

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

**NINETEENTH 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

Wednesday, April 30, 1997

The Senate was called to order at 1:30 o'clock P.M., by Hon. Randy Ewing, President of the Senate.

**ROLL CALL**

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

**PRESENT**

Mr. President	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	
Total—38		

**ABSENT**

Smith  
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

**Prayer**

The prayer was offered by Sister Donna Baker, 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 Schedler, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Messages from the House**

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

**Message from the House  
CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

April 28, 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 concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 86—**  
BY SENATOR DYESS

A CONCURRENT RESOLUTION

To commend and congratulate the Louisiana Forestry Association on the celebration of its fiftieth anniversary and for its invaluable contributions to improving the economy and sustainability of forest revenues in Louisiana.

Reported without amendments.

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

**Message from the House  
ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

April 29, 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 Bills and Joint Resolutions:

**HOUSE BILL NO. 1208—**  
BY REPRESENTATIVES LANCASTER AND SCHNEIDER  
AN ACT

To amend and reenact R.S. 18:1505.4(A)(2) and (3) and 1505.5(B) and (C), relative to campaign finance; to provide with respect to penalties for failing to file reports or failing to timely file reports; to provide with respect to the penalties for other violations of the Campaign Finance Disclosure Act; to increase the penalties for violations by certain political committees; and to provide for related matters.

**HOUSE BILL NO. 638—**  
BY REPRESENTATIVE BRUNEAU  
AN ACT

To enact R.S. 13:4165, relative to courts and judicial procedure; to authorize district courts to appoint special masters in certain cases; and to provide for related matters.

**HOUSE BILL NO. 300—**  
BY REPRESENTATIVE BARTON  
AN ACT

To amend and reenact R.S. 33:9102(B) and to enact Part V of Chapter 31 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9131.5, relative to communications districts in certain parishes; to provide relative to the purposes of the districts; to provide relative to enhancement of emergency telecommunications service; to provide relative to the service charges collected by the districts including provisions relative to use of the proceeds from such charges, the rate of such charges, and the collection and enforcement of such charges; and to provide for related matters.

**HOUSE BILL NO. 666—**

BY REPRESENTATIVE WRIGHT AND SENATOR SMITH  
AN ACT

To amend and reenact R.S. 33:174(A) and R.S. 33:180, relative to municipal annexation; to prohibit certain annexations of portions of roads; to provide relative to legal challenges to annexations; to authorize certain persons to challenge the reasonableness of annexations of territory; to provide procedures for certain annexations; and to provide for related matters.

**HOUSE BILL NO. 2024—**

BY REPRESENTATIVE THORNHILL  
AN ACT

To amend and reenact R.S. 22:5(2), 6(13)(e), 1249(A)(introductory paragraph), (3), and (7), and (B), 1262(A), (B)(introductory paragraph), and (1)(a), (2), and (3), 1262.1(B)(1)(introductory paragraph), (a) and (e), (C), (D)(1), (F) and (G), and 1379(9), to enact R.S. 22:5(12) through (15), 1248, 1249(A)(8) through (11), 1249.1, 1262(B)(1)(d) and (e) and (4) through (7), and 1262.1(H), and to repeal R.S. 22:1262(C) and (E) through (G), relative to unauthorized insurers; to define approved unauthorized insurer, authorized insurer, surplus lines insurance, and unauthorized insurer; to exempt certain vessels from the definition of "marine protection and indemnity insurance"; to provide for unauthorized insurers and the transacting of a business of insurance; to provide for surplus lines for solvent insurers; to establish capital, surplus, deposits, and bond requirements for certain insurers; to provide for approved unauthorized insurers' listing and removal from that listing; to provide for the placement of insurance business, prohibition, and exclusions; and to provide for related matters.

**HOUSE BILL NO. 1922—**

BY REPRESENTATIVES THORNHILL, DONELON, BARTON, BAUDOIN, BRUCE, CHAISSON, CRANE, DAMICO, DIMOS, FAUCHEUX, HUNTER, ILES, MICHOT, MORRISH, MURRAY, PERKINS, PINAC, POWELL, ROUSSELLE, SHAW, JACK SMITH, TRAVIS, WALSWORTH, BAYLOR, CARTER, COPELIN, DANIEL, DIEZ, DOERGE, FRITH, GREEN, KENNEY, LANCASTER, MCCAIN, MCDONALD, MONTGOMERY, ODINET, PRATT, ROMERO, STRAIN, THOMAS, THOMPSON, WELCH, AND WRIGHT  
AN ACT

To amend and reenact R.S. 6:958(B), R.S. 22:1382(A)(3)(a)(iv), 1401, 1404, 1404.1, 1405(A), (C), (D)(2) and (5), (G), and (I), 1406.2(1) and (2), 1406.3(B) and (C), 1406.6(A), 1406.7, 1406.8(A) and (D), 1406.10 through 1406.12, 1407, 1409(A), (B), (D), (E), and (G)(1), 1412(B), 1417(A) and (B), 1417.1(C), 1422.1, 1423(A), (B), and (E), 1432(1), (2)(introductory paragraph), and (6), 1436(A) and (B), 1437(A)(1) and (2)(g) and (B), 1438(A)(1) and (C), 1440 through 1444, 1446, 1447, 1450.3(4) and (5), and 1459(A), R.S. 23:1392(A)(1) and (8), R.S. 32:430(M) and 1043(A), and R.S. 40:1299.44(A)(2)(b), (c), and (f) and (6)(a) and 1308(C)(6) and to repeal R.S. 22:636.2(A)(3) and 636.4(E)(2)(a), R.S. 23:1395(A), and R.S. 36:686, relative to insurance rate regulation; to eliminate the Louisiana Insurance Rating Commission; to provide for transition of certain functions, duties, and obligations from the commission to the Department of Insurance; to replace the commission with the department for receipt of certain reports, plans, and revenues; to permit the department to review and approve certain filings submitted by certain assigned risks plans and associations; to permit the department to assess and collect surcharges on physicians covered by the medical malpractice board; to eliminate the rate making requirements for certain property and casualty insurers; to permit the department to enforce certain rate reductions for defensive driving courses and drivers over the age of fifty-five years; to permit the attorney general to represent the citizens of the state before the department; and to provide for related matters.

**HOUSE BILL NO. 123—**

BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 11:165, relative to all state and statewide public retirement systems; to provide for disqualification of felons from eligibility to receive benefits from public retirement systems; to provide for eligibility of spouses and children; to provide an

effective date; and to provide for related matters.

**HOUSE BILL NO. 441—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 13:501(B)(3), relative to single parish district courts; to authorize the Fortieth Judicial District Court to hold certain sessions of the court in St. John the Baptist Parish east of the Mississippi River; and to provide for related matters.

**HOUSE BILL NO. 1326—**

BY REPRESENTATIVE THOMPSON  
AN ACT

To enact R.S. 14:74(A)(3), relative to the offense of criminal neglect of family; to provide for the factors to be considered in determining if necessitous circumstances exist; and to provide for related matters.

**HOUSE BILL NO. 1337—**

BY REPRESENTATIVES ANSARDI, DONELON, DOWNER, BAYLOR, CLARKSON, DUPRE, PIERRE, PRATT, QUEZAIRE, ROUSSELLE, WESTON, WILLARD-LEWIS, WINSTON, AND WRIGHT  
AN ACT

To amend and reenact the title of Chapter 18 of Title 25 of the Louisiana Revised Statutes of 1950 and R.S. 25:851 and 856, to rename the "Louisiana Military History and State Weapons Museum" as the "Ansel M. Stroud, Jr. Military History and Weapons Museum"; and to provide for related matters.

**HOUSE BILL NO. 1047—**

BY REPRESENTATIVES R. ALEXANDER AND DEWITT  
AN ACT

To enact R.S. 40:2006, relative to the Department of Health and Hospitals; to provide for the assessment of licensing fees, unit fees, and delinquency fees for specified types of health care facilities and providers; to provide for the assessment of subsidiary fees for applicable facilities; and to provide for related matters.

**HOUSE BILL NO. 1108—**

BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND GAUTREAUX  
AN ACT

To enact Part XIII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2199, relative to the Department of Health and Hospitals; to establish as a misdemeanor the opening or operation of certain health care facilities without a license; to provide for fines upon conviction; to provide for civil liability when the violation poses a threat to the health, safety, rights, or welfare of a resident or client of a health care facility; to provide for the adoption of rules and regulations which define specific classifications of violations, articulate factors in assessing fines, and which explain the treatment of continuing and repeat deficiencies; to provide for a schedule of violations and related fines; to limit the amount of aggregate fines which may be assessed for violations determined in a month; to provide for the adoption of rules and regulations which provide for notice to health care facilities of any violation, for an informal reconsideration process, and for an appeal procedure including judicial review; to limit appeals to suspensive appeals; to require the health care facility to furnish a bond with an appeal; to provide with respect to the bond including the minimum amount of such bond and the provisions of such bond; to authorize the department to institute civil actions to collect fines; to require civil fines collected to be deposited into the state treasury in the Health Care Facility Fund and to provide for the fund; to provide for purposes for which the fund may be used; to authorize the secretary to promulgate rules and regulations to provide for administration of the fund; and to provide for related matters.

**HOUSE BILL NO. 1349—**

BY REPRESENTATIVE MCCALLUM  
AN ACT

To amend and reenact R.S. 14:211, relative to the sale of forest products; to provide for failure to remit payment to owner and to provide penalties; and to provide for related matters.

**HOUSE BILL NO. 1352—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 14:212, relative to the sale of forest products; to prohibit the making of false statements; to provide penalties; and to provide for related matters.

**HOUSE BILL NO. 1367—**

BY REPRESENTATIVE CURTIS  
AN ACT

To amend and reenact R.S. 13:621.9 and to enact R.S. 13:587.1, relative to district judges; to provide for an additional judgeship for the Ninth Judicial District Court; to provide for compensation of the additional judge; to provide for the election and terms of office and those of the successors in office; and to provide for related matters.

**HOUSE BILL NO. 1400—**

BY REPRESENTATIVE BRUNEAU  
AN ACT

To amend and reenact R.S. 11:2228, relative to the Municipal Police Employees' Retirement System; to provide relative to exemption from execution; to provide with respect to certain exemptions from levy and sale, garnishment, or attachment applicable to a return of contributions; to provide with respect to the assignment of benefits; and to provide for related matters.

**HOUSE BILL NO. 1427—**

BY REPRESENTATIVE SHAW  
AN ACT

To enact R.S. 17:3141.2(1)(l) and (m) and 3141.4(B)(3), relative to proprietary schools; to exclude certain training programs and centers from the definition of a proprietary school; to exclude certain income earned by proprietary schools from license renewal fee calculations; and to provide for related matters.

**HOUSE BILL NO. 1433—**

BY REPRESENTATIVE STELLY  
AN ACT

To amend and reenact R.S. 11:701(25) and (26), 762(C), 779(A)(2), (B)(1), and (C), 780(B), 873(2), 879, and 896, to enact R.S. 11:883.2, and to repeal R.S. 11:890 and 891, relative to the Teachers' Retirement System of Louisiana; to provide with respect to definitions, survivor benefits, benefits for certain beneficiaries of disability retirees, earnings statements of certain disability retirees, annuity savings fund, pension reserve fund, correcting membership errors, and benefit adjustments; to repeal certain employee contribution limits; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 2256—**

BY REPRESENTATIVE COPELIN  
AN ACT

To amend and reenact R.S. 27:18, relative to the Louisiana Gaming Control Board; to provide for venue for civil proceedings involving gaming licensees; and to provide for related matters.

**HOUSE BILL NO. 94—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 33:1422.1, relative to sheriffs; to authorize sheriffs to appoint legal counsel; and to provide for related matters.

**HOUSE BILL NO. 1480—**

BY REPRESENTATIVES TRICHE AND THORNHILL AND SENATOR SHORT  
AN ACT

To enact R.S. 38:313, relative to levee and levee and drainage districts; to provide that a district shall cease to exist if the district has not completed the construction of a protection levee within five years of the district's creation; and to provide for related matters.

**HOUSE BILL NO. 2185—**

BY REPRESENTATIVE POWELL  
AN ACT

To amend and reenact R.S. 23:1200.1 and to enact R.S. 23:1196.1, relative to group self-insurance funds; to provide with respect to investments by group self-insurance funds; and to provide for related matters.

**HOUSE BILL NO. 2003—**

BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact R.S. 56:259(C), relative to taking animals; to require proper trapping licenses for taking of certain nongame quadrupeds; to limit weapons for taking nutria; and to provide for related matters.

**HOUSE BILL NO. 1693—**

BY REPRESENTATIVES DIMOS AND R. ALEXANDER  
AN ACT

To enact R.S. 46:1425, relative to adoption services; to prohibit any person other than a Class A or Class B child-placing agency or a Louisiana-based crisis pregnancy center from advertising through print or electronic media relative to adoption services; to provide for injunctive relief for violations; to provide for exceptions; and to provide for related matters.

**HOUSE BILL NO. 809—**

BY REPRESENTATIVE WESTON  
AN ACT

To amend and reenact R.S. 25:783 and R.S. 36:208(E) and to enact Chapter 21-A of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:911 through 913, relative to the Department of Culture, Recreation and Tourism; to establish the division of historic preservation within the office of cultural development of the department; to provide with respect to such division including matters of authority, duties, responsibilities, organization, governance, and placement within the executive branch of state government; and to provide for related matters.

**HOUSE BILL NO. 1086—**

BY REPRESENTATIVE WESTON  
AN ACT

To amend and reenact R.S. 25:341(A), (D), and (E), 342(A)(1), (2)(c), (5), (6), and (8), (B)(2) and (3), and (C), 343, 344, 345(A), (B), (C)(2), 349, and 351 and R.S. 36:207(A)(2) as amended and reenacted by Act No. 687 of the 1983 Regular Session of the Legislature and 909 and to repeal R.S. 25:342(F) and R.S. 36:207(A)(2) as amended and reenacted by Act No. 688 of the 1983 Regular Session of the Legislature, to provide relative to the Louisiana State Museum and the office of the state museum of the Department of Culture, Recreation and Tourism; to provide for the operation and management of the museum and the office; to provide for the holdings of the museum; to provide for the Board of Directors of the Louisiana State Museum, including membership, powers and duties, and the executive committee; to provide for the director of the museum and the assistant secretary of the office of the state museum; to provide for fees, contracts, leases, and donations; and to provide for related matters.

**HOUSE BILL NO. 972—**

BY REPRESENTATIVE BRUNEAU  
AN ACT

To amend and reenact R.S. 13:1373.1(A) and (B) and to repeal R.S. 13:1373.1(B) as amended by Acts 1981, No. 636, relative to the Criminal District Court for the parish of Orleans; to provide for

additional court reporters and deputy court reporters; and to provide for related matters.

**HOUSE BILL NO. 1185—**  
BY REPRESENTATIVE MURRAY  
AN ACT

To amend and reenact R.S. 23:1103(C), relative to workers' compensation; to provide for the amount of legal fees and costs a compensation carrier is responsible for when recovery is made from a third party without filing suit; and to provide for related matters.

**HOUSE BILL NO. 891—**  
BY REPRESENTATIVE THORNHILL  
AN ACT

To amend and reenact R.S. 16:13.1, relative to investigators of the district attorneys' offices; to provide for statewide jurisdiction for serving of the state's subpoenas; to relieve the investigators from any duty of posting bond; and to provide for related matters.

**HOUSE BILL NO. 1305—**  
BY REPRESENTATIVE THOMPSON  
AN ACT

To amend and reenact R.S. 3:3246(D) and (E), relative to certification and licensing of agricultural consultants; to provide for education and experience requirements; and to provide for related matters.

**HOUSE BILL NO. 1306—**  
BY REPRESENTATIVE THOMPSON  
AN ACT

To amend and reenact R.S. 3:3363(B)(1) and (2), (C), and (H), 3374(A), and 3375(B), relative to the Structural Pest Control Commission; to provide for appointment and terms of members; to provide for the collection of fees; and to provide for the disposition of fees; and to provide for related matters.

**HOUSE BILL NO. 1310—**  
BY REPRESENTATIVE BRUN  
AN ACT

To amend and reenact R.S. 13:783(F), relative to expenses of the clerk's office; to authorize payments for insurance; and to provide for related matters.

**HOUSE BILL NO. 1324—**  
BY REPRESENTATIVE THOMPSON  
AN ACT

To amend and reenact Children's Code Art. 311, relative to juvenile jurisdiction over adults; to provide concurrent jurisdiction in certain support cases; and to provide for related matters.

**HOUSE BILL NO. 1330—**  
BY REPRESENTATIVE THOMPSON  
AN ACT

To amend and reenact R.S. 3:2452(A), 2453(B) and (C), and 2454(B), relative to the Louisiana Abandoned Animals Act; to provide for when an animal is considered abandoned; to provide for notice requirements; and to provide for related matters.

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

**House Bills and Joint Resolutions**

Senator Guidry asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint 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 BILL NO. 94—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 33:1422.1, relative to sheriffs; to authorize sheriffs to appoint legal counsel; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary B.

**HOUSE BILL NO. 123—**  
BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 11:165, relative to all state and statewide public retirement systems; to provide for disqualification of felons from eligibility to receive benefits from public retirement systems; to provide for eligibility of spouses and children; to provide an effective date; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 300—**  
BY REPRESENTATIVE BARTON  
AN ACT

To amend and reenact R.S. 33:9102(B) and to enact Part V of Chapter 31 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9131.5, relative to communications districts in certain parishes; to provide relative to the purposes of the districts; to provide relative to enhancement of emergency telecommunications service; to provide relative to the service charges collected by the districts including provisions relative to use of the proceeds from such charges, the rate of such charges, and the collection and enforcement of such charges; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 441—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 13:501(B)(3), relative to single parish district courts; to authorize the Fortieth Judicial District Court to hold certain sessions of the court in St. John the Baptist Parish east of the Mississippi River; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 638—**  
BY REPRESENTATIVE BRUNEAU  
AN ACT

To enact R.S. 13:4165, relative to courts and judicial procedure; to authorize district courts to appoint special masters in certain cases; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 666—**  
BY REPRESENTATIVE WRIGHT AND SENATOR SMITH  
AN ACT

To amend and reenact R.S. 33:174(A) and R.S. 33:180, relative to municipal annexation; to prohibit certain annexations of portions of roads; to provide relative to legal challenges to annexations; to authorize certain persons to challenge the reasonableness of annexations of territory; to provide procedures for certain annexations; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 809—**  
BY REPRESENTATIVE WESTON

AN ACT

To amend and reenact R.S. 25:783 and R.S. 36:208(E) and to enact Chapter 21-A of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:911 through 913, relative to the Department of Culture, Recreation and Tourism; to establish the division of historic preservation within the office of cultural development of the department; to provide with respect to such division including matters of authority, duties, responsibilities, organization, governance, and placement within the executive branch of state government; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 891—**  
BY REPRESENTATIVE THORNHILL

AN ACT

To amend and reenact R.S. 16:13.1, relative to investigators of the district attorneys' offices; to provide for statewide jurisdiction for serving of the state's subpoenas; to relieve the investigators from any duty of posting bond; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 972—**  
BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 13:1373.1(A) and (B) and to repeal R.S. 13:1373.1(B) as amended by Acts 1981, No. 636, relative to the Criminal District Court for the parish of Orleans; to provide for additional court reporters and deputy court reporters; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1047—**  
BY REPRESENTATIVES R. ALEXANDER AND DEWITT

AN ACT

To enact R.S. 40:2006, relative to the Department of Health and Hospitals; to provide for the assessment of licensing fees, unit fees, and delinquency fees for specified types of health care facilities and providers; to provide for the assessment of subsidiary fees for applicable facilities; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 1086—**  
BY REPRESENTATIVE WESTON

AN ACT

To amend and reenact R.S. 25:341(A), (D), and (E), 342(A)(1), (2)(c), (5), (6), and (8), (B)(2) and (3), and (C), 343, 344, 345(A), (B), (C)(2), 349, and 351 and R.S. 36:207(A)(2) as amended and reenacted by Act No. 687 of the 1983 Regular Session of the Legislature and 909 and to repeal R.S. 25:342(F) and R.S. 36:207(A)(2) as amended and reenacted by Act No. 688 of the 1983 Regular Session of the Legislature, to provide relative to the Louisiana State Museum and the office of the state museum of the Department of Culture, Recreation and Tourism; to provide for the operation and management of the museum and the office; to provide for the holdings of the museum; to provide for the Board of Directors of the Louisiana State Museum, including membership, powers and duties, and the executive committee; to provide for the director of the museum and the assistant secretary of the office of the state museum; to provide for fees, contracts, leases, and donations; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and

referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 1108—**  
BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND GAUTREAU

AN ACT

To enact Part XIII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2199, relative to the Department of Health and Hospitals; to establish as a misdemeanor the opening or operation of certain health care facilities without a license; to provide for fines upon conviction; to provide for civil liability when the violation poses a threat to the health, safety, rights, or welfare of a resident or client of a health care facility; to provide for the adoption of rules and regulations which define specific classifications of violations, articulate factors in assessing fines, and which explain the treatment of continuing and repeat deficiencies; to provide for a schedule of violations and related fines; to limit the amount of aggregate fines which may be assessed for violations determined in a month; to provide for the adoption of rules and regulations which provide for notice to health care facilities of any violation, for an informal reconsideration process, and for an appeal procedure including judicial review; to limit appeals to suspensive appeals; to require the health care facility to furnish a bond with an appeal; to provide with respect to the bond including the minimum amount of such bond and the provisions of such bond; to authorize the department to institute civil actions to collect fines; to require civil fines collected to be deposited into the state treasury in the Health Care Facility Fund and to provide for the fund; to provide for purposes for which the fund may be used; to authorize the secretary to promulgate rules and regulations to provide for administration of the fund; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 1185—**  
BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 23:1103(C), relative to workers' compensation; to provide for the amount of legal fees and costs a compensation carrier is responsible for when recovery is made from a third party without filing suit; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 1208—**  
BY REPRESENTATIVES LANCASTER AND SCHNEIDER

AN ACT

To amend and reenact R.S. 18:1505.4(A)(2) and (3) and 1505.5(B) and (C), relative to campaign finance; to provide with respect to penalties for failing to file reports or failing to timely file reports; to provide with respect to the penalties for other violations of the Campaign Finance Disclosure Act; to increase the penalties for violations by certain political committees; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 1305—**  
BY REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 3:3246(D) and (E), relative to certification and licensing of agricultural consultants; to provide for education and experience requirements; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Agriculture.

**HOUSE BILL NO. 1306—**

BY REPRESENTATIVE THOMPSON  
AN ACT

To amend and reenact R.S. 3:3363(B)(1) and (2), (C), and (H), 3374(A), and 3375(B), relative to the Structural Pest Control Commission; to provide for appointment and terms of members; to provide for the collection of fees; to provide for the disposition of fees; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Agriculture.

**HOUSE BILL NO. 1310—**

BY REPRESENTATIVE BRUN  
AN ACT

To amend and reenact R.S. 13:783(F), relative to expenses of the clerk's office; to authorize payments for insurance; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 1324—**

BY REPRESENTATIVE THOMPSON  
AN ACT

To amend and reenact Children's Code Art. 311, relative to juvenile jurisdiction over adults; to provide concurrent jurisdiction in certain support cases; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1326—**

BY REPRESENTATIVE THOMPSON  
AN ACT

To enact R.S. 14:74(A)(3), relative to the offense of criminal neglect of family; to provide for the factors to be considered in determining if necessitous circumstances exist; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1330—**

BY REPRESENTATIVE THOMPSON  
AN ACT

To amend and reenact R.S. 3:2452(A), 2453(B) and (C), and 2454(B), relative to the Louisiana Abandoned Animals Act; to provide for when an animal is considered abandoned; to provide for notice requirements; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Agriculture.

**HOUSE BILL NO. 1337—**

BY REPRESENTATIVES ANSARDI, DONELON, DOWNER, BAYLOR, CLARKSON, DUPRE, PIERRE, PRATT, QUEZAIRES, ROUSSELLE, WESTON, WILLARD-LEWIS, WINSTON, AND WRIGHT  
AN ACT

To amend and reenact the title of Chapter 18 of Title 25 of the Louisiana Revised Statutes of 1950 and R.S. 25:851 and 856, to rename the "Louisiana Military History and State Weapons Museum" as the "Ansel M. Stroud, Jr. Military History and Weapons Museum"; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 1349—**

BY REPRESENTATIVE MCCALLUM  
AN ACT

To amend and reenact R.S. 14:211, relative to the sale of forest products; to provide for failure to remit payment to owner and to provide penalties; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Agriculture.

**HOUSE BILL NO. 1352—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 14:212, relative to the sale of forest products; to prohibit the making of false statements; to provide penalties; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Agriculture.

**HOUSE BILL NO. 1367—**

BY REPRESENTATIVE CURTIS  
AN ACT

To amend and reenact R.S. 13:621.9 and to enact R.S. 13:587.1, relative to district judges; to provide for an additional judgeship for the Ninth Judicial District Court; to provide for compensation of the additional judge; to provide for the election and terms of office and those of the successors in office; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1400—**

BY REPRESENTATIVE BRUNEAU  
AN ACT

To amend and reenact R.S. 11:2228, relative to the Municipal Police Employees' Retirement System; to provide relative to exemption from execution; to provide with respect to certain exemptions from levy and sale, garnishment, or attachment applicable to a return of contributions; to provide with respect to the assignment of benefits; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1427—**

BY REPRESENTATIVE SHAW  
AN ACT

To enact R.S. 17:3141.2(1)(l) and (m) and 3141.4(B)(3), relative to proprietary schools; to exclude certain training programs and centers from the definition of a proprietary school; to exclude certain income earned by proprietary schools from license renewal fee calculations; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Education.

**HOUSE BILL NO. 1433—**

BY REPRESENTATIVE STELLY  
AN ACT

To amend and reenact R.S. 11:701(25) and (26), 762(C), 779(A)(2), (B)(1), and (C), 780(B), 873(2), 879, and 896, to enact R.S. 11:883.2, and to repeal R.S. 11:890 and 891, relative to the Teachers' Retirement System of Louisiana; to provide with respect to definitions, survivor benefits, benefits for certain beneficiaries of disability retirees, earnings statements of certain disability retirees, annuity savings fund, pension reserve fund, correcting membership errors, and benefit adjustments; to repeal certain employee contribution limits; to provide for an effective date; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Retirement.

**HOUSE BILL NO. 1480—**  
BY REPRESENTATIVES TRICHE AND THORNHILL AND SENATOR SHORT  
AN ACT

To enact R.S. 38:313, relative to levee and levee and drainage districts; to provide that a district shall cease to exist if the district has not completed the construction of a protection levee within five years of the district's creation; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

**HOUSE BILL NO. 1693—**  
BY REPRESENTATIVES DIMOS AND R. ALEXANDER  
AN ACT

To enact R.S. 46:1425, relative to adoption services; to prohibit any person other than a Class A or Class B child-placing agency or a Louisiana-based crisis pregnancy center from advertising through print or electronic media relative to adoption services; to provide for injunctive relief for violations; to provide for exceptions; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Health and Welfare.

**HOUSE BILL NO. 1922—**  
BY REPRESENTATIVES THORNHILL, DONELON, BARTON, BAUDOIN, BRUCE, CHAISSON, CRANE, DAMICO, DIMOS, FAUCHEUX, HUNTER, ILES, MICHOT, MORRISH, MURRAY, PERKINS, PINAC, POWELL, ROUSSELLE, SHAW, JACK SMITH, TRAVIS, WALSWORTH, BAYLOR, CARTER, COPELIN, DANIEL, DIEZ, DOERGE, FRITH, GREEN, KENNEY, LANCASTER, MCCAIN, MCDONALD, MONTGOMERY, ODINET, PRATT, ROMERO, STRAIN, THOMAS, THOMPSON, WELCH, AND WRIGHT  
AN ACT

To amend and reenact R.S. 6:958(B), R.S. 22:1382(A)(3)(a)(iv), 1401, 1404, 1404.1, 1405(A), (C), (D)(2) and (5), (G), and (I), 1406.2(1) and (2), 1406.3(B) and (C), 1406.6(A), 1406.7, 1406.8(A) and (D), 1406.10 through 1406.12, 1407, 1409(A), (B), (D), (E), and (G)(1), 1412(B), 1417(A) and (B), 1417.1(C), 1422.1, 1423(A), (B), and (E), 1432(1), (2)(introductory paragraph), and (6), 1436(A) and (B), 1437(A)(1) and (2)(g) and (B), 1438(A)(1) and (C), 1440 through 1444, 1446, 1447, 1450.3(4) and (5), and 1459(A), R.S. 23:1392(A)(1) and (8), R.S. 32:430(M) and 1043(A), and R.S. 40:1299.44(A)(2)(b), (c), and (f) and (6)(a) and 1308(C)(6) and to repeal R.S. 22:636.2(A)(3) and 636.4(E)(2)(a), R.S. 23:1395(A), and R.S. 36:686, relative to insurance rate regulation; to eliminate the Louisiana Insurance Rating Commission; to provide for transition of certain functions, duties, and obligations from the commission to the Department of Insurance; to replace the commission with the department for receipt of certain reports, plans, and revenues; to permit the department to review and approve certain filings submitted by certain assigned risks plans and associations; to permit the department to assess and collect surcharges on physicians covered by the medical malpractice board; to eliminate the rate making requirements for certain property and casualty insurers; to permit the department to enforce certain rate reductions for defensive driving courses and drivers over the age of fifty-five years; to permit the attorney general to represent the citizens of the state before the department; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 2003—**  
BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact R.S. 56:259(C), relative to taking animals; to require proper trapping licenses for taking of certain nongame quadrupeds; to limit weapons for taking nutria; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 2024—**  
BY REPRESENTATIVE THORNHILL  
AN ACT

To amend and reenact R.S. 22:5(2), 6(13)(e), 1249(A)(introductory paragraph), (3), and (7), and (B), 1262(A), (B)(introductory paragraph), and (1)(a), (2), and (3), 1262.1(B)(1)(introductory paragraph), (a) and (e), (C), (D)(1), (F) and (G), and 1379(9), to enact R.S. 22:5(12) through (15), 1248, 1249(A)(8) through (11), 1249.1, 1262(B)(1)(d) and (e) and (4) through (7), and 1262.1(H), and to repeal R.S. 22:1262(C) and (E) through (G), relative to unauthorized insurers; to define approved unauthorized insurer, authorized insurer, surplus lines insurance, and unauthorized insurer; to exempt certain vessels from the definition of "marine protection and indemnity insurance"; to provide for unauthorized insurers and the transacting of a business of insurance; to provide for surplus lines for solvent insurers; to establish capital, surplus, deposits, and bond requirements for certain insurers; to provide for approved unauthorized insurers' listing and removal from that listing; to provide for the placement of insurance business, prohibition, and exclusions; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 2185—**  
BY REPRESENTATIVE POWELL  
AN ACT

To amend and reenact R.S. 23:1200.1 and to enact R.S. 23:1196.1, relative to group self-insurance funds; to provide with respect to investments by group self-insurance funds; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 2256—**  
BY REPRESENTATIVE COPELIN  
AN ACT

To amend and reenact R.S. 27:18, relative to the Louisiana Gaming Control Board; to provide for venue for civil proceedings involving gaming licensees; and to provide for related matters.

On motion of Senator Bagneris, the bill was read by title and referred to the Committee on Judiciary B.

**Reports of Committees**

The following reports of committees were received and read:

**S U P P L E M E N T A L**  
**REPORT OF COMMITTEE ON**  
**J U D I C I A R Y C**

Senator Jordan, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

April 30, 1997

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

SENATE BILL NO. 729—  
BY SENATOR ULLO

AN ACT

To enact Chapter 7 of Title 26 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 26:901 through 922, relative to tobacco products; to change the name of the office of alcoholic beverage control to the office of alcohol and tobacco control; to provide for the office of alcohol and tobacco control to issue licenses to dealers who sell or offer for sale tobacco products at wholesale, retail and through vending machines; and to provide for related matters.

Reported by substitute.

Respectfully submitted,  
J. LOMAX JORDAN, JR.  
Chairman

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. 160—  
BY SENATOR JORDAN

AN ACT

To amend and reenact Civil Code Art. 102 and 103, and to enact Civil Code Art. 103.1, relative to divorce; to provide for a divorce under certain conditions; to require clear and convincing evidence for a divorce where there are children under the age of twenty-four years; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 160 by Senator Jordan

AMENDMENT NO. 1

On page 1, lines 2 and 8, change "Art." to "Arts."

AMENDMENT NO. 2

On page 1, lines 5 and 13, change "twenty-four" to "eighteen"

AMENDMENT NO. 3

On page 2, lines 7 and 15, change "twenty-four" to "eighteen"

AMENDMENT NO. 4

On page 2, line 17, change "twenty-" to "eighteen" and on line 18, delete "four"

AMENDMENT NO. 5

On page 2, line 27, change "twenty-four" to "eighteen" and after "years" insert ", provided that the standard of proof for the granting of a divorce under the provisions of this Paragraph shall be by a preponderance of the evidence"

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

SENATE BILL NO. 185—  
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 15:574.4(H)(4)(o), relative to parole; to provide for the garnishment of a parolee's salary in order to defray the expense of parole; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 185 by Senator Dardenne.

AMENDMENT NO. 1

On page 1, delete line 3 and insert "for the collection of the costs of the supervision"

AMENDMENT NO. 2

On page 2, line 8, after "pay." insert "**Such cost shall constitute a legally enforceable obligation.**"

AMENDMENT NO. 3

On page 2, delete lines 10 and 11 and insert in lieu thereof "**timely manner, the division of probation and parole may collect such costs and/or arrearages of such costs by garnishment, income wage assignment, or in any other manner authorized by law for the enforcement of such an obligation.**"

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

SENATE BILL NO. 191—  
BY SENATOR ROMERO

AN ACT

To enact R.S. 46:2135(G), to provide for hearing officers to handle the first rule to show cause in the enforcement of protective orders; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 191 by Senator Romero

AMENDMENT NO. 1

On page 1, line 2, after "officers" insert "in certain courts"

AMENDMENT NO. 2

On page 1, line 3, after "orders;" insert "to provide for the manner in which the recommendations by the hearing officers are made; to provide for the duration of such orders;"

AMENDMENT NO. 3

On page 1, line 10, delete "The" and insert "Notwithstanding any other provision of law to the contrary, in the Sixteenth Judicial District, the"

AMENDMENT NO. 4

On page 1, line 15, after "shall" insert "immediately"

AMENDMENT NO. 5

On page 1, line 16, after "matter" delete the period "." and insert ", in order for the court to immediately issue an order of protection. Any temporary restraining order issued pursuant to this Subsection shall expire upon the hearing of the rule to show cause, or within thirty days of the issuance of the order, whichever occurs first."

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

**SENATE BILL NO. 373—**  
BY SENATOR SCHEDLER

AN ACT

To enact R.S. 14:91.9, relative to the sales of tobacco products from vending machines; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 373 by Senator Schedler

AMENDMENT NO. 1

On page 2, delete lines 2 through 10 and insert the following:

"(1) In an establishment to which persons under the age of eighteen are denied access.

(2) In facilities where the dealer ensures that no person younger than eighteen years of age is present, or permitted to enter at any time and the machine is located within the unobstructed line of sight of a dealer or a dealer's agent or employee who is responsible for preventing persons younger than eighteen years of age from purchasing tobacco products through that machine."

AMENDMENT NO. 2

On page 2, line 16, delete "with or without hard labor,"

AMENDMENT NO. 3

On page 2, delete lines 19 through 24

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

**SENATE BILL NO. 511—**  
BY SENATOR COX

AN ACT

To enact Part X of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:221 through 235, relative to civil commitment; to provide for special procedures for commitment of sexually violent predators; to define terms; to provide for offenses considered as sexually violent offenses; to provide for initial assessments, the filing of sexually violent offender petitions, detention, evaluations, hearing procedures, trials, and dispositions in connection therewith; to provide for periodic examinations and judicial review; to provide for notifications upon release; to provide for special allegations in certain criminal cases; to provide with respect to confidential or privileged information and the sealing of court records; and to provide for related matters.

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

SENATE BILL NO. (Substitute For Senate Bill No. 511 by Senator Cox)

BY SENATOR COX

CIVIL/COMMITMENT. Provides civil commitment procedures for sexually violent predators. (Governor's signature)

AN ACT

To enact Part X of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:221 through 234, relative to civil commitment; to provide for special procedures for commitment of sexually violent predators; to define terms; to provide for offenses considered as sexually violent offenses; to provide for initial assessments, the filing of sexually violent offender petitions, detention, evaluations, hearing procedures,

trials, and dispositions in connection therewith; to provide for periodic examinations and judicial review; to provide for notifications upon release; to provide for special allegations in certain criminal cases; to provide with respect to confidential or privileged information and the sealing of court records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part X of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:221 through 234, is hereby enacted to read as follows:

**PART X. SEXUALLY VIOLENT PREDATORS**

§221. Findings

**R.S. 28:221. is all proposed new law.**

The legislature finds that there exists a small but extremely dangerous group of sexually violent predators, who do not have a mental disease or defect that renders them appropriate for existing involuntary treatment under Part III of this Chapter, which is intended to be a short-term civil commitment system primarily designed to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment under that Part, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities and those features render them likely to engage in sexually violent behavior. The legislature further finds that sex offenders' likelihood of engaging in repeat acts of predatory sexual violence is high. Involuntary commitment under Part III of this Chapter is inadequate to address the risk these sexually violent predators pose to society. The legislature further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different from the traditional treatment modalities for people appropriate for commitment under Part III of this Chapter. Therefore, the legislature finds that a civil commitment procedure for the long-term care and treatment of the sexually violent predator is necessary. §222. Definitions

**R.S. 28:222 is all proposed new law.**

Unless the context clearly requires otherwise, the definitions in this Section apply throughout this Part:

(1) "Agency with jurisdiction" means the agency that releases upon lawful order or authority a person serving a sentence or term of confinement.

(2) "Mental illness" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree thereby constituting such person as a menace to the health and safety of others.

(3) "Predatory act" means an act directed toward a stranger or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

(4) "Secretary" means the secretary of the Department of Health and Hospitals.

(5) "Sexually motivated" means that one of the purposes for which the offender committed the crime was for the purpose of his sexual gratification.

(6) "Sexually violent offense" means (a) any grade or degree of rape, sexual battery, oral sexual battery, or incest against a child under the age of fourteen, carnal knowledge of a juvenile, indecent behavior with a juvenile, or molestation of a juvenile; (b) a comparable offense under federal law or the law of another state; (c) any grade or degree of homicide, battery, assault, kidnaping, false imprisonment, or burglary, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings, has been determined by clear and convincing evidence to have been sexually motivated; or (d) an attempt, criminal incitement or solicitation, or criminal conspiracy to commit one of the offenses designated in this Paragraph.

(7) "Sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental illness or personality disorder which makes the person

likely to engage in predatory acts of sexual violence, if not confined in a secure facility.

§223. Notice prior to release of sexually violent predator; multi-disciplinary team; prosecutor's review committee

**R.S. 28:223 is all proposed new law.**

A.(1) When it appears that a person may meet the criteria of a sexually violent predator, the agency with jurisdiction shall refer the person in writing to the attorney general and to the multi-disciplinary team provided for in Subsection C of this Section, one-hundred eighty days prior to any of the following:

(a) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense.

(b) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile.

(c) Release of a person who has been charged with a sexually violent offense and who has been determined to lack the mental capacity to proceed.

(d) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense.

(2) The agency shall inform the attorney general and the multi-disciplinary team of the person's name, identifying factors, anticipated future residence, offense history, and documentation of institutional adjustment and any treatment received.

B. The agency, its employees and officials, members of the multi-disciplinary team, members of the review committee provided for in Subsection D of this Section, and individuals contracting, appointed, or volunteering to perform services hereunder shall be immune from liability for any good-faith conduct under this Section.

C. The secretary of the Department of Public Safety and Corrections shall establish a multi-disciplinary team, which may include individuals from other state agencies, to review available records of each person referred to the team pursuant to Subsection A of this Section. Within thirty days after receiving notice, the team shall assess whether or not the person meets the definition of a sexually violent predator and shall notify the attorney general of its assessment.

D. The attorney general shall appoint a review committee to review the records of each person referred to the attorney general pursuant to Subsection A of this Section. The review committee shall assist the attorney general in determining whether the person meets the definition of a sexually violent predator. The assessment of the multi-disciplinary team shall be made available to the attorney general and the review committee.

§224. Sexually violent predator petition, filing

**R.S. 28:224 is all proposed new law.**

When the Department of Public Safety and Corrections determines there is sufficient cause to believe that the person presently confined may be a sexually violent predator and the review committee has determined that the person meets the definition of a sexually violent predator, the attorney general may file a petition, within sixty days after receiving notice from the Department of Public Safety and Corrections, alleging that the person is a sexually violent predator and stating sufficient facts to support such allegation.

§225. Sexually violent predator petition; determination of probable cause; transfer for evaluation

**R.S. 28:225 is all proposed new law.**

Upon the filing of a petition under R.S. 28:224, the court shall, within seventy-two hours, provide the person with notice of, and an opportunity to appear in person at, a hearing to determine sufficient cause as to whether he is a sexually violent predator. At the hearing, the court shall verify the detainee's identity and determine whether sufficient cause exists to believe that the person is a sexually violent predator. The state may rely upon the petition and may supplement the petition with additional documentary evidence or live testimony. The detained person shall have the rights to be represented by counsel, to present evidence on his own behalf, to cross-examine witnesses who testify against him, and to view and copy all petitions and reports in the court file. If the

determination is made that sufficient cause exists, the court shall direct that the person shall be transferred to an appropriate secure facility, for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person professionally qualified to conduct such an examination pursuant to rules developed and promulgated by the Department of Health and Hospitals in consultation with the Department of Social Services and the Department of Public Safety and Corrections.

§226. Trial; rights of parties

**R.S. 28:226 is all proposed new law.**

Within sixty days after the completion of any hearing pursuant to R.S. 28:225, the court shall conduct a hearing to determine whether the person is a sexually violent predator. The hearing may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. At all stages of the proceedings under this Part, the person shall be entitled to the assistance of counsel, and if the person is indigent the court shall appoint counsel to assist the person. A person subjected to an examination under this Part may retain experts or professional persons to perform an examination on his behalf. When the person wishes to be examined by a qualified expert or professional person of his own choice, the examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. Upon request of a person who is indigent, the court shall determine whether the services are necessary and shall determine reasonable compensation for such services. If the court determines that the services are necessary and the expert's or professional person's requested compensation for those services is reasonable, the court shall assist the person in obtaining an expert or professional person to perform an examination or participate in the hearing on his behalf. The court shall approve payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the person, and compensation received in the same case or for the same services from any other source. The hearing shall be conducted before the court.

§227. Trial; determination; commitment procedures

**R.S. 28:227 is all proposed new law.**

A. The court shall determine whether, by clear and convincing evidence, the person is a sexually violent predator. Such a determination by the court may be appealed. If the court determines that the person is a sexually violent predator, the person shall be committed to the custody of the Department of Health and Hospitals, office of mental health. The department may enter into an interagency agreement with the Department of Public Safety and Corrections for the confinement of such persons.

B. If the court is not satisfied by clear and convincing evidence that the person is a sexually violent predator, the court shall direct the person's release.

§228. Detention and commitment to conform to constitutional requirements

**R.S. 28:228 is all proposed new law.**

The involuntary detention or commitment of persons under this Part shall conform to constitutional requirements for care and treatment.

§229. Petition for release; procedures

**R.S. 28:229 is all proposed new law.**

If the secretary determines that the person's mental abnormality disorder has so changed that the person is not likely to engage in predatory acts of sexual violence if released, the secretary shall authorize the person to petition the court for release. The petition shall be served upon the court and the attorney general. Upon receipt of the petition for release, the court shall order a hearing within thirty days. The attorney general shall represent the state and shall have the right to have the petitioner examined by an expert or professional person of the attorney general's choice. The hearing shall be before the court. The burden of proof shall be upon the attorney general to show by clear and

convincing evidence that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and if discharged is likely to commit predatory acts of sexual violence.

§230. Subsequent discharge petitions

**R.S. 28:230 is all proposed new law.**

Nothing in this Part shall prohibit a person from filing a petition for discharge pursuant to this Part. However, if a person has previously filed a petition for discharge without the secretary's approval and the court determined, either upon review of the petition or following a hearing, that the petition was frivolous or that the petitioner's condition had not so changed that he was safe to be at large, then the court shall deny the subsequent petition unless it contains facts upon which a court could find that the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from a committed person without the secretary's approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

§231. Department of Health and Hospitals; responsibility for costs

**R.S. 28:231 is all proposed new law.**

The Department of Health and Hospitals shall be responsible for all costs relating to the evaluation and treatment of persons committed to its custody under the provisions of this Part but may recover such costs from the persons so committed or any third person, insurer, or other entity having an obligation to pay all or part of those costs.

§232. Notice to victims of release of committed persons

**R.S. 28:232 is all proposed new law.**

Prior to the release of a person committed under this Part, the secretary shall give written notice of the release to any victim of the person's conduct or crime, which conduct or crime was a ground or basis for the person's commitment, if the victim is alive and the victim is known to the secretary or, if the victim is deceased, to the victim's family, if the family's address is known to the secretary. Failure to notify shall not be a reason for postponement of the release. Nothing in this Section shall create a cause of action against the state or an employee of the state acting within the scope of his employment as a result of the failure to notify the victim or victim's family pursuant to this Section.

§233. Special allegation of sexual motivation; procedure

**R.S. 28:233 is all proposed new law.**

A. The district attorney shall file a special allegation of sexual motivation within ten days after arraignment in every criminal case other than sexually violent offenses, as defined in R.S. 28:222(6), when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding of sexual motivation by a reasonable and objective fact finder.

B. In a case in which such a special allegation has been made, the state must prove by clear and convincing evidence that the accused committed the crime with a sexual motivation. The court shall make a finding of fact as to whether a sexual motivation was present at the time of the commission of the crime. This finding does not apply in cases of sexually violent offenses, as defined in R.S. 28:222(6).

C. The district attorney shall not withdraw the special allegation of sexual motivation without approval of the court through an order of dismissal of the special allegation. The court shall not dismiss this special allegation, unless it finds that such an order is necessary to correct an error in the initial charging decision or unless there are evidentiary problems that make proving the special allegation doubtful.

§234. Confidential, privileged information; sealing court records

**R.S. 28:234 is all proposed new law.**

A. In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency with jurisdiction or the attorney general for the purpose of meeting the notice requirement provided in R.S. 28:223 and determining whether a person is or continues to be a

sexually violent predator.

B. Any psychological reports, drug and alcohol reports, treatment records, reports of diagnostic facilities, medical records, or victim impact statements that have been submitted to the court or admitted into evidence under this Part shall be part of the record but shall be sealed and opened only on order of the court or as otherwise provided in this Part.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

On motion of Senator Ullo, the committee substitute bill was adopted and becomes Senate Bill No. 1546 by Senator Cox, substitute for Senate Bill No. 511 by Senator Cox.

**SENATE BILL NO. 1546 (Substitute for Senate Bill No. 511 by Senator Cox)—**

BY SENATOR COX

AN ACT

To enact Part X of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:221 through 234, relative to civil commitment; to provide for special procedures for commitment of sexually violent predators; to define terms; to provide for offenses considered as sexually violent offenses; to provide for initial assessments, the filing of sexually violent offender petitions, detention, evaluations, hearing procedures, trials, and dispositions in connection therewith; to provide for periodic examinations and judicial review; to provide for notifications upon release; to provide for special allegations in certain criminal cases; to provide with respect to confidential or privileged information and the sealing of court records; and to provide for related matters.

The bill was read by title; lies over under the rules.

**SENATE BILL NO. 562—**

BY SENATORS HAINKEL, DARDENNE AND EWING

AN ACT

To enact R.S. 9:2798.1(E), relative to offenses and quasi offenses; to provide for limitation of liability for failure of public entities for failure to effectively or properly regulate persons or entities under their authority; to provide for proof of liability; to extend liability to certain persons or entities; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 562 by Senator Hainkel

**AMENDMENT NO. 1**

On page 1, line 14, change "A public entity shall not be liable for" to "There shall be no cause of action against a public entity for its"

**AMENDMENT NO. 2**

On page 2, line 5, change "Liability" to "Any cause of action authorized"

**AMENDMENT NO. 3**

On page 2, line 8, after "entity" insert "and to those persons who are directly injured by the acts or omissions of the public entity to the extent of their special damages incurred directly thereby"

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

April 30, 1997

SENATE BILL NO. 658—  
BY SENATOR DARDENNE

AN ACT

To amend and reenact Code of Criminal Procedure Art. 408.1, relative to qualifications and selection of grand and petit jurors; to provide with respect to initial selection of general venire; to provide for source; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 658 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 14, after "customers," insert "if made available by the utility company,"

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

SENATE BILL NO. 857—  
BY SENATOR BRANCH

AN ACT

To repeal R.S. 15:574.12, relative to confidentiality of certain information obtained by the boards of pardon and parole.

Reported favorably by the Committee on Judiciary A. On motion of Senator Cravins, the bill was read by title and passed to a third reading.

SENATE BILL NO. 902—  
BY SENATOR JORDAN

AN ACT

To amend and reenact Code of Civil Procedure Arts. 254(D), 2130, and 4918, and R.S. 49:955(C) and (E)(2), and to enact Code of Civil Procedure Art. 251.1, relative to adjudicatory proceedings; to require certain courts and administrative agencies in adjudications to record all proceedings; to require the record to be maintained for not less than three years; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 902 by Senator Jordan

AMENDMENT NO. 1

On page 1, line 2, after "254(D)," delete the remainder of the line and insert "and 2130,"

AMENDMENT NO. 2

On page 1, line 9, after "254(D)," delete "2130, and 4918," and insert "and 2130"

AMENDMENT NO. 3

On page 1, between lines 11 and 12 insert the following:

"Art. 251.1. Recording of proceedings

Art. 251.1 is all proposed new law.

In all cases, tried in a district, parish, or city court, the clerk of court shall record all of the proceedings while court is in session, including, but not limited to, the examination of prospective jurors, the testimony of witnesses, rulings, orders, and charges by the court, and objections, questions, statements, and arguments of counsel. The clerk shall retain possession of such recordings for not less than three years."

AMENDMENT NO. 4

On page 2, line 1, before "addition" delete "in"

AMENDMENT NO. 5

On page 2, delete lines 13 through 27 in their entirety

AMENDMENT NO. 6

On page 3, delete lines 1 through 7 in their entirety

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

SENATE BILL NO. 1119—  
BY SENATOR JOHNSON

AN ACT

To enact R.S. 15:574.2(C)(11), relative to the board of parole; to provide relative to parole hearings; to provide for written notification; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Cravins, the bill was read by title and passed to a third reading.

SENATE BILL NO. 1199—  
BY SENATOR GUIDRY

AN ACT

To amend and reenact R.S. 9:2801(1)(a) and (2) and R.S. 13:1401(A)(2) and Civil Code Art. 2375(A) and (C), relative to civil jurisdiction and procedure, to provide for jurisdiction over certain property of a community; to provide for the time in which to file motions relative to settlement of co-ownership of community property; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1199 by Senator Guidry

AMENDMENT NO. 1

On page 1, line 2, delete "and R.S. 13:1401(A)(2)"

AMENDMENT NO. 2

On page 1, line 3, after "(C)," insert "and to enact R.S. 13:1415,"

AMENDMENT NO. 3

On page 3, delete lines 6 through 27 in their entirety and insert the following:

"Section 2. R.S. 13:1415 is hereby enacted to read as follows:

§1415. Family courts; additional jurisdiction

R.S. 13:1415 is all proposed new law.

In addition to other provisions of law providing jurisdiction to a family court, a family court in and for any parish of this state, if applicable, shall also be the court of record with exclusive jurisdiction in the following proceedings:

(1) All actions between spouses or former spouses for partition of property acquired pursuant to a matrimonial regime.

(2) All actions seeking a termination or modification of a matrimonial regime.

(3) All actions between spouses or former spouses for the settlement and enforcement of claims arising from a matrimonial regime or the establishment thereof.

(4) All actions between former spouses seeking the enforcement of a judicial or contractual settlement of the type of claims provided in this section."

AMENDMENT NO. 4

On page 4, line 11, delete ", at the time"

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

**SENATE BILL NO. 1314—**

BY SENATOR DARDENNE

## AN ACT

To enact R.S. 46:236.10, relative to the payment of a child support obligation; to authorize the imposition of a plan for payment of support on the obligor in cases wherein the child is receiving Title IV-A assistance; to authorize the inclusion of certain work activities in the plan; to provide definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 1314 by Senator Dardenne.

AMENDMENT NO. 1

On page 2, at the beginning of line 9, after "support" delete "or support administratively ordered"

AMENDMENT NO. 2

On page 2, line 14, after "court" delete "or administrative law judge"

AMENDMENT NO. 3

On page 2, line 19, after "court" delete "or administrative law judge"

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

**SENATE BILL NO. 1334—**

BY SENATOR SCHEDLER

## AN ACT

To enact R.S. 30:2531(D)(5), relative to penalties to be imposed for littering; to authorize increased penalties for littering on a Louisiana Byway; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 1334 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 3, after "Louisiana" delete "Byway" and insert in lieu thereof "state highway"

AMENDMENT NO. 2

On page 1, line 10, after "impose" delete the remainder of the line and insert in lieu thereof "the following fines and penalties"

AMENDMENT NO. 3

On page 1, at the beginning of line 11, delete "provided for in this Section" and between "violation" and "has" insert "of this Section"

AMENDMENT NO. 4

On page 1, line 12, after "Louisiana" delete the remainder of the line

and insert in lieu thereof "state highway:"

AMENDMENT NO. 5

On page 1, between lines 12 and 13, insert the following:

"(i) Upon first conviction, a fine of not less than two hundred fifty dollars nor more than five hundred dollars and a sentence to serve eight hours of community service in a litter abatement work detail as approved by the court.

(ii) Upon second conviction, a fine of not less than five hundred dollars nor more than one thousand five hundred dollars and a sentence to serve sixteen hours of community service in a litter abatement work detail as approved by the court.

(iii) Upon third or subsequent conviction, a fine of not less than one thousand dollars nor more than three thousand dollars, one year suspension of the violator's motor vehicle driver's license, imprisonment for not more than six months, or a sentence to serve forty-eight hours of community service in a litter abatement work detail as approved by the court, or all or any combination of the aforementioned penalties.

(iv) The judge may require an individual convicted of a violation of this Section that has occurred on a Louisiana state highway to remove litter from state highways for any prescribed period of time in lieu of or in addition to the penalties prescribed in this Paragraph."

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

**SENATE BILL NO. 1368—**

BY SENATOR COX

## AN ACT

To amend and reenact the heading of Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950 and R.S. 15:540, 546, 547, and 548(H), and to enact R.S. 15:541 (9) through (16) and R.S. 15:542.1, relative to the registration of sex offenders; to provide for the registration of sexually violent predators and child predators; to provide definitions; to provide for an advisory panel; to provide for evaluation procedures; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1368 by Senator Cox

AMENDMENT NO. 1

On page 1, line 10, change "chapter" to "Chapter" and change "title" to "Title"

AMENDMENT NO. 2

On page 4, line 3, between "the" and "court" insert "sentencing"

AMENDMENT NO. 3

On page 4, line 3, after "court" delete "on the basis of" and insert "upon receipt and review of relevant information including"

AMENDMENT NO. 4

On page 5, line 1, delete "state board" and insert "commission"

AMENDMENT NO. 5

On page 5, delete lines 9 and 10 and on line 11, change "(c)" to "(b)" and on line 13 after "R.S. 14:86" insert ", R.S. 15:542(E)"

AMENDMENT NO. 6

On page 5, line 19, after "the" insert "Louisiana" and on line 20, after

April 30, 1997

"Information" delete "of the Louisiana state police"

AMENDMENT NO. 7

On page 6, line 4, change "rising" to "arising"

AMENDMENT NO. 8

On page 6, line 5, after "court," insert "shall on its own motion or"

AMENDMENT NO. 9

On page 6, line 6, delete "or the court, shall" and insert ", may"

AMENDMENT NO. 10

On page 6, line 10, after "(2)" delete "Upon receiving a referral from the sentencing court," and change "the" to "The"

AMENDMENT NO. 11

On page 6, line 13 after "predator" insert a "." and delete the remainder of the line and delete lines 14 and 15, and insert "Such recommendation shall include the factual basis upon which the recommendation is made."

AMENDMENT NO. 12

On page 7, line 5, after "offender" insert a " . "

AMENDMENT NO. 13

On page 7, line 14, between "the" and "Bureau" insert "Louisiana"

AMENDMENT NO. 14

On page 7, line 15, after "Information" delete "of the Louisiana State Police" and insert ", hereinafter referred to as "the bureau","

AMENDMENT NO. 15

On page 7, line 18, change "Bureau" to "bureau" and delete "of" and on line 19, delete "Criminal Identification and Information of the Louisiana State Police,"

AMENDMENT NO. 16

On page 8, line 14, change "Part" to "Chapter"

AMENDMENT NO. 17

On page 8, line 18, change "Bureau" to "bureau" and delete "of Criminal" and on line 19, delete "Identification and Information of Louisiana State Police"

AMENDMENT NO. 18

On page 9, line 7, change "Bureau" to "bureau"

AMENDMENT NO. 19

On page 9, line 22, change "their" to "his" and after "registration" delete "in accordance with" and insert "pursuant to the provisions"

AMENDMENT NO. 20

On page 9, line 27, after "determination" delete "by a court of competent jurisdiction"

AMENDMENT NO. 21

On page 10, line 11, delete "within five days of" and insert "not less than five days prior to"

AMENDMENT NO. 22

On page 10, delete lines 15 through 20 and insert :

"(2) The bureau shall mail a non-forwardable verification form to the last reported address of the sexually violent offender every ninety days following the receipt of the initial registration information."

AMENDMENT NO. 23

On page 10, line 26, change "Bureau" to "bureau"

AMENDMENT NO. 24

On page 11, line 22, after "the" insert "Louisiana"

AMENDMENT NO. 25

On page 12, line 5, change "Bureau" to "bureau"

AMENDMENT NO. 26

On page 12, on line 14, after "state" insert "or the United States"

AMENDMENT NO. 27

On page 12, line 16, after "The" insert "Louisiana"

AMENDMENT NO. 28

On page 12, line 25, after "notification" delete the remainder of the line

AMENDMENT NO. 29

On page 12, line 27, after "state" insert "or the United States,"

AMENDMENT NO. 30

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

\* \* \*

AMENDMENT NO. 31

On page 14, line 11, after "victim" insert ", or information leading to the identity of a victim"

AMENDMENT NO. 32

On page 15, line 5, delete "consider" and insert "institute rules pursuant to"

AMENDMENT NO. 33

On page 16, line 3, delete "Section" and insert "Chapter"

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

**SENATE BILL NO. 1369—**

BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 15:147(A) and to enact R. S. 15:151 through 151.4 and R.S. 36:4(D), relative to the right to counsel in criminal cases; to provide for the determination of indigency and for compliance with indigency determination procedure by the judge; to create the Indigent Defense Supplemental Assistance Board in the office of the governor and to provide with respect to the appointment of its members and officers; to provide with respect to the board's powers, duties, functions, rulemaking authority, compensation, and expenses; to provide for the conditions for awarding supplemental assistance to judicial district indigent defender boards; to provide for reporting requirements; to provide for an effective date and for the transition of funds and staff; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 1369 by Senator Jordan

AMENDMENT NO. 1

On page 1, line 6, and on page 2 lines 24 and 27 delete "Supplemental"

AMENDMENT NO. 2

On page 3, line 6, after "shall appoint" delete "three members" and insert in lieu thereof "six members, and shall designate the chairman."

AMENDMENT NO. 3

On page 3, delete line 7 in its entirety and at the beginning of line 8 change "(c)" to "(b)"

AMENDMENT NO. 4

On page 3, line 15, after "(a)" delete "Two" and insert in lieu thereof "Three"

AMENDMENT NO. 5

On page 3, line 17, after "(b)" delete "One member" and insert in lieu thereof "Three members"

AMENDMENT NO. 6

On page 3, line 17, after "appointed for " delete "three-year" and insert in lieu thereof "two-year"

AMENDMENT NO. 7

On page 3, delete lines 19 through 22 in their entirety

AMENDMENT NO. 8

On page 3, line 23, delete "(e)" and insert in lieu thereof "(c)"

AMENDMENT NO. 9

On page 4, line 4, after "requirements," and before "and" insert "except per diem,"

AMENDMENT NO. 10

On page 4, line 13, after "A. Five" and before "members" insert "voting"

AMENDMENT NO. 11

On page 4, line 20, after "shall elect a" delete "chairman and"

AMENDMENT NO. 12

On page 4, line 21, after "shall serve" delete "three-year" and insert in lieu thereof "two-year"

AMENDMENT NO. 13

On page 5, line 7, after "right to counsel" and before the period "." insert "to indigent defendants in criminal cases"

AMENDMENT NO. 14

On page 5, line 14, after "the judicial district" and before the colon ":" insert ", except as provided in D(9)"

AMENDMENT NO. 15

On page 6, at the end of line 16, between "audit" and the period "." insert "of state funds received pursuant to this Section."

AMENDMENT NO. 16

On page 6, delete line 27 in its entirety and insert in lieu thereof "(10) Guidelines for supplemental assistance in specific capital cases for Judicial District Indigent Defender Boards which are not otherwise qualified to receive supplemental assistance. The limitations of R.S. 15:151.2(C)(1) shall not apply to such assistance."

AMENDMENT NO. 17

On page 7 delete lines 1 through 4 in their entirety, and insert in lieu thereof, "E. The Board shall have authority by rule, to develop and maintain such programs as necessary to implement the guidelines for supplemental assistance."

AMENDMENT NO. 18

On page 7, line 25, after "right of counsel" and before the period "." insert "to indigent defendants in criminal cases."

AMENDMENT NO. 19

On page 8, lines 5, 12 and 15, delete "Supplemental"

AMENDMENT NO. 20

On page 8, line 17, delete "January 1, 1998" and insert in lieu thereof "December 31, 1997"

On motion of Senator Jordan, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

**SENATE BILL NO. 1389—**

BY SENATOR JONES

AN ACT

To enact R.S. 14:51.1, relative to offenses against property; to provide with respect to violence to buildings and other property; to provide for arson of a place of worship; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Jordan, the bill was read by title and passed to a third reading.

**SENATE BILL NO. 1405—**

BY SENATOR HAINKEL

AN ACT

To enact R.S. 14:68.5, relative to offenses against property; to provide with respect to misappropriation without violence; to provide for the crime of unauthorized removal of property from the governor's mansion; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1405 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 9, change "a misdemeanor" to "unlawful"

AMENDMENT NO. 2

On page 1, lines 11 and 12, delete "Louisiana Governor's Mansion Commission" and insert in lieu thereof "property manager designated for the executive office of the governor, as provided for in R.S. 39:322, after consultation with the Louisiana Governor's Mansion Foundation"

AMENDMENT NO. 3

On page 1, delete lines 13 through 15 in their entirety and insert the following:

"B. It shall be unlawful for any person to remove any personal property of the Louisiana Governor's Mansion Foundation from the grounds of the governor's mansion without the authorization of the Louisiana Governor's Mansion Foundation.

C. Whoever commits the crime of unauthorized removal of property from the governor's mansion as provided for in this Section shall, upon conviction, be subject to a fine or imprisonment or both, as provided for in accordance with the penalties prescribed for violation of R.S. 14:67 based on the value of the property unlawfully removed. "

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

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

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

**HOUSE BILL NO. 1472—**

BY REPRESENTATIVE POWELL

AN ACT

To authorize and provide for the transfer of certain state property to the Louisiana Agricultural Finance Authority from the Department of Agriculture and Forestry; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Senate Concurrent Resolutions on Second Reading Reported by Committees

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

SENATE CONCURRENT RESOLUTION NO. 32— BY SENATOR CAIN

A CONCURRENT RESOLUTION

To recognize the Four Winds Tribe, Louisiana Cherokee Confederacy as an Indian tribe and to memorialize the Congress of the United States to do the same.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Concurrent Resolution No. 32 by Senator Cain

AMENDMENT NO. 1

On page 1, delete lines 3 and 4 and insert "Indian tribe."

AMENDMENT NO. 2

On page 2, delete lines 11 through 23

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

Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cain to Original Senate Concurrent Resolution No. 32 by Senator Cain

AMENDMENT NO. 1

On page 2, between lines 10 and 11, insert the following:

"BE IT FURTHER RESOLVED that the Four Winds Tribe, Louisiana Cherokee Confederacy will agree in writing with the Governor of the state of Louisiana not to apply in the next 99 years for any gaming license, compact or permit for any reservation within Louisiana prior to the resolution being effective.

BE IT FURTHER RESOLVED that in the event it is not agreed to by the tribe, the resolution is hereby null and void."

On motion of Senator Cain, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators who voted 'YEAS': Mr. President, Dean, Lambert, Bajoie, Dyess, Landry, Barham, Ellington, Lentini, Bean, Fields, Robichaux, Branch, Guidry, Romero, Cain, Heitmeier, Schedler, Campbell, Hines, Short, Casanova, Irons, Siracusa.

Table listing names of senators who voted 'NAYS': Cox, Johnson, Tarver, Cravins, Jones, Theunissen, Dardenne, Jordan, Ullo, Total—33.

NAYS

Table listing names of senators who voted 'ABSENT': Greene, Hollis, Malone, Total—3.

ABSENT

Table listing names of senators who were 'ABSENT': Bagneris, Hainkel, Smith, Total—3.

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

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

SENATE BILL NO. 1153—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 50:172(A) and to repeal R.S. 3:415(F); Chapter 23 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:3703 through 3707; Part II of Chapter 7 of Title 6 of the Louisiana Revised Statutes of 1950, comprised of R.S. 6:551 through 568; R.S. 17: 2014 through 2015; Chapter 20-B-2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042.21 through 3042.27; Part XXX-B of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1450.21 through 1450.25; R.S. 24:522(H); Chapter 4-B of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:321 through 322; Chapter 14 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:671 through 675; Part II of Chapter 22 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1005 through 1005.3; Chapter 23 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1011 through 1016; Chapter 12 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:801 through 809; Part V-A of Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:650 through 657; Chapter 14-A of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:2331 through 2331.17; R.S. 32:703.1; Chapter 18 of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:1801 through 1805; R.S. 33:4576; Chapter 37 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9451 through 9459; R.S. 34:851.27(B)(6); Chapter 16 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1851 through 1857; Chapter 19 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2001 through 2007; Chapter 22 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2151 through 2157; Chapter 25 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2281 through 2287; Chapter 27 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2351 through 2357; Chapter 33 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3001 through 3006; Chapter 34 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3051 through 3056; Chapter 35-A of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3141 through 3145; Chapter 38 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3166 through 3172; Chapter 39 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3201 through 3208; Chapter 41 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3241 through

3246; Chapter 44 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3301 through 3338; Chapter 45 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3351 through 3356; R.S. 36:4(B)(1)(r); R.S. 36:4(B)(5); R.S. 36:4(B)(9); R.S. 36:4(I); R.S. 36:109(I)(2); R.S. 36:109(I)(3); R.S. 36:109(S); R.S. 36:109(T); R.S. 36:209(N); R.S. 36:209(Q); R.S. 36:209(U); R.S. 36:259(J); R.S. 36:259(B); R.S. 36:359(G); R.S. 36:409(K); R.S. 36:509(I); R.S. 36:629(c)(4); R.S. 36:629(E)(2); R.S. 36:629(M); R.S. 36:651(D)(7); R.S. 36:651(G)(2); Part XIV of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:366.1 through 366.6; R.S. 40:2194.2(2); R.S. 40:2194.3 through 2194.4; R.S. 40:2195.1; Chapter 29 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2741 through 2743; Chapter 41 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2541 through 2545; Chapter 42 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2551 through 2563; Chapter 46 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through 2615; R.S. 47:302.12; Chapter 22 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:1821 through 1827; R.S. 50:172(B), (C) and 172(D); R.S. 51:911.45; R.S. 51:911.46(B); R.S. 51:936(B); Part VII of Chapter 3 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:981 through 984; Part VIII of Chapter 3 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:991 through 994 and R.S. 51:2187, relative to the boards and commissions in state government; to abolish certain inactive boards and commissions; and to provide for related matters.

### Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1153 by Senator Hollis

##### AMENDMENT NO. 1

On page 4, following line 8, insert asterisks " \* \* \* "

On motion of Senator Bagneris, the amendments were adopted.

### Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hollis to Engrossed Senate Bill No. 1153 by Senator Hollis

##### AMENDMENT NO. 1

On page 1, line 2, after "3:415" delete "(F)" and before "Chapter 23" insert "Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:2466;"

##### AMENDMENT NO. 2

On page 1, line 8, after "3042.27;" insert "Chapter 28 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3453; Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:10 and 14;"

##### AMENDMENT NO. 3

On page 1, line 9, after "1450.25;" delete "R.S." and on line 10, at the beginning of the line, delete "24:522(H);"

##### AMENDMENT NO. 4

On page 1, line 11, after "322;" delete the remainder of the line and

delete line 12 and on line 13, delete "through 675;"

##### AMENDMENT NO. 5

On page 2, line 6, after "1805;" insert "Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4548.1 through 4548.16;"

##### AMENDMENT NO. 6

On page 2, line 15, after "2287;" delete the remainder of the line and delete line 16 and on line 17, delete "2357;"

##### AMENDMENT NO. 7

On page 2, line 20, after "3056;" delete the remainder of the line and delete lines 21 through 24 and insert "Chapter 41 of Title"

##### AMENDMENT NO. 8

On page 3, line 2, after "R.S. 36:4(B)" delete "(5)" and insert "(1)(s)"

##### AMENDMENT NO. 9

On page 3, line 3, after "36:4(B)(9);" delete "R.S. 36:4(I); R.S. 36:109(I)(2);"

##### AMENDMENT NO. 10

On page 3, line 5, after "(B)" insert "and (BB)(1)"

##### AMENDMENT NO. 11

On page 3, line 6, delete "R.S. 36:629(c)(4); R.S. 36:629(E)(2);"

##### AMENDMENT NO. 12

On page 3, line 7, after "36:629(M);" delete "R.S. 36:651(D)(7);" and after "36:651(G)(2);" insert "Chapter 18 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3341 through 3347;"

##### AMENDMENT NO. 13

On page 3, line 9, after "366.6;" delete the remainder of the line and on line 10 delete "through 2194.4;"

##### AMENDMENT NO. 14

On page 3, line 12, after "2743;" insert "Chapter 4 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:594;"

##### AMENDMENT NO. 15

On page 3, line 13, after "2545;" delete the remainder of the line delete all of line 14 and on line 15 delete "2563;"

##### AMENDMENT NO. 16

On page 3, line 16, after "2615;" delete the remainder of the line delete line 17 and on line 18 delete "R.S. 48:1821 through 1827;" and after "and" delete "172"

##### AMENDMENT NO. 17

On page 3, line 23, after "994" delete "and" and insert ";"; and after "2187" delete "," and insert ";"; Chapter 45 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2751 through 2758; Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:580.1 through 580.6"

##### AMENDMENT NO. 18

On page 4, line 9, after "415" delete "(F)" and before "Chapter 23" insert "Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:2466;"

##### AMENDMENT NO. 19

On page 4, line 14, after "3042.27;" insert "Chapter 28 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3453; Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:10 and 14;"

##### AMENDMENT NO. 20

On page 4, line 15, after "1450.25;" delete "R.S." and on line 16 at the beginning of the line, delete "24:522(H);"

April 30, 1997

AMENDMENT NO. 21

On page 4, line 17, after "322;" delete the remainder of the line and delete line 18 and insert "Part II of"

AMENDMENT NO. 22

On page 4, line 27, after "1805" insert "Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4548.1 through 4548.16;"

AMENDMENT NO. 23

On page 5, line 8, after "2287;" delete the remainder of the line and all of line 9

AMENDMENT NO. 24

On page 5, line 12, after "3056;" delete the remainder of the line and delete lines 13 through 16

AMENDMENT NO. 25

On page 5, line 21, after "36:4(B)" delete "(5)" and insert "(1)(s)" and after "36:4(B)(9);" delete "R.S." and on line 22, delete "36:4(I); R.S. 36:109(I)(2)"

AMENDMENT NO. 26

On page 5, line 24, after "36:259(B)" insert "and (BB)(1)" and delete "R.S. 36:629(c)(4);"

AMENDMENT NO. 27

On page 5, line 25, delete "R.S. 36:629(E)(2);" and after "36:629(M);" delete "R.S. 36:651(D)(7);" and after "36:651(G)(2);" insert "Chapter 18 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3341 through 3347;"

AMENDMENT NO. 28

On page 5, line 27, after "366.6;" delete the remainder of the line and on page 6, line 1, delete "through 2194.4;"

AMENDMENT NO. 29

On page 6, line 2, after "2743" insert "Chapter 4 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:594;"

AMENDMENT NO. 30

On page 6, line 4, after "2545;" delete the remainder of the line and on line 5, delete "statutes of 1950, comprised of R.S. 46:2551 through 2563;"

AMENDMENT NO. 31

On page 6, line 7, after "2615;" delete the remainder of the line and delete line 8 and insert "R.S. 50:172(B), (C)"

AMENDMENT NO. 32

On page 6, line 12, after "994" delete ", and" and insert ";" and on line 13, after "2187" insert "; Chapter 45 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2751 through 2758; Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:580.1 through 580.6,"

On motion of Senator Hollis, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Johnson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Johnson to Engrossed Senate Bill No. 1153 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 13, after "675;" delete the remainder of the line and on line 14, delete "Statutes of 1950, comprised of R.S. 25:1005 through 1005.3"

AMENDMENT NO. 2

On page 3, at the end of line 3, delete "R.S." and on line 4 delete "36:109(S);"

AMENDMENT NO. 3

On page 3, line 4, delete "R.S. 36:209(T)" and "R.S. 36:209(N);"

AMENDMENT NO. 4

On page 3, at the end of line 19, delete "Part VII of Chapter 3" and delete line 20 and on line 21, delete "R.S. 51:981 through 984;"

AMENDMENT NO. 5

On page 3, line 21, after "984;" delete the remainder of the line and delete line 22 and on line 23 delete "994"

AMENDMENT NO. 6

On page 4, line 18, after "675;" delete the remainder of the line and delete line 19 and on line 20, delete "of R.S. 25:1005 through 1005.3"

AMENDMENT NO. 7

On page 5, line 22, delete "R.S. 36:109(S);" and "R.S. 36:109(T);"

AMENDMENT NO. 8

On page 5, line 23, delete "R.S. 36:209(N);"

AMENDMENT NO. 9

On page 6, at the end of line 9, delete "Part VII of" and delete line 10 and on line 11, delete "R.S. 51:981 through 984;"

AMENDMENT NO. 10

On page 6, line 11, after "984;" delete the remainder of the line and on line 12, delete "Revised Statutes of 1950, comprised of R.S. 51:991 through 994,"

On motion of Senator Johnson, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Short sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Short to Engrossed Senate Bill No. 1153 by Senator Hollis

AMENDMENT NO. 1

On page 3, line 7, after "R.S. 36:651(G)(2);" insert "R.S. 38:291(O)"

AMENDMENT NO. 2

On page 5, at the end of line 25, add "R.S. 38:291(O)"

On motion of Senator Short, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Siracusa

Casanova	Hollis	Tarver
Cox	Irons	Theunissen
Cravins	Johnson	Ullo
Dardenne	Jones	
Dean	Jordan	
Total—37		
	NAYS	
Total—0		
	ABSENT	
Short	Smith	
Total—2		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 1404—**  
BY SENATOR LAMBERT (BY REQUEST)  
AN ACT

To amend and reenact R.S. 37:3391, 3392(8), (9) and (10), 3393(B), 3394(A), 3395, 3396, 3397, the introductory paragraph of 3398(A), 3398(A)(1) and (6), (B) and (C), 3399, 3400, 3401(A), (B), (C)(3) and (C)(3)(d), 3402, 3403, 3404, 3405, 3406, 3407(A)(1), (2), (3) and (5) and (B), 3408 (A), (B), (D), (E) and (F), the introductory paragraph of 3409(A), 3409(A)(6), (B), (B)(1), (C), (D) and the introductory paragraph of 3409(E), 3410, 3411, and 3413, and to enact R.S. 37:3392(11) through (19), 3393(C), (D), (E) and (F), 3398(D) and (E) and 3409(A)(8) through (12), relative to the "Louisiana Real Estate Appraisers Certification Law"; to provide for licensing and registration; to provide for trainees; to provide for the Louisiana Real Estate Appraisers Board; to provide for education and experience requirements; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cox to Engrossed Senate Bill No. 1404 by Senator Lambert

AMENDMENT NO. 1

On page 7, between lines 21 and 22, insert the following:

"(12) Any person who is a qualified state-licensed or state-certified real estate appraiser at the time of the effective date of this Act shall have ten years from the effective date of this Act to come into compliance with the provisions of this Chapter."

On motion of Senator Lambert, the amendments were adopted.

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

**SENATE BILL NO. 338—**  
BY SENATORS GREENE, DEAN, HOLLIS, SCHEDLER AND SHORT AND REPRESENTATIVES BOWLER, BRUNEAU, DONELON, FORSTER, LANCASTER, PERKINS, SCALISE, STELLY, VITTER, WALSWORTH AND WINSTON

AN ACT

To repeal R.S. 17:47(D) and 1202, relative to sick leave for teachers; to provide relative to sick leave for teachers; to eliminate the prohibition on certain deductions from a teacher's salary under certain circumstances; and to provide for related matters.

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

**SENATE BILL NO. 339—**  
BY SENATORS GREENE, DEAN AND HAINKEL AND REPRESENTATIVES BOWLER, BRUNEAU, DONELON, FORSTER, LANCASTER, PERKINS, SCALISE, STELLY, VITTER, WALSWORTH AND WINSTON

AN ACT

To amend and reenact R.S. 17:46(A) through (G), 1171(A), 1172 through 1177, 3321(A), and 3323, relative to sabbatical leave for teachers and college faculty; to repeal the authority for the granting of such leaves for rest and recuperation; to provide relative to the effect of such repeal on leaves previously granted; and to provide for related matters.

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

**SENATE BILL NO. 344—**  
BY SENATOR GREENE  
AN ACT

To enact R.S. 17:7(22), relative to the duties of the State Board of Elementary and Secondary Education; to require the board to adopt the provisions of the interstate contract of a teacher education and certification association; and to provide for related matters.

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

**SENATE BILL NO. 1251—**  
BY SENATOR ULLO (BY REQUEST)  
AN ACT

To enact R.S. 33:1236(21)(g) relative to municipalities and parishes; to authorize the governing authority of the city of Westwego to suspend the driver licenses of persons who allow their weeds, grass or other noxious growths to accumulate on their property in disregard of the health and safety of others; to provide for penalties; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Bagneris sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1251 by Senator Ullo

AMENDMENT NO. 1

On page 2, line 15, following "vehicle" change "driver's license" to "driver licenses", on line 18 change "driver's" to "driver" and on line 19 change "license" to "licenses"; and on line 22 change "driver's license" to "driver licenses"

On motion of Senator Bagneris, the amendments were adopted.

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

**SENATE BILL NO. 1295—**  
BY SENATOR CRAVINS  
AN ACT

To enact Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:351 through 354, 361 through 365, 371 through 377, and 381, relative to slot machine gaming at certain live horse race tracks; to provide for state policy; to provide definitions; to provide relative to the power of the Louisiana State Racing Commission; to provide relative to the temporary and permanent conduct of slot machine gaming; to provide for required licenses and the terms of such licenses; to provide relative to required suitability standards; to provide relative to the powers and duties of the Louisiana Gaming Control Board; to provide relative to the duties of the office of state police; to provide relative to the preemption of local laws and taxes; to provide relative to limitations on slot machine gaming; to prohibit certain

April 30, 1997

relationships; to provide for certain crimes and provide penalties therefor; to prohibit allowing minors to play slot machines and to provide with regard thereto; to require posting certain information regarding assistance for compulsive gambling; to require and provide for a local election regarding slot machine gaming; and to provide for related matters.

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

SENATE BILL NO. 1432— BY SENATOR HINES

AN ACT

To enact R.S. 40:1496.18, relative to fire protection districts; to create the Ward One Fire Protection District No. 2 of Ville Platte; to authorize the Evangeline Parish Police Jury to appoint a five member board of commissioners for the fire district; to provide that all board members be resident property taxpayers of the district; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Dyess, Total—37

NAYS

Total—0

ABSENT

Table with 2 columns: Bagneris, Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 1429— BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 11:1549(A), relative to the Clerks' of Court Retirement and Relief Fund; to provide with respect to cost-of-living adjustments; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Table with 3 columns: Bagneris, Dyess, Total—5

The Chair declared the bill was passed. The title was read and adopted. Senator Landry moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 223— BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 15:705(A), relative to prisons and prisoners; to provide relative to the reimbursement by prisoners for certain costs incurred by reason of the incarceration of an inmate; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 223 by Senator Theunissen

AMENDMENT NO. 1

On page 2, line 8, following "reimbursement" and before "a" change "in" to "is"

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Branch, Cain, Total—34

Campbell	Heitmeier	Romero
Casanova	Hines	Short
Cox	Hollis	Tarver
Cravins	Irons	Ullo
Dardenne	Johnson	
Dean	Jones	
Total—34		

NAYS

Total—0

ABSENT

Bagneris	Siracusa	Theunissen
Schedler	Smith	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 537—**  
BY SENATORS DARDENNE, HAINKEL AND EWING  
AN ACT

To amend and reenact R.S. 27:25(A)(1) and (B)(1) and to enact R.S. 27:25(A)(3), relative to the Louisiana Gaming Control Board; to provide that the hearing officer does not have to be a full-time board employee; to provide that the board may contract with attorneys to provide hearing officer services; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Jordan
Bajoie	Ellington	Lambert
Barham	Fields	Landry
Bean	Greene	Lentini
Branch	Guidry	Malone
Cain	Hainkel	Robichaux
Campbell	Heitmeier	Romero
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bagneris	Schedler	Smith
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 538—**  
BY SENATORS DARDENNE, HAINKEL AND EWING  
AN ACT

To enact R.S. 18:1300.22, relative to gaming elections; to specify that certain referendum elections required by the constitution may be called only by law; to provide that certain such elections may be called by the parish governing authority; and to provide for related

matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Guidry	Robichaux
Bean	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Siracusa
Cox	Hollis	Tarver
Cravins	Irons	Theunissen
Dardenne	Johnson	Ullo
Dean	Jones	
Dyess	Lambert	
Total—31		

NAYS

Branch	Jordan	Short
Casanova	Malone	
Total—5		

ABSENT

Bagneris	Greene	Smith
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 694—**  
BY SENATOR CAIN  
AN ACT

To enact R.S. 30:2053(6), (7), (8) and (9) and 2055.1, relative to noise pollution and nuisance actions; to exempt sport shooting ranges from noise and nuisance actions; to provide for definitions; to provide for limits and exemptions; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Cain sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cain to Engrossed Senate Bill No. 694 by Senator Cain.

AMENDMENT NO. 1

On page 4, below line 3, add the following:

"Section 2. The provisions of this Act shall not apply in any civil suit or criminal prosecution involving a nuisance action or violation of any ordinance, regulation, or statute regarding noise control or noise pollution which is filed prior to the effective date of this Act."

On motion of Senator Cain, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Robichaux sent up floor amendments which were read.

April 30, 1997

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Robichaux to Engrossed Senate Bill No. 694 by Senator Cain.

AMENDMENT NO. 1

On page 2, line 8, after "shooting" delete the period "." and add the following:

"if designed and constructed in accordance with the then current publication of the National Rifle Association of America, or its successor, entitled "The Range Manual".

AMENDMENT NO. 2

On page 4, after line 3, insert the following:

"D. The provisions of R.S. 30:2053(6), (7), (8) and (9) and 2055.1 contained herein shall be effective June 1, 1998, and shall not alter or otherwise affect lawsuits filed prior to the effective date of this Act."

On motion of Senator Robichaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Includes Mr. President, Bajois, Barham, Bean, Branch, Cain, Casanova, Dardenne, Dyess, Total—26.

NAYS

Table with 3 columns: Name, NAYS, Name. Includes Bagneris, Campbell, Dean, Ellington, Total—10.

ABSENT

Table with 3 columns: Name, ABSENT, Name. Includes Cox, Cravins, Smith, Total—3.

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Ellington asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 694. He voted nay on the bill and had intended to vote yea. He asked that the Official Journal so state.

Personal Privilege

Senator Ullo asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 694. He voted yea on the bill and had intended to vote nay. He

asked that the Official Journal so state.

SENATE BILL NO. 1086—

BY SENATOR HAINKEL

AN ACT

To amend and reenact Code of Civil Procedure Art. 123 (B) and (C), relative to forum non conveniens; to provide for transfer of certain civil cases to another court; to provide for dismissal of an action to a more convenient forum outside the state; to authorize a court to impose reasonable conditions in an order of dismissal; and to provide for related matters.

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

SENATE BILL NO. 1104—

BY SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 37:1731(A), relative to the Good Samaritan Law; to provide immunity from liability for certain professional medical or limited liability corporations; to provide for qualified immunity from liability for emergency care rendered at a licensed public or private hospital or other health care facility; and to provide for related matters.

Floor Amendments Sent Up

Senator Jordan sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jordan to Engrossed Senate Bill No. 1104 by Senator Robichaux

AMENDMENT NO. 1

On page 2, line 8, after "emergency" delete "." and insert the following:

", unless the damage or injury was caused by willful or wanton misconduct or gross negligence."

On motion of Senator Jordan, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, YEAS, Name. Includes Mr. President, Bagneris, Bajois, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Total—38.

NAYS

Total—0

ABSENT

Smith

Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Robichaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Rules Suspended**

Senator Bagneris asked for and obtained a suspension of the rules for the purpose of advancing to the order of

**House Bills and Joint Resolutions on Third Reading and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

**HOUSE BILL NO. 493—**

BY REPRESENTATIVE FORSTER AND SENATOR ELLINGTON AND REPRESENTATIVES BARTON, BOWLER, CRANE, DEVILLE, FRITH, GULLORY, HEBERT, HUNTER, LANCASTER, MICHOT, MURRAY, ODINET, POWELL, SCALISE, AND WIGGINS AND SENATOR HAINKEL  
AN ACT

To amend and reenact R.S. 23:1474(I), 1511(A), 1535(A), 1536(D), 1553(C) and (D)(2), 1592, and 1653 and to enact R.S. 23:1514, 1515, 1535(B), and 1553(B)(6) and (7) and to repeal R.S. 23:1536(I), relative to workforce development; to provide relative to unemployment compensation; to increase benefit amount based upon the applied trust fund balance and direction of the fund; to create a subaccount in the employment security administration fund for customized training; to provide for an annual accounting of expenditure from the fund to legislative committees; to authorize the administrator to provide by rule for the administration and distribution of the fund; to provide for qualified applicants for funding; to provide for an incremental reduction in the employer contribution rate; to authorize an appropriation for a fund for customized training in the social charge recoupment account; to authorize an appropriation for administrative costs in the social charge recoupment account; to delete negative reserve pool; and to provide for related matters.

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

**HOUSE BILL NO. 1765 —**

BY REPRESENTATIVES DAMICO AND DEWITT  
AN ACT

To amend and reenact R.S. 30:2050.5, relative to the enforcement of final actions; to provide for the powers of the secretary of the Department of Environmental Quality; to delete certain powers and duties; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hollis	Short
Casanova	Irons	Siracusa

Cox	Johnson	Tarver
Cravins	Jones	Theunissen
Dardenne	Jordan	Ullo
Total—36		

NAYS

Total—0

ABSENT

Dean	Hines	Smith
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Lambert moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 1767—**

BY REPRESENTATIVES DAMICO AND DEWITT  
AN ACT

To amend and reenact R.S. 30:2050.20, relative to the record of decision; to provide for preparation of the record; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Landry
Bagneris	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Greene	Robichaux
Bean	Guidry	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Campbell	Hollis	Siracusa
Casanova	Irons	Tarver
Cox	Johnson	Theunissen
Cravins	Jones	Ullo
Dardenne	Jordan	
Dean	Lambert	
Total—37		

NAYS

Total—0

ABSENT

Hines	Smith
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Lambert moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 100—**

BY REPRESENTATIVES FONTENOT AND POWELL  
AN ACT

To enact R.S. 33:2721.10, relative to Livingston Parish; to authorize the governing authority of Livingston Parish to levy and collect an additional sales and use tax with voter approval; and to provide for related matters.

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

April 30, 1997

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dyess Landry
Bagneris Ellington Lentini
Bajoie Fields Malone
Barham Greene Robichaux
Bean Guidry Romero
Branch Hainkel Schedler
Cain Heitmeier Short
Campbell Hollis Siracusa
Casanova Irons Tarver
Cox Johnson Theunissen
Cravins Jones Ullo
Dardenne Jordan
Dean Lambert
Total—37

NAYS

Total—0

ABSENT

Hines Smith
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Lambert moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1901—

BY REPRESENTATIVE BRUN

AN ACT

To amend and reenact R.S. 36:642(C)(1), 647(B), and 649(C) and (D), to enact R.S. 36:649(B), and to repeal R.S. 36:648(C) and 649(E), (F), and (G), all relative to the Department of Education; to provide relative to the offices within the department; to provide relative to the duties of the deputy superintendent for management and finance; to remove provisions requiring assistant superintendents to employ, appoint, remove, assign, and promote certain personnel; to provide for the purposes and functions of the offices of student and school performance, quality educators, and school and community support; to remove provisions relative to the purposes and functions of certain offices; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dyess Lambert
Bagneris Ellington Lentini
Bajoie Greene Malone
Barham Guidry Robichaux
Bean Hainkel Romero
Branch Heitmeier Schedler
Campbell Hines Short
Casanova Hollis Siracusa
Cox Irons Tarver
Cravins Johnson Theunissen
Dardenne Jones Ullo
Dean Jordan
Total—35

NAYS

Cain Landry
Total—2 ABSENT

Fields Smith
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 233—

BY REPRESENTATIVES DUPRE, DOWNER, GAUTREAU, AND TRICHE
AN ACT

To amend and reenact R.S. 47:1908(A)(54) and (C)(1), relative to the assessor's expense account in Terrebonne Parish; to provide for an increase in such account; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dyess Landry
Bagneris Ellington Lentini
Bajoie Fields Malone
Barham Guidry Robichaux
Bean Hainkel Romero
Branch Heitmeier Schedler
Cain Hines Short
Campbell Hollis Siracusa
Casanova Irons Tarver
Cox Johnson Theunissen
Cravins Jones Ullo
Dardenne Jordan
Dean Lambert
Total—37

NAYS

Total—0

ABSENT

Greene Smith
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Robichaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 268—

BY REPRESENTATIVES DUPRE, DOWNER, AND GAUTREAU
AN ACT

To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1); to create an assessment district in Terrebonne Parish to fund the office of the assessor; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Landry
Bagneris Fields Lentini

Bajoie	Greene	Malone
Barham	Guidry	Robichaux
Bean	Hainkel	Romero
Branch	Heitmeier	Schedler
Cain	Hines	Short
Campbell	Hollis	Siracusa
Casanova	Irons	Tarver
Cox	Johnson	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	
Dyess	Lambert	
Total—37		

NAYS

Total—0

ABSENT

Cravins	Smith
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Robichaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 475—**  
BY REPRESENTATIVE PIERRE  
AN ACT

To enact R.S. 11:2260(A)(11)(g), relative to the Firefighters' Retirement System; to provide with respect to membership; to authorize the Firemen's Pension and Relief Fund for the city of Lafayette to merge into the statewide Firefighters' Retirement System; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hollis	Short
Casanova	Irons	Siracusa
Cox	Johnson	Tarver
Cravins	Jones	Theunissen
Dardenne	Jordan	Ullo
Total—36		

NAYS

Dean  
Total—1

ABSENT

Hines	Smith
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 970—**  
BY REPRESENTATIVE R. ALEXANDER  
AN ACT

To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1); to create an assessment district in Bienville Parish to fund the office of the assessor; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lambert
Bagneris	Ellington	Landry
Barham	Fields	Lentini
Bean	Greene	Malone
Branch	Guidry	Robichaux
Cain	Hainkel	Romero
Campbell	Heitmeier	Schedler
Casanova	Hollis	Short
Cox	Irons	Siracusa
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bajoie	Hines	Smith
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Campbell moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Rules Suspended**

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

**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 Hainkel asked that Senate Bill No. 626 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 626—**  
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT  
AN ACT

To amend and reenact R.S. 30:2050.29, relative to legal remedies for environmental enforcement; to provide for writ of mandamus upon the department's failure to act; to eliminate de novo review of denial of an adjudicatory hearing; and to provide for related matters.

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

April 30, 1997

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bagneris, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Dardenne, Dean, Dyess, Ellington, Fields, Greene, Guidry, Hainkel, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Jordan, Lambert, Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Tarver, Theunissen, Ullo.

NAYS

Landry
Total—1

ABSENT

Cravins Smith
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Hainkel asked that Senate Bill No. 803 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 803—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To enact R.S. 33:1243(C), relative to penalties for the violation of parish ordinances; to provide for the maximum penalty to be imposed for violation of parish ordinances regulating the use of or discharge to publicly owned waste treatment works by non-domestic users; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bagneris, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Dyess, Ellington, Fields, Greene, Guidry, Hainkel, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Jordan, Lambert, Landry, Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Tarver, Theunissen, Ullo.

NAYS

Total—0

ABSENT

Robichaux Smith
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Hainkel asked that Senate Bill No. 1166 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 1166—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To amend and reenact R.S. 30:2011(D)(21)(b), 2073(1), 2074(B)(4), the introductory paragraph of 2154(A) and (B)(1)(a), (5), and (7), and to enact R.S. 30:2074(B)(1)(c) and (3)(e), and 2154(A)(4) and (5), relative to regulation of the use and disposal of sewage sludge; to clarify certain powers of the secretary of the Department of Environmental Quality to regulate use and disposal of sewage sludge; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert to Engrossed Senate Bill No. 1166 by Senator Hainkel, et al.

AMENDMENT NO. 1
On page 2, line 15, between "of" and "sludge" insert "sewage"

On motion of Senator Lambert, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bagneris, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Dyess, Ellington, Fields, Greene, Guidry, Hainkel, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Jordan, Lambert, Landry, Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Tarver, Theunissen, Ullo.

NAYS

Total—0

ABSENT

Smith  
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Lambert moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Lambert asked that Senate Bill No. 1336 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 1336—**  
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT  
AN ACT

To amend and reenact R.S. 30:2050.21, relative to judicial review of matters before the Department of Environmental Quality; to provide for appeals, preparation of the record, hearings, modification of decisions, procedures, and a standard of review; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Greene	Robichaux
Bean	Hainkel	Romero
Branch	Heitmeier	Schedler
Cain	Hines	Short
Campbell	Hollis	Siracusa
Casanova	Johnson	Tarver
Cox	Jones	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Dyess	Landry	
Total—34		

NAYS

Bagneris	Guidry
Cravins	Irons
Total—4	

ABSENT

Smith  
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Lambert moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Called from the Calendar**

Senator Dardenne moved that Senate Bill No. 922 be called from the Calendar at this time for its final passage.

Senator Jordan objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lentini
Bagneris	Ellington	Malone
Bajoie	Greene	Robichaux
Barham	Hainkel	Romero
Bean	Heitmeier	Schedler
Branch	Hines	Short
Cain	Hollis	Siracusa
Campbell	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones	
Dean	Lambert	
Total—31		

NAYS

Casanova	Guidry	Ullo
Cox	Jordan	
Fields	Landry	
Total—7		

ABSENT

Smith  
Total—1

The Chair declared the the bill was called from the Calendar.

**SENATE BILL NO. 922—**  
BY SENATORS DARDENNE, HAINKEL, BARHAM AND ELLINGTON AND REPRESENTATIVES MCMAINS, FORSTER, DEWITT, WIGGINS AND DOWNER  
AN ACT

To amend and reenact R.S. 23:1061(A), relative to workers' compensation; to provide with respect to liability of principal to employees of independent contractor; to provide for guidelines to determine principal contractors' liability; to provide that a statutory employer relationship shall exist in certain instances; to provide a rebuttable presumption of a statutory employer relationship in certain instances; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Dardenne sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 922 by Senator Dardenne.

AMENDMENT NO. 1  
On page 1, line 2, after "R.S." change "23:1061(A)," to "23:1031(C) and (D) and 1061(A), and to enact R.S. 23:1031(E),"

AMENDMENT NO. 2  
On page 1, line 7, after "instances;" and before "and" insert "to provide with respect to borrowed employees;"

AMENDMENT NO. 3  
On page 1, line 10, after "R.S." delete the remainder of the line and insert in lieu thereof "23:1031(C) and (D) and 1061(A) are hereby amended and reenacted and R.S. 23: 1031(E) is hereby enacted to read"

AMENDMENT NO. 4  
On page 1, between lines 11 and 12, insert the following:

"§1031. Employee's right of action; joint employers, extent of liability; **borrowed employees**  
\* \* \*

C. **In the case of any employee for whose injury or death payments are due and who is, at the time of the injury, employed by a borrowing employer in this Section referred to as a "special employer", and is under the control and direction of the special employer in the**

performance of the work, both the special employer and the immediate employer, referred to in this Section as a "general employer", shall be liable jointly and in solido to pay benefits as provided under this Chapter. As between the special and general employers, they shall have the right to seek contribution from the other for any payments made on behalf of the employee unless there is a contract between them expressing a different method of sharing the liability. Where compensation is claimed from, or proceedings are taken against, the special employer, then, in the application of this Chapter, reference to the special employer shall be substituted for reference to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the employee under the general employer by whom he is immediately employed. The special and the general employer shall be entitled to the exclusive remedy protections provided in R.S. 23:1032.

D. An injury by accident shall not be considered as having arisen out of the employment and is thereby not covered by the provisions of this Chapter if the injured employee was engaged in horseplay at the time of the injury.

E. An injury by accident should not be considered as having arisen out of the employment and thereby not covered by the provisions of this Chapter if the employer can establish that the injury arose out of a dispute with another person or employee over matters unrelated to the injured employee's employment.

\* \* \*

AMENDMENT NO. 5

On page 1, line 13, after "(1)" delete "When any" and insert in lieu thereof "Subject to the provisions of Paragraphs (A)(2) and (3) of this Subsection, when any"

AMENDMENT NO. 6

On page 1, at the end of line 15, after "occupation" delete "or which" and at the beginning of line 16, delete "he had contracted to perform,"

AMENDMENT NO. 7

On page 2, line 3, after "employer," and before "shall" insert "shall be granted the exclusive remedy protections of R.S. 23:1032 and"

AMENDMENT NO. 8

On page 2, line 20, after "if it" delete "affects" and insert in lieu thereof "is an integral part of or essential to"

AMENDMENT NO. 9

On page 2, line 21, after "generate" delete "any portion of"

AMENDMENT NO. 10

On page 3, delete lines 2 through 5 in their entirety and insert in lieu thereof the following:

"(3) Except in those instances covered by Paragraph (A)(2) of this Subsection, a statutory employer relationship shall not exist between the principal and the contractor's employees, whether the direct employees or statutory employees, unless there is a written contract between the principal and a contractor which is the employee's immediate employer or his statutory employer, which recognizes the principal as a statutory employer. When the contract recognizes a statutory employer relationship, there shall be a rebuttable presumption of a statutory employer relationship between the principal and the contractor's employees, whether direct or statutory employees. This presumption may be overcome"

AMENDMENT NO. 11

On page 3, line 6, after "the work" delete "does not affect" and insert in lieu thereof "is not an integral part of or essential to"

AMENDMENT NO. 12

On page 3, line 7, after "generate" delete "any portion of"

On motion of Senator Dardenne, the amendments were adopted.

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

Called from the Calendar

Senator Hines asked that Senate Bill No. 458 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 458—

BY SENATOR HINES

AN ACT

To enact R.S. 42:1113(E), relative to the code of governmental ethics; to prohibit attorneys employed by the state from representing clients who sue the state; and to provide for related matters.

Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Engrossed Senate Bill No. 458 by Senator Hines

AMENDMENT NO. 1

On page 1, line 3, after "prohibit" insert "certain"

AMENDMENT NO. 2

On page 1, line 10, after "employee" insert "while"

AMENDMENT NO. 3

On page 1, line 10, change "lawyer or a" to "full time"

AMENDMENT NO. 4

On page 1, line 12, after "employees," insert "acting in the scope of their employment,"

On motion of Senator Hines, the amendments were adopted.

Floor Amendments Sent Up

Senator Guidry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guidry to Engrossed Senate Bill No. 458 by Senator Hines

AMENDMENT NO. 1

On page 1, line 11, after "school" insert ", or a legislator who is licensed to practice law,"

AMENDMENT NO. 2

On page 1, line 12, after "its" insert "political subdivisions, or their"

Senator Guidry moved adoption of the amendments.

Senator Landry objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris	Hainkel	Lentini
Bajoie	Irons	Schedler
Branch	Johnson	Tarver
Dean	Jordan	Ullo
Guidry	Lambert	
Total—14		

NAYS

Mr. President	Dyess	Jones
Barham	Ellington	Landry
Bean	Fields	Malone
Cain	Greene	Romero
Campbell	Heitmeier	Short
Cox	Hines	Siracusa
Dardenne	Hollis	Theunissen
Total—21		

ABSENT

Casanova	Robichaux
Cravins	Smith
Total—4	

The Chair declared the amendments were rejected.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Hines	Romero
Bean	Hollis	Schedler
Cravins	Lambert	Siracusa
Dyess	Lentini	Theunissen
Hainkel	Malone	Ullo
Total—15		

NAYS

Bagneris	Dardenne	Jones
Bajoie	Dean	Jordan
Barham	Ellington	Landry
Branch	Fields	Robichaux
Cain	Guidry	Short
Campbell	Heitmeier	Tarver
Casanova	Irons	
Cox	Johnson	
Total—22		

ABSENT

Greene	Smith
Total—2	

The Chair declared the amended bill failed to pass.

**Notice of Reconsideration**

Senator Hines, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

**Rules Suspended**

Senator Hainkel asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Messages from the House**

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

**Message from the House**

**PASSED SENATE BILLS AND JOINT RESOLUTIONS**

April 30, 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 the following Senate Bills and Joint Resolutions:

**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 without amendments.

**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.

Reported without amendments.

**SENATE BILL NO. 1392—**

BY SENATORS SHORT, BEAN, CAIN, HINES, SIRACUSA, SMITH, THEUNISSEN, BARHAM, BRANCH, CASANOVA, COX, CRAVINS, ELLINGTON, FIELDS, GREENE, HOLLIS, JONES, LAMBERT, LENTINI, ROMERO AND SCHEDLER AND REPRESENTATIVES BRUCE, CARTER, STRAIN AND THOMAS

AN ACT

To enact Chapter 25-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4021 through 4025, relative to the dairy industry; to provide for the Dairy Compact Law and the state's participation in the Southern Dairy Compact; to provide for purposes, findings, and declaration of policy; to provide for definitions; to provide for rules of construction; to provide for establishment of the Southern Dairy Compact Commission; to provide for voting requirements; to provide for administration and management of the compact; to provide for powers to promote regulatory uniformity, simplicity, and interstate cooperation; to provide for equitable farm prices; to provide for optional provisions for pricing order; to provide for rulemaking procedures; to provide for findings and referendum; to provide for producer referendum; to provide for termination of over-order price or marketing order; to provide for records, reports, access to premises and penalties; to provide for subpoena power, hearings, and judicial review; to provide for enforcement with respect to handlers and penalties; to provide for financing of start-up and regular costs; to provide for audit and accounts; to provide for effective date of entrance into compact and additional members; to provide for withdrawal from compact; and to provide for severability; to provide relative to

April 30, 1997

Louisiana delegates; to provide for the adoption of rules and regulations by the commissioner of agriculture and forestry; to provide for access to information; to provide for penalties; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 180— BY SENATOR CAIN

AN ACT

To amend and reenact the introductory paragraph of R.S. 3:2091(B) and R.S. 3:2091(E) and to enact R.S. 3:2091(B)(15); relative to the Livestock Sanitary Board; to increase number of board members from fourteen to fifteen; to provide for appointment; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 195— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:181(A)(1) and (2), 511(2), 1162(A)(3), and 1302(A)(6), relative to state retirement systems; to provide for the composition of the boards of trustees of state systems; to provide that the chairman of the Senate Committee on Retirement serve as exofficio member of such boards of trustees; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 230— BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 3:1613(E), relative to agricultural commodities; to provide relative to method of voting in favor of assessment to offset the cost of boll weevil eradication; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 438— BY SENATOR HEITMEIER

AN ACT

To enact R.S. 11:165, relative to all state and statewide retirement systems; to provide for payment of funds or benefits to a succession; to provide for an effective date; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 1145— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:3688(A)(2)(a)(ii), relative to the Harbor Police Retirement System; to provide for the term of certain members of the board of trustees; and to provide for related matters.

Reported without amendments.

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

Introduction of Resolutions, Senate and Concurrent

Senator Bagneris asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 23—

BY SENATOR BAJOIE

A RESOLUTION

To commend Art Neville on winning a Grammy in the rock instrumental performance category.

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

SENATE RESOLUTION NO. 24—

BY SENATOR GUIDRY

A RESOLUTION

To commend and congratulate each member of the Louisiana State University Lady Tigers Basketball team on their remarkable and successful 1996-1997 season and on the quality of their athletic performance and their exemplary conduct as a team and as individual students, and to acknowledge the excellent work of Sue Gunter, the head basketball coach of the Lady Tigers and congratulate her and all the members of her staff.

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

SENATE RESOLUTION NO. 25—

BY SENATORS HINES AND DYESS

A RESOLUTION

To express the condolences of the Senate on behalf of its members and staff, to the family of Margie Smith, mother of Senator Mike Smith.

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

SENATE CONCURRENT RESOLUTION NO. 93—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of John S. "Jack" McIlhenny, philanthropist, chemist, conservationist, researcher, collector, and one of Louisiana's greatest benefactors.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Yeas, Nays. Lists names of senators and their counts for yeas and nays.

NAYS

Total—0

ABSENT

Table with 2 columns: Name, Absent. Lists names of senators and their counts for absent.

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

SENATE CONCURRENT RESOLUTION NO. 94—

BY SENATORS JOHNSON AND SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to study methods to improve the safety and capacity of Interstate Highway 10 from the intersection of Interstate Highway 10 and Interstate Highway 610 in New Orleans to the Eden Isles' interchange with Interstate Highway 10 at exit 261 in St. Tammany Parish and U. S. Highway 11 from its intersection with Interstate Highway 10 in eastern New Orleans northward as it crosses Lake Pontchartrain to the city limits of Slidell in St. Tammany Parish.

On motion of Senator Bagneris, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

SENATE CONCURRENT RESOLUTION NO. 95—

BY SENATOR HINES

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Transportation and Development to expedite the awarding of funds designated for Intermodal Surface Transportation Efficiency Act enhancement activities.

On motion of Senator Bagneris, the resolution was read by title and referred to the Committee on Transportation, Highways, and Public Works.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

HEALTH AND WELFARE

Senator Hines, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 30, 1997

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 73—

BY SENATOR IRONS

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office of public health, to conduct a public campaign to educate women about the need to have a Pap test in accordance with current guidelines and on the values and limitations of such test.

Reported favorably.

SENATE BILL NO. 172—

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 37:1270.1(C) and (F), 1360.21(B), 1360.22(8), 1360.28(A), 1360.31, 1360.38(A), and 1731(A), relative to physician assistants; to provide for the duties and meetings of the physician assistants advisory committee; to provide for legislative intent; to revise the definition of "supervision"; to provide for the supervision of and services performed by a physician assistant; to provide for a limitation of liability for a physician assistant who provides gratuitous services at the scene of

an emergency; to provide exemptions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1009—

BY SENATORS DARDENNE, HINES AND CASANOVA

AN ACT

To amend and reenact R.S. 40:1231, 1231.1, 1231.2, 1232, 1233, and 1234(A), (B), (C), (D), and (F), to enact R.S. 36:259(FF) and 919.4 and R.S. 40:1232.1, 1232.2, 1232.3, 1232.4, 1232.5, 1232.6, 1232.7, 1232.8, 1232.9, 1232.10, and 1232.11, and to repeal R.S. 40:1234(G), relative to emergency medical services; to provide for definitions; to create the Louisiana Emergency Medical Services Certification Commission in the Department of Health and Hospitals and to provide for appointment and confirmation of membership, qualifications, terms, vacancies, officers, reimbursements, removal, and powers and duties; to establish requirements for certification and renewal of certificates; to provide grounds for disciplinary action; to provide for notice and hearing on disciplinary matters; to provide for injunctive relief; to provide for violations and penalties; to provide for an exception to certification requirements; to authorize the promulgating of rules and regulations in regard to emergency medical services; to provide for scope of practice of emergency medical technicians and first responders; to provide for immunity from civil damages; to provide for duties relative to the bureau of emergency medical services; to designate statutory provisions into Subparts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1351—

BY SENATOR HINES

AN ACT

To enact 46:460.5, relative to public assistance; to provide for a six month disregard of earnings of certain persons; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1364—

BY SENATOR BAJOEI

AN ACT

To enact R.S. 46:460.4, relative to welfare reform; to continue the state's commitment to provide educational opportunities to promote the self-sufficiency of welfare recipients; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1385—

BY SENATOR HINES

AN ACT

To enact R.S. 46:460.4; relative to public assistance; to authorize the Department of Social Services to limit the applicability of time limits in certain situations; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1448—

BY SENATOR HOLLIS

AN ACT

To enact Subpart B of Part II of Chapter 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2115.11 through 2115.22, and to redesignate R.S. 40:2100 through 2115 as Subpart A of Part II of Chapter 11 of the Louisiana Revised Statutes of 1950, relative to hospitals; to authorize the Department of Health and Hospitals and the attorney general to review and approve or disapprove the acquisition of certain hospitals; to provide for criteria for such review and procedures; and to provide for related matters.

April 30, 1997

Reported by substitute.

HOUSE BILL NO. 549—
BY REPRESENTATIVES RIDDLER, A. ALEXANDER, CARTER, GUILLORY, MCCALLUM, AND THOMPSON

A JOINT RESOLUTION

Proposing to add Article VIII, Section 16 of the Constitution of Louisiana, to authorize the legislature to provide by law for the operation and management of public hospitals and their programs by the Board of Regents or by any board having powers of management over public institutions of higher education; to exclude certain institutions and programs from such authorization; to provide for legislative oversight; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably.

Respectfully submitted,
DONALD E. HINES
Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

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

April 30, 1997

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 50—
BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To urge and request that the Department of State Civil Service implement a return-to-work policy for classified employees.

Reported with amendments.

SENATE BILL NO. 133—
BY SENATOR COX

AN ACT

To amend and reenact R.S. 29:251.3(3), relative to veterans' affairs; to provide for eligibility for preference in original appointment in civil service for veterans of the Persian Gulf War; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 294—
BY SENATOR JORDAN

A JOINT RESOLUTION

Proposing to amend and reenact Article III, Section 2(B) of the Louisiana Constitution of 1974, relative to extraordinary sessions of the legislature; to provide that the proclamation for extraordinary sessions of the legislature state in general terms the objects of the session; to provide for the power of the legislature to legislate with regard to such objects; to provide for related matters; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported favorably.

SENATE BILL NO. 359—
BY SENATOR GREENE AND REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact R.S. 18:21(A), 1353(C)(3), and 1371(A),

relative to elections; to provide for the notification of contracts for lease of space for voting machines; to provide for the notification of contracts for the delivery of voting machines to the precincts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 606—
BY SENATORS HAINKEL, DARDENNE, EWING AND BARHAM
AN ACT

To amend and reenact R.S. 18:461(A) and to enact R.S. 47:1675, relative to elected officials; to provide that any person who desires to become a candidate in a primary election shall obtain a tax clearance; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 827—
BY SENATORS HAINKEL, DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 42:456, relative to permitted payroll withholdings; to provide authority for certain payroll deductions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 832—
BY SENATORS HAINKEL, DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 49:149, 149.1, 149.2, 149.3, 149.4, and 149.5(A) and (C), relative to the capitol police; to rename the capitol police; to change the court jurisdiction relative to certain parking and traffic violations; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 894—
BY SENATOR JORDAN
AN ACT

To amend and reenact R.S. 24:11(E), relative to extraordinary sessions of the legislature; to provide that the proclamation for extraordinary sessions of the legislature state in general terms the objects of the session; to provide for the power of the legislature to legislate with regard to such objects; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1136—
BY SENATOR DEAN
AN ACT

To amend and reenact R.S. 18:1432(B) and to enact R.S. 18:1432(C), relative to the Louisiana Election Code, to provide for certain remedies; to provide for certain actions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1160—
BY SENATOR DARDENNE
AN ACT

To amend and reenact R.S. 36:53(I), relative to the transfer of boards, commissions, and departments to the Department of Civil Service; to provide for the transfer type for the division of administrative law; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1323—
BY SENATOR EWING
AN ACT

To enact Part VIII-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.

39:300 through 302, relative to access to public data bases; to provide for the public policy of the state; to provide for access to data bases for individuals who are visually impaired; to provide for the purchase of technology that facilitates access to data; to provide for a technology access advisory council; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1348—**  
BY SENATORS HAINKEL, DARDENNE AND EWING  
AN ACT

To amend and reenact R.S. 39:200(I), relative to the procurement support team; to provide for quorums at meetings; to provide for written recommendations in lieu of attendance at meetings; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1400—**  
BY SENATOR GREENE (BY REQUEST)  
AN ACT

To enact R.S. 42:66(M), relative to dual officeholding; to provide that a deputy marshal, deputy sheriff, or a deputy constable may run for the elected position of ward constable or justice of the peace; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JAY DARDENNE  
Chairman

**REPORT OF COMMITTEE ON**

**INSURANCE**

Senator Tarver, Chairman on behalf of the Committee on Insurance, submitted the following report:

April 30, 1997

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

**SENATE BILL NO. 516—**  
BY SENATOR LENTINI  
AN ACT

To amend and reenact R.S. 40:1484.2(5), 1484.4(A)(B) and (C), and 1484.5, relative to amusement attractions or rides; to provide for certain inspections on behalf of an owner or operator's insurer prior to operation; to prohibit operation of the attraction or ride until such inspection; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 572—**  
BY SENATORS DARDENNE, HAINKEL, EWING AND HINES  
AN ACT

To enact R.S. 38:2182, relative to public contracts; to require contractors with public contracts exceeding one million dollars in the aggregate to offer certain insurance benefits to their employees; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 699—**  
BY SENATOR BAJOIE  
AN ACT

To enact R.S. 22:215.18, relative to health insurance coverage; to provide coverage for reconstructive breast surgery following a mastectomy; to prohibit certain health insurance policies from imposing certain limitations on coverage; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1055—**  
BY SENATOR CRAVINS  
AN ACT

To amend and reenact the introductory paragraph of R.S. 22:21 and 23(C) and to enact R.S. 22:22(C)(3) and 24, relative to pilot programs for employment-based health and worker's compensation insurance coverage; to permit groups of employers to participate in the pilot program; to expand the program from two to five years; to permit the employee to pay a portion of the 24-hour coverage; to delineate all pilot programs as an exclusive remedy for employees; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
GREGORY TARVER  
Chairman

**REPORT OF COMMITTEE ON**

**COMMERCE AND CONSUMER PROTECTION**

Senator Hollis, Chairman on behalf of the Committee on Commerce and Consumer Protection, submitted the following report:

April 30, 1997

To the President and Members of the Senate:

I am directed by your Committee on Commerce and Consumer Protection to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 80—**  
BY SENATOR JONES  
A CONCURRENT RESOLUTION

To authorize the governor, on behalf of the state, to enter into one or more cooperative endeavor agreements with the states of Arkansas and Mississippi for the purpose of enhancing or maintaining the economic well-being of the tri-state delta region.

Reported favorably.

**SENATE BILL NO. 960—**  
BY SENATOR GUIDRY  
AN ACT

To enact Part V-A of Chapter 2 of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3541.21 and 3541.22, relative to home solicitation of aged persons; to provide definitions; to provide for prohibited practices; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1124—**  
BY SENATOR JONES  
AN ACT

To enact R.S. 51:1941(2)(e) and Civil Code Art. 2523, relative to civil actions; to provide for certain actions filed by the attorney general; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1167—**  
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO  
AN ACT

To enact Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.21 through 1730.32, relative to the conservation of energy; to establish a Commercial Building Energy Conservation Code; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1242—**  
BY SENATOR SMITH  
AN ACT

To enact R.S. 37:222, relative to attorneys; to provide relative to advertising; to provide criteria and guidelines; to provide for disclosure requirements and penalties; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1322—**  
BY SENATOR JONES  
AN ACT

To amend and reenact R.S. 51:2601 and 2602, relative to trade and commerce; to redesignate the Louisiana Open Housing Act as the Louisiana Equal Opportunity Act, and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1427—**  
BY SENATOR GUIDRY (BY REQUEST)  
AN ACT

To amend and reenact Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:381 through R.S. 40:521, relative to housing; to provide for the public policy of the state with regard to decent residential housing; to provide that all citizens of the state have access to safe and sanitary housing facilities for rent or sale; and to provide for related matters.

Reported by substitute.

**SENATE BILL NO. 1466—**  
BY SENATOR ROMERO  
AN ACT

To enact R. S. 45:816(9) and Chapter 8-E of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:841 through 845, relative to telephone calls; to provide for calls placed to inform the public of an emergency; to define terms; to provide for emergency alert services; to provide for listed and unlisted telephone numbers; to authorize the use of automatic dialing and announcing devices; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1486—**  
BY SENATOR HOLLIS  
AN ACT

To enact Chapter 5-A of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3150.11 through 3150.15, relative to new home builders, to provide for relationships; to provide for fixtures, equipment and appliances; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

Senator Hines asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

**HOUSE BILL NO. 549—**  
BY REPRESENTATIVES RIDDLE, A. ALEXANDER, CARTER, GUILLORY,  
MCCALLUM, AND THOMPSON  
A JOINT RESOLUTION

Proposing to add Article VIII, Section 16 of the Constitution of Louisiana, to authorize the legislature to provide by law for the operation and management of public hospitals and their programs by the Board of Regents or by any board having powers of management over public institutions of higher education; to exclude certain institutions and programs from such authorization; to provide for legislative oversight; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**Privileged Report of the  
Legislative Bureau**

April 30, 1997

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 549—**  
BY REPRESENTATIVES RIDDLE, A. ALEXANDER, CARTER, GUILLORY,  
MCCALLUM, AND THOMPSON  
A JOINT RESOLUTION

Proposing to add Article VIII, Section 16 of the Constitution of Louisiana, to authorize the legislature to provide by law for the operation and management of public hospitals and their programs by the Board of Regents or by any board having powers of management over public institutions of higher education; to exclude certain institutions and programs from such authorization; to provide for legislative oversight; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
DENNIS BAGNERIS  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Bagneris, the Bills and Joint Resolutions were read by title and passed to a third reading.

**Motion to Make Special Order**

Senator Hines asked for and obtained a suspension of the rules for the purpose of making House Bill No. 549, which was just advanced to a third reading and final passage, Special Order of the Day No. 1 on Thursday, May 1, 1997 immediately following the Morning Hour.

**Motion to Make Special Order**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 92, which is on Third Reading and Final Passage, Special Order of the Day No. 1 on Monday, May 5, 1997 immediately following the Morning Hour.

**Message from the House**

**SIGNED HOUSE BILLS AND  
JOINT RESOLUTIONS**

April 30, 1997

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 100—**  
BY REPRESENTATIVES FONTENOT AND POWELL  
AN ACT

To enact R.S. 33:2721.10, relative to Livingston Parish; to authorize the governing authority of Livingston Parish to levy and collect an additional sales and use tax with voter approval; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

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

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Smith            1 Day

**Adjournment**

Senator Bagneris moved that the Senate adjourn until Thursday, May 1, 1997 at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Thursday, May 1, 1997.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk