

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

THIRTY-THIRD 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 27, 2010

The Senate was called to order at 9:20 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	Erdey	Morrish
Adley	Hebert	Mount
Appel	Heitmeier	Nevers
Chabert	Kostelka	Riser
Claitor	LaFleur	Shaw
Dorsey	Marionneaux	Thompson
Duplessis	McPherson	
Total - 20		

ABSENT

Alario	Gautreaux N	Murray
Amedee	Guillory	Peterson
Broome	Jackson	Quinn
Cheek	Long	Smith
Crowe	Martiny	Walsworth
Donahue	Michot	
Gautreaux B	Morrell	
Total - 19		

The President of the Senate announced there were 20 Senators present and a quorum.

Prayer

The prayer was offered by Senator Mount, 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 McPherson, the reading of the Journal was dispensed with and the Journal of May 26, 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 26, 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. 40—
BY SENATOR LONG**

AN ACT

To repeal R.S. 13:997, relative to the Natchitoches Parish Law Library Commission; to abolish such commission; to transfer the property, assets, and revenues of the commission to the Tenth Judicial District Court; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 36—
BY SENATORS THOMPSON, LONG, NEVERS, RISER, SMITH AND
WALSWORTH**

AN ACT

To enact R.S. 3:2093(10) and 2095.1, relative to the Louisiana Board of Animal Health; to require the board to adopt rules and regulations establishing standards governing the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry; to prohibit local ordinances, laws, subdivision restrictions or regulations establishing standards applicable to the care and well-being of bovine, equine, ovine, caprine, porcine, and poultry; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 105—
BY SENATOR RISER**

AN ACT

To enact R.S. 49:191(5)(b) and to repeal R.S. 49:191(3)(g), relative to the Louisiana Workforce Commission; to provide for the re-creation of the Louisiana Workforce Commission and the statutory entities made a part of the commission by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 118—
BY SENATOR LONG**

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(F), relative to city courts; to increase the civil jurisdictional amount in dispute in the city court of Winnfield; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 301—
BY SENATOR WALSWORTH**

AN ACT

To amend and reenact R.S. 23:1553(B)(6) and (7) and (G), relative to the Incumbent Worker Training Program; to provide with respect to the Incumbent Worker Training Account; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 639—
BY SENATOR MURRAY**

AN ACT

To amend and reenact R.S. 23:1371(A), (B), and (C), 1371.1(introductory paragraph), 1373(A), 1377(A) and (C)(3), and 1378(A) and (F) and to enact R.S. 23:1371.1(5), (6), and (7) and 1371.2, relative to the Workers' Compensation Second Injury Fund; to provide for a focus on re-employment and retention of employees; to provide for definitions; to provide as to the frequency of meetings of the board; to provide relative to

interest earned by the fund; to provide for reimbursement in accordance with the fund; to provide as to when an employer has "knowledge" of a preexisting permanent partial disability; to provide conditions for reimbursement; to provide for reporting to the National Council on Compensation Insurance; to provide with respect to condition diagnoses; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 654—
BY SENATOR HEBERT

AN ACT

To enact Chapter 34 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S.13:5401, relative to the courts and judicial procedure; to provide authorization for judicial district courts to enter into intergovernmental agreements to jointly operate programs funded by state and federal funds in order to share administrative costs; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 376—
BY SENATORS MORRELL, CROWE AND DORSEY

AN ACT

To amend and reenact R.S. 46:1844(W)(1)(b) and to enact R.S. 46:1844(W)(1)(c), relative to criminal procedure; to provide for confidentiality of minors who are crime victims; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 81—
BY SENATORS MARTINY AND THOMPSON

AN ACT

To amend and reenact R.S. 14:95.2(C)(4) and R.S. 40:1379.3(C)(10) and (N)(11), relative to concealed handguns; to provide for prohibitions on statewide concealed handgun permits; to provide exception in criminal acts; to provide for certain qualifications; 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 27, 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.

HOUSE BILL NO. 5—
BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 49:316.1(A)(2)(a) and (c), relative to the administration of state government; to authorize the Department of Public Safety and Corrections, to accept debit or credit cards for payment of obligations owed to the state through the use of a third-party processor; to provide for the collection of a convenience fee; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 16—
BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 40:1379.3(D)(2), relative to concealed handgun permits; to provide with respect to the training of persons applying for a concealed handgun permit; to provide for the certification of concealed handgun permit instructors; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 18—
BY REPRESENTATIVE MORRIS

AN ACT

To enact R.S. 33:454, relative to mayors' courts; to establish the Mayor's Court of the Village of Hosston, Caddo Parish; to provide for the territorial jurisdiction of the court; to provide for the powers and authority of the mayor as magistrate of the court and other officers of the court; to provide relative to subject matter jurisdiction of the court; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 19—
BY REPRESENTATIVE PEARSON

AN ACT

To enact Code of Civil Procedure Article 4844(A)(6), relative to jurisdiction of a city court in eviction proceedings; to provide that the City Court of Slidell has the same jurisdictional limit for eviction proceedings as a justice of the peace court; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 21—
BY REPRESENTATIVE THIERRY

AN ACT

To enact R.S. 13:841(F), relative to fees of the clerk of court's office; to clarify that the clerk of court of the Twenty-Seventh Judicial District Court is authorized to charge existing fees for the filing and recordation of documents received electronically; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 22—
BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 15:570(A)(6), relative to capital punishment; to provide with respect to the witnesses present at the execution of a death sentence; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 24—
BY REPRESENTATIVE ABRAMSON

AN ACT

To amend and reenact R.S. 9:1702, relative to immovable property; to provide for the partition of certain property; to provide an exception allowing agreements not to partition electric generating plants or units for a certain period of time; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 29—
BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 15:893.1(1), relative to incarceration; to provide with respect to the assignment of inmates at certain correctional facilities; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 40—

BY REPRESENTATIVE FOIL

AN ACT

To enact R.S. 9:2005(3), relative to trusts; to provide for seizure of trust assets in certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 60—

BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 40:1379.3(A)(1), (B), (C)(introductory paragraph), and (T), relative to concealed handgun permits; to provide for the issuance of Louisiana concealed handgun permits; to provide with respect to the recognition of nonresident concealed handgun permits; to provide for a period of time when previously issued nonresident concealed handgun permits shall be considered valid; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 67—

BY REPRESENTATIVE LOPINTO

AN ACT

To amend and reenact R.S. 40:1236.14 and to enact R.S. 9:2793(C), relative to limitations of liability; to provide a limitation of liability for the use of automated external defibrillators at the scene of an emergency; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 95—

BY REPRESENTATIVE WHITE

AN ACT

To amend and reenact Code of Criminal Procedure Articles 411(A), 413, and 415, relative to the drawing and impaneling of grand jurors; to provide for the impaneling of grand jury members; to increase the number of alternate members which can be selected to serve on a grand jury; to provide for the selection of additional alternate grand jurors to fill vacancies on the grand jury; to provide for the selection of the foreman; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 105—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact Code of Criminal Procedure Article 875(A)(3), relative to presentence investigations; to amend presentence investigation provisions to include defendant's pretrial and post-conviction disciplinary records; and to provide for related matters.

Reported without amendments.

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.

Reported without amendments.

HOUSE BILL NO. 130—

BY REPRESENTATIVE WHITE

AN ACT

To amend and reenact Code of Criminal Procedure Articles 899(E) and 900(A)(introductory paragraph), relative to procedures following the arrest or summons for a violation of probation; to

increase the time period in which a defendant shall be brought before the court for a hearing on a probation violation; to provide for the use of affidavits in determining probable cause; to provide for time limitations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 141—

BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 40:1784, relative to applications to possess or transfer certain firearms; to provide for the use of electronic applications approved by the Department of Public Safety and Corrections for the possession or transfer of certain firearms; to provide that applications for the possession or transfer of certain firearms may be filed electronically; to provide that electronic applications are contingent upon purchase of equipment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 158—

BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 40:1379.3(C)(10) and to enact R.S. 40:1379.3(C)(18) and (19), relative to concealed handgun permits; to provide for the qualifications necessary for the issuance of a permit; to provide for a waiting period for reapplication following revocation or denial; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 173—

BY REPRESENTATIVES TEMPLET, ANDERS, ARMES, ARNOLD, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BILLIOT, HENRY BURNS, TIM BURNS, BURRELL, CHANDLER, CHANEY, CONNICK, CORTEZ, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, FANNIN, GISCLAIR, GREENE, GUILLORY, HARDY, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HUTTER, GIROD JACKSON, MICHAEL JACKSON, KATZ, LAFONTA, LAMBERT, LEBAS, LIGI, LORUSSO, MCVEA, MILLS, MONICA, MORRIS, NOWLIN, PUGH, RICHARD, RICHARDSON, RICHMOND, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, ST. GERMAIN, TALBOT, TUCKER, WADDELL, WHITE, WILLIAMS, WILLMOTT, AND WOOTON AND SENATOR MARTINY

AN ACT

To amend and reenact R.S. 40:966(B)(3), (E), and (F) and to enact R.S. 40:964(Schedule I)(C)(32) and 989.2, relative to controlled dangerous substances; to create the crime of the unlawful production, manufacturing, distribution, or possession of a material, compound, mixture, or preparation which contains a prohibited plant; to provide for definitions; to provide for criminal penalties; to provide for exceptions; to add certain hallucinogenic substances to Schedule I; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 195—

BY REPRESENTATIVES MILLS, WOOTON, PATRICIA SMITH, BARROW, BURRELL, CARMODY, DIXON, EDWARDS, HARDY, GIROD JACKSON, KATZ, LAFONTA, LOPINTO, MONTOUCET, NORTON, NOWLIN, ST. GERMAIN, STIAES, THIERRY, AND WILLIAMS AND SENATOR MARTINY

AN ACT

To amend and reenact R.S. 15:574.2(B), (C), (D), (E), and (F) and to enact R.S. 15:574.2(G), relative to the Board of Parole; to change the number of votes required to grant parole to offenders convicted of certain offenses; to provide for applicability; to provide for criteria; to provide for the granting of parole to certain offenders participating in work release programs; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 208—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 46:236.3(K)(2), relative to income assignment orders; to provide for an increase in the fine for failure to comply; to provide relative to the total amount withheld; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 221—

BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 9:303(C) and 315.11(A), R.S. 13:1621(B)(3) and (4), R.S. 15:305(D) and (E)(1), R.S. 46:236.1.2(D)(2) and (J), 236.7(A)(1) and (B), and 236.11.1(C)(3), Children's Code Article 311(B)(1)(a), and Code of Evidence Article 902(10), relative to child support; to make technical corrections to provisions governing child support; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 222—

BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 46:236.3(E)(3), relative to the enforcement of child support; to provide for the garnishment of income; to provide for the forwarding of payment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 235—

BY REPRESENTATIVE WOOTON
AN ACT

To enact R.S. 11:2185 and 2235 and R.S. 33:4712(G), relative to law enforcement officers; to authorize retired deputy sheriffs and retired municipal police officers to purchase their firearms upon retirement; to provide for certain criteria; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 238—

BY REPRESENTATIVE HOWARD
AN ACT

To enact R.S. 33:1448(Y), relative to the premium costs of group health and life insurance for retired sheriffs and retired deputy sheriffs of the Sabine Parish Sheriff's Office; to provide for eligibility for payment of premium costs; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 323—

BY REPRESENTATIVE WILLMOTT
AN ACT

To enact R.S. 9:2800.21, relative to curators; to provide a limitation of liability for certain curators and undercurators for the acts of interdicts; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 327—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact Code of Civil Procedure Article 1293(A), relative to service of process; to provide for the appointment of a private process server under certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 484—

BY REPRESENTATIVE EDWARDS
AN ACT

To amend and reenact R.S. 3:3652(9) and (15), 3653, 3656(A)(1) and (D), the heading of Part XIV of Chapter 1 of Code Title XXI of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 and R.S. 9:4770, R.S. 10:9-102(d), 9-308(b), 9-309(13), 9-315(a)(introductory paragraph) and (1), 9-322(f)(introductory paragraph) and (5), and 9-501(a)(introductory paragraph) and (1), to enact R.S. 10:9-322(g) and 9-501(a)(4), and to repeal R.S. 9:4521 and 4524 and R.S. 10:9-322(f)(6) and 9-501(a)(2), relative to security devices; to provide definitions; to provide for agricultural liens; to provide for perfection of liens; to provide for conflicts; to provide for rankings; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 496—

BY REPRESENTATIVE SMILEY
AN ACT

To amend and reenact R.S. 44:4.1(B)(1), to enact Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:1381 through 1430.13, and to repeal Chapters 10 and 14 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:1311 through 1373 and 1891 through 1907, relative to the Louisiana Feed Commission and the Fertilizer Commission; to provide for the merger of the Louisiana Feed Commission and the Fertilizer Commission; to provide for membership, duties, and responsibilities; to provide for the Louisiana Agricultural Liming Materials Law, and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 502—

BY REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 14:204.1, relative to fire-raising; to create the crime of fire-raising in a correctional facility; to provide criminal penalties; to provide for definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 549—

BY REPRESENTATIVE BALDONE
AN ACT

To enact Code of Criminal Procedure Article 233, relative to criminal procedure; to authorize the use of electronic signatures of offenders; to provide for the collection of electronic signatures; to provide for definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 556—

BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 14:95.2(C)(4) and R.S. 40:1379.3(N)(11), relative to firearms; to provide with respect to firearm-free zones; to provide relative to the possession of firearms by concealed handgun permit holders; to retain the prohibition regarding the carrying of concealed handguns at a school; to prohibit the carrying of concealed handguns on any school campus or school bus; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 606—BY REPRESENTATIVE ELLINGTON
AN ACT

To amend and reenact R.S. 3:2891, 2892, and 2896, relative to swine running at large; to remove certain exceptions to running at large, seizure and impoundment, and liabilities; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 608—BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact Code of Criminal Procedure Article 230.2(A), relative to probable cause determinations; to authorize the use of facsimile or other electronic means to transmit affidavits or other written evidence in probable cause determinations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 623—BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact Code of Civil Procedure Article 153 and Code of Criminal Procedure Article 673, relative to the recusal of judges; to provide for the authority of judges pending a motion to recuse; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 651—BY REPRESENTATIVE TEMPLET
AN ACT

To amend and reenact Children's Code Articles 1122(B)(8), (F)(12), (G)(12), 1125(B), 1189(3), 1270, 1271(A) and (B), 1272, 1273, 1276, 1515(B)(VI), 1517(A), 1518(B), 1519, 1520(B)(introductory paragraph) and (C), and 1522(B) and to enact Children's Code Articles 1515(A)(7) and 1517(E), relative to the continuous revision of the Children's Code; to provide for adoption; to provide for voluntary transfer of custody; to provide for contents of the surrender form; to provide for the Statement of Family History Form; to provide for voluntary registration, use of the registry, matching procedures, and who may register; to provide for effective date of registration, monitoring, verifying, matching, and counseling registrants; to provide for confidentiality of documents filed; to provide for disclosure of death of biological parents and adopted persons and grounds for disclosure; to provide for the contents and form of the petition for voluntary transfer; to provide for notice and service of the petition; to provide for appointment of counsel; to provide for required testimony at the hearing; to provide for the contents of the judgment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 751—BY REPRESENTATIVE FOIL
AN ACT

To enact R.S. 9:1255, relative to the installation of solar collectors; to provide for definitions; to provide for certain rights and prohibitions relative to the installation of solar collectors; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 762—BY REPRESENTATIVE ROY
AN ACT

To amend and reenact R.S. 14:93.3(E)(1), relative to the crime of cruelty to the infirmed; to provide for a minimum mandatory term of imprisonment for intentional and malicious acts of cruelty to the infirmed; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 774—BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 9:346(G), relative to visitation; to provide relative to defenses; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 840—BY REPRESENTATIVES SIMON, BOBBY BADON, BURFORD, HENRY BURNS, CHANEY, GUINN, HOWARD, LEBAS, LITTLE, PERRY, RITCHIE, ROY, AND THIBAUT
AN ACT

To enact Chapter 3-E of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:299, and R.S. 36:629(M) and 919.10, relative to the Louisiana Sustainable Local Food Policy Council; to provide for the council membership, duties and responsibilities, vacancies, and compensation; to provide for termination; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 847—BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 14:207(A), relative to the crime of alteration or removal of identifying numbers on motor vehicles; to provide for the elements of the crime; to include trailers; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 855—BY REPRESENTATIVE BOBBY BADON
AN ACT

To amend and reenact R.S. 35:407(A) and (B), relative to ex officio notaries public appointed by mayors; to authorize mayors of certain municipalities to appoint ex officio notaries public; to provide for limitations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 856—BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 9:1725(5), 1893, 1895(A), 1971, 2004(2), 2011, 2025, and 2045 and to enact R.S. 9:1973(C), 2031, and 2235, relative to the Louisiana Trust Code; to provide for the definition of "proper court"; to provide for class trusts; to provide for the interests of beneficiaries; to provide for the correction of cross references; to provide relative to the shifting of the interest of a principal beneficiary; to provide for the delegation of the right to terminate, modify, or amend certain trust provisions; to provide for the delegation of the right to revoke a trust; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 857—BY REPRESENTATIVE TIM BURNS
AN ACT

To direct the Louisiana State Law Institute to redesignate certain provisions from Title 44 of the Louisiana Revised Statutes of 1950 to Title 9 of the Louisiana Revised Statutes of 1950, relative to mortgage records; to provide for the effectiveness of references to redesignated statutes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 871—BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 46:236.6(A) and 236.7(B), relative to summonses for contempt for nonpayment of child support orders or medical support orders; to provide for authority to issue summonses for contempt; to provide for changes to a statutory

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reference regarding child support collection agencies; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 917—
BY REPRESENTATIVE WHITE
AN ACT

To enact R.S. 14:230(A)(2)(d) and (e), relative to money laundering; to amend the definition of "funds"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 940—
BY REPRESENTATIVE MONTOU CET
A JOINT RESOLUTION

Proposing to amend Article I, Section 17(A) of the Constitution of Louisiana, relative to jury trials in criminal cases; to provide for with respect to the waiver of a trial by jury; to provide that a criminal defendant's waiver of a jury trial shall be contingent upon the prosecution's consent and court approval; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1062—
BY REPRESENTATIVE FOIL
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 1113—
BY REPRESENTATIVES RICHMOND AND LEGER
AN ACT

To enact R.S. 33:9615, relative to local ethics entities; to provide for appellate review of decisions of the board; to provide restrictions on such right of appeal; to provide definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1133—
BY REPRESENTATIVES ARNOLD AND BALDONE
AN ACT

To enact Chapter 4-A of Code Title VII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3131 through 3136, relative to private transfer fee obligations; to provide for legislative intent; to provide for definitions; to prohibit private transfer fee obligations; to provide for liability for violations; to provide for disclosure of a private transfer fee; to provide for notice requirements for existing private transfer fees; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 1133 by Representative Arnold

AMENDMENT NO. 1

In Senate Committee Amendment No.11 proposed by the Senate Committee on Judiciary A and adopted by the Senate on May 26, 2010 on line 2, following "under" and before "and" delete "the"

HOUSE BILL NO. 1214—
BY REPRESENTATIVE WHITE
AN ACT

To enact R.S. 29:739, relative to intrastate mutual aid; to provide for the creation and implementation of an Intrastate Mutual Aid Compact; to provide for an Intrastate Mutual Aid Subcommittee; to provide for guidelines and procedures; to define certain terms; to provide for responsibilities of parishes; to provide for license, certificate, and permit portability; to provide for parish reimbursement; to provide relative to workers' compensation; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1314—
BY REPRESENTATIVES HARDY, BILLIOT, HENRY BURNS, TIM BURNS, CARTER, CONNICK, GISCLAIR, HENRY, HINES, HUTTER, LIGI, SIMON, JANE SMITH, THIERRY, WILLIAMS, AND WOOTON
AN ACT

To enact R.S. 15:542.1(A)(5), relative to sex offenders; to provide relative to sex offender notification requirements; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1335—
BY REPRESENTATIVE HINES
AN ACT

To amend and reenact Children's Code Article 899(B)(2)(b) and to enact Children's Code Article 779(B)(5), relative to juvenile dispositions; to authorize the court to require certain persons to perform community service; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1463— (Substitute for House Bill No. 1183 by Representative Ritchie)
BY REPRESENTATIVE RITCHIE
AN ACT

To enact R.S. 3:3419.1 and R.S. 6:333(F)(17), relative to the communication of certain producer information; to provide for disclosure of certain financial records; 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.

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 99—
BY SENATOR MCPHERSON
A RESOLUTION

To express support for consolidation of inpatient and outpatient services at Huey P. Long Medical Center to create a sustainable and economically feasible model, and to urge and request the governor, the Louisiana State University Board of Supervisors and the secretary of the Department of Health and Hospitals to take all actions necessary to streamline services and create a fiscally responsible, viable public medical center in central Louisiana capable of continuing its integral role in health workforce training and delivery of high quality direct patient care.

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

SENATE RESOLUTION NO. 100—

BY SENATOR WALSWORTH

A RESOLUTION

To commend and congratulate Peggy Wells on her installation as president of the Louisiana Federation of Business and Professional Women for 2010-2011.

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

**Introduction of
Senate Concurrent Resolutions**

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

SENATE CONCURRENT RESOLUTION NO. 95—

BY SENATOR JACKSON

A CONCURRENT RESOLUTION

To commend Forrest Dunn, former member of the House of Representatives on the occasion of his retirement as director of the Louisiana State Exhibit Museum in Shreveport.

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**

May 27, 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:

HB No. 391	HB No. 666	HB No. 667
HB No. 923	HB No. 1013	HB No. 1479
HB No. 1485	HB No. 1486	

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

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

HOUSE BILL NO. 391—

BY REPRESENTATIVE ROBIDEAUX AND SENATOR B. GAUTREAUX

A JOINT RESOLUTION

Proposing to amend Article III, Section 2(A)(2) and Article XIII, Section 1(A) of the Constitution of Louisiana and to repeal Article X, Section 29(C), relative to Acts of the legislature relative to public retirement systems; to provide relative to the prefiling deadline for retirement legislation; to repeal the public notice requirement for retirement legislation; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

HOUSE BILL NO. 666—

BY REPRESENTATIVE NOWLIN

AN ACT

To amend and reenact R.S. 47:337.13.1, relative to tax collection; to provide relative to the authority of local collectors to employ private counsel; to authorize the recovery of attorney fees under certain circumstances; to provide for certain limitations; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 667—

BY REPRESENTATIVE NOWLIN

AN ACT

To enact R.S. 47:337.28.1, relative to collection of local sales and use tax; to prohibit certain arbitrary assessments by tax collectors; to define arbitrary assessment; to authorize the recovery of litigation costs under certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 923—

BY REPRESENTATIVE LEGER

AN ACT

To enact R.S. 17:100.10(H), relative to the Public School Facilities Financing Act; to provide with respect to the Recovery School District; to provide for use of outside legal counsel for certain purposes; and to provide for related matters.

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

HOUSE BILL NO. 1013—

BY REPRESENTATIVE RICHMOND

AN ACT

To enact R.S. 13:621.41(J) and 1343(C), relative to the Forty-First Judicial District Court and the Criminal District Court for the parish of Orleans; to provide for the implementation of the workforce development sentencing pilot project program for the reentry division of the Forty-First Judicial District Court and the reentry division of the Criminal District Court for the parish of Orleans; to provide for conditions and procedures; 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. 1479— (Substitute Bill for HB 1425 by Representative Monica)

BY REPRESENTATIVE MONICA

AN ACT

To amend and reenact R.S. 32:384 (D) and (E)(1)(b) and to enact R.S. 32: 384(E)(1)(d) and (F), relative to trailers and towed vehicles; to require trailers with a certain gross weight capacity to be equipped with a safety device; 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. 1485— (Substitute for House Bill No. 635 by Representative Mills)

BY REPRESENTATIVE MILLS

AN ACT

To enact Part XXIV-C of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.64.1 through 1299.64.6, relative to Louisiana Physician Order for Scope of Treatment; to provide for the Louisiana Physician

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Order for Scope of Treatment program and form; to provide for definitions; to provide for the promulgation of rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 1486— (Substitute for House Bill No. 926 by Representative Little)

BY REPRESENTATIVES MORRIS, ARMES, BOBBY BADON, BILLIOT, BURFORD, HENRY BURNS, BURRELL, CARMODY, CHAMPAGNE, EDWARDS, GISCLAIR, HARDY, HARRISON, HENDERSON, HENRY, GIROD JACKSON, LITTLE, LORUSSO, NOWLIN, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, TUCKER, WADDELL, WILLIAMS, AND WOOTON AND SENATOR ADLEY

AN ACT

To enact Chapter 9-B of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:961 through 963, relative to the use of surface water; to provide for definitions; to provide for cooperative endeavor agreements to withdraw running surface water; to provide for findings and purpose; to provide for requirements for cooperative endeavor agreements to withdraw running surface water; to provide for the authority of the secretary of the Department of Natural Resources; to provide for legislative intent; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 107—

BY REPRESENTATIVES LOPINTO AND BROSETT

AN ACT

To amend and reenact Code of Criminal Procedure Article 211.5(A) and (C) and to enact Code of Criminal Procedure Article 211.5(D), relative to persons with outstanding warrants for misdemeanor offenses; to provide that a law enforcement officer may either arrest or release an individual for an outstanding warrant on certain offenses; to provide for exceptions; to provide for the collection of past due court costs, fines, or fees; and to provide for related matters.

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

HOUSE BILL NO. 468—

BY REPRESENTATIVE HOFFMANN

AN ACT

To amend and reenact R.S. 17:46(A)(1)(b) and 1170, relative to school employees; to provide eligibility for sabbatical leaves to certain certified school nurses, audiologists, educational diagnosticians, and speech-language pathologists employed by state special schools and by city, parish, and other local public school systems; to provide for limitations on such eligibility with respect to fiscal conditions; 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. 1055—

BY REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 17:221(I) and R.S. 36:649(D), to enact R.S. 17:1871(B)(8) and 3217.1(D), and to repeal R.S. 17:14, relative to adult education; to provide for the school attendance of certain students in adult education programs; to eliminate the division of adult and community education within the Department of Education; to transfer the responsibility for the provision of adult education programs from the State Board of Elementary and Secondary Education to the Board of Supervisors of Community and Technical Colleges and to provide with respect thereto; to provide for the powers, duties, and functions of the Board of Supervisors of Community and

Technical Colleges; to provide for an effective date of such transfer; 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. 1324—

BY REPRESENTATIVE RICHMOND

AN ACT

To repeal R.S. 38:301(C)(2)(e), relative to compensation in expropriation proceedings; and to repeal certain procedures for obtaining compensation in expropriation proceedings.

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

HOUSE BILL NO. 1483— (Substitute for House Bill No. 1360 by Representative Wooton)

BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 22:1924(A)(1) and to enact R.S. 22:1924(A)(3), relative to insurance fraud; to provide definitions; to establish penalties for knowingly and willfully committing health care fraud; 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. 1484— (Substitute for House Bill No. 503 by Representative Danahay)

BY REPRESENTATIVE DANAHAY

AN ACT

To amend and reenact R.S. 26:90(A)(5) and 286(A)(5) and to enact R.S. 26:793(A)(5), relative to homebrew beer; to provide for exceptions to the prohibitions for alcohol of high and low alcoholic content for homebrew beer; to provide for a three-day special event permit for a retail dealer to authorize homebrew on the licensed permits; to provide for purposes for which homebrew beer is authorized; to provide for limitations; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 1487— (Substitute for House Bill No. 1128 by Representative Leger)

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 17:3981(4), 3982(A)(1)(a), 3983(A)(3)(c), and 3991(B)(14) and to enact R.S. 3991(B)(24) and 3996(B)(24) and (25), relative to charter schools; to provide relative to the duties and responsibilities of the State Board of Elementary and Secondary Education when reviewing and approving a proposed charter; to provide relative to the duties and responsibilities of a local school board when reviewing and approving a proposed charter; to provide relative to charter requirements; to provide relative to certain exemptions granted charter schools from statutory mandates or other statutory requirements that are applicable to public schools; to provide effective dates; and to provide for related matters.

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

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 82—

BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 18:59.2(B), relative to registrars of voters; to provide relative to authorized positions in the office of the registrar of voters in St. Landry Parish; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 82 by Senator Guillory

AMENDMENT NO. 1

On page 2, line 1, after "**Parish**" insert "**, subject to annual appropriations of the legislature**"

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

SENATE BILL NO. 272—

BY SENATOR DORSEY

AN ACT

To enact Chapter 2-A of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3579.1 through 3579.6, relative to the Louisiana Tax Refund Anticipation Loan Act; to provide for legislative intent; to provide for definitions; to provide for fees; to provide for notice; to provide for powers of the commissioner of financial institutions; and to provide for related matters.

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

SENATE BILL NO. — (Substitute of Senate Bill No. 272 by Senator Dorsey)

BY SENATOR DORSEY

AN ACT

To enact Chapter 2-B of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3579.1 through 3579.4, relative to the Louisiana Tax Refund Anticipation Loan Act; to provide for restrictions; to provide for registration; to provide for disclosure; to provide for powers of the commissioner of financial institutions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 2-B of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3579.1 through 3579.4, is hereby enacted to read as follows:

CHAPTER 2-B. LOUISIANA TAX REFUND ANTICIPATION LOAN ACT

§3579.1. Short title

This Chapter shall be known and may be cited as the "Louisiana Tax Refund Anticipation Loan Act".

§3579.2. Definitions

(1) "Borrower" means an individual who receives the proceeds of a refund anticipation loan.

(2) "Facilitator" means a person who, for compensation from a borrower or any other person, assists the borrower in applying for or obtaining a refund anticipation loan. "Facilitator" does not include a lender that makes a refund anticipation loan, an affiliate that is a servicer for such a lender, or any person who does not have direct contact with a borrower in connection with applying for or obtaining a refund anticipation loan. For the purposes of this Chapter, a "facilitator" shall also mean the individual or entity that signs the tax return on which the refund anticipation loan is based.

(3) "Lender" means a person who extends credit to a borrower in the form of a refund anticipation loan.

(4) "Refund anticipation loan" means a loan borrowed by a taxpayer based on the taxpayer's anticipated federal income tax refund.

(5) "Refund anticipation loan fee" means a fee imposed or other consideration required by the facilitator or the lender for a refund anticipation loan. The term does not include a fee usually imposed or other consideration usually required by the facilitator in the ordinary course of business for services not

related to the making of loans, including a fee imposed for tax return preparation or for the electronic filing of a tax return.

§3579.3. Restriction on acting as facilitator

A. A person may not, individually or in conjunction or cooperation with another person, act as a facilitator unless he complies with all of the following requirements:

(1) Is engaged in the business of preparing tax returns, or employed by a person engaged in the business of preparing tax returns.

(2) Is primarily involved in financial services or tax preparations.

(3) Is authorized by the Internal Revenue Service as an e-file provider.

B. This Section shall not apply to any of the following entities:

(1) Banks, thrifts, savings associations, industrial banks, or credit unions operating under the laws of the United States or this state.

(2) An affiliate that is a servicer of an entity described in Paragraph (1) of this Subsection, operating under the name of that entity.

(3) Any person or entity that acts solely as an intermediary and does not interact directly with a taxpayer in the making of the refund anticipation loan.

§3579.4. Disclosure requirements

A. A facilitator shall discuss with and clearly disclose to a borrower, after the borrower's tax return has been prepared and before the loan is closed, all of the following items:

(1) The refund anticipation loan fee schedule.

(2) A written statement disclosing all of the following items:

(a) That a refund anticipation loan is a loan and is not the borrower's actual income tax refund.

(b) That the taxpayer may file an income tax return electronically without applying for a refund anticipation loan.

(c) That the borrower is responsible for repayment of the loan and related fees if the tax refund is not paid or is insufficient to repay the loan.

(d) Any fee that will be charged if the loan is not approved.

(e) The average time, as published by the Internal Revenue Service, within which a taxpayer can expect to receive a refund for an income tax return filed by either of the following methods:

(i) Electronically, and the refund is delivered by either of the following methods:

(aa) Deposited directly into the taxpayer's bank account.

(bb) Mailed to the taxpayer.

(ii) By mail, and the refund is delivered by either of the following methods:

(aa) Deposited directly into the taxpayer's financial institution account.

(bb) Mailed to the taxpayer.

(f) That the Internal Revenue Service does not make either of the following guarantees:

(i) Payment of the full amount of the anticipated refund.

(ii) A specific date on which it will mail a refund or deposit the refund into a taxpayer's financial institution account.

(g) The estimated time within which the proceeds of the refund anticipation loan will be paid to the borrower if the loan is approved.

(3) All of the following information, specific to the borrower:

(a) The estimated total fees for the loan.

(b) The estimated annual percentage rate for the loan, calculated using the guidelines established under the Truth in Lending Act (15 U.S.C. Section 1601 et seq.).

B. A refund anticipation loan fee schedule required by Paragraph (1) of Subsection A of this Section, shall be a listing or table of refund anticipation loan fees charged by the lender for refund anticipation loan amounts. The schedule shall include all of the following:

(1) Each fee imposed related to the making of a refund anticipation loan listed separately.

(2) The total amount of fees imposed related to the making of a refund anticipation loan.

(3) For each stated loan amount, the estimated annual percentage rate for the loan, calculated using the guidelines

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established under the Truth in Lending Act (15 U.S.C. Section 1601 et seq.).

C. Tax preparers who facilitate refund anticipation loans shall post the schedule of fees imposed by the facilitator for making refund anticipation loans, in a conspicuous manner at the tax preparer's location.

Section 2. This Act shall become effective on January 1, 2011.

On motion of Senator Duplessis, the committee substitute bill was adopted and becomes Senate Bill No. 805 by Senator Dorsey, substitute for Senate Bill No. 272 by Senator Dorsey.

SENATE BILL NO. —805 (Substitute of Senate Bill No. 272 by Senator Dorsey)

BY SENATOR DORSEY

AN ACT

To enact Chapter 2-B of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3579.1 through 3579.4, relative to the Louisiana Tax Refund Anticipation Loan Act; to provide for restrictions; to provide for registration; to provide for disclosure; to provide for powers of the commissioner of financial institutions; and to provide for related matters.

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

SENATE BILL NO. 507—

BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 42:1132(D), 1134(N), and 1157(A)(1) and (3) and to enact Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9661 through 9669, relative to the regulation of lobbying; to provide for the regulation of lobbying of local government; to provide for the reporting of certain expenditures by principals and employers of lobbyists; to provide definitions; to provide for registration, reporting, and disclosure; to provide for administration and enforcement; to provide for penalties; 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. 515—

BY SENATOR KOSTELKA

AN ACT

To amend and reenact R.S. 44:4.1(B)(10), relative to public records; to provide relative to exceptions to public records law for certain records; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 515 by Senator Kostelka

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 44:4.1(B)(10)" insert "and (25)"

AMENDMENT NO. 2

On page 1, line 6, after "R.S. 44:4.1(B)(10)" delete "is" and insert "and (25) are"

AMENDMENT NO. 3

On page 1, after line 17, insert the following:
"(25) R.S. 42:6.1, 57, 1111, 1116.1, 1141, 1158, 1161
* * *

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 Kostelka, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 554—

BY SENATOR GUILLORY

AN ACT

To enact R.S. 15:569(D) and R.S. 49:967(E) and (F), relative to the Administrative Procedure Act; to provide that the Administrative Procedure Act does not apply to certain actions of the Department of Public Safety and Corrections; 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. 563—

BY SENATOR CHEEK

AN ACT

To enact R.S. 46:2742(D), relative to the nursing home reimbursement methodology; to provide for certain monies collected by the Department of Health and Hospitals to be deposited into the Medicaid Trust Fund for the Elderly; 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. 593—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 44:5, relative to public records; to provide for the application of public records law to records of the office of the governor; to provide exceptions; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 593 by Senator Adley

AMENDMENT NO. 1

On page 2, line 13, after "staff" change "shall" to "may"

AMENDMENT NO. 2

On page 2, line 24, after "confidential" insert "for a period not to exceed seven days following the scheduled event"

AMENDMENT NO. 3

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

AMENDMENT NO. 4

On page 3, between lines 4 and 5, insert the following:
"(5) The provisions of Paragraph (2) of this Subsection shall not apply to any record of the office of the governor relative to fiscal or budgetary matters."

AMENDMENT NO. 5

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

AMENDMENT NO. 6

On page 3, line 29, after "counsel," insert "and" and after "director of policy," delete the remainder of the line

AMENDMENT NO. 7
On page 4, delete line 1

AMENDMENT NO. 8
On page 4, line 2, delete "members of their staffs,"

AMENDMENT NO. 9
On page 4, line 10, after "applicable," insert the following: "After the lapse of ten years, the records of the office of the governor, as maintained by the state archivist and deposited with the state archives program pursuant to R.S. 44:417, shall be public record."

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

SENATE BILL NO. 766—
BY SENATOR MCPHERSON
AN ACT

To enact Part II of Chapter 58 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2745 and 2746, relative to reimbursement methodology for mental health services; to direct the Department of Health and Hospitals to establish a uniform reimbursement methodology for community mental health centers and community mental health clinics; to direct the department to promulgate rules and regulations relative to the uniform reimbursement methodology; and to provide for related matters.

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

SENATE BILL NO. — (Substitute of Senate Bill No. 766 by Senator McPherson)
BY SENATOR MCPHERSON
AN ACT

To enact Part II of Chapter 58 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2745 and 2746, relative to reimbursement methodology for mental health services; to direct the Department of Health and Hospitals to establish a common reimbursement methodology for community mental health centers and community mental health clinics; to direct the department to promulgate rules and regulations relative to the uniform reimbursement methodology; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II of Chapter 58 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2745 and 2746, is hereby enacted to read as follows:

**PART II. REIMBURSEMENT METHODOLOGY
FOR COMMUNITY MENTAL
HEALTH CENTERS AND COMMUNITY
MENTAL HEALTH CLINICS**

§2745. Legislative findings and purpose

A.(1) The current methodology for reimbursement for services to indigent and Medicaid recipients for mental health services results in a significant discrepancy between payment rates for community mental health centers and community mental health clinics.

(2) The current methodology has resulted in ready access to mental health services for persons covered by Medicare and other health insurance programs, while indigent and Medicaid patients are often unable to access desperately needed mental health services.

(3) The Patient Protection and Affordable Care Act, hereinafter referred to as the "Act", provides that beginning April 1, 2011, in order to meet the definition of a community mental health center, forty percent of the services provided by such centers must be provided to non-Medicare recipients. Currently, Louisiana's community mental health centers serve a Medicare insured clientele that receives approximately ninety percent of their total services and generates in excess of eighty-five million dollars for our state's economy. If Louisiana's

community mental health centers cannot meet the forty percent threshold mandated by the Act, that funding could be substantially reduced or entirely lost.

(4) The Act also expands Medicaid eligibility income limits to one hundred and thirty-three percent of the federal poverty limit beginning in 2014. The Department of Health and Hospitals estimates that may add as many as six hundred thousand Louisiana residents to the Medicaid program, meaning that almost forty percent of our population will be insured by Medicaid, making it virtually impossible for Louisiana-based community mental health centers to meet the payor mix threshold mandated by the Act if they are not permitted to provide services to our Medicaid population.

(5) Currently, community mental health centers are certified by the Centers for Medicare and Medicaid Services. While Department of Health and Hospitals does license mental health clinics, it does not license mental health centers. Executive Order BJ 08-24, authorized the department to begin accepting applications for enrollment in the Medicaid program from Medicare-certified community mental health centers for purposes of adjudicating crossover claims from the Medicare program. The executive order also provided for the department to begin licensing and accepting applications for enrollment in the Medicaid program from new mental health clinics upon publication and promulgation of rules and regulations providing for a revised reimbursement system and standards of participation for mental health clinics. These rules have not yet been published by the Department of Health and Hospitals.

B. The purpose of this Part is to propose changes to the reimbursement methodology for community mental health centers and community mental health clinics reimbursed through the office of mental health and the Medicaid program to ensure that such centers and clinics are paid in accordance with R.S. 46:2746.

§2746. Reimbursement methodology; rules and regulations

A. The Department of Health and Hospitals shall work with stakeholders to develop a common reimbursement methodology for freestanding Medicare certified community mental health centers and community mental health clinics. Such methodology shall include a requirement that all providers be enrolled in the Medicare program and be deemed eligible for participation in Medicaid and certified by the Louisiana Association for Behavioral Health.

B. No later than January 1, 2010, the department shall issue a notice of intent to promulgate rules and regulations, in accordance with the Administrative Procedure Act, to provide for a common reimbursement system.

Section 2. The Louisiana State Law Institute is hereby directed to place the provisions of R.S. 46: 2741 through 2744 in their entirety within Part I of Chapter 58 of Title 46 of the Louisiana Revised Statutes of 1950, and to designate Chapter 58 as "Reimbursement Methodology" and Part I as "Reimbursement Methodology of Nursing Homes".

On motion of Senator Mount, the committee substitute bill was adopted and becomes Senate Bill No. 806 by Senator McPherson, substitute for Senate Bill No. 766 by Senator McPherson.

SENATE BILL NO. 806— (Substitute of Senate Bill No. 766 by Senator McPherson)

BY SENATOR MCPHERSON
AN ACT

To enact Part II of Chapter 58 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2745 and 2746, relative to reimbursement methodology for mental health services; to direct the Department of Health and Hospitals to establish a common reimbursement methodology for community mental health centers and community mental health clinics; to direct the department to promulgate rules and regulations relative to the uniform reimbursement methodology; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 174— BY REPRESENTATIVE EDWARDS AN ACT

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

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

HOUSE BILL NO. 203— BY REPRESENTATIVE TALBOT AN ACT

To amend and reenact R.S. 22:341(C), relative to foreign and alien insurers; to provide relative to return of deposit upon withdrawal from the state; 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. 206— BY REPRESENTATIVE FANNIN AN ACT

To enact R.S. 40:1730.28(A)(3)(f), relative to building codes; to prohibit the adoption of a code or regulation requiring sprinklers in one- and two-family dwellings; to prohibit the adoption of an ordinance requiring sprinklers in one- and two-family dwellings; 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. 282— BY REPRESENTATIVE ROY AN ACT

To amend and reenact R.S. 9:3550(G)(3)(a)(iv) and to enact R.S. 22:887(I), relative to insurance policies and contracts; to provide relative to reinstatement of insurance policies and contracts subsequent to cancellation; 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. 282 by Representative Roy

AMENDMENT NO. 1 On page 1, line 2, after "reenact" delete the remainder of the line and insert the following: "R.S. 9:3550(D)(2), (G)(2) and (3)(a)(iv) and R.S. 22:905(2) and to enact R.S. 22:887(I), relative to"

AMENDMENT NO. 2 On page 1, line 3, after "contracts;" insert "to provide with respect to written notice required before lapsing life policies;"

AMENDMENT NO. 3 On page 1, line 6, after "Section 1." delete the remainder of the line and insert the following: "R.S. 9:3550(D)(2), (G)(2) and (3)(a)(iv) are hereby amended and reenacted to read as"

AMENDMENT NO. 4 On page 1, between lines 9 and 10, insert the following: "D. * * *

(2) Upon accepting, funding, or declining a premium finance agreement of a related insurance contract primarily for personal, family, or household use, when the premiums were paid or were to be paid to the providing insurance agent, the premium finance company shall deliver or mail accountable written or electronic notification within five business days advising the insurer, managing general agent, or general agent of its action to accept, fund, or decline the premium finance agreement. The notification shall state the insured's full name and address, the producing insurance agent's full name and address, the total policy cost, and the premiums that were paid to the producing insurance agent, or that the payment of premium was declined. With respect to commercial policies, the insurer, managing general agent, or general agent receiving notification shall deliver or mail accountable written or electronic notification within ten business days advising the premium finance company that an insurance contract or contracts or endorsements listed in and related to the premium finance agreement was not issued."

* * *

AMENDMENT NO. 5 On page 1, between lines 11 and 12, insert the following:

"(2) Upon default of the insurance premium finance agreement by the debtor, the premium finance company shall mail or send an electronic notice of cancellation to the insured, at his last known mailing or electronic address as shown on the records of the insurance premium finance company. In the event the default is timely cured, the premium finance company shall, within three business days from the time the default was cured, mail or send electronic notice of rescission of the cancellation notice to the insured, at his last known mailing or electronic address as shown on the records of the premium finance company and to all other parties who had previously been sent notice of cancellation. In the event the default is not timely cured as provided herein and the insurance policy is canceled pursuant to the terms of the insurance premium finance agreement, a copy of the notice of cancellation of the insurance contract shall also be sent to the insurance agent negotiating the related insurance contract whose name and place of business appears on the insurance premium finance agreement. Such notice of cancellation shall also state the name of any governmental agency, holder of a security interest in the insured property, or third party also requiring notice of cancellation as shown on the insurance premium finance agreement."

AMENDMENT NO. 6 On page 2, line 5, delete "Any premium" and delete lines 6 through 10 in their entirety.

AMENDMENT NO. 7 On page 2, line 12, between "Section 2." and "R.S. 22:887(I)" insert the following: "R.S. 22:905(2) is hereby amended and reenacted and"

AMENDMENT NO. 8 On page 2, below line 19, add the following: "§905. Written notice required before lapsing life policies No life insurer shall within one year after default in payment of any premium, installment, loan or interest, declare forfeited or lapsed any policy issued or renewed, and not issued upon the payment of monthly or weekly premiums or for a term of one year or less, for non-payment when due of any premium, installment, loan or interest, or any portion thereof required by the terms of the policy to be paid, unless a written or printed notice stating: * * *

(2) The place where it shall be paid and the person to whom the same is payable, shall have been duly addressed and mailed to the person whose life is insured or and the assignee of the policy if notice of the assignment has been given to the insurer, at the last known post office address of such insured or assignee, postage prepaid by the insurer or any person appointed by it to collect such payment, at least fifteen and not more than forty-five days prior to the date when the same is payable. * * *"

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. 296—

BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 42:1123(26), relative to the Code of Governmental Ethics; to allow the acceptance of certain gifts by public servants under certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 337—

BY REPRESENTATIVE LEBAS
AN ACT

To enact R.S. 22:1856(F), relative to pharmacy claims; to provide relative to determination of processing fees on such claims; 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 Engrossed House Bill No. 337 by Representative LeBas

AMENDMENT NO. 1

On page 1, below line 11, add the following:
"Section 2. This Act shall become effective on January 1, 2011."

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. 338—

BY REPRESENTATIVE MONICA
AN ACT

To amend and reenact R.S. 22:1806.2(7) and 1806.3(G) and to enact R.S. 22:1806.1(B)(4), relative to regulation of home service contract providers by the commissioner of insurance; to provide for definitions; to provide for exemptions; 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. 341—

BY REPRESENTATIVE SMILEY
AN ACT

To amend and reenact R.S. 37:683(B)(3), relative to terms for appointments to the Louisiana Professional Engineering and Land Surveying Board; to provide for a two-year term for one of the licensed professional land surveyor appointees; 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. 341 by Representative Smiley

AMENDMENT NO. 1

On page 1, delete lines 3 and 4 and insert "Professional Engineering and Land Surveying Board; to provide relative to terms of certain appointments; and to provide for"

AMENDMENT NO. 2

On page 1, line 12, after "(3)" insert "(a)"

AMENDMENT NO. 3

On page 1, delete lines 13 and 14 and insert: "more than six years. All appointments shall be for such periods of time as to ensure that the terms of not more than two board members end per year, and shall expire on"

AMENDMENT NO. 4

On page 1, delete line 19 and insert: "original expiration year.
(b) Notwithstanding any provision of this Paragraph to the contrary, the term of the licensed professional land surveyor scheduled to expire on March 31, 2010, shall be extended to March 31, 2012. The term scheduled to expire on March 31, 2012, of the licensed professional engineer in government employment shall be extended to March 31, 2015. The provisions of this Subparagraph shall expire on April 1, 2015."

AMENDMENT NO. 5

On page 2, delete lines 1 and 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. 343—

BY REPRESENTATIVE WILLMOTT
AN ACT

To amend and reenact R.S. 37:935, relative to the practice of registered nursing; to provide authority for registered nurses to administer anesthetic agents through perineural catheters; 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. 368—

BY REPRESENTATIVE ARNOLD
AN ACT

To enact R.S. 6:969.18(A)(5), relative to fees or expenses charged by an extender of credit; to allow for fees and expenses incurred in connection with the financing of a manufactured home; 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. 382—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 40:1582(B), relative to emergency elevator access; to require a new elevator installed in a commercial building with five or fewer stories to operate with the fire emergency master key; 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. 386—

BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 51:935.1(A)(1)(a) and (2), (B)(4)(introductory paragraph), and (E)(1)(a), to enact R.S. 51:935.1(B)(4)(f) through (l) and (6), and to repeal R.S. 51:935.1(A)(3), relative to the Department of Economic Development; to require an annual report; to require the report to be submitted electronically to each member of the Legislature of Louisiana; to require reporting of each local or regional economic development commission participating in the development of prospective businesses; to require the reporting of jobs created and retained; to require the reporting of revenue; to require a listing of successful businesses from fiscal years previously reported; to require the reporting of workers trained to meet needs; and to provide for related matters.

May 27, 2010

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. 406—

BY REPRESENTATIVE WADDELL
AN ACT

To amend and reenact R.S. 51:2361(B)(2) and 2365(D) and to enact R.S. 51:2361(B)(3) and (4), relative to certain economic development funds; to provide relative to the reports on expenditures related to such funds; 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. 449—

BY REPRESENTATIVE NOWLIN
AN ACT

To amend and reenact R.S. 37:687(A), 690(A), 693(B)(4)(a), 697(A), and 698(A)(7) and (10), (D), (E), (F), (G), (K), and (M), 700(D), (E), (F), (G), (K), (M), and (Q) and to enact R.S. 37:700(A)(11), relative to the Louisiana Professional Engineering and Land Surveying Board; to change the name of the executive secretary of the board to the executive director; to provide for a change to minimum requirements for licensure of a land surveyor; to provide for changes to disciplinary and enforcement proceedings by the board; to provide for changes to complaint review committees within the board; to provide for powers and duties of complaint review committees; 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. 452—

BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 6:969.6(23) and (29), 969.35(A)(2), 969.42, the heading of Part VIII of Chapter 10-B of Title 6 of the Louisiana Revised Statutes of 1950, and 969.51 and to enact R.S. 6:969.6(34) and (35), 969.52, 969.53, and 969.54, relative to the Louisiana Motor Vehicle Sales Finance Act; to provide for changes in definitions; to provide for new definitions; to provide for debt waiver or debt forgiveness agreements; to provide for requirements of GAP coverage; to provide for liability, disclosures, or cancellations regarding debt waiver or debt forgiveness agreements; 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. 463—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:851(A), 852(B), 853(B), 854(A), 855(A)(1), (B)(1) and (2)(a) and (b), (C), (D)(2), (G), and (H), 856(introductory paragraph), 857, 860(A) and (B)(introductory paragraph), 861(B) and (F), 862(2) and (5), 863(A), 864(B)(4), (5), and (8), and (C), 865(introductory paragraph) and (1), 866, 867, 868(A)(introductory paragraph) and (1) and (B), 871, 875 through 878, 879(introductory paragraph) and (2) and (3), 880, 882(1) through (5), 883(C)(5)(c) and (d), 884, 885(A), (C), and (D), 886, 887(A)(introductory paragraph) and (1)(b) and (2), (B), (D)(1), (E), (G)(2), and (H), and 888(B)(1) and (2), (C), (D), and (E), relative to technical recodification of certain provisions of the Louisiana Insurance Code relative to general insurance policy requirements, including correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or ineffective provisions, and harmonizing of inconsistent provisions; 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. 464—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:272(E)(2), 971, 972(A), 973, 974, 975(A)(introductory paragraph) and (1) through (8) and (10) through (13), (B)(introductory paragraph) and (1) through (7), 976(B), 977(B), 978(A)(2) and (B), 980(B), 983, 984(A) and (B), 985, 986(A)(1) and (3)(introductory paragraph) and (B), 987, 988(I)(1)(introductory paragraph), 989, 990(B)(introductory paragraph) and (1), 992, 993, 995(C), 999(E)(2), 1000(A)(introductory paragraph), (2)(a), and (3)(c), (B), and (D), 1002, 1003(A)(1), 1004(A), 1006(C) and (E)(5), 1009(A)(7), 1015, 1023(A)(9)(b)(introductory paragraph) and (i), (B)(4)(a)(introductory paragraph) and (i), and (F)(2)(introductory paragraph) and (a), 1024(A) and (D), 1025(B), 1026(A)(4) and (B), 1027(B), 1028(A)(4), (F), and (G), 1029(D), 1030(D), 1031(B), (C), and (D), 1032(C), 1034(B)(3) and (D)(1), 1035(D), 1037(A), (B), and (C)(3), 1038(C)(1), (E), and (F), 1040(B) and (E), 1043(A)(3)(b), 1044(A)(4), 1046(F), 1049(I), 1050(H)(3), 1061(1)(a), (3), (4)(j), and (5)(e)(i), (f), and (u)(introductory paragraph) and (ii)(bb), 1062(A)(1) and (D)(3), 1066(A)(2)(c) and (B)(introductory paragraph), 1072(D)(introductory paragraph), 1077(B) and (C)(introductory paragraph) and (1), 1095(D), and 1821(F)(3), all relative to technical recodification of certain provisions of the Insurance Code relative to health and accident insurance, including correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or ineffective provisions, harmonizing of inconsistent provisions, and standardizing of language exempting limited benefit policies or contracts from health insurance mandates; 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. 465—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:1261, 1262, 1263(A), 1265(A)(1) and (2) and (B), 1266(A)(introductory paragraph) and (1), (D)(1), (2), (3)(a)(i), (b), (c)(i), and (d)(i) and (iii), and (4), (E)(1)(b) and (3), (I), (K), and (L), 1267(A), (B)(3), (C)(1)(g), and (D)(3), 1268(A)(introductory paragraph) and (1), 1269(A), (B)(1)(introductory paragraph) and (a) through (e), and (D), 1270(A) and (B)(1)(a) and (b), 1283(A) and (B), 1284(C), 1285, 1288(A), 1290, 1295(1)(a)(i), (c), and (e), (5), and (6)(d), 1311(A), (B), (D)(introductory paragraph) and (1) and (E), 1312, 1313(A) and (B), 1314, 1333(A) and (B)(1), (2), and (3), 1456(A) and (B)(1), 1460(G), 1466(A) and (E), 1468(C), 1470(A), 1471(B), 1472(A) and (B), 1473(A), 1474, 1479, 1482(A), and 1484(A)(1) and to repeal R.S. 22:1475(C) and (D) and 1480, all relative to technical recodification of certain provisions of the Louisiana Insurance Code relative to property insurance, including correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or ineffective provisions, and harmonizing of inconsistent provisions; 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. 504—

BY REPRESENTATIVE WILLMOTT
AN ACT

To amend and reenact Children's Code Articles 1152(B), (C), (D), (E), (F), and (G) and 1160 (1) and (2) and to enact Children's Code Article 1152(H), relative to safe haven infant relinquishments; to provide for instruction on safe haven relinquishment procedures for employees of designated emergency care facilities; to provide for safe haven publicity

and training information 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 Reengrossed House Bill No. 504 by Representative Willmott

AMENDMENT NO. 1

On page 1, line 3, change "Article 1152(H)," to "Articles 1152(H) and (I)."

AMENDMENT NO. 2

On page 1, line 5, after "facilities;" insert "to provide for immunity from civil penalties;"

AMENDMENT NO. 3

On page 1, line 10, change "Article 1152(H) is" to "Articles 1152(H) and (I) are"

AMENDMENT NO. 4

On page 1, line 16, after "facility," delete the remainder of the line and delete line 17 in its entirety and insert in lieu thereof the following: "A designated emergency care facility or its employees or volunteers shall not be held liable for any civil penalty for failure to comply with the provisions of this Subsection.

C. Instruction by a designated emergency care facility on safe haven relinquishment procedures may:

(1) Be provided in any manner that is deemed appropriate and sufficient by the facility.

(2) Vary depending on the type of facility and the job duties of the employees being trained.

(3) Utilize the downloadable instructional video and training materials provided by the Department of Social Services on the department's website."

AMENDMENT NO. 5

On page 1, line 18, change "C." to "D."

AMENDMENT NO. 6

On page 2, line 3, change "D." to "E."

AMENDMENT NO. 7

On page 2, line 7, change "E." to "F."

AMENDMENT NO. 8

On page 2, line 16, change "F." to "G."

AMENDMENT NO. 9

On page 2, line 19, change "G." to "H."

AMENDMENT NO. 10

On page 2, line 21, change "H." to "I."

AMENDMENT NO. 11

On page 3, line 13, after "Written information" change "and" to a comma "," and after "training materials," insert "and an instructional video"

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. 553—

BY REPRESENTATIVE WADDELL
AN ACT

To enact R.S. 51:2362 and 2366, relative to the Louisiana Mega-Project Development Fund and the Rapid Response Fund; to require the development of uniform accountability reports for the funds; to require for written and electronic forms of a list of cooperative endeavor agreement, name of receiving entity, and the amount of incentive awarded for all projects developed by the funds; 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. 559—

BY REPRESENTATIVE WADDELL
AN ACT

To enact R.S. 51:2362, relative to the Rapid Response Fund; to provide for mandatory accountability requirements for each legal agreement involving Rapid Response Fund projects; 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.

HOUSE BILL NO. 612—

BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 51:911.22(1) and (12) and 911.23(A), and to enact R.S. 51:911.22(13), 911.23(C), and 911.26(F)(10), relative to modular and manufactured homes; to provide for changes to definitions; to provide for a definition of "modular home"; to provide for regulation of modular homes; to provide for additional powers and duties of the commission; 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. 612 by Representative Foil

AMENDMENT NO. 1

On page 1, line 2, change "911.23(A)" to "911.25"

AMENDMENT NO. 2

On page 1, line 3, delete ", 911.23(C)"

AMENDMENT NO. 3

On page 1, line 8, change "911.23(A)" to "911.25"

AMENDMENT NO. 4

On page 1, line 9, delete ", 911.23(C)"

AMENDMENT NO. 5

On page 2, delete lines 8 through 22, and insert the following:

* * *

§911.25. Warranty

A. Each new manufactured home or new modular home, sold as such in Louisiana shall be covered by warranties that shall protect only the first retail purchaser of the manufactured home, for a period of one year from the date of the purchase, in accordance with the terms of the warranty: the New Home Warranty Act, R.S. 9:3141 et seq. For the provisions of this Part, the manufacturer, the retailer, and the installer shall be considered the builders of the home, as each is responsible for different phases of the construction of the factory-built home.

(1) The manufacturer shall warrant, in writing, that the manufactured home was in compliance with the Code and the requirements of this Part at the time of manufacture. Further, the manufacturer shall warrant that the manufactured home was manufactured free from any defects in materials or workmanship as outlined in the Code.

(2) The installer shall warrant that the manufactured home was installed according to the Minimum Standards for Installation of Manufactured Homes (R.S. 51:912.21 et seq.).

(3) The manufacturer, retailer, or installer shall not be liable for any defect in the manufactured home which is the result of improper setup, moving, or defects in work or materials done or furnished by persons other than the manufacturer, retailer, or installer.

B. Manufactured homes or modular homes sold as used ~~manufactured~~ homes shall not be covered by a warranty unless provided for in writing outlining the terms and conditions of the warranty.

C. ~~The warranty required by this Part shall be in addition to and not in derogation of any other warranties, rights, and privileges which the buyer may have under any other law or instrument. The buyer may not waive his rights under this Part and any such waiver is hereby prohibited as contrary to public policy and shall be unenforceable and void.~~

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. 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.

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

HOUSE BILL NO. 741—
BY REPRESENTATIVE JOHNSON

AN ACT

To amend and reenact R.S. 46:236.1.4(B), relative to family and child support programs; to provide for financial institution duties; to provide for the authority of other states to place levies and liens on assets of noncustodial parents; 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. 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.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Engrossed House Bill No. 744 by Representative Roy

AMENDMENT NO. 1

On page 1, delete lines 12 through 18 in their entirety and in lieu thereof insert the following:

"C. A health insurance issuer offering group health insurance coverage shall not rescind such coverage with respect to an enrollee or insured once the enrollee or insured is covered under such coverage involved, except that this Subsection shall not apply to an enrollee or insured who has performed an act or practice that constitutes fraud or makes an intentional misrepresentation of material fact. Such coverage may not be cancelled except with prior notice to the enrollee or insured, and only as permitted by federal law or regulation pursuant to 42 U.S.C.A. Section 300gg-12, ("Public Health Services Act"). The provisions of this Subsection shall not apply to limited benefit health insurance policies or contracts, disability income, long-term care, nursing home care, home health care, community based care, dental or vision benefits, Medicare supplement, specified disease or illness, hospital indemnity or other

fixed indemnity insurance, workers' compensation or similar insurance."

AMENDMENT NO. 2

On page 2, line 7, delete "Except as provided in R.S. 1063(C), the" and insert "The"

AMENDMENT NO. 3

On page 2, line 9, after "fact" insert a period ".", delete the remainder of the line and insert the following: "Such health insurance coverage may not be cancelled except with prior notice to the enrollee or insured, and only as permitted by federal law or regulation pursuant to 42 U.S.C. A. Section 300gg-12, ("Public Health Services Act"). The provisions of this Paragraph shall not apply to limited benefit health insurance policies or contracts authorized to be issued in this state. The provisions of this Subsection shall not apply to limited benefit health insurance policies or contracts, disability income, long-term care, nursing home care, home health care, community based care, dental or vision benefits, Medicare supplement, specified disease or illness, hospital indemnity or other fixed indemnity insurance, workers' compensation or similar insurance."

AMENDMENT NO. 4

On page 2, line 18, after "fact" insert a period ".", delete the remainder of the line and insert the following: "Such health insurance coverage may not be cancelled except with prior notice to the enrollee or insured, and only as permitted by federal law or regulation pursuant to 42 U.S.C.A. Section 300gg-12, ("Public Health Services Act"). The provisions of this Paragraph shall not apply to limited benefit health insurance policies or contracts authorized to be issued in this state. The provisions of this Subsection shall not apply to limited benefit health insurance policies or contracts, disability income, long-term care, nursing home care, home health care, community based care, dental or vision benefits, Medicare supplement, specified disease or illness, hospital indemnity or other fixed indemnity insurance, workers' compensation or similar insurance."

AMENDMENT NO. 5

On page 2, delete lines 19 and 20 in their entirety.

AMENDMENT NO. 6

On page 2, after line 21, insert the following:
"Section 2. This Act shall become effective on September 23, 2010."

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. 758—
BY REPRESENTATIVE HUTTER

AN ACT

To enact R.S. 42:1141(E)(13), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to require that certain information be made available to a person accused of violating such laws; to provide relative to the confidentiality of such information; to provide procedures and requirements for the provision of such information; to provide for exceptions; and to provide for related matters.

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

HOUSE BILL NO. 813—
BY REPRESENTATIVE KATZ

AN ACT

To amend and reenact R.S. 37:1285(C), relative to the Louisiana State Board of Medical Examiners; to authorize the board to render decisions, consent orders, or other agreed orders to require a license or permit holder to pay all costs of the board proceedings, including certain ancillary expenses; to authorize the board to recover costs and attorneys' fees if the cost of board

proceedings are not paid within the time specified by the board; 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. 821—
BY REPRESENTATIVE KLECKLEY
AN ACT

To enact R.S. 22:1016, relative to programs offered by health insurance issuers; to authorize and otherwise provide with respect to voluntary wellness or health improvement programs to be offered by such issuers; 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. 865—
BY REPRESENTATIVE BURFORD
AN ACT

To enact R.S. 28:827, relative to Medicaid waiver services for active duty military and their immediate family; to provide for waiver services in certain circumstances; 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. 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.

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

HOUSE BILL NO. 963—
BY REPRESENTATIVE KATZ
AN ACT

To enact R.S. 37:1281.1, relative to the Louisiana Medical Practice Act; to provide for a volunteer license as a category of medical licensure; to allow the waiver of fees for certain licensees; to stipulate conditions for practicing medicine under such a license; 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. 964—
BY REPRESENTATIVE JOHNSON
AN ACT

To amend and reenact R.S. 46:236.1.1 and to enact R.S. 46:236.1.2(L), relative to family and child support programs; to provide for medical support for minor children subject to child support orders; to provide for definitions; 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. 978—
BY REPRESENTATIVE NOWLIN
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 nonprofit entities; 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. 978 by Representative Nowlin

AMENDMENT NO. 1

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

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. 985—
BY REPRESENTATIVES WHITE AND BARROW
AN ACT

To amend and reenact R.S. 40:2173(A), (B)(7), (E), and (F), 2844(B)(introductory paragraph) and (1), (C)(1) and (2), 2845(A)(1) and (D), and R.S. 44:4.1(B)(24) and to enact R.S. 40:2173(B)(8) and (9), 2844(B)(21), (22), and (23), 2845(A)(6) and (7), (E), and (F), and 2845.1, relative to the Louisiana Emergency Response Network; to provide for requirements for trauma centers; to provide for membership of the LERN board; to provide for powers and functions of the LERN board; to provide for a statewide trauma registry; to provide for confidentiality requirements for the statewide trauma registry; to provide authority to develop stroke and STEMI systems; to create a LERN fund; to provide authority for publishing materials; to provide for public records exceptions; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 985 by Representative White

AMENDMENT NO. 1

On page 2, delete line 19 and insert the following:
"(8) Provide that LERN may fund the provision of data to the state"

AMENDMENT NO. 2

On page 3, line 12, change "twenty-seven" to "twenty-eight"

AMENDMENT NO. 3

On page 3, between lines 22 and 23 insert the following:
"(24) One optometrist from nominees submitted by the Optometry Association of Louisiana."

AMENDMENT NO. 4

On page 5, line 10, after "fund" and before "be" delete "shall" and insert "may"

AMENDMENT NO. 5

On page 5, line 18, after "to" and before "appropriation" delete "an annual" and insert "any"

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. 987—
BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 40:1299.96(A)(2)(b) and (B)(1) and to enact R.S. 40:1299.96(A)(4), relative to health care information; to provide for definitions; to provide for the report of certain test results directly to the patient; to require reporting to the health care professional who requested the test under certain circumstances; to require verification of patient identification prior to the delivery of test results; to prohibit the liability of

clinical laboratories or medical facilities that comply with statutory reporting 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 Reengrossed House Bill No. 987 by Representative Gary Smith

AMENDMENT NO. 1

On page 2, line 23, after "provide" and before "to" delete "the results" and insert "notice to the provider that the patient requested the test results and the results of the test"

AMENDMENT NO. 2

On page 3, between lines 5 and 6 insert the following: "(e) The clinical lab or medical facility shall only report the test results to the patient who is the subject of the test upon his request in a manner which is consistent and in accordance with all applicable federal laws.

(f) The clinical lab or medical facility shall only report the test results to the patient who is the subject of the test upon his request when the cost of the tests have been fully paid by the patient or applicable payor source."

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. 989—

BY REPRESENTATIVE STIAES

AN ACT

To amend and reenact R.S. 37:1104(A), (B)(1) and (2)(a) and (C), 1110(A)(introductory paragraph), (2), (4), (5), and (7) and (E), 1116(A)(introductory paragraph) and (2), (B)(introductory paragraph) and (1), and 1118 and to repeal R.S. 37:1103(12) and 1120, relative to licensed marriage and family therapists; to provide for an additional member to the Licensed Professional Counselors Board of Examiners; to provide for denial, revocation, or suspension of a licensee; to provide for changes to licensure application for marriage and family therapists; to provide for changes for reciprocity licensure; 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. 1028—

BY REPRESENTATIVE WADDELL

AN ACT

To amend and reenact R.S. 37:563(6), 572(D), 573(B), 574(B), 575(A)(1)(a), 576(B), 578, 583(C), 585(B)(3), 591(A), 594(B)(introductory paragraph) and (5), and 595(A)(3) and (4) and to repeal R.S. 37:591(B)(6), relative to the Louisiana Cosmetology Board; to change the definition of "esthetics"; to clarify the qualifications of board members; to provide for committees within the board; to clarify quorum of the board; to provide for a testing center; to provide for a salary of the executive director of the board; to provide for qualifications of a registered teacher of cosmetology, esthetics, or manicuring; to provide for liability insurance on beauty shops or salons; to provide for changes to the application for school certificate of registration; to provide for changes to requirements of schools; 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. 1028 by Representative Waddell

AMENDMENT NO. 1

On page 1, line 2, change "572(D)" to "572(B) and(D)"

AMENDMENT NO. 2

On page 1, line 5, after ""esthetics";" and before "to clarify" insert the following: "to expand eligibility for board membership;"

AMENDMENT NO. 3

On page 1, line 13, change "572(D)" to "572(B) and(D)"

AMENDMENT NO. 4

On page 2, between lines 13 and 14, insert the following:

"B. Each member shall be a registered cosmetologist who has been actively engaged, for at least five years prior to his appointment, in the practice of cosmetology, or an owner of a beauty shop or salon certified pursuant to R.S. 37:591, or as a teacher or instructor of cosmetology in this state.

* * *

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. 1039—

BY REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 22:236(20), 236.3(C), 236.8(B), 237.2(12) and (15), 237.5(A)(1) and (C), 237.10(B), and 696(A), relative to mutual insurance holding companies; to provide with respect to the conversion to, demutualization of, and incorporation of a mutual insurance holding company; 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 Engrossed House Bill No. 1039 by Representative Kleckley

AMENDMENT NO. 1

On page 6, line 10, after "date" delete the remainder of the line

AMENDMENT NO. 2

On page 6, line 11, delete "filing thereof with him,"

AMENDMENT NO. 3

On page 6, line 12, after "date" delete the remainder of the line and insert ". The"

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. 1052—

BY REPRESENTATIVE GIROD JACKSON

AN ACT

To enact R.S. 1:61, relative to general provisions of the Revised Statutes of 1950; to provide a uniform definition of a disadvantaged business enterprise; 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. 1053—

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 40:1664.2(B) and (D), 1664.3(2), (4), (7), (10), (13), (20), (28), (37), (39), (42), (43), (49) through (52), (55), and (57), 1664.4(A) and (D), 1664.5(1), (4), and (11), 1664.6 (B)(introductory paragraph) and (2), (E), (F), (G), and (H), 1664.7(B), (C), (D), and (E), 1664.8(G), 1664.9(A) through (D), (I), and (J), 1664.10(3) and (4), 1664.11(A)(1) and (2)(a), (B)(2) and (3), and (H), 1664.12(3), (8), and (11), 1664.14(A)(5), and 1664.15(A), to enact R.S. 40:1664.3(62) through (66), 1664.6(I), 1664.7(F), 1664.10(8), and 1664.12(12), and to repeal R.S. 40:1664.3(38), relative to the Life Safety and Property Protection Licensing Act; to change the phrase "fire marshal" to "state fire marshal"; to make technical corrections; to provide for definitions; to repeal the definition of "limited locksmith specialist"; to require a license to perform life safety and property protection contracting; to provide for exemptions; to provide for an application process to obtain a firm license; to provide for an application process to obtain an individual license; to establish licensing fees; to provide for multi-year licenses; to provide for the powers and duties of the state fire marshal; to provide for the Life Safety and Property Protection Advisory Board; to provide for prohibited acts; to require the return of the lockout, installer, or programming code of a system to the factory default when a contract for service is cancelled; 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. 1053 by Representative Arnold

AMENDMENT NO. 1

On page 3, line 18, after "(10)" delete the remainder of the line and line 19, and insert the following: ""Door hardware specialist" means an individual who consults and provides technical advice regarding selection of mechanical locking devices and"

AMENDMENT NO. 2

On page 3, line 22, after "other devices" delete the remainder of the line and lines 23 through 25, and insert the following: "builders' hardware, architectural hardware, or door hardware."

AMENDMENT NO. 3

On page 15, line 29, after "hardware" and before "\$100" insert "specialist"

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. 1120—

BY REPRESENTATIVE JOHNSON

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.

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

HOUSE BILL NO. 1185—

BY REPRESENTATIVE NOWLIN

AN ACT

To enact Part LXIX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.321 through 1300.323, relative to long-term care; to provide for legislative

findings and purpose; to provide for definitions; to provide for certain reimbursements and procedures in the Medicaid state plan as it relates to long-term care services for the elderly, the disabled, and persons with developmental disabilities; to provide for promulgation of rules by the Department of Health and Hospitals; to provide for a date for promulgation of the rules by the Department of Health and Hospitals; 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. 1222—

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 32:1252(27), 1254(A)(19), (B), (C)(introductory paragraph) and (9) and (10), (D)(introductory paragraph) and (7), (E)(7) and (9)(d), (F)(introductory paragraph) and (4), (J)(introductory paragraph) and (5), (L)(introductory paragraph) and (5), and (N), 1255(A), 1261(1)(a)(introductory paragraph) and (i), (b), (d), (e), (g) through (i), (k)(i)(introductory paragraph) and (ii), (n), and (p), (2)(introductory paragraph), (a) through (e), (f)(introductory paragraph), (ii), and (iv), (g), and (i), (3), (4)(a), (b), and (d), (5)(a), (b), and (d), and (7), 1261.1, 1262(A)(1) and (B)(3), 1263, 1264, and 1268(A)(1)(introductory paragraph), (a), and (d), and (2), and (B), to enact R.S. 32:1252(51) and (52) and 1260(E) and (F), and to repeal R.S. 32:1268.1, relative to the Motor Vehicle Commission; to provide for definitions; to provide for changes to licensure for persons licensed by the commission; to provide for changes to licensure requirements; to provide for change to insurance requirements; to provide for additional penalties and relief for the commission; to provide for changes to unauthorized acts of licensee of the commission; to provide for changes to termination requirements of a licensee of the commission; 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. 1222 by Representative Arnold

AMENDMENT NO. 1

On page 1, line 5, after "1255(A)," and before "1261(1)(a)(introductory paragraph)" insert "1260(C)"

AMENDMENT NO. 2

On page 2, line 4, after "1255(A)," and before "1261(1)(a)(introductory paragraph)" insert "1260(C)"

AMENDMENT NO. 3

On page 2, line 22, after "motor vehicle" and before "or" insert ", specialty vehicle."

AMENDMENT NO. 4

On page 9, between lines 20 and 21, insert the following:

* * *

C. The commission may render judgment for costs, or any part thereof, against any party to proceedings held or court reporter fees, commission; attorney fees, the mileage and per diem of the commissioners, and other applicable and reasonable costs."

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. 1247—

BY REPRESENTATIVES HOFFMANN, ARMES, BOBBY BADON, BALDONE, BARRAS, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DOVE, DOWNS, ELLINGTON, FANNIN, GEYMANN, GISCLAIR, GREENE, GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOWARD, KATZ, KLECKLEY, LABRUZZO, LAMBERT, LEBAS, LIGI, LITTLE, LOPINTO, LORUSSO, MILLS, MONICA, MONTUCET, MORRIS, PEARSON, PERRY, POPE, PUGH, RICHARD, RICHARDSON, RITCHIE, SCHRODER, SIMON, SMILEY, JANE SMITH, TALBOT, TEMPLET, THIBAUT, TUCKER, WHITE, WILLIAMS, WILLMOTT, AND WOOTON AND SENATORS BROOME, HEBERT, KOSTELKA, LONG, MICHOT, QUINN, RISER, SHAW, AND WALSWORTH

AN ACT

To enact R.S. 22:1016, relative to health insurance issuers; to provide for legislative intent; to provide for definitions; to provide for a prohibition on insurance coverage of elective abortions; 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. 1247 by Representative Hoffmann

AMENDMENT NO. 1

On page 1, delete line 7 and insert the following:
"§1016. Limitations on health insurance coverage of elective abortions in the state exchange prohibited"

AMENDMENT NO. 2

On page 2, delete lines 14 through 28 in their entirety and insert the following:

"B. No health care plan required to be established in this state through an exchange pursuant to federal health reform legislation enacted by the 111th Congress shall offer coverage for abortion services. As used in this Section, "abortion" shall have the same meaning as defined in R.S. 40:1299.35.1(1)."

AMENDMENT NO. 3

On page 3, delete lines 1 through 28 in their entirety

AMENDMENT NO. 4

On page 4, delete lines 1 through 3 in their entirety

AMENDMENT NO. 5

On page 4, line 4, change "3" to "2"

AMENDMENT NO. 6

On page 4, line 8, change "4" to "3"

AMENDMENT NO. 7

On page 4, line 12, change "5" to "4"

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. 1278— (Substitute for House Bill No. 575 by Representative Baldone)

BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 30:2419(A)(2) and (3), relative to scrap metal recycling; to authorize the delivery of scrap metal containing fuel tanks to a scrap metal collection and recycling facility; to delete the requirement that persons delivering scrap to these facilities certify that fuel tanks have been removed; 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. 1330—

BY REPRESENTATIVE LITTLE
AN ACT

To repeal R.S. 22:2297(D)(1), relative to the Louisiana Citizens Property Insurance Corporation; to repeal the requirement of maintaining separate accounts and records for the Coastal Plan and the FAIR Plan.

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

HOUSE BILL NO. 1331—

BY REPRESENTATIVE ELLINGTON
AN ACT

To amend and reenact R.S. 22:46(9)(b), (c), and (d) and to enact R.S. 22:420, relative to liability trust funds; to prohibit further establishment of such trust funds which are exempt from the definition of insurance; as of a certain date; to provide for the establishment of such trust funds subject to the requirements of the Insurance Code; 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. 1349—

BY REPRESENTATIVE ARNOLD AND SENATOR MORRISH
AN ACT

To amend and reenact R.S. 4:67(C)(1), relative to boxing and wrestling commissioners; to repeal the maximum amount of compensation a commissioner may receive in certain situations; 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. 1370—

BY REPRESENTATIVE MILLS
AN ACT

To amend and reenact R.S. 40:2175.6(G) and to enact R.S. 40:2175.6(H) and (I), relative to outpatient abortion facilities; to provide for license actions imposed against an outpatient abortion facility; to provide for a system of notification, appeals, and injunctive relief; 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. 1380—

BY REPRESENTATIVE LEBAS
AN ACT

To amend and reenact R.S. 37:1479(B), relative to the Louisiana State Board of Home Inspectors; to establish penalties for home inspectors who fail to renew their license within the twelve-month period after expiration; to establish penalties for home inspectors who fail to renew their license within the thirty-six-month period following expiration; 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. 1421—

BY REPRESENTATIVE LANDRY
AN ACT

To amend and reenact R.S. 12:1306(A)(1) and 1309(A)(introductory paragraph) and to enact R.S. 12:1301(A)(21), 1302(C), 1305(B)(3), and 1309(A)(4), relative to limited liability companies; to provide for low-profit limited liability companies; to provide for definitions; to provide for the purpose of low-profit limited liability companies; to provide for articles of organization; to provide for the name of a low-profit limited liability company; to provide for the amendment of articles of organization; 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. 1468— (Substitute for House Bill No. 792 by Representative Richmond)

BY REPRESENTATIVE RICHMOND
AN ACT

To enact R.S. 6:1083(24), (25), and (26) and Part IV of Chapter 14 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:1101 through 1104, relative to reverse mortgages; to provide for definitions; to provide for requirements on reverse mortgage loans; to provide for counseling; to provide for rescission of a reverse mortgage loan; to provide for duties for elders regarding reverse mortgage loans; 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. 1472— (Substitute for House Bill No. 1351 by Representative Nowlin)

BY REPRESENTATIVES NOWLIN AND THIBAUT
AN ACT

To amend and reenact R.S. 12:407 and 418(B)(1), relative to certain corporations; to provide with respect to electric cooperatives; to provide relative to dissolution; to provide procedures for shareholder voting; to provide for mail or proxy voting; to provide for prospective application; to provide for an effective date; and to provide for related matters;

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

Special Order of the Day

SENATE BILL NO. 1—

BY SENATOR CHAISSON
A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.3(A)(2) and (C) of the Constitution of Louisiana, relative to the Budget Stabilization Fund; to provide for the dedication and deposit of certain revenues into the Budget Stabilization Fund; to delete the provisions relative to the amount of mineral revenues received by the state before mineral revenues may be deposited into the Budget Stabilization Fund; to provide for incorporation of monies in the Budget Stabilization Fund into the official forecast for the current fiscal year and the next fiscal year; to direct the treasurer to transfer monies from the Budget Stabilization Fund to the state general fund in certain circumstances; to suspend or reduce deposits into the Budget Stabilization Fund in certain circumstances; and to specify an election for submission of the proposition to electors; and provide a ballot proposition.

On motion of Senator Chaisson Senate Bill No. 1, which is Special Order of the Day No. 1 on Tuesday, June 1, 2010, was made Special Order of the Day No. 1 on Wednesday, June 2, 2010.

SENATE BILL NO. 2—

BY SENATOR CHAISSON
AN ACT

To amend and reenact R.S. 39:94(A)(2) and (C), relative to the Budget Stabilization Fund; to provide for the dedication and deposit of certain revenues into the Budget Stabilization Fund; to delete the provisions relative to the amount of mineral revenues received by the state before mineral revenues may be deposited into the Budget Stabilization Fund; to provide for the incorporation of monies in the Budget Stabilization Fund into the official forecast for the current fiscal year and the next fiscal

year; to direct the treasurer to transfer monies from the Budget Stabilization Fund to the state general fund in certain circumstances; to suspend or reduce deposits into the Budget Stabilization Fund in certain circumstances; to provide for an effective date; and to provide for related matters.

On motion of Senator Chaisson Senate Bill No. 2, which is Special Order of the Day No. 2 on Tuesday, June 1, 2010, was made Special Order of the Day No. 2 on Wednesday, June 2, 2010.

SENATE BILL NO. 391—

BY SENATOR CHAISSON
A JOINT RESOLUTION

Proposing to amend Article VII, Section 10(F)(2)(a) and (b) of the Constitution of Louisiana, relative to the expenditure of state funds; to authorize the limited redirection and transfer of funds supporting appropriations or allocations from the state general fund and dedicated funds, including those constitutionally protected or mandated, to be used for other nonmandatory purposes under certain circumstances; to specify an election for submission of the proposition to electors and provide a ballot proposition.

On motion of Senator Chaisson Senate Bill No. 391, which is Special Order of the Day No. 3 on Tuesday, June 1, 2010, was made Special Order of the Day No. 3 on Wednesday, June 2, 2010.

SENATE BILL NO. 392—

BY SENATOR CHAISSON
AN ACT

To amend and reenact R.S. 39:75(C)(2)(b) and (E)(1) and (2), relative to the expenditure of state funds; to authorize the limited redirection and transfer of funds supporting appropriations or allocations from the state general fund and dedicated funds, including those constitutionally protected or mandated, to be used for other nonmandatory purposes under certain circumstances; to provide for an effective date; and to provide for related matters.

On motion of Senator Chaisson Senate Bill No. 392, which is Special Order of the Day No. 4 on Tuesday, June 1, 2010, was made Special Order of the Day No. 4 on Wednesday, June 2, 2010.

SENATE BILL NO. 410—

BY SENATOR CHAISSON
AN ACT

To amend and reenact R.S. 39:98.1(A)(3), relative to the Millennium Trust; to change the amount of deposits into the Millennium Trust from monies received as a result of the Master settlement; to provide for an effective date; and to provide for related matters.

On motion of Senator Chaisson Senate Bill No. 410, which is Special Order of the Day No. 5 on Tuesday, June 1, 2010, was made Special Order of the Day No. 5 on Wednesday, June 2, 2010.

SENATE BILL NO. 434—

BY SENATOR CHAISSON
A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.8(A)(1)(c) of the Constitution of Louisiana, relative to the Millennium Trust; to change the amount of deposits into the Millennium Trust from monies received as a result of the Master Settlement; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

On motion of Senator Chaisson Senate Bill No. 434, which is Special Order of the Day No. 6 on Tuesday, June 1, 2010, was made Special Order of the Day No. 6 on Wednesday, June 2, 2010.

May 27, 2010

Message to the Governor
SIGNED SENATE BILLS

May 27, 2010

To the Honorable Governor of the State of Louisiana:

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

SENATE BILL NO. 52—

BY SENATOR B. GAUTREAUX
AN ACT

To amend and reenact R.S. 15:574.2(A)(1), relative to the Board of Parole; to provide for minimum qualifications of members; to provide for appointment of members; and to provide for related matters.

SENATE BILL NO. 61—

BY SENATOR AMEDEE
AN ACT

To amend and reenact Code of Criminal Procedure Articles 162, 202(A)(introductory paragraph) and (1), and 731(B) and to enact R.S. 9:2603.1(F), relative to the issuance of warrants and subpoenas; to provide for certain requirements relative to electronic signatures; and to provide for related matters.

SENATE BILL NO. 151—

BY SENATOR ADLEY
AN ACT

To amend and reenact R.S. 14:73.1(11), (12), and (13) and to enact R.S. 14:73.1(14) and 73.9, relative to computer aided crime; to prohibit the use of an Internet, virtual, street-level map in the commission of a crime; to prohibit the use of an Internet, virtual, street-level map in the commission or attempted commission of an act of terrorism; to provide for enhanced penalties; to provide for definitions; and to provide for related matters.

SENATE BILL NO. 386—

BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 49:222(B)(12), relative to fees chargeable by secretary of state; to provide with respect to special fees; to provide with respect to requests for information which require a written response; and to provide for related matters.

SENATE BILL NO. 451—

BY SENATOR CHEEK
AN ACT

To amend and reenact R.S. 37:3200 and 3208(B) and to enact R.S. 37:3220 and 3221, relative to the Radiologic Technology Board of Examiners; to provide for definitions; to provide for the issuance of permits and for certain clinical experience requirements; and to provide for related matters.

SENATE BILL NO. 666—

BY SENATOR HEBERT
AN ACT

To amend and reenact R.S. 22:243(D)(1) and 251, relative to health maintenance organizations; to provide with respect to the filing of articles of incorporation of health maintenance organizations in the office of the secretary of state; to provide for the retention of original records; and to provide for related matters.

SENATE BILL NO. 667—

BY SENATOR HEBERT
AN ACT

To amend and reenact R.S. 22:1267(A), relative to commercial insurance; to provide with respect to the cancellation and renewal of commercial automobile insurance policies; and to provide for related matters.

SENATE BILL NO. 672—

BY SENATOR HEBERT
AN ACT

To enact R.S. 22:1911, relative to unauthorized insurers; to provide for access to the records of certain insureds by the commissioner of insurance; to provide for penalties; and to provide for related matters.

SENATE BILL NO. 467—

BY SENATOR LONG
AN ACT

To amend and reenact R.S. 46:285, relative to required training for child protection and foster care workers; to provide for deemed status for certain training; and to provide for related matters.

SENATE BILL NO. 545—

BY SENATOR ERDEY
AN ACT

To amend and reenact R.S. 37:1314(A), relative to the Clinical Laboratory Personnel Committee; to provide with respect to certain conditions required for membership of certain members of the committee; and to provide for related matters.

SENATE BILL NO. 664—

BY SENATOR HEBERT
AN ACT

To enact R.S. 22:1123(E), relative to medical necessity review organizations; to provide for required notifications to the commissioner of insurance upon changes in fact or circumstance; and to provide for related matters.

SENATE BILL NO. 665—

BY SENATOR HEBERT
AN ACT

To repeal R.S. 22:332(A)(5), relative to foreign and alien insurers; to repeal the requirement of filing of policies and applications when applying for a certificate of authority; and to provide for related matters.

and they are hereby presented for executive approval.

Respectfully submitted,
GLENN A. KOEPP
Secretary of the Senate

Message from the House
SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS

May 26, 2010

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 185—

BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 48:231(A), relative to the state highway system; to provide relative to public hearings in each highway district; to restore the requirement that the Joint Highway Priority Construction Committee conduct public hearings in each highway district; and to provide for related matters.

HOUSE BILL NO. 547—

BY REPRESENTATIVE ARNOLD
AN ACT

To enact R.S. 9:3530(G), relative to fees charged on a consumer credit transaction; to authorize a federally insured depository institution to charge fees on consumer credit transactions; and to provide for related matters.

HOUSE BILL NO. 576—

BY REPRESENTATIVE MILLS

AN ACT

To amend and reenact R.S. 3:2731 and 2778 and to repeal R.S. 3:2733 through 2737, relative to the regulation by local authorities of dogs; to provide for the adoption of ordinances; to provide for the imposition of fees and fines; to provide for the disposition of proceeds; to repeal the requirement that license fees be credited to parish school funds; to repeal certain provisions related to home rule charter governments; and to provide for related matters.

HOUSE BILL NO. 1169—

BY REPRESENTATIVE WHITE

AN ACT

To enact R.S. 30:2060(O), relative to air quality; to provide for toxic air pollution standards and compliance; to provide for rules and regulations; and to provide for related matters.

HOUSE BILL NO. 1204—

BY REPRESENTATIVES EDWARDS, ANDERS, ARMES, ARNOLD, AUBERT, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BROSSETT, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DIXON, DOERGE, DOVE, ELLINGTON, FANNIN, GALLOT, GISCLAIR, GUILLORY, GUINN, HARDY, HARRISON, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HOWARD, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, LABRUZZO, LAFONTA, LANDRY, LEBAS, LEGER, LIGI, LOPINTO, LORUSSO, MILLS, MONICA, MONTOUCET, NORTON, PEARSON, POPE, PUGH, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, TUCKER, WADDELL, WILLIAMS, WILLMOTT, AND WOOTON AND SENATORS ADLEY, ERDEY, MCPHERSON, MOUNT, SHAW, AND THOMPSON

AN ACT

To enact R.S. 47:490.22, relative to military license plates; to provide for the establishment of a military support license plate for military veterans; to provide for the design and issuance of the license plate; to provide relative to fees for the license plate; to authorize the promulgation of rules and regulations; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Guillory	Morrell
Adley	Hebert	Morrish
Alario	Heitmeier	Mount
Appel	Kostelka	Nevers
Chabert	LaFleur	Peterson
Claitor	Long	Riser
Dorsey	Marionneaux	Shaw
Duplessis	Martiny	Thompson
Erdey	McPherson	Walsworth
Gautreaux N	Michot	
Total - 29		

ABSENT

Amedee	Donahue	Quinn
Broome	Gautreaux B	Smith
Cheek	Jackson	
Crowe	Murray	
Total - 10		

Leaves of Absence

The following leaves of absence were asked for and granted:

Amedee	½ Day	Broome	½ Day
Cheek	½ Day	Crowe	½ Day
Donahue	½ Day	B. Gautreaux	½ Day
Jackson	½ Day	Murray	½ Day
Quinn	½ Day	Smith	½ Day

Announcements

The following committee meetings for June 1, 2010, were announced:

Finance	TBA	Room A
Retirement	TBA	Room E
Rev. & Fiscal Affairs	TBA	Hainkel Rm

Adjournment

On motion of Senator Walsworth, at 10:00 o'clock A.M. the Senate adjourned until Tuesday, June 1, 2010, at 2:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 2:00 o'clock P.M. on Tuesday, June 1, 2010.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk