

**DAILY PROOF OF THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA
FOURTEENTH DAY'S PROCEEDINGS**

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 22, 2010

The Senate was called to order at 9:35 o'clock A.M. by Hon. Sharon Broome, President Pro Tempore of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Adley	Erdey	Morrell
Alario	Gautreaux B	Mount
Appel	Guillory	Nevers
Broome	Heitmeier	Peterson
Claitor	Jackson	Riser
Crowe	Kostelka	Shaw
Donahue	LaFleur	Walsworth
Dorsey	Long	
Duplessis	Martiny	
Total - 25		

ABSENT

Mr. President	Hebert	Murray
Amedee	Marionneau	Quinn
Chabert	McPherson	Smith
Cheek	Michot	Thompson
Gautreaux N	Morrish	
Total - 14		

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

Prayer

The prayer was offered by Pastor Frank Ford, 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 Peterson, the reading of the Journal was dispensed with and the Journal of April 21, 2010, was adopted.

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 34—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of Mississippi Army National Guard Sergeant First Class Severin West Summers, III upon his death in combat in Operation Enduring Freedom.

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

SENATE RESOLUTION NO. 33—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Captain John Tinsley upon his death in ground combat in Afghanistan.

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

SENATE RESOLUTION NO. 35—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Private First Class Nicholas James Clayton upon his death on active duty.

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

SENATE RESOLUTION NO. 36—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of Louisiana National Guard Specialist Bryan Meche upon his death.

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

SENATE RESOLUTION NO. 37—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the loved ones and family of United States Army Sergeant Randy Morrison upon his death while in the service of his country.

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

SENATE RESOLUTION NO. 38—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Specialist Michael S. Cote, Jr., upon his death in Operation Iraqi Freedom.

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

SENATE RESOLUTION NO. 39—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Private First Class Brian Bates.

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

SENATE RESOLUTION NO. 40—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Private First Class Matthew E. Wildes upon his death in combat in Afghanistan.

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

SENATE RESOLUTION NO. 41—

BY SENATOR MARIONNEAUX
A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant

April 22, 2010

Patrick Williamson upon his death in combat in Operation Enduring Freedom.

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

SENATE RESOLUTION NO. 42— BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana to the family of United States Navy Lieutenant Allison Oubre upon her death on active duty in the service of her country.

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

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 21, 2010

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 717— BY REPRESENTATIVE ROY

AN ACT

To amend and reenact R.S. 22:979, 1068(C)(2)(a)(iii) and (b), 1074(C)(2)(a)(iii) and (b), and 1096 and to enact R.S. 22:1068(C)(2)(c) and 1074(C)(2)(c), relative to withdrawal from health insurance markets in this state; to prohibit the increase of premiums and reduction of benefits during withdrawal; to require prior approval of the notice of withdrawal; to clarify periods of coverage during withdrawal; and to provide for related matters.

HOUSE BILL NO. 318— BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 43:31.1, relative to public printing; to provide relative to needs assessments for printed matter; to require certain information in the needs assessment; and to provide for related matters.

HOUSE BILL NO. 112— BY REPRESENTATIVE LITTLE

AN ACT

To enact R.S. 14:329, relative to offenses affecting the public generally; to create the crime of interfering with a law enforcement investigation; to provide for definitions; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 123— BY REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 14:110.3, relative to offenses affecting law enforcement; to create the crime of tampering with surveillance, accounting, inventory, or monitoring systems; to provide for definitions; to provide for penalties; to provide for increased penalties if the monitoring system is located on the premises of a correctional facility; and to provide for related matters.

HOUSE BILL NO. 191—

BY REPRESENTATIVES PERRY, ANDERS, ARNOLD, BOBBY BADON, BALDONE, BARRAS, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, CHANEY, CONNICK, CROMER, DOERGE, DOVE, HARDY, HENDERSON, HENRY, HINES, HOFFMANN, HUTTER, JOHNSON, KATZ, LABRUZZO, LAMBERT, LEGER, LIGI, LORUSSO, MILLS, MONICA, NOWLIN, PEARSON, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, THIBAUT, THIERRY, WHITE, AND WILLIAMS AND SENATORS ALARIO, AMEDEE, APPEL, BROOME, CROWE, DUPLESSIS, HEITMEIER, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, SHAW, AND THOMPSON

AN ACT

To amend and reenact R.S. 15:529.1(A), (C), (D), and (E), relative to the habitual offender law; to provide for increased penalties for multiple sex offenses; to repeal statutory language authorizing the use of juvenile adjudications of delinquency to enhance penalty provisions for felony offenses; to provide for technical changes; and to provide for related matters.

HOUSE BILL NO. 254—

BY REPRESENTATIVES LEGER AND GARY SMITH

AN ACT

To amend and reenact R.S. 15:440.5(C), relative to videotaped statements of protected persons; to authorize certain individuals to view certain videotaped statements of a protected person; to provide with respect to copies of the videotape and a transcript of the videotaped statement; to provide for possession of the copy or transcripts; and to provide for related matters.

HOUSE BILL NO. 303—

BY REPRESENTATIVES HENRY, BOBBY BADON, TIM BURNS, CARMODY, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, HINES, LABRUZZO, LAMBERT, LIGI, NOWLIN, SMILEY, AND WOOTON AND SENATORS APPEL, DONAHUE, DUPLESSIS, AND QUINN

AN ACT

To enact R.S. 17:236.3, relative to the eligibility of students in state-approved home study programs to participate in interscholastic athletics in certain high schools; to provide applicability; to provide guidelines and conditions for participation; to provide limitations; to provide effectiveness; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 581—

BY REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 22:361(7) and (8) and 364(introductory paragraph) and to enact R.S. 22:361(9) and (10) and 364(B), relative to vehicle mechanical breakdown insurers; to provide a definition of road hazard and vehicle component coverage contracts; to provide an exception to the licensing requirements for vehicle mechanical breakdown insurers; and to provide for related matters.

