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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Original Senate Concurrent Resolution No. 134 by Senator Broome

AMENDMENT NO. 1

On page 2, after line 24, insert the following:

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby authorize and request the Judicial Council of the Supreme Court of Louisiana to gather information in order to determine the frequency and effectiveness of judicial enforcement of sanctions for filing pleadings in violation of Code of Civil Procedure Article 863(B); and that it be duly recorded that the content of this Paragraph originated as HCR 137 by Representative Harrison.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby request the House Committee on the Administration of Criminal Justice to study the feasibility of requiring part-time peace officers to complete Peace Officer Standards and Training programs and to report the findings of the committee to the legislature prior to the convening of the 2015 Regular Session of the Legislature of Louisiana; and that it be duly recorded that the content of this Paragraph originated as HCR 142 by Representative Pylant.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to compile public data for a sufficient period of time to provide a comprehensive picture of civil jury trials in Louisiana, but not less than the three most recent years available relative to Louisiana's threshold for a civil jury trial in consultation with the Louisiana Supreme Court, the Louisiana Clerks of Court Association, the Louisiana District Attorneys Association, the Louisiana District Judges Association, and the Louisiana Sheriffs' Association that includes but is not limited to the following:

- (1) The number of civil lawsuits filed in Louisiana below the fifty thousand dollar threshold for a civil jury trial, by court of jurisdiction.
- (2) The number of civil lawsuits filed in Louisiana below the fifty thousand dollar threshold for a civil jury trial that are settled without going to trial, by court of jurisdiction.
- (3) The number of persons receiving a request to serve on a jury, the number of persons responding to a request to serve on a jury, the percent of eligible jurors actually impaneled, and the average length of service, by court of jurisdiction.
- (4) The most recent year's total budget for each judicial district court, clerk of court, and sheriff and the percent of that budget that is intended and utilized to secure jurors for jury trials.
- (5) The average estimated cost to public entities to commission and impanel a jury for the duration of a trial, by court of jurisdiction and by parish.
- (6) The average jury bond or cash deposit paid by the requesting party for a civil jury trial and the number of instances and average amount of any refunds of unexpended amounts as required by law, by court of jurisdiction.
- (7) The number of civil cases filed *in forma pauperis*, by court of jurisdiction.
- (8) The total amount owed to each court of jurisdiction due to *in forma pauperis* cases where records of all costs are required to be kept by law.

(9) The number of civil cases transferred from courts of limited jurisdiction to judicial district court due to a request for a trial by jury pursuant to Civil Code of Procedure Article 4872.

(10) The funding sources used by other states to pay for civil jury trials.

(11) The financial implications to state and local governmental authorities of reducing the jury trial threshold, maintaining the jury trial threshold at its current level, and increasing the jury trial threshold.

(12) The factors unique to Louisiana's civil justice system and the impact those factors have on the jury threshold; A; that the Louisiana State Law Institute submit a written report of findings to the House Committee on Civil Law and Procedure and the Senate Committee on Judiciary A not later than sixty days prior to the beginning of the 2015 Regular Session of the Legislature of Louisiana; that in compiling data, the Louisiana State Law Institute may engage, collaborate with, and obtain information and perspectives from stakeholder groups with an interest in Louisiana's civil jury trial threshold; and that it be duly recorded that the content of this Paragraph originated as HCR 163 by Representative Garofalo.

BE IT FURTHER RESOLVED that the Legislature of Louisiana requests the Department of Insurance to conduct a study on what constitutes a properly completed and signed uninsured/underinsured motorist coverage selection form and recommend possible amendments to R.S. 22:1295 based on the findings of this study; that the Department of Insurance shall submit its findings from the study in the form of a report to the House Committee on Insurance and the Senate Committee on Insurance on or before January 15, 2015; that such a study include a review of other states to determine if any other states presume that uninsured/underinsured motorist coverage is triggered by operation of law, that uninsured/underinsured motorist coverage is required when the selection reform contains merely technical errors, what constitutes technical errors, whether uninsured/underinsured motorist coverage is provided when the insured has not paid a premium for such coverage, and whether an insured is charged with a duty to recognize that the policy does not provide uninsured/underinsured motorist coverage when the declaration page does not contain a premium charge for such coverage; and that it be duly recorded that the content of this Paragraph originated as HCR 164 by Representative Huval.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby establish the Transportation Funding Task Force to study all potential funding mechanisms, to determine the benefits and costs of each funding mechanism, to compile a listing of the benefits and detriments when each funding mechanism is utilized, to determine guidelines or criteria for utilization of these funding mechanisms by the state and its political subdivisions, to determine an approval procedure applicable to the use of the funding mechanisms, and to report all such matters to the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works, including recommendations for legislation relative to the future use of the transportation funding mechanisms; that the Transportation Funding Task Force shall comprise the following members:

(1) The president of the Senate or his designee.

(2) The speaker of the House of Representatives or his designee.

(3) The chairman of the Senate Committee on Transportation, Highways and Public Works or his designee.

(4) The chairman of the House Committee on Transportation, Highways and Public Works or his designee.

(5) The secretary of the Department of Transportation and Development or his designee.

(6) A representative of Louisiana Good Roads & Transportation Association.

(7) A representative of Louisiana Associated General Contractors.

(8) A representative to be appointed jointly by the American Society of Civil Engineers and the American Council of Engineering Companies; that the members of this task force shall serve without compensation, except per diem or expenses

1 reimbursement to which they may be individually entitled as members of the  
 2 organizations they represent; that the speaker of the House of Representatives or his  
 3 designee shall act as chairman of the task force and the president of the Senate or his  
 4 designee shall act as vice chairman; that a majority of the total membership shall  
 5 constitute a quorum of the task force and any official action by the task force shall  
 6 require an affirmative vote of a majority of the quorum present and voting; that the  
 7 names of the members chosen or designated as provided shall be submitted to the  
 8 chairman of the task force not later than August 1, 2014, and that the chairman shall  
 9 thereafter call the first meeting of the task force not later than September 15, 2014;  
 10 that the task force shall meet as necessary and shall submit its report of findings and  
 11 recommendations to the chairman of the House Committee on Transportation,  
 12 Highways and Public Works and the chairman of the Senate Committee on  
 13 Transportation, Highways and Public Works, not later than January 15, 2015; that  
 14 the task force shall terminate not later than March 31, 2015; and that it be duly  
 15 recorded that the content of this Paragraph originated as HCR 166 by Representative  
 16 St. Germain.

17 BE IT RESOLVED that the Legislature of Louisiana hereby creates a task  
 18 force to study and evaluate the effectiveness of drug abuse prevention and education  
 19 programs in public schools throughout the state; that the task force shall be  
 20 composed of the following members:

21 (1) A representative of the state Department of Education, designated by  
 22 the state superintendent of education.

23 (2) A representative of the Department of Health and Hospitals,  
 24 designated by the secretary of the department.

25 (3) A representative of the Department of Public Safety and Corrections,  
 26 youth services, office of juvenile justice, designated by the secretary of the  
 27 department.

28 (4) The president of the Louisiana DARE Officers Association or his  
 29 designee.

30 (5) One local school superintendent, designated by the president of the  
 31 Louisiana Association of School Superintendents.

32 (6) One public high school principal, designated by the president of the  
 33 Louisiana Association of Principals.

34 (7) A representative of the Louisiana Association of School Executives,  
 35 designated by the executive director of the association.

36 (8) A representative of the Louisiana Federation of Teachers, designated  
 37 by the president of the federation.

38 (9) A representative of the Louisiana Association of Educators,  
 39 designated by the president of the association.

40 (10) A representative of the Association of Professional Educators of  
 41 Louisiana, designated by the executive director of the association.

42 (11) The president of the Louisiana School Counselor Association or his  
 43 designee.

44 (12) A representative of the Louisiana Assembly on School-Based Health  
 45 Centers, designated by the executive director of the assembly.

46 (13) A representative of the Schools First Project of the Juvenile Justice  
 47 Project of Louisiana, designated by the director of the Schools First Project.

48 (14) The executive director of the Louisiana chapter of the National  
 49 Association of Social Workers or his designee.

50 (15) A representative of the office of the governor, designated by the  
 51 governor.

52 (16) The executive director of the Louisiana Partnership for Children and  
 53 Families or his designee.

54 (17) The chief executive officer of the Louisiana Public Health Institute  
 55 or his designee.

56 (18) The executive director of the Louisiana chapter of the American  
 57 Academy of Pediatrics or his designee.

1 (19) A representative of the Louisiana District Attorneys Association,  
2 designated by the executive director of the association.

3 (20) The presiding officer of Louisiana Teen Challenge or his designee.

4 (21) A church pastor selected by the presiding officer of Louisiana Teen  
5 Challenge.

6 (22) A representative of the Louisiana School Psychological Association,  
7 designated by the president of the association;

8 that the task force shall submit a written report of findings and recommendations to  
9 the House Committee on Education, the Senate Committee on Education, the House  
10 Committee on Health and Welfare, and the Senate Committee on Health and Welfare  
11 not later than sixty days prior to the beginning of the 2015 Regular Session of the  
12 Legislature of Louisiana; that this report shall include but need not be limited to the  
13 identification of potential areas of improvement with respect to drug abuse  
14 prevention and education programs in public schools and any recommendations for  
15 related legislation; that the executive director of the Governor's Office of Safe and  
16 Drug Free Communities or his designee shall be responsible for designating staff to  
17 assist the task force in performing its duties and, by August 1, 2014, convening the  
18 task force for its first meeting, at which the task force shall elect officers and adopt  
19 rules of procedure, a work schedule, and any additional measures that it deems  
20 necessary for the timely performance of its duties; that members of the task force  
21 shall serve without compensation; and that it be duly recorded that the content of this  
22 Paragraph originated as HCR 193 by Representative Hodges.

23 BE IT RESOLVED that the Legislature of Louisiana does hereby request the  
24 Department of Insurance to conduct a study to determine whether R.S. 22:1265  
25 permits an insurer to consider an insured's claim that does not exceed the insured's  
26 deductible to cancel coverage or raise the policy's deductible; that the Legislature of  
27 Louisiana requests that the Department of Insurance include in its study whether an  
28 insurer should be allowed to consider a claim on which it has paid no money to or  
29 on behalf of an insured as grounds for canceling or failing to renew a homeowner's  
30 policy of insurance or increasing the policy deductible of a homeowner's policy; that  
31 the Legislature of Louisiana does hereby request that the Department of Insurance  
32 recommend possible amendments to R.S. 22:1265 based on the findings of this  
33 study, including a definition of a demand for payment and whether an insurer should  
34 be required to disclose to an insured in a prominent location on the policy's  
35 declarations page that making a claim on the policy on which the insurer pays no  
36 money to the insured will be deemed a demand for payment under the policy and the  
37 consequences of filing a claim that does not exceed the policy's deductible; that such  
38 a study shall include a review of other states to determine if other states allow  
39 insurers to use claims that do not exceed the insured's deductible as grounds for  
40 canceling or failing to renew a homeowner's policy of insurance or raising the  
41 homeowner's deductible; that such a study shall determine if prohibiting insurers  
42 from considering claims on which no payment is made either to the insured or on  
43 behalf of the insured as grounds for canceling or failing to renew a homeowner's  
44 policy of insurance or increasing the homeowner's deductible would have upon the  
45 willingness of insurers to continue writing homeowner's insurance policies in this  
46 state; that the Legislature of Louisiana does hereby request that the Department of  
47 Insurance shall submit its findings from this study in the form of a report to the  
48 House Committee on Insurance and the Senate Committee on Insurance on or before  
49 January 15, 2015; and that it be duly recorded that the content of this Paragraph  
50 originated as HCR 199 by Representative Stokes.

51 BE IT RESOLVED that the Legislature of Louisiana does hereby authorize  
52 and request the Department of Health and Hospitals to study the feasibility of  
53 providing a choice of fiscal/employer agents, including a Louisiana-based option, to  
54 Medicaid enrollees who hire a direct service worker as a home-based attendant  
55 through a waiver program administered by the department; that the department shall  
56 submit a written report of its findings and conclusions, including any  
57 recommendations for legislation relative to the issue, to the legislature not later than

sixty days prior to the beginning of the 2015 Regular Session of the Legislature of Louisiana; and that it be duly recorded that the content of this Paragraph originated as HCR 201 by Representative Broadwater.

BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Insurance to conduct a study of the extent of coverage of Louisiana residents enrolled in individual or employer-sponsored health benefit plans, the proliferation of health benefit plans containing high enrollee cost-sharing provisions, and the effects of those plans on enrollees and providers relative to the ability of enrollees to meet those obligations and the amounts that are left unpaid; that the Legislature of Louisiana does hereby urge and request the Department of Insurance to include in such study the process and timing involved with patients and providers obtaining health benefit deductible accumulation and the timing of claims payment and deductible accumulation within health benefit plans; that the Department of Insurance shall submit its findings from the study in the form of a report to the House Committee on Insurance and the Senate Committee on Insurance on or before January 15, 2015; and that it be duly recorded that the content of this Paragraph originated as HCR 203 by Representative Greene.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Insurance, in consultation with the Department of Health and Hospitals, to study an alternative long-term care benefit option for Medicaid applicants with life insurance policies who enter into certain viatical settlement contracts; that the Department of Insurance, in consultation with the Department of Health and Hospitals, shall submit its findings from the study in the form of a report to the House Committee on Insurance and the Senate Committee on Insurance on or before January 15, 2015; that such a study include a review of other states to determine what actions, particularly the consideration or enactment of legislation, have been taken on this subject by any other state; and that it be duly recorded that the content of this Paragraph originated as HCR 210 by Representative Talbot.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Insurance to study the issues of the availability and affordability of homeowners' insurance in the coastal and intercoastal areas of the state, particularly in light of the recent enactment of a state uniform construction code, by establishing a task force; that the membership of such task shall be as follows:

- (1) The state's commissioner of insurance or his designee.
- (2) The chief actuary for the Department of Insurance or his designee.
- (3) The deputy commissioner for the Office of Property and Casualty within the Department of Insurance or his designee.
- (4) A representative from the Louisiana Citizens Property Insurance Corporation.
- (5) A representative from State Farm Fire and Casualty Company.
- (6) A representative from Allstate Indemnity Company.
- (7) A representative from Louisiana Farm Bureau Mutual Insurance Company.
- (8) A representative from Liberty Mutual Fire Insurance Company.
- (9) A representative from the Property and Casualty Insurance Association of America.
- (10) A representative from the American Insurance Association.
- (11) A representatives from the Louisiana Insurers' Conference.
- (12) A representative from the Independent Insurance Agents and Brokers of Louisiana.
- (13) A representative from the Professional Insurance Agents Association of Louisiana.
- (14) A representative from the Louisiana State Uniform Construction Code Council.

1                   (15) A representative from the Louisiana State Licensing Board for  
2                   Contractors;  
3                   that commissioner of insurance shall notify the various organizations nominating  
4                   members of the task force, that the names of such nominees shall be submitted to the  
5                   commissioner no later than July 1, 2014, and that the commissioner shall convene  
6                   the first meeting of the task force no later than August 1, 2014; that the  
7                   commissioner of insurance shall designate the chairperson of the task force from its  
8                   membership; that the task force shall provide for the manner and frequency of its  
9                   meetings at its first meeting and shall be staffed by the Department of Insurance; that  
10                  the task force shall meet as necessary, shall report its findings to the Department of  
11                  Insurance no later than December 31, 2014, and shall terminate upon the date of  
12                  submission of its report or upon December 31, 2014, whichever occurs first; that the  
13                  Department of Insurance shall submit its findings from the study by the task force  
14                  in the form of a report, including any recommendations for changes to the laws,  
15                  regulations, and procedures governing the ratemaking process, to the House  
16                  Committee on Insurance and the Senate Committee on Insurance on or before  
17                  January 15, 2015; and that it be duly recorded that the content of this Paragraph  
18                  originated as HCR 211 by Representative Harrison.