

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

FOURTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 3, 1997

The Senate was called to order at 9:30 o'clock A.M., by Hon. Randy Ewing, President of the Senate.

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Greene	Lentini
Bagneris	Guidry	Malone
Barham	Hainkel	Robichaux
Bean	Heitmeier	Romero
Branch	Hines	Schedler
Casanova	Irons	Short
Cox	Johnson	Smith
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Ellington	Lambert	
Fields	Landry	
Total—31		

ABSENT

Bajoie	Cravins	Siracusa
Cain	Dyess	Tarver
Campbell	Hollis	
Total—8		

The President of the Senate announced there were 31 Senators present and a quorum.

Prayer

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

Reading of the Journal

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

Morning Hour

Rules Suspended to Recommit

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of recommitting a bill.

Senator Dardenne moved Senate Bill No. 1286 be recommitted from the Committee on Judiciary B to the Committee on Judiciary C.

Without objection, so ordered.

Messages from the House

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 2, 1997

To the Honorable President and Members of the Senate:

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

**HOUSE CONCURRENT RESOLUTION NO. 76—
BY REPRESENTATIVE HILL**

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Mr. Warren E. Clark and to pay tribute to his many contributions to his community and the state.

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

House Concurrent Resolutions

Senator Bagneris asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 76—
BY REPRESENTATIVE HILL**

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Mr. Warren E. Clark and to pay tribute to his many contributions to his community and the state.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Bagneris	Fields	Malone
Barham	Greene	Romero
Bean	Guidry	Schedler
Branch	Hines	Short
Cain	Irons	Siracusa
Campbell	Johnson	Smith
Casanova	Jones	Theunissen
Cravins	Jordan	Ullo
Dardenne	Lambert	
Dean	Landry	
Total—31		

NAYS

Total—0

ABSENT

Bajoie	Hainkel	Robichaux
--------	---------	-----------

April 3, 1997

Cox	Heitmeier	Tarver
Dyess	Hollis	
Total—8		

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

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

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

SENATE BILL NO. 48—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 18:1491.4(D) and 1495.2(D), relative to the Louisiana Election Code; to provide that broker-dealer accounts, mutual funds and trust accounts may be designated as campaign depositories; 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. 48 by Senator Jordan

AMENDMENT NO. 1

On page 1, line 3, after "to provide that" delete the remainder of the line and line 4 and on line 5 delete "depositories" and insert the following:

"money market accounts provided through a broker-dealer may be designated as campaign depository"

AMENDMENT NO. 2

On page 1, line 15, after "invest" delete the remainder of the line and line 16 and insert the following:

"in a money market account through a broker-dealer and designate such account as his campaign depository"

AMENDMENT NO. 3

On page 2, delete lines 1 and 2 and on line 3 delete "these entities as his campaign depositories"

AMENDMENT NO. 4

On page 2, line 26, after "invest" delete the remainder of the line and line 27 and insert the following:

"in a money market account through a broker-dealer and designate such account as his campaign depository"

AMENDMENT NO. 5

On page 3, delete lines 1 through 3 and on line 4 delete "depositories"

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

SENATE BILL NO. 238—
BY SENATOR GUIDRY

AN ACT

To amend and reenact R.S. 32:409(B), relative to driver's licenses; to prohibit providing driver's license information to anyone other than law enforcement or governmental agencies; to authorize an individual access to his own such information; 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 recommitted to the Committee on Finance.

SENATE BILL NO. 250—
BY SENATOR CAIN

AN ACT

To enact R.S. 22:9(A)(1)(bb), relative to the Louisiana Health Care Commission; to increase the membership of the commission; to provide for an additional nominee by the Louisiana Nursing Home Association; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Hines, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 369—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 42:1113(D)(2)(g), relative to the code of governmental ethics; to provide for the renewals and extension of employment contracts with educational institutions; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Dardenne, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 465—
BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 43:111(A)(7) and to enact R.S. 43:111(A)(8), relative to advertising by the state and its agencies; to authorize the Department of Culture, Recreation and Tourism to advertise its programs when funds have been appropriated for that purpose; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Original Senate Bill No. 465 by Senator Bagneris

AMENDMENT NO. 1

On page 1, line 3, after "authorize the" insert "office of state parks in the"

AMENDMENT NO. 2

On page 1, line 16, after "by" insert "the office of state parks in"

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

SENATE BILL NO. 466—
BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 43:31(B) and to enact R.S. 43:31(A)(5), relative to printing of state government entities; to authorize the Department of Culture, Recreation and Tourism to print new promotional materials that enhance the development and implementation of its programs when funds have been appropriated for that purpose; to exempt those new promotional materials from the required cost to produce statement; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. On motion of Senator Hollis, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 470—
BY SENATOR COX

AN ACT

To enact R.S. 49:149.24, to provide with respect to state buildings; to provide for the name of the Third Circuit Court of Appeals Building in Lake Charles.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Dardenne, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 503—
BY SENATOR HINES AND REPRESENTATIVE DEWITT

AN ACT

To amend and reenact the introductory paragraph of R.S. 45:836 and to enact R.S. 45:836(14), relative to the composition of the Coordinating Council on Telemedicine and Distance Education; to provide for an additional member to be appointed by the Louisiana Board of Pharmacy; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Hines, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 521—
BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 40:1300.83(2), (3), and (4), 1300.84(A), the introductory paragraph of R.S. 1300.84(B) and (B)(4), 1300.85, 1300.86, 1300.87, 1300.88, 1300.89(B), (C), and (D), 1300.90, 1300.91, 1300.92, 1300.93, 1300.94, 1300.95, 1300.96, and 1300.97, relative to the Louisiana Kidney Health Care Law; to remove the Louisiana Kidney Health Care Program from the direction of the Department of Health and Hospitals and to place it under the direction of the Louisiana State University Medical Center at Shreveport; to replace references to the department with references to the medical center; to replace references to the secretary with references to the chancellor; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Hines, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 523—
BY SENATOR ROBICHAUX

AN ACT

To authorize and empower the town of Grand Isle and the parishes of Terrebonne, Lafourche, Iberia, and St. Mary to use the designation "Louisiana's Cajun Coastline" to promote the area as a regional tourism destination.

Reported favorably by the Committee on Commerce and Consumer Protection. On motion of Senator Hollis, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 609—
BY SENATOR HAINKEL, DARDENNE, EWING AND HINES

AN ACT

To amend and reenact R.S. 40:32(10) and to enact R.S. 40:32(18), relative to vital statistics; to redefine "vital records"; to define "signature", "sign(ed)" to include written or electronic signatures; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Hines, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 611—
BY SENATOR HAINKEL, DARDENNE, EWING AND BEAN

AN ACT

To amend and reenact R.S. 40:34(B)(1)(a)(iii) and (h) and to enact R.S. 40:34(B)(1)(a)(vii) and (3), relative to vital records forms; to provide for contents of the birth certificate; to provide for an additional exception to the requirement that the surname of the child shall be the surname of the husband of the mother; to provide additional requirements for recording the father's name; to provide for the effect of law relative to contents of birth certificates on certain legal proceedings; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Hines, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 674—
BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 36:204(A)(7), relative to the powers and duties of the secretary of culture, recreation and tourism; to permit the secretary to authorize the printing of materials which assist in the promotion of the cultural, natural, historic, and recreational resources and programs of the state; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Dardenne, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 1043—
BY SENATOR HOLLIS

AN ACT

To repeal R.S. 51:1261(D), as amended by Section 1 of Act No. 111 of the 1987 Regular Session, relative to delays for submitting statewide marketing plan; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. On motion of Senator Hollis, the bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 1163—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 49:191(11) and to repeal R.S. 49:191(8)(a), relative to the Department of Culture, Recreation and Tourism; to provide for the re-creation of the department and the statutory entities made a part of the department; to provide for the termination of statutory authority for the existence of the department and the statutory entities made a part of the department; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. On motion of Senator Hollis, the bill was read by title and ordered engrossed and passed to a third reading.

Reconsideration

On motion of Senator Malone, pursuant to the previous notice given, the vote by which the following bill failed to pass on April 2, 1997 was reconsidered.

SENATE BILL NO. 419—
BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 3:4278.2(B), relative to the sale of timber; to require approval of at least a simple majority of the co-owners of timber property prior to the sale of timber; and to provide for related matters.

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

April 3, 1997

Senate and Concurrent Resolutions on Second Reading Reported by Committees

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

SENATE CONCURRENT RESOLUTION NO. 28— BY SENATOR IRONS

A CONCURRENT RESOLUTION

To designate the month of May 1997 as Teen Pregnancy Awareness and Prevention Month.

Reported favorably by the Committee on Health and Welfare.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bagneris, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Total—34.

NAYS

Total—0

ABSENT

Table with 3 columns of names: Bajoie, Dyess, Total—5; Hollis, Siracusa; Tarver.

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Dardenne asked that Senate Bill No. 330 be called from the Calendar at this time.

SENATE BILL NO. 330— BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM, BRANCH, COX, CRAVINS, DYESS, ELLINGTON, GUIDRY, HEITMEIER, HINES, HOLLIS, LAMBERT, LANDRY SHORT, SMITH AND THEUNISSEN A JOINT RESOLUTION

Proposing to add Article I, Section 25 of the Constitution of Louisiana, to provide for rights of victims of crimes; to provide for submission of the proposed amendment to the electors; to specify an election

for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

Motion

On motion of Senator Dardenne, Senate Bill No. 330 was made Special Order of the Day 1 on Monday, April 7, 1997 immediately following the Morning Hour.

Rules Suspended

Senator Bagneris asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Introduction of Senate Resolutions

The following Senate Resolutions were introduced and acted upon as follows:

SENATE RESOLUTION NO. 9— BY SENATOR BEAN

A RESOLUTION

To commend the Shriners' Hospital for Children in Shreveport on their seventy-fifth anniversary.

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

Leaves of Absence

The following leaves of absence were asked for and granted:

Table with 4 columns: Name, 1 Day, Name, 1 Day. Includes Bajoie, Campbell, Dyess, Siracusa, Cain, Cravins, Hollis, Tarver.

Adjournment

Senator Bagneris moved that the Senate adjourn until Monday, April 7, 1997 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 7, 1997.

MICHAEL S. BAER, III Secretary of the Senate

GAYE F. HAMILTON Journal Clerk