HOUSE BILL NO. 619—

BY REPRESENTATIVE PEARSON

AN ACT

To amend and reenact R.S. 22:1046(C), (F), and (H), relative to group health and accident insurance policies; to provide with respect to state continuation of such group health and accident insurance coverage upon termination of employment, including determining whether dependents are covered under continuation, extending the timeframe for election of continuation, and providing with respect to the notification of election of continuation; and to provide for related matters.

HOUSE BILL NO. 709—

BY REPRESENTATIVES BROSSETT, CARTER, CONNICK, HAZEL, HINES, HUTTER, MICHAEL JACKSON, LAFONTA, LEGER, LIGI, MILLS, RICHMOND, STIAES, AND WILLMOTT

AN ACT

To amend and reenact R.S. 11:701(33)(c), the heading of Part II-B of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, R.S. 17:1970.21, 1970.22(1) and (2), 1970.23(A), 1970.24(A), (B)(1)(a) through (c) and (2)(a), (C), (E)(1)(b), (d), (i), (m), and (n) and (2)(f), 1970.25(A), 1970.26(A)(2)(b), (B)(2), and (C)(1)(introductory paragraph) and (2), and 1970.27, R.S. 36:651(D)(8), and R.S. 42:1111(A)(3), relative to the New Orleans Center for the Creative Arts/Riverfront; to provide with respect to legislative intent; to provide relative the center's

April 22, 2010

placement as a state agency in the Department of Education; to provide for a change in the center's name; to provide relative to student eligibility, board membership, terms, powers, duties, and faculty; to provide relative to funding, including the center's inclusion in the minimum foundation program formula; and to provide for related matters.

HOUSE BILL NO. 722—

BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 24:173(A) and R.S. 25:125(A), relative to the distribution of Acts of the legislature by the secretary of state; to remove certain entities from the distribution list; to modify the number of copies distributed; and to provide for related matters.

HOUSE BILL NO. 952—

BY REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 22:2314(B), (C)(introductory paragraph), (1), and (2), and (D), relative to the Louisiana Citizens Property Insurance Corporation; to authorize certain activities by the corporation; to provide for policies issued by the corporation; to provide for a policy take-out program for the depopulation of Louisiana Citizens Property Insurance Corporation; and to provide for related matters.

HOUSE BILL NO. 1261— (Substitute for House Bill No. 17 by Representative Ligi)

BY REPRESENTATIVE LIGI

AN ACT

To amend and reenact Code of Civil Procedure Articles 925(A)(2) and 1672(C) and to enact Code of Civil Procedure Article 3955, relative to procedures for divorce; to provide for the filing of a declinatory exception; to provide for the dismissal of an action; to provide for service of an Article 102 divorce petition; and to provide for related matters.

HOUSE BILL NO. 728—

BY REPRESENTATIVES LITTLE, LEGER, AND WOOTON

AN ACT

To amend and reenact R.S. 15:1352(A)(12) and to enact R.S. 15:1352(A)(20) through (29), relative to "racketeering activity"; to add enumerated crimes to the definition of "racketeering activity"; and to provide for related matters.

HOUSE BILL NO. 744—

BY REPRESENTATIVE ROY

AN ACT

To amend and reenact R.S. 22:1068(B)(2) and 1074(B)(2) and to enact R.S. 22:1063(C), relative to discontinuance or cancellation of health insurance coverage; to limit such discontinuance or cancellation under certain circumstances; 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 B. Gautreaux 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. 112—

BY REPRESENTATIVE LITTLE

AN ACT

To enact R.S. 14:329, relative to offenses affecting the public generally; to create the crime of interfering with a law enforcement investigation; to provide for definitions; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 123—

BY REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 14:110.3, relative to offenses affecting law enforcement; to create the crime of tampering with surveillance, accounting, inventory, or monitoring systems; to provide for definitions; to provide for penalties; to provide for increased penalties if the monitoring system is located on the premises of a correctional facility; and to provide for related matters.

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

HOUSE BILL NO. 191—

BY REPRESENTATIVES PERRY, ANDERS, ARNOLD, BOBBY BADON, BALDONE, BARRAS, BILLIOT, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, CHANEY, CONNICK, CROMER, DOERGE, DOVE, HARDY, HENDERSON, HENRY, HINES, HOFFMANN, HUTTER, JOHNSON, KATZ, LABRUZZO, LAMBERT, LEGER, LIGI, LORUSSO, MILLS, MONICA, NOWLIN, PEARSON, PUGH, RICHARD, ROBIDEAUX, SCHRODER, SIMON, SMILEY, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, THIBAUT, THIERRY, WHITE, AND WILLIAMS AND SENATORS ALARIO, AMEDEE, APPEL, BROOME, CROWE, DUPLESSIS, HEITMEIER, KOSTELKA, LONG, MARTINY, MICHOT, MOUNT, SHAW, AND THOMPSON

AN ACT

To amend and reenact R.S. 15:529.1(A), (C), (D), and (E), relative to the habitual offender law; to provide for increased penalties for multiple sex offenses; to repeal statutory language authorizing the use of juvenile adjudications of delinquency to enhance penalty provisions for felony offenses; to provide for technical changes; and to provide for related matters.

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

HOUSE BILL NO. 254—

BY REPRESENTATIVES LEGER AND GARY SMITH

AN ACT

To amend and reenact R.S. 15:440.5(C), relative to videotaped statements of protected persons; to authorize certain individuals to view certain videotaped statements of a protected person; to provide with respect to copies of the videotape and a transcript of the videotaped statement; to provide for possession of the copy or transcripts; and to provide for related matters.

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

HOUSE BILL NO. 303—

BY REPRESENTATIVES HENRY, BOBBY BADON, TIM BURNS, CARMODY, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, HINES, LABRUZZO, LAMBERT, LIGI, NOWLIN, SMILEY, AND WOOTON AND SENATORS APPEL, DONAHUE, DUPLESSIS, AND QUINN

AN ACT

To enact R.S. 17:236.3, relative to the eligibility of students in state-approved home study programs to participate in interscholastic athletics in certain high schools; to provide applicability; to provide guidelines and conditions for participation; to provide limitations; to provide effectiveness; 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. 318—

BY REPRESENTATIVE GREENE

AN ACT

To amend and reenact R.S. 43:31.1, relative to public printing; to provide relative to needs assessments for printed matter; to require certain information in the needs assessment; 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.

April 22, 2010

HOUSE BILL NO. 581—
BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:361(7) and (8) and 364(introductory paragraph) and to enact R.S. 22:361(9) and (10) and 364(B), relative to vehicle mechanical breakdown insurers; to provide a definition of road hazard and vehicle component coverage contracts; to provide an exception to the licensing requirements for vehicle mechanical breakdown insurers; and to provide for related matters.

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

HOUSE BILL NO. 619—
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 22:1046(C), (F), and (H), relative to group health and accident insurance policies; to provide with respect to state continuation of such group health and accident insurance coverage upon termination of employment, including determining whether dependents are covered under continuation, extending the timeframe for election of continuation, and providing with respect to the notification of election of continuation; and to provide for related matters.

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

HOUSE BILL NO. 709—
BY REPRESENTATIVES BROSETT, CARTER, CONNICK, HAZEL, HINES, HUTTER, MICHAEL JACKSON, LAFONTA, LEGER, LIGI, MILLS, RICHMOND, STIAES, AND WILLMOTT
AN ACT

To amend and reenact R.S. 11:701(33)(c), the heading of Part II-B of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, R.S. 17:1970.21, 1970.22(1) and (2), 1970.23(A), 1970.24(A), (B)(1)(a) through (c) and (2)(a), (C), (E)(1)(b), (d), (i), (m), and (n) and (2)(f), 1970.25(A), 1970.26(A)(2)(b), (B)(2), and (C)(1)(introductory paragraph) and (2), and 1970.27, R.S. 36:651(D)(8), and R.S. 42:1111(A)(3), relative to the New Orleans Center for the Creative Arts/Riverfront; to provide with respect to legislative intent; to provide relative the center's placement as a state agency in the Department of Education; to provide for a change in the center's name; to provide relative to student eligibility, board membership, terms, powers, duties, and faculty; to provide relative to funding, including the center's inclusion in the minimum foundation program formula; 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. 717—
BY REPRESENTATIVE ROY
AN ACT

To amend and reenact R.S. 22:979, 1068(C)(2)(a)(iii) and (b), 1074(C)(2)(a)(iii) and (b), and 1096 and to enact R.S. 22:1068(C)(2)(c) and 1074(C)(2)(c), relative to withdrawal from health insurance markets in this state; to prohibit the increase of premiums and reduction of benefits during withdrawal; to require prior approval of the notice of withdrawal; to clarify periods of coverage during withdrawal; and to provide for related matters.

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

HOUSE BILL NO. 722—
BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 24:173(A) and R.S. 25:125(A), relative to the distribution of Acts of the legislature by the secretary of state; to remove certain entities from the distribution list; to modify the number of copies distributed; and to provide for related matters.

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

HOUSE BILL NO. 728—
BY REPRESENTATIVES LITTLE, LEGER, AND WOOTON
AN ACT

To amend and reenact R.S. 15:1352(A)(12) and to enact R.S. 15:1352(A)(20) through (29), relative to "racketeering activity"; to add enumerated crimes to the definition of "racketeering activity"; and to provide for related matters.

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

HOUSE BILL NO. 744—
BY REPRESENTATIVE ROY
AN ACT

To amend and reenact R.S. 22:1068(B)(2) and 1074(B)(2) and to enact R.S. 22:1063(C), relative to discontinuance or cancellation of health insurance coverage; to limit such discontinuance or cancellation under certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 952—
BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:2314(B), (C)(introductory paragraph), (1), and (2), and (D), relative to the Louisiana Citizens Property Insurance Corporation; to authorize certain activities by the corporation; to provide for policies issued by the corporation; to provide for a policy take-out program for the depopulation of Louisiana Citizens Property Insurance Corporation; and to provide for related matters.

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

HOUSE BILL NO. 1261— (Substitute for House Bill No. 17 by Representative Ligi)
BY REPRESENTATIVE LIGI
AN ACT

To amend and reenact Code of Civil Procedure Articles 925(A)(2) and 1672(C) and to enact Code of Civil Procedure Article 3955, relative to procedures for divorce; to provide for the filing of a declinatory exception; to provide for the dismissal of an action; to provide for service of an Article 102 divorce petition; and to provide for related matters.

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

Reports of Committees

The following reports of committees were received and read:

SENATE BILL NO. 144—
BY SENATORS THOMPSON AND WALSWORTH
AN ACT

To enact R.S. 49:191(5)(b) and to repeal R.S. 49:191(3)(k), relative to the Governor's Office of Homeland Security and Emergency Preparedness, including provisions to provide for the re-creation of the Governor's Office of Homeland Security and Emergency Preparedness and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

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

SENATE BILL NO. 153—
BY SENATOR ERDEY

AN ACT

To amend and reenact R.S. 22:1061(3)(d)(i), 1073(B)(4), 1210(D), (E), and (F), 1213(B) (introductory paragraph), (F)(3), and (G), to enact R.S. 22:1061(4)(k), 1205(C)(6) and (D), and 1213(B)(14), and to repeal R.S. 22:1213(D) and (E)(12), relative to the Louisiana Health Plan; to provide for compliance with federal law for expanded coverage by the plan; to redefine certain terms relative to portability, availability, and renewability of health insurance coverage; to provide with respect to coverage of mental and nervous conditions, including alcohol and substance abuse, by the plan; to provide with respect to initial rates for federally and non-federally defined eligible individuals; to delete the six-month preexisting condition provision for federally defined eligible individuals; 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. 153 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 2, change "1213(B)" to "1213,"

AMENDMENT NO. 2

On page 1, delete lines 3 and 4 in their entirety and insert in lieu thereof the following: "and to enact R.S. 22:1061(4)(k), 1205(C)(6) and (D), relative to the"

AMENDMENT NO. 3

On page 1, line 13, change "1213(B)" to "1213"

AMENDMENT NO. 4

On page 1, delete lines 14 and 15 in their entirety and insert in lieu thereof the following: "are hereby amended and reenacted and R.S. 22:1061(4)(k) and 1205(C)(6) and (D) are hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 4, line 11, delete the asterisks "*" * *" and insert in lieu thereof the following:

"A. The plan shall offer comprehensive coverage to every eligible person who is not eligible for Medicare and public programs as defined in this Subpart. Comprehensive coverage offered by the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under Paragraph (4) of Subsection **F E** of this Section, up to a maximum lifetime benefit as established by the board of not less than five hundred thousand dollars per covered person, payable up to a maximum of two hundred fifty thousand dollars per covered person per twelve consecutive months of coverage. For federally defined eligible persons, the board shall establish benefits and maximum benefit amounts in accordance with applicable federal law and regulations."

AMENDMENT NO. 6

On page 4, line 19, delete the asterisks "*" * *" and insert in lieu thereof the following:

"(1) Hospital services.

(2) Professional services for the diagnosis or treatment of injuries, illnesses, or conditions which are rendered by a health care provider or by other licensed professionals at the direction of a health care provider.

(3) Services of a licensed skilled nursing facility for up to a maximum of one hundred twenty days per twelve consecutive months of coverage, unless extended for additional days under any cost containment program implemented by the board pursuant to Subsection **F H** of this Section.

(4) Services of a home health agency up to a maximum of two hundred seventy services per twelve consecutive months of coverage,

unless increased under any cost containment program implemented by the board pursuant to Subsection **F H** of this Section.

(5) Use of radium or other radioactive materials.

(6) Oxygen.

(7) Anesthetics.

(8) Prostheses other than dental.

(9) Rental of durable medical equipment, other than eyeglasses and hearing aids, for which there is no personal use in the absence of the conditions for which it is prescribed.

(10) Diagnostic X-rays and laboratory tests.

(11) Oral surgery for excision of partially or completely unerupted, impacted teeth or the gums and tissues of the mouth when not performed in connection with the extraction or repair of other teeth.

(12) Services of a physical therapist.

(13) Transportation provided by a licensed ambulance service to the nearest facility qualified to treat the condition."

AMENDMENT NO. 7

On page 4, delete lines 27 through 29 and on page 5 delete lines 1 through 19 in their entirety and insert in lieu thereof the following:

"C. The board shall establish reasonable reimbursement amounts for any services covered under the benefits plans which are not included in Subsection B of this Section.

~~D. In the event the amounts charged for services and articles provided by or at the direction of a health care provider exceed the amount payable for covered expenses as provided herein, the health care provider may seek payment of the balance owed from the member as allowed under applicable contracts or state and federal laws and regulations.~~

E. Covered expenses shall not include the following, except as mandated by applicable federal law for federally defined eligible individuals:

(1) Any charge for treatment for cosmetic purposes other than surgery for the repair or treatment of an injury or a congenital bodily defect to restore normal bodily functions.

(2) Care which is primarily for custodial purposes.

(3) Any charge for confinement in a private room to the extent surcharge is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician.

(4) That part of any charge for services rendered or articles prescribed by a physician, dentist, or other health care provider which exceeds the reasonable reimbursement amounts established in Subsections B and C of this Section or for any charge not medically necessary.

(5) Any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual providing the services or articles.

(6) Any expense incurred prior to the effective date of coverage by the plan for the person on whose behalf the expense is incurred.

(7) Dental care except as provided in Subsection B of this Section.

(8) Eyeglasses and hearing aids.

(9) Illness or injury due to acts of war.

(10) Services of blood donors and any fee for failure to replace the first three pints of blood provided to an eligible person each policy year.

(11) Personal supplies or personal services provided by a hospital or nursing home, or any other nonmedical or nonprescribed supply or service.

~~(12) Any charge for the diagnosis and treatment of mental and nervous disorders, including alcohol and substance abuse.~~

~~F. E.~~(1) Premiums charged for coverages issued by the plan may not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing the coverage.

(2) Separate schedules of premium rates based on age, sex, and geographical location may apply for individual risks. Separate schedules of premium rates for federally defined eligible individuals may be based on age, sex, and geographical location, in accordance with applicable federal laws and regulations.

(3)(a) The plan, **with the assistance of the commissioner**, shall determine the standard risk rate by calculating the average individual standard rate charged by the five largest insurers offering coverages

April 22, 2010

in the state comparable to the plan coverage. In the event five insurers do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage.

(b) Standard risk rates for federally defined ~~eligibles~~ **eligible individuals** shall comply with all applicable federal laws and regulations. **Initial rates for plan coverage for federally defined eligible individuals shall not be less than one hundred twenty-five percent of rates established as applicable for individual standard risks. In no event shall plan rates exceed two hundred percent of rates applicable to the individual standard risks.**

(c) Initial rates for plan coverage provided to nonfederally defined eligible individuals shall not be less than one hundred fifty percent of rates established as applicable for individual standard risks, or the minimum monthly rates as provided for herein, whichever is greater. Subsequent rates provided to nonfederally defined eligible individuals shall be established to provide fully for the expected costs of claims, including recovery of prior losses, expenses of operation, investment income of claim reserves, and any other cost factors subject to the limitations described herein. In no event shall plan rates exceed two hundred percent of rates applicable to individual standard risks. In no event shall rates be lower than one hundred ten percent of rates applicable to individual standard risks.

(4) The plan coverage defined in this Section shall provide benefits, deductibles, coinsurance, and copayments to be established by the board. In addition, the board may establish optional benefits, deductibles, coinsurance, and copayments."

AMENDMENT NO. 8

On page 5, line 20, change the "G." to "**F**."

AMENDMENT NO. 9

On page 5, delete lines 24 and 25 in their entirety and insert in lieu thereof the following:

"**H. G.** (1) Notwithstanding any other law to the contrary, the coverage provided by the plan shall be considered excess coverage, and benefits otherwise payable under plan coverage shall be reduced by all hospital and medical expense benefits paid or payable under any workers' compensation coverage, automobile medical payment, or liability insurance whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable by any insurer or insurance arrangement or any hospital or medical benefits paid or payable under or provided pursuant to any state or federal law or program.

(2) The plan shall have a cause of action against an eligible person for the recovery of the amount of benefits paid by it which are not covered expenses. Benefits due from the plan may be reduced or refused as a set-off against any amount recoverable under this Paragraph.

F. H. The benefits plan offered pursuant to this Section shall include such managed care provisions as the board deems necessary and proper for:

(1) Compliance with applicable federal laws and regulations regarding choices of benefit coverage for federally defined eligible individuals.

(2) Containment of costs, including precertification and concurrent or continued stay review of hospital admissions, mandatory outpatient surgical procedures, preadmission testing, or any other provisions determined by the board to be cost effective and consistent with the purposes of this Subpart.

F. I. Except as otherwise provided in this Subpart and in R.S. 22:976, this Section shall establish the exclusive means for determining the benefits required to be offered by the plan, notwithstanding any mandatory benefits or required policy provisions in this Title to the contrary."

AMENDMENT NO. 10

On page 5, line 26, change "Section 3." to "Section 2."

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. 168—

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 8:606(B) and (C), and 706 and to enact R.S. 8:1(22.1) and 606(D) relative to cemeteries; to provide for commencement and completion requirements of mausoleums or similar structures; to provide for commencement and the completion requirements of improvements on undeveloped cemetery property; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 168 by Senator Walsworth

AMENDMENT NO. 1

On page 1, between line 10 and 11, insert the following: "As used in this Title the following words and phrases, unless the context otherwise clearly indicates, shall have the meaning hereinafter ascribed to each:"

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. 185—

BY SENATOR N. GAUTREAUX

A JOINT RESOLUTION

Proposing to amend Article I, Section 10(B) of the Constitution of Louisiana, relative to disqualifications from seeking or holding elective office; to prohibit a person convicted of a felony under the laws of another state or under the laws of the United States or under the laws of a foreign government or country, and who has exhausted all legal remedies and has not been pardoned, from qualifying as a candidate for elective public office; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

SENATE BILL NO. 192—

BY SENATORS MOUNT, CHEEK, NEVERS AND SHAW AND REPRESENTATIVE JANE SMITH

AN ACT

To enact R.S. 46:1427, relative to child care facilities and child-placing agencies; to provide with respect to licensure; to provide for an exception for certain religious organizations; 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. 192 by Senator Mount

AMENDMENT NO. 1

On page 1, line 2, change "46:1427" to "46:1429"

AMENDMENT NO. 2

On page 1, line 6, change "46:1427" to "46:1429"

AMENDMENT NO. 3

On page 1, line 7, change "**1427**" to "**1429**"

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. 194—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 23:921(A)(1), relative to employment contracts; to provide for enforceability of restraint contracts which meet certain exceptions; and to provide for related matters.

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

SENATE BILL NO. 214—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 37:793(G) and to enact R.S. 37:793(B)(5), relative to the administration of nitrous oxide inhalation analgesia; to provide for the administration of nitrous oxide inhalation analgesia by certain dental hygienists; to provide for a permit; 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. 214 by Senator Mount

AMENDMENT NO. 1

On page 2, line 1, after "**regulations**" and before "," insert "**which shall include educational requirements**"

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. 246—
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 22:885(B), relative to cancellation of an insurance policy by the insured; to provide with respect to the prohibition by the insurer to assess a penalty against the insured for cancellation prior to the expiration of any policy; 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. 246 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 13, delete "short" and add "**pro rata**"

AMENDMENT NO. 2

On page 1, line 14, delete "the automobile" and add "**a personal line or commercial line**"

AMENDMENT NO. 3

On page 1, lines 14 and 15, delete "for nonpayment to the finance company"

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. 256—
BY SENATOR CHAISSON

AN ACT

To enact Part IV of Chapter 4 of Code Title VII of Code Book II Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3131.1 through 3131.9, relative to the Louisiana Exchange Sale of Receivables Act; to provide for

legislative intent; to provide for definitions; to provide for the scope; to provide that the true sale status of sales of receivables over exchanges located in Louisiana; to provide for the binding effectiveness of Louisiana law to such sales of receivables; to provide for buyer ownership rights; to provide for relationship with the Uniform Commercial Code; to provide for agreements; 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. 256 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 5, change "that" to "for"

AMENDMENT NO. 2

On page 6, line 2, change "**Subparagraph**" to "**Paragraph**"

AMENDMENT NO. 3

On page 6, line 3, change "**Paragraph**" to "**Subsection**"

AMENDMENT NO. 4

On page 6, line 27, change "**Subparagraph**" to "**Paragraph**"

AMENDMENT NO. 5

On page 6, line 28, change "**Paragraph**" to "**Subsection**"

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. 257—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 36:3(4) and (7), 4(A)(10), 8(E)(2)(d), 9(C), 471(A), (B) and (C), 472, 473, 474(A)(8), (B)(1)(a)(i) and (b), 475, 475.1(A), (B) and (C), and 477 and to repeal R.S. 36:474(E) and 476, relative to the Department of Social Services; to rename the Department of Social Services the Department of Children and Family Services; to provide for the reorganization of the department; to provide for definitions; to provide for fiscal oversight and program evaluation; to provide for designation of certain organizational units; to provide for the composition of the department; to provide for the officers of the department; to provide for deputy secretaries; to provide for the undersecretary and the division of management and finance; to provide for the office of children and family services; and to provide for related matters.

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

SENATE BILL NO. 291—
BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 37:2171.2(B) and to enact R.S. 37:2171.2(C), relative to requirements for building permits; to require nonresident contractors to provide certain additional information prior to issuance of a permit; and to provide for related matters.

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

April 22, 2010

SENATE BILL NO. 303—
BY SENATOR LONG

AN ACT

To enact R.S. 37:2804(K), relative to the powers and duties of the Louisiana Board of Chiropractic Examiners; to provide for the power to enter into certain transactions involving immovable property; to provide for the authority of the board to borrow funds; 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. 303 by Senator Long

AMENDMENT NO. 1

On page 2, line 5, change "shall be derived" to "derived"

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. 318—
BY SENATOR HEITMEIER

AN ACT

To enact R.S. 51:1905.2, relative to deceptive practices in soliciting charitable contributions; to require certain notification on donation receptacles of commercial businesses; to provide for violations; and to provide for related matters.

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

SENATE BILL NO. 401—
BY SENATORS THOMPSON AND NEVERS AND REPRESENTATIVE KATZ

AN ACT

To enact R.S. 40:1300.144(A)(4), relative to rural hospitals; to provide for rural hospital reimbursement; to provide for the development of payment methods that optimize federal funds to reduce or eliminate small rural hospitals' reliance upon uncompensated care costs funding; to provide for rules and regulations; 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. 401 by Senator Thompson

AMENDMENT NO. 1

On page 2, line 17, change "Paragraph" to "Subparagraph"

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. 514—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 40:1299.44(A)(2), (5), and (6) and (D)(1)(c) and (2)(b)(iii), relative to the Patient's Compensation Fund and the Patient's Compensation Fund Oversight Board; to provide with respect to exemption of the board and fund from rate regulation by the commissioner of insurance; to provide relative to the annual surcharge, including the manner of its determination; to provide relative to retention of monies in the fund; to provide with respect to composition of the board and to otherwise provide with respect to its authority; and to provide for related matters.

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

SENATE BILL NO. 530—
BY SENATOR BROOME

AN ACT

To enact R.S. 37:797, relative to the Louisiana State Board of Dentistry; to provide for the employment of dentists by certain non-profit entities eligible for certain federal grants; 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. 530 by Senator Broome

AMENDMENT NO. 1

On page 1, line 10, after "entity" and before "under" delete "eligible to receive grants" and insert "that meets the statutory, regulatory and program requirements for grantees supported"

AMENDMENT NO. 2

On page 1, line 11, change "Services" to "Service" and change "§245b" to "§254b"

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. 540—
BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 8:306, relative to the dedication of cemetery property; to provide for legislative intent; to provide for the protection of unmarked human burial sites; to provide for notice; 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. 540 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 10, change "intrusted" to "entrusted"

AMENDMENT NO. 2

On page 1, line 11, change "should" to "shall"

AMENDMENT NO. 3

On page 2, line 11, change "Subsection B" to "Subsection B of this Section"

AMENDMENT NO. 4

On page 2, line 13, change "Subsection B" to "Subsection B of this Section"

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. 543—
BY SENATOR MORRISH

AN ACT

To enact Part VII of Chapter 11 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:2183 and 2184, and R.S. 36:686(F), relative to health insurance; to provide for legislative intent; to create the Louisiana Mandated Health Benefits Commission; to provide for composition of the

commission; to provide for review of proposed mandated benefits by the commission; to provide for the scope and timing of such reviews; to prohibit legislative consideration of any legislative instrument that includes a mandated benefit proposal unless certain actions are taken by the commission; 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. 543 by Senator Morrish

AMENDMENT NO. 1

On page 2, lines 20 and 21, delete ""AARP""(the American Association of Retired Persons) and insert "AARP"

On page 3, between lines 10 and 11, insert the following:

"(o) A representative of the Louisiana Small Business Association.

(p) A representative of the Chiropractic Association of Louisiana."

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. 556—

BY SENATOR CROWE

AN ACT

To amend and reenact R.S. 40:1300.143(7)(a)(xiii)(introductory paragraph), relative to the Rural Hospital Preservation Act; to provide for the definition of certain rural hospitals; and to provide for related matters.

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

SENATE BILL NO. 590—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact 37:2418(F)(2) and to enact R.S. 37:2418(F)(4), relative to physical therapy assistants; to provide for supervision requirements; 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. 590 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 3, before "assistants" change "therapy" to "therapist"

AMENDMENT NO. 2

On page 1, line 12, after "physical" and before "assistant" change "therapy" to "therapist"

AMENDMENT NO. 3

On page 1, line 15, after "physical" and before "assistant" change "therapy" to "therapist" and after "safely" and before ":", insert the following: ", however, in no case shall the number of individuals supervised by a physical therapist exceed five individuals, nor exceed the following limitations as to supervised personnel:

(i) No more than four physical therapist assistants.

(ii) No more than two permittees.

(iii) No more than five students"

AMENDMENT NO. 4

On page 2, line 7, after "physical" and before "assistant" change "therapy" to "therapist"

AMENDMENT NO. 5

On page 2, line 9, after "practice" and before ":", insert ", however, such conferences shall not be for a frequency longer than every sixth treatment day or not more than thirty days"

AMENDMENT NO. 6

On page 2, line 12, after "physical" and before "assistants" change "therapy" to "therapist"

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. 595—

BY SENATOR QUINN AND REPRESENTATIVE LEGER

AN ACT

To enact R.S. 22:1272 and 1338, relative to property insurance; to prohibit certain actions involving insurance policies due to the presence of certain Chinese drywall; to provide penalties for violations; 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. 595 by Senator Quinn

AMENDMENT NO. 1

On page 1, line 11, delete "Chinese"

AMENDMENT NO. 2

On page 1, delete lines 13 through 17 in their entirety and insert in lieu thereof the following: "presence of drywall which, prior to December 31, 2009, was imported from, or manufactured in, the People's Republic of China."

AMENDMENT NO. 3

On page 2, delete lines 1 and 2 in their entirety.

AMENDMENT NO. 4

On page 2, line 4, after "commissioner" delete the remainder of the line and delete lines 5 and 6 in their entirety and insert in lieu thereof the following: "which penalty shall equal an amount up to one-half the insured value of the property, plus all attorney fees, expenses, and court costs incurred by the property owner in having the policy reinstated.

C. Any insurer which has canceled, failed to renew, or increased a policy premium or deductible after an insured has made a claim due to the presence of Chinese drywall shall have thirty days from the effective date of this Section to reinstate the policy on the same terms and conditions that applied to the policy prior to the claim or be in violation of the provisions of this Section."

AMENDMENT NO. 5

On page 2, delete line 11 in its entirety and insert in lieu thereof the following: "premium or the policy deductible on any homeowners' insurance policy, regardless of whether the policy has been in effect for less than three years, based on the presence of"

AMENDMENT NO. 6

On page 2, delete lines 13 through 19 in their entirety and insert in lieu thereof the following: "that is based on the presence of Chinese drywall which, prior to December 31, 2009, was imported from, or manufactured in, the People's Republic of China."

AMENDMENT NO. 7

On page 2, line 21, after "commissioner" delete the remainder of the line in its entirety and insert in lieu thereof the following: "which penalty shall equal an amount up to one-half the insured value of the home, plus all attorney fees, expenses, and court costs incurred by the homeowner in having the policy reinstated.

C. Any insurer which has canceled, failed to renew, or increased a policy premium or deductible after an insured has made a claim due to the presence of Chinese drywall shall have thirty days from the effective date of this Section to reinstate the policy on the same terms and conditions that applied to the policy prior to the claim or be in violation of the provisions of this Section.

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. 620—
BY SENATOR WALSWORTH

AN ACT

To enact R.S. 8:66.1, 66.2 and 66.3, and 75(E), relative to the Louisiana Cemetery Board; to provide for investigations by the board; to authorize the issuance of subpoenas; to require certain statements under oath to issue oaths and affirmations; to bring causes of action; issue certain cease and desist orders; to provide for the assessment of civil fines; 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. 620 by Senator Walsworth

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 8:66.1, 66.2 and 66.3, and 75(E)" to "R.S. 8:66.1 and 66.2"

AMENDMENT NO. 2

On page 1, line 5, between "action;" and "issue" insert "to"

AMENDMENT NO. 3

On page 1, line 8, change "R.S. 8:66.1 through 66.3 and 75(E)" to "R.S. 8:66.1 and 66.2"

AMENDMENT NO. 4

On page 1, line 10, delete "A."

AMENDMENT NO. 5

On page 1, line 15, change "implementing rules or orders issued pursuant" to "implement rules or orders issued pursuant to"

AMENDMENT NO. 6

On page 2, line 2, after "oath" delete "or otherwise" and insert ", by affidavit or by authentic act,"

AMENDMENT NO. 7

On page 2, line 7, delete "Administer oaths and affirmations, implement rules, subpoena" and insert "Subpoena"

AMENDMENT NO. 8

On page 2, line 17 and 18, delete "Failure to obey a court order under this Section constitutes contempt of court."

AMENDMENT NO. 9

On page 2, delete lines 19 and 20.

AMENDMENT NO. 10

On page 2, line 24, between "implementing" and "rules" insert "of"

AMENDMENT NO. 11

On page 2, line 28, delete "issuance" and insert "actual receipt"

AMENDMENT NO. 12

On page 2, line 29, after "order" and before the period "." insert ", as evidenced by the date on the return service"

AMENDMENT NO. 13

On page 3, line 3, change "presiding" to "hearing" and after "officer" and before "following" insert "authorized to hear the matter"

AMENDMENT NO. 14

On page 3, line 4, after "(2)" delete the remainder of the line and delete lines 5 through 14 and on line 15, delete "defendant or the defendant's assets pursuant to R.S. 8:69.2."

AMENDMENT NO. 15

On page 3, delete lines 17 through 29 and on page 4, delete lines 1 through 13

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. 622—

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 42:1123(32), relative to the Code of Governmental Ethics; to provide that any person who has a contract for advertising services with an agency is allowed to enter into contracts with any other person who engages in a transaction with that agency; and to provide for related matters.

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

SENATE BILL NO. 662—

BY SENATOR HEBERT

AN ACT

To amend and reenact R.S. 22:1661, 1662, 1664(C), 1665 (D), and 1667(A) and to enact R.S. 22:1665(E), relative to claims adjusters; to provide with respect to definitions and general exemptions; to provide for application for claims adjuster license and resident license; to provide with respect to catastrophe or emergency claims adjuster registration; 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. 662 by Senator Hebert

AMENDMENT NO. 1

On page 2, delete lines 6 through 13 in their entirety.

AMENDMENT NO. 2

On page 2, at the beginning of line 14, change "(4)" to "(3)"

AMENDMENT NO. 3

On page 2, at the beginning of line 17, change "(5)" to "(4)"

AMENDMENT NO. 4

On page 2, at the beginning of line 24, change "(6)" to "(5)"

AMENDMENT NO. 5

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

AMENDMENT NO. 6

On page 2, at the beginning of line 27, change "(8)" to "(7)"

AMENDMENT NO. 7

On page 2, at the beginning of line 28, change "(9)" to "(8)"

AMENDMENT NO. 8

On page 3, at the beginning of line 2, change "(10)" to "(9)"

AMENDMENT NO. 9

On page 3, delete lines 9 and 10 in their entirety.

AMENDMENT NO. 10

On page 3, at the beginning of line 11, change "(3)" to "(2)"

AMENDMENT NO. 11

On page 3, at the beginning of line 13, change "(4)" to "(3)"

AMENDMENT NO. 12

On page 3, at the beginning of line 19, change "(5) to (4)" and after "producer" remove the comma "," and delete the remainder of the line and at the beginning of line 20, delete "insurer."

AMENDMENT NO. 13

On page 3, at the beginning of line 22, change "(6)" to "(5)"

AMENDMENT NO. 14

On page 3, at the beginning of line 24, change "(7)" to "(6)"

AMENDMENT NO. 15

On page 4, at the beginning of line 12, change "(8)" to "(7)"

AMENDMENT NO. 16

On page 4, at the beginning of line 14, change "(9)" to "(8)"

AMENDMENT NO. 17

On page 4, at the beginning of line 19, change "(10)" to "(9)"

AMENDMENT NO. 18

On page 4, between lines 20 and 21, insert the following:

"(10) A full-time salaried employee of a property owner or a property management company retained by a property owner who either does not hold the employee out as an insurance adjuster or who has not been hired to handle a specific claim resulting from a fire or casualty loss and who acts at the sole discretion of the property owner or management company regarding a claim related to the owner's property.

AMENDMENT NO. 19

On page 5, delete lines 4 and 5 in their entirety.

AMENDMENT NO. 20

On page 5, at the beginning of line 6, change "(17)" to "(16)"

AMENDMENT NO. 21

On page 5, delete lines 7 through 12 in their entirety.

AMENDMENT NO. 22

On page 5, delete lines 26 through 29 in their entirety and on page 6, delete lines 1 through 7 in their entirety and insert in lieu thereof:

"(2) In order to make a determination of eligibility, the commissioner of insurance shall require all business entities that are applying to do business as independent adjusting companies to provide the names, addresses, social security numbers, criminal and administrative history, fingerprints, background checks, and biographical statement, of all executive officers and directors of the applicant and of all executive officers and directors of entities owning and any individuals owning, directly or indirectly, fifty-one percent or more of the outstanding voting securities of the applicant. Any nonresident business entity applicant whose state of domicile complies with all of the provisions of this Paragraph shall not be required to submit a criminal history, background check, and biographical statement for its executive officers, directors and owners of outstanding voting securities."

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. 683—

BY SENATOR LAFLEUR

AN ACT

To enact R.S. 22:1826, relative to noncontracted providers of emergency services; to require health insurance issuers to directly pay such providers their usual and customary charges for such services; 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. 683 by Senator LaFleur

AMENDMENT NO. 1

On page 1, lines 3 and 4, delete "their usual and customary charges" and insert "pursuant to a plan or policy provisions"

AMENDMENT NO. 2

On page 1, line 9, after "A," change "A health care" to "If a health care"

AMENDMENT NO. 3

On page 1, line 10, delete "may file" and add "files"

AMENDMENT NO. 4

On page 1, line 11, after "rendered" delete ". The" and add ", the"

AMENDMENT NO. 5

On page 1, line 12, delete "of the provider's usual and customary" and add "as determined pursuant to the plan or policy provisions between the enrollee or insured and the health insurance issuer,"

AMENDMENT NO. 6

On page 1, line 13, delete "charges paid for such emergency services,"

AMENDMENT NO. 7

On page 1, line 15, after "insurance issuer", insert "pursuant to the plan or policy provisions,"

AMENDMENT NO. 8

On page 2, lines 7 and 8, delete "but shall not include" and add "and"

AMENDMENT NO. 9

On page 2, after line 8, insert the following:

"C. The provisions of this Section shall not apply to limited benefit health insurance policies or contracts."

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. 691—

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 33:9039.52(A)(2) and (7) and to enact R.S. 33:9039.52(A)(8) and (9), relative to composition of the Northeast Louisiana Film Commission; to provide for changes in membership; and to provide for related matters.

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

April 22, 2010

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 1219— BY REPRESENTATIVE KLECKLEY AN ACT

To enact R.S. 22:1016, relative to prepaid entities participating in the Louisiana Medicaid Program; to provide for licensure, financial solvency, and regulation of such prepaid entities; and to provide for related matters.

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

Rules Suspended

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

Introduction of Senate Concurrent Resolutions

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

SENATE BILL NO. 50— BY SENATORS THOMPSON, LONG, NEVERS, RISER, SMITH AND WALSWORTH AN ACT

To enact R.S. 49:191(5)(b) and to repeal R.S. 49:191(3)(i), relative to the Department of Agriculture and Forestry, including provisions to provide for the re-creation of the Department of Agriculture and Forestry and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members who voted 'YEAS' in two columns.

NAYS

Total - 0

ABSENT

Table listing names of members who were absent.

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

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

April 22, 2010

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 43— BY SENATOR CROWE

A CONCURRENT RESOLUTION To memorialize the Congress of the United States to approve and establish the National Military Family Relief Fund.

SENATE CONCURRENT RESOLUTION NO. 44— BY SENATOR MOUNT

A CONCURRENT RESOLUTION To designate April 26, 2010, as "MADD Day" at the legislature.

SENATE CONCURRENT RESOLUTION NO. 45— BY SENATOR SHAW

A CONCURRENT RESOLUTION To recognize Michael Williams and commend the Shreveport Fire Department and LSU Health Sciences Center Trauma Unit for their attention and care of Mr. Williams.

Respectfully submitted, ROBERT W. "BOB" KOSTELKA Chairman

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

ATTENDANCE ROLL CALL

PRESENT

Table listing names of members present in three columns.

Total - 37

ABSENT

Table listing names of members absent.

Total - 2

Leaves of Absence

The following leaves of absence were asked for and granted:

Table listing names of members and their respective leaves of absence.

Announcements

The following committee meetings for April 26, 2010, were announced:

Finance	10:30 A.M.	Room A
Rev. and Fiscal Affairs	1:00 P.M.	Hainkel Rm

Adjournment

On motion of Senator Crowe, at 10:15 o'clock A.M. the Senate adjourned until Monday, April 26, 2010, at 4:00 o'clock P.M.

The President Pro Tempore of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Monday, April 26, 2010.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk