

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

TWENTY-FIRST DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 19, 2012

The Senate was called to order at 9:15 o'clock A.M. by Hon. John A. Alario Jr., President of the Senate.

**Morning Hour
CONVENING ROLL CALL**

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

YEAS

Mr. President	Donahue	Perry
Adley	Dorsey-Colomb	Peterson
Allain	Gallot	Riser
Amedee	Johns	Smith, G.
Appel	Long	Smith, J.
Broome	Martiny	Thompson
Buffington	Mills	Walsworth
Chabert	Morrish	Ward
Cortez	Murray	White
Crowe	Peacock	
Total - 29		

NAYS

Total - 0

ABSENT

Brown	Heitmeier	Nevers
Claitor	Kostelka	Tarver
Erdey	LaFleur	
Guilfory	Morrell	
Total - 10		

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

Prayer

The prayer was offered by Pastor Tommy M. Faulk, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Chabert, the reading of the Journal was dispensed with and the Journal of April 18, 2012, was adopted.

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 18, 2012

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. 58—
BY SENATOR AMEDEE
A CONCURRENT RESOLUTION

To commend Chief Justice Burrell Johnston Carter of the First Circuit Court of Appeal upon his retirement and for his service to the legal community and to the citizens of Louisiana.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 59—
BY SENATOR LONG
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Reverend Perry Sanders.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 64—
BY SENATOR NEVERS AND REPRESENTATIVE RITCHIE
A CONCURRENT RESOLUTION

To commend the Louisiana Foster and Adoptive Parent Association (LFAPA) for its outstanding achievements and to designate Thursday, May 17, 2012, as Louisiana Foster and Adoptive Parent Association Day at the Louisiana State Capitol.

Reported without amendments.

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

**Privilege Report of the
Legislative Bureau**

April 19, 2012

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. 109—
BY REPRESENTATIVE CHAMPAGNE
AN ACT

To repeal Part I of Chapter 15 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:1961 through 1971, relative to the production and marketing of livestock; to repeal the regulation of use of stallions and jacks.

Reported without amendments.

HOUSE BILL NO. 110—
BY REPRESENTATIVE CHAMPAGNE
AN ACT

To amend and reenact the heading of Part IV of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950 and R.S. 3:2226, relative to diseases of animals; to provide for a technical correction; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 119—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:571.21(B) and to enact R.S. 15:571.21(C), relative to probation and parole fees; to amend provisions relative to monetary assessments imposed as conditions of probation or parole; to provide for the assessment of a collection fee for certain funds due; to provide for the reinvestment of certain collected funds; to authorize the secretary of the Department of Public Safety and Corrections to

enter into certain fee collection contracts; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 122—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:824(A) and (C), relative to the commitment of persons to the custody of the Department of Public Safety and Corrections; to authorize the commitment of certain persons to the custody of the Department of Public Safety and Corrections prior to conviction or sentencing; to provide for the housing of those persons; to provide for reimbursement to the department; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 122 by Representative Lopinto

AMENDMENT NO. 1

On page 2, line 26, following "expenses as" and before "in" change "defined" to "referenced"

HOUSE BILL NO. 123—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:875(B)(1) and to enact R.S. 15:875(B)(3), relative to the imposition of restitution on offenders; to provide that restitution may be obtained from an offender for expenses incurred for an escape or attempted escape from any place where the offender is legally confined; to provide for applicability; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 152—
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 3:3411.1(A), relative to the agricultural commodity dealer and warehouse law; to provide for a cotton merchant license; to provide for license renewal; to provide for fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 153—
BY REPRESENTATIVE ANDERS
AN ACT

To enact R.S. 3:19 and 20, relative to the Department of Agriculture and Forestry; to provide for an organic certification cost-share rebate program; to provide for the duties of the commissioner of agriculture; to provide for cooperative agreements; to provide for organic labeling standards; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 171—
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 3:1413(C)(2)(a) and 1415(A)(6) and to enact R.S. 3:1415(A)(7), relative to fertilizers; to provide for the regulations on the sale of fertilizers; to provide for an inspection fee; to provide for due dates; to provide for a deficiency assessment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 176—
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 3:1400(A)(introductory paragraph) and 1401(C)(1), relative to commercial feeds; to clarify the minimum deficiency assessment; to clarify minimum inspection fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 177—
BY REPRESENTATIVE ANDERS
AN ACT

To amend and reenact R.S. 3:1430.12(C), relative to agricultural liming materials, to provide for tonnage fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 350—
BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact Code of Civil Procedure Article 2379, relative to evictions; to provide for rights of reimbursement; to provide for limitations; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 405—
BY REPRESENTATIVE DANAHAY
AN ACT

To enact Code of Civil Procedure Article 1922(C), relative to judgments; to provide for required information in a judgment; to provide relative to affidavits of distinction of judgments; to provide for recording fees; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 783—
BY REPRESENTATIVES FANNIN, ADAMS, ANDERS, ARMES, BARRAS, BERTHELOT, BILLIOT, BROADWATER, BURFORD, HENRY BURNS, BURRELL, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, DIXON, EDWARDS, GAINES, GAROFALO, GEYMAN, GISCLAIR, GULLORY, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HOFFMANN, HONORE, HOWARD, HUNTER, HUVAL, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, LAMBERT, TERRY LANDRY, LEBAS, LEOPOLD, LIGI, LORUSSO, MILLER, MONTOUCET, MORENO, JAY MORRIS, JIM MORRIS, NORTON, ORTEGO, PIERRE, POPE, PRICE, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SHADON, SIMON, SMITH, ST. GERMAIN, THIBAUT, THOMPSON, WHITNEY, AND PATRICK WILLIAMS AND SENATORS KOSTELKA AND RISER
AN ACT

To amend and reenact R.S. 48:196(A) and to enact R.S. 48:196.1, relative to the issuance of bonds; to authorize the State Bond Commission to issue bonds secured by certain licenses and fees; to provide for the deposit of certain monies into the State Highway Improvement Fund; to provide for the use of the proceeds of the bonds; to provide for a special fund; to provide for certain requirements and limitations on the issuance of bonds; to provide for a procedure to contest the validity of issuance of the bonds; to provide for the rights of bondholders; to authorize the issuance of refunding bonds; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 994—
BY REPRESENTATIVE LOPINTO
AN ACT

To amend and reenact R.S. 15:571.3(B)(1)(a), relative to diminution of sentence for good behavior; to change the rate that diminution of sentence is calculated for certain offenders; to provide for applicability; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
 DANIEL R. MARTINY
 Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 69—
 BY SENATOR BROOME

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Bishop Richard V. Allmon Sr.

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

SENATE RESOLUTION NO. 70—
 BY SENATOR THOMPSON

A RESOLUTION

To designate May 9, 2012, as "FFA Day" at the legislature and to commend the state officers of FFA.

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

**Introduction of
 Senate Concurrent Resolutions**

SENATE CONCURRENT RESOLUTION NO. 65—
 BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the passing of a legend and icon in Louisiana legislative politics, Charles L. "Charlie" Smith, lobbyist, political consultant, poet, and writer.

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

**Senate Resolutions on
 Second Reading**

SENATE RESOLUTION NO. 60—
 BY SENATOR ADLEY

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Specialist Matthew Wade Comeaux while in the service of his country.

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

SENATE RESOLUTION NO. 61—

BY SENATORS ALARIO, ADLEY, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

A RESOLUTION

To commend James E. "Jimmy" Fitzmorris Jr. for his many years of invaluable public service to the people of the state of Louisiana and to congratulate him on the attainment of an exceptional milestone of ninety years of age.

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

SENATE RESOLUTION NO. 62—
 BY SENATOR LONG

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Avis Chelette Jones.

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

SENATE RESOLUTION NO. 63—
 BY SENATORS BROOME AND DORSEY-COLOMB

A RESOLUTION

To recognize Thursday, April 19, 2012, as Southern University Day at the Louisiana State Capitol.

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

SENATE RESOLUTION NO. 64—
 BY SENATOR PERRY

A RESOLUTION

To express condolences of the Senate of the Legislature of Louisiana on behalf of its members to the family of Cecil James Hebert.

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

SENATE RESOLUTION NO. 65—
 BY SENATOR PERRY

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of David Ortemond Jr.

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

SENATE RESOLUTION NO. 66—
 BY SENATOR PERRY

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the passing of Leon D. Ortemond Sr.

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

SENATE RESOLUTION NO. 67—
 BY SENATOR ADLEY

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Specialist Jordan Chase Soulier.

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

**Senate Concurrent Resolutions on
 Second Reading**

SENATE CONCURRENT RESOLUTION NO. 62—
 BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To request that the commissioner of administration determine that the "best use and disposition" of the former site of the state insurance building near the state capitol is to transfer the property to the control of the legislature for the use of the legislative auditor and the legislature, and to implement the transfer.

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

ROLL CALL

The roll was called with the following result:

April 19, 2012

YEAS

Mr. President	Dorsey-Colomb	Murray
Adley	Erdey	Peacock
Allain	Gallot	Peterson
Amedee	Guillory	Riser
Appel	Heitmeier	Smith, G.
Broome	Johns	Smith, J.
Brown	LaFleur	Thompson
Buffington	Long	Walsworth
Chabert	Martiny	Ward
Cortez	Mills	White
Donahue	Morrish	
Total - 32		

NAYS

Total - 0

ABSENT

Claitor	Morrell	Tarver
Crowe	Nevers	
Kostelka	Perry	
Total - 7		

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

SENATE CONCURRENT RESOLUTION NO. 63—

BY SENATORS JOHNS, ADLEY, APPEL, BROOME, BROWN, BUFFINGTON, CORTEZ, DONAHUE, DORSEY-COLOMB, ERDEY, KOSTELKA, LONG, MARTINY, MILLS, MORRELL, MORRISH, NEVERS, PERRY, PETERSON, RISER, GARY SMITH, WALSWORTH AND WARD AND REPRESENTATIVES ADAMS, STUART BISHOP, BROADWATER, BROSETT, BROWN, CHAMPAGNE, CROMER, DANAHAY, EDWARDS, GAROFALO, GEYMANN, GUINN, HARRISON, HAZEL, HENSGENS, HILL, HODGES, HOFFMANN, HOWARD, KATRINA JACKSON, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY LANDRY, TERRY LANDRY, LEGER, LIGI, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, JAY MORRIS, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, RICHARDSON, SCHEXNAYDER, SCHRODER, SHADOIN, SIMON, ST. GERMAIN, WHITNEY, ALFRED WILLIAMS AND PATRICK WILLIAMS

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Deputy Sheriff Randall L. Benoit of the Calcasieu Parish Sheriff's Office.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Nevers
Adley	Erdey	Peacock
Allain	Gallot	Perry
Amedee	Guillory	Peterson
Appel	Heitmeier	Riser
Broome	Johns	Smith, G.
Brown	LaFleur	Smith, J.
Buffington	Long	Tarver
Chabert	Martiny	Thompson
Claitor	Mills	Walsworth
Cortez	Morrish	Ward
Donahue	Murray	White
Total - 36		

NAYS

Total - 0

ABSENT

Crowe	Kostelka	Morrell
Total - 3		

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 19, 2012

To the Honorable President and Members of the Senate:

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

HB NO. 47	HB NO. 236	HB NO. 255
HB NO. 441	HB NO. 464	HB NO. 586
HB NO. 782	HB NO. 923	

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 47—

BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 14:98(C)(1)(introductory paragraph) and to enact R.S. 14:98(C)(4), relative to operating a vehicle while intoxicated; to provide for a minimum mandatory prison sentence and treatment for certain offenses of operating a vehicle while intoxicated; and to provide for related matters.

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

HOUSE BILL NO. 236—

BY REPRESENTATIVE HODGES
AN ACT

To amend and reenact R.S. 17:280 and to enact R.S. 17:3996(B)(30), relative to instruction in public schools regarding Internet and cell phone safety; to provide relative to guidelines and teaching materials for such instruction; to provide for limitation of liability; and to provide for related matters.

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

HOUSE BILL NO. 255—

BY REPRESENTATIVES LEGER, ABRAMSON, BROSETT, LORUSSO, AND MORENO AND SENATORS MORRELL AND MURRAY
AN ACT

To authorize and provide for the transfer of certain property of the Orleans Parish School Board; to specify the property which may be transferred and the authorized recipient of the property; to provide terms and conditions; and to provide for related matters.

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

HOUSE BILL NO. 441—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 14:40.2(F), (G), (H), and (I), R.S. 46:2136(D) and (F), and Code of Criminal Procedure Article 327.1 and to enact R.S. 14:40.2(J) and Code of Criminal Procedure Article 335.2, relative to the issuance of abuse prevention orders; to provide relative to abuse prevention orders in cases of domestic abuse and stalking; to provide relative to the effective term of certain portions of a protective order in

cases of domestic abuse; to provide for procedures; to provide for a hearing and notice; to provide for conditions of release in stalking cases; and to provide for related matters.

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

HOUSE BILL NO. 464— BY REPRESENTATIVE ABRAMSON AN ACT

To amend and reenact Code of Civil Procedure Article 123(A) and Civil Code Article 38 and to enact Code of Civil Procedure Articles 593.1 and 593.2, relative to civil procedure; to provide relative to venue; to provide relative to domicile; to provide for the domicile of juridical persons; to provide for certain procedures for class actions; and to provide for related matters.

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

HOUSE BILL NO. 586— BY REPRESENTATIVE ST. GERMAIN AN ACT

To amend and reenact R.S. 32:405.1, relative to age requirements of Class "E" driver's license; to increase the age of which a person must submit a signed statement attesting to supervised driving practice; and to provide for related matters.

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

HOUSE BILL NO. 782— BY REPRESENTATIVE CONNICK AN ACT

To amend and reenact R.S. 37:212(A)(introductory paragraph), (1), and (2)(a) and (b) and to enact R.S. 37:212(A)(2)(e), (f), and (g), (3), and (E) and (F) and R.S. 37:213(A)(8), relative to contracts for collecting or settling certain debts; to provide relative to definitions; to provide that certain activities related to debt settlement or collection shall be considered the practice of law; to provide for exceptions; and to provide for related matters.

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

HOUSE BILL NO. 923— BY REPRESENTATIVE PONTI AN ACT

To amend and reenact R.S. 37:3552, 3553, 3554(A), (B), (D), (E), and (F), 3555, 3556, 3557, 3558(A), (B), and (D), 3559, 3561, 3563, 3564, 3565, and 3566(B) and (C) and to repeal R.S. 37:3560, relative to massage therapy; to provide for definitions; to provide for applicability of the Louisiana Massage Therapists and Massage Establishment Act; to provide for exemptions; to provide for the Louisiana Board of Massage Therapy; to provide for membership of the board; to provide for the powers and duties of the board; to require licensure for persons performing massage therapy; to provide for licensure for massage establishments; to establish licensure requirements; to provide for an examination; to provide for licensing regulations; to provide for the expiration and renewal of licenses; to provide for inactive status; to provide for disciplinary actions; to regulate advertising as a massage therapist or a massage establishment; to provide for penalties; to provide for injunctions; and to provide for related matters.

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

April 18, 2012

To the Honorable President and Members of the Senate:

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

HCR NO. 98 HCR NO. 99

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 98— BY REPRESENTATIVES HONORE, BADON, BARROW, WESLEY BISHOP, BROSETT, BURRELL, COX, DIXON, FRANKLIN, GAINES, HUNTER, GIROD JACKSON, KATRINA JACKSON, JAMES, JEFFERSON, TERRY LANDRY, NORTON, PIERRE, PRICE, SMITH, THIERRY, ALFRED WILLIAMS, PATRICK WILLIAMS, AND LÉGER AND SENATORS BROOME, BROWN, DORSEY-COLOMB, GALLOT, GUILLORY, MORRELL, MURRAY, PETERSON, AND TARVER A CONCURRENT RESOLUTION

To recognize Thursday, April 19, 2012, as Southern University Day at the Louisiana State Capitol.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Donahue, Nevers. Lists names of representatives and their corresponding counts for 'YEAS'.

Total - 36

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Kostelka, Morrell. Lists names of representatives and their corresponding counts for 'ABSENT'.

Total - 3

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

HOUSE CONCURRENT RESOLUTION NO. 99— BY REPRESENTATIVE BARROW A CONCURRENT RESOLUTION

To recognize April of 2012 as Sarcoidosis Awareness Month in Louisiana and to commend the Sarcoidosis Awareness Support Group of Greater Baton Rouge.

April 19, 2012

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

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 74— BY REPRESENTATIVE SEABAUGH AN ACT

To enact Code of Criminal Procedure Articles 163(D) and 163.1(D), relative to search warrants; to provide relative to the examination and testing of property and bodily samples seized pursuant to a search warrant; to provide relative to the timing of the examination or testing; and to provide for related matters.

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

HOUSE BILL NO. 80— BY REPRESENTATIVE TIM BURNS AN ACT

To amend and reenact R.S. 40:2115(C), relative to smoking in hospitals; to eliminate the requirement for accommodation of smoking by inpatients in psychiatric facilities of the Department of Health and Hospitals; to establish procedures for treatment of smokers with mental illness in such facilities; and to provide for related matters.

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

HOUSE BILL NO. 103— BY REPRESENTATIVE THIERRY AN ACT

To amend and reenact R.S. 13:783(D)(1)(a) and (7), relative to the clerks of court for East Feliciana Parish, West Feliciana Parish, and St. Landry Parish; to exempt the clerks of court for East Feliciana Parish, West Feliciana Parish, and St. Landry Parish from obtaining consent from the governing authority to purchase an automobile; to authorize an automobile expense allowance for the East Feliciana Parish, West Feliciana Parish, and St. Landry Parish clerks of court; to require automobile insurance for bodily injury and property damage; to allocate surplus funds to the expense allowance; to prohibit additional expenses from being paid by the state or local governing authority; and to provide for related matters.

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

HOUSE BILL NO. 191— BY REPRESENTATIVE GREENE AN ACT

To amend and reenact Code of Criminal Procedure Article 415.1, relative to additional grand juries; to authorize the impaneling of one or more additional grand juries; to provide for an effective date; and to provide for related matters.

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

HOUSE BILL NO. 219— BY REPRESENTATIVE WILLMOTT AN ACT

To amend and reenact R.S. 14:202.1(D)(1) and (3), (E)(1) and (3), and (F)(1) and (3), relative to the crime of home improvement fraud; to increase the values associated with the amount of damage caused by home improvement fraud or the amount contracted to conduct the home improvements; and to provide for related matters.

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

HOUSE BILL NO. 295— BY REPRESENTATIVES WESLEY BISHOP AND SMITH AN ACT

To amend and reenact R.S. 37:2950(A) and to enact R.S. 37:2950(D)(1)(a)(xv), relative to employment restrictions; to provide relative to criminal record; to provide for exceptions; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Labor and Industrial Relations.

HOUSE BILL NO. 355— BY REPRESENTATIVE POPE AN ACT

To enact R.S. 15:85.3, relative to posting of criminal bonds; to provide for an increase in fees assessed for criminal bonds in Denham Springs; to provide for collection of fees by the marshal of the Denham Springs City Court; to provide for allocation of funds to the marshal's general fund; to provide for use of funds for the operational expenses of the marshal's office; and to provide for related matters.

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

HOUSE BILL NO. 361— BY REPRESENTATIVE PONTI AN ACT

To amend and reenact R.S. 35:191(A)(2), relative to notaries; to provide for parish commissioned notary jurisdiction; and to provide for related matters.

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

HOUSE BILL NO. 422— BY REPRESENTATIVE ST. GERMAIN AN ACT

To amend and reenact R.S. 48:252(C)(1), relative to the advertisement of public bids; to reduce the time period within which the Department of Transportation and Development can issue any addenda; and to provide for related matters.

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

HOUSE BILL NO. 433— BY REPRESENTATIVE GREENE AN ACT

To amend and reenact Children's Code Article 877(A), relative to juvenile adjudication hearings; to amend procedures relative to adjudication hearings for juvenile offenders charged with a crime of violence; and to provide for related matters.

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

HOUSE BILL NO. 462— BY REPRESENTATIVE ABRAMSON AN ACT

To amend and reenact Code of Civil Procedure Article 42(4), relative to venue of foreign corporations and limited liability companies; to provide for venue in certain parishes; and to provide for related matters.

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

HOUSE BILL NO. 556— BY REPRESENTATIVE LOPINTO AN ACT

To amend and reenact R.S. 15:542.1.2(A), relative to sex offender registration and notification; to provide relative to changes in a sex offender's registration information; and to provide for related matters.

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

HOUSE BILL NO. 558—

BY REPRESENTATIVES LOPINTO AND NORTON
AN ACT

To amend and reenact R.S. 15:542.1.3(A) and (B)(2) and 544(C), (D), and (E) and to enact R.S. 15:544(F), relative to sex offender registration and notification; to provide relative to sex offenders convicted under the laws of another state; to provide for court documentation; to provide for the duration of sex offender registration and notification for certain offenders; to provide relative to the frequency of in-person registration renewals; to provide with respect to certification on an offender's registration history; to provide for an effective date; to provide for prospective application; and to provide for related matters.

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

HOUSE BILL NO. 591—

BY REPRESENTATIVE SIMON
AN ACT

To amend and reenact R.S. 36:259(T), 802(introductory paragraph), and 901(A), R.S. 46:2633(D) and (E), 2634(B)(2), (3), (13), (D), and (H), and 2635(A), (B), and (C) and to enact R.S. 46:2633(F), relative to administration of the Traumatic Head and Spinal Cord Injury Trust Fund; to provide for certain duties of the Department of Health and Hospitals, office of aging and adult services relative to the Traumatic Head and Spinal Cord Injury Trust Fund; to provide for composition and certain duties of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board; to provide for the advisory capacity of the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board within the Department of Health and Hospitals; and to provide for related matters.

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

HOUSE BILL NO. 620—

BY REPRESENTATIVES THIERRY, ADAMS, BADON, BROWN, BURRELL, GUILLORY, HAZEL, HODGES, HONORE, HOWARD, TERRY LANDRY, MACK, MORENO, AND PYLANT
AN ACT

To amend and reenact R.S. 14:91.5 and R.S. 15:543.1, relative to the unlawful use of a social networking website; to provide relative to the crime of unlawful use of a social networking website; to provide for definitions; to remove the exception regarding permission by the court or the probation or parole officer; to provide notice of this crime to sex offenders; and to provide for related matters.

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

HOUSE BILL NO. 624—

BY REPRESENTATIVE CHANEY
AN ACT

To enact R.S. 22:821(B)(34) and Part XI of Chapter 5 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1807.1, 1807.2, and 1807.3, relative to appraisers; to require registration of certain appraisers with the Department of Insurance; to grant regulatory authority to the commissioner; to provide for a registration for certain appraisal registrations; and to provide for related matters.

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

HOUSE BILL NO. 759—

BY REPRESENTATIVES NANCY LANDRY, ADAMS, ANDERS, ARNOLD, BARROW, WESLEY BISHOP, BURRELL, CHAMPAGNE, KATRINA JACKSON, LEBAS, NORTON, PYLANT, REYNOLDS, ROUIDEAUX, AND WILLMOTT

AN ACT

To enact R.S. 14:43.4, relative to rape and sexual battery; to create the crime of female genital mutilation; to provide for the elements of such offense; to provide for exceptions; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

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

HOUSE BILL NO. 763—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 13:917(A) and (C), 1221(A), 1903(A), 1904(A) and (C) through (E), 1904.1, and 2562.26(A) and R.S. 44:40(E) and to repeal R.S. 44:40(F) and 427, relative to records in the custody of a clerk of court; to provide for the destruction of such records in certain circumstances; to provide for retention in certain circumstances and in certain formats; and to provide for related matters.

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

HOUSE BILL NO. 849—

BY REPRESENTATIVE TALBOT
AN ACT

To amend and reenact R.S. 22:651 and 652(2) and (3)(a), relative to reinsurance credits; to clarify terms, duties, and obligations; to provide for new accreditation requirements; to provide relative to the assumption of insurers' duties and obligations; to provide relative to trust requirements; and to provide for related matters.

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

HOUSE BILL NO. 950—

BY REPRESENTATIVE TIM BURNS
AN ACT

To amend and reenact R.S. 42:1132(A), (B)(introductory paragraph), (C), and (D), 1134(A)(1) and (K), 1135, 1141(A), (B)(1)(a), (C)(1), (2), and (3)(c) and (d), and 1151 through 1157, to enact R.S. 42:1141(B)(3) and (C)(3)(e) and (f) and 1141.2 through 1141.6, and to repeal R.S. 42:1141(C)(4), (5), (6), (7), and (8), (D), (E), and (F), 1141.1, and 1157.2, relative to enforcement of the laws under the jurisdiction of the Board of Ethics; to clarify the powers and duties of the Board of Ethics and the Ethics Adjudicatory Board relative to such enforcement; to provide relative to certain time limitations; and to provide for related matters.

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

HOUSE BILL NO. 1128—

BY REPRESENTATIVE PONTI
AN ACT

To amend and reenact R.S. 6:1033(B) and 1040(A), (B), and (C), R.S. 9:3561.1(B) and (F), and R.S. 37:1785(A) and 1786(C) and (D) and to enact R.S. 6:1033(D), R.S. 9:3561.1(I), and R.S. 37:1786(F), relative to licensure renewal dates within the regulation of the Office of Financial Institutions; to provide for annual renewal of licenses under the Sales of Checks and Money Transmission Act, the Louisiana Consumer Credit Law, and the Louisiana Pawnshop Act; to provide relative to the electronic database licensing system; to provide for failure to pay renewal fee; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

April 19, 2012

HOUSE BILL NO. 1148—

BY REPRESENTATIVE ARMES

AN ACT

To amend and reenact R.S. 37:3272(A)(18)(introductory paragraph) and 3298(B) and to repeal R.S. 37:3298(D), relative to the Private Security Regulatory and Licensing Law; to provide for definitions; to provide for exceptions; to repeal certain exception; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 1188— (Substitute for House Bill No. 802 by Representative Anders)

BY REPRESENTATIVES ANDERS, ADAMS, ARMES, BADON, BILLIOT, BROWN, BURRELL, DIXON, GISCLAIR, HARRIS, HARRISON, HENSGENS, KATRINA JACKSON, LEOPOLD, JAY MORRIS, PONTI, PYLANT, REYNOLDS, RICHARDSON, AND ST. GERMAIN AN ACT

To amend and reenact R.S. 37:1861(B)(introductory paragraph) and 1864.3 and to enact R.S. 37:1861(B)(6) and Chapter 22 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1961 through 1975, relative to used or secondhand property; to provide for an exemption to the secondhand dealer law; to prohibit cash payments for the purchase of copper and other metals; to establish the Louisiana Scrap Metal Recyclers Law; to provide for definitions; to require an occupational license to operate as a scrap metal recycler; to require changes in location to be noted on a license; to provide for hours of operation; to require records of scrap metal purchased; to require the records to be kept for three years; to require the records to be made available for inspection by law enforcement; to require photographic records of scrap metal purchased and of the sellers; to prohibit the purchase of scrap metal not owned by the seller; to prohibit scrap metal purchases from person under the age of eighteen; to require a statement of ownership from the seller; to provide that failure to obtain the statement shall be prima facie evidence of fraud; to provide for exoneration from fraudulent, willful, or criminal knowledge; to require daily reports; to require the use of a national database; to provide for violations; to provide for penalties; to provide for an effective date; and to provide for related matters.

The bill was read by title and referred by the President to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 1190— (Substitute for House Bill No. 683 by Representative Dove)

BY REPRESENTATIVE DOVE

AN ACT

To amend and reenact 49:214.34(A)(3) and to enact R.S. 41:1705(16) and R.S. 56:431.2, relative to alternative oyster culture; to authorize the Department of Wildlife and Fisheries to issue permits for alternative oyster culture activities; to provide parameters for such permits; to provide relative to coastal use permits necessary for such activities; to provide relative to penalties; and to provide for related matters.

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

HOUSE BILL NO. 1191— (Substitute for House Bill No. 970 by Representative Thibaut)

BY REPRESENTATIVE THIBAUT

AN ACT

To enact Subpart G-1 of Part III of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:691.1 through 691.27 and to repeal Subpart G of Part III of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:691 through 694, relative to insurance holding company systems; to provide for definitions; to provide relative to subsidiaries of insurers; to provide relative to acquisitions of domestic insurers; to provide relative to filing requirements for persons offering to acquire domestic insurers;

to provide relative to public hearings in relation to denied acquisition attempts; to provide for penalties for violations of holding company laws; and to provide for related matters.

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

House Concurrent Resolutions on Second Reading

HOUSE CONCURRENT RESOLUTION NO. 97—

BY REPRESENTATIVES HOFFMANN, ANDERS, CHANEY, FANNIN, HUNTER, KATRINA JACKSON, JAY MORRIS, PYLANT, AND SHADOIN AND SENATORS GALLOT, KOSTELKA, RISER, JOHN SMITH, THOMPSON, AND WALSWORTH

A CONCURRENT RESOLUTION

To commend Charles "Charlie Mac" McDonald of Bastrop, former state representative, and to express enduring gratitude for his outstanding contributions to education in the state of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dorsey-Colomb, Peacock. Lists names of representatives and senators who voted 'YEAS'.

NAYS

Total - 0

ABSENT

Table with 2 columns: Name, Kostelka, Morrell. Lists names of representatives who were absent.

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

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 51— BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:441(A)(1)(introductory paragraph), (2)(a)(introductory paragraph) and (b)(introductory paragraph), and 761(A)(4) and to enact Subpart P of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:331, and R.S. 11:441(A)(4) and 761(A)(5), relative to certain members of the Louisiana State Employees' Retirement System and certain postsecondary education members of the Teachers' Retirement System of Louisiana; to provide relative to eligibility for retirement and to retirement benefits; to provide for applicability; and to provide for related matters.

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

SENATE BILL NO. — (Substitute of Senate Bill No. 51 by Senator Guillory)

BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:441(A)(1)(introductory paragraph) and (2)(a)(introductory paragraph) and (b)(introductory paragraph), and 761(A)(1)(introductory paragraph), (2)(a)(introductory paragraph), (3)(introductory paragraph), and (4) and to enact R.S. 11:441(A)(4) and 761(A)(5), relative to retirement eligibility; to provide a schedule of retirement ages for certain members of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:441(A)(1)(introductory paragraph) and (2)(a)(introductory paragraph) and (b)(introductory paragraph), and 761(A)(1)(introductory paragraph), (2)(a)(introductory paragraph), (3)(introductory paragraph), and (4) are hereby amended and reenacted and R.S. 11:441(A)(4) and 761(A)(5) are hereby enacted to read as follows:

§441. Eligibility for retirement

A.(1) Any Subject to the provisions of Paragraph (4) of this Subsection, any member hired on or before June 30, 2006, or any member who receives a benefit calculated pursuant to R.S. 11:444(A)(2)(b) and whose first employment making him eligible for membership in one of the state systems occurred on or before December 31, 2010, shall be eligible for retirement if he has:

* * *

(2)(a) Any Subject to the provisions of Paragraph (4) of this Subsection, any member hired on or after July 1, 2006, shall be eligible for retirement if he has:

* * *

(b) Except for members of the Hazardous Duty Services Plan, as defined in R.S. 11:612 and subject to the provisions of Paragraph (4) of this Subsection, any member whose first employment making him eligible for membership in one of the state systems occurred on or after January 1, 2011, and on or before June 30, 2012, including any judge, court officer, governor, lieutenant governor, clerk or sergeant-at-arms of the House of Representatives, secretary or sergeant-at-arms of the Senate, or state treasurer, shall be eligible for retirement if he has:

* * *

(4)(a) Notwithstanding the provisions of R.S. 24:36 or any other law to the contrary, any member, including the governor who is in office on June 30, 2012, who was hired on or before June 30, 2006, and who is not subject to the provisions of Act 75 of the 2005 Regular Session as amended by Act 992 of the 2010 Regular Session and who retires with fewer than thirty years of service may retire with an unreduced benefit no earlier than:

(i) Age fifty-five if he has at least twenty-five but fewer than thirty years of service on June 30, 2012.

(ii) Age fifty-eight if he has at least twenty but fewer than twenty-five years of service on June 30, 2012.

(iii) Age sixty-one if he has at least fifteen but fewer than twenty years of service on June 30, 2012.

(iv) Age sixty-four if he has at least ten but fewer than fifteen years of service on June 30, 2012.

(v) The higher of age sixty-seven or the retirement age provided by the Social Security Act, 42 U.S.C. 416, if he has fewer than ten years of service on June 30, 2012.

(b) Notwithstanding the provisions of R.S. 24:36 or any other law to the contrary, any member, including the governor who is in office on June 30, 2012, who was hired on or after July 1, 2006, and on or before June 30, 2012, or who is subject to the provisions of Act 75 of the 2005 Regular Session as amended by Act 992 of the 2010 Regular Session and who retires with fewer than thirty years of service may retire with an unreduced benefit no earlier than:

(i) Age sixty-four if he has at least ten years of service on June 30, 2012.

(ii) The higher of age sixty-seven or the retirement age provided by the Social Security Act, 42 U.S.C. 416, if he has fewer than ten years of service on June 30, 2012.

(iii) Nothing in this Subparagraph shall be construed to provide an earlier retirement eligibility for any member than prescribed by Paragraph (1), (2), or (3) of this Subsection.

(c) Any member to whom Subparagraph (a) or (b) of this Paragraph applies shall be eligible to retire under any applicable provision of law; however, if he retires before attaining the age established in this Paragraph, he shall receive a reduced benefit. Upon his application for retirement he shall select one of the benefit reduction Options provided in this Subparagraph. Any other applicable actuarial reduction provided for in this Subsection shall also be made to his retirement benefit.

(i) Phased Benefit Option. (aa) For every year of service credit as of June 30, 2012, the member shall receive a benefit equal to two and one-half percent of average compensation calculated as of June 30, 2012, effective on his retirement date.

(bb) Beginning with the first regularly-scheduled benefit payment after the member attains the retirement age required by this Paragraph, the member's benefit shall be increased by an amount equal to two and one-half percent of average compensation calculated as of the member's retirement date, for every year of service credit from July 1, 2012, to the member's retirement date.

(ii) Actuarially Reduced Benefit Option. Effective on his retirement date, the member shall begin receiving a benefit equal to the sum of the following:

(aa) For every year of service credit as of June 30, 2012, two and one-half percent of average compensation calculated as of June 30, 2012.

(bb) For every year of service credit from June 30, 2012, through the earlier of:

(I) The date of the member's retirement; or

(II) The effective date of an increase in the retirement age provided by the Social Security Act, 42 U.S.C. 416, if such date applies to the member pursuant to Item (a)(v) or (b)(ii) of this Paragraph;

Two and one-half percent of average compensation calculated as of such date, actuarially reduced from the date the member would have attained the age required by this Paragraph.

(cc) For every year of service credit, if any, from the effective date of an increase in the retirement age provided by the Social Security Act, 42 U.S.C. 416, to the date of the member's retirement, two and one-half percent of average compensation calculated as of the member's retirement date, actuarially reduced from the date the member would have attained the retirement age required by this Paragraph. This Subitem shall only apply to members with a retirement date which is later than the effective date of an increase in the retirement age provided by the Social Security Act, 42 U.S.C. 416.

(d) A member hired on or after July 1, 2012, is eligible for retirement if he has at least five years of service and has attained the higher of age of sixty-seven or the retirement age provided for by the Social Security Act, 42 U.S.C. 416.

(e) In no event shall any member to whom this Paragraph applies who has completed the Deferred Retirement Option Plan receive his supplemental benefit before he has attained the retirement age established by this Paragraph.

(f) The provisions of Subparagraphs (a), (b), (c), (d), and (e) of this Paragraph shall not apply to the following persons, who may retire under any provision of this Chapter applicable to their service in the system:

(i) A member who was born on or before June 30, 1957.

(ii) A member who is or has been an elected judge or court officer, as provided in R.S. 11:553.

(iii) A member of the Hazardous Duty Services Plan.

(iv) Any person who would have been a member of the Hazardous Duty Services Plan had his first employment occurred after December 31, 2010.

(v) Any member who is a public safety services employee referred to as "member" or "members" in R.S. 11:601(B); a peace officer employed by the Department of Public Safety and Corrections, office of state police, other than state troopers, as

provided in R.S. 11:444(A)(2)(b); an employee of the Department of Revenue, office of alcohol and tobacco control, as provided in R.S. 11:444(A)(2)(c); a wildlife agent; or an employee of the bridge police.

* * *
§761. Retirement benefits; application; eligibility requirements; effective date; cancellation; errors and omissions

A.(1) Any Subject to the provisions of Paragraph (4) of this Subsection, any person who became a member prior to July 1, 1999, may retire upon written application to the board of trustees, if at the time of application the member:

* * *
(2)(a) Any Subject to the provisions of Paragraph (4) of this Subsection, any person who became a member on or after July 1, 1999, may retire upon written request to the board of trustees, if the member:

* * *
(3) Any Subject to the provisions of Paragraph (4) of this Subsection, any person whose first employment making him eligible for membership in one of the state systems occurred on or after January 1, 2011, may retire upon written application to the board of trustees, if at the time of application the member:

* * *
(4)(a) The provisions of this Paragraph shall apply to a member who is employed by an institution of postsecondary education, the Board of Regents, or a postsecondary education management board but who is not a member of the optional retirement plan. Nothing in this Paragraph shall be construed to provide an earlier retirement eligibility for any member than prescribed by Paragraph (1), (2), or (3) of this Subsection or in R.S. 11:768, whichever is applicable.

(a) Any member to whom this Paragraph applies who was hired on or before December 30, 2010, and who retires with fewer than thirty years of service may retire with an unreduced benefit no earlier than:

(i) Age fifty-five if he has at least twenty-five but fewer than thirty years of service on June 30, 2012.

(ii) Age fifty-eight if he has at least twenty but fewer than twenty-five years of service on June 30, 2012.

(iii) Age sixty-one if he has at least fifteen but fewer than twenty years of service on June 30, 2012.

(iv) Age sixty-four if he has at least ten but fewer than fifteen years of service on June 30, 2012.

(v) The higher of age sixty-seven or the retirement age provided by the Social Security Act, 42 U.S.C. 416, if he has fewer than ten years of service on June 30, 2012.

(b) Any member to whom this Paragraph applies who was hired on or after January 1, 2011, may retire with an unreduced benefit no earlier than the higher of age sixty-seven or the retirement age provided by the Social Security Act, 42 U.S.C. 416.

(c) Any member to whom Subparagraph (a) or (b) of this Paragraph applies shall be eligible to retire under any applicable provision of law; however, if he retires before attaining the age established in this Paragraph, he shall receive a reduced benefit. Upon his application for retirement he shall select one of the benefit reduction Options provided in this Subparagraph. Any other applicable actuarial reduction provided for in this Subsection shall also be made to his retirement benefit.

(i) Phased Benefit Option. (aa) For every year of service credit as of June 30, 2012, the member shall receive a benefit equal to two and one-half percent of average compensation calculated as of June 30, 2012, effective on his retirement date.

(bb) Beginning with the first regularly-scheduled benefit payment after the member attains the retirement age required by this Paragraph, the member's benefit shall be increased by an amount equal to two and one-half percent of average compensation calculated as of the member's retirement date, for every year of service credit from July 1, 2012, to the member's retirement date.

(ii) Actuarially Reduced Benefit Option. Effective on his retirement date, the member shall begin receiving a benefit equal to the sum of the following:

(aa) For every year of service credit as of June 30, 2012, two and one-half percent of average compensation calculated as of June 30, 2012.

(bb) For every year of service credit from June 30, 2012, through the earlier of:

(I) The date of the member's retirement; or

(II) The effective date of an increase in the retirement age provided by the Social Security Act, 42 U.S.C. 416, if such date applies to the member pursuant to Item (a)(v) or Subparagraph (b) of this Paragraph;

Two and one-half percent of average compensation calculated as of such date, actuarially reduced from the date the member would have attained the age required by this Paragraph.

(cc) For every year of service credit, if any, from the effective date of an increase in the retirement age provided by the Social Security Act, 42 U.S.C. 416, to the date of the member's retirement, two and one-half percent of average compensation calculated as of the member's retirement date, actuarially reduced from the date the member would have attained the retirement age required by this Paragraph. This Subitem shall only apply to members with a retirement date which is later than the effective date of an increase in the retirement age provided by the Social Security Act, 42 U.S.C. 416.

(d) Any member to whom this Paragraph applies who was hired on or after July 1, 2012, is eligible for retirement if he has at least five years of service and has attained the higher of age sixty-seven or the retirement age provided for by the Social Security Act, 42 U.S.C. 416.

(e) In no event shall any member to whom this Paragraph applies who has completed the Deferred Retirement Option Plan receive his supplemental benefit before he has attained the retirement age established by this Paragraph.

(f) The provisions of Subparagraphs (a), (b), (c), (d), and (e) of this Paragraph shall not apply to a member who was born on or before June 30, 1957.

(5)(a) A properly executed application for retirement shall be considered as officially filed when received by the board of trustees of this system. Retirement benefits shall become effective as of the date a properly executed application for retirement is received by the board of trustees of this system or the day after the member terminates from teaching service, whichever is later.

(b) A member may cancel his application for retirement only prior to negotiating, cashing, or depositing any benefit check including an estimated benefit check.

* * *
Section 2. (A) As soon as practicable after the effective date of this Act, the Public

Retirement Systems' Actuarial Committee shall meet to adopt a revised valuation for each system prepared as provided in R.S. 11:102. This valuation shall include a revised employer contribution rate for each plan within the system to be utilized in the fiscal year which begins on July 1, 2012. This valuation shall incorporate all changes enacted by the legislature in the 2012 Regular Session.

(B) The Public Retirement Systems' Actuarial Committee is hereby authorized to adopt an actuarial valuation or revised employer contribution rate to be utilized in the fiscal year which begins on July 1, 2012, calculated in accordance with R.S. 11:102, which has been prepared on behalf of the division of administration by a member of the American Academy of Actuaries who meets the qualification requirements of the academy to issue a particular statement of actuarial opinion.

Section 3. Because the legislature finds and declares that questions of law may be raised by some persons with respect to the constitutionality of some of the provisions of this Act, the public welfare requires that such questions of law be resolved with expedition prior to such time as its provisions take effect in order to avoid disruption of the orderly implementation of its provisions. Therefore, the legislature finds that an expedited hearing schedule for actions filed relative to the constitutionality of any provision of this Act should be immediately made available in order to avoid confusion by the public. Therefore, any domiciliary of this state may institute an action in the Nineteenth Judicial District Court seeking a declaratory judgment to determine the constitutionality of the provisions of this Act. The attorney general and the governor shall be

served with a copy of the proceeding and shall be entitled to be heard. In the interest of further expediting this procedure, the Nineteenth Judicial District Court, First Circuit Court of Appeal, and Louisiana Supreme Court are urged to minimize all unnecessary delays in order to resolve any questions of law no later than thirty days prior to the prefiling deadline for retirement legislation for the 2013 Regular Session, and the courts may suspend all applicable rules of court for this limited purpose.

Section 4. If a final judgment declares any of the provisions of this Act unconstitutional or unconstitutional as applied to a particular class of employees, the other provisions of this Act shall remain in effect and also shall be applicable to all other classes of employees unrelated to the judgment.

Section 5. This Act shall become effective on June 15, 2012; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 15, 2012, or on the day following such approval by the legislature, whichever is later.

On motion of Senator Guillory, the committee substitute bill was adopted and becomes Senate Bill No. 749 by Senator Guillory, substitute for Senate Bill No. 51 by Senator Guillory.

SENATE BILL NO. 749— (Substitute of Senate Bill No. 51 by Senator Guillory)

BY SENATOR GUILLORY

AN ACT

To amend and reenact R.S. 11:441(A)(1)(introductory paragraph) and (2)(a)(introductory paragraph) and (b)(introductory paragraph), and 761(A)(1)(introductory paragraph), (2)(a)(introductory paragraph), (3)(introductory paragraph), and (4) and to enact R.S. 11:441(A)(4) and 761(A)(5), relative to retirement eligibility; to provide a schedule of retirement ages for certain members of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 128—

BY SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 37:711.15(A)(4)(b), and to repeal R.S. 37:711.4(D) relative to the Louisiana Professional Geoscience Practice Act; to provide for license eligibility; to provide for exemptions from examination requirements; to repeal certain prohibitions and limitations upon the receipt and use of state funds; and to provide for related matters.

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

SENATE BILL NO. 220—

BY SENATOR JOHNS

AN ACT

To amend and reenact R.S. 40:2198.12(A), the introductory paragraph of (B)(1), (B)(1)(b) and (f), (D)(2) and(8), and 2198.13 and to enact R.S. 40:2198.12(B)(1)(h) through (k), and 2198.14 through 2198.19, relative to pain management clinics; to transfer the powers and duties for the regulation of pain management clinics from the Department of Health and Hospitals to the Louisiana State Board of Medical Examiners; to provide licensure authority and powers to the Louisiana State Board of Medical Examiners to regulate and license pain management clinics; to provide for criminal penalties for operating a pain management clinic without a license; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 220 by Senator Johns

AMENDMENT NO. 1

On page 1, line 2, delete "(B)(1), (B)(1)(b)" and insert "(B)(1) and (B)(1)(f)"

AMENDMENT NO. 2

On page 1, line 3, delete "and (f)" and on line 4, change "(k)" to "(j)" and "2198.19" to "2198.20"

AMENDMENT NO. 3

On page 1, line 9, after "license;" insert "to provide for certain limitations;"

AMENDMENT NO. 4

On page 1, line 12, delete ", (B)(1)(b) and" and insert "and (B)(1)(f),"

AMENDMENT NO. 5

On page 1, line 13, delete "(f)," and on line 14, change "(k)" to "(j)" and "2198.19" to "2198.20"

AMENDMENT NO. 6

On page 2, line 7, delete "may"

AMENDMENT NO. 7

On page 2, delete line 9 through 13

AMENDMENT NO. 8

On page 2, line 19, after "Accessing" add "the"

AMENDMENT NO. 9

On page 2, delete lines 21 and 22

AMENDMENT NO. 10

On page 4, line 24, delete "investigators', stenographers'" and add "investigator, stenographer"

AMENDMENT NO. 11

On page 6, line 8, delete "Trial" and add "The trial"

AMENDMENT NO. 12

On page 6, line 9, delete "Failure" and add "The failure"

AMENDMENT NO. 13

On page 6, line 12, after "injunction" add a comma ", "

AMENDMENT NO. 14

On page 6, line 19, after "his" delete "or her"

AMENDMENT NO. 15

On page 6, after line 27 add:

"§2198.20. Limitation of the powers and duties of the board
Nothing in this Part shall be intended to and shall not limit the practice of healthcare providers who are licensed by the state of Louisiana, and who are acting within their scope of practice under Louisiana law. The board shall be specifically prohibited from promulgating any rule, adopting any policy, or issuing any advisory opinion that limits a licensed healthcare provider's scope of practice contrary to that authorized by the legislature or applicable licensing board regulating the licensed healthcare provider. No licensing board shall amend its practice act to own or operate a pain management clinic."

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

SENATE BILL NO. 239—
BY SENATOR MURRAY

AN ACT

To amend and reenact Part XXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.39.5 through 1299.39.7, and 1299.58(C), 1299.131(A)(3), and 1300.11, and to enact R.S. 36:259(MM), relative to informed consent; to provide for methods in which informed consent may be obtained; to create the Louisiana Medical Disclosure Panel within the Department of Health and Hospitals; to provide for definitions; to provide for membership and terms; to provide for powers and duties; to provide for medical disclosure lists; to provide for exceptions to obtaining informed consent; to provide for the promulgation of rules and regulations; 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 Original Senate Bill No. 239 by Senator Murray

AMENDMENT NO. 1

On page 1, line 3, after "1299.39.7," delete "and"

AMENDMENT NO. 2

On page 1, delete line 4 and insert "1299.131(A)(3), and 1300.11, to enact R.S. 36:259(MM), and to repeal R.S. 40:1299.40, relative to informed"

AMENDMENT NO. 3

On page 1, line 9, after "consent," and before "to" insert "to provide for attendance of meetings via telecommunications; to provide for limitations of liability,"

AMENDMENT NO. 4

On page 2, line 3, after "1299.39.7," delete "and"

AMENDMENT NO. 5

On page 9, line 4, after "(a)" and before "licensed" delete "One member" and insert "Two members" and after "dentistry" and before "who" insert ". One member"

AMENDMENT NO. 6

On page 9, line 5, after "surgery" and before "shall" delete "who"

AMENDMENT NO. 7

On page 9, line 6, after "Surgeons," insert "The other member shall be selected from a list of nominees submitted to the governor by the Louisiana Dental Association."

AMENDMENT NO. 8

On page 9, line 14, after "Society," insert "One of the six physicians shall be a hospital employed physician."

AMENDMENT NO. 9

On page 9, between lines 14 and 15 insert the following:
(d) One member licensed to practice chiropractic in this state who shall be selected from a list of nominees submitted to the governor by the Chiropractic Association of Louisiana.
(e) One member licensed to practice podiatry in this state who shall be selected from a list of nominees submitted to the governor by the Louisiana Podiatric Medical Association.
(f) One member licensed to practice optometry in this state who shall be selected from a list of nominees submitted to the governor by the Optometry Association of Louisiana."

AMENDMENT NO. 10

On page 9, line 16, after "surgery," and before "one" insert "the chiropractic physician, the podiatrist, the optometrist"

AMENDMENT NO. 11

On page 9, line 19, after "attorneys" and before "two" delete "and" and insert ", " and after "physicians" and before "shall" insert ", and one dentist"

AMENDMENT NO. 12

On page 13, between lines 25 and 26 insert the following:
"R. Notwithstanding the provisions of the Open Meetings Law, R.S. 42:11 et seq., or any other law to the contrary, if any member of the panel is physically present at a meeting, any number of the other members of the panel may attend the meeting by use of telephone conference call, videoconferencing, or other similar telecommunication methods for purposes of establishing a quorum or voting or for any other meeting purpose allowing a panel member to fully participate in any panel meeting. The provisions of this Subsection shall apply without regard to the subject matter discussed or considered by the panel at the meeting. A meeting held by telephone conference call, videoconferencing, or other similar telecommunication method:

(1) Shall be subject to the notice requirements of R.S. 42:11 et seq.

(2) Shall not be held unless the notice of the meeting specifies the location of the meeting at which a member of the panel will be physically present.

(3) Shall be open to the public and audible to the public at the location specified in the notice.

(4) Shall provide two-way audio communication between all panel members attending the meeting during the entire meeting, and if the two way audio communication link with any member attending the meeting is disrupted at any time, the meeting may not continue until the two-way audio communication link is reestablished.

S. The Department of Health and Hospitals, its agents or employees, or any person serving as a member of the panel shall not be liable to any person, firm or entity, public or private, for any act or omission to act arising out of a health care provider attempting to obtain or obtaining informed consent pursuant to the provisions of this Section."

AMENDMENT NO. 13

On page 17, between lines 6 and 7 insert:
"Section 3. R.S. 40:1299.40 is hereby repealed."

AMENDMENT NO. 14

On page 17, line 7, delete "Section 3." and insert "Section 4."

AMENDMENT NO. 15

On page 17, line 12, delete "Section 4." and insert "Section 5."

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

SENATE BILL NO. 248—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 42:1132(B)(4)(c), relative to the Board of Ethics; to provide for changes relative to persons eligible for nomination to the board; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 248 by Senator Adley

AMENDMENT NO. 1

On page 2, line 1, after "service as" change "a" to "an" and insert "appointed" and after "of any" insert "public" and after "board" insert "or commission"

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

SENATE BILL NO. 328—

BY SENATOR BROOME

AN ACT

To enact R.S. 24:603.2, relative to the legislation; to provide for poverty impact statements for certain legislative measures; to provide for the duties of the legislative fiscal office; and to provide for related matters.

Reported by substitute by the Committee on Senate and Governmental Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. — (Substitute of Senate Bill No. 328 by Senator Broome)

BY SENATOR BROOME

AN ACT

To enact R.S. 49:953(A)(1)(a)(ix) and 973, relative to administrative procedure; to provide that prior to the adoption, amendment, or repeal of any rule by any state agency that a poverty impact statement be issued; to provide for contents of the poverty impact statement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:953(A)(1)(a)(ix) and 973 are hereby enacted to read as follows:

§953. Procedure for adoption of rules

A. Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(1)(a) Give notice of its intended action and a copy of the proposed rules at least ninety days prior to taking action on the rule. The notice shall include:

* * *

(ix) A statement concerning the impact on child, individual, or family poverty in relation to individual or community asset development as set forth in R.S. 49:973.

* * *

§973. Poverty impact statement; issues to be considered; procedure

A. In the formation of rules, each state agency shall consider and state in writing the impact of such rules on child, individual, or family poverty in relation to individual or community asset development prior to the adoption and implementation of such rules. This written consideration shall be known as the "poverty impact statement".

B. The poverty impact statement will consider and respond in writing to the following regarding the proposed rule:

(1) The effect on household income, assets, and financial security.

(2) The effect on early childhood development and preschool through postsecondary education development.

(3) The effect on employment and workforce development.

(4) The effect on taxes and tax credits.

(5) The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

C. All poverty impact statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of law relating to public records.

D. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

Section 2. This Act shall become effective on January 1, 2013; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2013, or on the day following such approval by the legislature, whichever is later.

On motion of Senator Amedee, the committee substitute bill was adopted and becomes Senate Bill No. 750 by Senator Broome, substitute for Senate Bill No. 328 by Senator Broome.

SENATE BILL NO. 750— (Substitute of Senate Bill No. 328 by Senator Broome)

BY SENATOR BROOME

AN ACT

To enact R.S. 49:953(A)(1)(a)(ix) and 973, relative to administrative procedure; to provide that prior to the adoption, amendment, or repeal of any rule by any state agency that a poverty impact statement be issued; to provide for contents of the poverty impact statement; and to provide for related matters.

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

SENATE BILL NO. 353—

BY SENATOR MURRAY

AN ACT

To enact R.S. 49:170.17, relative to Irish-American Heritage Month; to designate the month of March as Irish-American Heritage Month; and to provide for related matters.

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

SENATE BILL NO. 360—

BY SENATOR MARTINY AND REPRESENTATIVE PONTI

AN ACT

To amend and reenact R.S. 32:1252(4), (19) and (23), 1254(C)(12), (D)(4)(b) and (7), (E)(4), (9)(b), and (11), 1258(A)(10) and (E), 1260(B)(1) through (3), 1261, 1261.1, and 1263, to enact R.S. 32:1252(52) through (78), 1262(C), 1267(C), 1268(D), and Parts II, III, and IV of Chapter 6 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:1270 through 1270.32, and to repeal R.S. 32:1257.1 and 1268.1, relative to marine products, motorcycles, all-terrain vehicles, and recreational vehicles; to provide for certain terms, conditions, requirements, and procedures; to provide for definitions; to provide for the establishment of new dealerships and the relocation of existing dealerships; to provide for payment to dealers; to provide for unauthorized acts; to provide for warranty agreements and application thereof; to provide for the sale and leasing of certain marine products, motorcycles, all-terrain vehicles, and recreational vehicles; to provide for the succession of a dealer; to provide for the procedure to terminate a dealership; to provide for the repurchase of certain products, equipment, parts, and tools; to provide relative to conflicts of laws; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 360 by Senator Martiny

AMENDMENT NO. 1

On page 1, delete lines 2 and 3 and insert:
"To amend and reenact R.S. 32:1252(4) and (19), 1261, 1261.1,"

AMENDMENT NO. 2

On page 1, line 4, change "(78)" to "(69)" and after "1262(C)," insert "1264(D)."

AMENDMENT NO. 3

On page 1, line 6, change "1270.32" to "1270.30"

AMENDMENT NO. 4

On page 1, line 15, after "tools;" delete the remainder of the line and on line 16, delete "relative to conflicts of laws;"

AMENDMENT NO. 5

On page 2, line 1, after "R.S. 32:1252(4)" delete the remainder of the line and insert "and (19)."

AMENDMENT NO. 6

On page 2, delete line 2 and insert: "1261, 1261.1, and 1263 are"

AMENDMENT NO. 7

On page 2, line 3, change "(78)" to "(69)" and after "1262(C)," insert "1264(D),"

AMENDMENT NO. 8

On page 2, line 5, change "1270.32" to "1270.30"

AMENDMENT NO. 9

On page 2, line 15, after "**manufacturer**" insert "**of the boat**"

AMENDMENT NO. 10

On page 2, line 18, after "contract or" insert "**selling**"

AMENDMENT NO. 11

On page 3, line 2, after "addendum." delete the remainder of the line and delete lines 3 through 29 and on page 4, delete lines 1 through 10 and between lines 10 and 11 insert

* * *

AMENDMENT NO. 12

On page 4, line 11, change "(55)" to "(52)"

AMENDMENT NO. 13

On page 4, line 16, change "(56)" to "(53)"

AMENDMENT NO. 14

On page 4, line 19, change "(57)" to "(54)"

AMENDMENT NO. 15

On page 4, line 29, change "(58)" to "(55)"

AMENDMENT NO. 16

On page 5, line 3, change "(59)" to "(56)"

AMENDMENT NO. 17

On page 5, line 23, change "(60)" to "(57)"

AMENDMENT NO. 18

On page 5, line 26, change "(61)" to "(58)"

AMENDMENT NO. 19

On page 6, delete lines 23 through 29 and on page 7, delete lines 1 through 25

AMENDMENT NO. 20

On page 7, line 26, change "(65)" to "(59)"

AMENDMENT NO. 21

On page 8, line 2, change "(66)" to "(60)"

AMENDMENT NO. 22

On page 8, line 5, change "(67)" to "(61)"

AMENDMENT NO. 23

On page 8, line 8, change "(68)" to "(62)"

AMENDMENT NO. 24

On page 9, line 1, change "(69)" to "(63)"

AMENDMENT NO. 25

On page 9, line 4, change "(70)" to "(64)"

AMENDMENT NO. 26

On page 9, line 7, change "(71)" to "(65)"

AMENDMENT NO. 27

On page 10, delete lines 3 through 29 and on page 11, delete lines 1 through 3

AMENDMENT NO. 28

On page 11, line 4, change "(75)" to "(66)"

AMENDMENT NO. 29

On page 11, line 9, change "(76)" to "(67)"

AMENDMENT NO. 30

On page 11, line 12, change "(77)" to "(68)"

AMENDMENT NO. 31

On page 12, line 5, change "(78)" to "(69)"

AMENDMENT NO. 32

On page 12, delete lines 9 through 29 and delete pages 13 and 14 in their entirety and on page 15, delete lines 1 through 22

AMENDMENT NO. 33

On page 16, line 2, delete "**or selling**"

AMENDMENT NO. 34

On page 16, line 4, delete "**or dealers**"

AMENDMENT NO. 35

On page 16, line 13, after "**dealer**" insert "**, marine dealer, and motorcycle or all-terrain vehicle dealer**"

AMENDMENT NO. 36

On page 17 between lines 3 and 4 insert the following:
"\$1264. Damage disclosure

* * *

D. The provisions of this Section shall not apply to marine products, motorcycle or all-terrain vehicles, or recreational vehicles.

AMENDMENT NO. 37

On page 19, line 14, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 38

On page 19, line 22, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 39

On page 20, line 15, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 40

On page 20, line 16, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 41

On page 21, between lines 26 and 27, insert the following:

"(x) To order or accept delivery of any vehicle with special features, appliances, accessories, or equipment not included in the list price of said vehicles as publicly advertised."

AMENDMENT NO. 42

On page 21, line 27, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 43

On page 22, line 4, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 44

On page 22, line 8, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 45

On page 22, line 9, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 46

On page 22, line 14, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 47

On page 22, line 15, change "**selling agreement**" to "**franchise**"

AMENDMENT NO. 48

On page 22, line 27, change "**selling agreements**" to "**franchises**"

AMENDMENT NO. 49

On page 24, line 11, change "selling" to "franchise"

AMENDMENT NO. 50

On page 24, line 12, change "agreement or" to "or"

AMENDMENT NO. 51

On page 24, line 28, change "selling agreement" to "franchise"

AMENDMENT NO. 52

On page 25, delete lines 2 through 29 and on page 26, delete lines 1 through 4 and insert the following:

(f) To deliver to a prospective purchaser a new or a used marine product on a sale conditioned on financing, i.e., a spot delivery, except on the following terms and conditions which shall be in writing and shall be a part of the conditional sales contract or other written notification signed by the purchaser:

(i) That if the sale is not concluded by the financing of the sale to the purchaser within twenty-five days of the delivery, the sale contract shall be null and void.

(ii) That the marine product being offered for trade-in by the purchaser shall not be sold by the marine dealer until the conditional sale is complete.

(iii) That there shall be no charge to the purchaser should the conditional sale not be completed, including but not limited to mileage charges or charges to refurbish the marine product offered for trade-in. However, the purchaser shall be responsible for any and all damages to the marine product or other marine products damaged by the fault of the purchaser and any and all liability incurred by the purchaser during the purchaser's custody of the marine product to the extent provided for in R.S. 22:1296.

(iv) That if the conditional sale is not completed, the marine dealer shall immediately refund to the purchaser upon return of the marine product all sums placed with the dealership as a deposit or any other purpose associated with the attempted sale of the marine product.

(v) That the prospective purchaser shall return the marine product to the dealership within forty-eight hours of notification by the marine dealer that the conditional sale will not be completed. If the prospective purchaser does not return the marine product to the dealership within forty-eight hours of notification by the marine dealer, an authorized agent of the marine dealer shall have the right to recover the marine product without the necessity of judicial process, provided that such recovery can be accomplished without unauthorized entry into a closed dwelling, whether locked or unlocked and without a breach of peace.

(g) To pay a fee to any person in return for the solicitation, procurement, or production by that person of prospective purchasers for new and used marine products, except to a salesman licensed under the provisions of this Chapter.

(h) To fail to fully and completely explain each charge listed on a retail buyer's order or marine product invoice prior to the purchase of a marine product.

(i) When selling a marine product to a consumer, to assess any consumer services fees, which shall include fees for treating the interior upholstery of the marine product, oil changes, roadside assistance, dealer inspections, or any other service offered by the dealer, without allowing the buyer to refuse such services and be exempt from payment for such services. The provisions of this Subparagraph shall not apply to dealer-added options or accessories which are permanently affixed to the marine product."

AMENDMENT NO. 53

On page 26, line 5, change "(4)" to "(3)"

AMENDMENT NO. 54

On page 26, line 6, change "selling agreement" to "franchise"

AMENDMENT NO. 55

On page 27, line 10, change "(5)" to "(4)"

AMENDMENT NO. 56

On page 28, line 3, change "selling agreement" to "franchise"

AMENDMENT NO. 57

On page 30, delete lines 6 through 29 and delete page 31 in its entirety and on page 32, delete lines 1 through 25

AMENDMENT NO. 58

On page 32, line 26, change "§1270.5." to "§1270.4."

AMENDMENT NO. 59

On page 32, line 27, change "selling agreement" to "franchise"

AMENDMENT NO. 60

On page 33, line 5, change "selling agreement" to "franchise"

AMENDMENT NO. 61

On page 33, line 10, change "selling agreement" to "franchise"

AMENDMENT NO. 62

On page 33, line 21, change "selling agreement" to "franchise"

AMENDMENT NO. 63

On page 33, line 26, change "selling agreement" to "franchise"

AMENDMENT NO. 64

On page 34, line 6, delete ":",

AMENDMENT NO. 65

On page 34, line 7, change "(1) The" to "the"

AMENDMENT NO. 66

On page 34, delete lines 11 through 29 and on page 35, delete lines 1 through 24

AMENDMENT NO. 67

On page 35, line 25, change "§1270.7." to "§1270.5."

AMENDMENT NO. 68

On page 35, line 27, change "selling agreement" to "franchise"

AMENDMENT NO. 69

On page 36, line 1, delete "selling"

AMENDMENT NO. 70

On page 36, line 2, change "agreement unless" to "franchise unless" and change "selling agreement" to "franchise"

AMENDMENT NO. 71

On page 36, line 4, change "selling agreement" to "franchise"

AMENDMENT NO. 72

On page 36, line 8, change "selling agreement" to "franchise"

AMENDMENT NO. 73

On page 36, line 10, change "selling agreement" to "franchise"

AMENDMENT NO. 74

On page 36, line 12, change "selling agreement" to "franchise"

AMENDMENT NO. 75

On page 36, line 15, change "selling agreement" to "franchise"

AMENDMENT NO. 76

On page 36, line 22, change "selling agreement" to "franchise"

AMENDMENT NO. 77

On page 36, line 27, change "selling agreement" to "franchise"

AMENDMENT NO. 78

On page 37, line 1, change "selling agreement" to "franchise"

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AMENDMENT NO. 79

On page 37, line 6, change "selling agreement" to "franchise"

AMENDMENT NO. 80

On page 37, line 16, change "selling agreement" to "franchise"

AMENDMENT NO. 81

On page 37, line 19, change "selling agreement" to "franchise"

AMENDMENT NO. 82

On page 37, line 21, change "selling agreement" to "franchise"

AMENDMENT NO. 83

On page 38, line 27, change "selling agreement" to "franchise"

AMENDMENT NO. 84

On page 39, line 4, change "selling agreement" to "franchise"

AMENDMENT NO. 85

On page 39, line 25, change "selling agreement" to "franchise"

AMENDMENT NO. 86

On page 40, line 11, change "selling agreement" to "franchise"

AMENDMENT NO. 87

On page 40, line 12, change "§1270.8." to "§1270.6."

AMENDMENT NO. 88

On page 40, line 14, change "selling agreement" to "franchise"

AMENDMENT NO. 89

On page 40, delete lines 20 through 24 and insert the following:

"§1270.7. Indemnification of marine dealers

Notwithstanding the terms of any franchise agreement, each manufacturer or converter shall indemnify and hold harmless its franchised marine dealers against any judgment for damages, including but not limited to court costs and reasonable attorney fees of the marine dealer, arising out of complaints, claims, or lawsuits including but not limited to strict liability, negligence, misrepresentation, express or implied warranty, or rescission of sale to the extent that the judgment arises out of alleged defective or negligent manufacture, assembly, or design of marine products, parts, or accessories, or other functions by the manufacturer of converter, which are beyond the control of the marine dealer.

§1270.8. Marine products repairs

Suppliers of mechanical repairs and services for any marine product subject to regulation pursuant to this Part shall provide each consumer with an itemized bill indicating repairs and services performed, parts replaced, or materials used, the total labor charge, and the identity of the mechanic, repairman, or supplier who performed the work. However, nothing in this Section shall prohibit a supplier of mechanical repairs and services from charging a service fee for the use of shop supplies such as rags, fender covers, small amounts of fluid, or other items which are not itemized, provided that such fee does not exceed five percent of the total invoice for mechanical repairs or thirty-five dollars, whichever is less.

§1270.9. Damage disclosure

A. Whenever a new marine product subject to regulation pursuant to this Chapter is sold to any person, the seller shall notify the purchaser of any body damage or mechanical damage which the marine product has sustained that exceeds six percent of the manufacturer's suggested retail price. Such notice shall be in writing and a copy thereof shall be delivered to the purchaser prior to or simultaneous with transfer of the vehicle title.

B. This Section shall apply to all instances of vehicular body or mechanical damage to marine products and to all actions involving such damage, notwithstanding the application of other codal, statutory, or regulatory provisions, including but not limited to Civil Code Articles 2520 et seq.

AMENDMENT NO. 90

On page 46, between lines 19 and 20 insert the following:

"(n) To refuse to deliver to any licensee having a franchise or contractual arrangement for the retail sale of motorcycles or all-terrain vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or factory branch, any motorcycle or all-terrain vehicle, publicly advertised for immediate delivery, within sixty days after such dealer's order shall have been received."

AMENDMENT NO. 91

On page 49, delete lines 8 through 29 and delete pages 50 through 52 in their entirety and on page 53, delete lines 1 through 7

AMENDMENT NO. 92

On page 53, line 8, change "(6)" to "(3)"

AMENDMENT NO. 93

On page 54, line 11, change "(7)" to "(4)"

AMENDMENT NO. 94

On page 58, delete lines 15 through 29 and delete pages 59 and 60 in their entirety and on page 61, delete lines 1 though 4

AMENDMENT NO. 95

On page 61, line 5, change "§1270.17." to "§1270.16."

AMENDMENT NO. 96

On page 62, line 22, change "32:1270.18" to "32:1270.17"

AMENDMENT NO. 97

On page 62, line 23, change "§1270.18." to "§1270.17."

AMENDMENT NO. 98

On page 64, line 11, change "§1270.19." to "§1270.18."

AMENDMENT NO. 99

On page 64, delete lines 19 through 24 and insert the following:

"§1270.19. Motorcycle or all-terrain vehicle repairs

Suppliers of mechanical repairs and services for any motorcycle or all-terrain vehicle subject to regulation pursuant to this Chapter shall provide each consumer with an itemized bill indicating repairs and services performed, parts replaced, or materials used, the total labor charge, and the identity of the mechanic, repairman, or supplier who performed the work. However, nothing in this Section shall prohibit a supplier of mechanical repairs and services from charging a service fee for the use of shop supplies such as rags, fender covers, small amounts of fluid, or other items which are not itemized, provided that such fee does not exceed five percent of the total invoice for mechanical repairs or thirty-five dollars, whichever is less."

AMENDMENT NO. 100

On page 64, line 26, change "§1270.21." to "§1270.20."

AMENDMENT NO. 101

On page 66, line 20, delete "or selling agreement"

AMENDMENT NO. 102

On page 74, delete lines 8 through 29 and delete pages 75 and 76 in their entirety and on page 77, delete lines 1 through 26

AMENDMENT NO. 103

On page 77, line 27, change "(6)" to "(3)"

AMENDMENT NO. 104

On page 79, line 2, change "(7)" to "(4)"

AMENDMENT NO. 105

On page 79, line 6, change "§1270.22." to "§1270.21."

AMENDMENT NO. 106

On page 79, line 17, change "§1270.23." to "§1270.22."

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AMENDMENT NO. 107

On page 79, line 28, change "§1270.24." to "§1270.23."

AMENDMENT NO. 108

On page 82, line 7, change "§1270.25." to "§1270.24."

AMENDMENT NO. 109

On page 82, line 18, change "§1270.26." to "§1270.25."

AMENDMENT NO. 110

On page 83, line 4, change "§1270.27." to "§1270.26."

AMENDMENT NO. 111

On page 83, line 18, change "§1270.28." to "§1270.27."

AMENDMENT NO. 112

On page 84, delete lines 4 through 29 and delete page 85 in its entirety and on page 86, delete lines 1 through 17

AMENDMENT NO. 113

On page 86, line 18, change "§1270.30." to "§1270.28."

AMENDMENT NO. 114

On page 88, line 3, change "32:1270.21(1)(d)" to "32:1270.20(1)(d)"

AMENDMENT NO. 115

On page 88, line 5, change "32:1270.31." to "32:1270.29."

AMENDMENT NO. 116

On page 88, line 16, change "32:1270.21(1)(l)" to "32:1270.20(1)(l)"

AMENDMENT NO. 117

On page 89, line 18, change "§1270.31." to "§1270.29."

AMENDMENT NO. 118

On page 91, line 23, change "§1270.32." to "§1270.30."

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

SENATE BILL NO. 389—

BY SENATOR MARTINY

AN ACT

To enact R.S. 51:1726 and 1727, relative to sweepstakes promotions; to provide for the regulation of sweepstakes promotions by the attorney general; to provide for definitions; to provide for the display of sweepstakes promotions winners; to provide for certain terms, conditions, and procedures; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 389 by Senator Martiny

AMENDMENT NO. 1

On page 4, between lines 15 and 16, insert

"E. The provisions of this Section shall not apply to entities holding sweepstakes or contests to which only the entities' employees may enter."

AMENDMENT NO. 2

On page 4, line 16, change "E." to "F."

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

SENATE BILL NO. 629—

BY SENATOR JOHNS

AN ACT

To enact Part LXXII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.351 through 1300.352, relative to Medicaid; to require the Department of Health and Hospitals to submit an annual report to the legislature on the Louisiana Medicaid Bayou Health program; to provide for the information to be included in the report; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 629 by Senator Johns

AMENDMENT NO. 1

On page 1, line 3, change "1300.352" to "1300.353"

AMENDMENT NO. 2

On page 1, line 5 after "Health" and before ";" delete "program" and add "and Louisiana Behavioral Health Partnership and Coordinated System of Care programs"

AMENDMENT NO. 3

On page 1, line 9, change "1300.352" to "1300.353"

AMENDMENT NO. 4

One page 1, line 11 delete "**BAYOU HEALTH**" and insert "**MEDICAID**"

AMENDMENT NO. 5

On page 1, line 13 before "**It**" insert "**A.**"

AMENDMENT NO. 6

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

"B. It is in the best interest of the citizens of the state that the Legislature of Louisiana ensures that the Louisiana Medicaid program as it relates to the severely mentally ill recipients is operated in the most efficient and sustainable method possible. With the transition of the services of the office of behavioral health within the Department of Health and Hospitals to a managed care system in which a single statewide management organization operates as a single point of entry to behavioral health services, it is imperative that there is adequate reporting from the Department of Health and Hospitals in order to ensure the following outcomes are being achieved:

(1) Implementation of a Coordinated System of Care for youth and their families or caregivers which utilizes a family and youth driven practice model, provision of wraparound facilitation by child and family teams, that utilizes family and youth supports and overall management of these services by the statewide management organization.

(2) Improved access, quality, and efficiency of behavioral health services for children not eligible for the Coordinated System of Care and for adults with severe mental illness and addictive disorders, through management of these services by the statewide management organization.

(3) Smooth and efficient transition of behavioral health service delivery and operations from a regional based approach coordinated through the office of behavioral health within the Department of Health and Hospitals to the use of human service districts or local government entities.

(4) Seamless coordination of behavioral health services with the comprehensive health care system without losing attention to the special skills of the behavioral health professionals.

(5) Advancement of a resiliency, recovery, and consumer-focused system of person-centered care.

(6) Implementation of best practices and evidence-based practices that are effective and efficient and are supported by the data collected from measuring outcomes, quality, and accountability.

(7) The efficient and effective use of state general funds in order to maximize federal funding of behavioral services provided by the Medicaid program."

AMENDMENT NO. 7

On page 2, line 22 after "area," insert "The initial report shall also include the total number of providers enrolled in the fee-for-service Medicaid program broken down by provider type and specialty for each geographic service area for the period, either calendar or state fiscal year, prior to the date of services initially being provided under Bayou Health."

AMENDMENT NO. 8

On page 3, line 2 after "network," insert "The initial report shall also include comparable metrics or regular and expedited service authorizations and time frames when processed by the Medicaid fiscal intermediary for the period, either calendar or state fiscal year, prior to the date of services initially being provided under Bayou Health."

AMENDMENT NO. 9

On page 3, line 5 after "network," insert "The initial report shall also include the percentage of clean claims paid within thirty days by the Medicaid fiscal intermediary broken down by provider type for the period, either calendar or state fiscal year, prior to the date of services initially being provided under Bayou Health."

AMENDMENT NO. 10

On page 3, between lines 14 and 15 insert:
"(g) The initial report shall also include the number of claims denied or reduced for each of the reasons set forth in this Paragraph by the Medicaid fiscal intermediary for the period, either calendar or state fiscal year, prior to the date of services initially being provided under Bayou Health."

AMENDMENT NO. 11

On page 4, between lines 5 and 6 insert:
"(h) The initial report shall also include a comparison of health outcomes for each of the aforementioned metrics in this Paragraph for the Medicaid fee-for-service program for the period, either calendar or state fiscal year, prior to the date of services initially being provided under Bayou Health."

AMENDMENT NO. 12

On page 5, between lines 6 and 7 insert:
"(21) The number of claims for emergency services, broken out by coordinated care network, whether the claim was paid or denied and by provider type. The initial report shall also include comparable metrics for claims for emergency services which were processed by the Medicaid fiscal intermediary for the period, either calendar or state fiscal year, prior to the date of services initially being provided under Bayou Health."

AMENDMENT NO. 13

On page 5, at the beginning of line 7 change "(21)" to "(22)"

AMENDMENT NO. 14

On page 5, after line 8 insert:
"(23) All the data and information required for the initial report as provided for in this Section for the calendar years 2009, 2010, and 2011, §1300.353. Louisiana Behavioral Health Partnership; reporting Beginning January 1, 2013, and annually thereafter, the Department of Health and Hospitals shall submit an annual report for the Coordinated System of Care and an annual report for the Louisiana Behavioral Health Partnership to the Senate and House committees on health and welfare which shall include but not be limited to the following information:
(1) The name and geographic service area of each human resource district or local government entity through which behavioral health services are being provided.
(2) The total number of health care providers in each human resource district or local government entity, if applicable or by

parish, broken down by provider type, applicable credentialing status, and specialty.

(3) The total number of Medicaid and non-Medicaid members enrolled in each human resource district or local government entity, if applicable, or by parish.

(4) The total and monthly average number of adult Medicaid enrollees receiving services in each human resource district or local government entity, if applicable, or by parish.

(5) The total and monthly average number of adult non-Medicaid patients receiving services in each human resource district or local government entity, if applicable, or by parish.

(6) The total and monthly average number of children receiving services through the Coordinated System of Care by human resource region or local government entity, if applicable, or by parish.

(7) The total and monthly average number of children not enrolled in the Coordinated System of Care receiving services as Medicaid enrollees in each human resource district or local government entity, if applicable, or by parish.

(8) The total and monthly average number of children not enrolled in the Coordinated System of Care receiving services as non-Medicaid enrollees in each human resource district or local government entity, if applicable, or by parish.

(9) The percentage of calls received by the statewide management organization that were referred for services in each human resource district or local government entity, if applicable, or by parish.

(10) The average length of time for a member to receive confirmation and referral for services, using the initial call to the statewide management organization as the start date.

(11) The percentage of all referrals that were considered immediate, urgent and routine needs in each human resource district or local government entity, if applicable, or by parish.

(12) The percentage of clean claims paid for each provider type within thirty calendar days and average number of days to pay all claims for each human service district or local government entity.

(13) The total number of claims denied or reduced for each of the following reasons:

- (a) Lack of documentation.
- (b) Lack of prior authorization.
- (c) Service was not covered.

(14) The percentage of members who provide consent for release of information to coordinate care with the member's primary care physician and other health care providers.

(15) The number of outpatient members who received services in hospital-based emergency rooms due to a behavioral health diagnosis.

(16) A copy of the statewide management organization's report to the Department of Health and Hospital on quality management which shall include:

(a) The number of qualified quality management personnel employed by the statewide management organization to review performance standards, measure treatment outcomes and assure timely access to care.

(b) The mechanism utilized by the statewide management organization for generating input and participation of members, families/caretakers, and other stakeholders in the monitoring of service quality and determining strategies to improve outcomes.

(c) Documented demonstration of meeting all the federal requirements for 42 CFR 438.240 and with the utilization management required by the Medicaid program as described in 42 CFR 456.

(d) Documentation that the statewide management organization has implemented and maintained a formal outcomes assessment process that is standardized, reliable and valid in accordance with industry standards.

(17) Any other metric or measure which the Department of Health and Hospitals deems appropriate for inclusion in the report."

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

SENATE BILL NO. 644—
BY SENATOR DONAHUE

AN ACT

To amend and reenact R.S. 22:453(B), 454(A), 458, 459, 461(B),(C), (D), (E), (F), (G), and (H), and 463, enact R.S. 22:462(H), and to repeal R.S. 22:454(C) and (D) and 461(I), relative to group self-insurers; to provide for application for certificates of authority; to provide for fidelity bonds and insolvency of deposits; to provide for self-insured trusts; to provide for excess stop-loss coverage; to provide for annual audits, examinations by the commissioner, and issuance of annual reports; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 644 by Senator Donahue

AMENDMENT NO. 1

On page 3, line 28, delete "shall"

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

SENATE BILL NO. 708—
BY SENATOR BROOME

AN ACT

To amend and reenact R.S. 40:1299.35.2(D) and 1299.35.6(B)(3)(h), relative to abortions; to provide with respect to ultrasound requirements; to provide for informed consent; to provide for 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 Original Senate Bill No. 708 by Senator Broome

AMENDMENT NO. 1

On page 1, line 2, after "(h)," and before "relative" insert "and to enact R.S. 40:1299.35.2(E),"

AMENDMENT NO. 2

On page 1, line 4, after "penalties;" add "to provide for legislative intent;"

AMENDMENT NO. 3

On page 1, line 7, after "reenacted" insert "and R.S. 40:1299.35.2(E) is hereby enacted"

AMENDMENT NO. 4

On page 2, line 11, after "**physician**" delete the remainder of the line

AMENDMENT NO. 5

On page 2, line 12, delete "**a national registry of medical sonographers**"

AMENDMENT NO. 6

On page 3, delete lines 24 through 29 and on page 4 delete line 1 and insert the following: "**During this ultrasound examination, you have the right to an oral explanation of the results.**

(i) You have the option to view the images on the ultrasound screen.

(ii) The heartbeat of the unborn child, if present, will be made audible, unless you request and sign an opt-out form.

(iii) You have the right to receive answers to any questions you ask about your ultrasound examination.

(iv) You have the right to receive an ultrasound photographic print, which will be provided at your request."

AMENDMENT NO. 7

On page 4, line 18, after "**physician**" delete the remainder of the line

AMENDMENT NO. 8

On page 4, line 19, delete "**national registry of medical sonographers**"

AMENDMENT NO. 9

On page 5, between lines 23 and 24 insert:

"E. Pregnant rape survivors or victims of incest who have reported the act to law enforcement officials shall have the opportunity to opt-out of the provisions of Subsection D of this Section."

AMENDMENT NO. 10

On page 6, between lines 16 and 17 add:

"Section 2.A. The purpose of this Act is to conform the present Louisiana ultrasound law to the language and intent of a Texas statute upheld by a unanimous panel of the U.S. Court of Appeal for the Fifth Circuit in *Texas Medical Providers Performing Abortion Services v. Lakey*, No. 11-50814 (5th Cir. 2012)(rehearing en banc denied 2-10-2012).

B. The three-judge panel, with Chief Judge Edith Jones writing, upheld the constitutionality of 2011 TX H.B. 15, which required the fetal heartbeat to be made audible, and the ultrasound images to be displayed for review by the pregnant woman prior to any abortion.

C. The unanimous U.S. Fifth Circuit decision stated: "[The Texas statute] establishes what the physician must do: have a sonogram performed, display the sonogram images, perform a heart auscultation, and provide verbal explanations of the sonogram images and heart auscultation. The district court's analysis of (a)(4) ignores that the physician's unconditional obligations are merely to display images so they may be viewed, to provide an understandable explanation, and to make audible the auscultation. Section 171.012(a)(4) specifically does not require the physician to ensure the woman views the images, that she understands the explanation, or that she listens to the auscultation."

D. The Fifth Circuit applied established Supreme Court case law affirming the state's interest in promoting childbirth over abortion to conclude as follows: "[T]he provision of sonograms and the fetal heartbeat are routine measures in pregnancy medicine today. They are viewed as 'medically necessary' for the mother and fetus. Only if one assumes the conclusion of Appellees' argument, that pregnancy is a condition to be terminated, can one assume that such information about the fetus is medically irrelevant. The point of informed consent laws is to allow the patient to evaluate her condition and render her best decision under difficult circumstances. Denying her up to date medical information is more of an abuse to her ability to decide than providing the information. In any event, the Appellees' argument ignores that Casey and Gonzales, as noted above, emphasize that the gravity of the decision may be the subject of informed consent through factual, medical detail, that the condition of the fetus is relevant, and that discouraging abortion is an acceptable effect of mandated disclosures."

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

SENATE BILL NO. 735—
BY SENATOR PETERSON

AN ACT

To amend and reenact R.S. 36:696(A), relative to the deputy commissioner of consumer advocacy, to provide relative to the commissioner's appointment; to provide for the commissioner's salary; to provide for staff; to provide for the offices; and to provide for related matters.

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

April 19, 2012

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 81— BY REPRESENTATIVE LIGI AN ACT

To amend and reenact R.S. 32:1253(A)(2), relative to the Louisiana Motor Vehicle Commission; to provide for membership; and to provide for related matters.

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

HOUSE BILL NO. 386— BY REPRESENTATIVE PONTI AN ACT

To amend and reenact R.S. 37:2175.1(A)(introductory paragraph), 2175.2(C), and 2175.3(B) and to enact R.S. 37:2175.1(A)(6) and (7) and (D) and 2175.3(A)(9), relative to home improvement contracting; to lower the minimum threshold amount for home improvement contracting; to provide for a right to cancel a contract for home improvement contracting; to require notice of the right to cancel; to provide for refund of payments; to require proof of general liability insurance in a minimum amount; to prohibit a home improvement contractor from advertising or promising to pay or rebate all or any portion of an applicable insurance deductible as an inducement to the sale of goods or service; to provide for nullification of the contract and a cause of action for violations; to provide for an unfair trade practice violation; to provide for remedies for violations; and to provide for related matters.

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

Senate Concurrent Resolutions on Second Reading Reported by Committees

SENATE CONCURRENT RESOLUTION NO. 15— BY SENATOR MORRELL AND REPRESENTATIVE HODGES A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to promote the department's EarlySteps system with the Louisiana Hospital Association and the Louisiana State Medical Society.

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. 15 by Senator Morrell

AMENDMENT NO. 1

On page 1, lines 3 and 4 delete "the Louisiana Hospital Association and the Louisiana State Medical Society." and insert: "the Louisiana Hospital Association, the Louisiana State Medical Society, and the Optometry Association of Louisiana."

AMENDMENT NO. 2

On page 2, lines 14 and 15 delete "the Louisiana Hospital Association and the Louisiana State Medical Society." and insert: "the Louisiana Hospital Association, the Louisiana State Medical Society, and the Optometry Association of Louisiana."

AMENDMENT NO. 3

On page 2, line 18 after "Association," delete the remainder of the line and insert: "the executive director of the Louisiana State Medical Society, and the executive director of the Optometry Association of Louisiana."

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

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

YEAS

Table listing names of members voting YEAS: Mr. President, Adley, Allain, Amedee, Broome, Brown, Chabert, Cortez, Dorsey-Colomb, Erdey, Gallot, Total - 31, Guillory, Heitmeier, LaFleur, Long, Martiny, Mills, Morrell, Murray, Nevers, Peacock, Perry, Peterson, Riser, Smith, G., Smith, J., Tarver, Thompson, Walsworth, Ward, White.

NAYS

Total - 0

ABSENT

Table listing names of members who are ABSENT: Appel, Buffington, Claitor, Total - 8, Crowe, Donahue, Johns, Kostelka, Morrish.

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

Bagneris Rule

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

Without objection, so ordered.

SENATE BILL NO. 258— BY SENATOR APPEL AN ACT

To amend and reenact R.S. 9:2772(A)(intro paragraph) and (B)(3) and to enact R.S. 9:2772(A)(1)(c), relative to preemptive periods for certain actions; to authorize the filing of certain contribution, indemnity or third-party claims; to provide certain terms, conditions and requirements; and to provide for related matters.

Floor Amendments

Senator Martiny sent up floor amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Martiny on behalf of the Legislative Bureau to Engrossed Senate Bill No. 258 by Senator Appel

AMENDMENT NO. 1

On page 1, line 2, following "reenact" and before "and (B)(3)" change "R.S. 9:2772(A)(intro paragraph)" to "the introductory paragraph of R.S. 9:2772(A)"

AMENDMENT NO. 2

On page 1, line 7, following "Section 1." and before "and (B)(3)" change "R.S. 9:2772(A)(intro paragraph)" to "The introductory paragraph of R.S. 9:2772(A)"

AMENDMENT NO. 3

On page 2, line 12, following "described" and before "1" change "herein" to "in Subparagraph (a) of this Paragraph"

On motion of Senator Martiny, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dorsey-Colomb, Nevers. Lists names like Mr. President, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Claitor, Cortez, Crowe, Donahue and their corresponding counts.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Johns, Kostelka. Lists names like Adley and their corresponding counts.

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

SENATE BILL NO. 270—

BY SENATOR PERRY

AN ACT

To enact Subpart DD of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.102, relative to donations of refunds; to provide for such donations to the Friends of Palmetto Island State Park, Inc.; to provide for the administration and disbursement of donated monies; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Erdey, Peacock. Lists names like Mr. President, Adley, Allain, Amedee, Appel, Broome, Buffington, Chabert, Cortez, Crowe, Donahue and their corresponding counts.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Johns, Peterson. Lists names like Brown, Claitor, Dorsey-Colomb and their corresponding counts.

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

SENATE BILL NO. 271—

BY SENATOR PERRY

AN ACT

To enact Subpart DD of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.102, relative to donations of refunds; to provide for such donations to the Dreams Come True, Inc.; to provide for the administration and disbursement of donated monies; and to provide for related matters.

Floor Amendments

Senator Perry proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Perry to Engrossed Senate Bill No. 271 by Senator Perry

AMENDMENT NO. 1

On page 2, line 9, change "granting dreams to" to "fulfilling dreams of"

On motion of Senator Perry, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dorsey-Colomb, Murray. Lists names like Mr. President, Adley, Allain, Amedee, Appel, Broome, Brown, Buffington, Chabert, Cortez, Crowe, Donahue and their corresponding counts.

NAYS

Total - 0

ABSENT

Table with 3 columns: Name, Kostelka, Peterson. Lists names like Claitor and their corresponding counts.

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

April 19, 2012

SENATE BILL NO. 553—
BY SENATOR CLAITOR

AN ACT

To amend and reenact Code of Criminal Procedure Article 894(B)(2) and to enact Code of Criminal Procedure Article 894(A)(7) and (B)(3), relative to suspension and deferral of criminal sentences; to provide relative to probation for cases assigned to certain substance abuse programs; to provide relative to discharge and dismissal of certain prosecutions under certain circumstances; and to provide for related matters.

Floor Amendments

Senator Claitor proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 553 by Senator Claitor

AMENDMENT NO. 1

On page 2, lines 12, 15, and 21, change "Paragraph" to "Subparagraph"

On motion of Senator Claitor, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dorsey-Colomb	Murray
Adley	Erdey	Nevers
Allain	Gallot	Peacock
Amedee	Guillory	Perry
Appel	Heitmeier	Peterson
Broome	Johns	Smith, G.
Brown	LaFleur	Smith, J.
Buffington	Long	Tarver
Chabert	Martiny	Thompson
Claitor	Mills	Walsworth
Cortez	Morrell	Ward
Crowe	Morrish	White
Total - 36		

NAYS

Total - 0

ABSENT

Donahue	Kostelka	Riser
Total - 3		

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

SENATE BILL NO. 659—
BY SENATOR MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Articles 521, 717, the introductory paragraph of 718 and 718(1) and 729.6 and to enact Code of Criminal Procedure Articles 434.1 and 725.1, relative to criminal discovery; to provide for exceptions to grand jury secrecy; to provide relative to pretrial discovery motions; to provide relative to disclosure of certain evidence and records; to provide relative to disclosure of certain witness information; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Erdey	Peacock
Adley	Gallot	Perry
Allain	Guillory	Peterson
Amedee	Heitmeier	Riser
Appel	Johns	Smith, G.
Broome	LaFleur	Smith, J.
Brown	Long	Tarver
Buffington	Martiny	Thompson
Chabert	Mills	Walsworth
Claitor	Morrell	Ward
Cortez	Morrish	White
Crowe	Murray	
Dorsey-Colomb	Nevers	
Total - 37		

NAYS

Total - 0

ABSENT

Donahue	Kostelka
Total - 2	

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

SENATE BILL NO. 700—
BY SENATOR BROWN

AN ACT

To amend and reenact R.S. 29:729(E)(14) and to enact R.S. 29:729(E)(15), relative to powers and duties of the parish office of homeland security and emergency preparedness; to require the office to establish a voluntary registry of persons with special needs; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adley	Donahue
Allain	Kostelka
Total - 4	

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

SENATE BILL NO. 727—

BY SENATORS CLAITOR, APPEL, CORTEZ, CROWE, GUILLORY, LONG AND PERRY

AN ACT

To enact R.S. 11:413(11), relative to membership in the Louisiana State Employees' Retirement System; to provide for classes of employees who are ineligible for membership in the system; to provide for an effective date; and to provide for related matters. On motion of Senator Claitor, Senate Bill No. 727 was made Special Order of the Day No. 1 on Wednesday, April 25, 2012.

SENATE BILL NO. 565—

BY SENATOR DORSEY-COLOMB

AN ACT

To amend and reenact R.S. 15:833(A) and R.S. 46:1816(B)(6), and to enact Chapter 21-C of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1851 through 1857, relative to prisons and offenders; to provide for the creation of escrow accounts for certain inmates who enter into contracts for profits derived from the notoriety gained from their crimes; to provide relative to the distribution of escrow account funds to certain crime victims; to provide relative to notice to crime victims of escrow account funds becoming available; to provide for definitions; to provide relative to inspection of certain inmate correspondence; to provide relative to the Crime Victims Reparations Fund; to provide for the payment of certain inmate escrow account funds into the Crime Victims Reparations Fund; and to provide for related matters.

Floor Amendments

Senator Claitor proposed the following amendments.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 565 by Senator Dorsey-Colomb

AMENDMENT NO. 1

On page 1, line 2, after "enact" insert "R.S. 14:402(D)(10) and"

AMENDMENT NO. 2

On page 1, line 4 after "offenders;" insert "to provide for definitions;"

AMENDMENT NO. 3

On page 1, between lines 13 and 14, insert:

"Section 1. R.S. 14:402(D)(10) is hereby enacted to read as follows:

§402. Contraband defined; certain activities regarding contraband in penal institutions prohibited; penalty; disposition of seized contraband

* * *

D. "Contraband" as used herein means:

* * *

(10) Any sketch, painting, drawing or other pictorial rendering produced in whole or in part by a capital offender, unless authorized by the warden of the institution.

* * *

AMENDMENT NO. 4

On page 1, line 14 change "Section 1" to "Section 2"

AMENDMENT NO. 5

On page 2, line 9 change "Section 2" to "Section 3"

AMENDMENT NO. 6

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

On motion of Senator Claitor, the amendments were adopted.

The bill was read by title. Senator Dorsey-Colomb moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total - 0

ABSENT

Adeley	Donahue	Kostelka
Brown	Guillory	LaFleur
Total - 6		

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

Rules Suspended

Senator Walsworth asked for and obtained a suspension of the rules to revert to the Morning Hour.

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 19, 2012

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. 42—

BY SENATOR PERRY AND REPRESENTATIVE ORTEGO

A CONCURRENT RESOLUTION

To designate the city of Scott as the Boudin Capital of the World.

Reported without amendments.

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 19, 2012

To the Honorable President and Members of the Senate:

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

HCR NO. 29	HCR NO. 69	HCR NO. 49
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April 19, 2012

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

**House Concurrent Resolutions
on First Reading**

HOUSE CONCURRENT RESOLUTION NO. 29—
BY REPRESENTATIVE MACK
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study the feasibility of adding two lanes to Highway 190, beginning at the Tangipahoa Parish line and ending at the East Baton Rouge Parish line.

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

HOUSE CONCURRENT RESOLUTION NO. 49—
BY REPRESENTATIVES ORTEGO, BARRAS, CHAMPAGNE, HUVAL, JONES, TERRY LANDRY, AND LEBAS
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study Bayou Teche for possible inclusion into the Historic and Scenic Rivers program.

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

HOUSE CONCURRENT RESOLUTION NO. 69—
BY REPRESENTATIVE LIGI
A CONCURRENT RESOLUTION

To amend the Department of Health and Hospitals, Board of Medical Examiners, rule (LAC 46:XLV.3149), which provides for limitations on examinations of an applicant for certification as an athletic trainer, and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 19, 2012

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. 969** by Representative Talbot, 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; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Talbot, Robideaux and Leger.

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

**Appointment of Conference Committee
on House Bill No. 969**

The President of the Senate appointed to the Conference Committee on **House Bill No. 969** the following members of the Senate:

Senators Adley,
Alario
and Riser.

ATTENDANCE ROLL CALL

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Dorsey-Colomb	Nevers
Adley	Erdey	Peacock
Allain	Gallot	Perry
Amedee	Guillory	Peterson
Appel	Heitmeier	Riser
Broome	Johns	Smith, G.
Brown	LaFleur	Smith, J.
Buffington	Long	Tarver
Chabert	Martiny	Thompson
Claitor	Mills	Walsworth
Cortez	Morrell	Ward
Crowe	Morrish	White
Donahue	Murray	
Total - 38		

ABSENT

Kostelka
Total - 1

Leaves of Absence

The following leaves of absence were asked for and granted:

Kostelka 1 Day

Announcements

The following committee meetings for April 23, 2012, were announced:

Finance	9:30 A.M.	Room A
Natural Resources	9:00 A.M.	Hainkel Room
Retirement	1:00 P.M.	Room E

Adjournment

On motion of Senator Thompson, at 10:35 o'clock A.M. the Senate adjourned until Monday, April 23, 2012, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Monday, April 23, 2012.

GLENN A. KOEPP
Secretary of the Senate

DIANE O' QUIN
Journal Clerk