

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

THIRTY-SECOND DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, May 22, 1997

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

ROLL CALL

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

PRESENT

| | | |
|---------------|-----------|------------|
| Mr. President | 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 | Theunissen |
| Dardenne | Jones | Ullo |
| Dean | Jordan | |
| Dyess | Lambert | |

Total—37

ABSENT

| | |
|----------|--------|
| Bagneris | Tarver |
|----------|--------|

Total—2

The President of the Senate announced there were 37 Senators present and a quorum.

Prayer

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

Morning Hour

Bagneris Rule

Senator Landry moved to suspend the rules to pass over controversial Senate and House Bills on Third Reading and Final Passage temporarily with the intention of taking them up later, in their regular order.

Without objection, so ordered.

Rules Suspended

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

Without objection, so ordered.

**Privileged Report of the
Legislative Bureau**

May 22, 1997

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 61—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 46:1802(7) and (10)(a), relative to the Crime Victims Reparations Act; to extend coverage of the Act to include peace officers, firemen, and certain others; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 64—
BY REPRESENTATIVES HEATON, ANSARDI, AND MARTINY
AN ACT

To amend and reenact R.S. 14:37.2(A), relative to the crime of aggravated assault with a firearm; to provide for changes in the definition of the crime; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 74—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 14:102.8, relative to crimes against police animals; to prohibit the injuring or killing of a police horse; to provide for definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 174—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact Code of Criminal Procedure Art. 895(H)(2) and R.S. 15:542(B)(2) and 574.4(H)(2)(b), relative to notices required to be published by certain sexual offenders; to provide that the appropriate court, parole board, or sheriff or police department may require that such notice be published in a newspaper qualified as an official journal with a greater circulation than the parish official journal; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 290—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact Code of Criminal Procedure Art. 895(H)(2) and R.S. 15:542(B)(2) and to enact R.S. 15:574.4(H)(2)(c), relative to notices required to be published by certain sexual offenders in St. Tammany Parish; to provide that the appropriate court, parole board, or sheriff or police department may require that such notice be published in a newspaper qualified as an official journal with a greater circulation than the parish official journal; and to provide for related matters.

Reported without amendments.

May 22, 1997

HOUSE BILL NO. 441—

BY REPRESENTATIVE FAUCHEUX
AN ACT

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

Reported without amendments.

HOUSE BILL NO. 623—

BY REPRESENTATIVES FAUCHEUX AND DOWNER
AN ACT

To enact R.S. 26:76(A)(7), 80(G), 276(A)(7), and 280(G), relative to the Alcoholic Beverage Control Law; to provide for the qualification of a spouse separate in property under certain circumstances; to permit such a spouse to continue to operate under a permit for one year under certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 632—

BY REPRESENTATIVES WINDHORST AND HEATON
AN ACT

To enact R.S. 27:91(D), relative to riverboat license and permit fees; to provide that wholesale alcoholic beverage permit holders licensed by federal, state, and local governments for the sale of beverage alcohol of low or high alcoholic content are exempt from obtaining certain supplier permits; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 698—

BY REPRESENTATIVES WINDHORST, BRUCE, AND MARIONNEAUX
AN ACT

To enact R.S. 14:125.2, relative to false swearing; to create the crime of false swearing before a legislative committee or subcommittee; to provide penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 700—

BY REPRESENTATIVE ROUSSELLE
AN ACT

To amend and reenact R.S. 16:574(A)(2) and (C) and to repeal R.S. 16:571-574 as amended by Acts 1986, No. 198, relative to the district attorney's office in the Twenty-fifth Judicial District; to provide relative to increases in the salaries of assistant district attorneys; to delete certain expenditures from the portion of the annual budget of the district attorney which the governing authority cannot reduce without the district attorney's consent; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 777—

BY REPRESENTATIVES WINDHORST, BRUCE, AND MARIONNEAUX
AN ACT

To amend and reenact R.S. 14:123(A) and to enact R.S. 14:123(C)(4), relative to perjury; to provide for the crime of perjury before legislative committees; to provide for the crime of perjury in proceedings other than criminal cases; to provide penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1393—

BY REPRESENTATIVES SCHNEIDER, FAUCHEUX, HEATON, KENNARD, MCCAIN, MORRISH, PERKINS, ROMERO, AND TRICHE
AN ACT

To enact R.S. 14:103.1, relative to offenses affecting the general peace and order; to prohibit the emanation of excessive sound or noise by

use of a sound amplification system; to provide exceptions thereto; to provide penalties for violations thereof; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1647—

BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 14:404, relative to the crime of self-mutilation by a prisoner; to provide that this crime applies to any person who is in the lawful custody of a peace officer; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
DENNIS BAGNERIS
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

Senator Hainkel 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. 40—

BY SENATOR GUIDRY
A RESOLUTION

To commend and congratulate Sister Margaret Mary King on fifty-six years of teaching and sixty years with the Sister of the Holy Family community.

On motion of Senator Guidry, 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 22, 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. 1128—

BY REPRESENTATIVES ALARIO, ANSARDI, MARTINY, THERIOT, AND TOOMY
AN ACT

To enact R.S. 47:322.1, 322.2, 322.3, and 322.4, relative to the proceeds of state sales tax on hotel occupancy in certain parishes; to dedicate a portion of such tax collected to the Jefferson Parish Convention Center Fund; to provide for deposit of monies into the fund and allowable uses of the fund to create special accounts within the fund; to provide for creation of certain additional funds; to dedicate the proceeds of taxes collected in certain parishes to such funds; to provide for the deposit of monies and the uses of such funds; to dedicate the proceeds of certain taxes collected in

certain parishes to certain funds; to provide for the deposit and use of such monies; and to provide for related matters.

HOUSE BILL NO. 2277—
BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact R.S. 22:349, relative to funeral service insurers; to increase the interval between required examinations of certain insurers by the Department of Insurance; and to provide for related matters.

HOUSE BILL NO. 2220—
BY REPRESENTATIVE WRIGHT
AN ACT

To amend and reenact R.S. 33:1342(1) and to enact R.S. 33:1350.2, relative to local government self-insurance funds; to allow a state hospital association to form, join, and participate in interlocal risk management agencies; and to provide for related matters.

HOUSE BILL NO. 2206—
BY REPRESENTATIVES CLARKSON AND MURRAY
AN ACT

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

HOUSE BILL NO. 1271—
BY REPRESENTATIVE WALSWORTH
AN ACT

To enact R.S. 14:95(I), relative to the crime of illegal carrying of weapons; to provide with respect to the ownership and carrying of "rescue knives" by commissioned law enforcement officers; to provide with respect to the sale of those knives to those officers; to provide with respect to the ownership or possession of those knives by merchants; and to provide for related matters.

HOUSE BILL NO. 1896—
BY REPRESENTATIVE PRATT
AN ACT

To enact R.S. 17:7(22), relative to the powers and duties of the State Board of Elementary and Secondary Education; to provide for the development, adoption, and implementation of a pilot program in eight elementary schools to departmentalize grades one through six; to provide relative to participation in such program, including the selection of schools; to require each participating school to study certain outcomes, create a strategic plan, and provide for a daily planning period; to provide for program implementation and evaluation; to provide for rules and regulations; and to provide for related matters.

HOUSE BILL NO. 1859—
BY REPRESENTATIVE WINDHORST
AN ACT

To enact R.S. 49:963(E), relative to administrative procedure; to provide relative to judicial review of rules; to allow certain rules to be declared invalid; and to provide for related matters.

HOUSE BILL NO. 1383—
BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 14:95(H), relative to the crime of illegal carrying of weapons and exceptions thereto; to authorize justices of the peace and constables to carry concealed handguns; and to provide for related matters.

HOUSE BILL NO. 303—
BY REPRESENTATIVES DOWNER, BRUCE, DUPRE, KENNARD, AND ROMERO
AN ACT

To enact R.S. 14:222.2, relative to the counterfeiting of cellular telephones; to create the crime of cellular telephone counterfeiting; to provide for definitions; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 577—
BY REPRESENTATIVE WILKERSON
AN ACT

To enact R.S. 46:460.4, relative to the Temporary Assistance for Needy Families Block Grant; to permit teen parents to live outside an adult-supervised living arrangement in cases of abuse; to authorize the secretary of the Department of Social Services to temporarily exempt from the work participation requirements a female recipient when sufficient evidence of domestic violence is presented; to authorize the secretary of the Department of Social Services to apply for waivers and promulgate necessary rules and regulations; and to provide for related matters.

HOUSE BILL NO. 2506 (Substitute for House Bill No. 1509 by Representative Dimos) —
BY REPRESENTATIVE DIMOS
AN ACT

To enact R.S. 9:5217, relative to mortgages; to provide for uniform fees for filing multiple indebtedness mortgages; to provide for requirements as to form; and to provide for related matters.

HOUSE BILL NO. 742—
BY REPRESENTATIVE HAMMETT
AN ACT

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

HOUSE BILL NO. 971—
BY REPRESENTATIVE BARTON
AN ACT

To amend and reenact R.S. 43:142(A)(4), 171(A)(2)(d), 181(A)(2)(c), 201(B)(4), and 202(A), relative to the selection of newspapers for official advertisements and publications; to require a newspaper to be entered in a U.S. post office under a periodical permit rather than a second class mailing permit to qualify as an official journal and for the publication of certain advertisements and notices; and to provide for related matters.

HOUSE BILL NO. 1010—
BY REPRESENTATIVE STELLY
AN ACT

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

HOUSE BILL NO. 2312—
BY REPRESENTATIVE SHAW
AN ACT

To enact R.S. 14:333.1, relative to crimes affecting the public generally; to provide with respect to the manufacture, distribution, sale, or offer of illegal identification cards; and to provide for related matters.

HOUSE BILL NO. 2467—
BY REPRESENTATIVES MARIONNEAUX AND WINDHORST
AN ACT

To enact R.S. 40:1485.10, relative to the regulation of charitable gaming; to provide with respect to venue in civil proceedings involving charitable gaming licensees; and to provide for related matters.

HOUSE BILL NO. 2011—
BY REPRESENTATIVE GAUTREAU
AN ACT

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

HOUSE BILL NO. 1287—
BY REPRESENTATIVES GAUTREAU AND ROUSSELLE
AN ACT

To amend and reenact R.S. 23:634 and 897(A) and to enact R.S. 23:897(K), relative to employment; to allow reimbursement from an employee for certain examinations if the employee terminates the employment relationship within ninety days; to allow reimbursement from wages payable; and to provide for related matters.

HOUSE BILL NO. 1415—
BY REPRESENTATIVE STELLY
AN ACT

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

HOUSE BILL NO. 1456—
BY REPRESENTATIVE FORSTER
AN ACT

To amend and reenact R.S. 23:1208(A) and (B) and 1317(A), relative to workers' compensation hearings; to provide that impeachment evidence shall not be discoverable; to provide for conditions for introduction into evidence; to provide for penalties for misrepresentations; and to provide for related matters.

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

House Bills and Joint Resolutions

Senator Hollis 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. 303—
BY REPRESENTATIVES DOWNER, BRUCE, DUPRE, KENNARD, AND ROMERO
AN ACT

To enact R.S. 14:222.2, relative to the counterfeiting of cellular telephones; to create the crime of cellular telephone counterfeiting; to provide for definitions; to provide for penalties; and to provide for related matters.

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

HOUSE BILL NO. 577—
BY REPRESENTATIVE WILKERSON
AN ACT

To enact R.S. 46:460.4, relative to the Temporary Assistance for Needy Families Block Grant; to permit teen parents to live outside an adult-supervised living arrangement in cases of abuse; to authorize the secretary of the Department of Social Services to temporarily exempt from the work participation requirements a female recipient when sufficient evidence of domestic violence is presented; to authorize the secretary of the Department of Social Services to apply for waivers and promulgate necessary rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 742—
BY REPRESENTATIVE HAMMETT
AN ACT

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

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

HOUSE BILL NO. 971—
BY REPRESENTATIVE BARTON
AN ACT

To amend and reenact R.S. 43:142(A)(4), 171(A)(2)(d), 181(A)(2)(c), 201(B)(4), and 202(A), relative to the selection of newspapers for official advertisements and publications; to require a newspaper to be entered in a U.S. post office under a periodical permit rather than a second class mailing permit to qualify as an official journal and for the publication of certain advertisements and notices; and to provide for related matters.

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

HOUSE BILL NO. 1010—
BY REPRESENTATIVE STELLY
AN ACT

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

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

HOUSE BILL NO. 1128—
BY REPRESENTATIVES ALARIO, ANSARDI, MARTINY, THERIOT, AND TOOMY
AN ACT

To enact R.S. 47:322.1, 322.2, 322.3, and 322.4, relative to the proceeds of state sales tax on hotel occupancy in certain parishes; to dedicate a portion of such tax collected to the Jefferson Parish Convention Center Fund; to provide for deposit of monies into the fund and allowable uses of the fund to create special accounts within the fund; to provide for creation of certain additional funds; to dedicate the proceeds of taxes collected in certain parishes to such funds; to provide for the deposit of monies and the uses of such funds; to dedicate the proceeds of certain taxes collected in certain parishes to certain funds; to provide for the deposit and use of such monies; and to provide for related matters.

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

HOUSE BILL NO. 1271—
BY REPRESENTATIVE WALSWORTH
AN ACT

To enact R.S. 14:95(I), relative to the crime of illegal carrying of weapons; to provide with respect to the ownership and carrying of "rescue knives" by commissioned law enforcement officers; to provide with respect to the sale of those knives to those officers; to provide with respect to the ownership or possession of those knives by merchants; and to provide for related matters.

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

HOUSE BILL NO. 1287—
BY REPRESENTATIVES GAUTREUX AND ROUSSELLE
AN ACT

To amend and reenact R.S. 23:634 and 897(A) and to enact R.S. 23:897(K), relative to employment; to allow reimbursement from an employee for certain examinations if the employee terminates the employment relationship within ninety days; to allow reimbursement from wages payable; and to provide for related matters.

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

HOUSE BILL NO. 1383—
BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 14:95(H), relative to the crime of illegal carrying of weapons and exceptions thereto; to authorize justices of the peace and constables to carry concealed handguns; and to provide for related matters.

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

HOUSE BILL NO. 1415—
BY REPRESENTATIVE STELLY
AN ACT

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

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

HOUSE BILL NO. 1456—
BY REPRESENTATIVE FORSTER
AN ACT

To amend and reenact R.S. 23:1208(A) and (B) and 1317(A), relative to workers' compensation hearings; to provide that impeachment evidence shall not be discoverable; to provide for conditions for introduction into evidence; to provide for penalties for misrepresentations; and to provide for related matters.

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

HOUSE BILL NO. 1859—
BY REPRESENTATIVE WINDHORST
AN ACT

To enact R.S. 49:963(E), relative to administrative procedure; to provide relative to judicial review of rules; to allow certain rules to be declared invalid; and to provide for related matters.

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

HOUSE BILL NO. 1896—
BY REPRESENTATIVE PRATT
AN ACT

To enact R.S. 17:7(22), relative to the powers and duties of the State Board of Elementary and Secondary Education; to provide for the development, adoption, and implementation of a pilot program in eight elementary schools to departmentalize grades one through six; to provide relative to participation in such program, including the selection of schools; to require each participating school to study certain outcomes, create a strategic plan, and provide for a daily planning period; to provide for program implementation and evaluation; to provide for rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 2011—
BY REPRESENTATIVE GAUTREUX
AN ACT

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

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

HOUSE BILL NO. 2206—
BY REPRESENTATIVES CLARKSON AND MURRAY
AN ACT

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

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

HOUSE BILL NO. 2220—
BY REPRESENTATIVE WRIGHT
AN ACT

To amend and reenact R.S. 33:1342(1) and to enact R.S. 33:1350.2, relative to local government self-insurance funds; to allow a state hospital association to form, join, and participate in interlocal risk management agencies; and to provide for related matters.

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

HOUSE BILL NO. 2277—
BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact R.S. 22:349, relative to funeral service insurers; to increase the interval between required examinations of certain insurers by the Department of Insurance; and to provide for related matters.

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

May 22, 1997

HOUSE BILL NO. 2312—

BY REPRESENTATIVE SHAW

AN ACT

To enact R.S. 14:333.1, relative to crimes affecting the public generally; to provide with respect to the manufacture, distribution, sale, or offer of illegal identification cards; and to provide for related matters.

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

HOUSE BILL NO. 2467—

BY REPRESENTATIVES MARIONNEAUX AND WINDHORST

AN ACT

To enact R.S. 40:1485.10, relative to the regulation of charitable gaming; to provide with respect to venue in civil proceedings involving charitable gaming licensees; and to provide for related matters.

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

HOUSE BILL NO. 2506 (Substitute for House Bill No. 1509 by Representative Dimos) —

BY REPRESENTATIVE DIMOS

AN ACT

To enact R.S. 9:5217, relative to mortgages; to provide for uniform fees for filing multiple indebtedness mortgages; to provide for requirements as to form; and to provide for related matters.

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

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. 355—

BY SENATOR GREENE

AN ACT

To amend and reenact R. S. 24:35 (District No. 6), (District No. 11 through District No. 18), (District No. 22 through District No. 28), (District No. 30), and District No. 32 through District No. 35), relative to senate districts, to provide for the redistricting of Senate Districts 6, 11 through 18, 22 through 28, 30, and 32 through 35, to provide for the effectiveness of this Act, to provide for certain vacancies, and to provide with respect thereto.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 355 by Senator Greene

AMENDMENT NO. 1

On page 1, line 2, delete "(District No. 6)."

AMENDMENT NO. 2

On page 1, line 3, delete "(District No.)"

AMENDMENT NO. 3

On page 1, line 4, delete "30,"

AMENDMENT NO. 4

On page 1, line 5, delete "6,"

AMENDMENT NO. 5

On page 1, line 6, delete "30,"

AMENDMENT NO. 6

On page 1, line 10, delete "(District No. 6)."

AMENDMENT NO. 7

On page 1, line 11, delete "(District No. 30)."

AMENDMENT NO. 8

On page 2, delete lines 4 through 27

AMENDMENT NO. 9

Delete page 3 in its entirety

AMENDMENT NO. 10

On page 4, delete lines 1 through 10 and insert in lieu thereof the following:

District 11 is composed of Precincts 101, 103, 306, 404, 405, 406, 407, 408, 409, 410, 411, 701, 702, 703, 704, 704A, 802, 803, 803A, 803B, 804, 805, 806, 807, 808, 809, 809A, 809B, 810, 810A, 901, 902, 902A, 902B, 904, 904B, 905, 906, 907, 907A, 907B, 908, 908B, 908C, 909, 910, 911, C01, C02, C03, C04, C05, C06, C07, C08, C08A, S01, S02, S03, S04, S05, S06, S06A, S07, S07A, S08, S10, S11, S12, S13, S15, S16, and S17 of St. Tammany Parish; and Precincts 43, 44, 48, 72, 120, 120A, 122, 131, 141, 143, 145, and 147 of Tangipahoa Parish.

District 12 is composed of Precincts 201, 202, 202A, 203, 205, 301, 302, 303, 304, 305, 305A, 501, 503, 504, 601, 602, 603, 604, 801, 903, 903A, 903B, A01, C06A, F01, and P01 of St. Tammany Parish; Precincts 01, 02, 06, 11, 11A, 15, 16, 17, 18, 26, 27, 28, 33, 101, 102, 103, 104, 104A, 105, 106, 106A, 107, 108, 109, 110, 111, 111A, 112, 113, 113A, 114, 115, 115A, 115B, 116, 117, 118, 119, 121, 121A, 123, 125, 127, and 129 of Tangipahoa Parish; and Washington Parish.

District 13 is composed of Precincts 1-97, 2-2, 2-3, 2-4, 2-6, 2-7, 2-8, 2-10, 2-13, 2-14, 2-15, 2-17, 2-18, 2-21, 2-26, 2-26A*, 2-26B*, 3-1, 3-2, 3-6, 3-9, 3-12, 3-14, 3-21, 3-25, 3-26, and 3-30 of East Baton Rouge Parish; and Precincts 1 & 1A, 2, 3, 3A, 4, 5, 5A, 6 & 6A, 7A, 7B, 8, 9, 10, 11, 12, 24 & 24B, 24A, 25, 26 & 26A, 27, 28, 29, 30, 35, 36, 39 & 39A, 40, 41, and 42 of Livingston Parish.

District 14 is composed of Precincts 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-10, 1-11, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-36, 1-37, 1-38, 1-39, 1-40, 1-45, 1-46, 1-48, 1-50, 1-51, 1-57, 1-58, 1-59, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-73, 1-76, 1-78, and 1-85 of East Baton Rouge Parish.

District 15 is composed of Precincts 1-77, 1-84, 1-86, 1-88, 1-91, 1-92, 1-93, 1-94, 1-95, 1-100, 1-101, 2-1, 2-5, 2-9, 2-11, 2-12, 2-16, 2-22, 2-23, 2-24, 2-25, 3-8, and 3-24 of East Baton Rouge Parish; East Feliciana Parish; St. Helena Parish; and West Feliciana Parish.

District 16 is composed of Precincts 1-9, 1-33, 1-34, 1-35, 1-49, 1-52, 1-53, 1-54, 1-55, 1-60, 1-70, 1-71, 1-72, 1-74, 1-79, 1-80, 1-81, 1-82, 1-83, 1-87, 1-89, 1-90, 1-98, 1-99, 1-103, 3-3, 3-4, 3-7, 3-10, 3-11, 3-13, 3-15, 3-16, 3-17, 3-18, 3-19, 3-22, 3-23, 3-27, 3-28, 3-29, 3-31, 3-32, 3-33, 3-34, 3-35, 3-36, 3-37, and 3-38 of East Baton Rouge Parish.

District 17 is composed of Precincts 1-12, 1-41, 1-42, 1-43, 1-44, 1-47, 1-56, 1-69, 1-75, 1-96, 1-102, 3-5, and 3-20 of East Baton Rouge Parish; Iberville Parish; Pointe Coupee Parish; and West Baton Rouge Parish.

District 18 is composed of Ascension Parish; Precincts 1-1, 1-2, 7-1 & 7-1A of Assumption Parish; Precincts 7, 13, 14, 15, 16, 17, 18, 19, 20,

21, 22, 23 & 23A, 31, 32, 33, 34, 38, and 43 of Livingston Parish; St. James Parish; and Precincts 1, 2, 3, 4, and 5 of St. John the Baptist Parish.

AMENDMENT NO. 11

On page 4, delete lines 15 through 27

AMENDMENT NO. 12

On page delete pages 5 and 6

AMENDMENT NO. 13

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

District 23 is composed of Precincts 9, 10, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34A, 34B, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 60, 65, 66, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85A, 85B, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106 of Lafayette Parish.

District 24 is composed of Precincts 2, 5, 6, 11, 12, 13, 14A, 14B, 15A, 15B, 16, 17, 18, 19, 20, 21, 22, 23, 24, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 64, and 68 of Lafayette Parish; Precincts 1-1, 1-2, 1-3, 1-4, 1-4A, 1-5, 1-6, 1-7, 1-8, 1-8A, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-15A, 1-16, 1-16A, 1-16B, 1-17, 1-17A, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 2-1, 2-4, 2-5A, 2-6, 2-7, 2-8, 3-2, 3-4, 3-6, 4-10, 4-15, 5-1, 5-1A, 5-2, 5-3, 5-3A, 5-5, 5-6, 5-7, 5-8, 5-9, 6-1, 6-3, 6-5, 6-8, 6-10, 6-11, 6-15, and 6-17 of St. Landry Parish.

District 25 is composed of Precincts 4-1, 4-2, 4-4, 4-5, 4-6, 5-1A, 5-1B and 7-2 of Acadia Parish; Precincts 10E, 10W, 13, 20, 21, 22, 30, 32N, 32S-A & 32S-B, 33A, 33B, 33E, 33W-A & 33W-B, 34, 35N-A & 35N-B, 35S, 80, 81, 81A*, 115, 116, 117W, 118W, 119NE, 119NW, 119SE, 119SW, 120, 121, 122, 126A, 126C-A & 126C-B, 126E, 126W, 190, and 191 of Calcasieu Parish; Cameron Parish; and Jefferson Davis Parish.

District 26 is composed of Precincts 1-1, 1-2A, 1-2B, 1-3A, 1-3B, 1-4A, 1-4B, 1-5A, 1-5B, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 2-1, 2-2, 2-3, 2-4, 2-5, 3-1, 3-2, 3-3A, 3-3B, 3-4, 3-5, 3-6, 3-6A*, 3-6B*, 3-7, 4-3, 5-2A, 5-2B, 5-3, 5-4, 5-5, 5-6, 6-1, 6-2, 6-3A, 6-3B, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 6-10, 6-11, 6-12, 6-13, 6-14, 6-15, 6-16, 7-1, 7-3 and 7-4 of Acadia Parish; Precincts 1, 3A, 3B, 4, 7, and 8 of Lafayette Parish; Precincts 2-2, 2-2A, 2-3, 2-9, 2-10, and 6-4 of St. Landry Parish; Vermilion Parish.

District 27 is composed of Precincts 11, 12A & 12B, 31, 31A, 40, 41E, 41W, 43, 44N, 44S-A & 44S-B, 45, 46, 50, 52, 53, 60, 61, 70, 71, 72, 100, 101, 102, 103S, 104E, 104W, 105, 106, 107, 108, 109, 110, 111, 112E, 112W, 113, 114A & 114B, 117E, 118E, 123N, 123S-A & 123S-B, 124A & 124B, 125, 150, 151, 152, 153, 155A & 155B, 156, 157, 158, 170, 171, 172, 173, 180, 181, 182, 183, and 201 of Calcasieu Parish.

District 28 is composed of Allen Parish; Avoyelles Parish; Evangeline Parish; and Precincts 3-3, 3-5, 4-1, 4-2, 4-3, 4-5, 4-6, 4-7, 4-8, 4-9, 4-13, 4-14, 4-16, 5-4, 6-2, 6-6, 6-7, 6-9, 6-12, 6-13, 6-13A, 6-14, and 6-16 of St. Landry Parish.

* * *

District 32 is composed of Caldwell Parish; Catahoula Parish; Concordia Parish; Franklin Parish; La Salle Parish; Precincts 4-1, 5-5, 5-14, 8-1, 8-2, and 9-1 of Ouachita Parish; and Precincts 1, 2, 3 & 3A, 4, 5, 8, 9, 10, 11, 12, 13, 14, and 15 of Rapides Parish.

District 33 is composed of Precincts 1, 8, 10, 11, 12, 81, 82, 84, 85, 86, 87, 88, 91, 92, 93, 94, 95, and 96 of Claiborne Parish; Morehouse Parish; Precincts 1-1, 1-2, 1-3, 1-4, 1-5, 2-1, 2-2, 2-3, 2-4, 5-15, 5-17,

5-18, and 10-15 of Ouachita Parish; Union Parish; and West Carroll Parish.

District 34 is composed of East Carroll Parish; Madison Parish; Precincts 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17, 3-18, 4-2, 10-2, 10-5, 10-7, 10-8, 10-9, 10-10, 10-11, 10-12, 10-13, 10-16, 10-17, and 10-22 of Ouachita Parish; Richland Parish; and Tensas Parish.

District 35 is composed of Jackson Parish; Lincoln Parish; Precincts 1-4A*, 5-1, 5-2, 5-3, 5-4, 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 5-12, 5-13, 5-16, 5-19, 5-20, 5-21, 6-1, 6-2, 7-1, 10-1, 10-3, 10-4, 10-6, 10-14, 10-18, 10-19, 10-20, 10-21, 10-23, and 10-24 of Ouachita Parish.

AMENDMENT NO. 14

On page 7, line 6, change "1994" to "1997"

AMENDMENT NO. 15

On page 7, line 24, after "for" change "an" to "and"

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

SENATE BILL NO. 762—

BY SENATOR SHORT

AN ACT

To amend and reenact R.S. 46:450.1(A), and (B)(2), and (4) and Part VII of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, by enacting R.S. 46:440, and to enact R.S. 46:450.1(B)(7) through (11) and (F), relative to electronic benefits transfer for public entitlements; to define terms; to require plastic cards with photo identification; to require training; to prohibit transfer of unused benefits; to prohibit the purchase of certain food items; to require the reporting of certain nutritional information; to require receipt showing benefit balance be provided to recipients; to provide for inactivation of cards; to terminate benefits for failure to report loss or unauthorized use of cards; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 762 by Senator Short

AMENDMENT NO. 1

On page 1, at the end of line 4, delete "through (11)" and insert "and (8)"

AMENDMENT NO. 2

On page 1, at the beginning of line 5, delete "and (F)"

AMENDMENT NO. 3

On page 1, line 7, after "training;" delete the remainder of the line, delete line 8, and at the beginning of line 9, delete "nutritional information;"

AMENDMENT NO. 4

On page 1, line 10, after "cards;" delete the remainder of the line and delete line 11 and insert "and to"

AMENDMENT NO. 5

On page 1, line 15, after "450.1(B)(7)" delete "through (11) and (F)" and insert "and (8)"

AMENDMENT NO. 6

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

"Plastic cards for program clients, **and by January 1, 2002, such cards shall include a photo identification.**"

AMENDMENT NO. 7

On page 3, delete lines 7 through 16 in their entirety

AMENDMENT NO. 8

On page 3, line 18, change "(10)" to "(7)"

AMENDMENT NO. 9

On page 3, line 22, change "(11)" to "(8)" and delete "immediate"

AMENDMENT NO. 10

On page 3, delete lines 25 through 27 in their entirety

AMENDMENT NO. 11

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

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

SENATE BILL NO. 1025—

BY SENATOR CAMPBELL

AN ACT

To amend and reenact R.S. 22:215.8, relative to health insurance coverage; to provide for coverage for the treatment and correction of cleft lip and cleft palate; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 1025 by Senator Campbell

AMENDMENT NO. 1

On page 1, at the beginning of line 11, insert "**A.**"

AMENDMENT NO. 2

On page 1, between lines 23 and 24 insert the following:

" B. The provisions of this Section shall not apply to individually underwritten guaranteed renewable or renewable limited benefit supplemental health insurance policies authorized to be issued in this state."

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

SENATE BILL NO. 1324—

BY SENATORS EWING AND HINES

AN ACT

To enact Chapter 7-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:442.1 through 442.16, and to repeal R.S. 46:442, relative to health services; to create and provide relative to the Medical Assistance Program Integrity Law; to provide for a civil penalty for fraud and misrepresentation and agency review of suspected cases; and to provide for related matters.

Reported by substitute by the Committee on Health and Welfare. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (SUBSTITUTE FOR SENATE BILL 1324 BY SENATORS EWING AND HINES) BY SENATORS EWING AND HINES

HEALTH SERVICES. Creates the "Medical Assistance Programs

Integrity Law".

AN ACT

To enact Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of Subpart A, comprised of R.S. 46:437.1 through 437.10, Subpart B, comprised of R.S. 46:438.1 through 438.8, Subpart C, comprised of R.S. 46:439.1 through 439.4, and Subpart D, comprised of R.S. 46:440.1 through 440.3, and to repeal R.S. 46:442, relative to health services; to create and provide relative to the Medical Assistance Programs Integrity Law; to provide for definitions; to provide for claims review and administrative sanctions; to authorize settlements on behalf of the medical assistance programs; to authorize use of certain legal processes to protect the fiscal integrity of the medical assistance programs; to authorize civil causes of action for certain misconduct relative to the medical assistance programs; to provide for damages, civil fines, penalties, costs, fees, and expenses, and other recovery; to provide for burden of proof and evidence in regard to a civil action instituted pursuant to this Act; to authorize a private person to institute a civil action on behalf of the medical assistance programs and himself, to be known as a "Qui Tam action"; to provide procedures, limitations, and requirements for a Qui Tam action; to provide relative to recovery in a Qui Tam action; to establish a fund to receive recovery in excess of actual damages to the medical assistance programs; to authorize uses for the monies in the fund; to allow the secretary of the Department of Health and Hospitals to grant limited rewards for certain information that leads to recovery; to provide certain protections and a cause of action for a person who supplies such information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of Subpart A, comprised of R.S. 46:437.1 through 437.10, Subpart B, comprised of R.S. 46:438.1 through 438.8, Subpart C, comprised of R.S. 46:439.1 through 439.4, and Subpart D, comprised of R.S. 46:440.1 through 440.3, is hereby enacted to read as follows:

PART VI-A. MEDICAL ASSISTANCE PROGRAMS INTEGRITY LAW

Part VI-A is all proposed new law.

SUBPART A. GENERAL PROVISIONS

Subpart A is all proposed new law.

§437.1. Short title

R.S. 46:437.1 is all proposed new law.

This Chapter may be cited as the "Medical Assistance Programs Integrity Law".

§437.2. Legislative intent and purpose

R.S. 46:437.2 is all proposed new law.

A. This Part enacted to combat and prevent fraud and abuse committed by some health care providers participating in the medical assistance programs and by other persons and to negate the adverse effects such activities have on fiscal and programmatic integrity.

B. The legislature intends the secretary of the Department of Health and Hospital, the attorney general, and private citizens of Louisiana to be agents of this state with the ability, authority, and resources to pursue civil monetary penalties, liquidated damages, or other remedies to protect the fiscal and programmatic integrity of the medical assistance programs from health care providers and other persons who engage in fraud, misrepresentation, abuse, or other ill practices, as set forth in this Part, to obtain payments to which these health care providers or persons are not entitled.

§437.3. Definitions

R.S. 46:437.3 is all proposed new law.

As used in this Part the following terms shall have the following meanings:

(1) "Administrative adjudication" means adjudication and the adjudication process contained in the Administrative Procedure Act, R.S. 49:950, et seq.

(2) "Agent" means a person who is employed by or has a contractual relationship with a health care provider or who acts on behalf of the health care provider.

(3) "Secretary or attorney general" means that either party is authorized to institute a proceeding or take other authorized action as provided in this Part pursuant to a memorandum of understanding between the two so as to notify the public as to whether the secretary or the attorney general is the deciding or controlling party in the proceeding or other authorized matter.

(4) "Billing agent" means an agent who performs any or all of the health care provider's billing functions.

(5) "Billing" or "bills" means submitting, or attempting to submit, a claim for goods, services, or supplies.

(6) "Claim" includes any request or demand, including any and all documents or information required by federal or state law or by rule, made against medical assistance programs funds for payment. A claim may be based on costs or projected costs and includes any entry or omission in a cost report or similar document, book of account, or any other document which supports, or attempts to support, the claim. A claim may be made through electronic means if authorized by the department. Each claim may be treated as a separate claim or several claims may be combined to form one claim.

(7) "Department" means the Department of Health and Hospitals.

(8) "False or fraudulent claim" means a claim which the health care provider or his billing agent submits knowing the claim to be false, fictitious, untrue, or misleading in regard to any material information. "False or fraudulent claim" shall include a claim which is part of a pattern of incorrect submissions in regard to material information or which is otherwise part of a pattern in violation of applicable federal or state law or rule.

(9) "Good, service, or supply" means any good, item, device, supply, or service for which a claim is made, or is attempted to be made, in whole or part.

(10) "Health care provider" means any person furnishing or claiming to furnish a good, service, or supply under the medical assistance programs, any other person defined as a health care provider by federal or state law or by rule, and a provider-in-fact.

(11) "Ineligible recipient" means an individual who is not eligible to receive health care through the medical assistance programs.

(12) "Knowing" or "knowingly" means that the person has actual knowledge of the information or acts in deliberate ignorance or reckless disregard of the truth or falsity of the information.

(13) "Managing employee" means a person who exercises operational or managerial control over, or who directly or indirectly conducts, the day-to-day operations of a health care provider. "Managing employee" shall include, but is not limited to, a chief executive officer, president, general manager, business manager, administrator, or director.

(14) "Medical assistance programs" means the Medical Assistance Program (Title XIX of the Social Security Act), commonly referred to as "Medicaid", and other programs operated by and funded in the department which provide payment to health care providers.

(15) "Misrepresentation" means the knowing failure to truthfully or fully disclose any and all information required, or the concealment of any and all information required on a claim or a provider agreement or the making of a false or misleading statement to the department relative to the medical assistance programs.

(16) "Order" means a final order imposed pursuant to an administrative adjudication.

(17) "Ownership interest" means the possession, directly or indirectly, of equity in the capital or the stock, or the right to share in the profits, of a health care provider.

(18) "Payment" means the payment to a health care provider from medical assistance programs funds pursuant to a claim, or the attempt to seek payment for a claim.

(19) "Property" means any and all property, movable and immovable, corporeal and incorporeal.

(20) "Provider agreement" means a document which is required as a condition of enrollment or participation as a health

care provider under the medical assistance programs.

(21) "Provider-in-fact" means an agent who directly or indirectly participates in management decisions, has an ownership interest in the health care provider, or other persons defined as a provider-in-fact by federal or state law or by rule.

(22) "Recipient" means an individual who is eligible to receive health care through the medical assistance programs.

(23) "Recoupment" means recovery through the reduction, in whole or in part, of payment to a health care provider.

(24) "Recovery" means the recovery of overpayments, damages, fines, penalties, costs, expenses, restitution, attorneys fees, or interest or settlement amounts.

(25) "Rule" means any rule or regulation promulgated by the department in accordance with the Administrative Procedure Act and any federal rule or regulation promulgated by the federal government in accordance with federal law.

(26) "Secretary" means the secretary of the Department of Health and Hospitals, or his authorized designee.

(27) "Withhold payment" means to reduce or adjust the amount, in whole or in part, to be paid to a health care provider for a pending or future claim during the time of a criminal, civil, or departmental investigation or proceeding or claims review of the health care provider.

§437.4. Claims review and administrative sanctions

R.S. 46:437.4 is all proposed new law.

A. (1) Pursuant to rules and regulations promulgated in accordance with the Administrative Procedure Act, the secretary shall establish a process to review a claim made by a health care provider to determine if the claim should be or should have been paid as required by federal or state law or by rule.

(2) Claims review may occur prior to or after payment is made to a health care provider.

(3) The secretary may withhold payment to a health care provider during claims review if necessary to protect the fiscal integrity of the medical assistance programs.

B. (1) The secretary may establish various types of administrative sanctions pursuant to rules and regulations promulgated in accordance with the Administrative Procedure Act which may be imposed on a health care provider or other person who violates any provision of this Part or any other applicable federal or state law or rule related to the medical assistance programs.

(2) "Sanction" shall include, but is not limited to, any or all of the following: recoupment; posting of bond, other security, or a combination thereof; exclusion as a health care provider; or a monetary penalty.

C. (1) The department shall conduct a hearing in compliance with the Administrative Procedure Act at the request of a person who wishes to contest an administrative sanction imposed on him by the secretary.

(2) A party aggrieved of an order may seek judicial review only in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

(3) Judicial review of the order shall be conducted in compliance with the Administrative Procedure Act.

D. All state rules and regulations issued on or before the effective date of this Part shall be deemed to have been issued in compliance with and under the authority of this Section.

§437.5. Settlement

R.S. 46:437.5 is all proposed new law.

A. The secretary or the attorney general may agree to settle a matter for which recovery may be sought on behalf of the medical assistance programs or for a violation of this Part. The terms of the settlement shall be reduced to writing and signed by the parties to the agreement. The terms of the settlement shall be public record.

B. At a minimum, the settlement shall ensure that the recovery agreed to by the parties covers the estimated loss sustained by the medical assistance programs. The settlement shall include the method and means of payment for recovery, including but not limited to, adequate security for the full amount of the

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settlement.

§437.6. Injunctive relief; lis pendens; disclosure of property and liabilities

R.S. 46:442.6 is all proposed new law.

A. (1) Concurrently with a withholding of payment, a sanction being imposed, or the institution of a criminal, civil, or departmental proceeding against a health care provider or other person, the secretary or the attorney general may bring an action for a temporary restraining order or injunction under Code of Civil Procedure Articles 3601 through 3613 to prevent a health care provider or other person from whom recovery may be sought from transferring property or to protect the business.

(2) To obtain such relief, the secretary or the attorney general shall demonstrate all necessary requirements for the relief to be granted.

(3) If an injunction is granted, the court may appoint a receiver to protect the property and business of the health care provider or other person from whom recovery may be sought. The court shall assess the cost of the receiver to the nonprevailing party.

B. Pursuant to Code of Civil Procedure Articles 3751 through 3753, the secretary or the attorney general may place a notice of pendency of action, lis pendens, on the property of a health care provider or other person during the pendency of a criminal, civil, or departmental proceeding.

C. When requested by the court, the secretary, or the attorney general, a health care provider or other person from whom recovery may be sought shall have an affirmative duty to fully disclose all property and liabilities to the requester.

§437.7 Forfeiture of property for payment of recovery

R.S. 46:437.7 is all proposed new law.

A. In accordance with the provisions of Subsection B of this Section, the court may order the forfeiture of property to satisfy recovery under the following circumstances:

(1) The court may order the health care provider or other person from whom recovery is due to forfeit property which constitutes or was derived directly or indirectly from gross proceeds traceable to the violation which forms the basis for the recovery.

(2) If the secretary or the attorney general shows that property was transferred to a third party to avoid paying of recovery, or in an attempt to protect the property from forfeiture, the court may order the third party to forfeit the transferred property.

B. Prior to the forfeiture of property, a contradictory hearing shall be held during which the secretary or the attorney general shall prove, by clear and convincing evidence, that the property in question is subject to forfeiture pursuant to Subsection A of this Section. No such contradictory hearing shall be required if the owner of the property in question agrees to the forfeiture.

C. If property is transferred to another person within six months prior to the occurrence or after the occurrence of the violation for which recovery is due or within six months prior to or after the institution of a criminal, civil, or departmental investigation or proceeding, it shall be prima facie evidence that the transfer was to avoid paying recovery or was an attempt to protect the property from forfeiture.

D. The health care provider or other person from whom recovery is due shall have an affirmative duty to fully disclose all property and liabilities, and all transfers of property which meet the criteria of Subsection C of this Section, to the court, the secretary and the attorney general.

§437.8. Venue

R.S. 46:437.8 is all proposed new law.

An action instituted pursuant to R.S. 46:437.6 or 437.7 may be brought in any of the following courts:

(1) The Nineteenth Judicial District Court for the parish of East Baton Rouge.

(2) A district court in the parish in which a health care provider or other person from whom recovery may be sought has its principle place of business or is domiciled.

§437.9. Privilege; nondischargeability

R.S. 46:437.9 is all new proposed law.

A. Recovery shall be granted a privilege under state law as to

all property owned by the health care provider or other person from whom recovery is due and shall be effective as to third parties only if notice of pendency, lis pendens, is placed on the property, if recorded and reinscribed in accordance with Civil Code Articles 3320 through 3327, or if the conditions of Subsection C of this Section are applicable.

B. As to the property owned by the health provider, the privilege provided in Subsection A of this Section shall rank ahead of any other privilege, mortgage, or secured interest possessed by the health care provider, his agent, or his managing employee.

C. If property is transferred to a third party to avoid paying of recovery, or in an attempt to protect the property from forfeiture, the privilege provided in Subsection A of this Section shall rank ahead of any other privilege, mortgage, or secured interest on the transferred property obtained or possessed by the person who obtains an ownership interest in the transferred property.

D. Recovery for a violation of R.S. 46:438.2 or R.S. 46:438.3 shall be considered a nondischargeable liability under the provisions of Title 11, U.S.C. Chapters 7, 11, and 13.

§437.10. Continuing liability; assumption of liability

R.S. 46:437.10 is all proposed new law.

A. A health care provider or person from whom recovery is due shall remain liable for the recovery regardless of any sale, merger, consolidation, dissolution, or other disposition of the health care provider or person, provided the obligation is recorded and reinscribed in accordance with Civil Code Articles 3320 through 3337.

B. Any person who obtains an ownership interest, whether by sale, merger, consolidation, or other disposition, in a health care provider or other person from whom recovery is due shall assume the liability and be responsible for paying the amount of any outstanding recovery. Such person shall remain liable, provided the obligation is recorded and reinscribed in accordance with Civil Code Articles 3320 through 3337.

SUBPART B. CIVIL CAUSES OF ACTION

Subpart B is all proposed new law.

§438.1. Civil actions authorized

R.S. 46:438.1 is all proposed new law.

A. The secretary or the attorney general may institute a civil action in the courts of this state to seek recovery from persons who violate the provisions of this Part.

B. An action to recover costs, expenses, fees, and attorney fees shall be ancillary to, and shall be brought and heard in the same court as, the civil action brought under the provision of Subsection A of this Section.

C. (1) A prevailing defendant may only seek recovery for costs, expenses, fees, and attorney fees if the court finds, following a contradictory hearing, that either of the following apply:

(a) The action was instituted by the secretary or attorney general pursuant to Subsection A of this Section after it should have been determined by the secretary or attorney general to be frivolous, vexatious, or brought primarily for the purpose of harassment.

(b) The secretary or attorney general proceeded with the action instituted pursuant to Subsection A of this Section after it should have been determined by the secretary or attorney general that proceeding would be frivolous, vexatious, or for the purpose of harassment.

(2) Recovery awarded to a prevailing defendant shall be awarded only for those reasonable, necessary, and proper costs, expenses, fees, and attorney fees actually incurred by the prevailing defendant.

D. An action to recover costs, expenses, fees, and attorney fees may be brought no later than sixty days after the rendering of judgment by the district court, unless the district court decision is appealed. If the district court decision is appealed, such action may be brought no later than sixty days after the rendering of the final opinion on appeal by the court of appeal or, if applicable, by the supreme court.

§438.2. Illegal remuneration

R.S. 46:438.2 is all proposed new law.

A. No person shall solicit, receive, offer, or pay any remuneration, including but not limited to kickbacks, bribes, rebates, or bed hold payments, directly or indirectly, overtly or covertly, in cash or in kind, for the following:

(1) In return for referring an individual to a health care provider, or for referring an individual to another person for the purpose of referring an individual to a health care provider, for the furnishing or arranging to furnish any good, supply, or service for which payment may be made, in whole or in part, under the medical assistance programs.

(2) In return for purchasing, leasing, or ordering, or for arranging for or recommending purchasing, leasing, or ordering, any good, supply, or service, or facility for which payment may be made, in whole or in part, under the medical assistance programs.

(3) To a recipient of goods, services, or supplies, or his representative, for which payment may be made, in whole or in part, under the medical assistance programs.

(4) To obtain a recipient list, number, name, or any other identifying information.

B. An action brought pursuant to the provisions of this Section shall be instituted within one year of when the department knew that the prohibited conduct occurred. Such prohibited conduct shall be referred to in this Part as "illegal remuneration".

C. By rules and regulations promulgated in accordance with the Administrative Procedure Act, the secretary may provide for additional "safe harbor" exceptions to which the provisions of this Section shall not apply.

D. The following are "safe harbor" exceptions to which the provisions of this Section shall not apply:

(1) A discount or other reduction in price obtained by a health care provider under the medical assistance programs if the reduction in price is properly disclosed to the department and is reflected in the claim made by the health care provider.

(2) Any amount paid by an employer to an employee, who has a bona fide employment relationship with such employer, for the provision of covered goods, services, or supplies.

(3) Any discount amount paid by a vendor of goods, services, or supplies to a person authorized to act as a purchasing agent for a group of health care providers who are furnishing goods, services, or supplies paid or reimbursed under the medical assistance programs provided the following criteria are met:

(a) The person acting as the purchasing agent has a written contract with each health care provider specifying the amount to be paid to the purchasing agent, which amount may be a fixed amount or a fixed percentage of the value of the purchases made by each such health care provider under the contract, or a combination of both.

(b) The health care provider discloses the information contained in the required written contract to the secretary in such form or manner as required under rules and regulations promulgated by the secretary in accordance with the Administrative Procedure Act.

(4) Any other "safe harbor" exception created by federal or state law or by rule.

§438.3. False or fraudulent claim; misrepresentation

R.S. 46:438.3 is all proposed new law.

A. No person shall knowingly present or cause to be presented a false or fraudulent claim.

B. No person shall knowingly engage in misrepresentation to obtain, or attempt to obtain, payment from medical assistance programs funds.

C. No person shall conspire to defraud, or attempt to defraud, the medical assistance programs through misrepresentation or by obtaining, or attempting to obtain, payment for a false or fraudulent claim.

D. (1) No person shall knowingly submit a claim for goods, services, or supplies which were medically unnecessary or which were of substandard quality or quantity.

(2) If a managed care health care provider or a health care provider operating under a voucher system under the medical assistance programs fails to provide medically necessary goods,

services, or supplies or goods, services, or supplies which are of substandard quality or quantity to a recipient, and those goods, services, or supplies are covered under the managed care contract or voucher contract with the medical assistance programs, such failure shall constitute a violation of Paragraph (1) of this Subsection.

(3) "Substandard quality" in reference to services applicable to medical care as used in this Subsection shall mean substandard as to the appropriate standard of care as used to determine medical malpractice, including but not limited to, the standard of care provided in R.S. 9:2974.

E. Each violation of this Section may be treated as a separate violation or may be combined into one violation at the option of the secretary or the attorney general.

F. No action shall be brought under this Section unless the amount of alleged actual damages is one thousand dollars or more.

G. No action brought pursuant to this Section shall be instituted later than ten years after the date upon which the alleged violation occurred.

§438.4. Illegal acts regarding eligibility and recipient lists

R.S. 46:438.4 is all proposed new law.

A. No person shall knowingly make, use, or cause to be made or used a false, fictitious, or misleading statement on any form used for the purpose of certifying or qualifying any person for eligibility for the medical assistance programs or to receive any good, service, or supply under the medical assistance programs which that person is not eligible to receive.

B. No unauthorized person, or no authorized person for an unauthorized purpose, shall obtain a recipient list, number, name, or any other identifying information, nor shall that person use, possess, or distribute such information.

C. An action brought pursuant to the provisions of this Section shall be instituted within one year of when the department knew that the prohibited conduct occurred.

§438.5. Civil monetary penalty

R.S. 46:438.5 is all proposed new law.

A. In a civil action instituted in the courts of this state pursuant to the provisions of this Part, the secretary or the attorney general may seek a civil monetary penalty provided in R.S. 46:439.6 from any of the following:

(1) A health care provider or other person sanctioned by order pursuant to an administrative adjudication.

(2) A health care provider or other person determined by a court to have violated any provision of this Part.

(3) A health care provider or other person who has violated a settlement agreement entered into pursuant to this Part.

(4) A health care provider or other person who has been charged with a violation of R.S. 14:70.1, R.S. 14:133, or R.S. 46:114.2.

(5) A health care provider or other person who has been found liable in a civil action filed in federal court pursuant to 18 U.S.C. §1347, et seq., 42 U.S.C. §1359nn(h)(6), or 42 U.S.C. §1320a-7(b).

(6) A health care provider or other person who has pled guilty to, pled nolo contendere to, or has been convicted in federal court of criminal conduct arising out of circumstances which would constitute a violation of this Part.

B. (1) If a health care provider is sanctioned by order pursuant to an administrative adjudication and if judicial review of the order is sought, a civil suit may be filed for imposition and recovery of the civil monetary penalty during the pendency of such judicial review. The reviewing court may consolidate both actions and hear them concurrently.

(2) If judicial review of an order is sought, the secretary or the attorney general shall file the action for recovery of the civil monetary penalty within one year of service on the secretary of the petition seeking judicial review of the order.

(3) If no judicial review of an order is sought, the secretary or the attorney general may file the action for recovery of the civil monetary penalty within one year of the date of the order.

(4) Any action brought under the provisions of this

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Subsection shall be filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

C. In the instance of a state criminal action, the action for recovery of the civil monetary penalty may be brought as part of the criminal action or shall be brought within one year of the date of the criminal conviction or final plea.

D. (1) In the case of a civil judgment rendered in federal court, the action for recovery of the civil monetary penalty may be brought once the judgment becomes enforceable and no later than one year after written notification to the secretary of the enforceable judgment.

(2) In the case of a criminal conviction or plea in federal court, the action under this Section may be brought once the conviction or plea is final and no later than one year after written notification to the secretary of the rendering of the conviction or final plea.

(3) Any action brought under the provisions of this Subsection shall be filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

E. If an action is brought pursuant to this Part, the request for the imposition of a civil monetary penalty shall only be considered if made part of the original or amended petition.

§438.6. Recovery

R.S. 46:438.6 is all proposed new law.

A. Actual damages.

(1) Actual damages incurred as a result of a violation of the provisions of this Part shall be recovered only once by the medical assistance programs and shall not be waived by the court.

(2) Except as provided by Paragraph (3) of this Subsection, actual damages shall equal the difference between what the medical assistance programs paid, or would have paid, and the amount that should have been paid had not a violation of this Part occurred plus interest at the maximum rate of legal interest provided by Civil Code Article 2924 from the date the damage occurred to the date of repayment.

(3) If the violator is a managed care health care provider or a health care provider under a voucher program, actual damages shall be determined in accordance with the violator's provider agreement.

B. Civil fine.

(1) Any person who is found to have violated R.S. 46:438.2 shall be subject to a civil fine in an amount not to exceed ten thousand dollars per violation, or an amount equal to three times the value of the illegal remuneration, whichever is greater.

(2) Except as limited by R.S. 46:438.6, any person who is found to have violated R.S. 46:438.3 shall be subject to a civil fine in an amount not to exceed three times the amount of actual damages sustained by the medical assistance programs as a result of the violation.

C. Civil monetary penalty.

(1) In addition to the actual damages provided in Subsection A of this Section and the civil fine imposed pursuant to Subsection B of this Section, one or more of the following civil monetary penalties may be imposed on the violator:

(a) Up to ten thousand dollars for each false or fraudulent claim, misrepresentation, illegal remuneration or other prohibited act as contained in R.S. 46:438.2, R.S. 46:438.3, or R.S. 46:438.4.

(b) Payment of interest on the amount of the civil fine imposed pursuant to Subsection B of this Section at the maximum rate of legal interest provided by Civil Code Article 2924 from the date the damage occurred to the date of repayment.

(2) Prior to the imposition of a civil monetary penalty, the court shall consider if there are extenuating circumstances as provided in R.S. 46:438.7.

D. Costs, expenses, fees, and attorney fees.

(1) Any person who is found to have violated this Subpart shall be liable for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.

(2) All awards of costs, expenses, fees, and attorney fees are subject to review by the court using a reasonable, necessary, and

proper standard of review.

(3) The secretary or attorney general shall promptly remit awards for those costs, expenses, and fees incurred by the various clerks of court or sheriffs involved in the investigations or proceedings to the appropriate clerk or sheriff.

E. (1) If recovery is due from a health care provider under the provisions of Subsections A and B of this Section, such recovery shall constitute civil liquidated damages for breach of the conditions and requirements of participation in the medical assistance programs which are and shall be construed by the courts to be remedial, but not retroactive, in nature.

(2) Any award of civil liquidated damages, costs, expenses, and attorneys fees shall be in addition to criminal penalties and to the civil monetary penalty provided in Subsection C of this Section. §438.7. Waivers; extenuating circumstances

R.S. 46:438.7 is all proposed new law.

If a waiver is requested by the secretary or the attorney general, the court may waive any recovery, except for actual damages, required to be imposed under the provisions of this Subpart if all of the following extenuating circumstances are found to be applicable:

(1) The violator furnished all the information known to him about the specific allegation to the secretary or attorney general no later than thirty days after the violator first obtained the information.

(2) The violator cooperated fully with all federal or state investigations concerning the specific allegation.

(3) At the time the violator furnished the information concerning the specific allegation to the department or the attorney general, no criminal, civil, or departmental investigation or proceeding had been commenced as to the alleged violation.

§438.8. Burden of proof; prima facie evidence; standard of review

R.S. 46:438.8 is all proposed new law.

A. The burden of proof in an action instituted pursuant to this Part shall be on the medical assistance programs and by a preponderance of the evidence, except that the defendant shall carry the burden of proving that goods, services, or supplies were actually provided to an eligible recipient in the quantity and quality submitted on a claim. In all other aspects, the burden of proof shall be as set forth in the Code of Civil Procedure and other applicable laws.

B. Proof by a preponderance of the evidence of a false or fraudulent claim or illegal remuneration shall be deemed to exist under the following circumstances:

(1) If the defendant has plead guilty to, been convicted of, or entered a nolo contendere plea to a criminal charge in any federal or state court to charges arising out of the same circumstances as would be a violation of this Subpart.

(2) If an order has been rendered against a defendant finding the defendant to have violated this Subpart.

C. (1) The submission of a certified or true copy of an order, civil judgment, or criminal conviction or plea shall be prima facie evidence of the same.

(2) The submission of the bill of information or of the indictment and the minutes of the court shall be prima facie evidence as to the circumstances underlying a criminal conviction or plea.

D. (1) In determining whether a pattern of incorrect submissions exists in regard to an alleged false or fraudulent claim, the court shall give consideration as to whether the total amount of the incorrect submissions by a health care provider is material in relation to the total claims submitted by the health care provider.

(2) "Material" as used in this Subsection shall have the same meaning as defined by rules and regulation promulgated by the secretary in accordance with the Administrative Procedure Act which incorporate the same definition of "material" as recognized by the American Institute of Certified Public Accountants.

SUBPART C. QUI TAM ACTION

Subpart C is all proposed new law.

§439.1. Qui Tam action, civil action filed by private person

R.S. 46:439.1 is all proposed new law.

A. A private person may institute a civil action in the courts of this state on behalf of the medical assistance programs and himself to seek recovery, except for the civil monetary penalty provided in R.S. 46:438.6(C), for a violation of R.S. 46:438.2, R.S. 46:438.3, or R.S. 46:438.4 pursuant to the provisions of this Subpart. The institutor shall be known as a "Qui Tam plaintiff" and the civil action shall be known as a "Qui Tam action".

B. (1) A Qui Tam plaintiff shall be an original source of the information which serves as the basis for the alleged violation. More than one person may serve as a Qui Tam plaintiff in a Qui Tam action arising out of the same information and allegations provided each person qualifies as an original source.

(2) For purposes of this Subpart, "original source" means a person who has direct and independent knowledge of the alleged violation and who has voluntarily provided the information to the secretary or attorney general before filing a Qui Tam action with the court.

C. No Qui Tam action shall be instituted later than one year after the date a Qui Tam complaint is received by the secretary or the attorney general, whichever occurs first, in accordance with R.S. 46:439.2.

D. The burden of proof in a Qui Tam action instituted pursuant to this Subpart shall be the same as that set forth in R.S. 46:438.8.

E. (1) No court shall have jurisdiction over a Qui Tam action based upon a disclosure of allegations or transactions in a criminal, civil, or administrative hearing or as the result of disclosure of a governmental audit report, investigation, or hearing unless the person bringing the action is an original source of the information.

(2) No court shall have jurisdiction over a Qui Tam action based upon a disclosure through the media unless the person bringing the action is an original source of the information and that fact is confirmed by a person with knowledge of who provided the information.

F. (1) A person who is or was a public employee or public official or a person who is or was acting on behalf of the state shall not bring a Qui Tam action if the person has or had a duty or obligation to report, investigate, or pursue allegations of wrongdoing or misconduct by health care providers.

(2) A person who is or was a public employee or public official or a person who is or was acting on behalf of the state shall not bring a Qui Tam action if the person has or had access to records of the state through the normal course and scope of his employment relative to activities of health care providers.

G. No employer of a Qui Tam plaintiff shall discharge, demote, suspend, threaten, harass, or discriminate against a Qui Tam plaintiff at any time arising out of the fact that the Qui Tam plaintiff brought an action pursuant to this Subpart unless the court finds that the Qui Tam plaintiff has instituted or proceeded with an action that is frivolous, vexatious, or harassing.

H. The court shall allow the secretary or the attorney general to intervene and proceed with the Qui Tam action in the district court at any time during the Qui Tam action proceedings.

I. Notwithstanding any other law to the contrary, a Qui Tam complaint and information filed with the secretary or attorney general shall not be subject to discovery or become public record until judicial service of the Qui Tam action is made on any of the defendants, except that the information contained therein may be given to other governmental entities or their authorized agents for review and investigation. Such entities and their authorized agents shall maintain the confidentiality of the information provided to them under this Subsection.

§439.2. Qui Tam action procedures

R.S. 46:439.2 is all proposed new law.

A. The following procedures shall be applicable to a Qui Tam action:

(1) The complaint shall be captioned: "Medical Assistance Programs Ex Rel.: [insert name of Qui Tam plaintiff(s)] v. [insert name of defendant(s)]".

(2)(a) A copy of the Qui Tam complaint and written disclosure of substantially all material evidence and information

each Qui Tam plaintiff possesses shall be filed with the secretary or the attorney general.

(b) The Qui Tam complaint and written disclosure of substantially all material evidence and information shall be filed with the secretary or the attorney general within one year of the date the Qui Tam plaintiff knew or should have known of the information forming the basis of the complaint. No Qui Tam action shall be instituted by a Qui Tam plaintiff if he fails to timely file a complaint with the secretary or the attorney general.

(3)(a) At least thirty days after filing with the secretary or the attorney general, whichever occurs first, the Qui Tam complaint and information may be filed with the appropriate state district court. On the same date as the Qui Tam action is filed, the Qui Tam plaintiff shall serve the secretary and the attorney general with notice of the filing.

(b) If more than one Qui Tam action arising out of the same information and allegations is filed, the court shall dismiss all Qui Tam actions where the complaint and information filed with the secretary or attorney general were filed thirty days or more after the first Qui Tam complaint and information which serves as the basis for the alleged violation were filed with the secretary or attorney general.

(4)(a) The complaint and information filed with the court shall be made under seal, shall remain under seal for at least ninety days from the date of filing, and shall be served on the defendant when the seal is removed.

(b) For good cause shown, the secretary or the attorney general may request one extension of the ninety-day time period for the complaint and information to remain under seal and unserved on the defendant. This request shall be supported by affidavit or other submission in camera and under seal.

B. (1) If the secretary or the attorney general elects to intervene in the action, the secretary or the attorney general shall not be bound by any act of a Qui Tam plaintiff. The secretary or the attorney general shall control the Qui Tam action proceedings on behalf of the state and the Qui Tam plaintiff may continue as a party to the action.

(2) The Qui Tam plaintiff and his counsel shall cooperate fully with the secretary or the attorney during the pendency of the Qui Tam action.

(3) If requested by the secretary or the attorney general and notwithstanding the objection of the Qui Tam plaintiff, the court may dismiss the Qui Tam action provided the Qui Tam plaintiff has been notified by the secretary or the attorney general of the filing of the motion to dismiss and the court has provided the Qui Tam plaintiff a contradictory hearing on the motion.

(4) If the secretary or the attorney general does not intervene, the Qui Tam plaintiff may proceed with the Qui Tam action unless the secretary or the attorney general shows that proceeding would adversely effect the prosecution of any pending criminal actions or criminal investigations into the activities of the defendant. Such a showing shall be made to the court in camera and neither the Qui Tam plaintiff or the defendant shall be informed of the information revealed in camera. In which case, the Qui Tam action shall be stayed for no more than one year.

(5) If the Qui Tam plaintiff objects to a settlement of the Qui Tam action proposed by the secretary or the attorney general, the court may authorize the settlement only after a hearing to determine whether the proposed settlement is fair, adequate, and reasonable under the circumstances.

C. If a Qui Tam plaintiff fails to comply with any provision of this Subpart, after a contradictory hearing, the court may dismiss the Qui Tam plaintiff on its own motion or on motion made by the secretary or attorney general.

D. A defendant shall have thirty days from the time a Qui Tam complaint is served on him to file a responsive pleading.

E. The Qui Tam plaintiff and the defendant shall serve all pleadings and papers filed, as well as discovery, in the Qui Tam action on the secretary and the attorney general.

F. (1) Whether or not the secretary or the attorney general proceeds with the action, upon showing by the secretary or the

attorney general that certain actions of discovery by the Qui Tam plaintiff or defendant would interfere with a criminal, civil, or departmental investigation or proceeding arising out of the same facts, the court shall stay the discovery for a period of not more than ninety days.

(2) Upon a further showing that federal or state authorities have pursued the criminal, civil, or departmental investigation or proceeding with reasonable diligence and any proposed discovery in the Qui Tam action would unduly interfere with the criminal, civil, or departmental investigation or proceeding, the court may stay the discovery for an additional period, not to exceed one year.

(3) Such showings shall be conducted in camera and neither the defendant nor the Qui Tam plaintiff shall be informed of the information presented to the court.

(4) If discovery is stayed pursuant to this Subsection, the trial and any motion for summary judgment in the Qui Tam action shall likewise be stayed.

§439.3. Qui Tam action procedures

R.S. 46:439.3 is all proposed new law.

Notwithstanding any other provision of this Subpart, the secretary or the attorney general may elect to pursue an administrative or civil action against a Qui Tam defendant through any alternative remedy available to the secretary or the attorney general.

§439.4. Recovery awarded to a Qui Tam plaintiff

R.S. 46:439.4 is all proposed new law.

A. (1) Except as provided by Subsection D of the Section and Paragraph (3) of this Subsection, if the secretary or the attorney general intervenes in the action brought by a Qui Tam plaintiff, the Qui Tam plaintiff shall receive at least ten percent, but not more than twenty percent, of recovery, exclusive of the civil monetary penalty provided in R.S. 46:439.6(C).

(2) In making a determination of award to the Qui Tam plaintiff the court shall consider the extent to which the Qui Tam plaintiff substantially contributed to investigations and proceedings related to the Qui Tam action.

(3) If the court finds the allegations in the Qui Tam action to be based primarily on disclosures of specific information other than information provided by the Qui Tam plaintiff, the court may award less than ten percent of recovery, exclusive of the civil monetary penalty provided in R.S. 46:438.6(C), taking into account the significance of the information and the role of the Qui Tam plaintiff in advancing the Qui Tam action to judgment or settlement.

B. Except as provided by Subsection D of the Section, if the secretary or the attorney general does not intervene in the Qui Tam action, the Qui Tam plaintiff shall receive an amount, not to exceed thirty percent of recovery, which the court decides is reasonable for the Qui Tam plaintiff pursuing the action to judgment or settlement.

C. (1) In addition to all other recovery to which he is entitled and if he prevails in the Qui Tam action, the Qui Tam plaintiff shall be entitled to an award against the defendant for costs, expenses, fees, and attorney fees, subject to review by the court using a reasonable, necessary, and proper standard of review.

(2) If the secretary or the attorney general does not intervene and the Qui Tam plaintiff conducts the action, the court may award costs, expenses, fees, and attorney fees to a prevailing defendant if the court finds that the allegations made by the Qui Tam plaintiff were meritless or brought primarily for the purposes of harassment. A finding by the court that Qui Tam allegations were meritless or brought primarily for the purposes of harassment may be used by the prevailing defendant in the Qui Tam action or any other civil proceeding to recover losses or damages sustained as a result of the Qui Tam plaintiff filing and pursuing such a Qui Tam action.

D. Whether or not the secretary or the attorney general intervenes, if the court finds that the action was brought by a person who participated in the violation which is the subject of the action, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the Qui Tam plaintiff would otherwise receive under Subsections

A or B of this Section, taking into account the role that Qui Tam plaintiff played in advancing the case to judgment or settlement and any relevant circumstances pertaining to the Qui Tam plaintiff's participation in the violation. A person who planned the violation shall not be entitled to recovery.

E. When more than one party serves as a Qui Tam plaintiff, the share of recovery each receives shall be determined by the court. In no case, however, shall the total award to multiple Qui Tam plaintiffs be greater than the total award allowed to a single Qui Tam plaintiff under Subsection A or B of this Section.

F. In no instance shall the secretary, the medical assistance programs, the attorney general, or the state be liable for any costs, expenses, fees, or attorney fees incurred by the Qui Tam plaintiff or for any award entered against the Qui Tam plaintiff.

G. The percentage of the share awarded to or settled for by the Qui Tam plaintiff shall be determined using the total amount of the award of or settlement of the liquidated damages. However, the medical assistance programs must be made whole through the payment of any and all actual damages prior to the disbursement of any funds related to the percentage of the liquidated damages to be received by the Qui Tam plaintiff.

SUBPART D. FRAUD AND ABUSE DETECTION AND PREVENTION

Subpart D is all proposed new law.

§440.1. Medical Assistance Programs Fraud Detection Fund

R.S. 46:440.1 is all proposed new law.

A. The Medical Assistance Programs Fraud Detection Fund, hereafter referred to as the "fund", is created in the state treasury as a special fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and interest earned on the investment of monies in the fund shall be credited to the fund. All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund.

B. After compliance with the requirements of Article VII Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, all monies received by the state pursuant to a civil award granted or settlement under the provisions of this Part, except for the amount to make the medical assistance programs whole, shall be deposited into the fund:

C. Except as provided in this Subsection, the monies in the fund shall not be used to replace, displace, or supplant state general fund appropriated for the daily operation of the department or the medical assistance programs and may be appropriated by the legislature for the following purposes only:

(1) To pay costs or expenses incurred by the department or the attorney general relative to an action instituted pursuant to this Part.

(2) To enhance fraud and abuse detection and prevention activities related to the medical assistance programs

(3) To pay rewards for information concerning fraud and abuse as provided in Subpart B of this Part.

(4) To provide a source of revenue for the Medical Assistance Program in the event of a change in federal policy which results in an increase in state participation or a shortfall in state general fund due to a decrease in the official forecast, as defined R.S. 39:2(24), during a fiscal year.

§440.2 Rewards for fraud and abuse information

R.S. 46:440.2 is all new proposed law.

A. The secretary may provide a reward of up to two thousand dollars to an individual who submits information to the secretary which results in recovery pursuant to the provisions of this Part, provided such individual is not himself subject to recovery under this Part.

B. The secretary shall grant rewards only to the extent monies are appropriated for this purpose from the Medical Assistance Programs Fraud Detection Fund. The secretary shall determine the amount of a reward, not to exceed two thousand dollars per individual per action, and establish a process to grant the reward in accordance with rules and regulations promulgated in accordance

with the Administrative Procedure Act.
§440.3 Whistleblower protection and cause of action

R.S. 46:440.3 is all proposed new law.

A. No employee shall be discharged, demoted, suspended, threatened, harassed, or discriminated against in any manner in the terms and conditions of his employment because of any lawful act engaged in by the employee or on behalf of the employee in furtherance of any action taken pursuant to this Part in regard to a health care provider or other person from whom recovery is or could be sought. Such an employee may seek any and all relief for his injury to which he is entitled under state or federal law.

B. No individual shall be threatened, harassed, or discriminated against in any manner by a health care provider or other person because of any lawful act engaged in by the individual or on behalf of the individual in furtherance of any action taken pursuant to this Part in regard to a health care provider or other person from whom recovery is or could be sought except that a health care provider may arrange for a recipient to receive goods, services, or supplies from another health care provider if the recipient agrees and the arrangement is approved by the secretary. Such an individual may seek any and all relief for his injury to which he is entitled under state or federal law.

C. (1) An employee of a private entity may bring his action for relief against his employer or the health care provider in the same court as the action or actions were brought pursuant to this Part or as part of an action brought pursuant to this Part.

(2) A person aggrieved of a violation of Subsection A or B of this Section shall be entitled to exemplary damages.

D. A Qui Tam plaintiff shall not be entitled to recovery pursuant to this Section if the court finds that the Qui Tam plaintiff instituted or proceeded with an action that was frivolous, vexatious, or harassing.

Section 2. R.S. 46:442 is hereby repealed.

On motion of Senator Hines, the committee substitute bill was adopted and becomes Senate Bill No. 1559 by Senator Ewing, substitute for Senate Bill No. 1324 by Senator Ewing.

SENATE BILL NO. 1559 — (Substitute for Senate Bill 1324 by Senators Ewing and Hines)

BY SENATORS EWING AND HINES
AN ACT

To enact Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of Subpart A, comprised of R.S. 46:437.1 through 437.10, Subpart B, comprised of R.S. 46:438.1 through 438.8, Subpart C, comprised of R.S. 46:439.1 through 439.4, and Subpart D, comprised of R.S. 46:440.1 through 440.3, and to repeal R.S. 46:442, relative to health services; to create and provide relative to the Medical Assistance Programs Integrity Law; to provide for definitions; to provide for claims review and administrative sanctions; to authorize settlements on behalf of the medical assistance programs; to authorize use of certain legal processes to protect the fiscal integrity of the medical assistance programs; to authorize civil causes of action for certain misconduct relative to the medical assistance programs; to provide for damages, civil fines, penalties, costs, fees, and expenses, and other recovery; to provide for burden of proof and evidence in regard to a civil action instituted pursuant to this Act; to authorize a private person to institute a civil action on behalf of the medical assistance programs and himself, to be known as a "Qui Tam action"; to provide procedures, limitations, and requirements for a Qui Tam action; to provide relative to recovery in a Qui Tam action; to establish a fund to receive recovery in excess of actual damages to the medical assistance programs; to authorize uses for the monies in the fund; to allow the secretary of the Department of Health and Hospitals to grant limited rewards for certain information that leads to recovery; to provide certain protections and a cause of action for a person who supplies such information; and to provide for related matters.

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

SENATE BILL NO. 1513—
BY SENATOR GREENE

AN ACT

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

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 1513 by Senator Greene

AMENDMENT NO. 1

On page 3, line 11, after "191" delete "and 199" and insert in lieu thereof the following:

" , 194A, 195, 196, 197, 212, 215, 216, 217, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, and 238"

AMENDMENT NO. 2

On page 3, line 14, delete "212,"

AMENDMENT NO. 3

On page 3, line 15, delete "and 214" and insert "214 and 225"

AMENDMENT NO. 4

On page 3, line 17, after "193," delete the remainder of the line and delete line 18 and insert in lieu thereof "194B, 198, 199,"

AMENDMENT NO. 5

On page 3, line 20, before "St. Mary" insert "St. Charles Parish;"

AMENDMENT NO. 6

On page 3, line 23, delete "Lincoln" and insert in lieu thereof "Natchitoches"

AMENDMENT NO. 7

On page 3, line 24, after "Sabine Parish;" delete the remainder of the line and insert "Webster Parish; and Winn Parish"

AMENDMENT NO. 8

On page 3, line 27, before "Madison" insert "Lincoln Parish;"

AMENDMENT NO. 9

On page 4, line 1, delete "Natchitoches Parish;"

AMENDMENT NO. 10

On page 4, line 2, before "West" insert "Union Parish;" and delete ";" and Winn Parish"

AMENDMENT NO. 11

On page 4, line 6, after "1-35," insert "1-37,"

AMENDMENT NO. 12

On page 4, line 9, after "1-75," insert "1-76,"

AMENDMENT NO. 13

On page 4, line 10, before "1-96" insert "1-93,"

AMENDMENT NO. 14

On page 4, line 11, after "2-21," insert "2-25,"

AMENDMENT NO. 15

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On page 4, line 12, after "3-4," insert "3-5,"

AMENDMENT NO. 16

On page 4, line 13, after "3-19," insert "3-20,"

AMENDMENT NO. 17

On page 4, line 16, after "Parish;" delete the remainder of the line and delete lines 17, 18, and 19 and insert "Tangipahoa Parish; and"

AMENDMENT NO. 18

On page 4, line 25, after "49," insert "60, 65, 66," and after "70," insert "72,"

AMENDMENT NO. 19

On page 5, line 6, delete "1-37,"

AMENDMENT NO. 20

On page 5, line 7, delete "1-76,"

AMENDMENT NO. 21

On page 5, line 8, delete "1-93,"

AMENDMENT NO. 22

On page 5, delete line 9 and insert "and 24 of East Baton Rouge Parish; East Feliciana"

AMENDMENT NO. 23

On page 5, line 12, delete "60," and delete "65, 66, 68, and 72" and insert "and 68"

AMENDMENT NO. 24

On page 5, line 14, delete "Precincts 1, 2, and 3 of"

AMENDMENT NO. 25

On page 5, line 18 and 20, change "1996" to "1997"

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

SENATE BILL NO. 1533—

BY SENATORS HINES AND IRONS
AN ACT

To enact R.S. 36:4(R) and Chapter 7-A of Title 46 of the Revised Statutes of 1950, to be comprised of R.S. 46:945 to 949, relative to assisted living of the elderly, to provide for findings and declarations; to authorize the office of elderly affairs to develop and implement a residential assisted living pilot project; to provide for cooperation between departments; to provide for guidelines for such project; to specify duration of project; to require reports; to create an advisory committee; to provide for membership and duties of such committee; and to provide for related matters.

Reported by substitute by the Committee on Health and Welfare. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (SUBSTITUTE FOR SENATE BILL NO. 1533 BY SENATOR HINES)

BY SENATORS HINES AND IRONS

AGED PERSONS. Creates a residential assisted living pilot project for the elderly and provides for related matters.

AN ACT

To enact R.S. 36:259(FF) and 919.4 and Chapter LII of Title 46 of the Revised Statutes of 1950, to be comprised of R.S. 46:2671 through 2675, relative to assisted living of the elderly; to provide for findings and declarations; to authorize the Department of Health and Hospitals to develop and implement a residential assisted living pilot project; to provide for cooperation among departments; to provide for guidelines for such project; to specify

duration of project; to require reports; to create an advisory committee; to provide for membership and duties of such committee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(FF) and 919.4 are hereby enacted to read as follows:

§259. Transfer of agencies and functions to Department of Health and Hospitals

* * *

R.S. 36:259(FF) is all proposed new law.

* * *

(FF) The Louisiana Advisory Committee on Assisted Living (R.S. 46:2675) is placed within the Department of Health and Hospitals and shall exercise and perform its powers, duties, functions, and responsibilities in accordance with R.S. 36:919.4.

* * *

§919.4. Transfer; Louisiana Advisory Committee on Assisted Living

R.S. 36:919.4 is all proposed new law.

The Louisiana Advisory Committee on Assisted Living, placed within the Department of Health and Hospitals by the provisions of R.S. 36:259(FF), shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred pursuant to this Chapter.

Section 2. Chapter LII of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2671 through 2675, is hereby enacted to read as follows:

CHAPTER LII. LOUISIANA MEDICAID FUNDED ADULT RESIDENTIAL ASSISTED LIVING PILOT PROJECT

Chapter LII is all proposed new law.

§2671. Legislative findings; declaration

R.S. 46:2671 is all proposed new law.

A. The legislature finds that the traditional institutional medical model of long term care cannot adequately serve the needs of the increasing number of the elderly population who can no longer stay at home due to cognitive or physical impairments yet whose medical conditions and safety do not require the constant presence of a nurse or other medical personnel. This population may nonetheless require housing, access to medical and social services, and available assistance on a twenty-four hour basis to meet certain needs. Elderly citizens who are dependent upon Medicaid and who can no longer live at home because they need additional care with activities of daily living but do not require continuous nursing care, have no alternative under the traditional model except institutional care.

B. Therefore, the legislature declares that a pilot project consisting of two assisted living facilities shall be developed and implemented as an alternative assisted living service of the state's long term care continuum of services using a residential/social model of long term care. The legislature further declares that such project shall use limited Medicaid funds and to the extent possible reduce the Medicaid costs to the state. The legislature further declares that such alternative assisted living project shall maximize the independence of the elderly while providing the assistance that the special needs of this population requires.

§2672. Definitions

R.S. 46:2672 is all proposed new law.

For the purposes of this Chapter, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Adult residential care facility" means a publicly or privately operated residence or facility that provides personal assistance, lodging, and meals for compensation to two or more adults who are unrelated to the residence licensee, operator, or administrator.

(2) "Assisted living" means a residential congregate housing environment combined with the capacity by in-house staff or others to provide supportive personal services, twenty-four hour supervision and assistance, whether or not such assistance is scheduled, social, and health-related services to maximize residents' dignity, autonomy, privacy, and independence, and to encourage

facility and community involvement.

(3) "Department" means the Department of Health and Hospitals.

§2673. Adult residential assisted living pilot project; creation

R.S. 46:2673 is all proposed new law.

A.(1) In cooperation with the office of elderly affairs and the Department of Social Services, the department shall develop, implement, and administer a pilot project for a period of up to four years for the Medicaid-funded, adult residential assisted living program.

(2) The adult residential assisted living pilot project shall be conducted in a region which serves an urban area and in a region which serves a rural population.

B. In accordance with the Louisiana Procurement Code, the department shall issue a request for proposals for the pilot project and contract with an experienced health and social services consultant organization or individual, who has knowledge of successful implementation of an assisted living program.

C. The criteria for the pilot project shall include, but is not limited to the following:

(1) Contain not more than thirty Medicaid living units for each of the two facilities.

(2) Be licensed as an adult residential facility pursuant to R.S. 40:2131 et seq.

(3) Provide each resident with the option to live in private quarters with lockable doors containing a bedroom, kitchenette, and bathroom.

(4) Provide common areas suitable for recreational, social, educational and entertainment or other group activities.

(5) Have one hundred percent handicapped accessible physical building features.

(6) Provide an initial resident intake assessment care plan and quarterly updates with resident participation.

(7) Comply with operational standards as required by state and federal regulations.

(8) Work with all agencies concerned in the development of plans, procedures, and regulations according to the intent of this Chapter.

D. If needed, an adult residential care facility which is part of the pilot project is authorized to apply for tax-free bonds for construction and funding for services and administration.

§2674. Duties of the department; waivers

R.S. 46:2674 is all proposed new law.

A. The department shall submit to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare the following reports on the pilot program:

(1) An initial written report on the pilot project which shall be submitted no later than March 1, 1998. Thereafter, a written status report shall be submitted annually or as directed by the chairman of the respective committees for the duration of the pilot project.

(2)(a) A final written report on the pilot project shall be submitted no later than January 15, 2001, containing project accomplishments, project problems, a consumer satisfaction survey citing quality of life of residents in the pilot project, a five-year projection of the economic and social impact of the inclusion of the services provided in the pilot project in the continuum of the assisted living service and the effect of such inclusion on state and federal funds and recommendations. The project consultant, the Department of Social Services, the office of elderly affairs, and the Louisiana Advisory Committee on Assisted Living shall assist in the preparation of the final report.

(b) If a state agency, the consultant, or the Louisiana Advisory Committee on Assisted Living does not agree with any part of the report, that agency, consultant, or advisory committee may submit a minority report on that issue.

B. The department shall seek approval of a demonstration project under Medicaid waiver provisions by October 1, 1997, for the pilot project in order that it may efficiently administer the pilot project.

§2675. Louisiana Advisory Committee on Assisted Living;

creation; membership; duties

R.S. 46:2675 is all proposed new law.

A. The Louisiana Advisory Committee on Assisted Living is hereby created within the Department of Health and Hospitals and shall be comprised as follows:

(1) The secretary of the Department of Social Services, or his designee.

(2) The secretary of the Department of Health and Hospitals, or his designee.

(3) The executive director of the office of elderly affairs, or his designee.

(4) The state fire marshal, or his designee.

(5) The director of the bureau of licensing in the Department of Social Services, or his designee.

(6) The director of the bureau of health services financing in the Department of Health and Hospitals, or his designee.

(7) One member of the Senate who serves on the Senate Committee on Health and Welfare and one member of the House of Representatives who serves on the House Committee on Health and Welfare to be appointed by the chairman of the respective committees.

(8) One member representing each of the following organizations or associations appointed by its respective chief executive officer:

(a) The Louisiana Association of Homes and Services for the Aging.

(b) The Louisiana Realtors Association who is experienced in the development of assisted living.

(c) The Louisiana Chapter of AARP.

(d) The Louisiana Nursing Home Association who has an interest in assisted living.

(9) One member representing a currently licensed, for-profit adult residential facility appointed by the governor.

(10) One member representing a currently licensed non-profit or church-related adult residential facility appointed by the governor.

(11) One member who is an architect with interest and experience in planning for assisted living facilities appointed by the governor.

(12) One member representing the area agencies and councils on aging appointed by the director of the office of elderly affairs.

(13) One member representing the Louisiana Executive Board on Aging appointed by the director of the office of elderly affairs.

B. At the initial meeting of the committee, the committee members shall elect a chairperson from the membership of the committee who shall serve for a term of one year. The members may re-elect such chairperson or may elect a new chairperson from its membership thereafter.

C. The members shall serve without compensation but may be reimbursed for per diem and travel expenses incurred in attendance at meetings of the committee by the entities which such members represent. Per diem payments shall be paid to participating legislators as allowed and provided by law.

D. The appointment of the members shall be for terms consistent with the offices that the members serve or for the duration of the pilot program, whichever is shorter. A vacancy in the membership of the board shall be filled in the manner of the original appointment.

E. The advisory committee shall work with the assisted living consultant to provide information concerning the particular needs and problems of Louisiana elderly citizens, identify barriers which may prevent frail older persons from accessing assisted living housing and services that enhance and maximize individual dignity, privacy, independency, and autonomy, make recommendations to the consultant concerning strategies to eliminate any or all of such barriers, and assist the department in any manner consistent with the provisions of this Chapter.

On motion of Senator Hines, the committee substitute bill was

adopted and becomes Senate Bill No. 1560 by Senator Hines, substitute for Senate Bill No. 1533 by Senator Hines.

SENATE BILL NO. 1560 (Substitute for Senate Bill No. 1533 by Senator Hines)—

BY SENATORS HINES AND IRONS
AN ACT

To enact R.S. 36:259(FF) and 919.4 and Chapter LII of Title 46 of the Revised Statutes of 1950, to be comprised of R.S. 46:2671 through 2675, relative to assisted living of the elderly; to provide for findings and declarations; to authorize the Department of Health and Hospitals to develop and implement a residential assisted living pilot project; to provide for cooperation among departments; to provide for guidelines for such project; to specify duration of project; to require reports; to create an advisory committee; to provide for membership and duties of such committee; and to provide for related matters.

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

**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. 149—

BY REPRESENTATIVE ROUSSELLE
AN ACT

To enact R.S. 34:851.27(B)(7) and (8), relative to regulation of vessels and motorboats; to authorize and provide for the enforcement as to vessels and motorboats of state and local laws and ordinances prohibiting trespass and unauthorized entry; to provide for regulation of watercraft operating near structures in Lake Pontchartrain which are leased by a local governing authority for recreational purposes; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 287—

BY REPRESENTATIVE ROUSSELLE
AN ACT

To amend and reenact R.S. 37:1437(C)(6)(c)(iv), relative to real estate brokers and salespersons; to permit brokers and salespersons who have been on inactive status to cumulate continuing education hours; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 502—

BY REPRESENTATIVE WESTON
AN ACT

To amend and reenact R.S. 51:1903, relative to law enforcement solicitations; to permit law enforcement entities to designate one benevolent organization as its "sanctioned benevolent organization"; to provide relative to disclosure and billing; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 545—

BY REPRESENTATIVES MURRAY, BARTON, DUPRE, FLAVIN, FRITH, HILL, HOPKINS, POWELL, THOMPSON, AND TRAVIS
AN ACT

To amend and reenact R.S. 9:3542(B), relative to credit life insurance; to reduce the per-dollar premium rate assessed and collected on credit life insurance, joint credit life insurance, level term credit life insurance, and joint level term insurance; and to provide for related matters.

Reported favorably by the Committee on Insurance. 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. 920—

BY REPRESENTATIVE DIEZ
AN ACT

To amend and reenact R.S. 51:911.24(C)(3) and to repeal R.S. 51:911.24(C)(2), relative to manufactured housing; to repeal domiciliary and prior service requirements for licensure of manufactured housing dealers; to delete domiciliary requirements for licensure of salesmen; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 921—

BY REPRESENTATIVE DIEZ
AN ACT

To repeal R.S. 51:911.26 and 911.30(B), relative to manufactured housing; to repeal requirements of inspection by the fire marshal, the affixing of seals, labels, and certifications, and the placing of serial numbers on applications to the fire marshal.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 922—

BY REPRESENTATIVE DIEZ
AN ACT

To amend and reenact R.S. 51:911.23(D)(2) and (E), relative to manufactured housing; to provide for revisions to the Uniform Standards Code; to provide for the location of offices where documents will be held; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 923—

BY REPRESENTATIVE DIEZ
AN ACT

To repeal Part XIV-A of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:912 through 912.10, relative to remanufactured housing; to repeal the Uniform Standards Code for Remanufactured Housing.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 1044—

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

To amend and reenact R.S. 28:200 and 206(A) and (B), relative to community mental health services; to provide for the establishment and administration of a community-based system of care; to

provide for a continuum of care for emotionally and behaviorally disturbed children and adults; and to provide for related matters.

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

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

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

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 1047 by Representative Rodney Alexander

AMENDMENT NO. 1
On page 2, line 20, delete "vehicle."

On motion of Senator Hines the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 1049—
BY REPRESENTATIVES R. ALEXANDER, DEWITT, GAUTREAUX, JOHNS, RIDDLE, THORNHILL, VITTER, AND WALSWORTH AND SENATORS DYESS AND ROBICHAUX
AN ACT

To amend and reenact R.S. 40:2116(D), 2116.32(F)(2), and 2116.35(A) and to enact R.S. 28:567(E) and R.S. 40:2103(C), relative to licensure of health care facilities; to provide for a moratorium on the licensure of mental health clinics and mental health centers; to extend the moratorium on certified beds for nursing facilities and new nursing facilities; to extend the moratorium on licensure of home health agencies; to require new locations of existing licensed home health agencies to be licensed; to provide for a moratorium on the licensure of long-term care hospital facilities and beds in such facilities; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1049 by Representative Rodney Alexander, et al.

AMENDMENT NO. 1
On page 1, line 9, delete "licensed" and insert "registered"

AMENDMENT NO. 2
On page 2, line 5, after "department" delete the remainder of the line

AMENDMENT NO. 3
On page 2, delete line 6 in its entirety and insert "prior to July 1, 1997."

AMENDMENT NO. 4
On page 2, line 15, delete "June 1, 1997" and insert "August 1, 1997"

AMENDMENT NO. 5
On page 2, line 17, delete "continued"

AMENDMENT NO. 6
On page 2, line 23, delete "November 1, 1997" and insert "December 1, 1997"

AMENDMENT NO. 7
On page 4, line 9, delete "Every" and insert "Each"

AMENDMENT NO. 8
On page 4, line 10, after "agency" insert "located outside of a fifty mile radius" and delete the remainder of the line

AMENDMENT NO. 9
On page 4, line 11, delete "locations"

AMENDMENT NO. 10
On page 4, between lines 11 and 12, insert the following:

"Each location of a home health agency located within a fifty mile radius of an existing licensed home health agency must be registered with the department."

On motion of Senator Hines, 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. 1059—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To enact R.S. 22:674, relative to health and accident insurance; to require notice of health insurance payments; to provide that the notice be forwarded to the patient, policyholder, or insured; to provide for sanctions for the failure to comply; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 1059 by Representative Fauchaux

AMENDMENT NO. 1
On page 2, line 4 delete the period "." and insert "or health care provider."

On motion of Senator Tarver, 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. 1077—
BY REPRESENTATIVES RIDDLE, DEWITT, DURAND, AND JOHNS
AN ACT

To amend and reenact R.S. 40:2013, relative to the Department of Health and Hospitals; to designate the Department of Health and Hospitals as the agency responsible for carrying out the purposes of the Alcohol, Drug Abuse and Mental Health Administration Reorganization Act; and to provide for related matters.

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

HOUSE BILL NO. 1108—
BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND GAUTREAUX
AN ACT

To enact Part XIII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2199, relative to the Department of Health and Hospitals; to establish as a misdemeanor the opening or operation of certain health care facilities without a license; to provide for fines upon conviction; to provide for civil

liability when the violation poses a threat to the health, safety, rights, or welfare of a resident or client of a health care facility; to provide for the adoption of rules and regulations which define specific classifications of violations, articulate factors in assessing fines, and which explain the treatment of continuing and repeat deficiencies; to provide for a schedule of violations and related fines; to limit the amount of aggregate fines which may be assessed for violations determined in a month; to provide for the adoption of rules and regulations which provide for notice to health care facilities of any violation, for an informal reconsideration process, and for an appeal procedure including judicial review; to limit appeals to suspensive appeals; to require the health care facility to furnish a bond with an appeal; to provide with respect to the bond including the minimum amount of such bond and the provisions of such bond; to authorize the department to institute civil actions to collect fines; to require civil fines collected to be deposited into the state treasury in the Health Care Facility Fund and to provide for the fund; to provide for purposes for which the fund may be used; to authorize the secretary to promulgate rules and regulations to provide for administration of the fund; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 1108 by Representative Rodney Alexander, et al.

AMENDMENT NO. 1

On page 1, line 5, after "license" insert "or registration"

AMENDMENT NO. 2

On page 2, line 1, after "appeals;" insert "to grant the facility a right to a devolutive appeal;"

AMENDMENT NO. 3

On page 2, at the end of line 25, insert "or registration"

AMENDMENT NO. 4

On page 4, at the end of line 22, insert the following:

"The facility shall have the right to a devolutive appeal."

AMENDMENT NO. 5

On page 5, line 8, after "fines" insert "or interest"

AMENDMENT NO. 6

On page 5, line 9, after "fines" insert "or interest"

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

HOUSE BILL NO. 1147—

BY REPRESENTATIVE MURRAY AN ACT

To amend and reenact R.S. 6:956(F)(2), relative to retail installment contracts; to provide relative to the premium rates charged for credit life insurance; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Engrossed House Bill No. 1147 by Representative Murray

AMENDMENT NO. 1

On page 2, line 15, after "contract," delete the remainder of the line

AMENDMENT NO. 2

On page 2, line 16, delete "finance and credit service charges,"

AMENDMENT NO. 3

On page 2, line 17, between "payable" and "under" insert the following:

", including all loan finance and credit service charges,"

On motion of Senator Tarver, 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. 1156—

BY REPRESENTATIVES TRAVIS, FRITH, AND MURRAY AN ACT

To amend and reenact R.S. 6:254(A)(introductory paragraph), relative to authority of state banks; to provide relative to approval of and notice to commissioner of issuance of rights and options; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Engrossed House Bill No. 1156 by Representative Travis

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 6:" insert "213(B)(1) and" and after "paragraph)" insert "and to enact R.S. 6:234"

AMENDMENT NO. 2

On page 1, line 4, after "options;" insert "to provide for amendment provisions;"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 6:" insert "213(B)(1) and"

AMENDMENT NO. 4

On page 1, line 8, after "reenacted" insert "and R.S. 6:234 is hereby enacted"

AMENDMENT NO. 5

On page 1, between lines 8 and 9, insert the following:

"§213. Articles of incorporation, filing, form, content; letter of acceptance for filing

* * *

B.(1) Notwithstanding the provisions of R.S. 6:291, the articles of incorporation may contain other provisions for the regulation of the business and the conduct of the affairs of the state bank including any provision authorized by R.S. 12:24(C)(3) or (4), but they shall not contain any provision which is in derogation of the provision of this law or violates any other provision of the laws of this state or of the laws of the United States.

* * *

§234. Special amendment provisions

R.S. 6:234 is all proposed new law.

A.(1) If authorized by the articles, the board may establish a series of shares of any class and may adopt an amendment to the

articles fixing the preferences, limitations, and relative rights of the shares of any class, or establishing, and fixing variations in relative rights and preferences as between a series of any preferred or special class. Unless otherwise provided in the articles, the number of shares of any such series to which such amendment applies may be increased, but not above the total number of authorized shares of the class, or decreased, but not below the number of shares thereof then outstanding, by an amendment likewise adopted by the board. In case the number of such shares shall be decreased, the number of shares constituting the decrease shall resume the status of authorized but unissued shares.

(2) When no shares of any such class or series are outstanding, either because none were issued or because no issued shares of any such class or series remain outstanding, the board may adopt an amendment eliminating from the articles any or all matters set forth in any amendment previously adopted by the board with respect to such class or series. Unless otherwise provided in the articles, if no shares have been issued of a class or series established by an amendment to the articles adopted by the board, and there exists no binding commitment to issue any such shares of such class or series, the preferences, limitations, and relative rights thereof may be amended by a further amendment to the articles adopted by the board.

B. In case of an amendment pursuant to Subsection A of this Section, appropriate articles of amendment, reciting the relevant facts and the articles have been amended as provided in this Section shall forthwith be executed, acknowledged, and filed by the proper officers of the state bank in the manner provided in R.S. 6:232."

On motion of Senator Hollis, 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. 1176—
BY REPRESENTATIVE LANDRIEU
AN ACT

To amend and reenact R.S. 40:2175(A) and (B)(2), 2176(A), and 2178 and to enact R.S. 40:2175.1, relative to basic care facilities; to provide with respect to the licensure of basic care facilities; to provide procedures and fees; and to provide for related matters.

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

HOUSE BILL NO. 1275—
BY REPRESENTATIVE DIEZ
AN ACT

To enact Part XIV-B of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:912.21 through 912.28, relative to manufactured housing; to provide minimum standards for installation; to provide for definitions; to provide standards for foundations and piers; to provide installation standards for anchors and tie-downs; to provide installation standards for used manufactured homes and mobile homes in hurricane zones; to provide for licensure of installers, the adoption of rules, and compliance with installation instructions; to provide for violations; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 1490—
BY REPRESENTATIVES DEVILLE, DEWITT, AND DURAND
AN ACT

To amend and reenact R.S. 40:1232(A)(3) and (4) and to enact R.S. 40:1232(A)(5) and to enact R.S. 36:259(M), relative to emergency medical services; to provide that the Department of Health and Hospitals shall promulgate rules and regulations to establish a list of medical and safety equipment required to be carried by all ambulances; to establish and provide relative to an advisory committee to be known as the Ambulance Standards Committee; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1490 by Representative Deville, et al.

AMENDMENT NO. 1

On page 2, at the end of line 12, insert the following:

"However, nothing in this Paragraph shall prohibit the department from supplementing the list with state-of-the-art, newly-developed devices, equipment, or medications approved by the Ambulance Standards Committee that may be carried in lieu of other items on the list.

AMENDMENT NO. 2

On page 3, between lines 15 and 16, insert the following:

"(xiii) Professional fire fighters."

On motion of Senator Hines, 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. 1492—
BY REPRESENTATIVES FONTENOT, DEWITT, AND BAUDOIN
AN ACT

To amend and reenact R.S. 40:4(A)(8) and 5.8, relative to the State Sanitary Code; to require the state health officer to provide for a strategy for public water systems to comply with federal and state drinking water regulations; to define types of public water systems; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1492 by Representative Fontenot, et al.

AMENDMENT NO. 1

On page 2, line 25, delete "October 1, 1999" and insert "January 1, 1999"

AMENDMENT NO. 2

On page 2, line 26, between "capacity" and "to" insert ", as defined in such rules and regulations."

AMENDMENT NO. 3

On page 3, line 2, between "effect" and "on" delete ", or likely to be in effect."

AMENDMENT NO. 4

On page 3, line 3, after "operations." delete the remainder of the line and delete lines 4 through 8 in their entirety

May 22, 1997

On motion of Senator Hines, 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. 1493—
BY REPRESENTATIVES SHAW, DEWITT, AND DURAND
AN ACT

To amend and reenact R.S. 28:21, relative to state mental health institutions; to authorize the assistant secretary of the office of mental health of the Department of Health and Hospitals to reorganize and consolidate the administration of state mental health institutions to comply with the State Mental Health Plan; to provide for the authority of the assistant secretary to establish community cottages; and to provide for related matters.

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

HOUSE BILL NO. 1690—
BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 36:401(C)(1), 405(A)(1)(b), and 408(D)(introductory paragraph), relative to the office of state fire marshal; to change the name to the office of code enforcement and building safety; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Engrossed House Bill No. 1690 by Representative Crane

AMENDMENT NO. 1
On page 1, line 4, after "office of" insert "state fire marshal,"

AMENDMENT NO. 2
On page 2, line 1, after "the office of" insert "state fire marshal,"

AMENDMENT NO. 3
On page 2, line 23, between ", the office of" and "code" insert "state fire marshal,"

AMENDMENT NO. 4
On page 3, line 7, after "the office of" insert "state fire marshal,"

AMENDMENT NO. 5
On page 3, line 14, after "the office of" insert "state fire marshal,"

On motion of Senator Hollis, 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. 1723—
BY REPRESENTATIVES WESTON, CLARKSON, JETSON, RIDDLE, BARTON, BAUDOIN, BAYLOR, BRUCE, BRUNEAU, DOERGE, DOWNER, DUPRE, FAUCHEUX, FLAVIN, FRITH, FRUGE, GUILLORY, HEBERT, HILL, HOLDEN, HUNTER, ILES, JOHNS, LANDRIEU, MARIONNEAUX, MARTINY, MCDONALD, MICHOT, MURRAY, ODINET, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, ROMERO, ROUSSELLE, SCHNEIDER, STELLY, TRAVIS, WELCH, WIGGINS, WILKERSON, AND WILLARD-LEWIS
AN ACT

To enact R.S. 46:286.1, relative to the Kinship Foster Care Program; to provide for definitions; to establish the Kinship Foster Care Program in the office of community services of the Department of Social Services; to require the office of community services to attempt to place children in its custody with a relative for kinship care; to allow the kinship foster parent to receive payment for the

full foster care rate available to other foster parents; to require kinship foster parents to be reimbursed according to the system established by the department; to require the office of community services to establish eligibility standards for kinship foster parents; to require completion of a criminal history investigation of the prospective kinship foster parent and any other adult residing in the prospective parents' home; to make the disclosure of information obtained in the investigation unlawful, except for purposes of determining eligibility; to provide for the procedure by which the office of community services shall determine eligibility; to require the development of a kinship foster care plan; to require payment for child care, subject to appropriation; to provide for the rights of the kinship foster parent; to require the department to promulgate rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 1723 by Representative Weston, et al.

AMENDMENT NO. 1
On page 1, line 13, delete "adult" and insert "individual" and after "home;" delete the remainder of the line and delete line 14 in its entirety and insert "to maintain confidentiality of information obtained in an investigation;"

AMENDMENT NO. 2
On page 2, at the beginning of line 1, delete "for purposes of determining eligibility;"

AMENDMENT NO. 3
On page 2, line 15, after "temporary" delete "or long term"

AMENDMENT NO. 4
On page 2, line 22, after "C." delete "When" and insert "(1) Except as provided by Paragraph (2) of this Subsection, when"

AMENDMENT NO. 5
On page 2, line 24, delete "attempt" and insert "make reasonable attempts"

AMENDMENT NO. 6
On page 3, between lines 6 and 7, insert the following:

"(2) A relative who has been granted legal guardianship over the child shall not be eligible to participate in kinship foster care."

AMENDMENT NO. 7
On page 3, line 17, change "may" to "shall"

AMENDMENT NO. 8
On page 3, line 21, change "adult" to "individual"

AMENDMENT NO. 9
On page 4, line 5, change "requested" to "considered"

AMENDMENT NO. 10
On page 3, delete lines 6 through 8 in their entirety and insert the following:

"(2) Any confidential information obtained pursuant to this Subsection shall remain confidential."

On motion of Senator Hines, 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. 1853—

BY REPRESENTATIVE DONELON
AN ACT

To amend and reenact R.S. 22:1388, relative to the Louisiana Insurance Guaranty Association (LIGA); to provide that the commissioner of insurance shall only determine LIGA's accounting and reporting methods; to provide for retroactivity; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Engrossed House Bill No. 1853 by Representative Donelon

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete "R.S. 22:1388," and insert "R.S. 22:1381(A)(1) and 1388,"

AMENDMENT NO. 2

On page 1, line 5, after "methods;" insert "to provide for membership of the board;"

AMENDMENT NO. 3

On page 1, line 7, change "22:1388 is" to "22:1381(A)(1) and 1388 are"

AMENDMENT NO. 4

On page 1, between lines 8 and 9, insert the following:

"§ 1381. Board of Directors

A.(1) The board of directors of the association shall consist of nine persons serving terms as established in the plan of operation. The board shall be composed of two consumer representatives appointed by the commissioner, one person appointed by the president of the Senate, one person appointed by the speaker of the House of Representatives, all of whom shall be residents of the state of Louisiana, and five additional persons selected by member insurers subject, **one of which shall be a representative selected by the membership of the Louisiana Association of Fire and Casualty Companies (LAFAC)**, to the approval of the commissioner. Vacancies in the positions for which persons are selected by member insurers shall be filled until the next regularly scheduled election for a member of the board by a majority vote of the remaining members, subject to the approval of the commissioner. At the next regularly scheduled election for a member of the board, the member insurers shall select a member to serve the remainder of the unexpired term of any member appointed by the board, subject to the approval of the commissioner. No person shall serve as a member after his replacement has been either appointed or selected by member insurers and approved by the commissioner. The commissioner shall transmit to the board his approval or disapproval of new board members within thirty days after he has been notified of their selection, and he shall accompany any disapproval of a board member with his written reasons for such disapproval.

* * *

On motion of Senator Tarver, 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. 2049—

BY REPRESENTATIVES R. ALEXANDER AND DEWITT
AN ACT

To amend and reenact the title of Part XIII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:1058.1(A)(1) through (7), 1058.2 through 1058.5(A), 1058.6, 1058.7, and 1058.9 and to repeal R.S. 40:1058.1(A)(8) through (29), relative to substance abuse/addiction treatment facilities; to provide for the Department of Health and Hospitals to license and monitor service providers engaged in operating substance abuse/addiction treatment facilities; to define terms; to provide penalties for violations; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 2049 by Representative Rodney Alexander

AMENDMENT NO. 1

On page 2, at the end of line 21, insert "drugs or inhalants."

AMENDMENT NO. 2

On page 8, between lines 19 and 20, insert the following:

"(12) Procedures to assure confidentiality of clients records."

AMENDMENT NO. 3

On page 12, at the end of line 25, insert the following:

"The applicant or licensee shall have the right to a devolutive appeal."

On motion of Senator Hines, 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. 2050—

BY REPRESENTATIVES RIDDLE AND DEWITT
AN ACT

To amend and reenact R.S. 40:29, relative to laboratories operated by the office of public health of the Department of Health and Hospitals; to provide for a schedule of fees to be charged by such laboratories; to provide for the collection of such fees; to provide exceptions; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 2050 by Representative Riddle

AMENDMENT NO. 1

On page 23, at the end of line 17 insert the following:

"The rules may also provide for modification of the fee schedule, provided a fee shall not exceed the prevailing market price for the item."

On motion of Senator Hines, 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.

May 22, 1997

HOUSE BILL NO. 2060—

BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 6:646(A)(3) and (4) and to enact R.S. 6:646(A)(5), relative to the merger or conversion of federally chartered credit unions; to permit federally chartered credit unions to convert to or merge with state-chartered credit unions; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 2072—

BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 37:1783, 1787(E), 1788(C), 1799(A), and 1807(A), and to enact R.S. 37:1796(A)(8), relative to pawnbrokers; to provide relative to the notice given to the commissioner of change of location by a pawnbroker; to provide relative to bonding and net worth requirements; to provide relative to pawn transactions; to provide relative to records that must be kept; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 2111—

BY REPRESENTATIVE DONELON

AN ACT

To enact R.S. 22:15, relative to automobile insurance; to create the Council on Automobile Insurance Rates and Enforcement; to provide for the membership, authority, quorum, public hearings and records, employment, supervision, and compensation of personnel, duties, obligations, and report of the council; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Engrossed House Bill No. 2111 by Representative Donelon

AMENDMENT NO. 1

On page 2, between lines 14 and 15, insert the following:

- "(i) Two members of the House Committee on Insurance selected by its chairman.
- (j) Two members of the Senate Committee on Insurance selected by its chairman.
- (k) One consumer representative selected by the Speaker of the House of Representatives.
- (l) One consumer representative selected by the President of the Senate."
- (m) One representative selected by the Louisiana Union of Police Association or its designee."

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

HOUSE BILL NO. 2156—

BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 9:3531, 3532(A), 3548(B) and 3550(E)(3) and (H), relative to consumer credit transactions; to provide relative to the fees that can be charged for the prepayment of a consumer transaction; to provide relative to the return of unearned insurance premiums; and to provide for related matters.

Reported favorably by the Committee on Commerce and Consumer Protection. 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. 2205—

BY REPRESENTATIVE TRAVIS

AN ACT

To amend and reenact R.S. 6:416 and 707(D), to enact R.S. 6:1208.1, and to repeal R.S. 6:707(E), relative to the purchase of stock by financial institutions; to provide relative to the purchase of its own stock by a financial institution; and to provide for related matters.

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Engrossed House Bill No. 2205 by Representative Travis

AMENDMENT NO. 1

On page 3, line 22, change "Chapter" to "Title"

AMENDMENT NO. 2

On page 4, line 4, change "Chapter" to "Title"

On motion of Senator Hollis, 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. 2228—

BY REPRESENTATIVE DONELON

AN ACT

To amend and reenact R.S. 22:2004(C)(12) and (13), 2017(C), 2018(A), 2021, and 2026(B) and to enact R.S. 22:2004(D)(1)(f), 2022(D), and 2026(C) and (D), relative to health maintenance organizations; requires health maintenance organizations to explain all terms for payment or payment reductions; establishes accreditation standards for quality assurance; establishes minimum requirements for utilization review and grievance requirements; requires establishment of provider grievance procedures; requires notice to enrollees regarding benefits and coverage; and to provide for related matters.

Reported favorably by the Committee on Insurance. 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.

Motion to Recommit

Senator Schedler asked for and obtained a suspension of the rules and asked that Senate Bill No. 1256, which was on Third Reading and Final Passage, be recommitted to the Committee on Finance.

Reconsideration

On motion of Senator Dardenne, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, May 21, 1997 was reconsidered.

SENATE BILL NO. 845—
 BY SENATORS DARDENNE, HAINKEL, EWING AND BARHAM
 AN ACT

To amend and reenact Code of Civil Procedure Art. 1732(A)(1), relative to limitations on jury trials; to reduce the monetary threshold necessary to request a jury trial; and to provide for related matters.

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

Reconsideration

On motion of Senator Jordan, pursuant to the previous notice given, the vote by which the following bill failed to pass on Wednesday, May 21, 1997 was reconsidered.

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.

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

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

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

SENATE BILL NO. 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.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Dean | Lambert |
| Bajoie | Dyess | Landry |
| Barham | Ellington | Lentini |
| Bean | Fields | Malone |
| Branch | Guidry | Robichaux |
| Cain | Hainkel | Schedler |
| Campbell | Heitmeier | Short |
| Casanova | Hines | Siracusa |
| Cox | Hollis | Smith |
| Cravins | Irons | Theunissen |
| Dardenne | Jordan | Ullo |
| Total—33 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|---------|--------|
| Bagneris | Johnson | Romero |
| Greene | Jones | Tarver |
| Total—6 | | |

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

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.

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. 1076 by Senator Johnson

AMENDMENT NO. 1

On page 1, line 9, before "Solicitation" insert "A." and on line 14, before "Whoever" insert "B."

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Landry
 Total—1

ABSENT

| | | |
|----------|--------|--------|
| Bagneris | Jordan | Tarver |
| Total—3 | | |

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

May 22, 1997

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.

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. 1087 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 15, following "limitation," and before "action" insert "an"

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Dean | Lambert |
| Bajoie | Dyess | Lentini |
| Barham | Ellington | Malone |
| Bean | Fields | Robichaux |
| Branch | Guidry | Schedler |
| Cain | Hainkel | Short |
| Campbell | Heitmeier | Siracusa |
| Casanova | Hines | Smith |
| Cox | Hollis | Theunissen |
| Cravins | Irons | Ullo |
| Dardenne | Jordan | |
| Total—32 | | |

NAYS

Landry
Total—1

ABSENT

| | | |
|----------|---------|--------|
| Bagneris | Johnson | Romero |
| Greene | Jones | Tarver |
| Total—6 | | |

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

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.

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. 1090 by Senator Hainkel

AMENDMENT NO. 1

On page 4, line 2, following "custodian" and before "shall" insert "who"

AMENDMENT NO. 2

On page 5, after line 6, insert three asterisks "****"

On motion of Senator Hainkel, the amendments were adopted.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 1090 by Senator Hainkel

AMENDMENT NO. 1

On page 8, line 4, delete "one deputy" and insert "two deputies" and on line 5, delete "one deputy" and insert "two deputies" and on line 7, delete "one deputy" and insert "two deputies"

AMENDMENT NO. 2

On page 9, line 7, delete "unbudgeted" and insert "unexpended or unencumbered"

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris Romero Tarver
Total—3

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

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.

Floor Amendments Sent Up

Senator Ellington sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ellington to Engrossed Senate Bill No. 1128 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert in lieu thereof:

"R.S. 9:305,"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, delete "the Legislature,"

AMENDMENT NO. 3

On page 1, line 3, between "paternity;" and "to" insert:

"to provide for the period in which child support payments are owed;"

AMENDMENT NO. 4

On page 1, delete lines 6, 7, and 8 and insert in lieu thereof the following:

"Section 1. R.S. 9:305 is hereby amended and reenacted to read as follows:

§305. Disavowal of paternity; ancillary to child support proceeding

A. Notwithstanding the provisions of Civil Code Art. 189 and for the sole purpose of determining the proper payor in child support cases, if the husband, or legal father who is presumed to be the father of the child, erroneously believed, because of misrepresentation, fraud, or deception by the mother, that he was the father of the child, then the time for filing suit for disavowal of paternity shall be suspended during the period of such erroneous belief or for ten years, whichever ends first.

B. With respect to the payments of support, this Section shall apply only to the payment of any support which accrues after the date a disavowal order is rendered by a court, and not to any payments which were made, prior to the issuance of a signed judgment by the court."

AMENDMENT NO. 5

On page 1, line 9, change "this Act" to:

"R.S. 9:305 as enacted by Act No. 32 of the 1993 Regular Session of the Louisiana Legislature and amended and reenacted by this Act"

AMENDMENT NO. 6

On page 1, line 13, delete "**future**"

On motion of Senator Ellington, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Lentini |
| Bajoie | Greene | Malone |
| Bean | Hainkel | Robichaux |
| Branch | Heitmeier | Romero |
| Campbell | Hines | Schedler |
| Casanova | Hollis | Short |
| Cox | Irons | Siracusa |
| Cravins | Jones | Smith |
| Dardenne | Jordan | Theunissen |
| Dean | Lambert | Ullo |
| Dyess | Landry | |
| Total—32 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|--------|
| Bagneris | Ellington | Tarver |
| Barham | Guidry | |
| Cain | Johnson | |
| Total—7 | | |

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | 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 | Theunissen |

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| | | |
|----------|---------|------|
| Dardenne | Jones | Ullo |
| Dean | Jordan | |
| Dyess | Lambert | |
| Total—37 | | |

NAYS

Total—0

ABSENT

| | |
|----------|--------|
| Bagneris | Tarver |
| Total—2 | |

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Ellington | Landry |
| Bajoie | Fields | Lentini |
| Barham | Greene | Robichaux |
| Bean | Guidry | Romero |
| Branch | Hainkel | Schedler |
| Cain | Heitmeier | Short |
| Campbell | Hines | Siracusa |
| Casanova | Hollis | Smith |
| Cox | Irons | Theunissen |
| Cravins | Johnson | Ullo |
| Dardenne | Jones | |
| Dyess | Lambert | |
| Total—34 | | |

NAYS

| | | |
|---------|--------|--------|
| Dean | Jordan | Malone |
| Total—3 | | |

ABSENT

| | |
|----------|--------|
| Bagneris | Tarver |
| Total—2 | |

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | |
|----------|--------|
| Bagneris | Tarver |
| Total—2 | |

The Chair declared the 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.

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | | |
|----------|--------|--------|
| Bagneris | Jordan | Tarver |
|----------|--------|--------|

Total—3

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Dyess, Total—37; Ellington, Fields, Greene, Guidry, Hainkel, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Jordan, Lambert; Landry, Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Smith, Theunissen, Ullo.

NAYS

ABSENT

Table with 2 columns: Bagneris, Total—2; Tarver

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

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.

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

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.

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. 1489 by Senator Jones

AMENDMENT NO. 1

On page 2, between lines 1 and 2, insert three asterisks "****"

AMENDMENT NO. 2

On page 2, following line 3, insert three asterisks "****"

On motion of Senator Hainkel, the amendments were adopted.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 1489 by Senator Jones

AMENDMENT NO. 1

On page 1, line 15, delete "once a month" and insert "twelve times a year"

AMENDMENT NO. 2

On page 2, line 2, after "for a" delete the remainder of the line and insert in lieu thereof "location in the capitol complex for meetings"

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Total—35; Dyess, Ellington, Fields, Guidry, Hainkel, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Lambert; Landry, Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Smith, Theunissen, Ullo.

NAYS

Total—0

ABSENT

Table with 2 columns: Bagneris, Greene, Total—4; Jordan, Tarver

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

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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.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Dyess | Landry |
| Bajoie | Fields | Lentini |
| Barham | Guidry | Malone |
| Bean | Hainkel | Robichaux |
| Branch | Heitmeier | Romero |
| Cain | Hines | Schedler |
| Campbell | Hollis | Short |
| Casanova | Irons | Siracusa |
| Cox | Johnson | Smith |
| Cravins | Jones | Theunissen |
| Dardenne | Jordan | Ullo |
| Dean | Lambert | |
| Total—35 | | |

NAYS

Total—0

| | |
|-----------|--------|
| Bagneris | Greene |
| Ellington | Tarver |
| Total—4 | |

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

SENATE BILL NO. 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.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|-----------|
| Mr. President | Dyess | Lambert |
| Bajoie | Ellington | Landry |
| Barham | Fields | Lentini |
| Bean | Guidry | Malone |
| Branch | Hainkel | Robichaux |
| Cain | Heitmeier | Romero |
| Campbell | Hines | Schedler |
| Casanova | Hollis | Short |
| Cox | Irons | Siracusa |
| Cravins | Johnson | Smith |

Dardenne
Dean
Total—36

Jones
Jordan
NAYS

Theunissen
Ullo

Total—0

ABSENT

Bagneris
Total—3

Greene
Tarver

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris
Total—3

Greene
Tarver

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

SENATE BILL NO. 724—
BY SENATORS CASANOVA AND CAIN
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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | | |
|----------|----------|--------|
| Bagneris | Campbell | Tarver |
| Bajoie | Johnson | |
| Total—5 | | |

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

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

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

Motion

Senator Cravins moved the previous question on the bill.

Senator Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|----------|---------|-----------|
| Bean | Hines | Robichaux |
| Cain | Hollis | Romero |
| Casanova | Irons | Schedler |
| Cravins | Johnson | Short |
| Greene | Jordan | Ullo |
| Guidry | Lambert | |
| Total—17 | | |

NAYS

| | | |
|----------|-----------|----------|
| Barham | Ellington | Lentini |
| Branch | Fields | Malone |
| Cox | Hainkel | Siracusa |
| Dardenne | Heitmeier | Smith |
| Dean | Jones | |
| Dyess | Landry | |
| Total—16 | | |

ABSENT

| | | |
|---------------|--------|--------|
| Mr. President | Bajoie | Tarver |
|---------------|--------|--------|

| | | |
|----------|----------|------------|
| Bagneris | Campbell | Theunissen |
| Total—6 | | |

The Chair declared the previous question was called on the bill.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Greene | Jordan |
| Bean | Guidry | Lambert |
| Branch | Heitmeier | Romero |
| Cain | Hines | Smith |
| Casanova | Hollis | Theunissen |
| Cravins | Irons | Ullo |
| Dardenne | Johnson | |
| Dyess | Jones | |
| Total—22 | | |

NAYS

| | | |
|----------|---------|-----------|
| Barham | Hainkel | Robichaux |
| Cox | Landry | Schedler |
| Dean | Lentini | Short |
| Fields | Malone | |
| Total—11 | | |

ABSENT

| | | |
|----------|-----------|----------|
| Bagneris | Campbell | Siracusa |
| Bajoie | Ellington | Tarver |
| Total—6 | | |

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

SENATE BILL NO. 949—
BY SENATOR ROMERO
AN ACT

To amend and reenact R.S. 34:242 and to enact R.S. 42:1123(24), relative to the Board of Commissioners of the Port of Iberia; to provide for right of recusal; to provide for an exception to the Code of Governmental Ethics; to reduce the length of terms; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|-----------|---------|---------|
| Barham | Hainkel | Lentini |
| Bean | Hines | Romero |
| Cravins | Johnson | Smith |
| Dardenne | Jones | |
| Ellington | Lambert | |
| Total—13 | | |

NAYS

| | | |
|---------------|-----------|------------|
| Mr. President | Greene | Robichaux |
| Branch | Guidry | Schedler |
| Campbell | Heitmeier | Short |
| Casanova | Hollis | Siracusa |
| Cox | Irons | Theunissen |

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| | | |
|----------|--------|------|
| Dean | Jordan | Ullo |
| Dyess | Landry | |
| Fields | Malone | |
| Total—22 | | |

ABSENT

| | |
|----------|--------|
| Bagneris | Cain |
| Bajoie | Tarver |
| Total—4 | |

The Chair declared the bill failed to pass.

The Chair declared the bill failed to pass. Senator Guidry moved to reconsider the vote by which the bill failed to pass and laid the motion on the table.

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|-----------|-----------|------------|
| Barham | Greene | Landry |
| Bean | Guidry | Lentini |
| Branch | Hainkel | Malone |
| Campbell | Heitmeier | Robichaux |
| Casanova | Hines | Romero |
| Cox | Hollis | Schedler |
| Cravins | Irons | Short |
| Dardenne | Johnson | Siracusa |
| Dyess | Jones | Smith |
| Ellington | Jordan | Theunissen |
| Fields | Lambert | Ullo |
| Total—33 | | |

YAYS

Total—0

ABSENT

| | | |
|---------------|--------|--------|
| Mr. President | Bajoie | Dean |
| Bagneris | Cain | Tarver |
| Total—6 | | |

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|-----------|-----------|------------|
| Barham | Guidry | Lentini |
| Cox | Heitmeier | Siracusa |
| Cravins | Irons | Theunissen |
| Dean | Johnson | Ullo |
| Ellington | Jones | |
| Fields | Landry | |
| Total—16 | | |

NAYS

| | | |
|----------|---------|-----------|
| Bean | Greene | Malone |
| Branch | Hainkel | Robichaux |
| Casanova | Hines | Romero |
| Dardenne | Hollis | Short |
| Dyess | Jordan | Smith |
| Total—15 | | |

ABSENT

| | | |
|---------------|----------|----------|
| Mr. President | Cain | Schedler |
| Bagneris | Campbell | Tarver |
| Bajoie | Lambert | |
| Total—8 | | |

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator Guidry, 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.

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.

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. 1278 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 2, following "R.S. 25:2" and before "and " insert "(A)"

AMENDMENT NO. 2

On page 1, line 6, following "R.S. 25:2" and before "and " insert "(A)"

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|-----------|-----------|------------|
| Barham | Fields | Lambert |
| Bean | Greene | Landry |
| Branch | Guidry | Lentini |
| Campbell | Hainkel | Malone |
| Casanova | Heitmeier | Romero |
| Cox | Hines | Schedler |
| Cravins | Hollis | Siracusa |
| Dardenne | Irons | Smith |
| Dean | Johnson | Theunissen |
| Dyess | Jones | Ullo |
| Ellington | Jordan | |
| Total—32 | | |

NAYS

Total—0

ABSENT

| | | |
|---------------|-----------|--------|
| Mr. President | Cain | Tarver |
| Bagneris | Robichaux | |
| Bajoie | Short | |
| Total—7 | | |

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|--------|
| Bagneris | Cain | Tarver |
| Bajoie | Robichaux | |
| Total—5 | | |

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

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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

| | |
|----------|--------|
| Bagneris | Cain |
| Bajoie | Tarver |
| Total—4 | |

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

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.

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. 1503 by Senator Cravins

AMENDMENT NO. 1

On page 2, line 14, following "U.S.C." and before "80" delete "§§"

AMENDMENT NO. 2

On page 2, line 24, following "bank" and before "or" insert a comma ","

AMENDMENT NO. 3

On page 4, line 11, following "repurchase" and before "and" insert a comma ","

May 22, 1997

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Jordan
Bajoie Fields Lambert
Barham Greene Landry
Bean Guidry Lentini
Branch Hainkel Robichaux
Campbell Heitmeier Romero
Casanova Hines Schedler
Cox Hollis Short
Cravins Irons Smith
Dardenne Johnson Theunissen
Dyess Jones Ullo
Total—33

NAYS

Dean Malone
Total—2

ABSENT

Bagneris Siracusa
Cain Tarver
Total—4

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

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. Senator Heitmeier moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris Cain Tarver
Barham Ellington
Total—5

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

SENATE BILL NO. 63— BY SENATOR ROBICHAUX

AN ACT

To add R.S. 56:55.2(C) and (D); relative to enforcement powers; to provide law enforcement powers to certain wildlife officers and department employees on game management areas and refuges; and to provide for related matters.

Motion

On motion of Senator Robichaux, Senate Bill No. 63 was made Special Order of the Day 1 on Wednesday, May 28, 1997 immediately following the Morning Hour.

SENATE BILL NO. 319— BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 47:806(C), relative to motor vehicles; to provide relative to required records for the purchase of certain fuels; to exempt certain motor vehicles of 2,000 pounds or less; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fields Malone
Bajoie Greene Robichaux
Bean Guidry Romero
Branch Guidry Heitmeier Schedler
Campbell Hines Short
Casanova Hollis Siracusa
Cox Irons Smith
Cravins Jones Theunissen
Dardenne Lambert Ullo
Dean Landry
Dyess Lentini
Total—31

NAYS

Total—0

ABSENT

Bagneris Ellington Jordan
Barham Hainkel Tarver
Cain Johnson
Total—8

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

SENATE BILL NO. 362—
BY SENATOR GREENE (BY REQUEST)
AN ACT

To amend and reenact R.S. 56:326.6(A), relative to bowfin; to include certain parishes in the commercial bowfin season; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Dyess | Lentini |
| Bajoie | Fields | Malone |
| Bean | Greene | Robichaux |
| Branch | Guidry | Romero |
| Campbell | Heitmeier | Schedler |
| Casanova | Hines | Short |
| Cox | Hollis | Siracusa |
| Cravins | Irons | Smith |
| Dardenne | Jones | Theunissen |
| Dean | Landry | Ullo |
| Total—30 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|---------|
| Bagneris | Ellington | Jordan |
| Barham | Hainkel | Lambert |
| Cain | Johnson | Tarver |
| Total—9 | | |

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

SENATE BILL NO. 394—
BY SENATOR HEITMEIER
AN ACT

To enact R.S. 11:1921(C), relative to the Parochial Employees' Retirement System; to provide for optional membership for persons fifty-five years of age or older who have forty quarters credit in Social Security; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Dyess | Lentini |
| Bajoie | Fields | Malone |
| Bean | Greene | Robichaux |
| Branch | Guidry | Romero |
| Campbell | Heitmeier | Schedler |
| Casanova | Hines | Short |
| Cox | Hollis | Siracusa |
| Cravins | Jones | Smith |
| Dardenne | Lambert | Theunissen |
| Dean | Landry | Ullo |
| Total—30 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|---------|
| Bagneris | Ellington | Johnson |
| Barham | Hainkel | Jordan |
| Cain | Irons | Tarver |
| Total—9 | | |

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

SENATE BILL NO. 1014—
BY SENATOR SIRACUSA
AN ACT

To enact R.S. 48:261(A)(3), relative to local governments; to provide relative to certain parishes; to require the Department of Transportation and Development to contract with such parishes for the maintenance of certain functions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Dyess | Lentini |
| Bajoie | Greene | Malone |
| Bean | Guidry | Robichaux |
| Branch | Heitmeier | Romero |
| Campbell | Hines | Schedler |
| Casanova | Hollis | Siracusa |
| Cox | Irons | Smith |
| Cravins | Jones | Theunissen |
| Dardenne | Lambert | Ullo |
| Dean | Landry | |
| Total—29 | | |

NAYS

Total—0

ABSENT

| | | |
|-----------|---------|--------|
| Bagneris | Fields | Short |
| Barham | Hainkel | Tarver |
| Cain | Johnson | |
| Ellington | Jordan | |
| Total—10 | | |

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

SENATE BILL NO. 1255—
BY SENATOR JONES
AN ACT

To enact R.S. 38:345, relative to levee districts; to require certain levee districts to develop a flood prevention plan; to require funding for such levee districts; and to provide for related matters.

Senator Hainkel moved that Senate Bill No. 1255 be recommitted to the Committee on Finance.

Without objection, so ordered.

May 22, 1997

SENATE BILL NO. 1342—
BY SENATOR SIRACUSA

AN ACT

To enact Chapter 2-C of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:106 through 110, relative to the construction of interim flood protection projects on the Atchafalaya River in Terrebonne, Assumption, St. Martin and St. Mary parishes; to authorize the Department of Transportation and Development to serve as the non-federal sponsor for the construction of these projects; to authorize the department to contract with agencies of the federal government, other state agencies, and political subdivisions of the state for the purposes of the projects; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Lentini |
| Bajoie | Greene | Malone |
| Bean | Guidry | Robichaux |
| Branch | Heitmeier | Romero |
| Campbell | Hines | Schedler |
| Casanova | Hollis | Short |
| Cox | Irons | Siracusa |
| Cravins | Jones | Smith |
| Dardenne | Jordan | Theunissen |
| Dean | Lambert | Ullo |
| Dyess | Landry | |
| Total—32 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|--------|
| Bagneris | Ellington | Tarver |
| Barham | Hainkel | |
| Cain | Johnson | |
| Total—7 | | |

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

SENATE BILL NO. 1497—
BY SENATORS SIRACUSA AND ROMERO
AN ACT

To enact R.S. 48:388.1, relative to freight railroads; to create the Freight Railroad Intermodal Grant Program within the Department of Transportation and Development; to provide relative to grant authority of the program; to require certain funding for the program; to require the promulgation of rules and regulations; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|--------|-----------|
| Mr. President | Fields | Lentini |
| Bajoie | Greene | Malone |
| Bean | Guidry | Robichaux |

| | | |
|----------|-----------|------------|
| Branch | Heitmeier | Romero |
| Campbell | Hines | Schedler |
| Casanova | Hollis | Short |
| Cox | Irons | Siracusa |
| Cravins | Jones | Smith |
| Dardenne | Jordan | Theunissen |
| Dean | Lambert | Ullo |
| Dyess | Landry | |

Total—32

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|--------|
| Bagneris | Ellington | Tarver |
| Barham | Hainkel | |
| Cain | Johnson | |
| Total—7 | | |

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

SENATE BILL NO. 1500—
BY SENATORS ROMERO AND CAIN
AN ACT

To enact Subpart J of Part VI of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:310 through 310.2, relative to labeling; to require that all seafood products originating from or being imported from a foreign country and sold in Louisiana be labeled with the country of origin; to provide for penalties; and to provide for related matters.

Motion

On motion of Senator Romero, Senate Bill No. 1500 was made Special Order of the Day 2 on Wednesday, May 28, 1997 immediately following the Morning Hour.

SENATE BILL NO. 109—
BY SENATOR LANDRY
AN ACT

To amend and reenact R.S. 49:327(B)(1)(d), relative to state administration; to provide relative to investments by the treasurer; to provide relative to time certificates of deposit; 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 Reengrossed Senate Bill No. 109 by Senator Landry

AMENDMENT NO. 1

On page 2, line 6, following "6:703" and before the comma "," change "(15) and (16)" to "(16) and (17)"

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Malone |
| Bajoie | Greene | Robichaux |
| Bean | Guidry | Romero |
| Branch | Heitmeier | Schedler |
| Campbell | Hines | Short |
| Casanova | Hollis | Siracusa |
| Cox | Irons | Smith |
| Cravins | Jordan | Theunissen |
| Dardenne | Lambert | Ullo |
| Dean | Landry | |
| Dyess | Lentini | |
| Total—31 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|--------|
| Bagneris | Ellington | Jones |
| Barham | Hainkel | Tarver |
| Cain | Johnson | |
| Total—8 | | |

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

SENATE BILL NO. 264—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 36:354(E)(2) and to enact Part VIII of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:101.1 through 101.10, relative to the Department of Natural Resources; to provide for the creation of the Louisiana Underwater Obstruction Removal Program; to provide for policy and purpose; to provide for definitions; to provide for powers and duties of the secretary; to provide for powers and duties of the assistant secretary; to provide for contracts; to provide for access; to provide for liability; to provide for the Underwater Obstruction Removal Fund; to provide for reports; and to provide for related matters.

Floor Amendments Sent Up

Senator Robichaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Robichaux to Engrossed Senate Bill No. 264 by Senator Ullo

AMENDMENT NO. 1

On page 3, line 3, between "navigation" and "in" insert "and commercial fishing"

AMENDMENT NO. 2

On page 3, line 24, between "navigation" and "on" insert "and commercial fishing"

AMENDMENT NO. 3

On page 4, line 9, between "navigation" and the period "." insert "and commercial fishing"

AMENDMENT NO. 4

On page 5, line 9, between "navigation" and "in" insert "and commercial fishing"

AMENDMENT NO. 5

On page 8, line 14, between "waters" and "of" insert "and commercial fishing"

On motion of Senator Robichaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Lentini |
| Bajoie | Greene | Malone |
| Bean | Guidry | Robichaux |
| Branch | Heitmeier | Romero |
| Campbell | Hines | Schedler |
| Casanova | Hollis | Short |
| Cox | Irons | Siracusa |
| Cravins | Jones | Smith |
| Dardenne | Jordan | Theunissen |
| Dean | Lambert | Ullo |
| Dyess | Landry | |
| Total—32 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|--------|
| Bagneris | Ellington | Tarver |
| Barham | Hainkel | |
| Cain | Johnson | |
| Total—7 | | |

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

SENATE BILL NO. 1022—
BY SENATOR CAMPBELL

AN ACT

To enact Part VII-A of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:401.11 through 401.13; relative to summer enrichment programs for students; to provide for the purpose of such programs; to provide for planning of such programs; to require the provision of such programs; to provide for their content and organization; to provide for student eligibility; to provide relative to costs to students; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Lentini |
| Bajoie | Guidry | Malone |
| Bean | Heitmeier | Robichaux |
| Branch | Hines | Romero |
| Campbell | Hollis | Schedler |
| Casanova | Irons | Short |
| Cox | Jones | Siracusa |
| Cravins | Jordan | Smith |
| Dardenne | Lambert | Theunissen |
| Dyess | Landry | Ullo |
| Total—30 | | |

NAYS

Dean
Total—1

May 22, 1997

ABSENT

| | | |
|----------|-----------|---------|
| Bagneris | Ellington | Johnson |
| Barham | Greene | Tarver |
| Cain | Hainkel | |
| Total—8 | | |

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

SENATE BILL NO. 1325—

BY SENATORS HINES, DYESS, ROBICHAUX AND SCHEDLER AND REPRESENTATIVES GAUTREAU, JOHNS, RIDDLE, THOMPSON AND VITTER

AN ACT

To enact Subpart A-2 of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:160.21 through 160.25, relative to the Medical Assistance Program; to provide for definitions; to require a health care provider agreement as a term and condition for payment of services rendered for the state Medical Assistance Program; to provide for terms, requirements, and conditions of such provider agreements; to provide for powers and duties of the Department of Health and Hospitals; to provide for application, enrollment, or denial of application of medical assistance provider; to provide for grounds for the denial of application, revocation, or suspension of any Medicaid provider agreement; to authorize payment of services and goods furnished by an entity prior to signing a provider agreement; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Landry |
| Bajoie | Greene | Lentini |
| Bean | Guidry | Malone |
| Branch | Heitmeier | Robichaux |
| Campbell | Hines | Romero |
| Casanova | Hollis | Schedler |
| Cox | Irons | Siracusa |
| Cravins | Jones | Smith |
| Dardenne | Jordan | Theunissen |
| Dean | Lambert | Ullo |
| Total—30 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|---------|
| Bagneris | Dyess | Johnson |
| Barham | Ellington | Short |
| Cain | Hainkel | Tarver |
| Total—9 | | |

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

SENATE BILL NO. 1351—

BY SENATOR HINES

AN ACT

To enact 46:460.4, relative to public assistance; to provide for a six month disregard of certain earnings of certain persons; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Malone |
| Bajoie | Guidry | Robichaux |
| Bean | Heitmeier | Romero |
| Branch | Hines | Schedler |
| Campbell | Hollis | Short |
| Casanova | Irons | Siracusa |
| Cox | Jones | Smith |
| Cravins | Jordan | Theunissen |
| Dardenne | Lambert | Ullo |
| Dean | Landry | |
| Dyess | Lentini | |
| Total—31 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|---------|
| Bagneris | Ellington | Johnson |
| Barham | Greene | Tarver |
| Cain | Hainkel | |
| Total—8 | | |

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

SENATE BILL NO. 1369—

BY SENATORS JORDAN, LANDRY, LENTINI, SHORT AND TARVER

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Malone |
| Bajoie | Guidry | Robichaux |
| Bean | Heitmeier | Romero |
| Branch | Hines | Schedler |
| Campbell | Hollis | Short |
| Casanova | Irons | Siracusa |
| Cox | Jones | Smith |
| Cravins | Jordan | Theunissen |
| Dardenne | Lambert | Ullo |
| Dean | Landry | |
| Dyess | Lentini | |

Total—31

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|---------|
| Bagneris | Ellington | Johnson |
| Barham | Greene | Tarver |
| Cain | Hainkel | |
| Total—8 | | |

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

Personal Privilege

Senator Malone asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 1369. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

SENATE BILL NO. 1373—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 48:271, relative to signs; to authorize the Department of Transportation and Development to erect signs to certain tourist attractions, tourist information centers, and state parks; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

| | | |
|---------------|-----------|------------|
| Mr. President | Fields | Malone |
| Bajoie | Guidry | Robichaux |
| Bean | Heitmeier | Romero |
| Branch | Hines | Schedler |
| Campbell | Hollis | Short |
| Casanova | Irons | Siracusa |
| Cox | Jones | Smith |
| Cravins | Jordan | Theunissen |
| Dardenne | Lambert | Ullo |
| Dean | Landry | |
| Dyess | Lentini | |
| Total—31 | | |

NAYS

Total—0

ABSENT

| | | |
|----------|-----------|---------|
| Bagneris | Ellington | Johnson |
| Barham | Greene | Tarver |
| Cain | Hainkel | |
| Total—8 | | |

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

SENATE BILL NO. 1530—

BY SENATORS CRAVINS AND ROMERO AND REPRESENTATIVE HUDSON

AN ACT

To amend and reenact R.S. 17:3217(11) 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. 17:1823, and R.S. 17:3217(12), relative to institutions of higher education; to establish the Gulf Coast Community and Technical College; to provide for the campuses of such institutions; to provide for the governance of such institution; to provide for an arts and sciences division at each campus of such institution; to provide relative to the management, operation, and programming of such institution; 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 Reengrossed Senate Bill No. 1530 by Senator Cravins

AMENDMENT NO. 1

On page 3, line 12, following "to" and before "July" delete "the"

On motion of Senator Hainkel, the amendments were adopted.

Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Casanova and Theunissen to Reengrossed Senate Bill No. 1530 by Senator Cravins

AMENDMENT NO. 1

On page 2, line 10, after "Abbeville," insert "Ville Platte, Crowley,"

On motion of Senator Hines, the amendments were adopted.

Motion

On motion of Senator Cravins, Senate Bill No. 1530 as amended was made Special Order of the Day 1 on Tuesday, May 27, 1997 immediately following the Morning Hour.

Rules Suspended

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

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

SENATE
STATE OF LOUISIANA

May 22, 1997

Honorable Dennis R. Bagneris
Senate President Pro Tempore
P.O. Box 94183
Baton Rouge, LA 70804

Dear Senator Bagneris:

In accordance with Senate Rule 13.1, I hereby accept your resignation as a member of the Senate Committee on Finance, and the Senate and Governmental Affairs Committee.

Sincerely,
Randy L. Ewing

SENATE
STATE OF LOUISIANA

May 22, 1997

Honorable Francis C. Heitmeier
State Senator
3709 General DeGaulle
New Orleans, LA 70114

Dear Senator Heitmeier:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the Senate Committee on Finance.

Sincerely,
Randy L. Ewing

SENATE
STATE OF LOUISIANA

May 22, 1997

Honorable Jon D. Johnson
State Senator
7240 Crowder Boulevard
Suite 405
New Orleans, LA 70127

Dear Senator Johnson:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the Senate Committee on Senate and Governmental Affairs.

Sincerely,
Randy L. Ewing

Messages from the House

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 22, 1997

To the Honorable President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 120—
BY SENATOR JONES**

A CONCURRENT RESOLUTION

To commend and congratulate Claude Minor for long term service and dedication to his community, state, and country.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 121—

BY SENATOR HINES

A CONCURRENT RESOLUTION

To commend Danny Poullard on his musical talent and his relentless promotion of Cajun French and Creole culture.

Reported without amendments.

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

Introduction of Senate Resolutions

Senator Hainkel 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. 41—

BY SENATOR DYESS

A RESOLUTION

To commend Dr. Robert L. Lynn on his twenty-two years of service in the field of education as President of Louisiana College and to congratulate him on the occasion of his retirement.

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

SENATE RESOLUTION NO. 42—

BY SENATOR FIELDS

A RESOLUTION

To express the condolences of the Senate of the Legislature of Louisiana upon the death of Myrtle Bernice Anderson Rankins.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator Ellington, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

May 22, 1997

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE BILL NO. 1147—

BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER

AN ACT

To amend and reenact R.S. 23:1513 and to enact R.S. 23:1511(E) and (F) and 1513.1, relative to certain accounts in the employment security administration fund; to create the penalty and interest account and Reed Act account in the employment security administration fund; to provide for disbursements from the accounts; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 548—

BY REPRESENTATIVE RIDDLE

AN ACT

To amend and reenact R.S. 23:1393(B), relative to the Louisiana

Workers' Compensation Corporation; to provide that Jones Act coverage may only be issued when such coverage is incidental to certain other policies; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 730—

BY REPRESENTATIVES FORSTER, BRUNEAU, LANCASTER, SCALISE, VITTER, WINDHORST, BARTON, BOWLER, CRANE, DEVILLE, MICHOT, AND POWELL AND SENATOR ELLINGTON

AN ACT

To enact R.S. 23:642, relative to the establishment of a minimum wage rate; to prohibit a local governmental subdivision from establishing a minimum wage rate; and to provide for related matters.

Reported favorably.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

REPORT OF COMMITTEE ON

NATURAL RESOURCES

Senator Romero, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

May 22, 1997

To the President and Members of the Senate:

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

SENATE BILL NO. 80—

BY SENATOR LANDRY

AN ACT

To amend and reenact Title 56 of the Louisiana Revised Statutes of 1950, relative to wildlife and fisheries; and to provide for related matters.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 10—

BY REPRESENTATIVES DUPRE, DOWNER, HEBERT, HILL, MICHOT, ODINET, PIERRE, AND JACK SMITH AND SENATOR HINES

A CONCURRENT RESOLUTION

To memorialize the United States Congress to reauthorize laws providing funding for projects under the federal Coastal Wetlands Planning, Protection and Restoration Act.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 15—

BY REPRESENTATIVE ROUSSELLE

A CONCURRENT RESOLUTION

To urge and request the office of state parks to study the feasibility of making Fort Jackson in Plaquemines Parish a state commemorative area and to report its findings to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Education.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 22—

BY REPRESENTATIVES FAUCHEUX AND POWELL AND SENATORS HANKEL AND LANDRY

A CONCURRENT RESOLUTION

To create a committee to evaluate and recommend potential sites for a state park in St. John the Baptist Parish and Tangipahoa Parish and to urge and request the office of state parks to study the feasibility of establishing a park at sites recommended by the committee and

to report its findings to the legislature.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 25—

BY REPRESENTATIVE STRAIN

A CONCURRENT RESOLUTION

To nominate for inclusion in the natural and scenic rivers system in Louisiana the Abita River located in St. Tammany Parish.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 35—

BY REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To memorialize congress to amend federal laws and regulations to authorize the taking of snow and blue geese, which are migratory game birds, with the use or aid of recorded or electrically amplified bird calls or sounds, or imitations of calls or sounds.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVES THOMPSON, HUDSON, FAUCHEUX, AND FRITH

A CONCURRENT RESOLUTION

To memorialize the United States Congress to extend the coastal boundary in Louisiana to be at least equal to that of Texas and Mississippi.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 128—

BY REPRESENTATIVE KENNARD

A CONCURRENT RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries to allow senior citizens to use the limited access roads and all-terrain vehicle (ATV) trails on wildlife management areas that have been designated as "handicapped only" trails.

Reported favorably.

HOUSE BILL NO. 304—

BY REPRESENTATIVE DOWNER

AN ACT

To authorize and provide for the lease of certain property, consisting of certain state-owned water bottoms in Terrebonne Parish, from the Department of Natural Resources to the governing authority of Terrebonne Parish; to provide certain terms, conditions, and requirements; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 305—

BY REPRESENTATIVE DOWNER

AN ACT

To enact R.S. 41:1705(15), relative to public lands and state water bottom management; to provide an exemption from management by the Department of Natural Resources for Terrebonne Parish projects utilizing certain areas of Bayou Terrebonne for a public purpose; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1514—

BY REPRESENTATIVES DOWNER, ANSARDI, DONELON, AND JOHN SMITH

AN ACT

To enact R.S. 39:14(6), relative to state lands; to exempt the Military Department, state of Louisiana, from certain provisions relative to the administration of state lands; to provide for an effective date; and to provide for related matters.

May 22, 1997

Reported favorably.

HOUSE BILL NO. 1781—
BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 30:129(A), relative to the State Mineral Board; to provide relative to the powers, duties, and authority of the board; to provide relative to pooling agreements and operating units; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1783—
BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 30:148.2, relative to the Department of Natural Resources; to provide relative to duties and powers of the office of mineral resources; to provide relative to lands which may be leased; to authorize the granting of surface/subsurface agreements for the erection and use of certain facilities or equipment where appropriate on unleased acreage; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1789—
BY REPRESENTATIVE FLAVIN

AN ACT

To enact R.S. 30:27, relative to orders of the commissioner of conservation in the Department of Natural Resources; to provide that work orders or compliance orders of the commissioner are sufficient to authorize the entering of lands of another person; to provide terms, conditions, and requirements for such entry; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1791—
BY REPRESENTATIVE FLAVIN

AN ACT

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

Reported with amendments.

HOUSE BILL NO. 1792—
BY REPRESENTATIVE JOHN SMITH

AN ACT

To amend and reenact R.S. 30:11.1, relative to filing and recording of orders creating drilling or production units by the commissioner of conservation; to provide for the filing of copies of such orders; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1794—
BY REPRESENTATIVE HOPKINS

AN ACT

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

Reported with amendments.

HOUSE BILL NO. 1795—
BY REPRESENTATIVE FLAVIN

AN ACT

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

Reported favorably.

HOUSE BILL NO. 1986—
BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 56:497(C) and (D), relative to shrimping; to provide relative to saltwater shrimp seasons and bait shrimp; to provide certain penalties for violations; to prohibit violations of bait shrimp permit regulations and provide penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 2007—
BY REPRESENTATIVES JACK SMITH, DEWITT, FAUCHEUX, AND FRITH

AN ACT

To amend and reenact R.S. 56:301.7(B), 303(A), (B), and (D), 303.1, 303.4(A), and Subpart F of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:306 through 306.6, and to enact R.S. 56:301.7(C), relative to commercial fishing and seafood dealers' licenses; to create the "retail seafood dealers" license and provide relative thereto; to create the "wholesale/retail seafood dealer" license and to provide relative thereto, to increase fees for certain licenses; to provide for the dedication of revenues derived from the licenses; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 2010—
BY REPRESENTATIVE DEWITT

AN ACT

To enact R.S. 49:191(10)(g) and to repeal R.S. 49:191(8)(m), relative to the Department of Wildlife and Fisheries, including provisions to provide for the re-creation of the Department of Wildlife and Fisheries and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 2012—

BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 56:152(A), relative to the Louisiana Duck Stamp program; to increase the fee for a stamp; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 2353 (Substitute for House Bill No. 1787 by Representative DeWitt)—

BY REPRESENTATIVES JOHN SMITH, FAUCHEUX, AND FRITH
AN ACT

To amend and reenact R.S. 36:358(D)(2) and R.S. 38:3098.5 and to enact R.S. 17:1492, relative to the Louisiana Geological Survey; to transfer such entity from the Department of Natural Resources to Louisiana State University; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CRAIG F. ROMERO
Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Greene, Chairman on behalf of the Committee on Education, submitted the following report:

May 22, 1997

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 110—

BY SENATORS JORDAN, HAINKEL, GREENE, DARDENNE, CASANOVA, CRAVINS, SHORT, JONES, BRANCH, MALONE, EWING, BARHAM AND ROBICHAUX

A CONCURRENT RESOLUTION

To direct the Board of Regents to conduct a study regarding the establishment of a statewide community college system; to adopt a proposal to establish such a system, and to recommend the proposal to a special joint legislative committee; to establish a special joint legislative committee to receive the report of the Board of Regents, review it, and make recommendations regarding it to the legislature; and to direct dates by which all such activity shall occur.

Reported favorably.

SENATE BILL NO. 236—

BY SENATOR LAMBERT
AN ACT

To amend and reenact R.S. 17:3217(11) and to enact R.S. 17:3217(12), relative to the University of Louisiana system of colleges and universities; to create the River Parishes Community College; to provide for its inclusion in the University of Louisiana system; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1544—

BY SENATOR GUIDRY
AN ACT

To enact Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3047.1 through 3047.7, relative to student financial assistance; to provide for the Baton Rouge Community College Student Loan Program; to establish the Baton Rouge Community College Student Loan Program; to provide for

the duties and powers of the Louisiana Student Financial Assistance Commission, lenders, and student borrowers; to provide with regard to student eligibility, applicability, and maximum loan amounts; to provide definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 2074—

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

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

Reported favorably.

HOUSE BILL NO. 2065 (Duplicate of Senate Bill No. 826)—

BY REPRESENTATIVE DOWNER AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES ALARIO, BRUN, CRANE, DEWITT, DUPRE, ILES, LEBLANC, LONG, MCCAIN, MCDONALD, MCMAINS, MICHOT, WALSWORTH, AND WIGGINS AND SENATORS EWING, HAINKEL, AND SCHEDLER
AN ACT

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

Reported with amendments.

HOUSE BILL NO. 2240—

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

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

Reported with amendments.

HOUSE BILL NO. 2264 (Substitute for House Bill No. 2116 by Representative Downer)—

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

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

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suspended and expelled students on a space available basis; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
THOMAS A. GREENE
Chairman

**REPORT OF COMMITTEE ON
TRANSPORTATION, HIGHWAYS, AND
PUBLIC WORKS**

Senator Landry, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

May 22, 1997

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

SENATE BILL NO. 95—
BY SENATOR LANDRY

AN ACT

To amend and reenact Title 36 of the Louisiana Revised Statutes of 1950, relative to executive organization; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 1487—
BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 48:756(B), relative to the Parish Transportation Fund; to modify and provide relative to the distribution formula of the mass transit account of the Parish Transportation Fund; and to provide for related matters.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 2—
BY REPRESENTATIVES TRICHE AND THORNHILL

A CONCURRENT RESOLUTION

To authorize and direct the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works to study and make recommendations with respect to the abolishment of levee districts and levee and drainage districts and the merging of the districts with a state agency.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 40—
BY REPRESENTATIVE JACK SMITH

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development to conduct the requisite study and make a determination as to the necessity of installing a traffic light at the intersection of the Cannatas Supermarket driveway and Berwick Road in Berwick, Louisiana.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 42—

BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to reconstruct Louisiana Highway 328 (Rees St. in Breaux Bridge), in St. Martin Parish from the Interstate 10 exit to State Road 94.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 43—

BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To authorize and direct the Department of Transportation and Development to install a traffic light at the intersection of Louisiana Highway 31 and Governor Mouton Street in St. Martinville, Louisiana and at the intersection of Louisiana Highway 1 and St. Anne Street in Raceland, Louisiana.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 79—

BY REPRESENTATIVE TRICHE

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to erect large signs to warn motorists approaching a location recognized for very strict enforcement of speed limits on highways and the Department of Culture, Recreation and Tourism to include a listing of those locations recognized for very strict enforcement of speed limits in its literature available to tourists.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 84—

BY REPRESENTATIVES WINDHORST AND CLARKSON

A CONCURRENT RESOLUTION

To request the Federal Transit Administration through its regional administrator for Region VI to redesignate the transit lanes on the Crescent City Connection Bridge No. 2 from "high occupancy vehicle seven" (HOV 7) to "high occupancy vehicle two" (HOV 2).

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 124—

BY REPRESENTATIVES WINDHORST AND CLARKSON

A CONCURRENT RESOLUTION

To amend the initial paragraph of LAC 70:L503 of the rules of the Department of Transportation and Development to redesignate the transit lanes of the Crescent City Connection Bridge in New Orleans.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 127—

BY REPRESENTATIVE WINDHORST

A CONCURRENT RESOLUTION

To memorialize the Louisiana delegation to the United States Congress to seek and provide exemptions and waivers from federal requirements for lead paint removal in order to minimize the cost of repainting the Crescent City Connection Bridge in New Orleans and the Sunshine Bridge which connects Sorrento and Donaldsonville.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 136—

BY REPRESENTATIVE ROUSSELLE

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to increase the speed limit on Louisiana Highway 23 in Plaquemines Parish on certain areas of the roadway.

Reported favorably.

HOUSE BILL NO. 163—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:463.2(B), relative to personalized license plates for motor vehicles; to provide for eligibility for a personalized license plate; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 283—
BY REPRESENTATIVE MCCAIN
AN ACT

To authorize and provide for the transfer or lease of certain state property by and on behalf of the state through the Department of Transportation and Development to the Assumption Parish Fire Protection District No. 1 for use by the Pierre Part/Belle River Volunteer Fire Department; to provide terms, conditions, procedures, and requirements; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 292—
BY REPRESENTATIVE THERIOT
AN ACT

To amend and reenact R.S. 38:291(P)(2), relative to the South Lafourche Levee District; to provide for the composition of the members of the board of commissioners; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 351—
BY REPRESENTATIVE CRANE
AN ACT

To enact R.S. 49:121(I), relative to identifying insignia on public vehicles; to require that police vehicles engaged in certain traffic operations bear identifying insignia; to provide exceptions for hazardous situations; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 391—
BY REPRESENTATIVE TRICHE AND SENATOR DEAN
A JOINT RESOLUTION

Proposing to add Article VI, Section 38(A)(3) and (4) of the Constitution of Louisiana, to provide that the legislature may abolish a levee district or levee and drainage district; to provide for the transfer of the powers, duties, functions, and responsibilities of the board of commissioners; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 530—
BY REPRESENTATIVES DUPRE, DOWNER, FAUCHEUX, KENNARD, AND PERKINS
AN ACT

To amend and reenact R.S. 32:402.1(A)(introductory paragraph), 405.1, 407(A)(1), (2), and (3) and (C), 416, 416.1, 417(A), and 422, to enact R.S. 32:407(A)(4) and (5), and to repeal R.S. 32:431, relative to driver's licensing; to provide for a graduated licensing method for obtaining a driver's license; to provide for a Class "E" learner's license; to provide for a Class "E" intermediate license; to increase the age of persons who can be issued Class "E" drivers' licenses; to prohibit certain persons from driving during certain hours; to delete the requirement of school attendance as a condition to obtaining a Class "E" driver's license; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 538—
BY REPRESENTATIVES MCCAIN, BRUCE, PINAC, DOERGE, AND JOHNS
AN ACT

To enact R.S. 47:463.46, relative to motor vehicle registration; to provide for special prestige license plates for members of Lions International; to provide for fees; to provide for the disbursement of those fees; to provide for the procedure for issuing the plates; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 648—
BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 34:851.20(M), relative to registration of motorboats and sailboats; to require inspection of homemade boats; to provide for the fee for such registration; to provide for the expenditure of funds generated; to provide relative to notification of receipt of certain aluminum boats upon sale for salvage or scrap; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1127—
BY REPRESENTATIVE WRIGHT
AN ACT

To enact R.S. 47:463.46 and R.S. 56:10(B)(8), relative to motor vehicle registration; to provide for special prestige license plates for Ducks Unlimited; to provide for fees; to provide for the disposition of those fees; to provide for the establishment of an account in the Conservation Fund; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1182—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:463.23(B) and 463.30, relative to prestige license plates for professional firefighters; to provide for an initial fee; to provide for the revocation of such plates; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1277—
BY REPRESENTATIVE DURAND AND SENATOR DYESS
AN ACT

To amend and reenact R.S. 47:463.8, relative to motor vehicles and motorcycles; to provide for license plates for antique motor vehicles and motorcycles; to provide for collector plates for special interest motor vehicles; to provide for fees; and to provide for related matters.

Reported with amendments.

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

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

Reported with amendments.

HOUSE BILL NO. 1530—
BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 47:820.5(B)(2), relative to the uses of toll revenues from the Greater New Orleans Mississippi River Bridges; to provide for additional projects that may be funded by excess revenues; and to provide for related matters.

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Reported with amendments.

HOUSE BILL NO. 1903—
BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 34:201 and 2103(A) and (C), relative to port commissions; to provide for the boundaries of the Lake Charles Harbor and Terminal District and the West Calcasieu Port, Harbor and Terminal District; and to provide for related matters.

Reported favorably.

Respectfully submitted,
RON LANDRY
Chairman

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

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

SENATE BILL NO. 80—
BY SENATOR LANDRY

AN ACT

To amend and reenact Title 56 of the Louisiana Revised Statutes of 1950, relative to wildlife and fisheries; and to provide for related matters.

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Original Senate Bill No. 80 by Senator Landry

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and insert in lieu thereof "enact R.S. 56:410.8,"

AMENDMENT NO. 2

On page 1, line 3, after the semicolon ";" add "to create a special catfish management area; to create a permit program within such area; to require promulgation of rules and regulations; to provide for funding;"

AMENDMENT NO. 3

On page 1, line 5, after "Section 1." delete the remainder of the line and insert in lieu thereof "R.S. 56:410.8 is hereby enacted to read as"

AMENDMENT NO. 4

On page 1, delete lines 7 through 16 in their entirety and insert in lieu the following:

"§410.8. Channel catfish management program; catfish management area

A. There is hereby created a channel catfish management area bounded by the east bank of Bayou Lafourche on the west, the west bank of the Mississippi River on the east, Louisiana Highway 20 on the north, and the north bank of the Intercoastal Canal on the south.

B. (1) Within the management area created by the provisions of this Section, the commission shall establish a channel catfish permit program which shall limit the total minimum length of the fish for harvest to nine-inch total length, headed, with the anal fin left whole and recognizable, regardless of dressing method used.

(2) All fishermen, both resident and nonresident, harvesting channel catfish within the management area shall obtain a special annual permit.

(3) All dealers, both resident and nonresident, handling fish in any means whatsoever which originated within the management area shall obtain a special annual permit.

(4) Only whole, rough catfish under the permit shall be transported on water or on land to a permitted buyer. After partial or full processing and at least two hours prior to shipment of such fish out of the area or out of state, telephone notice shall be given to the department by the processor or dealer.

C. The commission shall promulgate rules and regulations in accordance with the Administrative Procedures Act for the implementation and administration of the permit program within the management area created herein. Such rules and regulations shall include, but not be limited to, the following:

(1) The determination of the months during which the harvest permit is required to be determined through consultation with fishermen of the area.

(2) Requirements for issuance of permits to both fishermen and dealers and relative to the use of the permit, including record keeping, collection of fish by the department, provision of socioeconomic data to the department.

(3) Method of and information required by the notification prior to shipment of channel catfish harvested in the management area.

(4) An annual fee for a permit to harvest channel catfish in the management area; however, such fee shall not be in excess of five hundred dollars for residents or two thousand dollars for nonresidents.

(5) An annual fee for dealers handling channel catfish harvested in the management area; however, such fee shall be the same as for the annual fisherman permit in the area.

(6) Penalties to be assessed for violation of the minimum length regulations in the management area to include, but not be limited to, the revocation of harvesting permits. Any penalties assessed shall be in addition to those criminal penalties normally assessed for minimum size violations.

D. The catfish management program herein shall only become effective if and when the legislature appropriates sufficient funds from the State General Fund to pay for additional personnel and services required by the department for implementation of the program.

AMENDMENT NO. 5

On page 2, delete lines 1 through 14 in their entirety

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

SENATE BILL NO. 95—
BY SENATOR LANDRY

AN ACT

To amend and reenact Title 36 of the Louisiana Revised Statutes of 1950, relative to executive organization; and to provide for related matters.

Reported by substitute by the Committee on Transportation, Highways, and Public Works. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (SUBSTITUTE BILL FOR SENATE BILL 95)

BY SENATOR LANDRY

GOVERNMENT ORGANIZATION. Transfers weights and standards police to the office of state police.

AN ACT

To amend and reenact R.S. 32:1(93), 2(C), 3, and 389(A) and R.S. 47:718(B)(1) and (C)(1), 809(A), and 812(C) and to enact R.S. 32:1(94), and 2(D), and R.S. 36:408(B)(3) and 409(C)(8) and R.S. 40:1379.8, all relative to the Weights and Standards Police; to transfer such police force to the office of state police; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1(93), 2(C), 3 and 389(A) are hereby amended and reenacted and R.S. 32:1(94) and 2(D) are hereby enacted to read as follows:

§1. Definitions

When used in this Chapter, the following words and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

* * *

(93) "Weights and standards police officer" means an employee of the Department of Transportation and Development authorized to enforce the provisions of R.S. 32:380 through 32:389, both inclusive, and certain other specified statutes and regulations of the department: office of state police of the Department of Public Safety and Corrections with responsibilities and duties as provided by R.S. 40:1379.8.

(94) "Weights and Standards stationary scale police officer" means an employee of the Department of Transportation and Development authorized to enforce the provisions of R.S. 32:380 through 389, both inclusive, and certain other specified statutes and regulations of the Department of Transportation and Development.

* * *

§2. Authority of Department of Transportation and Development

* * *

C. The Weights and Standards Police Force Stationary Scales Inspection Department is hereby created within the department. It may enforce only the provisions of R.S. 32:380 through R.S. 32:389; R.S. 47:718 and the provisions of Chapter 4 of Title 47 relating to trucks, trailers and semitrailers; Part V of Chapter 7 of Subtitle II of Title 47; the provisions of R.S. 32:289; Chapter 22 of Title 51; and the access laws and regulations relative to controlled access highways. The Weights and Standards Police Force is authorized to carry weapons and to make arrests in the enforcement of these laws and regulations, and in that regard, shall have the same authority and powers conferred by law upon other law enforcement officers of this state.

R.S. 32:2(D) is all proposed new law.

D. The Department of Transportation and Development shall have sole authority over the issuance of special permits as set forth in R.S. 32:387.

§3. Authority of Department of Public Safety and Corrections

A. The ~~department of public safety~~ The Department of Public Safety and Corrections shall enforce the provisions of this Chapter and the ~~department's~~ commissioner's regulations adopted pursuant thereto on all highways of this state within its jurisdiction and shall exercise such other power and authority as is specifically set forth in this Chapter or other laws of this state.

B. Any regulation promulgated by the commissioner pursuant to the authority granted by this Section or by any other provision of law shall become effective when filed with the clerks of court in the parishes in which such regulation is to be effective, or upon the erection of signs on the affected

highways giving notice thereof. All rules and regulations promulgated by the commissioner relative to weight enforcement, payment, and collection of procedures shall be adopted in accordance with the provisions of the Administrative Procedure Act. Such rules and regulations shall be referenced to the sections of law which they interpret or apply.

C. The Department of Public Safety and Corrections may enforce only the provisions of R.S. 32:380 through 389; R.S. 47:718 and the provisions of Chapter 4 of Subtitle II of Title 47 relating to trucks, trailers, and semitrailers; Part V of Chapter 7 of Subtitle II of Title 47; the provisions of R.S. 32:289; Chapter 22 of Title 51; and the access laws and regulations relative to controlled access highways. The Weights and Standards Police Force is authorized to carry weapons and to make arrests in the enforcement of these laws and regulations, and in that regard, shall have the same authority and powers conferred by law upon other law enforcement officers of this state.

* * *

§389. Weights and standards police; enforcement procedure; payment and collection procedures

A. The weights and standards police force and the state police shall have concurrent authority to enforce the provisions of R.S. 32:380 through 388, ~~both inclusive, provided that the state police shall not carry weight scales or weigh vehicles or combinations of vehicles.~~

* * *

Section 2. R.S. 36:408(B)(3) and 409(C)(8) are hereby enacted to read as follows:

§408. Offices; purposes and functions

* * *

B.

* * *

R.S. 36:408(B)(3) is all proposed new law.

(3) Within the office of state police there shall be a Weights and Standards Police Force (R.S. 40:1379.8) which shall perform the functions of the state related to the enforcement of R.S. 32:380 through 389, and R.S. 47:718, and the provisions of Chapter 4 of Subtitle of Title 47 relating to trucks, trailers, and semitrailers and Part V of Chapter 7 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 and the department's regulations adopted pursuant thereto.

* * *

§409. Transfer of agencies to the Department of Public Safety and Corrections

* * *

C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Public Safety and Corrections, as provided in R.S. 36:892:

* * *

R.S. 36:409(C)(8) is all proposed new law.

(8) The Weights and Standards Police Force (R.S. 40:1379.8).

Section 3. R.S. 40:1379.8 is hereby enacted to read as follows:

§1379.8. Weights and Standards Police Force

R.S. 40:1379.8 is all proposed new law.

The Weights and Standards Police Force is hereby created within the office of state police of the Department of Public Safety and Corrections. It may enforce only the provisions of R.S. 32:380 through 389; R.S. 47:718 and the provisions of Chapter 4 of Subtitle II Title 47 relating to trucks, trailers, and semitrailers; Part V of Chapter 7 of Subtitle II of Title 47; the provisions of R.S. 32:289; Chapter 22 of Title 51; and the access laws and regulations relative to controlled access highways. The Weights and Standards Police Force is authorized to carry weapons and to make arrests in the enforcement of these laws and regulations, and in that regard, shall have the same authority and powers conferred by law upon other law enforcement officers of this state.

Section 5. R.S. 47:718(B) and (C)(1), 809(A), and 812(C) are hereby amended and reenacted to read as follows:

§718. Gasoline or motor fuel imported in a vehicle's reservoir and used within this state

B.(1) In order to enforce the provisions of this Section, the secretary or his authorized representative, or any weights and standards police officer of the Department of Transportation and Development is empowered to stop any motor vehicle which appears to be operating with gasoline or motor fuel for the purpose of examining the invoices and for such other investigative purposes reasonably necessary to determine whether the vehicle is being operated in compliance with the provisions of this Section.

C.(1) All penalties collected for violation of this Section shall be paid to the secretary of the Department of Transportation and Development Public Safety and Corrections who shall pay said penalties into the state treasury on or before the twenty-fifth day of each month following their collection and, in accordance with Article VII, Section 9 of the constitution shall be credited to the Bond Security and Redemption Fund.

§809. Power to stop and investigate vehicles; assessment and collection

A. In order to enforce the provisions of this Part the secretary or his authorized representative or any weights and standards police officer of the Department of Transportation and Development is empowered to stop any motor vehicle which appears to be operating with special fuels for the purpose of examining the invoices and for such other investigative purposes reasonably necessary to determine whether the taxes imposed by this Part have been paid, or whether the vehicle is being operated in compliance with the provisions of this Part.

§812. Violations; cargo tank to carburetor connection; operation without speedometer or hub meter; operation without name and address on trucks; invoice

C. All specific penalties collected by the Department of Transportation and Development Public Safety and Corrections in accordance with this Part shall be paid to the secretary of the Department of Transportation and Development Public Safety and Corrections who shall pay said penalties into the state treasury on or before the twenty-fifth day of each month following their collection and, in accordance with Article VII, Section 9 of the Constitution of Louisiana such funds shall be credited to the Bond Security and Redemption Fund.

Section 6. All books, papers, records, money, equipment, actions, and other property of every kind, movable and immovable, real and personal possessed, controlled or used by the Department of Transportation and Development for carrying out the functions, duties, and responsibilities of the Weights and Standards Police Mobile Units, as well as those functions and duties, including those related to due process proceedings are transferred to the Department of Public Safety and Corrections.

Section 7. All rules and regulations adopted or permits, licenses, registrations, variances, or orders issued by the effective date of this Act shall continue in full force and effect until and after the effective date of this Act, unless otherwise revoked, repealed, amended, modified, or terminated in accordance with law. However, the secretary of the Department of Public Safety and Corrections shall immediately act to adopt such rules and regulations as are necessary to the function of the Weights and Standards Police Force, such that similar rules adopted by the Department of Transportation and Development may be revoked.

Section 8. Any legal proceeding, the statutory provisions for which are amended or repealed by the provisions of this Act, to which any agency or office is a party and which is filed, initiated, or otherwise pending before any court or hearing agency on the effective date of this Act, and all documents involved in or affected by said legal proceeding, shall retain their effectiveness and shall be continued in the name of the former agency. All further legal proceedings and documents in the continuance, disposition, and enforcement of said legal proceedings shall

be in the name of the original party agency, and the Department of Public Safety and Corrections shall be substituted for the original party agency without the necessity for amendment of any document to substitute the name of the department or the name or title of any subdivision or section of the department.

Section 9. All employees engaged in the performance of functions of the Weights and Standards Police Mobile Units, the provisions of which are amended or transferred by this Act, are hereby assigned to the Department of Public Safety and Corrections, and shall insofar as practicable and necessary continue to perform duties heretofore assigned, subject to applicable state civil service laws, rules, and regulations.

Section 10. The provisions of this Act shall not be construed in any manner which will impair the contractual or other obligations of any agency, office, or department of the state.

Section 11. The provisions of this Act shall not be construed so as to limit the power or authority of any officer of the office of state police as provided in R.S. 47:535.

Section 12. Any reference to the Weights and Standards Police Force, in any provision of law, including provisions of Chapters 4 and 5 of Title 47 of the Louisiana Revised Statutes of 1950, shall be understood to refer to either the Weights and Standards Police Force of the Department of Public Safety and Corrections or the Weights and Standards Station Scale Police Officers of the Department of Transportation and Development.

Section 13. All monies collected pursuant to duties assigned to the Department of Transportation and Development shall be collected and deposited according to the provisions of R.S. 32:387 through 389.

Section 14. All rules and regulations promulgated by the Department of Public Safety and Corrections relative to weight enforcement, payment, and collection procedures shall be adopted in accordance with the provisions of the Louisiana Administrative Procedure Act. Such rules and regulations shall make reference to the Sections or Subsections which they may interpret or apply.

On motion of Senator Landry, the committee substitute bill was adopted and becomes Senate Bill No. 1561 by Senator Landry, substitute for Senate Bill No. 95 by Senator Landry.

SENATE BILL NO. 1561 (Substitute Bill for Senate Bill 95)— BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 32:1(93), 2(C), 3, and 389(A) and R.S. 47:718(B)(1) and (C)(1), 809(A), and 812(C) and to enact R.S. 32:1(94), and 2(D), and R.S. 36:408(B)(3) and 409(C)(8) and R.S. 40:1379.8, all relative to the Weights and Standards Police; to transfer such police force to the office of state police; and to provide for related matters.

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

SENATE BILL NO. 236— BY SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 17:3217(11) and to enact R.S. 17:3217(12), relative to the University of Louisiana system of colleges and universities; to create the River Parishes Community College; to provide for its inclusion in the University of Louisiana system; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 236 by Senator Lambert

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 17:3042.32(B)(1)"

AMENDMENT NO. 2

On page 1, line 3, change "the University of Louisiana system of" to "providing for attendance at"

AMENDMENT NO. 3

On page 1, line 4, after "universities;" delete the remainder of the line and delete line 5 and insert "to"

AMENDMENT NO. 4

On page 1, line 8, change "3217(11)" to "3042.32(B)(1)" and after "reenacted" delete the remainder of the line

AMENDMENT NO. 5

On page 1, line 9, delete "17:3217(12) is hereby enacted"

AMENDMENT NO. 6

On page 1, delete lines 10 through 16 and on page 2, delete lines 1 through 4 and insert the following:

"§3042.32. Louisiana Honors Scholarship Program; creation; definitions; scholarship amounts and duration; limitations

B.(1) Subject to the appropriation of funds for this purpose and to the extent that such funds are provided, all students who are in the top five percent of the graduating class in each public and state-approved nonpublic high school and students enrolled in a state-approved home study program who score in the upper five percent in the state on the National Merit Examination shall be awarded a scholarship as provided by this Chapter. In calculating the number of award winners, any fraction shall be rounded up to the next whole number. Further, whenever the number of students in any high school graduating class who share the top position in their class by virtue of having identical grade point averages exceeds five percent of the graduating class, all such students sharing the top position in their class shall be awarded a scholarship as provided in this Chapter.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. Further, this Act shall effect members of the graduating class of 1997."

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

SENATE BILL NO. 1147— BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER AN ACT

To amend and reenact R.S. 23:1513 and to enact R.S. 23:1511(E) and (F) and 1513.1, relative to certain accounts in the employment security administration fund; to create the penalty and interest account and Reed Act account in the employment security administration fund; to provide for disbursements from the accounts; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 1147 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, between "23" and "1513" insert:

"392(C), 964(F), and"

AMENDMENT NO. 2

On page 1, line 2, between "23:" and "1511" insert:

"108(E), 231((H), 897(K),"

AMENDMENT NO. 3

On page 1, at the end of line 2, after "(F)" change "and" to a comma ","

AMENDMENT NO. 4

On page 1, line 3, between "1513.1," and "relative" insert:

"1513.2, and 1532.1(C)(5),"

AMENDMENT NO. 5

On page 1, line 8, change "1513 is" to "392(C), 964(F), and 1513 are"

AMENDMENT NO. 6

On page 1, at the beginning of line 9, between "23:" and "1511" insert:

"108(E), 231((H), 897(K),"

AMENDMENT NO. 7

On page 1, line 9, between "(F)" and "1513.1" change "and" to a comma "," and between "1513.1" and "are" insert:

", 1513.2, and 1532.1(C)(5)"

AMENDMENT NO. 8

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

"§108. Violations by licensee; revocation or suspension

R.S. 23:108(E) is all proposed new law.

E. Out of the civil penalties collected for violations of this Chapter, expenses incurred in enforcing the provisions of this Chapter may be paid by the department.

§231. Specific violations; penalties; enforcement

R.S. 23:231(H) is all proposed new law.

H. Out of the civil penalties collected for violations of this Chapter, expenses incurred in enforcing the provisions of this Chapter may be paid by the department.

§392. Civil Penalties

C. Out of the civil penalties collected by the office of labor for violations of this Chapter, the assistant secretary may pay expenses incurred in enforcing the provisions of this Chapter may be paid by the department. All excess funds generated shall annually be credited to the general fund of the treasury of the state.

§897. Medical and other examination, fingerprinting, requiring employees to pay for, prohibited; enforcement of provisions; civil and criminal penalties

R.S. 23:897(K) is all proposed new law.

K. Out of the civil penalties collected for violations of this Chapter, expenses incurred in enforcing the provisions of this Chapter may be paid by the department.

§964. Discharge of or discrimination against employees for testifying at labor investigations; penalties; enforcement

F. Out of the civil penalties collected by the office of labor for violations of this Section, the assistant secretary may pay expenses incurred in enforcing the provisions of this Section may be paid by the department. All excess funds generated shall annually be credited to the general fund of the treasury of the state.

May 22, 1997

AMENDMENT NO. 9

On page 1, at the end of line 14, after "shall be" add:

"dedicated, pledged, and"

AMENDMENT NO. 10

On page 1, line 16, between "1513" and the period "." insert:

", regardless of the date such moneys are expended"

AMENDMENT NO. 11

On page 2, line 3, between "be" and "expended" insert:

"dedicated, pledged, and"

AMENDMENT NO. 12

On page 2, line 5, between "1493" and the period "." insert:

", regardless of the date such moneys are expended"

AMENDMENT NO. 13

On page 2, between lines 5 and 6 insert the following:

R.S. 23:1511(G) is all proposed new law.

"G. Notwithstanding the provisions of this Section, moneys deposited in the Louisiana Department of Labor administration account of this fund shall be expended in accordance with the provisions of R.S. 23:1513.2 and 1532.1(C)(5)."

AMENDMENT NO. 14

On page 3, line 22, after "depository." delete the remainder of the line and delete lines 23 through 27

AMENDMENT NO. 15

On page 4, delete lines 1 through 3 and insert in lieu thereof "Any"

AMENDMENT NO. 16

On page 4, line 8, change "1." to "(1)"

AMENDMENT NO. 17

On page 4, line 11, change "2." to "(2)"

AMENDMENT NO. 18

On page 4, between lines 15 and 16 insert:

"(v) Interference with individual rights (R.S. 23:961 et seq.)"

AMENDMENT NO. 19

On page 4, line 16, change "(v)" to "(3)"

AMENDMENT NO. 20

On page 5, between lines 3 and 4 insert:

"R.S. 23:1513(C) is all proposed new law.

C.(1) All interest, fines, and penalties, regardless of when the same became due and payable collected under the provisions of Chapter 2, 3, 4, and 9 of this Title shall be paid into this account and shall be dedicated, pledged, and expended for the administration of the following labor laws regardless of the date such moneys are expended:

- (a) Apprenticeship (R.S. 23:381 et seq.)
- (b) Minor labor laws (R.S. 23:151 et seq.)
- (c) Medical and other examination (R.S. 23:897 et seq.)
- (d) Private employment services (R.S. 23:101 et seq.)
- (e) Interference with individual rights (R.S. 23:961 et seq.)

(2) However, all such moneys under this Subsection shall be expended for the administration of labor laws enumerated in this Subsection before any moneys collected from employers under the provisions of this Chapter and disbursed under Subsection B of this Section are expended

for the administration of labor laws enumerated under this Subsection."

AMENDMENT NO. 21

On page 5, between lines 12 and 13 insert:

"R.S. 23:1513.2 is all proposed new law.

§1513.2 Louisiana Department of Labor administration account

A. The Louisiana Department of Labor administration account is hereby created in the employment security administration fund. Proceeds and interest earnings of the special assessment held for the purposes of adjusting special assessments and refunding special assessment overpayments to employers and which are not encumbered by June 30, 1997 shall be paid into this account and shall be available to the secretary on July 1, 1997 for the exclusive use by and for the administration of the Louisiana Department of Labor regardless of the date at which time such moneys are expended.

B. Said moneys shall at no time be considered part of the unemployment compensation fund and shall not be expended or available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, federal funds which in the absence of said moneys would be available to the department for the administration of Title 23 of the Louisiana Revised Statutes of 1950; however, nothing in this Section shall prevent said moneys from being used as a revolving account to cover expenditures necessary and proper under the law for which federal funds have been duly requested, but not yet received, subject to the charging of such expenditures against such funds when received.

* * *

§1532.1 Legislative findings and intent; temporary employer special assessment; creation and pledge thereof

* * *

C.(1) Proceeds of such special assessment received each fiscal year shall be irrevocably pledged and dedicated for the following purposes and in the following order of priority:

* * *

R.S. 23:1532.1(C)(5) is all proposed new law.

(5) Proceeds of such special assessment and interest earning of the special assessment held for the purposes of adjusting special assessments and refunding special assessment overpayments to employers and which are not encumbered by June 30, 1997 shall be pledged and dedicated to the administration of the department regardless of the date such moneys are expended.

* * *

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

SENATE BILL NO. 1487—

BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 48:756(B), relative to the Parish Transportation Fund; to modify and provide relative to the distribution formula of the mass transit account of the Parish Transportation Fund; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Original Senate Bill No. 1487 by Senator Bagneris

AMENDMENT NO. 1

On page 2, line 7, after "amount of " change "one hundred" to "fifty"

AMENDMENT NO. 2

On page 2, line 9, after "1991" add ", or its successor"

AMENDMENT NO. 3

On page 3, between lines 9 and 10, add the following:

"(d) However, each of the parishes of Terrebonne and St. Tammany shall receive a distribution of fifty thousand dollars which shall be in addition to the fifty thousand dollar base provided for in this Subsection until such time as the transit system of the parish shall have been operational and receiving revenue from such operation for a period of not less than one calendar year. Such additional distribution shall be made prior to the distributions provided for in Paragraphs (1) and (3) herein."

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

SENATE BILL NO. 1544—

BY SENATOR GUIDRY

AN ACT

To enact Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3047.1 through 3047.7, relative to student financial assistance; to provide for the Baton Rouge Community College Student Loan Program; to establish the Baton Rouge Community College Student Loan Program; to provide for the duties and powers of the Louisiana Student Financial Assistance Commission, lenders, and student borrowers; to provide with regard to student eligibility, applicability, and maximum loan amounts; to provide definitions; and to provide for related matters.

Reported favorably by the Committee on Education. The bill was read by title, ordered engrossed, and recommitted to the Committee on Finance.

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

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

HOUSE BILL NO. 163—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 47:463.2(B), relative to personalized license plates for motor vehicles; to provide for eligibility for a personalized license plate; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. 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. 283—

BY REPRESENTATIVE MCCAIN

AN ACT

To authorize and provide for the transfer or lease of certain state property by and on behalf of the state through the Department of Transportation and Development to the Assumption Parish Fire Protection District No. 1 for use by the Pierre Part/Belle River Volunteer Fire Department; to provide terms, conditions, procedures, and requirements; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. 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. 292—

BY REPRESENTATIVE THERIOT

AN ACT

To amend and reenact R.S. 38:291(P)(2), relative to the South Lafourche Levee District; to provide for the composition of the members of the board of commissioners; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. 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. 304—

BY REPRESENTATIVE DOWNER

AN ACT

To authorize and provide for the lease of certain property, consisting of certain state-owned water bottoms in Terrebonne Parish, from the Department of Natural Resources to the governing authority of Terrebonne Parish; to provide certain terms, conditions, and requirements; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 305—

BY REPRESENTATIVE DOWNER

AN ACT

To enact R.S. 41:1705(15), relative to public lands and state water bottom management; to provide an exemption from management by the Department of Natural Resources for Terrebonne Parish projects utilizing certain areas of Bayou Terrebonne for a public purpose; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 351—

BY REPRESENTATIVE CRANE

AN ACT

To enact R.S. 49:121(I), relative to identifying insignia on public vehicles; to require that police vehicles engaged in certain traffic operations bear identifying insignia; to provide exceptions for hazardous situations; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 351 by Representative Crane

AMENDMENT NO. 1

On page 1, line 2, after "enact" add "R.S. 32:398.1(C)," and after "49:121(I)" add ", and Code of Criminal Procedure Article 215.1(D)"

AMENDMENT NO. 2

On page 1, line 4, after "situations;" add "to provide procedures for the issuance of citations and detention of persons violating provisions of motor vehicle laws;"

AMENDMENT NO. 3

On page 1, delete lines 7 through 14 in their entirety and add in lieu thereof the following:

"Section 1. R.S. 32:398.1(C) is hereby enacted to read as follows:

§398.1. Traffic citations; form; issuance

* * *

C. The issuance of warning citations for violations of the motor vehicle laws of this state is hereby specifically prohibited. However, nothing herein shall prohibit a peace officer from issuing a violation ticket which compels or instructs the motorist to comply with administrative or other legal requirements of Title 32 or Title 47 of the Louisiana Revised Statutes of 1950.

Section 2. R.S. 49:121(I) is hereby enacted to read as follows:

§121. Name of board, department, or subdivisions; marking on boat or vehicle; Louisiana public license plates; exemptions

* * *

I. No law enforcement officer shall issue a citation for a violation of the motor vehicle laws of this state, while on a Louisiana Interstate Highway, unless the vehicle used for the apprehension bears the identifying insignia required by this Section, or the law enforcement officer is wearing a uniform identifying his authority. The provisions of this Subsection shall not apply in circumstances endangering public safety.

Section 3. Code of Criminal Procedure Article 215.1(D) is hereby enacted to read as follows:

Art. 215.1. Temporary questioning of persons in public places; frisk and search for weapons

* * *

D. During detention of an alleged violator of any provision of the motor vehicle laws of this state, an officer may not detain a motorist for a period of time longer than reasonably necessary to complete the investigation of the violation and issuance of a citation for the violation, absent reasonable suspicion of additional criminal activity. However, nothing herein shall prohibit a peace officer from compelling or instructing the motorist to comply with administrative or other legal requirements of Title 32 or Title 47 of the Louisiana Revised Statutes of 1950.

Section 4. 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 Landry, 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. 391—
BY REPRESENTATIVE TRICHE AND SENATOR DEAN
A JOINT RESOLUTION

Proposing to add Article VI, Section 38(A)(3) and (4) of the Constitution of Louisiana, to provide that the legislature may abolish a levee district or levee and drainage district; to provide for the transfer of the powers, duties, functions, and responsibilities of the board of commissioners; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 391 by

Representative Triche

AMENDMENT NO. 1
On page 2, line 1, after "districts" insert: "by the enactment of a law by a two-thirds vote of the elected members of each house of the legislature"

AMENDMENT NO. 2
On page 2, line 20, after "districts" insert "with a two-thirds vote"

On motion of Senator Landry, 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. 530—
BY REPRESENTATIVES DUPRE, DOWNER, FAUCHEUX, KENNARD, AND PERKINS

AN ACT

To amend and reenact R.S. 32:402.1(A)(introductory paragraph), 405.1, 407(A)(1), (2), and (3) and (C), 416, 416.1, 417(A), and 422, to enact R.S. 32:407(A)(4) and (5), and to repeal R.S. 32:431, relative to driver's licensing; to provide for a graduated licensing method for obtaining a driver's license; to provide for a Class "E" learner's license; to provide for a Class "E" intermediate license; to increase the age of persons who can be issued Class "E" drivers' licenses; to prohibit certain persons from driving during certain hours; to delete the requirement of school attendance as a condition to obtaining a Class "E" driver's license; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 538—
BY REPRESENTATIVES MCCAIN, BRUCE, PINAC, DOERGE, AND JOHNS
AN ACT

To enact R.S. 47:463.46, relative to motor vehicle registration; to provide for special prestige license plates for members of Lions International; to provide for fees; to provide for the disbursement of those fees; to provide for the procedure for issuing the plates; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 538 by Representative McCain

AMENDMENT NO. 1
On page 2, delete lines 5 and 6, and insert:

"D. The donation required by this Section shall be in addition to the regular motor vehicle registration license fee."

On motion of Senator Landry, 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. 548—
BY REPRESENTATIVE RIDDLE
AN ACT

To amend and reenact R.S. 23:1393(B), relative to the Louisiana Workers' Compensation Corporation; to provide that Jones Act coverage may only be issued when such coverage is incidental to certain other policies; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. 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. 648—
BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 34:851.20(M), relative to registration of motorboats and sailboats; to require inspection of homemade boats; to provide for the fee for such registration; to provide for the expenditure of funds generated; to provide relative to notification of receipt of certain aluminum boats upon sale for salvage or scrap; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 648 by Representative Frith

AMENDMENT NO. 1
On page 2, at the end of line 8, insert a period "."

AMENDMENT NO. 2
On page 2, delete line 9

On motion of Senator Landry, 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. 730—
BY REPRESENTATIVES FORSTER, BRUNEAU, LANCASTER, SCALISE, VITTER, WINDHORST, BARTON, BOWLER, CRANE, DEVILLE, MICHOT, AND POWELL AND SENATOR ELLINGTON
AN ACT

To enact R.S. 23:642, relative to the establishment of a minimum wage rate; to prohibit a local governmental subdivision from establishing a minimum wage rate; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. 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. 1127—
BY REPRESENTATIVE WRIGHT
AN ACT

To enact R.S. 47:463.46 and R.S. 56:10(B)(8), relative to motor vehicle registration; to provide for special prestige license plates for Ducks Unlimited; to provide for fees; to provide for the disposition of those fees; to provide for the establishment of an account in the Conservation Fund; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1127 by Representative Wright

AMENDMENT NO. 1
On page 1, line 14, after "trucks," add "recreational vehicles,"

On motion of Senator Landry, 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. 1182—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:463.23(B) and 463.30, relative to prestige license plates for professional firefighters; to provide for an initial fee; to provide for the revocation of such plates; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1182 by Representative Montgomery

AMENDMENT NO. 1
On page 1, at the beginning of line 4, delete "to provide for the revocation of such plates;"

AMENDMENT NO. 2
On page 1, line 15, after "tax." delete the remainder of the line and delete lines 16 and 17 in their entirety

AMENDMENT NO. 3
On page 1, delete lines 1 through 4 and lines 17 through 23 in their entirety

AMENDMENT NO. 4
On page 2, at the beginning of line 24, change "D" to "C"

On motion of Senator Landry, 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. 1277—
BY REPRESENTATIVE DURAND AND SENATOR DYESS
AN ACT

To amend and reenact R.S. 47:463.8, relative to motor vehicles and motorcycles; to provide for license plates for antique motor vehicles and motorcycles; to provide for collector plates for special interest motor vehicles; to provide for fees; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Engrossed House Bill No. 1277 by Representative Durand

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

"To obtain such plates and symbols, an applicant shall provide to the secretary a notarized affidavit that the vehicle or motorcycle has not been and will not be materially altered or modified from the original manufacturer's specifications. In addition, such vehicle or motorcycle shall be"

AMENDMENT NO. 2
On page 2, delete lines 3 through 5, and insert "bureau."

On motion of Senator Landry, 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.

May 22, 1997

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

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

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 1480 by Representative Triche

AMENDMENT NO. 1
On page 1, line 5, after the semicolon ";" add "to provide for exceptions;"

AMENDMENT NO. 2
On page 2, line 8, after "district" add ", as certified by the Department of Transportation and Development"

AMENDMENT NO. 3
On page 2, line 12, after "to the" add "West Jefferson Levee District, the"

AMENDMENT NO. 4
On page 2, line 14, after the period "." add "The provisions of this Section shall not apply to any levee district or levee drainage district which as of the effective date of this Act is engaged as a party to any local cooperative agreement with the United States Army Corps of Engineers in a federal cost shared project for the construction of flood protection levees or flood walls."

On motion of Senator Landry, 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. 1514—
BY REPRESENTATIVES DOWNER, ANSARDI, DONELON, AND JOHN SMITH
AN ACT

To enact R.S. 39:14(6), relative to state lands; to exempt the Military Department, state of Louisiana, from certain provisions relative to the administration of state lands; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 1530—
BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 47:820.5(B)(2), relative to the uses of toll revenues from the Greater New Orleans Mississippi River Bridges; to provide for additional projects that may be funded by excess revenues; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 1530 by Representative Windhorst

AMENDMENT NO. 1
On page 3, line 2, after the comma "," add "the upgrading of Ames Boulevard,"

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

HOUSE BILL NO. 1781—
BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 30:129(A), relative to the State Mineral Board; to provide relative to the powers, duties, and authority of the board; to provide relative to pooling agreements and operating units; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 1783—
BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 30:148.2, relative to the Department of Natural Resources; to provide relative to duties and powers of the office of mineral resources; to provide relative to lands which may be leased; to authorize the granting of surface/subsurface agreements for the erection and use of certain facilities or equipment where appropriate on unleased acreage; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 1789—
BY REPRESENTATIVE FLAVIN
AN ACT

To enact R.S. 30:27, relative to orders of the commissioner of conservation in the Department of Natural Resources; to provide that work orders or compliance orders of the commissioner are sufficient to authorize the entering of lands of another person; to provide terms, conditions, and requirements for such entry; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 1791—
BY REPRESENTATIVE FLAVIN
AN ACT

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

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 1791 by Representative Flavin

AMENDMENT NO. 1

On page 12, line 8, between "Law" and the semicolon ";" insert "and the Procurement Code"

AMENDMENT NO. 2

On page 12, line 8, between "however," and "the" insert "that before this exemption from the Public Bid Law and the Procurement Code can be effective"

AMENDMENT NO. 3

On page 12, line 11, between "Law" and the period "." insert "and shall require a formal bid process"

On motion of Senator Romero the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 1792—

BY REPRESENTATIVE JOHN SMITH
AN ACT

To amend and reenact R.S. 30:11.1, relative to filing and recording of orders creating drilling or production units by the commissioner of conservation; to provide for the filing of copies of such orders; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 1794—

BY REPRESENTATIVE HOPKINS
AN ACT

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

Reported with amendments by the Committee on Natural Resources.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Natural Resources to Reengrossed House Bill No. 1794 by Representative Hopkins

AMENDMENT NO. 1

On page 1, line 4, change "a monthly" to "an annual"

AMENDMENT NO. 2

On page 1, at the beginning of line 5, delete "production"

AMENDMENT NO. 3

On page 1, delete line 11, and insert in lieu thereof "enforcement of the annual fee;"

AMENDMENT NO. 4

On page 1, line 12, delete "of the fee under certain terms and conditions;"

AMENDMENT NO. 5

On page 2, line 9, after "B.(1)" insert "(a)" and change "a monthly production" to "an annual"

AMENDMENT NO. 6

On page 2, line 10, after "form" insert "and schedule"

AMENDMENT NO. 7

On page 2, delete line 12 and 13 in their entirety and insert in lieu thereof the following:

"gas wells based on a tiered system to establish parity on a dollar amount between the producing wells. The tiered system shall be established annually by rule on annual volumes of capable oil and capable gas production in an amount not to exceed one million nine hundred eighteen thousand six hundred dollars for fiscal year 1997-1998, and may increase by a sum not to exceed three and one-half percent annually thereafter. Incapable oil"

AMENDMENT NO. 8

On page 2, between lines 20 and 21 insert the following:

"(b) There shall be an annual fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, on Class I wells in an amount not to exceed three hundred thirty six thousand dollars for Fiscal Year 1997-1998, and may increase by a sum not to exceed three and one-half percent annually thereafter.

(c) There shall be an annual fee payable to the office of conservation, in a form and schedule prescribed by the office of conservation, on Class II wells in an amount not to exceed four hundred ninety three thousand dollars for Fiscal Year 1997-1998, and may increase by a sum not to exceed three and one-half percent annually thereafter. No fee shall be imposed on a Class II well of an operator who is also an operator of a stripper crude oil well or incapable gas well certified pursuant to R.S. 47:633 by the severance tax division of the Department of Revenue and Taxation and located in the same field as such Class II well."

AMENDMENT NO. 9

On page 3, at the end of line 12, after "fund." insert "The amount appropriated from the fund to the office of conservation shall be subject to appropriation by the legislature."

AMENDMENT NO. 10

On page 3, delete lines 20 through 26 in their entirety

AMENDMENT NO. 11

On page 4, delete lines 1 through 7 in their entirety

AMENDMENT NO. 12

On page 4, line 8, change "monthly production" to "annual"

AMENDMENT NO. 13

On page 4, at the end of line 9, after "wells" insert ", Class I wells"

AMENDMENT NO. 14

On page 4, line 10, delete "injection"

AMENDMENT NO. 15

On page 4, line 12, between "(B)" and "(4)" insert "(1)"

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

May 22, 1997

HOUSE BILL NO. 1795—

BY REPRESENTATIVE FLAVIN
AN ACT

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

Reported favorably by the Committee on Natural Resources. The bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 1903—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 34:201 and 2103(A) and (C), relative to port commissions; to provide for the boundaries of the Lake Charles Harbor and Terminal District and the West Calcasieu Port, Harbor and Terminal District; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. 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. 1986—

BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 56:497(C) and (D), relative to shrimping; to provide relative to saltwater shrimp seasons and bait shrimp; to provide certain penalties for violations; to prohibit violations of bait shrimp permit regulations and provide penalties; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 2007—

BY REPRESENTATIVES JACK SMITH, DEWITT, FAUCHEUX, AND FRITH
AN ACT

To amend and reenact R.S. 56:301.7(B), 303(A), (B), and (D), 303.1, 303.4(A), and Subpart F of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:306 through 306.6, and to enact R.S. 56:301.7(C), relative to commercial fishing and seafood dealers' licenses; to create the "retail seafood dealers" license and provide relative thereto; to create the "wholesale/retail seafood dealer" license and to provide relative thereto, to increase fees for certain licenses; to provide for the dedication of revenues derived from the licenses; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 2010—

BY REPRESENTATIVE DEWITT
AN ACT

To enact R.S. 49:191(10)(g) and to repeal R.S. 49:191(8)(m), relative to the Department of Wildlife and Fisheries, including provisions to provide for the re-creation of the Department of Wildlife and Fisheries and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. 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. 2012—

BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 56:152(A), relative to the Louisiana Duck Stamp program; to increase the fee for a stamp; and to provide for related matters.

Reported favorably by the Committee on Natural Resources. The bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 2065 (Duplicate of Senate Bill No. 826)—

BY REPRESENTATIVE DOWNER AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES ALARIO, BRUN, CRANE, DEWITT, DUPRE, ILES, LEBLANC, LONG, MCCAIN, MCDONALD, MCMAINS, MICHOT, WALSWORTH, AND WIGGINS AND SENATORS EWING, HAINKEL, AND SCHEDLER

AN ACT

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

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 2065 by Representative Downer

AMENDMENT NO. 1

On page 1, line 4, change "3983" to "3985"

AMENDMENT NO. 2

On page 1, line 5, after "(C)(1)(b)" insert "and to enact R.S. 36:651(D)(8)"

AMENDMENT NO. 3

On page 1, line 7, after "establishment;" insert "to create and provide relative to the Louisiana School Chartering Authority;"

AMENDMENT NO. 4

On page 2, line 3, change "3983" to "3985"

AMENDMENT NO. 5

On page 5, lines 5 and 6, change "State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 6

On page 5, lines 22 and 23, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 7

On page 6, line 6, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 8

On page 6, after line 16, insert the following:

"(c) Does not have a religious primary or substantial purpose.
(d) Is not supported by nor affiliated with any religion or religious organization."

AMENDMENT NO. 9

On page 9, line 1, change "PART I-A." to "PART II."

AMENDMENT NO. 10

On page 9, between lines 1 and 2, insert the following:

"§3981. Louisiana School Chartering Authority; creation; membership; vacancies; staffing; domicile

A. The Louisiana School Chartering Authority is hereby created as an agency of the state in the Department of Education, as provided in R.S. 36:651(D)(8).

B.(1) The authority shall be composed of seven members as follows:

(a) Two members of the state board chosen by the state board.

(b) Two persons appointed by the governor.

(c) One person appointed by the president of the Senate.

(d) One person appointed by the speaker of the House of Representatives.

(e) One person appointed by the Public Affairs Research Council.

(2)(a) Other than the ex officio members who shall serve at the pleasure of the state board, each member shall serve a six-year term, after the expiration of the initial terms provided in this Paragraph.

(b)(i) Gubernatorial appointees shall each serve a six year initial term.

(ii) The members appointed by the presiding officers of the legislature shall each serve a four year initial term.

(iii) The appointee of the Public Affairs Research Council shall serve a two year initial term.

(3) Vacancies shall be filled for the remainder of the unexpired term in the same manner and by the same appointing authority as was the appointee for the seat vacated.

(4) Appointments shall be made within thirty days of notification by the state board of the need for appointments to establish the initial authority, fill a mid-term vacancy, or because of the expiration of a term. Should any of the persons or entities required by this Subsection to make appointments fail to do so within thirty days of such notice, the board may appoint a person of its choosing to fill the membership seat on the authority that would have been filled from among the missing appointments.

C. The members of the Louisiana School Chartering Authority shall serve without compensation. However, they may be reimbursed expenses incurred while on official authority business in the same manner and subject to the same rules as prescribed by the division of administration for state employees.

D.(1) The state board shall provide facility for authority meetings and shall provide for whatever staff assistance the authority requires to comply with the requirements of this Chapter.

(2) The authority may seek, accept, and expend grants, donations, and appropriations. Should funding become available, the authority may employ such staff persons as it determines necessary to the efficient and successful operation of the authority. Should the authority employ its own staff, the state board shall no longer be required to provide staff assistance. Should the authority employ its own staff, notwithstanding any provision of law to the contrary, such employees may be employed in unclassified service.

E. The authority shall determine what officers it requires to conduct its business. The officers of the authority shall be annually elected by the authority and shall serve for a one-year term.

F. The Louisiana School Chartering Authority shall be domiciled in the city of Baton Rouge.

G. Four members shall form a quorum of the authority. A quorum shall be required to conduct business. Official action of the

authority shall require an affirmative vote of not less than a majority of the membership of the authority."

AMENDMENT NO. 11

On page 9, delete line 2, and insert the following:

"§3982. Louisiana School Chartering Authority; powers"

AMENDMENT NO. 12

On page 9, line 4, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 13

On page 9, line 5, change "shall" to "may"

AMENDMENT NO. 14

On page 9, line 11, change "board" to "authority"

AMENDMENT NO. 15

On page 9, line 14, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 16

On page 9, line 26, change "board" to "authority"

AMENDMENT NO. 17

On page 10, line 1, change "3982" to "3983"

AMENDMENT NO. 18

On page 10, between lines 8 and 9, insert the following:

"§3984. Successors; termination

A. The Louisiana School Chartering Authority shall terminate on December 31, 2007.

B. The state board shall be the successor to the Louisiana School Chartering Authority in all regards to any charter to which the authority was a party."

AMENDMENT NO. 19

On page 10, line 9, change "PART II." to "PART III."

AMENDMENT NO. 20

On page 10, line 10, change "3983" to "3985"

AMENDMENT NO. 21

On page 11, line 8, change "3983" to "3985"

AMENDMENT NO. 22

On page 11, lines 9 and 10, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 23

On page 11, line 16, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 24

On page 11, line 17, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 25

On page 11, line 18, change "board" to "authority"

AMENDMENT NO. 26

On page 11, line 21, change "3983" to "3985"

AMENDMENT NO. 27

On page 11, line 23, change "state board" to "authority"

AMENDMENT NO. 28

On page 12, line 2, change "state board" to "authority"

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AMENDMENT NO. 29

On page 12, line 3, change "state board" to "authority"

AMENDMENT NO. 30

On page 12, line 4, change "state board" to "authority"

AMENDMENT NO. 31

On page 12, line 6, change " board" to "authority"

AMENDMENT NO. 32

On page 12, lines 22 and 23, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 33

On page 12, line 25 and page 13, line 1, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 34

On page 13, lines 5 and 6, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 35

On page 13, line 7, change "3981" to "3982"

AMENDMENT NO. 36

On page 13, lines 20 and 21, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 37

On page 13, lines 24 and 25, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 38

On page 14, lines 4 and 5, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 39

On page 15, line 4, after "conditions" insert "and provided that such conditions are clearly specified within the charter document"

AMENDMENT NO. 40

On page 16, lines 4 and 5, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 41

On page 16, lines 14 and 15, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 42

On page 16, line 15, change "eight" to "four"

AMENDMENT NO. 43

On page 16, line 17, change "PART III." to "PART IV."

AMENDMENT NO. 44

On page 17, delete lines 24 through 26 and on page 18, delete lines 1 through 18

AMENDMENT NO. 45

On page 18, line 19, change "(2)" to "(1)"

AMENDMENT NO. 46

On page 18, line 20 change "(3)" to "(2)"

AMENDMENT NO. 47

On page 19, line 3, change "(4)" to "(3)"

AMENDMENT NO. 48

On page 19, line 6, change "(5)" to "(4)"

AMENDMENT NO. 49

On page 19, line 12, change "(6)" to "(5)"

AMENDMENT NO. 50

On page 19, line 14, change "(7)" to "(6)"

AMENDMENT NO. 51

On page 19, line 17, change "(8)" to "(7)"

AMENDMENT NO. 52

On page 19, line 20, change "(9)" to "(8)"

AMENDMENT NO. 53

On page 19, line 25, change "(10)" to "(9)"

AMENDMENT NO. 54

On page 20, line 1, change "(11)" to "(10)"

AMENDMENT NO. 55

On page 20, line 3, change "(12)" to "(11)"

AMENDMENT NO. 56

On page 20, line 5, change "(13)" to "(12)"

AMENDMENT NO. 57

On page 20, line 7, change "(14)" to "(13)"

AMENDMENT NO. 58

On page 20, line 9, change "(15)" to "(14)"

AMENDMENT NO. 59

On page 20, line 14, change "(16)" to "(15)"

AMENDMENT NO. 60

On page 20, line 16, change "(17)" to "(16)"

AMENDMENT NO. 61

On page 20, line 17, change "(18)" to "(17)"

AMENDMENT NO. 62

On page 20, line 18, change "(19)" to "(18)"

AMENDMENT NO. 63

On page 21, line 1, change "(20)" to "(19)"

AMENDMENT NO. 64

On page 21, line 7, change "(21)" to "(20)"

AMENDMENT NO. 65

On page 21, line 10, change "(22)" to "(21)"

AMENDMENT NO. 66

On page 26, lines 7 and 8, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 67

On page 27, line 17, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 68

On page 27, line 22, change "PART IV." to "PART V."

AMENDMENT NO. 69

On page 29, line 6, after "qualify." insert "Except as otherwise provided for in a school's charter, all federal funding applicable to a charter school shall be allocated by the state Department of Education directly to such school."

AMENDMENT NO. 70

On page 39, line 15, after "provide" delete the remainder of the line and delete lines 16 and 17 and insert in lieu thereof "for the amendment of

the charter by adoption of any provision of law enacted or amended subsequent to the confecting of the charter or to otherwise amend the charter provided both parties to the charter agree to such change."

AMENDMENT NO. 71

On page 39, line 18, change "PART V." to "PART VI."

AMENDMENT NO. 72

On page 40, lines 6 and 7, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 73

On page 40, line 8, change "board" to "authority"

AMENDMENT NO. 74

On page 40, line 16, change " State Board of Elementary and Secondary Education" to "Louisiana School Chartering Authority"

AMENDMENT NO. 75

On page 41, line 13, change "state board" to "authority"

AMENDMENT NO. 76

On page 41, after line 23, insert the following:

"Section 2. R.S. 36:651(D)(8) is hereby enacted to read as follows:

§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

D. The following agencies, as defined by R.S. 36:3 are transferred to and hereafter shall be within the Department of Education as provided in R.S. 36:801.1:

(8) The Louisiana School Chartering Authority (R.S. 17:3981, et seq.)

AMENDMENT NO. 77

On page 42, line 1, change "Section 2." to "Section 3."

AMENDMENT NO. 78

On page 42, line 21, change "Section 3." to "Section 4."

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

HOUSE BILL NO. 2074—

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

AN ACT

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

Reported favorably by the Committee on Education. The bill was read by title and recommitted to the Committee on Finance.

HOUSE BILL NO. 2240—

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

AN ACT

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

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 2240 by Representative Long

AMENDMENT NO. 1

On page 1, line 14, after "systems" insert "and schools approved by the State Board of Elementary and Secondary Education"

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

HOUSE BILL NO. 2264 (Substitute for House Bill No. 2116 by Representative Downer)—

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

AN ACT

To enact R.S. 17:416.2.1, relative to alternative education programs; to provide legislative findings; to provide for the duties and responsibilities of city and parish school boards; to require alternative education programs for students who are not suspended or expelled from school but who have demonstrated certain behavior needing disciplinary action and for certain suspended students; to provide guidelines and requirements for such programs, including participation in such programs by certain suspended and expelled students on a space available basis; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 2264 by Representative Downer

AMENDMENT NO. 1

On page 2, line 18, after "program." insert "Students being served in an alternative education program which is operated by other than the city or parish school board but for which such school board pays all of the cost of the education program shall count toward the total student capacity required of such city or parish school board by this Paragraph."

AMENDMENT NO. 2

On page 3, line 3, after "risk" insert "or whenever additional funds are allocated for this purpose. However, under no circumstances shall the requirements of this Section apply in any city or parish school system which does not receive funding for this purpose"

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

HOUSE BILL NO. 2353 (Substitute for House Bill No. 1787 by Representative DeWitt)—

BY REPRESENTATIVES JOHN SMITH, FAUCHEUX, AND FRITH

AN ACT

To amend and reenact R.S. 36:358(D)(2) and R.S. 38:3098.5 and to enact R.S. 17:1492, relative to the Louisiana Geological Survey; to transfer such entity from the Department of Natural Resources to Louisiana State University; and to provide for related matters.

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 22, 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. 33—

BY REPRESENTATIVE BRUNEAU
A CONCURRENT RESOLUTION

To urge and request the Wildlife and Fisheries Commission to enter into a reciprocal agreement with Mississippi on saltwater recreational fishing.

HOUSE CONCURRENT RESOLUTION NO. 179—

BY REPRESENTATIVE DEWITT AND SENATOR DYESS
A CONCURRENT RESOLUTION

To recognize and commend the Rapides High School Lady Mustangs for their outstanding basketball season and their performance in the Sweet Sixteen State Championship.

HOUSE CONCURRENT RESOLUTION NO. 182—

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

A CONCURRENT RESOLUTION

To commend Jerry Simmons for fifteen years of incomparable excellence as the renowned head coach of the Louisiana State University Fighting Tiger men's tennis team.

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.

Message from the House

SIGNED HOUSE BILLS AND JOINT RESOLUTIONS

May 22, 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. 598—

BY REPRESENTATIVE BARTON AND SENATOR MALONE
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 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.

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.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

May 22, 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:

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 37—

BY SENATOR EWING
A RESOLUTION

To urge and request the Department of Public Safety and Corrections to study the feasibility of creating a statewide emergency communications office.

SENATE RESOLUTION NO. 38—

BY SENATORS ELLINGTON AND DYESS
A RESOLUTION

To commend and congratulate the Pineville Lady Rebels Softball Team upon winning the 4-A state championship.

SENATE RESOLUTION NO. 39—

BY SENATOR SHORT
A RESOLUTION

To acknowledge the service and achievements of, and commend and congratulate R.S. "Pat" Rousell, posthumously, on the occasion of the dedication of Bogalusa VFW Post 2232 in his memory.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

Privilege Report of the Committee on Senate and Governmental Affairs

ENROLLMENTS

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

May 22, 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:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 111—
BY SENATORS EWING, BAGNERIS, BAJOEI, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, FIELDS, GREENE, GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN AND ULLO AND REPRESENTATIVES R. ALEXANDER, ALARIO, A. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUN, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DOERGE, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FORSTER, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, McCAIN, McCALLUM, McDONALD, McMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD-LEWIS, WINDHORST, WINSTON AND WRIGHT
A CONCURRENT RESOLUTION

To urge and request the president of the United States to award to the Honorable Jimmie H. Davis the Presidential Medal of Freedom and the National Medal of the Arts.

SENATE CONCURRENT RESOLUTION NO. 112—
BY SENATORS SHORT, BAGNERIS, BAJOEI, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, FIELDS, GREENE, GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SIRACUSA, SMITH, TARVER, THEUNISSEN AND ULLO, AND REPRESENTATIVES ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUN, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DIMOS, DOERGE, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FORSTER, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, McCAIN, McCALLUM, McDONALD, McMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD-LEWIS, WINDHORST, WINSTON AND WRIGHT
A CONCURRENT RESOLUTION

To commemorate Memorial Day and the valor and sacrifices of those United States military service personnel who have secured and preserved our freedom.

SENATE CONCURRENT RESOLUTION NO. 113—
BY SENATOR HINES
A CONCURRENT RESOLUTION
To designate and proclaim the week of May 18 through 24, 1997, as Emergency Medical Services Week.

SENATE CONCURRENT RESOLUTION NO. 114—
BY SENATORS ULLO, BAGNERIS, BAJOEI, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, FIELDS, GREENE, GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER AND THEUNISSEN AND REPRESENTATIVES ALARIO, ANSARDI, BOWLER, DAMICO, DONELON, GREEN, LANCASTER, MARTINY, ROUSSELLE, SCALISE, THERIOT, TOOMY, VITTER AND WINDHORST
A CONCURRENT RESOLUTION
To commend J. Kenneth Leithman for being named the winner of the first special education Lifetime Achievement Award by the Jefferson Parish Special Education Advisory Council.

SENATE CONCURRENT RESOLUTION NO. 116—
BY SENATOR CAIN AND REPRESENTATIVE HILL
A CONCURRENT RESOLUTION
To commend Randi Schamerhorn for her outstanding achievements and service to community.

SENATE CONCURRENT RESOLUTION NO. 117—
BY SENATORS EWING, BAGNERIS, BAJOEI, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, FIELDS, GREENE, GUIDRY, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN AND ULLO AND REPRESENTATIVES R. ALEXANDER AND WILKERSON
A CONCURRENT RESOLUTION
To commend Karl Malone on being named the 1997 winner of the NBA's Most Valuable Player Award.

SENATE CONCURRENT RESOLUTION NO. 119—
BY SENATORS ROBICHAUX AND LANDRY AND REPRESENTATIVES DOWNER AND TRICHE
A CONCURRENT RESOLUTION
To commend Aaron Fletcher of Thibodaux for his many achievements, including winning the inaugural Sidney Bechet Jazz Scholarship.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate and the Speaker of the House of Representatives and presented to the Secretary of State by the Secretary.

Leaves of Absence

The following leaves of absence were asked for and granted:

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Adjournment

Senator Hainkel moved that the Senate adjourn until Tuesday, May 27, 1997 at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Tuesday, May 27, 1997.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk