

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

TWENTY-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

Wednesday, May 14, 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 was called with the following result:

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

Total—39

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:

May 13, 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 May 13, 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.

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**Privileged Report of the
Legislative Bureau**

May 14, 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. 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.

Reported without amendments.

HOUSE BILL NO. 735 (Duplicate of Senate Bill No. 308)—
BY REPRESENTATIVE FORSTER AND SENATOR HAINKEL AND
COAUTHORED BY REPRESENTATIVE MURRAY
AN ACT

To enact R.S. 14:403.5, relative to the reporting of gunshot wounds; to require medical professionals, medical practitioners, and associated personnel to report the treatment of gunshot wounds; to provide for information to be included in the report; to provide for certain immunity; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed House Bill No. 735 by Representative Forster

AMENDMENT NO. 1

In Senate Floor Amendment No. 13 proposed by Senator Hainkel and adopted by the Senate on May 13, 1997, on page 2, line 7, change "if" to "or"

HOUSE BILL NO. 739 (Duplicate of Senate Bill No. 311)—
BY REPRESENTATIVE FORSTER AND SENATOR HAINKEL
AN ACT

To amend and reenact Code of Criminal Procedure Art. 334(7), relative to factors considered in determining the amount of bail; to provide that results of tests for controlled dangerous substances by chemical tests of a defendant's blood, urine, or breath shall be considered in setting bail; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1166—

BY REPRESENTATIVE CARTER

AN ACT

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

Reported without amendments.

HOUSE BILL NO. 1167—

BY REPRESENTATIVE CARTER

AN ACT

To amend and reenact R.S. 47:1908(A)(19) and (C)(1), relative to the assessor's expense account in East Feliciana Parish; to provide for an increase in such account; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1532—

BY REPRESENTATIVE BRUCE

AN ACT

To amend and reenact R.S. 47:2180(A), relative to collection of ad valorem taxes; to provide for notice of delinquency; to provide that a taxpayer may designate an additional person to be notified of delinquent taxes; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1532 by Representative Bruce

AMENDMENT NO. 1

On page 2, line 5, following "to" and before the comma "," change "Paragraph (1) herein" to "Subparagraph (a)"

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 Resolutions

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

SENATE RESOLUTION NO. 36—

BY SENATOR THEUNISSEN

A RESOLUTION

To commend and congratulate Our Lady of the Lake Catholic Church Parish in Lake Arthur, Louisiana on the occasion of its seventy-fifth anniversary.

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

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

May 13, 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. 1290—

BY REPRESENTATIVES HUDSON, BRUCE, DUPRE, KENNARD, MARIONNEAUX, MCCAIN, MORRELL, PERKINS, AND ROMERO

AN ACT

To amend and reenact R.S. 40:981.3(D) and to enact R.S. 40:981.3(A)(3) and (C)(4), relative to drug-free zones; to add churches and religious buildings to the drug-free zone; to provide definitions; and to provide for related matters.

HOUSE BILL NO. 1426—

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 37:2401.2(B)(4), relative to the powers and duties of the Louisiana State Board of Physical Therapy Examiners; to provide for the employment of an executive director; and to provide for related matters.

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

House Bills and Joint Resolutions

Senator Lambert 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. 1290—

BY REPRESENTATIVES HUDSON, BRUCE, DUPRE, KENNARD, MARIONNEAUX, MCCAIN, MORRELL, PERKINS, AND ROMERO

AN ACT

To amend and reenact R.S. 40:981.3(D) and to enact R.S. 40:981.3(A)(3) and (C)(4), relative to drug-free zones; to add churches and religious buildings to the drug-free zone; to provide definitions; and to provide for related matters.

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

HOUSE BILL NO. 1426—

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 37:2401.2(B)(4), relative to the powers and duties of the Louisiana State Board of Physical Therapy Examiners; to provide for the employment of an executive director; 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.

Messages from the House

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

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Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 14, 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. 142— BY REPRESENTATIVE WILKERSON

A CONCURRENT RESOLUTION

To authorize and direct the Department of Transportation and Development to develop and initiate an internship program for students from all universities in the state and to announce the availability of the program at all universities.

HOUSE CONCURRENT RESOLUTION NO. 150— BY REPRESENTATIVE TRAVIS

A CONCURRENT RESOLUTION

To establish a special committee to study and review federal, state, and local laws, rules, regulations, and policies to assess and report as to the impact of electric retail competition and the economic impact of electric deregulation on the revenues of the state.

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

House Concurrent Resolutions

Senator Hollis 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. 142— BY REPRESENTATIVE WILKERSON

A CONCURRENT RESOLUTION

To authorize and direct the Department of Transportation and Development to develop and initiate an internship program for students from all universities in the state and to announce the availability of the program at all universities.

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

HOUSE CONCURRENT RESOLUTION NO. 150— BY REPRESENTATIVE TRAVIS

A CONCURRENT RESOLUTION

To establish a special committee to study and review federal, state, and local laws, rules, regulations, and policies to assess and report as to the impact of electric retail competition and the economic impact of electric deregulation on the revenues of the state.

On motion of Senator Bagneris, the resolution was read by title and referred to the Committee on Commerce and Consumer Protection.

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

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

SENATE BILL NO. 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.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 6 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 4, change "require" to "provide for" and after "felony" insert "or misdemeanor"

AMENDMENT NO. 2

On page 1, delete lines 11 through 14

AMENDMENT NO. 3

On page 1, line15, delete "(2)" and insert "A.(1)" and change "state crime may" to "felony shall"

AMENDMENT NO. 4

On page 2, line 3, change "state crime" to "felony"

AMENDMENT NO. 5

On page 2, between lines 9 and 10, insert the following:

"(2) Every person arrested for a misdemeanor may be required to submit to a pretrial drug test for the presence of designated substances in accordance with the provisions of this Article and rules of court governing such testing. A person arrested for a misdemeanor who tests positive for the presence of one or more of the designated substances set forth in Subparagraph (2) of Paragraph B of this Article or any person arrested for a violation of R. S. 40:961 through 1036, if released by order of court on his personal surety, shall meet the requirements of Article 315 for a personal surety and may, as a condition of bail, be required to participate in a pretrial drug testing program."

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

SENATE BILL NO. 59— BY SENATOR GUIDRY

AN ACT

To enact R.S. 32:295.3, relative to school buses; to implement a school bus safety belt pilot program in East Baton Rouge Parish; to provide for the promulgation of rules and regulations; to provide that the owner or operator of a school bus shall not be liable for injuries sustained by an individual not wearing a safety belt or child restraint system; to require a report on the pilot program; to require funding of program by the Board of Elementary and Secondary Education to the extent that funds are appropriated; 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. 59 by Senator Guidry

AMENDMENT NO. 1

On page 2, delete line 1 in its entirety

AMENDMENT NO. 2

On page 2, at the beginning of line 2, delete "August 15, 1997"

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 BILL NO. 234— BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 32:3 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), 45:163(E), and 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 determine required services of such center; to authorize participation of certain state agencies; to establish a coordinating authority; to determine responsibilities of such authority; and to provide for related matters.

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

SENATE BILL NO. 296— BY SENATOR JORDAN

A JOINT RESOLUTION

Proposing to amend Article I, Section 5 of the Constitution of Louisiana, relative to the right to privacy; to secure vehicles or other means of transportation against unreasonable searches, seizures, or invasions of privacy; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 296 by Senator Jordan

AMENDMENT NO. 1

On page 1, lines 3, delete "electronic transmissions and"

AMENDMENT NO. 2

On page 1, line 15, delete "electronic transmissions,"

AMENDMENT NO. 3

On page 2, line 15, delete "electronic transmissions, and"

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

SENATE BILL NO. 310— BY SENATOR HAINKEL

AN ACT

To enact R.S. 14:64.2(C), relative to offenses against property; to provide with respect to carjacking; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 310 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 2, after "To" delete "amend and reenact R.S. 14:64.2(B)" and insert in lieu thereof "enact R.S. 14:64.2(C)"

AMENDMENT NO. 2

On page 1, line 5, change "(B)" to "(C)" and change "amended and reenacted" to "enacted"

AMENDMENT NO. 3

On page 1, delete lines 9 through 12 and insert the following:

"R.S. 14:64.2(C) is all proposed new law.

C. If the offense is committed while the offender is armed with a dangerous weapon, the offender shall be imprisoned for not less than ten years and for not more than ninety-nine years, without benefit of parole, probation or suspension of sentence."

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

SENATE BILL NO. 427— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:2260(A)(7), relative to the Firefighters' Retirement System; to provide for computation of cost-of-living adjustments; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 478— BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 32:378.2(A)(1), the introductory paragraph of (A)(2)(a), and (B)(1) and (G), and to enact R.S. 32:378.2(A)(2)(a)(iv), relative to driving privileges of DWI offenders; to provide restricted driving privileges to certain DWI offenders who install ignition interlock devices in their vehicles; and to provide for related matters.

Reported by substitute by the Committee on Judiciary B. The bill was read by title; the committee substitute bill was read. Regular Session, 1997

SENATE BILL NO. (SUBSTITUTE FOR SENATE BILL 478 BY SENATOR JORDAN)

BY SENATOR JORDAN AND LANDRY

DWI. Expands the ability of DWI offenders to obtain restricted driving privileges upon installing ignition interlock devices.

AN ACT

To amend and reenact R.S. 32:414(A)(1)(b), (B)(2)(b), and (D)(1)(b), 667(B)(3), 668(B)(1)(c), and to enact R. S. 32:378.2(A)(2)(a)(iv); relative to driving privileges of DWI offenders; to provide restricted driving privileges to certain DWI offenders who install ignition interlock devices in their vehicles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:414(A) (1) (b), (B) (2) (b), and(D)(1)(b), 667(B)(3), and 668(B)(1)(c) are hereby amended and reenacted and R.S. 32:378.2 (A)(2)(a)(iv) is hereby enacted to read as follows:

§378.2. Ignition interlock devices; condition of probation for certain DWI offenders; restricted license
A. * * * *
(2) * * * *

(a) Notwithstanding the provisions of R.S. 32:414, 415.1, 667, 668, or any other provisions of law to the contrary, any person who has had his driver's license suspended, revoked, or cancelled under any of the following conditions, shall, upon proof to the Department of Public Safety and Corrections that his motor

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vehicle has been equipped with a functioning ignition interlock device as provided in this Section, be issued a restricted driver's license:

* * *

R.S. 32:378.2(A)(2)(a)(iv) is all proposed new law.

(iv) For submitting to a chemical test to determine the alcohol content of blood where the test results showed over ten percent blood alcohol level, or where the results showed under ten percent blood alcohol level but the person was nevertheless convicted of a law or ordinance which prohibits operating a vehicle while intoxicated.

* * *

§14. Suspension, revocation, and cancellation of licenses; judicial review

A.(1) * * *

(b) Any licensee who has had his driver's license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Section shall, upon proof to the Department of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device, be issued a restricted driver's license ~~in accordance with the provisions of R.S. 32:378.2(A)(2).~~ **In the event that the department fails or refuses to issue the restricted driver's license, the district court for the parish in which the licensee resides may issue an order directing the department to issue the restricted license either by ex parte order or after contradictory hearing.**

* * *

B. The department shall forthwith suspend the license of any person, for a period of twelve months, upon receiving satisfactory evidence of the conviction or of the entry of a plea of guilty and sentence thereupon or of the forfeiture of bail of any such person charged with any of the following crimes:

* * *

(2) * * *

(b) Any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Section shall, upon proof that his motor vehicle has been equipped with a functioning ignition interlock device, be issued a restricted driver's license ~~in accordance with R.S. 32:378.2(A)(2).~~ **In the event that the department fails or refuses to issue the restricted drivers license the district court for the parish in which the licensee resides may issue an order directing the department to issue the restricted license by ex parte order or after contradictory hearing.**

* * *

D.(1) * * *

(b) Any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Section shall, upon proof that his motor vehicle has been equipped with a functioning ignition interlock device, be issued a restricted driver's license in accordance ~~with the provisions of R.S. 32:378.2(A)(2).~~ **In the event that the department fails or refuses to issue the restricted driver's license the district court for the parish in which the licensee resides may issue an order directing the department to issue the restricted license either by ex parte order or after contradictory hearing.**

* * *

§667. Seizure of license; circumstances; temporary license

* * *

B. If such written request is not made by the end of the ten-day period, the person's license shall be suspended as follows:

* * *

(3) However, any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Subsection shall, upon proof to the Department of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device, be immediately eligible for and shall be

~~granted a restricted license in accordance with the provisions of R.S. 32:378.2(A)(2).~~ **In the event that the department fails or refuses to issue the restricted driver's license, the district court for the parish in which the licensee resides may issue an order directing the department to issue the restricted license either by ex parte order or after contradictory hearing.**

* * *

§668. Procedure following revocation or denial of license; hearing; court review; review of final order; restricted licenses

* * *

B.(1) * * *

(c) However, any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Subsection, shall, upon proof to the Department of Public Safety and Corrections, be immediately eligible for and shall be issued a restricted license ~~in accordance with the provisions of R. S. 32:378.2(A)(2).~~ **In the event that the department fails or refuses to issue the restricted driver's license, the district court for the parish in which the licensee resides may issue an order directing the department to issue the restricted license either by ex parte order or after contradictory hearing.**

* * *

On motion of Senator Jordan, the committee substitute bill was adopted and becomes Senate Bill No. 1556 by Senator Jordan, substitute for Senate Bill No. 478 by Senator Jordan.

SENATE BILL NO. 1556 (Substitute for Senate Bill 478 by Senator Jordan)—

BY SENATOR JORDAN AND LANDRY
AN ACT

To amend and reenact R.S. 32:414(A)(1)(b), (B)(2)(b), and (D)(1)(b), 667(B)(3), 668(B)(1)(c), and to enact R. S. 32:378.2(A)(2)(a)(iv); relative to driving privileges of DWI offenders; to provide restricted driving privileges to certain DWI offenders who install ignition interlock devices in their vehicles; and to provide for related matters.

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

SENATE BILL NO. 488—

BY SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 11:2178(J), relative to the Sheriffs' Pension and Relief Fund; to provide that survivors may apply for reciprocal recognition of service credit of deceased members; to provide for an effective date; and to provide for related matters.

Reported by substitute by the Committee on Retirement. The bill was read by title; the committee substitute bill was read. Regular Session, 1997

SENATE BILL NO. (SUBSTITUTE FOR SENATE BILL 488 BY SENATOR HEITMEIER)

BY SENATOR HEITMEIER
RETIREMENT CREDIT. Authorizes reciprocal recognition of creditable service for a survivor. (10/24/95)

AN ACT

To amend and reenact R.S. 11:142(A) and (B), relative to state and statewide retirement systems; to provide that survivors may apply for reciprocal recognition of service credit of deceased members; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:142(A) and (B) are hereby amended and reenacted to read as follows:

§142. Reciprocal recognition of credited service in state, parochial, and municipal systems

A. A member of any state, municipal, or parochial retirement system ~~who has with~~ membership service credit in any other state, municipal, or parochial retirement system, or an eligible survivor of a member, shall have the option of combining all service for which ~~he the member~~ has credit in every such retirement system in order that eligibility for regular retirement, disability retirement, and survivor's benefits may be acquired, subject to the limitations of this Section; however, such other credited service shall not be recognized until and unless the member has earned at least six months service credit in the member's current system.

B. To exercise such option, a member shall make application to the system in which he is currently contributing or to which he last contributed if he is not actively contributing to any system at the time of application, or an eligible survivor shall make application to the system in which the member last contributed. The application shall contain the name of all other retirement systems in which ~~he the member~~ claims membership service credit and any other necessary information. When the system receives the application it shall forward a copy thereof to each other retirement system in which the member claims credit. Each such application shall contain such information as is mutually agreed upon by the retirement systems involved. Each retirement system receiving the application shall certify to each other retirement system in which the member claims membership service credit the official membership service credit in that retirement system, including specific dates of such service, provided that certification of such agreements for reciprocal service shall be approved by the board of trustees of each such system when application is made by a survivor.

* * *

Section 2. The provisions of this Act shall be effective retroactive to October 24, 1995.

On motion of Senator Heitmeier, the committee substitute bill was adopted and becomes Senate Bill No. 1557 by Senator Heitmeier, substitute for Senate Bill No. 488 by Senator Heitmeier.

SENATE BILL NO. 1557 (Substitute for Senate Bill 488 by Senator Heitmeier)—

BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:142(A) and (B), relative to state and statewide retirement systems; to provide that survivors may apply for reciprocal recognition of service credit of deceased members; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 579—

BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To amend and reenact R.S. 9:224(A)(2) and 245(A)(1) and R.S. 40:34(C), 55, and 57, and to enact R.S. 37:22, R.S. 40:34(B)(2)(s), and Code of Civil Procedure Art. 1923, relative to applications for various licenses, vital statistics records and registries, and certain judicial proceedings; to require the inclusion of the social security numbers of individuals therein; to require parties to paternity and child support proceedings to file and update information regarding their location, identity, and employment; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 579 by Senator Hainkel

AMENDMENT NO. 1

On page 3, at the end of line 25, change "certificate" to "record"

AMENDMENT NO. 2

On page 4, line 10, after "placed in" insert "records relating to"

AMENDMENT NO. 3

On page 5, after line 4, insert the following:

"Section 6. The Department of Social Services shall submit to the Department of Health and Human Services the appropriate documents requesting an exemption from the mandatory laws and procedures in Section 466 of the Social Security Act relative to the requirement in Section 317 of The Personal Responsibility and Work Opportunity Reconciliation Act mandating the inclusion of social security numbers in certain transactions."

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

SENATE BILL NO. 583—

BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To amend and reenact Civil Code Art. 203(B)(1) and to enact Civil Code Art. 206, relative to illegitimate children; to provide the effect of a declaration of legitimation or acknowledgment; to provide with respect to rescission of such acknowledgments; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 583 by Senator Hainkel

AMENDMENT NO. 1

On page 2, at the beginning of line 8, after "(1)" change "Within sixty" to "Sixty", and after "of the" and before "notarial", delete "erroneous"

AMENDMENT NO. 2

On page 2, at the beginning of line 11, after "(2)", change "In a" to "A"

AMENDMENT NO. 3

On page 2, at the end of line 13, after "proceeding" delete the remainder of the line and delete line 14 in its entirety and insert a period "."

AMENDMENT NO. 4

On page 2, line 16, delete "rescind" and insert "petition the court to void"

AMENDMENT NO. 5

On page 2, at the beginning of line 17, after "declaration" and before "upon proof", insert "only"

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

SENATE BILL NO. 585—

BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To enact R.S. 9:315.24, relative to child support; to specify that an obligee of child support may seek enforcement of the obligation by all lawful means, including a revocatory or oblique action; to require DSS to pursue such action; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original

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Senate Bill No. 585 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 5, delete "to provide a definition for "insolvency";"

AMENDMENT NO. 2

On page 2, delete lines 10 through 15 in their entirety

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

SENATE BILL NO. 628—

BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To enact R.S. 30:2089, relative to fees for the office of water resources within the Department of Environmental Quality; to provide for an increase in fees charged by the office of water resources; to provide for limitations on the amount of fee increases; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 628 by Senator Hainkel, et al.

AMENDMENT NO. 1

On page 1, line 2, after "enact" change "R.S. 30:2014(D)(4)," to "R.S. 30:2089," and between "for" and "the" insert "the office of water resources within"

AMENDMENT NO. 2

On page 1, line 4, between "the" and "to" change "department;" to "office of water resources;"

AMENDMENT NO. 3

On page 1, line 7, change "R.S. 30:2014(D)(4)" to "R.S. 30:2089"

AMENDMENT NO. 4

On page 1, delete lines 8 through 13 in their entirety and insert in lieu thereof the following:

"§2089. Fees

R.S. 30:2089 is all new law.

A. The legislature finds that in order to provide for the development of Total Maximum Daily Load (TMDL) determinations and as otherwise may be necessary to protect the waters of the state of Louisiana, it is necessary for the Department of Environmental Quality to increase the fees assessed by the office of water resources as set forth below."

AMENDMENT NO. 5

On page 1, at the beginning of line 14, change "(4)" to "B." and after "Article" change "7" to "VII"

AMENDMENT NO. 6

On page 1, line 15, between "the" and "Louisiana" insert "Constitution of" and after "Louisiana" insert a comma "," and delete "Constitution, prior to December 31, 1999," and at the end of line 15, after "the" insert "office of water resources within the"

AMENDMENT NO. 7

On page 1, line 16, after "may" delete "modify" and insert in lieu thereof "increase by seven and one-half percent" and between "fee" and "authorized" insert "associated with this Chapter and" and after "Subtitle" delete the remainder of the line and insert in lieu thereof the

following:

"The effective date of such increase shall not be before July 1, 1998. The office of water resources may further increase by seven and one-half percent any fee associated with this Chapter and authorized by this Subtitle, and such additional increase shall not be effective before July 1, 1999."

AMENDMENT NO. 8

On page 2, delete lines 1 through 3 and insert in lieu thereof the following:

"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 in 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 Lambert, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 681—

BY SENATOR BARHAM

AN ACT

To enact R.S. 14:72.2, relative to misappropriation without violence; to provide for the crime of monetary instrument abuse; to provide definitions and penalties for such an offense; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 681 by Senator Barham

AMENDMENT NO. 1

On page 1, line 10, change "utters, or" to "issues," and after "possesses" insert "sells, or otherwise transfers"

AMENDMENT NO. 2

On page 1, line 16, change "receives" to "issues"

AMENDMENT NO. 3

On page 2, delete lines 9 through 12, and insert the following:

"(2) "Forged" means the false making or altering, with intent to defraud, of any signature to, or any part of, any writing purporting to have legal efficacy."

AMENDMENT NO. 4

On page 2, line 15, delete the last word "bill," and on line 16, delete "check, draft,"

AMENDMENT NO. 5

On page 2, line 17, delete "personal check,"

AMENDMENT NO. 6

On page 2, line 19, delete "evidence of indebtedness,"

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

SENATE BILL NO. 868—
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:2178(K), relative to the Sheriffs' Pension and Relief Fund; to provide with respect to cost-of-living adjustments; to provide for the payment of cost-of-living adjustments on the current benefit being received; to establish maximum and minimum allowable cost-of-living adjustments; and to provide for related matters.

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

SENATE BILL NO. 876—

BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To amend and reenact the introductory paragraph of R.S. 6:333(B) and to enact R.S. 6:333(F)(14) and R.S. 46:236.1 (A)(5) and (6) and (D)(1)(d), relative to the disclosure of certain financial data to child support enforcement services; to provide with respect to liability for such disclosure; to provide for penalties; to provide for data matches; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 876 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 10, change "is" to "are"

AMENDMENT NO. 2

On page 1, line 16, delete "and (e)"

AMENDMENT NO. 3

On page 2, line 20 change "(A) to "A."

AMENDMENT NO. 4

On page 2, line 23, change ";" to ":"

AMENDMENT NO. 5

On page 2, lines 24 and 26, change "section" to "Section"

AMENDMENT NO. 6

On page 3, lines 2 and 4, change "section" to "Section"

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

SENATE BILL NO. 881—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 17:3977(B)(3), and to enact R.S. 17:3977(E), relative to the charter schools demonstration program; to require compliance by charter schools with the public bid law; to provide that charter schools be subject to certain audits; and to provide for related matters.

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

SENATE BILL NO. 898—
BY SENATOR JORDAN

AN ACT

To enact R.S. 14:98.1 and Code of Criminal Procedure Art. 814(A)(59), relative to driving offenses; to create the crime of operating a vehicle while impaired; to provide penalties; to provide responsive verdicts for the crime of operating a vehicle while impaired; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 898 by Senator Jordan

AMENDMENT NO. 1

On page 2, line 5, after "is" insert "impaired by reason of being"

AMENDMENT NO. 2

On page 2, line 7, after "40:964," delete the remainder of the line and delete lines 8 and 9 and insert "or any substance which has impaired such person's ability to operate a motor vehicle."

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

SENATE BILL NO. 899—
BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 49:992(D)(1) and to enact R.S. 49:992(D)(8), relative to the division of administrative law; to provide for the exemption of the Department of Public Safety and Corrections from provisions requiring adjudications by the division of administrative law; and to provide for related matters.

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

SENATE BILL NO. 900—
BY SENATOR JORDAN

AN ACT

To enact Part XVI of Chapter 3 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R. S. 32:681, relative to enforcement of laws involving motor vehicles; to require a video tape of all traffic stops; to provide for preservation of tapes; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 900 by Senator Jordan

AMENDMENT NO. 1

On page 2, at the end of line 6, add "Malfunction or mechanical failure of video tape equipment shall not be cause for the dismissal of any violations or offenses written pursuant to or in connection with such traffic stops."

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

SENATE BILL NO. 914—
BY SENATORS COX AND JOHNSON

AN ACT

To amend and reenact R.S. 15:1204.2(B)(4) and 1204.4, to enact R.S. 14:107.2 and R.S. 40:2403(H), relative to offenses affecting the general peace and order; to provide for hate crimes; to provide for penalties; to provide for the training of law enforcement officers; to provide for record keeping and reporting; to provide for studies by the Louisiana Commission on Human Rights; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

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Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 914 by Senator Cox

AMENDMENT NO. 1
On page 3, line 3, delete "simple or"

AMENDMENT NO. 2
On page 3, line 8, delete "defamation,"

AMENDMENT NO. 3
On page 3, line 11, delete "criminal" and on line 12, delete "mischief,"

AMENDMENT NO. 4
On page 3, line 18, change "thousand" to "hundred"

AMENDMENT NO. 5
On page 3, line 19, delete "with or without hard labor" and change "five" to "one"

AMENDMENT NO. 6
On page 3, line 20, change "years" to "year"

AMENDMENT NO. 7
On page 3, line 25, change "ten" to "five"

AMENDMENT NO. 8
On page 3, line 26, change "ten" to "five"

AMENDMENT NO. 9
On page 4, line 6, change "shall" to "may"

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

SENATE BILL NO. 959—
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To amend and reenact R.S. 15:587(A)(2) and R.S. 46:282(A), relative to access to criminal history information; to authorize the Department of Social Services, office of community services to access all criminal history record information maintained by the Louisiana Bureau of Criminal Identification and Information on foster and adoptive parent applicants and adult members of foster and adoptive parent households and to obtain and use Federal Bureau of Investigation criminal history records for screening those individuals; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 959 by Senator Hainkel

AMENDMENT NO. 1
On page 1, line 2, after "(A)" insert ", relative to access to criminal history information;"

AMENDMENT NO. 2
On page 1, line 7, change "utilize FBI" to "use Federal Bureau of Investigation"

AMENDMENT NO. 3
On page 1, line 10, change "and R.S. 46:282(A) are" to "is"

AMENDMENT NO. 4
On page 1, delete lines 14 and 15, and insert the following:

"A.(1) * * *

AMENDMENT NO. 5
On page 2, between lines 22 and 23 insert the following:

"Section 2. R.S. 46:282(A) is hereby amended and reenacted to read as follows:"

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

SENATE BILL NO. 1076—
BY SENATOR JOHNSON
AN ACT

To enact R.S. 14:97.1, relative to criminal offenses; to provide for the offense of solicitation on an interstate highway; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 1076 by Senator Johnson

AMENDMENT NO. 1
On page 1, line 3, change "state highways" to "an interstate highway"

AMENDMENT NO. 2
On page 1, line 7, change "a state" to "an interstate"

AMENDMENT NO. 3
On page 1, line 9, change "a state" to "an interstate"

AMENDMENT NO. 4
On page 1, line 11, after "any" delete the remainder of the line and insert in lieu thereof "interstate highway, any entrance or exit ramp of an interstate highway or any area within two hundred feet of the base of an entrance or exit ramp of an interstate highway."

AMENDMENT NO. 5
On page 1, line 12, change "a state" to "an interstate"

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

SENATE BILL NO. 1087—
BY SENATOR HAINKEL
AN ACT

To enact R.S. 12:96, relative to prescriptive and preemptive periods for actions against officers and directors of business corporations; to provide with respect to liability of directors and officers of business corporations; to provide with respect to prescriptive and preemptive periods for actions against directors and officers; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1087 by Senator Hainkel

AMENDMENT NO. 1
On page 1, line 14, after "director" and before "or" delete the comma "," and on line 15, after "officer" insert a comma ","

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

SENATE BILL NO. 1090—
BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 35:323(A), (B), and (C)(1) and (3), 323.1(A) and (B), 327, 328, 331, 332, 334, 335, 336(A) and (B), 337, 337.1, and 338, and to enact R.S. 35:321(3), and to repeal R.S. 35:323(D) and (G) and 329, relative to notaries public and commissioners; to provide for the appointment of notaries; to provide for changes in the office of the custodian of notarial records for the parish of Orleans; to provide for the preservation of notarial records; to increase the fees to be charged by the custodian of notarial records; to provide for the use and separate location of microfilm records; to provide for the testing of sureties on bonds and for the giving of new bond; to provide for the revocation of a non-attorney's commission for failure to furnish bond; to provide for notice by the custodian of the bond expiration date; to provide sanction for act after expiration of bond or after surety canceled; to provide for the appointment of a deputy and an archivist; to provide for unbudgeted funds collected by the custodian of notarial records; to provide for the annual budget; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1090 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 35:191(A)," and insert "R.S. 35:"

AMENDMENT NO. 2

On page 1, line 2, after "(C)(1)" insert "and (3)"

AMENDMENT NO. 3

On page 1, line 3, after "337" delete the remainder of the line and insert the following:
", 337.1, and 338,"

AMENDMENT NO. 4

On page 2, line 4, delete "R.S. 35:191(A)," and insert "R.S. 35:" and after "(C)(1)" insert "and (3)"

AMENDMENT NO. 5

On page 2, line 5, after "337" delete the remainder of the line and insert the following ", 337.1, and 338 are hereby"

AMENDMENT NO. 6

On page 2, delete lines 8 through 14 in their entirety

AMENDMENT NO. 7

On page 6, line 6, after "and" insert "are" and on line 18, change "deem" to "deems"

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

SENATE BILL NO. 1128—

BY SENATOR ELLINGTON AND REPRESENTATIVE KENNEY
AN ACT

To amend and reenact Section 2 of Act No. 32 of the 1993 Regular Session of the Legislature, relative to disavowal of paternity; to provide additional time for disavowal 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 Original Senate Bill No. 1128 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 13, after "any" insert "**future**"

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

SENATE BILL NO. 1164—

BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To amend and reenact R.S. 13:4291 and to enact R.S. 46:236.10, relative to the enforcement of child support obligations by the Department of Social Services; to provide with respect to judgments created by operation of law; to dispense with the requirement of a summary proceeding in certain cases; to provide for the filing of such judgments which have the effect of a legal mortgage and privilege; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1164 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 12, after "~~modification~~" delete ";

AMENDMENT NO. 2

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

"C. The department shall provide notice to the child support obligor whenever a "Child Support Mortgage and Privilege by Affidavit of DSS" is filed and recorded. The notice shall advise the child support obligor that he has fifteen days to file an appeal. Upon notice of appeal, the department shall schedule a judicial hearing."

AMENDMENT NO. 3

On page 3, line 6, after "affidavit" insert a comma ",,"

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

SENATE BILL NO. 1171—

BY SENATORS HAINKEL, DARDENNE, AND EWING
AN ACT

To amend and reenact R.S. 39:1593, relative to state procurement contracts; to provide for facsimile solicitations for procurement in certain state contracts; to provide for certain documentation; to provide for competitive procurement methods other than sealed bids under certain circumstances; 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. 1171 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 4, after "documentation;" insert "to provide for competitive procurement methods other than sealed bids under certain circumstances;"

AMENDMENT NO. 2

On page 1, line 14, delete "The" and insert "Notwithstanding any other

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provisions of this Section to the contrary and in accordance with rules and regulations promulgated by the commissioner in accordance with the Administrative Procedure Act, the"

AMENDMENT NO. 3

On page 1, line 15, delete "and in accordance with"

AMENDMENT NO. 4

On page 1, delete line 16, and insert "the commissioner,"

AMENDMENT NO. 5

On page 2, line 1, delete "administration,"

AMENDMENT NO. 6

On page 2, line 6, after "applicable" insert "if the value of the contract is fifty thousand dollars or less and only"

AMENDMENT NO. 7

On page 2, line 6, after "provided" insert "to the commissioner"

AMENDMENT NO. 8

On page 2, after line 7, insert the following:

"R.S. 39:1593(C) is all proposed new law.

C. (1) Notwithstanding any other provision of this Section to the contrary, with the approval of the commissioner and the written determination by the director of state purchasing that the best interests of the state would be served, a competitive request for proposals process as provided in this Subsection may be used in the following circumstances:

(a) For the procurement of high technology acquisitions or of complex services.

(b) Through a contract with a group purchasing organization, for the procurement of medical and laboratory supplies and medical equipment required for the purpose of diagnosis or direct treatment of a patient by a health care provider in a hospital or clinical setting, provided the commissioner determines the total cost to be less than the state procurement prices and in the best interest of the state.

(2)(a) For a contract to be let under the provisions of this Subsection, the agency shall give adequate public notice of the request for proposals by advertising in the official journal of the state at least thirty days before the last day that proposals will be accepted. In addition, the agency shall mail written notice to persons, firms, or corporations who are known to be in a position to furnish the required services at least thirty days before the last day that proposals will be accepted.

(b) The request for proposals shall clearly state the technological or other outcome desired from the procurement of the technological or complex systems and/or services, if applicable, and shall indicate the relative importance of price and other evaluation factors, the criteria to be used in evaluating the proposals, and the time frames within which the work must be completed.

(c) Written or oral discussions shall be conducted with all responsible offerers who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerers. Discussions need not be conducted:

(i) If prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions.

(ii) If time of delivery or performance will not permit discussions.

(iii) If it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the particular service that acceptance of an initial offer without discussion would result in fair and reasonable prices and the request for proposals notifies all offerers of the possibility that award may be made on the basis of the initial offers.

(d)(i) Award shall be made to the responsible offerer whose proposal is determined in writing by the agency to be the most advantageous to the state, taking into consideration review of price and the evaluation factors set forth in the request for proposals.

(ii) A request for proposals or other solicitation may be cancelled

or all proposals may be rejected only if it is determined, based on reasons provided in writing, that such action is taken in the best interest of the state.

(e) Each contract entered into pursuant to this Subsection shall contain as a minimum: description of the work to be performed and/or objectives to be met, when applicable; amount and time of payments to be made; description of reports or other deliverables to be received, when applicable; date of reports or other deliverables to be received, when applicable; responsibility for payment of taxes, when applicable; circumstances under which the contract can be terminated either with or without cause; remedies for default; and a statement giving the legislative auditor the authority to audit records of the individual(s) or firms(s).

(f)(i) Upon entering into a contract, the using agency shall have full responsibility for the diligent administration and monitoring of the contract. The director of state purchasing may require the using agency to report at any time on the status of any such outstanding contracts to which the using agency is a party. After completion of performance under a contract, the using agency shall evaluate contract performance and the utility of the final product. This evaluation shall be delivered to the director of state purchasing within one hundred twenty days after completion of performance and shall be retained in the official contract file.

(ii)(aa) No contract shall be valid, nor shall the state be bound by the contract, until it has first been executed by the head of the using agency, or his designee, which is a party to the contract and the contractor and has been approved in writing by the director of state purchasing.

(bb) In cases where the head of the using agency wants to delegate authority to one or more of his subordinates to sign contracts on behalf of the agency, this delegation shall be made in accordance with regulations of the commissioner and shall be subject to the approval of the director of state purchasing."

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. 1217—

BY SENATOR EWING

AN ACT

To amend and reenact R.S. 30:2524 and to enact R.S. 30:2525(C)(19), relative to litter; to create the Louisiana Litter Abatement Grant Program; to provide relative to grant authority of the program; to provide relative to approved uses of grant money; to require monetary match by recipients of grant money; to require the promulgation of rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 1217 by Senator Ewing

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 30:2524 and" delete "2525(C)(19)," and insert in lieu thereof "to enact R.S. 30:2525(C)(19),"

AMENDMENT NO. 2

On page 1, at the beginning of line 6, before "grant" delete "to" and insert in lieu thereof "of"

AMENDMENT NO. 3

On page 1, line 9, after "R.S. 30:2524" delete "and 2525(C)(19) are" and insert in lieu thereof "is"

AMENDMENT NO. 4

On page 1, line 10, between "reenacted" and "to" insert "and R.S.

30:2525(C)(19) is hereby enacted”

AMENDMENT NO. 5

On page 3, line 5, between “award” and “and” insert a comma “;”

AMENDMENT NO. 6

On page 3, line 10, between “not” and “be” delete “necessarily”

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

SENATE BILL NO. 1252—

BY SENATOR BAGNERIS

AN ACT

To enact Chapter 18 of Title VIII of the Louisiana Children's Code, to be comprised of Arts. 917 through 922, relative to the motion, procedure, and grounds for expungement of court or agency records concerning juvenile activity; to provide an age limit for eligibility for expungement; to provide a framework of time requirements for eligibility; and to provide for related matters.

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

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.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 1256 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 11, change "corporation" to "board"

AMENDMENT NO. 2

On page 1, line 12, change "corporation" to "board"

AMENDMENT NO. 3

On page 1, line 16, change "corporation" to "Louisiana Gaming Control Board"

AMENDMENT NO. 4

On page 2, line 2, change "corporation" to "board"

AMENDMENT NO. 5

On page 2, line 4, change "corporation" to "board"

AMENDMENT NO. 6

On page 2, line 5, change "corporation" to "board"

AMENDMENT NO. 7

On page 2, line 6, change "corporation" to "board"

AMENDMENT NO. 8

On page 2, line 8, change "corporation" to "board"

AMENDMENT NO. 9

On page 2, line 19, change "Economic Development and Gaming Corporation" to "Gaming Control Board"

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

SENATE BILL NO. 1305—

BY SENATOR COX

AN ACT

To amend and reenact R.S. 47:101(A)(1), relative to returns and payment of tax; to require all individuals required to file a federal tax return, to file a state tax return; 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. 1305 by Senator Cox

AMENDMENT NO. 1

On page 1, line 12, after "income tax return." insert "No tax shall be due for any taxable period for which an individual income tax return is not required to be filed pursuant to this Section."

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 BILL NO. 1317—

BY SENATOR GUIDRY

AN ACT

To repeal Code of Civil Procedure Art. 3945, relative to incidental orders of temporary child custody; to repeal provisions relative to rendering of a temporary custody order ancillary to a divorce or other summary proceeding for temporary custody; and to provide for related matters.

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

SENATE BILL NO. 1343—

BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 9:334(A) and (E), relative to child custody dispute mediation; to establish qualifications of child custody dispute mediators who supervise co-mediation training; to provide regarding the authority to promulgate rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 1343 by Senator Bagneris

AMENDMENT NO. 1

On page 1, line 2, after "9:334(A)" insert "and (E)"

AMENDMENT NO. 2

On page 1, line 4, after "training;" insert "to provide regarding the authority to promulgate rules and regulations;"

AMENDMENT NO. 3

On page 1, line 6, after "9:334(A)" insert "and (E)"

AMENDMENT NO. 4

On page 1, line 10, change "must" to "shall"

AMENDMENT NO. 5

On page 2, after line 14, insert the following:

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"E. The ~~supreme court~~ Louisiana State Bar Association may promulgate rules and regulations governing dispute mediator registration and qualifications, and may establish a fee not to exceed one hundred dollars for registration sufficient to cover associated costs."

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

SENATE BILL NO. 1364—
BY SENATOR BAJOIE

AN ACT

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

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

SENATE BILL NO. 1408—
BY SENATOR HAINKEL

AN ACT

To enact Code of Civil Procedure Art. 1913(E), relative to motions to dismiss; to provide for the validity of certain motions without the necessity of mailing of the final judgment; and to provide for related matters.

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

SENATE BILL NO. 1428—
BY SENATOR DEAN

AN ACT

To amend and reenact R.S. 16:574(A)(2), relative to the district attorney's office in the Twenty-Fifth Judicial District; to delete the authority of the district attorney to increase salaries of the assistant district attorneys up to ten percent annually without the approval of the governing authority; to delete certain expenditures from the portion of the annual budget of the district attorney which the governing authority can not reduce without the district attorney's consent; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 1428 by Senator Dean

AMENDMENT NO. 1

On page 1, line 2, after "16:574(A)(2)" insert "," and delete the remainder of the line and delete line 3

AMENDMENT NO. 2

On page 1, line 13, after "16:574(A)(2)" delete "and (C) are" and insert in lieu thereof "is"

AMENDMENT NO. 3

On page 2, delete lines 17 through 27

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

SENATE BILL NO. 1488—
BY SENATOR CAIN AND REPRESENTATIVES BARTON AND HILL
AN ACT

To enact Part XIII-A of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1137 through 1139, relative to sentencing of certain inmates; to provide for purposes; to provide

for a community-based drug punishment center; to provide for duties of the Department of Public Safety and Corrections; to provide for a pilot program; to provide for sentencing to such center; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 1488 by Senator Cain

AMENDMENT NO. 1

On page 4, lines 14 and 15, change "for the first year of operation" to "for the duration of the treatment program"

AMENDMENT NO. 2

On page 5, line 2, change "The selected vendor shall have" to "Provide the selected vendor"

AMENDMENT NO. 3

On page 5, line 7, change "The Secretary of the of" to "The secretary of the"

AMENDMENT NO. 4

On page 5, line 20, change "Judiciary C" to "Judiciary B"

AMENDMENT NO. 5

On page 6, line 6, delete "without hard labor"

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

SENATE BILL NO. 1489—
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 27:15(B)(2) and to enact R.S. 27:15(B)(10), relative to the Louisiana Gaming Control Board, to provide for compulsory meetings; to provide relative to meeting locations; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 1489 by Senator Jones

AMENDMENT NO. 1

On page 1, line 2, after "(B)(2)" insert "and to enact R.S.27: 15(B)(10)"

AMENDMENT NO. 2

On page 1, line 3, after "meetings;" insert "to provide relative to meeting locations;"

AMENDMENT NO. 3

On page 1, line 6, after "reenacted" insert "and R.S. 27:15(B)(10) is hereby enacted"

AMENDMENT NO. 4

On page 1, line 14, after "Meet" insert "not less often than once a month and as nearly as practicable" and delete "fifteenth" and insert in lieu thereof "same"

AMENDMENT NO. 5

On page 1, line 15, after "Subsection" delete the remainder of the line and on page 2, delete lines 1 and 2 and insert a period and the following:

"(10) Arrange for a permanent location for monthly meetings which has adequate space to accommodate the public."

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

SENATE BILL NO. 1490—
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 27:306(A)(5), relative to the Video Draw Poker Devices Control Law; to provide with respect to the licensure of qualified truck stop facilities; to provide for the leasing of aspects of the business within qualified truck stop facilities; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No.1490 by Senator Jones

AMENDMENT NO.1

On page 2, line 7, delete "an" and on line 8, delete "affidavit in which he agrees to" and insert in lieu thereof "a written lease which contains a requirement that the lessee or sublessee"

AMENDMENT NO. 2

On page 2, line 9, after "devices." insert "No such lessee or sublessee shall be required to meet suitability requirements unless he receives, as a result of the lease, any video draw poker device operation revenue."

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

SENATE BILL NO. 1491—
BY SENATOR LANDRY

AN ACT

To enact R.S. 11:1523(H), relative to the Clerks' of Court Retirement and Relief Fund; to provide with respect to survivor benefits; to provide for an effective date; and to provide for related matters.

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

SENATE BILL NO. 1501—
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 11:1632(A)(2) and to enact R.S. 11:1631(B)(3), relative to the District Attorneys Retirement System; to authorize eligibility for certain retirement benefits at age sixty or older with ten years of creditable service; to provide relative to eligibility for certain benefits in such system; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Original Senate Bill No. 1501 by Senator Romero

AMENDMENT NO. 1

On page 1, line 2, after "1632(A)(2)" insert " and to enact R.S. 11:1631(B)(3)"

AMENDMENT NO. 2

On page 1, line 4, after "service;" insert "to provide relative to eligibility for certain benefits in such system;"

AMENDMENT NO. 3

On page 1, line 8, after "reenacted " insert "and 1631(B)(3) is hereby

enacted"

AMENDMENT NO. 4

On page 1, between lines 9 and 10, insert the following:

"§1631. Retirement benefits; application; eligibility requirements
* * *

B. * * *

R.S. 11:1631(B)(3) is all proposed new law.

(3) Any person who was a member of the system on or after July 1, 1990, shall be eligible for and receive benefits as specified in R.S. 11:1632 unless he notifies the board of trustees in writing of his election to receive benefits under R.S.11: 1633 prior to January 1, 1998. Any person making an election pursuant to this Paragraph shall pay any actuarial costs to the system resulting from such election.
* * *"

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

Senate Bills and Joint Resolutions
on Second Reading

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

SENATE BILL NO. 1555 (Substitute for Senate Bill No. 851 by Senator Short)—

BY SENATOR SHORT

AN ACT

To amend and reenact R.S. 47:463.20(A), 463.25(A), 463.27(A), 463.29(A), 463.32(A), 463.34(A), 463.36(A), 463.37(A), 463.38(A), 463.41(A), 463.42(A), and 463.45(A), relative to motor vehicles; to authorize the issuance of certain prestige plates for recreational vehicles; and to provide for related matters.

On motion of Senator Landry, the bill was read by title and ordered engrossed and passed to a third reading.

House Bills and Joint Resolutions
on Second Reading
Reported by Committees

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

HOUSE BILL NO. 41—

BY REPRESENTATIVES RIDDLE AND FRITH

AN ACT

To amend and reenact R.S. 9:315.13, relative to the guidelines for the determination of child support; to provide for allocation of the federal and state tax dependency deductions in certain cases; 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. 598—

BY REPRESENTATIVE BARTON

AN ACT

To amend and reenact R.S. 17:2007(A) and (D), 2050, and 3217 and to enact Part III-B of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1825, relative to public higher education; to recognize Bossier Parish Community College as a two-year institution of higher education; to transfer Bossier Parish Community College from the Bossier

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Parish School Board to the Board of Trustees for State Colleges and Universities; to provide for the supervision and management of the community college by the Board of Trustees for State Colleges and Universities; to provide with regard to the students, faculty, employees, funds, obligations, programs, and functions of Bossier Parish Community College; to provide with regard to the lands, buildings and improvements, facilities, and other property of Bossier Parish Community College; to provide relative to the composition of the University of Louisiana system; 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.

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.

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. 1088—
BY REPRESENTATIVE WIGGINS
AN ACT

To amend and reenact R.S. 9:2799.5(A), (B), and (D), relative to offenses and quasi offenses; to limit liability of health care providers, who gratuitously render services in or for community health care clinics, if prior notice of the limitation of liability is given to the person receiving services; to delete obsolete reference to certain health care providers; 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. 1088 by Representative Wiggins

AMENDMENT NO. 1
On page 1, line 2, delete "(A), (B), and (D)"

AMENDMENT NO. 2
On page 1, line 6, after "services;" and before "to delete" insert "to limit liability of community pharmacies which gratuitously render medication;"

AMENDMENT NO. 3
On page 1, line 9, delete "(A), (B), and (D) are" and insert in lieu thereof "is"

AMENDMENT NO. 4
On page 1, line 12, after "clinics;" and before "legislative" insert "community pharmacies;"

AMENDMENT NO. 5
On page 1, line 16, after "care" and before "is" insert "and medication"

AMENDMENT NO. 6
On page 2, line 1, delete "provides" and insert in lieu thereof "and the availability of free medication provide"

AMENDMENT NO. 7
On page 2, line 2, after "services" and before "which" insert "and pharmaceuticals"

AMENDMENT NO. 8
On page 3, delete line 13 in its entirety and insert in lieu thereof the following:

"C.(1) No pharmacist who gratuitously renders services in a community pharmacy shall be liable for any civil damages as a result of any act or omission in preparing, bottling, or supplying such pharmaceutical products, unless the damages were caused by the gross negligence or willful or wanton misconduct of the pharmacist.

(2) The provisions of this Subsection shall be applicable only if the community pharmacy posts, in a convenient and conspicuous place where persons entering the pharmacy will see it, a notice reading substantially as follows: "NOTICE - If you are harmed by medication which you receive here, you do not have the same legal recourse as you would have against other pharmacies." The notice shall be printed in type size sufficient to be easily read by persons upon entering the facility. Failure to keep such notice posted as provided negates the limitation of liability provided by this Subsection.

D. For purposes of this Section:

(1) "Community health care clinic" means a nonprofit organization qualified or eligible for qualification as a tax-exempt organization under 26 U.S.C. 501, which operates a medical clinic solely for educational or charitable purposes, whose principal function is to supply facilities, volunteer staff, and other support for the rendering of gratuitous medical or dental treatment.

(2) "Community pharmacy" means a nonprofit organization qualified or eligible for qualification as a tax-exempt organization under 26 U.S.C. 501, which operates a pharmacy solely for charitable purposes, whose principal function is to supply gratuitous pharmaceuticals.

(3) "Health care provider" means a clinic, person, corporation, facility, or institution which provides health care or professional services by a physician, clinic, dentist, registered or licensed practical nurse, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, psychologist, or psychiatrist, and any officer, employee, or agent thereof acting in the course and scope of his employment.

(4) "Pharmacist" means a pharmacy, person, corporation, facility, or institution which supplies pharmaceuticals prepared or bottled, or both, by the pharmacists, and otherwise handled by any officer, employee, or agent thereof acting in the course and scope of his service or employment.

AMENDMENT NO. 9
On page 3, at the beginning of line 14, change "D." to "E."

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. 1330—
BY REPRESENTATIVE THOMPSON
AN ACT

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

Reported with amendments by the Committee on Agriculture.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture to Engrossed House Bill No. 1330 by Representative Thompson

AMENDMENT NO. 1

On page 2, line 12 change "dog pound" to "animal control agency"

AMENDMENT NO. 2

On page 2, line 24 change "dog pound" to "animal control agency"

On motion of Senator Cain, 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. 1392—

BY REPRESENTATIVE RIDDLE

AN ACT

To amend and reenact R.S. 9:374(B), relative to community property; to authorize the court to award to one spouse the possession and use of the community family home and other community property subsequent to filing a petition for separation of property during the marriage; 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. 1400—

BY REPRESENTATIVE BRUNEAU

AN ACT

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

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to Engrossed House Bill No. 1400 by Representative Bruneau

AMENDMENT NO. 1

On page 1, at the beginning of line 15, insert "A."

AMENDMENT NO. 2

On page 1, delete line 16 and insert:

"allowance, to the return of contributions, the pension, annuity, or"

AMENDMENT NO. 3

On page 2, delete lines 3 through 6 and insert:

"provided in R.S. 11:292, and shall be unassignable except as in this Chapter specifically otherwise provided.

B. Notwithstanding the provisions of Subsection A of this Section or any other provision of law to the contrary, the right of a member of this system to the return or refund of employee contributions may be assigned to any municipal employees' credit union in consideration of a loan."

On motion of Senator Heitmeier, 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. 1762 —

BY REPRESENTATIVES DAMICO AND DEWITT

AN ACT

To amend and reenact R.S. 30:2039(A) and to enact R.S. 30:2039(F), relative to solid waste; to provide for notice and recordation; to provide for waivers; to provide for evidence; 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. 1762 by Representative Damico

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 30:2039(F)" insert "and 2154(B)(8)(c)"

AMENDMENT NO. 2

On page 1, line 4, after "evidence;" insert "to provide for regulation of certain waste and debris;"

AMENDMENT NO. 3

On page 1, line 7, after "30:2039(F)" delete "is" and insert in lieu thereof "and 2154(B)(8)(c) are"

AMENDMENT NO. 4

On page 3, after line 5 insert the following:

"(3) The secretary shall not waive the notice requirement for any landowner until the department has conducted a physical inspection of the property to insure there is no potential threat to health or the environment.

* * *
§2154. Powers; duties; restrictions; prohibitions; penalties
* * *

B. * * *
(8) * * *

(c) Industrial solid waste and construction and demolition debris that are casually dropped to or placed on the ground on site at industrial facilities are subject to regulation when any of the following circumstances exist:

(i) The waste or debris poses a substantial threat to sources of potable water.

(ii) The waste or debris induces scavenging by animals.

(iii) The waste or debris serves as food or harborage for disease vectors such as rodents, fleas, flies, mosquitoes, and other arthropods.

(iv) The waste or debris emits noxious odors that adversely affect neighbors of the industrial facility.

This Subparagraph does not apply to industrial solid waste that is placed in a facility that has the function of disposing of solid waste and is otherwise regulated by the department.

* * *

On motion of Senator Lambert, 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. 1764 —

BY REPRESENTATIVES DAMICO AND DEWITT

AN ACT

To enact Chapter 22 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, consisting of R.S. 30:2561 through 2566, relative to environmental regulation; to provide for the Louisiana Environmental Regulatory Innovations Programs; to provide for regulatory flexibility; to provide for the Excellence and Leadership Program; to provide for criteria and requirements; to provide for regulations; to provide for demonstration projects; 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

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to Engrossed House Bill No. 1764 by Representative Damico

AMENDMENT NO. 1

On page 3, line 1, between "project" and "significantly" insert "which"

AMENDMENT NO. 2

On page 3, line 10, between "by" and "facility" insert "the"

AMENDMENT NO. 3

On page 3, line 15, between "voluntary" and "and" insert a comma ","

AMENDMENT NO. 4

On page 4, at the beginning of line 10, change "in" to "to"

AMENDMENT NO. 5

On page 4, line 17, after "June 30, 1999," insert "and on a quarterly basis thereafter,"

AMENDMENT NO. 6

On page 4, line 19, between "and" and "costs" insert "the"

AMENDMENT NO. 7

On page 5, line 23, after "regulations" insert ", pursuant to the provisions of the Administrative Procedure Act,"

On motion of Senator Lambert, 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.

Reconsideration

On motion of Senator Johnson, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, May 13, 1997 was reconsidered.

SENATE BILL NO. 333—

BY SENATOR JOHNSON

A JOINT RESOLUTION

Proposing to amend Article X, Section 10(A)(1)(a) of the Constitution of Louisiana, relative to state and city civil service rules; investigations, wages and hours; to authorize supplemental pay to certain police officers from self-generated funds; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

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. 1548 (Substitute for Senate Bill No. 1427 by Senator Guidry)—

BY SENATOR GUIDRY

AN ACT

To amend and reenact Parts I, II, and III of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:381 through R.S. 40:580.9, relative to housing; to provide for the public policy of the state with regard to residential housing; to provide that all citizens of the state have access to safe and sanitary housing facilities for rent or purchase; 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 Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1548 by Senator Guidry

AMENDMENT NO. 1

On page 2, line 18, before "in" change "persists" to "persist"

AMENDMENT NO. 2

On page 5, line 9, following "maximum" and before "feasible" change "extend" to "extent"

AMENDMENT NO. 3

On page 7, line 26, following "discretion" and before "where" change ", and, except" to ". Except"

AMENDMENT NO. 4

On page 8, line 16, following "liability" and before the semicolon ";," change "cooperative" to "company"

AMENDMENT NO. 5

On page 10, line 17, following "defined in" change "R.S. 40:384(11)." to "Paragraph (11) of this Section."

AMENDMENT NO. 6

On page 11, line 16, following "is" and before "occupied" insert a comma ","

AMENDMENT NO. 7

On page 11, line 23, following "income" change "mean" to "means"

AMENDMENT NO. 8

On page 12, line 2, delete line 2, and insert "Subparagraph (b) of this Paragraph." and on lines 14 and 16, change "R.S. 40:384(21)(b)" to "Subparagraph (b) of this Paragraph"

AMENDMENT NO. 9

On page 12, line 4, following "R.S. 40:" and before "(21)(a)" change "386" to "384"

AMENDMENT NO. 10

On page 16, line 22, before "In the" insert "A." and on page 18, line 1, change "(6)" to "B."

AMENDMENT NO. 11

On page 17, line 12, following "may" and before "operate" delete "only" and on line 13, following "thereof" and before "by" insert "only"

AMENDMENT NO. 12

On page 22, line 12, delete line 12, and insert "Subsection A of this Section"

AMENDMENT NO. 13

On page 23, line 5, following "regulations" change "the period "." to a colon ":"

AMENDMENT NO. 14

On page 26, line 4, following "accommodations" and before "available" insert "or there is a shortage of safe or sanitary dwelling accommodations"

AMENDMENT NO. 15

On page 34, line 21, following "SUBPART" and before the period "." change "C." to "D."

AMENDMENT NO. 16

On page 36, line 25, following "liability" and before the comma "," change "cooperatives" to "companies"

AMENDMENT NO. 17

On page 37, line 19, following "entities" and before "shall" insert a

comma ","

AMENDMENT NO. 18

On page 37, line 19, following "for" and before "profit" insert a hyphen "-"

AMENDMENT NO. 19

On page 39, line 16, and page 39, line 20, following "safe" and before "and" insert a comma ","

AMENDMENT NO. 20

On page 40, lines 11, 16, and 18 change "R.S. 40:436" to "this Section"

AMENDMENT NO. 21

On page 44, line 21, before "permit" delete "may"

AMENDMENT NO. 22

On page 47, line 13, following "interest" and before "any" insert "; take"

AMENDMENT NO. 23

On page 47, line 13, following "all" and before "actions" delete "such"

AMENDMENT NO. 24

On page 47, lines 13 and 14, following "actions" delete "may be taken"

AMENDMENT NO. 25

On page 48, line 8, following "this" and before "shall" change "Subsection above" to "Section"

AMENDMENT NO. 26

On page 50, line 6, following "or" change "forebear" to "forbear"

AMENDMENT NO. 27

On page 50, line 20, following "state" and before "with" delete "(i)" and on line 21, after ", or" and before "with" delete "(ii)"

AMENDMENT NO. 28

On page 53, line 21, before "It is" insert "C."

AMENDMENT NO. 29

On page 56, line 11, following "(2)" and before "monies" change "Loan" to "Lend"

AMENDMENT NO. 30

On page 58, line 22, following "fees" and before "and" insert a comma ","

AMENDMENT NO. 31

On page 61, line 15, following "on" and before "August" delete "said date of"

AMENDMENT NO. 32

On page 78, line 22, at the beginning of the line, before "No" delete "A."

AMENDMENT NO. 33

On page 79, line 19, following "SUBPART" and before the period "." change "D" to "E"

AMENDMENT NO. 34

On page 83, line 23, following "household" and before "either" delete "was"

AMENDMENT NO. 35

On page 83, line 24, following "(a)" and before "of" change "unaware" to "was unaware"

AMENDMENT NO. 36

On page 84, line 17, following "tenancy" and before "or" insert a comma ","

AMENDMENT NO. 37

On page 85, line 12, following "agreement" and before "sets" change "with" to "which"

AMENDMENT NO. 38

On page 86, line 5, following "permitted" and before ", or" change "invitees" to "guests" and on line 6, before ", law" change "invitees" to "guests" and on line 22, after "their" and before ", or" change "invitees" to "guests" and on line 23, after "its" and before ", law" change "invitees" to "guests"

AMENDMENT NO. 39

On page 87, lines 7 and 11, following "42:508" and before "510" change "to" to "through"

AMENDMENT NO. 40

On page 88, line 22, at the beginning of the line, before "No" delete "A."

AMENDMENT NO. 41

On page 89, line 12, following "Subsection" and before the comma "," change "(C) below" to "C of this Section"

AMENDMENT NO. 42

On page 92, line 14 and on page 93, line 5, following "40:515" and before "519" change "to" to "through"

AMENDMENT NO. 43

On page 97, line 16, following "SUBPART" and before the period "." change "E" to "F"

AMENDMENT NO. 44

On page 97, line 21, at the beginning of the line before "When" delete "A."

AMENDMENT NO. 45

On page 103, line 5, following "wages" and before "and" insert a comma ","

AMENDMENT NO. 46

On page 104, line 6, following "shall" and before "in" change "only be made" to "be made only"

AMENDMENT NO. 47

On page 106, line 16, following "R.S. 40:542" and before the comma "," delete "above"

AMENDMENT NO. 48

On page 107, line 3, following "Section" and before ", any" delete "above"

AMENDMENT NO. 49

On page 111, line 1, following "is" and before "the" delete "in"

AMENDMENT NO. 50

On page 111, line 6, following "SUBPART" and before the period "." change "F" to "G"

AMENDMENT NO. 51

On page 115, line 13, following "morals" and before "and" insert a comma ","

AMENDMENT NO. 52

On page 120, line 23, following "Parish" and before "may" insert a comma ","

AMENDMENT NO. 53

On page 123, line 24, following "the" and before "or" change "compliant" to "complaint"

On motion of Senator Hainkel, the amendments were adopted.

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Motion

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

Senator Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham, Bean, Casanova, Dardenne, Dean, Ellington, Total—17, Greene, Hainkel, Heitmeier, Hollis, Jordan, Landry, Lentini, Malone, Schedler, Short, Tarver

NAYS

Bagneris, Bajoie, Branch, Cain, Campbell, Cox, Total—18, Cravins, Dyess, Fields, Hines, Irons, Johnson, Jones, Lambert, Robichaux, Romero, Smith, Theunissen

ABSENT

Mr. President Guidry, Total—4, Siracusa, Ullo

The Chair declared the Senate refused to return the amended bill to the Involuntary Calendar.

Motion

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

Senator Guidry objected.

ROLL CALL

The roll was called with the following result:

YEAS

Dean, Dyess, Greene, Total—7, Hollis, Lentini, Short, Tarver

NAYS

Bagneris, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Total—29, Dardenne, Ellington, Fields, Guidry, Hainkel, Heitmeier, Hines, Irons, Johnson, Jordan, Lambert, Landry, Malone, Robichaux, Romero, Schedler, Smith, Theunissen, Ullo

ABSENT

Mr. President Jones Siracusa Total—3

The Chair declared the Senate refused to call the previous question on the bill.

Floor Amendments Sent Up

Senator Guidry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guidry to Engrossed Senate Bill No. 1548 by Senator Guidry

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and delete line 3 in its entirety and insert the following:

"R.S. 40:381 through 382, 391 through 429, 441 through 448, 451 through 476, 478 through 481, 500 through 504, 506 through 510, 521 through 524, 531 through 539, 561 through 563, and 570 through 572 and to enact R.S. 40:383 through 385, 431 through 440, 449 through 450, 477, 482 through 490, 504.1, 511 through 520, 525 through 530, 540 through 551, 564, and 573 through 580.9, and to repeal R.S. 40:401.1 through 401.9, 491 through 499, 531.1, and 566 through 569,"

AMENDMENT NO. 2

On page 1, at the beginning of line 4, delete "through R.S. 40:580.9,"

AMENDMENT NO. 3

On page 1, line 9, after "Section 1." delete the remainder of the line and delete lines 10 and 11 in their entirety and insert in lieu thereof the following:

"R.S. 40:381 through 382, 391 through 429, 441 through 448, 451 through 476, 478 through 481, 500 through 504, 506 through 510, 521 through 524, 531 through 539, 561 through 563, and 570 through 572 are hereby amended and reenacted and R.S. 40:383 through 385, 431 through 440, 449 through 450, 477, 482 through 490, 504.1, 511 through 520, 525 through 530, 540 through 551, 564, and 573 through 580.9 are hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 10, delete lines 21 and 22 and insert "40:411. Wherever the context"

AMENDMENT NO. 5

On page 21, delete lines 6 through 27 in their entirety

AMENDMENT NO. 6

On page 22, delete lines 1 through 12 in their entirety

AMENDMENT NO. 7

On page 23, delete lines 12 through 15 in their entirety

AMENDMENT NO. 8

On page 49, line 21, after "Subsection," delete "charge such fees and"

AMENDMENT NO. 9

On page 52, line 14, delete "collect fees or"

AMENDMENT NO. 10

On page 53, line 15, delete "special fees or"

AMENDMENT NO. 11

On page 65, line 17, after "rents" delete "and fees" and on line 19, after "rents," delete ", fees"

AMENDMENT NO. 12

On page 73, delete lines 8 through 19 in their entirety

AMENDMENT NO. 13

On page 83, line 2, change "505" to "504.1"

AMENDMENT NO. 14

On page 83, between lines 9 and 10, insert the following:

"* * *

AMENDMENT NO. 15

On page 126, after line 7, insert the following:

"Section 2. R.S. 40:401.1 through 401.9, 491 through 499, 531.1, and 566 through 569 are hereby repealed in their entirety.

Section 3. The Louisiana State Law Institute is hereby directed to and shall change any and all references in this Act to "housing agency" or "housing agencies" to "housing authority" or "housing authorities"."

Senator Guidry moved adoption of the amendments.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lambert
Bajoie	Fields	Landry
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Smith
Casanova	Hollis	Tarver
Cox	Irons	Theunissen
Cravins	Johnson	Ullo
Dardenne	Jordan	
Total—32		

NAYS

Dean	Lentini	Short
Total—3		

ABSENT

Bagneris	Jones
Ellington	Siracusa
Total—4	

The Chair declared 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. 1548 by Senator Guidry

AMENDMENT NO. 1

On page 23, delete lines 10 and 11 and insert "this state"

AMENDMENT NO. 2

On page 44, line 18, after "with" delete "or without"

AMENDMENT NO. 3

On page 109, delete lines 14 through 27

AMENDMENT NO. 4

On page 110, delete lines 1 through 14 and delete lines 24 through 27 and on page 111, delete lines 1 through 5 in their entirety

On motion of Senator Landry, the amendments were adopted.

Floor Amendments Sent Up

Senator Guidry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guidry to Engrossed Senate Bill No. 1548 by Senator Guidry.

AMENDMENT NO. 1

On page 3, line 6, change "education" to "educational"

AMENDMENT NO. 2

On page 13, line 6, change "cities" to "municipalities"

AMENDMENT NO. 3

On page 13, line 21, change "arrangements" to "arrangement"

AMENDMENT NO. 4

On page 16, line 6, change "established in" to "establishing"

AMENDMENT NO. 5

On page 16, line 27, change "cities" to "municipalities"

AMENDMENT NO. 6

On page 20, line 27, change "any" to "the"

AMENDMENT NO. 7

On page 22, line 4, change "such" to "the"

AMENDMENT NO. 8

On page 24, line 2, after "**agency**" insert "for both or all of such municipalities, a public body corporate and politic known as a consolidated housing **authority agency**"

AMENDMENT NO. 9

On page 31, line 4, after "efficiently" insert "or economically"

AMENDMENT NO. 10

On page 33, line 17, change "commissioners' terms" to "commissioner's term"

AMENDMENT NO. 11

On page 34, line 11, change "officer of the clerk" to "officer or the clerk"

AMENDMENT NO. 12

On page 34, line 21, change "C." to "D."

AMENDMENT NO. 13

On page 40, line 4, change "herein" to "this Section"

AMENDMENT NO. 14

On page 42, line 12, after "40:483" insert "to 490"

AMENDMENT NO. 15

On page 43, line 127 change "and 484" to "to 490"

AMENDMENT NO. 16

On page 44, line 21, delete "may"

AMENDMENT NO. 17

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On page 45, line 3, after "40:483" insert "to 490"

AMENDMENT NO. 18

On page 46, lines 20 and 21 delete ", 484, 485 and 486" and insert "to 490"

AMENDMENT NO. 19

On page 48, line 19, delete "this Chapter" and insert in lieu thereof "R.S. 40:384(21)(c)"

AMENDMENT NO. 20

On page 55, line 19, delete "Contract" and insert "Construct" and after "programs" delete "and"

AMENDMENT NO. 21

On page 58, at the end of line 10, add "in"

AMENDMENT NO. 22

On page 59, line 2, after "agency" insert "may deem appropriate if the agency determines such action"

AMENDMENT NO. 23

On page 71, line 13, change "agency" to "obligee"

AMENDMENT NO. 24

On page 72, after "investment" insert a comma ","

AMENDMENT NO. 25

On page 74, line 22, delete "A."

AMENDMENT NO. 26

On page 76, delete lines 22 through 27 and on page 77, delete lines 1 through 19

AMENDMENT NO. 27

On page 78, line 23, change ", recourse instrument," to "(recourse instrument)"

AMENDMENT NO. 28

On page 79, line 19, change "D" to "E"

AMENDMENT NO. 29

On page 91, line 5, change "either" to "the following"

AMENDMENT NO. 30

On page 92, line 8, change "plans" to "plan"

AMENDMENT NO. 31

On page 93, line 1, change "commission" to "commissioner"

AMENDMENT NO. 32

On page 97, line 16, change "E" to "F"

AMENDMENT NO. 33

On page 98, line 20, change "coding" to "confirming"

AMENDMENT NO. 34

On page 100, line 11, change "deems" to "seeks"

AMENDMENT NO. 35

On page 103, line 16, change "All" to "Except as provided in the Constitution of Louisiana and as may otherwise be authorized by the State Civil Service Commission, all"

AMENDMENT NO. 36

On page 109, line 6, change "warrant" to "want"

AMENDMENT NO. 37

On page 111, line 6, change "F" to "G"

AMENDMENT NO. 38

On page 119, line 13, after "at" insert "a"

AMENDMENT NO. 39

On page 120, line 23, after "Parish" insert a comma ","

AMENDMENT NO. 40

On page 120, line 27, change "year" to "years"

AMENDMENT NO. 41

On page 121, between lines 14 and 15, insert the following:

"§579. Power conferred in Part supplemental"

On motion of Senator Guidry, 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. 1548 by Senator Guidry

AMENDMENT NO. 1

On page 10, line 3, after "means" delete "a single person or number of" and insert in lieu thereof "two or more"

AMENDMENT NO. 2

On page 10, line 4, after "that" delete "may, but need not include" and insert in lieu thereof "includes a husband or father and/or a wife or mother and/or one or more"

On motion of Senator Short, the amendments were adopted.

Senator Jordan moved that Senate Bill No. 1548 be recommitted to the Committee on Commerce and Consumer Protection.

Senator Guidry objected.

Motion

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

Senator Landry objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Ellington	Lentini
Barham	Fields	Malone
Bean	Greene	Robichaux
Branch	Guidry	Romero
Cain	Hines	Schedler
Campbell	Hollis	Short
Cox	Irons	Siracusa
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Uilo
Dyess	Lambert	
Total—32		

NAYS

Casanova	Heitmeier	Smith
Hainkel	Landry	
Total—5		

ABSENT

Mr. President Bagneris
Total—2

The Chair declared the previous question was called on the entire subject matter.

ROLL CALL

The roll was called on the motion to recommit with the following result:

YEAS

Bean	Hainkel	Malone
Casanova	Heitmeier	Short
Dardenne	Hollis	Siracusa
Dyess	Jordan	Tarver
Ellington	Landry	Ullo
Greene	Lentini	
Total—17		

NAYS

Bajoie	Dean	Lambert
Barham	Fields	Robichaux
Branch	Guidry	Romero
Cain	Hines	Schedler
Campbell	Irons	Smith
Cox	Johnson	Theunissen
Cravins	Jones	
Total—20		

ABSENT

Mr. President Bagneris
Total—2

The Chair declared the Senate refused to recommit the bill.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Ellington	Jones
Branch	Fields	Lambert
Cain	Guidry	Robichaux
Campbell	Heitmeier	Romero
Cox	Hines	Smith
Cravins	Irons	Theunissen
Dyess	Johnson	
Total—20		

NAYS

Mr. President	Greene	Malone
Barham	Hainkel	Schedler
Bean	Hollis	Short
Casanova	Jordan	Siracusa
Dardenne	Landry	Tarver
Dean	Lentini	Ullo
Total—18		

ABSENT

Bagneris
Total—1

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

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. 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

On page 1, delete line 12, and on line 13, delete "taxes;" and insert "state police;"

AMENDMENT NO. 2

On page 3, line 27, after "days" insert "within a consecutive twenty week period"

AMENDMENT NO. 3

On page 13, line 27, delete "PREEMPTION AND"

AMENDMENT NO. 4

On page 14, delete lines 2 through 5 and insert in lieu thereof the following:

"§371. Prohibition on operation of video draw poker devices

R.S. 27:371 is all proposed new law.

The operation of video draw poker devices shall be prohibited and may not be licensed to operate in any eligible facility in which slot machine gaming occurs."

AMENDMENT NO. 5

On page 18, line 3, after "held" delete the remainder of the line and delete line 4 and insert "for such purpose."

AMENDMENT NO. 6

On page 18, delete line 20 through 27 and insert "D. Except as

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provided in this Section, the elections shall be held in compliance with the Election Code provisions governing proposition elections. In addition to the notice required by the Election Code, the parish governing authority also shall have five spot"

AMENDMENT NO. 7

On page 19, line 1, after "announcements" insert a comma and after "apart" insert a comma

AMENDMENT NO. 8

On page 19, line 6, after the initial quote marks insert "TO AUTHORIZE SLOT MACHINE GAMING AT LIVE HORSE RACING FACILITIES."

AMENDMENT NO. 9

On page 19, delete lines 10 through 13 and insert "election shall be conducted as provided in the Election Code. Any elector who was qualified to vote"

AMENDMENT NO. 10

On page 19, line 16, delete "The" and delete lines 17 through 25

AMENDMENT NO. 11

On page 20, line 15, after "for" insert ": (1)"

AMENDMENT NO. 12

On page 20, line 17, after "Act" insert "and (2) the dedication of a fixed percentage of net slot machine proceeds to supplement purses for races run at the live meetings at the eligible facility and to the Louisiana Thoroughbred Breeders Association and the Louisiana Quarter Horse Breeders Association for use as breeders awards for breeders of accredited Louisiana bred horses and to owners of accredited Louisiana bred horses and for promotion of the Louisiana horse breeding industry"

On motion of Senator Cravins, the amendments were adopted.

Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

On page 3, line 23, delete "those facilities" and insert "no more than one facility"

On motion of Senator Cain, the amendments were adopted.

Floor Amendments Sent Up

Senator Theunissen sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

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

AMENDMENT NO. 1

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

Senator Theunissen moved adoption of the amendments.

Senator Cravins objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Dardenne, Dean, Total—29; Dyess, Fields, Greene, Guidry, Heitmeier, Hines, Hollis, Irons, Johnson, Jones; Landry, Lentini, Malone, Romero, Schedler, Short, Smith, Tarver, Theunissen

NAYS

Table with 3 columns of names: Hainkel, Total—3; Jordan; Robichaux

ABSENT

Table with 3 columns of names: Mr. President, Bagneris, Cravins, Total—7; Ellington, Lambert, Siracusa; Ullo

The Chair declared 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. 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 20, line 15, after "for" insert ": (1)"

AMENDMENT NO. 3

On page 20, line 17, after "Act" insert "and (2) the dedication of a fixed percentage of not less than twenty-five percent of the net slot machine proceeds to be allocated as follows: (a) 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 on Louisiana bred thoroughbred races scheduled for purses not to exceed fifteen thousand dollars, and (b) one-third to the Louisiana Quarterhorse Breeders' Association to be used to supplement purses for Louisiana bred quarterhorses"

Senator Short moved adoption of the amendments.

Senator Cravins objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Dyess	Romero
Branch	Ellington	Schedler
Cain	Greene	Short
Casanova	Hainkel	Smith
Dardenne	Jordan	
Dean	Lentini	
Total—16		

NAYS

Mr. President	Hines	Landry
Bean	Hollis	Malone
Cox	Irons	Robichaux
Cravins	Johnson	Tarver
Guidry	Jones	Theunissen
Heitmeier	Lambert	Ullo
Total—18		

ABSENT

Bagneris	Campbell	Siracusa
Bajoie	Fields	
Total—5		

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields 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 20, line 16, after "disposition" insert the following:

"of five percent of the proceeds raised to the parish school board for use for capital construction and repairs to schools in any parish in which slot machines are operated, except that in Bossier Parish such proceeds shall be deposited in the Bossier Educational Excellence Fund in an eligible facility"

Motion

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

Senator Cravins objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Hines	Schedler
Bean	Hollis	Theunissen
Cain	Lentini	
Total—8		

NAYS

Barham	Ellington	Jordan
Branch	Fields	Lambert
Campbell	Greene	Landry
Casanova	Guidry	Malone
Cox	Hainkel	Romero
Cravins	Heitmeier	Short
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dyess	Jones	Ullo
Total—27		

ABSENT

Mr. President	Robichaux
Bagneris	Siracusa
Total—4	

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

Senator Fields moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields	Jones
Barham	Guidry	Landry
Bean	Heitmeier	Robichaux
Cain	Hines	Romero
Campbell	Hollis	Siracusa
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Total—21		

NAYS

Mr. President	Ellington	Malone
Branch	Greene	Schedler
Casanova	Hainkel	Short
Dardenne	Jordan	Smith
Dean	Lambert	Ullo
Dyess	Lentini	
Total—17		

ABSENT

Bagneris
Total—1

The Chair declared the amendments were adopted.

Motion

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

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields	Jordan
Bean	Guidry	Lambert
Cain	Heitmeier	Lentini
Campbell	Hines	Romero

May 14, 1997

Cox	Hollis	Schedler
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dyess	Jones	Ullo
Total—24		

NAYS

Barham	Greene	Short
Branch	Hainkel	Siracusa
Casanova	Landry	Smith
Dean	Malone	
Ellington	Robichaux	
Total—13		

ABSENT

Mr. President	Bagneris
Total—2	

The Chair declared the previous question was called on the entire subject matter.

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

Bajoie	Guidry	Malone
Bean	Hines	Romero
Cain	Hollis	Smith
Campbell	Irons	Tarver
Cox	Johnson	Theunissen
Cravins	Jones	
Total—17		

NAYS

Mr. President	Ellington	Landry
Barham	Fields	Lentini
Branch	Greene	Robichaux
Casanova	Hainkel	Schedler
Dardenne	Heitmeier	Short
Dean	Jordan	Siracusa
Dyess	Lambert	Ullo
Total—21		

ABSENT

Bagneris
Total—1

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

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

Rules Suspended

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 14, 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. 173—
BY REPRESENTATIVE JOHNS

A CONCURRENT RESOLUTION

To commend and congratulate the United Way of Southwest Louisiana for their contribution and service to the community and to recognize them as the recipient of the J.C. Penney Golden Rule Group Award.

HOUSE CONCURRENT RESOLUTION NO. 174—
BY REPRESENTATIVE WILLARD-LEWIS

A CONCURRENT RESOLUTION

To remember the innocent life of Starr Michael Sede Powe that was cut short by an unfortunate and untimely illness.

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. 173—
BY REPRESENTATIVE JOHNS

A CONCURRENT RESOLUTION

To commend and congratulate the United Way of Southwest Louisiana for their contribution and service to the community and to recognize them as the recipient of the J.C. Penney Golden Rule Group Award.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris	Ellington	Johnson
Casanova	Hainkel	
Total—5		

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

HOUSE CONCURRENT RESOLUTION NO. 174—

BY REPRESENTATIVE WILLARD-LEWIS

A CONCURRENT RESOLUTION

To remember the innocent life of Starr Michael Sede Powe that was cut short by an unfortunate and untimely illness.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris	Fields	Romero
Casanova	Johnson	
Total—5		

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

SENATE AND GOVERNMENTAL AFFAIRS

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

May 14, 1997

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 54—

BY SENATOR GUIDRY

A CONCURRENT RESOLUTION

To request the State Civil Service Commission and the State Police Commission to implement a plan for pooling employee leave.

Reported favorably.

SENATE BILL NO. 239—

BY SENATOR SHORT

AN ACT

To amend and reenact R.S. 18:463(A)(3) and R.S. 48:347(D), and to enact R.S. 18:1470.1, relative to candidates for public office; to require a candidate for public office to post bond to assure removal of his campaign signs after an election; to provide for the duties of the secretary of state, the clerks of court for each parish and the Department of Transportation and Development; to provide for forfeiture of the bond; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 321—

BY SENATOR MALONE

A JOINT RESOLUTION

Proposing to amend Article I, Section 10 of the Constitution of Louisiana, relative to the right to vote; to prohibit convicted felons from voting or holding office; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 323—

BY SENATOR CAMPBELL

A JOINT RESOLUTION

Proposing to amend Article X, Section 20 of the Constitution of Louisiana, relative to political activities of firemen and policemen in the classified fire and police civil service; to prohibit certain political activities for employees in the classified fire and police service system; to restrict the political activities of firemen and policemen in the classified fire and police civil service to elected offices in the political subdivision in which they are employed; to provide for penalties for violations of such prohibitions; to provide for related matters; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 706—

BY SENATOR LANDRY

AN ACT

To enact R.S. 42:1123(24), relative to the Code of Governmental Ethics; to provide an exception from the code for certain gifts to public servants; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 882—

BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 42:1113(D) and 1114(D), and to enact R.S. 42:1114(E), relative to ethics; to prohibit certain contractual relationships between certain persons and certain governmental entities; to prohibit renewal of certain contracts between certain persons and certain governmental entities; to require disclosure by certain persons of contracts and subcontracts; and to provide for related matters.

Reported favorably.

May 14, 1997

SENATE BILL NO. 907—
BY SENATOR JORDAN (BY REQUEST)
AN ACT

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

Reported with amendments.

SENATE BILL NO. 947—
BY SENATOR ROMERO
AN ACT

To amend and reenact R.S. 42:1102(18), relative to the code of governmental ethics; to provide for the definition of a public employee; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 949—
BY SENATOR ROMERO
AN ACT

To amend and reenact R.S. 34:242 and to enact R.S. 42:1120.3, relative to the Board of Commissioners of the Port of Iberia; to provide for right of recusal; to reduce the length of terms; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1095—
BY SENATOR HAINKEL
AN ACT

To amend and reenact R.S. 24:605(B), relative to legislative agencies; to increase the minimum dollar amount of a legislative fiscal office warrant, voucher, or check which requires the signature of the chairman of the Joint Legislative Committee on the Budget; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1151—
BY SENATOR GUIDRY
AN ACT

To enact R.S. 18:1303(A)(8), relative to absentee voting; to provide that a person who works for a candidate on election day may vote absentee in person; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1205—
BY SENATOR EWING
AN ACT

To enact R.S. 39:370.1, relative to state planning; to require the division of administration and the Department of State Civil Service to develop and implement a strategic plan for achieving long-term staffing reductions and improving the effectiveness and efficiency in the operation of state government agencies; to provide for implementation dates; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1212—
BY SENATOR EWING
AN ACT

To amend and reenact R.S. 42:1261(B)(1), relative to in-service training for public employees; to require management development training for all managers and supervisors in state agencies; to provide for a management plan based on agency needs and funding; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1278—

BY SENATORS HAINKEL, DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 25:2 and 3, relative to the board of commissioners of the State Library of Louisiana; to provide for the board's composition, duties, and functions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1301—
BY SENATOR DARDENNE
AN ACT

To amend and reenact R.S. 42:1102(18)(d) and to enact R.S. 42:1123(10)(c) and (d), relative to the Code of Governmental Ethics; to exempt from the definition of "public employee" any entity, its directors, members, officers, and employees, if the entity's activities support programs, facilities or research or educational opportunities offered by public institutions of higher education; to exempt full-time higher education employees and board of regents employees from the two-year provisions of the Code of Governmental Ethics; to provide for contractual relationships between public higher education institutions and entities involved in educational and research activities; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1468—
BY SENATOR LANDRY
AN ACT

To enact R.S. 42:5.1, relative to public meetings; to require the St. Charles Parish School Board to allow public comment at school board meetings before taking a vote; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1469—
BY SENATOR HAINKEL
AN ACT

To enact R.S. 18:1505.2(M), relative to the Campaign Finance Disclosure Act; to prohibit contributions by foreign nationals; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 435—
BY REPRESENTATIVES BRUNEAU AND LANCASTER
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.

Reported favorably.

HOUSE BILL NO. 635—
BY REPRESENTATIVES BRUNEAU, DOWNER, LANCASTER, MICHOT,
AND SCALISE
AN ACT

To amend and reenact R.S. 18:562 and R.S. 40:1321(C), relative to elections; to require an applicant to vote to present a picture identification card; to provide that a person not having a picture identification card may sign an affidavit; to provide for the procedure commissioners are to follow for identifying applicants to vote; to provide special identification cards free of charge to certain registered voters; and to provide for related matters.

Reported favorably.

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.

Reported favorably.

HOUSE BILL NO. 1597—

BY REPRESENTATIVES BRUNEAU, LANCASTER, COPELIN, MURRAY,
ROUSSELLE, SCALISE, WELCH, WINSTON, AND HUNTER
AN ACT

To amend and reenact R. S. 18:3(A)(3), 59(I)(2), 110(B)(1), 171, 171.1(A)(1), 176, 193(A), (B), (C), (E), and (F), 196(B)(3), 198(A), 402(F)(5), 431(A)(1)(a), 433(A)(1), (2), and (3) and (D), 434(B)(6), 467(2), 469(A), 532(B)(1) and (E), 532.1(B), (C)(1), (2)(a) and (3)(a), and (D), 551(B)(2) and (E), 553(B), 573(A)(3), 574(E)(1), 575(B), 591, 601, 602(E)(2)(a) and (d), 604(B)(2)(a) and (c), 621(B), 652(A), 654, 1278(B), 1279, 1280.22, 1285(B)(1), 1300(C)(2)(a), 1300.7(B), 1306(B), 1309(A)(2) and (D), 1313(B) and (I), 1314(C) and (D), 1402(C), 1495(B)(19) and (C), 1505.2(C)(1), 1903, and 1904, to enact R.S. 18:177, 401.1, 1307(E), and 1463(D) and (E), and to repeal R.S. 18:532.1(H) and 1399(A), relative to the election code; to make technical changes to the elections code; to require the date of birth to be included on petitions submitted to the registrar; to allow the use of temporary personnel to conduct absentee voting; to allow a change of registration or address between the primary and general elections for certain persons; to provide that a person moving within the parish will not be placed on the inactive list; to provide for procedures for notification of registrars of persons under an order of imprisonment; to provide a procedure for suspension of registration; to provide for a procedure for reinstatement of the registration of a person whose registration has been suspended; to provide with respect to the conduct of elections in the event of a state of emergency; to change the period of time that the clerk of court can conduct the annual course of instruction for commissioners; to require that during his term of office a commissioner-in-charge must remain a certified commissioner; to provide that a commissioner affiliated with each recognized political party will be assigned to each precinct in the parish provided there are such commissioners available; to provide with respect to the reopening of qualifying due to the death of a candidate; to provide for two separate ballots when the special election to fill a vacancy and the regularly scheduled election cover different geographic areas; to provide procedures for inspection and preparation of voting machines at the polling places; to allow for reinspection of voting machines and inspection of absentee ballot flaps upon a candidate's written request; to provide for procedures for promulgation of election returns for candidates; to require inclusion of the qualifying dates in the proclamation calling an election to fill a vacancy; to eliminate the requirement to send certain notices by certified or registered mail; to clarify certain issues and procedures with respect to the presidential preference primary; to provide the deadline for submission of the notice and changes thereto for proposition elections; to provide with respect to certain procedures regarding absentee voting; to provide for the counting of absentee ballots; to provide that for informational purposes the registrar may assist the clerk of court in conducting the course of instruction for commissioners; to allow extension of absentee voting hours under certain circumstances; to allow the secretary of state and the commissioner of elections to present evidence in a contested election; to make technical changes relating to the candidate's reports under the Campaign Finance Disclosure Act; to remove references to repealed provisions; to provide for precinct freezes and other areas with respect to reapportionment; to provide the procedure for notice of challenge and cancellation of registration; to change the qualifying dates for congressional elections; to provide with respect to printing of ballots in uniform type; to provide penalties for distributing false political material; to

provide with respect to filling of vacancies; to provide when resignations become effective; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAY DARDENNE
Chairman

**REPORT OF COMMITTEE ON
HEALTH AND WELFARE**

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

May 14, 1997

To the President and Members of the Senate:

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

SENATE BILL NO. 515—

BY SENATOR LENTINI
AN ACT

To enact R.S. 46:286.1, relative to foster care; to provide reimbursement for relatives who are also guardians; to provide for modification of existing certification requirements for foster home care placement; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 760—

BY SENATOR SHORT
AN ACT

To amend and reenact R.S. 46:239 and to enact R.S. 46:231(E), relative to public assistance; to define Temporary Assistance to Needy Families; to change references from Aid to Families with Dependent Children (AFDC) to TANF; to decrease the age limit for TANF recipients subject to school attendance requirements; to require the parent or guardian of certain TANF recipients to attend certain parent/teacher meetings; to provide for loss of TANF benefits for failure to attend parent/teacher meetings; to define terms; to provide for promulgation of rules and regulations; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 793—

BY SENATOR BAGNERIS
AN ACT

To amend and reenact R.S. 40:1299.39(A)(1)(a)(iv)(aa), relative to medical malpractice liability; to provide definitions; to provide for effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1534—

BY SENATOR ELLINGTON
AN ACT

To amend and reenact R.S. 40:1299.35.5(B)(3), (4), (5), (6), and (10), relative to abortion procedures for minors; to clarify procedural provisions relative to a minor's application for judicial authorization of an abortion; to provide relative to hearings, delays, determinations, the exercise of appellate supervisory power, and expedition; to clarify and provide relative to expert opinion, evaluation and counseling sessions, and reports to the court; to provide relative to expenditures determination consistent with due process and United States Supreme Court jurisprudence; to provide relative to the protection of applicants; to provide for severability; and to provide for related matters.

May 14, 1997

Reported by substitute.

HOUSE BILL NO. 600—
BY REPRESENTATIVES DOWNER, ANSARDI, BRUNEAU, DONELON, GREEN, LANCASTER, AND MCMAINS AND SENATORS BEAN AND SHORT
AN ACT

To enact Part XXIV-B of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.60 through 1299.64, relative to declarations concerning life-sustaining procedures; to enact the Military Advance Medical Directives Act; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 847—
BY REPRESENTATIVES DOWNER, DEWITT, DUPRE, GAUTREAU, JOHNS, RIDDLE, JACK SMITH, THORNHILL AND VITTER AND SENATORS DYESS AND ROBICHAUX
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.

Reported favorably.

HOUSE BILL NO. 925—
BY REPRESENTATIVES DOWNER, DEWITT, DUPRE, GAUTREAU, JOHNS, RIDDLE, JACK SMITH, THORNHILL, AND VITTER AND SENATORS DYESS AND ROBICHAUX
AN ACT

To amend and reenact R.S. 36:254(D)(1)(a), relative to powers and duties of the secretary of the Department of Health and Hospitals; to remove certain requirements of actions that must be taken prior to the implementation of a managed care program pursuant to a federal waiver; to remove restrictions on the content of the waiver request; to provide for requirements of Medicaid plan amendments; and to provide for related matters.

Reported with amendments.

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.

Reported favorably.

Respectfully submitted,
DONALD E. HINES
Chairman

REPORT OF COMMITTEE ON
INSURANCE

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

May 14, 1997

To the President and Members of the Senate:

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

SENATE BILL NO. 723—
BY SENATOR CASANOVA
AN ACT

To enact R.S. 22:1214(22), relative to unfair trade practices; to prohibit an insurer from issuing any health insurance policy that prohibits certain physicians from participating in such plan; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 724—
BY SENATOR CASANOVA
AN ACT

To enact R.S. 22:215.18 and 2018(E) and (F), relative to health care organizations; to provide for health and medical service contracts; to provide for requirements of provider contracts; to prohibit contracts between health insurers and health care providers which contain incentive provisions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1005—
BY SENATOR MALONE
AN ACT

To enact R.S. 42:854, relative to health insurance; to authorize partial payment of health insurance premiums on behalf of certain public officials; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1503—
BY SENATOR CRAVINS
AN ACT

To enact R.S. 22:858, relative to domestic insurers; to authorize investment in investment pools; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1512—
BY SENATOR COX
AN ACT

To amend and reenact R.S. 22:215(A)(2) and 215.4, relative to health and accident insurance; to provide coverage for certain unmarried students under the age of twenty-four; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 687—
BY REPRESENTATIVE STELLY
AN ACT

To amend and reenact R.S. 22:1406(F), relative to automobile insurance; to provide for the designation of primary insurance for temporary substitute or rental motor vehicles; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 688—
BY REPRESENTATIVE STELLY
AN ACT

To amend and reenact R.S. 22:671(A), relative to automobile insurance; to provide for certain conditions for automobile insurance for loaner vehicles; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 935—
BY REPRESENTATIVE JOHNS

AN ACT

To enact R.S. 22:229.2, relative to health insurance; to prohibit discrimination against recovered or rehabilitated alcoholics; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1503—
BY REPRESENTATIVE CHAISSON

AN ACT

To amend and reenact R.S. 22:1113(D)(1) and (E)(3)(b) and 1118.2, relative to requirements for insurance agents; to provide for payment of commissions; to provide for lapsed licenses; to provide for division of commissions with nonresident agents or brokers; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 2024—
BY REPRESENTATIVE THORNHILL

AN ACT

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

Reported with amendments.

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.

Reported favorably.

Respectfully submitted,
GREGORY TARVER
Chairman

REPORT OF COMMITTEE ON

COMMERCE AND CONSUMER PROTECTION

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

May 14, 1997

To the President and Members of the Senate:

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

SENATE BILL NO. 1485—
BY SENATOR LAMBERT (BY REQUEST)

AN ACT

To enact Chapter 23 of Title 12 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 12:1400 through 1414, relative to corporations; to authorize professional social work corporations; to provide for their formation and authority to transact business; to provide for liability of certain persons of the corporation; to provide for merger, consolidation, and dissolution of such corporations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 293—
BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 9:3559(A) and 3564(A)(7), relative to consumer loans; to provide that those presently licensed to make supervised loans shall be licensed to make consumer loans; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 294—
BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 6:127(C) and to enact R.S. 13:3733.1(J), relative to financial institutions; to provide for the admissibility into evidence of promissory notes and certain other records which contain signatures which are created and stored by electronic or digital means; and to provide for related matters.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

HOUSE BILL NO. 1107—
BY REPRESENTATIVES TRAVIS AND MURRAY
AN ACT

To repeal Part XVII of Chapter 2 of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:3575.1 through 3575.10, relative to refund anticipation loans; to repeal the Refund Anticipation Loan Act.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

HOUSE BILL NO. 1157—
BY REPRESENTATIVES TRAVIS, FRITH, AND MURRAY
AN ACT

To amend and reenact R.S. 6:261, relative to capital, surplus, and dividends; to provide for the allocation of consideration received upon initial issuance of shares; and to provide for related matters.

Reported with amendments.

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.

Reported favorably.

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 favorably.

HOUSE BILL NO. 1592—
BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 9:3572.1, 3572.2(A)(introductory paragraph) and (2) and (B)(introductory paragraph) and (1), 3572.3(A), 3572.4, 3572.5(A)(introductory paragraph), (1)(g) and (h), (2)(g), (h), and (i), and (B)(2)(introductory paragraph), 3572.6, 3572.7, 3572.8(A), 3572.9, 3572.10, 3572.11, 3572.12(B) through (D) and (E)(1), relative to loan brokers; to provide a definition; to provide for exceptions to licensing and bond requirements; to provide relative to licensing procedure; to provide relative to records and examination by the commissioner; to provide relative to violations; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1602—
BY REPRESENTATIVES DONELON, FRITH, AND MICHOT
AN ACT

To enact R.S. 51:916, relative to trade and commerce; to prohibit receipt of certain compensation by clinical perfusionists; to prohibit clinical perfusionists from receiving compensation for the sale of clinical perfusion products to medical institutions where they or their employer provide or may provide perfusion services or where their employer has surgical or medical privileges; to prohibit contract clinical perfusion companies from receiving compensation from the sale of clinical perfusion products to medical institutions where they provide clinical perfusion services; to prohibit companies that sell clinical perfusion products from providing contract perfusion services at the medical institutions that purchase their products; to prohibit clinical perfusionists from refusing to use any federally approved product unless there is a due process hearing; to provide for penalties for violations; and to provide for related matters.

Reported with amendments.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

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.

Reported favorably.

HOUSE BILL NO. 2310 (Substitute for House Bill No. 1122 by Representative Travis)—
BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 9:3576.3(2)(a)(introductory paragraph) and (4), 3576.5(A), 3576.9(C)(2), 3576.10(B), 3576.11(B), 3576.14, 3576.15(B) and (C), 3576.18(A), 3576.21(K), and 3576.22(B), to enact R.S. 9:3576.5(C) and (D) and 3576.18(G), and to repeal R.S. 9:3576.17(C) through (F), relative to the Collection Agency Regulation Act; to provide relative to the definition of "debt collector" or "collection agency" and "client", "Louisiana client" or "customer"; to provide for investigations and proceedings and powers of the commissioner; to provide relative to licensing and penalties; to delete references to the attorney general as being able to initiate investigations; to provide relative to licensing fees and branch office certificates, trust fund accounts, and administrative hearings; to provide relative to operating a collection agency without a license; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
KEN HOLLIS
Chairman

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

May 14, 1997

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 1665—
BY REPRESENTATIVE DUPRE
AN ACT

To amend and reenact R.S. 40:1501(E)(4), relative to certain fire protection districts in Terrebonne Parish; to authorize the governing authority of each such district to levy and collect, subject to voter approval, an additional tax for maintenance and operation of the fire protection district; 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

May 14, 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. 166—
BY REPRESENTATIVE HOLDEN
A CONCURRENT RESOLUTION

To express the sincere condolences of the Louisiana Legislature upon the death of Mr. John A. Manda, Jr. of Baton Rouge.

HOUSE CONCURRENT RESOLUTION NO. 167—
BY REPRESENTATIVE JOHNS
A CONCURRENT RESOLUTION

To commend and recognize the United Way of Southwest Louisiana for their contributions to the community through their sponsorship of the Charity Pro-Am Golf Tournament with the Ladies Professional Golf Association.

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.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bagneris 1/2 Day

Adjournment

Senator Bagneris moved that the Senate adjourn until Thursday, May 15, 1997 at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Thursday, May 15, 1997.

MICHAEL S. BAER, III
Secretary of the Senate

May 14, 1997

GAYE F. HAMILTON
Journal Clerk