

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

ELEVENTH DAY'S PROCEEDINGS

Thirty-Ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 25, 2013

The Senate was called to order at 9:40 o'clock A.M. by Hon.
John A. Alario Jr., President of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Mr. President	Erdey	Nevers
Allain	Gallot	Peacock
Amedee	Guillory	Perry
Appel	Johns	Peterson
Broome	Kostelka	Riser
Brown	LaFleur	Smith, G.
Buffington	Long	Thompson
Chabert	Mills	Walsworth
Claitor	Morrell	Ward
Cortez	Murray	
Total - 29		

ABSENT

Adley	Heitmeier	Tarver
Crowe	Martiny	White
Donahue	Morrish	
Dorsey-Colomb	Smith, J.	
Total - 10		

The President of the Senate announced there were 29 Senators
present and a quorum.

Prayer

The prayer was offered by Reverend Rodney Wood, 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 Walsworth, the reading of the Journal was
dispensed with and the Journal of April 24, 2013, was adopted.

**Senate Resolutions on
Second Reading**

SENATE RESOLUTION NO. 47—
BY SENATOR CLAITOR

A RESOLUTION

To commend the Episcopal High School Knights boys' soccer team
upon their Division III state championship win.

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

SENATE RESOLUTION NO. 48—
BY SENATOR MURRAY

A RESOLUTION

To commend and congratulate Dr. Walter M. Kimbrough on
becoming the seventh president of Dillard University.

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

SENATE RESOLUTION NO. 49—
BY SENATOR RISER

A RESOLUTION

To commend the Jeffery Modell Diagnostic Center for Primary
Immunodeficiencies and the Louisiana Primary
Immunodeficiency Network for their efforts to improve the
recognition, diagnosis, treatment and quality of lives of people
with primary immunodeficiency diseases.

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

SENATE RESOLUTION NO. 50—
BY SENATOR GALLOT

A RESOLUTION

To commend and honor Pastor Elbert Demery Jr. for his commitment
to his faith and community which is so clearly evident in his
nineteen years of service at the Evergreen Baptist Church in St.
Maurice.

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

SENATE RESOLUTION NO. 51—
BY SENATOR MILLS

A RESOLUTION

To designate April 25, 2013, as "School-Based Health Center
Awareness Day".

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

SENATE RESOLUTION NO. 52—
BY SENATOR GALLOT

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature
of Louisiana upon the death of Minnie Thomas Bailey and to
celebrate a life well lived in service to her community, state, and
nation.

Floor Amendments

Senator Gallot proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Gallot to Original Senate
Resolution No. 52 by Senator Gallot

AMENDMENT NO. 1

On page 1, line 6 change "April 21" to "April 14"

On motion of Senator Gallot, the amendments were adopted.

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

**Senate Concurrent Resolutions on
Second Reading**

SENATE CONCURRENT RESOLUTION NO. 39—
BY SENATOR MORRISH

A CONCURRENT RESOLUTION

To authorize and provide for a comprehensive study and evaluation
of Louisiana's levee districts and other water resource boards.

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

April 25, 2013

SENATE CONCURRENT RESOLUTION NO. 40—
BY SENATORS GALLOT, KOSTELKA, LONG AND RISER AND REPRESENTATIVES DIXON AND HARRIS

A CONCURRENT RESOLUTION

To commend the inaugural Little Walter Music Festival to be held in Alexandria on May 4, 2013, and to acknowledge and recognize the musical talents and enduring legacy of Little Walter.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and representatives who voted 'YEAS', including Mr. President, Allain, Amedee, Appel, Broome, Brown, Buffington, Claitor, Cortez, Crowe, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, LaFleur, Long, Mills, Morrell, Morrish, Murray, Peacock, Perry, Peterson, Riser, Smith, G., Thompson, Walsworth, and Ward.

NAYS

Total - 31

ABSENT

Table listing names of senators and representatives who were absent, including Adley, Chabert, Donahue, Martiny, Nevers, Smith, J., Tarver, and White.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 25, 2013

To the Honorable President and Members of the Senate:

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

Table listing House Bills and Joint Resolutions: HB NO. 18, HB NO. 236, HB NO. 262, HB NO. 543, HB NO. 36, HB NO. 243, HB NO. 265, HB NO. 612, HB NO. 38, HB NO. 257, HB NO. 512.

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 18— BY REPRESENTATIVE DANAHAY AN ACT

To amend and reenact R.S. 33:130.312(H), relative to the Sulphur Industrial Development District; to provide with respect to meetings of the board of commissioners; and to provide for related matters.

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

HOUSE BILL NO. 36— BY REPRESENTATIVE DANAHAY AN ACT

To amend and reenact R.S. 11:2174.2, relative to the Sheriffs' Pension and Relief Fund; to provide relative to the transfer of service credit into the system; and to provide for related matters.

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

HOUSE BILL NO. 38— BY REPRESENTATIVE GREENE AN ACT

To amend and reenact R.S. 11:62(13) and 2132(B), relative to employee contributions in the Registrars of Voters Employees' Retirement System; to establish a range for employee contributions; to provide for establishment of a rate within that range; and to provide for related matters.

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

HOUSE BILL NO. 236— BY REPRESENTATIVES LEOPOLD, BILLIOT, CHANEY, CONNICK, GAROFALO, GISCLAIR, GUINN, HARRISON, JAMES, JONES, AND SCHEXNAYDER AN ACT

To amend and reenact R.S. 40:6(A) and R.S. 56:424(E) and 433(C), (G), and (J), to enact R.S. 40:6(H) and LAC 51:IX.3.335(B), and to repeal R.S. 56:433(D), relative to violations of oyster harvesting laws; to increase the penalties for harvesting from closed waters; to increase the penalties for harvesting in violation of the health time restrictions; to repeal the prohibition removal from the natural reefs of oysters for steamed oysters; and to provide for related matter.

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

HOUSE BILL NO. 243— BY REPRESENTATIVE CARTER AN ACT

To amend and reenact R.S. 17:3048.1(P)(1)(a) and (V)(1)(a), relative to the Taylor Opportunity Program for Students; to provide for the eligibility of certain students graduating from certain high schools outside of Louisiana or the United States to receive program awards; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 257— BY REPRESENTATIVE RITCHIE AN ACT

To amend and reenact R.S. 22:2294(B) and to enact R.S. 22:2294(A)(11), relative to the Louisiana Citizens Property Insurance Corporation's board of directors; to provide for an additional board member; to allow the Louisiana Chapter of the National Association of Insurance and Financial Advisors to nominate three possible board members; to allow the commissioner of insurance to appoint a board member from the association's nominees; to change the quorum requirement of the board; and to provide for related matters.

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

HOUSE BILL NO. 262—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 40:1563.1(A)(17) and to enact R.S. 40:1563.1(A)(18) and (19), relative to the authority of fire marshals to conduct investigations and make arrests; to add failure to register as a convicted arsonist and violation of a fire marshal's orders to the list of offenses for which a fire marshal may conduct investigations and make arrests; and to provide for related matters.

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

HOUSE BILL NO. 265—
BY REPRESENTATIVE IVEY
AN ACT

To enact R.S. 40:1379.3(V), relative to concealed handgun permits; to provide for the issuance of a lifetime concealed handgun permit; to provide for criteria for the issuance of the permit; to provide for revocation of the permit; to require prepayment of fees; to provide for applicability; to provide for suspension of the permit under certain conditions; to provide for the educational training requirements for the issuance of a lifetime concealed handgun permit; and to provide for related matters.

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

HOUSE BILL NO. 512—
BY REPRESENTATIVE MORENO
AN ACT

To enact Code of Criminal Procedure Article 579(C), relative to time limitations for criminal trials; to provide relative to the time limitations for the commencement of a criminal trial; to provide relative to the interruption of time limitations for the commencement of a criminal trial; to provide for definitions; and to provide for related matters.

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

HOUSE BILL NO. 543—
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 22:431, 432, 433, 435, 436, and 438, relative to surplus lines insurance; to authorize placement of insurance with a surplus lines insurer without regard to the availability of authorized insurance; to provide relative to capital, surplus, bond, and deposit requirements; to provide with respect to the list of surplus lines insurers maintained by the commissioner of insurance; to provide relative to certain notices to applicants for insurance regarding placement of personal lines policies with surplus lines insurers; 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. 612—
BY REPRESENTATIVE GREENE
AN ACT

To enact R.S. 17:3048.1(Y), relative to the Taylor Opportunity Program for Students; to provide for the use of awards at eligible Louisiana institutions by otherwise qualified students who enroll as first-time students in and graduate from an out-of-state college or university; to provide for the use of awards by such students to pursue a postgraduate academic degree; to provide conditions and limitations; to provide for award amounts; to provide for effectiveness; to provide an effective date; and to provide for related matters.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 25, 2013

To the Honorable President and Members of the Senate:

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

HCR NO. 32 HCR NO. 16

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

**House Concurrent Resolutions
on First Reading**

HOUSE CONCURRENT RESOLUTION NO. 16—
BY REPRESENTATIVE POPE AND SENATOR ERDEY
A CONCURRENT RESOLUTION

To urge and request the Board of Regents, in consultation with the Board of Supervisors of Community and Technical Colleges, to study the feasibility of offering community college services in Livingston Parish and to determine how the state can best meet the educational, economic, and workforce development needs of this region and to submit a written report of findings and conclusions, including any recommendations for legislation relative to the issue, to the House Committee on Education and the Senate Committee on Education not later than sixty days prior to the beginning of the 2014 Regular Session of the Legislature of Louisiana.

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

HOUSE CONCURRENT RESOLUTION NO. 32—
BY REPRESENTATIVES GREENE AND FOIL
A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to review the child support guidelines, the laws governing the application of the guidelines to children with developmental disabilities, and the laws regarding custody and visitation for developmentally disabled adult children, and to report its findings and recommendations in the form of specific proposed legislation to the Louisiana Legislature no later than February 1, 2014.

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

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

HOUSE BILL NO. 5—
BY REPRESENTATIVES JIM MORRIS, ADAMS, HENRY BURNS, TIM BURNS, CARMODY, DOVE, GAROFALO, GEYMAN, GREENE, GUINN, HARRISON, HAVARD, HODGES, HOFFMANN, LAMBERT, LORUSSO, MACK, POPE, PYLANT, SEABAUGH, TALBOT, AND THOMPSON
AN ACT

To enact Part V of Chapter 9 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1821 through 1824, relative to the regulation of firearms; to prohibit the enforcement of any federal law in the state of Louisiana which attempts to either ban the ownership or possession of certain types of firearms, or impose registration requirements for such firearms; to provide for criminal penalties; and to provide for related matters.

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

HOUSE BILL NO. 8—

BY REPRESENTATIVES THOMPSON, KLECKLEY, ADAMS, BARRAS, BERTHELOT, STUART BISHOP, BROADWATER, BROWN, BURFORD, HENRY BURNS, TIM BURNS, CONNICK, CROMER, DOVE, GAROFALO, GISCLAIR, GREENE, GUINN, HAVARD, HENSGENS, HODGES, HOLLIS, HOWARD, IVEY, NANCY LANDRY, LORUSSO, MACK, JAY MORRIS, JIM MORRIS, ORTEGO, PEARSON, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SEABAUGH, SIMON, STOKES, TALBOT, THIBAUT, AND WHITNEY

AN ACT

To enact R.S. 40:1379.3(A)(3), relative to concealed handgun permits; to prohibit the release, dissemination, or publishing of information with respect to concealed handgun permit applications; to provide for exceptions; to provide for criminal penalties; and to provide for related matters.

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

HOUSE BILL NO. 10—

BY REPRESENTATIVE PEARSON

AN ACT

To enact R.S. 40:964(Schedule I)(C)(33 through 59), relative to the Uniform Controlled Dangerous Substances Law; to add certain hallucinogenic substances to Schedule I of the Uniform Controlled Dangerous Substances Law; and to provide for related matters.

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

HOUSE BILL NO. 15—

BY REPRESENTATIVE MACK

AN ACT

To amend and reenact R.S. 40:964(Schedule I)(E)(9)(i) and (iii) and (F) and to enact R.S. 40:961(26.1), relative to controlled dangerous substances; to provide with respect to certain chemical groups within the cathinone Schedule I stimulants; to add substances to the listing of synthetic cannabinoids in Schedule I; to provide for definitions; to provide for certain exceptions; and to provide for related matters.

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

HOUSE BILL NO. 16—

BY REPRESENTATIVES DIXON AND HAZEL AND SENATOR GALLOT

AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Rapides Parish; to provide for the property descriptions; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 90—

BY REPRESENTATIVE MACK

AN ACT

To amend and reenact R.S. 40:2405.1, relative to the issuance of bulletproof vests to peace officers; to authorize the Department of Public Safety and Corrections to make available for purchase bulletproof vests which are no longer utilized by the department; to provide that sales be conducted pursuant to regulations of the Louisiana Property Assistance Association; to provide for the assessment of a fee; to provide for a limitation of liability; 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. 119—

BY REPRESENTATIVE LORUSSO

AN ACT

To amend and reenact R.S. 40:539(C)(8), relative to employees of the Housing Authority of New Orleans; to provide that employees of the Housing Authority of New Orleans shall not be in the state civil service; and to provide for related matters.

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

HOUSE BILL NO. 142—

BY REPRESENTATIVE DOVE

AN ACT

To amend and reenact R.S. 56:332(K), relative to methods of taking crabs; to exempt certain traps from the requirement for escape rings; and to provide for related matters.

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

HOUSE BILL NO. 146—

BY REPRESENTATIVE ADAMS

AN ACT

To amend and reenact R.S. 27:421(B), relative to the operation of video draw poker devices at qualified truck stop facilities; to provide for the continued operation of video draw poker devices during force majeure or noncommercial circumstances which prohibit or reduce requisite fuel sales; to provide for the continued operation of the same number of video draw poker devices during those circumstances; 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. 156—

BY REPRESENTATIVES SCHEXNAYDER, TIM BURNS, CARTER, HARRISON, HENSGENS, NANCY LANDRY, LEGER, LORUSSO, MILLER, NORTON, AND PUGH

AN ACT

To amend and reenact R.S. 3:3712(D)(4), R.S. 17:17.1(C)(1) and 17.5(D)(1), R.S. 28:911(6) and (8), and 919(D)(1) and (2) and (E), R.S. 39:15.3(B)(1), R.S. 40:1058.3(Section heading), 1235(A)(2)(c) and (3), 1235.1(A)(2) and (B)(1), and 1300.104(B)(introductory paragraph) and (1), R.S. 49:1301 and 1304(B), R.S. 56:632(B) and 633(F) and to repeal Section 2 of Act No. 701 of the 2010 Regular Session of the Legislature, Chapter 3-E of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:299, R.S. 11:108, R.S. 17:17.3(C)(5), 17.4(C)(2), 17.5(D)(2), and 1519.13, R.S. 28:4(B)(12), 911(9), and 918, R.S. 36:4(B)(14), 259(D)(2), (M), and (R), 459(D), 610(B)(9) and (G)(1), 629(M), and 919.10, R.S. 39:15.4 through 15.6, Subpart P-4 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111 through 100.117, and Part XI-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:332.1, R.S. 40:1058.3(C)(4), 1235(A)(4), 1300.103(2), and 1300.105, Chapter 46 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through 2613, and R.S. 56:333.2 and 632.8, relative to boards, commissions, authorities, districts, and like entities; to provide relative to the functional organization of state government by abolishing certain boards, commissions, councils, authorities, and like entities; to transfer certain powers, functions, and duties; to remove references to certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the Academic Advisory Council, Ambulance Standards Committee, Commission on Men's Health and Wellness, Emergency Medical Services for Children Advisory Council, Funding Review Panel, Human Services Interagency Council, Louisiana Bio-Fuel Panel, Louisiana Council on Obesity Prevention and Management, Louisiana Information Technology Advisory Board, Louisiana Postsecondary Education Information Technology Council, Louisiana Sustainable Local Food Policy

Council, Louisiana Technology Advisory Group, Methadone Maintenance Program Needs Assessment Task Force, Mullet Task Force, Post Employment Benefits Trust Fund Board of Trustees, Reptile and Amphibian Task Force, State Buildings and Land Highest and Best Use Advisory Group, and Uniform Grading Scale Task Force; to provide relative to provisions of law that require certain information regarding boards, commissions, and like entities to be filed with the commissioner of administration; to provide relative to the duties of the commissioner of administration relative to such provisions; to provide for the content of such information; to provide deadlines; to provide for the evaluation of boards, commissions, and like entities that fail to comply with such deadlines; and to provide for related matters.

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

HOUSE BILL NO. 184—
BY REPRESENTATIVE HONORE
AN ACT

To enact R.S. 15:587(H), relative to criminal background checks; to authorize the Volunteer Louisiana Commission and the recipient of any AmeriCorps funds administered by the Volunteer Louisiana Commission to obtain criminal history record and identification files for certain applicants; to provide for the procedure by which such information is obtained; to provide for the cost of obtaining such information; to provide relative to the confidentiality of such information; 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. 198—
BY REPRESENTATIVE JAY MORRIS
AN ACT

To amend and reenact R.S. 22:550.17(C), relative to captive insurers; to allow the commissioner of insurance to grant reinsurance credits to captive insurers under certain conditions; 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. 224—
BY REPRESENTATIVE HOLLIS
AN ACT

To amend and reenact R.S. 17:492(A) and (D)(2) and 493(A) and (C), relative to school bus operators; to require the immediate removal of a nontenured school bus operator who is convicted of or has pled nolo contendere to certain offenses relative to operating a vehicle while intoxicated; to provide that such a conviction or plea shall be grounds for removal of a tenured school bus operator; to provide for applicability; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 227—
BY REPRESENTATIVE LORUSSO
AN ACT

To amend and reenact R.S. 22:1460(B)(2)(introductory paragraph) and (h), (3), and (E) and to repeal R.S. 22:1460(D)(3), relative to the Property Insurance Association of Louisiana; to change membership requirements; to change requirements of operation; 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. 246—
BY REPRESENTATIVE GISCLAIR
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state properties in Lafourche Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 261—
BY REPRESENTATIVES HAZEL AND ABRAMSON
AN ACT

To amend and reenact R.S. 14:82(C)(4) and (5), 83(B)(2) and (3), 83.1(B)(2) and (3), 83.2(B)(2) and (3), 84(B)(2) and (3), 85(B)(2) and (3), 86(B)(1)(b) and (c), 89(B)(2) and (3), 104(B)(2) and (3), 105(B)(2) and (3), and 282(B)(2) and (3), relative to certain offenses concerning prostitution; to amend the criminal penalties for certain offenses concerning prostitution when the offense involves a person under a certain age; to provide that the term of imprisonment for such offenses shall be at hard labor; and to provide for related matters.

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

HOUSE BILL NO. 291—
BY REPRESENTATIVES PRICE AND BURRELL
AN ACT

To amend and reenact R.S. 22:32(A)(1)(introductory paragraph), (i), (l), and (n) and (3), relative to the Advisory Committee on Equal Opportunity within the Department of Insurance; to require the deputy commissioner of the division of minority affairs to serve as the committee chairperson; to make changes to the list of associations that may submit nominees to be considered for appointment to the committee; 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. 345—
BY REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 56:433.1(E), relative to harvest of oysters from the state seed grounds; to extend the oyster seed ground vessel permit program for three years; and to provide for related matters.

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

HOUSE BILL NO. 376—
BY REPRESENTATIVE STUART BISHOP AND SENATOR ALLAIN
AN ACT

To enact R.S. 56:109.3, relative to wildlife management areas; to authorize the imposition of fees for mooring vessels in the Atchafalaya Delta Wildlife Management Area; to create the Atchafalaya Delta WMA Mooring Account in the Conservation Fund; to provide for deposit of such fees to the fund; to provide for the use of monies in such fund; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 378—
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 56:302.1(C)(2)(c) and 302.9(C)(2) and to enact R.S. 56:10(B)(1)(f) and 302.1(C)(2)(b), relative to charter boat fishing license fees; to increase nonresident charter boat guide license fee; to increase the charter passenger fishing trip

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license fee; to dedicate the funds received through the increased fees; and to provide for related matters.

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

HOUSE BILL NO. 703— (Substitute for House Bill No. 447 by Representative Edwards)

BY REPRESENTATIVE EDWARDS
AN ACT

To enact R.S. 42:31, relative to eligibility requirements for unclassified employment; to require certain unclassified employees to register motor vehicles with the Department of Public Safety and Corrections, public safety services; to require certain unclassified employees to obtain Louisiana driver's licenses; and to provide for related matters.

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

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 78—
BY REPRESENTATIVE LEGER

A CONCURRENT RESOLUTION

To recognize April 25, 2013, as Louisiana Food Banks Day at the state capitol.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Murray
Allain	Dorsey-Colomb	Nevers
Amedee	Erdey	Peacock
Appel	Gallot	Perry
Broome	Guillory	Peterson
Brown	Heitmeier	Riser
Buffington	Johns	Smith, G.
Chabert	Kostelka	Thompson
Claitor	Long	Walsworth
Cortez	Mills	Ward
Crowe	Morrish	White
Total - 33		

NAYS

Total - 0

ABSENT

Adley	Martiny	Smith, J.
LaFleur	Morrell	Tarver
Total - 6		

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

HOUSE CONCURRENT RESOLUTION NO. 79—

BY REPRESENTATIVES ARMES, DANAHAY, FRANKLIN, GEYMAN, GUINN, HENSGENS, HILL, HOWARD, AND KLECKLEY AND SENATORS JOHNS, LAFLEUR, MORRISH, AND JOHN SMITH

A CONCURRENT RESOLUTION

To commend Brigadier General William B. Hickman upon his appointment as the new commander of the Joint Readiness Training Center at Fort Polk and to welcome him to the capitol.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Martiny	Tarver
Brown	Smith, J.	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVE LEGER

A CONCURRENT RESOLUTION

To commend Oxfam America on its water management workforce development initiative and to designate Tuesday, May 7, 2013, as Oxfam America Day at the Louisiana Legislature.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Martiny	Tarver
Brown	Smith, J.	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 81—
BY REPRESENTATIVE LEGER

A CONCURRENT RESOLUTION

To recognize Tuesday, May 7, 2013, as Coastal Day at the Louisiana Legislature.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

HOUSE CONCURRENT RESOLUTION NO. 82—
BY REPRESENTATIVE SEABAUGH AND SENATOR PEACOCK

A CONCURRENT RESOLUTION

To commend the Louisiana State University at Shreveport debate team upon winning the national championship title at the International Public Debate Association national championship tournament.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

HOUSE CONCURRENT RESOLUTION NO. 83—
BY REPRESENTATIVE ARNOLD

A CONCURRENT RESOLUTION

To commend the Louisiana wineries for their ample contributions to the state's economy, agribusiness, alcohol education, integral three-tier system of regulation, and tourism.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Nevers
Allain	Gallot	Peacock
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Buffington	LaFleur	Thompson
Chabert	Long	Walsworth
Claitor	Mills	Ward
Cortez	Morrell	White
Donahue	Morrish	
Dorsey-Colomb	Murray	
Total - 34		

NAYS

Total - 0

ABSENT

Adley	Martiny	Tarver
Crowe	Smith, J.	
Total - 5		

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

HOUSE CONCURRENT RESOLUTION NO. 84—
BY REPRESENTATIVE PRICE

A CONCURRENT RESOLUTION

To express the condolences of the Louisiana Legislature upon the death of Ralph Edward Ricardo, Sr.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Murray
Allain	Erdey	Nevers
Amedee	Gallot	Peacock
Appel	Guillory	Perry
Broome	Heitmeier	Peterson
Brown	Johns	Riser
Buffington	Kostelka	Smith, G.
Chabert	LaFleur	Thompson
Claitor	Long	Walsworth

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Cortez	Mills	Ward
Crowe	Morrell	White
Donahue	Morrish	
Total - 35		

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 18—
BY SENATOR WARD

AN ACT

To enact R.S. 40:4.13, relative to cake and cookie products and the application of the state sanitary code; to provide for preparation of cakes and cookies in home for public consumption; to provide for the promulgation of rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 18 by Senator Ward

AMENDMENT NO. 1

On page 1, line 3, delete "sanitary code" and insert "Sanitary Code"

AMENDMENT NO. 2

On page 1, line 4, delete "to provide for the promulgation of rules and regulations;" and insert: "to provide for annual registration with the Department of Health and Hospitals; to provide for a public registry; to require a certificate from the National Registry of Food Safety Professionals; to provide for penalties;"

AMENDMENT NO. 3

On page 1, line 8, after "consumption" insert "; public registry; certificate from the National Registry of Food Safety Professionals; penalties"

AMENDMENT NO. 4

On page 1, line 9, delete "sanitary code" and insert "Sanitary Code"

AMENDMENT NO. 5

On page 1, line 16 after "for sale" delete the comma ","

AMENDMENT NO. 6

Delete page 2 and insert:

D. (1) An individual qualifying under the provisions of this Section shall register with the Department of Health and Hospitals on an annual basis.

(2) The Department of Health and Hospitals shall maintain an up-to-date public registry on the department's website.

E. An individual selling cookies and cakes from home for sale to the public shall be required to obtain a certificate from the National Registry of Food Safety Professionals.

F. (1) It shall be a misdemeanor for an individual to fail to register as required pursuant to this Section.

(2) Such misdemeanor shall be punishable upon conviction by a fine of not less than one hundred dollars nor more than five hundred dollars.

(3) Such misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offender resides.

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

SENATE BILL NO. 20—
BY SENATOR ALLAIN

AN ACT

To amend and reenact R.S. 42:19 and to enact R.S. 42:19.1, relative to political subdivisions; to provide publication and other requirements prior to consideration of and action upon certain matters at meetings of political subdivisions; 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. 20 by Senator Allain

AMENDMENT NO. 1

On page 1, line 2, between "R.S. 42:19" and "and" insert "(A)(1)(b)(i)"

AMENDMENT NO. 2

On page 1, line 7, after "R.S. 42:19" insert "(A)(1)(b)(i)"

AMENDMENT NO. 3

On page 1, line 16, after "tax" delete "or for" and on line 17, delete "authorizing the issuance of bonds, or" and insert "or for"

AMENDMENT NO. 4

On page 2, line 4, change "any" to "a"

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

SENATE BILL NO. 51—
BY SENATOR LONG

AN ACT

To amend and reenact R.S. 13:2575(A) and (C)(2) and 2576(A)(introductory paragraph) and to enact R.S. 13:2576(A)(7), relative to administrative adjudication procedures for public health, housing, fire code, environmental and other ordinance violations; to remove certain municipal and parish population requirements and restrictions; to provide certain terms, conditions, requirements, and procedures; to provide for the enforcement of ordinances through administrative adjudication procedures and other procedures, including liens, actions and tax sales; to provide for the effects of such procedures and judgments; 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. 51 by Senator Long

AMENDMENT NO. 1

On page 1, line 2, delete "and (C)(2)" and insert ", (B), (C)(2), (D), (F) and (H)"

AMENDMENT NO. 2

On page 1, at the end of line 3, after "for" insert "blighted or abandoned property,"

AMENDMENT NO. 3

On page 1, line 5, delete "remove" and insert "provide"

AMENDMENT NO. 4

On page 1, line 11, delete "and (C)(2)" and insert ", (B), (C)(2), (D), (F) and (H)"

AMENDMENT NO. 5

On page 1, line 14, delete "Municipalities and parishes; pPublic" and insert "Blighted or abandoned property; public"

AMENDMENT NO. 6

On page 1, line 17, after "A." insert "(1)" and after "for" insert "blighted property, abandoned property, or"

AMENDMENT NO. 7

On page 2, lines 1 and 2, delete "building code, zoning, vegetation, nuisance"

AMENDMENT NO. 8

On page 2, line 8, insert "In municipalities with a population of seventy thousand or more, the term "housing violation" as used in this Chapter shall also encompass building codes, zoning, vegetation, and nuisance ordinances."

AMENDMENT NO. 9

On page 2, between lines 12 and 13, insert:

"(2) For purposes of this Chapter, except in any parish with a population of more than three hundred thousand and less than four hundred thousand according to the latest federal decennial census, "blighted property" shall have the same meaning as provided in R.S. 33:1374, and "abandoned property" shall have the same meaning as provided in R.S. 33:4720.59.

B.(1) Any municipality or parish may adopt an ordinance or ordinances establishing an administrative adjudication hearing procedure under the provisions of this Chapter. The ordinance or ordinances shall provide for a time period for persons charged with **owning blighted or abandoned property, or** violating a public health, housing, fire code, environmental, and historic district ordinance to have a hearing under the provisions of this Chapter. The ordinance shall provide for the appointment of one or more hearing officers who may be the director of health of the municipality or parish or the health officer of the parish in which the municipality is located or the designee of such official or, in the discretion of the governing authority, who may be a person who shall have been licensed to practice law in Louisiana for two years.

(2) **Except in any parish with a population of more than three hundred thousand and less than four hundred thousand according to the latest federal decennial census, any municipality or parish that adopts an ordinance establishing an administrative adjudication hearing procedure for determining property to be blighted or abandoned, shall provide notice to the property owners and to all mortgage holders as provided in Subparagraphs (D)(2) and (F)(2) of this Section.**

(3) Each municipality or parish shall have the authority to empower the hearing officer with authority to:"

AMENDMENT NO. 10

On page 2, line 20, after "that" insert "in municipalities with populations in excess of three hundred thousand according to the latest federal decennial census,"

AMENDMENT NO. 11

On page 3, delete line 9 and insert:

"D.(1) Prior to holding an administrative hearing for public health, housing, fire code, environmental, and historic district violations, the municipality or parish shall notify the property owner at least fifteen days in advance of the date that such a hearing is scheduled. This notification shall state the time, date, and location of the hearing, the alleged violations, and it shall be sent by certified or registered United States mail to the violator or personally served on the violator at the address as listed in the assessor's office of the municipality or parish. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by the

United States Post Office shall be considered as having fulfilled the notification requirement. Failure of any person charged with a violation to appear at the hearing shall be considered an admission of liability for the charged violation. Any order compelling the attendance of witnesses or the production of documents may be enforced by the city or municipal court of the municipality or the parish court in whose jurisdiction the municipality is located, or in the parish court of the parish initiating the action.

(2) Except in any parish with a population of more than three hundred thousand and less than four hundred thousand according to the latest federal decennial census, prior to holding an administrative hearing for the determination of blight or abandonment of property, the municipality or parish shall notify the property owner and all current mortgage holders holding a mortgage recorded in the parish mortgage records, at least fifteen days in advance of the date of the administrative hearing. The notification shall state the time, date, and location of the hearing, the location of the subject property, and an explanation that the hearing is for the purpose of making a determination whether the subject property is blighted or abandoned. The notice shall be sent by certified or registered United States mail or personally served on the property owner at the address listed in the assessor's office of the municipality or parish, and on each mortgage holder at the address provided in the recorded mortgage.

* * *

F.(1) The hearing officer shall issue an order within thirty days, excluding legal holidays, of the hearing stating whether or not the person charged is liable for the violation, and the amount of any fine, penalty, costs, or fee assessed against him, and a date by which the violation shall be corrected. In addition to the enforcement procedure and authority set forth in Paragraph (B)(2) of this Section, any order assessing a fine, penalty, costs, or fee or stipulating a correction date may be enforced by the city or municipal court of the municipality or the parish court in whose jurisdiction the municipality is located, or in the parish court of the parish initiating the action.

(2) Except in any parish with a population of more than three hundred thousand and less than four hundred thousand according to the latest federal decennial census, within thirty days, excluding legal holidays, after the hearing to determine whether a property is blighted or abandoned, the hearing officer shall send written post hearing notice to the property owner and current mortgage holders explaining whether the hearing officer determined the subject property to be blighted or abandoned and state whether any fine, penalty, costs, or fees are assessed. The post hearing notice shall be sent to the property owner and current mortgage holders in the manner provided for in Subparagraph (D)(2) of this Section.

* * *

H. Any **property owner or mortgage holder of property determined to be blighted or abandoned property, or any** person determined by the hearing officer to be in violation of a public health, housing, fire code, environmental, or historic district ordinance may appeal this determination to the appropriate district court. Such appeal shall be instituted by filing, within thirty calendar days of the hearing officer's order, a petition with the clerk of court for the district court along with payment of such reasonable costs as may be required by the clerk. After filing a petition for appeal, the clerk of court of the district court shall schedule a hearing and notify all parties of the date, time, and place of such hearing. Service of notice of appeal under this Subsection shall not stay the enforcement and collection of the judgment unless the person who files the appeal furnishes security prior to filing notice of appeal with the agency of the municipality or parish designated by ordinance to accept such payments in the amount to be fixed by the hearing officer sufficient to assure satisfaction of the finding of the hearing officer relative to the fine, fee, penalty, costs of the hearing, and costs, if any, of correcting the violation.

* * *

AMENDMENT NO. 12

On page 3, line 10, after "of" insert "blighted or abandoned property,"

AMENDMENT NO. 13

On page 3, line 11, delete "building code, zoning, vegetation, nuisance"

AMENDMENT NO. 14

On page 3, line 16, between "mortgages" and "and" insert a comma
" , "

AMENDMENT NO. 15

On page 3, line 18, between "mortgages" and "and" insert a comma
" , "

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

SENATE BILL NO. 81—
BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 37:2175.2(A)(1), relative to home improvement contracting; to provide for terms and conditions relative to required registration; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 81 by Senator Peacock

AMENDMENT NO. 1

On page 1, delete lines 8 through 10 and insert the following:
"A.(1)(a) ~~No~~ **Except as provided in Subparagraph (b) of this Paragraph, no** person shall undertake, offer to undertake, or agree to perform home improvement contracting services unless registered with and approved by the"

AMENDMENT NO. 2

On page 1, between lines 12 and 13 insert the following:
"**(b) No individual shall undertake on his own property self-performed home improvement contracting services having a value in excess of seven thousand five hundred dollars unless registered with and approved by the Residential Building Contractors Subcommittee of the State Licensing Board for Contractors as a home improvement contractor.**"

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

SENATE BILL NO. 101—
BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 22:753(C) and 936(G)(8)(f) and (g) and (9) and to enact R.S. 22:751(G), 752(E) and (F), 753(D), (E), and (F), and 936(G)(8)(h) and (i), relative to life insurance reserves; to provide with respect to polices under standard valuation law; to provide relative to standard nonforfeiture law for life insurance; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 101 by Senator Johns

AMENDMENT NO. 1

On page 1, delete lines 2 and 3 and insert:
"To amend and reenact R.S. 22:752(A) and (D)(introductory paragraph), 753(B) and (C), and 936(G)(8)(f) and (g) and (9),

and R.S. 44:4.1(B)(11), and to enact R.S. 22:752(E) and (F), 753(D), (E), (F), (G), (H), (I), and (J), and 936(G)(8)(h) and (i) and (J)(7), relative"

AMENDMENT NO. 2

On page 1, delete lines 8 and 9 and at the beginning of line 10 delete "(i)" and insert:

"Section 1. R.S. 22:752(A) and (D)(introductory paragraph), 753(B) and (C), and 936(G)(8)(f) and (g) and (9) are hereby amended and reenacted and R.S. 22:752(E) and (F), 753(D), (E), (F), (G), (H), (I), and (J), and 936(G)(8)(h) and (i) and (J)(7)"

AMENDMENT NO. 3

On page 1, delete lines 11 through 17 and on page 2 delete lines 1 through 15 and insert:
"§752. Actuarial opinion reserves

A. **Prior to the operative date of the valuation manual, each** life insurance company doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by regulation are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of this state. The commissioner by regulation shall define the specifics of this opinion and add any other items deemed to be necessary in its scope.
* * *

D. Each opinion **required by Subsections A and B of this Section** shall be governed by the following provisions:
* * *

AMENDMENT NO. 4

On page 2, at the beginning of line 16 delete "**Every**" and insert in lieu thereof: "**On and after the operative date of the valuation manual, every**"

AMENDMENT NO. 5

On page 2, line 19, delete "**the opinion and memorandum**" and insert in lieu thereof "**an opinion**"

AMENDMENT NO. 6

On page 2, line 24, delete "**and memorandum**"

AMENDMENT NO. 7

On page 3, at the end of line 20, delete "**January**" and on line 21, delete "**1, 2015**" and insert in lieu thereof "**the operative date of the valuation manual**"

AMENDMENT NO. 8

On page 4, delete lines 13 through 16 in their entirety and insert in lieu thereof:

"B. For policies and contracts issued prior to the operative date of the valuation manual:

(1) Except as otherwise provided in Paragraphs (2) and (3) of this Subsection, the minimum standard for the valuation of all other policies and contracts shall be the commissioner's reserve valuation methods defined in Paragraphs (4), (5), and (8) of this Subsection, five percent interest for group annuity and pure endowment contracts, four percent interest for all other such policies and contracts, and four and one-half percent interest for policies and contracts, other than annuities and pure endowment contracts, issued on or after September 7, 1979, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies: the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to September 7, 1979, the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after September 7, 1979, and prior to January 1, 1989; provided that for any category of such policies issued on female risks, all modified net premiums and present values referred to in this Section may be calculated according to an age not more than six years younger than the actual age of the insured; and for such policies issued on or after January 1, 1989, the Commissioners 1980 Standard Ordinary Mortality Table, or, at the election of the

insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors, or any ordinary mortality table adopted after 1980, by the National Association of Insurance Commissioners that is approved by the commissioner.

(b) For all new industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies: the 1941 Standard Industrial Mortality Table for such policies issued prior to September 7, 1979, and for such policies issued on or after such effective date the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table adopted after 1980, by the National Association of Insurance Commissioners that is approved by the commissioner.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies: the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies: the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts: for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates adopted on or after January 1, 1981, by the National Association of Insurance Commissioners that are approved by the commissioner; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table authorized by this Subpart for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies: for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table or any accidental death benefits table adopted on or after January 1, 1981, by the National Association of Insurance Commissioners that is approved by the commissioner; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table authorized by this Subpart for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits: such tables as approved by the commissioner.

(2)(a) Except as provided in Paragraph (3) of this Subsection, the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after September 7, 1979, and for all annuities and pure endowments purchased on or after such effective date under group annuity and pure endowment contracts shall be the Commissioner's reserve valuation methods defined in Paragraphs (4) and (5) of this Subsection and the following tables and interest rates:

(i) For individual annuity and pure endowment contracts issued prior to September 7, 1979, excluding any disability and accidental death benefits in such contracts: the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts.

(ii) For individual single premium immediate annuity contracts issued on or after September 7, 1979, excluding any disability and accidental death benefits in such contracts: the 1971 Individual Annuity Mortality Table or any individual annuity mortality table adopted on or after January 1, 1981, by the National Association of Insurance Commissioners that is approved by the commissioner, or

any modification of these tables approved by the commissioner, and seven and one-half percent interest.

(iii) For individual annuity and pure endowment contracts issued on or after September 7, 1979, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts: the 1971 Individual Annuity Mortality Table or any individual annuity mortality table adopted on or after January 1, 1981, by the National Association of Insurance Commissioners that is approved by the commissioner, or any modification of these tables approved by the commissioner, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts.

(iv) For all annuities and pure endowments purchased prior to September 7, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts: the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner, and six percent interest.

(v) For all annuities and pure endowments purchased on or after September 7, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts: the 1971 Group Annuity Mortality Table or any group annuity mortality table adopted on or after January 1, 1981, by the National Association of Insurance Commissioners that is approved by the commissioner, or any modification of these tables approved by the commissioner, and seven and one-half percent interest.

(b) Any insurer may file with the commissioner a written notice of its election to comply with the provisions of this Paragraph after a specified date before January 1, 1981, which shall be the effective date of this Paragraph for such insurer; provided, an insurer may elect a different effective date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the effective date of this Paragraph for such insurer shall be January 1, 1981.

(3)(a) The interest rates used in determining minimum standard for the valuation of the policies and contracts listed in Items (i), (ii), (iii), and (iv) of this Subparagraph shall be the calendar year statutory valuation interest rates, as defined in this Paragraph, or, at the option of the insurer, for any category of policies or contracts, the rate or rates of interest provided in Paragraph (1) or (2) of this Subsection.

(i) All life insurance policies issued in a particular calendar year, on or after January 1, 1989.

(ii) All individual annuity and pure endowment contracts issued on or after January 1, 1983.

(iii) All group annuities and pure endowments on or after January 1, 1983.

(iv) The net increase, if any, in a particular calendar year after January 1, 1983, in the amounts held under guaranteed interest contracts.

(b)(i) The calendar year statutory valuation interest rates shall be determined as follows, with the results rounded to the nearer one-quarter of one percent:

$$(aa) \text{ For life insurance: } I = .03 + W(R_1 - .03) + \frac{W}{2}(R_2 - .09).$$

(bb) For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options: $I = .03 + W(R - .03)$ where R_1 is the lesser of R and $.09$; R_2 is the greater of R and $.09$; R is the reference interest rate defined in Subparagraph (d) of this Paragraph; and W is the weighting factor defined in Subparagraph (c) of this Paragraph.

(c) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in Subitem (bb) of this Item, the formula for life insurance stated in Subitem (aa) of this Item shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in Subitem (bb) of this Item shall apply to annuities and guaranteed interest contracts with guarantee duration of ten years or less.

(dd) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the

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formula for single premium immediate annuities stated in Subitem (bb) of this Item shall apply.

(ee) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in Subitem (bb) of this Item shall apply.

(ii) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this Subparagraph differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for such life insurance policies shall then be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying this Subparagraph, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980, by using the reference interest rate defined for 1979, and shall be determined for each subsequent calendar year.

(iii) At the option of the insurer, calculation for life insurance policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the statutory interest rate, as defined in this Subsection, for life insurance policies issued in the immediately preceding calendar year.

(c) The weighting factors referred to in the formulae stated in Subparagraph (b) of this Paragraph shall be as provided in the following tables:

(i) Weighting factors for life insurance:	
Guarantee	Weighting
Duration in years	Factors
10 years or less	.50
More than 10, but not more than 20 years	.45
More than 20 years	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values, or both, which are guaranteed in the original policy;

(ii) The weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options is .80.

(iii) Weighting factors for other annuities and for guaranteed interest contracts, except as stated in Item (ii) of this Subparagraph, shall be as specified in Subitems (aa), (bb), and (cc) of this Item according to the provisions in Subitems (dd), (ee), and (ff) of this Item:

(aa) For annuities and guaranteed interest contracts valued on an issue year basis:

Guarantee Duration in Years	Weighting Factor for Plan Type		
	A	B	C
5 years or less:	.80	.60	.50
More than 5 years, but not more than 10 years:	.75	.60	.50
More than 10 years, but not more than 20 years:	.65	.50	.45
More than 20 years:	.45	.35	.35
(bb)	Plan Type		
	A	B	C

For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in (a) above increased by:

(cc)	.15	.25	.05
	Plan Type		
	A	B	C

For annuities and guaranteed interest contracts valued on an issue year basis, other than those with no cash settlement options, which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than twelve months beyond the valuation date, the factors shown in

Subitem (aa) or derived in Subitem (bb) increased by: .05 .05 .05

(dd) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of twenty years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

(ee) The plan type as used in the above tables is defined as follows:

Plan Type A: At any time the policyholder may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or without such adjustment but in installments over five years or more, or as an immediate life annuity, or no withdrawal as permitted.

Plan Type B: Before expiration of the interest rate guarantee, the policyholder may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or without such adjustment but in installments over five years or more, or no withdrawal is permitted. At the end of the interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years.

Plan Type C: The policyholder may withdraw funds before expiration of the interest rate guarantee in a single sum or installments over less than five years either without adjustment to reflect changes in the interest rates or asset values since receipt of the funds by the insurer, or subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

(ff) An insurer may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options shall be valued on an issue year basis. As used in this Paragraph, an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(d) The reference interest rate referred to in Subparagraph (b) of this Paragraph shall be defined as follows:

(i) For all life insurance, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June thirtieth of the calendar year next preceding the year of issue, of the Monthly Average of the Composite Yield on Seasoned Bonds, as published by Moody's Investors Service, Inc.

(ii) For a single premium immediate annuity and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or year of purchase, of the Monthly Average of the Composite Yield on Seasoned Bonds, as published by Moody's Investors Service, Inc.

(iii) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in Subitem (c)(iii)(bb) of this Paragraph with guarantee duration in excess of ten years, the lesser of the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of the Monthly Average of the Composite Yield on Seasoned Bonds, as published by Moody's Investors Service, Inc.

(iv) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options valued on a year of issue basis, except as stated in Item (ii) of this Subparagraph, with guarantee duration of ten years or less, the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of the Monthly Average of the Composite Yield on Seasoned Bonds, as published by Moody's Investors Service, Inc.

(v) For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of twelve months, ending on June thirtieth of the calendar year of issue or purchase, of the Monthly Average of the Composite Yield on Seasoned Bonds as published by Moody's Investors Service, Inc.

(vi) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except as stated in (ii) above, the average over a period of twelve months, ending on June thirtieth of the calendar year of the change in the fund, of the Monthly Average of the Composite Yield on Seasoned Bonds as published by Moody's Investors Service, Inc.

(e) In the event that the Monthly Average of the Composite Yield on Seasoned Bonds is no longer published by Moody's Investors Service, Inc., or in the event that the National Association of Insurance Commissioners determines that the Monthly Average of the Composite Yield on Seasoned Bonds as published by Moody's Investors Service, Inc. is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the National Association of Insurance Commissioners and approved by the commissioner, shall be substituted.

(4)(a) Except as otherwise provided in Paragraphs (5), (6), and (8) of this Subsection, reserves according to the Commissioner's Reserve Valuation Method for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value at the date of valuation of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be the uniform percentage of the respective contract premiums, excluding extra premiums on substandard policies, for such benefits that, at the date of issue of the policy, the present value of all modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of Item (i) of this Subparagraph over Item (ii) of this Subparagraph as follows:

(i) A net level annual premium equal to the present value at the date of issue of such benefits provided for after the first policy year, divided by the present value at the date of issue of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided however, that such net level annual premium shall not exceed the net level annual premium on the nineteen year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(ii) A net one year term premium for such benefits provided for in the first policy year.

(b) Any life insurance policy issued on or after January 1, 1986, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value, or a combination thereof, in an amount greater than such excess premium, the reserve according to the Commissioner's Reserve Valuation Method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in Paragraph (8) of this Subsection be the greater of the reserve as of such policy anniversary calculated as described in Subparagraph (a) of this Paragraph and the reserve as of such policy anniversary calculated as described in that Subparagraph, but with the value defined in that Subparagraph being reduced by fifteen percent of the amount of such excess first year premium, all present values of

benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, the policy being assumed to mature on such date as an endowment, and the cash surrender value provided on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in Paragraphs (1) and (3) of this Subsection shall be used.

(c) Reserves according to the Commissioner's Reserve Valuation Method for life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums shall be calculated by a method consistent with the principles of this Paragraph. Reserves for group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended; disability and accidental death benefits in all policies and contracts; and all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the benefits granted and approved by the commissioner.

(5)(a) This Section shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended.

(b) Reserves according to the commissioner's annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

(6)(a) An insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, shall in no event be less than the aggregate reserves calculated in accordance with the methods set forth in Paragraphs (4), (5), (8), and (10) of this Subsection and the mortality table or tables, and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(b) In no event shall the aggregate reserves for all policies, contracts, and benefits be less than the aggregate reserves determined to be necessary to render the opinion required in R.S. 22:752.

(c) The commissioner of insurance shall promulgate a regulation containing the minimum standards applicable to the valuation of health and accident plans.

(7) Reserves for any category of policies, contracts, or benefits may be calculated at the option of the insurer according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher but may be lower than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein.

(8)(a) If in any contract year the gross premium charged by any life insurer on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the

reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this Paragraph are those standards stated in Paragraphs (1) and (3) of this Subsection.

(b) Any life insurance policy issued on or after January 1, 1986, for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this Paragraph (8) of this Subsection shall be applied as if the method actually used in calculating the reserve for such policy were the method described in Paragraph (4) of this Subsection, ignoring Subparagraph (b) of that Paragraph. The minimum reserve at each policy anniversary of such a policy shall be the greater of the minimum reserve calculated in accordance with Paragraph (4) of this Subsection, including Subparagraph (b) of that Paragraph, and the minimum reserve calculated in accordance with this Paragraph (8) of this Subsection.

(9) Nothing in this Subsection shall apply to any policy issued by any insurer subject to the provisions of Subparts D and E of Part I of this Chapter, R.S. 22:131 et seq. and R.S. 22:141 et seq., unless such insurer elects to comply with the standard non-forfeiture law.

(10) In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurer based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in Paragraphs (4), (5), and (8) of this Subsection, the reserves which are held under any such plan shall be appropriate in relation to the benefits and the pattern of premiums for that plan, and shall be computed by a method which is consistent with the principles of this Section as determined by the commissioner.

C. For policies issued on or after the operative date of the valuation manual:

(1) The standard prescribed in the valuation manual is the minimum standard of valuation required under R.S. 22:751(A), except as provided under Paragraph (5) or (7) of this Subsection.

(2) The operative date of the valuation manual is January 1 of the first calendar year following the first July 1 as of which all of the following have occurred:

(a) The valuation manual has been adopted by the NAIC by an affirmative vote of at least forty-two members, or three-fourths of the members voting, whichever is greater.

(b) The Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by states representing greater than seventy-five per cent of the direct premiums written as reported in the following annual statements submitted for 2008: life, accident and health annual statements; health annual statements; or fraternal annual statements.

(c) The Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least forty-two of the fifty-five NAIC member jurisdictions.

(3) Unless a change in the valuation manual specifies a later effective date, changes to the valuation manual shall be effective on January 1 following the date when the change to the valuation manual has been adopted by the NAIC by an affirmative vote representing:

(a) At least three-fourths of the members of the NAIC voting, but not less than a majority of the total membership.

(b) Members of the NAIC representing jurisdictions totaling greater than seventy-five per cent of the direct premiums written as reported in the following annual statements most recently available prior to the vote in Paragraph (2)(a) of this Subsection: life, accident and health annual statements, health annual statements, or fraternal annual statements."

AMENDMENT NO. 9

On page 4, line 17, delete "(2)" and insert "(4)"

AMENDMENT NO. 10

On page 4, at the end of line 19, delete "January" and on line 20, delete "**1, 2015**" and insert "**the operative date of the valuation manual**"

AMENDMENT NO. 11

On page 4, line 24, change "(3)" to "(5)"

AMENDMENT NO. 12

On page 4, line 25, after "**commissioner**" insert "**by rule or regulation**"

AMENDMENT NO. 13

On page 4, line 26, change "(4)" to "(6)"

AMENDMENT NO. 14

On page 5, line 4, change "(5)" to "(7)"

AMENDMENT NO. 15

On page 5, between lines 7 and 8, insert:

"(8) Upon written application of a domestic insurer, the commissioner may exempt the insurer or specific product forms or lines from the requirements of this Subsection."

AMENDMENT NO. 16

On page 5, line 13, after "**including**" insert "**conditions appropriately adverse to quantify any**"

AMENDMENT NO. 17

On page 5, line 16, after "**process**", insert "**, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods**"

AMENDMENT NO. 18

On page 6, line 2, after "**function**" insert "**consistent with those described in the valuation manual**"

AMENDMENT NO. 19

On page 6, line 6, after "**included**" insert "**in the valuation**"

AMENDMENT NO. 20

On page 6, line 13, delete "**January 1, 2015**" and insert "**the operative date of the valuation manual**"

AMENDMENT NO. 21

On page 6, between lines 23 and 24, insert the following:

"G. For purposes of this Subpart, "confidential information" shall mean:

(1) A memorandum in support of an opinion submitted under this Section and any other documents, materials and other information, including but not limited to all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such memorandum.

(2) All documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in the course of an examination made under this Section provided, however, that if an examination report or other material prepared in connection with an examination made under Chapter 8 of this Title is not held as private and confidential information under Chapter 8 of this Title, an examination report or other material prepared in connection with an examination made under this Section shall not be confidential information to the same extent as if such examination report or other material had been prepared under Chapter 8 of this Title.

(3) Any reports, documents, materials and other information developed by a company in support of, or in connection with, an annual certification by the company under this Section evaluating the effectiveness of the company's internal controls

with respect to a principle-based valuation and any other documents, materials, and other information, including, but not limited to, all working papers, and copies thereof, created, produced, or obtained by or disclosed to the commissioner or any other person in connection with such reports, documents, materials, and other information.

(4) Any principle-based valuation report developed under this Section and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced, or obtained by or disclosed to the commissioner or any other person in connection with such report.

(5) Any documents, materials, data and other information submitted by a company under this Section (collectively, "experience data") and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created or produced in connection with such experience data, in each case that include any potentially company-identifying or personally identifiable information, that is provided to or obtained by the commissioner (together with any experience data, the experience materials) and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such experience materials.

H. Privilege for, and confidentiality of, confidential information.

(1) Except as provided in this Section, a company's confidential information is confidential by law and privileged, and shall not be subject to the Public Records Law, R.S. 44:1.1 et seq., shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action; provided, however, that the commissioner is authorized to use the confidential information in the furtherance of any regulatory or legal action brought against the company as a part of the commissioner's official duties.

(2) Neither the commissioner nor any person who received confidential information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential information.

(3) In order to assist in the performance of the commissioner's duties, the commissioner may share confidential information (a) with other state, federal, and international regulatory agencies and with the NAIC and its affiliates and subsidiaries and (b) in the case of confidential information specified in Paragraphs (1) and (4) of this Subsection H of this Section only, with the Actuarial Board for Counseling and Discipline or its successor upon request stating that the confidential information is required for the purpose of professional disciplinary proceedings and with state, federal, and international law enforcement officials; in the case of Subparagraphs (a) and (b) of this Paragraph, provided that such recipient agrees, and has the legal authority to agree, to maintain the confidentiality and privileged status of such documents, materials, data and other information in the same manner and to the same extent as required for the commissioner.

(4) The commissioner may receive documents, materials, data and other information, including otherwise confidential and privileged documents, materials, data or information, from the NAIC and its affiliates and subsidiaries, from regulatory or law enforcement officials of other foreign or domestic jurisdictions and from the Actuarial Board for Counseling and Discipline or its successor and shall maintain as confidential or privileged any document, material, data or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or other information.

(5) The commissioner may enter into agreements governing sharing and use of information consistent with this Subsection.

(6) No waiver of any applicable privilege or claim of confidentiality in the confidential information shall occur as a result of disclosure to the commissioner under this Section or as

a result of sharing as authorized in Paragraph (3) of this Subsection.

(7) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this Subsection shall be available and enforced in any proceeding in, and in any court of, this state.

(8) In this Section "regulatory agency", "law enforcement agency" and the "NAIC" include, but are not limited to, their employees, agents, consultants and contractors.

I. Notwithstanding Subsection H of this Section, any confidential information specified in Paragraphs (1) and (4) of Subsection G of this Section:

(1) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted under R.S. 22:752 or principle-based valuation report developed under this Section by reason of an action required by this Subpart or by regulations promulgated hereunder.

(2) May otherwise be released by the commissioner with the written consent of the company.

(3) Once any portion of a memorandum in support of an opinion submitted under R.S. 22:752 or a principle-based valuation report developed under this Section is cited by the company in its marketing or is publicly volunteered to or before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of such memorandum or report shall no longer be confidential.

J. For the purposes of this Subpart, the following definitions shall apply on and after the operative date of the valuation manual:

(1) "Accident and health insurance" means contracts that incorporate morbidity risk and provide protection against economic loss resulting from accident, sickness, or medical conditions and as may be specified in the valuation manual.

(2) "Appointed actuary" means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required in Section 3(A) of this Act.

(3) "Company" means an entity that has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts and one of the following:

(a) At least one such policy or contract in force or on claim in this state.

(b) A requirement to hold a certificate of authority to write such policies or contracts in this state and has written, issued, or reinsured such policies or contracts in any state.

(4) "Deposit-type contract" means a contract that does not incorporate mortality or morbidity risks and as may be specified in the valuation manual.

(5) "Life insurance" means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

(6) "Policyholder behavior" means any action a policyholder, contract holder, or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to this Subpart including, but not limited to, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization, or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.

(7) "Principle-based valuation" means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with R.S. 22:753(D) as specified in the valuation manual.

(8) "Qualified actuary" means an individual qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and meets the requirements specified in the valuation manual.

(9) "Tail risk" means risk that occurs either where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude.

(10) "Valuation manual" means the manual of valuation instructions adopted by the NAIC as specified in this Subpart including any subsequent amendments."

AMENDMENT NO. 22

On page 7, line 11, delete "**January 1, 2015**" and insert "**the operative date of the valuation manual**"

AMENDMENT NO. 23

On page 7, lines 17 and 25, delete "**January 1, 2015**" and insert "**the operative date of the valuation manual**"

AMENDMENT NO. 24

On page 7, line 28, after "**(h)**", change "Any" to "**Any For policies issued prior to the operative date of the valuation manual, any**"

AMENDMENT NO. 25

On page 8, lines 4 and 12, delete "**January 1, 2015**" and insert "**the operative date of the valuation manual**"

AMENDMENT NO. 26

On page 8, line 15, delete "**January 1, 2015**" and insert "**the operative date of the valuation manual**"

AMENDMENT NO. 27

On page 8, line 20, delete "**January 1, 2015**" and insert "**the operative date of the valuation manual**"

AMENDMENT NO. 28

On page 8, between lines 23 and 24, insert the following:

* * *

(7) The operative date of the valuation manual as used in this Section shall be the date determined according to R.S. 22:753(C)(2).

* * *

Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

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

* * *

(11) R.S. 22:2, 14, 42.1, 88, 244, 461, 572, 572.1, 574, 618, 706, 732, 752, **753**, 771, 1203, 1460, 1466, 1546, 1644, 1656, 1723, 1927, 1929, 1983, 1984, 2036, 2303

* * *

AMENDMENT NO. 29

On page 8, line 24, change "Section 2." to "Section 3." and change "2015" to "2014"

AMENDMENT NO. 30

On page 8, line 26, change "2015" to "2014"

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

SENATE BILL NO. 129—

BY SENATOR JOHN SMITH

AN ACT

To amend and reenact R.S. 42:1102(18)(b), relative to public employees and the Code of Governmental Ethics; to provide an exception to the definition of a public employee; to provide relative to Hospital Service District Number Two of Beauregard Parish; to provide for retroactive application; 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. 129 by Senator John Smith

AMENDMENT NO. 1

On page 1, line 2, delete "public employees and"

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

SENATE BILL NO. 134—

BY SENATORS MORRELL AND HEITMEIER AND REPRESENTATIVE KLECKLEY

AN ACT

To enact R.S. 36:259(E)(25) and Chapter 60 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3701 through 3717, relative to behavior analysts; to create the Louisiana Behavior Analyst Board within Department of Health and Hospital; to provide for the Behavior Analyst Practice Act; to provide for definitions; to provide for the Louisiana Behavior Analyst Board and provide for its powers and duties; to provide for the requirements of licensure, state certification, or registration; to provide for the qualifications for licensure and state certification; to provide for issuance and renewal of licenses and state certificates; to provide for reinstatement of licenses and state certifications; to provide for the filing of licenses and state certificates; to provide for the denial, revocation, or suspension of licenses and state certificates; to provide for continuing education; to provide for fees; to provide for certain exceptions; to provide for penalties; to provide for the sharing of resources between boards; to provide for termination; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 134 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 3, delete "3717" and insert "3718"

AMENDMENT NO. 2

On page 1, line 13, after "penalties;" insert "to provide for injunctive proceedings;"

AMENDMENT NO. 3

On page 2, line 8, delete "3717" and insert "3718"

AMENDMENT NO. 4

On page 3, line 4, delete "**patient**" and insert "**client**"

AMENDMENT NO. 5

On page 3, line 20, delete "**counseling as treatment modalities**" and insert "**mental health counseling**"

AMENDMENT NO. 6

On page 3, line 28, after "**Association**" insert a comma ", "

AMENDMENT NO. 7

On page 4, line 6, after "**four years**" insert a comma ", "

AMENDMENT NO. 8

On page 4, line 8, after "**three years**" insert a comma ", "

AMENDMENT NO. 9

On page 4, line 11, after "**years**" insert a comma ", "

AMENDMENT NO. 10

On page 4, line 24, delete "monthly" and insert "quarterly"

AMENDMENT NO. 11

On page 5, lines 14 and 15, delete "and the temporary state certification of assistant behavior analysts"

AMENDMENT NO. 12

On page 5, line 21, after "review" insert a comma ",₂"

AMENDMENT NO. 13

On page 5, line 22, delete ", state certification, and registration"

AMENDMENT NO. 14

On page 6, delete line 10 and insert "to the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections for criminal background checks. Upon the board's submission of an applicant's fingerprints and such other identifying information as may be required the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections may charge the board a reasonable processing fee for conducting and reporting on any such search."

AMENDMENT NO. 15

On page 6, delete line 14 and insert: "of licensed behavior analysts, state certified assistant behavior analysts, and registered line technicians."

AMENDMENT NO. 16

On page 6, line 16, before "No" insert "A."

AMENDMENT NO. 17

On page 6, between lines 19 and 20 insert:

"B. This Section shall be enforced beginning December 31, 2013."

AMENDMENT NO. 18

On page 6, delete line 29 and insert

"(4) Satisfactory completion of the criminal background check in"

AMENDMENT NO. 19

On page 7, line 4, before "National" insert "American"

AMENDMENT NO. 20

On page 7, line 15, delete "professional organizations" and insert "credentialing bodies"

AMENDMENT NO. 21

On page 7, line 16, delete "regional"

AMENDMENT NO. 22

On page 8, delete line 5 and insert

"(4) Satisfactory completion of the criminal background check in"

AMENDMENT NO. 23

On page 8, line 21, delete "regional"

AMENDMENT NO. 24

On page 9, line 6, after "report" insert "from the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections"

AMENDMENT NO. 25

On page 10, line 8, after "A." delete remainder of the line and insert "A licensed behavior analysts and anyone under the supervision of a licensed behavior"

AMENDMENT NO. 26

On page 10, line 18, after "license" insert "or a state certificate"

AMENDMENT NO. 27

On page 12, line 8 and 9, delete "Louisiana" and ", R.S. 49:950 et seq"

AMENDMENT NO. 28

On page 12, line 27, delete "or" and insert "and"

AMENDMENT NO. 29

On page 14, between lines 1 and 2, insert:

"(15) For temporary licensure \$125"

AMENDMENT NO. 30

On page 14, line 17, after "behavior analyst" insert a comma ",₂"

AMENDMENT NO. 31

On page 14, line 24, after "organization" delete the remainder of the line and insert "and do not involve direct services to individuals."

AMENDMENT NO. 32

On page 14, line 27, delete "or" and after "intensive practicum" insert ", or supervised independent fieldwork"

AMENDMENT NO. 33

On page 15, delete lines 15 through 20, and insert:

"(9) An individual licensed to practice psychology within the state, so long as the applied behavior analysis services provided by the licensed psychologist are within the licensed psychologist's education, training and expertise. This includes individuals acting under the extended authority and direction of licensed psychologists. Licensed psychologists and those acting under their extended authority are prohibited from representing themselves as behavior analysts, licensed behavior analysts, assistant behavior analysts, or state certified assistant behavior analysts without being duly licensed or state certified."

AMENDMENT NO. 34

On page 15, line 18 and 19, delete "analysts" and insert "analyst"

AMENDMENT NO. 35

On page 16, line 6, after "six months" delete the comma ",₂"

AMENDMENT NO. 36

On page 16, between lines 11 and 12, insert:

"§3717. Injunctive proceedings

A. The board may investigate any evidence or allegation which appears to show that any person is or may be in violation of any provision of this Chapter.

B. The board may apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act which is in violation of this Chapter.

C. If it be established that the defendant has been or is committing an act which is in violation of this Chapter, the court shall enter a decree perpetually enjoining said defendant from further committing such act.

D. In case of violation of any injunction issued under the provisions of this Section, the court may summarily try and punish the offender for contempt of court.

E. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies as provided in this Chapter."

AMENDMENT NO. 37

On page 16, line 12, delete "§3717." and insert "§3718."

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

SENATE BILL NO. 136—

BY SENATOR CHABERT

AN ACT

To enact R.S. 32:1261(A)(1)(x) and 1262(B)(8), relative to motor vehicles; to provide relative to manufacturers and dealers; to provide relative to sales and service satisfaction surveys and unauthorized acts; to prohibit certain rebate charge backs; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 136 by Senator Chabert

AMENDMENT NO. 1

On page 1, delete line 2 and insert the following: "To amend and reenact R.S. 32:1252(8) and (23) through (70), to enact R.S. 32:1252(71), 1261(A)(1)(x), 1262(B)(8), and 1283, and to repeal R.S. 32:1254(D)(6), relative to motor vehicles; to provide for definitions; to provide"

AMENDMENT NO. 2

On page 1, line 4, after "backs;" insert "to provide for choice of laws with regards to a vehicle protection product warranty;

AMENDMENT NO. 3

On page 1, delete line 7 and insert the following: "Section 1. R.S. 32:1252(8) and (23) through (70) are hereby amended and reenacted and R.S. 32:1252(71), 1261(A)(1)(x), 1262(B)(8), and 1283 are hereby enacted to read as"

AMENDMENT NO. 4

On page 1, between lines 8 and 9 insert the following: "§1252. Definitions The following words, terms, and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

(8) "Converter" or "secondary manufacturer" means a person who prior to the retail sale of motor vehicles or trailers, assembles, installs, or affixes a body, cab, or special equipment to a chassis, or who substantially adds, subtracts from, or modifies a previously assembled or manufactured motor vehicle or trailers.

(23) "Low speed vehicle" means a four-wheeled, electric powered vehicle with a maximum speed of not less than twenty miles per hour but not more than twenty-five miles per hour and that possesses minimum motor vehicle equipment appropriate for vehicle safety as required by 49 C.F.R. 571.500.

(24) "Manufacturer" means any person, resident or nonresident, who fabricates, manufactures, or assembles motor vehicles, recreational products, or new, remanufactured, reconditioned, or rebuilt motor vehicle or marine motors.

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

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

(27) "Marine product" means a new or used watercraft, boat, or motor designed for recreational or commercial use on water and a boat or watercraft trailer. The term also includes an outboard motor or a boat with an inboard/outboard motor attached to it. The

term shall not mean a watercraft designed for use primarily for commercial purposes or new or used watercraft or boats adapted to be powered only by occupant's energy.

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

(29) "Marine product salesman" means any natural person employed by a licensee of the commission whose duties include the selling, leasing, or offering for sale or lease, financing or insuring marine products on behalf of said licensee and who holds a motor vehicle salesman license under the provisions of this Chapter.

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

(31) "Motorcycle or all-terrain vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale or exchange of an interest in motorcycles or all-terrain vehicles and who is engaged wholly or in part in the business of buying and selling motorcycles or all-terrain vehicles in the state of Louisiana and who holds a license as a recreational products dealer under the provisions of this Chapter.

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

(b) "Motorcycle or all-terrain vehicle dealer" shall not include any of the following:

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

(ii) Public officers while performing their official duties.

(iii) Employees of motorcycle or all-terrain vehicle dealers when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of motorcycles or all-terrain vehicles constituting collateral on a mortgage or security agreement.

(v) Insurance companies.

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

(32) "Motorcycle or all-terrain vehicle salesman" means any natural person employed by a licensee of the commission whose duties include the selling, leasing, or offering for sale or lease, financing or insuring motorcycle or all-terrain vehicles on behalf of said licensee and who holds a motor vehicle salesman license under the provisions of this Chapter.

(33) "Motor home" means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four of the following permanently installed systems which meet American National Standards Institute and National Fire Protection Association standards in effect as of the date of manufacture, two of which shall be systems specified below in Subparagraph (a), (d), or (e) of this Paragraph:

(a) Cooking facilities.

(b) Ice box or mechanical refrigerator.

(c) Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.

(d) Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.

(e) Heating or air conditioning system, or both, separate from the vehicle engine or the vehicle engine electrical system.

(f) A one hundred ten/one hundred fifteen volt alternating current electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

~~(33)~~ **(34)** "Motor vehicle" means any motor driven car, van, or truck required to be registered which is used, or is designed to be used, for the transporting of passengers or goods for public, private, commercial, or for hire purposes.

~~(34)(a)~~ **(35)(a)** "Motor vehicle dealer" means any person, not excluded by Subparagraph (b) of this Paragraph who holds a bona fide franchise in effect with a manufacturer or distributor of new motor vehicles, and a license under the provisions of this Chapter or a subsidiary of any such entity. Such duly franchised and licensed motor vehicle dealers shall be the sole and only persons entitled to sell, publicly solicit, and advertise the sale of new motor vehicles as such.

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

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

(ii) Public officers while performing or in operation of their duties.

(iii) Employees of persons enumerated in Item (i) of this Subparagraph when engaged in the specific performance of their duties as such employees.

(iv) Financial institutions engaged in the sale of motor vehicles for the collection of debts secured thereby.

~~(35)(a)~~ **(36)(a)** "Motor vehicle lessor" shall mean any person, not excluded by Subparagraph (b) of this Paragraph, engaged in the motor vehicle, recreational products, or specialty vehicle leasing or rental business. It shall also include a subsidiary of any such entity.

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

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

(ii) Public officers while performing or in the operation of their duties.

(iii) Employees of persons, corporations, or associations enumerated in Item (i) of this Subparagraph when engaged in the specific performance of their duties as such employees.

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

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

~~(36)~~ **(37)** "Motor vehicle lessor agent" means any natural person, other than a daily rental person, employed by a motor vehicle lessor licensed by the commission whose duties include the leasing, renting or offering for lease or rent motor vehicles, recreational products, or specialty vehicles on behalf of said motor vehicle lessor.

~~(37)~~ **(38)** "Motor vehicle lessor franchisor" means any person who grants a franchise to any person granting the right to lease or rent a motor vehicle, recreational product, or specialty vehicle under its trade name, trademark, or service mark or to sell used motor vehicles, recreational products, or specialty vehicles formerly a part of its rental fleet.

~~(38)~~ **(39)** "Motor vehicle salesman" means any natural person employed by a licensee of the commission whose duties include the selling, leasing, or offering for sale or lease, financing or insuring motor vehicles, recreational products, or specialty vehicles on behalf of said licensee.

~~(39)~~ **(40)** "New marine product" means a marine product, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(40)~~ **(41)** "New motorcycle or all-terrain vehicle" means a motorcycle or all-terrain vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(41)~~ **(42)** "New motor vehicle", "new recreational product", or "new specialty vehicle" means a motor vehicle, recreational product, or specialty vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(42)~~ **(43)** "New recreational vehicle" means a recreational vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(43)~~ **(44)** "Person" shall mean any natural or juridical person, firm, association, corporation, trust, partnership, limited liability partnership, professional liability corporation, or limited liability company or any other legal entity.

~~(44)~~ **(45)** "Recreational products" means new and unused motorcycles, all-terrain vehicles, marine products, recreational vehicles, and trailers as defined in this Chapter.

~~(45)~~ **(46)** "Recreational products dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale or exchange of an interest in recreational products and who is engaged wholly or in part in the business of buying and selling recreational products in the state of Louisiana.

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

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

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

(ii) Public officers while performing their official duties.

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

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

(v) Insurance companies.

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

~~(46)~~ **(47)** "Recreational vehicle" means a motorized or towable vehicle that combines transportation and temporary living quarters for travel, recreation, and camping. For purposes of this Chapter, a "recreational vehicle" includes new and used motor homes, new and used travel trailers, new and used fifth-wheel travel trailers, new and used folding camper trailers, and slide-in truck campers.

~~(47)~~ **(48)** "Recreational vehicle dealer" means any person who, for a commission or with intent to make a profit or gain of money or other thing of value, buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale or exchange of an interest in recreational vehicles and who is engaged wholly or in part in the business of buying and selling recreational vehicles in the state of Louisiana and who holds a license as a recreational products dealer under the provisions of this Chapter.

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

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

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

(ii) Public officers while performing their official duties.

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

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

(v) Insurance companies.

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

~~(48)~~ **(49)** "Recreational vehicle salesman" means any natural person employed by a licensee of the commission whose duties include the selling, leasing, or offering for sale or lease, financing or insuring recreational vehicles on behalf of said licensee and who holds a motor vehicle salesman license under the provisions of this Chapter.

~~(49)~~ **(50)** "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle, recreational product, or specialty vehicle to an ultimate purchaser for use as a consumer.

~~(50)~~ **(51)** "Satellite warranty and repair center" means a motor vehicle repair facility, other than at a motor vehicle dealer franchised location, approved by a manufacturer or distributor and authorized to perform warranty and other repairs on motor vehicles.

~~(51)~~ **(52)** "Selling agreement" means any written contract or agreement between a marine dealer and a manufacturer, or its distributor or factory branch, by which the marine dealer is authorized to engage in the business of selling or leasing the specific makes, models, or classifications of marine products marketed or leased by the manufacturer, and designated in the selling agreement or any addendum thereto. For the purposes of this Paragraph, any written modification, amendment, or addendum to the original selling agreement that changes the rights and obligations of the parties to the original selling agreement shall constitute a new selling agreement, effective as of the date of the modification, amendment, or addendum.

~~(52)~~ **(53)** "Specialty vehicle" means a motor vehicle manufactured by a second stage manufacturer by purchasing motor vehicle components, including frames and drive trains, and completing the manufacture of finished motor vehicles for the purpose of resale, with the primary manufacturer warranty unimpaired, to a limited commercial market rather than the consuming public. Specialty vehicle includes ambulances, fire trucks, garbage trucks, hearses, limousines, school buses, street sweepers, vacuum trucks, wreckers, and other similar limited purpose vehicles. Specialty vehicle does not include motor homes as defined in this Chapter.

~~(53)~~ **(54)** "Specialty vehicle dealer" means any person who holds a bona fide franchise in effect with a converter or second stage manufacturer of specialty vehicles and a license under the provisions of this Chapter or a subsidiary of any such entity. Such duly franchised and licensed specialty vehicle dealer shall be the sole person entitled to sell, publicly solicit, and advertise the sale of specialty vehicles.

~~(54)~~ **(55)** "Subsidiary" shall mean any person engaged in the selling or leasing of motor vehicles, recreational products, or specialty vehicles, in which a majority of the ownership interests of such entity is owned by a holder of a license issued by the commission.

~~(55)~~ **(56)** "Trailer" means every single vehicle without motive power designed for carrying property or passengers wholly on its own structure, drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels and having one or more load carrying axles. "Trailer" includes but is not limited to utility trailers, boat trailers, recreational trailers, semitrailers, livestock trailers, tow dollies, and dump trailers.

~~(56)~~ **(57)** "Ultimate purchaser" means, with respect to any new motor vehicle, recreational product, or specialty vehicle, the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases such new motor vehicles, recreational products, or specialty vehicles for purposes other than resale. "Ultimate purchaser" shall not include a person who purchases a motor vehicle or recreational product for purposes of altering or remanufacturing the motor vehicle or recreational product for future resale.

~~(57)(a)~~ **(58)(a)** "Used marine dealer" means any person, whose business is to sell, or offer for sale, display, or advertise used marine products, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

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

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

(ii) Public officers while performing their official duties.

(iii) Employees of persons, corporations, or associations defined as "used marine dealers" when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of marine products constituting collateral on a mortgage or security agreement and who do not maintain a used car lot or building with one or more employed marine product salesman.

(v) Insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed marine product salesman.

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

~~(58)~~ **(59)** "Used marine product" means a marine product, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(59)~~ **(60)** "Used marine product facility" means any facility which is owned and operated by a licensee of the commission and offers for sale used marine products.

~~(60)~~ **(61)** "Used motorcycle or all-terrain vehicle" means a motorcycle or all-terrain vehicle, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(61)(a)~~ **(62)(a)** "Used motorcycle or all-terrain vehicle dealer" means any person, whose business is to sell, or offer for sale, display, or advertise used motorcycles or all-terrain vehicles, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

(b) "Used motorcycle or all-terrain vehicle dealer" shall not include any of the following:

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

(ii) Public officers while performing their official duties.

(iii) Employees of persons, corporations, or associations enumerated in the definition of "used motorcycle or all-terrain vehicle dealer" when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of motorcycles or all-terrain vehicles constituting collateral on a mortgage or security agreement and who do not maintain a used car lot or building with one or more employed motorcycle or all-terrain vehicle salesman.

(v) Insurance companies who sell motorcycles or all-terrain vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed motorcycle or all-terrain vehicle salesman.

(vi) Used motorcycle or all-terrain vehicle dealers licensed pursuant to R.S. 32:781 et seq.

~~(62)~~ **(63)** "Used motorcycle or all-terrain vehicle facility" means any facility which is owned and operated by a licensee of the commission and offers for sale used motorcycles or all-terrain vehicles.

~~(63)~~ **(64)** "Used motor vehicle" means a motor vehicle, recreational product, or specialty vehicle, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(64)(a)~~ **(65)(a)** "Used motor vehicle dealer" means any person, whose business is to sell, or offer for sale, display, or advertise used motor vehicles, recreational products, or specialty vehicles, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

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

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

(ii) Public officers while performing their official duties.

(iii) Employees of persons, corporations, or associations enumerated in the definition of "used motor vehicle dealer" when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement and who

do not maintain a used car lot or building with one or more employed motor vehicle salesman.

(v) Insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed motor vehicle salesman.

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

~~(65)~~ **(66)** "Used motor vehicle facility" means any facility which is owned and operated by a licensee of the commission and offers for sale used motor vehicles, recreational products, or specialty vehicles.

~~(66)~~ **(67)** "Used recreational vehicle" means a recreational vehicle, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(67)(a)~~ **(68)(a)** "Used recreational vehicle dealer" means any person, whose business is to sell, or offer for sale, display, or advertise used recreational vehicles, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

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

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

(ii) Public officers while performing their official duties.

(iii) Employees of persons, corporations, or associations enumerated in the definition of "used recreational vehicle dealer" when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of recreational vehicles constituting collateral on a mortgage or security agreement and who do not maintain a used car lot or building with one or more employed recreational vehicle salesman.

(v) Insurance companies who sell recreational vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed recreational vehicle salesman.

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

~~(68)~~ **(69)** "Used recreational vehicle facility" means any facility which is owned and operated by a licensee of the commission and offers for sale used recreational vehicles.

~~(69)~~ **(70)** "Vehicle" means any motor vehicle, specialty vehicle, or recreational product subject to regulation by this Chapter.

~~(70)~~ **(71)** "Wrecker" means any motor vehicle equipped with a boom or booms, winches, slings, tilt beds, or similar equipment designed for towing or recovery of vehicles and other objects which cannot operate under their own power or for some reason must be transported by means of towing.

* * *

AMENDMENT NO. 5

On page 1, line 14, after "**survey**" insert "**that pertains to a dealership employee's personal motor vehicle or specialty vehicle**"

AMENDMENT NO. 6

On page 1, line 15, change "1" to "2" and delete lines 16 and 17

AMENDMENT NO. 7

On page 2, line 7, delete "**and was not grossly negligent in**" and insert "**when**"

AMENDMENT NO. 8

On page 2, line 8, after "**information**" insert "**and otherwise complied with the program requirements**"

AMENDMENT NO. 9

On page 2, after line 12 insert the following:

"§1283. Vehicle protection; warranty; venue; choice of law
A provision contained in a vehicle protection product warranty requiring that arbitration or litigation be conducted outside this state or a provision that seeks to apply any law other than Louisiana law to disputes between the parties to a vehicle protection product warranty shall be void and unenforceable.

Section 2. R.S. 32:1254(D)(6) is hereby repealed."

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

SENATE BILL NO. 150— BY SENATOR ADLEY

AN ACT

To enact R.S. 40:1300.57, relative to criminal history checks on nonlicensed persons and licensed ambulance personnel; to provide with respect to an authorized agency; to provide for the application and requirements for approval as an authorized agency; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 150 by Senator Adley

AMENDMENT NO. 1

On page 1, line 2, between "To" and "enact" insert "amend and reenact R.S. 40:1300.51(1), 1300.52(A), (B)(1), (C), (D)(2), and (E), the introductory paragraphs of 1300.53(A) and (B), 1300.53(C)(1), and 1300.55 and to"

AMENDMENT NO. 2

On page 1, line 7, between "Section 1." and "R.S. 40:1300.57" insert "R.S. 40:1300.51(1), 1300.52(A), (B)(1), (C), (D)(2), and (E), the introductory paragraphs of 1300.53(A) and (B), 1300.53(C)(1), and 1300.55 are hereby amended and reenacted and"

AMENDMENT NO. 3

On page 1, between lines 7 and 8, insert the following:

"§1300.51. Definitions

For the purposes of this Part:

(1) "Authorized agency" means a private entity authorized by the office of state police to conduct the ~~criminal history~~ **fingerprint based criminal background** checks provided for in this Part. Nothing herein shall be construed as expanding the access to confidential law enforcement records of the state of Louisiana or its political subdivisions or authorizing access by said agency to the computerized records of law enforcement agencies.

* * *

§1300.52. Employment of nonlicensed persons and licensed ambulance personnel; mandatory ~~criminal history~~ **fingerprint based criminal background check** and security checks; temporary employment; notice to applicants

A.(1) Except as otherwise provided in Subsection C of this Section, prior to any employer making an offer to employ or to contract with a nonlicensed person or any licensed ambulance personnel to provide nursing care, health-related services, medic services, or supportive assistance to any individual, the employer shall request that a ~~criminal history~~ **fingerprint based criminal background check** and security check be conducted on the nonlicensed person or any licensed ambulance personnel pursuant to the provisions of this Section. If the employer is a facility, home, or institution which is part of a larger complex of buildings, the requirement of a ~~criminal history~~ **fingerprint based criminal background check** and security check shall apply only to an offer of employment or contract made to a nonlicensed person or any licensed ambulance personnel who will work primarily in the immediate boundaries of the facility, home, or institution.

(2) Except as otherwise specified in Paragraph D(1) of this Section, an employer may obtain the ~~criminal history~~ **fingerprint based criminal background check** record maintained by the office of state police of a nonlicensed person or any licensed ambulance personnel offering to provide nursing care, health-related services, or supportive services to any individual.

B.(1) The employer shall request in writing that the office or authorized agency conduct a ~~criminal history~~ **fingerprint based**

criminal background check and security check on the nonlicensed person or any licensed ambulance personnel and shall provide the office or authorized agency with any relevant information required by the office or authorized agency to conduct the check.

C.(1) An employer may make an offer of temporary employment to a nonlicensed person or any licensed ambulance personnel pending the results of the **criminal history fingerprint based criminal background check** and security check on the person. In such instances, the employer shall provide to the office or authorized agency the name and relevant information relating to the person within seventy-two hours after the date the person accepts temporary employment.

(2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, any nurse's aide offered temporary employment prior to the receipt of the results of the required **criminal history fingerprint based criminal background check** and security check shall be under the direct supervision of a permanent employee or shall be in the presence of a member of the immediate family of the patient or of a care giver designated by the immediate family of the patient.

(b) As used in this Paragraph, "member of the immediate family" means a child, parent, grandparent, sibling, uncle, aunt, nephew, or niece of the patient related by blood, marriage, or adoption.

D. * * *

(2) Within thirty days of receiving notification by the employer to conduct a **criminal history fingerprint based criminal background check** and security check, the office or authorized agency shall complete the **criminal history fingerprint based criminal background check** and security check and then report the results of the check to the requesting employer in writing.

E. An employer shall inform each applicant for employment or each prospective contract provider that the employer is required to obtain a **criminal history record fingerprint based criminal background check** and perform a security check before such employer makes an offer of employment to, or contracts with, a nonlicensed person or any licensed ambulance personnel. The employer shall obtain written permission from the applicant for the release of such information to the employer on a form that clearly notifies the applicant it is a crime to provide false information concerning a criminal history check to an employer.

§1300.53. Refusal to hire or contract; termination of employment; exemption; appeal procedure; waiver

A. Except as otherwise provided in R.S. 40:1300.52(C), no employer shall hire any licensed ambulance personnel or nonlicensed person when the results of a **criminal history check fingerprint based criminal background check** reveal that the licensed ambulance personnel or nonlicensed person has been convicted of any of the following offenses:

* * *

B. Additionally, except as otherwise provided in R.S. 40:1300.52(C), no employer who provides care or services to any person under the age of twenty-one shall hire any licensed ambulance personnel or nonlicensed person when the results of the **criminal history fingerprint based criminal background check** reveal that the licensed ambulance personnel or nonlicensed person has been convicted of any of the following offenses:

* * *

C.(1) If the results of a **criminal history fingerprint based criminal background check** reveal that a nonlicensed person or any licensed ambulance personnel hired on a temporary basis or any other person who is an employee has been convicted of any of the offenses listed in Subsection A or B of this Section, the employer shall immediately terminate the person's employment.

* * *

§1300.55. Compliance

The department shall review the employment files of any facility or agency required to obtain **criminal history fingerprint based criminal background check** records to ensure such facilities are in compliance with the provisions of this Part.

* * *

AMENDMENT NO. 4

On page 1, line 9, after "**individual**" insert "**or business entity**"

AMENDMENT NO. 5

On page 1, line 11, after "**individual's**" insert "**or business entity's**"

AMENDMENT NO. 6

On page 1, line 17, after "**entity**" insert "**domiciled in the state of Louisiana and**"

AMENDMENT NO. 7

On page 2, line 7, after "**shall**" insert "**be domiciled in the state of Louisiana and shall**"

AMENDMENT NO. 8

On page 2, line 26, after "**application**" insert "**and, in the case of denial, the reasons for such denial**"

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

SENATE BILL NO. 166—
BY SENATOR CLAITOR

AN ACT

To enact Chapter 2-C of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3580.1 through 3580.10, relative to consumer litigation loans; to enact the Louisiana Consumer Lending Information and Protection Act – Litigation Lending; to provide certain definitions, terms, conditions, procedures, requirements, and prohibitions; to provide for legislative findings; to provide for certain maximum finance charges and fees; to provide for form and terms of contract; to provide for consumers rights and remedies; to authorize certain private rights of action; to provide for regulation of providers of litigation loans; to provide for enforcement and remedies; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 166 by Senator Claitor

AMENDMENT NO. 1

On page 1, line 2, after "To enact" insert "R.S. 9:3512(9), 3560(A)(10), and"

AMENDMENT NO. 2

On page 1, line 3, change "3580.10" to "3580.9"

AMENDMENT NO. 3

On page 1, line 9, delete "to provide for regulation of providers of litigation loans;"

AMENDMENT NO. 4

On page 1, line 12, after "Section 1." insert "R.S. 9:3512(9), 3560(A)(10), and"

AMENDMENT NO. 5

On page 1, line 13, change "3580.10, is" to "3580.9, are"

AMENDMENT NO. 6

On page 1, between lines 14 and 15, insert the following:
"§3512. Exclusions

This law does not apply to:

* * *

(9) Consumer lawsuit loans as defined in R.S. 9:3580.1 et seq.

* * *

§3560. Licenses not required

A. Notwithstanding R.S. 9:3557, the following persons shall be exempt from the consumer loan licensing requirements under this Part:

* * *

(10) A person who only makes loans subject to the provisions of R.S. 9:3580.1 et seq.
* * *

AMENDMENT NO. 7

On page 1, line 15, at the end of the line delete "ten"

AMENDMENT NO. 8

On page 2, line 4, change "regulate" to "limit"

AMENDMENT NO. 9

On page 2, line 6, change "regulation is" to "limits are"

AMENDMENT NO. 10

On page 2, line 10, at the beginning of the line insert "A."

AMENDMENT NO. 11

On page 2, between lines 12 and 13, insert the following:

"B. Nothing in this Chapter shall be deemed to regulate an attorney client relationship or any other matter regulated by the Louisiana Supreme Court.

C. Nothing in this Chapter shall be deemed to affect an attorney lien or privilege arising under Louisiana law."

AMENDMENT NO. 12

On page 2, line 26, after "loans." insert the following: "It shall not include an attorney licensed in this state."

AMENDMENT NO. 13

On page 3, line 15, after "contracted for" insert "1"

AMENDMENT NO. 14

On page 4, line 9, change "must" to "shall"

AMENDMENT NO. 15

On page 4, line 20, change "must" to "shall"

AMENDMENT NO. 16

On page 4, line 21, change "must" to "shall"

AMENDMENT NO. 17

On page 5, line 28, change "is" to "shall be"

AMENDMENT NO. 18

On page 5, delete line 29 and on page 6, delete lines 1 and 2

AMENDMENT NO. 19

On page 6, line 3, change "§3580.9." to "§3580.8."

AMENDMENT NO. 20

On page 6, line 8, delete "living"

AMENDMENT NO. 21

On page 6, delete lines 9 through 18

AMENDMENT NO. 22

On page 6, line 19, change "D." to "B."

AMENDMENT NO. 23

On page 6, line 21, change "that" to "who"

AMENDMENT NO. 24

On page 6, line 22, change "that" to "such"

AMENDMENT NO. 25

On page 6, line 23, delete "1"

AMENDMENT NO. 26

On page 6, line 25, change "§3580.10." to "§3580.9."

AMENDMENT NO. 27

On page 6, line 26, delete "be subject to the" and delete line 27

AMENDMENT NO. 28

On page 7, line 2, after "consumer" insert "2" and delete line 3

AMENDMENT NO. 29

On page 7, between lines 3 and 4 insert the following:

"C. The provisions of this Chapter shall not be subject to regulation or enforcement by the office of financial institutions."

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

SENATE BILL NO. 171—

BY SENATOR DONAHUE

AN ACT

To enact R.S. 40:4.13, relative to water systems; to provide for the use of the National Primary Drinking Standards; to provide for a sanitary survey; to provide for the use of the Ten State Standards; to provide for an exception to the state Plumbing Code; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 171 by Senator Donahue

AMENDMENT NO. 1

On page 1, line 4, delete "to provide for an exception to the state Plumbing Code;"

AMENDMENT NO. 2

On page 1, lines 9 and 10, delete "; exception to the Plumbing Code"

AMENDMENT NO. 3

On page 2, delete lines 23 and 24

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

SENATE BILL NO. 180—

BY SENATORS ERDEY AND LAFLEUR

AN ACT

To amend and reenact R.S. 22:3, 1921, 1922, 1926, 1927, 1928(A) introductory paragraph and 1929(A), and R.S. 36:681(C)(1), to enact R.S. 36:691.1, and to repeal R.S. 36:691, relative to the Department of Insurance; to provide with respect to the division of insurance fraud; to provide for powers and duties of the division of insurance fraud; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 180 by Senator Erdey

AMENDMENT NO. 1

On page 1, line 2, after "1927," delete the remainder of the line and insert "1928(A)(introductory paragraph),"

AMENDMENT NO. 2

On page 1, line 8, after "1927," delete the remainder of the line and insert "1928(A)(introductory paragraph), and"

AMENDMENT NO. 3

On page 1, line 13, delete "the office of receivership,"

AMENDMENT NO. 4

On page 3, line 2, after "is" insert "authorized to have"

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AMENDMENT NO. 5
On page 3, delete lines 3 through 7

AMENDMENT NO. 6
On page 3, line 8, delete "and"

AMENDMENT NO. 7
On 3, line 11 after "direct" insert "**and timely**"

AMENDMENT NO. 8
On page 3, delete lines 27 through 29 and on page 4 delete lines 1 through 18

AMENDMENT NO. 9
On page 4, line 19, change "E" to "D"

AMENDMENT NO. 10
On page 4, delete lines 21 and 22 and insert "**who is certified by the Council on Peace Officer Standards and Training (P.O.S.T.), or who may be qualified by the P.O.S.T. Council, to carry and use firearms in performance of their duties in investigating suspected crimes of insurance fraud. The commissioner.**"

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

SENATE BILL NO. 185—
BY SENATOR MURRAY

AN ACT

To enact R.S. 36:259(D)(10) and Part XI of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:460.31 through 460.53, relative to Medicaid; to create within the Department of Health and Hospitals the Medicaid Managed Care Pharmaceutical and Therapeutics Committee; to provide for managed care organizations providing health care services to Medicaid beneficiaries; to provide for the standardized credentialing of providers; to provide for prescription drugs; to provide for the Medicaid Managed Care Pharmaceutical and Therapeutics Committee; to provide for committee membership, powers, and meetings; to provide for a minimum drug formulary; to provide for a standard form for the prior authorization of prescription drugs; to provide for procedures for utilizing step therapy and fail first protocols; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 185 by Senator Murray

AMENDMENT NO. 1
On page 1, line 2, delete "R.S. 36:259(D)(10) and"

AMENDMENT NO. 2
On page 1, line 3, delete "460.53" and insert "460.72"

AMENDMENT NO. 3
On page 1, line 4, after "Medicaid;" delete the remainder of the line

AMENDMENT NO. 4
On page 1, line 5, delete "Managed Care Pharmaceutical and Therapeutic Committee;"

AMENDMENT NO. 5
On page 1, line 7, after "providers;" insert "to provide for exemptions;"

AMENDMENT NO. 6
On page 1, line 8, after "drugs;" delete the remainder of the line

AMENDMENT NO. 7
On page 1, delete line 9 in its entirety

AMENDMENT NO. 8
On page 1, line 10, delete "for a minimum drug formulary;"

AMENDMENT NO. 9
On page 1, line 12, after "protocols;" insert "to provide for standardized information to be provided with claim payments; to provide for services rendered to newborns;"

AMENDMENT NO. 10
On page 1, delete lines 14 through 17 in their entirety

AMENDMENT NO. 11
On page 2, delete lines 1 through 6 in their entirety

AMENDMENT NO. 12
On page 2, line 7, delete "Section 2." and insert "Section 1."

AMENDMENT NO. 13
On page 2, line 8, after "through" delete "460.53" and insert "460.72"

AMENDMENT NO. 14
On page 3, between lines 4 and 5 insert:
"**(8) "Prepaid Coordinated Care Network" means a private entity that contracts with the department to provide Medicaid benefits and services to Louisiana Medicaid Bayou Health Program enrollees in exchange for a monthly prepaid capitated amount per member.**"

AMENDMENT NO. 15
On page 3, line 5 delete "**(8)**" and insert "**(9)**"

AMENDMENT NO. 16
On page 3, line 9 delete "**(9)**" and insert "**(10)**"

AMENDMENT NO. 17
On page 3, line 11 delete "**(10)**" and insert "**(11)**"

AMENDMENT NO. 18
On page 3, line 13, after "**process**" delete the comma " ," and after "**including**" insert a comma " ,"

AMENDMENT NO. 19
On page 3, line 14, after "**to**" insert a comma " ,"

AMENDMENT NO. 20
On page 3, line 22 delete "**(11)**" and insert "**(12)**"

AMENDMENT NO. 21
On page 3, line 25, after "**verification**" delete the comma " ,"

AMENDMENT NO. 22
On page 3, line 26, after "**including**" insert a comma " ," and after "**to**" insert a comma " ,"

AMENDMENT NO. 23
On page 3, after line 29, insert:
"**§430.32. Exemptions**
The provisions of this Part shall not apply to any entity contracted with the Department of Health and Hospitals to provide fiscal intermediary services in processing claims of the health care providers."

AMENDMENT NO. 24
On page 4, line 24, after "**services**" delete the comma " ,"

AMENDMENT NO. 25
On page 5, lines 10 and 11, delete "**R.S. 46:460.41**" and insert "**this Subsection**"

AMENDMENT NO. 26

On page 5, line 16, after "**group**" delete the comma ","

AMENDMENT NO. 27

On page 5, line 20, after "**organization**" insert a comma ","

AMENDMENT NO. 28

On page 5, line 24, after "**privileges**" delete the comma "," and after "**physician**" insert a comma ","

AMENDMENT NO. 29

On page 5, lines 27 and 28, delete "**R.S. 46:460.41**" and insert "**Subsection A of this Section**"

AMENDMENT NO. 30

On page 6, line 2, delete "**R.S. 46:460.41**" and insert "**Subsection A of this Section**"

AMENDMENT NO. 31

On page 6, line 6, delete "**upon compliance with R.S. 46:460.41**" and insert "**after compliance with Subsection A of this Section**"

AMENDMENT NO. 32

On page 6, delete lines 16 through 29 in their entirety and insert:
"§460.51. Prepaid coordinated care network pharmaceutical and therapeutic committees

Beginning January 1, 2014, every prepaid coordinated care network shall designate a pharmaceutical and therapeutics committee to develop a drug formulary and preferred drug list for the prepaid coordinated care network. Every prepaid coordinated care network pharmaceutical and therapeutics committee shall hold a meeting not less frequently than on a semi-annual basis in Baton Rouge, Louisiana, which is open to the public and permits public comment prior to voting on any changes in the preferred drug list or formulary."

AMENDMENT NO. 33

Delete pages 7 through 9

AMENDMENT NO. 34

On page 10, delete lines 1 through 12

AMENDMENT NO. 35

On page 10, lines 15 and 16, delete the comma ","

AMENDMENT NO. 36

On page 10, between lines 20 and 21 insert:

"C. A managed care organization shall comply with the provisions of R.S. 46:153.3(C)."

AMENDMENT NO. 37

On page 11, line 18, delete the commas ","

AMENDMENT NO. 38

On page 11, between lines 23 and 24 insert:

"SUBPART C. CLAIM PAYMENT**§460.71. Claim payment information**

A. Any claim payment to a provider by a managed care organization or by a fiscal agent or intermediary of the managed care organization shall be accompanied by an itemized accounting of the individual services represented on the claim that are included in the payment. This itemization shall include, but shall not be limited to, all of the following items:

- (1) The patient or enrollee's name.**
- (2) The Medicaid health insurance claim number.**
- (3) The date of each service.**
- (4) The patient account number assigned by the provider.**
- (5) The Current Procedural Terminology code for each procedure, hereinafter referred to as "CPT code", including the amount allowed and any modifiers and units.**

(6) The amount due from the patient that includes but is not limited to copayments and coinsurance or deductibles.

- (7) The payment amount of reimbursement.**

(8) Identification of the plan on whose behalf the payment is made.

B. If a managed care organization is a secondary payer, then the organization shall send, in addition to all information required by Subsection A of this Section, acknowledgment of payment as a secondary payer, the primary payer's coordination of benefits information, and the third-party liability carrier code.

C.(1) If the claim for payment is denied in whole or in part by the managed care organization or by a fiscal agent or intermediary of the organization, and the denial is remitted in the standard paper format, then the organization shall, in addition to providing all information required by Subsection A of this Section, include a claim denial reason code specific to each CPT code listed that matches or is equivalent to a code used by the state or its fiscal intermediary in the fee-for-service Medicaid program.

(2) If the claim for payment is denied in whole or in part by the managed care organization or by a fiscal agent or intermediary of the plan, and the denial is remitted electronically, then the organization shall, in addition to providing all information required by Subsection A of this Section, include an American National Standards Institute compliant reason and remark code and shall make available to the provider of the service, a complimentary standard paper format remittance advice that contains a claim denial reason code specific to each CPT code listed that matches or is equivalent to a code used by the state or its fiscal intermediary in the fee-for-service Medicaid program.

D. Each CPT code listed on the approved Medicaid fee-for-service fee schedule shall be considered payable by each Medicaid managed care organization or a fiscal agent or intermediary of the organization.

§460.72. Claims payment for care rendered to newborns

Each managed care organization shall compensate, at a minimum, the Medicaid fee-for-service rate in effect on the dates of service for all care rendered to a newborn Medicaid beneficiary by a nonparticipating Medicaid provider within the first thirty days of the beneficiary's birth."

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

SENATE BILL NO. 191—

BY SENATORS MORRELL AND MURRAY AND REPRESENTATIVES BROSSETT AND LEGER

AN ACT

To amend and reenact R.S. 18:402(D), 467(4), and 514, relative to parochial and municipal elections in certain parishes; to provide relative to the qualifying period, the dates for primary and general elections and inauguration; 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. 191 by Senator Morrell

AMENDMENT NO. 1

On page 1, line 2, after "402(D)," insert "(E)(1)(e) and (2)(e), and (F)(6)."

AMENDMENT NO. 2

On page 1, line 4, delete "primary and general" and insert "primary, general, special, bond, tax or other"

AMENDMENT NO. 3

On page 1, line 6, after "402(D)" insert ", (E)(1)(e) and (2)(e), and (F)(6)."

April 25, 2013

AMENDMENT NO. 4

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

"E. Special elections to fill newly created office or vacancy in office. An election to fill a newly created office or vacancy in an existing office, except the office of state legislator or representative in congress, shall be held on the dates fixed by the appropriate authority in the proclamation ordering a special election as follows:

(1) A special primary election shall be held on the first of the following days that is after the date on which the proclamation calling the special primary election was issued, provided that the proclamation was issued at least four weeks prior to the opening of the qualifying period for the special primary election:

* * *

(e) The first third Saturday in February October of an election year for parish and municipal officers in a parish containing a municipality with a population of three hundred thousand or more.

(2) A special general election shall be held on one of the following days:

* * *

(e) The fourth Saturday after the first third Saturday in February October in a parish containing a municipality with a population of three hundred thousand or more, when the special primary election in such parish and municipality is held on the first third Saturday in February October of an election year for parish and municipal officers.

* * *

F. Bond, tax, or other elections. Every bond, tax, or other election at which a proposition or question is to be submitted to the voters shall be held only on one of the following dates:

* * *

(6) For a parish containing a municipality with a population of three hundred thousand or more, the first third Saturday in February October or the fourth Saturday after the first third Saturday in February October in 1986 2017 and every fourth year thereafter."

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

SENATE BILL NO. 222—

BY SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 46:1402.1, 1403, 1404(A), 1405, 1414.1(A), (B), (C), and (D), 1415, 1419 through 1422, 1425(A) and (B), 1426 (introductory paragraph) and (C), 1427(introductory paragraph), 1428(A) and 1430(A)(1), to enact R.S. 46:1406 and 1407, and to repeal R.S. 46:1408, 1409, 1412, 1413, and 1424, relative to child care facilities; to provide for licensure requirements; to provide for transitional provisions; to provide for licensure and authorization certificate procedures; to provide for rules; to provide for disclosure; to provide for agencies and facilities subject to regulation; to provide for revocation or refusal to renew licenses; to provide for violations; to provide for appeals; to provide for penalties; to provide for injunctive relief; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 222 by Senator Walsworth

AMENDMENT NO. 1

On page 1, delete line 2, and insert:

"To amend and reenact R.S. 46:1403, 1404(A), 1405,"

AMENDMENT NO. 2

On page 1, line 3, delete "1426(introductory paragraph) and (C),"

AMENDMENT NO. 3

On page 1, line 4, before "1428(A)" insert "and" and delete "and 1430(A)(1)"

AMENDMENT NO. 4

On page 1, line 7, delete "and authorization certificate"

AMENDMENT NO. 5

On page 1, delete line 13, and insert:

"Section 1. R.S. 46:1403, 1404(A), 1405, 1415,"

AMENDMENT NO. 6

On page 1, line 14, delete "1426 (introductory paragraph) and (C),"

AMENDMENT NO. 7

On page 1, line 15, before "1428(A)" insert "and" and delete ", and 1430(A)(1)"

AMENDMENT NO. 8

On page 1, delete line 17

AMENDMENT NO. 9

On page 2, delete lines 1 through 4

AMENDMENT NO. 10

On page 2, delete lines 8 through 13

AMENDMENT NO. 11

On page 2, line 14, delete "(2)" insert "(1)"

AMENDMENT NO. 12

On page 2, line 18, delete "(3)" insert "(2)"

AMENDMENT NO. 13

On page 2, line 21, delete "(4)" insert "(3)"

AMENDMENT NO. 14

On page 3, line 3, delete "(5)" insert "(4)"

AMENDMENT NO. 15

On page 3, line 17, delete "(6)" insert "(5)"

AMENDMENT NO. 16

On page 3, line 26, delete "(7)" insert "(6)"

AMENDMENT NO. 17

On page 3, line 29, delete "(8)" insert "(7)"

AMENDMENT NO. 18

On page 4, line 1, delete "and" and after "III" insert ", and Type IV"

AMENDMENT NO. 19

On page 4, line 2, delete "(9)" insert "(8)"

AMENDMENT NO. 20

On page 4, line 10, delete "(10)" and insert "(9)"

AMENDMENT NO. 21

On page 4, line 12, delete "(11)" and insert "(10)"

AMENDMENT NO. 22

On page 4, line 21, delete "(12)" and insert "(11)"

AMENDMENT NO. 23

On page 4, line 25, delete "(13)" and insert "(12)"

AMENDMENT NO. 24

On page 4, between lines 26 and 27 insert:

"(13) A "Type I license" means a license held by a child day care center or residential home that is owned or operated by a church or religious organization that does not wish to be licensed as a Type II or Type III center. "Type I license" also means a license held by a child day care center or residential home holding a Class B license prior to the effective date of this Section."

AMENDMENT NO. 25

On page 5, lines 20 and 21, delete "or possess an authorization certificate"

AMENDMENT NO. 26

On page 5, line 22, delete "three" and insert "four"

AMENDMENT NO. 27

On page 5, line 23, delete "and" and after "III" insert ", and Type IV"

AMENDMENT NO. 28

On page 5, line 29, delete "A.(1) All child day" and delete pages 6 through 8 and insert:

"A.(1) Until such time as rules are promulgated by the department, child care facilities and child-placing agencies shall follow the rules, regulations, and standards for Class A and Class B licensure as established by R.S. 46:1409 and 1413.

(2) The department shall provide for the creation of a child care committee to include one representative from Louisiana's Early Childhood Advisory Council, the Child Care Association of Louisiana, the nonpublic school commission, the Department of Children and Family Services, and the Department of Education. The Department of Children and Family Services shall seek input from the committee in the development of the rules and regulations establishing Type I, Type II, Type III, and Type IV licenses and shall submit all recommended rules and regulations pursuant to this Section to the committee for approval.

B. All existing child day care centers or residential homes possessing a Class B license on July 31, 2013, shall automatically be issued an authorization certificate as provided by rule.

C.(1) All child day care centers that meet the definition for a Type II license pursuant to this Chapter shall be issued a Type II license.

(2) Any child day care center possessing a Class A license upon the effective date of this Section that meets the definition of a Type II license pursuant to this Chapter, shall automatically be issued a Type II license.

D. All existing child day care centers that meet the definition for a Type III license pursuant to this Chapter shall be automatically issued a Type III license in accordance with applicable regulations.

E.(1) All existing child placing agencies, maternity homes, and residential homes that meet the definition for a Type IV license pursuant to this Chapter shall be issued a Type IV license as provided by rule.

(2) Any maternity home, residential home, or child-placing agency possessing a Class A license upon the effective date of this Section that meets the definition of a Type IV license pursuant to this Chapter, shall automatically be issued a Type IV license.

F. Any child day care center requesting to change their license type for the following year shall apply to the department no later than December first of the preceding year. This Subsection shall not apply to child day care centers changing location or ownership that are required to apply for a new license pursuant to Subsection 1406(D) of this Chapter.

§1406. Licenses and authorization certificates; application; temporary or provisional; fees

A. Application for licensure of a new child day care center or specialized provider shall be made by the child day care center or specialized provider to the department upon forms furnished by the department. Upon receipt of the application for a license and verification that minimum requirements for such license as established by rule are satisfied, and that the facility or agency is in compliance with all other state and local laws and regulations, the department shall issue a Type I, Type II, Type III, or Type IV license for the appropriate license category for such period as may be provided for by rule.

B. The department may provide through the promulgation of rules for the issuance of temporary, provisional, or extended licenses for each license category and type if a disapproval has not been received from any other state or local agency regulated by any other laws or rules to inspect such facilities or agencies.

C. A license of any type or category shall apply only to the location stated on the application, and such license, once issued, shall not be transferable from one person to another or from one location to another. If the location or ownership of the facility is changed, then the license shall be automatically revoked. A new application form shall be completed prior to all license or authorization certificate renewals.

D. All licensed or authorized facilities shall display the license in a prominent place at the facility, except that a facility operated by a church or religious organization may be exempt from such requirement provided the license is available upon request.

E. There shall be an annual license for each type of child day care center and specialized provider in an amount equal to the annual license fee in full force and effect for all Class A and Class B child care facilities and child-placing agencies possessing such license upon the effective date of this Section, without an increase in the amount of such fees.

F. There shall be an annual license of twenty-five dollars for any license issued to a child day care center providing care for fifteen or fewer children; one hundred dollars for any license issued to a child day care center providing care for at least sixteen but no more than fifty children; one hundred seventy-five dollars for any license issued to a child day care center providing care for at least fifty-one but no more than one hundred children; and two hundred fifty dollars for any license issued to a child day care center providing care for more than one hundred children.

G. There shall be an annual license fee of one hundred dollars for any license issued to a residential home providing care for six or less children; two hundred dollars for any license issued to a residential facility providing care for at least seven but no more than fifteen children; and three hundred dollars for any license issued to a residential facility providing care for sixteen or more children.

H. There shall be an annual license fee of fifty dollars for any license issued to a child-placing agency or maternity home.

I. The fees provided for in this Section shall not apply to any Type I child day care center owned or operated by a church or religious organization.

J. Annual fees for any type or category of license shall not be increased unless expressly authorized by statute as provided in Article VII, § 2.1 of the Louisiana Constitution.

§1407. Rules, regulations and standards for licenses"

AMENDMENT NO. 29

On page 9, delete line 1

AMENDMENT NO. 30

On page 9, lines 2 and 3, delete "authorization certificate and"

AMENDMENT NO. 31

On page 9, line 5, after "Act." insert: "The department shall seek input and guidance from the Louisiana Advisory Council on Child Care and Early Education concerning the proposed rules and regulations for approval in accordance with the Administrative Procedure Act."

AMENDMENT NO. 32

On page 10, lines 12 and 13, delete "require the following:" and insert "be required to have the following:"

AMENDMENT NO. 33

On page 10, line 17, after "Adherence" insert "by Type III child day care centers."

AMENDMENT NO. 34

On page 10, between lines 21 and 22, insert:

"(3) No facility holding a Type I license shall receive any state or federal funds, from any source, whether directly or indirectly. If a facility holding a Type I license receives any state or federal funds its license shall be automatically revoked."

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AMENDMENT NO. 35

On page 10, line 22, delete "(3)" and insert "(4)" and delete "Type I license or authorization certificate" and insert "Type II license"

AMENDMENT NO. 36

On page 10, line 25, delete "Type I license or authorization certificate" and insert "Type II license"

AMENDMENT NO. 37

On page 10, line 27, delete "or authorization certificate"

AMENDMENT NO. 38

On page 11, line 3, delete "and authorizations"

AMENDMENT NO. 39

On page 11, between lines 10 and 11 insert:

"F. Discrimination by child care facilities and child placing agencies on the basis of race, color, creed, sex, national origin, disability, as defined by R.S. 51:2232(11), ancestry, or whether the child is being breast fed is prohibited. However, this shall not restrict the hiring or admission policies of a church or religious organization, which may give preference in hiring or admission to members of the church or denomination."

AMENDMENT NO. 40

On page 11, line 11, delete "F." and insert "G."

AMENDMENT NO. 41

On page 11, lines 13 and 14, delete "as long as the civil or human rights of the children are not violated"

AMENDMENT NO. 42

On page 11, line 15, delete "G." and insert "H."

AMENDMENT NO. 43

On page 11, line 19, delete "H." and insert "I."

AMENDMENT NO. 44

On page 11, delete lines 22 through 29, and on page 12, delete lines 1 through 22

AMENDMENT NO. 45

On page 13, line 4, delete "or authorization certificate"

AMENDMENT NO. 46

On page 13, line 8, delete "or authorization certificate"

AMENDMENT NO. 47

On page 13, line 10, delete "or authorized center"

AMENDMENT NO. 48

On page 13, line 12, delete "or authorization certificate"

AMENDMENT NO. 49

On page 13, lines 14 and 15, delete "authorization certificate"

AMENDMENT NO. 50

On page 13, lines 16 and 17, delete "or authorization certificate"

AMENDMENT NO. 51

On page 13, line 20, delete "or authorization certificate"

AMENDMENT NO. 52

On page 14, lines 5 and 6, delete "or authorization certificate"

AMENDMENT NO. 53

On page 14, line 10, delete "or authorization certificate"

AMENDMENT NO. 54

On page 15, delete lines 2 through 21

AMENDMENT NO. 55

On page 15, line 27, delete "or authorized"

AMENDMENT NO. 56

On page 16, delete lines 8 through 20

AMENDMENT NO. 57

On page 16, after line 22 insert:

"Section 3. Sections 1 and 2 shall become effective on January 1, 2014."

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

Bagneris Rule

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

Without objection, so ordered.

SENATE BILL NO. 32—

BY SENATORS CROWE, JOHNS, PETERSON AND GARY SMITH
AN ACT

To enact Code of Criminal Procedure Arts. 871.2 and 875(F), relative to veterans convicted of a crime; to authorize a presentence inquiry of the veteran's status; to provide for presentence investigations of veterans; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 32 by Senator Crowe

AMENDMENT NO. 1

On page 2, line 6, following "the" and before "A" change "requirement of Sections" to "requirements of Paragraphs"

On motion of Senator Amedee, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Murray
Allain	Dorsey-Colomb	Nevers
Amedee	Erdey	Peacock
Appel	Guillory	Perry
Broome	Heitmeier	Peterson
Brown	Johns	Riser
Buffington	Kostelka	Smith, G.
Chabert	Long	Thompson
Claitor	Mills	Walsworth
Cortez	Morrell	Ward
Crowe	Morrish	White

Total - 33

NAYS

Total - 0

ABSENT

Adley	LaFleur	Smith, J.
Gallot	Martiny	Tarver
Total - 6		

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

SENATE BILL NO. 52—
BY SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 14:402(D)(1), (E)(5), and (G), relative to contraband in penal institutions; to provide relative to the introduction of controlled dangerous substances into penal institutions; to provide relative to penalties; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 52 by Senator Thompson

AMENDMENT NO. 1

On page 2, line 28, change "**Subsections**" to "**Paragraphs**"

On motion of Senator Amedee, the amendments were adopted.

Floor Amendments

Senator Thompson proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Thompson to Engrossed Senate Bill No. 52 by Senator Thompson

AMENDMENT NO. 1

On page 2, line 28, change "**Subsections**" to "**Paragraph**"

AMENDMENT NO. 2

On page 2, line 28, change "**and**" to "**of this Section, upon the grounds of any state correctional institution, or Paragraph**"

AMENDMENT NO. 3

On page 2, line 29, delete "**any state correctional institution, or**"

On motion of Senator Thompson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Nevers
Allain	Erdey	Peacock
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Buffington	LaFleur	Thompson
Chabert	Long	Walsworth

Claitor	Mills	Ward
Cortez	Morrell	White
Crowe	Morrish	
Donahue	Murray	
Total - 34		

NAYS

Total - 0

ABSENT

Adley	Martiny	Tarver
Gallot	Smith, J.	
Total - 5		

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

SENATE BILL NO. 40—
BY SENATOR KOSTELKA

AN ACT

To amend and reenact Code of Criminal Procedure Article 780, relative to trial by jury; to provide for waiver of the right to trial by jury in certain criminal cases; to provide procedures and time limits relative to waiver of trial by jury; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

SENATE BILL NO. 70—
BY SENATORS KOSTELKA, BROOME, DORSEY-COLOMB, GUILLORY, MILLS, PERRY AND WALSWORTH

AN ACT

To enact R.S. 14:35.3(B)(4) and (M), relative to the crime of domestic abuse battery; to provide that domestic abuse battery committed by burning of the victim constitutes a crime of violence; to provide definitions; to provide penalties; and to provide for related matters.

April 25, 2013

Floor Amendments

Senator Kostelka proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Kostelka to Engrossed Senate Bill No. 70 by Senator Kostelka

AMENDMENT NO. 1

On page 1, line 2, between "To" and "enact" insert "amend and reenact R.S. 14:35.3(B)(3) and to"

AMENDMENT NO. 2

On page 1, line 7, between "Section 1." and "R.S." insert "R.S. 14:35.3(B)(3) is hereby amended and reenacted and"

AMENDMENT NO. 3

On page 1, line 12, change "(4)" to "(3)"

AMENDMENT NO. 4

On page 1, between lines 15 and 16, insert the following: "(4) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of the victim."

On motion of Senator Kostelka, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Cortez, Crowe, Donahue, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Johns, Kostelka, LaFleur, Long, Mills, Morrell, Morrish, Murray, Nevers, Peacock, Perry, Peterson, Riser, Smith, G., Thompson, Walsworth, Ward, White.

NAYS

Total - 0

ABSENT

Table with 2 columns of names: Adley, Martiny, Smith, J., Tarver.

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

SENATE BILL NO. 71— BY SENATOR BROOME

AN ACT

To enact Chapter 33-A of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5351 through 5358, relative to mental health court treatment; to provide for a short title; to provide findings; to provide definitions; to provide authority for a mental health court treatment program; to provide for eligibility and procedure; to provide for collaboration with established substance abuse treatment programs; to provide for

violation, sanctions, dismissal, and discharge of criminal charges; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 71 by Senator Broome

AMENDMENT NO. 1

On page 2, line 9, following "substance" insert "abuse"

AMENDMENT NO. 2

On page 3, line 16, following "issues" and before "addresses" change "and" to ";

AMENDMENT NO. 3

On page 4, line 9, following "the" and before "enumerated" insert "following"

AMENDMENT NO. 4

On page 4, line 10, following "First" and before "second" change "and" to "or"

AMENDMENT NO. 5

On page 4, line 27, change "present" to "existing criminal"

On motion of Senator Amedee, the amendments were adopted.

Floor Amendments

Senator Broome proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Broome to Engrossed Senate Bill No. 71 by Senator Broome

AMENDMENT NO. 1

On page 2, line 29, delete "peer recovery" and insert "behavioral health advocate."

AMENDMENT NO. 2

On page 3, line 1, delete "coach."

AMENDMENT NO. 3

On page 3, line 28, delete "licensed" and insert "qualified"

AMENDMENT NO. 4

On page 4, line 16, delete "offense" and insert "crime of violence"

AMENDMENT NO. 5

On page 7, delete lines 8 and 9

On motion of Senator Broome, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Allain, Amedee, Appel, Broome, Dorsey-Colomb, Erdey, Gallot, Guillory, Heitmeier, Murray, Nevers, Peacock, Perry, Peterson.

Brown	Johns	Riser
Buffington	Kostelka	Smith, G.
Chabert	LaFleur	Thompson
Claitor	Long	Walsworth
Cortez	Mills	Ward
Crowe	Morrell	White
Donahue	Morrish	
Total - 35		

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

SENATE BILL NO. 72—
BY SENATORS THOMPSON AND GUILLORY AND REPRESENTATIVE HENRY BURNS

AN ACT

To amend and reenact R.S. 14:103(A)(7) and (8) and (B)(2), and to enact R.S. 14:103(C), relative to the crime of disturbing the peace; to provide relative to disturbing the peace at funerals; to provide for definitions; to provide for penalties; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 72 by Senator Thompson

AMENDMENT NO. 1
On page 2, line 17, change "means" to "includes"

On motion of Senator Amedee, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

SENATE BILL NO. 87—
BY SENATOR PERRY

AN ACT

To amend and reenact R.S. 14:34.5(A)(3), relative to the crime of battery of a correctional facility employee; to provide relative to the definition of battery of a correctional facility employee; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Donahue	Morrish
Allain	Dorsey-Colomb	Murray
Amedee	Erdey	Nevers
Appel	Gallot	Peacock
Broome	Guillory	Perry
Brown	Heitmeier	Riser
Buffington	Johns	Smith, G.
Chabert	Kostelka	Thompson
Claitor	LaFleur	Walsworth
Cortez	Long	Ward
Crowe	Mills	White
Total - 33		

NAYS

Morrell	Peterson
Total - 2	

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

SENATE BILL NO. 97—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 40:2616(A)(1), relative to public sales and auctions; to provide that property forfeited under the Uniform Controlled Dangerous Substances Act is subject to public sale or public auction sale; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Murray
Allain	Erdey	Nevers

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Amedee	Gallot	Peacock
Appel	Guillory	Perry
Broome	Heitmeier	Peterson
Brown	Johns	Riser
Buffington	Kostelka	Smith, G.
Chabert	LaFleur	Thompson
Claitor	Long	Walsworth
Cortez	Mills	Ward
Crowe	Morrell	White
Donahue	Morrish	

Total - 35

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver

Total - 4

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

SENATE BILL NO. 135—
BY SENATORS RISER AND THOMPSON
AN ACT

To amend and reenact R.S. 28:54(B) and R.S. 40:1379.3(C)(13), and to enact R.S. 13:752 and R.S. 28:57, relative to possession of weapons and permits to carry concealed weapons; to provide relative to certain judicial proceedings and reports; to provide for mandatory reporting of certain information regarding persons ineligible to possess, ship, transport or receive firearms or to apply for a permit to carry a concealed weapon by virtue of certain state and federal law; to provide for mandatory reporting of involuntary judicial commitments or certain adjudications for certain offenses; to provide procedures by which such information shall be reported to the Louisiana Supreme Court and to the National Instant Criminal Background Check System database; to provide procedures by which certain persons may file a civil petition seeking adjudicated restoration of rights; to provide procedures by which such petitions shall be filed, heard, recorded and reported to the Louisiana Supreme Court and to the National Instant Criminal Background Check System; to provide for the effects of judgments in such proceedings; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 135 by Senator Riser

AMENDMENT NO. 1

On page 1, line 13, following "recorded" and before "and" insert ", "

AMENDMENT NO. 2

On page 3, line 12, change "Subparagraph" to "Paragraph"

AMENDMENT NO. 3

On page 3, line 27, change "proceedings" to "proceeding"

On motion of Senator Amedee, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver

Total - 4

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

SENATE BILL NO. 168—
BY SENATORS THOMPSON, ALLAIN, GALLOT, LONG AND RISER
AN ACT

To amend and reenact the heading of Chapter 10-A and the heading of Part I of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950, and R.S. 3:1381(1), 1382(A) and (B), 1407, 1430.13(A) and (D), the introductory paragraph of 1431, (1), (3), (4), and (17) through (30), 1433(A)(1)(b) and (f), the introductory paragraph of (3), (4), (5), and (7), 1434(1), (2), (4) and (5), 1435(1) through (4), and (6) through (8), the introductory paragraph of 1436 (1), (2)(a) and (5)(c), 1437(A), 1438, 1440, 1441, 1443, 1444(1), (2), (4), (5) and (8), 1445(A)(1) and (3), and (B)(2) and (3), 1446(A), the introductory paragraph of (B), and (B)(1), the introductory paragraph of 1449(A), (A)(1) and (2), and (B), and R.S. 36:629(H), to enact R.S. 3:1431(31) and 1446(B)(5), and to repeal R.S. 3:1421, 1432, 1444(11) and Part II of Chapter 11 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:1551 and 1552, and R.S. 36:629(C)(6), relative to the merger of the Feed, Fertilizer, and Agricultural Liming Commission and the Seed Commission; to create and provide for the membership of the Agricultural Chemistry and Seed Commission; to repeal the Seed Commission; to provide for definitions; to correct internal references; to provide relative to civil penalties and procedures for imposition of penalties; to repeal a duplicate provision related to the disposition of funds; to repeal the prohibition against relabeling seeds more than one time; to repeal bond requirements for agents of nurserymen; to provide for technical corrections; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 168 by Senator Thompson

AMENDMENT NO. 1

On page 7, line 4, change "**which**" to "**that**"

AMENDMENT NO. 2

On page 7, line 5, change "1" to "2"

AMENDMENT NO. 3

On page 7, line 6, change "**which**" to "**that**"

AMENDMENT NO. 4

On page 7, line 6, change "1" to "2"

AMENDMENT NO. 5

On page 7, line 7, change "1" to "2"

AMENDMENT NO. 6

On page 7, line 11, change "which" to "that"

AMENDMENT NO. 7

On page 7, line 18, change "which" to "that"

AMENDMENT NO. 8

On page 10, line 5, change "which" to "that"

AMENDMENT NO. 9

On page 10, line 27, following "stock" and before "which" delete ", "

AMENDMENT NO. 10

On page 10, line 27, change "which" to "that"

AMENDMENT NO. 11

On page 11, line 10, before "are labeled" change "which" to "that"

AMENDMENT NO. 12

On page 11, line 10, following "and" and before "meet" change "which" to "that"

AMENDMENT NO. 13

On page 11, line 15, change "which" to "that"

AMENDMENT NO. 14

On page 13, line 6, following "seeds" and before "are" change "which" to "that"

AMENDMENT NO. 15

On page 13, line 6, following "**Part** or" change "which" to "that"

AMENDMENT NO. 16

On page 14, line 4, change "which" to "that"

AMENDMENT NO. 17

On page 15, line 11, change "which" to "that"

AMENDMENT NO. 18

On page 16, line 12, following "Louisiana" and before "Law" insert "State"

On motion of Senator Amedee, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Murray
Allain	Erdey	Nevers
Amedee	Gallot	Peacock
Appel	Guillory	Perry
Broome	Heitmeier	Peterson
Brown	Johns	Riser

Buffington	Kostelka	Smith, G.
Chabert	LaFleur	Thompson
Claitor	Long	Walsworth
Cortez	Mills	Ward
Crowe	Morrell	White
Donahue	Morrish	
Total - 35		

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

SENATE BILL NO. 187—

BY SENATORS THOMPSON, CORTEZ, DORSEY-COLOMB, GALLOT, GUILLORY, JOHNS, LONG, MILLS, NEVERS, WALSWORTH AND WARD AND REPRESENTATIVES ANDERS, BARROW, DANAHAY, HENSGENS, HOWARD, LEGER, MONTOUCET, PIERRE, PUGH, PYLANT, RITCHIE, THIBAUT, THIERRY, ALFRED WILLIAMS AND PATRICK WILLIAMS

AN ACT

To amend and reenact R.S. 40:1013(C), to enact R.S. 40:1004(C), and to repeal R.S. 40:1003(6)(e), 1005(A)(5) and (26), relative to veterinarians and the Prescription Monitoring Program; to provide for a veterinarian exception to the Prescription Monitoring Program; to remove the veterinarian exception for "dispenser"; to remove certain members from the Prescription Monitoring Program Advisory Council; to repeal certain provisions with respect to the levying and collecting of fees to veterinarians by the Louisiana Board of Pharmacy; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

SENATE BILL NO. 220—
BY SENATORS WALSWORTH, WARD, ALARIO, APPEL, CLAITOR,
DONAHUE AND NEVERS

AN ACT

To enact Chapter 16 of Title XII of the Louisiana Children's Code, to be comprised of Children's Code Articles 1279.1 through 1279.7, and to repeal Part III of Chapter 20 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1790 through 1794, relative to adoption; to enact the Louisiana Has Faith in Families Act; to provide certain terms, conditions, procedures, and requirements; to provide for legislative findings and purpose relative to children eligible for adoption; to provide for certain incentives to encourage adoption; to provide for certain classifications; to provide for certain subsidies; to provide for certain reimbursements; to provide relative to educational opportunities and assistance; to provide relative to certain expedited periods and procedures; to provide exceptions; to provide for judicial proceedings; and to provide for related matters.

Floor Amendments

Senator Amedee sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee on behalf of the Legislative Bureau to Engrossed Senate Bill No. 220 by Senator Walsworth

AMENDMENT NO. 1

On page 2, line 29, following "adoption" and before "and" insert ";

AMENDMENT NO. 2

On page 3, line 22, following "by" and before "department" insert "the"

AMENDMENT NO. 3

On page 3, line 23, change "Subsection" to "Paragraph"

AMENDMENT NO. 4

On page 3, line 26, change "Title IV-E" to "Title IV, Part E"

AMENDMENT NO. 5

On page 4, line 4, following "state" and before "any" change "has" to "meets"

AMENDMENT NO. 6

On page 4, line 4, following "following" and before ":" insert "criteria"

AMENDMENT NO. 7

On page 5, line 21, change "dependant" to "dependent"

AMENDMENT NO. 8

On page 5, line 25, change "Subsection (C)" to "Paragraph C"

AMENDMENT NO. 9

On page 7, line 13, change "Art." to "Article"

On motion of Senator Amedee, the amendments were adopted.

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

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

Bagneris Rule

Senator Broome moved to suspend the rules to temporarily pass over controversial Senate Bills on Third Reading and Final Passage,

Subject to Call with the intention of taking them up later, in their regular order.

Without objection, so ordered.

Called from the Calendar

Senator Morrell asked that Senate Bill No. 30 be called from the Calendar.

SENATE BILL NO. 30—

BY SENATOR MORRELL AND REPRESENTATIVES WESLEY BISHOP
AND LEGER

AN ACT

To enact Chapter 42 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5981 through 5985, relative to justice reform in Orleans Parish; to create and provide relative to the Orleans Justice and Rehabilitation Reform Commission; to provide for the purposes, governance, and funding of the commission; to provide for the commission's powers, duties, and functions; to authorize the commission to adopt rules and regulations necessary for the purposes of the commission; and to provide for related matters.

Floor Amendments

Senator Morrell proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Morrell to Engrossed Senate Bill No. 30 by Senator Morrell

AMENDMENT NO. 1

On page 2, line 23, change "president" to "chairman of the Criminal Justice Committee"

AMENDMENT NO. 2

On page 2, line 27, change "seven" to "eight"

AMENDMENT NO. 3

On page 3, between lines 11 and 12, insert:

"(h) The sheriff for the parish of Orleans or his designee."

On motion of Senator Morrell, the amendments were adopted.

Floor Amendments

Senator Morrell submitted the following amendments on behalf of Senator Adley.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Adley to Engrossed Senate Bill No. 30 by Senator Morrell

AMENDMENT NO. 1

On page 3, line 20, after "meet" delete the remainder of the line and insert: "every other month, with two such meetings to be held in the city of New Orleans annually."

AMENDMENT NO. 2

On page 3, delete line 21

AMENDMENT NO. 3

On page 4, line 9, after "commission" delete the remainder of the line and insert: "may utilize existing staff of the legislature, including but not limited to personnel of the legislative fiscal office. The commission shall submit a written request for approval for specific support and assistance to the presiding officer of the respective house from which the support and assistance is sought. Support or assistance from the staff of the legislative fiscal office shall be submitted to the presiding officers of both houses."

AMENDMENT NO. 4
On page 4, delete line 10

On motion of Senator Morrell, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Nevers
Allain	Gallot	Peacock
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Riser
Brown	Kostelka	Smith, G.
Buffington	LaFleur	Thompson
Chabert	Long	Walsworth
Claitor	Mills	Ward
Cortez	Morrell	White
Crowe	Morrish	
Dorsey-Colomb	Murray	
Total - 34		

NAYS

Total - 0

ABSENT

Adley	Martiny	Tarver
Donahue	Smith, J.	
Total - 5		

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

Called from the Calendar

Senator Gary Smith asked that Senate Bill No. 217 be called from the Calendar.

SENATE BILL NO. 217—
BY SENATOR GARY SMITH

AN ACT

To amend and reenact R.S. 32:1521(A), relative to the transportation of hazardous materials; to provide additional routes on which certain carriers are prohibited from transporting hazardous materials; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Murray
Allain	Gallot	Nevers
Amedee	Guillory	Peacock
Appel	Heitmeier	Perry
Broome	Johns	Peterson
Brown	Kostelka	Riser
Buffington	LaFleur	Smith, G.
Claitor	Long	Thompson
Cortez	Mills	Walsworth

Crowe
Dorsey-Colomb
Total - 32

Morrell
Morrish

Ward

NAYS

Total - 0

ABSENT

Adley
Chabert
Donahue
Total - 7

Martiny
Smith, J.
Tarver

White

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

Rules Suspended

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 25, 2013

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 40—
BY SENATORS GALLOT, KOSTELKA, LONG AND RISER AND REPRESENTATIVES DIXON AND HARRIS
A CONCURRENT RESOLUTION

To commend the inaugural Little Walter Music Festival to be held in Alexandria on May 4, 2013, and to acknowledge and recognize the musical talents and enduring legacy of Little Walter.

Reported without amendments.

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

Introduction of Senate Resolutions

SENATE RESOLUTION NO. 53—
BY SENATOR PETERSON
A RESOLUTION

To direct the office of community development to follow certain recommendations of the legislative auditor and the Department of Housing and Urban Development, office of inspector general.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

April 25, 2013

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:

April 25, 2013

HB NO. 48

HB NO. 719

HB NO. 9

HB NO. 22

HB NO. 37

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

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

HOUSE BILL NO. 9—
BY REPRESENTATIVE PATRICK WILLIAMS
AN ACT

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

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

HOUSE BILL NO. 22—
BY REPRESENTATIVE DANAHAY
AN ACT

To amend and reenact R.S. 11:2178(B)(1)(b)(ii) and (3)(b)(ii) and (C)(1)(c)(ii), (iii), and (iv)(aa) and (4)(b) and to repeal R.S. 11:231(C)(1)(d), relative to the Sheriffs' Pension and Relief Fund; to provide relative to the calculation of final average compensation; and to provide for related matters.

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

HOUSE BILL NO. 37—
BY REPRESENTATIVE NANCY LANDRY
AN ACT

To enact R.S. 11:2093(C), relative to the Registrars of Voters Employees' Retirement System; to provide relative to the powers and duties of the board relative to system's actuarial assumptions; and to provide for related matters.

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

HOUSE BILL NO. 48—
BY REPRESENTATIVE HENRY BURNS
AN ACT

To amend and reenact R.S. 14:95.5(B), relative to the possession of a firearm on the premises of an alcoholic beverage outlet; to provide for the definition of alcoholic beverage outlet; and to provide for related matters.

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

HOUSE BILL NO. 719— (Substitute for House Bill No. 109 by Representative Howard)
BY REPRESENTATIVES HOWARD AND ARMES
AN ACT

To amend and reenact R.S. 56:325(A)(11) and (12), (B), (C), and (D), to enact R.S. 56:325(E), and to repeal R.S. 56:315(A)(13), relative to recreational fishing daily take and possession limits; to provide relative to the possession limit for crappie taken from Toledo Bend Reservoir on a recreational license; to provide relative to possession of fish filets on the water; and to provide for related matters.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 25, 2013

To the Honorable President and Members of the Senate:

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

HCR NO. 85

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 85—
BY REPRESENTATIVE BARROW
A CONCURRENT RESOLUTION

To recognize Sunday, April 28, 2013, as Workers' Memorial Day in recognition of workers killed, injured, and disabled on the job.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total - 35

NAYS

Total - 0

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

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

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

ENROLLMENTS

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

April 25, 2013

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 5—
 BY SENATOR CORTEZ AND REPRESENTATIVE STUART BISHOP
 A CONCURRENT RESOLUTION

To urge and request the Department of Children and Family Services, the Department of Health and Hospitals, and the Department of Public Safety and Corrections, public safety services, and the office of motor vehicles to promote statewide, the National Highway Traffic Safety Administration's *Where's baby? Look before you lock* campaign.

SENATE CONCURRENT RESOLUTION NO. 26—
 BY SENATOR JOHNS AND REPRESENTATIVE DANAHAY
 A CONCURRENT RESOLUTION

To commend and congratulate Bruno Beltran of Sulphur on being a recipient of a prestigious Goldwater Scholarship.

SENATE CONCURRENT RESOLUTION NO. 29—
 BY SENATORS JOHNS, MORRISH AND JOHN SMITH AND REPRESENTATIVES DANAHAY, FRANKLIN, GEYMAN, GUINN, HENSGENS AND KLECKLEY
 A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Dennis C. Ware II.

SENATE CONCURRENT RESOLUTION NO. 30—
 BY SENATORS JOHNS, MORRISH AND JOHN SMITH AND REPRESENTATIVES DANAHAY, FRANKLIN, GEYMAN, GUINN, HENSGENS AND KLECKLEY
 A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Junius Joseph "Joe" Champeaux II.

SENATE CONCURRENT RESOLUTION NO. 31—
 BY SENATORS GARY SMITH AND BROWN AND REPRESENTATIVES MILLER AND WILLMOTT
 A CONCURRENT RESOLUTION

To commend and congratulate Lou Valdin on being awarded All-District Coach of the Year.

SENATE CONCURRENT RESOLUTION NO. 32—
 BY SENATOR PEACOCK AND REPRESENTATIVE SEABAUGH
 A CONCURRENT RESOLUTION

To commend Safa Michigan upon being named the Caddo Public Schools 2013 Middle School Student of the Year and to recognize her extraordinary accomplishments.

SENATE CONCURRENT RESOLUTION NO. 33—
 BY SENATOR PEACOCK AND REPRESENTATIVE SEABAUGH
 A CONCURRENT RESOLUTION

To commend Ceara Johnson upon being named the Caddo Public Schools 2013 Elementary School Student of the Year and to recognize her extraordinary accomplishments.

SENATE CONCURRENT RESOLUTION NO. 34—
 BY SENATOR BROWN AND REPRESENTATIVE BURRELL
 A CONCURRENT RESOLUTION

To designate Tuesday, April 30, 2013, as "Alpha Phi Alpha Day in the Louisiana Legislature", commend Alpha Phi Alpha for one hundred seven years of exemplary leadership, and urge suitable observance of such day.

SENATE CONCURRENT RESOLUTION NO. 36—
 BY SENATOR MORRISH AND REPRESENTATIVE GUINN
 A CONCURRENT RESOLUTION

To commend Earl Garber of Basile, Louisiana, on his election as president of the National Association of Conservation Districts (NACD).

SENATE CONCURRENT RESOLUTION NO. 37—
 BY SENATOR DORSEY-COLOMB AND REPRESENTATIVE HONORE
 A CONCURRENT RESOLUTION

Commends the Southern University Men's basketball team for winning the Southwest Athletic Conference Tournament.

SENATE CONCURRENT RESOLUTION NO. 38—
 BY SENATOR BROWN AND REPRESENTATIVE PRICE
 A CONCURRENT RESOLUTION

To commend Robert Lee Jackson Sr. for his many years of dedication and service to his community and his country.

Respectfully submitted,
 "JODY" AMEDEE
 Chairman

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

ATTENDANCE ROLL CALL

PRESENT

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

ABSENT

Adley	Smith, J.
Martiny	Tarver
Total - 4	

Leaves of Absence

The following leaves of absence were asked for and granted:

Adley	1 Day	John Smith	1 Day
Martiny	1 Day	Tarver	1 Day

Announcements

The following committee meetings for April 29, 2013, were announced:

Finance	10:00 A.M.	Room A
Retirement	1:00 P.M.	Room E
Revenue and Fiscal Affairs	10:00 A.M.	Hainkel Room

Adjournment

On motion of Senator Thompson, at 11:20 o'clock A.M. the Senate adjourned until Monday, April 29, 2013, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Monday, April 29, 2013.

GLENN A. KOEPP
 Secretary of the Senate

DIANE O' QUIN
 Journal Clerk

