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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Engrossed Senate Concurrent Resolution No. 87 by Senator Mills

1 AMENDMENT NO. 1

2 On page 3, after line 9, insert the following:

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

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

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

24 (1) The number of civil lawsuits filed in Louisiana below the fifty thousand
 25 dollar threshold for a civil jury trial, by court of jurisdiction.

26 (2) The number of civil lawsuits filed in Louisiana below the fifty thousand
 27 dollar threshold for a civil jury trial that are settled without going to trial, by court
 28 of jurisdiction.

29 (3) The number of persons receiving a request to serve on a jury, the number
 30 of persons responding to a request to serve on a jury, the percent of eligible jurors
 31 actually impaneled, and the average length of service, by court of jurisdiction.

32 (4) The most recent year's total budget for each judicial district court, clerk
 33 of court, and sheriff and the percent of that budget that is intended and utilized to
 34 secure jurors for jury trials.

35 (5) The average estimated cost to public entities to commission and impanel
 36 a jury for the duration of a trial, by court of jurisdiction and by parish.

37 (6) The average jury bond or cash deposit paid by the requesting party for
 38 a civil jury trial and the number of instances and average amount of any refunds of
 39 unexpended amounts as required by law, by court of jurisdiction.

40 (7) The number of civil cases filed *in forma pauperis*, by court of
 41 jurisdiction.

42 (8) The total amount owed to each court of jurisdiction due to *in forma*
 43 *pauperis* cases where records of all costs are required to be kept by law.

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

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

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

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

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

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

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

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

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

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

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

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

54 (7) A representative of Louisiana Associated General Contractors.

55 (8) A representative to be appointed jointly by the American Society of Civil
 56 Engineers and the American Council of Engineering Companies; that the members
 57 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

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

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

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

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

- 36 (1) The state's commissioner of insurance or his designee.
- 37 (2) The chief actuary for the Department of Insurance or his designee.
- 38 (3) The deputy commissioner for the Office of Property and Casualty
 39 within the Department of Insurance or his designee.
- 40 (4) A representative from the Louisiana Citizens Property Insurance
 41 Corporation.
- 42 (5) A representative from State Farm Fire and Casualty Company.
- 43 (6) A representative from Allstate Indemnity Company.
- 44 (7) A representative from Louisiana Farm Bureau Mutual Insurance
 45 Company.
- 46 (8) A representative from Liberty Mutual Fire Insurance Company.
- 47 (9) A representative from the Property and Casualty Insurance
 48 Association of America.
- 49 (10) A representative from the American Insurance Association.
- 50 (11) A representatives from the Louisiana Insurers' Conference.
- 51 (12) A representative from the Independent Insurance Agents and Brokers
 52 of Louisiana.
- 53 (13) A representative from the Professional Insurance Agents Association
 54 of Louisiana.
- 55 (14) A representative from the Louisiana State Uniform Construction
 56 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.