DAILY PROOF OF THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

TWENTY-NINTH 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, May 20, 2010

The Senate was called to order at 9:30 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 Gautreaux B Murray
Alario Guillory Nevers
Amedee Hebert Peterson
Appel Jackson Riser
Broome Long Shaw
Chabert Michot Walsworth
Cheek Morrish
Claitor Mount

Total - 22

Absent:

Adley Gautreaux N McPherson
Crowe Heitmeier Morrell
Donahue Kostelka Quinn
Dorsey Lafleur Smith
Duplessis Marionneaux Thompson
Erdy Martiny

Total - 17

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

Prayer

The prayer was offered by Pastor Brian Dore’, 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 B. Gautreaux, the reading of the Journal was dispensed with and the Journal of May 19, 2010, was adopted.

Messages from the House

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

Message from the House
PASSED SENATE BILLS AND JOINT RESOLUTIONS

May 19, 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 the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 3—
BY SENATOR MARTINY
AN ACT
To amend and reenact R.S. 13:5107(D)(2), relative to service of citation and process; to clarify dismissal of a suit for failure to request service; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 46—
BY SENATOR APPEL
AN ACT
To amend and reenact Code of Civil Procedure Art. 4907(B), relative to procedure in parish and city courts; to provide relative to the delay for applying for a new trial; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 77—
BY SENATOR MCPHERSON
AN ACT
To amend and reenact R.S. 48:2074 (D)(2) and (7), relative to the Louisiana Transportation Authority; to provide that the chairman of the Senate Committee on Transportation, Highways and Public Works is chairman of the board; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 343—
BY SENATOR MARIONNEAUX
AN ACT
To amend and reenact Code of Civil Procedure Articles 283, 3061, 3228, and 3396.18(B), and R.S. 9:1514(A)(1), (2) and (4) and (B), 1551(B), 1552(C) and (D), 2156(C)(10), 2157, 2431(7) and 3839, and R.S. 23:638, and R.S. 33:1501, 4545.23, 4546.16, and R.S. 47:55(2), 1673, and 2451; and to repeal Code of Civil Procedure Articles 2951, 2953 and 2954, and R.S. 6:653.4(F), 765(C), and 767(E), and R.S. 8:814, and R.S. 9:1552(E), 2432 through 2439, and 2449(C), and R.S. 12:603(F), and R.S. 40:33(H); all relating to inheritance taxes; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 437—
BY SENATOR APPEL
AN ACT
To amend and reenact Code of Civil Procedure Articles 283, 3061, 3228, and 3396.18(B), and R.S. 9:1514(A)(1), (2) and (4) and (B), 1551(B), 1552(C) and (D), 2156(C)(10), 2157, 2431(7) and 3839, and R.S. 23:638, and R.S. 33:1501, 4545.23, 4546.16, and R.S. 47:55(2), 1673, and 2451; and to repeal Code of Civil Procedure Articles 2951, 2953 and 2954, and R.S. 6:653.4(F), 765(C), and 767(E), and R.S. 8:814, and R.S. 9:1552(E), 2432 through 2439, and 2449(C), and R.S. 12:603(F), and R.S. 40:33(H); all relating to inheritance taxes; and to provide for related matters.

Reported with amendments.
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 the composition of the board and to otherwise provide with respect to its authority; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 617—
BY SENATOR MCPHERSON
AN ACT
To enact R.S. 32:392.1, relative to motor vehicles; to prohibit impoundment in certain circumstances; and to provide for related matters.

Reported with amendments.

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

Privilege Report of the Legislative Bureau
May 20, 2010

To the President and Members of the Senate:
I am directed by your Legislative Bureau to submit the following report:

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

HOUSE BILL NO. 8—
BY REPRESENTATIVE WILLIAMS
AN ACT
To enact Code of Criminal Procedure Article 228.4, relative to the disposal of noncontraband unclaimed property seized in certain criminal investigations; to provide for the disposal of noncontraband unclaimed property seized in criminal investigations; to provide for the procedure for petitioning the court for the disposal of the noncontraband unclaimed property; to provide for the distribution of proceeds derived from the disposal of the noncontraband unclaimed property; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 10—
BY REPRESENTATIVE WOOTON
AN ACT
To enact R.S. 49:191(5)(b) and to repeal R.S. 49:191(3)(b), relative to the Department of Public Safety and Corrections, including provisions to provide for the re-creation of the Department of Public Safety and Corrections 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 without amendments.

HOUSE BILL NO. 14—
BY REPRESENTATIVE MONTOUCET
AN ACT
To amend and reenact Code of Civil Procedure Article 4843(C), (D), (E), (F), and (G), relative to the civil jurisdiction of city courts; to increase the civil jurisdictional amount in dispute in the City Court of Baker, in the City Court of Baton Rouge, in the City Court of Crowley, in the City Court of Rayne, and in the City Court of Zachary; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 28—
BY REPRESENTATIVE WOOTON AND SENATOR MARTINY
AN ACT
To enact Code of Criminal Procedure Article 957, relative to emergency sessions of court; to authorize the release of certain defendants on bail through an unsecured personal surety without proof of security interest under certain conditions; to provide for the conditions and criteria for the release of defendants without proof of security; to provide for applicability; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 31—
BY REPRESENTATIVE KLECKLEY
AN ACT
To amend and reenact the heading of Part III-E of Title 19 of the Louisiana Revised Statutes of 1950, R.S. 19:134, 134.1(A), and 134.2(3)(b) and (c), relative to expropriation by a declaration of taking; to authorize the city of Lake Charles to expropriate property by a declaration of taking for certain purposes; to provide procedures for the expropriation by a declaration of taking; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 113—
BY REPRESENTATIVE CHANDLER
AN ACT
To enact R.S. 13:783(F)(7), relative to the expenses of the clerk's office; to provide with respect to expenses of the offices of clerks of court in Caldwell Parish, Franklin Parish, Grant Parish, LaSalle Parish, and Winn Parish; to require the payment of medical insurance premium costs for certain retired personnel; to provide for eligibility; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 135—
BY REPRESENTATIVE ABRAMSON
AN ACT
To amend and reenact Code of Civil Procedure Article 2164, relative to the contract of exchange; to provide for rights of the party evicted in exchange; to provide for rescission for lesion in party to a contract of exchange; to provide for rights and obligations of the parties to a contract of exchange; to provide for the definition of exchange; to provide for the annual surcharge; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 137—
BY REPRESENTATIVE ABRAMSON
AN ACT
To amend and reenact Code of Civil Procedure Articles 44(B), 596, 1293(B), 1313(A)(4) and (B), 1462(B) and (C), 3652, 3656, 3662, 5152, and R.S.13:2471(8), relative to the continuous regulation of the Code of Civil Procedure; to provide for service by electronic means; to provide for the right of a surety to plead discussion; to provide for discovery of electronic information; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 142—
BY REPRESENTATIVE ABRAMSON
AN ACT
To amend and reenact Code of Civil Procedure Articles 4843(C), (D), (E), (F), and (G), relative to the civil jurisdiction of city courts; to increase the civil jurisdictional amount in dispute in the City Court of Baker, in the City Court of Baton Rouge, in the City Court of Crowley, in the City Court of Rayne, and in the City Court of Zachary; and to provide for related matters.

Reported without amendments.
examination; to provide for application of the rules of sale in
exchange; and to provide for related matters

Reported without amendments.

HOUSE BILL NO. 150—
BY REPRESENTATIVE LIRGI
AN ACT
To enact R.S. 15:255(N), relative to the mayor's court of the city of
Kenner; to provide for the allocation of monies collected in the
witness fee fund; to provide for the use of such monies; to
prohibit the reduction of monies in the fund below fifty
thousand dollars; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 255—
BY REPRESENTATIVES WOOTON, ARMES, BALDONE, GUINN,
HARDY, LEGER, MCVEA, MILLS, POPE, RICHARD, JANE SMITH, ST.
GERMAIN, AND WILLIAMS AND SENATOR MARTINY
AN ACT
To amend and reenact R.S. 15:574.4 and to enact R.S. 15:574.4.1
through 574.4.3, relative to parole; to provide for technical
changes to the parole statutes; to direct the Louisiana State Law
Institute to redesignate the provisions of R.S. 15:574.4 and
574.4.2 as R. S. 15:574.4 and 574.4.5; and to provide for related
matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House
Bill No. 255 by Representative Wooton

AMENDMENT NO. 1
On page 1, line 5, following "574.4.2 as" and before ", has been"
change "R.S. 15:574.4 and 574.4.5; and to provide for related
matters.

Reported without amendments.

HOUSE BILL NO. 286—
BY REPRESENTATIVES BURRELL, BARROW, AND HARDY
AN ACT
To amend and reenact Code of Criminal Procedure Articles 312, 313,
315, 318, 319, 322(A), (B), and (C), 326(B), 330.2(E), 332(A),
334.1, 334.3(A)(2), 338, 342, 344, 345(A), (B), (C),
(D)(introductory paragraph) and (1) and (2), (G),
(I) (introductory paragraph) and (2), (J)(introductory paragraph)
and (2) and 955(F), R.S. 13:846(A)(1), R.S. 15:85, 86, and
88, and R.S. 22:1441(A)(2), (4), and (5), (C)(1) and (2)(b), (d),
and (e), and (D), R.S. 1585(A), to enact Code of Criminal
Procedure Articles 349 through 349.9, and to repeal Code of
Criminal Procedure Articles 322(D) and (E), 339, and 340(E)
and R.S. 15:87, relative to bail; to provide for a comprehensive
revision of the law regarding bail; to provide for the types of
bail; to provide relative to sureties, personal sureties, and
secured personal sureties; to provide for bail procedures; to
provide relative to the establishment of a legal mortgage over
immovable property to secure a bail obligation; to provide for
procedures for the establishment of a legal mortgage; to provide
for the cancellation of the mortgage; to provide for sanctions for
furnishing false or incorrect information; to provide for bail at
various stages of proceedings; to provide with respect to
forfeitures and forfeiture procedures; to provide for the failure
to appear and issuance of arrest warrant; to provide for
procedures relative to recordation of judgments of bond
forfeitures; to provide for appeals; to provide for enforcement
and satisfaction of judgments of bond forfeiture; to provide for

failure to satisfy judgment of bond forfeiture; and to provide for
related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House
Bill No. 286 by Representative Burrell

AMENDMENT NO. 1
On page 10, line 6, following "date" change "; or " to "; or "

AMENDMENT NO. 2
On page 13, line 23, following "immediately" and before "issue"
delete "and forthwith"

AMENDMENT NO. 3
On page 26, line 29, following "surrender" and before "appearance"
insert "or the"

HOUSE BILL NO. 319—
BY REPRESENTATIVE LANDRY
AN ACT
To amend and reenact Children's Code Article 1243(A), relative to
intrafamily adoptions; to expand the class of petitioners; and to
provide for related matters.

Reported without amendments.

HOUSE BILL NO. 397—
BY REPRESENTATIVE HAZEL
AN ACT
To amend and reenact Children's Code Articles 1131(E)(1) and (G)
and 1243.2(A)(1) and (C), relative to records checks in adoption
proceedings; to provide for uniformity in records checks
procedures in agency, private, and intrafamily adoptions; and to
provide for related matters.

Reported without amendments.

HOUSE BILL NO. 640—
BY REPRESENTATIVE LANDRY
AN ACT
To enact R.S. 15:544(D)(3)(e), relative to sex offender registration
and notification; to provide with respect to the duration of sex
offender registration and notification periods; to amend the
definition of "clean record"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 645—
BY REPRESENTATIVES ABRAMSON AND TIM BURNS
AN ACT
To enact R.S. 15:544(D)(3)(f), relative to sex offender registration
and notification; to provide with respect to the duration of sex
offender registration and notification periods; to amend the
definition of "clean record"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 782—
BY REPRESENTATIVE CROMER
AN ACT
To amend and reenact R.S. 19:351 and 352(A), relative to
expropriation by a declaration of taking; to provide for
definitions; to authorize the parish of St. Tammany to
expropriate property by a declaration of taking for certain
purposes; to repeal the termination date regarding the authority
of expropriation by a declaration of taking; and to provide for
related matters.

Reported without amendments.
HOUSE BILL NO. 828—
BY REPRESENTATIVE CORTEZ
AN ACT
To enact R.S. 9:203(E)(8), relative to marriage officiants, judges, and justices of the peace; to provide for the extension of authority for certain federal magistrate judges to preside over a marriage ceremony for a specified period of time; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 892—
BY REPRESENTATIVE ST. GERMAIN
AN ACT
To amend and reenact R.S. 30:2153(5), relative to solid waste management; to provide for the definition of a solid waste disposal facility; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 898—
BY REPRESENTATIVE ST. GERMAIN
AN ACT
To enact R.S. 30:2022(D), relative to issuance of permits by the Department of Environmental Quality; to redesignate the Municipal Facilities Revolving Loan Fund as the Clean Water State Revolving Fund; to provide for the statutory authorities, provisions to provide for the re-creation of the Department of Environmental Quality and the statutory entities made a part of such entity; 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 without amendments.

HOUSE BILL NO. 904—
BY REPRESENTATIVE AUSTIN BADON
AN ACT
To amend and reenact R.S. 13:847(A)(1) through (8) and to repeal R.S. 13:846(A)(1)(b) and 847(A)(9) through (38), (B), and (C), relative to fees charged and received in criminal cases; 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 without amendments.

HOUSE BILL NO. 907—
BY REPRESENTATIVE ARNOLD
AN ACT
To amend and reenact R.S. 26:273(A)(2), relative to wholesaler dealer's permits; to provide for the registration and permits of certain solid waste facilities; to provide for the definition of a solid waste disposal facility; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 913—
BY REPRESENTATIVES CHAMPAGNE, BALDONE, BARRAS, BILLIOT, HENRY BURNS, CARNOY, CARTER, CHANDLER, CORTEZ, DOWNS, FANNIN, FOIL, GIECLAIR, GUIN, HARRISON, HAZEL, HOFFMANN, JONES, KATZ, LANDRY, LIGI, MILLIS, MONTOUCE, MORRIS, ROBIDEAUX, SMITH, ST. GERMAIN, THIBAUT, TUCKER, TUCKER, AND WHITE
AN ACT
To amend and reenact R.S. 30:2074(A)(4) and (23), 2074(A)(4), 2397, R.S. 33:4548.13, and R.S. 40:2821(B)(2) and 2824(B), to enact Chapter 14 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2301 through 2306, and R.S. 39:1022(C), and to repeal R.S. 30:2078 through 2088, relative to certain loans for water infrastructure from the revolving loan funds; to provide for the Department of Environmental Quality; to provide for the powers and duties of the secretary of the Department of Environmental Quality; to redesignate the Municipal Facilities Revolving Loan Fund as the Clean Water State Revolving Fund; to provide for notices of intention to issue certain bonds; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 916—
BY REPRESENTATIVES ST. GERMAIN
AN ACT
To enact R.S. 30:2086 through 2088, relative to certain loans for water infrastructure from the revolving loan funds; to provide for the Department of Environmental Quality; to redesignate the Municipal Facilities Revolving Loan Fund as the Clean Water State Revolving Fund; to provide for notices of intention to issue certain bonds; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Re-Reengrossed House Bill No. 913 by Representative Champagne

AMENDMENT NO. 1
On page 3, line 24, change “meaning” to “meanings”;

AMENDMENT NO. 2
On page 4, line 21, following “CWSRF” and before “including” delete “2”;

AMENDMENT NO. 3
On page 5, line 2, following ”of” and before “deposits” change ”such” to “such”;

AMENDMENT NO. 4
On page 7, line 10, following “contract” and before “including” delete “2”;

AMENDMENT NO. 5
On page 10, line 26, following ”by” and before “obligation” change ”said” to “such”;

AMENDMENT NO. 6
On page 10, line 27, and before “obligation” change ”said” to “such”;

AMENDMENT NO. 7
On page 11, line 3, following ”contract” and before “including” delete “2”;

AMENDMENT NO. 8
On page 11, line 17, following “be” and before “bearing” change ”non-interest” to “noninterest”;

AMENDMENT NO. 9
On page 12, line 22, following “presumed” and before ”and” insert “2”;

HOUSE BILL NO. 1060—
BY REPRESENTATIVE RICHMOND
AN ACT
To amend and reenact R.S. 13:847(A)(1) through (8) and to repeal R.S. 13:846(A)(1)(b) and 847(A)(9) through (38), (B), and (C), relative to fees charged and received in criminal cases; to consolidate the fees charged by the clerks of the district courts, except Orleans Parish, in criminal matters; to increase certain fees the clerks of court charge in criminal matters; to repeal certain fees the clerks of court charge in criminal matters; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1060 by Representative Richmond

AMENDMENT NO. 1
On page 1, line 17, following ”cases” and before ”, as” change ”where” to ”when”;

AMENDMENT NO. 2
On page 2, line 2, change ”where” to ”when”;

HOUSE BILL NO. 1163—
BY REPRESENTATIVE ST. GERMAIN
AN ACT
To enact R.S. 30:2011(A)(3) and (D)(4) and (23), 2074(A)(4), 2397, R.S. 33:4548.13, and R.S. 40:2821(B)(2) and 2824(B), to enact Chapter 14 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2301 through 2306, and R.S. 39:1022(C), and to repeal R.S. 30:2078 through 2088, relative to certain loans for water infrastructure from the revolving loan funds; to provide for the Department of Environmental Quality; to provide for the powers and duties of the secretary of the Department of Environmental Quality; to redesignate the Municipal Facilities Revolving Loan Fund as the Clean Water State Revolving Fund; to provide for notices of intention to issue certain bonds; and to provide for related matters.

Reported with amendments.
modifications; to provide for preliminary review of certain draft
permits, modifications, and revisions by permit applicants; and
to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1259**
**BY REPRESENTATIVE BURRELL**
**AN ACT**
To enact R.S. 14:40.7, relative to assault and battery and related
offenses; to create the crime of cyberbullying; to provide for
definitions; to provide for penalties; and to provide for related
matters.

Reported without amendments.

**HOUSE BILL NO. 1260**
**BY REPRESENTATIVE HAZEL**
**AN ACT**
To amend and reenact R.S. 14:95.1(C), relative to the possession of
a firearm or carrying a concealed weapon by a person convicted
of certain felonies; to remove the authorization for law
enforcement to issue permits allowing certain felons to possess
firearms or carry concealed weapons; 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 Legislative Bureau
amendments were adopted and the Bills and Joint Resolutions were
read by title and passed to a third 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

May 19, 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:

<table>
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<tr>
<th>HB No. 35</th>
<th>HB No. 663</th>
<th>HB No. 726</th>
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<tr>
<td>HB No. 962</td>
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<td>HB No. 1129</td>
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<td>HB No. 1256</td>
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Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives
HOUSE BILL NO. 990—
BY REPRESENTATIVE THIERRY AND SENATOR GUILORY
AN ACT
To amend and reenact R.S. 15:1199.1, 1199.2(A)(introductory paragraph), 1199.3(2), 1199.4(A) and (M), 1199.7(A), 1199.9, 1199.10(B)(1), 1199.11, 1199.12, and 1199.14(B), to enact R.S. 15:1199.2(A)(5), (6), (7), (8), (9), (G), (H), (I), (J), (K), and (L), 1199.3(9), and 1199.4(N), and to repeal R.S. 15:1199.2(F), relative to inmate rehabilitation; to provide for reentry programs and initiatives; to provide for definitions; to provide for additional duties of the reentry advisory council; to provide with respect to eligibility standards; to provide for certification and licensing of skilled craftsmen; to provide for the percentage of inmate wages which can be taken to pay for some of the expenses of the program; to provide for the duration of the program; to provide for applicability; and to provide for related matters.

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

HOUSE BILL NO. 1106—
BY REPRESENTATIVE GALLOT
AN ACT
To amend and reenact R.S. 23:1293(A)(1), (3), and (5) and to enact R.S. 23:1293(A)(6), relative to confidentiality records regarding workers' compensation; to authorzie the disclosure of specific information relating to an injured employee's claim; and to provide for related matters.

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

HOUSE BILL NO. 1129—
BY REPRESENTATIVE TALBOT
AN ACT
To amend and reenact R.S. 23:1293(A)(1), (3), and (5) and to enact R.S. 23:1293(A)(6), relative to confidential records regarding workers' compensation; to authorize the disclosure of specific information relating to an injured employee's claim; and to provide for related matters.

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

HOUSE BILL NO. 1141—
BY REPRESENTATIVE LANDRY
AN ACT
To enact Chapter 10-E of Title 33 of the Louisiana Revised Statutes for related matters.

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

HOUSE BILL NO. 1143—
BY REPRESENTATIVE CROMER AND SENATOR DONAHUE
AN ACT
To enact R.S. 14:102.24, relative to offenses affecting public sensibility; to create the crime of unlawful restraint of a dog; to provide for definitions; to provide for exceptions; to provide for applicability; to provide for criminal penalties; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 102—
BY REPRESENTATIVE EDWARDS
AN ACT
To amend and reenact R.S. 44:9(K)(3) and to enact R.S. 44:9(K)(3), relative to expungement of arrest records in misdemeanor and felony cases; to provide that no fee shall be charged in certain expungement cases; 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. 180—
BY REPRESENTATIVES ROY, POPE, AND JANE SMITH
AN ACT
To amend and reenact R.S. 15:587.1(B) and R.S. 44:9(F), (G), and (I) and to enact R.S. 15:587(A)(1)(f), relative to criminal records; to amend provisions regarding criminal background checks; to provide entities with access to criminal history information; to provide for the type of information available to those entities; to provide for confidentiality; and to provide for related matters.

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

HOUSE BILL NO. 219—
BY REPRESENTATIVE ST. GERMAIN
AN ACT
To enact R.S. 14:102.24, relative to offenses affecting public sensibility; to create the crime of unlawful restraint of a dog; to provide for definitions; to provide for exceptions; to provide for applicability; to provide for criminal penalties; 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. 277—
BY REPRESENTATIVE SAM JONES
AN ACT
To enact Chapter 10-E of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4550.1 through 4550.12, relative to St. Mary Parish; to create and provide for the St. Mary Hydroelectric Authority as a political subdivision within such parish; to provide for the boundaries, governance, and powers and duties of the district; to provide for district funding, including the issuance of bonds and the use of district funds; 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. 348—
BY REPRESENTATIVE LORUSSO
AN ACT
To amend and reenact R.S. 14:95.1(B), relative to the crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies; to provide with respect to penalties for violations and attempted violations; 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. 486—
BY REPRESENTATIVES HARRISON, ARNOLD, BALDONE, HENRY BURNS, CARMODY, CARTER, ELLINGTON, GISCLAIR, HARDY, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, STAES, TEMPLET, TUCKER, AND WILLIAMS
AN ACT
To enact R.S. 17:3006, relative to school guidance counselors; to require school guidance counselors employed in public high schools to complete an academic profile for each student in the ninth grade; to provide for information to be included in the profile; to provide for student and parental involvement in completing the profile; to provide for annual review of the profile; 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. 488—
BY REPRESENTATIVES HARRISON, CARTER, GISCLAIR, HARDY, AND ST. GERMAIN
AN ACT
To amend and reenact R.S. 17:53, relative to training and instruction of school board members; to require each member of a local public school board to receive certain training; to authorize certain training during a member's first year of service; to provide for the designation of Distinguished School Board Member for school board members completing certain training; to require certain dissemination of information about training completed by school board members; 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. 563—
BY REPRESENTATIVE BALDONE
AN ACT
To enact R.S. 32:414.2(E), relative to commercial driver's license requirements; 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. 698—
BY REPRESENTATIVE HARRISON
AN ACT
To enact R.S. 40:1058.3(C)(1) and to enact R.S. 40:1058.3(C)(4), relative to licensure of substance abuse and addiction treatment facilities; to provide for a moratorium on licensure of additional methadone maintenance programs; to provide for exceptions; to establish a needs assessment task force; 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. 729—
BY REPRESENTATIVE CARMODY
AN ACT
To amend and reenact R.S. 41:892(C), (D), and (E) and to enact R.S. 41:892(F), relative to surplus property of school boards; to provide relative to the minimum bid which may be accepted when a school board attempts to sell such property; 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. 795—
BY REPRESENTATIVE WOOTON
AN ACT
To amend and reenact R.S. 15:587(F), relative to criminal background information; to provide relative to an employer's access to criminal background information of a potential employee; to provide for duties of the Louisiana Bureau of Criminal Identification and Information; 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. 829—
BY REPRESENTATIVE LIGI
AN ACT
To amend and reenact R.S. 56:427(A) and 428(B), relative to oyster leases; to delineate responsibility for obtaining a survey of the lease area; to provide relative to a lease application fee; 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. 876—
BY REPRESENTATIVES ST. GERMAIN AND DOVE AND SENATOR N. GAUTUREAUX
AN ACT
To amend and reenact R.S. 40:1058.3(C)(1) and to enact R.S. 40:1058.3(C)(4), relative to licensure of substance abuse and addiction treatment facilities; to provide for a moratorium on licensure of additional methadone maintenance programs; to provide for exceptions; to establish a needs assessment task force; 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. 1110—
BY REPRESENTATIVE JOHNSON
AN ACT
To amend and reenact R.S. 32:414.2(E), relative to commercial driver's license holders; to prohibit certain persons from operating school buses; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Education.
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. 591—
BY SENATOR MCPHERSON
AN ACT
To amend and reenact RS. 37:970, relative to the licensure of nurses; to provide for the qualifications for licensure as a practical nurse; 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. 591 by Senator McPherson

AMENDMENT NO. 1
On page 1, delete lines 9 through 12 in their entirety and insert the following:
"(2) Be a permanent resident or citizen of the United States or have taken out his first citizenship papers."

(3) Have successfully completed the course in an accredited school for the training of practical nurses."

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. 773—
BY SENATOR DONAHUE
AN ACT
To enact R.S. 22:22.1, relative to corners; to create Health Solutions Centers in certain parishes according to the latest decennial census; to provide for legislative intent; to authorize certain services; to provide for consent; 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 for Senate Bill No. 773 by Sen. Donahue)
BY SENATORS DONAHUE, CHEEK, B. GAUTREAUX, MOUNT, PETERSON AND NEVERS
AN ACT
To amend and reenact R.S. 44:4.1(B)(15) and to enact Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:215.1 through 215.6, relative to coroners; to provide for the establishment of a Coroner's Strategic Initiative for a Health Information and Intervention Program within offices of the coroner; to provide for certain services; to provide for consent; to provide for the Coroner's Strategic Initiative for a Health Information and Intervention Program advisory board; to provide for an exception to the public records law; to provide for duties of certain treatment facilities; to provide for limitations of liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:215.1 through 215.6, is hereby enacted to read as follows:

PART IX-A. CORONER'S STRATEGIC INITIATIVE FOR A HEALTH INFORMATION AND INTERVENTION PROGRAM
§215.1. Coroner's Strategic Initiative for a Health Information and Intervention Program: creation
The office of the coroner in each parish is hereby authorized to establish within his office a Coroner's Strategic Initiative for a Health Information and Intervention Program, hereinafter referred to as "CSI/HIP".
§215.2. Coroner's Strategic Initiative for a Health Information and Intervention Program: powers and duties

A. Subject to the availability of adequate funding, a CSI/HIP may perform any of the following functions:

(1) Provide a home-based support system, which shall not provide any mental health treatment but rather shall provide aid to the individual to ensure that the treatment protocol is being met and to access available mental health resources in the community for persons who satisfy all of the following criteria:

(a) The person was committed pursuant to Part III of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950.

(b) The person has completed the treatment program and has been released.

(c) The person has voluntarily consented to have personnel of the coroner, performing duties in conjunction with the CSI/HIP, periodically visit the person at the person's residence.

(2) Establish a community resource center that is accessible by telephone or Internet to provide twenty-four hour support for persons who are or have been in a mental health or substance abuse condition or disorder by providing educational and outreach materials about the resources for mental health patients which are available in the community, including the location, transportation, and methods for accessing these resources.

(3) Apply for and receive any grants, funds or monies from any foundation, nonprofit organization, state or federal governmental agency or entity.

§215.3. Treatment facilities; dissemination of information

A. For the purposes of this Section, "treatment facility" shall mean any facility which provides services or treatment to a person who is suffering from a mental health or substance abuse condition or disorder except for a nursing home as defined in R.S. 40:2009.2.

B. A treatment facility shall provide all individuals in the parish information and consent forms which details the information, programs and services which can be provided by the CSI/HIP to individuals suffering from mental health conditions and disorders and includes a voluntary consent form for the individual to complete if the individual desires to have the treatment facility notify the CSI/HIP on behalf of the individual that the individual would like to be contacted by the CSI/HIP to receive additional information about the program.

C. The information and consent forms shall be provided to the treatment facility by the CSI/HIP.

§215.4. Consent

A. Prior to personnel of the coroner's office or CSI/HIP providing any home-based supports or services to an individual, the coroner or the director of the CSI/HIP shall provide the individual in writing a full disclosure of all services to be provided, frequency of home visits, and notice that the individual may withdraw his consent in writing at any time. In addition, the individual shall also consent in writing to the list of persons, if any, to which the personnel of the coroner or the CSI/HIP may discuss his mental condition.

B. The personnel of the office of the coroner or the CSI/HIP shall ensure that if any protected health information of an individual is to be obtained from any healthcare provider that the individual is notified in accordance with the Health Insurance Portability and Accountability Act of 1996.

C. The office of the coroner or the CSI/HIP shall provide a copy to the individual of all signed consent forms.

D. All records of interviews, questionnaires, reports, statements, notes, and memoranda procured by and prepared by employees or agents of the office of coroner or by any other person, agency, or organization acting jointly with that office pursuant to a function which is authorized by R.S. 28:215.1 shall be deemed nonpublic and confidential information.

§215.5. Coroner's Strategic Initiative for a Health Information and Intervention Program: advisory board

A. Each coroner establishing the program authorized in R.S. 28:215.1 shall establish a Coroner's Strategic Initiative for a Health Information and Intervention Program Advisory Board to advise the coronor on matters related to the services and programs provided through Coroner's Strategic Initiative for a Health Information and Intervention Program. The advisory board shall serve the coroner only in an advisory capacity and shall not have any control or authority over the services or programs provided or funds expended by the office of the coroner to carry out the functions of the Coroner's Strategic Initiative for a Health Information and Intervention Program. The advisory board shall be domiciled in the same parish in which the CSI/HIP is maintained.

B. The membership of the advisory board shall be the following:

(1) The executive director of the coroner's office, who shall also serve as the chairperson of the advisory board.

(2) The director of the Mental Health Advocacy Service or his designee.

(3) One member appointed by the chief executive officer of a hospital within the parish where the CSI/HIP is located and which operates a psychiatric ward.

(4) One member appointed by the executive director of the human services authority/county which serves the parish where the CSI/HIP is located.

(5) One member appointed by the National Alliance for the Mentally Ill for the parish in which the CSI/HIP is located.

(6) One member appointed by the Ministerial Alliance for the parish in which the CSI/HIP is located.

(7) One member appointed by the coroner who is a member of a civic organization which provides charitable resources or services to low income patients in the parish where the CSI/HIP is located.

C. Meetings of the advisory board shall be held at a time and place as determined by the chairperson or when requested by a majority of the board members. Notice of all meetings of the board, together with an agenda of the business to come before the board, shall be provided to the public. The board shall be subject to the Open Meetings Law (R.S. 42:1 et seq.) and the Public Records Law (R.S. 44:1 et seq.). A majority of the individuals appointed to the board shall constitute a quorum.

D. Members of the board shall serve on a voluntary basis and shall not receive any compensation or reimbursement for expenses.

§215.6. Limitation of liability

(1) Any and all personnel of the office of the coroner, who are performing duties in conjunction with the Coroner's Strategic Initiative for a Health Information and Intervention Program ("CSI/HIP"), shall be immune from criminal penalties or civil damages resulting from any act, decision, omission, communication, or any failure to act, which is made in good faith, including but not limited to any action pursuant to Part XXIII of Chapter 6 of Title 28 of the Louisiana Revised Statutes of 1950, while engaged in the performance of the functions provided for in R.S. 28:215.1, unless the damage or injury is caused by willful or wanton negligence or gross misconduct.

(2) For the purposes of this Section, the "personnel of the office of the coroner" shall mean any person who provides services or furnishes assistance pursuant to this Part, including an employee, contractor, or volunteer.

Section 2. R.S. 44:4.1(B)(15) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

A. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

 B. The membership of the advisory board shall be the following:

(1) The executive director of the coroner's office, who shall also serve as the chairperson of the advisory board.

(2) The director of the Mental Health Advocacy Service or his designee.

(3) One member appointed by the chief executive officer of a hospital within the parish where the CSI/HIP is located and which operates a psychiatric ward.

(4) One member appointed by the executive director of the human services authority/county which serves the parish where the CSI/HIP is located.

(5) One member appointed by the National Alliance for the Mentally Ill for the parish in which the CSI/HIP is located.

(6) One member appointed by the Ministerial Alliance for the parish in which the CSI/HIP is located.

(7) One member appointed by the coroner who is a member of a civic organization which provides charitable resources or services to low income patients in the parish where the CSI/HIP is located.

C. Meetings of the advisory board shall be held at a time and place as determined by the chairperson or when requested by a majority of the board members. Notice of all meetings of the board, together with an agenda of the business to come before the board, shall be provided to the public. The board shall be subject to the Open Meetings Law (R.S. 42:1 et seq.) and the Public Records Law (R.S. 44:1 et seq.). A majority of the individuals appointed to the board shall constitute a quorum.

D. Members of the board shall serve on a voluntary basis and shall not receive any compensation or reimbursement for expenses.

§215.6. Limitation of liability

(1) Any and all personnel of the office of the coroner, who are performing duties in conjunction with the Coroner's Strategic Initiative for a Health Information and Intervention Program ("CSI/HIP"), shall be immune from criminal penalties or civil damages resulting from any act, decision, omission, communication, or any failure to act, which is made in good faith, including but not limited to any action pursuant to Part XXIII of Chapter 6 of Title 28 of the Louisiana Revised Statutes of 1950, while engaged in the performance of the functions provided for in R.S. 28:215.1, unless the damage or injury is caused by willful or wanton negligence or gross misconduct.

(2) For the purposes of this Section, the "personnel of the office of the coroner" shall mean any person who provides services or furnishes assistance pursuant to this Part, including an employee, contractor, or volunteer.

Section 2. R.S. 44:4.1(B)(15) is hereby amended and reenacted to read as follows:

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A. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

B. The membership of the advisory board shall be the following:

(1) The executive director of the coroner's office, who shall also serve as the chairperson of the advisory board.

(2) The director of the Mental Health Advocacy Service or his designee.

(3) One member appointed by the chief executive officer of a hospital within the parish where the CSI/HIP is located and which operates a psychiatric ward.

(4) One member appointed by the executive director of the human services authority/county which serves the parish where the CSI/HIP is located.

(5) One member appointed by the National Alliance for the Mentally Ill for the parish in which the CSI/HIP is located.

(6) One member appointed by the Ministerial Alliance for the parish in which the CSI/HIP is located.

(7) One member appointed by the coroner who is a member of a civic organization which provides charitable resources or services to low income patients in the parish where the CSI/HIP is located.

C. Meetings of the advisory board shall be held at a time and place as determined by the chairperson or when requested by a majority of the board members. Notice of all meetings of the board, together with an agenda of the business to come before the board, shall be provided to the public. The board shall be subject to the Open Meetings Law (R.S. 42:1 et seq.) and the Public Records Law (R.S. 44:1 et seq.). A majority of the individuals appointed to the board shall constitute a quorum.

D. Members of the board shall serve on a voluntary basis and shall not receive any compensation or reimbursement for expenses.

§215.6. Limitation of liability

(1) Any and all personnel of the office of the coroner, who are performing duties in conjunction with the Coroner's Strategic Initiative for a Health Information and Intervention Program ("CSI/HIP"), shall be immune from criminal penalties or civil damages resulting from any act, decision, omission, communication, or any failure to act, which is made in good faith, including but not limited to any action pursuant to Part XXIII of Chapter 6 of Title 28 of the Louisiana Revised Statutes of 1950, while engaged in the performance of the functions provided for in R.S. 28:215.1, unless the damage or injury is caused by willful or wanton negligence or gross misconduct.

(2) For the purposes of this Section, the "personnel of the office of the coroner" shall mean any person who provides services or furnishes assistance pursuant to this Part, including an employee, contractor, or volunteer.
SENATE BILL NO. 803— (Substitute for Senate Bill No. 773 by Sen. Donahue)

BY SENATORS DONAHUE, CHEEK, B. GAUTREAUX, MOUNT, PETERSON AND NEVERS

AN ACT

To enact Part VIII of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1486.1 through 1486.2, relative to the terminal date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

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

HOUSE BILL NO. 114—

AN ACT

To repeal R.S. 40:1005(A)(5), relative to the Prescription Monitoring Program Advisory Council; to remove the president of the Louisiana State Board of Examiners of Psychologists from the Prescription Monitoring Program Advisory Council.

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

HOUSE BILL NO. 153—

AN ACT

To amend and reenact R.S. 40:2018.1(G), relative to the Louisiana State Board of Examiners of Psychologists from the Strategic Initiative for a Health Information and Intervention Program Advisory board; to provide for an exception to the public records law; to provide for duties of certain treatment facilities; to provide for limitations of liability; and to provide for related matters.

The bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 802— (Substitute of Senate Bill No. 618 by Sen. McPherson)

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 33:1448(Y), relative to the premium costs of group hospital and health insurance for retired sheriffs and retired deputy sheriffs in Webster Parish; to provide for eligibility for payment of premium costs; and to provide for related matters.

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

HOUSE BILL NO. 4—

AN ACT

To amend and reenact R.S. 22:972(A), relative to health and accident insurance policies; to increase the amount of time before a form is deemed approved before the commissioner of insurance's approval; 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. 204—

AN ACT

To amend and reenact R.S. 22:972(A), relative to health and accident insurance policies; to increase the amount of time before a form is deemed approved before the commissioner of insurance's approval; 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. 285—

AN ACT

To enact R.S. 49:191(5)(b) and to repeal R.S. 49:191(3)(e), relative to the Department of Economic Development, including provisions to provide for the re-creation of the Department of Economic Development 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 bill was read by title and referred to the Legislative Bureau.
Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 312—
BY REPRESENTATIVE SMILEY
AN ACT
To amend and reenact R.S. 40:1097, relative to the donation of blood by certain minors; to provide for the criteria that must be met in order for certain minors to donate blood; to provide for consent; to provide restrictions upon compensation for blood donation by certain minors; 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. 324—
BY REPRESENTATIVE CORTEZ
AN ACT
To amend and reenact R.S. 49:316.1(A)(2)(a) and (c), relative to the Underground Utilities and Facilities Damage Prevention Law; to repeal R.S. 40:1749.13(E), relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to define priority calls; to require regional notification centers to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 396 by Representative Arnold

AMENDMENT NO. 1
On page 1, line 1, after "reenact", delete the remainder of the line and at the beginning of line 2, delete "40:1749.12(14) and 1749.15.1" and insert the following: "R.S. 40:1749.12(4), 1749.13(B)(1) and (3), 1749.14(A) and (B), and 1749.20(B)(introduction paragraph), to enact R.S. 40:1749.12(14) and 1749.14(C)(1)(v)"

AMENDMENT NO. 2
On page 1, at the beginning of line 5, change "priority calls" to "excavation; to define "forestry excavator"

AMENDMENT NO. 3
On page 1, at the end of line 10 and at the beginning of line 11, delete the following: "to provide for an exemption for priority calls;"

AMENDMENT NO. 4
On page 1, after "provisions;" and before "and to" insert "to provide for related matters."

AMENDMENT NO. 5
On page 1, line 14, after "Section 1," delete the remainder of the line and insert the following: "R.S. 40:1749.12(4), 1749.13(B)(1) and (3), 1749.14(A) and (B), and 1749.20(B)(introduction paragraph) are hereby enacted to read"

AMENDMENT NO. 6
On page 1, line 15, after "reenacted and" delete the remainder of the line and insert the following: "R.S. 40:1749.12(14) and 1749.14(C)(1)(v) are hereby enacted to read"

AMENDMENT NO. 7
On page 2, delete lines 1 through 4, and insert the following: "(14) "Forestry excavator" means an excavator who is a logger, prescribed burner, site preparation operator, or tree planter for commercial forestry operations;"

AMENDMENT NO. 8
On page 3, delete lines 9 through 17, and insert the following: "C.(1) Each operator of an underground facility or utility, after having received the notification request from the regional notification center of an intent to excavate, shall supply, prior to the proposed excavation, the following information to the person responsible for the excavation: * * * *

(v) In the case whereby a forestry excavator has requested that the utilities and facilities be marked for location, the operator of a utility or facility shall mark the area of their utilities or facilities. The markings provided by the operator shall be deemed good as long as
the markings are visible or up to thirty calendar days from the time
the markings were made, whichever is shorter.

"§1749.20. Violations; penalties
* * *
B. An excavator or demolisher who violates the provisions of
R.S. 40:1749.13, 1749.16 or 1749.17(B) shall be subject to the following:
* * *

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

HOUSE BILL NO. 447—
BY REPRESENTATIVE PEARSON

To amend and reenact R.S. 22:881.1, relative to certificates of
insurance; to define such certificates and otherwise provide with
respect to their issuance and effect; to provide for the
responsibilities of the commissioner of insurance relative to
such certificates, including approval of forms and enforcement;
to provide for prohibitions and penalties; and to provide for
related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to
Reengrossed House Bill No. 447 by Representative Pearson

AMENDMENT NO. 1
On page 1, lines 18 and 19, delete "for the benefit of" and insert "to"

AMENDMENT NO. 2
On page 2, line 5, after "policyholder," delete the remainder of the line and in lieu thereof insert the following: "to whom a certificate of insurance has been issued"

AMENDMENT NO. 3
On page 3, delete lines 24 through 28 in their entirety and in lieu thereof insert the following:

"E. The commissioner may approve a certificate of insurance form that does not state that the form is provided for information only or similar language, provided that the form states that the certificate of insurance does not confer any rights or obligations other than those conveyed by the policy and that the terms of the policy control. Further, such a form shall not be considered a violation of Subsection D of this Section."

AMENDMENT NO. 4
On page 4, delete lines 1 and 2 in their entirety.

AMENDMENT NO. 5
On page 4, line 27, between "I," and "A certificate" insert the following:

"A properly executed certificate of insurance form, which has been approved by the commissioner and issued by a property and casualty insurer or an insurance producer, shall constitute a confirmation that the referenced insurance policy has been issued or that coverage has been bound notwithstanding the inclusion of "for information purposes only" or similar language on the face of the certificate."

AMENDMENT NO. 6
On page 5, at the end of line 22, insert the following: "Examinations or complaint investigations conducted by the commissioner under this Subsection shall be subject to the provisions of R.S. 22:1983(J)."

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

HOUSE BILL NO. 448—
BY REPRESENTATIVE FOIL

AN ACT
To amend and reenact R.S. 37:1864.1(A), 1866, and 1867(A) and to enact R.S. 37:1862.1, relative to secondhand dealers; to provide for record and reporting requirements; to require secondhand dealers to photograph merchandise that is purchased; to provide for changes to daily reports required by secondhand dealers; to provide for the location of items purchased by a secondhand dealer; and to provide for related matters.

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

HOUSE BILL NO. 582—
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.

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

HOUSE BILL NO. 591—
BY REPRESENTATIVE BALDONE

AN ACT
To enact R.S. 6:969.24.1 and 969.24.2, relative to the Motor Vehicle
Sales Finance Act; to prohibit any act that lessens or eliminates
competition; to provide for exceptions; to prohibit a lender in a
motor vehicle retail purchase from requiring a dealer to sell any
insurance coverage, service, or product in order to secure
preferential financing rates; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to Engrossed House Bill No. 591 by Representative Arnold

AMENDMENT NO. 1
On page 1, line 10, after "person or" change "seller" to "any affiliates thereof, subject to the provisions of this Chapter."

AMENDMENT NO. 2
On page 1, at the end of page 12 and the beginning of page 13, change "retail motor vehicle dealer" to "seller."

AMENDMENT NO. 3
On page 1, line 14, after "offered" and before "by a particular" insert ", sold, backed, or sponsored."

AMENDMENT NO. 4
On page 1, line 20, change "licensee or an affiliate" to "person or affiliates thereof, subject to the provisions of this Chapter."
29th DAY'S PROCEEDINGS

HOUSE BILL NO. 766—
By Representative Tucker
AN ACT
To amend and reenact R.S. 46:2742(B)(introductory paragraph), (2), (5)(d), (7), and (11), relative to the Medicaid case mix reimbursement methodology for nursing homes; to provide for a date for promulgation of rules and regulations; to modify the reimbursement for direct care costs; to change the minimum occupancy penalty; to provide for the frequency of rate rebasing; to provide for an effective date; 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. 776—
By Representative Willmott
AN ACT
To amend and reenact R.S. 40:2116(J)(1)(introductory paragraph) and (c), relative to facility need review approvals; to provide for applicability of facility need review approvals; to extend the period of facility need review approval for certain facilities; to provide for certain exceptions to facility need review approval extension; 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. 872—
By Representative Mills
AN ACT
To enact R.S. 37:1218, relative to the administration of influenza immunizations; to provide for allowable pharmacist services; to provide for conditions under which pharmacists may administer influenza immunizations; 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. 1030—
By Representatives St. Germain, Bobby Badon, Barrow, Billiot, Burrell, Dixon, Doerge, GISCLAIR, GUILLORY, HILL, JOHNSON, LAFONTA, MONTOUCET, NORTON, PUGH, GARY SMITH, BILLIOT, BURRELL, DIXON, DOERGE, GISCLAIR, GUILLORY, HILL,

JOHNSON, LAFONTA, MONTOUCET, NORTON, PUGH, GARY SMITH, BILLIOT, BURRELL, DIXON, DOERGE, GISCLAIR, GUILLORY, HILL,

BY REPRESENTATIVES ST. GERMAIN, BOBBY BADON, BARROW,

BILLIOT, BURRELL, DIXON, DOERGE, GISCLAIR, GUILLORY, HILL,

JOHNSON, LAFONTA, MONTOUCET, NORTON, PUGH, GARY SMITH, BILLIOT, BURRELL, DIXON, DOERGE, GISCLAIR, GUILLORY, HILL,

JOHNSON, LAFONTA, MONTOUCET, NORTON, PUGH, GARY SMITH

AND STAISES

AN ACT
To amend and reenact R.S. 40:1232.1(A)(2) and 1232.3, relative to emergency medical services; to set a maximum fee for an emergency medical technician-basic certification and recertification for any individual who is an employee or volunteer of the state of Louisiana or another public entity, a municipal fire department, a fire protection district, or a municipal law enforcement agency; to exempt certain employees or volunteers of the state of Louisiana or another public entity, a municipal fire department, a fire protection district, or a volunteer fire department from the authority of the Louisiana Emergency Medical Services Certification Commission to conduct disciplinary hearings, request investigations, and initiate prosecution, with certain exceptions and conditions; 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. 1078—
By Representative Foti
AN ACT
To amend and reenact R.S. 36:104(A)(7) and (14) and R.S. 51:935, 2341(D)(2), and 2461 and to repeal R.S. 25:318(E), R.S. 33:130.753(C) and 4708(C)(5), R.S. 36:104(A)(8), R.S. 39:1953(B)(8), 2006(E), and 2174(E), R.S. 47:6020.4, 6027(F), and 6036(D)(5) and R.S. 51:1788(4), 1927.2, 2312(F), and 2319, relative to reporting requirements of the Louisiana Department of Economic Development and the Louisiana Economic Development Corporation; to provide for changes to reporting requirements of the Louisiana Department of
Economic Development to various state agencies; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1078 by Representative Foil

AMENDMENT NO. 1
On page 1, line 2, after "R.S. 51:935," delete "2341(D)(2),"

AMENDMENT NO. 2
On page 1, line 5, after "2312(F)," delete "and," and after "2319," and before "relative to" insert "and 2341(D)(2),"

AMENDMENT NO. 3
On page 3, line 1, after "R.S. 51:935" delete ", 2341(D)(2),"

AMENDMENT NO. 4
On page 3, delete lines 25 through 28, and on page 4, delete lines 1 through 9

AMENDMENT NO. 5
On page 3, line 5, after "2312(F)," delete "and," and after "2319," and before "are" insert "and 2341(D)(2),"

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

HOUSE BILL NO. 1095—
BY REPRESENTATIVE MILLS
AN ACT
To amend and reenact R.S. 40:1006(B) and (E) and R.S. 40:1007(D), (E)(1) and (2), and (F)(introductory paragraph), relative to the Prescription Monitoring Program; to provide for reporting; to provide for access to information; 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 Engrossed House Bill No. 1095 by Representative Mills

AMENDMENT NO. 1
On page 2, after line 27, insert the following:
"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

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

HOUSE BILL NO. 1198—
BY REPRESENTATIVE KATZ
AN ACT
To amend and reenact R.S. 17:1518.1(J) and 1519.5(C), R.S. 23:1(B)(6) and 17(A), R.S. 28:821(C) and 824(1), (J)(1)(b), (K), and (L), R.S. 36:258(F), 301(B), 308(B), and 471(B), R.S. 38:2261(C) and (D), R.S. 39:1554(D)(1)(d) and 1595.4(B), (C), and (D), R.S. 40:1300.14(B)(introductory paragraph) and (13), R.S. 46:51(2) and (10), 2116.1(1), (2), and (4), 2116.2(A), 2351(A)(introductory paragraph), 2353, 2632(2), 2633(C) and (E), 2634(A) and (B)(1), and 2635(B), R.S. 47:305.15(A) and 360(A), R.S. 48:307(B)(2) and (3), to enact R.S. 23:1(B)(6) and Chapter 15 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:3001 through 3061, R.S. 36:259(K) and (N), and 309(E), and to repeal R.S. 36:474(F) and 478(C), (D), (E), (G), (I), and (J), Subparts B and C of Part III of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:331 through 373, Chapter 26 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2101 through 2106, and Chapter 50 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2651 through 2655, relative to the office of Louisiana Rehabilitation Services within the Department of Social Services; to provide for the transfer of such functions from the Department of Social Services to the Department of Health and Hospitals and the Louisiana Workforce Commission; 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 Reengrossed House Bill No. 1198 by Representative Katz

AMENDMENT NO. 1
On page 4, delete lines 25 through 28 in their entirety

AMENDMENT NO. 2
On page 5, line 1, change "3003" to "3002"

AMENDMENT NO. 3
On page 5, line 8, change "3004" to "3003"

AMENDMENT NO. 4
On page 5, line 19, change "3005" to "3004"

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

HOUSE BILL NO. 1207—
BY REPRESENTATIVE ARNOLD
AN ACT
To amend and reenact R.S. 10:9-109(c)(4), (5), and (6)(C) and to enact R.S. 10:9-109(c)(7) and Part VII of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1251 through 1261, relative to utilities; to provide for security interests in investment recovery property; to provide for legislative intent and definitions; to provide with respect to issuance of financing orders; to provide for a utility's interest in a financing order; to provide for investment recovery property; to provide for the sale of investment recovery property; to provide for the perfection of security interests in investment recovery property; to provide for the true sale status of a sale of investment recovery property; to provide for a state pledge of non-impairment of investment recovery property; to provide for investment recovery property; to provide for the perfection of security interests in investment recovery property; to provide for the true sale status of a sale of investment recovery property; to provide for the creation, perfection, and priority of security interests in investment recovery property; to provide for a state pledge of non-impairment of investment recovery property; to exempt investment recovery bonds from being public debt; to provide an exclusion from secured transaction provisions of the uniform commercial laws; to provide for non-impairment of the jurisdiction of the commission; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection, and International Affairs. The bill was read by title and referred to the Legislative Bureau.
HOUSE BILL NO. 1271—
BY REPRESENTATIVE ST. GERMAIN
AN ACT
To amend and reenact R.S. 40:1232.2(B)(1)(introductory paragraph) and (b) and to enact R.S. 40:1232.2(B)(1)(d) and (e), relative to the Louisiana Emergency Medical Services Certification Commission; to provide for membership; to provide for a date for change of certain membership; 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. 1407— (Substitute for House Bill No. 450 by Representative Foil)
BY REPRESENTATIVE FOIL
AN ACT
To amend and reenact R.S. 3:3807(B)(2), relative to retail florists; to repeal certain examination requirements for retail florists; and to provide for related matters.

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

HOUSE BILL NO. 1408— (Substitute for House Bill No. 1208 by Representative Tucker)
BY REPRESENTATIVE TUCKER
AN ACT
To enact R.S. 4:185.1, relative to gaming proceeds; to provide for auditing of the Horsemen's Benevolent and Protective Association and its operations and programs by the legislative auditor; to provide for guidelines; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS
Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 1408 by Representative Tucker

AMENDMENT NO. 1
On page 2, line 11, delete "beginning on or after January" and at the beginning of line 12, delete "1, 2005"

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

HOUSE BILL NO. 1464— (Substitute for House Bill No. 1089 by Representative Ellington)
BY REPRESENTATIVE ELLINGTON
AN ACT
To enact R.S. 32:1268.3 and to repeal R.S. 32:1268.1(B), relative to repurchase of marine products; to provide for the repurchase of marine products by a manufacturer, distributor, or wholesaler; to provide for termination agreements; to provide for exemptions; and to provide for related matters.

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

Rules Suspended
Senator B. Gautreaux asked for and obtained a suspension of the rules to revert to the Morning Hour.

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

SENATE RESOLUTION NO. 85—
BY SENATOR MORRISH
A RESOLUTION
To recognize and commend Mr. Kenneth Francis Lasserre for thirty-eight years of outstanding service and dedication to education and to congratulate him on the occasion of his retirement.

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

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

SENATE CONCURRENT RESOLUTION NO. 88—
BY SENATOR CLAITOR
A CONCURRENT RESOLUTION
To commend Catholic High School in Baton Rouge and its athletic program for earning five separate state championships in 2009-2010.

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

ROLL CALL
The roll was called with the following result:

YEAS

Mr. President Gautreaux B Mount
Adley Gautreaux N Murray
Alario Guillory Nevers
Amedee Hebert Peterson
Appel Heitmeier Riser
Broome Jackson Shaw
Chabert Long Smith
Cheek Marionneaux Thompson
Claitor Michot Walsworth
Dorsey Morrish
Total - 29

NAYS

Total - 0

ABSENT

Crowe Kostelka Morrell
Donahue LaFleur Quinn
Duplessis Martiny McPherson
Erdey
Total - 10

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:
May 20, 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. 18—
BY SENATOR DONAHAUE
A CONCURRENT RESOLUTION
To urge and request the Louisiana State University Board of Supervisors to study fully implementing the recommendations from the March 23, 2009, Interim LSU Public Hospital Financial and Operational Assessment performed by Alvarez and Marsal and to expand the findings to applications in all hospitals operated by the Louisiana State University System where it is found to be appropriate.

SENATE CONCURRENT RESOLUTION NO. 85—
BY SENATOR WALSWORTH
A CONCURRENT RESOLUTION
To commend Katherine Putnam on her reign as Miss Louisiana for 2009, and to recognize Wednesday, May 26, 2010, as Miss Louisiana Organization Day at the Louisiana State Capitol.

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 20, 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 Bill has been properly enrolled:

SENATE BILL NO. 15—
BY SENATOR APPEL
AN ACT
To amend and reenact the title to Part II-B of Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 and R.S. 47:491(A)(1) and (6) and 492(A), (B), and (E), relative to amateur radio station operators; to provide for changing the design of a prestige license plate from "HAM Operator" to "Amateur Radio"; and to provide for related matters.

Respectfully submitted,
ROBERT W. "BOB" KOSTELKA
Chairman

The foregoing Senate Bill was signed by the President of the Senate.
ATTENDANCE ROLL CALL

PRESENT

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

ABSENT

Kostelka  Martiny
LaFleur  Quinn
Total - 4

Leaves of Absence

The following leaves of absence were asked for and granted:

LaFleur  1 Day  Kostelka  1 Day
Martiny  1 Day  Quinn  1 Day

Announcements

The following committee meetings for May 24, 2010, were announced:

Finance  1:00 P.M.  Room A
Retirement  1:00 P.M.  Room E
Rev. & Fiscal Affairs  1:00 P.M.  Hainkel Rm

Adjournment

On motion of Senator Thompson, at 10:10 o'clock A.M. the Senate adjourned until Monday, May 24, 2010, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Monday, May 24, 2010.

GLENN A. KOEPP
Secretary of the Senate

DIANE O’QUIN
Journal Clerk