

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

**THIRTY-SEVENTH 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

Monday, June 2, 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	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo

**ABSENT**

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

**Prayer**

The prayer was offered by Senator Fields, 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 Fields, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Messages from the Governor**

The following messages from the Governor were received and read as follows:

**State of Louisiana**  
OFFICE OF THE GOVERNOR  
Baton Rouge, LA. 70804-9004

June 2, 1997

To the Honorable President and Members of the Senate:

Please be advised that the following individuals have been commissioned as Notaries Public for the parishes indicated through June 2, 1997. In compliance with Article IV, Section 5(H)(3) of the Louisiana Constitution of 1974, I do hereby present them for your review.

Sincerely,  
M.J. "Mike" Foster, Jr.

**Acadia**  
Lennis Ledet, Jr.  
P. O. Box 289  
Crowley, La 70527-0289

**Beauregard**  
Johna H. Hall  
P. O. Box 1056  
Dequincy, La 70633

**Bienville**  
Alton Braddock  
P. O. Box 253  
Arcadia, La 71101

**Caddo**  
Gene W. Hinton  
P. O. Box 18590  
Shreveport, La 71138-1590

Murray N. Salinas  
P. O. Box 18590  
Shreveport, La 71138-1590

**East Baton Rouge**  
H. Craig Davidson, Jr.  
14481 Old Hammond Hwy., Ste. 2  
Baton Rouge, La 70816

**Jefferson**  
Bart Buisson  
200 Fifth St.  
Gretna, La 70056

Patricia R. Gros  
200 Fifth St.  
Gretna, La 70053

**Jefferson Davis**  
Douglas Rhoads  
P. O. Box 270  
Roanoke, La 70581

**Lafayette**  
Donald Ceaser  
P. O. Box 4308  
Lafayette, La 70502

Marc Comeaux  
P. O. Box 4308  
Lafayette, La 70502

Casey Fowler  
P. O. Box 4308  
Lafayette, La 70502

Morgan Green  
P. O. Box 4308  
Lafayette, La 70502

Ted Vincent  
P. O. Box 4308  
Lafayette, La 70502

Jeff Wilcox  
P. O. Box 4308  
Lafayette, La 70502

**Orleans**  
Ronda Mary Gabb  
10001 Lake Forest Blvd  
Ste. 702  
New Orleans, La 70127

Paul A. May  
6558 Catina St.  
New Orleans, La 70124

Maurice Piza  
5500 Prytania St  
Ste. 210  
New Orleans, La 70115

**Ouachita**  
Stephen Price Dupuy  
2106 N. Seventh St  
Ste. 211  
West Monroe, La 71291

**St. Tammany**  
Steven G. Bradshaw  
210 Richland Dr.  
Mandeville, La 70448

June 2, 1997

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

June 2, 1997

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 129— BY SENATORS BAJOE AND FIELDS A CONCURRENT RESOLUTION

To commend and congratulate the Baton Rouge Delta Alumnae Chapter, Delta Sigma Theta Sorority, Inc., and Baton Rouge Delta Development Corporation on the completion and opening of a sorority house at 926 Harding Boulevard.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 130— BY SENATOR IRONS A CONCURRENT RESOLUTION

To designate June 3, 1997, as "Proud To Call It Home" Day in the city of New Orleans.

Reported without amendments.

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

Privilege Report of the Legislative Bureau

June 2, 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. We advise and suggest the following amendments to the engrossed bills.

HOUSE BILL NO. 13— BY REPRESENTATIVES ALARIO, ROUSSELLE, A. ALEXANDER, ANSARDI, BAUDOIN, BAYLOR, BRUCE, BRUNEAU, CLARKSON, COPELIN, CRANE, CURTIS, DANIEL, DEVILLE, DONELON, DOWNER, DURAND, FORSTER, FRITH, HAMMETT, HEBERT, HOLDEN, HOPKINS, JETSON, LANDRIEU, LEBLANC, LONG, MARTINY, MCCAIN, MCCALLUM, MCMAINS, MONTGOMERY, MORRELL, MURRAY, ODINET, PINAC, POWELL, RIDDLE, ROMERO, SCALISE, SCHNEIDER, SHAW, JACK SMITH, JOHN SMITH, STRAIN, THOMAS, THOMPSON, THORNHILL, TOOMY, VITTER, WARNER, WIGGINS, WILKERSON, AND WINSTON AN ACT

To amend and reenact R.S. 48:223(B) and to enact R.S. 48:223(F), relative to drainage for state highways; to authorize the Department of Transportation and Development to issue permits for construction of drainage projects in state highway rights-of-way; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 25— BY REPRESENTATIVES HEATON, CLARKSON, AND WILLARD-LEWIS AN ACT

To name the Carrollton Avenue interchange located in the city of New Orleans in memory of former State Representative Toni Morrison and designate it the "Toni Morrison Interchange"; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 58— BY REPRESENTATIVE BOWLER AN ACT

To amend and reenact R.S. 56:104.1(A), relative to permits and licenses authorized by the Wildlife and Fisheries Commission; to provide relative to physically challenged hunter permits; to provide procedures and conditions for issuance; to provide relative to issuance of permits for individuals who are temporarily or permanently disabled; to provide relative to certification by licensed physicians; to remove requirements that a physician be commission-approved; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 65— BY REPRESENTATIVE HILL AN ACT

To enact R.S. 33:4564.4, relative to Elizabeth Recreational District No. 3; to provide for an increase in the per diem to be paid to members of the board of commissioners of the district; to provide that per diem be paid out of district funds; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 206— BY REPRESENTATIVES BRUCE, CURTIS, AND HUDSON AN ACT

To amend and reenact R.S. 32:284(C), relative to riding in the bed of a pickup truck or utility trailer; to increase the age under which persons are prohibited from riding in the open bed of a pickup truck or a utility trailer; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 211— BY REPRESENTATIVES SCALISE AND ANSARDI AN ACT

To authorize the Jefferson Parish Council to rename the "ShrewCoCenter", located in Jefferson Parish, Louisiana, as the "Hazel Rhea Hurst Center".

Reported without amendments.

HOUSE BILL NO. 218— BY REPRESENTATIVES CURTIS AND WIGGINS AN ACT

To designate the bridge on U.S. Highway 167 over the Red River between Alexandria and Pineville as the Purple Heart Memorial Bridge.

Reported without amendments.

HOUSE BILL NO. 238— BY REPRESENTATIVE HILL 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 the Allen Parish Communications District and the Beauregard Parish Communications District; to provide relative to the purposes of the districts; to provide relative to enhancement of emergency telecommunications service; to provide relative to service charges

collected by the districts including provisions relative to use of the proceeds from such charges, the telecommunications service users liable for such charges, the rate of such charges, and the collection and enforcement of such charges; and to provide for related matters.

Reported without amendments.

**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.

Reported without amendments.

**HOUSE BILL NO. 356—**  
BY REPRESENTATIVE JOHNS  
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 the Calcasieu Parish Communications District; to provide relative to enhancement of emergency telecommunications services; to provide relative to service charges collected by the district including provisions relative to use of the proceeds from such charges, the telecommunications service users liable for such charges, the rate of such charges, and the collection and enforcement of such charges; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 378—**  
BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact R.S. 38:291(R)(2) and 304(B) and to enact R.S. 38:304.2, relative to the West Jefferson Levee District; to provide for the membership of the board of commissioners of the district; to provide for the appointment of an additional member; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 404—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To enact R.S. 56:767, relative to private property surrounded by wildlife management areas; to provide for regulation of hunting and fishing on such private property; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 541—**  
BY REPRESENTATIVE MARIONNEAUX  
AN ACT

To enact R.S. 33:321.1, relative to municipalities governed by the Lawrason Act; to authorize the board of aldermen in any such municipality to refer to itself as a village, town, or city council, as appropriate, and to the members thereof as council members; to provide for related name changes; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 542—**  
BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 38:291(D)(2) and 304(B) and to enact R.S. 38:304.2, relative to the East Jefferson Levee District; to provide for the membership of the board of commissioners of the district; to provide for the appointment of an additional member; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 601—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 34:2471, relative to port commissions; to provide with respect to the appointment and confirmation of the members of the South Louisiana Port Commission; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 615—**  
BY REPRESENTATIVE ALARIO  
AN ACT

To authorize the Jefferson Parish School Board to name the baseball field located at West Jefferson High School in Jefferson Parish, Louisiana, the "Louis Blanda, Sr. Baseball Field"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 619—**  
BY REPRESENTATIVE DIEZ  
AN ACT

To amend and reenact R.S. 56:649.1, relative to lifetime hunting licenses; to include the wild turkey stamp in the lifetime hunting license; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 627—**  
BY REPRESENTATIVE QUEZAIRE  
AN ACT

To enact R.S. 17:157(C), relative to the Sunshine Bridge; to provide for student toll exemption hours; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 633—**  
BY REPRESENTATIVE ALARIO  
AN ACT

To designate the Highway 90 split park which is located at the intersection of U.S. Highway 90 and the Westbank Expressway in Jefferson Parish as the "Pops Stroman Memorial Park".

Reported without amendments.

**HOUSE BILL NO. 653—**  
BY REPRESENTATIVE LONG  
AN ACT

To amend and reenact the title of Chapter 19 of Title 48 of the Louisiana Revised Statutes of 1950 and R.S. 48:1751(1) and 1752, relative to highways; to change the name of the MISS-LA-TEX East-West Corridor Commission; and to provide for related matters.

Reported without amendments.

June 2, 1997

**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.

Reported without amendments.

**HOUSE BILL NO. 689—**  
BY REPRESENTATIVE THERIOT  
AN ACT

To enact R.S. 38:291(P)(3) and (T)(3), to provide for the transfer of certain property which is owned by the Atchafalaya Basin Levee District and which is located in Lafourche Parish, to the North Lafourche Conservation, Levee and Drainage District and to the South Lafourche Levee District; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 689 by Representative Theriot

AMENDMENT NO. 1

In Senate Committee Amendment No. 1, proposed by the Senate Committee on Transportation, Highways, and Public Works adopted by the Senate on May 30, 1997, on line 4, after "on" delete the remainder of the line and insert August 15, 1997.

**HOUSE BILL NO. 713—**  
BY REPRESENTATIVE BRUN  
AN ACT

To amend and reenact R.S. 32:409.1(A)(2)(d)(viii) and 410(A)(3)(a)(i) and (viii) and to repeal R.S. 32:409.1(A)(2)(d)(vi) relative to drivers' licenses; to delete the requirements that an applicant for a license shall furnish his social security number and that the number shall appear on the face of the license; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 721—**  
BY REPRESENTATIVES DUPRE, FLAVIN, FAUCHEUX, FRITH, AND HUDSON  
AN ACT

To enact R.S. 56:495.1(F), relative to shrimping; to require certain net sizes in offshore territorial waters; to provide terms and conditions; to provide penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 768—**  
BY REPRESENTATIVE TRICHE  
AN ACT

To amend and reenact R.S. 56:62 and 64, relative to wildlife and fisheries enforcement procedures; to provide relative to the time limit for retention and disposition of things seized; to provide relative to liability for such disposition; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 877—**  
BY REPRESENTATIVES KENNARD, DIMOS, AND BRUCE  
AN ACT

To amend and reenact R.S. 32:412(D)(1), (3)(a), (4)(a) and (c), and (5) and to enact R.S. 32:412(D)(3)(e), relative to drivers' licenses; to provide for renewal by mail of certain classes of licenses; to

provide that licenses may be renewed at any time within a certain period prior to expiration; to provide exceptions for renewal by mail; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 878—**  
BY REPRESENTATIVES KENNARD, DIMOS, AND BRUCE  
AN ACT

To amend and reenact R.S. 47:519(G) and (H), relative to motor vehicle license plates; to change the time period for which temporary registration plates may be issued; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 880—**  
BY REPRESENTATIVES KENNARD, DIMOS, AND BRUCE  
AN ACT

To amend and reenact R.S. 32:414.2(A)(1)(b)(ii), relative to drivers' licenses; to provide for the driving record of Group "E" licenses to reflect the class of license previously held; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 881—**  
BY REPRESENTATIVES KENNARD, DIMOS, AND BRUCE  
AN ACT

To enact R.S. 32:404(F), relative to drivers' licenses; to provide for rules and regulations to enter into reciprocity agreements with foreign countries; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 969—**  
BY REPRESENTATIVES WINSTON AND SCHNEIDER AND SENATOR HAINKEL  
AN ACT

To designate Louisiana Highway 3228 which connects Louisiana Highway 22 and North Causeway Boulevard Service Road located in St. Tammany Parish as "Asbury Drive", and to designate the service road which runs south of and parallel to the Interstate 10 Bridge located in Calcasieu Parish from Interstate 10 to Perkins Street on the west side of the Calcasieu River as "Isle of Capri Boulevard".

Reported without amendments.

**HOUSE BILL NO. 976—**  
BY REPRESENTATIVE DURAND  
AN ACT

To amend and reenact R.S. 56:322(I), relative to fishing; to provide relative to the commercial harvesting of wild crawfish; to provide certain mesh size and shape for nets used in such harvesting; to provide relative to rules and regulations to be promulgated by the department and oversight of such rules and regulations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1012—**  
BY REPRESENTATIVE WILKERSON  
AN ACT

To enact Chapter 20-B-4 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3042.41 through 3042.47, relative to the Bienville Parish School Board loan program; to authorize the school board to make loans to certain students enrolled in collegiate teacher preparation programs; to provide for legislative findings and purpose, eligibility requirements, board rules and regulations, loan amounts, contract requirements, funding, and board resolution and public hearing requirements; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1056** —  
BY REPRESENTATIVES DIEZ, BRUCE, ILES, MARIONNEAUX, MCCAIN,  
QUEZAIRE, SHAW, AND WINSTON

AN ACT

To amend and reenact R.S. 32:3 and R.S. 36:851(A) and to enact R.S. 32:2(D), Part VI-A of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:390.1 through 390.4, and R.S. 36:409(O), R.S. 45:163(E), and R.S. 47:802.4, relative to motor carriers; to provide relative to issuance of permits and licenses; to create the Louisiana Truck Center; to place such center within the Department of Public Safety and Corrections; to provide for the required services of such center; to authorize participation of certain state agencies; to establish a coordinating authority; to provide for the responsibilities of such authority; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1065** —  
BY REPRESENTATIVES KENNARD AND DEWITT

AN ACT

To repeal R.S. 32:409.1(A)(2)(d)(ix), relative to drivers' licenses; to delete the thirty-day residency requirement for obtaining a driver's license.

Reported without amendments.

**HOUSE BILL NO. 1066** —  
BY REPRESENTATIVES KENNARD AND DEWITT

AN ACT

To amend and reenact R.S. 47:508(D), relative to commercial vehicles; to provide for the registration of commercial vehicles; to provide for a pro rata reduction of the license fee; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1066 by Representative Kennard

AMENDMENT NO. 1

In Senate Committee Amendment No. 1 proposed by the Senate Committee on Transportation, Highways and Public Works adopted by the Senate on May 30, 1997, on line 2, following "July" change "31" to "thirty-first"

**HOUSE BILL NO. 1100** —  
BY REPRESENTATIVE TRAVIS

AN ACT

To authorize and provide for the transfer or lease of certain state property to the town of St. Francisville from the Department of Health and Hospitals; to provide terms and conditions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1267** —  
BY REPRESENTATIVES SALTER AND THORNHILL

AN ACT

To repeal R.S. 32:411(B)(1)(b), relative to taking of a driver's license upon issuance of a traffic citation; to repeal certain exceptions to the prohibition on such taking; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1270** —

BY REPRESENTATIVES TRICHE, FRITH, DOWNER, BARTON, BAUDOIN, BRUCE, BRUN, BRUNEAU, CHAISSON, CLARKSON, CRANE, DEVILLE, DOERGE, DONELON, DUPRE, DURAND, FAUCHEUX, FORSTER, FRUGE, GAUTREAU, HEBERT, HILL, ILES, KENNARD, KENNEY, LANCASTER, LANDRIEU, MARIONNEAUX, MCCAIN, MCDONALD, MICHOT, MONTGOMERY, PERKINS, PINAC, POWELL, ROUSSELLE, SCALISE, SHAW, JACK SMITH, THOMAS, THORNHILL, TRAVIS, VITTER, WARNER, WINDHORST, AND WRIGHT

AN ACT

To amend and reenact R.S. 32:863.1(C)(1)(b) and 1728(A) and (B), relative to motor vehicles; to provide for the seizure and sequestration of vehicles which are operated without proof of insurance; to provide for the redemption of those vehicles; to provide for the disposition of vehicles which are not redeemed; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 1270 by Representative Triche

AMENDMENT NO. 1

On page 4, line 18, delete "hereinafter" and insert "in this Section"

**HOUSE BILL NO. 1276** —

BY REPRESENTATIVES DUPRE, FAUCHEUX, FRITH, AND HUDSON

AN ACT

To amend and reenact R.S. 56:495.1(B) and 497(B)(2), relative to fishing; to provide relative to trawling in inside waters; to provide relative to bait shrimp; to prohibit the use of skimmer nets under certain circumstances; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1316** —

BY REPRESENTATIVE KENNEY

AN ACT

To enact R.S. 56:108, relative to hunting; to provide relative to the taking of deer; to prohibit the taking of doe for three years under certain circumstances; to provide penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1360** —

BY REPRESENTATIVE TRAVIS

AN ACT

To authorize and empower the Department of Public Safety and Corrections to transfer title to certain property located in East Feliciana Parish to the East Feliciana Parish Fire Protection District; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1385** —

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 40:1742(B)(3) and to enact R.S. 40:1742(A)(3), relative to fines for violations of certain mobility impaired parking restrictions and requirements; to authorize certain parishes to provide for an additional fine for such violations; to provide for the use of the proceeds of the additional fine; and to provide for related matters.

Reported without amendments.

June 2, 1997

**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.

Reported without amendments.

**HOUSE BILL NO. 1428—**

BY REPRESENTATIVE SHAW, CURTIS, DOERGE, KENNEY, AND MCDONALD

AN ACT

To enact Chapter 20-A-1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3041.10 through 3041.15, relative to a tuition payment program for certain medical school students; to provide program guidelines and for program administration, eligibility, applications, and definitions; to provide relative to contracts and cancellation of contracts; to provide for implementation; to provide for the adoption of program rules and regulations; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1496—**

BY REPRESENTATIVES THERIOT AND DEWITT

AN ACT

To amend and reenact R.S. 48:381(E)(2), relative to the use and occupancy of rights-of-way of state highways; to delete mandatory reimbursement by the Department of Transportation and Development for expenses incurred by rural water districts during inspections; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1521—**

BY REPRESENTATIVE ODINET

AN ACT

To amend and reenact R.S. 56:38 and 301.2(1) and to enact R.S. 56:33(4) and (5) and 303.8, all relative to fishing; to provide relative to requirements for issuance of licenses and penalties for violations; to provide certain penalty and enforcement procedures, including revocation of the license or permit under certain circumstances, and that certain violations shall not preclude aid for training or sale of gear nor the obtaining of a rod or reel license or other net license for a subsequent period; to provide relative to certain license application requirements concerning submission of income tax returns; to authorize the obtaining of a special apprentice license for the commercial taking of saltwater fish under certain terms and conditions; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 1521 by Representative Odinet

AMENDMENT NO. 1

On page 3, lines 17 and 24, before "applicant" change "The" to "That the"

**HOUSE BILL NO. 1529—**

BY REPRESENTATIVE WARNER

AN ACT

To designate that portion of Louisiana Highway 46 in St. Bernard Parish as the "St. Bernard Veterans Memorial Highway"; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1531—**

BY REPRESENTATIVES WINSTON, POWELL, KENNARD, AND TRAVIS

AN ACT

To rename a portion of Wardline Road and a portion of Columbus Drive as University Avenue in the city of Hammond; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1586—**

BY REPRESENTATIVES MCDONALD AND DOWNER

AN ACT

To amend and reenact R.S. 17:3026(A)(3)(c)(iii), relative to the Tuition Assistance Plan; to provide relative to ineligibility under certain circumstances; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1608—**

BY REPRESENTATIVE KENNARD

AN ACT

To amend and reenact R.S. 32:1301 and to enact R.S. 32:1305(G), relative to motor carriers; to provide for certain motor carriers to establish official inspection stations; to authorize that such stations be located either in state or out of state; to require such motor carriers to have Louisiana registration; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1617—**

BY REPRESENTATIVE WIGGINS

AN ACT

To authorize and provide for the lease of certain state property to the Volunteers of America from the Department of Health and Hospitals; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1658—**

BY REPRESENTATIVE ROUSSELLE

AN ACT

To provide relative to Lafourche Parish Ambulance Service District No. 1, to ratify and confirm the authority of the board of commissioners of the district to levy and collect an ad valorem tax, subject to voter approval; to provide that the tax not be levied or collected prior to the dissolution of an agreement between the district and Lafourche Parish Hospital Service District No. 1 which authorizes the hospital district to levy an ad valorem tax on behalf of the ambulance service district and the removal of the tax levied pursuant to the agreement from the tax rolls of the hospital service district; to provide that such agreement is dissolved and to require removal of such tax from the tax rolls; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1685—**

BY REPRESENTATIVE ALARIO

AN ACT

To enact R.S. 34:1(B)(2)(g), relative to appointments to the Board of Commissioners of the Port of New Orleans; to provide for the nominating agencies for the appointment of the member from Jefferson Parish; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1746—**

BY REPRESENTATIVE HUDSON

AN ACT

To enact R.S. 32:386.1, relative to special permits for motor vehicles; to provide for a blanket oversize yearly permit; to provide for fees; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1855—**  
BY REPRESENTATIVE KENNEY  
AN ACT

To authorize and empower the Department of Transportation and Development to transfer title to certain described property, together with all buildings and improvements thereon, located within the parish of Franklin, to the village of Baskin; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1949—**  
BY REPRESENTATIVE FORSTER  
AN ACT

To amend and reenact R.S. 33:4532(A), relative to the Public Belt Railroad; to authorize the city of New Orleans, through the Public Belt Railroad Commission to transport and convey trains over the Huey P. Long Bridge, its approaches and appurtenances, and the tracks of the Public Belt Railroad system and to contract with any railroad for their use; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1956 (Duplicate of Senate Bill No. 795)—**  
BY REPRESENTATIVE MARTINY AND SENATOR BAGNERIS  
AN ACT

To amend and reenact R.S. 32:863.1(C)(1)(a) and to enact R.S. 32:863.1(F), relative to motor vehicle security; to allow a law enforcement officer to issue a traffic citation to an owner of a motor vehicle registered in another state for lack of liability security; to provide for penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1958—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 33:381(A) and (B), 386(D), 404(A)(1), and 426 and to enact R.S. 33:406(A)(3), relative to Lawrason Act municipalities; to provide relative to the authority of the mayor and the board of aldermen on matters including revenues and debt, the adoption of resolutions, and oversight of the street commissioner; to provide relative to terms of certain municipal officials; to provide relative to other positions which mayors and aldermen may hold; to provide relative to limits on the authority of the mayor; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1961—**  
BY REPRESENTATIVES CLARKSON AND WINDHORST  
AN ACT

To enact R.S. 48:1101.2, relative to bridges; to provide for the type of vehicles allowed to travel on the transit lanes of the Greater New Orleans Mississippi River bridges; to provide for one-way traffic on the transit lanes; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1988—**  
BY REPRESENTATIVES TRICHE AND DEWITT  
AN ACT

To enact R.S. 56:331, relative to crabs; to set limits on the amount of crabs taken or possessed by recreational crab fishermen; to provide penalties; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1991—**  
BY REPRESENTATIVES ROUSSELLE, DEWITT, AND TRICHE  
AN ACT

To enact R.S. 56:332(K), relative to fishing; to provide relative to crab traps; to require certain escape rings; to provide relative to such escape rings; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2002—**  
BY REPRESENTATIVE HEBERT  
AN ACT

To amend and reenact R.S. 56:8(12)(b) and to enact R.S. 56:8(12)(c), relative to hunting and fishing licenses; to provide for the definition of "bona fide resident"; and to provide for related matters.

Reported without amendments.

**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.

Reported without amendments.

**HOUSE BILL NO. 2011—**  
BY REPRESENTATIVE GAUTREAUX  
AN ACT

To amend and reenact R.S. 56:428(A) and to enact R.S. 56:428.1, relative to oyster leases; to provide relative to renewal of leases located in the impact areas of coastal restoration projects; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2149—**  
BY REPRESENTATIVES MCDONALD AND DOWNER  
AN ACT

To enact R.S. 17:3042.32(D), relative to the Louisiana Honors Scholarship Program; to provide for the application of scholarships awarded pursuant to such program and to the combination of such scholarships with disbursements from the Louisiana Student Tuition Assistance and Revenue Trust Program account; to provide for the expenditure of any remaining balance of a scholarship award; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2198—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To enact R.S. 33:1236.23, relative to Jefferson Parish; to authorize the governing authority of the parish to create a special district for the purposes of enhancing the security of residents of the Stonebridge subdivision; to provide for the creation and governance of the district as provided by the parish home rule charter; to require voter approval of a district tax; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 2245—**  
BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 33:404.1 and 405(G) and to repeal R.S. 33:405(H), relative to the compensation of municipal officials; to provide relative to the compensation of aldermen; and to provide for related matters.

Reported without amendments.

June 2, 1997

HOUSE BILL NO. 2318—

BY REPRESENTATIVE HILL

AN ACT

To enact R.S. 33:2737.67, relative to the Beauregard Parish School Board; to authorize the board to levy an additional sales and use tax with voter approval; to provide for the allowable uses of the proceeds of the tax; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 2331—

BY REPRESENTATIVES ALARIO AND ROUSSELLE

AN ACT

To enact R.S. 47:463.46, relative to motor vehicle registration; to provide for Special Olympics prestige license plates; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 2338—

BY REPRESENTATIVES GAUTREAUX AND DUPRE

AN ACT

To amend and reenact R.S. 56:427(A), relative to lease of water bottoms for oyster production; to provide that applications for lease shall remain valid until a survey is made; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 2358 (Substitute for House Bill No. 841 by Representative Michot)—

BY REPRESENTATIVE MICHOT

AN ACT

To amend and reenact R.S. 56:8(30) and to enact R.S. 56:302.3(B)(6) and 325(A)(7), relative to fishing; to provide relative to crawfish; to provide that the taking of crawfish for recreational purposes shall require a recreational gear license; to provide relative to license requirements and fees; to provide amount limits; 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 Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

Introduction of Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 132—

BY SENATORS LAMBERT, MALONE, AND SIRACUSA

A CONCURRENT RESOLUTION

To request the Department of Environmental Quality to investigate, review, and recommend legislation to implement the provisions of Article IX, §1 of the Constitution of Louisiana.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris	Cox	Jones
Bajoie	Hainkel	
Total—5		

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 2, 1997

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 68—

BY REPRESENTATIVE RIDDLE

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 1997-1998 to be used to pay legal expenses incurred by Jerald W. Gunn, Michael Villejoin, and Rex L. Powell, relative to their successful defense of criminal charges brought against them, which charges arose from actions taken by them in the course and scope of their employment; to pay legal expenses incurred by Michael Villejoin in the civil claim brought against him, relative to actions taken by him in the course and scope of his employment; and to provide for related matters.

HOUSE BILL NO. 772 (Duplicate of Senate Bill No. 917)—

BY REPRESENTATIVE WESTON AND SENATOR BAJOIE

AN ACT

To amend and reenact R.S. 51:2131(B) and (D), relative to the Louisiana Film and Video Commission; to provide relative to the membership of the commission; and to provide for related matters.

**HOUSE BILL NO. 1011—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 11:143(A), relative to state and statewide retirement systems; to allow a member of any public retirement system to transfer service credit from another public retirement system to the system where such member is an active contributing member; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 1264—**

BY REPRESENTATIVES MCDONALD, DOWNER, AND THOMPSON

AN ACT

To enact R.S. 42:456.1, relative to public employees; to permit payroll withholding for the deposit of funds into a Louisiana Student Tuition Assistance and Revenue Trust Program education savings account; to provide guidelines for and limitations on such withholdings; to provide for the adoption of certain rules by the Louisiana Tuition Trust Authority; to provide for effectiveness; and to provide for related matters.

**HOUSE BILL NO. 1971—**

BY REPRESENTATIVES BOWLER, DUPRE, MARIONNEAUX, MCCAIN, AND MORRELL

AN ACT

To amend and reenact R.S. 27:15(B)(2), 18, 25(B)(1), (2)(introductory paragraph) and (d), and (3), and 26 and to enact R.S. 27:25(B)(4) and (E), relative to the Louisiana Gaming Control Board; to provide that hearings are conducted in conformity with the Administrative Procedure Act; to provide that decisions are made by the hearing officer rather than by the board; to provide a time limit for the rendering of a decision by the hearing officer; to prohibit ex parte communication with the hearing officer; to provide for appeals to the appropriate district court; and to provide for related matters.

**HOUSE BILL NO. 2329—**

BY REPRESENTATIVE PRATT

AN ACT

To enact R.S. 18:1907, relative to census data; to create the Advisory Commission for Census 2000; to provide for the members, powers, and duties of such commission; to provide for the termination of the commission; and to provide for related matters.

**HOUSE BILL NO. 2412—**

BY REPRESENTATIVE JACK SMITH

AN ACT

To enact Chapter 33 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:5301 through 5304, relative to state district courts; to provide for drug and alcohol treatment programs through drug divisions to be operated by the district courts; and to provide for related matters.

**HOUSE BILL NO. 2472—**

BY REPRESENTATIVE WINDHORST

AN ACT

To amend and reenact R.S. 49:992(D)(1) and (2), relative to the division of administrative law; to provide for the delegation of certain adjudication proceedings to the division of administrative law; and to provide for related matters.

**HOUSE BILL NO. 2479—**

BY REPRESENTATIVE PERKINS

AN ACT

To enact R.S. 32:398.1(C), R.S. 49:121(I), and Code of Criminal Procedure Article 215.1(D), to provide procedures for the issuance of citations and detention of persons violating provisions of motor vehicle laws; and to provide for related matters.

**HOUSE BILL NO. 1284 (Duplicate of Senate Bill No. 985)—**

BY REPRESENTATIVE FORSTER AND SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 23:1601(4), relative to unemployment compensation; to provide that a claimant shall be disqualified from receiving benefits during a labor strike; to provide that a claimant shall not be disqualified from receiving benefits during a labor lockout; and to provide for related matters.

**HOUSE BILL NO. 1684—**

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 47:1702(3), relative to the definition of personal or movable property subject to ad valorem taxation; to define personal or movable property as such terms are defined; and to provide for related matters.

**HOUSE BILL NO. 1951—**

BY REPRESENTATIVES DOWNER, R. ALEXANDER, BARTON, DEVILLE, DIMOS, DUPRE, FLAVIN, FORSTER, JOHNS, LEBLANC, MCDONALD, MCMAINS, MICHOT, SCALISE, JOHN SMITH, AND STELLY

AN ACT

To enact Chapter 23 of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:931 through 937, to provide for the reorganization of the executive branch of state government; to provide for further reorganization and consolidation within the executive branch of state government by creating and providing for the Joint Legislative Committee on Reorganization of the Executive Branch, including its membership, powers, and duties; and to provide for related matters.

**HOUSE BILL NO. 1993—**

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 56:263(A) and 307.1(A), relative to fishing and fish industry licensing; to provide resident and nonresident fees for certain licenses required for transport, for alligator parts dealers, and for retailers purchasing for retail sale finished alligator parts; and to provide for related matters.

**HOUSE BILL NO. 2000—**

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 56:301.2, relative to fishing licenses; to require notification be given to the Department of Wildlife and Fisheries of any changes of licensure information; and to provide for related matters.

**HOUSE BILL NO. 2127—**

BY REPRESENTATIVES THORNHILL AND FAUCHEUX

AN ACT

To enact R.S. 24:59, relative to lobbying; to provide that any person who receives or expends funds in excess of ten thousand dollars in any calendar year for certain purposes related to legislation shall be required to file certain reports; to provide for the filing of reports; to provide for penalties; to provide for definitions; and to provide for related matters.

**HOUSE BILL NO. 2383—**

BY REPRESENTATIVE ROUSSELLE

AN ACT

To amend and reenact R.S. 56:495(A)(47) through (60), (62), and (100) and to enact R.S. 56:495(A)(46.1), (46.2), (47.1), (47.2), (48.1), (48.2), (51.1), (52.1), (52.2), (52.3), (52.4), (54.1), (54.2), (55.1), (55.2), (56.1), (56.2), (56.3), (56.4), (56.5), (56.6), and (99.1), relative to the boundary between inside and outside waters for purposes of shrimping; to move the boundary line in and around Plaquemines Parish to conform to the current coastline; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 2405—**

BY REPRESENTATIVES DIMOS AND TRICHE  
AN ACT

To enact R.S. 56:109(E), relative to wildlife management areas; to provide relative to uses of wildlife management areas; to provide relative to trail rides; to provide for the establishment of certain all-terrain vehicle trails; to provide for the uses of such trails under certain terms and conditions; and to provide for related matters.

**HOUSE BILL NO. 2419—**

BY REPRESENTATIVE WIGGINS  
AN ACT

To authorize and provide for the lease of certain state property by the Department of Health and Hospitals to the Family Counseling Agency, Incorporated; and to provide for related matters.

**HOUSE BILL NO. 2130—**

BY REPRESENTATIVES DONELON AND MCMAINS  
AN ACT

To enact R.S. 22:15 and 253.1, relative to funeral service policies; to provide for an advisory commission to the commissioner of insurance; to authorize the commissioner of insurance to promulgate regulations; to provide for the membership of the advisory commission; to provide for the discontinuation of funeral service policies; to authorize the commissioner to promulgate regulations; and to provide for related matters.

**HOUSE BILL NO. 1191—**

BY REPRESENTATIVE STRAIN  
AN ACT

To amend and reenact R.S. 23:184(introductory paragraph), relative to employment of minors; to require written permission of parent or legal guardian prior to issuance of an employment certificate; and to provide for related matters.

**HOUSE BILL NO. 808—**

BY REPRESENTATIVE WESTON  
AN ACT

To amend and reenact R.S. 36:201(C)(1) and to repeal Chapter 23 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1011 through 1016, R.S. 36:208(H), 209(Q), and 802.8, and Subpart B of Chapter 9 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1271 through 1276, relative to the Department of Culture, Recreation and Tourism; to abolish the Louisiana Governor's Mansion Commission and a program of grants and contracts between the Louisiana Tourism Development Commission and local tourism promotion agencies; to provide relative to certain agencies and offices which have been previously abolished or transferred from the department; and to provide for related matters.

**HOUSE BILL NO. 1397—**

BY REPRESENTATIVES FAUCHEUX, ANSARDI, AND CHAISSON  
AN ACT

To enact R.S. 33:4574.10, relative to the parishes of St. Charles, St. John the Baptist, and St. James; to create the River Parishes Convention, Tourist, and Visitors Commission to have jurisdiction within such parishes; to provide for the appointment, powers, and duties of the commission; to authorize the levy and collection of a hotel/motel occupancy tax by the commission for the purpose of funding the activities of the commission; to provide relative to borrowing by the commission and budgetary matters; and to provide for related matters.

**HOUSE BILL NO. 1398—**

BY REPRESENTATIVES DUPRE AND DOWNER  
AN ACT

To amend and reenact R.S. 13:976(C), relative to court reporters; to provide for fees in civil and criminal cases in the Thirty-second Judicial District Court; and to provide for related matters.

**HOUSE BILL NO. 1526—**

BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 37:2558(A), relative to certified shorthand reporters; to establish fees to be paid to the Board of Examiners of Certified Shorthand Reporters; and to provide for related matters.

**HOUSE BILL NO. 1834—**

BY REPRESENTATIVE TOOMY  
AN ACT

To enact R.S. 37:2560, relative to certified shorthand reporters; to authorize the Board of Examiners of Certified Shorthand Reporters to impose a fine; and to provide for related matters.

**HOUSE BILL NO. 2330—**

BY REPRESENTATIVE THERIOT  
AN ACT

To enact R.S. 33:1421(C), relative to deferred compensation plans; to provide for participation by sheriffs; and to provide for related matters.

**HOUSE BILL NO. 2349—**

BY REPRESENTATIVE JACK SMITH  
AN ACT

To amend and reenact R.S. 46:56(F)(4)(a), relative to the confidentiality of case records pertaining to abuse or neglect of children; to authorize the head of a law enforcement agency originally reporting such case to receive information; and to provide for related matters.

**HOUSE BILL NO. 62—**

BY REPRESENTATIVES FAUCHEUX, FRITH, HEBERT, MICHOT, AND ROUSSELLE  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 1997-1998 to the Department of Public Safety and Corrections to be used to pay back supplemental pay to certain constables and justices of the peace.

**HOUSE BILL NO. 235—**

BY REPRESENTATIVE FLAVIN  
AN ACT

To amend and reenact R.S. 30:2205(A)(1), relative to the hazardous waste tax; to provide for the uses of the tax funds; and to provide for related matters.

**HOUSE BILL NO. 240—**

BY REPRESENTATIVES MICHOT AND LANCASTER  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "State of Louisiana vs. Nicholas D. Olivier c/w State of Louisiana vs. Loy Raoul Olivier and Pierre Francois Olivier"; to provide for interest and court costs; and to provide for related matters.

**HOUSE BILL NO. 995—**

BY REPRESENTATIVE MURRAY  
AN ACT

To amend and reenact R.S. 23:1021(10)(d), relative to the average weekly wage calculations in workers' compensation claims; to provide for the calculation of average weekly wage of an employee on a unit, piecework, commission, or other basis; and to provide for related matters.

**HOUSE BILL NO. 1233—**

BY REPRESENTATIVE MICHOT  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the stipulated judgment in the suit entitled "Dr. Ernest M. Yongue, Dr. Charles W. Boustany, Sr., Dr. Joseph C. Musso, and Dr. Bruce Lance Craig versus the State of Louisiana through its treasurer, Ken Duncan", and to provide for related matters.

**HOUSE BILL NO. 1379—**

BY REPRESENTATIVES DOWNER, BRUN, MCDONALD, DEWITT, ALARIO, DANIEL, DUPRE, HUDSON, ILES, JOHNS, KENNEY, LEBLANC, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, SHAW, THOMPSON, WALSWORTH, AND WIGGINS AND SENATORS DARDENNE, HAINKEL, BEAN, SCHEDLER, SMITH, AND THEUNISSEN

AN ACT

To enact R.S. 17:3765, relative to state funds; to provide for creation of the School Leadership Development Fund; to provide for deposit of monies into the fund; to provide for uses of monies in the fund; and to provide for related matters.

**HOUSE BILL NO. 1362—**

BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 6:242(A)(6)(a), and to enact R.S. 6:506(D), relative to the sale of insurance by banks; to permit state-chartered banks to charge fees and commissions for acting as insurance agents; to provide relative to certificates of authority for branch offices; and to provide for related matters.

**HOUSE BILL NO. 1612—**

BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 6:121(B)(1) and (2), 242(A)(6)(a) and (b) and (C)(2), 513(3), 941(C), 973, relative to the sale of insurance by banks; to provide parity for state-chartered banks; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions**

Senator Lentini 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. 62—**

BY REPRESENTATIVES FAUCHEUX, FRITH, HEBERT, MICHOT, AND ROUSSELLE

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 1997-1998 to the Department of Public Safety and Corrections to be used to pay back supplemental pay to certain constables and justices of the peace.

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

**HOUSE BILL NO. 68—**

BY REPRESENTATIVE RIDDLE

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 1997-1998 to be used to pay legal expenses incurred by Jerald W. Gunn, Michael Villejoin, and Rex L. Powell, relative to their successful defense of criminal charges brought against them, which charges arose from actions taken by them in the course and scope of their employment; to pay legal expenses incurred by Michael Villejoin in the civil claim brought against him, relative to actions taken by him in the course and scope of his employment; and to provide for related matters.

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

**HOUSE BILL NO. 235—**

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 30:2205(A)(1), relative to the hazardous waste tax; to provide for the uses of the tax funds; and to provide for related matters.

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

**HOUSE BILL NO. 240—**

BY REPRESENTATIVES MICHOT AND LANCASTER

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the final judgment in the suit entitled "State of Louisiana vs. Nicholas D. Olivier c/w State of Louisiana vs. Loy Raoul Olivier and Pierre Francois Olivier"; to provide for interest and court costs; and to provide for related matters.

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

**HOUSE BILL NO. 772 (Duplicate of Senate Bill No. 917)—**

BY REPRESENTATIVE WESTON AND SENATOR BAJOE

AN ACT

To amend and reenact R.S. 51:2131(B) and (D), relative to the Louisiana Film and Video Commission; to provide relative to the membership of the commission; 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. 808—**

BY REPRESENTATIVE WESTON

AN ACT

To amend and reenact R.S. 36:201(C)(1) and to repeal Chapter 23 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1011 through 1016, R.S. 36:208(H), 209(Q), and 802.8, and Subpart B of Chapter 9 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1271 through 1276, relative to the Department of Culture, Recreation and Tourism; to abolish the Louisiana Governor's Mansion Commission and a program of grants and contracts between the Louisiana Tourism Development Commission and local tourism promotion agencies; to provide relative to certain agencies and offices which have been previously abolished or transferred from 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 Senate and Governmental Affairs.

**HOUSE BILL NO. 995—**

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 23:1021(10)(d), relative to the average weekly wage calculations in workers' compensation claims; to provide for the calculation of average weekly wage of an employee on a unit, piecework, commission, or other basis; 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. 1011—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 11:143(A), relative to state and statewide retirement systems; to allow a member of any public retirement system to transfer service credit from another public retirement system to the system where such member is an active contributing member; 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.

June 2, 1997

**HOUSE BILL NO. 1191—**  
BY REPRESENTATIVE STRAIN  
AN ACT

To amend and reenact R.S. 23:184(introductory paragraph), relative to employment of minors; to require written permission of parent or legal guardian prior to issuance of an employment certificate; 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. 1233—**  
BY REPRESENTATIVE MICHOT  
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay the stipulated judgment in the suit entitled "Dr. Ernest M. Yongue, Dr. Charles W. Boustany, Sr., Dr. Joseph C. Musso, and Dr. Bruce Lance Craig versus the State of Louisiana through its treasurer, Ken Duncan", and to provide for related matters.

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

**HOUSE BILL NO. 1264—**  
BY REPRESENTATIVES MCDONALD, DOWNER, AND THOMPSON  
AN ACT

To enact R.S. 42:456.1, relative to public employees; to permit payroll withholding for the deposit of funds into a Louisiana Student Tuition Assistance and Revenue Trust Program education savings account; to provide guidelines for and limitations on such withholdings; to provide for the adoption of certain rules by the Louisiana Tuition Trust Authority; to provide for effectiveness; and to provide for related matters.

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

**HOUSE BILL NO. 1284 (Duplicate of Senate Bill No. 985)—**  
BY REPRESENTATIVE FORSTER AND SENATOR ELLINGTON  
AN ACT

To amend and reenact R.S. 23:1601(4), relative to unemployment compensation; to provide that a claimant shall be disqualified from receiving benefits during a labor strike; to provide that a claimant shall not be disqualified from receiving benefits during a labor lockout; 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. 1362—**  
BY REPRESENTATIVE TRAVIS  
AN ACT

To amend and reenact R.S. 6:242(A)(6)(a), and to enact R.S. 6:506(D), relative to the sale of insurance by banks; to permit state-chartered banks to charge fees and commissions for acting as insurance agents; to provide relative to certificates of authority for branch offices; 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. 1379—**  
BY REPRESENTATIVES DOWNER, BRUN, MCDONALD, DEWITT, ALARIO, DANIEL, DUPRE, HUDSON, ILES, JOHNS, KENNEY, LEBLANC, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, SHAW, THOMPSON, WALSWORTH, AND WIGGINS AND SENATORS DARDENNE, HAINKEL, BEAN, SCHEDLER, SMITH, AND THEUNISSEN  
AN ACT

To enact R.S. 17:3765, relative to state funds; to provide for creation of the School Leadership Development Fund; to provide for deposit of monies into the fund; to provide for uses of monies in 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 Education.

**HOUSE BILL NO. 1397—**  
BY REPRESENTATIVES FAUCHEUX, ANSARDI, AND CHAISSON  
AN ACT

To enact R.S. 33:4574.10, relative to the parishes of St. Charles, St. John the Baptist, and St. James; to create the River Parishes Convention, Tourist, and Visitors Commission to have jurisdiction within such parishes; to provide for the appointment, powers, and duties of the commission; to authorize the levy and collection of a hotel/motel occupancy tax by the commission for the purpose of funding the activities of the commission; to provide relative to borrowing by the commission and budgetary matters; 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. 1398—**  
BY REPRESENTATIVES DUPRE AND DOWNER  
AN ACT

To amend and reenact R.S. 13:976(C), relative to court reporters; to provide for fees in civil and criminal cases in the Thirty-second Judicial District Court; 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. 1526—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 37:2558(A), relative to certified shorthand reporters; to establish fees to be paid to the Board of Examiners of Certified Shorthand 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 B.

**HOUSE BILL NO. 1612—**  
BY REPRESENTATIVE TRAVIS  
AN ACT

To amend and reenact R.S. 6:121(B)(1) and (2), 242(A)(6)(a) and (b) and (C)(2), 513(3), 941(C), 973, relative to the sale of insurance by banks; to provide parity for state-chartered banks; 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. 1684—**  
BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact R.S. 47:1702(3), relative to the definition of personal or movable property subject to ad valorem taxation; to define personal or movable property as such terms are defined; and to provide for related matters.

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

**HOUSE BILL NO. 1834—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To enact R.S. 37:2560, relative to certified shorthand reporters; to authorize the Board of Examiners of Certified Shorthand Reporters to impose a fine; 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. 1951—**

BY REPRESENTATIVES DOWNER, R. ALEXANDER, BARTON, DEVILLE, DIMOS, DUPRE, FLAVIN, FORSTER, JOHNS, LEBLANC, MCDONALD, MCMAINS, MICHOT, SCALISE, JOHN SMITH, AND STELLY  
AN ACT

To enact Chapter 23 of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:931 through 937, to provide for the reorganization of the executive branch of state government; to provide for further reorganization and consolidation within the executive branch of state government by creating and providing for the Joint Legislative Committee on Reorganization of the Executive Branch, including its membership, powers, and duties; 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. 1971—**

BY REPRESENTATIVES BOWLER, DUPRE, MARIONNEAUX, MCCAIN, AND MORRELL  
AN ACT

To amend and reenact R.S. 27:15(B)(2), 18, 25(B)(1), (2)(introductory paragraph) and (d), and (3), and 26 and to enact R.S. 27:25(B)(4) and (E), relative to the Louisiana Gaming Control Board; to provide that hearings are conducted in conformity with the Administrative Procedure Act; to provide that decisions are made by the hearing officer rather than by the board; to provide a time limit for the rendering of a decision by the hearing officer; to prohibit ex parte communication with the hearing officer; to provide for appeals to the appropriate district court; 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. 1993—**

BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 56:263(A) and 307.1(A), relative to fishing and fish industry licensing; to provide resident and nonresident fees for certain licenses required for transport, for alligator parts dealers, and for retailers purchasing for retail sale finished alligator parts; 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. 2000—**

BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 56:301.2, relative to fishing licenses; to require notification be given to the Department of Wildlife and Fisheries of any changes of licensure information; 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. 2127—**

BY REPRESENTATIVES THORNHILL AND FAUCHEUX  
AN ACT

To enact R.S. 24:59, relative to lobbying; to provide that any person who receives or expends funds in excess of ten thousand dollars in any calendar year for certain purposes related to legislation shall be required to file certain reports; to provide for the filing of reports; to provide for penalties; to provide for definitions; 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. 2130—**

BY REPRESENTATIVES DONELON AND MCMAINS  
AN ACT

To enact R.S. 22:15 and 253.1, relative to funeral service policies; to provide for an advisory commission to the commissioner of insurance; to authorize the commissioner of insurance to promulgate regulations; to provide for the membership of the advisory commission; to provide for the discontinuation of funeral service policies; to authorize the commissioner to promulgate regulations; 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. 2329—**

BY REPRESENTATIVE PRATT  
AN ACT

To enact R.S. 18:1907, relative to census data; to create the Advisory Commission for Census 2000; to provide for the members, powers, and duties of such commission; to provide for the termination of the commission; 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. 2330—**

BY REPRESENTATIVE THERIOT  
AN ACT

To enact R.S. 33:1421(C), relative to deferred compensation plans; to provide for participation by sheriffs; 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. 2349—**

BY REPRESENTATIVE JACK SMITH  
AN ACT

To amend and reenact R.S. 46:56(F)(4)(a), relative to the confidentiality of case records pertaining to abuse or neglect of children; to authorize the head of a law enforcement agency originally reporting such case to receive information; and to provide for related matters.

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

**HOUSE BILL NO. 2387—**

BY REPRESENTATIVE THOMPSON  
AN ACT

To amend and reenact R.S. 38:326, relative to levee and levee and drainage districts; to provide for the powers of levee district police officers; to provide for penalties; 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. 2405—**

BY REPRESENTATIVES DIMOS AND TRICHE  
AN ACT

To enact R.S. 56:109(E), relative to wildlife management areas; to provide relative to uses of wildlife management areas; to provide relative to trail rides; to provide for the establishment of certain all-terrain vehicle trails; to provide for the uses of such trails under certain terms and conditions; 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.

June 2, 1997

HOUSE BILL NO. 2412—

BY REPRESENTATIVE JACK SMITH  
AN ACT

To enact Chapter 33 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:5301 through 5304, relative to state district courts; to provide for drug and alcohol treatment programs through drug divisions to be operated by the district courts; 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. 2419—

BY REPRESENTATIVE WIGGINS  
AN ACT

To authorize and provide for the lease of certain state property by the Department of Health and Hospitals to the Family Counseling Agency, Incorporated; 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. 2472—

BY REPRESENTATIVE WINDHORST  
AN ACT

To amend and reenact R.S. 49:992(D)(1) and (2), relative to the division of administrative law; to provide for the delegation of certain adjudication proceedings to the division of administrative law; 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. 2479—

BY REPRESENTATIVE PERKINS  
AN ACT

To enact R.S. 32:398.1(C), R.S. 49:121(I), and Code of Criminal Procedure Article 215.1(D), to provide procedures for the issuance of citations and detention of persons violating provisions of motor vehicle laws; 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.

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS

June 2, 1997

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 201—

BY REPRESENTATIVES MURRAY, COPELIN, WILLARD-LEWIS, MORRELL, HEATON, ODINET, WINDHORST, FORSTER, FARVE, LANDRIEU, SCALISE, A. ALEXANDER, CLARKSON, AND PRATT  
A CONCURRENT RESOLUTION

To proclaim Tuesday, June 3, 1997, as New Orleans Day in the Louisiana Legislature and to provide for suitable observance of this special day.

HOUSE CONCURRENT RESOLUTION NO. 204—

BY REPRESENTATIVES CURTIS, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUN, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DOERGE, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FORSTER, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD-LEWIS, WINDHORST, WINSTON, AND WRIGHT AND SENATORS BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARLENNE, DEAN, DYESS, ELLINGTON, EWING, FIELDS, GREENE, GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To express the condolences and the sincere regrets of the Legislature of Louisiana upon the death of Mr. Howard McCormick.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 201—

BY REPRESENTATIVES MURRAY, COPELIN, WILLARD-LEWIS, MORRELL, HEATON, ODINET, WINDHORST, FORSTER, FARVE, LANDRIEU, SCALISE, A. ALEXANDER, CLARKSON, AND PRATT

A CONCURRENT RESOLUTION

To proclaim Tuesday, June 3, 1997, as New Orleans Day in the Louisiana Legislature and to provide for suitable observance of this special day.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris	Jones
Bajoie	Jordan

Total—4

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

**HOUSE CONCURRENT RESOLUTION NO. 204—**

BY REPRESENTATIVES CURTIS, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUN, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DOERGE, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FORSTER, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAU, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD-LEWIS, WINDHORST, WINSTON, AND WRIGHT AND SENATORS BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, FIELDS, GREENE, GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN, AND ULLO

**A CONCURRENT RESOLUTION**

To express the condolences and the sincere regrets of the Legislature of Louisiana upon the death of Mr. Howard McCormick.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Bagneris	Bajoie	Jones
Total—3		

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

**House Bills and Joint Resolutions on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

**HOUSE BILL NO. 2206—**

BY REPRESENTATIVES CLARKSON AND MURRAY  
AN ACT

To amend and reenact R.S. 22:657(D)(2) and to enact R.S. 22:657(E) and 2027(E) and (F), and R.S. 40:2207, and 2207.1, relative to health insurance, to provide a definition for emergency medical condition; to prohibit pre-certification for emergency care; to prohibit retrospective denial or reduction of payment for emergency care; to require dissemination of information regarding requirements; to provide for penalties; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the duplicate bill was read by title and referred to the Legislative Bureau.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON RETIREMENT**

Senator Heitmeier, Chairman on behalf of the Committee on Retirement, submitted the following report:

June 2, 1997

To the President and Members of the Senate:

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

**HOUSE BILL NO. 437—**

BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 11:103(C)(2)(b)(introductory paragraph), and 127(A) and to enact R.S. 11:103(C)(2)(b)(iv), relative to all public retirement systems; to provide with respect to the calculation of the net direct employer contribution rate; to further provide with respect to the reporting procedures of the Public Retirement Systems' Actuarial Committee; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 742—**

BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 11:1921(A)(4), relative to the Parochial Employees' Retirement System of Louisiana; to provide with respect to the purchase of prior service credit; to allow coroners the option of purchasing prior service credit on an actuarial basis; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1007—**

BY REPRESENTATIVE PINAC  
AN ACT

To amend and reenact R.S. 11:1802(2) and 1804(1)(b) and to repeal R.S. 11:1802(3), relative to the Municipal Employees' Retirement System of Louisiana; to provide relative to the limitation on the maximum amount of normal and disability retirement benefits payable from Plan B; to provide for an effective date; and to provide for related matters.

Reported favorably.

June 2, 1997

**HOUSE BILL NO. 1008—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 11:1785(C), relative to the Municipal Employees' Retirement System of Louisiana; to provide with respect to Plan A survivor benefits and the eligibility therefor; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1010—**

BY REPRESENTATIVE STELLY

AN ACT

To enact R.S. 11:105, relative to the Assessors' Retirement Fund, the Clerks' of Court Retirement and Relief Fund, the Municipal Employees' Retirement System of Louisiana, and the Parochial Employees' Retirement System of Louisiana; to provide with respect to employer contribution rates and the procedures used in determination thereof; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1052—**

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 11:153(D)(1), relative to all state and statewide public retirement systems; to provide with respect to military service credit and the purchase thereof; to further provide certain limitations on the use of such credit; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1091—**

BY REPRESENTATIVE WILKERSON

AN ACT

To amend and reenact R.S. 11:2253(A)(1)(a), relative to the Firefighters' Retirement System; to provide with respect to membership; to establish a membership age limit; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1333—**

BY REPRESENTATIVE WILKERSON

AN ACT

To amend and reenact R.S. 11:2259, relative to the Firefighters' Retirement System; to provide with respect to optional retirement allowances; to provide for survivor's benefits after retirement if member was not previously married; to provide for an effective date and retroactive application; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1415—**

BY REPRESENTATIVE STELLY

AN ACT

To amend and reenact R.S. 11:2173(A)(1) and (6), relative to the Sheriffs' Pension and Relief Fund; to provide with respect to the composition of the board of trustees; to further provide with respect to election procedures for such board members and terms of office related thereto; to provide an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
FRANCIS C. HEITMEIER  
Chairman

SUPPLEMENTAL REPORT OF COMMITTEE ON

**FINANCE**

Senator Hainkel, Chairman on behalf of the Committee on Finance, submitted the following report:

May 30, 1997

To the President and Members of the Senate:

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

**SENATE BILL NO. 351—**

BY SENATOR GREENE

AN ACT

To amend and reenact R.S. 39:72, relative to budget allotments; to require the division of administration to adjust certain allotments for the last quarter of a fiscal year; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1460—**

BY SENATOR DEAN

AN ACT

To amend and reenact Section 1 of Act No. 233 of the 1984 Regular Session, as amended by Act No. 819 of the 1985 Regular Session and by Act No. 847 of the 1992 Regular Session, relative to the Bohemia Spillway; to provide for legislative intent; to provide for the return of lands and certain revenues derived therefrom; to provide for ownership of certain lands; to provide for judicial review; to provide for certain transfers of title; to provide for suspension of certain funds; to provide for surveys of certain property; to provide for reports; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 2240—**

BY REPRESENTATIVES LONG, BARTON, BAUDOIN, CRANE, DOERGE, FARVE, MCDONALD, POWELL, PRATT, QUEZAIRE, SALTER, SHAW, THOMPSON, AND WRIGHT

AN ACT

To enact R.S. 17:24.9, to require that the Department of Education establish a program for at-risk preschool students; to require inclusion of certain elements in the program and evaluation of the program; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JOHN HAINKEL  
Chairman

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

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

**SENATE BILL NO. 351—**

BY SENATOR GREENE

AN ACT

To amend and reenact R.S. 39:72, relative to budget allotments; to require the division of administration to adjust certain allotments for the last quarter of a fiscal year; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 351 by Senator Greene

AMENDMENT NO. 1

On page 1, line 1, after the colon ":" and before "72" insert "71(C) and"

AMENDMENT NO. 2

On page 1, line 3, delete "for the last" and insert "under certain circumstances;"

AMENDMENT NO. 3

On page 1, line 4, delete "quarter of a fiscal year;"

AMENDMENT NO. 4

On page 1, line 6, after the colon ":" delete "72 is" and insert "71(C) and 72 are"

AMENDMENT NO. 5

On page 1, between lines 7 and 8, insert the following:

"§71. Monthly allotments from appropriations

\* \* \*

C. The requests for allotments shall conform to the state budget, except deviations therefrom are made necessary by change in conditions of operation, to meet unforeseen circumstances, or to correct errors, or to cause the withholding of payment to certain private providers in accordance with R.S. 39:72(B)."

AMENDMENT NO. 6

On page 3, delete lines 6 through 10, and insert the following:

**"B. If a private provider has been overpaid by the state for providing services in the current or a prior fiscal year, the commissioner of administration shall cause the withholding of payment of any funds appropriated for such provider in the current fiscal year through the reduction of the budget unit's allotment until the budget unit and spending agency certifies to the commissioner that provision for collection of all amounts due from such provider has been made. Alternatively, at the discretion of the commissioner, overpayments may be offset against current payments due to such provider. The amount of the overpayment shall be based on audits performed by either the Legislative Auditor or the budget unit and spending agency responsible for payment."**

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

**SENATE BILL NO. 1460—**

BY SENATOR DEAN

AN ACT

To amend and reenact Section 1 of Act No. 233 of the 1984 Regular Session, as amended by Act No. 819 of the 1985 Regular Session and by Act No. 847 of the 1992 Regular Session, relative to the Bohemia Spillway; to provide for legislative intent; to provide for the return of lands and certain revenues derived therefrom; to provide for ownership of certain lands; to provide for judicial review; to provide for certain transfers of title; to provide for suspension of certain funds; to provide for surveys of certain property; to provide for reports; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 1460 by Senator Dean

AMENDMENT NO. 1

On page 3, delete lines 4 through 11 in their entirety and insert:

"(B) Any and all revenues produced from the disputed property shall be escrowed until there is a final court determination of the disposition of such property."

AMENDMENT NO. 2

On page 4, delete lines 1 through 4 in their entirety

On motion of Senator Hainkel, the committee amendment was adopted. The amended bill was read by title and ordered reengrossed 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. 228—**

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 47:1603(B) and to enact R.S. 47:1603(C), relative to the state income tax; to authorize the waiver of penalties for delinquent filing or payment of taxes by certain corporations; to provide for the applicability of such waiver; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 472—**

BY REPRESENTATIVE GREEN

AN ACT

To amend and reenact Code of Civil Procedure Art. 1313, relative to service of certain pleadings; to authorize service by facsimile transmission; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 477—**

BY REPRESENTATIVE ROMERO

AN ACT

To amend and reenact R.S. 47:1908(A)(23) and (C)(1), relative to the assessor's expense account in Iberia Parish; to provide for an increase in such account; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 487—**

BY REPRESENTATIVE WESTON

AN ACT

To enact R.S. 30:2531(D)(5), relative to penalties to be imposed for littering; to provide for the penalty to be imposed 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 Reengrossed House Bill No. 487 by Representative Weston

June 2, 1997

AMENDMENT NO. 1

On page 1, on line 3, delete "provide for the penalty to be imposed" and insert in lieu thereof "authorize increased penalties"

AMENDMENT NO. 2

On page 1, at the beginning of line 4, change "byway" to "state highway"

AMENDMENT NO. 3

On page 1, line 11, after "impose" delete the remainder of the line and insert in lieu thereof "the following fines and penalties"

AMENDMENT NO. 4

On page 1, at the beginning of line 12, delete "for in this Section" and on line 12 between "violation" and "occurred" insert "of this Section has" and after "Louisiana" delete the remainder of the line and insert in lieu thereof "state highway"

AMENDMENT NO. 5

On page 1, delete line 13 in its entirety and insert in lieu thereof 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 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 Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 515—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To amend and reenact R.S. 9:2097(A) and 2123, relative to powers of a trustee; to provide with respect to the prohibition against a trustee serving in certain capacities within an entity in which trust funds are invested; to provide that a trustee may become a member of a limited liability company or other legal entity; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 516—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To amend and reenact R.S. 9:2026(1) and 2064, relative to the termination or modification of a trust; to provide that a trust may be terminated or modified if the continuance of the trust

unchanged would impair the purposes of the trust; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 517—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To amend and reenact R.S. 9:1961 and 1964, relative to trusts; to provide that the trust instrument may provide for the allocation of income; to provide that the settlor may give a trustee the discretion, without objective standards, to allocate income in different amounts; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 518—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To amend and reenact R.S. 9:2004, relative to seizure of a beneficiary's interest in a trust; to provide that a creditor may seize a beneficiary's interest in income and principal to the extent that a beneficiary has donated property to the trust, directly or indirectly; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 519—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To amend and reenact R.S. 9:1895(A), 1973, and 1978, all relative to the Louisiana Trust Code; to provide for a shifting of interest in principal; to provide with respect to the effect of the death of a class member during the term of a class trust; to authorize a shifting of interest in principal if a beneficiary is a descendant of the settlor; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 586—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To amend and reenact Children's Code Articles 1001, 1003, 1004, 1007, 1009, 1015, 1019, 1020, 1031 through 1038, 1243(A)(2), and 1245(B) and to enact Children's Code Articles 1001.1, 1025.1, 1025.2, 1025.3, 1025.4, 1036.1, 1037.1, 1243(C), and 1244(D), all relative to the judicial certification of children for adoption; to provide for the continuous revision of Title X of the Children's Code; to provide for the purpose thereof; to provide for the priority of docketing, definitions, filing and contents of the petition, records, disclosure, grounds, notice, appearance to answer, stipulation, failure to appear and its effect, pre-hearing conferences, hearings, continuances, evidence and examination of witnesses, burden of proof, proof of parental misconduct, proof of a prior child in need of care judgment, termination judgments, continued contact with biological relatives, and the effect of a termination judgment; to provide with respect to intrafamily adoptions; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 587—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To amend and reenact Civil Code Article 3533, relative to conflict of laws as to the succession of immovables situated in this state; to provide when the law of forced heirship does not apply; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 716—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To amend and reenact Title XV of Book III of the Civil Code, presently comprised of Civil Code Articles 2985 through 3034, to be comprised of Civil Code Articles 2985 through 3032, all relative to representation, mandate, and procuracy; to provide for representation, mandate, and procuracy; to provide for the rights and obligations of the principal, the mandatary, and third persons; to provide for the termination of the mandate and of the authority of the mandatary; to provide for the application of this Act to existing mandates and procurations; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 839—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 47:532.1(C), relative to the convenience fee collected by public license tag agents; to authorize the seller, in a motor vehicle transaction, to charge the convenience fee for a public license tag agent; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 839 by Representative Martiny

**AMENDMENT NO. 1**

On page 2, at the bottom of the page, insert:

"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 Barham, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 872—**

BY REPRESENTATIVES DIMOS, ANSARDI, AND MCMAINS  
AN ACT

To repeal Civil Code Article 3506(4), (6), (7), (9), (10), (11), (13) through (22), and (24) through (31), relative to the general definitions of "advertisements", "bulk", "certain", "uncertain", "contribution", "discretion", "failure", "fault", "gross fault", "slight fault", "very slight fault", "force", "superior force", "fortuitous event", "inofficious", "judge", "litigious rights", "notification", "notice", "obligee or creditor", "obligor or debtor", "onerous", "posterity", "precarious", "solvency", "sons", "daughters", "such

as", "tacit", and "thing adjudged."

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 974—**

BY REPRESENTATIVES CLARKSON, DEVILLE, FLAVIN, FRUGE, HEBERT,  
JOHNS, MICHOT, SCALISE, AND WALSWORTH  
AN ACT

To amend and reenact Civil Code Article 2534, relative to the contract of sale and the action for redhibition; to provide for the prescriptive period within which to institute a claim in redhibition against "good faith" sellers of commercial immovable property; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 982—**

BY REPRESENTATIVE GREEN  
AN ACT

To amend and reenact Code of Civil Procedure Art. 1314, relative to service of pleadings; to specify when personal service on the counsel of record of the adverse party can be obtained; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 1020—**

BY REPRESENTATIVES ALARIO AND DEWITT  
AN ACT

To enact R.S. 47:1580(B)(4), relative to assessment and collection procedures; to suspend the running of prescription for taxes in bankruptcy cases; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 1022—**

BY REPRESENTATIVES ALARIO AND DEWITT  
AN ACT

To amend and reenact R.S. 47:1565(A), 1566(B), and 1568, relative to assessment and collection procedures; to allow notices to be mailed to an address other than that on the last report filed; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 1028—**

BY REPRESENTATIVES ALARIO AND DEWITT  
AN ACT

To amend and reenact R.S. 47:1576(A), relative to taxes paid under protest; to provide that a refund to a claimant for taxes paid under protest shall bear interest from the date the funds were received or from the due date of the tax return, whichever is later; to provide for the applicability of that provision; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

June 2, 1997

**HOUSE BILL NO. 1035—**  
BY REPRESENTATIVES ALARIO AND DEWITT  
AN ACT

To amend and reenact R.S. 47:2420(A), relative to interest estate transfer taxes; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 1043—**  
BY REPRESENTATIVES ALARIO, DEWITT, DIEZ, ROUSSELLE, SHAW,  
AND WILKERSON  
AN ACT

To amend and reenact R.S. 32:707(A), relative to applications for title to mobile homes; to specify time for purchasers of motor homes to apply for certificates of title to vehicles; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**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.

Reported without action by the Committee on Revenue and Fiscal Affairs.

The above bill was read by title. Senator Barham moved the above bill be returned to the Calendar, subject to call.

**HOUSE BILL NO. 1214—**  
BY REPRESENTATIVES MCMAINS, DEWITT, AND VITTER  
AN ACT

To amend and reenact Civil Code Art. 2924(B), relative to the rate of legal interest; to statutorily codify the rate of legal or judicial interest for the last ten years; to provide for calculation of legal interest in future years; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 1244—**  
BY REPRESENTATIVES WIGGINS AND THORNHILL  
AN ACT

To enact R.S. 30:2006, relative to yard waste; to provide for burning; to provide for definitions; to provide for local ordinances; 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.

**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.

Reported favorably by the Committee on Judiciary A. 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.

**HOUSE BILL NO. 1491—**  
BY REPRESENTATIVES FONTENOT AND DEWITT  
AN ACT

To enact R.S. 40:5.9(C), relative to civil actions to enforce drinking water regulations; to authorize the court to appoint a receiver to a defendant public water system; to provide for the powers of the state health officer relative to establishment of the receivership; to provide for powers and duties of an appointed receiver; to provide for dissolution of the receivership; 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 Engrossed House Bill No. 1491 by Representative Fontenot, et al.

AMENDMENT NO. 1

On page 2, delete lines 3 through 6 in their entirety and insert in lieu thereof the following:

“(2) The court may place the public water system in receivership upon finding one of the following:

(a) The system has been abandoned by the operator, or service to the system’s customers has ceased, and no provisions have been made for the continued operation of the system by a qualified operator, or for providing the water system’s users with potable water in sufficient quantities to serve the users of the systems.

(b) The operator of the system has failed or refused to comply with administrative orders issued pursuant to R.S. 40:5.9(A).

(c) Such circumstances as may be identified in rules promulgated by the state health officer acting through the Department of Health and Hospitals, office of public health, under which a receivership may be needed.

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1500—**  
BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact R.S. 36:451(C) and 458(B) through (E) and to enact R.S. 36:458(F), relative to the Department of Revenue and Taxation; to provide for the areas of responsibility for the offices within the department; to add the office of legal affairs and to provide for the supervision and management of the office; to provide for the functions and responsibilities of the office; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 1528—**  
BY REPRESENTATIVE TRAVIS  
AN ACT

To amend and reenact R.S. 9:3561.1(F)(1) and 3565(C), relative to the Louisiana Consumer Credit Law; to provide relative to notification and fee sent to the commissioner of financial institutions by a person engaged in making consumer credit sales or consumer loans and to a person who takes assignments of and undertakes

direct collection of payments from or enforcement of rights against debtors arising from these sales or loans; and to provide for related matters.

Reported without action by the Committee on Revenue and Fiscal Affairs.

The above bill was read by title. Senator Barham moved the above bill be returned to the Calendar, subject to call.

**HOUSE BILL NO. 1533—**  
BY REPRESENTATIVE CHAISSON  
AN ACT

To repeal R.S. 47:1961.2, relative to ad valorem taxes on inventories; to repeal provisions providing for monthly collection on motor vehicles, boats, outboard motors, and boats with motors which are held for collection.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 1790—**  
BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 30:74(A)(3) and to enact R.S. 30:74(A)(4), relative to abandoned oilfield waste sites; to provide for approval by the commissioner of conservation of sheriff's sale of such property; to require and provide for recordation and enforcement of liens; 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 Engrossed House Bill No. 1790 by Representative DeWitt

AMENDMENT NO. 1

On page 2, line 1, after "sale," insert the following:

"In the event the wellbore is not specifically excluded from the sale as provided herein, the sheriff or person seeking such a sale shall cause to be included in the notice of the sale and in the sale instrument a statement or notice that the purchaser shall be required to file the appropriate documents with the office of conservation to become operator of record of the subject well pursuant to the provisions of R.S. 30:204."

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1791—**  
BY REPRESENTATIVE FLAVIN  
AN ACT

To amend and reenact R.S. 30:83(B)(10), 84(A)(1), (5), and (7), 85, 86(C) and (E)(introductory paragraph) and (2), 87(E), 88(B), (C), (D), (E), (F), and (G), 89, 91(B), 92(A), 93(A)(introductory paragraph) and (2)(c), and 95; to enact R.S. 30:92(C); and to repeal R.S. 30:83(F)(2) and (4), 84(A)(3), (B), and (C), 87(C), and 93(A)(2)(d), all relative to the Louisiana Oilfield Site Restoration Law; to provide relative to the powers and duties of the secretary and assistant secretary; to provide relative to the Oilfield Site Restoration Fund; to provide relative to oilfield site restoration fees; to provide relative to oilfield site trust accounts; to provide relative to non-orphan site restoration; to provide relative to orphaned oilfield sites; to provide relative to orphan site restoration; to provide for recovery of certain site restoration costs; to provide relative to no inference of liability on the part of the state; to

provide procedures, conditions, and requirements; and to provide for related matters.

Reported without action by the Committee on Revenue and Fiscal Affairs.

The above bill was read by title. Senator Barham moved the above bill be returned to the Calendar, subject to call.

**HOUSE BILL NO. 1794—**  
BY REPRESENTATIVE HOPKINS  
AN ACT

To amend and reenact R.S. 30:21(B), relative to the office of conservation in the Department of Natural Resources; to provide relative to fees imposed by the office of conservation; to authorize a monthly production fee to replace certain annual regulatory and registration fees; to provide definitions, amounts, terms, and conditions; to establish a special fund to be known as the Oil and Gas Regulatory Fund; to provide for payments, appropriations, and deposits into such fund; to provide for the amounts and uses of such fund, including certain dedication of monies; to provide for the administration, collection, and enforcement of the monthly production fee; to provide for suspension of the fee under certain terms and conditions; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 1795—**  
BY REPRESENTATIVE FLAVIN  
AN ACT

To enact R.S. 30:28 and to repeal R.S. 30:204, relative to drilling permits; to provide relative to issuance procedures, fees, location plat, notice and hearing requirements, and funds; to redesignate the section of law with present language as a new section; and to provide for related matters.

Reported without action by the Committee on Revenue and Fiscal Affairs.

The above bill was read by title. Senator Barham moved the above bill be returned to the Calendar, subject to call.

**HOUSE BILL NO. 1984—**  
BY REPRESENTATIVES MCMAINS, DEWITT, AND VITTER  
AN ACT

To amend and reenact the heading of Chapter 5 of Title II of Book I of the Code of Civil Procedure, Code of Civil Procedure Arts. 591, 592, 594, and 611, and the heading of Section 2 of Chapter 5 of Title II of Book I of the Code of Civil Procedure, to enact Code of Civil Procedure Art. 612, and to repeal Code of Civil Procedure Art. 593.1, 596, and 597, relative to class and derivative actions; to provide for procedural requirements for the filing, maintaining, and certification of class actions; to provide for notice to class members; to provide for judgments and other orders relative to class actions; to provide for dismissal or compromise of a class action; to provide for procedures and requirements for filing and maintaining derivative actions; 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 Reengrossed House Bill No. 1984 by Representative McMains

AMENDMENT NO. 1

On page 1, line 3, after "591" delete the remainder of the line and add "through 594, 596,"

AMENDMENT NO. 2

June 2, 1997

On page 1, line 6, delete "Art. 612" and insert "Articles 612 through 617"

AMENDMENT NO. 3

On page 1, line 6, after "593.1," delete the remainder of the line and on line 7, delete "597,"

AMENDMENT NO. 4

On page 1, line 12, after the semicolon ";" and before "to" insert "to provide for venue of all such actions; to provide for prescription of class actions;"

AMENDMENT NO. 5

On page 1, line 16, after "591" delete the remainder of the line and add "through 594, 596, and 611, and"

AMENDMENT NO. 6

On page 2, line 2, delete "Art. 612 is" and insert "Articles 612 through 617 are"

AMENDMENT NO. 7

On page 2, between lines 22 and 23 insert the following:

"(5) The class is or may be defined objectively in terms of ascertainable criteria, such that the court may determine the constituency of the class for purposes of the conclusiveness of any judgment that may be rendered in the case."

AMENDMENT NO. 8

On page 3, at the end of line 9, delete the period "." and insert ".or"

AMENDMENT NO. 9

On page 3, at the end of line 13, delete the period "." and insert ".or"

AMENDMENT NO. 10

On page 3, at the end of line 24, delete "or"

AMENDMENT NO. 11

On page 3, line 26, change the period "." to a semicolon ";"

AMENDMENT NO. 12

On page 3, after line 26, add the following:

"(e) The practical ability of individual class members to pursue their claims without class certification;

(f) The extent to which the relief plausibly demanded on behalf of or against the class, including the vindication of such public policies or legal rights as may be implicated, justifies the costs and burdens of class litigation; or

(4) The parties to a settlement request certification under Subparagraph B(3) for purposes of settlement, even though the requirements of Subparagraph B(3) might not otherwise be met.

C. Certification shall not be for the purpose of adjudicating claims or defenses dependent for their resolution on proof individual to a member of the class. However, following certification, the court shall retain jurisdiction over claims or defenses dependent for their resolution on proof individual to a member of the class."

AMENDMENT NO. 13

On page 4, delete lines 6 through 10 in their entirety and insert the following:

"A.(1) Within ninety days after service on all adverse parties of the initial pleading demanding relief on behalf of or against a class, the proponent of the class shall file a motion to certify the action as a class action. The delay for filing the motion may be extended by stipulation of the parties or on

motion for good cause shown.

(2) If the proponent fails to file a motion for certification within the delay allowed by Subparagraph A(1), any adverse party may file a notice of the failure to move for certification. On the filing of such a notice and after hearing thereon, the demand for class relief may be stricken. If the demand for class relief is stricken, the action may continue between the named parties alone. A demand for class relief stricken under this Subparagraph may be reinstated upon a showing of good cause by the proponent.

(3)(a) No motion to certify an action as a class action shall be granted prior to a hearing on the motion. Such hearing shall be held as soon as practicable, but in no event before (i) all named adverse parties have been served with the pleading containing the demand for class relief or have made an appearance or, with respect to unserved defendants who have not appeared, the proponent of the class has made due and diligent effort to perfect service of such pleading; and (ii) the parties have had a reasonable opportunity to obtain discovery on class certification issues, on such terms and conditions as the court deems necessary.

(b) If the court finds that the action should be maintained as a class action, it shall certify the action accordingly. If the court finds that the action should not be maintained as a class action, the action may continue between the named parties.

(c) In the process of class certification, or at any time thereafter before a decision on the merits of the common issues, the court may alter, amend, or recall its initial ruling on certification and may enlarge, restrict, or otherwise redefine the constituency of the class or the issues to be maintained in the class action.

(d) No order contemplated in this Subparagraph shall be rendered after a judgment or partial judgment on the merits of common issues has been rendered against the party opposing the class and over such party's objection."

AMENDMENT NO. 14

On page 4, line 11, after "B." and before "In" insert "(1)"

AMENDMENT NO. 15

On page 4, line 14, after the period "." delete the remainder of the line and delete lines 15 and 16 and insert the following:

"This notice, however given, shall be given as soon as practicable after certification, but in any event early enough that a delay provided for the class members to exercise an option to be excluded from the class will have expired before commencement of the trial on the merits of the common issues.

(2) The notice required by Subparagraph B(1) shall include (a) a general description of the action, including the relief sought, and the names and addresses of the representative parties or, where appropriate, the identity and location of the source from which the names and addresses of the representative parties can be obtained; (b) a statement of the right of the person to be excluded from the action by submitting an election form, including the manner and time for exercising the election; (c) a statement that the"

AMENDMENT NO. 16

On page 4, line 18, delete "and (3)" and insert "(d) a statement that"

AMENDMENT NO. 17

On page 4, line 20, after "counsel" delete the period "." and add the following:

"at that member's expense; (e) a statement advising the class member that the member may be required to take further action as the court deems necessary, such as submitting a proof of claim in order to participate in any recovery had by

the class; (f) a general description of any counterclaim brought against the class; (g) the address of counsel to whom inquiries may be directed; and (h) any other information that the court deems appropriate.

(3) Unless the parties agree otherwise, the proponents of the class shall bear the expense of the notification required by this Paragraph. The court may require the party opposing the class to cooperate in securing the names and addresses of the persons within the class defined by the court for the purpose of providing individual notice, but any additional costs reasonably incurred by the party opposing the class in complying with this order shall be paid by the proponent of the class. The court may tax all or part of the expenses incurred for notification as costs."

#### AMENDMENT NO. 18

On page 5, line 26, after "matters" and before the period "." insert the following:

" including but not limited to case management orders providing for consolidation, duties of counsel, the extent and the scheduling of and the delays for pre-certification and post-certification discovery, and other matters which affect the general order of proceedings; however, the court may not order the class-wide trial of issues dependent for their resolution on proof individual to a member of the class, including but not limited to, the causation of the member's injuries, the amount of the member's special or general damages, the individual knowledge or reliance of the member, or the applicability to the member of individual claims or defenses."

#### AMENDMENT NO. 19

On page 6, delete line 4, and insert the following:

"Art. 593. Venue

A. A secondary action of a share holder or member to enforce a right of a corporation or unincorporated association; An action brought on behalf of a class shall be brought in the parish of proper venue as to the corporation or unincorporated association. All other class actions to enforce a right of all members of the class shall be brought in a parish of proper venue as to the defendant.

B. A class An action to enforce a right brought against all members of the a class shall be brought in a parish of proper venue as to any member made of the class named as a defendant."

#### AMENDMENT NO. 20

On page 6, delete lines 6 through 26 and insert the following:

"Art. 594. Dismissal or compromise

A.(1) A An action previously certified as a class action shall not be dismissed or compromised without the approval of the court exercising jurisdiction over the class action.

(2) Notice of the proposed dismissal of an action previously certified as a class action or compromise shall be given provided to all members of the class, in such manner as the court directs together with the terms of any proposed compromise that the named parties have entered into. Notice shall be given in such manner as the court directs.

B. After notice of the proposed compromise has been provided to the members of the class, the court shall order a hearing to determine whether the proposed compromise is fair, reasonable, and adequate for the class. At such hearing, all parties to the action, including members of the class, shall be permitted an opportunity to be heard.

C. The court shall retain the authority to review and approve any amount paid as attorney fees pursuant to the compromise of a class action, notwithstanding any agreement to the contrary.

D. Any agreement entered by the parties to a class action that provides for the payment of attorney fees is subject to judicial approval.

B. E. If the terms of the proposed compromise provide for the adjudged creation of a settlement fund to be disbursed to and among members of the class in accordance with the terms thereof, the court having jurisdiction over the class action is empowered to approve the compromise settlement of the class action as a whole and issue a final judgment accordingly, following a finding that the compromise is fair, reasonable, and adequate for the class, and to order the distribution of the settlement fund accordingly, without the necessity of prior qualification of representatives of minors, interdicts, successions, or other incompetents or absentees, or prior approval of the terms of the settlement or the distribution thereof by another court; provided, that in such cases the court having jurisdiction over the class action shall include in the orders of settlement and distribution of the settlement fund appropriate provisions to ensure that all funds adjudicated to or for the benefit of such incompetents, successions, or absentees are placed in appropriate safekeeping pending the completion of appointment, qualification, and administrative procedures otherwise applicable in this Code to the interests and property of incompetents, successions, and absentees.

\* \* \*

#### AMENDMENT NO. 21

On page 7, delete lines 1 through 3 and insert the following:

"Art. 596. ~~Petition in shareholder's secondary action~~  
Prescription; suspension

The petition in a class action brought by a shareholder or member of a corporation or unincorporated association because it refuses to enforce a right which it may enforce shall:

(1) Allege that the plaintiff was a shareholder or member at the time of the occurrence or transaction of which he complains, or that his share or membership thereafter devolved on him by operation of law;

(2) Allege with particularity the efforts of the plaintiff to secure from the managing directors, governors, or trustees and, if necessary, from the shareholders or members, the enforcement of the right; and the reasons for his failure to secure such enforcement; or the reason for not making such an effort to secure enforcement of the right;

(3) Join as defendants the corporation or unincorporated association and the obligor against whom the obligation is sought to be enforced;

(4) Include a prayer for judgment in favor of the corporation or unincorporated association and against the obligor on the obligation sought to be enforced; and

(5) Be verified by the affidavit of the plaintiff or his counsel.

Liberative prescription on the claims arising out of the transactions or occurrences described in a petition brought on behalf of a class is suspended on the filing of the petition as to all members of the class as defined or described therein. Prescription which has been suspended as provided herein, begins to run again:

(1) As to any person electing to be excluded from the class, from the submission of that person's election form;

(2) As to any person excluded from the class pursuant to Article 592, thirty days after mailing or other delivery or publication of a notice to such person that the class has been restricted or otherwise redefined so as to exclude him; or

(3) As to all members, thirty days after mailing or other delivery or publication of a notice to the class that the action has been dismissed, that the demand for class relief has been stricken pursuant to Article 592, or that the court has denied a motion to certify the class or has vacated a previous order

June 2, 1997

certifying the class. \* \* \*

AMENDMENT NO. 22

On page 7, line 6, delete "by" and insert a semicolon ";" and delete line 7, and insert "prerequisites"

AMENDMENT NO. 23

On page 7, delete lines 16 through 26 and insert the following:

"When a corporation or unincorporated association refuses to enforce a right of the corporation or unincorporated association, a shareholder, partner, or member thereof may bring a derivative action to enforce the right on behalf of the corporation or unincorporated association. A derivative action may be maintained as a class action when the persons constituting the class are so numerous as to make it impracticable for all of them to join or be joined as parties. In the case of a derivative class action, Articles 594 and 595 shall apply.

Art. 612. Representation

One or more members of the class, who will fairly ensure the adequate representation of all members, may sue or be sued in a derivative class action on behalf of all members.

Art. 613. Procedure

After commencement of a derivative action by or on behalf of parties alleged to be members of a class, the court, on its own motion, or on the motion of any party or on trial of any exception directed to such issue, shall determine whether the action may be properly maintained as a class action as a prerequisite to any further proceedings therein. If the court finds that the action should be maintained as a class action, it shall certify the action accordingly. If not, the court may permit amendment of the pleadings in the action to permit maintenance thereof as a proceeding on behalf of parties expressly named therein under Article 616.

Art. 614. Venue

A derivative action of a shareholder, partner, or member to enforce a right of a corporation or unincorporated association shall be brought in the parish of proper venue as to the corporation or unincorporated association.

Art. 615. Petition in shareholder's derivative action

The petition in a class action brought by a shareholder, partner, or member of a corporation or unincorporated association because it refuses to enforce a right which it may enforce shall include all of the following:

- (1) Allege that the plaintiff was a shareholder, partner, or member at the time of the occurrence or transaction of which he complains, or that his share, partnership, or membership thereafter devolved on him by operation of law.
- (2) Allege with particularity the efforts of the plaintiff to secure from the managing directors, governors, or trustees and, if necessary, from the shareholders, partners, or members, the enforcement of the right and the reasons for his failure to secure such enforcement, or the reason for not making such an effort to secure enforcement of the right.
- (3) Join as defendants the corporation or unincorporated association and the obligor against whom the obligation is sought to be enforced.
- (4) Include a prayer for judgment in favor of the corporation or unincorporated association and against the obligor on the obligation sought to be enforced.
- (5) Be verified by the affidavit of the plaintiff or his counsel.

Art. 616. Shareholder's derivative action when not

impracticable to join all shareholders, partners, or members

A. When it is not impracticable for all of the shareholders, partners, or members of a corporation or unincorporated association to join or to be joined as parties to a derivative action to enforce a right of the corporation or unincorporated association which it refuses to enforce, such action shall not be maintained as a class action. Instead, all of the shareholders, partners, or members who refuse or fail to join as plaintiffs in such an action shall be joined as defendants.

B. Derivative actions governed by this Article, shall be subject to Articles 614 and 615.

Art. 617. Unincorporated association; definition; applicability

As used in Articles 611 through 616, the term "unincorporated association" shall include any unincorporated business association that is treated by controlling substantive law as a separate juridical person."

AMENDMENT NO. 24

On page 8, delete lines 1 through 19

AMENDMENT NO. 25

On page 8, line 20, after "593.1" delete the remainder of the line and insert "is"

On motion of Senator Ullo, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 2018—**  
BY REPRESENTATIVE DONELON  
AN ACT

To enact R.S. 47:463.1.1, relative to parish road use taxes; to authorize the parish council of Jefferson Parish to levy and collect an annual parish road use tax on automobiles and trucks, subject to voter approval; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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.

**HOUSE BILL NO. 2065 (Duplicate of Senate Bill No. 826)—**  
BY REPRESENTATIVE DOWNER AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES ALARIO, BRUN, CRANE, DEWITT, DUPRE, ILES, LEBLANC, LONG, MCCAIN, McDONALD, McMAINS, MICHOT, WALSWORTH, AND WIGGINS AND SENATORS EWING, HAINKEL, AND SCHEDLER  
AN ACT

To amend and reenact Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3971 through 3973, 3981 through 3983, 3991 through 3993, 3995 through 3999, and 4001, and R.S. 39:75(C)(1)(b), relative to charter schools; to provide relative to the purpose and definitions applicable to charter schools and their establishment; to provide relative to eligibility to propose a charter; to provide relative to the approvals necessary to enter into a charter and other elements of the school chartering process; to provide relative to the contents, renewal, and revocation of a charter; to provide relative to the requirements, authorities, and limitations of a charter school; to provide relative to the funding of a charter school; to provide relative to the applicability of laws and rules to such schools; to provide relative to charter school employees; to provide relative to the Louisiana Charter School Loan Fund; to authorize every city and parish school board to grant charters; to eliminate the pilot nature of the authority to operate charter schools; to revise the limitations on the number of charters which may be granted; and to provide for related matters.

Reported favorably by the Committee on Finance. 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.

**HOUSE BILL NO. 2074—**

BY REPRESENTATIVES DOWNER, BRUN, MCDONALD, LONG, DEWITT, ALARIO, DUPRE, ILES, KENNEY, LEBLANC, MCCAIN, MCMAINS, POWELL, SALTER, THOMAS, WALSWORTH, WIGGINS, QUEZAIRE, DIEZ, PERKINS, AND LANCASTER AND SENATORS DARDENNE, SCHEDLER, SMITH, THEUNISSEN, SHORT AND HOLLIS

**AN ACT**

To enact R.S. 17:154.3, relative to teacher work schedules; to provide relative to the minimum number of days teachers are to work; to provide relative to teacher compensation; to provide for work days for staff development; to provide for definitions; and to provide for related matters.

Reported favorably by the Committee on Finance. 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.

**HOUSE BILL NO. 2106 —**

BY REPRESENTATIVE DEWITT

**AN ACT**

To amend and reenact R.S. 30:2361, 2363, 2364(introductory paragraph), (4), and (8), 2366(B), 2367(B)(2), 2368(B)(1) and (D), 2369(A) and (B)(1), 2370(E)(6) and (F), 2371, 2372(A), 2373(A), (B)(1) and (2), and (C)(1), (2), and (4), 2374(A) and (B), 2376(B), 2377(introductory paragraph), 2378, and 2379(B), to enact R.S. 30:2364(9) and (10), 2365(A)(6), 2366(C) and (D), 2369(E)(3), 2373(C)(3), (D), and (E), 2374(B)(4), and 2380, and to repeal R.S. 30:2370(E)(1), relative to the Hazardous Materials Information Development, Preparedness, and Response Act; to provide for definitions; to provide for procedures; to provide for reporting and notifications; to provide for fees; to provide for trade secrets; to provide for penalties; to provide for the Right-To-Know Fund; to provide for limitations and uses of the funds; to provide for the Louisiana Chemical Network; to provide for rules; 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 Reengrossed House Bill No. 2106 by Representative DeWitt

**AMENDMENT NO. 1**

On page 2, line 25, before "Environmental" change "U.S." to "United States."

**AMENDMENT NO. 2**

On page 3, line 2, between "filing" and "and" insert a comma ","

**AMENDMENT NO. 3**

On page 5, line 2, after "than" change "fifty" to "nine" and after "employees" insert "and having not more than two million dollars in average annual gross receipts"

**AMENDMENT NO. 4**

On page 5, line 3, between "than" and "persons" change "fifty" to "nine"

**AMENDMENT NO. 5**

On page 5, line 4, after "business" insert ", regardless of the average annual gross receipts. Any business with average annual gross receipts of over two million dollars shall not be considered a small business regardless of the number of employees."

**AMENDMENT NO. 6**

On page 5, line 15, after "board." insert "The secretary of the Louisiana Department of Environmental Quality or his designee shall also serve as a member of the Emergency Response Commission."

**AMENDMENT NO. 7**

On page 5, line 21, before "Environmental" change "Federal" to "United States"

**AMENDMENT NO. 8**

On page 6, line 6, after "Reviewing" change "LEPC" to "local emergency planning committee (LEPC)" and on line 7 change "local emergency planning committee" to "LEPC"

**AMENDMENT NO. 9**

On page 7, line 18, after "B." insert "\*" \* \*" and delete line 19 in its entirety.

**AMENDMENT NO. 10**

On page 9, line 20, after "E." insert "\*" \* \*" and delete line 21 in its entirety

**AMENDMENT NO. 11**

On page 9, line 25, after "sheet" insert "or supply a separate statement with"

**AMENDMENT NO. 12**

On page 11, line 4, before "Environmental" change "U.S." to "United States"

**AMENDMENT NO. 13**

On page 16, line 24, after "thousand" insert "dollars"

**AMENDMENT NO. 14**

On page 17, line 15, delete "Until June 30, 1998, the" and insert in lieu thereof "The"

**AMENDMENT NO. 15**

On page 17, line 20, change "03" to "25"

**AMENDMENT NO. 16**

On page 17, delete line 21 in its entirety

**AMENDMENT NO. 17**

On page 17, line 22, change "50" to "75" and change "150.00" to "100.00"

**AMENDMENT NO. 18**

On page 17, line 23, change "51 to 75" to "76 to 100"

**AMENDMENT NO. 19**

On page 17, line 24, change "76 to 100" to "Over 100" and delete line 25 in its entirety

**AMENDMENT NO. 20**

On page 18, line 17, after "exceed" delete the remainder of the line and delete line 18 in its entirety and insert in lieu thereof "twenty-five dollars."

On motion of Senator Malone, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 2264 (SUBSTITUTE FOR HOUSE BILL NO. 2116 BY REPRESENTATIVE DOWNER)—**

BY REPRESENTATIVES DOWNER, LONG, MCDONALD, FRITH, AND THOMPSON

**AN ACT**

To enact R.S. 17:416.2.1, relative to alternative education programs; to provide legislative findings; to provide for the duties and responsibilities of city and parish school boards; to require alternative education programs for students who are not suspended or expelled from school but who have demonstrated certain behavior needing disciplinary action and for certain suspended

June 2, 1997

students; to provide guidelines and requirements for such programs, including participation in such programs by certain suspended and expelled students on a space available basis; to provide for effectiveness; and to provide for related matters.

Reported favorably by the Committee on Finance. 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.

**Reconsideration**

On motion of Senator Hines, pursuant to the previous notice given, the vote by which the following bill failed to pass on Friday, May 30, 1997 was reconsidered.

**SENATE BILL NO. 93—**  
BY SENATORS HINES AND LANDRY  
AN ACT

To amend and reenact R.S. 56:105(B), 116(B)(1), 116.1(A)(6), (B)(10), and (E), 116.3(A)(1)(a), and 116.4(A)(1), to enact R.S. 56:115(E) and (F), and to repeal R.S. 56:104.1 and 116.3(B), relative to licensing and other requirements for lawful hunting in this state; to authorize the use of a crossbow and provide for licensing and regulation in the same manner as the hunting by bow and arrow; to provide relative to hunting by disabled hunters, including the establishment of special seasons and the repeal of certain disability classifications; to provide terms, conditions, and penalties for the unauthorized or illegal use of crossbows; to provide relative to deer and wild turkey hunting by crossbow; and to provide for related matters.

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

**Reconsideration**

On motion of Senator Jordan, pursuant to the previous notice given, the vote by which the following bill failed to pass on Friday, May 30, 1997 was reconsidered.

**SENATE BILL NO. 896—**  
BY SENATOR JORDAN  
AN ACT

To amend and reenact R.S. 24:31.5, relative to legislative assistants; to provide relative to the compensation of legislative assistants; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Robichaux
Barham	Fields	Romero
Bean	Guidry	Schedler
Cain	Heitmeier	Short
Casanova	Hines	Siracusa
Cox	Johnson	Smith
Cravins	Jordan	Tarver
Dardenne	Lambert	Theunissen
Dean	Landry	Ullo
Dyess	Lentini	
Total—29		

**NAYS**

Branch	Hainkel	Malone
--------	---------	--------

Greene	Hollis
Total—5	ABSENT

Bagneris	Campbell	Jones
Bajoie	Irons	
Total—5		

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

**Personal Privilege**

Senator Jones asked for and obtained the floor of the Senate on a point of personal privilege, and stated that due to a machine malfunction, he appeared as absent on the vote on Senate Bill No. 896. He had intended to vote yea on the bill. He asked that the Official Journal so state.

**Reconsideration**

On motion of Senator Dardenne, pursuant to the previous notice given, the vote by which the following bill failed to pass on Friday, May 30, 1997 was reconsidered.

**HOUSE BILL NO. 2125—**  
BY REPRESENTATIVE WINDHORST  
AN ACT

To enact R.S. 27:306(H), relative to video draw poker devices; to provide for the use of affidavits in certain license renewals; to make it unlawful to submit false information; to provide penalties; to provide exceptions; 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	Fields	Landry
Barham	Guidry	Lentini
Bean	Hainkel	Malone
Campbell	Heitmeier	Romero
Casanova	Hines	Schedler
Cox	Hollis	Siracusa
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones	Theunissen
Dyess	Jordan	Ullo
Ellington	Lambert	
Total—32		

**NAYS**

Branch	Greene	Short
Cain	Robichaux	
Total—5		

**ABSENT**

Bagneris	Bajoie
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.

**Personal Privilege**

Senator Lambert asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on House Bill No. 2125. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

**Reconsideration**

On motion of Senator Jordan, pursuant to the previous notice given, the vote by which the following resolution failed to pass on Friday, May 30, 1997 was reconsidered.

**HOUSE CONCURRENT RESOLUTION NO. 89—**  
BY REPRESENTATIVE WINDHORST  
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 1998 Regular Session of the Legislature R.S. 49:964(G)(6) only to the extent that it requires the court to find that an agency decision is "manifestly" erroneous in view of the reliable, probative, and substantial evidence on the whole record, thereby making the applicable standard of review to be erroneous in view of the reliable, probative, and substantial evidence on the whole record.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Bajoie	Ellington	Lambert
Barham	Fields	Landry
Bean	Guidry	Lentini
Branch	Heitmeier	Robichaux
Cain	Hines	Romero
Campbell	Irons	Short
Casanova	Johnson	Siracusa
Cravins	Jones	Theunissen
Dyess	Jordan	Ullo
Total—27		

NAYS

Mr. President	Greene	Malone
Dardenne	Hainkel	Schedler
Dean	Hollis	Smith
Total—9		

ABSENT

Bagneris	Cox	Tarver
Total—3		

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

**Special Order of the Day**

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

**SENATE BILL NO. 208—**  
BY SENATOR HAINKEL

A JOINT RESOLUTION

Proposing to add Article V, Sections 4, 9, 21, 22, and 24 of the Constitution of Louisiana, to provide for the selection of judges; to provide for filling of a newly created judgeship or vacancy in the office of judge; to provide a term of office for judges; to provide

for submission of the proposed amendment to the electors; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Hainkel sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 208 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 2, after "Sections" delete the remainder of the line and lines 3 through 6 in their entirety and insert the following:

"22(D) and (E) and 22.1 of the Constitution of Louisiana, to provide for selection and retention election of the judges of the courts of appeal; to provide for retention elections; to provide for filling of newly created judgeships and vacancies by gubernatorial appointment from nominees named by a nominating commission; to create nominating commissions; to provide for their membership, terms and duties, and functions; and to specify an election date for submission of the proposition to the electors and provide a ballot proposition."

AMENDMENT NO. 2

On page 1, line 10, after "Article V," delete the remainder of the line and lines 11 through 16, delete page 2, in its entirety, on page 3, delete lines 1 through 22, and insert the following:

"Sections 22(D) and (E) and 22.1 of the Constitution of Louisiana, to read as follows:

§22. Judges; Election; Vacancy; Merit Selection and Merit Retention Court of Appeal

Section 22.

\* \* \*

**Article V, Section 22(D) is all proposed new law.**

(D) Merit Selection. (1) Beginning on January 1, 1999, each newly created judgeship or a vacancy in the courts of appeal shall be filled under a system of merit selection of judges as provided in this Section.

(2) A judicial nominating commission, composed as provided by Article V, Section 22.1 of this Constitution, shall nominate three persons for each newly created judgeship or vacancy. The governor shall select one of the nominees submitted by each nominating commission to fill the newly created judgeship or vacancy on the court of appeal.

(3) Every judge selected shall serve an initial term as follows: Upon the expiration of eighteen months service as judge, such judge shall be subject to a retention election to be held at the next regular congressional primary election and, if retained, shall serve for the term provided in this Constitution or as otherwise provided by law for the particular judgeship. Thereafter, he shall be subject to the system of merit retention for judges provided in Paragraph (E) of this Section.

(4) No person who fails to receive a majority vote in a merit retention election as provided in Paragraph (E) of this Section shall be nominated by a judicial nominating commission for the subsequent consecutive term in the office of judge.

**Article V, Section 22(E) is all proposed new law.**

(E) Merit Retention. Beginning on January 1, 1999, the following system of merit retention for judges shall apply in every district and circuit of a court of appeal. Not less than ninety days prior to the regular congressional primary election preceding the expiration of his term of office, each judge of a court of appeal may file with the secretary of state a declaration of candidacy for

June 2, 1997

election to succeed himself in the office of judge. If the declaration of candidacy is not filed by a judge, a vacancy shall occur upon expiration of his term of office which shall be filled under the system of merit selection of judges as provided in Paragraph (D) of this Section. If the declaration of candidacy is filed, the secretary of state shall cause to be included on the ballot for submission to the voters in the respective district or circuit of a court of appeal, at the next regular congressional primary election the question of retention of the particular judge in the same judgeship. If a majority of those voting on the question vote in favor of the retention of the judge in office, then at the expiration of his term of office, he shall be deemed to have been elected for another term of office. If a majority of those voting on the question vote against retaining the judge in office, upon expiration of his term of office, a vacancy shall exist in that office which shall be filled in accordance with Paragraph (D) of this Section.

§22.1. Judicial nominating commissions; courts of appeal; creation

**Article V, Section 22.1 is all proposed new law.**

Section 22.1.(A) A nominating commission for each of the courts of appeal is hereby created. The nominating commission for each court of appeal shall serve as the nominating commission for appointments to that court of appeal. The purpose of each nominating commission is to consider, screen, and evaluate those qualified candidates who seek selection to judicial office on the court of appeal, and to submit to the governor the names of those three individuals it determines are qualified to hold such office. The commission shall operate in accordance with this Section and such rules and regulations as may be promulgated by the commission.

(B) Within sixty days after the governor receives the written notification from the supreme court of a vacancy on a court of appeal or circuit, the nominating commission for that court of appeal circuit shall submit a list of three nominees who are qualified in accordance with Article V, Section 22 of this Constitution, to fill that vacancy. Within thirty days of receipt of the list of nominees from the nominating commission, the governor shall select one to fill that vacancy.

(C) Each appellate court nominating commission shall be composed of fifteen members selected as follows: six persons shall be selected by the membership of the Louisiana State Bar Association from persons who are licensed to practice law in this state and who reside within the territorial jurisdiction of the respective appellate court circuit; and nine persons who are not licensed to practice law in this state who shall be elected by a majority of the members of the legislature whose legislative districts are located in whole or in part within the territorial jurisdiction of the respective appellate court circuit. The nine persons elected by the legislature shall be selected from a list submitted by established civic or professional organizations to be limited to those not supporting, endorsing, or opposing candidates for any public office. The membership of each appellate court nominating commission shall elect a chairman who shall serve a term of one year, and no member of the commission shall serve more than two consecutive terms as chairman of the commission.

C. Within ninety days after the effective date of this Section, the Louisiana State Bar Association and the respective members of the legislature shall select initial members for the appellate court nominating commissions as provided in Paragraph (A) of this Section. Three of the members selected by the Louisiana State Bar Association and three of the members elected by the respective members of the legislature shall serve initial terms of two years. The remaining members shall serve initial terms of four years. Thereafter, the term of each commission member shall be for four years. The members of each appellate court nominating commission shall determine by lot who shall serve an initial two-year term and who shall serve an initial term of four years.

D. No person shall serve on the appellate court nominating commission for more than ten years.

E. No member of a nominating commission shall serve in a judicial office while serving on a nominating commission, nor shall he serve in a judicial office in the district in which the nominating commission is located for a period of three years after expiration of his term on the nominating commission.

F. No person serving on a nominating commission, nor for two years prior to such service, shall hold an elective office, an appointive office, or a position of employment in the government of this state or in the government of a political subdivision of this state or in the government of the United States, nor shall he be a member of any national, state, or local political committee of a political party or faction.

G. Each term of a nominating commission member shall commence with the issuance of a commission to that member by the secretary of state.

H. When a vacancy occurs in the membership of a nominating commission, the chairman of that commission shall notify either the president of the Louisiana State Bar Association or both the speaker of the House of Representatives and the president of the Senate, and the vacancy shall be filled for the unexpired portion of the term in the same manner as the previous selection.

I. The membership of each nominating commission shall reflect the gender and racial characteristics of the population of the respective appellate court circuit.

J. Commission members shall serve without pay but shall be allowed reimbursement for actual expenses incurred in the performance of their official duties.

K. The State Civil Service Commission shall provide staff support for each nominating commission and shall perform functions as are required by the chairman which are necessary to assist each nominating commission in the performance of its official duties. The legislature shall insure that the State Civil Service Commission is adequately funded for the performance of their duties as it relates to providing support for each nominating commission.

AMENDMENT NO. 3

On page 4, delete lines 3, through 8, and insert the following:

"To provide a system of merit selection and retention election of judges of the courts of appeal, including provisions for gubernatorial selection of judges to fill new judgeships and vacancies from the nominations of a judicial nominating panel, to create a nominating commission comprised of fifteen persons for each court of appeal, six persons selected by the Louisiana State Bar Association and nine persons who are non lawyers selected by the legislature from within the respective territorial jurisdiction of the appeals court and to provide for retention elections. (Adds Article V, Sections 22(D) and (E) and 22.1)"

On motion of Senator Hainkel, 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. 208 by Senator Hainkel

AMENDMENT NO. 1

In Senate Floor Amendment No. 2 proposed by Senator Hainkel and adopted by the Senate on June 2, 1997:

On page 1, at the end of line 33, insert:

"The nominee shall be subject to Senate confirmation."

On page 2, at the end of line 19, insert:

"The sole question to be submitted to the electorate shall be, "Shall Judge [name of judge] be retained in office?"

On motion of Senator Short, the amendments were adopted.

Motion

Senator Guidry moved to return the amended bill to the Involuntary Calendar.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Branch, Cain, Campbell, Cox, Cravins, Total—18; Dyess, Ellington, Fields, Guidry, Hines, Irons; Jones, Jordan, Landry, Lentini, Robichaux, Tarver.

NAYS

Table with 3 columns of names: Barham, Bean, Casanova, Dardenne, Greene, Hainkel, Total—16; Heitmeier, Hollis, Lambert, Malone, Romero, Schedler; Short, Siracusa, Smith, Theunissen.

ABSENT

Table with 3 columns: Mr. President, Bagneris, Total—5; Dean, Johnson; Ullo.

The Chair declared the amended bill was returned to the Involuntary Calendar.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

SENATE BILL NO. 355— BY SENATORS GREENE AND CRAVINS AN ACT

To amend and reenact R. S. 24:35 (District No. 11 through District No. 18), (District No. 22 through District No. 28), and (District No. 32 through District No. 35), relative to senate districts; to provide for the redistricting of Senate Districts 11 through 18, 22 through 28, and 32 through 35, to provide for the effectiveness of this Act; to provide for certain vacancies; and to provide with respect thereto.

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. 355 by Senator Greene

AMENDMENT NO. 1

On page 1, line 11, at the beginning of the line and before "hereby" change "are" to "is"

On motion of Senator Bagneris, the amendments were adopted.

Motion

On motion of Senator Greene, Senate Bill No. 355 was made Special Order of the Day 1 on Tuesday, June 3, 1997 immediately following the Morning Hour.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 3, was taken up and acted upon as follows:

SENATE BILL NO. 1513— BY SENATOR GREENE AN ACT

To amend and reenact R.S. 17:2 (B) and (D), and to enact R.S. 17:2.1, relative to the State Board of Elementary and Secondary Education; to create eight single-member districts for the purposes of elections; to provide for the effectiveness of the Act; to provide for certain vacancies; and to provide for related matters.

Motion

On motion of Senator Greene, Senate Bill No. 1513 was made Special Order of the Day 2 on Tuesday, June 3, 1997 immediately following the Morning Hour.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 4, was taken up and acted upon as follows:

HOUSE BILL NO. 581— BY REPRESENTATIVES BRUNEAU, COPELIN, HUNTER, AND MURRAY AN ACT

To amend and reenact R.S. 13:101 and 312.4(D) and to repeal R.S. 13:101.1, relative to the supreme court; to provide that the members of the supreme court shall be elected from the congressional districts; to provide for the terms and assignment of the justices presently serving; to provide for the filling of vacancies; to remove provisions for a specific reapportionment of the supreme court; to provide with respect to the provisions for a temporary additional judgeship for the Court of Appeal for the Fourth Circuit and such judge's appointment to the supreme court; to provide for the term of office and compensation of such temporary judgeship; 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 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. 27— BY SENATOR DEAN A CONCURRENT RESOLUTION

To urge and request the division of administration to implement the provisions of R.S. 39:367 relative to the formulation of a policy for handling claims of unreasonable competition by state agencies.

June 2, 1997

Reported favorably by the Committee on Finance.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Lambert
Barham	Ellington	Landry
Bean	Fields	Lentini
Branch	Greene	Romero
Cain	Guidry	Schedler
Campbell	Heitmeier	Short
Casanova	Hines	Siracusa
Cox	Hollis	Smith
Cravins	Irons	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo

**NAYS**

Bajoie	Johnson
Total—2	
<b>ABSENT</b>	
Bagneris	Malone
Hainkel	Robichaux
Total—4	

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

**Senate Concurrent Resolutions to be Adopted, Subject to Call**

The following Senate Concurrent Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 118—**  
BY SENATOR LAMBERT

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to install signs indicating Garyville Magnet School on Louisiana Highway 54 in Garyville in St. John the Baptist Parish.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bajoie	Ellington	Landry
Barham	Fields	Lentini
Bean	Greene	Romero
Branch	Guidry	Schedler
Cain	Heitmeier	Short
Campbell	Hines	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	

Dyess	Lambert
Total—34	

**NAYS**

Total—0	<b>ABSENT</b>
---------	---------------

Mr. President	Hainkel	Robichaux
Bagneris	Malone	
Total—5		

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

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

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

**SENATE BILL NO. 6—**  
BY SENATOR SCHEDLER  
**AN ACT**

To amend and reenact Code of Criminal Procedure Art. 336(A), relative to release conditioned on participation in a pretrial drug testing program; to provide for drug a test of every person arrested for a felony or misdemeanor prior to setting bond; and to provide for related matters.

**Motion**

Senator Short moved the previous question on the entire subject matter.

Senator Landry objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Branch	Heitmeier	Short
Cain	Hollis	Siracusa
Campbell	Jordan	Smith
Dardenne	Lentini	Theunissen
Greene	Malone	
Hainkel	Romero	
Total—16		

**NAYS**

Bajoie	Guidry	Landry
Barham	Hines	Robichaux
Bean	Irons	Schedler
Dean	Johnson	Tarver
Ellington	Jones	Ullo
Fields	Lambert	
Total—17		

**ABSENT**

Mr. President	Casanova	Cravins
Bagneris	Cox	Dyess
Total—6		

The Chair declared the Senate refused to call the previous question on the entire subject matter.

**Floor Amendments Sent Up**

Senator Schedler sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Schedler to Engrossed Senate Bill No. 6 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 4, delete "felony" and insert "violation of the Uniform Controlled Dangerous Substances Law or a crime of violence"

AMENDMENT NO. 2

On page 1, line 12, delete "felony" and insert "violation of the Uniform Controlled Dangerous Substances Law or a crime of violence as provided in R.S. 14:2(13)"

AMENDMENT NO. 3

On page 1, line 15, delete "a felony" and insert "the above referenced crimes,"

On motion of Senator Schedler, the amendments were adopted.

The bill was read by title. Senator Schedler 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	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

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

**Rules Suspended**

Senator Hollis asked for a suspension of the rules for the purpose of invoking 5 minute cloture.

Senator Hainkel objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bagneris	Dyess	Landry
Barham	Ellington	Robichaux
Bean	Greene	Romero
Campbell	Hines	Siracusa
Casanova	Hollis	Tarver
Dardenne	Johnson	Theunissen
Dean	Lambert	
Total—20		

NAYS

Bajoie	Hainkel	Lentini
Branch	Heitmeier	Malone
Cox	Irons	Schedler
Fields	Jones	Short
Guidry	Jordan	Ullo
Total—15		

ABSENT

Mr. President	Cravins
Cain	Smith
Total—4	

The Chair declared the rules were suspended and 5 minute cloture was invoked.

**SENATE BILL NO. 83—**  
BY SENATOR CAMPBELL

AN ACT

To amend and reenact R.S. 47:1 and R.S. 56:10(B)(6) and to enact R.S. 47:463.46, relative to revenue and taxation; to provide relative to license plates; to establish the Louisiana quail unlimited license plate; to provide for a fee; to provide relative to the "natural heritage account"; 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
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and

June 2, 1997

adopted. Senator Campbell moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 320—**  
BY SENATORS LENTINI AND SCHEDLER  
A JOINT RESOLUTION

Proposing to amend Article VII, Section 18(A) and to add Article VII, Section 18(G) of the Constitution of Louisiana, relative to creating a special assessment level for homestead exempt property of persons sixty-five years of age or older; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini to Engrossed Senate Bill No. 320 by Senator Lentini

AMENDMENT NO. 1  
On page 2, line 11, after "later." insert:

"Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person or persons' gross income, as reported in the federal tax return for the year prior to the application for the assessment, exceeds forty thousand dollars. For persons applying for the assessment whose filing status is married filing separately, the gross income for purposes of this Section, shall be determined by combining the gross income on both returns. Beginning for the tax year 2001, and for each tax year thereafter, the forty thousand dollar limit shall be adjusted annually by the Consumer Price Index as reported by the United States Government."

On motion of Senator Lentini, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Landry sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Landry to Engrossed Senate Bill No. 320 by Senator Lentini and Schedler

AMENDMENT NO. 1  
On page 2, line 21, delete "homestead exemption" and insert "special assessment level"

On motion of Senator Landry, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Bean sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Bean to Engrossed Senate Bill No. 320 by Senator Lentini

AMENDMENT NO. 1  
In Senate Floor Amendment No. 1 proposed by Senator Lentini and adopted by the Senate on June 2, 1997, on lines 6 and 10 change "forty" to "sixty"

On motion of Senator Bean, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Landry sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Landry to Engrossed Senate Bill No. 320 by Senator Lentini

AMENDMENT NO. 1  
In Senate Floor Amendment No. 1 proposed by Senator Lentini to Engrossed Senate Bill No. 320 and adopted by the Senate on June 2, 1997, on line 4, after "persons" insert "adjusted", on line 8, after "separately, the" insert "adjusted" and on line 9, after "combining the" insert "adjusted"

On motion of Senator Landry, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Casanova sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Casanova to Engrossed Senate Bill No. 320 by Senator Lentini

AMENDMENT NO. 1  
On page 2, line 19, after "long as" change "that" to ": (a) That"

AMENDMENT NO. 2  
On page 2, between lines 21 and 22 insert:

"(b) The value of the property does not increase more than twenty-five percent because of construction or reconstruction."

On motion of Senator Casanova, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Landry sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Landry to Engrossed Senate Bill No. 320 by Senator Lentini

AMENDMENT NO. 1  
On page 2, line 19, after "long as" change "that" to ": (a) That"

AMENDMENT NO. 2  
On page 2, between lines 21 and 22 insert:

"(b) That owner or such surviving spouse notifies the assessor that the special assessment level is no longer claimed."

On motion of Senator Landry, the amendments were adopted.

The bill was read by title. Senator Lentini moved final passage of the amended 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	Hines	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Jones	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Total—38		

NAYS

Johnson  
Total—1

ABSENT

Total—0

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

**Motion to Make Special Order**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of making House Bill No. 581, which is on Third Reading and Final Passage Subject to Call, Special Order of the Day No. 3 on Tuesday, June 3, 1997 immediately following the Morning Hour.

**Motion**

Senator Cravins moved to suspend the rules to advance to the order of Senate Bills on Third Reading and Final Passage, Subject to Call to take up Senate Bill No. 1295.

Senator Hainkel objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bajoie	Guidry	Malone
Barham	Hines	Robichaux
Bean	Hollis	Romero
Cain	Irons	Schedler
Cox	Johnson	Smith
Cravins	Jones	Tarver
Ellington	Jordan	Theunissen
Fields	Landry	
Total—23		

NAYS

Branch	Dyess	Lambert
Casanova	Greene	Lentini
Dardenne	Hainkel	Short
Dean	Heitmeier	Ullo
Total—12		

ABSENT

Mr. President  
Bagneris  
Total—4

Campbell  
Siracusa

The Chair declared the rules were suspended.

**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 Cravins asked that Senate Bill No. 1295 be called from the Calendar at this time for its final passage.

**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 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.

**Floor Amendments Sent Up**

Senator Cravins sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cravins to Engrossed Senate Bill No. 1295 by Senator Cravins

AMENDMENT NO. 1

Delete Senate Floor Amendment No. 1 proposed by Senator Theunissen and adopted by the Senate on May 14, 1997.

AMENDMENT NO. 2

On page 14, line 9, change "thirty" to "fifteen"

**Motion**

Senator Robichaux moved the previous question on the entire subject matter.

Senator Dean objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bagneris	Cravins	Robichaux
Bajoie	Dyess	Romero
Bean	Guidry	Schedler
Campbell	Hines	Tarver

June 2, 1997

Casanova  
Cox  
Total—16

Johnson  
Jones  
  
NAYS

Barham  
Branch  
Cain  
Dardenne  
Dean  
Ellington  
Total—18

Greene  
Hainkel  
Heitmeier  
Irons  
Jordan  
Landry  
  
Lentini  
Malone  
Short  
Smith  
Theunissen  
Ullo  
  
ABSENT

Mr. President  
Fields  
Total—5

Hollis  
Lambert  
  
Siracusa

The Chair declared the Senate refused to call the previous question on the entire subject matter.

Senator Cravins moved adoption of the amendments.

Senator Dean objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bagneris  
Bajoie  
Barham  
Bean  
Cain  
Campbell  
Cox  
Cravins  
Total—24

Ellington  
Guidry  
Heitmeier  
Hines  
Hollis  
Irons  
Johnson  
Jones  
  
Jordan  
Landry  
Malone  
Robichaux  
Romero  
Smith  
Tarver  
Theunissen

NAYS

Mr. President  
Branch  
Casanova  
Dardenne  
Dean  
Total—14

Dyess  
Greene  
Hainkel  
Lambert  
Lentini  
  
Schedler  
Short  
Siracusa  
Ullo

ABSENT

Fields  
Total—1

The Chair declared the amendments were adopted.

**Floor Amendments Sent Up**

Senator Cravins sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cravins to Engrossed Senate Bill No. 1295 by Senator Cravins

AMENDMENT NO. 1

Delete Senate Floor Amendment No. 12 proposed by Senator Cravins and adopted by the Senate on May 14, 1997.

AMENDMENT NO. 2

On page 6, between lines 20 and 21, insert:

"(iv) Contribute to the support of pari-mutual wagering facilities in the state at large and the horse breeding industry by paying annually from the annual net slot machine proceeds received from slot machine gaming operations at his facility a fixed percentage to be provided by law by the legislature by August 1, 1998. Such legislation shall require the following:

(aa) That the owner pay annually a fixed percentage of not less than twelve percent of the annual net slot machine proceeds received from slot machine gaming operations at his facility to supplement purses as follows:

(AA) Two-thirds to the licensed racing associations in the state which conduct live horse racing, on the basis of the proportion the number of thoroughbred race days each association conducted for the preceding year bears to the total number of thoroughbred race days conducted statewide for the preceding year for the purpose of supplementing purses in accordance with a schedule or formula established by the purse committee of the Louisiana Thoroughbred Breeders Association.

(BB) One-third to the Louisiana Quarter horse Breeders' Association to be used to supplement purses for Louisiana bred quarter horses.

(bb) That the owner pay annually a fixed percentage of not less than two percent of the annual net slot machine proceeds received from slot machine gaming operations at his facility to the Executive Committee of the Louisiana Thoroughbred Breeders Association to be distributed by the committee according to a schedule or formula and within a period which shall be established by the committee for special breeder awards to the breeders of accredited Louisiana bred horses.

(cc) That the owner pay annually a fixed percentage of not less than one percent of the annual net slot machine proceeds received from slot machine gaming operations at his facility to the Executive Committee of the Louisiana Quarter horse Breeders' Association to be distributed by the committee according to a schedule or formula and within a period which shall be established by the committee for special breeders awards to the breeders of accredited Louisiana bred quarter horses."

Senator Cravins moved adoption of the amendments.

Senator Dean objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Bagneris  
Bajoie  
Barham  
Bean  
Cain  
Campbell  
Cox  
Cravins  
Total—27

Dardenne  
Ellington  
Guidry  
Heitmeier  
Hines  
Hollis  
Irons  
Johnson  
Jones  
  
Jordan  
Lambert  
Landry  
Malone  
Robichaux  
Romero  
Smith  
Tarver  
Theunissen

NAYS

Branch  
Casanova  
Dean  
Dyess  
Total—10

Greene  
Hainkel  
Lentini  
Schedler  
  
Short  
Siracusa

ABSENT

Fields  
Total—2

Ullo

The Chair declared the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bagneris	Cravins	Jones
Bajoie	Ellington	Malone
Barham	Guidry	Romero
Bean	Hines	Smith
Branch	Hollis	Tarver
Cain	Irons	Theunissen
Campbell	Johnson	
Cox		
Total—20		

**NAYS**

Mr. President	Greene	Lentini
Branch	Hainkel	Robichaux
Casanova	Heitmeier	Schedler
Dardenne	Jordan	Short
Dean	Lambert	Siracusa
Dyess	Landry	Ullo
Total—18		

**ABSENT**

Fields  
Total—1

The Chair declared the amended 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.

**Motion**

Senator Dean moved to suspend the rules to resume the order of Senate Bills on Third Reading and Final Passage, and to take up Senate Bill No. 1492 out of its regular order.

Without objection, so ordered.

**Senate Bills and Joint Resolutions on Third Reading and Final Passage, Resumed**

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

**SENATE BILL NO. 1492—**  
BY SENATOR DEAN

**AN ACT**

To declare that the public and necessary purpose which may have originally supported the expropriation of certain property in the parish of Plaquemines, known as Cheniere Ronquillo, located in Sections 9, 10, 15, and 16 of Township 21 South, Range 26 East, has been called into question; to authorize certain heirs to assert their rights of ownership; and to provide for related matters.

The bill was read by title. Senator Dean 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	Greene	Malone
Barham	Guidry	Robichaux
Bean	Heitmeier	Romero
Branch	Hines	Schedler
Cain	Hollis	Short
Campbell	Irons	Siracusa
Casanova	Johnson	Smith
Cox	Jones	Tarver
Dardenne	Jordan	Theunissen
Dean	Lambert	Ullo
Total—36		

**NAYS**

Hainkel  
Total—1

**ABSENT**

Cravins  
Total—2  
Fields

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

**Regular Order of the Day Resumed**

**SENATE BILL NO. 956—**  
BY SENATORS BARHAM, DARDENNE, EWING AND HAINKEL  
**AN ACT**

To amend and reenact R.S. 47:1580(C) and to repeal R.S. 47:1580(A)(5), relative to suspension of prescription; to provide that the failure to file any return reporting any state tax, license, excise, interest, penalty, or other charge shall interrupt the running of prescription until the subsequent filing of that return; 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. 956 by Senator Barham

AMENDMENT NO. 1

On page 1, line 2, following "To" and before "R.S." change "amend and reenact" to "enact"

On motion of Senator Bagneris, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Barham sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 956 by Senator Barham

AMENDMENT NO. 1

On page 2, line 12, change "years" to "periods"

On motion of Senator Barham, the amendments were adopted.

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

June 2, 1997

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Fields  
Total—1

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

**SENATE BILL NO. 1256—**  
BY SENATOR SCHEDLER

**AN ACT**

To amend and reenact R.S. 27:270(A)(3), to enact R.S. 39:91(B)(3), and to repeal R.S. 27:270(B), relative to casino gaming proceeds; to dedicate net gaming revenue to the Revenue Stabilization/Mineral Trust Fund; to eliminate the Casino Gaming Proceeds Fund; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Schedler sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Schedler to Engrossed Senate Bill No. 1256 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 25, change "all" to "the following amounts"

AMENDMENT NO. 2

On page 2, at the end of line 27, delete the period "." and insert a colon ":" and insert:

"(a) All of the net revenues received in fiscal year 1997-1998.  
(b) Fifty percent of the net revenues received in fiscal years thereafter until the fund equals three hundred million dollars."

Senator Schedler moved adoption of the amendments.

Senator Dean objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dardenne	Jones
Bagneris	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Greene	Romero
Bean	Guidry	Schedler
Branch	Hainkel	Siracusa
Cain	Heitmeier	Smith
Campbell	Hines	Tarver
Casanova	Hollis	Theunissen
Cravins	Johnson	Ullo
Total—30		

**NAYS**

Dean	Jordan	Short
Irons	Landry	
Total—5		

**ABSENT**

Cox	Lambert
Fields	Robichaux
Total—4	

The Chair declared the amendments were adopted.

**Floor Amendments Sent Up**

Senator Dean sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Dean to Engrossed Senate Bill No. 1256 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 3, after "proceeds;" delete the remainder of the line and delete lines 4 and 5 and insert: "to provide for state debt reduction; and to provide for"

AMENDMENT NO. 2

On page 2, line 23, after "Louisiana." delete the remainder of the line and delete lines 24 through 27 and insert:

"Thereafter, all of the net revenues received by the state from gaming activities conducted at the official gaming establishment as defined by law shall be appropriated by the legislature for state debt reduction."

Senator Dean moved adoption of the amendments.

Senator Schedler objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bean	Cain	Dean
Branch	Campbell	Irons
Total—6		

**NAYS**

Mr. President	Guidry	Romero
Bagneris	Hainkel	Schedler
Bajoie	Heitmeier	Short
Barham	Hines	Siracusa
Casanova	Jones	Smith
Cravins	Jordan	Tarver
Dardenne	Landry	Theunissen
Dyess	Lentini	Ullo

Ellington  
Greene  
Total—28

Malone  
Robichaux  
  
ABSENT

Cox  
Fields  
Total—5

Hollis  
Johnson  
Lambert

The Chair declared the amendments were rejected.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Branch	Jordan	Short
Dean	Landry	
Total—5		

ABSENT

Cox	Fields	Lambert
Total—3		

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

**SENATE BILL NO. 1562 (SUBSTITUTE BILL FOR SENATE BILL NO. 98 BY SENATOR LANDRY)—**

BY SENATOR LANDRY

AN ACT

To enact Part XLX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.111 through 1300.115, relative to public health and safety; to create the Children-at-Risk Program within the Department of Health and Hospitals; to provide for definitions; to provide for administration of the program; to provide for appointment of a subcommittee; to require promulgation of rules and regulations; 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. 1562 by Senator Guidry

AMENDMENT NO. 1

On page 1, lines 2,10, and 13, following "Part" change "XLX" to "L"

AMENDMENT NO. 2

On page 4, line 7, following "from" and before "state" insert "the"

On motion of Senator Bagneris, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Fields  
Total—1

The Chair declared the amended 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. 1563 (SUBSTITUTE FOR SENATE BILL NO. 340 BY SENATOR GREENE)—**

BY SENATOR GREENE

AN ACT

To amend and reenact R.S. 17:45(A), 443, 462, 471(D), 493(A) and (C), 523, 533, and 542(A) and (C), relative to tenure; to provide relative to the causes for terminating certain permanent school employees; and to provide for related matters.

**Motion**

Senator Guidry moved to return the bill to the Involuntary Calendar.

Senator Hainkel objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bagneris	Guidry	Lentini
Bajoie	Heitmeier	Robichaux
Bean	Hines	Schedler
Cain	Irons	Siracusa
Campbell	Johnson	Tarver
Cox	Jones	Theunissen
Cravins	Lambert	

June 2, 1997

Dyess  
Total—22

Landry  
NAYS

Barham  
Branch  
Casanova  
Dardenne  
Dean  
Total—13

Ellington  
Greene  
Hainkel  
Malone  
Romero  
Short  
Smith  
Ullo

ABSENT

Mr. President  
Fields  
Total—4

Hollis  
Jordan

The Chair declared the bill was returned to the Involuntary Calendar.

**Rules Suspended**

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

**Privilege Report of the  
Legislative Bureau**

June 2, 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. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 2154—**  
BY REPRESENTATIVES MCDONALD AND DOWNER  
AN ACT

To enact R.S. 17:3026(J), relative to the Tuition Assistance Plan; to provide relative to the application of grants awarded pursuant to such plan and the combination of such grants with disbursements from the Louisiana Student Tuition Assistance and Revenue Trust Program account; to provide for the expenditure of any remaining balance of a grant award; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 2154 by Representative McDonald

AMENDMENT NO. 1  
In Senate Committee Amendment No. 7 proposed by the Senate Committee on Education, adopted by the Senate on May 30, 1997, on page 2, line 1, change "effect" to "affect"

AMENDMENT NO. 2  
In Senate Committee Amendment No. 7 proposed by the Senate Committee on Education, adopted by the Senate on May 30, 1997, on page 2, line 44, after "Board" and before "Elementary" insert "of"

AMENDMENT NO. 3  
In Senate Committee Amendment No. 7 proposed by the Senate Committee on Education, adopted by the Senate on May 30, 1997, on page 3, line 14, after "Board" and before "Elementary" insert "of"

AMENDMENT NO. 4

In Senate Committee Amendment No. 7 proposed by the Senate Committee on Education, adopted by the Senate on May 30, 1997, on page 3, line 33, after "Test" and before "has" insert "and"

AMENDMENT NO. 5  
In Senate Committee Amendment No. 7 proposed by the Senate Committee on Education, adopted by the Senate on May 30, 1997, on page 4, line 29, after "and" and before "any" insert "for"

AMENDMENT NO. 6  
In Senate Committee Amendment No. 7 proposed by the Senate Committee on Education, adopted by the Senate on May 30, 1997, on page 4, line 41, after "(a)" and before "Any" insert "For" and change "Any" to "any"

AMENDMENT NO. 7  
In Senate Committee Amendment No. 7 proposed by the Senate Committee on Education, adopted by the Senate on May 30, 1997, on page 4, line 45, after "year" change the semicolon ";" to a period "."

AMENDMENT NO. 8  
In Senate Committee Amendment No. 7, proposed by the Senate Committee on Education and adopted by the Senate on May 30, 1997, on page 4, line 46, after "(b)" and before "Any" insert "For" and change "Any" to "any"

AMENDMENT NO. 9  
In Senate Committee Amendment No. 7, proposed by the Senate Committee on Education and adopted by the Senate on May 30, 1997, on page 4, line 53, after "year" change the semicolon ";" to a period "."

AMENDMENT NO. 10  
In Senate Committee Amendment No. 7, proposed by the Senate Committee on Education and adopted by the Senate on May 30, 1997, on page 4, line 54, after "(c)" and before "Any" insert "For" and change "Any" to "any"

AMENDMENT NO. 11  
In Senate Committee Amendment No. 7, proposed by the Senate Committee on Education and adopted by the Senate on May 30, 1997, on page 5, line 3, after "year" change the semicolon ";" to a period "."

AMENDMENT NO. 12  
In Senate Committee Amendment No. 7, proposed by the Senate Committee on Education and adopted by the Senate on May 30, 1997, on page 5, line 4, after "(d)" and before "Any" insert "For" and change "Any" to "any"

AMENDMENT NO. 13  
On page 1, line 2, following "to" and before "Tuition" delete "the"

Respectfully submitted,  
DENNIS BAGNERIS  
Chairman

**Adoption of Legislative Bureau Report**

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

**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**

June 2, 1997

To the Honorable President and Members of the Senate:

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

**SENATE BILL NO. 1410 (DUPLICATE OF HOUSE BILL NO. 2232)—**

BY SENATOR DARDENNE AND REPRESENTATIVE WELCH  
AN ACT

To authorize and empower the Baton Rouge Community College to impose certain fees; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 502—**

BY SENATOR HINES AND REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 37:751(G), 752(4) and (8), 753(B) and (E)(3), 755, 760(4), (8), (9), (10), and (12), 761.1(2) and (4), 763(B), 764.1(A), (B), and (C), 770(A)(1) and (2), 774, 776(A)(8), the introductory paragraph of 777, 777(A)(11), 778, 780(A)(2) and (B)(1), 781(B), and 782, to enact R.S. 37:751(M), 753(J), 757, 764(C), 770(A)(3), (C), and (D), 776(A)(27), (28), and (29), 777(A)(21), (22), and (23), (B), and (C), and to repeal R.S. 37:761.1(5) and 764.1(A)(4), relative to the practice of dentistry; to provide for definitions; to provide for exemptions from licensing; to provide for appointments, vacancies, compensation, and powers and duties of the Louisiana State Board of Dentistry; to provide certain requirements for applicants for licensure, license reactivation, and renewal; to provide for refusal to issue, suspension, or revocation of a dental hygienist license and reinstatement thereof; to provide for a board hearing, notice, and penalty on charges against a licensed person; to provide relative to the issuance of subpoenas; to authorize the board to purchase immovable property; to provide for maintenance of certain records; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 501—**

BY SENATOR HINES AND REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact the introductory paragraph of R.S. 37:760 and to enact R.S. 37:760(B) and 763.1, relative to the Louisiana State Board of Dentistry; to provide for its powers and duties; to authorize the board to request and obtain criminal history record information on any person applying for any dental health care practitioner license, permit, certificate, or registration; to provide definitions; to provide for fees; to provide for confidentiality of information obtained; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1303—**

BY SENATOR HINES AND REPRESENTATIVE R. ALEXANDER AND CO-AUTHORED BY SENATOR SCHEDLER AND REPRESENTATIVE THOMAS  
AN ACT

To amend and reenact R.S. 17:2353 and 2354.4(D), (E), (J), and (K)(1) and to enact R.S. 17:2351(9), (10), and (11), relative to the Anatomical Gift Act; to provide for the designation of a state organ procurement organization; to provide for the donation of vascular organs to the Louisiana-designated organ procurement organization; to provide restrictions on the donation of vascular organs to out-of-state organ procurement organizations; to

authorize the state organ procurement organization to enter into reciprocity agreements with organizations in other states; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 687 (DUPLICATE OF HOUSE BILL NO. 1195)—**

BY SENATOR LANDRY AND REPRESENTATIVE WIGGINS AND  
COAUTHORED BY SENATORS CAIN AND SMITH  
AN ACT

To amend and reenact R.S. 32:387(C)(3)(f)(ii), relative to motor vehicles; to provide relative to vehicles transporting recyclable waste paper products; to require width limits; to provide for effective date; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1161—**

BY SENATOR DARDENNE  
AN ACT

To amend and reenact R.S. 30:2419, relative to scrap metal recycling; to prohibit the knowing and intentional delivery of certain scrap to a scrap metal collection and recycling facility; to require persons delivering scrap to these facilities to certify that certain prohibited materials have been removed; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1162—**

BY SENATOR DARDENNE  
AN ACT

To enact R.S. 30:2153(1)(b)(iv), relative to the definition of solid waste; to exclude from the definition of solid waste automotive fluff from automobile shredding; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 434—**

BY SENATOR HEITMEIER  
AN ACT

To enact R.S. 11:751, relative to the Teachers' Retirement System of Louisiana; to provide for rounding of service credit at retirement or beginning participation in the Deferred Retirement Option Plan; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 819—**

BY SENATORS HEITMEIER, DARDENNE, GUIDRY AND IRONS  
AN ACT

To amend and reenact R.S. 11:481(A) and (E), relative to the Louisiana State Employees' Retirement System; to provide for eligibility for survivor benefits; to provide for the payment of survivor benefits; to provide for a retroactive effective date; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 22—**

BY SENATORS CAMPBELL, BAGNERIS, BARHAM, BEAN, BRANCH, CAIN, CASANOVA, COX, DARDENNE, DEAN, DYESS, ELLINGTON, GREENE, GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, JOHNSON, JORDAN, LAMBERT, MALONE, SCHEDLER, SMITH AND ULLO  
AN ACT

To amend and reenact R.S. 47:463.45(C) and R.S. 56:10(B)(6), relative to the black bear prestige license plates; to provide for a notice on hunting and fishing licenses as to the availability of the black bear prestige license plate; to require that five percent of the net proceeds from the additional fee imposed to acquire the black bear prestige license plate be used for the promotion of the plate; and to provide for related matters.

Reported without amendments.

June 2, 1997

**SENATE BILL NO. 130—**  
BY SENATOR COX

AN ACT

To enact Code of Civil Procedure Art. 1475, relative to submission of uncontested medical bills; to provide for introduction of medical bills by affidavit; to provide for counter affidavits; to provide for assessment of costs and expenses; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 143—**  
BY SENATOR COX

AN ACT

To amend and reenact R.S. 9:202(2) and to repeal R.S. 9:203(D), relative to judges who are authorized to perform marriage ceremonies; to remove the authority for federal court judges to perform marriage ceremonies within the state; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1330—**  
BY SENATOR GUIDRY

AN ACT

To amend and reenact R.S. 48:719, relative to applicability of laws pertaining to the sale or exchange of roads and streets; to exempt cities having a population in excess of two hundred fifteen thousand persons located within a parish having a population in excess of three hundred seventy-five thousand persons from laws relative to the sale or exchange of roads and streets; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1106—**  
BY SENATORS ROBICHAUX AND LANDRY

AN ACT

To amend and reenact R.S. 49:214.30(H)(2) and to enact R.S. 49:214.30(H)(3), relative to coastal use permits; to provide for use of certain dredged material; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1214—**  
BY SENATOR EWING

AN ACT

To amend and reenact R.S. 40:1841, relative to the Louisiana Liquefied Petroleum Gas Commission; to provide for changes in composition of the commission; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1169—**  
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER AND REPRESENTATIVES FORSTER AND MURRAY

AN ACT

To enact R.S. 46:236.10, relative to child support enforcement services; to establish an employer reporting program for new hires; to provide for penalties; to provide for a state directory of new hires; to authorize receipt of such information; to provide for reporting to the national directory of new hires; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 254 (DUPLICATE OF HOUSE BILL NO. 1608)—**  
BY SENATOR LANDRY AND REPRESENTATIVE KENNARD

AN ACT

To amend and reenact R.S. 32:1301 and to enact R.S. 32:1305(G), relative to motor carriers; to provide for certain motor carriers to establish official inspection stations; to authorize that such stations

be located either in-state or out-of-state; to require such motor carriers to have Louisiana registration; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 199 (DUPLICATE OF HOUSE BILL NO. 1435)—**

BY SENATOR HEITMEIER AND REPRESENTATIVE WILKERSON  
AN ACT

To amend and reenact R.S. 11:162(C), relative to certain retirement systems; to provide for membership eligibility for certain part-time, seasonal, or temporary employees; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 496—**  
BY SENATOR HEITMEIER

AN ACT

To enact R.S. 11:2224(E), relative to the Municipal Police Employees' Retirement System; to provide with respect to optional allowance selections; to prohibit a change in beneficiaries after retirement except under certain circumstances; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 514—**  
BY SENATOR ROMERO AND REPRESENTATIVE FRITH

AN ACT

To amend and reenact R.S. 33:4574(C)(1)(a), relative to tourist commissions; to increase the membership of the Vermilion Parish Tourist Commission by two; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1367—**  
BY SENATORS BAGNERIS AND JOHNSON AND REPRESENTATIVE MURRAY

AN ACT

To amend and reenact Section 8.1(B)(introductory paragraph), (C), and (D) of Act No. 170 of the 1968 Regular Session, as enacted by Act No. 155 of the 1984 Regular Session and amended by Act No. 135 of the 1994 Third Extraordinary Session and Act No. 375 of the 1995 Regular Session, relative to the New Orleans Redevelopment Authority; to provide relative to the identification of property which is blighted and subject to acquisition by the authority; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1019 (DUPLICATE OF HOUSE BILL NO. 1625)—**

BY SENATOR HEITMEIER AND REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 11:1141(A) and (B), relative to the Louisiana School Employees' Retirement System; to provide with respect to retirement benefits; to provide with respect to an effective date for retirement; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 461—**  
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 56:1681(A)(2)(b) and (f) and to enact R.S. 56:1681(A)(2)(j), relative to the State Parks and Recreation Commission; to provide relative to the membership of the State Parks and Recreation Commission; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 459—**  
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 46:56(F)(4)(a), relative to public records; to authorize the Louisiana State Board of Dentistry and the Louisiana State Board of Medical Examiners to obtain certain information in case records of the Department of Health and Hospitals and the Department of Social Services without a written request by the board or a written waiver from an applicant, client, or his legal representative under certain circumstances; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 435—**  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:701(9), relative to the Teachers' Retirement System of Louisiana; to provide for certain compensation not included in the definition of earnable compensation; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 146—**  
BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 51:579(A), relative to purchases of certain used materials; to require certain reporting procedures; to require delay in the use of such material by the purchaser; to make such requirements subject to criminal penalties; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 465—**  
BY SENATOR BAGNERIS

AN ACT

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

Reported without amendments.

**SENATE BILL NO. 62—**  
BY SENATOR CAIN AND REPRESENTATIVE ILES

AN ACT

To enact R.S. 56:1948.5(57), relative to highways; to designate a section of U.S. Highway 190 as a Louisiana Byway; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 918—**  
BY SENATOR LANDRY AND REPRESENTATIVE MURRAY

AN ACT

To enact R.S. 32:1254(N)(3)(f), relative to motor vehicles; to provide relative to sale and delivery of vehicles sold on condition of financing; to require certain terms for such delivery; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1370—**  
BY SENATOR BAGNERIS

AN ACT

To enact R.S. 10:4A-209(e); to prohibit banks from charging fees on certain payment orders; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 1043 (DUPLICATE OF HOUSE BILL NO. 568)—**BY SENATOR HOLLIS AND REPRESENTATIVE TRAVIS  
AN ACT

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

Reported without amendments.

**SENATE BILL NO. 1127—**  
BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER

AN ACT

To amend and reenact R.S. 23:1310.3(C) and (E), relative to workers' compensation; to provide with respect to claim resolution; to provide for the initiation of claims; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 182—**  
BY SENATORS DARDENNE AND CAIN

AN ACT

To amend and reenact R.S. 37:75(B)(13)(a) and R.S. 37:79(C) and to enact R.S. 37:79(D), relative to certified public accountants; to provide for reciprocity of licenses of other states; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 192—**  
BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 2:135.3, relative to airport authorities; to prohibit discrimination against licensed aerial applicators; to provide for official investigation of aerial applicators in certain circumstances; to authorize suspension of airport or landing strip usage in certain instances; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 987—**  
BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER

AN ACT

To direct the Louisiana State Law Institute to change certain references in the law in matters of workers' compensation; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 993—**  
BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER

AN ACT

To amend and reenact R.S. 23:1291(B)(8) and (C)(1), relative to the administration of claims; to provide with respect to the office of workers' compensation; to provide for the creation, powers, and duties of the office of workers' compensation administration; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 995—**  
BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER

AN ACT

To amend and reenact R.S. 23:1208(D), relative to workers' compensation; to provide with respect to workers' compensation benefits; to provide for assessment of penalties by hearing officers; and to provide for related matters.

Reported without amendments.

June 2, 1997

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

Introduction of
Senate Concurrent Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 133—
BY SENATOR ROMERO

A CONCURRENT RESOLUTION

To approve amendments to the wetlands conservation and restoration plan prepared annually by the Wetlands Conservation and Restoration Authority.

The resolution was read by title. Senator Romero 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 like Mr. President, Bagneris, Bajoie, Barham, Branch, Cain, Casanova, Cravins, Dardenne, Dean, Landry, Lentini, Malone, Romero, Schedler, Short, Smith, Theunissen, Ullo.

NAYS

Total—0

ABSENT

Table with 3 columns: Name, Absent, Nays. Lists names like Bean, Campbell, Cox, Fields, Hines, Jones, Lambert, Robichaux, Siracusa, Tarver.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS

June 2, 1997

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 617—
BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact R.S. 39:82(F), relative to the retention of funds for completion of certain projects; to authorize the retention of funds appropriated by the Interim Emergency Board for planning, acquisition, construction, and major repair projects until completion of such project; to require quarterly progress reports on such projects; and to provide for related matters.

HOUSE BILL NO. 814—
BY REPRESENTATIVE DIEZ
AN ACT

To amend and reenact Code of Civil Procedure Art. 1457(B), relative to written interrogatories; to authorize the filing of additional interrogatories only after contradictory hearing; and to provide for related matters.

HOUSE BILL NO. 1102—
BY REPRESENTATIVES TRAVIS, DOWNER, DEWITT, AND FRITH
AN ACT

To enact Part V of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2341 through 2345, relative to economic development; to create and provide relative to a regional initiatives program; to provide for financial assistance to certain organizations; to provide for the promulgation of rules and regulations; and to provide for related matters.

HOUSE BILL NO. 1160—
BY REPRESENTATIVE WESTON
AN ACT

To enact R.S. 41:1605.1, relative to archaeological finds on state lands; to create the Archaeological Curation Fund in the state treasury; to dedicate monies to the fund; to provide for the use of monies in the fund; and to provide for related matters.

HOUSE BILL NO. 1076—
BY REPRESENTATIVES RIDDLE AND DEWITT
AN ACT

To amend and reenact R.S. 27:92(B)(2)(a)(i), 270(A)(2)(a), and 312(B)(2)(a) and R.S. 47:9029(B)(2), relative to the allocation of certain gaming and lottery proceeds to the Compulsive and Problem Gaming Fund; to increase the allocation of monies to the fund; and to provide for related matters.

HOUSE BILL NO. 1177—
BY REPRESENTATIVE LEBLANC
AN ACT

To repeal R.S. 49:259, relative to the Department of Justice Claims Recovery Fund.

HOUSE BILL NO. 1366—
BY REPRESENTATIVE WESTON
AN ACT

To enact R.S. 33:2218.2(G), relative to supplemental pay; to clarify that persons employed by municipalities shall include employees of consolidated governments; and to provide for related matters.

HOUSE BILL NO. 2478—
BY REPRESENTATIVE THOMAS
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay certain attorney fees and litigation expenses associated with the suit entitled "Robert Varnado, Jr., et al. vs. Department of Employment and Training, Office of Workers' Compensation, State of Louisiana", to provide for interest; and to provide for related matters.

June 2, 1997

**HOUSE BILL NO. 223—**

BY REPRESENTATIVE STELLY

AN ACT

To amend and reenact R.S. 49:308(E) and to enact R.S. 39:82(I), relative to certain funds received by vocational-technical schools or institutes; to authorize the retention of such funds; to exempt such funds from deposit in the state treasury; and to provide for related matters.

**HOUSE BILL NO. 242—**

BY REPRESENTATIVE ROUSSELLE

AN ACT

To amend and reenact R.S. 9:5625(A), relative to prescription; to provide for the prescriptive period for enforcement of violations of zoning restrictions, building restrictions, or subdivision regulations and for use violations; and to provide for related matters.

**HOUSE BILL NO. 1380 (Duplicate of Senate Bill No. 1130)—**

BY REPRESENTATIVE DOWNER AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES BRUN, MCDONALD, LONG, DEWITT, ALARIO, DUPRE, HUDSON, ILES, JOHNS, KENNEY, LEBLANC, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, SHAW, THOMAS, WALSWORTH, WIGGINS, THOMPSON, FLAVIN, FRITH, AND SCHNEIDER AND SENATORS HAINKEL, BEAN, ROMERO, SCHEDLER, SMITH, AND THEUNISSEN

AN ACT

To enact R.S. 17:354, relative to state funds; to provide for creation of the Teacher Supplies Fund; to provide for deposit of monies into the fund; to provide for uses of monies in the fund; and to provide for related matters.

**HOUSE BILL NO. 1911—**

BY REPRESENTATIVES DOWNER, BRUN, MCDONALD, LONG, DEWITT, ALARIO, DUPRE, ILES, KENNEY, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, THOMAS, WALSWORTH, WIGGINS, LEBLANC, RIDDLE, AND THOMPSON AND SENATORS DARDENNE, BEAN, SCHEDLER, SMITH, AND THEUNISSEN

AN ACT

To enact R.S. 17:3921.2, relative to state funds; to provide for creation of the Classroom-based Technology Fund within the state treasury; to provide for deposit of monies into the fund; to provide for use and distribution of monies in the fund; to provide for creation of the State Technology Advisory Committee; to provide for a grant program to help provide educational technologies for Louisiana's elementary and secondary school students; and to provide for related matters.

**HOUSE BILL NO. 2509 (Substitute for House Bill No. 2183 by Representative Donelon)—**

BY REPRESENTATIVE DONELON

AN ACT

To amend and reenact R.S. 22:1113(G) and (H) and to enact Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:3051 through 3065, relative to insurance sales by financial institutions; to provide with respect to financial institution insurance sales, including licensure requirements, sales, referrals, anti-tying, disclosures, solicitations, discrimination, customer privacy, and maintenance of insurance records by certain companies, agencies, and institutions; and to provide for related matters.

**HOUSE BILL NO. 2513 (Substitute for House Bill No. 401 by Representative Donelon)—**

BY REPRESENTATIVES DONELON, MCMAINS, CLARKSON, JOHNS, AND WIGGINS

AN ACT

To enact the Omnibus Premium Reduction Act of 1997, to amend and reenact Civil Code Article 2924(B), R.S. 22:1406(D)(1)(a), and R.S. 32:863.1(C)(1)(b) and 863.2(A)(1) and (2) and to enact Civil Code Article 2324.3, Code of Evidence Article 416, and R.S. 32:863.1(F) and 866, all relative to the recovery of certain civil damages and other factors which relate to the availability and cost of obtaining security to cover such damages; to provide for the rate of judicial interest; to provide for the reduction of damages arising out of a motor vehicle accident by an amount paid or payable from

collateral sources and for the admissibility of the payment of expenses or costs from a collateral source; to authorize the issuance of "economic-only" uninsured motorists coverage; to provide with respect to proof of compulsory motor vehicle liability security; to provide for the seizure and sequestration of vehicles which are operated without proof of insurance; to provide for the redemption of those vehicles; to provide for notification of issuance and cancellation of insurance; to reduce otherwise recoverable damages for failure to maintain liability insurance coverage; to require the reduction in automobile liability insurance rates; to provide for the filing of insurance rate reductions; to provide for contingency rules for premium rate filings; to provide with respect to the severability of provisions hereof; to authorize the taking of a declaratory judgment; to provide an effective date; and to provide for related matters.

**HOUSE BILL NO. 429—**

BY REPRESENTATIVE WARNER

A JOINT RESOLUTION

Proposing to add Article VIII, Section 16 of the Constitution of Louisiana, to authorize the legislature to provide for the creation, governance, management, and control of a community college system and for the transfer of the supervision and control of certain educational institutions and programs; to provide certain preconditions for enacting legislation creating a community college system; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

**HOUSE BILL NO. 1596—**

BY REPRESENTATIVE BRUN

AN ACT

To enact R.S. 47:305.14(D), relative to the exemption from sales and use taxes for nonprofit organizations; to provide for the venue in a proceeding for determination of tax exempt status; and to provide for related matters.

**HOUSE BILL NO. 1801—**

BY REPRESENTATIVE DEWITT

AN ACT

To enact R.S. 9:4870(B)(4), relative to privileges on immovables; to provide for the ranking of liens and privileges on oilfield property in favor of the commissioner of conservation; and to provide for related matters.

**HOUSE BILL NO. 1802—**

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 9:4863(A) and to enact R.S. 9:4863(D), relative to privileges that attach to certain oil, gas, and water wells; to provide an exception for equipment brought onto a lease for the plugging and abandonment of wells and the closure of related pits; to provide an exception for tubular goods recovered as a result of plugging and abandoning operations; and to provide for related matters.

**HOUSE BILL NO. 1890—**

BY REPRESENTATIVES SHAW AND DEWITT

AN ACT

To enact R.S. 28:26 and R.S. 39:82(I), relative to budgetary controls; to establish within the state treasury the Mental Health Trust Fund; to provide for administration of the fund by the office of mental health, Department of Health and Hospitals; to provide for deposit and use of monies in the fund; to provide for definition of overcollections; to provide for legislative oversight of the administration of the Mental Health Trust Fund; to authorize the office of mental health, Department of Health and Hospitals to retain their year-end balances; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

June 2, 1997

House Bills and Joint Resolutions

Senator Bagneris 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. 223— BY REPRESENTATIVE STELLY AN ACT

To amend and reenact R.S. 49:308(E) and to enact R.S. 39:82(I), relative to certain funds received by vocational-technical schools or institutes; to authorize the retention of such funds; to exempt such funds from deposit in the state treasury; and to provide for related matters.

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

HOUSE BILL NO. 242— BY REPRESENTATIVE ROUSSELLE AN ACT

To amend and reenact R.S. 9:5625(A), relative to prescription; to provide for the prescriptive period for enforcement of violations of zoning restrictions, building restrictions, or subdivision regulations and for use violations; 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. 429— BY REPRESENTATIVE WARNER A JOINT RESOLUTION

Proposing to add Article VIII, Section 16 of the Constitution of Louisiana, to authorize the legislature to provide for the creation, governance, management, and control of a community college system and for the transfer of the supervision and control of certain educational institutions and programs; to provide certain preconditions for enacting legislation creating a community college system; to provide for submission of the proposed amendment to the electors; 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. 617— BY REPRESENTATIVE BRUNEAU AN ACT

To amend and reenact R.S. 39:82(F), relative to the retention of funds for completion of certain projects; to authorize the retention of funds appropriated by the Interim Emergency Board for planning, acquisition, construction, and major repair projects until completion of such project; to require quarterly progress reports on such projects; and to provide for related matters.

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

HOUSE BILL NO. 814— BY REPRESENTATIVE DIEZ AN ACT

To amend and reenact Code of Civil Procedure Art. 1457(B), relative to written interrogatories; to authorize the filing of additional interrogatories only after contradictory hearing; 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. 1076— BY REPRESENTATIVES RIDDLE AND DEWITT AN ACT

To amend and reenact R.S. 27:92(B)(2)(a)(i), 270(A)(2)(a), and 312(B)(2)(a) and R.S. 47:9029(B)(2), relative to the allocation of certain gaming and lottery proceeds to the Compulsive and Problem Gaming Fund; to increase the allocation of monies to 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 Judiciary B.

HOUSE BILL NO. 1102— BY REPRESENTATIVES TRAVIS, DOWNER, DEWITT, AND FRITH AN ACT

To enact Part V of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2341 through 2345, relative to economic development; to create and provide relative to a regional initiatives program; to provide for financial assistance to certain organizations; to provide for the promulgation of rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 1160— BY REPRESENTATIVE WESTON AN ACT

To enact R.S. 41:1605.1, relative to archaeological finds on state lands; to create the Archaeological Curation Fund in the state treasury; to dedicate monies to the fund; to provide for the use of monies in 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 Finance.

HOUSE BILL NO. 1177— BY REPRESENTATIVE LEBLANC AN ACT

To repeal R.S. 49:259, relative to the Department of Justice Claims Recovery Fund.

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

HOUSE BILL NO. 1366— BY REPRESENTATIVE WESTON AN ACT

To enact R.S. 33:2218.2(G), relative to supplemental pay; to clarify that persons employed by municipalities shall include employees of consolidated governments; and to provide for related matters.

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

HOUSE BILL NO. 1380 (Duplicate of Senate Bill No. 1130)— BY REPRESENTATIVE DOWNER AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES BRUN, MCDONALD, LONG, DEWITT, ALARIO, DUPRE, HUDSON, ILES, JOHNS, KENNEY, LEBLANC, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, SHAW, THOMAS, WALSWORTH, WIGGINS, THOMPSON, FLAVIN, FRITH, AND SCHNEIDER AND SENATORS HAINKEL, BEAN, ROMERO, SCHEDLER, SMITH, AND THEUNISSEN AN ACT

To enact R.S. 17:354, relative to state funds; to provide for creation of the Teacher Supplies Fund; to provide for deposit of monies into the fund; to provide for uses of monies in 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 Education.

**HOUSE BILL NO. 1596—**

BY REPRESENTATIVE BRUN

AN ACT

To enact R.S. 47:305.14(D), relative to the exemption from sales and use taxes for nonprofit organizations; to provide for the venue in a proceeding for determination of tax exempt status; and to provide for related matters.

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

**HOUSE BILL NO. 1801—**

BY REPRESENTATIVE DEWITT

AN ACT

To enact R.S. 9:4870(B)(4), relative to privileges on immovables; to provide for the ranking of liens and privileges on oilfield property in favor of the commissioner of conservation; 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. 1802—**

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 9:4863(A) and to enact R.S. 9:4863(D), relative to privileges that attach to certain oil, gas, and water wells; to provide an exception for equipment brought onto a lease for the plugging and abandonment of wells and the closure of related pits; to provide an exception for tubular goods recovered as a result of plugging and abandoning operations; 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. 1890—**

BY REPRESENTATIVES SHAW AND DEWITT

AN ACT

To enact R.S. 28:26 and R.S. 39:82(I), relative to budgetary controls; to establish within the state treasury the Mental Health Trust Fund; to provide for administration of the fund by the office of mental health, Department of Health and Hospitals; to provide for deposit and use of monies in the fund; to provide for definition of overcollections; to provide for legislative oversight of the administration of the Mental Health Trust Fund; to authorize the office of mental health, Department of Health and Hospitals to retain their year-end balances; 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. 1911—**

BY REPRESENTATIVES DOWNER, BRUN, MCDONALD, LONG, DEWITT, ALARIO, DUPRE, ILES, KENNEY, MCCAIN, MCMAINS, MICHOT, POWELL, SALTER, THOMAS, WALSWORTH, WIGGINS, LEBLANC, RIDDLE, AND THOMPSON AND SENATORS DARDENNE, BEAN, SCHEDLER, SMITH, AND THEUNISSEN

AN ACT

To enact R.S. 17:3921.2, relative to state funds; to provide for creation of the Classroom-based Technology Fund within the state treasury; to provide for deposit of monies into the fund; to provide for use and distribution of monies in the fund; to provide for creation of the State Technology Advisory Committee; to provide for a grant program to help provide educational technologies for Louisiana's elementary and secondary school students; 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. 2478—**

BY REPRESENTATIVE THOMAS

AN ACT

To appropriate funds out of the General Fund of the state of Louisiana to be used to pay certain attorney fees and litigation expenses associated with the suit entitled "Robert Varnado, Jr., et al. vs. Department of Employment and Training, Office of Workers' Compensation, State of Louisiana", to provide for interest; and to provide for related matters.

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

**HOUSE BILL NO. 2509 (Substitute for House Bill No. 2183 by Representative Donelon)—**

BY REPRESENTATIVE DONELON

AN ACT

To amend and reenact R.S. 22:1113(G) and (H) and to enact Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:3051 through 3065, relative to insurance sales by financial institutions; to provide with respect to financial institution insurance sales, including licensure requirements, sales, referrals, anti-tying, disclosures, solicitations, discrimination, customer privacy, and maintenance of insurance records by certain companies, agencies, and institutions; 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. 2513 (Substitute for House Bill No. 401 by Representative Donelon)—**

BY REPRESENTATIVES DONELON, MCMAINS, CLARKSON, JOHNS, AND WIGGINS

AN ACT

To enact the Omnibus Premium Reduction Act of 1997, to amend and reenact Civil Code Article 2924(B), R.S. 22:1406(D)(1)(a), and R.S. 32:863.1(C)(1)(b) and 863.2(A)(1) and (2) and to enact Civil Code Article 2324.3, Code of Evidence Article 416, and R.S. 32:863.1(F) and 866, all relative to the recovery of certain civil damages and other factors which relate to the availability and cost of obtaining security to cover such damages; to provide for the rate of judicial interest; to provide for the reduction of damages arising out of a motor vehicle accident by an amount paid or payable from collateral sources and for the admissibility of the payment of expenses or costs from a collateral source; to authorize the issuance of "economic-only" uninsured motorists coverage; to provide with respect to proof of compulsory motor vehicle liability security; to provide for the seizure and sequestration of vehicles which are operated without proof of insurance; to provide for the redemption of those vehicles; to provide for notification of issuance and cancellation of insurance; to reduce otherwise recoverable damages for failure to maintain liability insurance coverage; to require the reduction in automobile liability insurance rates; to provide for the filing of insurance rate reductions; to provide for contingency rules for premium rate filings; to provide with respect to the severability of provisions hereof; to authorize the taking of a declaratory judgment; 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 Insurance.

**Messages from the House**

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

June 2, 1997

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 2, 1997

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 206— BY REPRESENTATIVES FORSTER, DOWNER, AND TRICHE A CONCURRENT RESOLUTION

To commend Aaron Fletcher of Thibodaux for his many achievements, including winning the inaugural Sidney Bechet Jazz Scholarship.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 206— BY REPRESENTATIVES FORSTER, DOWNER, AND TRICHE A CONCURRENT RESOLUTION

To commend Aaron Fletcher of Thibodaux for his many achievements, including winning the inaugural Sidney Bechet Jazz Scholarship.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bagneris, Bajoie, Barham, Branch, Cain, Casanova, Cravins, Dardenne, Dean, Dyess, Total—30; Ellington, Greene, Guidry, Hainkel, Heitmeier, Hollis, Irons, Johnson, Jones, Jordan; Landry, Lentini, Malone, Romero, Schedler, Short, Siracusa, Smith, Theunissen, Ullo

NAYS

Total—0

ABSENT

Table with 3 columns of names: Mr. President, Bean, Campbell, Total—9; Cox, Fields, Hines; Lambert, Robichaux, Tarver

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON FINANCE

Senator Hainkel, Chairman on behalf of the Committee on Finance, submitted the following report:

June 2, 1997

To the President and Members of the Senate:

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

SENATE BILL NO. 965— BY SENATORS THEUNISSEN, CASANOVA, CRAVINS, JORDAN AND ROMERO AND REPRESENTATIVES FLAVIN, FRITH, FRUGE, GAUTREAUX, HEBERT, HUDSON, JOHNS, MICHOT, MORRISH, PIERRE, PINAC AND JACK SMITH

AN ACT

To enact Part II-A of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1970.1 through 1970.9, relative to the Louis Armstrong High School for the Arts; to establish the school; to provide for the location, governance, and affiliation of the school; to provide for the creation and membership of a school board to manage the school; to provide for the terms, compensation, voting requirements, powers, and duties of the school board members; to provide relative to the programs and operations of the school; to provide relative to the eligibility and admission of students; to provide relative to funding of the school; and to provide for related matters.

Reported with amendments.

Respectfully submitted, JOHN HAINKEL Chairman

REPORT OF COMMITTEE ON REVENUE AND FISCAL AFFAIRS

Senator Barham, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

June 2, 1997

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 125— BY SENATOR EWING A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 1998 Regular Session of the Legislature of Louisiana that portion of Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature and that portion of Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, which provides for the termination of the Louisiana Tax Free Shopping Program.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 138—**

BY REPRESENTATIVE RIDDLE

**A CONCURRENT RESOLUTION**

To urge and request the Department of Revenue and Taxation to monitor sales of tobacco by Indian tribes to assure compliance with state and federal law.

Reported favorably.

**HOUSE BILL NO. 169—**

BY REPRESENTATIVE ROUSSELLE

**AN ACT**

To enact R.S. 47:302.31, 322.1, and 332.25, relative to the state sales and use tax; to dedicate a portion of the state tax on hotel occupancy in Plaquemines Parish; to create the Plaquemines Parish Visitor Enterprise Fund; to provide for deposit of monies into the fund and for use of monies in the fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 335—**

BY REPRESENTATIVE SALTER

**AN ACT**

To enact R.S. 47:302.31, 302.32, 322.1 through 322.10, 332.8(C), and 332.25 through 332.30, relative to the state sales tax on hotel occupancy in certain parishes; to create certain funds in the state treasury; to provide for deposit of monies into such funds; to provide for allowable uses of monies in the funds; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 645—**

BY REPRESENTATIVES FONTENOT, POWELL, PERKINS, AND MCMAINS

**AN ACT**

To enact R.S. 47:302.31, 322.1, and 332.25, relative to the state sales tax on hotel occupancy in Livingston Parish; to create the Livingston Parish Tourism Improvement Fund; to dedicate monies to the fund; to provide for uses of monies in the fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 680—**

BY REPRESENTATIVE LEBLANC

**AN ACT**

To enact R.S. 47:322.1, relative to the proceeds of the state sales tax on hotel occupancy in Lafayette Parish; to provide for dedication of a portion of such tax collected in Lafayette Parish to the Lafayette Parish Visitor Enterprise Fund; to provide for deposit of monies into the fund and allowable uses of the fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 702—**

BY REPRESENTATIVE MCCAIN

**AN ACT**

To amend and reenact R.S. 47:332.18(A), relative to the state sales and use tax; to dedicate a portion of the state tax on hotel/motel occupancy in Iberville Parish; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 899—**

BY REPRESENTATIVE TRAVIS

**AN ACT**

To enact R.S. 47:302.31, 322.1, and 332.25, relative to the proceeds of state sales tax on hotel occupancy in West Feliciana Parish; to create the St. Francisville Economic Development Fund; to dedicate the proceeds of such tax collected in West Feliciana Parish to the fund; to provide for deposit of monies into the fund and

allowable uses of the fund; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1128—**

BY REPRESENTATIVES ALARIO, ANSARDI, MARTINY, THERIOT, AND TOOMY

**AN ACT**

To enact R.S. 47:322.1, 322.2, 322.3, and 322.4, relative to the proceeds of state sales tax on hotel occupancy in certain parishes; to dedicate a portion of such tax collected to the Jefferson Parish Convention Center Fund; to provide for deposit of monies into the fund and allowable uses of the fund to create special accounts within the fund; to provide for creation of certain additional funds; to dedicate the proceeds of taxes collected in certain parishes to such funds; to provide for the deposit of monies and the uses of such funds; to dedicate the proceeds of certain taxes collected in certain parishes to certain funds; to provide for the deposit and use of such monies; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1141—**

BY REPRESENTATIVE HILL

**AN ACT**

To enact R.S. 47:302.31, 322.1, and 332.25, relative to the state sales tax on hotel occupancy in Allen Parish; to dedicate a portion of the tax to capital construction and maintenance in Allen Parish; to establish a special fund in the state treasury; to provide for deposit of monies into the fund and use of such monies in the fund; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1161—**

BY REPRESENTATIVE WILKERSON

**AN ACT**

To enact R.S. 47:302.31, 322.1, and 332.25, relative to the proceeds of state sales tax on hotel occupancy in the town of Homer in Claiborne Parish; to create the Town of Homer Economic Development Fund; to dedicate the proceeds of such tax collected in the town of Homer to the fund; to provide for deposit of monies into the fund and allowable uses of the fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1346—**

BY REPRESENTATIVE HOLDEN

**AN ACT**

To amend and reenact R.S. 47:302.29(B) and to enact R.S. 47:322.1, relative to the proceeds of state sales tax on hotel occupancy in the parish of East Baton Rouge; to provide for the use of the monies in the East Baton Rouge Parish Community Improvement Fund; to create the East Baton Rouge Parish Mass Transit Fund; to dedicate a portion of such tax collected in the parish of East Baton Rouge to the fund; to provide for deposit of monies into the fund and allowable uses of the fund; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1355—**

BY REPRESENTATIVE RIDDLE

**AN ACT**

To enact R.S. 47:322.1, relative to the state sales and use tax; to dedicate a portion of the state tax on hotel occupancy in Avoyelles Parish; and to provide for related matters.

Reported favorably.

June 2, 1997

**HOUSE BILL NO. 1449—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 39:1410.60(B), relative to approval by State Bond Commission of certain local government indebtedness; to provide that financing of the purchase of movables shall be subject to an expedited review process by the State Bond Commission; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1648—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 47:332.6 and 332.7 and to enact R.S. 47:322.1 and 322.2, relative to the proceeds of state sales tax on hotel occupancy in Bossier and Caddo Parishes; to create the "Bossier-Caddo Enterprise Fund"; to dedicate a portion of such tax collected in the cities of Shreveport and Bossier City to certain funds; to provide for deposit of monies in the funds and allowable uses of the funds; to dedicate a portion of state sales tax collected in Vermilion Parish to the Vermilion Parish Visitor Enterprise Fund; to provide for the use of the monies in the Vermilion Parish Visitor Enterprise Fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1652—**

BY REPRESENTATIVES DOWNER, DUPRE, AND GAUTREAUX  
AN ACT

To enact R.S. 47:302.31, 322.1, 322.2, 332.25, and 332.26, relative to the state sales tax on hotel occupancy in Terrebonne Parish; to create the Terrebonne Parish Visitor Enterprise Fund; to dedicate certain monies to the fund; to provide for uses of monies in the fund; to create the St. Mary Parish Visitor Enterprise Fund; to dedicate certain monies to the fund; to provide for uses of monies in the fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1663—**

BY REPRESENTATIVE MCCALLUM  
AN ACT

To enact R.S. 47:302.31, 322.1, and 332.25, relative to the state sales tax on hotel occupancy in Union Parish; to create the Union Parish Visitor Enterprise Fund; to dedicate monies to the fund; to provide for uses of monies in the fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1691—**

BY REPRESENTATIVE DEWITT  
AN ACT

To enact R.S. 47:322.1, relative to the state sales tax on hotel occupancy in Rapides Parish; to dedicate a portion of the proceeds of such tax to certain funds within the state treasury or for certain purposes; to provide for the allowable uses of such proceeds; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1877—**

BY REPRESENTATIVES MCDONALD, DIMOS, AND DOWNER  
AN ACT

To enact R.S. 47:302.31, 302.32, 302.33, 322.1, 322.2, 322.3, 322.4, 332.25, 332.26, and 332.27, relative to the proceeds of the state sales tax on hotel occupancy in certain parishes; to dedicate a portion of such tax for deposit in certain funds; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1928—**

BY REPRESENTATIVE ODINET  
AN ACT

To enact R.S. 47:322.1, relative to the state sales tax on hotel occupancy in parishes with a population of over four hundred seventy-five thousand; to establish a special fund in the state treasury; to provide for deposit of monies into the fund and allowable uses of monies in the fund; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
ROBERT J. BARHAM  
Chairman

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

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

**SENATE BILL NO. 965—**

BY SENATORS THEUNISSEN, CASANOVA, CRAVINS, JORDAN AND ROMERO AND REPRESENTATIVES FLAVIN, FRITH, FRUGE, GAUTREAUX, HEBERT, HUDSON, JOHNS, MICHOT, MORRISH, PIERRE, PINAC AND JACK SMITH

AN ACT

To enact Part II-A of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1970.1 through 1970.9, relative to the Louis Armstrong High School for the Arts; to establish the school; to provide for the location, governance, and affiliation of the school; to provide for the creation and membership of a school board to manage the school; to provide for the terms, compensation, voting requirements, powers, and duties of the school board members; to provide relative to the programs and operations of the school; to provide relative to the eligibility and admission of students; to provide relative to funding of the school; and to provide for related matters.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Engrossed Senate Bill No. 965 by Senator Theunissen

AMENDMENT NO. 1

On page 2, line 10, after "full potential." insert the following:

"This school will serve only as a magnet school for the arts, and not as a magnet school for mathematics nor the sciences. Beyond a demonstration of minimum competencies expected of all equivalent high school students in Louisiana, admission criteria at the Louis Armstrong High School for the Arts shall not be based upon competitive academic testing, but exclusively upon auditions, and/or submission of creative writing and art."

AMENDMENT NO. 2

On page 3, line 5, change "shall" to "may"

AMENDMENT NO. 3

On page 3, line 6, change "shall" to "may"

AMENDMENT NO. 4

On page 3, at the end of line 7, delete "shall" and insert the following:

"may have the same state support, and pay the same fees and tuition, as per the Louisiana School for Math, Science and the Arts in Natchitoches."

AMENDMENT NO. 5

On page 3, delete line 8 in its entirety.

AMENDMENT NO. 6

On page 11, delete lines 8 through 11, and insert the following:

"shall be identical to that adopted by the Louisiana School for Math, Science and the Arts in Natchitoches."

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

**Senate Concurrent Resolutions  
on Second Reading  
Reported by Committees**

Senator Hainkel asked for and obtained a suspension of the rules to take up at this time the following Senate Concurrent Resolutions just reported by Committees.

**SENATE CONCURRENT RESOLUTION NO. 125—**

BY SENATOR EWING

**A CONCURRENT RESOLUTION**

To suspend until sixty days after final adjournment of the 1998 Regular Session of the Legislature of Louisiana that portion of Section 3 of Act No. 535 of the 1988 Regular Session of the Legislature and that portion of Section 2 of Act No. 285 of the 1992 Regular Session of the Legislature, which provides for the termination of the Louisiana Tax Free Shopping Program.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the resolution was read by title, ordered engrossed and passed to a third reading.

**Rules Suspended**

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

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees, Subject to Call**

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

**Called from the Calendar**

Senator Barham asked that House Bill No. 1047 be called from the Calendar at this time.

**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.

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.

**Called from the Calendar**

Senator Barham asked that House Bill No. 1508 be called from the Calendar at this time.

**HOUSE BILL NO. 1508—**

BY REPRESENTATIVE DANIEL

**AN ACT**

To amend and reenact R.S. 56:423(E) and 428(A), and to enact R.S. 56:423(F) and 425.1 and to repeal R.S. 56:427 and 428(B) and (C), relative to leasing state water bottoms; to provide for state right of action; to provide for bid procedure; to provide for advertisement and notice; to provide for payment of rent; to provide for rules and regulations; and to provide for related matters.

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.

**Called from the Calendar**

Senator Barham asked that House Bill No. 1791 be called from the Calendar at this time.

**HOUSE BILL NO. 1791—**

BY REPRESENTATIVE FLAVIN

**AN ACT**

To amend and reenact R.S. 30:83(B)(10), 84(A)(1), (5), and (7), 85, 86(C) and (E)(introductory paragraph) and (2), 87(E), 88(B), (C), (D), (E), (F), and (G), 89, 91(B), 92(A), 93(A)(introductory paragraph) and (2)(c), and 95; to enact R.S. 30:92(C); and to repeal R.S. 30:83(F)(2) and (4), 84(A)(3), (B), and (C), 87(C), and 93(A)(2)(d), all relative to the Louisiana Oilfield Site Restoration Law; to provide relative to the powers and duties of the secretary and assistant secretary; to provide relative to the Oilfield Site Restoration Fund; to provide relative to oilfield site restoration fees; to provide relative to oilfield site trust accounts; to provide relative to non-orphan site restoration; to provide relative to orphaned oilfield sites; to provide relative to orphan site restoration; to provide for recovery of certain site restoration costs; to provide relative to no inference of liability on the part of the state; to provide procedures, conditions, and requirements; and to provide for related matters.

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.

**Called from the Calendar**

Senator Barham asked that House Bill No. 1795 be called from the Calendar at this time.

**HOUSE BILL NO. 1795—**

BY REPRESENTATIVE FLAVIN

**AN ACT**

To enact R.S. 30:28 and to repeal R.S. 30:204, relative to drilling permits; to provide relative to issuance procedures, fees, location plat, notice and hearing requirements, and funds; to redesignate the section of law with present language as a new section; and to provide for related matters.

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.

**Message from the House**

**SIGNED HOUSE BILLS AND  
JOINT RESOLUTIONS**

June 2, 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:

June 2, 1997

HOUSE BILL NO. 435—
BY REPRESENTATIVES BRUNEAU, LANCASTER, AND JENKINS
AN ACT
To amend and reenact R.S. 18:154(E), relative to voter registration; to provide that voter registration applications are open for public inspection; to make confidential certain information relating to voter registration; and to provide for related matters.

HOUSE BILL NO. 636—
BY REPRESENTATIVE BRUNEAU
AN ACT
To amend and reenact R.S. 42:1354(A)(2) and (3) and (C), 1357, and 1360, relative to the election of the employee member of the State Civil Service Commission; to provide for procedures for such election; and to provide for related matters.

HOUSE BILL NO. 847—
BY REPRESENTATIVES DOWNER, DEWITT, DUPRE, GAUTREAU, JOHNS, RIDDLE, JACK SMITH, THORNHILL AND VITTER AND SENATORS DYESS, ROBICHAUX, AND SCHEDLER
AN ACT
To amend and reenact R.S. 46:160.2(A), 160.4(B)(11), and 160.7(A), relative to the Access to Better Care Medicaid Insurance Demonstration Project; to change requirements relative to responsibilities of the secretary of the Department of Health and Hospitals and said department relative to the project; to provide for sources for the Medicaid Access Trust Fund; and to provide for related matters.

HOUSE BILL NO. 1084—
BY REPRESENTATIVES TRAVIS AND MURRAY
AN ACT
To repeal R.S. 9:3566, relative to consumer credit sales; to repeal certain provisions requiring retention of records of consumer credit sales.

HOUSE BILL NO. 1120—
BY REPRESENTATIVES TRAVIS, MURRAY, AND FRITH
AN ACT
To amend and reenact R.S. 6:793(B)(1), relative to audit reports of savings and loan associations; to require annual audits to be verified by independent certified public accountants; and to provide for related matters.

HOUSE BILL NO. 1121—
BY REPRESENTATIVES TRAVIS, FRITH, AND MURRAY
AN ACT
To amend and reenact R.S. 9:3535, relative to multiple agreements; to prohibit the division of credit transaction into multiple agreements for purposes of obtaining additional fees and charges; and to provide for related matters.

HOUSE BILL NO. 1123—
BY REPRESENTATIVES TRAVIS, FRITH, AND MURRAY
AN ACT
To amend and reenact R.S. 6:791(A), relative to savings associations; to provide relative to records which must be kept by savings associations; and to provide for related matters.

HOUSE BILL NO. 1363—
BY REPRESENTATIVES TRAVIS, FRITH, AND MURRAY
AN ACT
To enact R.S. 6:121.3, R.S. 9:3556.2, R.S. 37:1806.1, and R.S. 51:1929.1 and 2389.1, relative to advisory opinions of the commissioner; to provide that advisory opinions shall not be considered as rules subject to the provisions of the Louisiana Administrative Procedure Act; and to provide for related matters.

HOUSE BILL NO. 1833—
BY REPRESENTATIVES THOMPSON, STRAIN, AND HUDSON
AN ACT
To amend and reenact R.S. 3:453(A) and (B), 454, and 456(A) and (B), relative to advertising and promoting the use of sweet potatoes; to provide for the Louisiana Sweet Potato Advertising and

Development Commission and appointment of its members; to provide for the filling of vacancies; to provide for maintenance of a field office; to provide for rules and regulations; and to provide for related matters.

HOUSE BILL NO. 1888—
BY REPRESENTATIVE R. ALEXANDER
AN ACT
To enact R.S. 40:975(G), relative to denial, revocation, or suspension of a license to manufacture, distribute, or dispense a controlled dangerous substance; to provide that a license to manufacture, distribute, or dispense a controlled dangerous substance shall be terminated by the Department of Health and Hospitals for failure to timely renew the license; to provide for appeals; to provide for the adoption of rules and regulations; and to provide for related matters.

HOUSE BILL NO. 1955—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 9:3556.1, to enact R.S. 9:3556.2, and to repeal R.S. 9:3567, relative to records required to be kept in a consumer loan transaction; to provide relative to records of credit sales or loans and persons who do not transfer or assign their agreements; to permit the reproduction of documents by photographic means; to provide that photographically reproduced documents may be treated as if they were the original; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 1962—
BY REPRESENTATIVE TRAVIS
AN ACT
To repeal R.S. 6:212(C), relative to state banks; to repeal provisions relative to the reservation of a corporate name by any person organizing a state bank; to repeal provisions permitting the transfer of a corporate name.

HOUSE BILL NO. 2052—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 6:282(A) and 1188(C), relative to state banks and stock savings banks; to change the requirements of share ownership for directors; and to provide for related matters.

HOUSE BILL NO. 2212—
BY REPRESENTATIVE DONELON
AN ACT
To amend and reenact R.S. 22:1114(K)(2)(b), relative to licensing of insurance agents; to provide for an exemption from licensing of nonresident insurance agents; and to provide for related matters.

HOUSE BILL NO. 38—
BY REPRESENTATIVES JOHN SMITH, KENNARD, AND ILES AND SENATOR CAIN
AN ACT
To amend and reenact R.S. 32:402(C)(1), relative to drivers' licenses; to provide that civilian employees of the U.S. military who are required to operate emergency vehicles need only a Class "E" driver's license; and to provide for related matters.

HOUSE BILL NO. 399—
BY REPRESENTATIVE DEWITT
AN ACT
To amend and reenact R.S. 47:631 and to repeal R.S. 47:633(17), to repeal the severance tax on gravel; and to provide for related matters.

HOUSE BILL NO. 413—
BY REPRESENTATIVES TRAVIS AND WELCH
AN ACT
To enact Part XIX of Chapter 2 of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3577.1 through 3577.8, relative to small loans; to provide for fees for making loans

for five hundred dollars or less; to provide for penalties; to prohibit certain acts; and to provide for related matters.

**HOUSE BILL NO. 416—**  
BY REPRESENTATIVES TRAVIS AND MURRAY  
AN ACT

To amend and reenact R.S. 6:128(B)(introductory paragraph), 285(C), 420(D), 712(D)(1), and 1187(A) and (B)(5) and to repeal R.S. 6:2(10), relative to regulation of banks and banking; to provide for holidays for financial institutions; to provide for designation of agent for service of process; to provide for reporting of criminal violations; to provide for corporate names; to provide for proxies; and to provide for related matters.

**HOUSE BILL NO. 552—**  
BY REPRESENTATIVES TRAVIS AND MURRAY  
AN ACT

To amend and reenact R.S. 6:333(A)(2) and R.S. 9:3571(A), to enact R.S. 6:333(A)(10)(g), and to repeal R.S. 9:3571(B) through (E), relative to disclosure of financial records by financial institutions; to expand definitions; to delete certain requirements relative to the dissemination of credit information; and to provide for related matters.

**HOUSE BILL NO. 895—**  
BY REPRESENTATIVE WINDHORST  
AN ACT

To amend and reenact R.S. 49:964(G)(6) and to enact R.S. 49:964(G)(7), relative to judicial review of adjudication proceedings; to provide a standard of review for findings of fact in adjudication proceedings; and to provide for related matters.

**HOUSE BILL NO. 1083—**  
BY REPRESENTATIVES TRAVIS AND MURRAY  
AN ACT

To amend and reenact R.S. 6:124, relative to financial institutions; to provide relative to reports made by financial institutions to the commissioner of financial institutions; and to provide for related matters.

**HOUSE BILL NO. 1184 (Duplicate of Senate Bill No. 131)—**  
BY REPRESENTATIVE MURRAY AND SENATOR COX  
AN ACT

To amend and reenact R.S. 23:1201.3(A), relative to the payment of workers' compensation benefits; to provide that judicial interest on a hearing officer's award shall run from the date the workers' compensation payment was due; 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. 1239—**  
BY REPRESENTATIVES TRAVIS, DOWNER, AND DEWITT AND  
SENATORS HOLLIS AND SMITH  
AN ACT

To amend and reenact R.S. 51:2380(D), relative to the initial submission date of the State Master Plan for Economic Development; to provide that the date for initial submission shall be January 1, 1999; and to provide for related matters.

**HOUSE BILL NO. 1241—**  
BY REPRESENTATIVES TRAVIS, DOWNER, AND DEWITT AND  
SENATORS HOLLIS AND SMITH  
AN ACT

To amend and reenact R.S. 51:923(C), relative to the membership of the Board of Commerce and Industry; to permit the secretary of the Department of Economic Development to appoint a designee to serve on the board; and to provide for related matters.

**HOUSE BILL NO. 1283 (Duplicate of Senate Bill No. 984)—**  
BY REPRESENTATIVE FORSTER AND SENATOR ELLINGTON  
AN ACT

To enact R.S. 23:631(A)(1)(c), relative to employment; to qualify vacation pay owed for purposes of an employee's final paycheck upon termination of employment; and to provide for related matters.

**HOUSE BILL NO. 1305—**  
BY REPRESENTATIVES THOMPSON AND DEWITT  
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. 1609—**  
BY REPRESENTATIVE MURRAY  
AN ACT

To enact R.S. 23:1103(D), relative to workers' compensation; to provide that an insurer shall grant a credit to an employer for recovery on a lien in a third party matter; and to provide for related matters.

**HOUSE BILL NO. 1696—**  
BY REPRESENTATIVES FORSTER, DOWNER, DEWITT, AND MURRAY  
AN ACT

To amend and reenact R.S. 23:1271(A)(3), relative to workers' compensation; to authorize parties to waive expiration of six months before settling certain claims; and to provide for related matters.

**HOUSE BILL NO. 1968—**  
BY REPRESENTATIVE TRAVIS  
AN ACT

To amend and reenact R.S. 6:124.1(B), relative to statements of condition of financial institutions; to delete the requirement that a financial institution include its rating received pursuant to the federal Community Reinvestment Act in its statement of condition published quarterly; and to provide for related matters.

**HOUSE BILL NO. 2058—**  
BY REPRESENTATIVE TRAVIS  
AN ACT

To amend and reenact R.S. 9:3528(C), relative to consumer loan transactions; to provide that payment of accrued interest shall not constitute payment of a deferral charge; and to provide for related matters.

**HOUSE BILL NO. 2125—**  
BY REPRESENTATIVE WINDHORST  
AN ACT

To enact R.S. 27:306(H), relative to video draw poker devices; to provide for the use of affidavits in certain license renewals; to make it unlawful to submit false information; to provide penalties; to provide exceptions; and to provide for related matters.

**HOUSE BILL NO. 2293 (Substitute for House Bill No. 24 by Representative Flavin, et al.) —**

BY REPRESENTATIVES FLAVIN, A. ALEXANDER, CLARKSON, DIEZ, DIMOS, DOWNER, DUPRE, FONTENOT, FRITH, FRUGE, GUILLORY, HEATON, HILL, HUDSON, ILES, JOHNS, MARTINY, McDONALD, McMAINS, MICHOT, MITCHELL, ODINET, PIERRE, ROUSSELLE, SALTER, SHAW, STELLY, STRAIN, AND TRICHE AND SENATORS BARHAM, BEAN, COX, DEAN, HAINKEL, HOLLIS, ROBICHAUX, SCHEDLER, AND SHORT  
AN ACT

To enact R.S. 9:2793.1(C), relative to agents of the Federal Bureau of Investigation; to grant the agents qualified immunity under certain circumstances; 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.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 2, 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 Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 51—  
BY REPRESENTATIVE FAUCHEUX AND SENATOR LANDRY  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to provide funding for construction of an interchange on Interstate 10 near Reserve, Louisiana, in St. John the Baptist Parish.

HOUSE CONCURRENT RESOLUTION NO. 65—  
BY REPRESENTATIVE SHAW  
A CONCURRENT RESOLUTION

To recognize the importance of and express legislative intent to provide funds for conducting a state competition of the United States Academic Decathlon, including the purchase of testing materials, study guides, individual medallions, and team trophies, and awards ceremony costs, sending the winner of the Louisiana state competition to the national United States Academic Decathlon, and providing scholarships to reward the members of the winning state team and individual award winners from Louisiana at the national competition.

HOUSE CONCURRENT RESOLUTION NO. 72—  
BY REPRESENTATIVE FARVE  
A CONCURRENT RESOLUTION

To urge and request the Board of Regents, in collaboration with the three higher education management boards, to provide for the conduct of research to find an antidote for "crack cocaine" addiction.

HOUSE CONCURRENT RESOLUTION NO. 75—  
BY REPRESENTATIVE MICHOT  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such action as is necessary to amend the federal regulations regarding commercial driver's license standards.

HOUSE CONCURRENT RESOLUTION NO. 80—  
BY REPRESENTATIVES THOMPSON, HUDSON, FAUCHEUX, AND FRITH  
AND SENATORS CAIN, HINES, MALONE, ROBICHAUX, ROMERO,  
SIRACUSA, AND ULLO  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to extend the coastal boundary in Louisiana to be at least equal to that of Texas and Mississippi.

HOUSE CONCURRENT RESOLUTION NO. 10—  
BY REPRESENTATIVES DUPRE, DOWNER, HEBERT, HILL, MICHOT,  
ODINET, PIERRE, AND JACK SMITH AND SENATOR HINES  
A CONCURRENT RESOLUTION

To memorialize the United States Congress to reauthorize laws providing funding for projects under the federal Coastal Wetlands Planning, Protection and Restoration Act.

HOUSE CONCURRENT RESOLUTION NO. 84—  
BY REPRESENTATIVES WINDHORST, CLARKSON, AND TOOMY  
A CONCURRENT RESOLUTION

To request the Federal Transit Administration through its regional administrator for Region VI to redesignate the transit lanes on the Crescent City Connection Bridge No. 2 from "high occupancy vehicle seven" (HOV 7) to "high occupancy vehicle two" (HOV 2).

HOUSE CONCURRENT RESOLUTION NO. 128—  
BY REPRESENTATIVE KENNARD  
A CONCURRENT RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries to allow senior citizens to use the limited access roads and all-terrain vehicle (ATV) trails on wildlife management areas that have been designated as "handicapped only" trails.

HOUSE CONCURRENT RESOLUTION NO. 136—  
BY REPRESENTATIVE ROUSSELLE  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to increase the speed limit on Louisiana Highway 23 in Plaquemines Parish on certain areas of the roadway.

HOUSE CONCURRENT RESOLUTION NO. 201—  
BY REPRESENTATIVES MURRAY, COPELIN, WILLARD-LEWIS,  
MORRELL, HEATON, ODINET, WINDHORST, FORSTER, FARVE,  
LANDRIEU, SCALISE, A. ALEXANDER, CLARKSON, AND PRATT  
A CONCURRENT RESOLUTION

To proclaim Tuesday, June 3, 1997, as New Orleans Day in the Louisiana Legislature and to provide for suitable observance of this special day.

HOUSE CONCURRENT RESOLUTION NO. 204—  
BY REPRESENTATIVES CURTIS, ALARIO, A. ALEXANDER, R.  
ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE,  
BRUN, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE,  
DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DOERGE, DONELON,  
DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT,  
FORSTER, FRITH, FRUGE, GAUTREAUX, GLOVER, GREEN, GUILLORY,  
HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON,  
HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY,  
LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY,  
MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL,  
MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS,  
PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO,  
ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SHAW, JACK SMITH, JOHN  
SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL,  
TOOMY, TRAVIS, TRICHE, VITTER, WALSWORTH, WARNER, WELCH,  
WESTON, WIGGINS, WILKERSON, WILLARD-LEWIS, WINDHORST,  
WINSTON, AND WRIGHT AND SENATORS BAGNERIS, BAJOIE, BARHAM,  
BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS,  
DARDENNE, DEAN, DYESS, ELLINGTON, EWING, FIELDS, GREENE,  
GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON,  
JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX,  
ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER,  
THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION  
To express the condolences and the sincere regrets of the Legislature of Louisiana upon the death of Mr. Howard McCormick.

HOUSE CONCURRENT RESOLUTION NO. 89—  
BY REPRESENTATIVE WINDHORST  
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 1998 Regular Session of the Legislature R.S. 49:964(G)(6) only to the extent that it requires the court to find that an agency decision is "manifestly" erroneous in view of the reliable, probative, and substantial evidence on the whole record, thereby making the applicable standard of review to be erroneous in view of the reliable, probative, and substantial evidence on the whole record.

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 Concurrent Resolutions contained herein were signed  
by the President of the Senate.

**Adjournment**

Senator Bagneris moved that the Senate adjourn until Tuesday,  
June 3, 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 Tuesday, June 3, 1997.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk