

THE OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

ELEVENTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, May 12, 2011

The Senate was called to order at 9:05 o'clock A.M. by Hon. Sharon Broome, President Pro Tempore of the Senate.

Morning Hour

CONVENING ROLL CALL

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

PRESENT

Adley	Dorsey	Morrish
Alario	Gautreaux	Murray
Amedee	Guillory	Nevers
Appel	Kostelka	Perry
Broome	LaFleur	Peterson
Cheek	Long	Riser
Claitor	Martiny	Shaw
Crowe	Michot	Thompson
Donahue	Mills	Walsworth
Total - 27		

ABSENT

Mr. President	Jackson	Mount
Chabert	Marionneaux	Quinn
Erdey	McPherson	Smith
Heitmeier	Morrell	Willard-Lewis
Total - 12		

The President Pro Tempore of the Senate announced there were 27 Senators present and a quorum.

Prayer

The prayer was offered by Pastor Tommy Middleton, 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 Crowe, the reading of the Journal was dispensed with and the Journal of May 11, 2011, was adopted.

**Introduction of
Senate Concurrent Resolutions**

SENATE CONCURRENT RESOLUTION NO. 30—
BY SENATOR LONG

A CONCURRENT RESOLUTION

To commend Joshua Phillips and Emma Norton on winning the 2010-2011 Louisiana High School Speech League Tournament of Champions in the Policy Debate category.

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

SENATE CONCURRENT RESOLUTION NO. 31—

BY SENATOR THOMPSON

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Theo J. Coenen III.

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

**Senate Resolutions on
Second Reading**

SENATE RESOLUTION NO. 28—

BY SENATOR MORRISH

A RESOLUTION

To commend the Hackberry High School girls softball team on winning the 2011 Class C state championship.

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

**Senate Concurrent Resolutions on
Second Reading**

SENATE CONCURRENT RESOLUTION NO. 27—

BY SENATOR MURRAY

A CONCURRENT RESOLUTION

To commend the elevation of William Raymond Manning into the College of Fellows of the American Institution of Architects.

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:

YEAS

Adley	Gautreaux	Nevers
Alario	Guillory	Perry
Amedee	Heitmeier	Peterson
Appel	Kostelka	Riser
Broome	LaFleur	Shaw
Chabert	Long	Smith
Cheek	Mills	Thompson
Donahue	Morrish	Walsworth
Dorsey	Murray	Willard-Lewis
Total - 27		

NAYS

Total - 0

ABSENT

Mr. President	Jackson	Michot
Claitor	Marionneaux	Morrell
Crowe	Martiny	Mount
Erdey	McPherson	Quinn
Total - 12		

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

SENATE CONCURRENT RESOLUTION NO. 28—

BY SENATOR CHAISSON

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the passing of renowned businessman and former Louisiana State Senator Ken Hollis and to note his life of public service and his many contributions made on behalf of the citizens of Jefferson Parish, the city of New Orleans, and the state of Louisiana.

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

May 12, 2011

SENATE CONCURRENT RESOLUTION NO. 29—
BY SENATORS AMEDEE, NEVERS AND QUINN
A CONCURRENT RESOLUTION

To designate Thursday, May 26, 2011, as "Shaken Baby Syndrome Prevention Day" in the state of Louisiana, in honor of Rey Wayne Gatlin.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators under the YEAS category, including Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Crowe, Donahue, Dorsey, Gautreaux, Guillory, Heitmeier, Kostelka, LaFleur, Long, Marionneaux, Martiny, Mills, Murray, Nevers, Perry, Peterson, Riser, Shaw, Smith, Thompson, Walsworth, and Willard-Lewis.

NAYS

Total - 0

ABSENT

Table listing names of senators under the ABSENT category, including Mr. President, Erdey, Jackson, McPherson, Michot, Morrell, Morrish, Mount, and Quinn.

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

May 11, 2011

To the Honorable President and Members of the Senate:

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

Table listing House Bills and Joint Resolutions: HB No. 13, HB No. 188, HB No. 201, HB No. 229, HB No. 259, HB No. 284, HB No. 446, HB No. 449, HB No. 459, HB No. 52, HB No. 253, HB No. 276, HB No. 400, HB No. 462, HB No. 549, HB No. 498.

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

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 13— BY REPRESENTATIVE GISCLAIR AN ACT

To amend and reenact R.S. 15:542(D) and to enact R.S. 15:542(B)(3), relative to sex offender registration and notification; to require registration with campus law enforcement agencies; to provide relative to registration fees; and to provide for related matters.

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

HOUSE BILL NO. 52— BY REPRESENTATIVE HENDERSON AN ACT

To enact R.S. 13:2501.1(N), relative to court costs in the Traffic Court of New Orleans; to provide for an increase in court costs; to provide for use of the funds; and to provide for related matters.

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

HOUSE BILL NO. 188— BY REPRESENTATIVE HARDY AN ACT

To amend and reenact R.S. 40:487 and R.S. 44:1(A)(1), relative to affiliates of housing authorities; to remove the public records exception applicable to such affiliates; to provide for the applicability of the Public Records Law to such affiliates; to provide relative to applicability to persons holding an ownership interest in or authority over an affiliate of a housing authority; and to provide for related matters.

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

HOUSE BILL NO. 201— BY REPRESENTATIVE ARMES AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Vernon Parish and Jefferson Davis Parish; to provide for the property description; to provide terms and conditions; to provide an effective date; and to provide for related matters.

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

HOUSE BILL NO. 229— BY REPRESENTATIVE HAZEL AN ACT

To amend and reenact R.S. 14:93.3(C), relative to cruelty to the infirmed; to amend the definition of "aged person"; and to provide for related matters.

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

HOUSE BILL NO. 253— BY REPRESENTATIVE CHAMPAGNE AN ACT

To amend and reenact R.S. 32:415.1(A)(1)(introductory paragraph), (c), and (f), relative to driver's license suspensions and revocations; to provide for economic and medical hardship license application procedures; and to provide for related matters.

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

HOUSE BILL NO. 259—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 32:900(B)(2)(c), relative to motor vehicle liability policies; to provide minimum liability limits for property damage under certain circumstances; and to provide for related matters.

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

HOUSE BILL NO. 276—

BY REPRESENTATIVE MONTOUCET
AN ACT

To amend and reenact R.S. 37:2442(6)(introductory paragraph), 2446.1(C), 2449(B), and 2449.1(B)(4), (C)(1) and (2), and (E), 2449.2(A)(introductory paragraph) and (B), and 2449.3(A) and to enact R.S. 37:2444.1 and 2444.2, relative to hearing aid dealers; to provide for definitions; to establish a testing period for hearing aids; to establish a three-day cooling off period for the purchase of a hearing aid; to provide for continuing education requirements; to provide for temporary training permits; to provide for guidelines for training of temporary training permit holders; to establish sponsor and co-sponsor requirements; to provide for authority of temporary training permit holders; and to provide for related matters.

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

HOUSE BILL NO. 284—

BY REPRESENTATIVES WILLMOTT, BILLIOT, CONNICK, HENRY, LABRUZZO, LIGI, AND LOPINTO AND SENATORS APPEL, MARTINY, AND QUINN

AN ACT

To enact R.S. 44:21.1, relative to public records; to provide a public records exemption for certain records in the custody of the Jefferson Parish Personnel Department; and to provide for related matters.

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

HOUSE BILL NO. 400—

BY REPRESENTATIVE CORTEZ
AN ACT

To amend and reenact R.S. 32:793(D), relative to automobile liability insurance; to provide with respect to such insurance for rental dealers; and to provide for related matters.

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

HOUSE BILL NO. 446—

BY REPRESENTATIVES LITTLE AND ELLINGTON
AN ACT

To amend and reenact R.S. 22:885(D), relative to cancellation of an insurance policy by the insured; to provide for limited applicability of cancellation provisions; to exclude credit property and casualty insurance from cancellation requirements; and to provide for related matters.

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

HOUSE BILL NO. 449—

BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 42:17(A)(1), relative to open meetings; to provide relative to exceptions and executive sessions; to provide relative to discussions regarding awarding of public contracts; and to provide for related matters.

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

HOUSE BILL NO. 459—

BY REPRESENTATIVE ABRAMSON
AN ACT

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

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

HOUSE BILL NO. 462—

BY REPRESENTATIVE MCVEA
AN ACT

To amend and reenact R.S. 22:1000(A)(1)(a)(vi) and (2), 1003(A) and (C), and 1003.1(A)(1) and (C), relative to health insurance; to provide with respect to coverage of dependent children and grandchildren; to provide relative to conditions for such coverage for certain benefits; to provide with respect to rating of such dependents; and to provide for related matters.

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

HOUSE BILL NO. 498—

BY REPRESENTATIVE TEMPLET
AN ACT

To amend and reenact R.S. 24:513(H) and to enact R.S. 24:513(D)(6), relative to the legislative auditor; to provide for certain notifications of noncompliance; to require auditees to designate an individual responsible for filing annual financial reports and to notify the auditor of such designation; and to provide for related matters.

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

HOUSE BILL NO. 549—

BY REPRESENTATIVES TUCKER, ANDERS, ARNOLD, BOBBY BADON, BURFORD, HENRY BURNS, CARMODY, CARTER, CHANDLER, CHANEY, CONNICK, DOVE, DOWNS, EDWARDS, FOIL, GREENE, GUILLORY, HARDY, HARRISON, HOFFMANN, HUTTER, KATZ, LIGI, LITTLE, LOPINTO, LORUSSO, NOWLIN, PEARSON, PONTI, PUGH, RICHARD, RICHARDSON, SCHRODER, SEABAUGH, SMILEY, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, TEMPLET, THIBAUT, AND WILLIAMS

AN ACT

To amend and reenact R.S. 17:3139(B), (C)(3)(a) and (5)(introductory paragraph) and (i), (D), (F)(introductory paragraph), (4), and (5), and (G)(1), (2)(introductory paragraph) and (iii), and (3)(introductory paragraph), and 3386(E), to enact R.S. 17:3139(C)(1)(e) and (5)(j) and (G)(4) and (5), and to repeal R.S. 17:3139(F)(6), relative to the Louisiana Granting Resources and Autonomy for Diplomas Act; to provide for additional operational autonomies to be granted to public postsecondary education institutions, including but not limited to authority and exemptions relative to budgetary management, capital outlay, and procurement; to provide relative to required reporting by public postsecondary education institutions and certain cost data to be included in such reports; to provide relative to renewal periods of institutions' performance agreements by the Board of Regents; to require achievement of certain standards for retention of first-year students; to require the Board of Regents to report on the standardization of student tracking and records systems and the performance of institutions relative thereto; to provide relative to the retention of certain unused funds by certain institutions; to direct the Louisiana State Law Institute to redesignate certain statutory provisions; to provide for applicability; to provide for an effective date; and to provide for related matters.

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

House Bills and Joint Resolutions on Second Reading

HOUSE BILL NO. 58— BY REPRESENTATIVES LIGI AND WILLMOTT AND SENATOR MARTINY

AN ACT

To authorize and provide for the lease of certain state property; to authorize the lease of certain water bottoms and reclaimed lands in Jefferson Parish; to provide for reservation of mineral rights; to provide for terms and conditions; 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 Natural Resources.

HOUSE BILL NO. 77— BY REPRESENTATIVE BARRAS

AN ACT

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

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

HOUSE BILL NO. 507— BY REPRESENTATIVES LANDRY, CORTEZ, EDWARDS, HARDY, HONORE, LEGER, NORTON, AND ST. GERMAIN

AN ACT

To amend and reenact R.S. 32:408(B)(3)(f) and 414.2(E)(1)(introductory paragraph) and (2)(introductory paragraph) and (c), relative to commercial driver's license holders; to prohibit certain persons from operating school buses; and to provide for related matters.

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

HOUSE BILL NO. 534— BY REPRESENTATIVE CARTER

AN ACT

To amend and reenact R.S. 22:1457(A)(2), R.S. 32:402(B)(1)(a)(ii)(bb), 402.1(A)(introductory paragraph), (1), (2)(introductory paragraph), (a), and (g), 407(A)(2)(a), (4), and (6), 408(A)(4)(a), 408.1(introductory paragraph) and (2), 416, 417(A), 422, 422.1, R.S. 40:1461(A) and (C), R.S. 47:305.26 and 479.1 and to repeal R.S. 17:270, 271, and 271.1, R.S. 32:402.1(A)(2)(h) and (3)(a) and (b), (B), and (C) and 402.2, relative to driver's education programs; to consolidate all driver's education programs and instruction under the Department of Public Safety and Corrections, public safety services; to remove all driver's education programs and instruction from the Department of Education; and to provide for related matters.

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

HOUSE BILL NO. 540— BY REPRESENTATIVE AUBERT

AN ACT

To amend and reenact R.S. 48:292.1(C)(1)(introductory paragraph) and (a), relative to the Small Engineering Consultant Program; restricts participation in the program to certain engineering consultant firms; 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.

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

SENATE BILL NO. 27— BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 40:1299.96(A)(2)(b)(i), relative to health care information; to provide for health care records; to provide for the persons who have the right to obtain a patient's medical records; 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. 27 by Senator Amedee

AMENDMENT NO. 1

On page 1, line 11 after "or" delete "his legal representative" and insert "his legal representative"

AMENDMENT NO. 2

On page 1, line 12 before ", or" delete "any person or legal entity authorized by the patient"

AMENDMENT NO. 3

On page 2, line 10 after "postage," and before "If" insert "The charges set forth in this Section shall be applied to all persons and legal entities duly authorized by the patient to obtain a copy of their medical records."

AMENDMENT NO. 4

On page 2, line 23 after "provider" and before "shall" insert "or person or legal entity providing records on behalf of the health care provider"

AMENDMENT NO. 5

On page 2, line 25 after "parties," insert "However, no provision of this Subsection shall authorize the violation of the provisions of the Health Insurance Portability and Accountability Act (HIPPA), P.L. 104-191."

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

SENATE BILL NO. 60— BY SENATOR MILLS

AN ACT

To amend and reenact R.S. 37:1218, relative to the administration of certain immunizations; to provide for a pharmacist to administer certain immunizations; 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. 60 by Senator Mills

AMENDMENT NO. 1

On page 1, line 9 after "Section," delete the remainder of the line and insert "to any person"

AMENDMENT NO. 2

On page 1, line 10 before "without" delete "seven years of age or older" and insert "seven years of age or older"

AMENDMENT NO. 3

On page 1, line 13, after "current" and before "~~influenza~~" delete "annual" and insert "annual"

AMENDMENT NO. 4

On page 1, line 14, after "administration" and before "as" delete "protocol" and insert "protocol"

AMENDMENT NO. 5

On page 1, line 16, after "(ACIP)" and before "to" insert ", following guidance published in the Louisiana State Immunization Manual,"

AMENDMENT NO. 6

On page 2, line 18 after "Influenza" and before "." insert ", to any person seven years of age or older"

AMENDMENT NO. 7

On page 2, line 19 after "Pneumococcal" and before "." insert ", to any person eighteen years of age or older"

AMENDMENT NO. 8

On page 2, line 20 after "Zoster" and before "." insert ", to any person eighteen years of age or older"

AMENDMENT NO. 9

On page 2, line 21 change "Diphtheria" to "Diphtheria" and after "(Td)" and before "." insert ", to any person eighteen years of age or older"

AMENDMENT NO. 10

On page 2, line 22 change "Diphtheria" to "Diphtheria" and after "(Tdap)" and before "." insert ", to any person eighteen years of age or older"

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

SENATE BILL NO. 64—

BY SENATOR CHEEK

AN ACT

To repeal R.S. 40:2120.56, relative to certified nurse aides; to remove certain work requirements which must be satisfied in order to maintain state certification as a certified nurse aide; and to provide for related matters.

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

SENATE BILL NO. 65—

BY SENATOR CHEEK

AN ACT

To amend and reenact R.S. 40:1300.53(C)(2), relative to nonlicensed persons and licensed ambulance personnel; to provide for an exemption to the prohibition on employing a nonlicensed person or licensed ambulance personnel when such person has been convicted of certain offenses; and to provide for related matters.

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

SENATE BILL NO. 93—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 37:1026.1 and 1026.6(B)(10) and to enact Part XLII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.21 through 1300.22, and to repeal R.S. 37:1026.9, relative to training programs for certified nurse aides; to provide for the medication

attendant certification program for certified nurse aides; to provide for a clinical preceptor nurse aide training program maintained by the Louisiana Community and Technical College System for certified nurse aides; 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. 93 by Senator McPherson

AMENDMENT NO. 1

On page 2, line 5 after "of" and before "interim" delete "~~annual~~" and insert "annual"

AMENDMENT NO. 2

On page 2, line 8 after "~~2011~~" delete "as requested"

AMENDMENT NO. 3

On page 2, line 9 after "evaluation" and before "." insert "and continuance"

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

SENATE BILL NO. 108—

BY SENATOR RISER

AN ACT

To amend and reenact R.S. 18:402(F), relative to the Louisiana Election Code; to provide that local tax elections can only be held at the same time as statewide and congressional primary elections; to provide a limitation on the number of emergency tax elections that can be held; 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. 108 by Senator Risier

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 18:402(F)" insert "and 1352" and after "Louisiana Election Code;" insert "to provide relative to the use of voting machines in elections; to provide for the use of paper ballots in elections; to provide relative to tax elections;"

AMENDMENT NO. 2

On page 1, line 7, change "R.S. 18:402(F) is" to "R.S. 18:402(F) and 1352 are"

AMENDMENT NO. 3

On page 1, line 11, after "the same date as a" insert "regularly scheduled" and after "primary" insert "or general"

AMENDMENT NO. 4

On page 1, line 12, after "congressional" delete the remainder of the line and insert "office."

AMENDMENT NO. 5

On page 1, line 13, delete "a vacancy in a statewide or congressional office."

AMENDMENT NO. 6

On page 2, line 20, after "tax election on" delete the remainder of the line and insert "an election date"

AMENDMENT NO. 7

On page 2, between lines 23 and 24, insert the following:
"§1352. Use of voting machines throughout state; exception for failure of voting equipment, machine ballot overcrowding, absentee by mail and early voting

A. Voting machines shall be used throughout this state in all elections; however, nothing in this Chapter shall prohibit absentee by mail and early voting as otherwise provided in this Title.

B. Notwithstanding the provisions of Subsection A of this Section, paper ballots may be used when voting machines fail or when all ballot items for an election will not fit on one voting machine.

C. Nothing in this Chapter shall prohibit absentee by mail and early voting as otherwise provided in this Title."

AMENDMENT NO. 8

On page 2, line 24, after "effective" delete the remainder of the line and delete lines 25 through 28 and insert "on January 1, 2012."

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

SENATE BILL NO. 156—

BY SENATOR BROOME

AN ACT

To enact R.S. 40:2022, relative to health care information; to require hospitals to provide certain health care information to certain patients; to provide for the development and dissemination of the health care information by the Department of Health and Hospitals; 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. 156 by Senator Broome

AMENDMENT NO. 1

On page 2, line 4 after "the" and before "vaccination" delete "appropriate" and insert "Tetanus Toxoid, Reduced Diphtheria Toxoid and Acellular Pertussis Vaccine Adsorbed (Tdap)"

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

SENATE BILL NO. 173—

BY SENATOR ADLEY

AN ACT

To enact R.S. 22:978(E), relative to group, family group, blanket, and association health and accident insurance; to provide with respect to notice required for certain premium increase, cancellation, or nonrenewal; to provide for the release of claims data, 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. 173 by Senator Adley

AMENDMENT NO. 1

On page 1, delete line 14 in its entirety and in lieu thereof insert the following: "or agent of a policyholder claims data upon request and shall provide this data within no more than fourteen business days of receipt of the request, which shall include the following items:"

AMENDMENT NO. 2

On page 2, after line 12, insert the following:

"(3) For purposes of this Subsection, claim identifier shall be defined as data that reflects a number designation, including but not limited to, an alpha or numeric designation which shall not be a name identifier of an employee, employee's spouse, or employee's dependent."

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. 175—

BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 37:1041(C)(2)(e), 1042(B), 1050(B), and 1055, relative to the practice of optometry; to provide for definitions; to provide for the Louisiana State Board of Optometry Examiners; to provide for application requirements; to provide for recording of the certificate of practice; and to provide for related matters.

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

SENATE BILL NO. 176—

BY SENATORS HEITMEIER AND MILLS

AN ACT

To enact Part LXX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.331, relative to Medicaid; to provide for an upper payment limit financing mechanism for certain health care providers; to provide for rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 176 by Senator Heitmeier

AMENDMENT NO. 1

On page 1, line 12 after "A." and before "Department" delete "The" and insert "Subject to appropriation, the"

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

SENATE BILL NO. 178—

BY SENATOR HEITMEIER

AN ACT

To enact Part XL-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.8.1 through 1300.8.2, relative to a scholarship or loan program for certain students who enroll in certain out-of-state medical education programs which are not offered in the state; to provide for the creation and uses of a medical and Allied Health Professional Education Scholarship and Loan Fund; to provide for administration of the fund; to provide for qualifications and requirements of the applicants for the scholarship or loan; to provide for rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 178 by Senator Heitmeier

AMENDMENT NO. 1

On page 2, delete lines 13 and 14 and insert the following: "**year the scholarship or loan is received and to maintain enrollment as a Medicaid provider during their service.**"

AMENDMENT NO. 2

On page 3, delete lines 4 through 7 and insert the following: "**twenty-five percent of all monies, not to exceed two hundred thousand dollars in any fiscal year, retained by the Department of Health and Hospitals from local intergovernmental transfers which are transferred for the purpose of making supplemental payments to physicians.**"

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

SENATE BILL NO. 188—
BY SENATOR BROOME

AN ACT

To enact R.S. 46:2911(B)(21), relative to the Council on the Status of Grandparents Raising Grandchildren; to provide for the membership of the council; and to provide for related matters.

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

SENATE BILL NO. 189—

BY SENATORS CHEEK, DONAHUE, ERDEY, JACKSON, MICHOT, MOUNT AND NEVERS AND REPRESENTATIVES ARNOLD, AUSTIN, BADON, BROSSETT, HARRISON, HENRY, KATZ, LIGI, LORUSSO, MONTOUCET, SCHRODER, SIMON AND ST. GERMAIN

AN ACT

To enact Part XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.181 through 1299.185, relative to concussions and head injuries; to provide for definitions; to provide for concussion education requirements; to provide for the removal of youth athletes from competition upon sustaining a concussion; to provide for requirements which must be satisfied for a youth athlete to return to play after sustaining a concussion or head injury; to provide for the dissemination of concussion information by the Department of Health and Hospitals; 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. 189 by Senator Cheek

AMENDMENT NO. 1

On page 4, line 27 after "**thereto,**" and before "**or**" insert "**training material made available by the National Federation of High Schools for the Louisiana High School Athletic Association and any amendments or updates thereto,**"

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

SENATE BILL NO. 205—
BY SENATOR GUILLORY

AN ACT

To enact R.S. 37:1226.3, relative to the prescription drugs; to provide relative to charitable pharmacies; to provide for exchanges and re-dispensing in pharmacies under the authority of the Department of Public Safety and Corrections; to provide for the

authority to promulgate rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 205 by Senator Guillory

AMENDMENT NO. 1

On page 1, line 15, after "**the**" and before "**pharmacy**" delete "**charitable**"

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

Rules Suspended

Senator Kostelka asked for and obtained a suspension of the rules to revert to the order of:

Introduction of
Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 32—
BY SENATOR CHEEK

A CONCURRENT RESOLUTION

To request the Department of Health and Hospitals to study whether to amend Louisiana's State Medicaid Plan to permit physicians to apply fluoride varnish to the teeth of children under the age of seven who are enrolled in the state Medicaid program and receive appropriate reimbursement, to determine the feasibility of providing such reimbursement, to estimate the costs of such a program, and to submit a written report of its findings and conclusions, including any recommendations for legislation and appropriations relative to the issue, to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare by February 1, 2012.

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

Privilege Report of the Committee on
Senate and Governmental Affairs

ENROLLMENTS

Senator Kostelka, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 12, 2011

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 21—

BY SENATORS DONAHUE, ADLEY, ALARIO, AMEDEE, APPEL, BROOME, CHABERT, CHAISSON, CHEEK, CLAITOR, CROWE, DORSEY, ERDEY, GAUTREAUX, GUIL LORY, HEITMEIER, JACKSON, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MARTINY, MCPHERSON, MICHOT, MILLS, MORRELL, MORRISH, MOUNT, MURRAY, NEVERS, PERRY, PETERSON, QUINN, RISER, SHAW, SMITH, THOMPSON, WALSWORTH AND WILLARD-LEWIS AND REPRESENTATIVES ABRAMSON, ANDERS, ARMES, ARNOLD,

May 12, 2011

AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BISHOP, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, CROMER, DANAHAY, DIXON, DOERGE, DOVE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, FRANKLIN, GALLOT, GEYMAN, GISCLAIR, GREENE, GUILLOREY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HENSGENS, HILL, HINES, HOFFMANN, HONORE, HOWARD, HUTTER, HUVAL, GIROD JACKSON, MICHAEL JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, KLECKLEY, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, LORUSSO, MCVEA, MONICA, MONTOUCET, MORENO, MORRIS, NORTON, NOWLIN, PEARSON, PONTI, POPE, PUGH, RICHARD, RICHARDSON, RITCHIE, ROBIDEAUX, ROY, SCHRODER, SEABAUGH, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, THIERRY, TUCKER, WHITE, WILLIAMS, WILLMOTT AND WOOTON

A CONCURRENT RESOLUTION

To commend Covington Police Lieutenant Douglas "Wade" Sharp for extraordinary heroism in sacrificing his own life to save the life of his daughter.

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR BROOME AND REPRESENTATIVES BARROW AND HONORE

A CONCURRENT RESOLUTION

To recognize May 2011 as National Skin Cancer Awareness Month in Louisiana.

SENATE CONCURRENT RESOLUTION NO. 23—

BY SENATOR BROOME AND REPRESENTATIVE DOWNS

A CONCURRENT RESOLUTION

To designate May 16, 2011, as "YMCA Day in Louisiana."

SENATE CONCURRENT RESOLUTION NO. 24—

BY SENATOR BROOME AND REPRESENTATIVE PATRICIA SMITH

A CONCURRENT RESOLUTION

To express the support of the Legislature of Louisiana as the host state for the 2011 Annual Legislative Conference of the National Organization of Black Elected Legislative Women (NOBEL-Women) being held in Baton Rouge on June 23-26, 2011.

SENATE CONCURRENT RESOLUTION NO. 25—

BY SENATOR LONG AND REPRESENTATIVE NOWLIN

A CONCURRENT RESOLUTION

To commend Northwestern State University College of Nursing and Allied Health upon being selected as one of the Top 100 nursing graduate programs in the nation in the latest rankings by U.S. News Media Group.

SENATE CONCURRENT RESOLUTION NO. 26—

BY SENATOR MICHOT AND REPRESENTATIVE ROBIDEAUX

A CONCURRENT RESOLUTION

To recognize May 2011 as Amyotrophic Lateral Sclerosis Awareness Month and to memorialize the Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and a cure for amyotrophic lateral sclerosis.

Respectfully submitted, ROBERT W. "BOB" KOSTELKA Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

ATTENDANCE ROLL CALL

PRESENT

- Adley, Alario, Amedee, Appel, Broome, Chabert, Cheek, Claitor, Crowe, Donahue, Erdey, Gautreaux, Guillory, Heitmeier, Kostelka, LaFleur, Long, Marionneaux, Martiny, Michot, Morrish, Murray, Nevers, Perry, Peterson, Riser, Shaw, Smith, Thompson, Walsworth

Dorsey Total - 33, Mills, Willard-Lewis

ABSENT

Mr. President Jackson Total - 6, McPherson Morrell, Mount Quinn

Leaves of Absence

The following leaves of absence were asked for and granted:

Chaisson 1 Day, McPherson 1 Day, Mount 1 Day, Jackson 1 Day, Morrell 1 Day, Quinn 1 Day

Announcements

The following committee meetings for May 16, 2011, were announced:

Finance 1:30 P.M. Room A, Retirement 2:00 P.M. Room E, Rev. and Fiscal Affairs 2:00 P.M. Hainkel Room

Adjournment

On motion of Senator Thompson, at 9:35 o'clock A.M. the Senate adjourned until Monday, May 16, 2011, at 4:00 o'clock P.M.

The President Pro Tempore of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Monday, May 16, 2011.

GLENN A. KOEPP Secretary of the Senate

DIANE O' QUIN Journal Clerk