

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

THIRTY-SECOND DAY'S PROCEEDINGS

**Twenty-Seventh Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, May 24, 2001

The Senate was called to order at 2:00 o'clock P.M., by Hon. John Hainkel, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	
Total—38		

ABSENT

Tarver
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

Prayer

The prayer was offered by Senator Theunissen, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Theunissen, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 24, 2001

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. 135—
BY SENATOR HINES**

A CONCURRENT RESOLUTION

To designate and proclaim the week of May 21 through May 25, 2001 as Emergency Medical Services Week.

Reported without amendments.

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

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

May 24, 2001

To the Honorable President and Members of the Senate:

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

**SENATE BILL NO. 1058—
BY SENATOR MOUNT**

AN ACT

To amend and reenact R.S. 33:4699.1(A) and (B), relative to certain public property in the city of Lake Charles; to provide relative to the use of certain property; to authorize the use of the property for commercial or profit-oriented projects; to authorize the lease of such property; to authorize the use of certain property for certain gaming activities subject to voter approval; to provide conditions and restrictions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 123—
BY SENATOR MALONE**

AN ACT

To enact R.S. 18:1491.7(B)(23) and 1495.5(B)(22), relative to campaign finance reporting; to require that campaign finance reports include specific information relative to preprinted sample ballots; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 148—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 9:111, relative to the authority to make a pronouncement of death; to authorize a physician coroner to make a medical pronouncement of death based on information received from certain officials and authorized personnel; to provide relative to the reported time of death; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 651—
BY SENATORS HINES AND C. JONES

AN ACT

To amend R.S. 23:302 and to enact Part VII of Chapter 3 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:368 and 369, relative to employment; to prohibit discrimination in employment; to provide for genetic information and privacy; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 892—
BY SENATORS CRAVINS AND ROMERO

AN ACT

To amend and reenact R.S. 13:996.35, relative to the authority to collect additional sheriffs' fees in certain parishes; to continue the applicability of such authority in certain parishes; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 118—
BY SENATOR THEUNISSEN AND REPRESENTATIVE CRANE

AN ACT

To enact R.S. 17:112 and to repeal R.S. 17:8(A)(1)(b), relative to student records; to provide relative to the transfer of student records to certain educational facilities; to require the inclusion of certain information on expulsion of students; to prohibit the withholding of such records; to authorize the inspection of such records by students and parents; to remove authority for public schools to withhold student grades under certain circumstances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 558—
BY SENATORS THEUNISSEN, ELLINGTON, FONTENOT, GAUTREAUX, HINES, IRONS, MICHOT, MOUNT, ROMERO, SMITH, W. FIELDS, HOYT AND B. JONES AND REPRESENTATIVES BRUCE, CROWE, DARTEZ, FAUCHEUX, FRITH, HAMMETT, HILL, ILES, JOHNS, KENNARD, PINAC, RIDDLE, JACK SMITH, STRAIN, THOMPSON, TOWNSEND, MORRISH AND QUEZAIRE

AN ACT

To enact Subpart A-2 of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:185.1 through 185.4, relative to agricultural education; to develop nonmandatory instructional strategies for the integration of agricultural education into elementary and secondary programs of study for public schools; to establish the

Agricultural Education Advisory Committee; to provide for the development of an agricultural education action plan that falls within the parameters established in the Unified State Plan for Workforce Development; to provide for the approval of such plan by the State Board of Elementary and Secondary Education; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 360—
BY SENATOR HAINKEL

AN ACT

To enact R.S. 42:1123(28), relative to the Code of Governmental Ethics; to exempt immediate family members of public servants from the prohibition against performing volunteer work or donating property to that public servant's agency; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 665—
BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND REPRESENTATIVES HAMMETT, LANCASTER, MONTGOMERY AND GARY SMITH

AN ACT

To amend and reenact R.S. 14:71(B) and to enact R.S. 14:71(A)(1)(e), relative to issuing worthless checks; to make the issuance and non-payment of certain checks, drafts, or orders a crime; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 474—
BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 56:104(A)(2) and 302.1(A), relative to recreational hunting and fishing license fees; to provide that certain fee charged to nonresident full-time college students be equal to fees charged to residents; and to provide for related matters.

Reported with amendments.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

May 24, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 626 by Representative Flavin, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

May 24, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 1358 by Representative Schneider, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

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

Message from the House

HOUSE CONFEREES APPOINTED

May 24, 2001

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Concurrent Resolution No. 61 by Senator Dardenne:

Representatives Toomy, Cazayoux and Townsend.

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

**Privilege Report of the
Legislative Bureau**

May 24, 2001

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

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

HOUSE BILL NO. 63—
BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 27:306(A)(5)(b) and to repeal R.S. 27:306(A)(5)(d), relative to the Video Draw Poker Devices Control Law; to authorize the leasing or subleasing of fuel facilities at qualified truck stop facilities; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 66—
BY REPRESENTATIVE PITRE
AN ACT

To amend and reenact Civil Code Article 938 and to enact R.S. 9:2502, relative to successions; to provide for the exercise of a successor's rights in a succession; to provide for the subordination of the successor's rights to the administration of the estate; to provide for the validity of an alienation, lease, or encumbrance of immovable property made prior to the effective date of the Act; to provide for retroactive effect; to provide for a preemptive period; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 74—
BY REPRESENTATIVE KENNARD
AN ACT

To amend and reenact R.S. 14:95(H), relative to illegal carrying of weapons; to include coroners in the list of officials who may carry a concealed handgun when certified by the Council on Peace Officer Standards and Training; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 191—
BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact Civil Code Articles 870 and 1611, to enact Civil Code Article 1484, and to repeal R.S. 9:2501, relative to successions; to provide relative to the law governing succession rights; to provide relative to the revocation of a legacy or testament; to provide for the legal effect of terms used in a testament; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 254—
BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 30:2413(A)(8) and to enact R.S. 30:2413(A)(9), relative to solid waste management facility fees; removes the authority of the secretary of the Department of Environmental Quality to adopt certain fees; to provide for fees necessary to administer waste tire activities; to provide for collection and distribution of data and information; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 262—

BY REPRESENTATIVE GREEN

AN ACT

To amend and reenact R.S. 46:236.3(E), relative to income assignment orders; to provide for the termination of income assignment orders; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 316—

BY REPRESENTATIVES ANSARDI AND MCMAINS

AN ACT

To amend and reenact Children's Code Articles 303(7), 424.7(A), 438(C) and (D), 439(C), 443, 603(8), 619(C), 620(B), 624(C), (D), and (E), 626(B), 629, 630, 672, 672.1(D), 688, 702(C) through (G), 710(A)(introductory paragraph) and (C), 745(C), 776(A), 841(C), 1004(G), 1037.1, 1128, 1131(A), 1137(C), 1144(B), 1146(B) and (C), 1195(C), 1196(D), 1223(B)(4), 1223.1(C)(1)(A), 1243(A) and (C), and 1249 and Code of Civil Procedure Article 10(A)(1); to enact Children's Code Articles 438(E) and 439.1, 624(F), 710(D), and 1196(E); and to repeal Children's Code Articles 617(G) and (H), 618(G) and (H), and 702(H), relative to children; to provide for the continuous revision of the Children's Code; to provide for further implementation of the Adoption and Safe Families Act of 1999; to provide for children in need of care, court-appointed and court-approved administrative bodies, instant orders, continued custody, informal adjustment agreements, assignment of custody of children, reunification efforts, and permanency hearings and orders; to provide for mediation in the Children's Code, selection and qualification of mediators, and preparation of mediation agreements; to provide for jurisdiction over children and minors; to provide for the effect of informal family services plan agreements, permanency planning reports, informal adjustment agreements, authorizations to file petitions for termination of parental rights, continued contact with biological relatives, notice of opposition to adoptions, fee disclosure, intrafamily adoptions, and service and jurisdiction in adoption proceedings; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 318—

BY REPRESENTATIVES ANSARDI, CLARKSON AND MCMAINS

AN ACT

To amend and reenact Children's Code Articles 668, 675(B)(4), 702(E) through (H), 1218, and 1240 and to enact Children's Code Articles 675(B)(5), 702(I), 1042(D), 1146(D), 1208(D), and Chapter 14-A of Title XII of the Children's Code, to be comprised of Articles 1269.1 through 1269.7, relative to adoption; to provide for continuing contact between a child and certain individuals in agency adoptions; to provide for continuing contact agreements and declarations, filings, court approval, effect, agreements conferred after final decrees of adoption, enforcement, and modification; to provide for assessments of an adopted child's continuing contact with certain individuals in predisposition reports, case plans, permanency hearings, and reviews by counsel; to provide for hearings and the effect of a final decree of adoption, and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 330—

BY REPRESENTATIVE PERKINS

AN ACT

To amend and reenact R.S. 13:4711(A)(4) and to enact R.S. 13:4711(A)(8), relative to public nuisances; to provide for the abatement of public nuisances based on a pattern of criminal activity involving violence or weapons; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 360—

BY REPRESENTATIVES ANSARDI AND MCMAINS

AN ACT

To amend Civil Code Articles 767, 1228, and 1829 and to repeal Civil Code Articles 337, 877, 878, and 879 and R.S. 9:1421, relative to successions; to eliminate references to benefit of inventory; to provide that until a successor accepts a succession confusion as to servitudes does not take place; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 361—

BY REPRESENTATIVES ANSARDI AND MCMAINS

AN ACT

To enact Section 8 of Chapter 6 of Title II of Book III of the Louisiana Civil Code, to be comprised of Civil Code Articles 1617 through 1626, and R.S. 9:2502, relative to successions; to provide for disinheritance of forced heirs; to provide the formalities for disinheritance of forced heirs; to provide the grounds that constitute just cause for disinheritance; to provide grounds for which both parents and grandparents can disinherit forced heirs; to provide for reconciliation between the testator and the forced heirs; to provide for defenses for disinheritance; to provide for the retroactivity of these rules; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 362—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 40:1379.3(J)(3), relative to permits for concealed handguns; to provide for the definition of "resident"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 379—

BY REPRESENTATIVE MARTINY

A JOINT RESOLUTION

Proposing to amend Article I, Section 4 of the Constitution of Louisiana, relative to the right to property; to provide for the protection of the ownership rights of personal property (effects); to clarify that contraband has no such protection; to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 390—

BY REPRESENTATIVES TOOMY AND DEVILLIER AND SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 16:51(A)(12), (22), (31), and (34), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 441—

BY REPRESENTATIVE POWELL

AN ACT

To enact R.S. 15:255(G), relative to the special funds in each of the parishes in the Twenty-First Judicial District which are used for the payment of witness fees to off-duty law enforcement officers; to provide for the transfer of surplus monies in those funds to the criminal court fund of that district court; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 474—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 9:2799.5(B)(3), relative to limited liability for health care providers in community health care clinics; to provide for the treatment of patients who are not enrolled in public entitlement programs; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 540—

BY REPRESENTATIVE ERDEY

AN ACT

To enact R.S. 33:1554.1, relative to the coroner in Livingston Parish; to provide for qualifications for office; to authorize the reelection of a person who is not a licensed physician to the office of coroner in Livingston Parish; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 627—

BY REPRESENTATIVE HOPKINS

AN ACT

To enact R.S. 38:3087.73(C); to provide for the members of the Board of Commissioners of the Caddo Lake Watershed District to have staggered terms; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 632—

BY REPRESENTATIVES MCMAINS AND ANSARDI

AN ACT

To enact Chapter 13 of Title III of Book VI of the Louisiana Code of Civil Procedure, to be comprised of Code of Civil Procedure Articles 3396 through 3396.20, and 5251(14), relative to probate procedure; to provide for the independent administration of

estates; to provide definitions; to provide the scope of independent administration; to provide for the designation of an independent executor by the testator; to provide for the testator's failure to designate an independent executor; to provide for the independent executor's rights, powers, and duties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 633—

BY REPRESENTATIVES MCMAINS AND ANSARDI

AN ACT

To amend and reenact Civil Code Articles 942, 946, 952, 965, 1416, 1575, 1577, 1593, and 1597 and to enact Civil Code Article 1610.1, relative to successions; to authorize persons to bring an action to declare a successor unworthy; to provide for the devolution of succession rights; to provide for probate or amendment of testaments; to provide for accretion upon renunciation in testate successions; to provide liability of universal successors to creditors; to provide for olographic testaments; to provide for loss, extinction, or destruction of property given; to provide for revocation of testamentary dispositions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 634—

BY REPRESENTATIVES MCMAINS AND ANSARDI

AN ACT

To amend and reenact Civil Code Articles 1520 and 1521, relative to successions; to provide for prohibited substitutions; to provide for vulgar substitutions; to provide definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 761—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 27:302(A)(5)(i), relative to the Video Draw Poker Devices Control Law; to provide with respect to the denomination of bills and coins which a video draw poker device accepts; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 787—

BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact R.S. 14:67.5(B), relative to theft of crawfish; to provide relative to penalties for commission of the crime; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 846—

BY REPRESENTATIVES MCMAINS AND ANSARDI

AN ACT

To amend and reenact R.S. 9:1789, 1891(A), 1932, 1961(C), 2026(2), 2030, 2045 and 2088(A) and to enact R.S. 9:1784, relative to the Louisiana Trust Code; to provide for the removal of a trustee; to provide for class trusts; to provide for the donation of property;

to provide for the interest of the income beneficiary; to provide for the termination or modification of a trust; to provide for combination and division of trusts; to provide for the delegation of the right to revoke a trust; to provide for accountings; to provide for jurisdiction over the trustee; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 873—
BY REPRESENTATIVE HOLDEN
AN ACT

To enact R.S. 30:2014.4, relative to permits for commercial hazardous waste facilities and landfills; to require disclosure of the transfer of permits; to authorize government bodies to transfer permits; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 941—
BY REPRESENTATIVE KENNARD
AN ACT

To repeal R.S. 40:1472.3(F) and 1472.4(B)(2), relative to explosives; to repeal provisions authorizing persons who do not possess a license to work with explosives provided that the person is working under the immediate and personal supervision and control of a person with a valid license; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 965—
BY REPRESENTATIVE MARTINY AND SENATOR LENTINI
AN ACT

To enact R.S. 15:574.22 through 574.35 and to repeal R.S. 15:574.14, relative to the supervision of adult offenders; to provide for the Interstate Compact for Adult Offender Supervision; to provide for its purpose; to provide for definitions; to create the Interstate Commission for Adult Offender Supervision and to provide for its membership and duties; to create the State Council and to provide for its membership and duties; to provide for the operation and activities of the Interstate Commission; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 967—
BY REPRESENTATIVE MARTINY
AN ACT

To repeal Code of Criminal Procedure Article 876, relative to post-sentencing investigations.

Reported without amendments.

HOUSE BILL NO. 968—
BY REPRESENTATIVE MARTINY AND SENATOR LENTINI
AN ACT

To amend and reenact R.S. 15:574.8(B), relative to parole; to provide that parolees arrested for violation of parole conditions may be held in state prison; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 969—
BY REPRESENTATIVE MARTINY AND SENATOR LENTINI
AN ACT

To repeal R.S. 15:571.20, relative to the assignment of work units to probation and parole specialists; to repeal the provision of law providing for the assignment of work units to probation and parole specialists.

Reported without amendments.

HOUSE BILL NO. 970—
BY REPRESENTATIVE MARTINY AND SENATOR CRAVINS
AN ACT

To amend and reenact R.S. 15:824(B)(1)(a), relative to individuals committed to the Department of Public Safety and Corrections held in parish jails; to provide that the governing authority of a parish or the parish sheriff shall be paid by the department for housing and keeping individuals participating in a Blue Walters Substance Abuse Program; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 971—
BY REPRESENTATIVE MARTINY AND SENATOR CRAVINS
AN ACT

To amend and reenact R.S. 15:574.4(B), relative to parole; to provide for notification of victim; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 983—
BY REPRESENTATIVE MARTINY AND SENATOR LENTINI
AN ACT

To amend and reenact R.S. 15:1171(A) and 1172(A), relative to corrections administrative remedy procedure; to provide that the procedures shall be adopted in accordance with the Administrative Procedure Act; to delete provisions requiring approval of the procedures by a federal court; to delete provisions requiring compliance with the Civil Rights of Institutionalized Persons Act; to provide that any administrative remedy in effect is in compliance with this Act; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1041—
BY REPRESENTATIVE MCMAINS
AN ACT

To amend and reenact Code of Civil Procedure Article 10(A)(1) and Children's Code Articles 1109, 1117, and 1122(B)(9) and (F) [Mother's and Father's Surrender Form], relative to adoption proceedings; to provide relative to jurisdiction over status, domiciliary requirements; to require that surrendering parent or a prospective adoptive parent be domiciled in this state for at least eight months; to require a declaration in the act of surrender that a surrendering parent or a prospective adoptive parent has been domiciled in this state for no less than eight months; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1070—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 40:1299.58(A)(introductory paragraph) and (2) and to enact R.S. 40:1299.58(F), relative to consent to medical treatment; to allow the administrator or manager to provide medical consent for certain mentally retarded or developmentally disabled individuals; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1083—

BY REPRESENTATIVES MCMAINS AND ANSARDI

AN ACT

To amend and reenact R.S. 9:2082, 2086, 2087, 2090, 2127, and 2142, to authorize and direct the Louisiana State Law Institute to redesignate Subpart E of Part V of Chapter 1 of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 as Subpart F and to enact a new Subpart E of Part V of Chapter 1 of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 9:2158 through 2163, and to repeal R.S. 9:2116, relative to the Louisiana Trust Code, to provide for a duty of impartiality in the administration of a trust; to provide for self-dealing by a corporate trustee; to provide for delegating performance; to provide for prudent administration; to provide for the standard of care in investing and management; to provide for income and principal; to provide for remedies when a trustee has abused his discretion; to provide for effective dates and transitional provisions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1169—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2158(A)(1) and to repeal R.S. 30:2154(B)(6), 2161(D), and 2301 through 2326, R.S. 33:4169.1(F), and R.S. 36:239(G), and 804(1), relative to the Louisiana Resource and Recovery Development Authority; to provide for its dissolution; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1178—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 27:306(A)(4)(c)(iv) and to enact R.S. 27:301(B)(16) and (17) and 311(L), relative to Video Draw Poker Devices Control Law; to provide for and require a video draw poker employee permit fee; to provide with respect to diesel and gasoline fuel sales at qualified truck stop facilities; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1179—

BY REPRESENTATIVE FARRAR

AN ACT

To amend and reenact R.S. 30:2057(B)(5), to provide authority for municipalities of less than five thousand persons to burn trees, brush, grass, or other vegetable matter within their corporate limits; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1305—

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 18:402(D) and 514 and R.S. 44:201.1 and 231.1, relative to the offices of recorder of mortgages and register of conveyances for the parish of Orleans; to provide that the elections for the offices of recorder of mortgages and register of conveyances for the parish of Orleans shall be conducted at the regular congressional election; to provide for the beginning and ending of the terms for such offices; to provide for the extension of the current terms for such offices; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1318—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2503(A)(2)(a), relative to the Louisiana Environmental Education Commission; to provide relative to membership on the commission; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1318 by Representative Damico

AMENDMENT NO. 1

On page 1, line 2, following "(a)" and before the comma "," insert "and (j)"

AMENDMENT NO. 2

On page 1, line 6, following "(a)" and before "is" insert "and (j)"

HOUSE BILL NO. 1369—

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 15:712, relative to correctional facilities; to provide that citizens may request wardens or superintendents to intercept mail from prisoners to those citizens; to provide for a limitation of liability for wardens and superintendents for mail transmitted by prisoners; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1459—

BY REPRESENTATIVE DONELON

AN ACT

To amend and reenact R.S. 14:102.5(C), relative to the crime of dogfighting; to increase the penalties for violations of that crime; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1482—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 49:191(13) and to repeal R.S. 49:191(11)(h), relative to the Department of Environmental Quality; to provide for the re-creation of the Department of Environmental Quality and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1483—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2194(B), 2195.2(A)(1)(c)(i), (2), and (5), 2195.3(A)(10), 2195.8(B), and 2195.9(A) and to repeal R.S. 30:2195.2(B)(1)(c), relative to underground storage tanks and the Motor Fuels Underground Storage Tank Fund; to provide definitions; to provide for response actions and response action contractors; to provide for expenditure of funds; to provide for remediation, indemnification, and liability; to provide for financial responsibility; to provide for the composition of the advisory board; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1497—

BY REPRESENTATIVES PINAC, FRITH, AND THOMPSON

AN ACT

To amend and reenact R.S. 3:3370(A), relative to standard contracts for termite protection; to provide for the form of the contract; to provide for the transfer of such contracts; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1556—

BY REPRESENTATIVES KENNARD AND DURAND

AN ACT

To amend and reenact R.S. 30:2373(D)(2) and (E)(2) and 2374(B)(1), relative to the Hazardous Materials Information Development, Preparedness and Response Act; provides additional persons who may be subject to civil penalties for violations; provides applicable penalties; provides for reduction in certain fees; provides an extension date for certain fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1579—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2418(I) and to enact R.S. 30:2412(4.1), (5.2), and (6.1), relative to waste tires and the Waste Tire Management Fund; to provide definitions; to provide fees to be levied on the sale of new tires; to provide size classifications of tires; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1602—

BY REPRESENTATIVE MCMAINS

AN ACT

To amend and reenact Children's Code Articles 1124(B) and (C), 1137(D), 1138(C) and (E), and 1139(A) and to enact Children's Code Article 1180(C) and R.S. 46:1402.1, relative to adoptions; to provide for service of notice of opposition to adoption; to provide for the presentation of evidence; to provide for the form of certain affidavits; to provide for the jurisdiction for adoption proceedings; to provide relative to conflict of interests; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1635—

BY REPRESENTATIVE HOPKINS AND SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 27:304, relative to a video poker gaming device licensee; to authorize advertisements or participation in certain promotions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1648—

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 26:80(A)(4) and 280(A)(4), relative to alcoholic beverages permits, to provide for qualifications for applicants; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1662—

BY REPRESENTATIVE LANDRIEU

AN ACT

To amend and reenact R.S. 35:336(A) and 337(B), relative to notaries public and commissioners; to provide for the appointment of one deputy by the custodian of notarial records; to provide for the preservation of records and documents; to provide for the dedication of certain fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1682—

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 26:71.1(1)(g), (h), and (i) and 271.2(1)(g), (h), and (i), relative to permits for alcoholic beverages; to provide requirements for Class A-General retail permits; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1788—

BY REPRESENTATIVE RIDDLE

AN ACT

To amend and reenact Code of Civil Procedure Article 3061, relative to a judgment of possession; to require the judgment to include the names and addresses of the heirs or legatees and surviving spouse; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1793—

BY REPRESENTATIVE RIDDLE

AN ACT

To enact R.S. 9:2801.1, relative to the partition of community property interests in federal or state statutory pension or retirement plans; to provide for the allocation and assignment of ownership of certain community property; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1913—

BY REPRESENTATIVES STRAIN, BAUDOIN, BRUCE, R. CARTER, CAZAYOUX, DEVILLIER, DURAND, FRITH, FRUGE, HILL, ILES, KENNEY, LAFLEUR, MORRISH, NEVERS, JACK SMITH, AND THOMPSON

AN ACT

To amend and reenact R.S. 3:2097, relative to diseases of animals and unsanitary animal products; to provide definitions; to provide for the unlawful transport of certain diseased animals and adulterated meat; to provide for civil penalties; to provide for criminal penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1925—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2040, R.S. 37:3155, and 3156(A) and to repeal R.S. 37:3151(6), relative to commercial solid waste disposal facilities; to provide that the Department of Environmental Quality shall classify commercial solid waste disposal facilities; to provide that the department shall determine the number of certified operators at such facilities; to prohibit the siting of certain solid or hazardous waste facilities within certain parishes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1971—

BY REPRESENTATIVES GARY SMITH AND PINAC

AN ACT

To enact R.S. 47:843(D)(4) and 865(C)(3)(c), relative to tobacco products; to provide that certain activities relative to cigarettes shall be unlawful; to provide for the seizure, sale, and destruction of cigarettes; to provide for filing of injunctive actions; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 2038—

BY REPRESENTATIVE PERKINS

AN ACT

To enact R.S. 14:44.2, relative to the crime of aggravated kidnapping; to create the crime of aggravated kidnapping of a child; to provide for penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 2062 (Substitute for House Bill No. 1699 by Representative Schwegmann)—

BY REPRESENTATIVE SCHWEGMANN

AN ACT

To enact R.S. 3:2364 and R.S. 36:4(V), relative to animals; to provide definitions; to create the Louisiana Animal Welfare Commission; to provide for membership of the commission; to provide for the power and authority of the commission; to create the Louisiana Animal Welfare Fund; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
LOUIS LAMBERT
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lambert, the Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

**Introduction of Resolutions,
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 35—

BY SENATOR ROMERO

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana on the death of Fred John Hayes, police chief of Henderson.

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

SENATE CONCURRENT RESOLUTION NO. 137—

BY SENATOR HINES

A CONCURRENT RESOLUTION

To commend the players, coaches, managerial personnel, and statisticians of the Pine Prairie High School Boys Baseball Team upon its excellence during the 2000-2001 season that culminated in its winning the Class B state high school baseball championship.

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

May 24, 2001

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Cain	Heitmeier	Mount
Campbell	Hines	Romero
Chaisson	Hollis	Smith
Dardenne	Hoyt	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, B	Ullo
Ellington	Lambert	
Fields, C	Lentini	
Total—31		

NAYS

Total—0

ABSENT

Bajoie	Irons	Schedler
Boissiere	Jones, C	Tarver
Cravins	Michot	
Total—8		

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

SENATE CONCURRENT RESOLUTION NO. 138—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To commend the players, coaches, and managerial personnel of the Elizabeth High School Boys baseball team upon its excellence during the 2000-2001 season that culminated in its winning the Class C state high school baseball championship.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Mount
Cain	Hines	Romero
Chaisson	Hollis	Smith
Dardenne	Hoyt	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, B	Ullo
Ellington	Lambert	
Fields, C	Lentini	
Total—31		

NAYS

Total—0

ABSENT

Bajoie	Irons	Schedler
Campbell	Jones, C	Tarver
Cravins	Michot	
Total—8		

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

Rules Suspended

Senator Smith asked for and obtained a suspension of the rules for the purpose of recalling Senate Concurrent Resolution No. 135 from the Committee on Agriculture.

SENATE CONCURRENT RESOLUTION NO. 135—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To designate and proclaim the week of May 21 through May 25, 2001 as Emergency Medical Services Week.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, C	Lentini
Barham	Fields, W	Malone
Bean	Fontenot	Marionneaux
Boissiere	Gautreaux	McPherson
Cain	Heitmeier	Mount
Campbell	Hines	Romero
Chaisson	Hollis	Smith
Dardenne	Hoyt	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, B	Ullo
Ellington	Lambert	
Total—32		

NAYS

Total—0

ABSENT

Bajoie	Jones, C	Tarver
Cravins	Michot	
Irons	Schedler	
Total—7		

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

Reports of Committees

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON
NATURAL RESOURCES**

Senator Romero, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

May 24, 2001

To the President and Members of the Senate:

I am directed by your Committee on Natural Resources to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 130—

BY SENATOR CAIN

A CONCURRENT RESOLUTION

To nominate portions of several rivers and streams in the parishes of Allen, Vernon, Beauregard and Calcasieu for inclusion in the Louisiana Natural and Scenic Rivers System; and to provide for study and recommendations to the legislature on such nominations by the system administrator.

Reported with amendments.

SENATE BILL NO. 98—

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 56:1851(C), relative to the Louisiana Scenic Rivers Act; to provide for criminal penalties for violation of the Act; and to provide for related matters.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 36—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to adopt rules doubling the daily creel limits for disabled recreational fishermen.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 86—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To memorialize congress to support, with funding, the expeditious implementation of the proposed Maurepas Swamp diversion from the Mississippi River.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 92—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To create the Louisiana State Seafood Industry Advisory Board to review the regulatory and business needs of the seafood industry and to make recommendations for the sustainability and enhancement of the industry.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 129—

BY REPRESENTATIVES PITRE, BAUDOIN, DANIEL, FRITH, HILL, ODINET, PIERRE, JACK SMITH, AND TOWNSEND

A CONCURRENT RESOLUTION

To urge and request the President of the United States and to memorialize the Congress of the United States to implement the Gulf Hypoxia Action Plan.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 167—

BY REPRESENTATIVE DAMICO

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to fully implement the Estuary Restoration Act of 2000.

Reported favorably.

HOUSE BILL NO. 423—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To authorize and provide for the transfer or lease of certain state property in St. John the Baptist Parish to the descendants of and buyers from the original owner from the Department of Transportation and Development; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 569—

BY REPRESENTATIVE MCCALLUM

AN ACT

To enact R.S. 56:647.1, relative to hunting and fishing licenses; to provide for the definition of a member of the outdoor press; to establish the special outdoor press license; to provide for fees; to provide for the authority to promulgate rules and regulations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1895—

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 30:2480(I), 2483(D), and 2484 and to enact R.S. 30:2480.1 and 2480.2, relative to the oil spill coordinator's office; to provide for public hearings for natural resource damage assessments; to create the Regional Restoration Planning Program; to provide for the Oil Spill Contingency Fund; to provide for the establishment of the Natural Resource Restoration Trust Fund; to provide for the uses of funds; and to provide for related matters.

May 24, 2001

Reported favorably.

Respectfully submitted,
CRAIG F. ROMERO
Chairman

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator C. Jones, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

May 24, 2001

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE RESOLUTION NO. 33—
BY SENATORS IRONS, BAJOIE, AND BOISSIERE
A RESOLUTION

To urge and request the governor to issue a proclamation to all state agencies to fully implement and enforce state and federal law prohibiting employment discrimination based on disability.

Reported favorably.

HOUSE BILL NO. 419—
BY REPRESENTATIVE ERDEY
AN ACT

To amend and reenact R.S. 23:1231(B)(2), relative to workers' compensation; to provide with respect to death benefits; to increase the parental benefit of an employee who leaves no legal dependents; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 808—
BY REPRESENTATIVE PITRE
AN ACT

To enact R.S. 23:1310.5(F), relative to workers' compensation; to require publication of opinions from circuit courts of appeal workers' compensation hearings; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 953—
BY REPRESENTATIVE GUILLORY
AN ACT

To amend and reenact R.S. 23:1628, relative to unemployment compensation; to change all references to "tribunal" to "referee" and to provide that the secretary of the Department of Labor shall appoint unemployment compensation appeals referees; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 959—
BY REPRESENTATIVES GUILLORY, BOWLER, CLARKSON, MURRAY, NEVERS, PERKINS, PITRE, POWELL, SCALISE, STELLY, AND TUCKER
AN ACT

To amend and reenact R.S. 49:191(13) and to repeal R.S. 49:191(11)(e), relative to the Department of Labor, including provisions to provide for the re-creation of the Department of Labor and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1121—
BY REPRESENTATIVE PITRE
AN ACT

To enact R.S. 23:1221(3)(g), relative to workers' compensation; to terminate benefits for an injured employee's failure to comply with employer's substance abuse policy; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1384—
BY REPRESENTATIVE RIDDLE
AN ACT

To amend and reenact R.S. 23:1021(10)(f), relative to workers' compensation; to determine wages when considering income taxes; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1385—
BY REPRESENTATIVE RIDDLE
AN ACT

To amend and reenact R.S. 23:1203(D), relative to workers' compensation; to provide payment for vocational rehabilitation expenses; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1613—
BY REPRESENTATIVE GUILLORY
AN ACT

To amend and reenact R.S. 23:1291(C)(3) and to repeal R.S. 23:1291(C)(6), relative to the Department of Labor; to consolidate sections within the department; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHARLES D. JONES
Chairman

**REPORT OF COMMITTEE ON
TRANSPORTATION, HIGHWAYS,
AND PUBLIC WORKS**

Senator Heitmeier, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

May 24, 2001

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 35—

BY REPRESENTATIVE DIEZ

A CONCURRENT RESOLUTION

To create and provide with respect to a task force to study common driver distractions, including communications technology and nontechnological activities, and submit recommendations to the legislature.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 66—

BY REPRESENTATIVE HUDSON

A CONCURRENT RESOLUTION

To create and provide for the Bayou Boeuf Advisory Committee to study and make proposals to the Senate and House Committees on Transportation, Highways and Public Works relative to uses of Bayou Boeuf water and the advisability of the creation of a freshwater district along Bayou Boeuf from Alexandria to Washington in the parishes of Rapides, Avoyelles, and St. Landry.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 67—

BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install a traffic signal at the intersection of Hanks Drive and Airline Highway in East Baton Rouge Parish.

Reported favorably.

HOUSE BILL NO. 81—

BY REPRESENTATIVES BRUCE, BAYLOR, DOERGE, GLOVER, L. JACKSON, MONTGOMERY, STELLY, AND WADDELL AND SENATORS HINES AND SMITH

AN ACT

To enact R.S. 32:199, relative to traffic regulations; to prohibit certain persons from allowing certain children to operate or ride on a bicycle without a helmet; to provide for definitions; to prohibit certain persons from allowing certain children to ride on a bicycle without being seated in a restraining seat; to provide civil penalties for noncompliance; to require persons in the business of selling or renting bicycles to post notice; to provide for an effective date; and to provide for related matters.

Reported without action.

HOUSE BILL NO. 255—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 48:251(B) and 252(A)(introductory paragraph), relative to the Department of Transportation and Development; to provide relative to contracts for construction and maintenance projects; to increase the contract limit for such projects; to increase the minimum aggregate estimated cost of contracts over which the department must send invitations for quotations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 328—

BY REPRESENTATIVE KENNARD

AN ACT

To enact R.S. 32:171(H), relative to railroad grade crossings; to authorize certain persons to report railroad grade crossing violations; to authorize reporting of railroad grade crossing violations by certain means; to require certain information to be reported; to authorize law enforcement to issue citations for violations; to provide for certain deadlines; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 348—

BY REPRESENTATIVE MCMAINS

AN ACT

To enact R.S. 40:1356(E), relative to the reporting of impaired applicants for driver's licenses; to provide for the limitation of civil and criminal liability of persons reporting impaired applicants; to provide procedures for reporting; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 365—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 48:253(A) and (E) and 255(D)(2) and (3) and (F)(2) and to repeal R.S. 48:253(D), relative to the Department of Transportation and Development; to provide relative to contracts for construction and maintenance projects; to provide relative to certain bonds and other guarantees relative to such contracts; to provide relative to companies which may write such bonds; to provide relative to issuance of work orders; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 478—

BY REPRESENTATIVE MORRISH

AN ACT

To amend and reenact R.S. 38:1794(A)(2)(a), (B), (F), and (G), relative to the compensation of members of the boards of commissioners of certain drainage districts; to provide for an increase in the maximum per diem of such members; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 934—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:1735, relative to towing and storage of vehicles; to provide relative to tow companies which participate in law enforcement agency rotation lists; to provide relative to removal of tow companies from a law enforcement agency's rotation list; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 935—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:408(A)(4)(a), relative to drivers' licenses; to authorize certain third parties to administer skills tests for Class "A", "B", or "C" commercial drivers' licenses; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 936—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:414.2(A)(5) and to enact R.S. 32:414.2(A)(1)(e) and 427(A)(4), relative to commercial motor vehicle drivers; to provide relative to railroad grade crossing violations by commercial motor vehicle operators; to provide relative to certain disqualifications; to provide for civil penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 937—
BY REPRESENTATIVE DIEZ

AN ACT

To repeal R.S. 40:1321(I)(3) and (4), relative to special identification cards; to remove the late fee for renewal of an expired special identification card by mail or by electronic commerce; and to remove provisions for the disposition of that fee.

Reported favorably.

HOUSE BILL NO. 938—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:412(D)(3), relative to driver's license renewals; to remove the prohibition of renewal by mail or electronic commerce of Class "D" or "E" operators' licenses for persons with certain traffic violations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 943—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:295.1(D)(2)(a), relative to the use of seat belts; to require the commissioner of motor vehicles to indicate on the face of the applicant's driver's license that the applicant is not required to use a seat belt due to a permanent disability; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 963—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:408(A)(10) and to repeal R.S. 32:408(A)(11), relative to driver's license examinations; to authorize the office of motor vehicles to use mobile units for driver skill and knowledge testing examinations when applicant applies for a driver's license; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1023—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:299(A) and (C), relative to off-road vehicles; to delete certain off-road vehicle permits; to delete certain permit fees; to delete requirement for promulgation of rules; to authorize off-road vehicles to travel along certain highways without permits; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1142—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:414(G) and (N) and 430(K), relative to drivers' licenses; to provide for the commencement of the suspension or revocation period for a driver's license for various violations; to provide relative to the commencement of the period of suspension of driving and motor vehicle registration privileges for payment of taxes or fees with a dishonored check; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1197—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:861(A)(3), 863(A)(3)(a), (B)(2)(a), and (C)(2) and (4), and 863.2(E)(2) and to repeal R.S. 32:863(C)(3) and (D) as amended by Act. Nos. 553 and 616 of the 1987 Regular Session of the Legislature, relative to motor vehicle liability security; to provide relative to notification of cancellation of liability security; to provide relative to notification of nonuse of a motor vehicle; to provide relative to revocation of motor vehicle registration; to provide relative to sanctions for violations of required motor vehicle liability security; to provide relative to legitimate reasons for cancellation of liability security; to provide relative to special operator's permits; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1502—
BY REPRESENTATIVE WADDELL

AN ACT

To enact R.S. 32:1521(E)(11) and (12), relative to the transportation of hazardous materials; to provide additional routes on which certain carriers may transport hazardous materials within Caddo and Bossier parishes; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1656—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 34:334.12, relative to the Vinton Harbor and Terminal District; to provide for the per diem received by commissioners of the district; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1674—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:863(C)(1) and 863.1(C)(1)(a), relative to compliance with the compulsory liability insurance law; to authorize mailing of notices of noncompliance by first class mail; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1727—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:1713(introductory paragraph) and (3), 1719, 1720, 1723, 1727(B), 1728(A) and (D), 1728.2(A), (C), (D)(introductory paragraph), (4), and (5), (E)(introductory paragraph) and (F), 1728.3 and 1729, to enact R.S. 32:1728.4, and to repeal R.S. 32:1728(B), (C), and (E), 1728.1, and 1728.2(B) and (D)(3), relative to the Louisiana Towing and Storage Act; to provide relative to certain definitions; to provide relative to information a storage or parking facility owner reports to the department; to provide relative to the information the department provides to the storage or parking facility owner; to provide relative to the civil or criminal liability of a tow truck owner or operator; to provide relative to certain deadlines for notification; to provide relative to the content of notice to a stored vehicle owner; to provide relative to administrative hearings; to provide relative to the maintenance of certain records; to provide relative to the disposal of certain motor vehicles; to provide relative to the procedure for disposal of certain motor vehicles; to provide relative to permits to sell or permits to dismantle certain vehicles; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1850 (Substitute for House Bill No. 1053 by Representative Pinac)—

BY REPRESENTATIVE PINAC AND SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 45:163(D)(1)(b), relative to towing and storage of vehicles; to provide relative to public liability and property damage insurance coverage for certain tow trucks; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1864—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 38:2212(A)(1)(b), relative to public contracts; to provide relative to the waiving of requirements of the Public Bid Law for certain contracts; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 2040 (Substitute for House Bill No. 1200 by Representative Jack Smith)—

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 34:334.37, relative to public bids for port, harbor, and terminal districts; provides relative to work to be let by contract by the West St. Mary Parish Port, Harbor and Terminal District; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 2053 (Substitute for House Bill 1009 by Representative Pinac)—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 32:385.1, relative to motor vehicles; to provide relative to width limitations for certain recreational vehicles; to provide for certain exemptions from such width limitations; and to provide for related matters.

Reported favorably.

Respectfully submitted,
FRANCIS C. HEITMEIER
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 972—

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 6:958(B), R.S. 22:1382(A)(3)(a)(iv), 1404, 1404.1, 1405(A), (C), (D)(2) and (5), (G), and (I), 1406.2(1) and (2), 1406.3(B) and (C), 1406.6(A), 1406.7, 1406.8(A) and (D), 1406.10, 1406.11, 1406.12, 1407, 1409(A), (B), (D), (E), and (G)(1), 1412(B), 1417(A) and (B), 1417.1(C), 1422.1, 1423(A), (B), and (E), 1432(1), (2)(introductory paragraph), and (6), 1436(A) and (B), 1437(A)(1) and (2)(g) and (B), 1438(A)(1) and (C), 1440, 1441, 1442, 1443, 1444, 1446, 1447, 1450.3(4) and (5), 1459(A), and 2092.5(C)(2), R.S. 23:1392(A)(1) and (8), R.S. 32:430(M) and 1043(A), R.S. 36:688(B), and 921(A), R.S. 40:1299.44(A)(2)(b), (c), and (f) and (6)(a) and 1308(C)(6), to enact R.S. 36:686(F), and to repeal R.S. 22:15(B)(1)(h), 636.2(A)(3), 636.4(E)(2)(a), 1401, 1402, and 1404.2, R.S. 23:1395(A), and R.S. 36:686(C)(1) relative to insurance rate regulation; to abolish the Louisiana Insurance

Rating Commission; to provide for transition of certain functions, duties, and obligations from the commission to the Department of Insurance; to limit the authority of the department; to replace the commission with the department for receipt of certain reports, plans, and revenues; to permit the department to review and approve certain filings; to eliminate the rate making requirements for certain property and casualty insurers; to permit the department to enforce certain rate reductions; to permit the attorney general to represent the citizens of the state before the department; and to provide for related matters.

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

SENATE BILL NO. (Substitute for Senate Bill No. 972 by Senator Hainkel)

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 6:958(B), R.S. 22:1382(A)(3)(a)(iv), 1401, 1402, 1403(D), 1404, 1404.1, 1405(A), (C), (D)(2) and (5), (G), and (I), 1406(A), (B) and (C), 1406.1, 1406.2(1), the introductory paragraph of R.S. 22:1406.2(2), 1406.3(B) and (C), 1406.6(A), 1406.7, 1406.8(A) and (D), 1406.10, 1406.11, 1406.12, 1407, 1408(A) and (C), 1409(A), (B), (D), (E), and (G), the introductory paragraph of R.S. 22:1410(A), 1410(A)(1), (B) and (C), 1411, 1412(B), 1413(B), 1414(B), 1415, 1417(A) and (B), 1417.1, 1418, 1419(B), 1420, 1422, 1422.1, 1424, 1431, 1432(1), (2)(introductory paragraph), and (6), 1436(A) and (B), 1437(A)(1) and (2)(g) and (B), 1438(A)(1) and (C), 1440, 1441, 1442, 1443, 1444, 1446, 1447, 1459(A), and 2092.5(C)(2), R.S. 23:1392(A)(1) and (8), R.S. 32:430(M) and 1043(A), R.S. 40:1299.44(A)(2)(b), (c), and (f) and (6)(a) and 1308(C)(6), to enact R.S. 22:1402.1, 1402.2, 1402.3, and 1406(E) and to repeal R.S. 22:15(B)(1)(h), 636.2(A)(3), 636.4(E)(2)(a), 1404.2, 1406(D)(7) and (F), 1423, 1450.4, 1450.5, R.S. 23:1395(A), and R.S. 36:686(C)(1) relative to insurance rate regulation; to limit the authority of the Louisiana Insurance Rating Commission; to provide for transition of certain functions, duties, and obligations from the commission to the Department of Insurance; to limit the authority of the department; to replace the commission with the department for receipt of certain reports, plans, and revenues; to permit the department to review and approve certain filings; to eliminate the rate making requirements for certain property and casualty insurers; to permit the department to enforce certain rate reductions; to permit the attorney general to represent the citizens of the state before the department; to provide for appeals to the Louisiana Insurance Rating Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:958(B) is hereby amended and reenacted to read as follows:

§958. Credit upon anticipation of payments

* * *

B. Upon prepayment in full of the retail installment contract and upon the written request of the buyer for cancellation of any insurance for which an identifiable charge was included in the contract, the holder shall credit the buyer with any unearned insurance charges or premium refund received by the holder. Refunds

of unearned credit insurance charges or premiums shall be computed on the basis of ninety percent of the "Rule of 78" as set forth above, and refunds of unearned motor vehicle insurance charges or premiums shall be computed as required by the Louisiana Insurance Rating Commission Department of Insurance. This Subsection shall not apply when the buyer specifically requests in writing that the insurance remain in force following prepayment of the contract in full.

* * *

Section 2. R.S. 22:1382(A)(3)(a)(iv), 1401, 1402, 1403(D), 1404, 1404.1, 1405(A), (C), (D)(2) and (5), (G), and (I), 1406(A), (B) and (C), 1406.1, 1406.2(1), the introductory paragraph of R.S. 22:1406.2(2), 1406.3(B) and (C), 1406.6(A), 1406.7, 1406.8(A) and (D), 1406.10, 1406.11, 1406.12, 1407, 1408(A) and (C), 1409(A), (B), (D), (E), and (G), the introductory paragraph of R.S. 22:1410(A), R.S. 22:1410(A)(1), (B) and (C), 1411, 1412(B), 1413(B), 1414(B), 1415, 1417(A) and (B), 1417.1, 1418, 1419(B), 1420, 1422, 1422.1, 1424, 1431, 1432(1), (2)(introductory paragraph), and (6), 1436(A) and (B), 1437(A)(1) and (2)(g) and (B), 1438(A)(1) and (C), 1440, 1441, 1442, 1443, 1444, 1446, 1447, 1459(A), and 2092.5(C)(2), are hereby amended and reenacted and R.S. 22:1402.1, 1402.2, 1402.3, and 1406(E) are hereby enacted to read as follows:

§1382. Powers and duties of the association

A. The association shall:

* * *

(3)(a)

* * *

(iv) Beginning January 1, 1990, the amount of the assessment shall be offset, in the same manner that an offset is provided against the premium tax liability in Paragraph Subparagraph A(3)(c) of this Section, against the assessment levied by R.S. 22:1419, provided that such offset shall not be applied against any portion of the assessments to be deposited to the credit of the Municipal Police Employees' Retirement System, the Sheriffs' Pension and Relief Fund, and the Firefighters' Retirement System. To qualify for this offset, the payer shall file a sworn statement with the annual report required by Part XXIII of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950 showing as of December thirty-first of the reporting period that at least the following amounts of the total admitted assets of the payer, less assets in an amount equal to the reserves on its policies issued in foreign countries in which it is authorized to do business and which countries require an investment therein as a condition of doing business, are invested and maintained in qualifying Louisiana investments as defined in R.S. 22:1068(C). If one-sixth of the total admitted assets of the payer are in qualifying Louisiana investments, then the offset shall be sixty-six and two-thirds percent of the amount otherwise assessed; if at least one-fifth of the total admitted assets of the payer are in qualifying Louisiana investments, then the offset shall be seventy-five percent of the amount otherwise assessed; if at least one-fourth of the total admitted assets of the payer are in qualifying Louisiana investments, the offset shall be eighty-five percent of the amount otherwise assessed; and if at least one-third of the total admitted assets of the payer are in qualifying Louisiana investments, then the offset shall be ninety-five percent of the amount otherwise assessed. If the total of the net premium tax liability and the assessment for the expenses of the department and the Louisiana Insurance Rating Commission paid for the previous year was less than the offset allowed under R.S. 22:1382(A)(3)(c) for the previous year, the member company may

reduce its assessment payment to the Louisiana Insurance Guaranty Association for the current year by that difference.

* * *

§1401. Rate regulation; property and casualty division of the department; Louisiana Insurance Rating Commission; creation; membership, selection, compensation, powers, duties, and functions; budgetary control; use of funds

A. As authorized and limited by this Part, the property and casualty division of the department shall regulate insurance rates, other than those rates negotiated by large commercial policyholders as defined in R.S. 22:1402(B)(11). Subject to the provisions of this Part, the property and casualty division may approve in whole or in part any application for rate or rate change filed by an insurer, such approval or partial approval to be made pursuant to the division's analysis of the data presented and any other factors relevant to the application. As used in this Part, the term "division" shall mean the property and casualty division of the Department of Insurance.

B.(1) The Louisiana Insurance Rating Commission is hereby created continued for the purpose of considering appeals of decisions by the property and casualty division of the Department of Insurance relative to applications for rate or rate changes. The commission shall be composed of seven members, six of whom shall be appointed by the governor and the seventh member shall be the commissioner of insurance. Each appointment by the governor shall be submitted to the Senate for confirmation, and beginning in 1984 every appointment confirmed by the Senate shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation. Each appointed member shall serve a term concurrent with that of the governor making the appointment. The members appointed by the governor shall be resident citizens and qualified voters of this state. The commissioner of insurance shall serve as ex officio chairman of the commission.

B.(2) The members of the commission shall be paid fifty dollars for each day of actual attendance at meetings of the commission or spent on business of the commission not to exceed twenty days in any month, payable on their own warrant, and in addition shall be paid for necessary expenses incurred in connection with actual attendance at meetings of the commission or while on business of the commission assigned by the commission, but only when properly vouchered.

C.(3) Four members of the commission shall constitute a quorum for the transaction of business of the commission.

D.(4) The domicile of the commission shall be in the city of Baton Rouge, where it shall maintain its principal office.

E.(5) ~~The Fire Insurance Division, the Casualty and Surety Insurance Division and the Marine and Inland Marine Insurance Division are abolished and all of the powers, duties and functions heretofore vested in and exercised by these divisions shall be transferred to and thereafter performed by the Louisiana Insurance Rating Commission. The property and casualty division of the Department of Insurance shall facilitate the functions and activities of the Louisiana Insurance Rating Commission.~~

F.(1) ~~Under the transfer of functions provided for by this Section, any pending or unfinished business of any of said divisions shall be taken over and be completed by the commission with the same power and authority as the divisions from which the functions are transferred. The commission shall be the successor in every way to these divisions, and every act done by the commission in the~~

~~exercise of such functions shall be deemed to have the same force and effect under any provisions of the constitution and laws in effect on the effective date of this transfer as if done by the divisions from which such functions are transferred.~~

(2) ~~Whenever any of these divisions are referred to or designated by any law or contract or other document, such reference or designation on and after September 1, 1972, shall be deemed to apply to the commission, and the legislature hereby specifically states that the provisions of this Section are in no way and to no extent intended to nor shall they be construed in any manner which will impair the contractual obligations of any of the divisions as they heretofore existed, or of the state of Louisiana with respect to any such divisions.~~

G. ~~All books, papers, records, money, choses in action and other property of every kind and description, movable and immovable, real and personal, heretofore possessed, controlled or used by any of the divisions affected by this Section, in the exercise of functions hereby transferred, are hereby transferred to the Louisiana Insurance Rating Commission.~~

H.(1) ~~The Louisiana Insurance Rating Commission shall continue to collect and receive all dues, fees or other forms of income as the law may now or hereafter provide for each of the three separate divisions and shall remit all such funds to the state treasurer to be received and credited to a special fund designated as the "Louisiana Insurance Rating Commission Temporary Fund".~~

(2) ~~All necessary operating expenditures of the commission shall be paid out of this special fund for the fiscal year 1972-1973, after which said special fund shall cease to exist and all unexpended and unencumbered funds remaining in said fund shall be forthwith transferred to the state general fund.~~

I. ~~The Louisiana Insurance Rating Commission may approve in whole or in part any application for rate change brought by an insurer before the commission, such approval or partial approval to be made pursuant to the commission's analysis of the data presented and any other factors relevant to the application. However, if an application for a rate change brought by an insurer is approved in part by the commission, the insurer shall be given the option to withdraw such application but must exercise such option within fourteen days after the commission's action.~~

J. ~~No insurer may apply to the commission for a rate change more than once per risk classification in any twelve-month period, unless at least one of the following applies:~~

(1) ~~The modification of the proposed rate is disapproved by the commission.~~

(2) ~~The application is for a rate change in automobile insurance which reduces insurance rates per risk classification. Such applications to reduce automobile insurance rates may be made at any time.~~

§1402. Purpose of rate regulation; definitions

A. The purpose of this Part is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate, or unfairly discriminatory, and to authorize and regulate cooperative action among insurers in rate making and in other matters within the scope of this Part. Nothing in this Part is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit or encourage, except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating systems, rating plans or practices. This Part shall be liberally interpreted to carry into effect the provisions of this Section.

R.S. 22:1402(B) is all proposed new law.

B. As used in this Part, the following definitions shall be applicable:

(1) "Advisory organization" means any entity or organization which has five unrelated members and which assists insurers as authorized by R.S. 22:1413. It does not include joint underwriting organizations, actuarial or legal consultants, single insurers, any employees of an insurer, or insurers under common control or common management of their employees or managers.

(2) "Classification system" or "classification" means the process of grouping risks with similar risk characteristics so that differences in costs may be recognized.

(3) "Commercial risk" means any kind of risk which is not a personal risk.

(4) "Competitive market" means any market except those which have been found to be noncompetitive pursuant to R.S. 22:1402.1.

(5) "Developed losses" means losses adjusted, including loss adjustment expenses, using standard actuarial techniques, to eliminate the effect of differences between current payment or reserve estimates and those which are anticipated to provide actual ultimate loss payments, including loss adjustment expenses.

(6) "Excessive" means a rate that is likely to produce a long term profit that is unreasonably high for the insurance provided. No rate in a competitive market shall be considered excessive.

(7) "Expenses" means that portion of a rate attributable to acquisition, field supervision, collection expenses, general expenses, taxes, licenses and fees, and does not include loss adjustment expenses.

(8) "Experience rating" means a rating procedure utilizing past insurance experience of the individual policyholder to forecast future losses by measuring the policyholder's loss experience against the loss experience of policyholders in the same classification to produce a prospective premium credit, debit, or unity modification.

(9) "Inadequate" means a rate which is unreasonably low for the insurance provided and (a) the continued use of which endangers the solvency of the insurer using it, or (b) will have the effect of substantially lessening competition or creating a monopoly in any market.

(10) "Joint underwriting" means an arrangement established to provide insurance coverage for a risk, pursuant to which two or more insurers contract with the insured for a price and policy terms agreed upon between or among the insurers.

(11) "Large commercial policyholder" means a commercial policyholder with the size, sophistication, and insurance buying expertise to negotiate with insurers in a largely unregulated environment, as further prescribed by the commissioner by regulation.

(12) "Line of insurance" means those lines identified in this Title, or as otherwise specified by the commissioner.

(13) "Loss adjustment expense" means the expenses incurred by the insurer in the course of settling and paying claims.

(14) "Market" means the statewide interaction between buyers and sellers in the procurement of a line of insurance pursuant to the provisions of this Part.

(15) "Noncompetitive market" means a market which is subject to a ruling pursuant to R.S. 22:1402.1 that a reasonable degree of competition does not exist. Residual markets and pools are noncompetitive markets for purposes of this Part.

(16) "Personal risk" means homeowners, tenants, nonfleet private passenger motor vehicles, mobile homes, and other property and casualty insurance for personal, family or household needs,

including any property and casualty insurance that is otherwise intended for noncommercial coverage.

(17) "Pool" means an arrangement pursuant to which two or more insurers participate in the sharing of risks on a predetermined basis. A pool may operate as an association, syndicate, or in any other generally recognized manner.

(18) "Prospective loss cost" means that portion of a rate that does not include provisions for expenses or profit, and is based on historical aggregate losses adjusted through development to their ultimate value, projected through trending to a future point in time, and adjusted for other considerations expected to materially affect future loss payments.

(19) "Rate" means that cost of insurance per exposure unit whether expressed as a single number or as a prospective loss cost with an adjustment to account for the treatment of loss adjustment expenses, expenses, profit, and variation in expected future loss experience, prior to any application of individual risk variations based on actual past loss or expense considerations, and does not include minimum premiums.

(20) "Residual market mechanism" means an arrangement, either voluntary or mandated by law, involving participation by insurers in the equitable apportionment or risks among insurers for insurance which may be afforded applicants who are unable to obtain insurance through ordinary methods.

(21) "Special assessments" means guaranty fund assessments. Special indemnity fund assessments, vocational rehabilitation fund assessments, and other similar assessments. Special assessments shall not be considered as either expenses or losses.

(22) "Supplementary rate information" means any manual or plan of rates, classification, rating schedule, minimum premium, policy fee, rating rule, and any other similar information needed to determine an applicable rate in effect or to be in effect.

(23) "Supporting information" means the experience and judgment of the filer and the experience or data of other insurers or organizations relied upon by the filer, the interpretation of any statistical data relied upon by the filer, descriptions of methods used in making the rates, and other similar information relied upon by the filer.

(24) "Trending" means any procedure for projecting losses to the average date of loss, or premiums or exposures to the average date of writing, for the period during which the policies are to be effective.

(25) "Unfairly discriminatory" means rates that cannot be actuarially justified, or which are based on race, color, creed, or national origin. It does not mean rates that produce differences in premiums for policyholders with different loss exposures, so long as the rate is actuarially justified and reflects such differences with reasonable accuracy.

§1402.1. Competitive market

R.S. 22:1402.1 is all proposed new law.

A.(1) A competitive market for a line of insurance is presumed to exist unless the commissioner, after giving reasonable notice and after conducting a hearing, determines that a reasonable degree of competition does not exist within a market and issues a ruling that a reasonable degree of competition in the market for a particular line of insurance does not exist. In any hearing to determine whether a competitive market exists for a line of insurance, the party alleging that competition does not exist shall have the burden of proving that market competition does not exist.

(2) If the commissioner issues a ruling pursuant to this Section that a competitive market does not exist for a line of insurance, the

ruling shall identify those factors listed in Subsection B of this Section that have caused the market to be noncompetitive and shall describe the action or actions to be undertaken by the commissioner and the state to return competition to the market.

(3) Each ruling that a market is not competitive shall expire one year from the date of issuance unless rescinded by the commissioner prior to such date or renewed by the commissioner pursuant to this Subsection.

(4) The commissioner may renew a ruling that a market is not competitive if, after conducting a public hearing on such renewal, the commissioner determines that a continued lack of reasonable competition exists in the market for a line of insurance. The action to renew a finding of no competition under this Subsection shall state the actions undertaken by the commissioner and the state to restore competition and the reasons such actions failed to return competition to the market.

B. The following factors shall be considered by the commissioner in determining if a reasonable degree of competition exists in a particular line of insurance:

(1) The number of insurers or groups of affiliated insurers providing coverage in the market.

(2) Measures of market concentration and changes of market concentration over time.

(3) Ease of entry into the market and the existence of financial or economic barriers preventing new insurers from entering the market.

(4) The extent to which any insurer or group of affiliated insurers controls all or a portion of the market.

(5) Whether the total number of companies writing the line of insurance in this state is sufficient to provide multiple options.

(6) The availability of insurance coverage to consumers in the market.

(7) The opportunities available to consumers in the market to acquire pricing and other consumer information.

C. The commissioner shall regularly monitor the degree and existence of competition in this state. The commissioner may utilize existing relevant information, analytical systems and other sources, or any combination of such items. These monitoring activities may be conducted within the department, in cooperation with other state insurance regulators, through outside contractors, or in any other appropriate manner.

§1402.2. Rating standards and methods

R.S. 22:1402.2 is all proposed new law.

A. Rates shall not be inadequate or unfairly discriminatory in a competitive market. Rates shall not be excessive, inadequate, or unfairly discriminatory in a noncompetitive market. Risks may be classified using any criteria except that no risk shall be classified on the basis of race, color, creed, or national origin.

B. In determining whether rates are excessive, inadequate, or unfairly discriminatory, consideration may be given to the following items:

(1) Basic rate factors. Due consideration shall be given to past and prospective loss and expense experience within and outside the state, catastrophe hazards and contingencies, events or trends within and outside the state, dividends or savings to policyholders, members or subscribers, and all other relevant factors and judgments.

(2) Classification. Risks may be grouped by classification for the establishment of rates and minimum premiums. Classification rates may be modified for individual risks in accordance with rating plans

or schedules which establish standards for measuring probable variations in hazards or expenses, or both.

(3) Expenses. The expense provisions shall reflect the operating methods of the insurer, the past expense experience of the insurer, and anticipated future expenses.

(4) Contingencies and profits. The rates shall contain a provision for contingencies, a provision for a reasonable underwriting profit, and shall reflect investment income directly attributable to unearned premium and loss reserves.

(5) Other relevant factors. Any other factors available at the time of the rating hearing.

§1402.3. Rate regulation when market determined to be noncompetitive

R.S. 22:1402.3 is all proposed new law.

A. If the commissioner determines that competition does not exist in a market and issues a noncompetitive ruling pursuant to R.S. 22:1402.1, the rates applicable to insurance sold in that market shall be regulated in accordance with the provisions of this Part applicable to noncompetitive markets.

B. Any rate filing in effect at the time the commissioner determines that competition does not exist shall be deemed to be in compliance with the laws of this state unless disapproved pursuant to the procedures and rating standards contained in this Part applicable to noncompetitive markets.

C. Any insurer having a rate filing in effect at the time the commissioner determines that competition does not exist may be required to furnish supporting information within thirty days of a written request by the commissioner.

§1403. Scope of rate regulation

* * *

D. If any kind of insurance, subdivision or combination thereof or type of coverage is subject to regulation under Sections of this Part, the provisions of which conflict, an insurer to which such conflicting provisions are otherwise applicable shall file with the ~~commission~~ **division** a designation as to which of said sections shall be applicable to it with respect to such kind of insurance, subdivision or combination thereof or type of coverage.

§1404. Making of **Insurance** rates

A. Except as provided for by this Part, the department shall not approve or otherwise regulate insurance rates.

~~All rates shall be made in accordance with the following provisions:~~

~~(1) Due consideration shall be given to past and prospective loss experience within and outside this state, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state.~~

~~(2) Rates shall not be excessive, inadequate or unfairly discriminatory.~~

~~(3) Rates for casualty insurance to which this Part applies shall also be subject to the following provisions:~~

~~(a) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination~~

thereof for which subdivision or combination separate expense provisions are applicable.

~~(b) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Rates may be established on the basis of any classifications submitted by any insurer or group of insurers, provided such classifications are found to be reasonable. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.~~

~~(c)B. A rate reduction of ten percent may be authorized by the Louisiana Insurance Rating Commission department upon application of a rate filing by the carrier on motor vehicle liability and physical damage insurance where the insured, and principal operator, regardless of age, produces certification from the National Safety Council or its registered cooperating agencies a defensive driving course approved and certified by the Department of Public Safety and Corrections, evidencing successful completion of National Safety Council Defensive Driving Course the approved and certified course. Should If an automobile be is used by multiple drivers, the ten percent reduction shall not be authorized on that automobile unless all those who drive the automobile successfully complete the course. The reduction provided for in this Section shall also be authorized for one or more motor vehicles owned and operated by parishes, municipalities, or other political subdivisions when the governing authority produces certification evidencing successful completion of the course by all persons who drive said vehicles. The form of certification shall be as determined by the Louisiana Insurance Rating Commission department. The credit shall not apply to experience-rated or assigned risk policies, or to policies subject to a discount for an approved driver education course sanctioned by the Department of Education, or to any person eligible for a preferred rating plan or required to pay a substandard risk surcharge for such insurance, or to any person whose enrollment in the National Safety Council Defensive Driving Course a defensive driving course resulted from a court order or sentence directing such enrollment. Such This credit shall apply to new and renewal policies effective within a period of thirty-six months subsequent to the date of completion of the course. Following such this thirty-six month period, in order to again qualify for such credit, the course must be successfully repeated and evidence again presented. A fee of one dollar or such other sum approved by the Louisiana Insurance Rating Commission department may be charged by the National Safety Council or its registered cooperating agencies an approved and certified defensive driving course for certifying course completion. If the policy insures two or more automobiles, the credit shall apply only to that automobile principally operated by a person who has satisfactorily completed the National Safety Council's Defensive Driving Course an approved and certified defensive driving course.~~

~~(d)(i) C.(1) The provisions of Subparagraph (c) Subsection A notwithstanding, the Louisiana Insurance Rating Commission department shall authorize an actuarially justified rate reduction, as determined by the carrier, upon application of rate filing by the carrier on bodily injury liability, property damage liability, and collision insurance where the named insured and principal operator is over fifty-five years of age or older and produces certification of successful completion of a defensive driving course approved and~~

certified by the Department of Public Safety and Corrections. ~~Should If~~ a vehicle ~~be is~~ used by multiple drivers, the rate reduction shall not be authorized on that motor vehicle unless all those who drive the vehicle are fifty-five years of age or older and have completed the course.

~~(ii)(2) The reduction shall not apply to experience-rated or assigned risk policies or to any person eligible for a preferred rating plan or required to pay a substandard risk surcharge for such insurance or to any person whose enrollment in a defensive driving course resulted from a court order or sentence directing his enrollment.~~

~~(iii)(3) Such a The reduction shall apply to new and renewal policies effective within a period of twenty-four months subsequent to the date of completion of a course. Following the twenty-four month period, the course shall be successfully repeated and evidence again presented in order to again qualify for such credit. The Department of Public Safety and Corrections department shall approve the fee a course provider may charge for certification of successful completion. If the policy insures two or more vehicles, the reduction shall apply only to that vehicle principally operated by the eligible person.~~

~~(d)(i) The provisions of Subparagraph (c) notwithstanding, the Louisiana Insurance Rating Commission shall authorize an actuarially justified rate reduction, as determined by the carrier, upon application of rate filing by the carrier on bodily injury liability, property damage liability, and collision insurance where the named insured and principal operator is over fifty-five years of age or older and produces certification from the National Safety Council or its registered cooperating agencies evidencing successful completion of a National Safety Council defensive driving course or a certificate evidencing successful completion of the Louisiana Safe Driving Course offered by the Louisiana State Police and approved by the secretary of the Department of Public Safety and Corrections. The Louisiana Insurance Rating Commission shall determine the form of certification. Should a vehicle be used by multiple drivers, the rate reduction shall not be authorized on that motor vehicle unless all those who drive the vehicle are fifty-five years of age or older and have completed either course.~~

~~(ii) The reduction shall not apply to experience-rated or assigned risk policies or to any person eligible for a preferred rating plan or required to pay a substandard risk surcharge for such insurance or to any person whose enrollment in the National Safety Council defensive driving course or Louisiana Safe Driving Course resulted from a court order or sentence directing his enrollment.~~

~~(iii) Such a reduction shall apply to new and renewal policies effective within a period of twenty-four months subsequent to the date of completion of the course. Following the twenty-four month period, the course shall be successfully repeated and evidence again presented in order to again qualify for such credit. The National Safety Council or its registered cooperating agencies may charge a fee of one dollar or such other sum approved by the Louisiana Insurance Rating Commission for certification of successful completion. If the policy insures two or more vehicles, the reduction shall apply only to that vehicle principally operated by the eligible person.~~

~~(e)D. An insurer who delivers or issues for delivery in this state comprehensive insurance coverage on a motor vehicle shall grant an actuarially justified discount in the amount approved by the Louisiana Insurance Rating Commission department in the premiums charged for the comprehensive insurance for any motor vehicle when the vehicle identification number of the vehicle is etched~~

into all of the windows of such motor vehicle. The letters and numbers of the vehicle identification number shall be no smaller than one-eighth of an inch and shall be nonremovable and permanent.

~~(4)E.~~ A rate reduction shall be authorized by the ~~Louisiana Insurance Rating Commission~~ **department**, if actuarially justified, upon application of a rate filing by the carrier on motor vehicle liability and physical damage insurance for coverage of any motor vehicle when the insured vehicle is equipped with daytime running headlights or headlights equipped to activate in inclement weather.

(4) Rates for fire, marine, and inland marine insurance to which this Part applies shall also be subject to the following provisions:

~~(a) Manual, minimum class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated.~~

~~(b) Due consideration shall be given to the conflagration and other catastrophe hazards, and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.~~

~~(c) For fire insurance rates, all insurers shall assign the fire protection grade of the fire servicing area where the property of the insured is located, provided that the property is located within seven road miles of the nearest responding fire department.~~

~~(5) Except to the extent necessary to meet the provisions of paragraph (2) of this Section, uniformity among insurers in any matters within the scope of this Section is not required nor prohibited. Nothing in this Code shall be construed to prohibit any insurer from deviating upon proper approval under this Part from any rate established by a rating organization or any division, provided the rate used is adequate, or to prevent any insurer upon proper approval under this Part by the proper division from issuing policies for periods of time and at rates approved by the divisions; or from charging in addition to the premium a separate initial membership, policy, inspection fee, interim title insurance binder fee or other similar charge.~~

~~(6)E.~~ The term "rate" as used in this Part shall include, as the context may require **may include**, either the premium to be paid by or charged to the insured for insurance, including fees and charges referred to in paragraph (5) of this Section, **such as a policy, inspection fee, interim title insurance binder fee, or similar charge**, or the elements and factors forming the basis for the determination of the premium, including fees and charges referred to in paragraph (5) of this Section: **such as a policy, inspection fee, interim title insurance binder fee, or other similar fee.**

§1404.1. Disclosure of financial condition for determination of rate increase

The Department of Insurance or its successor may require any insurer to furnish to it any financial information which it may request concerning the financial condition of the insurer. The ~~Insurance Rating Commission~~ **department** may inspect records of an insurer or a rating organization at the home office or any branch office of such an insurer or rating organization.

* * *

§ 1405. Fire insurance rates; the Property Insurance Association of Louisiana

A. Every insurance company authorized to write fire insurance in this state shall adhere to the rates promulgated by The Property Insurance Association of Louisiana as provided in this Section, and approved by the ~~Louisiana Insurance Rating Commission~~ **department**, except that any such insurer may deviate from such

rates in accordance with R.S. 22:1410. Nothing in this Section shall be construed to require adherence to association rates by companies insuring special or particular kinds or classes of risks in connection with which an inspection or engineering service is maintained, provided rates for such risks are filed with the ~~Louisiana Insurance Rating Commission~~ **department** through a duly licensed company or through a rating organization licensed under R.S. 22:1409.

* * *

C. The ~~Louisiana Insurance Rating Commission~~ **department** shall be notified of all meetings of the association and shall be privileged to attend and observe all proceedings or to send a representative of the ~~commission~~ **department**. The ~~Louisiana Insurance Rating Commission~~ **department** shall review the rates promulgated by the association or other rating organization, to determine whether they meet the requirements of this Part. Such review shall be made in the same manner and subject to the same procedure as is provided in R.S. 22:1407.

D. The powers and duties of the association shall be:

* * *

(2) To **make promulgate rules for** rates on fire and extended coverage insurance as defined in Paragraphs (10) and (11) of R.S. 22:6 and on such other coverages as are usually written by fire insurers on property other than motor vehicle insurance located in this state, in accordance with the provisions of this Part. Provided, however, that by and with the approval of the ~~commission~~ **department**, other rating organizations created for the purpose of ~~making and~~ promulgating rates for special or particular kinds or classes of business written by fire insurance companies may be licensed under the terms or conditions of this Part.

* * *

(5) To file fire insurance rating schedules with the ~~Louisiana Insurance Rating Commission~~ **department**.

* * *

G.(1) Debit fire insurance policies are defined as policies issued by companies which write fire insurance through debit agents operating on the debit agency system and which meet the other requirements of this Section. The method of premium payment for debit fire insurance in the state of Louisiana shall be only on a monthly or more frequent basis ~~from the date this Act becomes effective~~. No debit insurance policy shall be issued for an annual or less frequent premium.

~~Rates for debit fire insurance and allied lines shall be filed directly with the Louisiana Insurance Rating Commission and shall be approved and supervised as to both initial filings and requested changes only by the said Louisiana Insurance Rating Commission.~~

(2) In all other respects, the commissioner of insurance shall have sole supervision and regulation of the operation of debit fire insurance and allied lines in the state of Louisiana, such insurers being specifically exempt from the assessments levied by the association.

* * *

I.(1)(a) Every insurance company authorized to write fire insurance in this state shall adhere to the rates promulgated by the Property Insurance Association of Louisiana and approved by the ~~Louisiana Insurance Rating Commission~~ **department** in accordance with Subsection A of this Section; however, whenever a public protection classification is changed to reflect improved fire protection in an area or for a governmental entity, the insurer shall reduce its premium for that policy. This reduction shall be granted prior to the next policy renewal or within sixty days from the effective date of

the change in the public protection classification, whichever occurs first.

(b) Whenever a public protection classification is changed to reflect a detrimental change in fire protection in an area or for a governmental entity, an insurer may adjust its premium for that policy and the percentage amount of such adjustment shall be uniform for all policies in the area whether the property is classified as commercial or residential.

(2) The ~~commission department~~ shall ~~may~~ assess a penalty fine against any insurer which does not reduce its premium within the time periods specified in Paragraph (1) of this Subsection. The penalty shall be in an amount assessed by the ~~commission department~~, but it shall be not less than one thousand dollars and not more than five thousand dollars per violation.

* * *

§1406. Specific duties of ~~casualty and surety~~ property and casualty division; uninsured motorist coverage; temporary substitute vehicles and rental vehicles

A. Every insurance company, reciprocal or exchange, authorized to write casualty insurance, including vehicle insurance, within the scope of this Part shall adhere to rates as ~~approved by~~ filed with the Casualty and Surety Insurance Division property and casualty division. Rates filed in accordance with the provisions of R.S. 22:1407(~~F~~) shall be subject to review as provided in R.S. 22:1408(~~E~~), and any insurer may apply for a deviation in accordance with R.S. 22:1410.

B. The ~~Casualty and Surety Insurance Division~~ division, after consultation with all insurers, shall determine territorial definitions and classification plans for all casualty insurance coverages, and such territories and classification plans shall be adhered to by all insurers: provided, that nothing in this Subsection shall be construed as requiring uniformity in insurance rates.

C. Every title insurer doing business in this state shall adhere to the rates promulgated by any title insurance rating bureau licensed under this Part, and which rates have been approved by the ~~casualty and surety insurance~~ division.

* * *

~~F.E.~~ Every approved insurance company, reciprocal or exchange, writing automobile liability, physical damage, or collision insurance, shall extend to temporary substitute motor vehicles as defined in the applicable insurance policy and rental private passenger automobiles any and all such insurance coverage in effect in the original policy or policies. Where an insured has coverage on multiple vehicles, at least one of which has comprehensive and collision insurance coverage, that comprehensive and collision substitute coverage shall apply to the temporary substitute motor vehicle or rental motor vehicle. Such insurance shall be primary. However, if other automobile insurance coverage is purchased by the insured for the temporary substitute or rental motor vehicle, that coverage shall become primary. The coverage purchased by the insured shall not be considered a collateral source.

§1406.1. ~~Declaration and purpose~~ Fair Access to Insurance Requirements Plan (Louisiana Joint Reinsurance Plan) established

It is hereby declared by the Legislature of Louisiana that an adequate market for fire with extended coverage and vandalism and malicious mischief insurance and homeowners coverage is necessary to the economic welfare of designated areas of the state, and that without such insurance the orderly growth and development of these areas of the state would be severely impeded; that adequate insurance

upon property in the designated areas is necessary to enable owners of homes and commercial owners to obtain financing for the purchase and improvement of their property; and that while deserving praise, the ~~present former~~ plans ~~have not been~~ were sufficient insufficient to meet the needs of this area. It is further declared that the state has an obligation to provide an equitable method whereby every licensed insurer writing fire, extended coverage and vandalism and malicious mischief and, if necessary, homeowners coverage on a direct basis in Louisiana is required to meet its public responsibility instead of shifting the burden to a few willing and public-spirited insurers. It is the purpose of R.S. 22:1406.1 through 1406.13 to accept this obligation and to provide a mandatory program to assure an adequate market for fire, extended coverage and vandalism and malicious mischief and, if necessary, homeowners insurance in the designated areas of Louisiana. The Fair Access to Insurance Requirements (FAIR) Plan is hereby created.

§1406.2. Definitions

In this Part unless the context otherwise requires:

(1) "Designated area" means all of that area of the state designated in the plan on file with the ~~Louisiana Insurance Rating Commission department~~ and designated as FAIR (Fair Access to Insurance Requirements) Plan area.

(2) "Essential property insurance" means any of the following coverages against direct loss to property as defined by the plan approved by the ~~Louisiana Insurance Rating Commission department~~:

* * *

§1406.3. Louisiana Joint Reinsurance Plan; immunity from liability ~~Louisiana Insurance Rating Commission~~

* * *

B. The ~~Louisiana Insurance Rating Commission department~~ is hereby authorized to issue rules and regulations for the purpose of carrying out the provisions of this Part.

C. There shall be no liability on the part of and no cause of action of any nature shall arise against the ~~Louisiana Insurance Rating Commission department~~ or any of its staff, or against the governing committee of the Louisiana Joint Reinsurance Plan or anyone acting on its behalf, or against any servicing carrier or carriers, or against any participating insurer, for any inspections made hereunder or any statements made in good faith by them in any reports or communications concerning risks submitted to the governing committee of the plan or at any administrative hearings conducted in connection therewith under the provisions of this Part.

* * *

§1406.6. Functions of participants in the plan

A. All participants in the plan shall participate in the writings, expenses, profits, and losses in the proportion that the net direct premium of such participant written in this state during the preceding calendar years bears to the aggregate net direct premiums written in this state by all participants in the plan in the preceding calendar year as certified to the governing committee of the plan after review of annual statements, other reports, and other statistics necessary to provide the information herein required and which the ~~Louisiana Insurance Rating Commission department~~ is hereby authorized and empowered to obtain from any participant in the plan.

* * *

§1406.7. Plan

A.(1) The plan as filed and approved by the ~~Louisiana Insurance Rating Commission department~~ shall continue. The plan shall set forth the number, qualifications, terms of office, and manner

of election of the members of the governing committee. The plan may include the assessment procedures of all participants for expenses necessary to the operation; the establishment of necessary facilities; management of the plan; plan for assessment of participants to defray losses and expenses; underwriting standards; procedures for the acceptance and cession of reinsurance on behalf of the participants; procedures for determining the amounts of insurance to be provided to specific risks; procedures for processing applicants for insurance; and such other provisions as may be deemed necessary to carry out the purposes of this Part.

(2) The plan shall be filed with the ~~Louisiana Insurance Rating Commission~~ department and the ~~Louisiana Insurance Rating Commission~~ department may, in its discretion, consult with the governing committee of the plan and may seek any further information which it deems necessary for a decision.

B. The governing committee of the plan may, subject to the approval of the ~~Louisiana Insurance Rating Commission~~ department, amend the plan at any time. The ~~Louisiana Insurance Rating Commission~~ department may review the plan at any time it deems prudent, but not less than once in each calendar year. After review of the plan, the ~~Louisiana Insurance Rating Commission~~ department may amend it after consultation with the governing committee of the plan, and upon certification to the governing committee of such amendment.

§1406.8. Eligibility; application

A. Any person having an insurable interest in insurable property is entitled to apply to the governing committee of the plan, directly or through a representative, for such coverage and for an inspection of the property. Every such application shall be submitted on forms prescribed by the governing committee of the plan and on file with the ~~Louisiana Insurance Rating Commission~~ department.

* * *

D. If the governing committee of the plan for any reason denies an application and refuses to cause to be issued an insurance policy on insurable property to any applicant, or takes no action on an application within the time prescribed in the plan, such applicant may appeal to the ~~Louisiana Insurance Rating Commission~~ department and the ~~said commission~~ department or a member of the commission's staff an employee of the department designated by it, after reviewing the facts, may direct the governing committee of the plan to issue, or cause to be issued, an insurance policy to the applicant. In carrying out its duties pursuant to this Section, the ~~Louisiana Insurance Rating Commission~~ department may request and the governing committee of the plan shall provide any information which the ~~Louisiana Insurance Rating Commission~~ department deems necessary to a determination concerning the reason for the denial or delay of the application.

* * *

§1406.10. Rates, rating plans and rate rules applicable

Rates shall be in accordance with the rating plans approved by the ~~Louisiana Insurance Rating Commission~~ department for use by the Property Insurance Association of Louisiana; however, such rates may include rules for classification of risks insured hereunder and rate modifications hereof.

§1406.11. Reports of inspection

All reports of inspection performed by the governing committee of the plan shall be made available to the participants in the plan and the ~~Louisiana Insurance Rating Commission~~ department. An applicant or his representative shall be entitled to a copy of any

inspection report on property in which the applicant has an insurable interest.

§1406.12. Annual report

The governing committee of the plan shall file in the office of the ~~Louisiana Insurance Rating Commission~~ department each year a statement which shall summarize the transactions, conditions, operations, and affairs of the plan during the preceding fiscal year ending September thirtieth.

* * *

§1407. Rate filing; assigned risk depopulation

A.(1) Every insurer whose rates are subject to regulation under the provisions of this Part shall file with the respective divisions, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof and shall indicate the character and extent of the coverage contemplated. Specific inland marine rates on risks specifically rated, made by a rating organization, shall be filed with the Marine and Inland Marine Insurance Division.

(2) When a filing made pursuant to this Subsection is not accompanied by the information upon which the insurer or rating organization supports such filing, and the division does not have sufficient information to determine whether such filing meets the requirements of this Part, it shall require such insurer or rating organization to furnish the information upon which it supports such filing, and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include:

- (a) The experience or judgment of the insurer or rating organization making the filing;
- (b) Its interpretation of any statistical data it relies upon;
- (c) The experience of other insurers or rating organizations, or
- (d) Any other relevant facts;
- (e) A filing and all information pertaining thereto shall be open to public inspection when filed.

(3) The Louisiana Insurance Rating Commission is authorized to verify statistical data included in any filing made pursuant to this Section either by requiring substantiating written documentation or by inspecting records of insurers or rating organizations at home or branch offices of such organizations.

B. Each insurer shall satisfy its obligation to make such filings by filing its rate requests individually with the Louisiana Insurance Rating Commission. A specific rate for an insurer may only be filed by that insurer, except as designated or authorized by the Louisiana Insurance Rating Commission because of lack of credibility of data in the statistical base. Informational filings may be made by a licensed rating organization but such informational filings shall not include specific rates, except as provided in R.S. 22:1409(G). An insurer may become a member of, or a subscriber to, a licensed rating organization which makes informational filings; provided, that, except with respect to mandatory membership in the Louisiana rating and fire prevention bureau as provided in R.S. 22:1405, nothing contained in this Part shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

C. The division shall review filings as soon as reasonably possible after they have been made with it in order to determine whether they meet the requirements of this Part, and no such filings shall become effective except as provided in this Part.

D. Subject to the exceptions specified in Subsection E and Subsection F of this Section, each filing shall be on file for a waiting period of forty-five days before it becomes effective. Upon written application by such insurer or rating organization, the division may authorize a filing which it has reviewed to become effective before the expiration of the waiting period. A filing shall be deemed to meet the requirements of this Part unless disapproved by the division within the waiting period in accordance with R.S. 22:1408.

E. Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this Part until such time as the division reviews the filing and so long thereafter as the filing remains in effect.

F. When a filing of adjustments of rates for existing classifications of risks (1) does not involve a change in the relationship between such rates and the expense portion thereof, and (2) does not involve a change in rate relativities among such classifications on any basis other than loss experience, such filing shall become effective upon the date or dates specified in the filing and shall be deemed to meet the requirements of this Part: provided that this Subsection shall not apply to public property rates as provided for under R.S. 22:1421, nor to surety or worker's compensation insurance.

G. Under such rules and regulations as the division shall adopt, the division may, by written order, suspend or modify the requirements of filing as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such order, rules and regulations shall be made known to insurers and to rating organizations affected thereby. The division may make such examination as it may deem advisable to ascertain whether any rates affected by such order meet the requirement of filing as to any kind of insurance, subdivision, or combination thereof, or as to classes of risks, the rates for which can not practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The division may make such examination as it may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in Paragraph (2) of R.S. 22:1404.

H. Upon the written application of the insured, stating his reasons therefor, filed with and approved by the division, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

I. Any rate being legally utilized by an insurer on September 1, 1988 shall remain in full force and effect until changed by the insurer through a rate filing approved by the Louisiana Insurance Rating Commission.

J. The Insurance Rating Commission shall adopt, within ninety days of the effective date of this Subsection, a voluntary depopulation program to encourage insurers to underwrite risks in the voluntary market by accomplishing the following:

(1) An insurance company, or its affiliates or assignees, which removes employers from the Louisiana Worker's Compensation Assigned Risk Plan by voluntarily writing that employer's worker's compensation insurance shall be entitled to a credit against the assigned risk deficit assessment base of the Louisiana Worker's Compensation Assigned Risk Plan by the amount of premium attributable to such employers, provided that the credit shall not reduce the provider's deficit base below zero. The insurer shall

receive a deficit assessment base credit for each year that the provider retains the employer in its voluntary book of business.

(2) Any insurance company that removes its insureds from the Louisiana Worker's Compensation Assigned Risk Plan, and participated and paid the assessments of the plan, for the policy year commencing November 15, 1991, to September 30, 1992, may apply to the commissioner of insurance and shall be granted a premium tax credit of ten percent of the worker's compensation premium tax paid pursuant to R.S. 22:1065 to the state for that policy year. The premium tax credit granted herein to an insurance company shall be applied against taxes due in equal increments over a ten-year period.

K.(1) Notwithstanding any law to the contrary, after the effective date of this Subsection, any insurance company licensed to issue worker's compensation insurance policies in the state of Louisiana, and the Louisiana Worker's Compensation Assigned Risk Plan, may file rates on an actuarially justified class code basis with the Louisiana Insurance Rating Commission and use the rates ninety days after the filing. However, the Louisiana Worker's Compensation Assigned Risk Plan shall not file and use any increase in rates in excess of an average of twenty-five percent annually of its worker's compensation insurance rates in the state, without prior approval of the Insurance Rating Commission. Insurance companies licensed to issue worker's compensation policies, other than pursuant to the Louisiana Worker's Compensation Assigned Risk Plan for each of the calendar years 1991, 1992, and 1993, shall not file and use any rates in excess of an average of twenty percent annually of its worker's compensation insurance rates in the state without prior approval of the Insurance Rating Commission.

(2) Notwithstanding any law to the contrary, after the effective date of this Subsection, any insurance company and its policyholder may mutually consent to modify the rates for that policyholder's worker's compensation policy, provided the insurance company files notice of same with the Insurance Rating Commission.

L. If upon review by the Louisiana Insurance Rating Commission within the ninety-day period of R.S. 22:1407(J), a rate filed by an insurance company under this Subsection issuing such policies, is determined to be inadequate, excessive, or unfairly discriminatory by the commission, the commission may disapprove or approve in whole or in part the rates, pursuant to R.S. 22:1401 et seq.

A.(1) Every insurer whose rates are subject to regulation under the provisions of this Part shall file with the property and casualty division of the department every manual, minimum, class rate, rating schedule or rating plan, and every other rating rule, every modification of any of the foregoing which it proposes to use, and such other information as the commissioner may require. Every rate filing shall state the proposed effective date for the filing and shall indicate the character and extent of the coverage contemplated. This Subsection shall not apply to inland marine risks which by general custom of the business are not written according to manual rates or rating plans.

(2) When a rate filing made pursuant to this Subsection is not accompanied by the information upon which the insurer or rating organization supports the rate filing, and the division does not have sufficient information to determine whether the rate filing meets the requirements of this Part, it shall require the insurer or rating organization to furnish the information upon which it supports its filing, and the waiting periods

provided in this Section shall commence as of the date the information is furnished to complete the filing.

(3) The division is authorized to verify statistical data included in any rate filing made pursuant to this Section either by requiring substantiating written documentation or by inspecting the records of insurers or rating organizations at the home office or any branch office of the insurer or organization.

B. The division shall review each rate filing as soon as reasonably possible after they have been received by the division, but no later than thirty days after the date of receipt, to determine whether the filing complies with the requirements of this Part. No filings shall become effective except as provided in this Part.

C.(1) Each rate filing shall be kept on file with the division for a period of thirty days before it becomes effective. Unless notified by the division that a filing is incomplete, or that the filing is disapproved pursuant to R.S. 22:1408, the insurer or rating organization may commence use of the filed rates upon expiration of thirty days from the date of receipt by the division.

(2) A rate filing shall be deemed to be in compliance with the requirements of this Part unless the filing is returned as incomplete or disapproved by the division within thirty days from the date of receipt by the division.

D. An insurer may make a rate filing either by filing its final rates or by filing a multiplier and, if applicable, an expense constant adjustment to be applied to prospective loss costs that have been filed by an advisory organization on behalf of the insurer as permitted by R.S. 22:1413.

E. Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed with the division, and shall be deemed to meet the requirements of this Part until such time as the division reviews the filing and shall remain in effect until such time as a new filing is made or by action of the division.

F. All rates, supplementary rate information, and any supporting information filed under this Part shall be open to public inspection upon expiration of the thirty day period as set forth in this Section, or upon disapproval, except for information which is deemed confidential, trade secret, or proprietary by the insurer or filer.

G. Notwithstanding any other provision in this Section to the contrary, a rate in excess of the rate provided in a filing otherwise applicable may be applied to an insured on a specific risk provided the insured files a written application to the division stating the reasons for the excess rate and the excess rate is approved by the division.

§1408. Disapproval of filings, rates; procedures

A.(1) The property and casualty division shall disapprove a rate in a competitive market only if it determines that the rate is inadequate or unfairly discriminatory. The division shall disapprove a rate for use in a noncompetitive market only if it determines that the rate is excessive, inadequate, or unfairly discriminatory.

(2) If within the thirty day waiting period or any extension thereof of this period as provided in Subsection D of R.S. 22:1407, the respective division finds that a filing does not meet the requirements of this Part, it shall send to the insurer or rating organization which made such filings, written notice of disapproval of such filing specifying wherein it finds such filing fails to meet the

requirements of this Part and stating that such filing shall not become effective.

(3) Any insurer whose rates are disapproved under this Subsection shall be given a hearing upon written request made within thirty days of disapproval.

* * *

C.(1) If at any time subsequent to this applicable review period provided for in Subsection A or B of this Section, or after a filing has become effective under Subsection F of R.S. 22:1407, the division finds that a filing does not meet the requirements of this Part, it the commissioner shall, after a hearing held before the division commissioner upon not less than ten days' written notice, specifying the matters to be considered at such hearing to every insurer and rating organization which made such filing, issue an order specifying in what respects the division commissioner finds that such filing fails to meet the requirements of this Part, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective.

(2) If the commissioner, after conducting a hearing, disapproves a new rate or rate change, he shall issue his order within thirty days of such hearing and shall specify the reasons why the new rate or rate change does not comply with the requirements of this Part. The commissioner's order shall state a date, not later than thirty days after the date of the order, on which the new rate or rate change shall be discontinued. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(3) If an insurer appeals the disapproval of a rate filing pursuant to R.S. 22:1411, the insurer may continue to use the disapproved rate pending a final ruling on such appeal. All funds collected by the insurer subsequent to the commissioner's rate disapproval but pending the final disposition of the appeal which are in excess of the previously approved rate shall be segregated and maintained by the insurer in an escrow account which shall be pledged to the commissioner for the benefit of the insureds.

* * *

§1409. Other rating organizations

A. A corporation, an unincorporated association, a partnership, or an individual, whether located within or outside this state, may make application to the proper property and casualty division of the department for license as a rating organization for such kinds of insurance, or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association, or its certificate of incorporation, and of its bylaws, rules, and regulations governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of this state upon whom notices or orders of the commission or a division or process affecting such rating organization may be served, and (4) a statement of its qualifications as a rating organization. If the division finds that the applicant is competent, trustworthy, and otherwise qualified to act as a rating organization and that the public interest would be served by issuing a license to such organization, not heretofore licensed, for a kind or class of insurance subject to this Part, and that its constitution, articles of agreement or association, or certificate of incorporation, and its bylaws, rules, and regulations governing the conduct of its business conform to the requirements of law, the division shall issue a license specifying the kinds of

insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the division within sixty days of the date of its filing with it. Licenses issued pursuant to this Section shall remain in effect for three years unless sooner suspended or revoked by the division. Licenses issued pursuant to this Section may be suspended or revoked by the division after hearing upon notice, in the event the rating organization ceases to meet the requirements of this Subsection. Every rating organization shall notify the division promptly of every change in (1) its constitution, its articles of agreement, or association, or its certificate of incorporation, and its bylaws, rules, and regulations governing the conduct of its business, (2) its list of members and subscribers, and (3) the name and address of the resident of this state designated by it upon whom notices or orders of the ~~commission or appropriate~~ division or process affecting such rating organization may be served.

B. Subject to rules and regulations which have been approved by the ~~proper~~ division as reasonable, each rating organization, including the ~~Louisiana Rating and Fire Prevention Bureau~~ Property Insurance Association of Louisiana, shall permit any insurer, not a member to be a subscriber to its rating services for any kind of insurance, subdivision, or class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the ~~proper~~ division at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber or insurer. If the division finds that such rule or regulation is unreasonable in its application to subscribers, the division shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the division as if the application had been rejected. If the division finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, the division shall order the rating organization to admit the insurer as a subscriber. If the division finds that the action of the rating organization was justified, the division shall make an order affirming its action.

* * *

D. Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this Part is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of this Part which are applicable to filing generally. The ~~commission or the proper~~ division may review such cooperative activities and practices and if, after a hearing, it finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Part, the ~~commission or the proper~~ division shall issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Part, and requiring the discontinuance of such activity or practice.

E. Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements, or

other evidences of insurance, or the cancellation thereof, and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty days furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization it shall be the duty of the rating organization to notify the ~~Louisiana Insurance Rating Commission~~ department thereof. No such notification need be furnished the ~~Louisiana Insurance Rating Commission~~ department unless it is apparent that a hearing will be required. All information so submitted for examination shall be confidential.

* * *

G.(1) Notwithstanding any contrary provision of this Title, a rating organization shall make informational filings only and shall not promulgate rates, except as otherwise provided in this Subsection, or as designated or authorized by the ~~Louisiana Insurance Rating Commission~~ department because of lack of credibility of data in the statistical base. All such filings shall be subject to actuarial interpretation by the ~~Louisiana Insurance Rating Commission~~ department and shall in no case include specific rates. Each insurer who is a subscriber to a rating organization shall file its rates individually.

(2) The following associations shall be authorized to make filings, including rate filings, for their members:

(a) The Property Insurance Association of Louisiana.

~~(b) The Worker's Compensation Assigned Risk Plan.~~

~~(c)(b) Automobile Assigned Risk Plan~~ Louisiana Automobile Insurance Plan.

~~(d)(c) The Louisiana Joint Reinsurance Association (FAIR plan).~~

~~(e)(d) The Louisiana Insurance Underwriting Association (Coastal plan).~~

* * *

§1410. Deviations

A. Every member of or subscriber to the ~~Louisiana Rating and Fire Prevention Bureau~~ Property Insurance Association of Louisiana or other rating organization shall adhere to the rates and filings made on its behalf by such organization, except that:

(1) In case of fire, marine, and inland marine insurance to which this Part applies, any insurer may make written application to the ~~proper property and casualty~~ division for permission to file a deviation from the class rates, schedules, rating plans or rules respecting any kind of insurance, or class of risk within a kind of insurance or combination thereof. Such application shall specify the basis for the modification, and a copy thereof shall also be sent simultaneously to such rating organization concerned.

* * *

B. The division ~~concerned~~ shall set a time and a place for a hearing before the division at which the insurer and such rating organization, if any, may be heard, and shall give them not less than ten days' written notice thereof. In the event the division is advised by the insurer or rating organization that it does not desire a hearing it may, upon the consent of the applicant, waive such hearing. The division shall issue an order permitting the modification for such insurer to be filed if it, after hearing, finds it to be justified, and it shall thereupon become effective. It shall issue an order denying such application if it, after hearing, finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory. The insurer so denied without a hearing may then apply to the division for a hearing thereon notwithstanding its previous waiver of such hearing. ~~Each deviation~~

permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the division.

C. In considering the application for permission to file such deviation in the case of fire, marine, and inland marine insurance, the proper division shall give consideration to the available statistics and the applicable principles for rate making as provided in R.S. 22:1404. The proper division shall approve such application if the rate sought to be used meets the requirements of R.S. 22:1404(3).

§1411. Appeal by minority

A. Any member of or subscriber to a rating organization may appeal to the proper property and casualty division from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the division shall, after a hearing held before the division upon not less than ten days written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal, or, if such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, it may, in the event the division finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with the findings of the division within a reasonable time after the issuance of such order.

R.S. 22:1411(B) is all proposed new law.

B. Any insurer or member of or subscriber to a rating organization may appeal from the action or decision of the property and casualty division of the department in disapproving any proposed change in or addition to the rate filings of the insurer or member of or subscriber to a rating organization. All appeals shall be to the Louisiana Insurance Rating Commission, which shall hold a public hearing on the appeal. The commission shall either affirm or reverse the action or decision of the division by a majority vote of the members.

R.S. 22:1411(C) is all proposed new law.

C. Any insurer or member of or subscriber to a rating organization may appeal from the decision of the commission to either affirm or reverse the action or decision of the property and casualty division in disapproving any proposed change in or addition to the filings of such insurer or member of or subscriber to a rating organization. All such appeals shall be to the Nineteenth Judicial District Court in accordance with the provisions of the Louisiana Code of Civil Procedure.

§1412. Information to be furnished insureds; hearings and appeals of insureds

* * *

B. Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer, except for a workers' compensation insurer, on such request may, within thirty days after written notice of such action, appeal to the Louisiana Insurance Rating Commission department, which, after a hearing

held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action. Except as provided in R.S. 23:1395(A), any party affected by the action of a workers' compensation insurer may appeal in accordance with the procedures adopted by the Louisiana Insurance Rating Commission department and thereafter to the Nineteenth Judicial District Court in accordance with the provisions of the Louisiana Code of Civil Procedure. In the event that this Section is in conflict with R.S. 23:1395(A), the provisions of R.S. 23:1395(A) shall control.

§1413. Advisory organizations

* * *

B. Every advisory organization shall file with the proper property and casualty division (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its by-laws, rules, and regulations governing its activities,

(2) a list of its members, (3) the name and address of a resident of this state upon whom notices or orders of the commission, or a proper division, or process issued at the direction of the commission or a division may be served, and (4) an agreement that the commissioner of insurance may examine such advisory organization in accordance with the provisions of Part XXVIII.

* * *

§1414. Joint underwriting or joint reinsurance

* * *

B. If, after a hearing, the proper property and casualty division finds that any activity or practice of any such group, association, or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this Part, the division shall issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this Part, and requiring the discontinuance of such activity or practice.

§1415. Rate administration

A. Recording and reporting of loss and expense experience. The divisions property and casualty division shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with the divisions, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least annually in such form and detail as may be necessary to aid the divisions and the commission in determining whether rating systems comply with the standards set forth in R.S. 22:1404. Such rules and plans may also provide for the recording and reporting of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the division shall give due consideration to the ratings systems on file with the division and, in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it. The commission and the divisions division may designate one or more rating organizations or other agencies to assist each of them in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the commission or the proper division to insurers and rating organizations. B. Interchange of rating plan data. Reasonable rules and plans may be promulgated by

the ~~commission and each~~ division for the interchange of data necessary for the application of rating plans.

C. Consultation with other states. In order to further uniform administration of rate regulatory laws, the ~~commission, its divisions,~~ **division** and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers, and rating organizations in other states and may consult with them with respect to rate making and the application of rating systems.

D. Rules and regulations. The ~~commission and its divisions~~ **division** may make reasonable rules and regulations necessary to effect the purposes of this Part, but no such rule or regulation shall unfairly discriminate against any insurer on account of its plan of operation or otherwise, regardless of whether or not any such insurer is a member of a rating organization.

* * *

§1417. Assigned risks; Louisiana Automobile Insurance Plan; governing committee

A. With respect to casualty insurance to which this Part applies, agreement may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to, but who are unable to procure such insurance through ordinary methods, and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, such agreements and rate modifications to be subject to the approval of the ~~Louisiana Insurance Rating Commission~~ **department**. No domestic insurance company shall be denied servicing carrier status.

B. ~~Effective on August 15, 1993, the~~ The governing committee of the assigned risks, or "Louisiana Automobile Insurance Plan", shall consist of the following nine members:

(1) ~~One member shall be the commissioner of insurance or his designee.~~ Two members approved by the commissioner of insurance.

(2) ~~One member shall be a representative designated by the Louisiana Insurance Rating Commission.~~

(3) (2) One member shall be a representative designated by the Louisiana Association of Fire and Casualty Insurance Companies.

(4) (3) One member shall be appointed by the president of the Senate.

(5) (4) One member shall be appointed by the speaker of the House of Representatives.

(6) (5) The remaining four members shall consist of representatives selected from and by the membership subject to final approval by the commissioner of insurance.

* * *

§1417.1. Apportioning fire and extended coverage insurance; feasibility study; programs for certain applicants

A. The ~~Louisiana Rating and Fire Prevention Bureau~~ **Property Insurance Association of Louisiana** shall ~~make a~~ periodically study ~~of the feasibility of a program, or programs, to equitably apportion among all property insurers licensed to do business in the State of Louisiana, the fire and extended coverage insurance for owner-occupied insurable dwellings of applicants for such insurance who are unable to procure such insurance through ordinary methods.~~

B. ~~Said bureau shall conclude said study within 180 days after July 27, 1966 and shall promptly thereafter place in operation a program or programs of fire and extended coverage insurance for owner-occupied insurable dwellings of applicants for such coverage who are unable to procure such insurance through ordinary methods. If any of such programs shall involve a rate filing, such filing shall be~~

subject to the provisions of ~~Part XXX of Chapter 1 of this Title, as amended, to the same extent and in the same manner as are all other rate filings of said bureau.~~

C. Copies of ~~the study hereinabove directed to be made~~ any study made pursuant to this Section shall be transmitted to the governor; ~~and the commissioner of insurance and the chairman of the Fire Insurance Division of the Louisiana Insurance Rating Commission immediately upon completion of said study.~~

§1418. Hearing procedure

Any insurer or rating organization aggrieved by any order or decision of the ~~commission or of a division~~ as to a rate filing, made without a hearing, may within thirty days after notice of the order to the insurer or organization, make written request to the commission for a hearing thereon. ~~Any hearing under this Part and any review of any action taken by the commission shall be in conformity with the procedure set forth in Part XXIX.~~

§1419. Assessments against insurers; dedications

* * *

B. ~~Any general expense of the commission not allocable to a particular division of the commission shall be charged to the several divisions of the commission on the percentage which the premiums developed from the rates regulated by each of such subdivisions bears to the total premiums developed from all rates regulated by this part. The expenses of each division of the commission and the division, including its share of the general expense of the commission, shall be met by an annual assessment on each insurer subject to this part on the direct premiums, less return premiums, developed by it from the rates subject to regulation by each such division. The amount of such assessment shall be determined by the commission, but no such assessment shall exceed one percent of such premiums.~~

* * *

§1420. ~~Prior rates continued~~ **Compliance required**

No insurer shall make or issue a contract or policy ~~after July 27, 1960, except in accordance with this Part, except that until the commission shall determine otherwise rates in effect on July 27, 1960, may continue to be used in this state.~~

* * *

§1422. Right to employ attorney

In the event ~~any the property and casualty division of or~~ the commission deems it necessary to take any legal step or to file any suit or other proceedings to carry out the provisions of this Part, ~~it they~~ shall have the right to employ an attorney for said purpose, provided the fees to be paid said attorney shall be approved by the attorney general. It shall be the duty of the attorney general to render advice to ~~each division, and~~ the commission upon request.

§1422.1. Consumer representation; attorney general

In all proceedings before the ~~Insurance Rating Commission,~~ **department**, the attorney general shall have the right to represent the interest of the people of the state of Louisiana. The attorney general or his designee shall have the right to question witnesses, including industry or company representatives and all others appearing before the ~~commission, department,~~ and shall have the right to issue subpoenas to compel the attendance of witnesses and the production of documents.

* * *

§1424. Worker's compensation rates; safe workplace discount; criteria; inspection

~~A:~~ Any insurer submitting rates and rating plans under this Part for worker's compensation policies may, but shall not be required to, provide for a safe workplace discount on worker's compensation

premiums for those Louisiana employers who meet criteria, as established by the commissioner, to promote and maintain safety in the workplace. Such discount shall not exceed twenty percent of the amount of the premium.

~~B. The commissioner may promulgate rules and regulations specifying criteria for the safe workplace discount. He may also promulgate rules and regulations providing for an inspection program to establish the eligibility of any employer for a safe workplace discount, the premium volume to qualify, and the percent of discount available to eligible employers.~~

~~C. Any rules and regulations promulgated to provide for a safe workplace discount under the provisions of this Section shall become effective no later than July 1, 1990.~~

~~§1431. Declaration and purpose~~ Louisiana Insurance Underwriting Plan (Coastal Plan)

It is hereby declared by the legislature of Louisiana that an adequate market for fire, extended coverage, and homeowners insurance is necessary to the economic welfare of the coastal areas of the state and that without such insurance the orderly growth and development of the coastal areas of the state would be severely impeded; that furthermore, adequate insurance upon property in coastal areas is necessary to enable homeowners and commercial owners to obtain financing for the purchase and improvement of their property and that, while the need for such insurance is increasing, the market for such insurance is not adequate and is likely to become less adequate in the future; and that the ~~present~~ **former** plans to provide adequate insurance on property in coastal areas, while deserving praise, ~~have not been were~~ **sufficient insufficient** to meet the needs of this area. It is further declared that the state has an obligation to provide an equitable method whereby every licensed insurer writing fire, extended coverage and, if necessary, homeowners insurance in Louisiana is required to meet its public responsibility instead of shifting the burden to a few willing and public-spirited insurers. It is the purpose of R.S. 22:~~1431-22:1446~~ **1431-1446** to accept this obligation and to provide a mandatory program to assure an adequate market for fire, extended coverage and, if necessary, homeowners insurance in the coastal areas of Louisiana.

§1432. Definitions

In this Part, unless the context otherwise requires:

(1) "Coastal area" means all of that area of the state designated in the "plan" approved by the ~~Louisiana Insurance Rating Commission department~~.

(2) "Essential property insurance" means any of the following coverages against direct loss to property as defined by the plan approved by the ~~Louisiana Insurance Rating Commission department~~:

* * *

(6) "Plan" means the document setting the rules of operation approved or promulgated by the ~~Louisiana Insurance Rating Commission department~~ pursuant to the provisions of this Part.

* * *

§1436. Functions of the plan

A. All participants in the plan shall participate in its writings, expenses, profits, and losses in the proportion that the net direct premium of such participant written in this state during the preceding calendar year bears to the aggregate net direct premiums written in this state by all participants in the plan during the preceding calendar year as certified to the governing committee of the plan by the ~~Louisiana Insurance Rating Commission department~~ after review of

annual statements, other reports, and other statistics the ~~Louisiana Insurance Rating Commission department~~ shall deem necessary to provide the information herein required and which the ~~Louisiana Insurance Rating Commission department~~ is hereby authorized and empowered to obtain from any participant in the plan.

B. A participant shall, in accordance with the plan approved by the ~~Louisiana Insurance Rating Commission department~~, be entitled to receive credit for essential property insurance voluntarily written in the coastal areas and its participation in the writings in the plan shall be reduced in accordance with the provisions of the plan.

* * *

§1437. Plan; review and approval

A.(1) The plan shall set forth the number, qualifications, terms of office, and manner of election of the members of the governing committee and a participant shall, in accordance with the plan approved by the ~~Louisiana Insurance Rating Commission department~~, be entitled to receive credit annually for essential property insurance voluntarily written in the coastal areas and shall provide for the efficient, economical, fair, and nondiscriminatory administration of the plan and for the prompt and efficient provision of essential property insurance in the coastal areas of the state so as to promote orderly community development in those areas and to provide means for the adequate maintenance and improvement of the property in such areas.

* * *

(2) The plan also may provide for:

* * *

(g) Time limits and procedures for processing applications for insurance and for such other provisions as may be deemed necessary by the ~~Louisiana Insurance Rating Commission department~~ to carry out the purposes of this Part.

B. The governing committee of the plan may, subject to the approval of the ~~Louisiana Insurance Rating Commission department~~, amend the plan at any time. The ~~Louisiana Insurance Rating Commission department~~ may review the plan at any time it deems expedient or prudent, but not less than once in each calendar year. After review of the plan the ~~Louisiana Insurance Rating Commission department~~ may amend it after consultation with the governing committee, or its designee, of the plan, and upon certification to the governing committee of the plan of such amendment.

§1438. Eligibility; application

A.(1) Any person having an insurable interest in insurable property is entitled to apply to the governing committee of the plan, directly or through a representative, for such coverage and for an inspection of the property. Every such application shall be submitted on forms prescribed by the governing committee of the plan and approved by the ~~Louisiana Insurance Rating Commission department~~, which application shall contain a statement as to whether or not there are any unpaid premiums due from the applicant for fire insurance on the property.

* * *

C. If the governing committee of the plan, for any reason, denies an application and refuses to cause to be issued an insurance policy on insurable property to any applicant or takes no action on an application within the time prescribed in the plan, such applicant may appeal to the ~~Louisiana Insurance Rating Commission department~~ and ~~said commission or a member of the commission's staff~~ **the department or an employee of the department** designated by it, after reviewing the facts, may direct the governing committee of the plan to issue or cause to be issued an insurance

policy to the applicant. In carrying out its duties pursuant to this Section, the ~~Louisiana Insurance Rating Commission~~ **department** may request, and the governing committee of the plan shall provide, any information the ~~Louisiana Insurance Rating Commission~~ **department** deems necessary to a determination concerning the reasons for the denial or delay of the application.

* * *

§1440. Rates, rating plans, and rate rules applicable

The rates, rating plans, and rating rules applicable to the insurance written pursuant to the plan shall be those approved by the ~~Louisiana Insurance Rating Commission~~ **department**; however, such rates may include rules for classification of risks insured hereunder and rate modifications thereof.

§1441. Appeal to the ~~Louisiana Insurance Rating Commission~~ **Department of Insurance**; appeal to the court from the ~~Louisiana Insurance Rating Commission~~ **Department of Insurance**

Any person insured pursuant to R.S. 22:1431 through 1445 or his representative, or any affected insurer, who may be aggrieved by an act, ruling, or decision of the governing committee of the plan may, within thirty days after such ruling, appeal to the ~~Louisiana Insurance Rating Commission~~ **department**. Any hearings held by the ~~Louisiana Insurance Rating Commission~~ **department** pursuant to such an appeal shall be in accordance with the procedure set forth in the insurance laws of Louisiana. Provided, however, the ~~Louisiana Insurance Rating Commission~~ **department** is authorized to appoint a member of its staff for the purpose of hearing such appeals and a ruling based upon such hearing shall have the same effect as if heard by the ~~Louisiana Insurance Rating Commission~~ **department**. All persons or insureds aggrieved by any order or decision of the ~~Louisiana Insurance Rating Commission~~ **department** may appeal as is provided by the provisions of the insurance laws of the state of Louisiana.

§1442. Reports of inspection

All reports of inspection performed by or on behalf of the governing committee of the plan shall be made available to the participants in the plan, and the ~~Louisiana Insurance Rating Commission~~ **department**. An applicant or his representative shall be entitled to a copy of any inspection report on property in which the applicant has an insurable interest.

§1443. Immunity from liability

There shall be no liability on the part of and no cause of action of any nature shall arise against the ~~Louisiana Insurance Rating Commission~~ **department** or any of its staff, or against the governing committee of the plan or anyone acting on its behalf, or against any servicing carrier or carriers of the plan, or against any participating insurer, for any inspections made hereunder or any statements made in good faith by them in any reports or communications concerning risks submitted to the governing committee of the plan or at any administrative hearings conducted in connection therewith under the provisions of this ~~Code~~ **Title**.

§1444. Annual report

The governing committee of the plan or its designee shall file in the office of the ~~Louisiana Insurance Rating Commission~~ **department** on or before September first of each year a statement which shall summarize the transactions, conditions, operations, and affairs of the plan during the preceding fiscal year ending June thirtieth. Such statement shall contain such matters and information as are prescribed by the ~~Louisiana Insurance Rating Commission~~ **department** and shall be in such form as is required by it. The

~~Louisiana Insurance Rating Commission~~ **department** may at any time require the governing committee of the plan to furnish to it any additional information with respect to its transactions or any other matter which the ~~Louisiana Insurance Rating Commission~~ **department** deems to be material to assist it in evaluating the operation and experience of the plan.

* * *

§1446. Rules and regulations

The ~~Louisiana Insurance Rating Commission~~ **department** shall have authority to make reasonable rules and regulations, not inconsistent with law, to enforce, carry out, and make effective the provisions of this Part.

§1447. Failure to comply with written orders or directives; penalties

If any insurance company or rating organization fails to comply with a written directive or order issued by the ~~Louisiana Insurance Rating Commission~~ **department** pursuant to this Part within thirty days of the issuance thereof, the ~~Louisiana Insurance Rating Commission~~ **department** may levy and receive a fine of up to twenty-five thousand dollars. The penalty shall not be imposed until such time that the ~~Louisiana Insurance Rating Commission~~ **department** makes a finding **is made** that the penalty is warranted in a proper hearing, held in the manner provided in Part XXIX of Chapter 1 of this Title, **subject to Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950.**

* * *

§1459. Agents' compensation

A. In order to prevent unfair discrimination by any stock fire insurer in the compensation to be paid to its local agents in this state, each stock fire insurer shall annually on or before the first day of December of each year file with the ~~fire insurance~~ **property and casualty** division of the ~~Louisiana Insurance Rating Commission~~ **department** a schedule of rates as well as all other compensation whatever which each insurer will pay its respective local agents within this state for the ensuing calendar year, provided that the said rate of commission, as well as all other compensation to be paid by each insurer shall be uniform and equal as to all of the local agents of said insurer throughout this state.

* * *

§2092.5. Title insurers; limitation of authority, powers

* * *

C.

* * *

(2) The premium charged by a title insurer for his coverage shall be submitted to and approved by the ~~Louisiana Insurance Rating Commission~~ **department**.

* * *

Section 3. R.S. 23:1392(A)(1) and (8) are hereby amended and reenacted as follows:

§1392. Definitions

A. As used in this Part, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

(1) "Accepted risk" means an employer, other than one eligible for a preferred risk policy, who in good faith attempts to procure or retain workers' compensation insurance but is unable to do so through ordinary methods in the voluntary market from an admitted insurer with a minimum "A-" A.M. Best rating. The term also includes any legal entities that may be combined for experience-rating purposes according to the rules of the ~~Louisiana Insurance Rating Commission~~ **Department of Insurance**.

* * *

(8) "Preferred risk" is an employer who is a Louisiana resident, partnership, or corporation domiciled in this state whose workers' compensation insurance policy meets either of the following conditions:

(a) The prospective annual premium is less than five thousand dollars during the succeeding twelve months; the governing classifications of the policy would be in hazard group I, II, or III, as determined in retrospective rating plans approved by the ~~Louisiana Insurance Rating Commission~~ **Department of Insurance**; and the employer can demonstrate that its loss ratio has not exceeded seventy-hundredths during the most recent three policy years; or

(b) A preferred risk is an employer who has an experience modifier of less than one and meets all other underwriting criteria established by the board.

* * *

Section 4. R.S. 32:430(M) and 1043(A) are hereby amended and reenacted to read as follows:

§430. Suspension, revocation, and denial of driving privileges; hardship license; insurance rates

* * *

M. No insurer issuing a policy of automobile insurance covering property damages, personal injury, or accidental death shall increase any rate or premium charges for insurance coverage because of any suspension of a license under the provisions of this Section, unless the crime, offense, violation, or infraction is directly related to the operation of a motor vehicle. The provisions of this Subsection shall not be construed to prohibit the increase of any automobile insurance rate or premium, pursuant to a rate increase which is approved by the ~~Louisiana Insurance Rating Commission~~ for a class of insurance of which the person whose license has been suspended pursuant to this Section is or becomes a member.

* * *

§1043. Residual market plans

A. After consultation with insurance companies authorized to issue motor vehicle insurance in this state, the commissioner of insurance shall approve a reasonable plan for insuring commercial motor vehicles, including garage liability insurance, called the Commercial Automobile Insurance Procedures and a separate reasonable assigned risk plan for insuring private passenger automobiles and other motor vehicles, called the Louisiana Automobile Insurance Plan. These plans shall provide insurance to those who are in good faith entitled to but are unable to procure such policies through ordinary methods. The Louisiana Automobile Insurance Plan shall not subsidize losses or participate in the profits of the members of the Commercial Automobile Insurance Procedures. All actuarially adequate rates for insurance provided by ~~the plans shall be approved by the Louisiana Insurance Rating Commission~~ **the property and casualty division of the Department of Insurance**. All insurers writing insurance for commercial motor vehicle insurance, private passenger automobiles, or other motor vehicles in the state shall be members of the plans authorized by this Section and share in the administrative expenses for the operation of the plans based on the market share of premiums for the preceding calendar year. The exceptions provided in R.S. 32:1041(A) shall not apply to this Section.

* * *

Section 5. R.S. 40:1299.44(A)(2)(b), (c), and (f) and (6)(a) and 1308(C)(6) are hereby amended and reenacted to read as follows:

§1299.44. Patient's compensation fund

A.

* * *

(2)

* * *

(b) The surcharge shall be determined by the ~~Louisiana Insurance Rating Commission~~ **Department of Insurance** based upon actuarial principles and in accordance with an application for rates or rate changes, or both, filed by the Patient's Compensation Fund Oversight Board, established and authorized pursuant to Subsection D of this Section.

(c) The application for rate changes filed by the board shall be submitted to the ~~Louisiana Insurance Rating Commission~~ **Department of Insurance** at least annually on the basis of an annual actuarial study of the patient's compensation fund.

* * *

(f) The surcharge for self-insureds shall be the amount determined by the board in accordance with regulations promulgated under the Administrative Procedure Act and in accordance with the rate set by the ~~Louisiana Insurance Rating Commission~~ **Department of Insurance** to be the amount of surcharge which the health care provider would reasonably be required to pay were his qualification based upon filing a policy of malpractice liability insurance.

* * *

(6)(a) If the fund exceeds the sum of fifteen million dollars at the end of any calendar year after the payment of all claims and expenses, the ~~Louisiana Insurance Rating Commission~~ **Department of Insurance** in accordance with a rate filing request made by the board may reduce the surcharge provided in this Subsection; however, at all times the fund shall be maintained so as to provide a surplus of fifty percent of the annual surcharge premiums, reserves established for individual claims, reserves established for incurred but not reported claims, and expenses.

* * *

§1308. Plan of organization and operation; practice instructions; central records bureau

* * *

C. The statistical information thusly obtained shall be analyzed by the central records bureau and made available to:

* * *

6. The commissioner of insurance ~~and the Louisiana insurance rating commission~~ for **their his** use and study in connection with automobile physical damage and bodily injury and property damage automobile insurance rates and to insurance companies which are authorized by the commissioner of insurance to write such coverages in Louisiana. The director of public safety is hereby authorized to charge such companies the actual expenses incurred in furnishing such report but not to exceed a charge of one dollar for each such report;

* * *

Section 6. R.S. 22:15(B)(1)(h), 636.2(A)(3), 636.4(E)(2)(a), 1404.2, 1406(D)(7) and (F), 1423, 1450.4, 1450.5 and R.S. 23:1395(A), and R.S. 36:686(C)(1) are hereby repealed in their entirety.

Section 7. This Act shall become effective on January 1, 2002.

On motion of Senator Bean, the committee substitute bill was adopted and becomes Senate Bill No. 1107 by Senator Hainkel, substitute for Senate Bill No. 972 by Senator Hainkel.

SENATE BILL NO. 1107 (Substitute for Senate Bill No. 972 by Senator Hainkel)—

BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 6:958(B), R.S. 22:1382(A)(3)(a)(iv), 1401, 1402, 1403(D), 1404, 1404.1, 1405(A), (C), (D)(2) and (5), (G), and (I), 1406(A), (B) and (C), 1406.1, 1406.2(1), the introductory paragraph of R.S. 22:1406.2(2), 1406.3(B) and (C), 1406.6(A), 1406.7, 1406.8(A) and (D), 1406.10, 1406.11, 1406.12, 1407, 1408(A) and (C), 1409(A), (B), (D), (E), and (G), the introductory paragraph of R.S. 22:1410(A), 1410(A)(1), (B) and (C), 1411, 1412(B), 1413(B), 1414(B), 1415, 1417(A) and (B), 1417.1, 1418, 1419(B), 1420, 1422, 1422.1, 1424, 1431, 1432(1), (2)(introductory paragraph), and (6), 1436(A) and (B), 1437(A)(1) and (2)(g) and (B), 1438(A)(1) and (C), 1440, 1441, 1442, 1443, 1444, 1446, 1447, 1459(A), and 2092.5(C)(2), R.S. 23:1392(A)(1) and (8), R.S. 32:430(M) and 1043(A), R.S. 40:1299.44(A)(2)(b), (c), and (f) and (6)(a) and 1308(C)(6), to enact R.S. 22:1402.1, 1402.2, 1402.3, and 1406(E) and to repeal R.S. 22:15(B)(1)(h), 636.2(A)(3), 636.4(E)(2)(a), 1404.2, 1406(D)(7) and (F), 1423, 1450.4, 1450.5, R.S. 23:1395(A), and R.S. 36:686(C)(1) relative to insurance rate regulation; to limit the authority of the Louisiana Insurance Rating Commission; to provide for transition of certain functions, duties, and obligations from the commission to the Department of Insurance; to limit the authority of the department; to replace the commission with the department for receipt of certain reports, plans, and revenues; to permit the department to review and approve certain filings; to eliminate the rate making requirements for certain property and casualty insurers; to permit the department to enforce certain rate reductions; to permit the attorney general to represent the citizens of the state before the department; to provide for appeals to the Louisiana Insurance Rating Commission; and to provide for related matters.

The bill was read by title; lies over under the rules.

**House Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE BILL NO. 24—

BY REPRESENTATIVES STRAIN, E. ALEXANDER, BOWLER, BRUCE, BRUNEAU, CLARKSON, CROWE, DANIEL, DIEZ, DOWNER, FARRAR, FLAVIN, FRUGE, FUTRELL, HILL, HUTTER, JOHNS, KENNARD, LANCASTER, LUCAS, MARTINY, NEVERS, ODINET, POWELL, SCHNEIDER, SHAW, JANE SMITH, SNEED, STELLY, SWILLING, THOMPSON, TOOMY, TRICHE, TUCKER, WINSTON, AND WRIGHT AND SENATORS HAINKEL, CHAISSON, DARDENNE, DUPRE, ELLINGTON, GAUTREAUX, MCPHERSON, MICHOT, MOUNT, SMITH, AND THOMAS

AN ACT

To amend and reenact R.S. 18:1463(A), (C)(2)(introductory paragraph), and (D) and 1472(A) and to enact R.S. 18:1463(C)(4), relative to election offenses; to prohibit a person from misrepresenting that he or any committee or organization under his control speaks for or on behalf of any candidate, political party, or any employee or agent thereof; to prohibit willfully and knowingly participating in or conspiring to

participate in a plan for any such misrepresentation; to provide for legal remedy and penalties; to provide for attorney fees for a petitioner who is successful in obtaining injunctive relief; to provide for the inclusion in the informational packet on election offenses for candidates of information pertaining to applicable enforcement procedures; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 276—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 4:184(D), relative to racing; to require racing associations to make purses for special accredited Louisiana bred thoroughbred races at least equal to purses for races of comparable quality; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Engrossed House Bill No. 276 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 5, after "quality;" insert the following: "to provide relative to monies made available for breeder awards; to provide for the termination of the requirement for monies to be made available for breeder awards;"

AMENDMENT NO. 2

On page 2, between lines 24 and 25, insert the following:

"(c) The monies required to be made available by this Paragraph shall be made available until November 1, 2003."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 292—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 4:179.2, relative to horse racing; to provide relative to horsemen's organizations; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Engrossed House Bill No. 292 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 2, after "4:179.2," insert "183(A)(4)(b), and 217(D)(1)(d),"

AMENDMENT NO. 2

On page 1, line 3, after "organizations;" insert "to provide relative to the distribution of certain monies to the Horsemen's Benevolent and Protective Association;"

AMENDMENT NO. 3

On page 1, line 5, change "4:179.2 is" to "4:179.2, 183(A)(4)(b), and 217(D)(1)(d) are"

AMENDMENT NO. 4

On page 1, after line 14, insert the following:

* * *

§183. Contracts between licensees and permittees licensed to race horses at race meetings conducted in the state

A. The monies to be distributed by a licensee as purses to permittees licensed to race horses in Louisiana and the monies to be distributed by a licensee to the Horsemen's Benevolent and Protective Association for the use and benefit of such permittees, their employees, and others, for hospital and medical benefits and for the administrative expenses in providing these benefits shall be and include:

* * *

(4) The total of Paragraphs (1), (2), and (3) shall be allocated by the licensee in not less than the following percentages thereof:

* * *

(b) Four percent thereof to the Horsemen's Benevolent and Protective Association for the use and benefit of such permittees, their employees, and others as medical and hospital benefits with an amount not to exceed ~~twelve~~ thirty percent aforesaid of the commissions and amounts received by the Horsemen's Benevolent and Protective Association to be used for administrative expenses and other costs necessary to provide the benefits.

* * *

§217. Purse supplements; designation and distribution

* * *

D.(1) Notwithstanding any other provision of law to the contrary, the monies designated for purses under the provisions of R.S. 4:216(C) from wagers placed at offtrack wagering facilities on special accredited Louisiana bred maiden races as defined in R.S. 4:184 shall be accounted for separately and shall be distributed as follows:

* * *

(d) Two percent shall be distributed to the Horsemen's Benevolent and Protective Association for the use and benefit of such persons and other horsemen as medical and hospital benefits with an amount not to exceed ~~fifteen~~ thirty percent thereof to be used for administrative expenses and other costs necessary to provide the benefits.

* * *

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 337—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 56:30.1 and 31.1(F), relative to payment of fines resultant from class one hunting or fishing violations; to provide that a fine due the Department of Wildlife and Fisheries as a result of a class one violation may be paid through the electronic licensing system; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 461—

BY REPRESENTATIVES DANIEL AND CLARKSON

AN ACT

To enact R.S. 22:215.22, relative to health insurance benefits; to prohibit exclusion by certain health insurance policies, contracts, and plans of coverage of a correctable medical condition otherwise covered by the policy, contract, or plan solely because the condition results in infertility; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 548—

BY REPRESENTATIVE R. CARTER

AN ACT

To enact R.S. 42:1123(28), relative to exceptions to the Code of Governmental Ethics; to provide for an exception to allow a mayor of a municipality with a population not in excess of five thousand persons who is a licensed physician to contract for the provision of health care services with the health insurer of the employees of his municipality; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 555—

BY REPRESENTATIVE L. JACKSON

AN ACT

To enact R.S. 44:4(29), relative to exempting certain information provided to a communications district from the Public Records Law; to provide that certain proprietary information supplied to a communications district by a service provider is exempt from the Public Records Law; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 680—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:1011, 1031, 1032, 1033(A), 1034(introductory paragraph), 1035(1) and (2), 1036(introductory paragraph), 1037(A)(introductory paragraph) and (1), (B), (C), and (G)(1), 1038, 1039, 1040(A) and (B), 1041(B), 1042, 1047(introductory paragraph) and (3), 1048, 1051(A) and (B), 1052(A), and 1053(A)(2) and R.S. 36:108(C) and to enact R.S. 6:1034(3), relative to the sale of checks and money transmission; to provide relative to currency exchange services; to provide for definitions; to provide for licensure requirements and exemptions from licensure; to provide relative to qualifications for licensure and the submission of applications; to provide relative to licensure fees, renewal fees, delinquency charges, and bonding requirements; to provide relative to investigation of applicants; to provide relative to the maintenance of a bond; to provide relative to the liability of licensees; to provide relative to an annual report filed with the commissioner; to provide for trusts imposed on proceeds; to provide relative to suspension or revocation of licenses; to provide relative to accounts opened by licensees; to provide relative to reports made to the commissioner; to provide for the functions of the office of financial institutions; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 825—

BY REPRESENTATIVES BROOME AND L. JACKSON

AN ACT

To enact R.S. 44:4(29), relative to exemptions from the public records law; to provide that the information in 911 calls and calls to other public safety agencies is exempt from the public records laws; to provide for those classes of persons to whom such information is not prohibited from being released; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 868—

BY REPRESENTATIVE GREEN

AN ACT

To amend and reenact R.S. 37:2706(A)(2), 2707(A)(2), and 2708(A)(2), relative to social workers; to provide for licensure and certification; to provide for graduates of nonaccredited schools with five years of work experience to qualify for certification and licensure; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 889—

BY REPRESENTATIVES WINSTON, ILES, STRAIN, ALARIO, BAUDOIN, BROOME, BRUCE, CLARKSON, DANIEL, DARTEZ, DURAND, ERDEY, FAUCHEUX, FRITH, GUILLORY, HEBERT, HILL, HOLDEN, HUNTER, HUTTER, KATZ, LANCASTER, MARTINY, MCMAINS, MORRISH, NEVERS, PIERRE, PITRE, POWELL, PRATT, QUEZAIRE, ROMERO, SCHWEGMANN, JANE SMITH, SNEED, WADDELL, WELCH, AND WOOTON

AN ACT

To enact R.S. 46:447.3, relative to adopted children; to require the state to provide in-hospital mental health treatment; to require the state to specify this requirement in the contract of adoption; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 892—

BY REPRESENTATIVE MORRISH

AN ACT

To amend and reenact R.S. 22:1245(B) and R.S. 40:1424(A), relative to insurance fraud; to provide for the Department of Insurance; to provide for the office of state police; to provide for the Department of Justice; to provide for notification of violations; to provide for referrals; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 919—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 37:3003(B)(1), relative to the practice of occupational therapy; to provide that such therapy may be based on a referral or order from an advanced practice registered nurse; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 980—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 9:315.40(4), (5), and (8), 315.41, 315.42(B), 315.43, 315.44(A)(introductory paragraph) and (3), 315.45, and 315.47, to enact R.S. 9:315.40(9), and to repeal R.S. 9:315.48, relative to administrative suspension of licenses for nonpayment of child support; to extend the authority of the Department of Social Services, Support Enforcement Services Program, office of family support, to suspend motor vehicle operator licenses and professional, occupational, business, or industrial licenses; and to repeal certain provisions relative to rulemaking; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 999—

BY REPRESENTATIVE R. ALEXANDER
AN ACT

To amend and reenact R.S. 46:450.2(A) and (B), relative to nonemergency, nonambulance transportation for Medicaid recipients; to provide for items included in an annual inspection; to provide for vehicle inspection; to provide for rulemaking by the department; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1001—

BY REPRESENTATIVE R. ALEXANDER
AN ACT

To repeal R.S. 36:254.1, relative to the powers and duties of the secretary of the Department of Health and Hospitals; to remove the requirement that the secretary appoint administrators to each of nine administrative regions and to delete the regions.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1002—

BY REPRESENTATIVE R. ALEXANDER
AN ACT

To amend and reenact R.S. 40:1232.1, relative to emergency medical service personnel; to establish a fee schedule; to provide exceptions; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1004—

BY REPRESENTATIVE TRICHE
AN ACT

To amend and reenact R.S. 40:6(C) and to enact R.S. 40:6(D) and (E), relative to violations of the state Sanitary Code; to provide for the addition of the state health officer and the secretary of the Department of Health and Hospitals to those who may seek an injunction against violators of the state Sanitary Code; to provide for the secretary of the Department of Health and Hospitals to assess civil fines or other sanctions against violators of the state Sanitary Code; to provide for exceptions; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1004 by Representative Triche

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 40:6(D)" delete the remainder of the line and insert ", (E), and (F), relative"

AMENDMENT NO. 2

On page 1, line 12, after "40:6(D)" delete "and (E)" and insert ", (E), and (F)"

AMENDMENT NO. 3

On page 3, line 24, after "houseboats" insert "which are classified as vessels by the United States Coast Guard"

On motion of Senator Schedler, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1006—

BY REPRESENTATIVE R. ALEXANDER
AN ACT

To amend and reenact R.S. 40:1235.2(E)(3) and 1236.2(E)(4), relative to ambulance and air ambulance providers; to delete annual inspection requirements as a condition of license renewal; to require annual review of documents; to provide for inspections and verifications for license renewal; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1008—

BY REPRESENTATIVE R. ALEXANDER
AN ACT

To amend and reenact R.S. 28:567(E) and R.S. 40:2103(C) and 2116.32(F)(2), relative to the licensure of health care facilities; to extend the moratorium on licensure of mental health clinics and mental health centers; to extend the moratorium on Medicaid enrollment of long-term care hospital facilities and beds; to extend the moratorium on licensure of home health agencies; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 1008 by Representative R. Alexander

AMENDMENT NO. 1

On page 1, line 7, after "date;" insert "to encourage competition among certain health care providers;"

AMENDMENT NO. 2

On page 3, line 9, change "2006" to "2003"

AMENDMENT NO. 3

On page 3, after line 22, insert the following:

"Section 4. The Department of Health and Hospitals shall develop a plan to encourage competition among health care providers in an attempt to reduce the cost of providing mental health services, long term care hospital services, and home health services."

May 24, 2001

On motion of Senator Schedler, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1138—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:376(A), (B), and (C)(2) and to enact R.S. 6:351(C) and (D) and 352.1, relative to share exchanges; to provide for authorization; to provide for procedure; to provide for stockholder rights; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Engrossed House Bill No. 1138 by Representative Pinac

AMENDMENT NO. 1

On page 8, between lines 12 and 13 insert the following:

"Section 2. The effectiveness of this Act shall not affect (i) the validity of any plan of exchange executed prior to the effective date of this Act or (ii) the authority of the parties to a previously executed plan of exchange to consummate the share exchange under laws, regulations or orders in effect prior to the effective date of this Act and applicable to the parties to the share exchange at the time of execution of the plan of exchange."

AMENDMENT NO. 2

On page 8, line 13, after "Section" delete "2." and insert "3."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1140—

BY REPRESENTATIVES CLARKSON AND WINSTON AND SENATOR BAJOE

AN ACT

To enact R.S. 22:215.11(A)(5), relative to health insurance coverage; to provide for direct access without any requirement for specialty referral for minimum mammography examinations; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1173—

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 44:1(A)(2) and to enact R.S. 44:4.1, relative to exceptions, exemptions, and limitations to the public records law; to define "public records"; to provide for the incorporation into Chapter 1 of Title 44 of the Louisiana

Revised Statutes of 1950, by citation, various exceptions, exemptions, and limitations to the laws regarding public records; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 1173 by Representative Bruneau

AMENDMENT NO. 1

On page 3, line 7, between "3715.3," and "4687," insert "3734,"

AMENDMENT NO. 2

On page 3, line 8, after "403.2" insert ", 403.5"

AMENDMENT NO. 3

On page 3, line 9, delete "15:440.6," and insert "15:242, 440.6," and between "574.12," and "616," insert "578.1,"

AMENDMENT NO. 4

On page 3, line 10, delete "17:46," and insert "17:7.2, 46," and between "1202," and "1252," insert "1237,"

AMENDMENT NO. 5

On page 3, line 13, after "1008," insert "1210.22"

AMENDMENT NO. 6

On page 3, line 14, between "1302," and "1409," insert "1405,"

AMENDMENT NO. 7

On page 3, between lines 16 and 17, insert the following:

(13) R.S. 26:921

AMENDMENT NO. 8

On page 3, line 17, change "(13)" to "(14)"

AMENDMENT NO. 9

On page 3, line 18, change "(14)" to "(15)"

AMENDMENT NO. 10

On page 3, line 19, change "(15)" to "(16)" and between "209.1," and "215," insert "213,"

AMENDMENT NO. 11

On page 3, line 21, change "(16)" to "(17)"

AMENDMENT NO. 12

On page 3, line 22, change "(17)" to "(18)"

AMENDMENT NO. 13

On page 3, line 23, change "(18)" to "(19)"

AMENDMENT NO. 14

On page 3, line 24, change "(19)" to "(20)"

AMENDMENT NO. 15

On page 4, line 1, change "(20)" to "(21)" and between "37:74." and "90." insert "86."

AMENDMENT NO. 16

On page 4, line 2, between "1277." and "1285." insert "1278."

AMENDMENT NO. 17

On page 4, delete line 4 and insert in lieu thereof the following:
 "(22) R.S. 38:2212.1, 2220.3, 3053, 3104"

AMENDMENT NO. 18

On page 4, line 5, change "(22)" to "(23)"

AMENDMENT NO. 19

On page 4, line 6, change "(23)" to "(24)" and between "41." and "526." insert "73."

AMENDMENT NO. 20

On page 4, line 7, after "1300.14." insert "1300.54, 1379.3."

AMENDMENT NO. 21

On page 4, delete line 8 and insert in lieu thereof the following:
 "2009.8, 2009.14, 2010.5, 2017.9, 2018, 2019, 2106, 2109.1, 2138, 2532, 2723"

AMENDMENT NO. 22

On page 4, line 9, change "(24)" to "(25)"

AMENDMENT NO. 23

On page 4, line 10, change "(25)" to "(26)" and after "44:408" insert "425"

AMENDMENT NO. 24

On page 4, line 11, change "(26)" to "(27)", between "286.1." and "446.1." insert "439.1.", and delete "923."

AMENDMENT NO. 25

On page 4, line 12, between "1844." and "2134." insert "1923, 2124.1" and between "2416." and "2625." insert "2603."

AMENDMENT NO. 26

On page 4, line 13, change "(27)" to "(28)" and after "2605" insert "9006"

AMENDMENT NO. 27

On page 4, line 14, change "(28)" to "(29)"

AMENDMENT NO. 28

On page 4, line 15, change "(29)" to "(30)"

AMENDMENT NO. 29

On page 4, line 16, change "(30)" to "(31)", between "706." and "1934." insert "1404, 1926.", and between "2262." and "2389" insert "2318."

AMENDMENT NO. 30

On page 4, line 17, change "(31)" to "(32)"

AMENDMENT NO. 31

On page 4, line 18, change "(32)" to "(33)"

AMENDMENT NO. 32

On page 4, line 19, change "(33)" to "(34)"

AMENDMENT NO. 33

On page 4, line 20, change "(34)" to "(35)" and between "616." and "663." insert "616.1."

AMENDMENT NO. 34

On page 4, line 21, between "893." and "1007." insert "920."

AMENDMENT NO. 35

On page 4, after line 22, insert the following:

"C. The provisions of this Chapter shall not apply to any writings, records, or other accounts that reflect the mental impressions, conclusions, opinions, or theories of an attorney or an expert, obtained or prepared in anticipation of litigation or in preparation for trial."

On motion of Senator Ullo, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1209—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 49:992(E) and (F) and to enact R.S. 49:992(G), relative to the failure of a state department, agency, or other entity to conduct adjudications as required by law; to provide for attorney fees in a successful suit; to provide for a civil action to require that a state government entity conduct an adjudication using the division of administrative law; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1216—

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 40:1300.143(3)(a)(iv) and (v), relative to the Rural Hospital Preservation Act; to add certain hospitals to the definition of rural hospital; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1227—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:415 and 416(B)(1), relative to prohibited loan practices; to delete certain prohibitions; to provide for discretionary penalties; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of

May 24, 2001

the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1233—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:290, 793, and 1310, relative to financial institutions; to provide for annual directors' examinations; to provide for promulgation of rules; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1237—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 6:121.8, relative to financial institutions; to make unlawful the submission of false information on certain applications to the commissioner; to provide for certain penalties; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1238—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 9:2130(A), relative to transfer of fiduciary accounts; to change the filing fee for transfer of fiduciary account agreements; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1250—

BY REPRESENTATIVES DEVILLIER, MCMAINS, AND QUEZAIRE AND SENATOR GAUTREUX

AN ACT

To enact R.S. 40:1300.143(3)(a)(iv), relative to the Rural Hospital Preservation Act; to add certain hospital facilities to the definition of rural hospital; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 254—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2413(A)(8) and to enact R.S. 30:2413(A)(9), relative to solid waste management facility fees; removes the authority of the secretary of the Department of Environmental Quality to adopt certain fees; to provide for fees necessary to administer waste tire activities; to provide for

collection and distribution of data and information; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1289—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 6:532(10.1), relative to bank structure; to provide for definitions; to repeal certain criteria for determining whether to grant a certificate of authority for a branch office; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1313—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:243(B)(2) and (4), and (D)(1)(introductory paragraph), 822(3)(d), and 1230(A) and to enact R.S. 6:243(D)(1)(c) relative to financial institutions; to provide for the holding of immovable property by certain financial institutions; to provide for property valuations and appraisals; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1436—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:1083(6) and (12)(b), 1087(B)(10) and (12), (C)(1)(a), (2)(a) and (d), (D)(3), and (E), 1088(C)(1)(a), (E)(3) and (4) and (F), 1090(B)(1), 1091(A), 1092(C), 1096(B), 1098(A) and (B), and R.S. 9:3560(A)(10), to enact R.S. 6:1087(F), 1088(F)(5), 1089(B)(3), 1090(E), (F), and (G), 1092(G) and (H), 1096(H), and 1099, and to repeal R.S. 6:1083(7.1) and 1087(C)(2)(b), 1088(B), 1093(C), and 1095(A)(2), relative to the Residential Mortgage Lending Act; to provide for definitions; to provide for licensure requirements, exemptions, fees, and renewals; to provide for lending restrictions; to provide for recordkeeping; to provide for refunds of authorized fees to consumers; to provide for disclosure statements; to provide for loan brokerage contracts; to provide for criminal penalties; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Reengrossed House Bill No. 1436 by Representative Pinac

AMENDMENT NO. 1

On page 2, line 12, after "application" delete "or negotiates the terms of the mortgage loan"

AMENDMENT NO. 2

On page 4, line 13, change "authorized in this state" to "and authorized" and after "~~mortgagee~~," insert "seller/servicer."

AMENDMENT NO. 3

On page 4, delete lines 16 through 20, and insert the following:

"Department of Housing and Urban Development as ~~an approved seller, servicer~~; a mortgagee, ~~or issuer~~; approved by such department to make loans in Louisiana, but excluding loan correspondents, or who has satisfied Veterans Administration requirements to qualify for automatic authority and is approved by the Veterans Administration to make loans in Louisiana."

AMENDMENT NO. 4

On page 5, line 1, after "approved" delete "seller, servicer, ~~mortgagee~~, or issuer" and insert "seller, servicer, mortgagee, or issuer, but excluding loan correspondents."

AMENDMENT NO. 5

On page 6, line 10, after "F." delete "No" and insert "Pursuant to regulations adopted by the commissioner, no"

AMENDMENT NO. 6

On page 6, at the end of line 22, delete the comma "," and insert a period "."

AMENDMENT NO. 7

On page 6, line 23, delete "showing the applicant has maintained" and insert "showing The applicant ~~has maintained~~ shall maintain"

AMENDMENT NO. 8

On page 10, line 3, after "F." delete "No" and insert "Pursuant to regulations adopted by the commissioner, no"

AMENDMENT NO. 9

On page 11, line 10, after "refunds of" delete "any fee or charge that a licensee" and insert "the unauthorized portion of any fee or charge a mortgage broker or originator"

AMENDMENT NO. 10

On page 11, delete lines 21 through 25 and insert the following:

"G. Any person who acts as a mortgage broker or originator without complying with the licensing provisions of this Chapter shall be subject to forfeiture of the compensation attributable to and received by the mortgage broker or originator in connection with residential mortgage lending activity occurring on or after August 15, 2001; provided that the forfeiture or such compensation by the mortgage broker or originator shall not impair the validity of the note and mortgage."

AMENDMENT NO. 11

On page 12, line 4, change "Chapter" to "Title"

AMENDMENT NO. 12

On page 13, line 15, after "parties." delete the remainder of the line and delete line 16, and insert the following:

"The mortgage broker shall retain a signed copy of the residential mortgage loan brokerage contract in the customer's file."

AMENDMENT NO. 13

On page 14, delete lines 2 through 6 and insert:

"A. In addition to the authority to report egregious violations as provided in R.S. 6:1092(E), the commissioner may report the violations of the following provisions to the attorney general or to the district attorney of the appropriate parish, who may institute the proper proceedings to enjoin the violation and enforce the penalties provided for herein."

AMENDMENT NO. 14

On page 14, line 7, change "Any person" to "A mortgage broker"

AMENDMENT NO. 15

On page 14, line 19, after "borrower" insert "in violation of the provisions of this Chapter"

AMENDMENT NO. 16

On page 14, line 13, after "application" insert "and such information is material to approval of the application."

AMENDMENT NO. 17

On page 15, delete lines 3 through 7, and insert:

"F. A lender, broker, or originator who knowingly operates without a license or exempt registration is guilty of a misdemeanor, and upon conviction, may be sentenced to pay a fine not less than five hundred dollars and not more than one thousand dollars, or to imprisonment not exceeding one year, or both."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1517—

BY REPRESENTATIVE CLARKSON

AN ACT

To enact Chapter 28-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2151, relative to dating violence; to provide that victims of dating partners are entitled to the same benefits as family and household members under the Protection from Family Violence Act; to provide for the definition of a "dating partner"; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1520—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 9:3565(E), relative to notification fees; to provide for payment of fees and penalties prior to issuance of a new license; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1589—

BY REPRESENTATIVE R. ALEXANDER

AN ACT

To amend and reenact R.S. 40:1235(A)(2)(b) and (B)(2), and to enact R.S. 40:1235(A)(2)(d), and to repeal R.S. 40:1231(18) and 1235(B)(1), (D)(1)(b) and (d), and (E), relative to qualifications and standards for ambulances; to delete references to invalid coaches; to prohibit transportation of someone on a stretcher unless in an ambulance; to delete exemptions for certain ambulances owned and operated by licensed hospitals; to delete the authority of parishes and municipalities to elect not to comply; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1589 by Representative R. Alexander

AMENDMENT NO. 1

On page 1, line 2, between "(B)(2)," and "to" delete "and"

AMENDMENT NO. 2

On page 1, line 3, after "R.S. 40:1231(18)" delete "and" and insert a comma "," and after "1235(B)(1)," insert "and"

AMENDMENT NO. 3

On page 1, line 4, after "(d)," delete "and (E),"

AMENDMENT NO. 4

On page 1, line 8, after "hospitals;" delete the remainder of the line and at the beginning of line 9, delete "to elect not to comply;"

AMENDMENT NO. 5

On page 2, line 21, after "Section 2." delete the remainder of the line and insert the following: "R.S. 40:1231(18), 1235(B)(1), and (D)(1)(b) and (d)"

On motion of Senator Schedler, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1620—

BY REPRESENTATIVE PINAC

AN ACT

To enact R.S. 6:121.7, relative to troubled financial institutions and holding companies; to allow the addition of directors and executive officers; to provide for definitions; to provide for notice; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1668—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:1137(N) and 1163(A)(1), relative to savings banks; to provide for definitions; to provide for articles of incorporation; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1673—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:213(A)(2), 215(C), 254(A)(introductory paragraph) and (B)(introductory paragraph), 263, and 365.1(A)(1) and to enact R.S. 6:234(A)(3), 261(C), 365(A)(2)(c), 366(E), and 367, relative to state banks; to provide for articles of incorporation and amendments thereto; to provide for capital stock; to provide for stock-purchase rights; to provide for an increase in capital; to provide for cash dividends; to provide for conversions and mergers of certain institutions; to provide for purchase of assets and liabilities; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1719—

BY REPRESENTATIVE R. ALEXANDER

AN ACT

To amend and reenact R.S. 39:198(D)(introductory paragraph), (3), and (9) and 1514(A)(1)(b), and to enact R.S. 39:1514(A)(1)(e), relative to multiyear contracts; to authorize the Department of Health and Hospitals to enter into ten-year contracts for fiscal intermediary services; to authorize such department to enter into five-year contracts for the administration of the Medicaid early periodic screening diagnosis and treatment program (EPSDT), primary care case management (PCCM), and home and community-based services waivers; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1719 by Representative R. Alexander

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and on line 3, delete "and 1514(A)(1)(b), and to"

AMENDMENT NO. 2

On page 1, line 4, after "contracts;" delete the remainder of the line and delete line 5 in its entirety

AMENDMENT NO. 3

On page 1, line 6, delete "services;" and delete "such department" and insert "the Department of Health and Hospitals"

AMENDMENT NO. 4

On page 1, line 12, after "Section 1." delete the remainder of the line and delete line 13 in its entirety and insert "R.S. 39:1514(A)(1)(e)"

AMENDMENT NO. 5

On page 1, delete lines 15 through 17 in their entirety

AMENDMENT NO. 6

On page 2, delete lines 1 through 26 in their entirety and on page 3, delete lines 1 through 14 in their entirety

AMENDMENT NO. 7

On page 3, delete lines 21 through 26 in their entirety

On motion of Senator Schedler, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1721—

BY REPRESENTATIVE DONELON

AN ACT

To enact R.S. 22:250.31(7) and 250.38, relative to health insurance; to regulate the recoupment of health insurance claims payments by health insurance issuers; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 1721 by Representative Donelon

AMENDMENT NO. 1

On page 2, delete lines 17 and 18

AMENDMENT NO. 2

On page 2, line 24, after "to" insert "the health care provider and"

AMENDMENT NO. 3

On page 3, below line 20, insert the following:

"E. The provisions of this Section shall not apply to the State Employees Group Benefit Program."

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

HOUSE BILL NO. 1749—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 17:436.1(B)(1)(a) and (c) and (4) and (H) and to enact R.S. 17:436.1(I), relative to advanced practice registered nurses; to provide for authorization to order school nurses to administer medication to students; to include advanced practice registered nurses in the definition of authorized prescriber; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1750—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:282(A), (B), (C)(1), 285(A), 714(A), and 1188(C) and to repeal R.S. 6:1188(D), relative to financial institutions; to require election of a chairman of the board of directors; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1776—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 37:3200(3), relative to licensed radiologic technologists; to include advanced practice registered nurses in the definition of "licensed practitioner"; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1843—

BY REPRESENTATIVES DARTEZ AND KATZ

AN ACT

To amend and reenact R.S. 37:1102 and 1103 and to enact R.S. 37:1105(G) and 1116 through 1124, relative to marriage and family therapy; to provide for legislative findings and purpose; to provide for definitions; to create and provide for the Marriage and Family Therapy Advisory Committee and its powers and duties; to provide for licensure of marriage and family therapists and exemptions from licensure; to provide for prohibited acts and penalties; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1843 by Representatives Dartez and Katz

AMENDMENT NO. 1

On page 1, at the end of line 2, insert ", 1106(9),"

AMENDMENT NO. 2

On page 1, line 7, after "licensure;" insert "to provide for an examination fee;"

AMENDMENT NO. 3

On page 1, line 12, after "R.S. 37:1105(G)" insert ", 1106(9),"

AMENDMENT NO. 4

On page 2, line 10, after "regulatory" delete the remainder of the line

AMENDMENT NO. 5

On page 2, line 11, after "structure" delete the comma " , "

AMENDMENT NO. 6

On page 5, line 14, change "established" to "developed"

AMENDMENT NO. 7

On page 5, line 15, after "committee" insert "and approved by the board"

AMENDMENT NO. 8

On page 5, line 21, after "Education" insert "or, until June 30, 2003, the standards for marriage and family counseling or therapy established by the Council on Accreditation of Counseling and Related Educational Programs"

AMENDMENT NO. 9

On page 6, between lines 3 and 4, insert the following:

"§1106. Fees; application for license
A. The board shall collect the following fees:
* * *

(9) For marriage and family license applicants, an examination fee of \$100."

AMENDMENT NO. 10

On page 6, line 6, delete "employees"

AMENDMENT NO. 11

On page 7, line 18, delete "-treasurer"

AMENDMENT NO. 12

On page 8, line 13, after "shall" delete the remainder of the line and on line 14, delete "provisions of this Chapter" and insert "recommend to the board whether to grant a license to an applicant"

AMENDMENT NO. 13

On page 8, line 16, after "in" delete the remainder of the line and delete lines 17 and 18, and insert "relation to applications for licensure."

AMENDMENT NO. 14

On page 8, line 25, between "for" and "the" insert "adoption by"

AMENDMENT NO. 15

On page 9, line 1, after "Compile" delete the comma " ," and insert "and" and after "maintain" delete ", and publish"

AMENDMENT NO. 16

On page 9, line 2, change "board" to "committee"

AMENDMENT NO. 17

On page 9, line 3, after "therapy" insert "for publication by the board"

AMENDMENT NO. 18

On page 9, line 8, after "meetings" delete the comma " ," and insert "and" and after "proceedings" delete the remainder of the line

AMENDMENT NO. 19

On page 9, line 9, delete "hearings"

AMENDMENT NO. 20

On page 9, delete lines 10 through 15 in their entirety

AMENDMENT NO. 21

On page 9, at the end of line 18, change "advisory" to "board"

AMENDMENT NO. 22

On page 9, line 19, delete "committee" and change "advisory" to "board"

AMENDMENT NO. 23

On page 9, line 20, delete "committee" and at the end of the line insert "board and the"

AMENDMENT NO. 24

On page 11, at the end of line 18, insert "board, through the"

AMENDMENT NO. 25

On page 11, line 19, after "committee" insert a comma " , "

AMENDMENT NO. 26

On page 12, between lines 15 and 16, insert the following:

"C. A marriage and family therapist must accrue forty clock hours of continuing education by every renewal period every two years."

AMENDMENT NO. 27

On page 12, line 16, change "C" to "D" and after "form" insert " , verification of completion of required continuing education units."

AMENDMENT NO. 28

On page 13, line 12, after "board" delete the remainder of the line and on line 13, delete "committee."

AMENDMENT NO. 29

On page 13, lines 21, change "advisory committee" to "board"

AMENDMENT NO. 30

On page 13, line 23, change "advisory committee" to "board" and delete "promptly"

AMENDMENT NO. 31

On page 13, at the beginning of line 24, delete "recommend that the board"

AMENDMENT NO. 32

On page 14, line 2, after "apply to" delete "the advisory committee for recommendation to"

AMENDMENT NO. 33

On page 14, at the end of line 25, insert ", including Christian Science practitioners,"

AMENDMENT NO. 34

On page 15, line 12, delete ", upon"

AMENDMENT NO. 35

On page 15, line 13, delete "recommendation of the advisory committee,"

AMENDMENT NO. 36

On page 15, line 15, after "Chapter," delete the remainder of the line and insert "The board shall not be"

On motion of Senator Schedler, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1857—

BY REPRESENTATIVE LANCASTER
AN ACT

To enact R.S. 24:513(I)(1)(c)(i)(cc), relative to the audit of a justice of the peace and a constable of a justice of the peace court; to provide for the manner of auditing the financial statements of a justice of the peace and a constable of a justice of the peace court; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1886—

BY REPRESENTATIVE JOHNS
AN ACT

To enact R.S. 44:4(29), relative to records of the Louisiana Board of Pharmacy; to except certain records from the laws relative to public records; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1907—

BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 22:215.18(H) and to enact R.S. 22:215.18(A)(7) and (I), 250.31(7), and 250.34(C), relative to health insurance claims; to provide with respect to payment of claims submitted by rural hospitals; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1924—

BY REPRESENTATIVES PINAC, LAFLEUR, AND MURRAY
AN ACT

To amend and reenact R.S. 6:965(C) and 966(A) and (D) through (M) and to repeal R.S. 6:966(N), relative to the procedure for repossession of motor vehicles under the Louisiana Motor Vehicle Sales Finance Act; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Reengrossed House Bill No. 1924 by Representative Pinac

AMENDMENT NO. 1

On page 2, at the end of line 7, change "three" to "two"

AMENDMENT NO. 2

On page 2, line 15, after "10:9-" delete the remainder of the line and delete lines 16 thru 22, and insert "102(a)(72),"

AMENDMENT NO. 3

On page 3, line 1, after "agreement" delete "or chattel mortgage" and on line 2, delete "importing a confession of judgement"

AMENDMENT NO. 4

On page 3, at the end of line 21, delete "chattel" and at the beginning of line 22, delete "mortgage or"

AMENDMENT NO. 5

On page 3, line 23, after "The" delete "chattel mortgage or"

AMENDMENT NO. 6

On page 4, line 24, change "within thirty days of receipt" to "over twenty days after receipt"

AMENDMENT NO. 7

On page 7, line 22, after "possessory" insert "and enforcement"

AMENDMENT NO. 8

On page 7, line 24, after "deficiency" delete "judgement"

AMENDMENT NO. 9

On page 8, line 5, delete "judgement"

AMENDMENT NO. 10

On page 8, delete lines 12 and 13, and at the beginning of line 14, delete "to the clerk's office and no others." and insert the following:

"M. The clerk shall collect only those costs and fees due to the sheriff and the clerk's office for proceedings brought pursuant to this Chapter."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1935—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1491.6(D)(1) and to enact R.S. 18:1491.6(I), relative to reporting pursuant to the Campaign Finance Disclosure Act; to provide with regard to the reports required by the Campaign Finance Disclosure Act; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 2000—

BY REPRESENTATIVE CLARKSON
AN ACT

To enact Part LVII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.172.1 through 1300.172.3, relative to mammograms; to provide for screening mammograms; to authorize the performance of mammograms without a prescription from a licensed practitioner; to provide for notification of the results; to provide limited immunity from civil liability; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 2051 (Substitute Bill for House Bill No. 1486 by Representative Pinac)—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 51:1923(2), (3), and (7), 1924(A), (B), (D)(2)(introductory paragraph) and (a) and (4), and (G), 1925, 1926(D), (F)(1)(introductory paragraph), (2), and (3), (G)(2), and (H), 1927(A), (B), and (C)(introductory paragraph) and (5), 1928(A) and (B)(1) and (2), 1929(introductory paragraph) and (6), 1929.1(A), 1931, 1932(A), and 1934 and to enact R.S. 51:1922.1 and 1923(10), relative to the office of financial institutions; to provide relative to the Louisiana Capital Companies Tax Credit Program; to provide relative to the administration of the program between the Department of Economic Development and the Office of Financial Institutions; to provide for definitions; to provide relative to tax credits; to provide relative to certification and continuance of certification of capital companies; to prohibit certain activities; to provide relative to decertification; to provide for the promulgation of

rules and regulations; to provide relative to advisory opinions; to provide for termination of the program; to provide for certain tax exemptions; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Engrossed House Bill No. 2051 by Representative Pinac

AMENDMENT NO. 1

On page 1, line 4, after "1926" insert "(B),"

AMENDMENT NO. 2

On page 2, line 5 after "1926" insert "(B),"

AMENDMENT NO. 3

On page 6, between lines 7 and 8, insert the following:

"B. A certified Louisiana capital company shall make no investment if after making such investment, the total investment outstanding would exceed fifteen percent of the total certified capital under management plus any reserved leverage resulting from the receipt by the certified capital company of a written commitment letter from the United States Small Business Administration issued prior to refunding of the investment, unless the investment is defined to be a permissible investment for a certified Louisiana capital company. The department may promulgate rules which include a method of defining "permissible investments".

* * *

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

Reconsideration

On motion of Senator Johnson, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, May 23, 2001 was reconsidered.

SENATE BILL NO. 428—

BY SENATOR JOHNSON
AN ACT

To enact Chapter 4.1 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:221 through 226, relative to the Louisiana Tax Law Institute; to create the institute and provide for its membership, powers, duties, and responsibilities; and to provide for related matters.

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

Reconsideration

On motion of Senator Michot, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, May 23, 2001 was reconsidered.

SENATE BILL NO. 743— BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 46:236.5(C) the introductory paragraph and (1), (4) and (5), relative to public welfare and assistance; to expedite the process for establishment or enforcement of support and other domestic matters brought by the Department of Social Services; to provide for an effective date; and to provide for related matters.

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

Reconsideration

On motion of Senator Cravins, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, May 23, 2001 was reconsidered.

SENATE BILL NO. 862— BY SENATORS CRAVINS, IRONS AND DEAN

AN ACT

To enact R.S. 23:968, relative to employment; to provide with respect to interference with individual rights; to prohibit discriminatory practices because of actual or perceived sexual orientation; to provide for definitions; to provide for exemptions; and to provide for related matters.

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

Reconsideration

On motion of Senator Smith, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, May 23, 2001 was reconsidered.

SENATE BILL NO. 1090— BY SENATOR SMITH

AN ACT

To enact Chapter 8-A of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:531 and 532, relative to historical monuments and memorials; to provide for the protection of monuments and memorials; to require the secretary of state to catalogue all monuments and memorials; and to provide for related matters.

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

Senate Resolutions on Second Reading Reported by Committees

The following Senate Resolutions reported by Committees were taken up and acted upon as follows:

SENATE RESOLUTION NO. 28— BY SENATOR BARHAM

A RESOLUTION

To urge and request the Governor's Military Advisory Board to study the feasibility of creating a Louisiana Historical Monuments and Memorials Protection Act.

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 Resolution No. 28 by Senator Barham

AMENDMENT NO. 1

On page 2, after line 18, insert the following:

"BE IT FURTHER RESOLVED that the Governor's Military Advisory Board shall report the findings of its study to the governor and to the Senate Committee on Senate and Governmental Affairs before the 2003 Regular Session of the Legislature."

On motion of Senator Ullo, the committee amendment was adopted.

The resolution was read by title. Senator Barham moved to adopt the amended Senate Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Barham, Bean, Cain, Campbell, Chaisson, Dardenne, Dupre, Ellington, Total—27; Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Jones, C, Lambert, Lentini; Malone, Michot, Mount, Romero, Schedler, Smith, Theunissen, Thomas, Ullo

NAYS

Table with 3 columns of names: Bajoie, Cravins, Dean, Total—7; Fields, C, Fields, W, Irons; Johnson

ABSENT

May 24, 2001

Boissiere	Marionneau	Tarver
Jones, B	McPherson	
Total—5		

The Chair declared the Senate had adopted the amended Senate Resolution.

Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 128—
BY SENATOR SCHEDLER AND REPRESENTATIVE R. ALEXANDER
A CONCURRENT RESOLUTION

To create a task force to study the current healthcare facility licensure process and criteria for licensure to determine if the public is being well served within the context of available financial resources.

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 Concurrent Resolution No. 128 by Senator Schedler and Representative R Alexander

AMENDMENT NO. 1

On page 3, between lines 15 and 16, insert the following:

"(p) The president of the Louisiana Orthopaedic Association, or his designee.

(q) The executive director of the Rural Hospital Coalition, or his designee."

On motion of Senator Schedler, the committee amendment was adopted.

Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Schedler to Original Senate Concurrent Resolution No. 128 by Senator Schedler

AMENDMENT NO. 1

On page 3, line 5, change "Louisiana Healthcare Campaign" to "Louisiana Maternal and Child Health Coalition"

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Malone
Barham	Fields, W	Marionneau
Bean	Fontenot	McPherson
Boissiere	Gautreaux	Michot
Cain	Heitmeier	Mount
Campbell	Hines	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Theunissen
Dean	Johnson	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Jones, C
Jones, B	Tarver
Total—4	

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Fontenot asked that Senate Bill No. 749 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 749—
BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 37:1367(A), relative to professions and occupations; to provide with respect to plumbers; to provide for a licensed journeyman plumber to supervise two apprentices on a job; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Malone
Barham	Fields, W	Marionneaux
Bean	Fontenot	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Johnson	Smith
Dardenne	Jones, C	Theunissen
Dupre	Lambert	Thomas
Ellington	Lentini	Ullo
Total—33		

NAYS

Total—0

ABSENT

Mr. President	Gautreaux	Jones, B
Dean	Irons	Tarver
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator Fontenot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

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

The following House Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 91—

BY REPRESENTATIVE LEBLANC

A CONCURRENT RESOLUTION

To amend and readopt Joint Rule No. 18(6) of the Joint Rules of the Senate and House of Representatives to provide that supplemental appropriation bills shall not count against the five-bill introduction limit after pre-filing.

Reported favorably by the Committee on Senate and Governmental Affairs.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Malone
Barham	Fields, W	Marionneaux

Bean	Fontenot	McPherson
Boissiere	Gautreaux	Michot
Cain	Heitmeier	Mount
Campbell	Hines	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Jones, B
Irons	Tarver
Total—4	

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

HOUSE CONCURRENT RESOLUTION NO. 1—

BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate Louisiana Highway 96 within St. Martin Parish as a Blue Star Memorial Highway in honor of the citizens of St. Martin Parish who have served, are now serving, or will serve in the future in the armed forces of the United States and to authorize placement of a Blue Star Memorial Highway monument along this route.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Marionneaux
Barham	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	
Fields, C	Lentini	
Total—34		

NAYS

May 24, 2001

Total—0

ABSENT

Mr. President	Irons	Tarver
Cravins	Malone	
Total—5		

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

HOUSE CONCURRENT RESOLUTION NO. 12—

BY REPRESENTATIVE RIDDLE

A CONCURRENT RESOLUTION

To authorize and direct the Department of Public Safety and Corrections to imprint Louisiana Purchase Bicentennial license plates for private passenger motor vehicles and to issue such plates from January 2002 through December 2003, or until the Department of Public Safety and Corrections depletes its inventory of such plates.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Concurrent Resolution No. 12 by Representative Riddle

AMENDMENT NO. 1

On page 3, line 6, delete "in black"

On motion of Senator Heitmeier, the committee amendment was adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	
Fields, C	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Mr. President	Tarver
Total—2	

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

HOUSE CONCURRENT RESOLUTION NO. 23—

BY REPRESENTATIVES ODINET AND RICHMOND

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to conduct a study of the replacement project for the Inner Harbor Navigation Canal lock in Orleans Parish to determine projected problems and the most feasible type of bridges or tunnels to be built in connection with the project.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Lentini
Barham	Fields, W	Malone
Bean	Fontenot	Marionneaux
Boissiere	Gautreaux	McPherson
Cain	Heitmeier	Michot
Campbell	Hines	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—36		

NAYS

Total—0

ABSENT

Mr. President	Irons	Tarver
Total—3		

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

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVE ODINET

A CONCURRENT RESOLUTION

To memorialize the United States Congress to urge the United States Army Corps of Engineers to replace the proposed St. Claude Avenue Bridge and the Claiborne Avenue Bridge in Orleans

Parish with tunnels or fixed high-rise bridges in conjunction with a project to replace the Inner Harbor Navigation Canal lock.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Barham, Bean, Boissiere, Cain, Chaisson, Cravins, Dardenne, Dupre, Ellington, Fields, C, Fields, W, Total—34.

NAYS

Total—0

ABSENT

Table with 3 columns of names: Mr. President, Campbell, Total—5; Dean, Irons; Tarver.

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

HOUSE CONCURRENT RESOLUTION NO. 52— BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to resurface Old Louisiana Highway 54 (Church Street) in Garyville, Louisiana.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Fields, C, Lambert.

Table with 3 columns of names: Barham, Bean, Boissiere, Cain, Chaisson, Cravins, Dardenne, Dean, Dupre, Ellington, Total—33; Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Johnson, Jones, B, Jones, C; Lentini, Marionneaux, McPherson, Michot, Mount, Romero, Schedler, Theunissen, Thomas, Ullo.

NAYS

Table with 2 columns of names: Malone, Total—2; Smith.

ABSENT

Table with 2 columns of names: Mr. President, Campbell, Total—4; Irons, Tarver.

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

HOUSE CONCURRENT RESOLUTION NO. 61—

BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to add a third lane on Louisiana Highway 3125 from Louisiana Highway 20 in Gramercy, Louisiana, to King Avenue in Lutcher, Louisiana.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Barham, Bean, Boissiere, Cain, Chaisson, Cravins, Dardenne, Dean, Dupre, Ellington, Fields, C, Total—36; Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert; Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Romero, Schedler, Smith, Theunissen, Thomas, Ullo.

NAYS

Total—0

May 24, 2001

ABSENT

Mr. President Campbell Tarver
Total—3

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

HOUSE CONCURRENT RESOLUTION NO. 69— BY REPRESENTATIVE MCVEA

A CONCURRENT RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission to promulgate rules and regulations to prohibit the taking of juvenile male turkeys.

Reported favorably by the Committee on Natural Resources.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing yeas for House Concurrent Resolution No. 69, including names like Bajoie, Barham, Bean, etc., and a total of 35.

NAYS

Total—0

ABSENT

Mr. President Cravins Campbell Tarver
Total—4

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

HOUSE CONCURRENT RESOLUTION NO. 76— BY REPRESENTATIVE TOWNSEND

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to avail itself of the potential assistance which the Louisiana Wildlife and Fisheries Foundation offers.

Reported favorably by the Committee on Natural Resources.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing yeas for House Concurrent Resolution No. 76, including names like Bajoie, Barham, Bean, etc., and a total of 33.

NAYS

Total—0

ABSENT

Mr. President Jones, B Cravins Lambert Marionneaux Tarver
Total—6

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

HOUSE CONCURRENT RESOLUTION NO. 88— BY REPRESENTATIVE FAUCHEUX

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to perform drainage improvements on a section of U.S. Highway 61 in LaPlace, Louisiana.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing yeas for House Concurrent Resolution No. 88, including names like Bajoie, Barham, Bean, etc., and a total of 33.

Dean	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Fields, C	Malone	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Hollis	Tarver
Cravins	Jones, B	
Total—5		

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

HOUSE CONCURRENT RESOLUTION NO. 90—
 BY REPRESENTATIVES HUDSON, DURAND, AND DEVILLIER
 A CONCURRENT RESOLUTION

To authorize the study by the governing body of the Atchafalaya Basin Program of certain proposals for inclusion in the state master plan for the Atchafalaya Basin.

Reported favorably by the Committee on Natural Resources.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Lentini
Barham	Fields, W	Malone
Bean	Fontenot	Marionneaux
Boissiere	Gautreaux	McPherson
Cain	Heitmeier	Michot
Campbell	Hines	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—36		

NAYS

Total—0

ABSENT

Mr. President	Jones, B	Tarver
Total—3		

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

HOUSE CONCURRENT RESOLUTION NO. 27—
 BY REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To urge and request the Disposition of Pornographic Evidence Committee of the Louisiana State Law Institute to study the tracking, confiscation, limitation of access to, destruction, or other disposition of obscene, video voyeuristic, and pornographic material in the possession of any law enforcement or other agency during the pendency of, and when it is no longer needed as evidence, in criminal, civil, or juvenile cases.

Reported favorably by the Committee on Judiciary C.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	
Fields, C	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Mr. President	Tarver
Total—2	

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

HOUSE CONCURRENT RESOLUTION NO. 42—
 BY REPRESENTATIVE FLAVIN

A CONCURRENT RESOLUTION

To create a task force to study the criminal trespass statutes and to report its findings to the Louisiana Legislature prior to January 1, 2003.

Reported favorably by the Committee on Judiciary C.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

May 24, 2001

Amendments proposed by Senator McPherson to Reengrossed House Concurrent Resolution No. 42 by Representative Flavin

AMENDMENT NO. 1

On page 2, between lines 18 and 19, insert "(11) One member designated by the Louisiana Wildlife Federation."

On motion of Senator McPherson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Fields, W, Lentini. Lists names of members who voted 'YEAS' for the amendment.

NAYS

Total—0

ABSENT

Table with 3 columns: Name, Bajoie, Tarver. Lists names of members who were absent.

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

HOUSE CONCURRENT RESOLUTION NO. 68—

BY REPRESENTATIVE BOWLER

A CONCURRENT RESOLUTION

To direct the Louisiana State Law Institute to study the effect of the United States Supreme Court case of Troxel v. Granville on Louisiana laws relative to child visitation and to make specific recommendations on or before January 1, 2003, for revisions to state laws to ensure that state laws are not contrary to the fundamental rights of parents to make decisions concerning the care, custody, and control of their children.

Reported favorably by the Committee on Judiciary A.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Fields, C, Lentini. Lists names of members who voted 'YEAS' for the resolution.

NAYS

Total—0

ABSENT

Table with 3 columns: Name, Jones, B, Tarver. Lists names of members who were absent.

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

HOUSE CONCURRENT RESOLUTION NO. 93—

BY REPRESENTATIVES STRAIN, THOMPSON, BAUDOIN, BRUCE, R. CARTER, CAZAYOUX, DEVILLIER, DURAND, FRITH, FRUGE, HILL, ILES, KENNEY, LAFLEUR, MORRISH, NEVERS, JACK SMITH, AND STRAIN

A CONCURRENT RESOLUTION

To memorialize the United States Congress to ratify the Southern Dairy Compact.

Reported favorably by the Committee on Agriculture.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Fields, W, Malone. Lists names of members who voted 'YEAS' for the resolution.

Fields, C
Total—37

Lentini
NAYS

Total—0

ABSENT

Mr. President
Total—2

Tarver

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

HOUSE CONCURRENT RESOLUTION NO. 113—
BY REPRESENTATIVE ILES

A CONCURRENT RESOLUTION

To urge and request the office of public health in the Department of Health and Hospitals to promote breastfeeding in its public health clinics and to the public in general.

Reported favorably by the Committee on Health and Welfare.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Boissiere	Gautreaux	McPherson
Cain	Heitmeier	Michot
Campbell	Hines	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields, C	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Mr. President
Bean
Total—4

Jones, B
Tarver

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

**House Concurrent Resolutions
to be Adopted, Subject to Call**

The following House Concurrent Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Dardenne asked that House Concurrent Resolution No. 14 be called from the Calendar at this time.

HOUSE CONCURRENT RESOLUTION NO. 14—
BY REPRESENTATIVE CLARKSON

A CONCURRENT RESOLUTION

To urge and request the Louisiana Judicial College to institute mandatory continuing legal education for judges on child support guidelines and family law.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Lentini
Barham	Fields, W	Malone
Bean	Fontenot	Marionneaux
Boissiere	Gautreaux	McPherson
Cain	Heitmeier	Michot
Campbell	Hines	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—36		

NAYS

Total—0

ABSENT

Mr. President
Total—3

Jones, B

Tarver

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

Bagneris Rule

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

Without objection, so ordered.

May 24, 2001

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 15—

BY REPRESENTATIVES BRUNEAU AND FARRAR AN ACT

To enact R.S. 42:5(D), relative to public comment at meetings of public bodies; to require public bodies to provide opportunity for public comment at their meetings; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dean, Dupre, Ellington, Total—37; Fields, C, Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert; Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Romero, Smith, Theunissen, Thomas, Ullo.

NAYS

Total—0

ABSENT

Table with 2 columns: Schedler, Total—2; Tarver

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 84—

BY REPRESENTATIVE POWELL AN ACT

To enact R.S. 22:1475, relative to life and health insurance sales quotas; to provide for prohibitions against sales quotas; to provide for insurers; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Cravins, Dardenne, Dupre, Ellington, Fields, C, Total—36; Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C, Lambert; Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Romero, Smith, Theunissen, Thomas, Ullo.

NAYS

Table with 2 columns: Dean, Total—1

ABSENT

Table with 2 columns: Mr. President, Total—2; Tarver

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 152—

BY REPRESENTATIVE BROOME AN ACT

To amend and reenact R.S. 9:4751(2) and R.S. 23:1021(11), relative to occupational therapists; to include "occupational therapist" in certain definitions of "health care provider"; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Chaisson, Dardenne, Dean, Dupre, Ellington; Fields, W, Fontenot, Gautreaux, Heitmeier, Hines, Hollis, Hoyt, Irons, Johnson, Jones, B, Jones, C; Lentini, Malone, Marionneaux, McPherson, Michot, Mount, Romero, Schedler, Smith, Theunissen, Thomas.

Fields, C	Lambert	Ullo
Total—36		
	NAYS	
Total—0		
	ABSENT	
Mr. President	Cravins	Tarver
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 248—
BY REPRESENTATIVE BRUNEAU
AN ACT

To enact R.S. 22:1193(J), relative to continuing education credits for insurance agents; to provide for qualified graduate-level national designation programs; to provide for tests; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	
Fields, C	Lentini	
Total—37		
	NAYS	
Total—0		
	ABSENT	
Cravins	Tarver	
Total—2		

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 268—
BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1505.2(H)(7)(a), to establish the aggregate limits on contributions a candidate may accept from political committees; and to provide for related matters.

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

HOUSE BILL NO. 270—
BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 42:1132(B)(1)(a) and to repeal R.S. 42:1132(B)(4)(h), relative to the Board of Ethics; to remove certain provisions relative to the nomination and selection of members of the Board of Ethics; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

	YEAS	
Bajoie	Fields, W	Lentini
Barham	Fontenot	Malone
Bean	Gautreaux	Marionneaux
Boissiere	Heitmeier	McPherson
Cain	Hines	Michot
Campbell	Hollis	Mount
Chaisson	Hoyt	Romero
Dardenne	Irons	Schedler
Dean	Johnson	Smith
Dupre	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fields, C	Lambert	Ullo
Total—36		
	NAYS	
Total—0		
	ABSENT	
Mr. President	Cravins	Tarver
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 271—
BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 24:53(I), relative to the annual lobbyist registration fee; to provide for an annual lobbyist registration fee; to remove the fee for filing supplemental registration forms; and to provide for related matters.

May 24, 2001

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

HOUSE BILL NO. 272—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1483(11) and to enact R.S. 18:1483(7)(e), relative to the definition of district office and major office for purposes of the Campaign Finance Disclosure Act; to provide that certain elected judicial seats are included in the definition of "district office"; to provide that certain elected judicial seats are included in the definition of "major office"; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Johnson	Smith
Cravins	Jones, B	Theunissen
Dardenne	Jones, C	Thomas
Dupre	Lambert	Ullo
Fields, C	Lentini	
Fields, W	Malone	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Ellington	Tarver
Dean	Irons	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 273—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 42:1157(B), relative to when the ethics board staff shall send delinquency notices; to change the number of days following a report due date that the ethics board staff must send a delinquency notice; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	
Fields, C	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Mr. President	Tarver
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 306—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1532, relative to the information required on election day expenditure reports; to remove the requirement to include certain persons' social security numbers; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo

Fields, C Lentini
 Total—35
 NAYS

 Total—0
 ABSENT

 Mr. President Jones, B
 Cravins Tarver
 Total—4

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 307—
 BY REPRESENTATIVE LANCASTER
 AN ACT

To amend and reenact R.S. 18:1505.2(I)(1), relative to the permissible use of contributions by certain political committees; to provide that an expenditure by a political committee, other than a principal campaign committee or subsidiary committee of a candidate, for the administrative costs and operating expenses of the committee is not a prohibited use; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS		
Bajoie	Fields, W	Lentini
Barham	Fontenot	Malone
Bean	Gautreaux	Marionneaux
Boissiere	Heitmeier	McPherson
Cain	Hines	Michot
Campbell	Hollis	Mount
Chaisson	Hoyt	Romero
Dardenne	Irons	Schedler
Dean	Johnson	Smith
Dupre	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fields, C	Lambert	Ullo
Total—36		
NAYS		
Total—0		
ABSENT		
Mr. President	Cravins	Tarver
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 371—
 BY REPRESENTATIVES GREEN, BRUNEAU, LANCASTER, AND PITRE
 AN ACT

To enact R.S. 18:1505.2(O), relative to limitations on the expenditure of campaign funds; to prohibit the use of campaign funds to pay fines, fees, and penalties assessed pursuant to the Campaign Finance Disclosure Act; to provide for penalties; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS		
Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	
Total—38		

NAYS

Total—0

ABSENT

Tarver
 Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator C. Fields moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 404—
 BY REPRESENTATIVE LEBLANC
 AN ACT

To amend and reenact R.S. 37:2406(A) and to enact R.S. 37:2406(C), relative to the maximum fees to be assessed by the Louisiana Board of Physical Therapy Examiners; to provide for the maximum fee that the board may assess for application, reinstatement, annual license renewal, license verification, duplicate wall license, and duplicate wallet license; and to provide for related matters.

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

May 24, 2001

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Jones, C
Bajoie	Fields, C	Lambert
Barham	Fields, W	Lentini
Bean	Fontenot	Malone
Boissiere	Gautreaux	McPherson
Cain	Heitmeier	Mount
Campbell	Hines	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, B	Ullo
Total—36		

NAYS

Total—0

ABSENT

Marionneau	Michot	Tarver
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Michot asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on House Bill No. 404. He had intended to vote yea on the bill. He asked that the Official Journal so state.

HOUSE BILL NO. 430—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 18:1483(14)(b) and to repeal R.S. 18:1491.9, relative to campaign finance disclosure; to remove certain provisions requiring that an out-of-state political committee file certain portions of reports to the Federal Elections Commission with the supervisory committee if the committee makes any contribution or expenditure in support of or in opposition to a candidate or proposition in a Louisiana election.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone

Barham	Fontenot	Marionneau
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	

Total—38

NAYS

Total—0

ABSENT

Tarver
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 438—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 23:691, relative to loans by employers; to exempt certain financial institutions from interest rate requirements; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneau
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dean	Jones, C	Ullo
Dupre	Lambert	
Fields, C	Lentini	

Total—34

NAYS

Total—0

ABSENT

Mr. President	Hollis	Tarver
Ellington	Mount	

Total—5

The Chair declared the bill was passed. The title was read and adopted. Senator C. Fields moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 546—
BY REPRESENTATIVE R. ALEXANDER
AN ACT

To amend and reenact R.S. 37:1279, relative to the recordation of medical licenses; to eliminate the requirement that medical licenses be recorded with the clerk of court for each parish in which the licensed person practices; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Lentini
Barham	Fontenot	Malone
Bean	Gautreaux	Marionneaux
Cain	Heitmeier	Michot
Campbell	Hines	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, C	Ullo
Fields, C	Lambert	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	McPherson
Boissiere	Tarver
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 560—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 49:968(B)(3)(c), to enact Chapter 29 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1251 through 1255, and R.S. 36:209(R) and 802.17, and to repeal Chapter 28 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:2051 through 2056, relative to the Mississippi River Road Commission; to create the commission as a state agency in the Department of Culture, Recreation and Tourism; to repeal

provisions for the Mississippi River Road Commission, a political subdivision, and its board of commissioners; to provide for the purpose and jurisdiction and the composition, powers, duties, functions, and responsibilities of the commission; to provide for the powers and duties of the department relative to the commission; to provide for legislative oversight of the commission; to provide that the commission is the successor to the former commission and to provide for references to the former commission and for the transfer of funds and property; to provide for the transfer of commission members to the new commission; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Jones, C
Bajoie	Fields, C	Lentini
Barham	Fields, W	Malone
Bean	Fontenot	Marionneaux
Boissiere	Gautreaux	Michot
Cain	Heitmeier	Mount
Campbell	Hines	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, B	Ullo
Total—36		

NAYS

Total—0

ABSENT

Lambert	McPherson	Tarver
Total—3		

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

HOUSE BILL NO. 631—
BY REPRESENTATIVE MCMAINS
AN ACT

To amend and reenact R.S. 22:39, relative to domestic insurers; to provide for the keeping of books and records; to provide for securities; to provide for penalties; and to provide for related matters.

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

May 24, 2001

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, C	Malone
Barham	Fields, W	Marionneaux
Bean	Fontenot	Michot
Boissiere	Gautreaux	Mount
Cain	Heitmeier	Romero
Campbell	Hines	Schedler
Chaisson	Hollis	Smith
Cravins	Hoyt	Theunissen
Dardenne	Irons	Thomas
Dean	Johnson	Ullo
Dupre	Jones, C	
Ellington	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Lambert	Tarver
Jones, B	McPherson	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 656—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:175(D), relative to the registrar of voters providing a monthly update of the official list of registered voters to the clerk of court; to require that a monthly update of the official list of registered voters be provided by the registrar of voters to the clerk of court at his request and at no charge or remuneration; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Theunissen
Dardenne	Johnson	Thomas

Dean	Jones, B	Ullo
Dupre	Jones, C	
Fields, C	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Lambert	Tarver
Ellington	McPherson	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 724—

BY REPRESENTATIVE SHAW

AN ACT

To enact R.S. 1:58.1, relative to the remembrance of special days; to designate August 16 as "National Airborne Day" in Louisiana; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Theunissen
Dardenne	Johnson	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, C	
Ellington	Lambert	
Total—37		

NAYS

Total—0

ABSENT

McPherson	Tarver
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 800—
BY REPRESENTATIVES DONELON AND FLAVIN
AN ACT

To amend and reenact R.S. 32:900(L), relative to automobile liability policies; to provide for the named insured; to provide for exclusions; to provide for agreements; to provide for legislative intent; to legislatively overrule certain case law; and to provide for related matters.

Floor Amendments Sent Up

Senator Cravins sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cravins to Engrossed House Bill No. 800 by Representative Donelon

AMENDMENT NO. 1

In Senate Committee Amendment No. 2 proposed by the Senate Committee on Insurance and adopted by the Senate on May 17, 2001, on line 8, change "restatement" to "reinstatement"

On motion of Senator Cravins, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fontenot McPherson
Bajoie Gautreaux Michot
Barham Heitmeier Mount
Bean Hines Romero
Boissiere Hollis Schedler
Cain Hoyt Smith
Campbell Irons Theunissen
Cravins Johnson Thomas
Dardenne Jones, B Ullo
Dean Jones, C
Dupre Lentini
Total—31

NAYS

Chaisson Fields, C Malone
Ellington Fields, W Marionneaux
Total—6

ABSENT

Lambert Tarver
Total—2

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 804—
BY SENATOR HOLLIS
AN ACT

To amend and reenact R.S. 46:153.3(B)(3) and to enact R.S. 46:153.3(B)(6) and Chapter 55 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2701 through 2706; to enact the Louisiana Fair Prescription Drug Pricing Act; to state findings and purpose; to provide definitions; to provide for the creation and operation of the Rx program; to authorize the secretary of the Department of Health and Hospitals to negotiate rebates from drug manufacturers and labelers; to require certain pharmacies to provide prescription drugs at a specified rate; to provide eligibility requirements for program participants; to provide for operations of the Rx program; to authorize prior Medicaid authorization of drugs sold by manufacturers and labelers that do not enter into rebate agreements; to provide for discrepancies in the amount estimated and provided in rebates; to create the Rx Dedicated Fund in the state treasury; to provide for the collections and disbursements of said fund; to provide for penalties; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie Fontenot Marionneaux
Barham Gautreaux McPherson
Bean Heitmeier Michot
Boissiere Hines Mount
Cain Hollis Romero
Campbell Hoyt Schedler
Chaisson Johnson Smith
Dean Jones, B Theunissen
Dupre Jones, C Thomas
Ellington Lambert Ullo
Fields, C Lentini
Fields, W Malone
Total—34

NAYS

Total—0

ABSENT

Mr. President Dardenne Tarver
Cravins Irons
Total—5

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

May 24, 2001

HOUSE BILL NO. 864—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 40:1428(A)(2) and (4) and to enact R.S. 40:1428(D), relative to insurance fraud; to provide for fee assessments; to provide for exemptions; to provide relative to the disposition of fees collected; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneau
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lambert	
Fields, C	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Mr. President	Tarver
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 880—

BY REPRESENTATIVE SCHWEGMANN

AN ACT

To amend and reenact R.S. 40:2144(H)(3), relative to the Hospital Records and Retention Act; to provide for rules related to verbal orders; to provide that promulgated rules related to orders given verbally or transmitted electronically grant a health care provider up to ten days to sign or countersign an electronically transmitted order; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneau
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, C	Ullo
Total—36		

NAYS

Total—0

ABSENT

Cravins	Lambert	Tarver
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Bajoie moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 24, 2001

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 1825—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 9:203(C), relative to persons who are authorized to perform marriages; to provide for the authority of

retired justices of the peace to perform marriages; and to provide for related matters.

HOUSE BILL NO. 3—

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM
AN ACT

To enact the Omnibus Bond Authorization Act of 2001, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; and to provide for related matters.

HOUSE BILL NO. 230—

BY REPRESENTATIVE LAFLEUR
AN ACT

To amend and reenact R.S. 9:2795.1(A)(3)(a) and (4), (E), (F) and 2796(A), relative to civil liability, to provide for the limitation of liability for Courir de Mardi Gras parades including traditional rural Mardi Gras parades; to provide for the limitation of liability of certain farm animal activities; and to provide for related matters.

HOUSE BILL NO. 579—

BY REPRESENTATIVE WADDELL
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the recommendation for payment rendered by the Board of Tax Appeals in the claim against the state entitled "Gannett River States Publishing Corporation v. State of Louisiana"; and to provide for related matters.

HOUSE BILL NO. 556—

BY REPRESENTATIVE PINAC
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2000-2001 to be used to pay the settlement in the suit entitled "Gordon P. Jeansonne v. Louisiana Department of Health and Human Resources, et al."; and to provide for related matters.

HOUSE BILL NO. 595—

BY REPRESENTATIVES ANSARDI AND MCMAINS
AN ACT

To amend and reenact Civil Code Article 395 and to repeal the provisions of Section 2 of Act No. 25 of the First Extraordinary Session of 2000 which amend and reenact Civil Code Article 1492 only, relative to incapacity of interdicts; to provide for capacity to make juridical acts; to retain existing provisions on proof of incapacity to donate; and to provide for related matters.

HOUSE BILL NO. 609—

BY REPRESENTATIVE DOWNER
AN ACT

To amend and reenact R.S. 47:505(B) and (H), relative to registration of motor vehicles; to authorize the transfer of number plates on motor vehicles under certain circumstances; to require removal of the number plate at the time a vehicle is replaced; to require the promulgation of rules and regulations; and to provide for related matters.

HOUSE BILL NO. 647—

BY REPRESENTATIVE DIEZ
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the recommendation for payment rendered by the Board of Tax Appeals in the claim against the state entitled "Alloy Piping Products v. State of Louisiana"; and to provide for related matters.

HOUSE BILL NO. 648—

BY REPRESENTATIVE DOWNER
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay certain claims against the state recommended for payment by the Board of Tax Appeals; and to provide for related matters.

HOUSE BILL NO. 734—

BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 9:154.1 and R.S. 19:111.1, relative to expropriation; to provide for the ownership of certain funds paid by the town of Berwick; to provide for the abandonment of the funds; to provide for the return of the funds; and to provide for related matters.

HOUSE BILL NO. 765—

BY REPRESENTATIVES SALTER AND DOWNER
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Natchitoches Parish Port Commission v. Deblieux & Kelley, Inc."; to provide for interest and other costs; and to provide for related matters.

HOUSE BILL NO. 715—

BY REPRESENTATIVE DIEZ
AN ACT

To amend and reenact R.S. 32:771(2), 773.1(A)(2)(m) and (n), and 773.2(D) and to enact R.S. 32:773.1(A)(2)(p) and 773.2(F), relative to used motor vehicle dealers; to provide relative to a new marine, motorcycle, or all-terrain vehicle dealer's area of responsibility; to provide for notices and hearings; and to provide for related matters.

HOUSE BILL NO. 508—

BY REPRESENTATIVE DANIEL
A JOINT RESOLUTION

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, to authorize the investment in stocks of certain funds of institutions of higher education or their management boards; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

HOUSE BILL NO. 2 —

BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE
AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making

May 24, 2001

appropriations from certain sources; and to provide for related matters.

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

HOUSE BILL NO. 2 —
BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE

AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 3—
BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM

AN ACT

To enact the Omnibus Bond Authorization Act of 2001, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 230—
BY REPRESENTATIVE LAFLEUR

AN ACT

To amend and reenact R.S. 9:2795.1(A)(3)(a) and (4), (E), (F) and 2796(A), relative to civil liability, to provide for the limitation of liability for Courir de Mardi Gras parades including traditional rural Mardi Gras parades; to provide for the limitation of liability of certain farm animal activities; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 508—
BY REPRESENTATIVE DANIEL

A JOINT RESOLUTION

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, to authorize the investment in stocks of certain funds of institutions of higher education or their management boards; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 556—
BY REPRESENTATIVE PINAC

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 2000-2001 to be used to pay the settlement in the suit entitled "Gordon P. Jeansonne v. Louisiana Department of Health and Human Resources, et al."; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 579—
BY REPRESENTATIVE WADDELL

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the recommendation for payment rendered by the Board of Tax Appeals in the claim against the state entitled "Gannett River States Publishing Corporation v. State of Louisiana"; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 595—
BY REPRESENTATIVES ANSARDI AND MCMAINS

AN ACT

To amend and reenact Civil Code Article 395 and to repeal the provisions of Section 2 of Act No. 25 of the First Extraordinary Session of 2000 which amend and reenact Civil Code Article 1492 only, relative to incapacity of interdicts; to provide for capacity to make juridical acts; to retain existing provisions on proof of incapacity to donate; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 609—
BY REPRESENTATIVE DOWNER

AN ACT

To amend and reenact R.S. 47:505(B) and (H), relative to registration of motor vehicles; to authorize the transfer of number plates on motor vehicles under certain circumstances; to require removal of the number plate at the time a vehicle is replaced; to require the promulgation of rules and regulations; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

HOUSE BILL NO. 647—
BY REPRESENTATIVE DIEZ

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the recommendation for payment rendered by the Board of Tax Appeals in the claim against the state entitled "Alloy Piping Products v. State of Louisiana"; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 648—

BY REPRESENTATIVE DOWNER

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay certain claims against the state recommended for payment by the Board of Tax Appeals; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 715—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:771(2), 773.1(A)(2)(m) and (n), and 773.2(D) and to enact R.S. 32:773.1(A)(2)(p) and 773.2(F), relative to used motor vehicle dealers; to provide relative to a new marine, motorcycle, or all-terrain vehicle dealer's area of responsibility; to provide for notices and hearings; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce and Consumer Protection.

HOUSE BILL NO. 734—

BY REPRESENTATIVE JACK SMITH

AN ACT

To enact R.S. 9:154.1 and R.S. 19:111.1, relative to expropriation; to provide for the ownership of certain funds paid by the town of Berwick; to provide for the abandonment of the funds; to provide for the return of the funds; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 765—

BY REPRESENTATIVES SALTER AND DOWNER

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "Natchitoches Parish Port Commission v. Deblieux & Kelley, Inc."; to provide for interest and other costs; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 1825—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 9:203(C), relative to persons who are authorized to perform marriages; to provide for the authority of retired justices of the peace to perform marriages; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

Messages from the House

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

Message from the House**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 24, 2001

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 179—

BY REPRESENTATIVE FLAVIN

A CONCURRENT RESOLUTION

To commend Ms. Angel Tartamella of Lake Charles, upon the occasion of her retirement, for her dedicated service to education in Louisiana and to record and recognize her numerous contributions to Louisiana's young people during the twenty-two years she has devoted to improving the knowledge and skills of students as a teacher at Our Lady Queen of Heaven Catholic School.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

House Concurrent Resolutions

Senator Lambert asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 179—

BY REPRESENTATIVE FLAVIN

A CONCURRENT RESOLUTION

To commend Ms. Angel Tartamella of Lake Charles, upon the occasion of her retirement, for her dedicated service to education in Louisiana and to record and recognize her numerous contributions to Louisiana's young people during the twenty-two years she has devoted to improving the knowledge and skills of students as a teacher at Our Lady Queen of Heaven Catholic School.

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

ROLL CALL

The roll was called with the following result:

YEAS

May 24, 2001

Mr. President	Fields, W	Lentini
Bajoie	Fontenot	Malone
Barham	Gautreaux	Marionneaux
Bean	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Hollis	Mount
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Dardenne	Johnson	Smith
Dupre	Jones, B	Theunissen
Ellington	Jones, C	Thomas
Fields, C	Lambert	Ullo
Total—36		

NAYS

Total—0

ABSENT

Cravins	Dean	Tarver
Total—3		

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

EDUCATION

Senator Theunissen, Chairman on behalf of the Committee on Education, submitted the following report:

May 24, 2001

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 100—

BY SENATOR C. JONES

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education and the state Department of Education to seek any and all federal grant opportunities to provide financial assistance for the start-up and operational expenses of charter schools in Louisiana.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 126—

BY SENATOR W. FIELDS

A CONCURRENT RESOLUTION

To establish a special committee to study service-learning and the feasibility and advisability of requiring service-learning as a requirement for high school graduation, and to provide recommendations to the Senate and House committees on education.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 129—

BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the importance of international education as economic development and the feasibility of establishing a state international education policy to further economic competitiveness and to promote the international exchange of scholars through mutual understanding and cooperation among other countries.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 131—

BY SENATOR W. FIELDS

A CONCURRENT RESOLUTION

To establish a special committee to review all aspects and issues regarding the value, use, eligibility for, cost of, and funding for the Tuition Opportunity Program for Students including the TOPS-Tech Program and the TOPS for Teachers Program and to offer recommendations to the legislature for any changes that the special committee determines, based on its review, are necessary to insure that the program is appropriately focused to assure access to postsecondary education for all Louisiana students who demonstrate, by their qualifications and achievement, a desire for the opportunity to attain a postsecondary education and the readiness to benefit from such education; is fairly structured, implemented, and administered; is projected to have a cost, the funding for which is predictable and manageable; and is meeting the goals for which each award program was established including TOPS-Tech and TOPS for Teachers.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 29—

BY REPRESENTATIVE FUTRELL

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to adopt or enter into teacher certification reciprocity agreements with other states and to streamline current certification requirements for teachers coming into the state in order to attract more new teachers to Louisiana public schools.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 74—

BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To provide relative to racism and education about racism.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVES PIERRE AND CRANE

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to formulate, develop, adopt, and recommend to the legislature a funding formula for public postsecondary education in Louisiana that excludes any funding calculation for the cost of providing remedial or developmental instruction to first-time entering freshmen at any

Louisiana public college or university that offers academic degrees at the baccalaureate level or higher; and to provide for related matters

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 142—

BY REPRESENTATIVES WINSTON, R. ALEXANDER, DOERGE, DURAND, GLOVER, ILES, L. JACKSON, M. JACKSON, KATZ, MCDONALD, SCHWEGMANN, SHAW, AND WELCH

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Social Services to extend the time allowed for recipients under the Temporary Assistance to Needy Families to complete education or training.

Reported favorably.

HOUSE BILL NO. 389—

BY REPRESENTATIVE SCALISE

AN ACT

To enact R.S. 17:3048.1(S)(5), relative to the powers and duties of the Louisiana Student Financial Assistance Commission; to provide for the administration of the Tuition Opportunity Program for Students, including provisions to prohibit restrictions or delays relative to the date that Tuition Opportunity Program for Students awards may be first used by students who graduate from high school in less than four years; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 410—

BY REPRESENTATIVES K. CARTER, BOWLER, BRUNEAU, DANIEL, FUTRELL, HUNTER, L. JACKSON, LANDRIEU, MURRAY, PINAC, QUEZAIRE, RICHMOND, NEVERS, AND PRATT

AN ACT

To enact R.S. 17:3048.1(V), relative to the Tuition Opportunity Program for Students; to provide eligibility for program awards for certain students receiving high school equivalency diplomas; to provide conditions and limitations; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1150—

BY REPRESENTATIVE WINSTON

AN ACT

To authorize the St. Tammany Parish School Board to name the stadium facility at Covington High School "Jack Salter Stadium"; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1527—

BY REPRESENTATIVE BROOME

AN ACT

To amend and reenact R.S. 43:111(A)(7), relative to authorization for advertising within the Department of Culture, Recreation and Tourism; to authorize the executive office of the secretary, the office of cultural development, the office of film and video, the office of the state library, and the office of state museums to

advertise when funds have been appropriated for that purpose; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1686—

BY REPRESENTATIVE BROOME

AN ACT

To repeal R.S. 56:1692.1(B) and R.S. 56:1693.2(B), relative to fee exemptions at state parks; to delete provisions authorizing certain complete fee exemptions during the winter camping season; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1800—

BY REPRESENTATIVE CROWE

AN ACT

To enact R.S. 17:3048.1(V), relative to the Tuition Opportunity Program for Students; to provide eligibility for certain program awards for students graduating from high schools or completing home study programs outside of the United States and its territories; to provide conditions and limitations; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1858—

BY REPRESENTATIVE BROOME

AN ACT

To amend and reenact R.S. 41:1610, relative to conservation of archaeological resources on state lands; to provide relative to the unlawful removal or sale, purchases, exchanges, transport, or receipt of archaeological resources from such lands; to provide relative to penalties for violations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1901—

BY REPRESENTATIVE MCDONALD

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(a)(iii) and (4)(a)(iii), (C)(2)(f) and (h)(i), (K)(3)(a) and (b), (L), and (Q)(1)(a) and (b), relative to the Tuition Opportunity Program for Students; to provide for initial and continuing program eligibility, including revising certain residency requirements, providing relative to test dates, and reducing the time period in which a student can regain program eligibility when lost due to academic performance; to provide conditions and limitations; to provide relative to a student who initially qualifies for more than one program award; to refer to court-ordered custodians rather than legal guardians; to provide for program administration; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

May 24, 2001

HOUSE BILL NO. 1945—

BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 17:3048.1(A)(1)(c)(iii), relative to the Tuition Opportunity Program for Students Performance Award; to provide eligibility requirements for an initial award; to provide conditions and limitations; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 2012—

BY REPRESENTATIVE DANIEL
AN ACT

To enact R.S. 17:3048.3 and 3048.4, relative to the Tuition Opportunity Program for Students; to provide for the establishment and implementation of a uniform information reporting system; to provide for applicability; to provide relative to compliance with reporting system requirements by colleges and universities, including requiring compliance as a condition of eligibility to receive certain payments by the state; to require that the reporting system include certain components; to provide for certain notifications to parents and others about program availability; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
GERALD J. THEUNISSEN
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Bajoie, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

May 24, 2001

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 153—

BY REPRESENTATIVE K. CARTER
A CONCURRENT RESOLUTION

To urge and request the Vieux Carre Commission to invite the governor and the members of the legislature who represent any part of the Vieux Carre, or their designees, to attend and participate in commission meetings and to advise such officials of all commission activities.

Reported favorably.

HOUSE BILL NO. 45—

BY REPRESENTATIVES MONTGOMERY AND JANE SMITH
AN ACT

To amend and reenact R.S. 33:106.1(A)(introductory paragraph), relative to planning commissions in Bossier Parish; to provide relative to a commission's jurisdiction over certain subdivided parcels of land outside of municipalities; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 163—

BY REPRESENTATIVE DEWITT
AN ACT

To enact R.S. 38:1766(A)(3), relative to Gravity Drainage District No. 1 of Rapides Parish; to provide for the salary of the secretary-treasurer of the board of commissioners of such district; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 405—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 33:4067.1, relative to parish water and sewerage commissions; to authorize water and sewerage commissions in St. Bernard Parish to retain unclaimed or abandoned water deposits to their credit; to provide with respect to reports and notices regarding such unclaimed or abandoned deposits; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 554—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To enact R.S. 25:736(6), relative to the Donaldsonville Historic District Commission; to provide that members of the commission shall be residents and electors of the district; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 562—

BY REPRESENTATIVE FLAVIN
AN ACT

To amend and reenact R.S. 16:2(B) and R.S. 42:261(G), relative to the governing authority of the parish of Calcasieu; to authorize the parish governing authority to employ or retain its own attorney; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 567—

BY REPRESENTATIVE HOPKINS
AN ACT

To amend and reenact R.S. 46:1053(N) and to enact R.S. 46:1053(C)(2)(c), relative to the North Caddo Hospital Service District; to provide relative to increasing the membership of the board of commissioners; to provide relative to the terms of office and per diem of the members of the board of commissioners; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 692—

BY REPRESENTATIVE BRUCE

AN ACT

To enact R.S. 33:9058.3 and 9101.1, relative to certain revenues of certain parishwide districts in DeSoto Parish; to prohibit diversion of such revenues; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 737—

BY REPRESENTATIVE FUTRELL AND SENATOR DARDENNE

AN ACT

To enact R.S. 33:2740.51, to create an economic development district in East Baton Rouge Parish; to provide for governance and administration of the district; to provide for the powers and duties of the governing authority, including the authority to levy taxes and issue bonds subject to voter approval; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 930—

BY REPRESENTATIVE HOLDEN

AN ACT

To enact R.S. 33:2214(D), relative to police; to provide that certain benefits are applicable to employees of the Baton Rouge Metropolitan Airport Police/Aircraft Rescue Fire Fighting unit; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1075—

BY REPRESENTATIVES DEWITT AND FARRAR

AN ACT

To enact R.S. 47:301(10)(t) and (18)(h), relative to local sales and use taxes; to define retail sale and use to exclude the acquisition and distribution of telephone directories distributed free of charge by advertising companies not affiliated with telephone service providers; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1153—

BY REPRESENTATIVE BRUCE

AN ACT

To enact R.S. 33:381(C)(21), relative to the village of Longstreet; to authorize the governing authority of the village to abolish the office of police chief or to provide for the filling of such office by appointment; to provide for the method of appointment and for the salary, term, duties, qualifications, and supervision of an appointed police chief; to authorize the mayor and the board of aldermen to enter into a cooperative endeavor for law enforcement services; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1308—

BY REPRESENTATIVES ALARIO, K. CARTER, DANIEL, AND TUCKER

AN ACT

To enact Chapter 27-B of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.11 through 9039.37, relative to the creation of the "Community Development District Act"; to provide for definitions; to provide for the establishment of a community development district; to provide for a board of supervisors; to provide for powers and duties of the board; to provide for the issuance of bonds; to provide for assessments; to provide for fees and charges; to provide for termination of the district; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1532—

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact Act No. 487 of the 1954 Regular Session of the Legislature, as amended and reenacted by Act No. 655 of the 1997 Regular Session of the Legislature, relative to the civil service system for the employees of the city of Alexandria; to provide for the governance and the administration of the system; and to provide for related matters.

Reported favorably.

Respectfully submitted,
DIANA E. BAJOIE
Chairman

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Ellington, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 24, 2001

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 81—

BY REPRESENTATIVE BRUNEAU

A CONCURRENT RESOLUTION

To request the secretary of state to study and make recommendations regarding the issuance of statewide commissions for non-attorney notaries public and to report his findings to the House Committee on Civil Law and Procedure and the Senate Committee on Judiciary A prior to January 1, 2003.

Reported with amendments.

HOUSE BILL NO. 42—

BY REPRESENTATIVES DOWNER AND CLARKSON
AN ACT

To amend and reenact R.S. 9:3261(B) and to enact R.S. 9:3261(A)(5), relative to leases; to provide for the rights of military personnel when terminating a residential lease in certain circumstances; to provide for submission of certain documents to the lessor; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 57—

BY REPRESENTATIVES ANSARDI AND BOWLER
AN ACT

To repeal R.S. 13:4751(C)(2)(d), relative to the petition for name change of a minor; to remove the requirement of service of process when a parent has failed to communicate without just cause for ten years.

Reported favorably.

HOUSE BILL NO. 98—

BY REPRESENTATIVE R. CARTER
AN ACT

To amend and reenact R.S. 8:655(A)(1), relative to the right of disposal of human remains; to provide for preference of a surviving spouse subject to certain conditions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 101—

BY REPRESENTATIVE HILL
AN ACT

To amend and reenact Civil Code Article 2347 and to enact R.S. 3:4278.2(F), relative to community property; to require the concurrence of both spouses for the alienation, encumbrance, lease, or harvest of community timber; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 102—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 13:691(A) and to enact R.S. 13:691(B)(6), relative to district court judges; to provide for an additional salary for each of the chief judges of a district court; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 234—

BY REPRESENTATIVE PERKINS
AN ACT

To amend and reenact R.S. 9:237, relative to matrimonial regime laws; to provide for the license-issuing officer to deliver to each prospective spouse a summary of the covenant marriage law; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 339—

BY REPRESENTATIVE DANIEL
AN ACT

To enact Code of Civil Procedure Article 376, relative to expert witnesses; to provide relative to the immunity of court-appointed expert witnesses; to provide a limitation of immunity for certain actions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 720—

BY REPRESENTATIVES MCMAINS AND ANSARDI
AN ACT

To amend and reenact Code of Civil Procedure Articles 1263, 1314, 1701(B), 1702(A), 1913, 2004, 3612, 4905, and 4922, relative to the continuous revision of the Code of Civil Procedure; to provide for service of process on a partnership in commendam; to provide for service of pleadings by the sheriff; to provide for notice of judgments; to provide for the award of attorney fees in certain cases; to provide for the furnishing of a bond in certain appeals; to provide for exceptions; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 721—

BY REPRESENTATIVES MCMAINS AND ANSARDI
AN ACT

To amend and reenact Code of Civil Procedure Article 2166(D) and to enact Code of Civil Procedure Article 2166(E), relative to the filing of applications of writs of certiorari to the supreme court; to allow any other party to apply for certiorari within certain delays after the filing of the initial application; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 722—

BY REPRESENTATIVES MCMAINS, ANSARDI, AND WALSWORTH
AN ACT

To amend and reenact Code of Civil Procedure Articles 2332 and 2336, relative to the appraisal and sale of seized property; to provide for the sale of collateral through a writ of fieri facias without appraisal in an ordinary proceeding under certain circumstances; to provide exceptions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 731—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 13:2576(H)(2)(h), relative to administrative adjudication of certain violations; to provide for the seizure and sale of certain property for the failure to pay fines; to provide authority of the New Orleans Redevelopment Authority to purchase seized property; to provide for the purchase price of the property; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 757—

BY REPRESENTATIVE PERKINS

AN ACT

To enact Children's Code Article 736.1, relative to runaway juveniles; to provide for immunity from liability for law enforcement officers providing assistance to runaways; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1899—

BY REPRESENTATIVE M. JACKSON

AN ACT

To amend and reenact Code of Evidence Article 1001(5) and 1003 and R.S. 13:3733(A), (B), and (D)(introductory paragraph) and to enact Code of Evidence Article 1001(6), relative to evidence; to provide for definitions; to provide for certain business records; to provide for the admissibility of certain electronically imaged records; and to provide for related matters.

Reported favorably.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 24, 2001

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 171—

BY REPRESENTATIVE JOHNS AND SENATOR MOUNT

A CONCURRENT RESOLUTION

To commend the 2000-01 Sulphur High School softball team on being the Class 5A state champions.

HOUSE CONCURRENT RESOLUTION NO. 172—

BY REPRESENTATIVE JOHNS AND SENATOR MOUNT

A CONCURRENT RESOLUTION

To commend the 2000-01 Sulphur High School golf team on being the Class 5A state champions.

HOUSE CONCURRENT RESOLUTION NO. 173—

BY REPRESENTATIVE M. JACKSON

A CONCURRENT RESOLUTION

To commend and congratulate Gloryland Baptist Church in Baton Rouge upon the occasion of its Golden Jubilee Anniversary celebrating fifty years of faith and service.

HOUSE CONCURRENT RESOLUTION NO. 176—

BY REPRESENTATIVE SWILLING AND SENATOR BOISSIERE

A CONCURRENT RESOLUTION

To join in "Celebrating a Saintsational City", to proclaim May 22, 2001, as New Orleans Day at the legislature, and to provide for suitable observance of this special day.

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

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

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House

SIGNED HOUSE BILLS AND JOINT RESOLUTIONS

May 24, 2001

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 11—

BY REPRESENTATIVES LANDRIEU, E. ALEXANDER, R. ALEXANDER, BAUDOIN, BAYLOR, BRUCE, R. CARTER, CLARKSON, CROWE, DANIEL, DEWITT, DIEZ, ERDEY, FAUCHEUX, FRITH, FRUGE, HEATON, HEBERT, HILL, HUTTER, ILES, L. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, MARTINY, MCDONALD, MCMAINS, NEVERS, ODINET, PERKINS, PIERRE, POWELL, PRATT, RIDDLE, ROMERO, SCALISE, SCHWEGMANN, SHAW, JANE SMITH, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WELCH, AND WOOTON

AN ACT

To amend and reenact Code of Criminal Procedure Articles 571, 571.1, and 572, relative to limitations upon the institution of prosecution; to provide that there is no time limitation upon the institution of prosecution for the crime of forcible rape; and to provide for related matters.

HOUSE BILL NO. 69—

BY REPRESENTATIVE PITRE

AN ACT

To enact Part VI of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:251 through 258, relative to expropriation by the Lafourche Parish Water District No.1; to authorize the district to expropriate by a declaration of taking; to define terms; to provide for procedures; to provide for purposes of the expropriation; and to provide for related matters.

HOUSE BILL NO. 124—

BY REPRESENTATIVE BRUCE

AN ACT

To amend and reenact R.S. 14:102.8(B) and to enact R.S. 14:102.8(E), relative to killing or injuring a police animal; to make the crime applicable to dogs in the service of public safety

agencies providing fire protection, emergency medical services, emergency preparedness services, or other emergency services; to provide definitions; to provide for restitution; and to provide for related matters.

HOUSE BILL NO. 160—

BY REPRESENTATIVES DANIEL AND FAUCHEUX
AN ACT

To amend and reenact R.S. 26:71.1(4)(a) and (b) and 271.2(4)(a) and (b), relative to a Class A-Restaurant-Conditional establishment; to extend the hours that such establishment must meet certain licensing requirements; to extend the hours that a person under eighteen years of age may be present at such an establishment; and to provide for related matters.

HOUSE BILL NO. 207—

BY REPRESENTATIVE GREEN
AN ACT

To enact R.S. 14:67.17 and to repeal R.S. 27:100 and 264, relative to gaming; to repeal provisions of law with respect to cheating contained in the Louisiana Gaming Control Law; to create the crime of cheating and swindling; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 215—

BY REPRESENTATIVES PITRE, DOWNER, TRICHE, AND WOOTON AND SENATORS CHAISSON AND DUPRE
AN ACT

To amend and reenact R.S. 13:621.17, relative to district judges; to provide for an additional judgeship for the Seventeenth Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office and those of the successors in office; and to provide for related matters.

HOUSE BILL NO. 222—

BY REPRESENTATIVE CROWE AND SENATOR SCHEDLER
AN ACT

To enact R.S. 13:2487.30, relative to the City Court of Slidell; to define "operational expenses" for purposes of the City Court of Slidell; and to provide for related matters.

HOUSE BILL NO. 223—

BY REPRESENTATIVE CROWE AND SENATOR SCHEDLER
AN ACT

To enact R.S. 13:1899(J), relative to costs in criminal cases in city courts; to authorize the use of surplus probation supervision fees in criminal, traffic, and juvenile cases in the City Court of Slidell to be used for the operational expenses of the court; and to provide for related matters.

HOUSE BILL NO. 228—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To enact R.S. 13:756.9, relative to the clerk of court of St. John the Baptist Parish; to provide for a branch office on the east bank of the Mississippi River; to provide for the functions of the office; and to provide for related matters.

HOUSE BILL NO. 349—

BY REPRESENTATIVES MCMAINS AND CRANE
AN ACT

To amend and reenact the heading of Part III-B of Title 19 of the Louisiana Revised Statutes of 1950 and R.S. 19:131, 131.1(A), 131.3, 131.4, and 131.6(A), relative to expropriation of property; to authorize the parish of East Baton Rouge and the city of Baton Rouge to expropriate by a declaration of taking; to define terms; to provide for procedures; to provide for purposes of the expropriation; and to provide for related matters.

HOUSE BILL NO. 434—

BY REPRESENTATIVES MURRAY AND HEATON AND SENATOR JOHNSON
AN ACT

To amend and reenact R.S. 14:107.3(D), relative to the crime of criminal blighting of property; to provide that the maximum time that an offender convicted of that crime can be sentenced to occupy blighted property is sixty days; and to provide for related matters.

HOUSE BILL NO. 454—

BY REPRESENTATIVE WELCH
AN ACT

To amend and reenact R.S. 13:785, relative to clerks of court; to provide with respect to the disposition of the clerk's salary fund at the expiration of a clerk's term of office; and to provide for related matters.

HOUSE BILL NO. 518—

BY REPRESENTATIVES JOHN SMITH AND SENATOR CAIN
AN ACT

To amend and reenact R.S. 40:1798, relative to firearms; to provide for the disposition of firearms which have been seized by or forfeited to law enforcement agencies, the Louisiana Department of Public Safety and Corrections, office of state police, and the Louisiana Department of Wildlife and Fisheries; to provide for the disposition of surplus firearms owned by these agencies or departments; and to provide for related matters.

HOUSE BILL NO. 663—

BY REPRESENTATIVE HILL AND SENATOR HINES
AN ACT

To amend and reenact R.S. 13:621.33, relative to district judges; to provide for an additional judgeship for the Thirty-Third Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office and those of the successors in office; and to provide for related matters.

HOUSE BILL NO. 905—

BY REPRESENTATIVE DEVILLIER
AN ACT

To amend and reenact R.S. 33:1448(G) and (H), relative to insurance coverage for retired sheriffs and deputy sheriffs in certain parishes; to provide for the age at which certain premiums shall be paid for retired sheriffs and deputy sheriffs in certain parishes; to provide with respect to the Assumption Parish sheriff's office; to provide for group health and life insurance coverage for retired sheriffs and deputies; to exclude their dependents from coverage; to provide for group health and life

insurance coverage for presently retired sheriffs, deputies, and their dependents; and to provide for related matters.

HOUSE BILL NO. 944—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 14:108(B)(1)(c), relative to the crime of resisting an officer; to provide that providing certain false information regarding the identity of the arrested party constitutes obstruction of an officer; and to provide for related matters.

HOUSE BILL NO. 982—

BY REPRESENTATIVE MCMAINS
AN ACT

To enact R.S. 13:5105(E), relative to posting of civil bonds; to provide relative to the posting and payment of bonds, cash deposits, or court costs by the state, state agency, or state employee or the Patients Compensation Fund when demanding a jury trial; and to provide for related matters.

HOUSE BILL NO. 997—

BY REPRESENTATIVE MCMAINS
AN ACT

To amend and reenact Code of Civil Procedure Article 2412(B) and 2413(A), relative to garnishment under a writ of fieri facias; to provide for service of garnishment petitions; to provide for notice of contradictory hearings when a garnishee fails to answer; and to provide for related matters.

HOUSE BILL NO. 1018—

BY REPRESENTATIVES GREEN, ANSARDI, AND TOOMY AND SENATOR LENTINI
AN ACT

To enact R.S. 13:2575.1, relative to administrative adjudication; to provide for procedures for Jefferson Parish; and to provide for related matters.

HOUSE BILL NO. 1270—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 30:21(B)(1)(d), relative to the office of conservation; to provide relative to funds from application fees; and to provide for related matters.

HOUSE BILL NO. 1394—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 11:441(A)(4), relative to the Louisiana State Employees' Retirement System; to provide with respect to the initial benefit option; to provide with respect to conditions related to retirement under the twenty-year early retirement provision; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 1526—

BY REPRESENTATIVE MCMAINS
AN ACT

To amend and reenact R.S. 9:5161, relative to mortgages; to provide for the cancellation of mortgages; to provide for the reinscription of mortgages; to provide for prescription of reinscription; to provide for the effects of reinscription; and to provide for related matters.

HOUSE BILL NO. 1785—

BY REPRESENTATIVES GREEN AND MURRAY
AN ACT

To amend and reenact R.S. 13:1347(A)(2) and (D)(1), relative to the commissioners of the Criminal District Court for the parish of Orleans; to provide for the salary of the commissioners; to provide relative to the support personnel including minute clerks and stenographers; and to provide for related matters.

HOUSE BILL NO. 1859—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact Code of Criminal Procedure Articles 411(A), 412(A), and 413(B) and to repeal Code of Criminal Procedure Article 413(C), relative to drawing of grand jury venire and impaneling a grand jury; to provide for a statewide procedure for drawing a grand jury venire and impaneling a grand jury; to amend procedures for drawing of grand jury venire in Orleans Parish; to provide procedures for impaneling a grand jury; and to provide for related matters.

HOUSE BILL NO. 1876—

BY REPRESENTATIVES DONELON AND JOHNS AND SENATOR SCHEDLER
AN ACT

To enact R.S. 40:964, Schedule III(G)(1) and to repeal R.S. 40:964, Schedule II(A)(5), relative to controlled dangerous substances; changes the schedule classification of Synthetic Dronabinol; and to provide for related matters.

HOUSE BILL NO. 1927—

BY REPRESENTATIVE NEVERS
AN ACT

To amend and reenact R.S. 15:146(B)(1)(introductory paragraph), relative to the funding of the indigent defender programs; to exempt certain additional mayors' courts from the requirement of collecting court costs to fund the program; and to provide for related matters.

HOUSE BILL NO. 179—

BY REPRESENTATIVE NEVERS
AN ACT

To enact R.S. 47:306(B)(1)(d)(iii), relative to advance collection of state sales taxes; to provide that the advance collection of state sales tax shall not apply to certain dealers in all-terrain vehicles and marine products; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 229—

BY REPRESENTATIVES HUDSON AND LAFLEUR
AN ACT

To amend and reenact R.S. 47:332.20, relative to the disposition of certain collections in St. Landry Parish; to provide for the dedication of an additional one cent of sales taxes collected on room rentals in St. Landry Parish; to provide for the use of such monies; and to provide for related matters.

HOUSE BILL NO. 261—

BY REPRESENTATIVES GALLOT AND R. ALEXANDER
AN ACT

To enact R.S. 47:302.51, 322.43, and 332.49, relative to the disposition of certain sales tax collections in Bienville Parish; to establish the Bienville Parish Tourism and Economic

May 24, 2001

Development Fund in the state treasury; to provide for deposit of monies into the fund; to provide for uses of monies in the fund; and to provide for related matters.

HOUSE BILL NO. 483—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To enact Part I-A of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:408.1 through 408.5, relative to the Louisiana State Employees' Retirement System; to provide for electronic signatures and records, including but not limited to the legal effect of such signatures and records, the use of such signatures and records for system records, procedures for the use of such signatures and records, and definitions related thereto; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 497—

BY REPRESENTATIVES SCHNEIDER, JOHN SMITH, CURTIS, DEWITT, DOERGE, DOWNER, AND WALSWORTH AND SENATOR LENTINI
AN ACT

To amend and reenact R.S. 11:1316(C)(2), 1317, 1321(A)(2), and 1322(C), relative to the State Police Pension and Retirement System; to provide with respect to the survivor benefits payable to minor children; to provide with respect to the criteria used to determine eligibility for such benefits and certain limitations applicable to the payment thereof; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 896—

BY REPRESENTATIVES JOHNS AND THOMPSON
AN ACT

To amend and reenact R.S. 47:304(F), relative to the state sales and use tax; to permit a dealer to absorb the tax under certain circumstances; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1029—

BY REPRESENTATIVE DAMICO AND SENATOR FONTENOT
AN ACT

To amend and reenact R.S. 30:2050.7(A) and (E) and to enact R.S. 30:2050.7(F), relative to the approval or rejection of the attorney general of beneficial environmental projects or cash penalties as settlement for civil penalty assessments by the Department of Environmental Quality; to provide procedure and time limits; to provide procedures for specific beneficial environmental projects; and to provide for related matters.

HOUSE BILL NO. 1039—

BY REPRESENTATIVES LEBLANC, DEWITT, AND MURRAY
AN ACT

To amend and reenact R.S. 15:574.4(A)(2)(a)(introductory paragraph), relative to intensive incarceration and intensive parole supervision; to provide for eligibility; and to provide for related matters.

HOUSE BILL NO. 1105—

BY REPRESENTATIVES LEBLANC AND DEWITT
AN ACT

To enact R.S. 47:1582, relative to the failure to pay tax; to provide for a rule to cease business for failure by certain persons to remit taxes collected on behalf of the state to the Department of

Revenue; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1156—

BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to the City Court of Ruston; to increase the jurisdictional amount in dispute for civil jurisdiction; and to provide for related matters.

HOUSE BILL NO. 1172—

BY REPRESENTATIVES LEBLANC AND DEWITT
AN ACT

To enact R.S. 47:1508(B)(18), relative to the confidentiality of state tax records; to provide for an exception to confidentiality requirements for certain delinquent taxpayers; to authorize the publication of the names of such delinquent taxpayers; and to provide for related matters.

HOUSE BILL NO. 1242—

BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact R.S. 15:574.5(B)(1) and (E) and to enact R.S. 15:574.5(F), relative to intensive incarceration and parole supervision of persons held by sheriffs in eligible parishes; to amend the duration of the intensive incarceration; to define "eligible parish"; to provide for reimbursement of not more than three additional dollars for participation in the intensive incarceration program; and to provide for related matters.

HOUSE BILL NO. 1342—

BY REPRESENTATIVE SCHNEIDER AND SENATOR BOISSIERE
AN ACT

To enact Subpart C of Part IV of Chapter 2 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:815, relative to the Teachers' Retirement System; to provide with respect to benefits, including but not limited to the payment of benefits through electronic funds transfer; to provide exceptions; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 1357—

BY REPRESENTATIVES SCHNEIDER, DANIEL, AND DOERGE
AN ACT

To amend and reenact R.S. 11:1162(A)(introductory paragraph) and (7), relative to the Louisiana School Employees' Retirement System; to provide with respect to the board of trustees, including but not limited to the addition of a retired member to the board and the terms of office of the retired members of the board; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 1359—

BY REPRESENTATIVES SCHNEIDER, DANIEL, AND DOERGE
AN ACT

To amend and reenact R.S. 11:1141(C)(1), relative to the Louisiana School Employees' Retirement System; to provide with respect to the reemployment of retirees, including but not limited to the employer entities by which a retiree cannot become reemployed; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 1361—

BY REPRESENTATIVES SCHNEIDER, DANIEL, AND DOERGE
AN ACT

To enact R.S. 11:1152.1 and to repeal R.S. 11:1150(B)(5), relative to the Louisiana School Employees' Retirement System; to provide with respect to benefits, including but not limited to the criteria used for determining eligibility for the Initial Benefit Retirement Plan and the total amount of benefits that are allowable pursuant to the plan and the method of distributing such benefits; to repeal and redesignate the statutory section for the Initial Benefit Option; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 1399—

BY REPRESENTATIVES LANCASTER AND MONTGOMERY
AN ACT

To enact R.S. 47:299.2(1)(a)(vii) and 299.11(9), relative to offset claims against individual income tax refunds; to authorize the Louisiana Board of Ethics to file such claim; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1402—

BY REPRESENTATIVES LEBLANC AND DEWITT
AN ACT

To amend and reenact R.S. 47:299.1, 299.2(1)(a), and 299.11(8) and to enact R.S. 47:299.11(9), relative to offset claims against individual income tax refunds; to authorize any agency of the state to file such claim; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1818 (Substitute for House Bill No. 1576 by Representative Doerge)—

BY REPRESENTATIVES DOERGE, MONTGOMERY, JANE SMITH, AND WADDELL AND SENATOR CAMPBELL
AN ACT

To amend and reenact R.S. 22:1585(A) and (F) and R.S. 40:1593 and to repeal R.S. 22:1585(F), relative to state expenditures for fire protection activities; to provide for distribution of the proceeds of certain fire insurance premium taxes; to provide support for certain firefighter training facilities; to abolish the Volunteer Firefighter Insurance Premium Fund; to provide for payment of certain volunteer firefighter group insurance premiums; to provide for effective dates; and to provide for related matters.

HOUSE BILL NO. 53—

BY REPRESENTATIVES BRUNEAU, DANIEL, AND MCDONALD
AN ACT

To amend and reenact R.S. 13:5108.3 and to enact R.S. 13:5108.4, relative to payment of legal fees and expenses for certain state officials and employees; to provide for conditions under which persons may be eligible for reimbursement or payment of legal expenses incurred in defense of criminal charges brought against them for actions taken in the course of their duties with the state; to provide for the method of payment; to provide for the establishment of a review board; to establish rates for the reimbursement of legal fees; to provide for the publication of such rates; to provide for a limitation in the amount of legal fees for which the state is liable; and to provide for related matters.

HOUSE BILL NO. 55—

BY REPRESENTATIVE DOWNER AND SENATORS DUPRE AND GAUTREAUX

AN ACT

To redesignate a portion of Louisiana Highway 311 between St. Charles Avenue and Polk Street, located in Terrebonne Parish, as Veterans Parkway; and to provide for related matters.

HOUSE BILL NO. 97—

BY REPRESENTATIVES BRUNEAU AND MURRAY
AN ACT

To enact R.S. 11:1352(F), relative to certain judges covered by the Judges' Noncontributory Retirement Plan; to provide with respect to retirement benefits and eligibility for such benefits; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 122—

BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact R.S. 40:1543, 1544, and 1546, relative to the training and certification of firemen at Louisiana State University; to require reciprocity certification when International Fire Service Accreditation Congress accreditation standards are met; to clarify provisions relative to certification of continuing education courses, administration of federal funds, and coordination of state, private, and federal efforts; to provide for the proper agency; and to provide for related matters.

HOUSE BILL NO. 180—

BY REPRESENTATIVE ODINET
AN ACT

To enact R.S. 17:71.5(D), relative to school board reapportionment; to require a school board to reapportion itself under certain circumstances; to provide guidelines and procedures to be used in such reapportionment; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 242—

BY REPRESENTATIVE LEBLANC
AN ACT

To amend and reenact R.S. 47:322.28(B), relative to the disposition of collections of monies in the Lafayette Parish Visitor Enterprise Fund; to provide for priority of funding of purposes established by the fund; and to provide for related matters.

HOUSE BILL NO. 259—

BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 56:699.6, relative to firearm and hunter education; to exempt certain armed forces personnel and law enforcement officers from the firearm and hunter education requirement; and to provide for related matters.

HOUSE BILL NO. 274—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 13:42 and 47, relative to reports of the Judicial Compensation Commission; to authorize the legislature to enact legislation increasing judicial salaries at regular sessions convening in an odd-numbered year and at extraordinary sessions of the legislature; to clarify the effective date of the salaries recommended in the report; and to provide for related matters.

HOUSE BILL NO. 281—

BY REPRESENTATIVE PITRE

AN ACT

To amend and reenact R.S. 56:259(C)(1) and to enact R.S. 56:116.1(C)(6), relative to taking quadrupeds; to authorize the hunting of nutria; to provide for promulgation of rules and regulations by the Wildlife and Fisheries Commission; and to provide for related matters.

HOUSE BILL NO. 284—

BY REPRESENTATIVE SCHNEIDER AND SENATOR SCHEDLER

AN ACT

To enact R.S. 32:861(E), relative to compulsory motor vehicle liability security; to provide for out-of-state vehicles; to provide for requirements; to provide for rules; to provide for sanctions; and to provide for related matters.

HOUSE BILL NO. 351—

BY REPRESENTATIVE PITRE

AN ACT

To enact R.S. 18:447, relative to fundraising and expenditures by a political party parish executive committee; to permit a parish executive committee to accept donations, conduct fundraising activities, and accept funds from such activities; to provide relative to the use of such funds; to exempt such receipts and disbursements from the reporting requirements of the Campaign Finance Disclosure Act; to provide for inclusion of such funds on annual financial statements; and to provide for related matters.

HOUSE BILL NO. 364—

BY REPRESENTATIVES DAMICO AND TOOMY

AN ACT

To amend and reenact R.S. 17:416.13 and to enact R.S. 17:416.15, relative to student discipline policies; to require local school boards to adopt policies prohibiting harassment, intimidation, and bullying by students; to provide for definitions; to provide relative to certain immunity for students, employees, and volunteers who report incidents of harassment, intimidation, or bullying; to provide exemptions; to authorize local school boards to adopt and implement certain zero tolerance policies; to authorize the inclusion of certain requirements in such policies; to authorize local school boards to charge fees relative to such requirements; to provide limitations; to provide relative to compliance; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 403—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 37:142, 143, and 144(A), relative to the State Board of Architectural Examiners; to provide for board membership; to provide for terms of office; to provide for a quorum; and to provide for related matters.

HOUSE BILL NO. 521—

BY REPRESENTATIVE RIDDLE

AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(1)(e), relative to the tourist commissions in certain parishes; to increase the maximum rate of the hotel occupancy tax which such commissions may levy; and to provide for related matters.

HOUSE BILL NO. 535—

BY REPRESENTATIVES ANSARDI AND MARTINY AND SENATOR LENTINI

AN ACT

To enact R.S. 33:441.1(C), relative to the mayor's court for the city of Kenner; to create the office of animal hearing officer; to provide for selection and qualifications for office; to provide for the salary of the office; to provide for jurisdiction of the office; and to provide for related matters.

HOUSE BILL NO. 563—

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 32:315.1, relative to trailers; to provide that trailers hauling sugarcane shall be marked with reflecting tape; and to provide for related matters.

HOUSE BILL NO. 623—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To authorize and provide for the lease of certain state property in St. John the Baptist Parish and Tangipahoa Parish from the Department of Transportation and Development; to provide for advertisement and bid; and to provide for related matters.

HOUSE BILL NO. 683—

BY REPRESENTATIVES MURRAY, HEATON, ANSARDI, AND MARTINY

AN ACT

To amend and reenact R.S. 14:62, relative to the crime of burglary; to provide that the crime of simple burglary includes the unauthorized entering of any cemetery with the intent to commit a felony or any theft therein; and to provide for related matters.

HOUSE BILL NO. 687—

BY REPRESENTATIVE PITRE

AN ACT

To designate the Coastal Corridor along certain highways in Lafourche Parish; to provide for certain phases of the Coastal Corridor; to require the Department of Transportation and Development to place certain signage; and to provide for related matters.

HOUSE BILL NO. 888 (Duplicate of Senate Bill No. 295)—

BY REPRESENTATIVE PINAC AND SENATOR MICHOT AND COAUTHORED BY REPRESENTATIVES MCMAINS AND RICHMOND

AN ACT

To enact Chapter 1 of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2601 through 2620, relative to uniform electronic transactions; to enact the Uniform Electronic Transactions Act; to provide for definitions; to provide for the applicability of electronic records and electronic signatures; to provide for exceptions to the use of electronic records and electronic signatures; to provide for variation by agreement in certain circumstances; to provide for legal recognition and enforceability; to provide for satisfaction of requirements for written records; to provide for attribution of electronic records and electronic signatures to individuals; to provide for the effect of changes or errors in electronic records; to provide for the use of security procedures; to provide for notarization and acknowledgment; to provide for the retention of electronic records; to provide for the admissibility of electronic records and electronic signatures into evidence; to provide rules for automated transactions; to provide for the

sending, receiving, and retrieving of electronic records and electronic signatures; to provide for transferable electronic records; to provide for the creation, retention, acceptance, distribution, and interoperability of electronic records by governmental agencies; and to provide for related matters.

HOUSE BILL NO. 964—

BY REPRESENTATIVE DIEZ

AN ACT

To authorize and provide for the transfer or lease of certain state property in East Baton Rouge Parish and Orleans Parish to the Department of Transportation and Development from the Department of Public Safety and Corrections and the Department of Culture, Recreation and Tourism; and to provide for related matters.

HOUSE BILL NO. 1170—

BY REPRESENTATIVE FUTRELL

AN ACT

To amend and reenact R.S. 32:393(C)(2) and (3), relative to traffic violations; to remove prohibition of certain agencies reporting unpaid fines for traffic and parking violations to credit information agencies; to remove prohibition of certain agencies from entering into contracts to provide records of unpaid traffic fines to credit information agencies; to authorize certain agencies to contract with consumer reporting agencies for certain services; to remove penalties relative to disclosure of certain information; to limit the information contained in consumer reports for unpaid traffic fines; and to provide for related matters.

HOUSE BILL NO. 1180—

BY REPRESENTATIVE DURAND AND SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 47:463.4(A)(6) and (7), (B)(1), (E)(3), (G)(4), (J)(2)(b), and (M) and to enact R.S. 47:463.4(N), relative to vehicle license plates, hang tags, and identification cards for mobility-impaired persons; to provide relative to medical professionals who are authorized to certify that a person is mobility-impaired; and to provide for related matters.

HOUSE BILL NO. 1281—

BY REPRESENTATIVE CLARKSON

AN ACT

To enact R.S. 37:1447, relative to real estate licensees; to prohibit solicitation of certain referral fees; to prohibit interference with brokerage relationships; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 1333—

BY REPRESENTATIVES GALLOT AND THOMPSON AND SENATOR MALONE

AN ACT

To authorize and provide for the transfer or lease of certain state property in Claiborne Parish to the Louisiana Agricultural Finance Authority from the Department of Transportation and Development; and to provide for related matters.

HOUSE BILL NO. 1406—

BY REPRESENTATIVES PIERRE AND THOMPSON

AN ACT

To amend and reenact R.S. 56:10(B)(1)(d) and (5) and (D), 104(B)(4), Subpart A-1 of Part IV of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:151 through 157, and R.S. 56:642(A) and 649.1(A), relative to the Louisiana Duck Stamp Program; to change the duck stamp to a license; to change the manner in which the duck stamp is designed and issued; and to provide for related matters.

HOUSE BILL NO. 1415—

BY REPRESENTATIVE ODINET AND SENATOR DEAN

AN ACT

To amend and reenact R.S. 56:325.3(B) and (F), relative to commercial spotted trout and red drum fishery regulations; to provide relative to penalties imposed on violators of fishery laws and regulations; and to provide for related matters.

HOUSE BILL NO. 1479—

BY REPRESENTATIVE DONELON AND SENATOR BEAN

AN ACT

To amend and reenact R.S. 22:228(A) and (C), 228.1(B)(3), (6), and (10), 228.2(A), 228.4, and 228.6(B) and (C), relative to health insurance coverage; to provide relative to rating limitations for individual and small group health insurance coverage; to provide relative to cancellation by a group, individual, family group, or blanket health insurer; and to provide for related matters.

HOUSE BILL NO. 1498—

BY REPRESENTATIVE ANSARDI

AN ACT

To enact R.S. 22:675, relative to stop-loss or excess policies of insurance; to establish standards for such policies; and to provide for related matters.

HOUSE BILL NO. 1590—

BY REPRESENTATIVES RICHMOND AND PRATT AND SENATOR BEAN

AN ACT

To enact R.S. 22:1117(H), relative to health insurance coverage; to prohibit insurers, agents, and brokers from accepting or processing an application for coverage under a Medicare+Choice plan unless certain requirements are met; and to provide for related matters.

HOUSE BILL NO. 1627—

BY REPRESENTATIVE ERDEY

AN ACT

To amend and reenact R.S. 22:982(A)(3), to enact R.S. 22:987(A)(18), and to repeal R.S. 22:982(A)(11) and (12), relative to foreign and alien insurers; to provide with respect to requirements for such insurers to obtain certificates of authority from the commissioner of insurance; to provide relative to grounds for refusal, suspension, or revocation of such certificates of authority by the commissioner; and to provide for related matters.

HOUSE BILL NO. 1657—

BY REPRESENTATIVE FUTRELL AND SENATOR SCHEDLER
AN ACT

To enact R.S. 48:381.2(G), relative to rights-of-way; to provide relative to an annual report by the secretary; and to provide for related matters.

HOUSE BILL NO. 1680—

BY REPRESENTATIVE PRATT AND SENATOR W. FIELDS
AN ACT

To amend and reenact R.S. 17:1202(E)(1), relative to extended sick leave for teachers and certain others; to permit such leave to be requested by the covered employee subsequent to the employee's return to service; to require the granting of such leave for all days requested upon presentation of required documentation; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 1786—

BY REPRESENTATIVE TUCKER
AN ACT

To amend and reenact Code of Criminal Procedure Article 905.2(A), relative to the scope of admissible evidence in the penalty phase of a capital rape prosecution; to provide that at the sentencing hearing, evidence can be introduced to demonstrate the impact the crime has had on the victim and the victim's family; to provide that the victim may decline to testify during such hearing; to provide that such victim shall be subject to cross-examination after testifying for the state; and to provide for related matters.

HOUSE BILL NO. 1789—

BY REPRESENTATIVES DOERGE, R. ALEXANDER, BAUDOIN, BAYLOR, BOWLER, BROOME, CLARKSON, DANIEL, ERDEY, FAUCHEUX, FLAVIN, FUTRELL, GLOVER, HEATON, HOLDEN, HOPKINS, ILES, L. JACKSON, KATZ, KENNARD, LAFLEUR, MONTGOMERY, MURRAY, NEVERS, ODINET, PERKINS, ROMERO, SALTER, SCHWEGMANN, JANE SMITH, JOHN SMITH, STRAIN, THOMPSON, TOOMY, WADDELL, AND WALSWORTH AND SENATORS CAMPBELL AND HINES
AN ACT

To enact Part II-B of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1551 through 1555, relative to special districts; to authorize the creation of fire and emergency training services districts; to provide for governing boards; to provide for purpose; to provide for powers and duties of governing boards; to provide for certification by the Fire and Emergency Training Institute; and to provide for related matters.

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

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

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

Message to the Governor

SIGNED SENATE BILLS

May 24, 2001

To the Honorable Governor of the State of Louisiana:

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

SENATE BILL NO. 151—

BY SENATOR SCHEDLER
AN ACT

To enact R.S. 28:21(E), relative to the reorganization of the office of mental health; to provide for an area management structure; to provide an effective date; and to provide for related matters.

SENATE BILL NO. 523—

BY SENATOR SCHEDLER AND REPRESENTATIVES DOERGE, DURAND, GUILLORY, ILES, KATZ, MCDONALD, SCHWEGMANN, STRAIN AND WELCH
AN ACT

To amend and reenact R.S. 40:1299.80(1) and (4), 1299.81, the introductory paragraph of 1299.82, the introductory paragraph of 1299.83, 1299.84(A), (B), and (C), 1299.85(D) and (E), 1299.86(A) and (C), 1299.87(B), (C), and (D), 1299.88(A)(1) and (B) and 1299.89(A), and to repeal R.S. 36:259(I)(1), relative to the statewide cancer registry program; to provide for the authority over the administration of the program; to provide for ascertainment of follow-up data on cancer patients; to provide for exchanging of cancer data with other states; to provide for providing data to qualified researchers; and to provide for related matters.

SENATE BILL NO. 579—

BY SENATOR ULLO
AN ACT

To enact R.S. 56:578.13, relative to food and drugs; to provide for the proper labeling of shellfish sold under the name "crawfish"; to provide for penalties; and to provide for related matters.

SENATE BILL NO. 668—

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND REPRESENTATIVES LANCASTER, MONTGOMERY, GARY SMITH, FAUCHEUX AND HUNTER
AN ACT

To amend and reenact R.S. 47:1541 and R.S. 47:1562(B), relative to audits and assessments; to authorize the secretary of the Department of Revenue to use auditing methods which use sampling for the purpose of projecting audit findings when the taxpayer and the secretary agree to this method of audit; and to provide for related matters.

SENATE BILL NO. 669—

BY SENATORS B. JONES, DARDENNE, GAUTREAUX AND DUPRE AND REPRESENTATIVES HAMMETT, LANCASTER, MONTGOMERY, GARY SMITH, FAUCHEUX AND HUNTER
AN ACT

To enact R.S. 47:1574.1, relative to taxes; to provide for a cease and desist of business action for the secretary of the Department of Revenue for failure to pay certain taxes and related amounts; and to provide for related matters.

SENATE BILL NO. 675—

BY SENATORS B. JONES, DARDENNE, GAUTREAUX AND DUPRE AND REPRESENTATIVES LANCASTER, MONTGOMERY, ALARIO AND FAUCHEUX

AN ACT

To amend and reenact R.S. 47:116(A) and 118(A) and the introductory paragraph of (D) and R.S. 47:120.1(A), the introductory paragraph of R.S. 47:120.1 (D), and R.S. 47:120.1(G)(1), relative to income tax; to change the requirement that a declaration of estimated individual income tax be filed and paid; to provide for failure of corporations to pay estimated income taxes; and to provide for related matters.

SENATE BILL NO. 763—

BY SENATORS ELLINGTON, HAINKEL AND SCHEDLER

AN ACT

To amend and reenact R.S. 13:3715.3(A)(2), and to enact R.S. 13:3715.3(G)(4)(e), relative to the production of evidence; to provide for the use of certain medical documents; to provide for the disclosure of medical documents; and to provide for related matters.

and they are hereby presented for executive approval.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

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

May 24, 2001

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 Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 133—

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To designate August, 2001, as Adrenoleukodystrophy Awareness Month.

Respectfully submitted,
CHRIS ULLO
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Tarver 1 Day

Adjournment

Senator Lambert moved that the Senate adjourn until Tuesday, May 29, 2001, at 3:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 3:00 o'clock P.M. on Tuesday, May 29, 2001.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk