehicle lessor, used motor vehicle dealer, factory representative, broker, distributor representative or lease facilitator shall not exceed three hundred dollars.

§1256. Auto shows

The commission may authorize or prohibit motor vehicle **or recreational products** sales and shows at off-site locations. The commission may, in its discretion, allow such sales and shows **provided all of the following conditions are met: in accordance with the rules and regulations adopted by the commission in accordance with the Administrative Procedure Act.**

- (1) The request is received by the commission forty-five days prior to the opening date of the event;
- (2) Only new motor vehicle franchised licensed dealers may conduct sales of motor vehicles at such sales and shows;
- (3) The event is conducted for not more than six days;
- (4) All local new motor vehicle dealers shall be offered the opportunity to participate;
- (5) A majority of new motor vehicle dealers offered the opportunity to participate must participate in the event;
- (6) Each respective manufacturer or distributor has granted authority to the respective dealers participating to conduct the sale or show of motor vehicles at the proposed off-site location;
- (7) Such events are limited to two times per calendar year per new car dealer.

§1257.1. Establishment of new recreational products dealerships or relocations; protests; procedure

A.(1) Whenever the commission receives an application for a recreational products dealer's license which would add a new motorcycle or all-terrain vehicle dealership, it shall first notify the existing licensed motorcycle or all-terrain vehicle dealership or dealerships selling the same-line makes, models, or classifications if the new dealership's proposed location is within the existing dealer's area of responsibility. Any same-line makes, models, or classifications dealership whose area of responsibility includes the location of the proposed new motorcycle or all-terrain vehicle dealership may object to the granting of the license.

(2) Whenever the commission receives an application for a recreational products dealer's license which would relocate an existing motorcycle or all-terrain vehicle dealership, it shall first notify the existing licensed motorcycle or all-terrain vehicle dealership or dealerships selling the same-line makes, models, or classifications if the dealership's proposed new location is within the existing dealer's area of responsibility. The existing same-line makes, models, or classifications dealership or dealerships shall have the right to object to the granting of the license only if the proposed relocation is within a radius of seven miles of its facility. However, without regard to distance, whenever the commission receives an application for the relocation of a motorcycle or all-

terrain vehicle dealership which would add an additional franchise to an existing same-line makes, models, or classifications dealership's area of responsibility, the affected dealership shall have the right to object.

(3) The objection shall be in writing and shall be received by the commission within a fifteen-day period after receipt of the notice. The fifteen-day objection period shall be waived upon written notification to the commission from all licensees entitled to object that the licensees have no objections to the proposed change or addition for which the notice of intent was issued. If timely objection is lodged, and prior to the issuance of the license, the commission shall hold a hearing within thirty days after receipt of the objection and issue its decision within ninety days after date of the hearing. Notice of hearing and an opportunity to participate therein shall be given to the manufacturer or distributor, the applicant for the license as a motorcycle or all-terrain vehicle dealer, and to the protesting dealership or dealerships.

(4) Whenever the commission receives an objection pursuant to the provisions of Paragraph (1) of this Subsection, the commission shall consider the following and may consider any other relevant factors in determining whether there is good cause to issue a license:

(a) Whether the community or territory can support an additional dealership.

(b) The financial impact on both the applicant and the existing dealership or dealerships.

(c) Whether the existing motorcycle or all-terrain vehicle dealerships of the same-line makes, models, or classifications in the dealership's area of responsibility are providing adequate representation, competition, and convenient consumer care for the motorcycle or all-terrain vehicles of the same-line makes, models, or classifications located within that area.

(d) Whether the issuance of the license would increase competition, or be in the public interest, or both.

B.(1) Whenever the commission receives an application for a recreational products dealer's license which would add a new marine dealership, it shall first notify the existing licensed marine dealership or dealerships selling the same-line makes, models, or classifications if the new dealership's proposed location is within the existing dealer's area of responsibility. Any same-line makes, models, or classifications dealership whose area of responsibility includes the location of the proposed new marine dealership may object to the granting of the license.

(2) Whenever the commission receives an application for a recreational products dealer's license which would relocate an existing marine dealership, it shall first notify the existing licensed marine dealership or dealerships selling the same-line makes, models, or classifications if the dealership's proposed new location is within the existing dealer's area of responsibility. The existing same-line makes, models, or classifications dealership or dealerships shall have the right to object to the granting of the license only if the proposed relocation is within a radius of seven miles of its facility. However, without regard to distance, whenever the commission receives an application for the relocation of a marine dealership which would add an additional franchise to an existing same-line makes, models, or classifications dealership's area of responsibility, the affected dealership shall have the right to object.

(3) The objection shall be in writing and shall be received by the commission within a fifteen-day period after receipt of the notice. The fifteen-day objection period shall be waived upon written notification to the commission from all licensees entitled to object that the licensees have no objections to the proposed change or addition for which the notice of intent was issued. If timely objection is lodged, and prior to the issuance of the license, the commission shall hold a hearing within thirty days after receipt of the objection and issue its decision within ninety days after date of the hearing. Notice of hearing and an opportunity to participate therein shall be given to the manufacturer or distributor, the applicant for the license as a marine dealer, and to the protesting dealership or dealerships.

(4) Whenever the commission receives an objection pursuant to the provisions of Paragraph (1) of this Subsection, or whenever

the commission receives an objection pursuant to the assignment of the marine dealer's area of principal sales and service responsibility, the commission shall consider the following and may consider any other relevant factors in determining whether there is good cause to approve or reject the assignment of the marine dealer's area of principal sales and service responsibility, or to issue a license:

(a) Whether the community or territory can support an additional dealership.

(b) The financial impact on both the applicant and the existing dealership or dealerships.

(c) Whether the existing marine dealerships of the same-line makes, models, or classifications in the dealership's area of responsibility are providing adequate representation, competition, and convenient consumer care for the marine products of the same-line makes, models, or classifications located within that area.

(d) Whether the issuance of the license would increase competition, be in the public interest, or both.

(5) In disputes between the marine dealers and marine manufacturers and distributors regarding the execution of an agreement that would add a new same line make marine dealership or would add the same product line regardless of brand name with the area of responsibility of an existing marine product line dealer, the name brand of the boat determines whether a dealer may enter into a franchise or selling agreement for a particular boat package or boat package line. The marine motor, marine engine, boat trailer, or any accessory made a part of a boat package shall not be the subject of, or a consideration in, an area of responsibility dispute for violation involving the boat package.

(6) A manufacturer or distributor of a marine motor or marine engine may, in their discretion, enter into a warranty service agreement with a marine dealer of a boat package that is packaged with its particular brand marine motor or engine without violating the area of responsibility of any other marine dealer that has a franchise or selling agreement of that brand marine motor or engine. However, the warranty service agreement shall not be construed to permit the marine dealer to sell the marine motor or engine separate from the boat package, and the marine dealer shall not hold itself out to be a full-line or loose marine motor or engine dealership.

§1258. Denial, revocation, grounds, imposition of a civil penalty, or suspension of license; grounds; expiration

A. The commission may, in addition to imposing a civil penalty under the provisions of this Chapter, deny an application for a license, or revoke or suspend a license after it has been granted for any one of the following reasons:

* * *

(10) Whenever a marine dealer intentionally removes marine engines from a boat package for the purpose of selling those engines separately in violation of a full-line marine dealer's area of responsibility, except that which may be done by a full-line dealer of that particular engine as it may be permitted under his full-line franchise agreement.

* * *

AMENDMENT NO. 9

On page 2, at the end of line 19, delete "motor vehicle" and insert "licensee" and at the beginning of line 20, delete "dealer"

AMENDMENT NO. 10

On page 3, line 2, between "estoppel" and "or" insert a comma ","

AMENDMENT NO. 11

On page 3, between lines 11 and 12, add the following:
"(o)(i) To fail or refuse to sell or offer to sell to all motor vehicle franchisees in a line make, every motor vehicle sold or offered for sale under a franchise to any motor vehicle franchisee of the same line make, or to unreasonably require a motor vehicle dealer to pay an extra fee, purchase unreasonable advertising displays or any other materials, or to remodel, renovate, or recondition its existing facilities as a prerequisite to receiving a certain model or series of vehicles. However, the failure to deliver any such motor vehicle shall not be considered a violation of this Section if the failure is due to a lack of

manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause of which the franchisor has no control.

(ii) To fail or refuse to sell or offer to sell to all recreational product dealers of a like-make, all models manufactured for that line make, or to require a recreational product dealer to do any of the following as a prerequisite to receiving a model or series of vehicles:

(aa) Requiring the dealer to pay an extra fee.

(bb) Requiring the dealer to execute a separate franchise agreement, purchase unreasonable advertising displays or other materials, or relocate, expand, improve, remodel, renovate, recondition, or alter the dealer's existing facilities.

(cc) Requiring the dealer to provide exclusive facilities.

(iii) A manufacturer may require reasonable improvements to the existing facility necessary to accommodate special or unique features of a special model or line. The failure to deliver any such recreational product shall not be considered a violation of this Subparagraph if the failure is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo, or other cause over which the manufacturer has no control.

AMENDMENT NO. 12

On page 3, between lines 17 and 18, add the following:

(t) To operate a satellite warranty and repair center, to authorize a person to perform warranty repairs who is not a motor vehicle dealer, or to authorize a motor vehicle dealer to operate a satellite warranty and repair center within the community or territory of a same-line or make motor vehicle dealer. **This Subparagraph shall not apply to recreational product manufacturers.**

AMENDMENT NO. 13

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

"(6) For any person or other licensee:

(a) To modify a franchise during the term of the agreement or upon its renewal if the modification substantially and adversely affects the franchisee's rights, obligations, investment, or return on investment without giving sixty-day written notice of the proposed modification to the licensee **and the commission** unless the modifications are required by law, court order, or the commission. Within the sixty-day notice period the licensee may file with the commission a complaint for a determination whether there is good cause for permitting the proposed modification. The party seeking to modify or replace an agreement must demonstrate by a preponderance of the evidence that there is good cause for the modification or replacement. The commission shall schedule a hearing within sixty days to decide the matter. Multiple complaints pertaining to the same proposed modifications shall be consolidated for hearing. The proposed modification may not take effect pending the determination of the matter.

AMENDMENT NO. 14

On page 3, at the end of line 19, add a comma " , "

AMENDMENT NO. 15

On page 4, line 3, between "**assembly**" and "**or**" insert a comma " , "

AMENDMENT NO. 16

On page 4, lines 7 and 8, change "**manufacturer of motor vehicles**" to "**motor vehicle manufacturer**"

AMENDMENT NO. 17

On page 4, line 9, change "**dealers**" to "**a dealer**"

AMENDMENT NO. 18

On page 4, line 10, change "**dealers**" to "**dealer**"

AMENDMENT NO. 19

On page 4, line 11, change "**these payments**" to "**this payment**"

AMENDMENT NO. 20

On page 4, at the end of line 12, change "**or**" to a comma " , "

AMENDMENT NO. 21

On page 4, between lines 15 and 16, insert the following:
"§1262. Warranty; compensation; audits for dealer records
A.

* * *

(5) The obligations in this Subsection as they relate to recreational products may be modified by contract."

AMENDMENT NO. 22

On page 4, between lines 16 and 17, insert the following:
"§1265. Sale of water-damaged vehicles

A. No person shall sell, transfer, or convey any new or used motor vehicle **or recreational product** to any person without notifying the buyer or receiver of the **motor vehicle or recreational product** in writing of the extent of any water damage from flooding which occurred to the **motor vehicle or recreational product** prior to the transaction.

B. If a sale, transfer, or conveyance of a new or used motor vehicle **or recreational product** occurs in violation of Subsection A, the person receiving ownership and title to the **motor vehicle or recreational product** who is not otherwise aware of the damage at the time of the transaction may bring an action to set aside the transaction within one year from the date of the transaction and receive all monies or other property given as consideration for the vehicle less a reasonable assessment for miles driven.

C. For the purposes of this Section, a "water-damaged vehicle" means any motor vehicle **or recreational product** whose power train, computer, or electrical system has been damaged by flooding.

* * *

AMENDMENT NO. 23

On page 5, line 20, change "**signs**" to "**the sign**"

AMENDMENT NO. 24

On page 7, after line 12, insert the following:

"§1268.1. Manufacturer mandatory repurchase; motorcycle or all-terrain vehicle dealer; marine dealer; recreational or travel trailer dealer; utility trailer dealer

A.(1) In the event that a dealer ceases to engage in the business of being a motorcycle or all-terrain vehicle dealer, or ceases to sell a particular make of motorcycle or all-terrain vehicle, and after notice thereof to the manufacturer or distributor by registered or certified mail, return receipt requested within thirty days thereafter, the manufacturer or distributor, at a minimum, shall repurchase all new and unused motorcycles and all-terrain vehicles of the current and immediate prior model year and all parts on hand that are currently listed in the manufacturer's price book that have not been damaged or substantially altered to the prejudice of the manufacturer while in the possession of the dealer and all required demonstrators.

(2) The manufacturer shall make the required repurchase after the dealer terminates his franchise, selling, or other contractual agreement and within sixty days of the submission by the dealer to the manufacturer, by registered or certified mail, return receipt requested, of a final inventory of motorcycles and all-terrain vehicles, and parts on hand.

B.(1) In the event that a dealer ceases to engage in the business of being a marine dealer, or ceases to sell a particular make of marine product, and after notice thereof to the manufacturer or distributor by registered or certified mail return receipt requested within thirty days thereafter, the manufacturer or distributor, at a minimum, shall repurchase all new and unused marine products of the current and immediate prior model year and all parts on hand that are currently listed in the manufacturer's price book that have not been damaged or substantially altered to the prejudice of the manufacturer while in the possession of the dealer and all required demonstrators. However, whenever the marine dealer gives notice of termination of the contract, franchise, or selling agreement, the manufacturer or distributor shall have the right to appoint an Independent

Marine Surveyor to inspect the marine dealer's inventory to determine whether or not the inventory has been substantially altered or damaged to the prejudice of the manufacturer, through neglect or otherwise, while in the possession of the marine dealer and shall determine a fair diminution of value caused by such alteration, damage, or neglect. If the Independent Marine Surveyor finds that the inventory of marine products has been so altered, damaged, or neglected, the value assessment of the inventory of marine products established by him shall be considered by the commission in determining the market value of the inventory.

(2) The manufacturer shall make the required repurchase after the dealer terminates his franchise, selling, or other contractual agreement and within sixty days of the submission by the dealer to the manufacturer, by registered or certified mail return receipt requested, of a final inventory of marine products and parts on hand.

(3)(a) Notwithstanding the provisions of Subparagraph (1) and (2) of this Subsection, in the event that a dealer in marine products ceases to engage in the business of being a marine dealer of a specified brand of boats, boat packages, or marine motors, and the dealer has an area of responsibility that is not shared with another marine dealer, the manufacturer or distributor may appeal the repurchasing requirements of Subparagraph (1) of this Subsection and the penalties imposed pursuant to Subparagraph (2) of this Subsection, to the commission to determine whether or not the requirements of these Subparagraphs are fair and equitable under the circumstances.

(b) Any appeal under the provisions of this Section shall be filed with the commission within fifteen days of receipt of notice from the marine dealer that the franchise, sales and service, or similar agreement has been terminated.

(c) The commission shall consider all relevant evidence and render a decision within thirty days of the day the appeal was filed. Either party may appeal the decision of the commission provided that a commercial surety bond is posted to compensate the prevailing party for compliance with the commission's decision.

C.(1) In the event that a dealer ceases to engage in the business of being a recreational vehicle or travel trailer dealer, or ceases to sell a particular make of recreational vehicle or travel trailer, and after notice thereof to the manufacturer or distributor by registered or certified mail return receipt requested within thirty days thereafter, the manufacturer or distributor, at a minimum, shall repurchase all new and recreational vehicles and travel trailers of the current and immediate prior model year and all parts on hand that are currently listed in the manufacturer's price book that have not been damaged or substantially altered to the prejudice of the manufacturer while in the possession of the dealer and all required demonstrators.

(2) The manufacturer shall make the required repurchase after the dealer terminates his franchise, selling, or other contractual agreement and within sixty days of the submission by the dealer to the manufacturer, by registered or certified mail return receipt requested, of a final inventory of recreational vehicles and travel trailers and parts on hand.

D.(1) In the event that a dealer ceases to engage in the business of being a utility trailer dealer, or ceases to sell a particular make of utility trailer, and after notice thereof to the manufacturer or distributor by registered or certified mail return receipt requested within thirty days thereafter, the manufacturer or distributor, at a minimum, shall repurchase all utility trailers of the current and immediate prior model year and all parts on hand that are currently listed in the manufacturer's price book that have not been damaged or substantially altered to the prejudice of the manufacturer while in the possession of the dealer and all required demonstrators.

(2) The manufacturer shall make the required repurchase after the dealer terminates his franchise, selling, or other contractual agreement and within sixty days of the submission by the dealer to the manufacturer, by registered or certified mail return receipt requested, of a final inventory of utility trailers and parts on hand.

E. Failure to make said repurchase without just cause shall subject the manufacturer to a penalty of one and one-half percent per month or fraction thereof of the inventory value of returnable marine products and parts, utility trailers and parts, recreational vehicles and travel trailers and parts, or motorcycles and all-terrain vehicles and parts, payable to the dealer, commencing on the sixty-first day following the date of receipt of the final inventory and continuing until such time as said repurchase is made.

§1268.2 Manufacturer termination of line-make; manufacturer bankruptcy; license

Notwithstanding the terms of any franchise or other provision of law, if the termination, cancellation, or nonrenewal of a licensee's franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, whether by bankruptcy or otherwise, the license issued by the commission may remain in effect at the discretion of the commission pursuant to its rules.

Section 2. R.S. 32:781(1) through (4), (9) through (18), (22) through (25), and (28), 783(F)(7) and (10), 784(A)(5) through (8), and Part IV of Chapter 4-C of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:811 through 822 are hereby repealed in their entirety.

Section 3. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

SENATE BILL NO. 186—

BY SENATORS MARIONNEAUX, CHEEK, DORSEY, ERDEY, HEITMEIER, MOUNT AND NEVERS
AN ACT

To amend and reenact R.S. 40:1300.256(B)(5) and to enact R.S. 40:1300.256(A)(5), relative to prohibiting smoking in certain places; to provide for restrictions; to provide for exceptions; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 186 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" delete "amend and reenact R.S. 40:1300.256(B)(5) and to" and after "40:1300.256(A)(5)" and before "," insert "and to repeal R.S. 40:1300.256(B)(5), (8) and (13)" and on page 1, line 3, at the end of the line, change "for" to "relative to"

AMENDMENT NO. 2

On page 1, line 6, after "Section 1. R.S." delete the remainder of the line

AMENDMENT NO. 3

On page 1, delete lines 13 through 16 in their entirety

AMENDMENT NO. 4

On page 1, after line 17 insert the following:
 "Section 2. R.S. 40:1300.256(B)(5), (8) and (13) are hereby repealed in their entirety.
 Section 3. This Act shall become effective on April 1, 2010."

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

SENATE BILL NO. 193—
 BY SENATOR LONG

AN ACT

To amend and reenact R.S. 22:2372 and R.S. 44:4.1(B)(10), relative to the Insure Louisiana Incentive Program; to provide for use of unused monies in the program to assist individuals with homeowners' insurance premiums and to accelerate payoff of the Unfunded Accrued Liability of the state retirement systems; to provide for definitions; to provide for determination of eligibility and level of assistance; to provide for confidentiality; to provide for disbursements by the Department of Revenue; to provide for peremption of claims; to provide for coordination of the program by the office of consumer advocacy in the Department of Insurance; to authorize the commissioner to promulgate rules and regulations to implement the program; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 193 by Senator Long

AMENDMENT NO. 1

On page 1, line 2, change "amend and reenact" to "repeal" and delete "and R.S. 44:4.1(B)(10)"

AMENDMENT NO. 2

On page 1, line 3, change "provide" to "repeal the requirement"

AMENDMENT NO. 3

On page 1, line 5, after "systems;" delete the remainder of the line and delete lines 6 through 10 in their entirety and on line 11, delete "program;"

AMENDMENT NO. 4

On page 1, line 13, after "hereby" delete the remainder of the line and insert "repealed."

AMENDMENT NO. 5

On page 1, delete lines 14 through 17, delete pages 2, 3, and 4, and on page 5, delete line 1 in its entirety.

AMENDMENT NO. 6

On page 5, line 2, after "Section 2." delete the remainder of the line and delete lines 3 through 13 in their entirety and insert in lieu thereof the following: "This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

SENATE BILL NO. 214—
 BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 22:1894, relative to insurance; to authorize the commissioner of insurance to extend the time period for the filing of certain claims on policies covering

damage that occurs during certain declared emergencies or disasters ; 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. 214 by Senator Morrish

AMENDMENT NO. 1

On page 1, line 2, change "22:1894," to "22:1892(A)(3),"

AMENDMENT NO. 2

On page 1, line 7, change "22:1894" to "22:1892(A)(3)"

AMENDMENT NO. 3

On page 1, delete lines 8 through 17 and on page 2, delete lines 1 through 11 and insert in lieu thereof the following:

"§1892. Payment and adjustment of claims, policies other than life and health and accident; personal vehicle damage claims; extension of time to respond to claims during emergency or disaster; penalties; arson-related claims suspension

A. * * *
 * * *

(3) Except in the case of catastrophic loss, the insurer shall initiate loss adjustment of a property damage claim and of a claim for reasonable medical expenses within fourteen days after notification of loss by the claimant. In the case of catastrophic loss, the insurer shall initiate loss adjustment of a property damage claim within thirty days after notification of loss by the claimant, except that the commissioner may promulgate a rule for extending the time period for initiating a loss adjustment for damages arising from a presidentially declared emergency or disaster or a gubernatorially declared emergency or disaster. Failure to comply with the provisions of this Paragraph shall subject the insurer to the penalties provided in R.S. 22:1973."

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

SENATE BILL NO. 218—

BY SENATOR MORRELL AND REPRESENTATIVE BROSSETT
 AN ACT

To amend and reenact R.S. 22:2292(6) and (12) relative to Louisiana Citizens Property Insurance Corporation; to provide with respect to Louisiana Property Insurance Corporation offering business interruption insurance coverage; and to provide for related matters.

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

SENATE BILL NO. 242—

BY SENATOR MOUNT
 AN ACT

To enact R.S. 22:1062.1, relative to health insurance; to provide for an enrollment period for individuals in an employer sponsored insurance program when certain conditions are satisfied; to provide for rule making; 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. 242 by Senator Mount

AMENDMENT NO. 1

On page 1, line 12, after "under the" delete the remainder of the line, delete line 13 in its entirety, and in lieu thereof insert the following:

"Louisiana Children's Health Insurance Program and the employee requests, not later than sixty days after the date of termination of such coverage, coverage under a group health plan for which the employee or dependent is eligible."

AMENDMENT NO. 2

On page 1, line 15, after "Medicaid or" delete the remainder of the line, delete lines 16 and 17 in their entirety and in lieu thereof insert the following: "the Louisiana Children's Health Insurance Program and the employee requests, not later than sixty days after the date of determination of eligibility, coverage under a group health plan for which the employee or dependent is eligible. In the event of such eligibility, the Department of Health and Hospitals shall ensure that each eligible enrollee, or, in the case of an enrollee in the Louisiana Children's Health Insurance Program, the child's parent or guardian, receives information regarding the special enrollment period. The department shall provide consistent communication and facilitation for everyone eligible to enroll in a group health plan during the special enrollment period."

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

SENATE BILL NO. 243—
BY SENATOR MOUNT

AN ACT

To enact Children's Code Article 897(F), relative to delinquency; to provide for disposition after adjudication of certain felony-grade delinquent acts; to provide for penalties; to provide for certain criteria; and to provide for related matters.

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

SENATE BILL NO.— (Substitute of Senate Bill No. 243 by Senator Mount)

BY SENATOR MOUNT

AN ACT

To enact R.S. 14:92(E)(3), relative to delinquency; to provide for contributing to the delinquency of a juvenile; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:92(E)(3) is hereby enacted to read as follows:
§92. Contributing to the delinquency of juveniles

* * *
E. * * *

(3) If a parent or legal guardian of a juvenile is charged and convicted of contributing to the delinquency of the juvenile under Paragraph (1) of Subsection A of this Section, the sentence imposed under Paragraph (1) or (2) of this Subsection shall be without benefit of probation, parole, or suspension of sentence for a minimum of two years.

On motion of Senator Heitmeier, the committee substitute bill was adopted and becomes Senate Bill No. 347 by Senator Mount, substitute for Senate Bill No. 243 by Senator Mount.

SENATE BILL NO. 347— (Substitute of Senate Bill No. 243 by Senator Mount)

BY SENATOR MOUNT

AN ACT

To enact R.S. 14:92(E)(3), relative to delinquency; to provide for contributing to the delinquency of a juvenile; to provide for penalties; and to provide for related matters.

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

SENATE BILL NO. 251—
BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 46:1426(C), relative to the Department of Social Services; to provide for disclosure of information by licensed day care centers to parents; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 251 by Senator Erdey

AMENDMENT NO. 1

On page 1, delete lines 11 through 13 in their entirety and insert the following:

"(2) The day care center shall make available to parents or legal guardians information on how to view or obtain copies of child care licensing surveys from the department. Day care centers shall post information which explains that the licensing surveys are available online and list the web address where such information may be obtained and information which explains that licensing surveys may be obtained by sending a request in writing to the department. The department shall develop a form suitable for display which shall be posted at each licensed day care center in compliance with this Subsection.
* * *

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

SENATE BILL NO. 275—
BY SENATOR MCPHERSON

AN ACT

To enact Part II-I of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2120.51 through 2120.54, relative to employees providing nursing services; to provide for definitions; to provide for the duties of certain medical staffing agencies; to provide for duties of the Department of Health and Hospitals; to provide for rules and regulations; and to provide for related matters.

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

SENATE BILL NO.—(Substitute of Senate Bill No. 275 by Senator McPherson)

BY SENATOR MCPHERSON

AN ACT

To enact Part II-I of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2120.51 thru 2120.57, relative to employees providing nursing services; to provide for certified nurse aides in nursing facilities; to provide for state registration of certified nurse aides in nursing homes; to provide for medical staffing agencies; to provide for minimum requirements to maintain certification; to provide for rules and regulations; to provide for complaint investigations and restricted registrations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-I of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2120.51 through 2120.57, is hereby enacted to read as follows:

PART II-I. STATE REGISTRATION OF CERTIFIED NURSE AIDES IN LICENSED NURSING HOMES
§2120.51. Definitions

As used in this Part, the following definitions shall apply unless the content clearly states otherwise:

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

(2) "Secretary" means the secretary of the Department of Health and Hospitals or his designee.

(3) "Nursing facility" means a nursing home licensed by the Department of Health and Hospitals pursuant to R.S. 40:2009.2, et seq.

(4) "Certified nurse aide" means a certified nursing assistant or certified nurse aide employed by a nursing facility or contracted by a nursing facility.

(5) "Medical staffing agency" means any agency, institution, society, corporation, person or persons, or any other group that provides, for profit, the services of certified nurse aides to a nursing facility.

§2120.52. State registration of certified nurse aides in nursing facilities

A. Beginning August 15, 2010, a certified nurse aide employed by a nursing facility or contracted by a nursing facility to provide nursing assistant services to the residents of a nursing facility shall be registered with the department.

(1) Each such certified nurse aide shall apply for registration with the department. Each application for registration of a certified nurse aide shall be submitted to the department on forms provided by the department and shall contain such information required by the department. Additional information required by the department shall be provided by the applicant as requested.

(2) The registration will be listed on the Louisiana Certified Nurse Aide Registry.

(3) No certified nurse aide shall be employed by a nursing facility or contracted by a nursing facility to provide nursing assistant services after August 15, 2010, unless the certified nurse aide has a valid and current registration with the department.

B. The department shall establish the following types of registration for such certified nurse aides:

(1) Unrestricted registration.

(2) Restricted registration.

§2120.53. Rules and regulations; standards

A. The department is hereby authorized and directed to promulgate and publish rules, regulations, and standards in accordance with the Administrative Procedure Act, to provide for the registration of certified nurse aides and to provide for the health, safety, and welfare of residents in nursing facilities. These rules, regulations, and standards shall have the effect of law.

B. The department shall prescribe, promulgate, and publish rules, regulations and standards that may include the following:

(1) Registration application and renewal registration procedures and requirements.

(2) Minimum training requirements.

(3) Complaint procedures and investigations.

(4) Denial, revocation, suspension, non-renewal of registration, and the appeals therefrom.

(5) Unrestricted and restricted registration, and the appeals therefrom.

(6) Such other regulations or standards as deemed necessary by the department.

§2120.54. Duties of the department to investigate complaints against certified nurse aides; complaint allegations; restricted registration; reinstatement

A. In addition to other investigations as required by state or federal regulation, the department shall investigate the following complaints and allegations against certified nurse aides in nursing facilities:

(1) Abandonment of duties.

(2) Failure to perform assigned certified nurse aide duties when such failure results in a potential for more than minimal harm to a resident.

(3) Conduct unbecoming to a certified nurse aide as defined as any of the following:

(a) Insubordination that results in a potential for more than minimal harm to a resident.

(b) Failure to display competency in the performance of certified nurse aide duties due to the use of alcohol, drugs, illness, or mental or physical condition.

(c) Falsification of documents related to the performance of assigned job duties.

B. If the department substantiates allegations under Subsection A of this Section, the department shall, at its discretion, issue a notice of restricted registration to the certified nurse aide or issue a notice of revocation or suspension of registration to the certified nurse aide.

C. The restricted registration shall impose at least one of the following restrictions:

(1) The certified nurse aide shall work in a licensed nursing facility only as a direct employee of the nursing facility under the direct supervision of a certified nurse aide supervisor or other licensed healthcare professional, for a minimum of six months.

(2) The certified nurse aide shall complete mandatory training or education.

D. The department shall place notice of the restricted registration on the Louisiana Certified Nurse Aide Registry after final administrative determination or after appeal delays have expired.

E. Upon completion of the imposed restrictions pursuant to Subsection C of this Section, the certified nurse aide shall apply for reinstatement of an unrestricted registration.

§2120.55. Duties of the nursing facility

A. Prior to employing or contracting with a certified nurse aide, a nursing facility shall verify through the Louisiana Certified Nurse Aide Registry that the certified nurse aide is currently certified and has a current state registration.

§2120.56. Certified nurse aide; certification training

In order to maintain certification as a certified nurse aide, the certified nurse aide shall perform a minimum of ninety days or seven hundred twenty hours of certified nurse aide duties in one licensed nursing home within a one hundred twenty day period each year. The department shall confirm the completion of the required hours at least once every two years.

§2120.57. Certified nurse aide; medical staffing agencies

A. Any medical staffing agency employing or contracting with a certified nurse aide shall, before employing or contracting with a certified nurse aide, verify that the certified nurse aide is certified and listed on the Louisiana Certified Nurse Aide Registry and shall perform or have performed a criminal background check on each such certified nurse aide.

B. All medical staffing agencies shall submit to the department any complaints or grievances received against a certified nurse aide whom they have employed.

C. No medical staffing agency shall employ or contract with a certified nurse aide who holds a restricted registration.

D. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars. Each day's violation shall constitute a separate offense.

Section 2. This Act shall become effective upon August 15, 2010; if vetoed by the Governor and subsequently approved by the legislature, this Act shall become effective on August 15, 2010, or on the day following such approval by the legislature, whichever is later.

On motion of Senator Mount, the committee substitute bill was adopted and becomes Senate Bill No. 348 by Senator McPherson, substitute for Senate Bill No. 275 by Senator McPherson.

SENATE BILL NO. 348— (Substitute of Senate Bill No. 275 by Senator McPherson)

BY SENATOR MCPHERSON

AN ACT

To enact Part II-I of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2120.51 thru 2120.57, relative to employees providing nursing services; to provide for certified nurse aides in nursing facilities; to provide for state registration of certified nurse aides in nursing homes; to provide for medical staffing agencies; to provide for minimum requirements to maintain certification; to provide for rules and regulations; to provide for complaint investigations and restricted registrations; and to provide for related matters.

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

SENATE BILL NO. 282—
BY SENATOR HEBERT

AN ACT

To enact R.S. 22:1879 and R.S. 40:1300.112(13), relative to a consumer health provider information system; to provide for a database concerning health care related information; to provide for duties of the Department of Insurance and the Department of Health and Hospitals; 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. 282 by Senator Hebert

AMENDMENT NO. 1

On page 1, line 2, delete "and R.S. 40:1300.112(13)"

AMENDMENT NO. 2

On page 1, lines 4 and 5, delete "and the Department of Health and Hospitals"

AMENDMENT NO. 3

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

"A. Every health insurance issuer doing business in the State of Louisiana shall develop and maintain a database which shall allow an enrollee web access to determine if a health care provider or health care facility is a contracted health care provider with their health insurance issuer and web access to a health insurance issuer's network of providers accessed or utilized by a health insurance issuer.

B. Every health care issuer shall maintain the most current name and the National Provider Identifier unique identification number, as set forth in 45 CFR §162.402, et. seq., for each of its contracted health care providers and the specific insurance coverage in which the health care provider is contracted to provide health care services.

C. Every health care issuer shall include the following information in their database:

(1) The name, address and contact information of the health care provider.

(2) All applicable specialties and subspecialties of such health care provider, if any, as recognized by the American Board of Medical Specialties.

(3) The National Provider Identifier, unique identification number of such health care provider.

D. The database shall be formatted in such a manner to allow an enrollee or insured access to the information through a web based application to determine if a health care provider is a contracted health care provider.

E. (1) As a penalty in accordance with R.S. 49:961, the commissioner may refuse to renew, or may suspend, or revoke the certificate of authority of any health insurance insurer violating any of the provisions of this Section, or in lieu of suspension or revocation of a license duly issued, the commissioner may levy a civil fine not to exceed one thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of one hundred thousand dollars unless the person knew or reasonably should have known he was in violation of this Section, in which case the civil fine shall not be more than twenty-five thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of two hundred fifty thousand dollars in any six month period, when such acts or violations warrant the refusal, suspension, or revocation of such certificate, or the imposition of the fine, or both.

(2) A health insurance issuer aggrieved by the commissioner's decision, act, or order may demand a hearing in accordance with Chapter 12 of this Title, R.S. 22:2191 et seq. If the health insurance issuer had demanded a timely hearing, the penalty or fine ordered by the commissioner shall not be imposed until such time as the Division of Administrative Law makes a finding that the penalty or fine is warranted in a proper hearing, held in a manner provided in Chapter 12 of this Title.

F. The Department of Insurance may promulgate rules and regulations necessary to implement the provisions of this Section.

AMENDMENT NO. 4

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

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

SENATE BILL NO. 291—

BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 40:1379.3(Q), relative to public health and safety; to provide relative to statewide permits for concealed handguns; to provide for an exception; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 291 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 11, after "**officer**," delete the remainder of line and insert: "**who has completed a reserve academy training program conducted through a local or state law enforcement agency.**"

AMENDMENT NO. 2

On page 1, line 12, after "**employed**" insert "**or sanctioned and approved**"

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

House Bills and Joint Resolutions
on Second Reading
Reported by Committees

HOUSE BILL NO. 62—

BY REPRESENTATIVE BURRELL

AN ACT

To amend and reenact R.S. 15:828(B), relative to additional good time; to provide for the awarding of one hundred eighty days of good time for satisfactory participation in approved certified treatment and rehabilitation programs; and to provide for related matters.

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

HOUSE BILL NO. 123—

BY REPRESENTATIVE WOOTON

AN ACT

To enact R.S. 27:306(A)(5)(d), relative to video draw poker devices; to provide that the owner or lessor of a qualified truck stop facility may close the restaurant at a qualified truck stop facility during a legal holiday; and to provide for related matters.

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

HOUSE BILL NO. 148—

BY REPRESENTATIVES STIAES, ABRAMSON, EDWARDS, ERNST, HARDY, LEGER, RICHMOND, AND WHITE

AN ACT

To amend and reenact Sections 23(C) and (D) and to enact Section 23(E) of Act No. 621 of the 2006 Regular Session of the Legislature as amended by Act No. 873 of the 2008 Regular Session of the Legislature, relative to the consolidation of the offices of the civil and criminal sheriffs in Orleans Parish; to

provide for consolidation of the offices in 2010; and to provide for related matters.

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

HOUSE BILL NO. 161—
BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 15:571.4(A) and (C) and to enact R.S. 15:571.4(D), relative to forfeiture of diminution of sentence; to provide for the adoption of rules and regulations regarding the restoration of previously forfeited good time for disciplinary violations; to provide for criteria for eligibility to have previously forfeited good time restored; and to provide for related matters.

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

HOUSE BILL NO. 165—
BY REPRESENTATIVES EDWARDS, ABRAMSON, CONNICK, ERNST, FOIL, FRANKLIN, HARDY, HARRISON, HINES, ROSALIND JONES, LEBAS, LEGER, MONICA, RICHMOND, SMILEY, AND WHITE
AN ACT

To amend and reenact R.S. 29:381, relative to state war veterans hospitals and care facilities; to provide who may use the facilities; and to provide for related matters.

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

HOUSE BILL NO. 207—
BY REPRESENTATIVE LEBAS
AN ACT

To amend and reenact R.S. 40:1006(C), relative to the Prescription Monitoring Program Act; to provide the Louisiana Board of Pharmacy authority to exempt certain dispensers from the reporting of prescription monitoring information; to provide the board authorization to rescind exemptions; and to provide for related matters.

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

HOUSE BILL NO. 235—
BY REPRESENTATIVES CHAMPAGNE, DOVE, AND ST. GERMAIN AND SENATORS DUPRE AND MORRISH
AN ACT

To amend and reenact R.S. 14:108.1(A), (C), and (D)(2) and (4), relative to flight from an officer; to provide for operating a watercraft while fleeing from an officer; to provide for marked police watercraft; to provide for circumstances where human life is endangered; and to provide for related matters.

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

HOUSE BILL NO. 277—
BY REPRESENTATIVE RITCHIE
AN ACT

To amend and reenact R.S. 37:2102, 2104, 2110, and 2111, relative to sanitarians; to provide for the correction of the name of a referenced state agency; to provide for an increase in the maximum compensation a member of the Louisiana State Board of Examiners for Sanitarians may receive; to provide for the correction of statutory citations; to provide for clarification of the board's authority to issue sanitarian trainee permits; to provide for the revision of the qualifications of applicants seeking to become sanitarians; and to provide for related matters.

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

HOUSE BILL NO. 366—

BY REPRESENTATIVES WOOTON, HENRY BURNS, CHAMPAGNE, FOIL, LITTLE, MILLS, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, AND THIBAUT AND SENATORS CROWE, DUPLESSIS, MICHOT, SMITH, AND WALSWORTH
AN ACT

To amend and reenact R.S. 15:560.1, 560.2(B)(introductory paragraph) and (1), (E), and (F), 560.3, 560.4(A), 560.5, 560.6(A), 561.2, and 561.4(A)(1) and (B)(1) and (3) and to enact R.S. 15:560.2(H) and (I) and 560.4(E), relative to sex offenders and child predators; to provide relative to the monitoring of sex offenders and predators; to provide with respect to the determination of which sex offenders are sexually violent predators and child sexual predators; to amend the provisions governing the sex offender assessment panels; to provide for definitions; to provide with respect to the membership of the sex offender assessment panels; to provide for a judicial determination following an assessment by the sex offender assessment panel; to provide for a hearing and notice thereof; to provide with respect to the effects of a determination of status as a sexually violent predator or child sexual predator; to provide with respect to supervision of such persons; to provide for criminal penalties for violations of the conditions of supervision; to provide with respect to supervised release of certain sex offenders; to require that notice be given to the sex offender of supervised release; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 366 by Representative Wooton

AMENDMENT NO. 1

On page 1, line 4, after "enact R.S." delete "15:560.2(H) and (I)" and insert in lieu thereof "15:560.2(H), (I), and (J)"

AMENDMENT NO. 2

On page 2, line 1, after "reenacted and R.S." delete "15:560.2(H) and (I)" and insert in lieu thereof "15:560.2(H), (I), and (J)"

AMENDMENT NO. 3

On page 4, after line 28, insert the following:

"J. The Department of Public Safety and Corrections shall forward all recommendations of offenders who have been determined to be a sexually violent predator or a child sexual predator prior to August 15, 2009, to the sentencing court for a judicial determination that the offender is a sexually violent predator or child sexual predator in accordance with the provisions of this Section."

AMENDMENT NO. 4

On page 9, after line 12, insert the following:

"Section 3. The provisions of this Act relative to the amendment of R.S. 15:561.2(A) and (B) and 561.4(A)(1), (B)(1) and (3) are declared to be curative and remedial and therefore shall be applied retroactively as well as prospectively."

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

HOUSE BILL NO. 407—

BY REPRESENTATIVES SMILEY, TUCKER, BALDONE, BILLIOT, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, DOVE, GISCLAIR, HARDY, HARRISON, HENDERSON, KATZ, LABRUZZO, LIGI, LOPINTO, POPE, ROY, JANE SMITH, PATRICIA SMITH, TEMPLET, AND WADDELL
AN ACT

To enact Chapter 19 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1301 through 1306, relative to boards, commissions, and like entities; to provide for a website to contain certain information concerning certain boards, commissions, and like entities; to provide for the content of the website; to provide relative to the duties and responsibilities of certain boards, commissions, and like entities concerning the

website; to provide relative to the powers and duties of the commissioner of administration concerning the website; to provide relative to notice of meetings of certain boards, commissions, and like entities; to provide relative to minutes of meetings of certain boards, commissions, and like entities; to provide for electronic submission; 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. 432—
BY REPRESENTATIVE BURFORD
AN ACT

To amend and reenact R.S. 40:1300.51(3), 1300.52(D)(1), and 1300.53(C)(1) and to enact R.S. 40:1300.51(2)(n), relative to criminal history checks on nonlicensed persons and licensed ambulance personnel; to amend the definition of employer to include pediatric day health care facilities; to make all crimes reportable in background checks; to amend the provisions for waiver; to provide that certain convictions cannot be waived by an employer; and to provide for related matters.

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

HOUSE BILL NO. 462—
BY REPRESENTATIVE BURRELL
AN ACT

To amend and reenact R.S. 15:827.1(B)(5), (C)(1) and (2)(a), and (E) and to enact R.S. 15:827.1(F), relative to the reentry preparation program of the Department of Public Safety and Corrections; to provide technical changes to the law regarding reentry programs; to authorize the development of entrepreneurial education curriculum for eligible offenders; to provide for criteria for the program; to provide for eligibility of offenders to participate in the program; to provide for the adoption of rules and regulations regarding the program; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 462 by Representative Burrell

AMENDMENT NO. 1
On page 2, line 29, change "Department of Labor," to "Workforce Commission."

AMENDMENT NO. 2
On page 3, line 9, after "is" change "not ineligible" to "eligible"

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

HOUSE BILL NO. 466—
BY REPRESENTATIVES BILLIOT, BARROW, BURFORD, DOERGE, HILL, HINES, KATZ, LABRUZZO, LEBAS, MILLS, NOWLIN, POPE, SIMON, WILLIAMS, AND WILLMOTT
AN ACT

To amend and reenact R.S. 49:219.2(B)(1) and to enact R.S. 49:219.2(C)(6), relative to the Drug Policy Board; to provide for additional members; to provide for member designees; and to provide for related matters.

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

HOUSE BILL NO. 521—
BY REPRESENTATIVE LAFONTA
AN ACT

To enact Chapter 19 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:1221 through 1223, and R.S. 36:4(AA) and 917, to create an advisory council in the governor's office to identify obstacles to the effective delivery of governmental services to Latin Americans and to make recommendations for removal of such obstacles; to provide for membership on the council; to provide for its powers and duties; 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. 521 by Representative LaFonta

AMENDMENT NO. 1
On page 3, between lines 13 and 14, insert the following:
"(h) The Loyola School of Law Workplace Justice Project.
(i) The Hispanic Apostolate of Shreveport.
(j) The Hispanic Lawyers Association.
(k) WFNO La Fabulosa 830-AM Radio.
(l) The Latin American Civic Association of Louisiana.
(m) The Hispanic Lawyers Association of Louisiana, Inc.
(n) The Spanish American Business Association.
(o) Asociacion Nicaraguense de Luisiana.
(p) Unidad Hispanoamericana.
(q) The Louisiana Housing Finance Agency.
C. Members of the council shall be residents of this state who resided in this state prior to landfall of Hurricane Katrina. Each member shall be a member of a registered business organization in this state and actively engaging in business in this state as of the date of appointment."

AMENDMENT NO. 2
On page 3, line 14, change "C." to "D."

AMENDMENT NO. 3
On page 3, line 15, change "D." to "E."

AMENDMENT NO. 4
On page 3, line 17, change "E." to "F."

AMENDMENT NO. 5
On page 3, line 19, change "F." to "G."

AMENDMENT NO. 6
On page 3, line 20, change "G." to "H."

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

HOUSE BILL NO. 551—
BY REPRESENTATIVES MILLS, ABRAMSON, ARMES, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CORTEZ, CROMER, DIXON, DOERGE, DOVE, EDWARDS, FANNIN, GISCLAIR, ELBERT GUILLORY, MICKEY GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HILL, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, SAM JONES, KATZ, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LIGI, LITTLE, MONICA, MONTOUCKET, MORRIS, NORTON, NOWLIN, PERRY, POPE, PUGH, RICHARD, RICHARDSON, ROBIDEAUX, SIMON, GARY SMITH, JANE SMITH, ST. GERMAIN, STIAES, THIBAUT, WADDELL, WILLIAMS, AND WILLMOTT
AN ACT

To amend and reenact R.S. 40:4(A)(1)(b) and to enact R.S. 40:5.5.2 and 5.5.3, relative to seafood products; to create a seafood safety campaign regarding the risk of consumption of Chinese seafood; to grant the state health officer rulemaking authority; to encourage the labeling of certain seafood products; to encourage the posting of signs; to create the Seafood Safety Task Force; to

provide for the membership of the task force; to provide for the purpose and duties of the task force; and to provide for related matters.

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

HOUSE BILL NO. 617—
BY REPRESENTATIVE TALBOT
AN ACT

To amend and reenact R.S. 29:723, 724(B), and 732, relative to price gouging during a declared state of emergency; to provide for definitions; to provide for powers of the governor; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 617 by Representative Talbot

AMENDMENT NO. 1

On page 1, line 11, after "parishes" delete the comma " ," and insert "or such areas as"

AMENDMENT NO. 2

On page 1, line 12, after "president" delete the remainder of the line and delete line 13 and insert a period " . "

AMENDMENT NO. 3

On page 7, line 14, after "C." and before "Each" insert "(1)"

AMENDMENT NO. 4

On page 7, between lines 15 and 16, insert the following:
"(2) For purposes of this Section, "sale" shall include wholesale, intermediary, and retail transactions."

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

HOUSE BILL NO. 777—
BY REPRESENTATIVE CHAMPAGNE
AN ACT

To amend and reenact R.S. 42:1113(A)(1), relative to public servants and prohibited contractual arrangements; to authorize a municipal or parish governing authority to appoint one of its members to fill certain vacancies and to certain boards or commissions; to provide relative to the eligibility as a candidate in the next election of any governing authority member appointed to fill a vacancy; 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. 777 by Representative Champagne

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 42:1113(A)(1)" insert "and to enact R.S. 42:1123(10)(c)"

AMENDMENT NO. 2

On page 1, line 6, after "vacancy;" insert the following: "to extend an exemption from provisions of the ethics law to contracts for employment training services between public higher education management boards and certain persons who maintain employment relationships with members of such boards;"

AMENDMENT NO. 3

On page 1, line 9, after "reenacted" insert "and R.S. 42:1123(10)(c) is hereby enacted"

AMENDMENT NO. 4

On page 2, after line 3, insert the following:
"§1123. Exceptions This Part shall not preclude:

(10) * * *
* * *

(c) The negotiation or entering into a contract for employment training services between a public higher education management board and any person who maintains an employment relationship with a member of such public higher education management board; provided that, the higher education management board member has not participated in any decision to enroll in the designated employment training services; has not participated in the selection of the designated employment training provider or site; does not participate, as a board member, in any transaction related to the consummation of an agreement between the person and the public higher education management board; and the employment training services are consistent with and pursuant to the mission of the public higher education management board to advance knowledge or further the economic development of the state.
* * *

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

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

SENATE CONCURRENT RESOLUTION NO. 5—

BY SENATOR CROWE

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to reject the proposed "Freedom of Choice Act," thereby allowing states to continue to regulate abortion practices.

Reported favorably by the Committee on Judiciary B.

On motion of Senator Donahue the resolution was read by title and returned to the Calendar, subject to call.

Bagneris Rule

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

Without objection, so ordered.

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

Senator Marionneaux in the Chair

SENATE BILL NO. 130—

BY SENATORS HEBERT, DUPRE, N. GAUTREAUX, MORRELL AND MORRISH AND REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 22:2303(A)(1) and (2) and (D)(1), relative to the Louisiana Citizens Property Insurance Corporation; to provide with respect to the powers, duties, functions and responsibilities of the corporation; to provide for the determination of rates charged by the corporation; and to provide for related matters.

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

May 21, 2009

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Morrell
Alario	Dupre	Morrish
Amedee	Erdey	Murray
Appel	Gautreaux B	Nevers
Broome	Guillory	Quinn
Cheek	Hebert	Riser
Claitor	Heitmeier	Shaw
Crowe	Long	Smith
Donahue	McPherson	Thompson
Dorsey	Michot	Walsworth
Total - 30		

NAYS

Adley	Marionneaux
Total - 2	

ABSENT

Gautreaux N	Kostelka	Mount
Gray Evans	LaFleur	
Jackson	Martiny	
Total - 7		

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

SENATE BILL NO. 331—
BY SENATOR QUINN

AN ACT

To amend and reenact R.S. 22:832(A) and (C)(7), relative to insurance license taxes; to provide for a reduction in the tax based upon the amount of admitted assets of an insurer placed in qualifying Louisiana investments; to require that investments be maintained in the state for a period of time in order to qualify for the reduction; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 331 by Senator Quinn

AMENDMENT NO. 1

On page 2, following line 18, insert
" * * * "

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Quinn sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Quinn to Engrossed Senate Bill No. 331 by Senator Quinn

AMENDMENT NO. 1

On page 1, line 2, change "(C)(7)" to "(C)(1) and (7)"

AMENDMENT NO. 2

On page 1, line 8, change "(C)(7)" to "(C)(1) and (7)"

AMENDMENT NO. 3

On page 1, line 11, delete "(1)"

AMENDMENT NO. 4

On page 1, line 13, delete "December thirty-first of the" and insert "**the end of each fiscal quarter**"

AMENDMENT NO. 5

On page 1, line 17, delete "**subject to the**"

AMENDMENT NO. 6

On page 2, line 1, delete "**provisions of Paragraph (2) of this Subsection.**"

AMENDMENT NO. 7

On page 2, line 2, after "of this Section.", insert the following: "**The amount of tax credit granted shall be the average of the percentage of qualifying Louisiana Securities held at the end of each fiscal quarter for the fiscal year.**"

AMENDMENT NO. 8

On page 2, delete lines 3 through 11 in their entirety.

AMENDMENT NO. 9

On page 2, delete lines 15 through 18 in their entirety and insert in lieu thereof the following:

"(1) Certificates of deposit issued **in Louisiana** by any bank or savings and loan association or savings bank, any of which are operating in the state of Louisiana or a trust company operating in the state of Louisiana with a main office or one or more branches where the trust company holds such funds in trust and invests them in certificates of deposit issued by a bank, savings and loan association or savings bank operating in the state of Louisiana with a main office or one or more branches.

* * *

(7) Cash on deposit **in an account in Louisiana** in any bank or savings and loan association, or savings bank, or trust company holding such funds in trust, operating in the state of Louisiana with a main office or one or more branches.

Section 2. This Act shall become effective on January 1, 2010."

On motion of Senator Quinn, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Michot
Alario	Gautreaux B	Morrell
Amedee	Gray Evans	Morrish
Appel	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Heitmeier	Quinn
Claitor	Jackson	Riser
Crowe	Kostelka	Shaw
Donahue	Long	Smith
Duplessis	Marionneaux	Thompson
Dupre	McPherson	Walsworth
Total - 33		

NAYS

Total - 0

ABSENT

Adley	Gautreaux N	Martiny
Dorsey	LaFleur	Mount
Total - 6		

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

SENATE BILL NO. 9—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 47:303(D)(1) and 305(D)(1)(i) and (H) and to enact R.S. 47:321(H)(3), relative to the sales and use tax of the state and its political subdivisions; to provide for an exemption for certain property used as demonstrators; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrell
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gray Evans	Murray
Appel	Guillory	Nevers
Broome	Hebert	Quinn
Cheek	Heitmeier	Riser
Crowe	Kostelka	Shaw
Donahue	Long	Smith
Dorsey	Marionneau	Thompson
Duplessis	Michot	Walsworth
Total - 33		

NAYS

Claitor
Total - 1

ABSENT

Gautreaux N	LaFleur	McPherson
Jackson	Martiny	
Total - 5		

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

SENATE BILL NO. 10—

BY SENATORS DUPRE, ADLEY AND SHAW AND REPRESENTATIVES BOBBY BADON, BILLIOT, BURFORD, HENRY BURNS, CHAMPAGNE, CORTEZ, GISCLAIR, SAM JONES, KLECKLEY, LAMBERT, LANDRY, LITTLE, MILLS, MONICA, MONToucET, MORRIS, PUGH, SIMON AND WHITE

AN ACT

To enact R.S. 47:301(10)(ff) and (18)(p), relative to sales and use tax imposed by the state or any political subdivision of the state; to grant an exclusion for certain tertiary recovery projects; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrell
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount

Amedee	Gray Evans	Murray
Appel	Guillory	Nevers
Broome	Hebert	Quinn
Cheek	Heitmeier	Riser
Claitor	Jackson	Shaw
Crowe	Long	Smith
Donahue	Marionneau	Thompson
Dorsey	McPherson	Walsworth
Duplessis	Michot	
Total - 35		

NAYS

Total - 0

ABSENT

Gautreaux N	LaFleur
Kostelka	Martiny
Total - 4	

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

SENATE BILL NO. 33—
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 47:305.51, relative to the sales tax exemption for purchases of utilities used by certain steelworks and blast furnaces; to change the business classification required for eligibility for the exemption from Standard Industrial Classification (SIC) Sector 3312 to North American Industry Classification System (NAICS) Sector 331111, as it existed in 2002; to provide relative to terms and definitions; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Morrish
Adley	Gautreaux B	Mount
Alario	Gray Evans	Murray
Amedee	Guillory	Nevers
Appel	Hebert	Quinn
Broome	Heitmeier	Riser
Cheek	Jackson	Shaw
Claitor	Long	Smith
Crowe	Marionneau	Thompson
Donahue	McPherson	Walsworth
Dorsey	Michot	
Duplessis	Morrell	
Total - 34		

NAYS

Total - 0

ABSENT

Dupre	Kostelka	Martiny
Gautreaux N	LaFleur	
Total - 5		

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

May 21, 2009

Mr. President in the Chair

SENATE BILL NO. 52—
BY SENATOR MARIONNEAUX
AN ACT

To enact R.S. 47:305.62, relative to the state and local sales and use tax; to enact the Annual Second Amendment Weekend Holiday; to provide that the state and local sales and use tax shall not apply to consumer purchases of firearms, ammunition, and hunting supplies each year for a certain period; to provide for a penalty; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Morrish
Adley Erdey Mount
Alario Gautreaux B Murray
Amedee Guillory Nevers
Appel Hebert Quinn
Broome Heitmeier Riser
Cheek Kostelka Shaw
Claitor Long Smith
Crowe Marionneaux Thompson
Donahue McPherson Walsworth
Dorsey Michot
Duplessis Morrell
Total - 34

NAYS

Total - 0

ABSENT

Gautreaux N Jackson Martiny
Gray Evans LaFleur
Total - 5

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

SENATE BILL NO. 57—
BY SENATORS B. GAUTREUX AND NEVERS
AN ACT

To amend and reenact R.S. 11:62(10), 1307(E), and 1335(B), to enact R.S. 11:1312.1, and to repeal R.S. 11:1307(C) and 1312, relative to the State Police Pension and Retirement System; to create the Back-Deferred Retirement Option Program; to provide for eligibility, procedures for application, and calculation of benefits of such program; to provide for effective dates; and to provide for related matters.

Floor Amendments Sent Up

Senator B. Gautreaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Gautreaux to Engrossed Senate Bill No. 57 by Senator B. Gautreaux

AMENDMENT NO. 1

On page 5, line 19, after "2009" insert ", including leave conversion provisions"

On motion of Senator B. Gautreaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Erdey Morrell
Adley Gautreaux B Morrish
Alario Gray Evans Mount
Amedee Guillory Murray
Appel Hebert Nevers
Cheek Heitmeier Quinn
Claitor Jackson Riser
Crowe Kostelka Shaw
Donahue Long Smith
Dorsey Marionneaux Thompson
Duplessis McPherson Walsworth
Dupre Michot
Total - 35

NAYS

Total - 0

ABSENT

Broome LaFleur
Gautreaux N Martiny
Total - 4

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

SENATE BILL NO. 69—
BY SENATOR CROWE
AN ACT

To amend and reenact R.S. 47:1712, relative to ad valorem property tax refunds or credits; to authorize those who qualify for the special assessment level to receive a refund or credit of taxes paid; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 69 by Senator Crowe

AMENDMENT NO. 1

On page 2, line 1, following "it" and before "he" insert ";

AMENDMENT NO. 2

On page 2, line 16, following "Section" and before "(G)" insert "(18)"

AMENDMENT NO. 3

On page 2, line 23, change "Subparagraph" to "Subsection"

On motion of Senator Marionneaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrell
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gray Evans	Murray
Appel	Guillory	Nevers
Broome	Hebert	Quinn
Cheek	Heitmeier	Riser
Claitor	Jackson	Shaw
Crowe	Long	Smith
Donahue	Marionneaux	Thompson
Dorsey	McPherson	Walsworth
Duplessis	Michot	
Total - 35		

NAYS

Total - 0

ABSENT

Gautreaux N	LaFleur
Kostelka	Martiny
Total - 4	

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

SENATE BILL NO. 72—
BY SENATOR MURRAY

AN ACT

To enact R.S. 33:4076.1, relative to the Sewerage and Water Board of New Orleans; to prohibit unauthorized firearms or other explosive devices on board property; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux B	Morrish
Adley	Gray Evans	Mount
Alario	Guillory	Murray
Amedee	Hebert	Nevers
Appel	Heitmeier	Quinn
Cheek	Jackson	Riser
Crowe	Kostelka	Shaw
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	McPherson	Walsworth
Dupre	Michot	
Erdey	Morrell	
Total - 34		

NAYS

Claitor
Total - 1

ABSENT

Broome	LaFleur
Gautreaux N	Martiny
Total - 4	

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

SENATE BILL NO. 83—
BY SENATOR SHAW

AN ACT

To amend and reenact R.S. 33:1423.1(A), relative to collection and disposition of bonds, fines, fees, licenses, and taxes; to provide for payment by electronic check; to authorize the collection of a fee for electronic check processing; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Erdey	Morrell
Alario	Gautreaux B	Morrish
Amedee	Gray Evans	Mount
Appel	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Heitmeier	Riser
Claitor	Jackson	Shaw
Crowe	Kostelka	Smith
Donahue	Long	Thompson
Dorsey	Marionneaux	Walsworth
Duplessis	McPherson	
Total - 35		

NAYS

Total - 0

ABSENT

Gautreaux N	Martiny
LaFleur	Quinn
Total - 4	

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

SENATE BILL NO. 88—
BY SENATORS LONG, NEVERS AND THOMPSON

AN ACT

To enact R.S. 47:297.13, relative to individual income tax; to grant a deduction for contributions made to certain property and casualty savings accounts for the purpose of paying expenses related to weather-related events; to provide for definitions; to provide with respect to contributions into and withdrawals from property and casualty savings accounts; and to provide for related matters.

Floor Amendments Sent Up

Senator Long sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Long to Engrossed Senate Bill No. 88 by Senator Long

AMENDMENT NO. 1

On page 1, line 3, after "casualty" delete "savings" and insert "deposit"

May 21, 2009

AMENDMENT NO. 2

On page 1, line 9, after "casualty" delete "savings" and insert "deposit" and on page 1, line 6 after "casualty" delete "savings" and insert "deposit"

AMENDMENT NO. 3

On page 1, line 11, after "casualty" delete "savings" and insert "deposit"

AMENDMENT NO. 4

On page 2, line 8, delete "administrator" and insert "custodian"

AMENDMENT NO. 5

On page 2, at the end of line 8, delete "a state or national bank," and insert "any federally insured depository institution operating in Louisiana, with at least one office branch physically located in the state, which establishes deposit accounts pursuant to this Section."

AMENDMENT NO. 6

On page 2, delete lines 9 and 10 in their entirety

AMENDMENT NO. 7

On page 2, line 11, after "Account" delete "administrator" and insert "custodian"

AMENDMENT NO. 8

On page 2, at the end of line 12 and the beginning of line 13, delete "an administrator" and insert "a custodian"

AMENDMENT NO. 9

On page 2, line 17, after "casualty" delete "savings account" means a regular savings" and insert "deposit account" means a deposit"

AMENDMENT NO. 10

On page 2, line 18, after "account" delete "or money market account"

AMENDMENT NO. 11

On page 2, line 21, after "casualty" delete "savings" and insert "deposit"

AMENDMENT NO. 12

On page 2, line 24, after "casualty" delete "savings" and insert "deposit"

AMENDMENT NO. 13

On page 2, delete line 27 and insert "C. An account holder may withdraw funds from a property and casualty deposit"

AMENDMENT NO. 14

On page 2, at the beginning of line 28, after "account" delete the remainder of the line and insert "for any qualified catastrophe expense."

AMENDMENT NO. 15

On page 2, delete line 29 in its entirety

AMENDMENT NO. 16

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

AMENDMENT NO. 17

On page 3, line 4, after "casualty" delete "savings" and insert "deposit"

On motion of Senator Longe, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrish
Adley	Erdey	Mount
Alario	Gautreaux B	Murray
Amedee	Guillory	Nevers
Appel	Hebert	Quinn
Broome	Heitmeier	Riser
Cheek	Kostelka	Shaw
Claitor	Long	Smith
Crowe	Marionneaux	Thompson
Donahue	McPherson	Walsworth
Dorsey	Michot	
Duplessis	Morrell	
Total - 34		

NAYS

Total - 0

ABSENT

Gautreaux N	Jackson	Martiny
Gray Evans	LaFleur	
Total - 5		

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

SENATE BILL NO. 102—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 33:9100.1, 9100.3(A), 9100.4(B), 9100.5, 9100.6(A), 9100.7(A) and (C), and 9100.11, to enact R.S. 33:9100.9(E), to repeal R.S. 33:9100.10, relative to the East New Orleans Neighborhood Advisory Commission; to provide for commission membership; to provide for terms; to provide for officers and meetings; to provide for staff; to require notice from governing authority regarding zoning and building permits; to require that views of the commission to be presented only by their officers; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 102 by Senator Duplessis

AMENDMENT NO. 1

On page 6, line 20, following "shall" and before "by" change "only be presented" to "be presented only"

On motion of Senator Marionneaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Duplessis sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Duplessis to Engrossed Senate Bill No. 102 by Senator Duplessis

AMENDMENT NO. 1

On page 2, line 3, between "the" and "boundaries" insert "area within the"

On motion of Senator Duplessis, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Morrell
Adley	Dupre	Morrish
Alario	Erdey	Mount
Amedee	Gautreaux B	Murray
Appel	Guillory	Nevers
Broome	Hebert	Quinn
Cheek	Heitmeier	Riser
Claitor	Long	Shaw
Crowe	Marionneau	Thompson
Donahue	McPherson	Walsworth
Dorsey	Michot	
Total - 32		

NAYS

Total - 0

ABSENT

Gautreaux N	Kostelka	Smith
Gray Evans	LaFleur	
Jackson	Martiny	
Total - 7		

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

SENATE BILL NO. 103—
BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 33:9091.15, a bill relative to Orleans Parish; to create the Oak Island Neighborhood Improvement District; to provide for district boundaries, purpose, governance, and funding, including the levy of a parcel fee; to provide relative to the powers and duties of the district and its governing board; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrell
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gray Evans	Murray
Appel	Guillory	Nevers
Broome	Hebert	Quinn

Cheek	Heitmeier	Riser
Claitor	Jackson	Shaw
Crowe	Long	Thompson
Donahue	Marionneau	Walsworth
Dorsey	McPherson	
Duplessis	Michot	
Total - 34		

NAYS

Total - 0

ABSENT

Gautreaux N	LaFleur	Smith
Kostelka	Martiny	
Total - 5		

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

SENATE BILL NO. 104—
BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 33:9080.3, relative to improvement districts in Orleans Parish; to create the Lakewood East Security and Neighborhood Improvement District; to provide that the Lakewood East Homeowners Association shall govern the district; to provide for the purpose, boundaries, parcel fee, budget, powers and duties of the district; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneau sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneau on behalf of the Legislative Bureau to Engrossed Senate Bill No. 104 by Senator Duplessis

AMENDMENT NO. 1

On page 1, line 15, following "perimeter:" delete the remainder of the line and insert "Interstate 10 Service Road, Mayo Boulevard,"

AMENDMENT NO. 2

On page 5, line 6, following "objectives" and before ":" insert "of"

On motion of Senator Marionneau, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Morrell
Adley	Erdey	Morrish
Alario	Gautreaux B	Mount
Amedee	Gray Evans	Murray
Appel	Guillory	Nevers
Broome	Hebert	Quinn
Cheek	Heitmeier	Riser
Claitor	Jackson	Shaw
Crowe	Long	Smith
Donahue	Marionneau	Thompson
Dorsey	McPherson	Walsworth
Duplessis	Michot	
Total - 35		

NAYS

Total - 0

ABSENT

Gautreaux N LaFleur
Kostelka Martiny
Total - 4

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

SENATE BILL NO. 113— BY SENATOR MARIONNEAUX AN ACT

To amend and reenact R.S. 47:297.6(A)(1), relative to individual income tax credits; to provide for increases in tax credits for the rehabilitation of residential structures in certain areas; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux on behalf of the Legislative Bureau to Engrossed Senate Bill No. 113 by Senator Marionneaux

AMENDMENT NO. 1

On page 2, line 23, following "is" and before "for" change "only available" to "available only"

On motion of Senator Marionneaux, the amendments were adopted.

On motion of Senator Marionneaux, the amended bill was read by title and returned to its regular order in Third Reading and Final Passage.

Rules Suspended

Senator Mount 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 21, 2009

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. 76— BY SENATORS CROWE AND DONAHUE AND REPRESENTATIVES PEARSON AND CROMER

A CONCURRENT RESOLUTION

To commend and congratulate Robert A. Baker of Baker Sales, Inc., for being named "Louisiana Small Business Person of the Year."

Reported without amendments.

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 43— BY SENATOR MARIONNEAUX

A RESOLUTION

To commend and congratulate Jena Wallace Cary upon her retirement and thirty-six years of dedicated service to the division of administration and the state of Louisiana.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 21, 2009

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 658—

BY REPRESENTATIVE ROY

AN ACT

To amend and reenact R.S. 23:1209(A)(3), relative to the prescriptive period for claiming workers' compensation benefits; to provide for an interruption of prescription for developmental injuries; and to provide for related matters.

HOUSE BILL NO. 647—

BY REPRESENTATIVE DOWNS

AN ACT

To enact Subpart B-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.791 through 130.797, relative to Lincoln Parish; to authorize the governing authority of the parish to create a geographic information system district; to provide relative to the board of commissioners for the district; to provide for the powers, duties, and functions of the district; to authorize the board to levy certain taxes; and to provide for related matters.

HOUSE BILL NO. 686—

BY REPRESENTATIVE CARMODY

AN ACT

To amend and reenact R.S. 17:3981(4) and 3982(A)(1)(a), relative to the review of proposed school charters by authorizing entities; to provide for an application review process that complies with specified principles and standards; to provide for an independent evaluation of a charter proposal by a qualified third party; to provide an effective date; and to provide for related matters.

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

House Bills and Joint Resolutions on First Reading

Senator Mount asked for and obtained a suspension of the rules to read House Bills and Joint Resolutions a first and second time by title and refer them to Committee.

HOUSE BILL NO. 647—

BY REPRESENTATIVE DOWNS

AN ACT

To enact Subpart B-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.791 through 130.797, relative to Lincoln Parish; to

authorize the governing authority of the parish to create a geographic information system district; to provide relative to the board of commissioners for the district; to provide for the powers, duties, and functions of the district; to authorize the board to levy certain taxes; and to provide for related matters.

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

HOUSE BILL NO. 658—
BY REPRESENTATIVE ROY

AN ACT

To amend and reenact R.S. 23:1209(A)(3), relative to the prescriptive period for claiming workers' compensation benefits; to provide for an interruption of prescription for developmental injuries; and to provide for related matters.

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

HOUSE BILL NO. 686—
BY REPRESENTATIVE CARMODY

AN ACT

To amend and reenact R.S. 17:3981(4) and 3982(A)(1)(a), relative to the review of proposed school charters by authorizing entities; to provide for an application review process that complies with specified principles and standards; to provide for an independent evaluation of a charter proposal by a qualified third party; 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.

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 21, 2009

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:

HOUSE CONCURRENT RESOLUTION NO. 132—
BY REPRESENTATIVE MONTOU CET

A CONCURRENT RESOLUTION

To urge and request the city of Rayne and the state of Louisiana to continue to study the feasibility of construction of an additional interchange along Interstate 10 at Louisiana Highway 98 in Acadia Parish.

HOUSE CONCURRENT RESOLUTION NO. 133—
BY REPRESENTATIVE MONTOU CET

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to provide members of the legislature the opportunity to have increased input in the implementation of the annual Highway Priority Program.

HOUSE CONCURRENT RESOLUTION NO. 134—
BY REPRESENTATIVES HUTTER AND TUCKER

A CONCURRENT RESOLUTION

To recognize June 8, 2009, as "Ports' Day" at the legislature and to commend Louisiana ports for their contributions to the state.

HOUSE CONCURRENT RESOLUTION NO. 135—
BY REPRESENTATIVE PATRICIA SMITH AND SENATOR BROOME

A CONCURRENT RESOLUTION

To commend Charlotte D. Placide upon her retirement as superintendent of the East Baton Rouge Parish School System, to recognize and record her myriad accomplishments and remarkable contributions, and to extend to her the best wishes

of the legislature as she embarks upon new challenges and endeavors.

HOUSE CONCURRENT RESOLUTION NO. 136—
BY REPRESENTATIVE MILLS

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to repair and make improvements to the drawbridge in the city of Breaux Bridge located on Louisiana Highway 336-1 in the parish of St. Martin.

HOUSE CONCURRENT RESOLUTION NO. 138—
BY REPRESENTATIVE ELLINGTON

A CONCURRENT RESOLUTION

To recognize Wednesday, June 3, 2009, as 4-H Day at the Louisiana State Capitol and to commend 4-H members and volunteers throughout the state for their outstanding accomplishments and manifold contributions to their communities.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 132—
BY REPRESENTATIVE MONTOU CET

A CONCURRENT RESOLUTION

To urge and request the city of Rayne and the state of Louisiana to continue to study the feasibility of construction of an additional interchange along Interstate 10 at Louisiana Highway 98 in Acadia Parish.

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

HOUSE CONCURRENT RESOLUTION NO. 133—
BY REPRESENTATIVE MONTOU CET

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to provide members of the legislature the opportunity to have increased input in the implementation of the annual Highway Priority Program.

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

HOUSE CONCURRENT RESOLUTION NO. 134—
BY REPRESENTATIVES HUTTER AND TUCKER

A CONCURRENT RESOLUTION

To recognize June 8, 2009, as "Ports' Day" at the legislature and to commend Louisiana ports for their contributions to the state.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Erdey	Morrell
Alario	Gautreaux B	Morrish
Amedee	Gray Evans	Mount
Appel	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Heitmeier	Quinn
Claitor	Jackson	Riser
Crowe	Kostelka	Shaw
Donahue	Long	Smith

May 21, 2009

Dorsey Duplessis Total - 36
Marionneaux McPherson
Thompson Walsworth

NAYS

Total - 0

ABSENT

Gautreaux N LaFleur Martiny
Total - 3

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

HOUSE CONCURRENT RESOLUTION NO. 135—
BY REPRESENTATIVE PATRICIA SMITH AND SENATOR BROOME
A CONCURRENT RESOLUTION

To commend Charlotte D. Placide upon her retirement as superintendent of the East Baton Rouge Parish School System, to recognize and record her myriad accomplishments and remarkable contributions, and to extend to her the best wishes of the legislature as she embarks upon new challenges and endeavors.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Morrell
Adley Erdey Morrish
Alario Gautreaux B Mount
Amedee Gray Evans Murray
Appel Guillory Nevers
Broome Hebert Quinn
Cheek Heitmeier Riser
Claitor Jackson Shaw
Crowe Long Smith
Donahue Marionneaux Thompson
Dorsey McPherson Walsworth
Duplessis Michot
Total - 35

NAYS

Total - 0

ABSENT

Gautreaux N LaFleur
Kostelka Martiny
Total - 4

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

HOUSE CONCURRENT RESOLUTION NO. 136—
BY REPRESENTATIVE MILLS
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to repair and make improvements to the drawbridge in the city of Breaux Bridge located on Louisiana Highway 336-1 in the parish of St. Martin.

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

HOUSE CONCURRENT RESOLUTION NO. 138—
BY REPRESENTATIVE ELLINGTON
A CONCURRENT RESOLUTION

To recognize Wednesday, June 3, 2009, as 4-H Day at the Louisiana State Capitol and to commend 4-H members and volunteers

throughout the state for their outstanding accomplishments and manifold contributions to their communities.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dupre Michot
Adley Erdey Morrell
Alario Gautreaux B Morrish
Amedee Gray Evans Mount
Appel Guillory Murray
Broome Hebert Nevers
Cheek Heitmeier Quinn
Claitor Jackson Riser
Crowe Kostelka Shaw
Donahue Long Smith
Dorsey Marionneaux Thompson
Duplessis McPherson Walsworth
Total - 36

NAYS

Total - 0

ABSENT

Gautreaux N LaFleur Martiny
Total - 3

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

Privilege Report of the Committee on
Senate and Governmental Affairs

ENROLLMENTS

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

May 21, 2009

To the President and Members of the Senate:

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

The following Senate Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 64—
BY SENATOR ERDEY
A CONCURRENT RESOLUTION

To urge and request moving companies to limit moving houses or loads larger than eighteen feet wide within metropolitan planning organization areas to non-peak traffic hours.

SENATE CONCURRENT RESOLUTION NO. 65—
BY SENATOR BROOME
A CONCURRENT RESOLUTION

To declare October 1, 2009, as World Peace Day in the state of Louisiana.

SENATE CONCURRENT RESOLUTION NO. 66—
BY SENATOR NEVERS
A CONCURRENT RESOLUTION

To urge and request the Louisiana Regional Collaboratives for Excellence in Science and Mathematics Teaching to collaborate with the Board of Regents and institutions of postsecondary education to expand the program statewide.

SENATE CONCURRENT RESOLUTION NO. 69—

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

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the untimely death of Lloyd Lile Lindsey, Jr., the superintendent of West Feliciana Parish schools.

SENATE CONCURRENT RESOLUTION NO. 70—

BY SENATORS MCPHERSON, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHAISSON, CHEEK, CLAITOR, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, GRAY EVANS, GUILLORY, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAU, MARTINY, MICHOT, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SHAW, SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, ERNST, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMAN, GISCLAIR, GREENE, MICKY GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIRODJACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, MCVEA, MILLS, MONICA, MONTUCET, MORRIS, NORTON, NOWLIN, PEARSON, PERRY, PETERSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT AND WOOTON

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of John Wyeth "Jock" Scott II.

SENATE CONCURRENT RESOLUTION NO. 71—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study the use and marketing of "comp vests."

SENATE CONCURRENT RESOLUTION NO. 73—

BY SENATOR SMITH AND REPRESENTATIVE HILL

A CONCURRENT RESOLUTION

To commend Julia Brown for her commitment and dedication as a graduating senior member of the Louisiana Legislative Youth Advisory Council.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
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 Kostelka, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 21, 2009

To the President and Members of the Senate:

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

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 25—

BY SENATOR MCPHERSON

A RESOLUTION

To commend the Oak Hill High School girls' softball team upon winning two consecutive Class B state softball championships and to congratulate the Lady Rams on an outstanding 2008-2009 season.

SENATE RESOLUTION NO. 26—

BY SENATOR MORRISH

A RESOLUTION

To commend the members of the Association of Louisiana Electric Cooperatives and to designate Monday, May 18, 2009, as Louisiana Electric Cooperative Day.

SENATE RESOLUTION NO. 27—

BY SENATOR ADLEY

A RESOLUTION

To commend the citizens of Cullen, Louisiana, for their economic development efforts.

SENATE RESOLUTION NO. 30—

BY SENATOR MORRELL

A RESOLUTION

To commend eleven student artists of the New Orleans Center for Creative Arts upon being named recipients of the President Honors Awards.

SENATE RESOLUTION NO. 31—

BY SENATOR MOUNT

A RESOLUTION

To commend and congratulate Ethel Precht upon being nominated and receiving the Louisiana Heroine Award for her work towards a cure for breast cancer.

SENATE RESOLUTION NO. 32—

BY SENATOR GRAY EVANS

A RESOLUTION

To commend the efforts of the American Heart Association, Astra Zeneca, the Louisiana Association for Health, Physical Education, Recreation and Dance, the Louisiana Council on Obesity Prevention and Management, the Louisiana Dietetic Association, and the Louisiana Governor's Council on Physical Fitness and Sports and to recognize May 18, 2009, as "Legislative Wellness Day" at the Louisiana Senate.

SENATE RESOLUTION NO. 33—

BY SENATOR GRAY EVANS

A RESOLUTION

To recognize Wednesday, May 20, 2009, as "Girl Scouts of the USA Day at the Louisiana State Capitol."

SENATE RESOLUTION NO. 34—

BY SENATOR GRAY EVANS

A RESOLUTION

To designate May 20, 2009, as "YMCA Day in Louisiana."

SENATE RESOLUTION NO. 35—

BY SENATOR BROOME

A RESOLUTION

To commend the efforts and accomplishments of the grantees of the Louisiana Children's Trust Fund.

May 21, 2009

SENATE RESOLUTION NO. 37—

BY SENATOR CHEEK

A RESOLUTION

To commend Henry Lin upon being named Louisiana's Middle School Student of the Year.

SENATE RESOLUTION NO. 38—

BY SENATOR ALARIO

A RESOLUTION

To commend Earnie P. Chiasson, assistant principal of student affairs at Archbishop Shaw High School, and to congratulate him on the occasion of his well-deserved retirement.

SENATE RESOLUTION NO. 40—

BY SENATOR MURRAY

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Wilbert Felix Keller.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

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

Message to the Secretary of State

SIGNED

SENATE CONCURRENT RESOLUTIONS

May 21, 2009

To the Honorable Secretary of State:

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

SENATE CONCURRENT RESOLUTION NO. 15—

BY SENATOR MICHOT

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to take such actions as are necessary to maintain the current incentives for the exploration and production of domestic oil and natural gas.

SENATE CONCURRENT RESOLUTION NO. 25—

BY SENATOR DUPRE

A CONCURRENT RESOLUTION

To recognize Tuesday, May 5, 2009, as Louisiana Society of Professional Surveyors Day in Louisiana.

SENATE CONCURRENT RESOLUTION NO. 30—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To commend and congratulate Myrtle Houston Golemon on the momentous occasion of her one hundredth birthday and on her lifetime of commitment and devotion to her family, friends and to education in Louisiana.

SENATE CONCURRENT RESOLUTION NO. 31—

BY SENATOR MURRAY AND REPRESENTATIVE LAFONTA

A CONCURRENT RESOLUTION

To commend and congratulate Pearl Cordier Dupart for her years of community service on the occasion of her eightieth birthday.

SENATE CONCURRENT RESOLUTION NO. 33—

BY SENATOR MCPHERSON AND REPRESENTATIVE DIXON

A CONCURRENT RESOLUTION

To designate May 12, 2009 as "Youth Tobacco Legislative Day."

SENATE CONCURRENT RESOLUTION NO. 37—

BY SENATORS BROOME AND DORSEY AND REPRESENTATIVES BARROW, PATRICIA SMITH AND HONEY

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Leverezn Stevenson "LV" Hall.

SENATE CONCURRENT RESOLUTION NO. 39—

BY SENATOR N. GAUTREAUX

A CONCURRENT RESOLUTION

To designate May 20, 2009, as Louisiana Housing Council Day.

SENATE CONCURRENT RESOLUTION NO. 44—

BY SENATOR QUINN

A CONCURRENT RESOLUTION

To recognize the time period from the first of December until the following sixteenth day of April of each year as the official state camellia season in Louisiana.

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To highly and sincerely commend Sandra Bullock for her significant, substantial, and ongoing support of Warren Easton Senior High School in New Orleans, Louisiana.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Dupre	Michot
Adley	Erdey	Morrell
Alario	Gautreaux B	Morrish
Amedee	Gray Evans	Mount
Appel	Guillory	Murray
Broome	Hebert	Nevers
Cheek	Heitmeier	Quinn
Claitor	Jackson	Riser
Crowe	Kostelka	Shaw
Donahue	Long	Smith
Dorsey	Marionneaux	Thompson
Duplessis	McPherson	Walsworth

Total - 36

ABSENT

Gautreaux N	LaFleur	Martiny
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Total - 3

Leaves of Absence

The following leaves of absence were asked for and granted:

Gautreaux N.	1 Day
LaFleur	1 Day

Adjournment

On motion of Senator Thompson, at 10:45 o'clock A.M. the Senate adjourned until Tuesday, May 26, 2009, at 5:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:30 o'clock P.M. on Tuesday, May 26, 2009.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk