OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

TWENTIETH 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 1, 1997

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

ROLL CALL

The roll was called with the following result:

PRESENT

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

ABSENT

Smith	Tarver
Total—2	

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

Prayer

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

Morning Hour

Privileged Report of the Legislative Bureau

May 1, 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. 1472—
BY REPRESENTATIVE POWELL

AN ACT

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

Reported without amendments.

Respectfully submitted,

DENNIS BAGNERIS
Chairman

Adoption of Legislative Bureau Report

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

Messages from the House

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

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

April 30, 1997

To the Honorable President and Members of the Senate:

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

SENATE BILL NO. 674—
BY SENATOR BAGNERIS

AN ACT

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

Reported with amendments.

SENATE BILL NO. 509—
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 56:722 and 727, and to repeal Sections 2, 3, 4, 5, 6, 8, 9, 10 and 11 of Act 261 of the 1940 Regular Session of the Legislature, Act 226 of the 1946 Regular Session of the Legislature, Act 462 of the 1960 Regular Session of the Legislature, Section 11 of Act 455 of the 1966 Regular Session of the Legislature, and Act 129 of the 1995 Regular Session of the Legislature, relative to parish game and fish commissions; to provide for composition of parish commissions; to provide for rules and regulations proposed by parish commissions; to provide for promulgation of rules and regulations; to provide for penalties; to abolish the Spanish Lake Game and Fish Commission as a state agency; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 989—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 23:12, relative to the Department of Labor; to provide with respect to the administration of records by the department; to provide for electronically digitizing of records; to deem the use of copies of such electronically digitized produced records as an original record; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 736—
BY SENATORS ROBICHAUX AND DARDENNE
AN ACT
To enact R.S. 42:1125, relative to the Code of Governmental Ethics; to provide for disclosure of private contributions to governor-elect's transition and inauguration; to provide for definitions; to provide for penalties; to provide for immunity; and to provide for related matters.

Reported with amendments.

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

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

April 30, 1997

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 90—
BY SENATOR ELLINGTON
A CONCURRENT RESOLUTION
To commend Reverend W.A. White on celebrating his fiftieth anniversary as pastor of the Rose of Sharon Missionary Baptist Church.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 91—
BY SENATOR CAIN
A CONCURRENT RESOLUTION
To express the condolences of the Legislature of Louisiana upon the death of Mayor Johnny B. Hall of Rosepine.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 92—
BY SENATOR HINES
A CONCURRENT RESOLUTION
To express the sincere condolences of the Legislature of Louisiana upon the death of Alfred "Fred" Feeney, former mayor, alderman, and police chief of Bunkie.

Reported without amendments.

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

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 30, 1997

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 1752—
BY REPRESENTATIVE SALTER
AN ACT
To amend and reenact R.S. 17:7.1(A)(2), relative to the certification of elementary and secondary school teachers; to provide for the duties and responsibilities of the State Board of Elementary and Secondary Education; to provide qualifications for entrance into a teacher education program; and to provide for related matters.

HOUSE BILL NO. 1833—
BY REPRESENTATIVES THOMPSON, STRAIN, AND HUDSON
AN ACT
To amend and reenact R.S. 3:453(A) and (B), 454, and 456(A) and (B), relative to advertising and promoting the use of sweet potatoes; to provide for the Louisiana Sweet Potato Advertising and Development Commission and appointment of its members; to provide for the filling of vacancies; to provide for maintenance of a field office; to provide for rules and regulations; and to provide for related matters.

HOUSE BILL NO. 2104—
BY REPRESENTATIVE DEWITT
AN ACT
To amend and reenact R.S. 40:1376(C), relative to state police; to prohibit a person from wearing a uniform similar to the uniform of the state police; to provide an exception; and to provide for related matters.

HOUSE BILL NO. 2268—
BY REPRESENTATIVE BRUN
AN ACT
To amend and reenact R.S. 16:15(F), relative to district attorneys; to provide with respect to district attorneys' worthless check fees; and to provide for related matters.

HOUSE BILL NO. 2283—
BY REPRESENTATIVE STELLY
AN ACT
To enact R.S. 13:2080.1, relative to particular city courts; to provide for an increase in court costs in certain city courts; and to provide for related matters.

HOUSE BILL NO. 198—
BY REPRESENTATIVES TRAVIS, R. ALEXANDER, CLARKSON, DEVILLE, DEWITT, FLAVIN, MICHOT, PERKINS, PINAC, JACK SMITH, THOMPSON, AND WIGGINS AND SENATORS BEAN AND SHORT
AN ACT
To enact Chapter IV of Code Title XV of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3889 through 3897, relative to real estate transactions; to provide relative to dual agents; to provide definitions; and to provide for related matters.

HOUSE BILL NO. 200—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 37: 1455(A)(21) and 1467, relative to real estate agency disclosure; to provide that licensees shall provide parties to a real estate transaction with an agency disclosure form or pamphlet; to provide that the Louisiana Real Estate Commission may prescribe such forms or pamphlets; to provide for causes for censure, suspension, or revocation of license, registration, or certification; and to provide for related matters.

HOUSE BILL NO. 294—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 6:127(C) and to enact R.S. 13:3733.1(J), relative to financial institutions; to provide for the admissibility into evidence of promissory notes and certain other records which contain signatures which are created and stored by electronic or digital means; and to provide for related matters.

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.

HOUSE BILL NO. 456—
BY REPRESENTATIVE TOOMY
AN ACT
To enact R.S. 26:278(D), relative to the commissioner of alcoholic beverage control and his agents; to grant them ex officio notary public status for limited purposes relating to applications for permits; and to provide for related matters.

HOUSE BILL NO. 461—
BY REPRESENTATIVE DIMOS
AN ACT
To amend and reenact R.S. 9:3509(B)(2), 4331.1(A), and 4770, and R.S. 10:9-102(1), 9-105(1)(h), and 9-201, relative to commercial transactions; to define "goods", provide for the effect of a security agreement, provide for applicability of provisions governing secured transactions and preference of ranking rules under Chapter 9 of the Louisiana Commercial Laws; to provide for the sale of promissory notes; to clarify the rate of interest applicable to certain commercial, business, or agricultural loans after declaration of default; and to provide for related matters.

HOUSE BILL NO. 553—
BY REPRESENTATIVE TRAVIS
AN ACT
To enact R.S. 37:2156.1(D)(3), relative to the licensure of contractors; to provide for ineligibility of service as a qualifying party for any person found cheating on a board examination; and to provide for related matters.

HOUSE BILL NO. 555—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 37:2150.1(4), relative to contractors; to provide for definition of "contractor"; and to provide for related matters.

HOUSE BILL NO. 556—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 37:2152(A)(3)(a) and (4)(a), relative to State Licensing Board for Contractors; to provide for appointments from the field of mechanical construction; to provide for appointments from the field of electrical construction; and to provide for related matters.

HOUSE BILL NO. 557—
BY REPRESENTATIVE TRAVIS
AN ACT
To enact R.S. 37:2153(F), relative to contractors; to provide for powers of the State Licensing Board for Contractors; to allow for delegation of powers and duties; and to provide for related matters.

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.

HOUSE BILL NO. 1316—
BY REPRESENTATIVE KENNEY
AN ACT
To enact R.S. 56:108, relative to hunting; to provide relative to the taking of deer; to prohibit the taking of doe for three years under certain circumstances; to provide penalties; and to provide for related matters.

HOUSE BILL NO. 2184—
BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND GAUTREAUX
AN ACT
To amend and reenact R.S. 40:2009.13, 2009.14, 2009.15(A)(1) and (B), 2009.17, and 2009.20(A) and (B)(1), to enact R.S. 40:2009.15(C), and to repeal R.S. 40:2009.15(A)(2), (3), and (4) and 2009.16, relative to abuse, neglect, and violations of laws, standards, rules, regulations, and orders relating to health care providers; to provide for reports to the Department of Health and Hospitals; to expand provisions related to nursing homes to include health care providers licensed by the state or providing Medicaid or Medicare services in the state; to provide for types of complaints of allegations of abuse, neglect, or violations of laws and regulations; to change time requirements for actions by the department; to change provisions related to correction orders; to provide for sanctions for violations; to provide for persons who are required to report abuse or neglect; to delete the hearing process for persons dissatisfied with a determination or investigation by the department; and to provide for related matters.

HOUSE BILL NO. 863—
BY REPRESENTATIVE MURRAY
AN ACT
To amend and reenact R.S. 24:31, 31.1(A) and (C)(1), 502, 503, 504, 506, and 507 and to enact R.S. 24:651(E), relative to the compensation of members of the legislature; to provide for the salary of members of the legislature; to provide for the salaries of certain officers of the legislature; to provide relative to the salaries of certain officers of the Joint Legislative Committee on the Budget; to change the per diem payments to members of the legislature; to change the mileage allowance to members of the legislature; and to provide for related matters.

HOUSE BILL NO. 2151—
BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND DURAND
AN ACT
To enact R.S. 49:191(9)(b) and to repeal R.S. 49:191(8)(k), relative to the Department of Health and Hospitals, including provisions to provide for the re-creation of the Department of Health and Hospitals 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.

HOUSE BILL NO. 1361—
BY REPRESENTATIVE TRICHE
AN ACT
To amend and reenact the Title of Act No. 113 of the 1950 Regular Session of the Legislature, as last amended by Act No. 196 of the 1992 Regular Session of the Legislature, relative to the Bayou Lafourche Fresh Water District; to provide for the purposes of the district and the powers and duties of the board of commissioners; and to provide for related matters.

HOUSE BILL NO. 741—
BY REPRESENTATIVE FRITH
AN ACT
To enact R.S. 17:491.2, relative to school bus operators; to require the governing authorities of public elementary or secondary schools to prohibit a school bus operator from driving a school or activity bus or from otherwise transporting students under specified circumstances; to provide for implementation; to provide for effectiveness; and to provide for related matters.

HOUSE BILL NO. 1046—
BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND DURAND
AN ACT
To amend and reenact R.S. 28:426 and to enact R.S. 40:2009.6(B)(5), relative to licenses issued by the Department of Health and Hospitals; to authorize the department to revoke the license of a provider of mental retardation and developmental disabilities services, residential living options, or both, who fails to timely report or pay any fee or who becomes delinquent in the payment of any fee owed to the department; to authorize revocation or denial of renewal of a nursing home license for the failure to timely report or pay any fee or delinquency in payment of any fee owed to the department; to specify that such fees include provider fees imposed by law; and to provide for related matters.

HOUSE BILL NO. 1235—
BY REPRESENTATIVE WILLARD-LEWIS
AN ACT
To amend and reenact R.S. 51:1151(4), relative to municipal and parish industrial development boards; to provide relative to the types of development projects which such boards are authorized to undertake; and to provide for related matters.

HOUSE BILL NO. 1283—
BY REPRESENTATIVE FORSTER
AN ACT
To enact R.S. 23:631(A)(1)(c), relative to employment; to qualify vacation pay owed for purposes of an employee's final paycheck upon termination of employment; and to provide for related matters.

HOUSE BILL NO. 2038—
BY REPRESENTATIVES DEWITT, DURAND, GAUTREAUX, JOHNS, RIDDLE, THORNHILL, AND VITTER AND SENATORS ROBICHAUX AND DYESS
AN ACT
To enact R.S. 40:2116(E), relative to facility need review; to require the Department of Health and Hospitals to revoke approvals for nursing facility beds and community group home beds previously approved to participate in the Medicaid program unless such beds are actually certified and enrolled in the program by a certain date; to require the department to revoke or suspend approvals for unbuilt facilities or beds previously approved to participate in the Medicaid program unless construction of such facilities or beds is begun and completed by a certain date and such facilities or beds are certified and enrolled in the program by a certain date; and to provide for related matters.

HOUSE BILL NO. 1446—
BY REPRESENTATIVES DEWITT, STRAIN, BAUDOIN, BRUCE, CARTER, DOERGE, FRITH, FRUGE, HILL, HUDSON, ILES, KENNEY, MCDONALD, AND THOMPSON
AN ACT
To amend and reenact R.S. 3:3402(1), 3403(A)(introductory paragraph) and (B) through (E), 3406(A)(1) and (2), 3408(A)(introductory paragraph), 3410.1(A), 3411(A), 3412, 3419(B) through (D), and 3424(C), to enact R.S. 3:3402(17) and (18), 3403(A)(9), 3405(A)(8), 3411.1, 3413(G), 3414.4, and 3424(D), and to repeal Part VI of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:700 through 705, and R.S. 3:3425(3), relative to cotton buyers; to provide for the placement of cotton merchants and agents under the provisions of the Agricultural Commodity Dealer and Warehouse Law and regulation by the Louisiana Agricultural Commodities Commission; to provide for definitions; to provide for appointment and membership of the commission; to provide for powers and duties of the commission and the commissioner; to provide for a self-insurance program; to provide for licensure; to provide for security; to provide for prompt payment; to provide for required records; to provide for prohibited acts and penalties; and to provide for related matters.

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

House Bills and Joint Resolutions

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

HOUSE BILL NO. 198—
BY REPRESENTATIVES TRAVIS, R. ALEXANDER, CLARKSON, DEVILLE, DEWITT, FLAVIN, MICHOT, PERKINS, PINAC, JACK SMITH, THOMPSON, AND WIGGINS AND SENATORS BEAN AND SHORT
AN ACT
To enact Chapter IV of Code Title XV of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3889 through 3897, relative to real estate transactions; to provide relative to dual agents; to provide definitions; and to provide for related matters.

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

HOUSE BILL NO. 200—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 37: 1455(A)(21) and 1467, relative to real estate agency disclosure; to provide that licensees shall provide parties to a real estate transaction with an agency disclosure form or pamphlet; to provide that the Louisiana Real Estate Commission may prescribe such forms or pamphlets; to provide for causes for censure, suspension, or revocation of license, registration, or certification; and to provide for related matters.

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

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.

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

HOUSE BILL NO. 294—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 6:127(C) and to enact R.S. 13:3733.1(J), relative to financial institutions; to provide for the admissibility into evidence of promissory notes and certain other records which contain signatures which are created and stored by electronic or digital means; and to provide for related matters.

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

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.

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

referred to the Committee on Transportation, Highways, and Public Works.

HOUSE BILL NO. 456—
BY REPRESENTATIVE TOOMY
AN ACT
To enact R.S. 26:278(D), relative to the commissioner of alcoholic beverage control and his agents; to grant them ex officio notary public status for limited purposes relating to applications for permits; and to provide for related matters.

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

HOUSE BILL NO. 461—
BY REPRESENTATIVE DIMOS
AN ACT
To amend and reenact R.S. 9:3509(B)(2), 4331.1(A), and 4770, and R.S. 10:9-102(1), 9-105(1)(h), and 9-201, relative to commercial transactions; to define "goods", provide for the effect of a security agreement, provide for applicability of provisions governing secured transactions and preference of ranking rules under Chapter 9 of the Louisiana Commercial Laws; to provide for the sale of promissory notes; to clarify the rate of interest applicable to certain commercial, business, or agricultural loans after declaration of default; and to provide for related matters.

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

HOUSE BILL NO. 553—
BY REPRESENTATIVE TRAVIS
AN ACT
To enact R.S. 37:2156.1(D)(3), relative to the licensure of contractors; to provide for ineligibility of service as a qualifying party for any person found cheating on a board examination; and to provide for related matters.

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

HOUSE BILL NO. 555—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 37:2150.1(4), relative to contractors; to provide for definition of "contractor"; and to provide for related matters.

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

HOUSE BILL NO. 556—
BY REPRESENTATIVE TRAVIS
AN ACT
To amend and reenact R.S. 37:2152(A)(3)(a) and (4)(a), relative to State Licensing Board for Contractors; to provide for appointments from the field of mechanical construction; to provide for appointments from the field of electrical construction; and to provide for related matters.

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

HOUSE BILL NO. 557—
BY REPRESENTATIVE TRAVIS
AN ACT
To enact R.S. 37:2153(F), relative to contractors; to provide for powers of the State Licensing Board for Contractors; to allow for delegation of powers and duties; and to provide for related matters.

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

HOUSE BILL NO. 741—
BY REPRESENTATIVE FRITH
AN ACT
To enact R.S. 17:491.2, relative to school bus operators; to require the governing authorities of public elementary or secondary schools to prohibit a school bus operator from driving a school or activity bus or from otherwise transporting students under specified circumstances; to provide for implementation; to provide for effectiveness; and to provide for related matters.

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

HOUSE BILL NO. 863—
BY REPRESENTATIVE MURRAY
AN ACT
To amend and reenact R.S. 24:31, 31.1(A) and (C)(1), 502, 503, 504, 506, and 507 and to enact R.S. 24:651(E), relative to the compensation of members of the legislature; to provide for the salary of members of the legislature; to provide for the salaries of certain officers of the legislature; to provide relative to the salaries of certain officers of the Joint Legislative Committee on the Budget; to change the per diem payments to members of the legislature; to change the mileage allowance to members of the legislature; and to provide for related matters.

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

HOUSE BILL NO. 1046—
BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND DURAND
AN ACT
To amend and reenact R.S. 28:426 and to enact R.S. 40:2009.6(B)(5), relative to licenses issued by the Department of Health and Hospitals; to authorize the department to revoke the license of a provider of mental retardation and developmental disabilities services, residential living options, or both, who fails to timely report or pay any fee or who becomes delinquent in the payment of any fee owed to the department; to authorize revocation or denial of renewal of a nursing home license for the failure to timely report or pay any fee or delinquency in payment of any fee owed to the department; to specify that such fees include provider fees imposed by law; and to provide for related matters.

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

HOUSE BILL NO. 1235—
BY REPRESENTATIVE WILLARD-LEWIS
AN ACT
To amend and reenact R.S. 51:1151(4), relative to municipal and parish industrial development boards; to provide relative to the types of development projects which such boards are authorized to undertake; and to provide for related matters.

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

HOUSE BILL NO. 1283—
BY REPRESENTATIVE FORSTER
AN ACT
To enact R.S. 23:631(A)(1)(c), relative to employment; to qualify vacation pay owed for purposes of an employee's final paycheck upon termination of employment; and to provide for related matters.

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

HOUSE BILL NO. 1316—
BY REPRESENTATIVE KENNEY
AN ACT
To enact R.S. 56:108, relative to hunting; to provide relative to the taking of deer; to prohibit the taking of doe for three years under certain circumstances; to provide penalties; and to provide for related matters.

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

HOUSE BILL NO. 1361—
BY REPRESENTATIVE TRICHE
AN ACT
To amend and reenact the Title of Act No. 113 of the 1950 Regular Session of the Legislature, as last amended by Act No. 196 of the 1992 Regular Session of the Legislature, relative to the Bayou Lafourche Fresh Water District; to provide for the purposes of the district and the powers and duties of the board of commissioners; and to provide for related matters.

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

HOUSE BILL NO. 1446—
BY REPRESENTATIVES DEWITT, STRAIN, BAUDOIN, BRUCE, CARTER, DOERGE, FRITH, FRUGE, HILL, HUDSON, ILES, KENNEY, MCDONALD, AND THOMPSON
AN ACT
To amend and reenact R.S. 3:3402(1), 3403(A)(introductory paragraph) and (B) through (E), 3406(A)(1) and (2), 3408(A)(introductory paragraph), 3410.1(A), 3411(A), 3412, 3419(B) through (D), and 3424(C), to enact R.S. 3:3402(17) and (18), 3403(A)(9), 3405(A)(8), 3411.1, 3413(G), 3414.4, and 3424(D), and to repeal Part VI of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:700 through 705, and R.S. 3:3425(3), relative to cotton buyers; to provide for the placement of cotton merchants and agents under the provisions of the Agricultural Commodity Dealer and Warehouse Law and regulation by the Louisiana Agricultural Commodities Commission; to provide for definitions; to provide for appointment and membership of the commission; to provide for powers and duties of the commission and the commissioner; to provide for a self-insurance program; to provide for licensure; to provide for security; to provide for prompt payment; to provide for required records; to provide for prohibited acts and penalties; and to provide for related matters.

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

HOUSE BILL NO. 1752—
BY REPRESENTATIVE SALTER
AN ACT
To amend and reenact R.S. 17:7.1(A)(2), relative to the certification of elementary and secondary school teachers; to provide for the duties and responsibilities of the State Board of Elementary and Secondary Education; to provide qualifications for entrance into a teacher education program; and to provide for related matters.

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

HOUSE BILL NO. 1833—
BY REPRESENTATIVES THOMPSON, STRAIN, AND HUDSON
AN ACT
To amend and reenact R.S. 3:453(A) and (B), 454, and 456(A) and (B), relative to advertising and promoting the use of sweet potatoes; to provide for the Louisiana Sweet Potato Advertising and Development Commission and appointment of its members; to provide for the filling of vacancies; to provide for maintenance of a field office; to provide for rules and regulations; and to provide for related matters.

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

HOUSE BILL NO. 2038—
BY REPRESENTATIVES DEWITT, DURAND, GAUTREAUX, JOHNS, RIDDLE, THORNHILL, AND VITTER AND SENATORS ROBICHAUX AND DYESS
AN ACT
To enact R.S. 40:2116(E), relative to facility need review; to require the Department of Health and Hospitals to revoke approvals for nursing facility beds and community group home beds previously approved to participate in the Medicaid program unless such beds are actually certified and enrolled in the program by a certain date; to require the department to revoke or suspend approvals for unbuilt facilities or beds previously approved to participate in the Medicaid program unless construction of such facilities or beds is begun and completed by a certain date and such facilities or beds are certified and enrolled in the program by a certain date; and to provide for related matters.

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

HOUSE BILL NO. 2104—
BY REPRESENTATIVE DEWITT
AN ACT
To amend and reenact R.S. 40:1376(C), relative to state police; to prohibit a person from wearing a uniform similar to the uniform of the state police; to provide an exception; and to provide for related matters.

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

HOUSE BILL NO. 2151—
BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND DURAND
AN ACT
To enact R.S. 49:191(9)(b) and to repeal R.S. 49:191(8)(k), relative to the Department of Health and Hospitals, including provisions to provide for the re-creation of the Department of Health and Hospitals 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.

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

HOUSE BILL NO. 2184—
BY REPRESENTATIVES R. ALEXANDER, DEWITT, AND GAUTREAUX
AN ACT
To amend and reenact R.S. 40:2009.13, 2009.14, 2009.15(A)(1) and (B), 2009.17, and 2009.20(A) and (B)(1), to enact R.S. 40:2009.15(C), and to repeal R.S. 40:2009.15(A)(2), (3), and (4) and 2009.16, relative to abuse, neglect, and violations of laws, standards, rules, regulations, and orders relating to health care providers; to provide for reports to the Department of Health and Hospitals; to expand provisions related to nursing homes to include health care providers licensed by the state or providing Medicaid or Medicare services in the state; to provide for types of complaints of allegations of abuse, neglect, or violations of laws and regulations; to change time requirements for actions by the department; to change provisions related to correction orders; to provide for sanctions for violations; to provide for persons who are required to report abuse or neglect; to delete the hearing process for persons dissatisfied with a determination or investigation by the department; and to provide for related matters.

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

HOUSE BILL NO. 2268—
BY REPRESENTATIVE BRUN
AN ACT
To amend and reenact R.S. 16:15(F), relative to district attorneys; to provide with respect to district attorneys' worthless check fees; and to provide for related matters.

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

HOUSE BILL NO. 2283—
BY REPRESENTATIVE STELLY
AN ACT
To enact R.S. 13:2080.1, relative to particular city courts; to provide for an increase in court costs in certain city courts; and to provide for related matters.

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

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

April 30, 1997

To the Honorable President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 96—
BY REPRESENTATIVE SALTER
A CONCURRENT RESOLUTION
To commend Logansport, Louisiana, and the Logansport Lions Club for their upcoming Christmas fundraiser and Christmas Pageant Tour.

HOUSE CONCURRENT RESOLUTION NO. 109—
BY REPRESENTATIVE WILLARD-LEWIS
A CONCURRENT RESOLUTION
To urge and request that the United States Congress condemn the practice of hazing cadets at military academies, potentially freeze federal funds to military academies where the practice of hazing has taken place until such time as there is a more open environment for all cadets, and form a congressional subcommittee to examine the issue and investigate specific incidents of hazing.

HOUSE CONCURRENT RESOLUTION NO. 46—
BY REPRESENTATIVE RIDDLE
A CONCURRENT RESOLUTION
To commend and recognize the village of Hessmer in Avoyelles Parish as the "Home of the First Bowie Knife".

HOUSE CONCURRENT RESOLUTION NO. 137 (Substitute for House Concurrent Resolution No. 7 by Representative John Smith)—
BY REPRESENTATIVE JOHN SMITH
A CONCURRENT RESOLUTION
To recognize the Four Winds Tribe, Louisiana Cherokee Confederacy, as an Indian tribe and to memorialize the Congress of the United States to do the same.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 46—
BY REPRESENTATIVE RIDDLE
A CONCURRENT RESOLUTION
To commend and recognize the village of Hessmer in Avoyelles Parish as the "Home of the First Bowie Knife".

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—36

NAYS

Total—0

ABSENT

Lentini	Smith	Tarver

Total—3

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

HOUSE CONCURRENT RESOLUTION NO. 96—
BY REPRESENTATIVE SALTER
A CONCURRENT RESOLUTION
To commend Logansport, Louisiana, and the Logansport Lions Club for their upcoming Christmas fundraiser and Christmas Pageant Tour.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jones
Bagneris	Dyess	Jordan
Bajoie	Ellington	Lambert
Barham	Fields	Landry
Bean	Greene	Malone
Branch	Guidry	Robichaux

Cain	Hainkel	Romero
Campbell	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Theunissen
Dardenne	Johnson	Ullo

Total—36

NAYS

Total—0

ABSENT

Lentini	Smith	Tarver

Total—3

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

HOUSE CONCURRENT RESOLUTION NO. 109—
BY REPRESENTATIVE WILLARD-LEWIS
A CONCURRENT RESOLUTION

To urge and request that the United States Congress condemn the practice of hazing cadets at military academies, potentially freeze federal funds to military academies where the practice of hazing has taken place until such time as there is a more open environment for all cadets, and form a congressional subcommittee to examine the issue and investigate specific incidents of hazing.

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

HOUSE CONCURRENT RESOLUTION NO. 137 (Substitute for House Concurrent Resolution No. 7 by Representative John Smith)—
BY REPRESENTATIVE JOHN SMITH
A CONCURRENT RESOLUTION

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

The resolution was read by title.

Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cain to Reengrossed House Concurrent Resolution No. 137 by Representative John Smith

AMENDMENT NO. 1
On page 1, line 3, after "tribe" insert a period "." and delete the remainder of the line and delete line 4

AMENDMENT NO. 2
On page 2, delete lines 10 through 27 and insert the following:

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

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

AMENDMENT NO. 3
On page 3, delete lines 1 and 2

Motion

Senator Dyess moved the previous question on the amendment.

Without objection, so ordered.

Senator Cain moved adoption of the amendments.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris	Fields	Lentini
Bajoie	Heitmeier	Robichaux
Barham	Hines	Romero
Bean	Irons	Schedler
Cain	Johnson	Short
Campbell	Jones	Siracusa
Cox	Jordan	Theunissen
Cravins	Landry	Ullo

Total—24

NAYS

Branch	Dean	Malone
Casanova	Dyess	
Dardenne	Greene	

Total—7

ABSENT

Mr. President	Hainkel	Smith
Ellington	Hollis	Tarver
Guidry	Lambert	

Total—8

The Chair declared the amendments were adopted.

Senator Cain moved to concur in the amended House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris	Ellington	Lentini
Bajoie	Fields	Robichaux
Barham	Heitmeier	Romero
Bean	Hines	Schedler
Cain	Hollis	Short
Campbell	Irons	Siracusa
Cox	Johnson	Theunissen
Cravins	Jones	Ullo
Dardenne	Jordan	
Dyess	Landry	

Total—28

NAYS

Branch	Dean	Malone
Casanova	Greene	

Total—5

ABSENT

Mr. President	Hainkel	Smith
Guidry	Lambert	Tarver

Total—6

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

Personal Privilege

Senator Jordan asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on the amendment by Senator Cain to House Concurrent Resolution No. 137. He voted yea on the amendment and had intended to vote nay. He asked that the Official Journal so state.

Personal Privilege

Senator Jordan asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on House Concurrent Resolution No. 137. He voted yea on the resolution and had intended to vote nay. He asked that the Official Journal so state.

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. 133—
BY SENATOR COX

AN ACT

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

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

SENATE BILL NO. 172—
BY SENATOR HINES

AN ACT

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

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

SENATE BILL NO. 294—
BY SENATOR JORDAN

A JOINT RESOLUTION

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

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

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

AN ACT

To amend and reenact R.S. 18:21(A), 1353(C)(3), and 1371(A), relative to elections; to provide for the notification of contracts for lease of space for voting machines; to provide for the notification of contracts for the delivery of voting machines to the precincts; and to provide for related matters.

Reported with amendments 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. 359 by Senator Greene

AMENDMENT NO. 1
On page 2, line 21, change "may" to "shall" and after "parish" delete the remainder of the line and insert " basis with a storage facility in each parish. If a single"

AMENDMENT NO. 2
On page 2, line 25, after "Subsection" insert "and there shall be a storage facility in each such parish"

AMENDMENT NO. 3
On page 4, line 13, change "may" to "shall" and after "parish" delete "or regional"

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. 516—
BY SENATOR LENTINI

AN ACT

To amend and reenact the introductory paragraph of R.S. 40:1484.2 and R.S. 40:1484.2(4), (5), (6), (7), (8), (9), and (10), 1484.3(A) and (B)(1), 1484.4, 1484.5(B), 1484.6, 1484.7, 1484.8, 1484.9, 1484.10, 1484.11(2), and 1484.13 and to enact R.S. 40:1484.2(11), relative to amusement attractions or rides; to provide for certain inspections on behalf of an owner or operator's insurer prior to operation; to prohibit operation of the attraction or ride until such inspection; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 516 by Senator Lentini.

AMENDMENT NO. 1
On page 1, line 2, after "reenact" delete the remainder of the line and insert in lieu thereof the following:

"the introductory paragraph of R.S. 40:1484.2 and R.S. 40:1484.2(4), (5), (6), (7), (8), (9), and (10), 1484.3(A) and (B)(1), 1484.4, 1484.5(B), 1484.6, 1484.7, 1484.8, 1484.9, 1484.10, 1484.11(2), and 1484.13 and to enact R.S. 40:1484.2(11),"

AMENDMENT NO. 2
On page 1, line 8, after "Section 1." delete the remainder of the line and insert in lieu thereof the following:

"The introductory paragraph of R.S. 40:1484.2 and R.S.

40:1484.2(4), (5), (6), (7), (8), (9), and (10), 1484.3(A) and (B)(1), 1484.4, 1484.5(B), 1484.6, 1484.7, 1484.8, 1484.9, 1484.10, 1484.11(2), and 1484.13"

AMENDMENT NO. 3
On page 1, line 9, between "reenacted" and "to" insert the following:

"and R.S. 40:1484.2(11) is hereby enacted"

AMENDMENT NO. 4
On page 1, line 11, between "Part," and "unless" insert the following:

"**the following definitions shall apply**"

AMENDMENT NO. 5
On page 1, between lines 12 and 13, insert the following:

"**(4) "Assistant secretary" means the assistant secretary of the office of the state fire marshal in the Department of Public Safety and Corrections, or his designee.**

~~(4)~~ **(5)** "Carnival" means an enterprise offering amusement or entertainment to the public in, upon, or by means of amusement attractions or rides."

AMENDMENT NO. 6
On page 1, line 13, change "(5)" to "(6)"

AMENDMENT NO. 7
On page 1, line 14, delete "secretary of public safety," and insert in lieu thereof the following:

"**assistant secretary of the office of the state fire marshal,**"

AMENDMENT NO. 8
On page 1, delete lines 15 and 16 in their entirety and insert in lieu thereof the following:

"by **an inspector**.

(7) "Inspector" means a person who is a licensed engineer experienced in materials testing or a person who is certified and maintains at least a Level 1 certification from the National Association of Amusement Ride Safety Officials or who has an equivalent certification as determined by rule of the state fire marshal.

~~(6)~~ **(8)** "Department" means Department of Public Safety and Corrections.

~~(7)~~ **(9)** "Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with the operation of amusement attractions or rides.

~~(8)~~ **(10)** "New amusement ride or attraction" means an amusement ride or attraction of a design not previously operated in the state and for which no standards and regulations have been adopted.

~~(9)~~ **(11)** "Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement attraction or ride at a carnival or fair. "Operator" may include an agency of the state or any of its political subdivisions.

~~(10) "Secretary" means the secretary of the Department of Public Safety and Corrections or his designee.~~

§1484.3. Rules adopted

A. The **assistant** secretary shall adopt and issue rules for the sale, installation, repair, maintenance, use, operation, and inspection of amusement attractions and rides at carnivals, amusement parks, and fairs and other amusement rides to the extent necessary for the protection of the public. The rules shall be based upon generally accepted engineering standards and shall be concerned with but not necessarily limited to, engineering force stresses, safety devices, and preventive maintenance. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement attractions or amusement rides.

B.(1) The **assistant** secretary may modify or repeal any rule adopted under the provisions of this Part."

AMENDMENT NO. 9
On page 2, line 2, delete "professional engineer or" and add a semicolon ";" after "inspector"

AMENDMENT NO. 10
On page 2, delete line 3 and insert in lieu thereof the following:

"certificate of inspection"

AMENDMENT NO. 11
On page 2, line 7, change "being" to "**having been**"

AMENDMENT NO. 12
On page 2, delete lines 8 through 27 in their entirety and insert in lieu thereof the following:

"**conducted by an inspector and** a certificate of inspection having been issued by the **assistant** secretary to an operator of such equipment. **Each inspection as to safety and structural integrity conducted under this Part shall be conducted by an inspector who is an employee or agent of the operator's liability insurer under R.S. 40:1484.9(1) or who is an employee or agent of the operator's surety on a bond required pursuant to R.S. 40:1484.9(2).**

B. ~~The secretary~~ **An inspector who is an employee or agent of the operator's liability insurer or surety** shall ~~inspect any~~ **conduct the following inspections**:

(1) ~~Amusement~~ **Every amusement** park ride or attraction **shall be inspected for safety and structural integrity at least** semiannually;

(2) ~~New~~ **Every new amusement ride or attraction or existing amusement ride or attraction which has been** ~~or~~ modified **or reconstructed pursuant to the manufacturer's specifications shall be inspected for safety and structural integrity** ~~amusement ride or attraction~~ before commencing its public operation.

(3) Upon completion of each inspection required under this Subsection, the inspector shall certify the results of his inspection to the assistant secretary who shall issue a certificate of inspection as provided in Subsection D of this Section.

C. (1) ~~An operator of~~ **Prior to commencement of operating** any new **amusement ride or attraction**~~,~~ **or other amusement ride or attraction which has been** modified~~,~~ or reconstructed **pursuant to manufacturer's specifications,** ~~amusement ride or attraction~~ **the operator** shall notify the **assistant** secretary ~~before the beginning of its operation and~~ **of his intent to commence operations, shall furnish the assistant secretary with a copy of a current certificate of inspection issued pursuant to Subsection D of this Section, and shall** request **that the assistant secretary conduct a general** ~~an~~ inspection.

(2) ~~An operator of~~ **At least thirty days prior to the opening of** any fair or carnival **the operator of such fair or carnival** shall ~~notify~~ **give written notification to** the **assistant** secretary ~~in writing at least thirty days before the opening of the~~ **of his intent to commence operating such** carnival or fair**, shall furnish the assistant secretary with a copy of a current certificate of inspection issued pursuant to Subsection D of this Section,** and shall request **that the assistant secretary conduct a general** inspection. If, after the notification, the operator changes his schedule of locations or dates, he immediately shall notify the **assistant** secretary of the change.

D.(1) If an inspection discloses that an amusement ride or attraction located in an amusement park or any other amusement ride except a ride subject to Paragraph (2) of this Subsection complies with all relevant provisions of this Part and the adopted standards and regulations, the **assistant** secretary shall issue a certificate of inspection valid for not more than one year from the date of issuance for each ride to its operator.

(2) If an inspection discloses that a fair or carnival amusement ride or attraction complies with all relevant provisions of this Part and the adopted standards and regulations, the **assistant** secretary shall issue a certificate of inspection valid for not more than thirty days to its operator.

(3) The certificates shall be posted, in plain view, on the amusement ride or attraction."

AMENDMENT NO. 13
On page 3, delete lines 1 through 24 in their entirety and insert in lieu thereof the following:

"§1484.5. Inspection fees

* * *

B. The **assistant** secretary may ~~charge inspection~~ **promulgate rules and**"

AMENDMENT NO. 14
On page 3, line 25, change "the fees to be charged" to "fees **to be assessed**"

AMENDMENT NO. 15
On page 3, line 27, change "valid" to "**which shall be** valid"

AMENDMENT NO. 16
On page 4, below line 2, add the following:

"§1484.6. Administration of Part; personnel

The **assistant** secretary is authorized to employ such persons as he may deem qualified consistent with applicable civil service regulations, and incur such other expenses as may be required, in connection with the administration of this Part.

§1484.7. Notice of violation of standard

If after inspection or investigation of any amusement ride or attraction, the **assistant** secretary determines that the amusement ride or attraction is in violation of any standard promulgated under this Part, and that there is a substantial probability of death or serious physical injury to the public from its continued use, notice of violation shall be given in writing to the operator of the amusement ride or attraction. A copy of the notice shall be attached to the amusement ride or attraction. After the notice of violation is issued, the use of the amusement ride or attraction is prohibited. The notice may not be removed until the amusement ride or attraction is made safe for public use and the required safeguards are provided. The notice may not be removed except by the **assistant** secretary.

§1484.8. Judicial review

Judicial review of any action of the **assistant** secretary may be sought in accordance with the provisions of the Administrative Procedure Act.

§1484.9. Insurance; bond

A. No person shall operate an amusement attraction or ride unless at the time there is in existence:

(1) A policy of insurance in an amount of not less than one million dollars insuring the operator against liability for injury suffered by persons riding the amusement ride; or

(2) A bond in a like amount; provided, ~~however, that~~ the aggregate liability of the surety under any such bond shall not exceed the face amount thereof.

B. One copy of the policy of insurance or the bond required under this Section shall be filed with the commissioner of insurance and one copy of such policy or bond shall be filed with the office of the state fire marshal. Each copy of the policy or bond shall include the date or dates for which the policy or bond is in force and a certification that the premium on the policy or bond has been paid in full.

§1484.10. Violations and penalties; injunctive relief

A. The **assistant** secretary may assess a civil penalty of not more than two hundred fifty dollars for each violation of the provisions of this Part or of the rules and regulations adopted by the **assistant** secretary. Each day on which a violation occurs shall be considered a separate offense.

B. Penalties may be assessed only by a ruling of the **assistant** secretary based on an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

C. The **assistant** secretary may institute civil proceedings to enforce the rulings of the **assistant** secretary in the district court for the parish in which the violation occurred.

D. The **assistant** secretary may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of this Part, or of the rules and regulations adopted by the **assistant** secretary, in the district court for the parish in which the violation occurred.

§1484.11. Exemptions

The following amusement attractions or rides are exempt from the provisions of this Part:

* * *

(2) An amusement attraction or ride which is owned and operated by a nonprofit religious, educational, or charitable institution or association if such attraction or ride is located within a building subject to inspection by the **assistant secretary of the office of the** state fire marshal or by any local governmental subdivision of the state under its building, fire, electrical, and related public safety ordinances.

* * *

§1484.13. Waiver of inspection

The **assistant** secretary may waive the requirement that an amusement attraction or ride or any part thereof be inspected before being operated in this state if an operator gives satisfactory proof to the **assistant** secretary that the amusement attraction or ride or any part thereof has passed an inspection conducted by a public agency whose inspection standards and requirements are at least equal to those requirements and standards established by the **assistant** secretary under the provisions of this Part. The appropriate inspection fees shall be paid before the **assistant** secretary may waive this requirement."

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

SENATE BILL NO. 572—
BY SENATORS DARDENNE, HAINKEL, EWING AND HINES
AN ACT
To enact R.S. 38:2182, relative to public contracts; to require contractors with public contracts exceeding one million dollars in the aggregate to offer certain insurance benefits to their employees; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 572 by Senators Dardenne, Hainkel, Ewing and Hines

AMENDMENT NO. 1

On page 1, line 3, delete "in the aggregate"

AMENDMENT NO. 2
On page 1, delete lines 10, 11, and 12 in their entirety and insert in lieu thereof the following:

"Any contractor having a public contract with the state, or any department, agency, board, commission or public corporation of the state, which contract exceeds one million dollars shall provide to their employees, who have been continuously employed for more than six months the opportunity to"

AMENDMENT NO. 3

On page 1, line 14 at the end of the line insert the following:

"with the state, or any department, agency, board, commission or public corporation of the state,"

AMENDMENT NO. 4
On page 2, line 4 after "contracts" and before "entered" insert the following:

"with the state, or any department, agency, board, commission or public corporation of the state,"

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

SENATE BILL NO. 606—
BY SENATORS HAINKEL, DARDENNE, EWING AND BARHAM
AN ACT
To amend and reenact R.S. 18:461(A) and to enact R.S. 47:1675, relative to elected officials; to provide that any person who desires to become a candidate in a primary election shall obtain a tax clearance; and to provide for related matters.

Reported with amendments 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. 606 by Senator Hainkel

AMENDMENT NO. 1

On page 1, at the end of line 13, delete "and a tax" and delete line 14, and on line 15, delete "Taxation"

AMENDMENT NO. 2
On page 2, after the end of line 4, after "fee." insert the following:

"At the time of qualification, the qualifying officer shall give notice to the person qualifying that such person shall have seven days to obtain a tax clearance issued by the Louisiana Department of Revenue and Taxation or such person shall be disqualified."

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. 699—
BY SENATOR BAJOIE
AN ACT
To enact R.S. 22:215.18, relative to health insurance coverage; to provide coverage for reconstructive breast surgery following a mastectomy; to prohibit certain health insurance policies from imposing certain limitations on coverage; and to provide for related

matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 699 by Senator Bajoie

AMENDMENT NO. 1
On page 2, line 2 after "mastectomies." delete the remainder of the line, delete lines 3 through 5 in their entirety and insert the following:

"The coverage required by this Section shall be subject to the reconstructive surgery being part of the treatment plan agreed to by the patient and the attending physician, or performed within three months following initial surgery."

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

"F. No policy, contract, or plan providing coverage for mastectomies and reconstructive breast surgery resulting from mastectomies shall be required under this Section to provide coverage for reconstructive breast surgery resulting from a mastectomy covered under another policy, contract or plan.

G. 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 or to medical benefit plans that are established under and regulated by the Employment Retirement Income Security Act of 1974."

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

SENATE BILL NO. 729—
BY SENATOR ULLO

AN ACT

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

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

SENATE BILL NO. (Substitute for Senate Bill 729 by Senator Ullo)

BY SENATOR ULLO

REVENUE/TAXATION DEPT. Provides for the issuance of licenses to dealers who sell tobacco products at wholesale, retail and through vending machines and changes the name of the office of alcoholic beverage control to the office of alcohol and tobacco control.

AN ACT

To amend and reenact R.S. 26:793(C)(1) and to enact Chapter 7 of Title 26 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 26:901 through 922, relative to tobacco products; to provide for the office of alcohol and tobacco control to issue licenses to dealers who sell or offer for sale tobacco products at wholesale, retail and through vending machines; to provide for definitions, fees, fines, rules and regulations; to change the name of the office of alcoholic beverage control to the office of alcohol and tobacco control; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. "R.S. 26:793(C)(1) is hereby amended and reenacted to read as follows:

§ 793. Additional powers of the commissioner

* * *

C. In order to ensure compliance with "Prevention of Youth Access to Tobacco Law", the commissioner ~~acting through local law enforcement personnel~~ shall annually conduct random, unannounced inspections at locations where tobacco products are sold or distributed. Persons under the age of eighteen may be enlisted by employees of the office of ~~alcoholic beverage~~ **alcohol and tobacco** control to test compliance, but such persons may be used only if the testing is conducted under the direct supervision of ~~the local law enforcement department or~~ **such** employees ~~thereof~~ and written parental consent has been provided. **Any person under the age of eighteen shall either carry the person's own identification showing the person's correct date of birth or shall carry no identification. A person under the age of eighteen who carries identification shall, on request, present it to any seller of tobacco products. In addition, any person under the age of eighteen enlisted under this Subsection shall truthfully answer any questions about the person's age.** Any other use of persons under the age of eighteen to test compliance or any other prohibition of like or similar import shall be unlawful and the person or persons responsible for such use shall be subject to the penalties prescribed in R.S. 14:91.8(F).

* * *

Section 2. Chapter 7 of Title 26 of the Louisiana Revised Statutes of 1950, comprised of R.S. 26:901 through 922, is hereby enacted to read as follows:

CHAPTER 7. TOBACCO PRODUCTS

Chapter 7 is all proposed new law.

§901. Definitions

R.S. 26:901 is all proposed new law.

As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

(1) "Cigar" includes any roll of tobacco for smoking, irrespective of size or shape, and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredients, where such roll has a wrapper made chiefly of tobacco.

(2) "Cigarette" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper, or any other material except where such wrapper is wholly or in greater part made of tobacco.

(3) "Commissioner" means the commissioner of the office of alcohol and tobacco control.

(4) "Dealer" includes every person who manufactures or purchases cigars, cigarettes, or other tobacco products for distribution or resale in this state. The term also means any person who imports cigars, cigarettes, or other tobacco products from any state or foreign country for distribution, sale, or consumption in this state.

(5) "Facility" means a part or portion of an establishment which is designed so as to impede a minor's access to a vending machine by walls or other separation in combination with signs designed to notify the public that persons under the age of eighteen are prohibited from the area.

(6) "Manufacturer" means anyone engaged in the manufacture, production, or foreign importation of tobacco products who sell to wholesalers.

(7) "Place of business" means the place where the orders are received, or where the taxable articles are sold, or if sold upon a railroad train or on or from any other vehicle, the vehicle on which or from which the taxable articles are sold. It also includes the establishment where vending machines are located.

(8) "Retail dealer" includes every dealer other than a wholesale dealer, or manufacturer who sells or offers for sale cigars, cigarettes, or other tobacco products, irrespective of

quantity or the number of sales.

(9) "Secretary" means the secretary of the Department of Revenue and Taxation and includes any of his duly authorized assistants.

(10) "Smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity.

(11) "Smoking tobacco" includes granulated, plug cut, crimp cut, ready rubbed and any other kind and form of tobacco prepared in such manner as to be suitable for smoking in pipe or cigarette.

(12) "Stamp" means the impression, device, stamp, label, or print manufactured or printed as prescribed by the secretary by the use of which the tax levied hereunder is paid. By way of extension, and not limitation, the term "stamp" means any impression or character affixed to or which shall be stamped upon commodities by metered stamping machine or device by use of which the tax levied hereunder is paid.

(13) "Tobacco product" means any cigar, cigarette, smokeless tobacco, or smoking tobacco.

(14) "Vending machine" means any mechanical, electric, or electronic self-service device which, upon insertion of money, tokens, or any other form of payment automatically dispenses tobacco products.

(15) "Vending machine operator" means any person who controls the use of one or more vending machines as to the supply of cigarettes or any tobacco products in the machine or the receipts from cigarettes vended through such machines.

(16) "Wholesale dealers" mean those dealers whose principal business is that of a wholesaler, and who sells cigarettes, cigars, or other tobacco products to retail dealers for purpose of resale, and who is a bona fide wholesaler and fifty percent of whose total tobacco sales are to retail stores other than their own or their subsidiaries within Louisiana. Wholesale dealer shall include any person in the state who acquires cigarettes solely for the purpose of resale in vending machines, provided such person services fifty or more cigarette vending machines in Louisiana other than his own, and those Louisiana dealers who were affixing cigarette and tobacco stamps as of January 1, 1974.

§902. Registration certificates; permits

R.S. 26:902 is all proposed new law.

A. The commissioner shall issue according to rules and regulations and as allowed in this Section the following types of certificate:

(1) Retail Dealer Registration Certificate: A retail dealer registration certificate shall be issued to any dealer, not otherwise required by this Chapter to obtain a permit, other than a wholesale dealer or vending machine operator for each retail outlet where cigars, cigarettes, or other tobacco

products are offered for sale either over the counter or by vending machine.

(2) Retail Dealer Permit: A retail dealer permit shall be issued to a dealer other than a wholesale dealer or vending machine operator for each retail outlet where cigars, cigarettes or other tobacco products are offered for sale either over the counter or by vending machine.

(3) Vending Machine Operator Permit: A vending machine operator permit shall be issued to a vending machine operator operating one or more vending machines. Licensed wholesale dealers who operate vending machines shall not be required to obtain a vending machine operator permit.

(4) Vending Machine Permit: A vending machine permit shall be issued to the vending machine operator or wholesale dealer for each vending machine he operates and such permit shall be affixed to the front surface of the vending machine in a location as designated by the commissioner.

(5) Wholesale Dealer Permit: A wholesaler dealer permit shall be issued to a wholesale dealer for each wholesale place of business operated by the wholesale dealer.

§903. Permit fees

R.S. 26:903 is all proposed new law.

A. The fees for each registration certification or permit shall be as follows:

(1) Retail dealer registration certificate---- $25.00 per year or any portion thereof.

(2) Retail dealer permit----$75.00 per year or any portion thereof.

(3) Vending machine operator--- $75.00 per year or any portion thereof.

(4) Vending machine --- $5.00 per machine per year or any portion thereof.

(5) Wholesale dealer --- $75.00 per year or any portion thereof.

§904. Registration certificate and permit terms

R.S. 26:904 is all proposed new law.

A. Except as provided in Subsection B, each registration certificate shall be valid for only one year.

B. To provide for the even distribution of the expiration and renewal of tobacco product certificates, the commissioner may establish by administrative rule a system by which the expiration dates of the registration certificates are staggered throughout the year. Certificates issued may vary in length from six months to eighteen months. The fee for said registration certificate shall be apportioned to comply with the yearly fee established in this Chapter.

C. Except as provided in Subsection B, each permit shall be valid for only one year unless suspended or revoked.

D. To provide for the even distribution of the expiration and renewal of tobacco product permits, the commissioner may establish by administrative rule a system by which the expiration dates of the permits are staggered throughout the year. Permits issued may vary in length from six months to eighteen months. The fee for said permits shall be apportioned to comply with the yearly fee established in this Chapter.

§905. Renewal of a registration certificate or permit

R.S. 26:905 is all proposed new law.

A. Persons holding registration certificates under this Chapter, shall annually file application for renewal for the ensuing year and pay the fees in accordance with this Chapter.

B. If a dealer fails to file an application and pay the registration certificate fees by the date established by the commissioner, there shall be added to the fee, in addition to other penalties provided in this Chapter, a delinquency penalty of twenty-five percent if the failure is not more than thirty days, with an additional twenty-five percent for each additional thirty days or fraction thereof during which the failure continues. If the dealer fails to make his application by the date established by the commissioner, the commissioner may, issue a notice of violation of this Chapter.

C. Persons holding permits under this Chapter, shall annually file application for renewal for the ensuing year and pay the permit fees in accordance with this Chapter.

D. If a dealer fails to file an application and pay the permit fees by the date established by the commissioner, there shall be added to the fee, in addition to other penalties provided in this Chapter, a delinquency penalty of twenty-five percent if the failure is not more than thirty days, with an additional twenty-five percent for each additional thirty days or fraction thereof during which the failure continues. If the dealer fails to make his application by the date established by the commissioner, the commissioner may, without notice or hearing, suspend his right to possess or sell tobacco products.

E. Renewal permits may be withheld or denied on the same grounds and in the same manner as an original permit.

§906. General requirements

R.S. 26:906 is all proposed new law.

A. Every person who sells or is about to engage in the business of selling at retail, at wholesale, or by vending machine, or is about to engage in the business of receiving unstamped and/or non-tax paid cigarettes, cigars, or other tobacco products or who is engaged in the business of receiving stamped cigarettes at wholesale or any or all of the articles taxed in accordance with Title 47 of the Louisiana Revised Statutes of 1950, shall first apply to and obtain from the office a permit for each place of business and each vending machine.

B. Application for registration certificates or permits shall be on forms provided by the commissioner. Except as provided below, the application shall be signed by each person owning the business or having ownership interest therein. If the applicant is a corporation, partnership, limited partnership, or limited liability company, a duly authorized agent, partner, or officer shall sign the application.

C. The application shall be accompanied by the fees prescribed herein which fees shall be retained by the office to help defray the cost of printing, processing and issuing the registration certificates or permits, providing server, seller-training, and enforcement expenses of the office of alcohol and tobacco control.

D. The application shall be made on forms secured from the office, and shall, in addition to such other information as the commissioner may require, show the true and correct name of such dealer, the dealer's post office address, the nature of the operation for which the registration certificate or permit is sought, the location of the place of business as to which the registration certificate or permit shall apply and the trade name of the business, if any.

E. All applications for registration certificates or permits shall be mailed or delivered to the commissioner in Baton Rouge, Louisiana. Upon receipt of an application, the commissioner shall stamp the day, month, and year received.

F. The provisions of this Chapter shall not apply to commissaries, canteens, or snack bars located in a correctional facility owned and operated by the state, parish, or municipality.

§ 907. Issuance of registration certificates

R.S. 26:907 is all proposed new law.

A. The commissioner shall issue the registration certificate immediately after proper investigation but, for a period of thirty-five days after issuance, such registration certificate holder shall operate on a probationary basis subject to final action on or withholding of the registration certificate as hereinafter provided.

B. The commissioner shall investigate all applications for a registration certificate and shall withhold the issuance of the registration certificate where that action is justified under this Chapter. The decision to withhold the registration certificate shall be made within thirty-five calendar days of the filing of the application. Any intentional misstatement or suppression of a material fact in an application shall constitute grounds for denial of the registration certificate.

C. Within five calendar days of the decision to withhold the registration certificate, the commissioner shall notify the applicant in writing of his decision and shall assign the reasons therefor. Such notice shall be either delivered to the applicant in person or

sent to him by registered mail at the business address given in his last application. When so addressed and mailed, the notice shall be presumed to have been received by the applicant.

§907.1. Issuance of permit

R.S. 26:907.1 is all proposed new law.

A. The commissioner may issue the permits immediately after proper investigation but, for a period of thirty-five days after issuance, such permits shall operate on a probationary basis subject to final action on or withholding of the permits as hereinafter provided.

B. The commissioner shall investigate all applications for permits and shall withhold the issuance of the permit where that action is justified under this Chapter. The decision to withhold the permit shall be made within thirty-five calendar days of the filing of the application. Any intentional misstatement or suppression of a material fact in an application shall constitute grounds for denial of permit.

C. Within five calendar days of the decision to withhold the permit, the commissioner shall notify the applicant in writing of the withholding of the permit and shall assign the reasons therefor. Such notice shall be either delivered to the applicant in person or sent to him by registered mail at the business address given in his last application. When so addressed and mailed, the notice shall be presumed to have been received by the applicant.

§908. General requirements of eligibility

R.S. 26:908 is all proposed new law.

The commissioner may suspend a permit previously issued or may refuse to grant a permit if, after a hearing and by a preponderance of the evidence, it is proven that the permittee, or an employee or agent thereof or applicant either:

(1) Is not a bona fide dealer as defined in Section 901.

(2) Has violated the terms and provisions of R.S. 14:91.6 relative to the unlawful distribution of tobacco products.

(3) Has violated the terms and provisions of the "Prevention of Youth Access to Tobacco Law" under R.S. 14:91.8.

(4) Has violated the provisions of this Chapter or any rules or regulations issued in connection therewith, or

(5) Has violated any provision of R.S. 47: 841 et seq.

§909. Vending machines

R.S. 26:909 is all proposed new law.

In order to prevent persons under eighteen years of age from purchasing or receiving tobacco products from vending machines, the sale or delivery of tobacco products through a vending machine is prohibited unless either:

(1) The machine is located in an establishment to which persons under the age of eighteen are denied access.

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

§910. Acts prohibited

R.S. 26:910 is all proposed new law.

A. No person, agent, associate, employee, representative, or servant of any person shall permit any of the following acts to be done on or about any premises which sells or offers for sale tobacco products:

(1) Sell or serve tobacco products over-the-counter in a retail establishment to any person under the age of eighteen unless such person submits a driver's license, selective service card, or other lawful identification which, on its face establishes the age of the person as eighteen years or older and there is no reason to doubt the authenticity or correctness of the identification.

(2) Violate the terms and provisions of R.S. 14: 91.6 relative to the unlawful distribution of tobacco products.

(3) Violate the terms and provisions of the "Prevention of Youth Access to Tobacco Law" under R.S. 14:91.8.

(4) Violate the terms and provisions of this Chapter or any rules or regulations promulgated by the office pursuant to this Chapter.

B.(1) No retail dealer shall purchase tobacco products for resale except from a wholesale dealer operating with a valid unsuspended wholesale dealer permit, except as provided for in this Chapter.

(2) No wholesale dealer shall sell tobacco products for resale except to a retail dealer operating with either a valid registration certificate or a valid unsuspended permit.

C. No wholesale dealer shall sell to a retail dealer and no retail dealer shall sell to the public single cigarettes. No individual package of cigarettes shall be sold in packages containing less than ten cigarettes. No cigarette or smokeless tobacco product shall be sold to the public except in an unopened package originating with the manufacturer bearing the health warning required by federal law, and shall evidence that the applicable tax under Chapter 8 of Title 47 of the Louisiana Revised Statues of 1950 has been paid.

§911. Registration certificate; permit

R.S. 26:911 is all proposed new law.

A. A registration certificate or permit issued under this Chapter is a personal privilege and cannot be transferred. If over fifty-one percent of a corporation is sold or transferred during the period for which a registration certificate or a permit was issued a new registration certificate or permit must be applied for, and the new owner must comply with the provisions set forth in this Chapter. If the holder of the registration certificate or permit is an association, partnership, or limited partnership, a change of the controlling interest shall constitute a change of ownership under this Chapter. If the business is physically relocated during such period the registration certificate holder or permittee must notify the commissioner in writing so that proper change may be noted thereon.

B. The registration certificate or permit shall at all times be publicly displayed by the dealer in his principal place of business so as to be easily seen by the public unless the dealer is solely a vending machine operator. The failure of a dealer or vending machine operator to publicly display his registration certificates or permits, as required by this Chapter, shall be grounds for the issuance of a fine or the withholding, suspension, or revocation of the permit.

C. Each registration certificate or permit shall include a unique number assigned by the commissioner.

D. Nothing herein shall prohibit an individual, partnership, or corporation otherwise qualified from obtaining multiple registration certificates or more than one type of permit.

§912. Violation

R.S. 26:912 is all proposed new law.

No person shall perform any action for which a registration certificate or permit is required by this Chapter unless he holds the proper registration certificate or permit. Each day of business which is conducted without such a valid, unsuspended registration certificate or permit shall constitute a separate violation of this Chapter.

§913. Exceptions

R.S. 26:913 is all proposed new law.

Any person not otherwise a dealer coming into possession of any cigar, cigarette, or tobacco product as executor, administrator, trustee, or other fiduciary, as security for or in payment of a debt, or as an insurer, or its transferee or assignee for the salvage or liquidation of an insured casualty or damage or loss, or as an administrator or executor of a succession may sell the tobacco product in one lot or parcel to a duly licensed wholesale or retail dealer without qualifying as a dealer. Immediately after taking possession of the cigar, cigarette, or smoking tobacco, the person shall register with the secretary and furnish to him a detailed list of the tobacco products and post with the secretary a bond in such amount as the secretary deems sufficient to protect the state from any taxes due on the cigar, cigarette, or tobacco product. The person shall pay to the secretary a registration fee of ten dollars, which fee shall permit the sale of only the cigar, cigarette, or tobacco product detailed in the registration request.

R.S. 26:914 is all proposed new law.

§914. Fines; registration certificate holders

A. The commissioner, the secretary, governing authorities of municipalities or parishes, sheriffs, law enforcement authorities, and citizens, in accordance with the procedure below, have the right to have a registration certificate holder show cause why he should not be cited and subsequently fined.

B. The commissioner shall have periodic examinations made of the business of all persons holding registration certificates under this Chapter. If a violation of the Chapter or of any rule or regulation of the commissioner or the secretary is observed, the commissioner may give the registration certificate holder a written warning. If the registration certificate holder has been previously warned or if the violation is of a sufficiently serious nature, the commissioner may instruct any agent or employee of the commissioner to prepare and file, upon information and belief based upon the facts in hand, a petition for assessing a fine, setting forth the facts and circumstances of the violation, and shall thereupon summon the permittee to appear and show cause why the registration certificate holder should not be fined.

C. The secretary, parish or municipal governing authorities, sheriffs, and other law enforcement officers may have periodic investigations made of the business of all registration certificate holder within their respective jurisdictions. If any violation of any provision of this Chapter or of any rule or regulation adopted by the commissioner is observed, such authorities may give the registration certificate holder a written warning. If the registration certificate holder has been previously warned or if the violation is of sufficiently serious nature, he shall file an affidavit with the commissioner, setting forth the facts and circumstances of the violation. Thereupon, the commissioner shall summon the permittee to appear and show cause why he should not be fined.

D. Any person may file with the commissioner a sworn petition requesting that a registration certificate holder be fined. When such a petition is received by the commissioner, he shall summon the registration certificate holder to appear and show cause why he should not be fined.

E. No such petition shall be considered by the commissioner unless submitted by a sworn affidavit together with supporting affidavits made on personal knowledge, which shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein, together with any witnesses who shall appear at a hearing and testify as to the allegations contained in the petition which constitute a cause or causes enumerated in or established by this Chapter which would provide for a fine to be assessed.

F. If a registration certificate holder is fined twice within a three year period, at his next annual registration he shall not be issued a registration certificate but shall only be issued a permit and shall thereafter be subject to the provisions of this Chapter which govern similar permit holders.

G. A permittee who does not violate any provisions of this Chapter or any rules or regulations promulgated thereunder for a period of five consecutive years from his last violation may petition the commissioner for reinstatement as a registration certificate holder. The commissioner shall hold a hearing and upon a showing that the permittee has not been cited with a violation during such period, the commissioner shall issue a registration certificate and the provisions of this Chapter as it applies to a registration certificate holder shall apply.

§914.1. Suspensions or revocations

R.S. 26:914.1 is all proposed new law.

A. The commissioner, the secretary, governing authorities of municipalities or parishes, sheriffs, law enforcement authorities, and citizens, in accordance with the procedure below, have the right to have a permittee cited by the commissioner to show cause why his permit or permits should not be suspended or revoked.

B. The commissioner shall have periodic examinations made of the businesses of all persons holding permits under this Chapter. If a violation of the Chapter or of any rule or regulation of the commissioner or the secretary is observed, the commissioner may give the permittee a written warning. If the permittee has been previously warned or if the violation is of a sufficiently serious nature, the commissioner may instruct any agent or employee of the commissioner to prepare and file, upon information and belief based upon the facts in hand, a petition for assessing a fine, or suspension or revocation of the permit, setting forth the facts and circumstances of the violation, and shall thereupon summon the permittee to appear and show cause why the permit should not be suspended or revoked or the fine not assessed.

C. The secretary, parish or municipal governing authorities, sheriffs, and other law enforcement officers may have periodic investigations made of the businesses of all permittees within their respective jurisdictions. If any violation of any provision of this Chapter or of any rule or regulation adopted by the commissioner is observed, such authorities may give the permittee a written warning. If the permittee has been previously warned or if the violation is of sufficiently serious nature, he shall file an affidavit with the commissioner, setting forth the facts and circumstances of the violation. Thereupon, the commissioner shall summon the permittee to appear and show cause why his permit should not be suspended or revoked.

D. Any person may file with the commissioner a sworn petition requesting that a permit be suspended or revoked. When such a petition is received by the commissioner, he shall summon the permittee to appear and show cause why his permit should not be suspended or revoked.

E.(1) No such petition shall be considered by the commissioner unless submitted together with supporting affidavits made on personal knowledge, which shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The commissioner may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or by further affidavits.

(2) If it appears from the affidavits of the permittee opposing the petition that he cannot present by affidavit facts essential to justify his opposition, the commissioner may suspend or revoke a permit or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(3) If it appears to the satisfaction of the commissioner at any time that any of the affidavits presented pursuant to this Section are presented in bad faith or solely for the purposes of harassment of a dealer and are without merit, the commissioner may order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees. Any offending party or attorney may be adjudged guilty of contempt.

F. No permit shall be withheld, suspended, or revoked except for cause as specified in this Chapter. If a person holds more than one permit and only one is suspended or revoked, the commissioner may not suspend or revoke all of his permits.

G. Conviction by a court of competent jurisdiction of any violation of this Chapter is not a condition precedent to the refusal, suspension, or revocation of a permit under this Chapter for a violation of any of this Chapter or of administrative rule. If there has been a previous criminal prosecution for the same or similar act upon which the refusal, suspension, or revocation of a permit is being considered, evidence of an acquittal in a court of competent jurisdiction is admissible in a proceeding before the commissioner. The commissioner may withhold, suspend, or revoke permits for violations of this Chapter, regardless of any prosecution in the court or as the result of any such prosecution.

§915. Violations by employee; employer liability

R.S. 26: 915 is all proposed new law.

A. Sale of tobacco products to a minor by a retail dealer's agent, associate, employee, representative, or servant shall be considered an act of the retail dealer for purposes of suspension, revocation, or assessment of civil penalties unless all of the following conditions exist:

(1) The employer requires employees to attend a commissioner approved seller training program.

(2) The employee actually attends the training program.

(3) The employer does not directly or indirectly encourage the employee to violate the prohibited sales provisions of this Chapter.

B. The commissioner shall establish by administrative rule the minimum requirements for an approved seller training program. Upon submission of an application which establishes the course curriculum the commissioner may approve seller training programs with the minimum requirements. Training courses may be approved which are offered through private seminars or by accredited colleges or universities. The commissioner may charge an application fee in such amount as is necessary to defray the expense of processing the application.

C. The provisions of Subsection A shall not apply if a retail dealer within one hundred and eighty days from the hiring of an agent, associate, employee, representative, or servant can prove that he has made application to have the employee attend a training program or the retail dealer has received and extension of time in which to comply from the commissioner because of unavailability of a training program.

§916. Civil penalties

R.S. 26:916 is all proposed new law.

A. Notwithstanding any other provision of this Chapter to the contrary, the commissioner may, in lieu of or in addition to revocation or suspension of a permit issued under the authority of this Chapter, impose the following schedule of fines to be paid into the state treasury:

(1) For a first offense, not less than fifty dollars but not more than five hundred dollars.

(2) For a second offense, which occurs within two years of the first offense, not less than two hundred fifty dollars but not more than one thousand dollars.

(3) A third offense, which occurs within two years of the first offense, not less than five hundred dollars but not more than two thousand five hundred dollars.

B. Any fine imposed upon any registration certificate holder or permittee or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation upon any other penalty imposed by law and not contained in this Chapter.

§917. Administrative hearings

R.S. 26:917 is all proposed new law.

A. When the commissioner holds a hearing pursuant to this Chapter, he shall issue a written summons or notice to the applicant or permittee, as the case may be, directing him to show cause why his application should not be refused or why he should not be assessed a penalty or why his permit should not be suspended or revoked. The notice or summons shall state the time, place, and hour of the hearing, which shall be not less than ten nor more than thirty calendar days from the day of the notice. The notice or summons shall enumerate the cause or causes alleged for refusing the application or for assessing the penalty or suspending or revoking the permit. If a petition has been filed opposing the issuance of the permit or asking for its suspension or revocation, a copy of the petition shall accompany the notice or summons. All notices or summonses shall be sent by certified mail to the applicant, registration certificate holder, or permittee and directed to him at the address of his place of business as given in his application for the permit. When so addressed and mailed, notices or summonses shall be presumed to have been received by the applicant or permittee.

B. Hearings by the commissioner shall, in his discretion, be held either in the state capitol or in the parish in which the licensed premises in question is located.

C. Hearings may be held by the commissioner or by any person designated and authorized by the commissioner. If the hearing is to be held by a person designated by the commissioner, that person shall take an oath for the faithful performance of his duties. The oath may be administered by anyone qualified by law to administer oaths in this state. The commissioner, or the persons designated to hold a hearing, may administer oaths, issue subpoenas for the attendance of witnesses and the production of books, papers, accounts, and documents, and examine witnesses and receive testimony at the hearing. Whenever a hearing is conducted by a person designated by the commissioner to hold the hearing, the testimony received shall be reduced to writing and a transcript thereof, together with all documentary evidence, if any, and all written arguments or briefs submitted shall be made and certified by the hearing examiner to the commissioner for his consideration and decision.

D. If a person fails to comply with a subpoena issued by the commissioner or by any duly authorized person holding the hearing or if a witness refuses to testify in any matter regarding which he may be lawfully interrogated, the person conducting the hearing shall adjudge him guilty of contempt and may fine him not more than one hundred dollars or imprison him for not more than thirty days, or both. The criminal sheriff of the parish in which the hearing is held shall execute the judgment of contempt.

E. If a registration certificate holder, permittee or applicant who has been notified of a hearing does not appear, the hearing may proceed without him and the commissioner may consider and dispose of the case, but in all cases the commissioner, upon application or ex propria motu, may grant continuances from time to time. If the continuance be granted to fix a future date by written consent or in the presence of the permittee, registration certificate holder or, applicant, or his counsel, no further notice of the hearing date need be given. In all other cases the same notice of hearing as in original hearing shall be given.

F. In hearings of the commissioner which finally result in withholding the issuance of a registration certificate, permit or in suspending or revoking a permit, the commissioner shall assess the costs of the hearing to the applicant or permittee. The costs are recoverable by the commissioner in any appellate proceeding instituted by the applicant or permittee or in any other judicial proceeding where the commissioner is successful.

§918. Appeal

R.S. 26:918 is all proposed new law.

A. Decisions of the commissioner in withholding, suspending, or revoking permits are final and binding on all parties unless appealed in the manner provided by this Section and finally reversed by the courts.

B. Any party aggrieved by a decision of the commissioner to withhold, suspend, or revoke a permit may, within thirty days of the notification of the decision, take a devolutive or suspensive appeal to the district court having jurisdiction of the applicant's or permittee's place of business, proposed or actual as the case may be. Such appeals shall be filed in the district courts in the same manner as original suits are instituted therein. The appeals shall be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard. When there has been a previous criminal prosecution for the same or similar act upon which the refusal, suspension, or revocation of a permit is being considered, evidence of an acquittal, dismissal or plea of no contendre, in a court of competent jurisdiction is admissible in the trial of the appeal.

C. Within thirty calendar days of the signing of the judgment by the district court in any such appeal case, the commissioner or the applicant for a permit or permittee, as the case may be, may file a devolutive or suspensive appeal of the judgment to the appellate court of proper jurisdiction. These appeals shall be perfected in the manner provided for in civil cases and shall be devolutive or suspensive only. If the district court determines that the decision of the commissioner in withholding, suspending, or revoking the permit was in error, the decision of the commissioner shall not be voided if the commissioner takes an appeal to the court of appeals in the time provided for suspensive appeals.

D. All proceedings in the district and appellate courts arising under this Chapter are civil in nature and shall be heard summarily by the court, without a jury, shall take precedence over other civil cases, and shall be tried in chambers or in open court, in or out of term.

E. The courts of this state shall have jurisdiction to issue restraining orders and writs of injunction restraining the commissioner as provided in the constitution, but no writ or order shall issue before a decision has been made by the commissioner either withholding the application for a permit, or suspending or revoking a permit under this Chapter.

§919. Public records

R.S. 26:919 is all proposed new law.

The commissioner shall maintain a list of all wholesale and retail dealers who hold a permit in this state. Nothing contained in this Chapter shall be construed to prevent the commissioner from disclosing to any person upon request the name and address of any dealer who
holds a permit, but shall not disclose any tax information which disclosure is otherwise prohibited by law.

§920. Powers of commissioner

R.S. 26:920 is all proposed new law.

The commissioner shall only make, alter, amend, and promulgate rules and regulations as authorized by this Chapter necessary to comply with the provisions of this Chapter.

§921. Additional powers of the commissioner

R.S. 29:921 is all proposed new law.

A. The commissioner may provide by regulation for the issuance of three-day permits to sell tobacco products at fairs, festivals, civic and fraternal and religious events, Mardi Gras events, and nonprofit functions. The permits shall be for a duration of three consecutive days only and no more than twelve such permits may be issued to any one person within a single calendar year. Fees for the permits shall be as provided by regulation. The commissioner shall adopt rules and regulations in accordance with the Administrative Procedure Act to effectuate the purpose of this Section.

§922. Issuance of minimum price of cigarettes

R.S. 26:922 is all proposed new law.

In accordance with the provisions of Title 47 of the Louisiana Revised Statutes of 1950, the secretary shall issue to all bona fide Louisiana wholesale tobacco dealers and Louisiana retail dealers the minimum wholesale and retail prices within fourteen days of the manufacturer's price change. The minimum wholesale and retail cigarette price shall be computed as set forth in R.S. 51:421 through 424.

Section 3. The provisions of this Act shall in no way diminish or supersede the authority of the secretary of the Department Revenue and Taxation relative to tobacco products as contained in Title 47 of the Louisiana Revised Statutes of 1950.

Section 4. This Act changes the name of the office of alcoholic beverage control to the office of alcohol and tobacco control. The Louisiana State Law Institute is authorized and directed to make any changes in the Louisiana Revised Statutes to conform to this designation.

Section 5. This Act shall become effective on October 1, 1997. The office of alcohol and tobacco control shall promulgate rules and regulations according to this Act on or before March 1, 1998 to ensure that this Act is implemented by July 1, 1998.

On motion of Senator Jordan, the committee substitute bill was adopted and becomes Senate Bill No. 1547 by Senator Ullo, substitute for Senate Bill No. 729 by Senator Ullo.

SENATE BILL NO. 1547 (Substitute for Senate Bill 729 by Senator Ullo)—

BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 26:793(C)(1) and to enact Chapter 7 of Title 26 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 26:901 through 922, relative to tobacco products; to provide for the office of alcohol and tobacco control to issue licenses to dealers who sell or offer for sale tobacco products at wholesale, retail and through vending machines; to provide for definitions, fees, fines, rules and regulations; to change the name of the office of alcoholic beverage control to the office of alcohol and tobacco control; and to provide for related matters.

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

SENATE BILL NO. 827—

BY SENATORS HAINKEL, DARDENNE AND EWING

AN ACT

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

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

SENATE BILL NO. 832—

BY SENATORS HAINKEL, DARDENNE AND EWING

AN ACT

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

Reported with amendments 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. 832 by Senator Hainkel

AMENDMENT NO. 1
On page 1, delete line 9

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. 894—

BY SENATOR JORDAN

AN ACT

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

Reported with amendments 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. 894 by Senator Jordan

AMENDMENT NO. 1
On page 2, line 14, after "No." insert "294"

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. 960—

BY SENATOR GUIDRY

AN ACT

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

practices; and to provide for related matters.

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

SENATE BILL NO. 1009—
BY SENATORS DARDENNE, HINES AND CASANOVA
AN ACT

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

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 1009 by Senators Dardenne, et al.

AMENDMENT NO. 1
On page 6, line 1, after the quotation mark and before "Task" insert "EMS"

AMENDMENT NO. 2
On page 6, line 2, after "Force" insert a comma ","

AMENDMENT NO.3
On page 6, line 4, change "who" to "**which**"

AMENDMENT NO. 4
On page 6, line 12, change "rendered" to "**issued**"

AMENDMENT NO. 5
On page 7, line 19, change "501C" to "501c"

AMENDMENT NO. 6
On page 7, line 21, after "office" insert a comma ","

AMENDMENT NO. 7
On page 9, line 12, change "Paragraph" to "**Section**"

AMENDMENT NO. 8
On page 11, line 10, after "sector" insert a period "." and delete the remainder of the line and delete line 11 in its entirety

AMENDMENT NO. 9
On page 11, line 13, after "technician-basic" insert ", at least one of whom shall be a full-time employee of a fire department,"

AMENDMENT NO. 10
On page 14, line 9, after "restrict," insert "probate,"

AMENDMENT NO. 11
On page 14, line 16, after "past" insert "fiscal"

AMENDMENT NO. 12
On page 15, line 18, after "restrict," insert "probate,"

AMENDMENT NO. 13
On page 17, line 15, after "suspended," insert "placed in probation,"

AMENDMENT NO. 14
On page 17, line 18, delete "of D" and insert "D of"

AMENDMENT NO. 15
On page 19, line 9, delete "Aid" and insert "Knowingly aid"

AMENDMENT NO. 16
On page 20, line 3, delete "§1233" and insert "§1235"

AMENDMENT NO. 17
On page 20, line 7, delete "terms" and insert "**provisions**"

AMENDMENT NO. 18
On page 21, line 4, after "services" insert "**to an individual**"

AMENDMENT NO. 19
On page 21, line 5, after "**personnel**" insert "**or to an individual or both**"

AMENDMENT NO. 20
On page 21, line 6, after "duties" insert "**, except for acts or omissions intentionally designed to harm, or for grossly negligent acts or omissions which result in harm to the individual,**"

AMENDMENT NO. 21
On page 21, line 8, after "standing" insert a period "." and delete the remainder of the line and delete line 9 in its entirety

AMENDMENT NO. 22
On page 21, line 23, after "developed" delete "**and/or**" and insert "**or**"

AMENDMENT NO. 23
On page 22, line 1, between "no" and "civil" insert "cause for action or" and after "holder" insert "or applicant"

AMENDMENT NO. 24
On page 23, delete lines 7 and 8 in their entirety

AMENDMENT NO. 25
On page 23, line 9, change "(b)" to "(a)"

AMENDMENT NO. 26
On page 23, delete lines 12 and 13 in their entirety and insert the following:

"(b) While he is at the scene of a life threatening emergency and under a protocol that has been approved by the local parish medical society, or its designee, until voice communication with the physician is established at the earliest possible time."

AMENDMENT NO. 27
On page 24, delete lines 10 and 11 in their entirety and insert the following:

"(c) While he is at the scene of a life threatening emergency and under a protocol that has been approved by the local parish medical society, or its designee, until voice communication with the physician is established at the earliest possible time."

AMENDMENT NO. 28
On page 25, delete lines 5 and 6 in their entirety and insert the following:

"(c) While he is at the scene of a life threatening emergency and under a protocol that has been approved by the local parish medical society, or its designee, until voice communication with the physician is established at the earliest possible time."

AMENDMENT NO. 29
On page 25, at the end of line 21, delete "approved by the" and on line 22, delete "bureau"

AMENDMENT NO. 30
On page 26, line 21, change "person" to "**individual**"

AMENDMENT NO. 31
On page 28, line 8, change "**may**" to "**shall**" and before "**authorize**" insert "**may**"

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

SENATE BILL NO. 1055—
BY SENATOR CRAVINS

AN ACT

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

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

SENATE BILL NO. 1124—
BY SENATOR JONES

AN ACT

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

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Original Senate Bill No. 1124 by Senator Jones

AMENDMENT NO. 1
On page 1, line 13, after "(e)" insert "(i)"

AMENDMENT NO. 2
On page 1, line 14, change "group or class of Louisiana citizens" to "Louisiana citizen"

AMENDMENT NO. 3
On page 1, line 15, change "consumers" to "a consumer"

AMENDMENT NO. 4
On page 1, between lines 15 and 16 insert:

"(ii) The provisions of this Subparagraph shall not be construed to provide to the attorney general the right to file a class action law suit."

AMENDMENT NO. 5
On page 2, at the beginning of line 4, insert "A."

AMENDMENT NO. 6
On page 2, line 6, change "any group or class of Louisiana citizens" to " a Louisiana citizen"

AMENDMENT NO. 7
On page 2, line 7, change "buyers" to "a buyer"

AMENDMENT NO. 8
On page 2, at the bottom of the page, insert:

"B. The provisions of this Article shall not be construed to provide to the attorney general the right to file a class action law suit."

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

SENATE BILL NO. 1136—
BY SENATOR DEAN

AN ACT

To amend and reenact R.S. 18:1432(B) and to enact R.S. 18:1432(C), relative to the Louisiana Election Code, to provide for certain remedies; 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. 1136 by Senator Dean

AMENDMENT NO. 1
On page 1, line 3, after "remedies;" delete "to"

AMENDMENT NO. 2
On page 1, line 4 delete "provide for certain actions;"

AMENDMENT NO. 3

On page 1, delete lines 14 through 16 in their entirety

AMENDMENT NO. 4
On page 2, delete lines 1 through 8 in their entirety

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. 1160—
BY SENATOR DARDENNE

AN ACT

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

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

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

AN ACT

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

Reported with amendments by the Committee on Commerce and

Consumer Protection.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Original Senate Bill No. 1167 by Senator Hainkel, et al.

AMENDMENT NO. 1
On page 7, line 21, change "R.S. 40:1730.7" to "R.S. 40:1730.27"

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

SENATE BILL NO. 1242—
BY SENATOR SMITH

AN ACT

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

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Original Senate Bill No. 1242 by Senator Smith

AMENDMENT NO. 1
On page 1, line 4, after "requirements" insert a semicolon ";" and change "and" to "to provide for"

AMENDMENT NO. 2
On page 1, line 9, after "General." and before "A" insert "(1)"

AMENDMENT NO. 3

On page 1, line 10, after "or" and before "that" insert "on behalf of"

AMENDMENT NO. 4
On page 1, line 12, after "communication" delete "which contains" and insert the following:

"which does any of the following: (a) Contains"

AMENDMENT NO. 5
On page 1, at the end of line 13, delete the comma "," and insert a period "."

AMENDMENT NO. 6
On page 1, at the beginning of line 14, delete "which contains" and insert "(b) Contains"

AMENDMENT NO. 7
On page 1, line 15, after "services" delete ", which appeals" and insert ". (c) Appeals"

AMENDMENT NO. 8
On page 1, line 16, after "person" delete ", or which contains" and insert ". (d) Contains"

AMENDMENT NO. 9
On page 2, line 1, after "verifiable." and before "In" insert "(2)"

AMENDMENT NO. 10
On page 2, line 6, after ""special"." and before "All" insert "(3)"

AMENDMENT NO. 11
On page 2, line 10, after "expertise," delete the quotation marks """

AMENDMENT NO. 12
On page 2, at the end of line 11, insert quotation marks """

AMENDMENT NO. 13
On page 2, at the beginning of line 12, change "(B)" to "B."

AMENDMENT NO. 14
On page 3, line 8, after "required by" delete "this" and after "Section" change "must" to "shall"

AMENDMENT NO. 15
On page 4, line 6, after "required by" delete "this"

AMENDMENT NO. 16
On page 4, line 13, after "Solicitation." and before "A" insert "(i)"

AMENDMENT NO. 17
On page 4, line 20, after "regarding" insert "all of the following"

AMENDMENT NO. 18
On page 4, at the beginning of line 21, change "(i)" to "(aa)"

AMENDMENT NO. 19
On page 4, at the end of line 22, change the comma "," to a period "."

AMENDMENT NO. 20
On page 4, at the beginning of line 23, change "(ii)" to "(bb)"

AMENDMENT NO. 21
On page 4, at the end of line 24, delete ", and" and insert a period "."

AMENDMENT NO. 22
On page 4, at the beginning of line 25, change "(iii)" to "(cc)"

AMENDMENT NO. 23
On page 4, line 26, after "lawyer." and before "All" insert "(ii)"

AMENDMENT NO. 24
On page 5, line 2, change "Statute" to "Section"

AMENDMENT NO. 25
On page 5, at the end of line 15, delete "this"

AMENDMENT NO. 26
On page 5, line 17, change "these rules" to "this Section"

AMENDMENT NO. 27
On page 5, line 18, after "single" insert a comma ","

AMENDMENT NO. 28
On page 6, at the beginning of line 5, change "(7)" to "C."

AMENDMENT NO. 29
On page 6, at the beginning of line 13, change "(C)" to "D."

AMENDMENT NO. 30
On page 6, at the end of line 17, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 31
On page 6, at the end of line 19, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 32
On page 6, at the end of line 20, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 33

On page 6, at the end of line 22, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 34
On page 6, at the end of line 24, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 35
On page 6, at the end of line 25, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 36
On page 6, at the end of line 26, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 37
On page 6, at the end of line 27, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 38
On page 7, at the end of line 1, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 39
On page 7, at the end of line 3, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 40
On page 7, at the end of line 5, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 41
On page 7, at the end of line 6, delete "; and" and insert a period "."

AMENDMENT NO. 42
On page 7, line 13, after "of any of the" delete the remainder of the line and on line 14, delete "(m), inclusive," and insert "items provided for in Paragraph (D)(1)"

AMENDMENT NO. 43
On page 8, at the beginning of line 2, change "(D)" to "E."

AMENDMENT NO. 44
On page 8, at the end of line 5, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 45
On page 8, at the end of line 7, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 46
On page 8, at the end of line 8, delete "Louisiana"

AMENDMENT NO. 47
On page 8, at the beginning of line 9, change "Revised Statutes" to "R.S." after "37:218" insert a comma "," after "also provide" delete "that the" and insert "a" and after "statement" insert "which"

AMENDMENT NO. 48
On page 8, line 11, after "and" insert "which"

AMENDMENT NO. 49
On page 8, at the end of line 14, delete "; and" and insert a period "."

AMENDMENT NO. 50
On page 8, line 18, after "discloses" insert "all of the following"

AMENDMENT NO. 51
On page 8, at the end of line 21, delete "; and" and insert a period "."

AMENDMENT NO. 52
On page 8, line 22, change "If" to "That"

AMENDMENT NO. 53
On page 8, line 23, after "rate is" change "state" to "stated"

AMENDMENT NO. 54
On page 9, line 16, change "(E)" to "F." after "Services." insert "(1)" and change "rule" to "Section"

AMENDMENT NO. 55
On page 9, line 18, change "(1)" to "(a)"

AMENDMENT NO. 56
On page 9, line 20, change "(2)" to "(b)"

AMENDMENT NO. 57
On page 9, line 23, change "(3)" to "(c)"

AMENDMENT NO. 58
On page 9, line 25, change "(4)" to "(d)"

AMENDMENT NO. 59
On page 9, line 26, change "(5)" to "(e)"

AMENDMENT NO. 60
On page 9, line 27, change "(6)" to "(f)"

AMENDMENT NO. 61
On page 10, line 1, change "(7)" to "(g)"

AMENDMENT NO. 62
On page 10, line 2, change "(8)" to "(h)"

AMENDMENT NO. 63
On page 10, line 3, change "(9)" to "(i)"

AMENDMENT NO. 64
On page 10, line 4, change "(10)" to "(j)"

AMENDMENT NO. 65
On page 10, line 5, change "(11)" to "(k)"

AMENDMENT NO. 66
On page 10, line 6, change "(12)" to "(l)"

AMENDMENT NO. 67
On page 10, at the beginning of line 7, insert "(2)" and after "Association" insert a comma ","

AMENDMENT NO. 68
On page 10, line 8, after "Court" insert a comma "," and delete "as"

AMENDMENT NO. 69
On page 10, line 13, change "(1) The" to "(a) Whether the" and after "would" delete "not"

AMENDMENT NO. 70
On page 10, line 14, after "or" change "by" to "would be" and at the end of the line delete the semicolon ";" and insert a period "."

AMENDMENT NO. 71
On page 10, line 15, change "(2) Substantially" to "(b) Whether substantially"

AMENDMENT NO. 72
On page 10, at the end of line 17, delete the semi colon ";" and insert a period "."

AMENDMENT NO. 73
On page 10, line 18, change "(3) The" to "(c) Whether the"

AMENDMENT NO. 74
On page 10, at the end of line 20, delete "; and" and insert a period "."

AMENDMENT NO. 75
On page 10, line 21, change "(4) Competent" to "(d) Whether competent"

AMENDMENT NO. 76
On page 10, at the beginning of line 24, change "(F)" to "G."

AMENDMENT NO. 77
On page 10, line 26, after "communication" change "must" to "shall"

AMENDMENT NO. 78
On page 11, at the beginning of line 3, change "(G)" to "H."

AMENDMENT NO. 79
On page 11, at the beginning of line 7, change "(E)" to "(F)"

AMENDMENT NO. 80
On page 11, at the beginning of line 10, change "(H)" to "I."

AMENDMENT NO. 81
On page 11, at the beginning of line 16, change "(I)" to "J." and change "rule does" to "Section shall"

AMENDMENT NO. 82
On page 11, line 17, after "name" insert "in the following"

AMENDMENT NO. 84
On page 11, line 18, delete "In political" and insert "Political"

AMENDMENT NO. 85
On page 11, at the end of line 19, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 86
On page 11, line 20, delete "In public" and insert "Public"

AMENDMENT NO. 87
On page 11, at the end of line 22, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 88
On page 11, line 23, delete "In routine" and insert "Routine"

AMENDMENT NO. 89
On page 11, at the end of line 25, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 90
On page 11, at the end of line 26, delete the semicolon ";" and insert a period "."

AMENDMENT NO. 91
On page 12, at the end of line 1, delete "; and" and insert a period "."

AMENDMENT NO. 92
On page 12, line 2, delete "In communications" and insert "Communications"

AMENDMENT NO. 93
On page 12, at the beginning of line 5, change "(J)" to "K."

AMENDMENT NO. 94
On page 12, at the beginning of line 11, change "(K)" to "L."

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

SENATE BILL NO. 1322—
BY SENATOR JONES

AN ACT

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

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

SENATE BILL NO. 1323—
BY SENATOR EWING

AN ACT

To enact Part VIII-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:300 through 302, relative to access to public data bases; to provide for the public policy of the state; to provide for access to data bases for individuals who are visually impaired; to provide for the purchase of technology that facilitates access to data; to provide for a technology access advisory council; and to provide for related matters.

Reported with amendments 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. 1323 by Senator Ewing

AMENDMENT NO. 1
On page 4, at the end of line 19, delete "this purpose" and insert "information technology purchases"

AMENDMENT NO. 2
On page 5, at the end of line 5, after "impaired" insert "and one such member shall be a representative of the Louisiana Assistive Technology Access Network"

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. 1348—
BY SENATORS HAINKEL, DARDENNE AND EWING

AN ACT

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

Reported with amendments 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. 1348 by Senator Hainkel

AMENDMENT NO. 1
On page 1, between lines 9 and 10, insert:

"The following general provisions shall apply to all procurements under this Part:"

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. 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.

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. 1351 by Senator Hines

AMENDMENT NO. 1
On page 1, line 2, delete "5" and insert "4"

AMENDMENT NO. 2
On page 1, line 3, between "of" and "earnings" insert "certain"

AMENDMENT NO. 3
On page 1, line 6, delete "5" and insert "4"

AMENDMENT NO. 4
On page 1, line 7, delete "5" and insert "4"

AMENDMENT NO. 5
On page 1, line 9, delete "In" and insert "If a recipient earns one thousand five hundred dollars of gross income per month or less, in"

AMENDMENT NO. 6
On page 1, line 16, change "two year" to "two-year"

AMENDMENT NO. 7
On page 2, line 7, change "responsibility" to "Responsibility"

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

SENATE BILL NO. 1364—
BY SENATOR BAJOIE

AN ACT

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

Reported 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. 1364 by Senator Bajoie

AMENDMENT NO. 1
On page 2, line 1, between "Services" and "federal" delete "shall, with" and insert "to the extent permissible from"

AMENDMENT NO. 2
On page 2, line 3, after ""TANF")" change "or" to "and"

AMENDMENT NO. 3
On page 2, line 6, after "teenagers" insert a period "." and delete the remainder of the line and delete line 7 in its entirety

AMENDMENT NO. 4
On page 2, at the end of line 8, insert "the following"

AMENDMENT NO. 5
On page 2, line 11, delete ". This" and insert a colon ":"

AMENDMENT NO. 6
On page 2, delete line 12 in its entirety

AMENDMENT NO. 7
On page 2, line 13, change "courses" to "Courses" and insert a period "." at the end of the line

AMENDMENT NO. 8
On page 2, line 14, change "adult" to "Adult" and insert a period "." at the end of the line

AMENDMENT NO. 9
On page 2, line 15, change "vocational-technical" to "Vocational-technical" and after "training" insert a period "." and delete the remainder of the line and delete line 16 in its entirety

AMENDMENT NO. 10
On page 2, delete lines 17 through 27 in their entirety

AMENDMENT NO. 11
On page 3, delete lines 1 through 25 in their entirety and insert the following:

"D. The department shall report to the Senate and House committees on health and welfare on or before August 15, 1997, and quarterly thereafter, regarding implementation of the provisions of this Section and to what extent the investment level shall be reached for the fiscal year.

E. (1) The provisions of this Section shall apply only to the extent permissible from federal TANF funds and uncommitted maintenance of effort funds the state is required to spend under TANF.

(2) The provisions of this Section shall also apply only to the extent that TANF and maintenance of effort funds are available and uncommitted for expenditure for other purposes by the department or by the legislature.

(3) Funds that have been received from the federal government shall be considered available and uncommitted provided the requisite approval for the expenditure of such funds under the provisions of R.S. 39:131, et seq. has not been obtained.

F. Nothing in this Section shall prohibit the legislature from appropriating state funds for the educational activities defined in this Section."

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. 1385—
BY SENATOR HINES

AN ACT

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

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

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

AN ACT

To enact R.S. 42:66(M), relative to dual officeholding; to provide that a police officer or deputy sheriff may hold the elected position of ward constable or city marshal; 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. 1400 by Senator Greene

AMENDMENT NO. 1
On page 1, delete lines 3 and 4 and insert "police officer or deputy sheriff may hold the elected position of ward constable or city marshal; and to"

AMENDMENT NO. 2
On page 1, line 11 delete "deputy" and delete lines 12 and 13 in their entirety and insert "police officer or deputy sheriff from holding the elected position of ward constable or city marshal."

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. 1427—
BY SENATOR GUIDRY (BY REQUEST)
AN ACT
To amend and reenact Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:381 through R.S. 40:521, relative to housing; to provide for the public policy of the state with regard to decent residential housing; to provide that all citizens of the state have access to safe and sanitary housing facilities for rent or sale; and to provide for related matters.

Reported by substitute by the Committee on Commerce and Consumer Protection. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (SUBSTITUTE FOR SENATE BILL NO. 1427 BY SENATOR GUIDRY)

BY SENATOR GUIDRY

HOUSING. Revises the Louisiana Housing Agencies Law.
AN ACT
To amend and reenact Parts I, II, and III of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:381 through R.S. 40:580.9, relative to housing; to provide for the public policy of the state with regard to residential housing; to provide that all citizens of the state have access to safe and sanitary housing facilities for rent or purchase; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Parts I, II, and III of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:381 through 580.9, is hereby amended and reenacted to read as follows:
PART I. HOUSING ~~AUTHORITIES~~ **AGENCIES** LAW
SUBPART A. PURPOSE, FORMATIONS, EXEMPTIONS
§381. Title
This Part may be known and referred to as the "**Louisiana** Housing ~~Authorities~~ **Agencies** Law."
§382. Findings and purposes
Substantial rewording of Section. See R.S. 40:381.1 for present text.
The legislature hereby finds, determines, and declares that:
(1) There exists within this state a shortage of residential housing that is decent, safe, and sanitary, situated in safe, livable neighborhoods, and affordable to persons of low and moderate income.
(2) Many persons and families throughout this state occupy inadequate, overcrowded, unsafe, or unsanitary residential housing because they are unable to locate and secure suitable housing at a price that they can reasonably afford. This circumstance has resulted in undue concentrations of impoverished populations in certain areas, increased rates of crime, deterioration in human health, and other family and social dysfunctions, thereby seriously and adversely affecting the public health, safety and welfare of persons residing in this state.
(3) In addition to the lack of suitable, affordable housing, there persists in numerous areas of this state conditions of economic distress, accompanied by physical deterioration of public facilities and the commercial and residential infrastructure.
(4) It is the goal and policy of this state that all its residents shall have access to decent, safe, sanitary, and affordable housing in safe and livable neighborhoods and it is the policy of this state to assure the availability, for rental or sale, of decent, safe, and sanitary housing that is affordable to all persons residing in this state.
(5) It is further the goal and policy of this state that, to the maximum extent feasible, persons and families benefiting from activities authorized under this Chapter be encouraged to become economically self-sufficient.
(6) Achieving permanent improvement in the living standards of persons of low and moderate income may require, in addition to providing enhanced housing opportunities, the delivery of social, education, and other supportive services and the operation of programs to develop self-sufficiency and to provide economic and employment opportunities and other benefits for persons assisted under this Chapter.
(7) Persons of low and moderate income possess inadequate access to sources of equity and financing for the purchase and ownership of housing at rates and upon terms reasonably affordable to such persons.
(8) The adverse conditions described above cannot be remedied, nor can the above stated goals and policies be successfully carried out, through the ordinary functioning of private enterprise alone. These objectives may be attainable, however, by diligent efforts of public agencies acting both alone and cooperatively with private sector entities and enterprises. The actions of public agencies so taken are, therefore, not competitive with private enterprise.
(9) The clearance, replanning, and reconstruction of areas in which housing is unsafe or unsanitary or in which neighborhoods are unsafe or unlivable; the provision of decent, safe, and sanitary housing that is affordable to persons of low and moderate income, including the development, leasing, or sale thereof, and the provision of supportive services and programs benefiting persons and families receiving housing assistance under this Chapter are public uses and purposes and essential governmental functions for which public funds may be spent and private property acquired. The character of any expenditures of public funds contemplated under this Chapter, as necessary and proper public expenditures for essential government functions, is not altered because such expenditures may be made to, or in connection with, the activities of private sector entities or enterprises, whether nonprofit or for profit in nature.
(10) The amount of funding for decent, safe, and sanitary housing that is affordable to persons of low and moderate income and for associated services to benefit such persons has not kept pace either with the growing demand for such housing and services or with the needs of local housing agencies to operate and maintain their facilities and programs. Since local housing agencies have not possessed the power to tax, it is necessary to ensure other adequate funding sources for their activities. Accordingly, this state must provide to its local housing agencies sufficient power to adequately address the housing needs of persons of low and moderate income within this state, and to operate related programs, with funding derived from public and private sources as well as the federal government.
(11) The purposes of this Chapter will best be carried out by affording to local housing agencies of this state the maximum amount of flexibility, responsibility, and discretion. Therefore, in carrying out the purposes of this Chapter, such agencies shall be presumed to possess broad powers and legal prerogatives which will enable them to carry out their purposes in any manner not prohibited by law.
(12) Improved sources of financing must be made available

to local housing agencies, and by local housing agencies to the private sector of the economy, to enable such agencies and private enterprise to increase the production of new housing, and to conserve and preserve the supply of existing housing, that is affordable for rental or sale to persons of low and moderate income.

(13) This state and its public agencies should be involved to a significant degree in the provision of decent, safe, and sanitary, affordable housing within safe, livable neighborhoods for its residents. It is the policy of this state to cooperate and to encourage all of its public agencies to cooperate with local housing agencies in order to facilitate, to the maximum extend feasible, the planning, development, and operation of decent, safe, and sanitary housing that is affordable to persons of low and moderate income.

(14) Adverse social conditions and crime problems, including drug-related crime problems, exist within this state and in some local housing agency developments. All practicable steps should be taken to mitigate adverse social conditions and to lessen the effects of drug and crime problems on residents of local housing agency developments. Local housing agencies should possess the maximum power and authority to establish and implement policies, and to take all actions they deem appropriate, to mitigate adverse social conditions, and to eliminate drug and crime problems in their developments.

(15) While it is the goal of this state to provide access to decent, safe, sanitary, and affordable housing to all of its residents, the benefits of this Chapter are not a matter of right, but of privilege, and persons accepting assistance under this Chapter shall, by such acceptance thereof, recognize their responsibilities to the local housing agencies providing such assistance and to other persons living in their vicinity. Accordingly, local housing agencies shall be permitted to impose and enforce occupancy standards and requirements that are typical of those applicable in private dwellings.

§383. Purposes

R.S. 40:383 is all proposed new law.

The purposes of this Chapter are:

(1) To remedy the shortage of decent, safe, and sanitary housing affordable to persons of low and moderate income, to provide opportunities to secure such housing to all such persons, to preserve existing supplies of such housing, and to create, administer, and operate programs to increase and maintain access to decent, safe, and sanitary rental housing and home ownership, upon terms affordable to such persons.

(2) To encourage the development, redevelopment, rehabilitation, and preservation of safe, livable neighborhoods containing housing that is affordable to persons of low and moderate income, including mixed-use and mixed-income developments, and to reduce where feasible high residential concentrations of impoverished persons.

(3) In connection with the provision of affordable housing and related activities authorized under this Chapter, to eliminate or ameliorate conditions of blight and physical deterioration in public facilities and the commercial and residential infrastructure.

(4) To provide housing, rental, and other assistance to persons of low and moderate income, and assistance to properties and entities, in accordance with this Chapter, and, subject to standards and procedures adopted by the local housing agency, to authorize the provision by local housing agencies of supportive services and programs of every kind and description to advance the social, educational, and economic well-being and the economic and social self-sufficiency, of persons receiving housing assistance under this Chapter, so as to create wholesome living environments, eliminate long-term poverty, encourage gainful employment, develop social and economic self-sufficiency, including living independently of housing assistance, and enhance personal responsibility on the part of such persons.

(5) To increase intergovernmental cooperation and the use of consortia and intergovernmental partnerships for the development of affordable housing and suitable neighborhoods.

(6) To encourage the use of entrepreneurial methods and approaches and to stimulate and increase private sector initiatives and joint public-private sector initiatives by local housing agencies in carrying out the purposes and provisions of this Chapter.

(7) To increase the availability, from both public and private sector sources, of financing for the purchase of dwellings, and the financing for home improvements, repairs, and rehabilitation, at rates and upon terms that are affordable to persons of low or moderate income; further, to increase the availability of sources of equity and other financing for the development and operation by local housing agencies and private sector entities of decent, safe, and sanitary rental housing that is affordable to persons of low and moderate income.

(8) In carrying out the foregoing purposes, to vest in local housing agencies the maximum feasible responsibility, authority, and discretion, and, except where clearly prohibited by applicable law, such agencies shall also possess the powers and legal prerogatives of private sector entities.

§384. Definitions

Substantial rewording of Section. See R.S. 40:382 for present text.

The following terms, wherever used or referred to in this Part, have the following respective meanings, unless otherwise provided in this Part or unless a different meaning clearly appears from the content:

(1) "Affiliate" means any corporation, entity, partnership, venture, syndicate, or arrangement in which a local housing agency has an ownership or governance interest of less than a majority.

(2) "Affordable housing" means dwelling units that may be rented or purchased, as the case may be, by persons of eligible income as defined herein with or without government assistance.

(3) "Arrangement" means a legal relationship with another party that may include, but shall not be limited to, a general or limited partnership; joint venture; syndicate or syndication; corporation; limited liability cooperative; corporation or partnership; an unincorporated association; a cooperative; a consortium; and all other structures, organizations, and forms of legal relationships with third parties.

(4) "Area of operation" means the geographical area within which a local housing agency may own or operate housing developments as more particularly set forth in R.S. 40:396.

(5) "Municipality" means and includes any political subdivision of this state known as a city, town, or village which is an incorporated unit of general local government.

(6) "Parish" means and includes any political subdivision of this state known as a parish, which is a unit of general local government.

(7) "Commissioner" means a person serving on the governing board of a local housing agency, including any person identified under prior law as a "member" of a housing authority.

(8) "Community facility" means real and personal property suitable for recreational, educational, health, or welfare purposes, including, but not limited to, buildings, equipment, and parks and other spaces, or structures.

(9) "Development" or "housing development" means and includes all dwellings and associated appurtenances, including real and personal property, and all other facilities and improvements of every kind and description, which a local housing agency may own or operate or in which it may hold an interest under this Chapter, all land upon which such dwellings, appurtenances, and facilities are situated; all work and activities undertaken by a local housing agency or others relating to the creation of such property; all tangible and intangible personal property relating thereto, including all leases, licenses, agreements, and other instruments and all rights and obligations arising thereunder, establishing or confirming ownership, title, or right of use or possession in or to any such property by a local housing agency, all as more particularly described and authorized in this Chapter.

(10) "Establishing a housing agency" means taking all actions required under R.S. 40:392 or 411 to be taken by the governing body of a municipality or parish, or in the case of a regional or consolidated housing agency by the governing bodies of all political subdivisions participating therein, for a housing

agency to conduct business and to exercise its powers. In the case of a housing agency, or housing authority, existing on August 15, 1997, "established" means that such agency has been authorized to conduct business and exercise its powers in accordance with prior law.

(11) "Family" means a single person or a number of persons that may, but need not, include children, that a local housing agency accepts for occupancy of a dwelling or to which such agency offers or provides other assistance, as particularly defined in the eligibility and occupancy standards adopted by the agency.

(12) "Guest" means any person, not a resident of such development, who is present within a development, or any person, not a resident in such dwelling, who is present within a dwelling in a development, as an invitee of or otherwise with the acquiescence or consent of a resident of such development or dwelling, as the case may be.

(13) "Hold an interest" means ownership or control of, or participation in an arrangement with respect to, a development by a local housing agency or any affiliate thereof.

(14) "Household" means a family as defined in R.S. 40:384(11).

(15) "Housing agency" or "agency" means and includes both a local housing agency established pursuant to R.S. 40:391 or 392 and a regional or consolidated housing agency established pursuant to R.S. 40:411. Reference in any prior or other law to "housing authority" shall be deemed to refer to housing agency. Wherever the context requires or permits, this term shall be deemed to include a subsidiary of a housing agency.

(16) "Local housing agency" or "agency" means a public body, corporate and politic, previously established, or to be established, by a municipality or a parish pursuant to the authority provided in this Chapter, exercising necessary and essential governmental functions for the purposes stated in this Chapter in matters of state-wide concern, although its operations are local in nature. It is a political subdivision of this state, independent from the municipality or parish which established or establishes it or which may appoint some or all of its commissioners. Any reference in this Chapter to a local housing agency shall also be deemed to include a "housing agency" or a "regional or consolidated housing agency" unless the context clearly otherwise requires. "Local housing agency" also includes any housing authority established under prior law.

(17) "Mixed finance development" means a development that is financed both by funding derived from the private sector and funding provided by the federal government that is permitted to be used for the development of affordable housing.

(18) "Mixed income development" means a housing development intended to be, and which in fact is occupied both by persons of eligible income and by persons other than those of eligible income.

(19) "Mixed use development" means a development that includes both residential and non-residential uses.

(20) "Person" shall include a family and, where the context so requires, a household.

(21) "Persons of eligible income" mean:

(a) With respect to state or federally funded activities or developments, individuals or families who meet the applicable income requirements of the state or federal program involved, if any such state or federal income requirements are applicable, and, if none are so applicable, then individuals or families who meet the requirements of R.S. 40:384(21)(b).

(b) With respect to activities and developments other than those to which R.S. 40:386(21)(a) is applicable, individuals or families who, in the determination of the local housing agency, lack sufficient income or assets, taking into account all resources available to such individuals or families from whatever source derived or reasonably derivable, to enable them, without undue hardship or governmental financial assistance, to purchase or rent, as the case may be, decent, safe, and sanitary dwellings of adequate size.

(c) Whenever any provision of Part I, II, or III of this Chapter refers to persons of eligible income with specific reference to R.S. 40:384(21)(c), "persons of eligible income" includes not only the persons described in R.S. 40:384(21)(b), but also individuals and families whose income does not exceed one hundred and fifty percent of the maximum income standard applicable under R.S. 40:384(21)(b).

(22) "Public agency" means and includes:

(a) Any parish; municipality; school, drainage, tax improvement or other district; local housing agency; department, division, or political subdivision of this state or another state; housing agency, housing finance agency, or housing trust of this state or another state; and any other agency, bureau, office, authority, or instrumentality of this state or another state.

(b) Any board, agency, commission, division, or other instrumentality of a municipality or parish.

(c) Any board, commission, agency, department, or other instrumentality of the United States, or any political subdivision or governmental unit of any of them.

(23) "Regional housing agency" or "consolidated housing agency," as the case may be, means a public body, corporate and politic, and a governmental subdivision of this state, formed by two or more parishes pursuant to the authority provided in R.S. 40:411(A), or by two or more cities pursuant to the authority in R.S. 40:411(B), exercising necessary and essential governmental functions for the purposes stated in this Chapter in matters of state-wide concern, although its operations are local or regional in nature. It is a political subdivision of this state, independent from political subdivisions of this state which established it or which may appoint some or all of its commissioners.

(24) "Representative" means a commissioner, officer, employee, or agent of a local housing agency.

(25) "Resident" means a person residing in a development of a housing agency, with the consent of such agency, according to its policies, rules, and procedures.

(26) "State" means the state of Louisiana and its duly constituted government.

(27) "Subsidiary" means any corporation, entity, partnership, venture, syndicate, or arrangements in which a local housing agency shall participate by holding an ownership interest or participating in its governance, in which commissioners, officers, employees, and agents of such agency constitute a majority of the government body of such entity.

§385. Benefits not a right

R.S. 40:385 is all proposed new law.

No person shall have any claim or entitlement to enjoyment of any benefit conferred by this Chapter, including, but not limited to, any tenancy in any development, as a matter of right. All benefits conferred shall be pursuant to the conditions and qualifications established by this Chapter and by the rules and regulations of the local housing agency administering it. Further, the benefits of this Chapter are necessarily limited by the resources available to each local housing agency of this state. Consequently, all persons who might otherwise be eligible may not receive a benefit. Further, those receiving benefits may receive the same only on a temporary basis or for a limited period of time.

SUBPART ~~A.~~**B.** GENERAL PROVISIONS;
~~CITY~~ **MUNICIPAL** AND PARISH
HOUSING ~~AUTHORITIES~~ **AGENCIES**

§391. Establishment of local housing agencies

Substantial rewording of Section. See R.S. 40:391 for present text.

A. Any local housing agency established under any prior law relating to housing authorities or local housing agencies and in existence on August 15, 1997 shall have continued existence under this Chapter, shall have all the powers conferred by this Chapter and existing under law immediately prior to the enactment thereof, and shall continue to own its property and conduct its operations consistent with this Chapter.

B. All commissioners of such agency and all officers, legal counsel, technical experts, directors, and other appointees or employee of such agency holding office or employment by virtue of any such prior law on August 15, 1997 shall be deemed to have

been appointed or employed under this Chapter.

§392. Establishment of agencies

Substantial rewording of Section. See R.S. 40:392 for present text.

In each municipality and parish of this state, which has not previously established such an agency, there is hereby created a local housing agency. However, such agency shall not be deemed to be established under this Chapter, nor shall it be authorized to conduct any business or exercise any of its powers, unless and until the governing body of the municipality or parish declares by resolution that a need exists for such a local housing agency to function in such municipality or parish and finds that there exists a shortage of decent, safe, and sanitary dwelling accommodations in such municipality or parish that are available and affordable to all residents regardless of income.

§393. Resolution of governing body.

Substantial rewording of Section. See R.S. 40:393 for present text.

In order for a municipality or parish to establish a local housing agency which may conduct business and exercise its powers, the governing body of such municipality or parish desiring to establish such agency shall adopt a resolution declaring, in substance, that there is a need for a local housing agency in said municipality or parish because there exists a shortage of decent, safe, and sanitary housing in the municipality or parish that is affordable to all residents thereof, regardless of income. No further action or findings shall be necessary. Upon the adoption of the resolution, the local housing agency shall be established and shall have perpetual existence, unless dissolved in accordance with law.

§394. Adoption of a legal name

Substantial rewording of Section. See R.S. 40:391 for present text.

Each local housing agency established pursuant to this Chapter, within or together with the resolution required under R.S. 40:393, shall adopt a name for all legal and operating purposes. The name so adopted shall include a reference to the geographic locus of the agency and such other name or identifier as the governing body established in the agency shall determine. A local housing agency established under prior law may adopt a name consistent with the foregoing requirements by resolution adopted by at least two-thirds of such agency's entire board of commissioners and approved by the governing body of the municipality or parish establishing such agency.

§395. Evidence of establishment of local housing agency

Substantial rewording of Section. See R.S. 40:399 for present text.

A copy of the resolution establishing a local housing agency, duly certified, shall, in any circumstance in which such evidence may be required, serve as conclusive evidence that such agency has been properly established and is authorized to transact business and exercise its powers under this Chapter.

§396. Area of operation of local housing agency established by municipality

Substantial rewording of Section. See R.S. 40:398 for present text.

In the case of a local housing agency established by a municipality, the agency's area of operation shall be the municipality and the area within ten miles from the territorial boundaries thereof. Depending upon the geographical location of the municipality, such area of operation may include portions of one or more parishes. It may also include areas lying within the territorial boundaries of cities outside the municipality establishing the local housing agency. In order to resolve territorial conflicts, the following rules shall apply:

(1) In the case of the local housing agency's home parish, it may operate outside of the area described in this Section in the unincorporated areas of the home parish without the need for the parish's consent unless the home parish has established its own local housing agency. If the home parish has established a local housing agency, then the municipality's local housing agency may so operate outside the area described in this Section above only with the consent of the governing body of the parish.

(2) In the case of incorporated areas of the home parish, the local housing agency may only operate within the territorial boundaries thereof by consent of such other municipality and its local housing agency, if any.

(3) In the case of unincorporated portions of parishes other than the local housing agency's home parish, it may operate only with the consent of the governing body of the parish, regardless of whether the other parish has established a local housing agency.

(4) In the case of incorporated areas within other parishes, it may operate only with the consent of the governing body of any municipality incorporating such areas, and, if the other municipality has also established its own local housing agency, also with the consent of the other local housing agency.

(5) Notwithstanding any other provision of this Section, a local housing agency may, subject to the limitations stated in R.S. 40:449, provide rental assistance to persons residing outside the agency's area of operation as defined in this Section.

(6) For purposes of this Section, "home parish" means the parish in which the municipality establishing the local housing agency is situated.

§397. Local housing agencies established by parish

Substantial rewording of Section, See R.S. 40:398 for present text.

In the case of a local housing agency established by a parish, the agency's area of operation shall be all of the parish except that portion which lies within the territorial boundaries of any municipality in which a local housing agency has been established.

§398. Concurrent jurisdiction

R.S. 40:398 is all proposed new law.

Whether due to changes in the boundaries of municipalities or parishes which have established local housing agencies, or the establishment of new local housing agencies, or for any other reason, territories may exist that include the area of operation of two or more local housing agencies. Such areas shall be areas of concurrent jurisdiction. No local housing agency whose area of operation shall include an area of concurrent jurisdiction shall construct, acquire, or develop any new housing development within the area of concurrent jurisdiction except upon sixty days prior written notice to all other local housing agencies existing within the area of concurrent jurisdiction. The notice shall specify the location, size, and general nature of the proposed new development. Any local housing agency receiving the notice shall have thirty days to send written objections thereto to the local housing agency sending the notice and proposing said new development. If written objections are timely made, the local housing agency proposing the new development shall not proceed unless and until both agencies shall have made a good faith effort to resolve their differences and, failing such resolution, the proposing local housing agency shall submit the matter to the governing body of the municipality or parish in which said proposed new development is planned to be located. The governing body, after allowing both local housing agencies to be heard, shall decide whether said new development shall be constructed, acquired, or developed by the local housing agency proposing such action.

§399. Continuation of operations after commenced

R.S. 40:399 is all proposed new law.

Any housing development established by a housing agency pursuant to law shall continue to be maintained and operated by the housing agency so establishing the development or its designee, unless the development is conveyed to another housing agency or to a municipality, parish, or other public agency or is otherwise disposed of in accordance with law.

§400. Cooperative jurisdiction

Substantial rewording of Section. See R.S. 40:457 and 458 for present text.

Notwithstanding the area of operation as defined herein, all local housing agencies may cooperate and contract with all other local housing agencies and other public agencies within this state and any public agencies of any other state, with the federal government, and with any person, or entity, public or private, and wherever located, in order to carry out the purposes of this Chapter. Such cooperation may include, but shall not be limited to, activities and operations conducted with the agreement of any public agency. Therefore, the area of operation of a local housing agency shall be deemed to include any other area or areas within

any municipality or parish, regardless of location, with respect to which the municipality or parish within whose boundaries the such area or areas lie agrees to allow the local housing agency to operate.

§401. Vesting of agency powers in commissioners, voting

Substantial rewording of Section. See R.S. 40:494 for present text.

The powers of each local housing agency shall be vested in its commissioners in office from time to time. A majority of the commissioners shall constitute a quorum of the agency for the purpose of conducting its business and exercising its power and for all other purposes. Except for any matter with respect to which the resolution creating the agency or its bylaws requires a higher number or proportion of votes, action may be taken by the agency upon the vote of a majority of the commissioners present and voting.

§402. Executive committees

R.S. 40:402 is all proposed new law.

Housing agencies that have nine or more commissioners may, by resolution or by law, establish an executive committee of at least five commissioners. The committee shall have such powers over the management or operation of such housing agency as the commissioners of such agency shall specify and declare in the resolution establishing the executive committee.

§403. Responsibility for debts or liabilities of local housing agencies

R.S. 40:403 is all proposed new law.

Except to the extent the municipality or parish may expressly elect to undertake such liability, neither any municipality or parish with respect to which a local housing agency is established, nor any municipality or parish participating in a regional housing agency, nor the state, nor any other public agency of this state shall be responsible for the debts or liabilities of any local housing agency or regional housing agency.

§404. Tax exemptions, payment in lieu of taxes

Substantial rewording of Section. See R.S. 40:505 for present text.

A. The real and personal property of a local housing agency and any subsidiary thereof and their use of any property, shall be exempt from all taxes and special assessments of any municipality or parish, the state, or any public agency thereof, including without limitation any special taxing district or similar political subdivision. Property owned jointly by a housing agency or its subsidiaries with other nongovernmental persons or entities, shall be exempt from such taxes and assessments to the extent of the ownership interest which the housing agency and its subsidiaries hold in the property. However, nothing herein shall be deemed to preclude the enactment of legislation extending an exemption from such taxation or assessment of property owned by nongovernmental persons and entities as an inducement to form, operate or otherwise participate as affiliates, pursuant to R.S. 40:431(C)(10).

B. A housing agency and any subsidiary thereof shall further be exempt from all sales taxes, use taxes, and other levies relating to the transfer, sale or use of goods and services, and all transfer and excise taxes imposed by any municipality or parish, the state, or any public agency thereof.

C. A housing agency and its subsidiaries may agree to make payments in lieu of all taxes, levies, and special assessments, to the municipality, parish, or other public agency of the state in which a development of such housing agency or its subsidiaries is wholly or partly located, for improvements, services and facilities by such municipality, parish, or public agency; provided that:

(1) Nothing contained in this Chapter shall be deemed to require such agreement by a local housing agency.

(2) In no event shall the amounts payable by the housing agency and its subsidiaries exceed the amounts which, except for the exemption provided in this Section, would otherwise be payable under regular taxes and special assessments for similar properties referred to in R.S. 40:404(A).

§405. Exemptions from levy and execution

Substantial rewording of Section. See R.S. 40:503 for present text.

Except to the extent such local housing agency or its subsidiaries may otherwise expressly agree, all real and personal property of a local housing agency and its subsidiaries shall be exempt from execution, levy, and sale for the payment of debt or otherwise pursuant to any judicial or other process.

§406. Exemptions from certain laws

Substantial rewording of Section. See R.S. 40:492 for present text.

A. All representatives of a local housing agency, acting within the scope of carrying out the business and conducting the affairs of a local housing agency, shall be exempt from all licensing requirements imposed by any law with respect to the sale, rental, or management of real property or the improvement or development thereof, including requirements imposing any fee or charge.

B. The following provisions of law, and any regulations relating thereto, shall not apply to a local housing agency unless the legislation imposing such requirements is expressly and specifically applicable to local housing agencies or the local housing agency expressly elects to be governed by such legislation or regulations.

(1) The Administrative Procedure Act.

(2) Any law, ordinance, or regulation governing or otherwise applicable to the procurement of goods and services, or to the acquisition, operation, or disposition of property, by public agencies of this state, including any requirements for delivery of payment or performance bonds by contractors.

C. The public bid law shall not apply to any local housing agency awarding a contract for a housing development owned or operated by the agency in excess of fifty thousand dollars which is targeted for awarding to a resident of the development.

SUBPART ~~B.~~**C.** GENERAL PROVISIONS; REGIONAL AND CONSOLIDATED ~~AUTHORITIES~~ **AGENCIES**

§411. Creation

A. If the governing body of each of two or more parishes in the same general geographical location, regardless of their population, declares by resolution that there is a need for one regional housing ~~authority~~ **agency** for both or all of such parishes, a public body corporate and politic known as a regional housing ~~authority~~ **agency** shall thereupon exist and exercise its powers and perform its functions in such parishes.

B. If the governing body of each of two or more municipalities, whether or not in the same general geographical location, declares by resolution that there is a need for one consolidated housing ~~authority~~ **agency** shall thereupon exist and exercise its powers and perform its functions within its area of operation.

C. Regional and consolidated housing ~~authorities~~ **agencies** may select appropriate corporate names for themselves.

§412. Area of operation

Substantial rewording of Section. See R.S. 40:412 for present text.

In the case of a regional housing agency, the agency's area of operation shall be an area equivalent to the total areas of operation which the local housing agencies, if created separately by political subdivisions establishing the regional housing agency, would have, when aggregated. The area of operation of a regional housing agency shall not include any area which lies within the territorial boundaries of any municipality or parish in which a local housing agency has been established and which municipality or parish is not a participant in said regional agency. However, the local housing agency of the municipality or parish and the governing body of the municipality or parish may consent to the operation of one or more developments by said regional housing agency within the municipality's or parish's territorial boundaries. In the case of a consolidated housing agency, the agency's area of operation consists of all of the territory within the boundaries of each municipality joining in its creation together with, the territory within one mile of the boundaries of each municipality.

§413. Increasing area of operation

The area of operation of a regional or consolidated housing ~~authority~~ **agency** shall be increased from time to time to include one or more additional parishes or municipalities not already within a regional or consolidated housing ~~authority~~ **agency** and, in the case of parishes, in the same general geographical location, if the governing body of each of the parishes or municipalities then

included in the area of operation of the regional or consolidate housing ~~authority~~ **agency**, the commissioners of the ~~authority~~ **agency**, and the governing body of each such additional parish or municipality adopts a resolution declaring that there is a need for the inclusion of the additional parish or municipality in the area of operation of the regional or consolidated housing ~~authority~~ **agency**.

§414. Effect on local authorities of adoption of consolidated or regional agencies

Substantial rewording of Section. See R.S. 40:414 for present text.

In the event that a municipality or parish that has an established local housing agency elects to participate in a regional housing agency, pursuant to R.S. 40:411, or a consolidated housing agency, pursuant to R.S. 40:413, it shall obtain the consent of the local housing agency. In the event of such consent, any such existing housing agency which embraces the municipality or parish within its area of operation may elect to cease to exist therein, except for the purpose of winding up its affairs and transferring its property to the consolidated or regional housing authority, as provided in R.S. 40:419. In the event that any such housing agency elects to continue in existence, then in such event, the jurisdiction of such regional or consolidated housing agency shall be exercised concurrently with that of the local housing agency within its area of operation.

§415. Prerequisites to adoption of resolution creating or expanding regional or consolidated ~~authority~~ **agency**

A. The governing body of its respective parish or municipality shall adopt a resolution pursuant to R.S. 40:411 only if it finds that:

(1) In the area of its respective parish or municipality, there are insanitary or unsafe inhabited dwelling accommodations available to families of low income at rentals they can afford or that slum or blighted areas exist~~; and~~**.**

(2) The regional or consolidated housing ~~authority~~ **agency** would be the most efficient and economical administrative unit to carry out the purposes of this Part in its parish or municipality.

B. In the case of the expansion of the area of operation of a regional or consolidated ~~authority~~ **agency**, the governing body of any parish or municipality and the commissioners of the regional or consolidated housing ~~authority~~ **agency** shall adopt a resolution pursuant to R.S. 40:413 if **both**:

(1) The governing body of each parish or municipality to be included finds that insanitary or unsafe inhabited dwelling accommodations exist therein or that there is a shortage of safe or sanitary dwelling accommodations therein available to families of low income at rentals they can afford or that slum or blighted areas exist therein~~; and~~**.**

(2) The governing body of the parishes or municipalities already included in the area of operation of the regional or consolidated housing ~~authority~~ **agency**, the commissioners of the regional or consolidated housing ~~authority~~ **agency** and the governing body of each additional parish or municipality finds that the regional or consolidated housing ~~authority~~ **agency** would be a more efficient or economical administrative unit to carry out the purposes of this Part if the area of operation of the regional or consolidated housing ~~authority~~ **agency** is increased to include the additional parish or municipality.

§416. Public hearings to create regional or consolidated ~~authority~~ **agency** or increase its area of operation

A. The governing body of a parish or municipality shall not adopt any resolution authorized by R.S. 40:411 and 40:413 unless a public hearing has first been held. The governing body shall give notice of the time, place, and purpose of the public hearing at least ten days prior to the day on which it is to be held, in a newspaper published in the parish or municipality, as the case may be, or, if there is no newspaper published therein, in a newspaper published in the state and having a general circulation in the parish or municipality. Upon the date fixed for the hearing, an opportunity to be heard shall be granted to all residents of the parish or municipality and to all other interested persons.

B. In determining whether dwelling accommodations are unsafe or insanitary the governing body of a parish shall take into consideration the safety and sanitation of dwellings; the light and air space available to the inhabitants of such dwellings; the degree of overcrowding; the size and arrangement of the rooms; and the extent to which conditions exist in such dwellings which endanger life or property by fire or other causes.

§417. Consent of obligees and commissioners of local ~~authority~~ **agency** to substitution of regional or consolidated ~~authority~~ **agency**, transfer of rights, duties and property

A. The governing body of a parish or municipality shall not adopt a resolution pursuant to the provisions of R.S. 40:411 or 40:413 if there is an existing housing ~~authority~~ **agency** therefor which has any obligations outstanding unless:

(1) All obligees of the existing housing ~~authority~~ **agency** and the parties to its obligations consent in writing to the substitution of the regional or consolidated housing ~~authority~~ **agency** therefor on all such obligations~~; and~~**.**

(2) The commissioners of the existing housing ~~authority~~ **agency** adopt a resolution consenting to the transfer of all the rights, obligations and property thereof to the regional or consolidated housing ~~authority~~ **agency**.

B. When the above two conditions are compiled with and the regional or consolidated housing ~~authority~~ **agency** is created and authorized to exercise its powers and perform its functions, all rights, obligations and property of the former housing ~~authority~~ **agency** shall vest in the regional or consolidated housing ~~authority~~ **agency** and be in its name. All rights and obligations of the former housing ~~authority~~ **agency** shall be the rights and obligations of the regional or consolidated housing ~~authority~~ **agency** and may be asserted and enforced by or against the regional or consolidated housing ~~authority~~ **agency** as they might have been asserted and enforced by or against the former housing ~~authority~~ **agency**.

§418. Notification of mayor of adoption of consolidated agency

When the governing body of a municipality adopts a resolution declaring that there is a need within it for a consolidated housing ~~authority~~ **agency**, it shall promptly notify the mayor of the municipality of that adoption.

§419. Transfer of property to regional or consolidated ~~authority~~ **agency**; registration

When any immovable property of a housing ~~authority~~ **agency** vests in a regional or consolidated housing ~~authority~~ **agency** under the provisions of R.S. 40:417, it shall execute an act transferring the property to the regional or consolidated ~~authority~~ **agency**. The regional or consolidated ~~authority~~ **agency** shall thereupon register the act as provided by law in the case of sales. However, nothing contained in this Section affects the vesting of property in the regional or consolidated housing agency as provided in R.S. 40:417.

§420. Time of official creation; contents of resolution; resolution as evidence

In any proceeding relating in any way to any contract of a regional or consolidated housing ~~authority~~ **agency**, the ~~authority~~ **agency** shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution declaring the need of such ~~authority~~ **agency** by the governing body of each of the parishes or municipalities originally within the ~~authority~~ **agency**. This resolution is sufficient if it declares that there is a need for the ~~authority~~ **agency** and finds in substantially the terms used in ~~Subsection A of~~ R.S. 40:415**(A)** that the conditions enumerated as Paragraphs (1) and (2) therein exist. Copies of these resolutions duly certified by the presiding officers or secretaries or the clerks of the respective governing bodies are admissible in evidence in any proceeding.

§421. Decreasing area of operation; conversion to parish or ~~city authority~~ **municipal agency**

A. The area of operation of a regional or consolidated housing ~~authority~~ **agency** shall be decreased from time to time to exclude one or more parishes or municipalities if the governing

body of each of the parishes or municipalities in the area and the commissioners of the regional or consolidated housing ~~authority~~ **agency** each adopt a resolution declaring that there is a need for excluding the parish or municipality from the area.

B. If this action decreases the area of operation of the regional or consolidated housing ~~authority~~ **agency** to only one parish or municipality, regardless of its population, the ~~authority~~ **agency** shall thereupon become a housing ~~authority~~ **agency** for that parish or municipality. Such an ~~authority~~ **agency** has the same powers, duties and functions of a regular parish or ~~city authority~~ **municipal agency** and is subject to all the provisions of this Part applicable thereto.

§422. Prerequisites to adoption of resolution decreasing area of operation

A. The governing body of each of the parishes or municipalities in the area of operation of the regional or consolidated housing ~~authority~~ **agency** and the commissioners of the agency shall adopt a resolution pursuant to R.S. 40:421 if **both**:

(1) The governing body of each of the parishes to remain in the area of operation of the ~~authority~~ **agency** and the commissioners of the ~~authority~~ agency find that, because of facts arising or determined subsequent to the time when the area first included the parish or municipality to be excluded, the regional or consolidated housing ~~authority~~ **agency** would be a more efficient or economical administrative unit to carry out the purposes of this Part if the parish or municipality was excluded from the area of operation thereof~~; and~~**.**

(2) The governing body of each parish or municipality to be excluded and the commissioners of the ~~authority~~ **agency** each also find that, because of the changed facts, the purposes of this Part could be carried out more efficiently if the area of operation of the regional or consolidated housing ~~authority~~ **agency** did not include it.

B. However, no such resolution shall be adopted unless and until ~~the provisions of~~ R.S. 40:423 and ~~40:~~424 have been complied with.

§423. Public hearing necessary before decrease

The governing body of a parish or municipality shall not adopt the resolution authorized in R.S. 40:421 unless a public hearing has been held in the manner described in R.S. 40:416.

§424. Creditors of ~~authority~~ **agency** must consent to decrease

No action may be taken pursuant to R.S. 40:421 if the regional or consolidated housing ~~authority~~ **agency** has outstanding bonds, notes, or other evidences of indebtedness, unless all the holders thereof first consent in writing to that action.

§425. Disposal of property held in eliminated area

Any property held by regional or consolidated housing ~~authority~~ **agency** within a parish or municipality excluded from the area of operation of the particular ~~authority~~ **agency** shall be disposed of by the ~~authority~~ **agency** in the public interest as soon as practicable after the exclusion.

§426. Creation of new local ~~authority~~ **agency** in parishes and municipalities excluded from regional or consolidated ~~authority~~ **agency**

A. At any time after a parish or municipality is excluded from an area of operation of a regional or consolidated housing ~~authority~~ **agency**, the governing body of the parish or municipality, regardless of the population thereof, may adopt a resolution declaring that there is a need for a housing ~~authority~~ **agency** in the parish or municipality, as the case may be~~, if~~**. If** the governing body finds such need in the same manner and subject to the same conditions prescribed for this finding in the case of regular parish and ~~city authorities~~ **municipal agencies**. Thereupon, a public body corporate and politic known as the housing ~~authority~~ **agency** of the parish or the municipality shall exist therefor.

B. Such an agency possesses the same powers, duties**,** and functions as a regularly created parish or ~~city authority~~ **municipal agency**, as the case may be, and is subject to the provisions of this Part applicable thereto.

C. Nothing in this Part prevents the parish or municipality from thereafter being included within the area of operation of a regional or consolidated housing ~~authority~~ **agency**.

§427. Commissioners of regional or consolidated housing ~~authority~~ **agency**; appointment

A. The governing body of each parish included in a regional housing ~~authority~~ **agency**, originally or by an expansion of its area of operation, shall appoint one commissioner of the ~~authority~~ **agency**. The first commissioner which any parish governing body appoints shall be approved by the governor. The governing body of each parish shall appoint the successors of the commissioner appointed by it.

B. The mayor of each municipality included in a consolidated housing ~~authority~~ **agency**, originally or by an expansion of its area of operation shall appoint one commissioner of the ~~authority~~ **agency**, subject to the approval of the governor. Successors to this commissioner shall be appointed in the same manner.

C. If any parish or municipality is afterwards excluded from the area of operation of a regional or consolidated housing ~~authority~~ **agency**, the office of commissioner of the ~~authority~~ **agency** from that parish or municipality is abolished as of the time of the exclusion.

D. If the area of operation of a regional or consolidated housing ~~authority~~ **agency** consists at any time of an even number of parishes or municipalities, the commissioners of the regional or consolidated housing ~~authority~~ **agency** shall, subject to the approval of the governor, appoint one additional commissioner. The commissioners appointed by the parish governing bodies or the municipal mayors, as the case may be, shall in like manner appoint the successors if any, of this additional commissioner.

E. At any time that the area of operation of the regional or consolidated ~~authority~~ **agency** is changed to consist of an odd number of parishes or municipalities, the additional commissioners' terms, determined under ~~the provisions of~~ R.S. 40:428, ends.

§428. Terms of commissioners

The commissioners first appointed to any regional or consolidated housing ~~authority~~ **agency**, including any additional commissioner appointed as provided in R.S. 40:427, shall draw lots to determine whether their terms of office as commissioners shall be for one, two, three, four, or five years, respectively, from the date of their appointments. No term shall be for a longer period than five years. Should there more than four commissioners to draw, the terms of all the commissioners in excess of four shall run for five years from the dates of their appointments. The minutes of the first meeting of the commissioners shall recite the results of the drawing by lot and shall be conclusive proof of the terms of office of these respective commissioners. Thereafter, all commissioners of a regional or consolidated housing ~~authority~~ **agency** shall be appointed for terms of five years. All vacancies shall be filled for the unexpired terms.

§429. Certificates of appointment of commissioners

A. A certificate of the appointment or any regional or consolidated ~~authority~~ **agency** commissioner appointed by the governing body of a parish or municipality signed by the presiding officer of the clerk of the municipality, as the case may be, and by the governor, if his approval of the appointment is required, is conclusive evidence of the due and proper appointment of the commissioner.

B. A certificate of the appointment of any additional commissioner of a regional or consolidated housing ~~authority~~ **agency** shall be signed by the commissioners making the appointment and filed with the other records of the regional or consolidated housing ~~authority~~ **agency** and, when approved by the governor, shall be conclusive evidence of the due and proper appointment of the additional commissioner.

SUBPART C. ~~HOUSING FOR THE ELDERLY~~

POWERS, AUTHORITIES, AND LIMITATIONS

§431. General character of local housing agency powers

Substantial rewording of Section. See R.S. 40:474 for present text.

A. A local housing agency shall posses all powers necessary, convenient, or desirable in carrying out the purposes of this

Chapter, exercising any power provided herein, and engaging in any activity related to furthering the purposes of this Chapter. Such powers shall include, but shall not expressly be limited to, the powers enumerated in this Section or stated elsewhere in this Chapter or in other applicable law.

B. The powers enumerated in this Chapter may be exercised singly or in any combination. The enumeration of any power shall not require, expressly or by implication, that any local housing agency shall be required to exercise such power.

C. In addition to any other express, constructive, or implied powers existing under applicable law, a local housing agency shall have powers, which may be exercised singly or in any combination. The enumeration of such powers shall not be construed to limit the powers of any local housing agency to the powers so enumerated. Those powers are to:

(1) Have perpetual existence unless terminated by proper authority as provided by law.

(2) Sue and, subject to the limitations, privileges, and immunities provided by applicable law, be sued.

(3) Adopt a seal and to alter such seal from time to time.

(4) Adopt, amend, repeal, and restate bylaws.

(5) Adopt and enforce rules and regulations related to carrying out the purposes of the local housing agency and exercising its powers and to amend or repeal such regulations from time to time.

(6) Enter into, execute, and perform contracts, instruments, and agreements of every kind and description, within or without its area of operation except where otherwise expressly provided, in furtherance of the purposes of this Chapter and in connection with the exercise of any of its powers.

(7) Issue bonds and other debt instruments as provided in R.S. 40:471 and secure the repayment of such bonds and debt instruments by granting security interests in any or all of the local housing agency's real and personal property.

(8) Guarantee any indebtedness or performance of any affiliate or third party in furtherance of the purposes of this Chapter.

(9) Enter into and perform interagency and intergovernmental agreements of every kind and description and act in consortium with, as agent or manager for, or pursuant to agreement or contract with, other local housing agencies and any and all state, federal, and local public agencies to carry out the purposes of this Chapter and exercise any of its powers.

(10) Form and operate nonprofit corporations and other affiliates of every kind and description, which may be wholly or partially owned or controlled, for carrying out the purposes of this Chapter and in connection with the exercise of any of the powers of a local housing agency.

(11) Enter into arrangements of every kind and description in furtherance of the purposes of this Chapter and in connection with the exercise of any of its powers of a local housing agency.

D. Such arrangements may include, but shall not be limited to, arrangements with individual persons, general and limited partnerships; joint ventures; syndicates and syndications; corporations; limited liability cooperatives, corporations and partnerships; unincorporated associations; cooperatives; consortia; and any and all other forms of structures, arrangements, and organizations.

E. A local housing agency may participate as a general or limited partner, co-venturer, shareholder, or otherwise as a principal, an investor, a lender, a guarantor, a contracting party, or in any other manner, all upon such terms and conditions, and with such rights and obligations, as the governing board of the local housing agency shall, from time to time, in its discretion determine to be appropriate.

F. With respect to the forms and characteristics of arrangements, local housing agencies shall have, consistent with the limitations upon their powers set forth below and as otherwise imposed in this Chapter, the same discretion, authority, and flexibility as would be possessed by a private person or entity performing the same function.

G. Consistent with the limitations upon their powers set forth in R.S. 40:483, local housing agencies may participate in cooperative arrangements with persons and for profit entities whose purpose is solely that of pecuniary gain, as well as with nonprofit entities and persons who seek no pecuniary gain. The participation of a local housing agency in any arrangement with other persons or entities, including for profit persons and entities shall not cause any activity engaged in by the agency to be characterized as proprietary nor deprive the agency of any privilege or immunity otherwise existing under law.

§432. Examinations and investigations

Substantial rewording of Section. See R.S. 40:474(10) for present text.

Pursuant to approval of the local housing agency's board of commissioners, acting through one or more of its commissioners or other designees, a local housing agency may:

(1) Conduct examinations and investigations with respect to any matter relating to the purposes of this Chapter.

(2) Make available to public agencies and officials and the public, all findings, conclusions, and recommendations resulting from such examinations and investigations.

(3) Subpoena and compel the attendance of witnesses and the production of documents, books, records, papers, electronic and other data, and things.

(4) Issue commissions for the examination of witnesses who are outside this state, unable to attend a hearing, or are excused from such attendance.

(5) Issue commissions for the examination of documents, books, records, papers, electronic and other data, and things outside this state.

(6) Administer oaths and receive sworn or unsworn testimony or other proofs at public or non-public hearings.

§433. Issue subpoenas and commissions

R.S. 40:433 is all proposed new law.

A local housing agency may issue subpoenas requiring the attendance of witnesses or the production of books and papers and commissions for the examination of witnesses who are out of state, unable to attend before the authority, or are excused from attendance.

§434. Funds and investments

R.S. 40:434 is all proposed new law.

A local housing agency may invest, or cause to be invested, any funds held as reserves or sinking funds and any sums not required for immediate disbursement in connection with the operations of the agency, its developments and its programs, in property or securities in any manner allowable by law; cooperate with this state or any public agency of this state with respect to investing the agency's funds; enter into investment agreements and contracts with responsible agents upon such terms and conditions as the agency deems appropriate; and purchase the agency's own bonds or other securities at such price as the agency shall, in its discretion determine to be acceptable.

§435. Assessments and planning

Substantial rewording of Section. See R.S. 40:474 (7) for present text.

A local housing agency may conduct studies, assessments, and analyses of living conditions and affordable housing and community development and redevelopment needs and the means and methods through which unsatisfactory living conditions may be improved and affordable housing and community development and redevelopment needs may be met; participate in the planning processes conducted by units of local government having jurisdiction over the agency's area of operation and make recommendations with respect to the provision of decent, safe and sanitary dwelling accommodations to persons of eligible income and the improvement of the social and economic conditions affecting such persons; evaluate the supply and adequacy of financing available for the development and rental of affordable housing and for the purpose of decent, safe and sanitary dwelling accommodations by persons of eligible income; and identify the means and methods through which adequate sources of financing

for such purposes may be developed and maintained.

§436. Development

R.S. 40:436 is all proposed new law.

A. A local housing agency may plan, prepare, carry out, develop, construct, acquire, improve, reconstruct, renovate, rehabilitate, enlarge, reduce, alter, manage, own, lease, and operate housing, housing projects or developments, or any portions of housing projects or developments, and nonresidential and mixed-use facilities. As used herein, the terms "development" or "housing development" shall include without limitation:

(1) Any and all site work, construction, and improvements and other work or responsibility undertaken by a local housing agency, any affiliate thereof, or any other person or entity, whether public or private, in cooperation or pursuant to agreement with such local housing agency to either:

(a) Carry out the activities described in R.S. 40:436.

(b) Demolish, clear, or remove buildings and other improvements from land situated in blighted areas or slums.

(c) Create, provide, and finance affordable, decent, safe, and sanitary living accommodations and other facilities and improvements described in R.S. 40: 436, and otherwise authorized in this Chapter.

(2) All facilities and improvements created by the work or undertakings described in R.S. 40: 436, including, without limitation:

(a) All living accommodations operated primarily for residential purposes.

(b) The buildings containing such living accommodations, and all appurtances thereto.

(c) Partially or wholly manufactured housing, mobile homes, modular structures, the sites upon which they are situated, and all utilities, streets and roads, and other improvements and appurtenances relating thereto.

(d) All land, leasehold rights, easements and licenses, and other rights to the use or occupancy of the land upon which the improvements of a development are situated.

(e) All common areas, roads, streets, sidewalks, and pedestrian ways, bicycle routes and paths, drainage facilities, parking facilities, street lighting and lighting of buildings and pedestrian ways landscaping, site improvements, and other improvements to land.

(f) All facilities and improvements for the supply of utilities and services, including electrical, gas, sewer, water, telephone, and other communications systems, television or other electronic reception or transmission, Internet and other computer networking services, waste collection and disposal, and all other utilities and services.

(g) Playgrounds, parks, and other facilities intended for sports or recreational purposes benefitting residents.

(h) All facilities and improvements used in providing security to residents and employees of an agency and the property of both.

(i) All community facilities and other facilities and improvements used for providing educational, vocational, or other training programs, supportive services to residents, or for other programs and activities to carry out the purposes of this Chapter.

(j) All facilities and improvements used for commercial or other nonresidential purposes as permitted by this Chapter.

(k) All fixtures and equipment and personal property incorporated, owned or used in connection with any development as elsewhere defined in this Chapter.

(l) All other real property, tangible and intangible property, and other assets owned, used or held in connection with any development.

(3) The planning, replanning, and design of any residential or nonresidential project or development, the obtaining of permits and approvals necessary therefor, and all architectural and engineering work, surveying, platting, dedication, and all other activities requisite to construction of any buildings, facilities or improvements, property acquisition, demolition, construction, alteration, repair, rehabilitation, or reconstruction of existing buildings, facilities or improvements, and activities, and work undertaken in connection therewith.

(4) All agreements, contracts, leases, and other legal means through which the right to use or operate any property that is otherwise defined as a development is acquired, held, or used.

(5) A local agency's developments may, as permitted under and subject to the limitations imposed by R.S. 40:483, include both:

(a) Dwelling units or other living accommodations occupied by persons and families other than persons of eligible income.

(b) Buildings, facilities or improvements used for nonresidential purposes and mixed-use projects.

§437. Development, operations, and activities

R.S. 40:437 is all proposed new law.

A local housing agency may:

(1) Finance an agency's developments, operations, and other activities in such manner, utilizing such public or private source or sources of revenue, and employing such financing methods or techniques as the agency deems appropriate.

(2) Combine revenues derived from different sources, including equity investments and borrowing, in any combinations and proportions as the agency deems appropriate.

(3) Create and to enter into arrangements concerning mixed-finance developments.

(4) Provide financing for affordable housing owned in whole or in part by others.

§438. Maintenance of housing developments

R.S. 40:438 is all proposed new law.

A local housing agency may maintain, repair, and replace all housing developments, any portions thereof and any facilities and improvements contained therein or associated therewith.

§439. Rental of housing and other property

R.S. 40:439 is all proposed new law.

Subject only to the limitations contained in R.S. 40:483 and 484, a local housing agency may:

(1) Lease or rent any dwellings, facilities, or other real or personal property owned, controlled, or possessed by the agency, or with respect to which the agency has contractual rights permitting such lease or rental, for such terms, upon such conditions and lease terms and in exchange for such rentals as the agency may from time to time in its discretion determine.

(2) Establish rents in such manner and in such amounts as the agency may deem appropriate, including but not limited to, rents based upon family income, determined with such adjustments and exclusions as the agency deems appropriate, minimum rents, flat rents, graduated rents, rent ranges, and maximum rents, any of which may vary among the agency's developments.

(3) Establish any other standards and conditions relating to rentals that the agency may deem appropriate.

§440. Acquisition and sale of housing and other property

R.S. 40:440 is all proposed new law.

A local housing agency may:

(1) Acquire title, long-term and short-term leasehold interests, possessory rights, options upon, cooperative interests in, or any other interest in or relating to land, dwellings, facilities, or any other real or personal property by purchase, gift, grant, bequest, devise, lease, contract, or any other manner or arrangement.

(2) Acquire any such property or any interest therein through the exercise of the power of expropriation as provided in R.S. 40:461.

(3) Take over or lease and manage any housing development or undertaking in which a local government or the state or federal government has an interest.

(4) Transfer, donate, sell, lease, exchange, convey, assign, or otherwise dispose of any of its property or any interest therein to any person, organization or entity, either public or private, nonprofit or for-profit, and in such regard:

(a) Sell or lease any real or personal property, or any interest therein, with or without public bidding, as the agency, in its sole discretion, may deem appropriate.

(b) At and subsequent to an acquisition of occupied property, may permit existing tenants therein to remain in occupancy upon

such terms and conditions and for such periods as the agency shall deem appropriate, notwithstanding that such tenants do not qualify as persons of eligible income.

B. Any acquisition or disposition of property or any interest therein may occur upon such terms and conditions and in exchange for such prices, or without consideration, as the agency shall deem appropriate, provided that such actions are taken in furtherance of the purposes of this Chapter and subject to the limitations contained in R.S. 40:483.

§441. Non-residential and mixed-use properties and facilities

R.S. 40:441 is all proposed new law.

A local housing agency may:

(1) Develop, acquire, own, lease, and operate properties and facilities that are non-residential in character, which are used for office, administrative, management, maintenance, commercial, or educational purposes, for providing services, or for carrying out any other purpose authorized under this Chapter.

(2) Acquire, own, lease, and operate properties and facilities that are both residential and non-residential in character.

§442. Community facilities

R.S. 40:442 is all proposed new law.

A local housing agency may:

(1) Develop, acquire, own, or lease community facilities.

(2) Provide such facilities to any public agency or to any person, agency, institution, or organization, public or private, for recreational, educational, health, or welfare purposes for the benefit and use of the local housing agency or for occupants of its dwelling accommodations, or persons or eligible income, elderly or handicapped persons, or for any combination of the foregoing, and which facilities may also serve the general public, and provision of such community facilities may be with or without charge therefor as in the local housing agency's discretion shall be deemed advisable to promote the public purposes of this Chapter.

(3) Operate or manage community facilities, itself, or as agent for any public agency, or any person, institution, or organization, public or private and receive compensation therefor, if any, as the parties may agree.

§443. Preservation of affordable housing

R.S. 40:443 is all proposed new law.

A local housing agency may:

(1) Carry out plans, programs, contracts, and agreements of every kind and description.

(2) Provide grants, loans, guarantees, and other financial assistance to public or private persons or entities, whether nonprofit or for-profit, in order to rehabilitate, maintain, procure, and preserve existing affordable housing stocks in safe, decent, and sanitary condition and ensure that they remain affordable to persons of eligible income and in connection therewith, impose or agree to such terms and conditions concerning the term of affordability and other matters as the local housing agency shall deem appropriate.

§444. Program eligibility, procedures and requirements

R.S. 40:444 is all proposed new law.

Subject to the limitations contained in R.S. 40: 483, 484, 485, and 486, a local housing agency may establish and apply such criteria and requirements relating to eligibility for any assistance administered or provided by the agency as the agency shall, from time to time, determine to be necessary, appropriate or desirable, including, without limitation, criteria and requirements relating to income, work or employment, child care, education, job training, and personal or family self-sufficiency; in addition to establishing eligibility, utilize such criteria and requirements for determining the amount and duration of any assistance to be provided to a beneficiary for such assistance; establish such exclusions from income for purposes of determining eligibility as the agency shall deem appropriate; and adopt and administer lawful preferences which may include preferences for working persons and families.

§445. Mortgaging, pledging, encumbering property and assets

R.S. 40:445 is all proposed new law.

A local housing agency may mortgage, encumber, pledge, convey by trust deed or deed to secure debt, assign, or otherwise grant or consent to a lien or other security interest in, any real or personal property, or any interest therein, owned or held by the agency or in which the agency may hold an interest any and all such actions may be taken to provide security for the repayment of borrowed funds, or to secure any guarantee of such repayment or any other performance by the agency, or to secure any payment, guarantee, or performance of any affiliate of the agency or of any arrangement into which the agency shall have entered in furtherance of the purposes of this Chapter; any such action shall be upon such terms and conditions as the agency shall in its discretion from time to time determine. The terms and conditions of any mortgage or other instrument granting or consenting to a security interest in property of a local housing agency may include any and all provisions that are deemed necessary by the agency. Such terms and conditions may, among other things, contain a power of sale or right of foreclosure in the event of nonpayment of other default thereunder; notwithstanding the foregoing, no guarantee of indebtedness or security interest given by a local housing agency in connection with acquiring or modernizing any development shall unreasonably jeopardize the financial well-being of the agency as a whole, or unreasonably expose to foreclosure, levy, or other loss any property of the agency other than the development acquired or modernized with funds derived from the indebtedness that is so guaranteed or secured. The agency shall not provide a guarantee that is backed by the full faith and credit of the agency or its assets in general. All actions taken by a local housing agency authorized in this Subsection above shall be consistent with the requirements of R.S. 40:490 and shall comply with the requirement of R.S. 40:489, where such requirements are applicable.

§446. Loans, guarantees, tax inducements, mortgage assistance

R.S. 40:446 is all new proposed law.

A. Subject to the limitations contained in R.S. 40:490, a local housing agency may:

(1) Make mortgage loans and mortgage subsidy payments to or for the benefit of persons of eligible income.

(2) Act as a conduit, fiduciary, borrower, and lender in conduit financing programs which provide mortgage financing to persons of eligible income as defined in this Chapter.

(3) Purchase mortgages given by persons of eligible income or mortgages encumbering housing for persons of eligible income.

(4) Make mortgage loans to persons of eligible income as defined in R.S. 40:384(21)(c).

(5) Operate any program to provide mortgage or other financing available for the production and operation or the purchase of affordable housing through the use of federal or state tax credits or other tax-related inducements.

(6) Make acquisition, development, construction, and rehabilitation loans, long-term mortgage loans, and guarantees, to or for the benefit of persons, firms, partnerships, associations, joint ventures, or corporations, public or private, whether nonprofit or for profit, for purposes of developing and constructing housing for persons of eligible income, including mixed-income housing developments.

(7) Engage in mortgage rate buy-downs and other actions of every kind and description to enhance the availability of mortgage financing that is affordable to persons of eligible income defined in R.S. 40:384(21)(c).

(8) Enter into and perform contracts, agreements, and arrangements of every kind and description with banks, thrift institutions, credit unions, mortgage bankers, and other lenders.

B. In order to enhance the supply of mortgage financing at rates and terms affordable to persons of eligible income as defined in R.S. 40:384(21)(c), and to enhance the supply of financing at rates and terms sufficiently attractive to encourage the production of rental and fee-ownership housing that is affordable to persons of eligible income as defined in R.S. 40:384(21)(c), a local housing agency may make and perform commitments relating to any action authorized under this Subsection, charge such fees and impose such repayment terms and other terms and conditions concerning loans, mortgages, guarantees, mortgage subsidies and other forms

of loan and mortgage assistance provided by the agency as the agency shall from time to time determine to be necessary or appropriate, and make loans other than mortgage loans to persons of eligible income as defined in R.S. 40:384(21)(c) upon such terms and conditions as the agency shall deem appropriate. All actions taken by a local housing agency authorized in this Subsection above shall be consistent with the requirements of R.S. 40:490.

§447. Forgiveness of compromise of indebtedness

R.S. 40:447 is all new proposed law.

A local housing agency may forgive, compromise, or forebear from collecting or enforcing, wholly or partially, temporarily or permanently, any debt or obligation owed to the local housing agency.

§448. Mixed-income housing

R.S. 40:448 is all new proposed law.

A local housing agency may develop, acquire, own, hold, lease, rent, and operate mixed-income housing developments, subject to the limitations contained in R.S. 40:467.

§449. Rental and relocation assistance

R.S. 40:449 is all new proposed law.

A local housing agency may administer rental and relocation assistance programs of every kind and description on its own behalf or for others within its area of operation and, to the extent such agency determined such administration to be feasible, in any area elsewhere in this state (i) with respect to which a local housing agency has not been established, or (ii) with the consent of any local housing agency established to serve the area in which such assistance would be administered; and in connection with the administration of such assistance to make payments relating to relocations and rent subsidy payments to persons of eligible income or to others, including landlords, on behalf of persons of eligible income. Rental assistance programs administered by a local housing agency may be tenant-based, in which event the assistance is provided to or for the benefit of the tenant, or development-based, in which event the assistance is connected to particular real property.

§450. Insurance

Substantial rewording of Section. See R.S. 40:474(11) for present text.

A local housing agency may:

(1) Purchase and maintain in force bonds and insurance of such types and for such purposes as the agency deems appropriate and pay premiums and charges for all bonds and policies of insurance purchased by the agency. Bonds and policies of insurance benefiting or insuring the agency shall be in such amounts, contain such terms and conditions, provide for such deductibles, be in such form, and be issued by such companies, as the agency shall deem appropriate.

(2) Self insure and form and participate in consortia, insurance pools, and other organizations owned or operated by housing agencies for the purpose of insuring such agencies; such consortia, pools, or organizations may include units of government or public agencies other than housing agencies.

(3) Purchase and maintain insurance covering the liability of any commissioner, officer, employee, or agent of the agency, arising in connection with the agency's business or affairs.

§451. Indemnification

R.S. 40:451 is all proposed new law.

A local housing agency may indemnify any commissioner, officer, or employee of the agency as provided in R.S. 40:516.

§452. Services

R.S. 40:452 is all proposed new law.

A local housing agency may provide directly or contract for, arrange, or cooperate with any person or entity, public or private, including any other public agency, to:

(1) Utilize its property to provide services or make financial or other contributions of every kind and description to enhance the social and economic well-being of residents of the agency's housing developments and other persons of eligible income.

(2) Create and operate accounts for the benefit of persons and families participating in activities and programs for the enhancement of individual and family economic self-sufficiency.

(3) Award scholarships and to conduct or make provision for educational and training programs of every kind and description.

(4) Except as otherwise provided in this Chapter, establish and collect fees or seek reimbursement of costs in connection with the delivery of programs and services.

§453. Local, state, or federal assistance

Substantial rewording of Section. See R.S. 40:451 and 453 for present text.

A. A local housing agency may:

(1) Borrow money or accept grants and other forms of assistance, financial and otherwise, from the local, state, or federal government in connection with any activity or program furthering the purposes of this Chapter, notwithstanding any limitation to the contrary contained in this Chapter.

(2) Take all actions necessary to agree to and fully comply with all requirements and conditions of any state or federal program, grant, loan, or program providing services or assistance to the agency, its programs, its properties and housing developments, and the residents of such housing developments.

(3) Perform all responsibilities and obligations of the agency under any contract or agreement with state or federal authorities and imposed by applicable state or federal law and regulation with respect to such state or federal assistance.

B. Without limiting the foregoing, a housing agency may:

(1) Take over or lease or manage any development or undertaking constructed or owned by the state, or any public agency thereof, or the federal government.

(2) Participate in any plan or program of the state or any public agency thereof, or the federal government, which provides revenues that may be used for carrying out the purposes of this Chapter, including without limitation any program involving the issuance of bonds, special fees or taxes, or tax credits.

(3) Operate and administer any program providing rental assistance for itself or on behalf of others.

(4) Comply with such conditions and enter into such mortgages, trust indentures, leases, agreements, or arrangements as may be necessary, convenient or desirable for the purposes of this Subsection. It is the purpose and intent of this Chapter to authorize every housing agency to do all things necessary or desirable to secure the financial aid or cooperation of the state and federal governments and their public agencies in the development, maintenance, operation, or disposition of any housing development or other activity undertaken by such housing agency to carry out the purposes of this Chapter.

§454. Private cooperation and assistance

R.S. 40:454 is all proposed new law.

A local housing agency may:

(1) Borrow money and accept grants and other forms of assistance, financial and otherwise, from private persons or entities in furtherance of the purposes of this Chapter, except as expressly otherwise provided under this Chapter.

(2) Agree to and comply with all otherwise lawful requirements and conditions attached to the provisions of such assistance.

(3) Enter into contracts, agreements, joint ventures, partnerships, and arrangements of every kind and description with private persons and entities, nonprofit or for-profit, to acquire, create, manage, or operate housing developments, including, without limitation, mixed-income housing developments and housing developments benefitting persons of eligible income as defined in R.S. 40:384(21)(c), to supply services to the residents of such developments, and otherwise to engage in activities furthering the purposes of this Chapter.

(4) Undertake and perform all responsibilities and obligations of the agency under such arrangements as the agency determines to be necessary or desirable in connection therewith, provided that the same is not expressly prohibited by this Chapter.

§455. Management contracts

R.S. 40:455 is all proposed new law.

A local housing agency may:

(1) Operate and manage housing developments owned or controlled by other housing agencies or public agencies, or other persons or entities, whether private or public and whether nonprofit or for-profit, if the agency determines that such action will further the purposes of this Chapter.

(2) Permit and provide for the operation and management of any development in which the agency holds an interest by a person or entity other than the agency, whether public or private and whether nonprofit or for-profit.

(3) Administer any program of, or provide services or assistance on behalf of, another housing agency or other public agency.

(4) Permit and provide for the management or administration of any of the agency's programs, assistance, or services by another housing agency or other public agency, or by any other person or entity, whether public or private and whether nonprofit or for-profit.

(5) Enter into and perform contracts and agreements relating to any such management or administration upon such terms and conditions, and in exchange for such compensation, if any, as the agency deems appropriate.

§456. Security of persons and property

R.S. 40:456 is all proposed new law.

A local housing agency may:

(1) Contract and operate facilities and programs and to provide services of every kind and description, directly or by contract or agreement with others, for the maintenance of safety and security and the protection of persons and property at or near the agency's developments.

(2) Make, impose, and enforce rules and regulations for such purposes.

(3) Eject from such developments or other agency property, persons engaging in criminal activity and other unauthorized persons.

(4) Obtain injunctions, sanctions and other legal relief for the temporary or permanent exclusion of such persons, as authorized in R.S. 40:510.

§457. Resident organizations

Substantial rewording of Section. See R.S. 40:406 for present text.

A local housing agency may:

(1) Assist in the formation and operation of resident organizations, including residential councils, resident management corporations, and other nonprofit entities controlled and operated by residents of the agency's developments.

(2) Loan monies to such resident organizations in such amounts and upon such terms and conditions as the agency deems appropriate.

(3) Enter into and perform contracts, agreements and arrangements with resident organizations for the management of housing developments and other facilities and properties and for the administration of programs, assistance, or services, and for other activities, all with respect to such matters and upon such terms and conditions as the agency may from time to time deem appropriate.

(4) Enter into partnerships, joint ventures, associations, or other arrangements with resident organizations in furtherance of the purposes of this Chapter. Such activities may include the formation and operation of business enterprises that provide employment and other benefits to residents of the agency's housing developments and others as elsewhere permitted under this Chapter.

§458. Facilities and programs to assist homeless persons

R.S. 40:458 is all proposed new law.

A local housing agency may:

(1) Develop, acquire, own, renovate, lease, and operate facilities specifically intended to house and otherwise assist homeless persons, including without limitation, shelters and transitional housing.

(2) Provide other assistance and services to homeless persons. Such housing and other assistance may be provided in such manner, upon such conditions, and for such duration as the local housing agency shall deem appropriate.

§459. Commercial activities

R.S. 40:459 is all proposed new law.

A local housing agency may engage in and carry on commercial activities of every kind and description, including without limitation these involving retail sales of goods and services, manufacturing, and provisions of child or elder care and other services, within or outside the local housing agency's developments either by themselves or in arrangements with others; however, any such commercial activity must be intended, wholly or partly, to employ, be patronized by, provide job training for, or otherwise benefit residents of the agency's developments, other persons receiving assistance from the agency, or other persons of eligible income. As used in this Section, "commercial activity" or "commercial activities" shall not include the acquisition, ownership, leasing, or operation of real property used by others for commercial purposes, which shall be governed by R.S. 40:441.

§460. Benefit plans

R.S. 40:460 is all proposed new law.

A local housing agency by itself, or in cooperation with others, including participation in a group or groups, may form, administer, operate, and purchase funds or plans, including, but not limited to, health care, health insurance, retirement or pension, and other plans, for the benefit of employees of the local housing agency and their families.

§461. Expropriation

Substantial rewording of Section. See R.S. 40:455 for present text.

A local housing agency may acquire real property through the exercise of the power of expropriation. Public property may be so acquired only with the consent of the public agency which owns such property. An agency may acquire property through the exercise of the power of expropriation notwithstanding that, subsequent to such acquisition, the agency may, if it determines such action to be furtherance of the purposes of this Chapter, convey the property so acquired, or any interest therein, to others, including private nonprofit or for-profit entities.

§462. Expenditure of public funds

R.S. 40:462 is all proposed new law.

A local housing agency may expend public funds in any manner related to the exercise of the powers granted to a housing agency under this Chapter and otherwise existing under other applicable law.

§463. Memberships in associations

R.S. 40:463 is all proposed new law.

A local housing agency may join and participate in organizations and associations, pay the costs, fees and dues necessary to initiate and maintain such memberships, and participate in the activities of such organizations or associations.

§464. Grants, donations and contributions

R.S. 40:464 is all proposed new law.

A local housing agency may grant or otherwise agree to provide funds, property, or services to others, and to enter into arrangements involving the same, in such manner and amount as the agency will benefit residents or other persons of eligible income, or will otherwise further the purposes of this Chapter. Notwithstanding the foregoing, a housing agency may not make any grant or contribution to any candidate for political office, any campaign committee or other organization advocating the election of a political candidate, or any political action committee or other organization whose principal activity involves political action or advocacy.

§465. Elimination or amelioration of slums and blight

R.S. 40:465 is all proposed new law.

A local housing agency may take all actions necessary or desirable to eliminate or ameliorate slums and conditions of blight within a local housing agency's area of operation.

§466. Pre-existing powers

R.S. 40:466 is all proposed new law.

A local housing agency may have and exercise any power not enumerated in this Chapter which a housing agency, including any

housing authority, possessed immediately prior to August 15, 1997.

§467. Mixed-income development

R.S. 40:467 is all proposed new law.

A. With respect to any mixed-income housing development that is solely financed or owned by a local housing agency, not more than eighty percent of the dwelling units in such development may be occupied by persons who are not persons of eligible income.

B. With respect to any mixed-income housing development that is not solely owned or financed by a local housing agency, the proportion of the development that is intended to be affordable to persons of eligible income shall be equal to or greater than the proportion of financial resources for the development which are provided by the local housing agency, such proportion to be determined in accordance with such reasonable method as shall be adopted by the agency. Such proportion may be based upon a proportion of dwelling units, bedrooms, square footage, or any other criteria deemed reasonable and appropriate by the local housing agency. The determination of such proportion shall take into account any special benefits accruing to an agency by virtue of its status as such, including, among other things: (1) the capital value of all subsidies and other assistance provided by the agency or by other public sources on behalf of the agency, (2) tax exemptions available because of the agency's participation, and (3) interest savings attributable to tax exempt financing or to below market interest rates that are available because of the participation of the local housing agency or the presence in the development of dwelling units to be occupied by persons of eligible income.

C. A local housing agency may determine the period during which any unit shall be designated for occupancy only by persons of eligible income.

D. Dwelling units in a mixed-income development that are designated for occupancy by persons of eligible income need not be particular units that are permanently so designated, and the physical location of the units so designated may change from time to time.

§468. Bonds and other debt instruments, financing

R.S. 40:468 is all new proposed law.

All bonds, notes, bond anticipation notes, notes in the nature of commercial paper, or other instruments, certificates or evidence of indebtedness or obligations issued under this Chapter prior to August 15, 1997, are hereby declared to be valid, legal, binding, and enforceable obligations to the extent of the obligation as provided in any such bonds, notes, instruments, certificates or evidences of indebtedness, and the proceedings relating to the issuance thereof. This Chapter, as it existed immediately prior to August 15, 1997, shall continue to govern all rights and obligations existing under any bonds issued or authorized by a housing agency of this state prior to August 15, 1997. This Section shall be deemed not to have been repealed by the enactment of this Chapter, with respect to all such bonds. Notwithstanding the foregoing, all obligors and all obligees may agree in writing that any bonds of a housing agency which are outstanding or authorized on said date of August 15, 1997, shall be governed by this Chapter.

§469. Issuance of bonds; means for payment

Substantial rewording of Section. See R.S. 40:464 for present text.

On or after August 15, 1997, a housing agency may issue bonds under this Chapter from time to time in its discretion, upon such terms and conditions as it shall deem necessary or desirable, for any purpose permitted under this Chapter. A housing agency may also issue refunding and advance refunding bonds for the purpose of paying or retiring bonds previously issued by it. This Section, without reference to other statutes of the state, shall constitute full and complete authority for the authorization, issuance, delivery, and sale of bonds hereunder, and such authorization, issuance, delivery, and sale shall not be subject to any conditions, restrictions, or limitations imposed by any other law.

§470. Liability on bonds; debt limitations

Substantial rewording of Section. See R.S. 40:465 for present text.

A. Neither the commissioners of a housing agency nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

B. The bonds and other obligations of a housing agency shall not be a debt of the municipality or parish, the state, or any public agency thereof, and the bonds and obligations shall so state on their face. Except as the state, or a municipality, parish, or other public agency shall otherwise expressly agree, and further except as the bonds of a housing agency, duly authorized by such agreement, shall specifically and directly otherwise provide, neither the state, not any municipality or parish, nor any public agency other than the housing agency issuing the bonds shall be liable thereon. Nor, in any event, shall such bonds or obligations be payable out of any funds or properties other than those of such issuing housing agency or any guarantor or insurer of such agency.

C. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

§471. Issuance of bonds; type, form and sale of bonds

Substantial rewording of Section. See R.S. 40:466 and 468 for present text.

A. Bonds of a housing agency shall be authorized by a resolution adopted by a vote of a majority of the board of commissioners.

B. The bonds may be issued in one or more series and shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payments, at such places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide. Bonds of a housing agency may be issued in zero coupon form or subject to federal taxation of interest thereon if the resolution authorizing issuance so provides.

C. The bonds may be sold at public sale held after notice prior to such sale promulgated in such manner as the agency shall deem appropriate or, if the resolution authorizing issuance of the bonds so provides, they may be sold on a negotiated basis or at private sale without any public advertisement. At the discretion of the housing agency, the bonds may be sold at par, or at any discount or premium, as the resolution authorizing them provides. A housing agency issuing bonds may enter into such agreements and arrangements with third parties for the marketing of its bonds as it shall deem appropriate.

§472. Signatures validated, presumption of validity of bond

Substantial rewording of Section. See R.S. 40:467 for present text.

A. In case any of the representatives of the housing agency whose signatures appear on any bonds or coupons cease to be commissioners, officers, or agents of the issuing agency before the delivery of such bonds, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the representatives had remained in office until delivery. Any law to the contrary notwithstanding, bonds issued pursuant to this Chapter are fully negotiable.

B. No suit, action, or proceeding involving the validity or enforceability of any bond of a housing agency may be commenced after delivery of the bond. In any suit, action, or proceeding involving the validity or enforceability of any bond of a housing agency or the security therefor, any such bond reciting in substance that it has been issued by the housing agency to aid in financing a development or activity furthering the purposes of this Chapter is conclusively deemed to have been issued in accordance with this Chapter, and any development financed thereby and with respect to which such recitation made shall be conclusively deemed to have been planned, located, and constructed in accordance with this Chapter.

§473. Powers of housing agency; securing payment of bonds or lease obligations

Substantial rewording of Section. See R.S. 40:473 for present text.

In connection with the issuance of bonds or the incurring of obligations and in order to secure the payment of such bonds or obligations, a housing agency may:

(1) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or thereafter comes into existence.

(2) Mortgage its real or personal property, then owned or thereafter acquired.

(3) Covenant and agree against pledging all or any part of its returns, fees, and revenues, or against mortgaging all or any part of its real or personal property to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property.

(4) Covenant and agree with respect to limitations on its right to sell, lease, or otherwise dispose of any development or any part thereof.

(5) Covenant and agree as to what other or additional debts or obligations may be incurred by it.

(6) Covenant and agree as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

(7) Provide for the replacement of lost, destroyed, or mutilated bonds.

(8) Covenant and agree against extending the time for the payment of its bonds or interest thereon.

(9) Redeem the bonds and covenant for their redemption and provide the terms and conditions thereof.

(10) Covenant and agree, subject to the limitations of this Chapter, as to the rents and fees to be charged in the operation of a development or developments, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

(11) Create or authorize the creation of special funds for monies held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the monies held in such funds.

(12) Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the minimum required amount of bonds that must be held by holders consenting to an amendment or abrogation in order to authorize the same, and the manner in which such consent may be given.

(13) Covenant and agree as to the use, maintenance, and replacement of its real and personal property, the insurance to be carried thereon and the use and disposition of insurance monies.

(14) Covenant and agree as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

(15) Covenant, agree, and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(16) Vest in a trustee or trustees of the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

(17) Vest in a trustee or trustees the right, in the event of a default by said agency, to take possession and use, operate, and manage any housing development or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such monies in accordance with the agreement of the housing agency with the trustee.

(18) Provide for the powers and duties of the trustee and to limit their liabilities.

(19) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(20) Purchase letters of credit, bond insurance, or any other credit enhancement device that would establish or increase marketability of its bonds.

(21) Pay its obligations with income, revenues, or loan repayments of the development financed with the proceeds of such obligations, or with such proceeds together with a grant from the federal government, or this state, or any public agency thereof, in aid of such development.

(22) Exercise all or any part or combination of the powers granted in this Section.

(23) Make covenants and agreements other than and in addition to the covenants expressly authorized in this Section, of like or different character.

(24) Make any covenants and agreements and do any acts and things necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said agency, to assure the marketability of its bonds, although the covenants, acts or things are not enumerated in this Section. A local housing agency may waive any one or more of the powers as stated in this Section; however, any such waiver shall be by resolution duly adopted by the affirmative vote of a majority of the board, which resolution shall set forth the particular circumstances which, in the judgment of the housing agency warrant such waiver.

§474. Short-term bond anticipation notes

R.S. 40:474 is all proposed new law.

A. A housing agency may borrow money for the purposes for which its bonds are to be issued in anticipation of the receipt of proceeds from the sale of such bonds and within the authorized maximum of such bond issue.

B. Bond anticipation notes shall be issued for all monies borrowed under this Section. Such notes may be issued for a period not exceeding five years and may be renewed from time to time for periods not exceeding one year, but each such note, including renewals, shall mature and be paid not later than five years after the date on which the original note was issued. Such notes shall be authorized by resolution of the board of commissioners of the housing agency and shall be in such denomination or denominations, shall bear interest at such rate or rates, shall be in such form, and shall be executed in such manner, as said board of commissioners shall prescribe. Such notes may be sold at public or private sale in the manner and at such price or prices or for such other consideration, including real or personal property, as the agency shall determine, provided that if such notes be renewal notes, they may be exchanged for notes then outstanding on such terms as the agency shall determine.

§475. Underwriter as agent

R.S. 40:475 is all proposed new law.

A. In connection with the issuance of any bonds that are to be sold in a public offering, the participating institution and the underwriter of such bonds shall be the housing agency's designated agents for the purpose of preparing all disclosure materials and otherwise ensuring that all requirements of federal and state laws are fully complied with in connection with such offering. The participating institution and such underwriter shall accept such appointment in writing and shall, unless such requirement is expressly waived by the local housing agency, agree to indemnify and hold harmless the housing agency, its representatives, and the state and its public agencies and their respective, officials, officers and employees from any and all claims, losses or damages, howsoever arising, resulting from inaccurate, incomplete, false or misleading statements contained in such disclosure materials, except those provided to the participating agency or underwriter by the housing agency or from failure to comply in any respect with the requirements of federal or state laws.

B. As used in this Section, "public offering" means any offering of bonds other than a private placement with a single financial institution, and "underwriter" means any person conducting such public offering as managing underwriter, senior managing underwriter, placement agent, or lead financial institution in a placement involving several financial institutions, or other such person or entity playing a similar role.

§476. Enforcing rights of obligee of a housing agency

Substantial rewording of Section. See R.S. 40:500 for present text.

An obligee of a housing agency, in addition to all other rights conferred on the obligee, subject only to any contractual restrictions binding upon the obligee, may:

(1) By mandamus or other action or proceeding for legal or equitable remedies, compel the housing agency and its representatives to perform each and every term, provision, and covenant contained in any contract of the housing agency with or for the benefit of such obligee, and require the carrying out of all covenants and agreements of the housing agency and the fulfillment of all duties imposed upon the housing agency by this Chapter.

(2) By action or proceeding, enjoin any acts or things which may be unlawful, or the violation of any rights of the obligee.

§477. Power of housing agency to confer additional rights upon obligee

Substantial rewording of Section. See R.S. 40:480, 500, and 501 for present text.

A. A housing agency, by its resolution, trust indenture, mortgage, lease, or other contract, may in its discretion elect to confer upon any obligee holding or representing a specified amount in bonds or other instruments, or holding a lease, such rights as the housing agency determines are necessary or desirable in order to generate revenues or which it otherwise deems to be in its best interests and in furtherance of its purposes. Such rights, which shall be exercisable upon the happening of an event of default as defined in such resolution or instrument, are cumulative of all rights otherwise conferred and may, in the agency's discretion, include any one or more of the following rights, which shall be enforceable by suit, action or proceeding in any court of competent jurisdiction, the right to:

(1) Cause possession of any housing development of any part thereof to be surrendered to an obligee.

(2) Obtain the appointment of a receiver for any housing development or part thereof and of the rents and profits therefrom. If a receiver is appointed, the receiver may enter and take possession of the housing development or any part thereof and operate and maintain it and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such monies in separate accounts and apply them in accordance with the obligations of the housing agency as the court directs.

(3) Require the housing agency to account as if it were the trustee of an express trust.

(4) Provide that, after foreclosure sale of the security therefor, the obligee shall be permitted to obtain a judgment or decree for any deficiency due on the indebtedness secured thereby and issue execution on the credit of the housing agency. In such event, except with respect to any property developed with funds provided by the federal government, which shall not be subject to levy pursuant to any deficiency judgment unless the federal government shall have otherwise authorized, such deficiency judgment or decree shall be a lien and charge upon the property of the housing agency, which may be levied on and sold by virtue of an execution or other judicial process for the purpose of satisfying such deficiency judgment or decree. At any such sale of the property by an agency, either the agency or any municipality or parish with respect to which such agency has been established may purchase the property affected, or it or they may, prior to the institution of a foreclosure action or proceeding, or during such action or proceeding, make such payment or take such other steps as may be necessary to cure any defaults that may have occurred and such steps as may be necessary to protect the property of the agency or the public interest.

B. If conferred, these rights and remedies of the obligee are cumulative and in addition to all other rights and remedies that may be conferred upon him by law or by any contract with the agency.

§478. Investment in bonds and authorized for public funds, financial institutions, trusts and fiduciaries

Substantial rewording of Section. See R.S. 40:472 for present text.

The state and all public agencies therein, all banks, bankers, trust companies, savings banks, and institutions, investment companies, insurance companies, insurance associations, and other persons carrying on a banking or insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any monies or funds belonging to them or within their control in any bonds or other obligations issued by a housing agency, and such bonds and other obligations shall be authorized security for all public deposits; it being the purpose of this Chapter to authorize any of the foregoing to use any funds owned or controlled by them, including, but not limited to, sinking, insurance, investment retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations; however, nothing in this Chapter shall be construed as relieving any person, firm, or corporation from any duty or exercising reasonable care in selecting securities. This Chapter shall apply notwithstanding any restrictions on investments contained in other laws.

§479. Issuance of debt instruments other than bonds

R.S. 40:479 is all proposed new law.

A. In addition to borrowing authorized under R.S. 40:431 and the issuance of bonds under R.S. 40:471, a housing agency may also issue notes, debt certificates, certificates of participation, and other debt or equity instruments, of every kind and description, for the purpose of generating funds to carry out the purposes of this Chapter.

B. Such notes, certificates, or instruments may be issued for such consideration, in such amounts, and upon such terms and conditions as the agency shall deem appropriate, consistent with the requirements of R.S. 40:490.

C. The limitation on liability set forth with respect to bonds in R.S. 40:470 shall also be applicable with respect to any such notes, certificates, or instruments.

D. The housing agency may offer such notes, certificates, or instruments at public or private sale and may enter into such contracts, agreements, and arrangements relating to such sale as it shall deem appropriate.

§480. Taxability of bonds and other debt instruments

Substantial rewording of Section. See R.S. 40:505 for present text.

All bonds, notes, certificates, and other instruments evidencing indebtedness of a housing agency or any subsidiary thereof, or conveying an equity participation in any development of a local housing agency or any subsidiary thereof, are deemed to be issued for an essential public and governmental purpose and shall be free of taxation of any kind by this state and its public agencies, unless the agency issuing such bonds, notes, certificates, or other instruments shall elect that they be taxable. Any such election shall apply only to the specific issue of bonds, notes, certificates, or other instruments with respect to which such election is expressly made.

§481. Essential governmental purpose

R.S. 40:481 is all proposed new law.

All bonds, notes, certificates, and other instruments evidencing indebtedness or conveying equity participations, issued by a local housing agency or any subsidiary thereof are deemed to be issued for an essential governmental purpose.

§482. Issuance of debt instruments on behalf of others

R.S. 40:482 is all proposed new law.

A local housing agency may issue bonds, notes, certificates, or other instruments evidencing indebtedness on behalf of others to carry out any purpose authorized by this Chapter.

§483. Limitations on housing agency powers; not-for-profit operation

R.S. 40:483 is all proposed new law.

The operation of housing developments and the other activities permitted to be undertaken by a local housing agency under this Chapter, and all income, fees, or revenues derived or generated therefrom and belonging to such local housing agency are for public use and purposes, are not used or held for profit and are governmental functions of state concern. No income, fees, and revenues received by a local housing agency, from whatever source, shall be used as a source of revenue for any municipality or parish establishing said local housing agency or for any other public agency, nor shall any net income, fees, or net revenues be considered profit, but all of the same shall be utilized in the furtherance of the maintenance and enhancement of an adequate

supply of decent, safe, and sanitary housing that is affordable to persons of eligible income and for other purposes contemplated by this Chapter.

§484. Method of operation

Substantial rewording of Section. See R.S. 40:479 for present text.

A. A local housing agency shall conduct its affairs in accordance with sound financial and business practices, taking into account the nature of its activities and intended purpose. Further, it shall operate its housing developments in a manner calculated to enable the agency to fix rentals for dwelling accommodations for persons of eligible income at low rates consistent with its acting in a fiscally responsible manner and providing affordable, decent, safe, and sanitary dwelling accommodations for said persons. Therefore, a local housing agency shall establish and charge rents no higher than it shall determine to be necessary to produce revenue which, together with all other available money, revenue, income and receipts of the agency, from whatever source derived, will be sufficient to:

(1) Pay, when due, all indebtedness of the agency.

(2) Pay all administrative and other costs of operating the agency's developments and programs of assistance.

(3) Pay the administrative and other costs of the maintenance, rehabilitation, renovation, repair, and replacement of the agency's developments and other property.

(4) Otherwise carry out its purposes under this Chapter, including acquiring or creating additional housing developments and acquiring or improving property for other purposes authorized under this Chapter, including community facilities, commercial facilities, mixed income and mixed use developments and all other facilities and developments authorized by this Chapter.

(5) Pay the costs of insurance, including the cost of claims, liabilities, losses, and other expenses incurred in connection with any self-insurance programs.

(6) Provide funds for all required payments in lieu of taxes.

(7) Make all payments required under and otherwise fully perform the agency's obligations under any contract, agreement, or arrangement entered into by the agency, including without limitation those required in connection with any partnership or joint venture entered into by the agency.

(8) Perform the terms of any commitment or guarantee issued or given by the agency.

(9) Provide a reasonable return on the value of the property so as to enable the housing agency to continue to fulfill its duties, including but not limited to, the acquisition of additional housing developments, land acquisition, acquisition or construction of buildings, equipment, facilities or other real or personal property for public purposes, including parks or other recreational, educational, welfare or community facilities within its own area of operation.

(10) Accommodate economic factors which affect the financial stability and solvency of the agency's developments and programs.

(11) Pay the cost of actions occasioned by natural disasters and other emergencies.

(12) Create and maintain operating and capital reserves that are reasonable and adequate to ensure the agency's ability to make all payments referred to in this Section, and any other matter with respect to which the agency, in its discretion reasonably exercised, determines that the creation and maintenance of a reserve is appropriate. Nothing herein shall be construed to limit the amount which a housing agency may charge for non-dwelling facilities or for dwelling facilities that are not rented to persons of eligible income.

B.(1) Except as specifically prohibited or restricted by federal law or regulation, each resident of a housing development shall be deemed, without the necessity of signing any document, to have:

(a) Made an ongoing assignment to the agency of his entire right, title, and interest to any public assistance benefit due from the Department of Social Services that the person may have in his own behalf or on behalf of any family member who resides in the housing development with the resident for the payment of rent or any other assessment lawfully imposed by the agency which is not paid when due.

(b) Consented to the designation of the agency as payee for any public assistance payment and to have appointed the agency as the resident's agent to act in the resident's name to endorse any draft check, money order, or other negotiable instrument representing such public assistance payment for the sole purpose stated in Subparagraph (a).

(2) Once the agency notifies the Department of Social Services that a person is a resident of a housing development and the department has verified such status, the department shall, upon written direction from the agency, transmit all payments due the person or family member to the agency. In the event that the department does not comply with this Subsection, the agency may enforce its rights under this Subsection by appropriate process.

(3) The secretary of the Department of Social Service may adopt rules to implement and enforce the department's obligations pursuant to this Subsection.

§485. Use of income or surplus

R.S. 40:485 is all proposed new law.

All income, surplus, and payments received by a local housing agency, or to which such agency shall become entitled, shall be used for carrying out the purposes of this Chapter.

§486. Application of policies

R.S. 40:486 is all proposed new law.

A local housing agency shall not apply its policies, rules, procedures, criteria, requirements, and exclusions with respect to eligibility or applicants, granting assistance, or enforcing standards relating to occupancy or continuance of assistance in an arbitrary or capricious manner.

§487. Rights of action

R.S. 40:487 is all proposed new law.

Nothing contained in this Chapter shall create, expressly or by implication, any right, claim, or cause of action in favor of anyone in connection with any failure of a housing agency to exercise any one or more of its discretionary powers.

§488. Affiliates, applicability of certain laws

R.S. 40:488 is all proposed new law.

Affiliates of housing agencies shall not, by virtue of their affiliation with such local housing agencies, become subject to the laws of this state applicable to public agencies and their governing bodies, including but not limited to laws pertaining to public disclosure of records, open meetings, minimum wage rates applicable to government contracts and employees, if any, procurement of goods and services, and laws relating to public employees.

§489. Recourse obligations and cross-collateralization

R.S. 40:489 is all proposed new law.

A. No guaranty, other recourse obligation, mortgage, or security instrument, or other instrument, recourse instrument, given or entered into by a housing agency in connection with financing the acquisition, creation, modernization, rehabilitation, or replacement of a development, which exposes to foreclosure, loss, or levy any property of the housing agency other than the development being acquired, created, modernized, rehabilitated, or replaced with the proceeds of such financing shall be given or entered into, unless the agency's board of commissioners shall have specifically approved such action by resolution which finds that such action:

(1) Is necessary and essential to acquiring the financing with respect to which such recourse instrument is given or entered into.

(2) Will not unreasonably expose to loss or foreclosure property of the agency other than the development for which financing will be used.

(3) Is prudent and sound as required under R.S. 40:490.

(4) Is commercially reasonable, taking into account the characteristics of the transaction in which such recourse instrument would be given and its relative benefits and potential costs to the agency.

§490. Financial prudence

R.S. 40:490 is all proposed new law.

Local housing agencies shall conduct their financial affairs in a prudent and sound manner.

SUBPART D. OPERATION OF
~~AUTHORITIES~~ **HOUSING AGENCIES**

§500. Tenant-housing agency relationship

Substantial rewording of Section. See R.S. 40:478 for present text.

Except as otherwise provided in this Chapter with respect to mixed-income developments or otherwise permitted by law, dwelling units in a local housing agency's developments shall be rented only to households consisting of persons of eligible income at the time of their initial occupancy of such units. Notwithstanding any other provision of law, a local housing agency may allow police officers and maintenance and management employees, not otherwise eligible for residence, to reside in dwelling units in a local housing agency's developments.

§501. Selection and preferences

R.S. 40:501 is all proposed new law.

A. Each housing agency shall adopt and promulgate policies establishing a plan for selection of applicants. The plan shall include standards for eligibility, procedures for prompt notification of eligibility or disqualification, and procedures for maintaining a waiting list of eligible applicants for whom vacancies are not immediately available. Eligible applicants shall be offered available vacancies as provided in said policies. Such policies and plans may, but shall not be required to, include:

(1) That a local housing agency may deny a lease, right of occupancy, or any other assistance to any person, including the family or household of such person, if it determines that such person or any member of such person's household either:

(a) Has committed any fraud or made any misrepresentation or omission deemed material by the local housing agency in connection with any application for assistance.

(b) Has committed any fraud or made any misrepresentation or omission deemed material by the local housing agency in connection with any previous application for any public assistance or in connection with any determination or redetermination of eligibility therefor.

(c) Possesses a personal history, which exhibits violent, disruptive, antisocial, or criminal behavior, with or without criminal convictions which, in the determination of the agency, renders such person unsuitable for occupancy or receipt of assistance.

(d) Because of a history of poor credit or housekeeping or other deficient behavior, is otherwise likely to fail in meeting all lease terms, agency rules and regulations, or other requirements of occupancy or of the agency's program of assistance.

(2) Preferences to give priority to persons displaced by public or private action, to families of veterans and servicemen, to families whose members are gainfully employed, to citizens of the United States or this state, to disabled persons or elderly persons and such other preferences, as well as priorities within each preference category, as the local housing agency deems appropriate.

(3) Occupancy standards that provide for offering available units only to families of appropriate size, and such other standards relating to occupancy and tenant conduct as the local housing agency deems appropriate.

B. Without limiting the foregoing, the local housing agency may further limit the offering of available units to families of appropriate qualifications in order to comply with state or federal law or regulations, or contractual agreements with governmental agencies pursuant to such law or regulations.

C. Nothing contained in this Section shall prevent a housing agency from suspending processing of applications of persons of eligible income unlikely to be offered units within a reasonable time after initial application as determined by the agency or requiring annual renewal of applications.

§502. Differing criteria, requirements, or standards

R.S. 40:502 is all proposed new law.

Nothing contained in this Chapter shall limit the ability of any local housing agency to establish and apply different criteria or requirements with respect to admissions and occupancy, to utilize different methods of establishing and charging rents, or to impose different occupancy standards for different developments or portions thereof or with respect to recipients of assistance in any program designed or intended to differentiate between individual recipients on the basis of their circumstances, actions, or characteristics.

§503. Continued occupancy after termination of eligibility

R.S. 40:503 is all proposed new law.

Households who are already in occupancy or are receiving assistance but who become ineligible for occupancy or other assistance may continue their occupancy or receipt of other assistance at the discretion of the local housing agency for such period, upon such terms and conditions, and, in the case of continued occupancy, in exchange for such rent, not less than any applicable minimum rent, as the agency shall determine to be appropriate.

§504. Lease

R.S. 50:504 is all proposed new law.

The local housing agency may require that each household occupying a dwelling unit enter into a lease containing such terms and conditions and for such duration as the agency reasonably deems appropriate. No tenant or lessee of, or recipient of assistance from, a local housing agency shall have any right to the renewal of any lease, tenancy, right of occupancy or assistance, except as expressly agreed by the agency. All members of the household who are permitted to reside in a dwelling unit must be identified in any lease of a dwelling.

§505. Change in family composition

R.S. 40:505 is all proposed new law.

In the event of a change in the composition of tenant household, the local housing agency may determine which member or members of the household are entitled to continued occupancy for the unexpired lease term or periodic tenancy. A local housing agency may adopt such rules and procedures governing such determinations as it deems appropriate.

§506. Termination of tenancy

R.S. 40:506 is proposed new law.

Except as expressly provided herein, the landlord tenant relationship, and the termination thereof, is governed by state law applicable to privately-owned, residential property. Without limiting the foregoing, a local housing agency may terminate the tenancy of a household or a resident or terminate any other assistance provided by such agency for either:

(1) Any unlawful drug-related activity or other criminal behavior on the part of a recipient or head of household or any member of the household, including any child who is a member thereof, or on the part of any guest or invitee of a member of the household, notwithstanding that the head of household, or any other member of the household was either:

(a) Unaware of the misconduct constituting the ground for termination of tenancy.

(b) Did not approve or participate in such misconduct.

(c) Was not personally at fault in connection with such misconduct.

(2) Commission of any fraud, or any misrepresentation or omission on the part of any recipient of assistance or member of a resident household in connection with any application for assistance or any determination or redetermination of eligibility therefor, or in connection with any investigation or determination of the local housing agency regarding compliance by the household with the terms of any lease or the agency's rules and regulations.

(3) Any other violation of one or more provisions of any lease, or agreement with the local housing agency to which a recipient of assistance or a resident is a party, or any of the agency's rules or regulations, duly promulgated. Criminal conviction shall not be a requirement or prerequisite to any termination of lease, tenancy, or other assistance that is based upon criminal misconduct, nor shall any standard of proof greater than a preponderance of the evidence be applicable in any proceeding involving such termination of lease, tenancy or other assistance.

§507. Community participation

R.S. 40:507 is all proposed new law.

A. A local housing agency may require, as a condition to granting or continuing any assistance, that residents and other recipients of such assistance participate in activities for community and neighborhood betterment. Such conditions of assistance may require the performance of work in and around the agency's developments for the maintenance or improvement thereof, the performance of services to benefit residents or others, or work performed elsewhere in the community. Such requirements may vary among individual residents or other recipients of assistance.

B. In establishing conditions of assistance and determining the requirements applicable to individual recipients thereof, local housing agencies shall take into account such individual circumstances as the agency deems appropriate in order to assure that, in the agency's judgment, the requirements are reasonably applied. Individual circumstances so taken into account may include, without limitation, age, disability, and employment status.

C. A local housing agency may require, as a prerequisite to granting assistance, including any lease or right of occupancy of a dwelling unit, that the resident or recipient enter into a tenant participation plan or other similar agreement with sets forth the conditions of assistance and provides for the discontinuance of tenancy or other assistance in the event of the failure of the resident or recipient to satisfy such conditions.

D. Except as and to the extent a local housing agency shall specifically and expressly agree in writing to the contrary, the community participation activities of a resident or other recipient of assistance contemplated by this Section shall not create, for any purpose, a legal relationship of agent/principal or employee/employer between the person performing such community participation activities and the local housing agency requiring such participation or any other public agency for whose benefit such activities may be carried out.

§508. Property of housing agencies; limitation on access

R.S. 40:508 is all proposed new law.

In order to protect the safety and security of its property and to protect the right of its residents and other tenants to the quiet enjoyment of their property, and the safety and security of their persons and property, a local housing agency may, in addition to any other power or authority contained in this Chapter, limit access to any development or other agency property by persons who are not residents or their permitted invitees, or employees of the local housing agency, its invitees, law enforcement officers, or other persons conducting official business.

§509. Identification of persons

R.S. 40:509 is all proposed new law.

A local housing agency may establish and implement such regulations, procedures, and systems as it deems appropriate for the identification of persons and vehicles present on its developments or other property. Such rules, procedures, and systems may include, but shall not be limited to, requirements for personal identification cards, guest registration and identification, registration of vehicles, restricted pedestrian and vehicular access, and other measures for verification that persons present upon the agency's developments or property are entitled to be so present.

§510. Exclusion or ejection of unauthorized persons

R.S. 40:510 is all proposed new law.

Persons who are present on the developments or other property of the agency, and who are not residents, their invitees, or employees of the local housing agency, its invitees, law enforcement officers, or others conducting official business, may be excluded from such premises by the local housing agency, and, if said persons shall refuse to leave, after first being requested to do so, said persons shall be considered trespassers who shall be subject to an applicable state or local trespass law. Additionally, and without limiting the foregoing, the local housing agency may obtain injunctions for the temporary or permanent exclusion of such persons from agency property.

§511. Law cumulative

R.S. 40:511 is all proposed new law.

Notwithstanding any other provision of this Chapter to the contrary, R.S. 42:508 to 510 shall be cumulative of any other laws of this state relating to civil or criminal trespass, unauthorized entry upon property, or the exclusion or ejection of unauthorized persons from public or private property, all of which laws shall, in addition to R.S. 40:508 to 510, remain applicable to local housing agencies and their developments and property. A local housing agency may elect to exercise its rights under this Section without waiver of its rights or remedies under any other applicable provision of law, and vice versa.

§512. Annual reports of local housing agencies.

Substantial rewording of Section. See R.S. 40:506 for present text.

A. Within a reasonable time after the end of each fiscal year, each local housing agency shall prepare a report generally describing such agency's activities for the year then ended. Such report shall contain financial statements fairly depicting the financial condition of the agency, its assets and liabilities, including contingent liabilities, and the results of its operations for the year then ended. The report shall be approved by the local agency's board of commissioners and signed by its chairperson.

B. The annual report of the local housing agency shall be a public record that is available for inspection and copying by members of the general public at the offices of the local housing agency.

C. A local housing agency shall also file its annual report with the municipal or parish clerk, or equivalent official whose duties include receipt and custody of public records of the municipality or parish, promptly upon completion thereof. Regional and consolidated housing agencies shall file annual reports with the appropriate officials of all participating political subdivisions.

§513. Filing a false report

R.S. 40:513 is all proposed new law.

Any representative of a local housing agency who knowingly approves, signs, or files an annual report of an agency which is materially false or misleading shall be guilty of misconduct in office.

§514. Audits

R.S. 40:514 is all proposed new law.

The financial statements contained in annual reports of local housing agencies with gross revenues of two hundred fifty thousand dollars or more shall be audited annually. Such financial statements of agencies with gross revenues of less than two hundred fifty thousand dollars shall be audited at least biennially.

§515. Immunity from personal liability of commissioners, officers, employees, and agents

R.S. 40:515 is all proposed new law.

A. No representative of a local housing agency shall personally be civilly or criminally liable:

(1) With respect to any matter or act not directly committed or authorized by such person.

(2) For any action, including a direct action or authorization, taken in good faith:

(a) Pursuant to any rule, procedure, or system implemented by an agency to deny access to the agency's developments or property by unauthorized persons, including, but not limited to, any action to identify any person or to verify such person's authority to be present upon agency property, or to exclude or eject any person determined in good faith to be an unauthorized person.

(b) With respect to disclosure or nondisclosure of information under R.S. 40:526 or any other law pertaining to the confidentiality or disclosure of information or records.

§516. Authority to indemnify representatives

R.S. 40:516 is all proposed new law.

A. Except as provided in Subsection (C) below, a housing agency may indemnify a representative of a local housing agency who is made a party to a proceeding, because the representative is or was such, against liability incurred in the proceeding unless either:

(1) The conduct of the representative was outside the scope of his/her official duties.

(2) The representative's conduct constituted malfeasance in office.

(3) The representative's conduct constituted a wilful or wanton neglect of duty.

B. The termination of a proceeding by judgment, order, settlement, or upon a plea of nolo contendere or its equivalent is not, of itself, determinative that the representative did not meet the standard of conduct described in this Section.

C. A housing agency may not indemnify a representative under this Section in connection with either:

(1) A proceeding by or in the right of a housing agency in which the representative was adjudged liable to the housing agency.

(2) Any other proceeding charging improper personal benefit to the representative in which the representative was adjudged liable on the basis that personal benefit was improperly received by the representative.

D. Indemnification permitted under this Section in connection with a proceeding by or in the right of a housing agency is limited to reasonable expenses incurred in connection with the proceeding.

§517. Mandatory indemnification

R.S. 40:517 is all proposed new law.

Notwithstanding that a housing agency has failed or refused to agree to indemnify a representative, it shall indemnify a representative who was wholly successful, on the merits, in the defense of any proceeding to which the representative was a party because such person was a representative of such housing agency against reasonable expenses incurred by the representative in connection with the proceeding.

§518. Advance for expenses

R.S. 40:518 in all proposed new law.

A. A housing agency may in its discretion pay for or reimburse the reasonable expenses incurred by a representative who is a party to a proceeding in advance of final disposition of the proceeding.

B. Any authorization of payments under this Section shall be made by resolution of the housing agency.

§519. Determination and authority of indemnification

R.S. 40:519 is a proposed new law.

A. A housing agency may indemnify a representative after a determination has been made that indemnification of the representative is not prohibited pursuant to R.S. 40:516(A) or 516(C).

B. A determination that indemnification of a representative is permissible shall be made by either:

(1) A majority vote of a quorum consisting of commissioners not at the time parties to the proceeding.

(2) If a quorum cannot be obtained under Paragraph (1) of this Subsection a majority vote of a committee duly designated by the commissioners consisting solely of two or more commissioners not at the time parties to the proceeding. However, commissioners who are parties to the proceeding may participate in designation of the committee.

(3) Special legal counsel selected by the board or its committee in the manner prescribed in Paragraphs (1) or (2) of this Subsection or, if a quorum of the commissioners cannot be obtained under Paragraph (1) and a committee cannot be designated under Paragraph (2), the special legal counsel shall be selected by a majority vote of the commissioners, including commissioners who are parties to the proceeding.

C. Authorization of indemnification and evaluation as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if the determination is made by special legal counsel, authorization of indemnification and evaluation as to reasonableness of expenses shall be made by those entitled under Paragraph (3) of Subsection B to select counsel.

§520. Insurance

R.S. 40:520 is all proposed new law.

A housing agency may purchase and maintain insurance on behalf of a representative against liability asserted against or incurred by a representative who is or was a representative of a housing agency or who, while a representative, is or was serving at the request of the housing agency as a director, officer, partner, trustee, employee, or agent of a partnership, joint venture, employee benefit plans, or other enterprise.

§521. Indemnification; extent; reimbursement of commissioner expenses as witness

R.S. 40:521 is all proposed new law.

A. The indemnification and the provisions for advancement of expenses provided by R.S. 40:515 to 519 shall not be deemed exclusive of any other rights to which a representative may be entitled under any agreement, general or specific action of a housing agency, or otherwise, and shall continue as to a person who has ceased to be a representative and shall inure to the benefit of the heirs, executors, and administrators of such a person. Specifically and not by way of limitation, a housing agency may make or agree to make any further indemnification, including advancement of expenses, of any representative whose agreement for such was approved, adopted, or ratified, before or after such indemnification or agreement is made.

B. Notwithstanding other provisions of this Chapter limiting compensation of commissioners, a housing agency may pay or reimburse expenses incurred by a commissioner in connection with the commissioner's appearance as a witness in a proceeding at the time when the commission has not been made a named defendant or respondent to a proceeding.

§522. Limitations

R.S. 40:522 is all proposed new law.

Nothing contained in R.S. 40: 515 to 519 shall require or permit any payment to a representative that is redundant to the proceeds of any insurance policy payable to the representative in connection with the same matter as that for which indemnity would otherwise be given. Further, no discretionary payment of indemnity shall be made if such payment would jeopardize the ability of the agency to carry on its customary activities and meet its other obligations.

§523. Planning and zoning

Substantial rewording of Section. See R.S. 40:499 for present text.

Except as otherwise provided herein, all developments are subject to the planning, zoning, sanitary, and building laws applicable to the locality in which the development is located.

§524. Exceptions for affordable housing or local housing agencies

R.S. 40:524 is all proposed new law.

A. In order to facilitate development, redevelopment, and other activities in furtherance of the purposes of this Chapter by local housing agencies and their affiliates, a municipality or parish may grant exceptions to the requirements of:

(1) Zoning ordinances and other laws, ordinances and regulations regulating the use, development and improvement of land or buildings.

(2) Laws, ordinances and regulations pertaining to historic buildings and structures.

(3) Redevelopment plans, comprehensive plans, and other plans governing municipality or parish land use.

B. However, any such exception shall not compromise essential health and safety standards. This Section shall be cumulative of, and not in limitation of, any existing laws, ordinances, and regulation that permit variances, special exceptions, and other relief from applicable requirements relating to development and improvement of real property.

§525. Local agency planning participation

R.S. 40:525 is all proposed new law.

With respect to matters relating to the purposes of this Chapter, each municipality or parish or regional planning body of this state shall, in its planning processes, take into account all recommendations of local housing agencies formed by such municipality or parish, or by the municipalities and parishes affected by the actions of such regional planning body.

§526. Exempt records

R.S. 40:526 is all proposed new law.

Notwithstanding any other law with respect to the availability of public records for inspection, the following records of a housing agency are exempt from public disclosure:

(1) All records in the individual file of a resident, former resident, or applicant for public housing.

(2) All records in the individual file of any landlord or individual providing a dwelling that is in any manner administered by a housing agency.

(3) All lists that identify residents, former residents, and applications. However, statistical compilations are not exempt unless, by identification of location, family size, employment, or similar information, a resident, former resident, or applicant may be identified.

(4) The addresses of any dwellings that are assisted, either directly by the action of the housing agency or as a result of the resident's selection. However, statistical compilations are not exempt unless some or all of them may be specifically identified by address as a result of such compilation.

(5) The home address or personal telephone number of any resident, former resident, applicant, or landlord.

(6) Communications within a housing agency or between a housing agency and other public agencies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action.

(7) Any information in the possession of the agency concerning the criminal history or other background information pertaining to any tenant or applicant for assistance.

(8) Information submitted to a housing agency in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, and the housing agency has obliged itself in good faith not to disclose the information.

(9) Any other material or information that is otherwise exempt from disclosure under applicable law.

§527. Permitted disclosure

R.S. 40:527 is all proposed new law.

A housing agency may provide any of the records described in R.S. 40:526:

(1) To any recipient to whom disclosure is authorized pursuant to consent by all adult individuals identified in the record which is to be so disclosed.

(2) To such parties as the housing agency deems necessary when the agency determines that the disclosure is essential to the preservation of life, health, or safety.

(3) To anyone as required by a court order.

(4) To a law enforcement agency without order of court, to the extent the agency deems such disclosure to be appropriate and in the public interest.

(5) To a landlord or prospective landlord for purposes of enabling the landlord to determine an applicant's suitability for initial tenancy or to determine the suitability for continued tenancy of a person receiving assistance from the agency who is already in occupancy.

(6) To any applicant, tenant, or recipient of assistance to whom such information relates, or to such person's designee or legal representative.

(7) To any state or federal public agency as required by law or agreement.

§528. Disclosure to residents and applicants; limitations

R.S. 40:528 is all proposed new law.

Any applicant or recipient of assistance from a housing agency may examine his or her individual file or files at reasonable times and intervals. However, a local housing agency shall have no obligation to disclose to any resident or recipient of assistance any information pertaining to any investigation or confidential law enforcement activity relating to possible criminal misconduct on the part of such person.

§529. Procedures for procurement of goods and services, sale or disposition of property, personnel management

R.S. 40:529 is all proposed new law.

Local housing agencies shall adopt policies, rules, and procedures governing the procurement of goods or services, the sale or disposition of agency property, and the management of agency personnel. Such policies, rules, and procedures shall apply to all subsidiaries, but not affiliates of a local housing agency, unless the agency, by resolution of its board of commissioners, elects otherwise.

§530. Conflict of interest

R.S. 40:530 is all proposed new law.

All housing agency officials and employees are subject to the state Code of Governmental Ethics.

SUBPART E. MISCELLANEOUS

§531. Appointment of commissioners to local housing agency, vacancy, removal

Substantial rewording of Section. See R.S. 40:401 and 427 for present text.

A. When the governing body of any municipality or parish, as the case may be, has determined, by resolution as set forth in R.S. 40:393, that it is expedient to establish a local housing agency, the chief elected official of the municipality or parish, or if no such official exists, then the governing body itself shall appoint five persons who shall constitute the governing body of local housing agency and shall be called commissioners.

§532. Terms of office for local housing agency commissioner

Substantial rewording of Section. See R.S. 40:401 for present text.

In the case of local housing agencies, the commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed for terms of five years. All commissioners shall, except as otherwise provided in R.S. 40:536 and 537, continue to serve until their successors have been duly appointed.

§533. Vacancies in local agencies

Substantial rewording of Section. See R.S. 40:401 for present text.

All vacancies shall be filled for the unexpired terms. Vacancies shall be filled by the same authority and in the same manner as the previous commissioner whose position has become vacant was appointed.

§534. Certificate of appointment or reappointment

Substantial rewording of Section. See R.S. 40:402 for present text.

A certificate of appointment or reappointment of any commissioner shall be filed with the secretary or clerk of the governing body making or coding said appointment or reappointment, and such certificate shall be conclusive evidence of the proper appointment of such commissioner.

§535. Eligibility of commissioners

R.S. 40:535 is all new proposed law.

Every commissioner shall be a resident of the area of operation of the housing agency which he or she has been appointed to serve. However, if after appointment a commissioner ceases to reside in the local housing agency's area of operation, his or her term of office shall automatically terminate and a successor shall be appointed to fill such vacancy in the manner provided in R.S. 40:533. Any commissioner who ceases to reside within the area of operation of the local housing agency in which such commissioner serves shall immediately so inform the board of commissioners of the agency and the appointing authority of his or her change in residence. Commissioners shall be adult persons of integrity. No person who has been convicted of a felony shall be eligible for appointment or service as a commissioner.

§536. Tenant commissioners

R.S. 40:536 is all proposed new law.

Tenancy in a local housing agency development or receipt of other assistance from such agency shall not preclude the appointment of any person to serve as a commissioner. Notwithstanding any other Section of this Chapter, a resident or recipient of other assistance who is a commissioner may participate in any decision of the agency except a decision that specially affects his or her individual interests. In the event that the appointing authority intends that a commissioner's appointment is made within the intention that such commissioner represent the

persons assisted by said local housing agency, then his or her certificate of appointment shall so state. In the event that any such commissioner so appointed and designated shall cease to reside in a development of, or otherwise cease to receive assistance from, the agency which such person serves as commissioner, then his or her term of office shall automatically terminate, and a successor shall be appointed to fill such vacancy in the manner provided in this Section.

§537. Removal of commissioners

Substantial rewording of Section. See R.S. 40:498 for present text.

A. A commissioner of a local housing agency may be removed for neglect of duty, misconduct in office, or conviction of any felony by the chief elected official of the municipality or parish appointing the commissioner, or if no chief elected official exists, then by the governing body thereof. A commissioner of a regional or consolidated housing agency may be removed, for any of said grounds, by the governing body of the municipality or parish that originally appointed the commissioner.

B. The chief elected official or the governing body, as the case may be, which deems to remove a commissioner shall send a notice of removal to such commissioner, which notice shall set forth the charges against him or her. Unless, within ten days from the receipt of such notice, such commissioner files with the clerk or secretary of the municipality's or parish's governing body a request for a hearing before the governing body, the commissioner shall be deemed removed from office. If a request for hearing is so filed, the governing body of the municipality or parish, as the case may be, shall hold a hearing, not sooner than ten days subsequent to the date a hearing is requested, at which the commissioner shall have the right to appear in person or by counsel and the governing body shall determine whether the removal shall be upheld. If the removal is not upheld by the governing body, the commissioner shall continue to hold his or her office.

§538. Validity of actions of board of commissioners

R.S. 40:538 is all proposed new law.

No action taken by the commissioners of an agency shall be invalid because of the ineligibility of any commissioner to serve in such capacity. All actions taken by a board of commissioners shall be presumed valid unless otherwise shown by clear and convincing evidence.

§539. Selection of chairman and vice chairman; executive director; hiring of employees

Redesignated from R.S. 40:495.

A.(1) The mayor of the municipality or the governing body of the parish, as the case may be, shall designate the first chairman of the municipality or parish authority, but thereafter the ~~authority~~ **agency** shall select a chairman from among its commissioners.

(2) The ~~authority~~ **agency** shall also select a vice chairman from its commissioners.

B. Every regional or consolidated housing ~~authority~~ **agency** shall elect a chairman from among its commissioners. The commissioners may select any other officers which the ~~authority~~ **agency** requires.

C.(1) The ~~authority~~ **agency** shall select a secretary who shall be the executive director and chief executive and administrative officer of the ~~authority~~ **agency**. He shall serve at the pleasure of the ~~authority~~ **agency**. The ~~authority~~ **agency** shall fix the compensation of the executive director.

(2) The executive director shall employ such housing ~~authority~~ **agency** staff and employees, permanent and temporary, as shall be necessary to carry out the functions of the ~~authority~~ **agency**. The executive director shall determine the qualifications, duties, and compensation of the employees of the ~~authority~~ **agency**. The executive director shall have authority over termination of employment. In carrying out his functions and responsibilities, the executive director shall be subject to applicable civil service laws, rules, and regulations and policies of the ~~authority~~ **agency**.

(3) The executive director shall exercise administrative supervision over all employees of the ~~authority~~ **agency**, and all employees of the ~~authority~~ **agency** shall be responsible to the executive director for the accomplishment of their duties. The executive director shall organize the personnel of the ~~authority~~ **agency** in the most efficient manner to accomplish the purposes of the ~~authority~~ **agency**.

(4) Housing ~~authority~~ **agency** staff and employees shall consist of professional, technical, administrative, and clerical personnel necessary to carry out the purposes and objectives of the housing ~~authority~~ **agency**.

(5) The ~~authority~~ **agency**, after receiving the recommendations of the executive director, may employ **its own counsel and** legal staff ~~as provided in R.S. 40:496~~ **to perform any legal services it may require. Also, any agency, municipality, or parish may call upon the principal legal officer of the municipality, or parish, as the case may be, for any legal services which it requires.**

R.S. 40:539(6) is all proposed new law.

(6) The agency may arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with its developments or the occupants thereof; and, notwithstanding anything to the contrary contained in this Chapter or in any other provision of law, to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of developments, and to include in any contract awarded or entered in connection with a development, stipulations requiring that the contractor and all subcontractors comply with the requirements as to minimum salaries, wages and maximum hours of labor, and comply with any conditions attached to the financial aid of the development.

R.S. 40:539(7) is all proposed new law.

(7) The agency may employ accountants, appraisers, technical experts, and such other officers, agents, and employees, as it may require and shall determine their qualifications, duties, compensation, and term of office. A local housing agency may delegate to one or more of its agents or employees such powers and duties as it may deem proper. With respect to the employment of its staff, a local housing agency shall enjoy the exemptions contained in R.S. 40:406.

(8) All employees of the ~~authority~~ **agency**, except ~~authority~~ **agency** members, the executive director, and one other employee whom the ~~authority~~ **agency** shall designate and employ, and except professional employees employed on a contract basis, shall be in the classified state civil service.

§540. Compensation; expense reimbursements to commissioners

Substantial rewording of Section. See R.S. 40:493 for present text.

Except as otherwise approved by the governing body of the municipality or parish for which the local housing agency was formed, or, in the case of regional or consolidated housing agencies, the governing bodies of the municipalities and parishes participating therein, commissioners shall receive no compensation for their services, but shall be entitled to reimbursement for necessary expenses, including travel expenses, incurred in connection with the discharge of their duties. Subject to said approval, a board of commissioners may authorize compensation, provided that: (1) the method of compensation shall be uniformly applied with respect to all commissioners, (2) payment shall only be made in connection with actual participation, in meetings or other agency activities on a per diem basis, and (3) payments to any commissioner shall be reasonably related to the efforts expended.

§541. Dissolution of local housing agencies

R.S. 40:541 is all proposed new law.

Any local housing agency may, by written resolution, elect to dissolve, provided that no such dissolution or any transfer of property pursuant to dissolution shall occur unless **all of** the following conditions are met:

(1) The governing body of the municipality or parish which

established the local housing agency so dissolving shall have consented thereto.

(2) The dissolving agency shall have designated another local housing agency or another municipality, parish, or public agency of this state, which may be the municipality or parish for which the agency was formed, as the transferee of its assets and liabilities in dissolution.

(3) The local housing agency, municipality, parish, or other public agency receiving such property or assets and the political subdivision which established it consent thereto by resolution.

(4) All obligees of bonds or other evidences of indebtedness of such transferring or dissolving agency, or the trustees for such obligees, or the federal government if the bonds or other obligations are secured by any contract right pursuant to a contract between the transferring agency and the federal government, shall have consented thereto in writing, or adequate provision shall have been made for the payment of such bonds or other obligations, by escrow or otherwise, the performance without breach or default of an obligation secured only by one or more developments or the income thereof shall be deemed to be "adequate provision". Further, no such transfer shall in any way diminish or impair the obligations of any transferring agency.

§542. Rights and obligations upon transfer, dissolution

R.S. 40:542 is all proposed new law.

Within a reasonable time subsequent to approval by all necessary parties of a local housing agency's resolution to dissolve, the agency shall transfer its assets and liabilities to the transferee designated in the resolution. Upon the transfer of any of the agency's property, the receiving local housing agency, municipality, parish, or other public agency shall have all right, title, and interest in and to such property and all duties and obligations arising out of the transfer of such property as the transferring agency had. Upon dissolution and transfer, all rights, contracts, agreements, obligations, and property, real and personal, of such transferring agency, shall be in the name of, and vest in, such receiving local housing agency, municipality, parish, or other public agency, and all obligations of such transferring local housing agency shall be the obligations of such receiving local housing agency, municipality, parish or other public agency. All rights and remedies of any person against such transferring local housing agency may be asserted, enforced, and prosecuted against such receiving local housing agency, municipality, parish, or other public agency. All rights and remedies of any person against such transferring local housing agency may be asserted, enforced, and prosecuted against such receiving local housing agency, municipality, parish, or other public agency to the same extent as they might have been asserted, enforced, and prosecuted against such transferring local housing agency.

§543. Area of operation after dissolution

R.S. 40:543 is all proposed new law.

After any dissolution and transfer, notwithstanding anything contained in R.S. 40:396, the area of operation of the receiving local housing agency shall include, nonexclusively, the area of operation of the transferring local housing agency.

§544. Dissolution of regional and consolidated housing agencies

R.S. 40:544 is all proposed new law.

A regional or consolidated housing agency desiring to dissolve may do so in the same manner as provided in R.S. 40:542 above, provided that consent of all participating municipalities and parishes shall be required and the transfer of property and assets of the regional or consolidated housing agency upon dissolution may be effected either to a single transferee or to multiple transferees, as the agency shall determine, subject to approval by the participating political subdivisions.

§545. Private rights of action; third party beneficiary rights

R.S. 40:545 is all proposed new law.

Except with respect to enforcing any right to indemnification under R.S. 40:516 or any right of an obligee under R.S. 40:476 and 477, and notwithstanding any other provision of law to the contrary, this Chapter shall not confer upon any person or organization a right of action in any court to enforce this Chapter. Except as otherwise stated in this Section above, any and all rights to enforce this Chapter are vested exclusively in housing agencies and the municipalities and parishes of this state that establish housing agencies, and without limiting the foregoing, no person or entity not expressly named as a party to a contract entered into by a housing agency shall have any right of action, by virtue of the status of such person or entity as a third party beneficiary of such contract, or otherwise based upon such contract. Any claim or action in violation of this Section shall be absolutely null and void.

§546. Meetings of commissioners

Redesignated from R.S. 40:504.

Nothing contained in this Part prevents meetings of the commissioners of a housing ~~authority~~ **agency** anywhere within the perimeter boundaries of the area of operation of the ~~authority~~ **agency** or within any additional area where the housing ~~authority~~ **agency** is authorized to undertake a housing project.

§547. Validating provisions

Redesignated from R.S. 40:507.

A. The creation and establishment of housing ~~authorities~~ **agencies** pursuant to, or purporting to be pursuant to, ~~the provisions of the Housing Authorities Law~~ **this Chapter**, together with all proceedings, acts and things undertaken, performed**,** or done with reference thereto, are hereby validated, ratified, confirmed, approved**,** and declared legal in all respects, notwithstanding any want of statutory authority or defect or irregularity in such acts or proceedings. Said housing ~~authorities~~ **agencies** are hereby constituted and declared to be bodies corporate and politic with all the powers, rights, and duties set forth in ~~the Housing Authorities Law~~ **this Chapter** and any amendments thereto.

B. All contracts, agreements, obligations**,** and undertakings of housing ~~authorities~~ **agencies** heretofore entered into relating to financing or aiding in the development, construction, maintenance**,** or operation of any housing or redevelopment ~~project or projects~~ **development or developments** or to obtaining aid therefor from the federal government, including**,** without limiting the generality of the foregoing**,** loan and annual contributions contracts and leases with the federal government, agreements with municipalities or other public bodies**,** ~~(~~including agreements which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by housing ~~authorities~~ **agencies** or which are otherwise made a part of the contracts with such holders of notes or bonds~~)~~**,** relating to cooperation, contributions, grants, payments**,** ~~(~~if any~~)~~**,** in lieu of taxes, furnishing of municipal services and facilities, and the elimination of unsafe and insanitary dwellings, and contracts for the construction of housing ~~projects~~ **developments**, together with all proceedings, acts and things heretofore undertaken, performed**,** or done with reference thereto, are hereby validated, ratified, confirmed, approved**,** and declared legal in all respect, notwithstanding any defect or irregularity therein or any want of statutory authority.

C. All proceedings, acts**,** and things heretofore undertaken, performed**,** or done in or for the authorization, issuance, sale, execution**,** and delivery of notes and bonds by housing ~~authorities~~ **agencies** for the purpose of financing or aiding in the undertaking of a housing or redevelopment ~~project or projects~~ **development or developments** and all notes and bonds heretofore issued by housing ~~authorities~~ **agencies** are hereby validated, ratified, confirmed, approved**,** and declared legal in all respects, notwithstanding any defect or irregularity therein or any warrant of statutory authority.

§548. Filing false reports on income; penalty

Redesignated from R.S. 40:508.

Whoever files a false report of his income with any housing ~~authority~~ **agency**, with knowledge of its falsity, shall be fined not more than five hundred dollars, or shall be imprisoned for not more than six months, or both.

§549. Legal construction

R.S. 40:549 is all proposed new law.

This Chapter shall be construed liberally to effect the

charitable and public purposes thereof. The enumeration of specific powers, authorities, or activities in the law shall not operate to restrict the meaning of any general grant of power or authority or any description of activities contained herein or to exclude other powers, authorities, or activities comprehended in such general grant. In determining the existence or nonexistence of any power of a local housing agency, the agency shall be presumed to possess the power in question unless a contrary intent is clearly expressed in this Chapter or other applicable statutory law, or the power in question is clearly unrelated to carrying out any of the purposes of this Chapter and cannot be reasonably implied by any other power conferred under this Chapter. It is the purpose and intent of this Chapter that the powers of local housing agencies be construed to afford to every agency the maximum responsibility, authority, and flexibility in carrying out the provisions hereof and to maximize the involvement of private sector entities, in cooperation with local housing agencies, in the production and operation of affordable housing. Whenever language may be interpreted to be either restrictive or expansive with respect to the existence or scope of a power, the more expansive interpretation shall be followed. The use of the disjunctive word "or" shall be construed to mean "and" and the conjunctive word "and" shall be construed to mean "or" where such construction will result in a broader interpretation of a power. Captions of sections or subsections shall not be construed to limit the substance of any section or subsection so captioned. Limitations upon the powers, authorities, and activities of local agencies contained in this Chapter shall be strictly construed.

§550. Partial invalidity; severability

R.S. 40:550 is all proposed new law.

If any provision of this Chapter, or the application thereof to particular circumstances, is held unconstitutional or otherwise invalid, the remainder of the Chapter, or the application of that provision to other circumstances, shall not be affected. In such event it is the intention of the legislature that this Chapter would have been adopted without the inclusion of the provision held to be unconstitutional or otherwise invalid.

§551. Conflict with other laws; preemption

R.S. 40:551 is all proposed new law.

To the extent that any provision of this Chapter shall conflict with any provision of law not contained in this Chapter, this Chapter shall prevail with respect to local housing agencies. It is in the intention of the legislature that, with respect to any subject matter covered by this Chapter, this Chapter shall preempt all other laws of this state with respect to the formation, powers and operation of local housing agencies and the requirements of law applicable thereto.

SUBPART F. WAGE RECORDS **AND SSI TAX EXEMPTION** AND UNEMPLOYMENT COMPENSATION INFORMATION

§561. Definitions

Redesignated from R.S. 40:521.

As used in this Subpart, the following terms shall apply unless the context clearly states otherwise:

(1) "Applicant" means a person applying for benefits under a public housing assistance program covered by HUD and with respect to whom wage record and unemployment compensation information is sought.

(2) "Consent form" means the Authorization for Release of Information Form authorized for use by HUD.

(3) "Disclose" or "disclosure" means the release of information or data with the consent, as indicated by a signed consent form, of the individual or individuals to whom the information pertains by either the division of unemployment insurance or the housing ~~authority~~ **agency**.

(4) "Information" means wage record and unemployment compensation information.

(5) "Department of Labor" means the Louisiana Department of Labor and its subdivisions, including the office of employment security, division of unemployment insurance or its successor.

(6) "HUD" means the United States Department of Housing and Urban Development.

(7) "Participant" means a person who receives benefits under a program covered by HUD and with respect to whom wage record or unemployment compensation information is sought.

(8) "Wage record" means wage record information reported to the state by employers on a quarterly basis as provided in R.S. 23:1660(A).

(9) "Unemployment compensation information" means unemployment compensation claim or payment information from the Louisiana Department of Labor, office of employment security.

(10) "Participating housing ~~authority~~ **agency**" means a housing agency that has entered into a cooperative agreement with the state Department of Labor.

§562. Housing agencies ability to obtain information

Redesignated from R.S. 40:522.

Notwithstanding any provisions of law to the contrary, particularly the provisions of R.S. 23:1660(C), any housing ~~authority~~ **agency** in the state and the Department of Labor ~~shall have the authority to~~ **may** enter into a cooperative agreement for the ongoing disclosure of wage records and unemployment compensation data. Such disclosure shall be made through a computer matching operation to be used by the housing ~~authorities~~ **agencies** to determine initial and continuing eligibility of applicants for and participants in any housing assistance program covered by the United States Department of Housing and Urban Development.

§563. Procedures

Redesignated from R.S. 40:523.

A. Each participating housing ~~authority~~ **agency** shall establish conditions, safeguards, and procedures for the ongoing disclosure of any information received under the authority of this Subpart. These procedures shall be in writing and shall be available, upon request, to all applicants and participants.

B. Each participating housing ~~authority~~ **agency** shall comply with the following measures to protect the confidentiality and unauthorized access or disclosure of wage record and unemployment compensation information:

(1) Wage record and unemployment compensation information shall be used only to the extent necessary to assist in the valid administrative needs of the housing ~~authority~~ **agency** performing HUD related activity.

(2) The information shall be stored in a place physically secure from access by unauthorized persons.

(3) Information in electronic format shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal, or other means.

(4) Only authorized personnel shall be given access to on-line files that may be created by the participating housing ~~authorities~~ **agencies**.

C. No participating housing ~~authority~~ **agency** shall disclose any information provided under this Subpart except as follows:

(1) Any information may be given to the individual who is the subject of the information.

(2) Information about an individual may be given to an individual's attorney or other agent duly authorized by sworn affidavit if the information is needed in connection with a claim for HUD benefits or to respond to the housing ~~authority's~~ **agency's** administrative findings.

(3) The housing ~~authority~~ **agency** may release this information as permitted by state and federal law.

(4) Any information may be given to HUD or another housing ~~authority~~ **agency** which administers programs covered under HUD, provided that each such housing ~~authority~~ **agency** agrees in writing to protect the confidentiality of such information in a manner consistent with the provisions of this Subsection.

§564. Violations

Redesignated from R.S. 40:524.

A. Any person who knowingly and willfully requests or obtains any wage record or unemployment compensation information under false pretense, or who knowingly and willfully discloses any such information in any manner to any individual not

entitled under law to receive it shall be subject to criminal and civil penalties under all appropriate federal and state laws, including R.S. 23:1660(C) related to the improper disclosure of wage records and unemployment compensation data and federal penalties for improper disclosure of information of public housing ~~authority~~ **agency** records which are covered under the Privacy Act of 1974.

B. The contact person at any participating housing ~~authority~~ **agency** receiving wage record and unemployment insurance information shall promptly report any suspected or known request or disclosure violations to the state Department of Labor and shall immediately deny the persons involved further access to such information.

PART II. HOUSING COOPERATION LAW

§570. Title

Redesignated from R.S. 40:531.

This Part may be referred to as the "Housing Cooperation Law".

§571. Finding and declaration of necessity

Redesignated from R.S. 40:531.1.

It has been found and declared in the Housing ~~Authorities~~ **Agencies** Law that there generally exist in urban and rural sections throughout the state, slum or blighted areas, unsafe or insanitary dwelling accommodations and a shortage of safe and sanitary dwelling accommodations for persons of low income; that these conditions constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; and that the public interest requires the remedying of these conditions. It is hereby found and declared that the assistance herein provided for the remedying of the conditions set forth in the Housing ~~Authorities~~ **Agencies** Law constitutes a public use and purpose and an essential governmental function for which public moneys may be spent and other aid given; that it is a proper public purpose for any state public body to aid any housing agency operating within its boundaries or jurisdiction, or any housing development or redevelopment project located therein; as the state public body derives immediate benefits and advantages from such an agency development or project; and that the provisions hereinafter enacted are necessary and in the public interest.

§572. Definitions

Redesignated from R.S. 40:532.

The following terms, whenever used or referred to in this Part, have the following respective meanings, unless a different meaning clearly appears from the context:

R.S. 40:572(1) is all proposed new law.

(1) "Blighted area" means an area, other than a slum area, where by reason of the predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, submergence of lots by water or other insanitary or unsafe conditions, deterioration of site improvements, failure to install public utilities, diversity of ownership, tax delinquency, defective or unusual conditions of title, improper subdivision or obsolete platting, or any combination of such factors, the development of such blighted area, which may include some incidental building or improvements, into predominantly housing uses is being prevented.

(2) "Federal government" includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

~~(2)~~**(3)** "Governing body" means the commission council, board of aldermen, council, board of commissioners, or other body having charge of the fiscal affairs of a state public body.

~~(3)~~**(4)** "Housing ~~authority~~ **agency**" means any housing authority created by or pursuant to the Housing ~~Authorities~~ **Agencies** Law of this state.

~~(4)~~**(5)** "Housing ~~project~~ **development**" means any work or undertaking of a housing ~~authority~~ **agency** pursuant to the Housing ~~Authorities~~ **Agencies** Law or any similar work or undertaking of the federal government.

~~(5)~~**(6)** "Redevelopment project" shall mean any work or undertaking:

(a) To acquire slum areas or blighted areas, including lands, structures or improvements the acquisition of which is necessary in order to assure the proper clearance and redevelopment of the entire slum or blighted area and to prevent the spread or recurrence of slum conditions or conditions of blight, thereby protecting the public health, safety, morals or welfare;

(b) To clear any areas acquired and install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan;

(c) To sell, lease, or otherwise make available land so acquired for residential, recreational, commercial, industrial or other use in accordance with the redevelopment plan~~; and~~**;**

(d) To make provision for the repair, renovation, or rehabilitation of buildings and structures in the area so acquired in accordance with the redevelopment plan. The term "redevelopment project" also may include the preparation of a redevelopment plan and the initiation, planning, survey and other work incident to a redevelopment project and also the preparation of all plans and arrangements for carrying out a redevelopment project.

~~(6)~~**(7)** "State public body" means any ~~city, town incorporated village~~, **municipality,** parish, ~~municipal corporation,~~ commission, board district, authority, other subdivision or public corporation, ~~municipality,~~ or other public body of the state.

§573. Cooperation in undertaking housing projects

Redesignated from R.S. 40:532.

For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of housing **developments** or redevelopment projects located within the area in which it is authorized to act, any state public body may, upon such terms as it determines:

(1) Dedicate, sell, convey, or lease any of its interest in any property, or grant servitudes or other rights or privileges therein to a housing agency or to the federal government.

(2) Cause parks or playgrounds or recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished adjacent to or in connection with such developments or projects.

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, alleys, sidewalks or other places which it is otherwise empowered to construct.

(4) Plan or replan zone or rezone, any part of the state public body; or make exceptions to any of its building regulations and ordinances. ~~Cities, towns, or incorporated villages~~ **Municipalities** may also change their maps.

(5) Cause any services to be furnished to the housing ~~authority~~ **agency** which it is empowered to furnish.

(6) Enter into agreements with respect to the exercise by it of its powers relating to the repair, elimination, or closing of unsafe, insanitary, or unfit dwellings.

(7) Employ any funds belonging to it or within its control, including funds derived from the sale or furnishing of property or facilities to a housing agency, in the purchase of the bonds or other obligations of a housing agency; and exercise all the rights of any holder of such bonds or other obligations.

(8) Accept as security for its deposits any bonds or other obligations of any housing agency created under the Housing ~~Authorities~~ **Agencies** Law.

(9) Do any and all things, necessary or convenient, to aid and cooperate in the planning, undertaking, construction, or operation of such **developments or** projects.

(10) Incur the entire expense of any public improvements made by it in exercising the powers granted in this Part~~; provided, however,~~**. However,** it shall be the responsibility of the state public body to make available to those families who have been deprived of living accommodations through the removal of these structures as provided for in this Part, living quarters either in housing ~~projects~~ **developments** or through private enterprise at comparable rate of rent as was previously paid. When a dwelling or business is condemned and demolished, the property owner shall retain his equity in the land, regardless of whether it is subsequently subdivided, unless the land is expropriated for a

municipal use such as a playground, school, street, or municipal building.

(11) Enter into agreements, which may extend over any period, with a housing ~~authority~~ **agency** respecting action to be taken by the state public body pursuant to any of the powers granted by this Part. If at any time title to, or possession of, any development is held by any public body or governmental agency authorized by law to engage in the development or administration of low rent housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency.

§574. Exception of contracts from requirements of appraisal; advertising and bidding

Redesignated from R.S. 40:534.

Any sale, lease, or other agreement provided for in ~~R.S. 40:533~~ **R.S. 40:573** may be made by a state public body without appraisal, public notice, advertising, or public bidding.

§575. Exception of certain developments from regulations of state public body

Redesignated from R.S. 40:535.

With respect to any housing ~~project~~ **development** which a housing ~~authority~~ **agency** has acquired or taken over from the federal government and which the housing ~~authority~~ **agency** by resolution has found to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation, and other protection, no state public body shall require any changes to be made in the housing ~~project~~ **development** or the manner of its construction or take any other action relating to its construction.

§576. Agreements on taxes due by housing authority; East Baton Rouge Parish excepted

Redesignated from R.S. 40:536.

In connection with any housing ~~project~~ **development** located wholly or partly within the area in which it is authorized to act, any state public body, except in East Baton Rouge Parish may agree with a housing ~~authority~~ **agency** or the federal government that a certain sum be paid by the ~~authority~~ **agency** in lieu of taxes for any year or period of years or that no taxes be paid it by the ~~authority~~ **agency** for any year or year on the property included in the development.

§577. Advances to housing agency

Redesignated from R.S. 40:537.

Any parish~~, city, town, or incorporated village~~ **or municipality** located in whole or in part within the area of operation of a housing ~~authority~~ **agency** may, from time to time, lend or donate money to the ~~authority~~ **agency** or agree to take such action.

§578. Procedure for exercising powers

Redesignated from R.S. 40:538.

The exercise by a state public body of the powers granted it in this Part shall be authorized by resolution of its government body, adopted by a majority of the members thereof present at the meeting of the governing body. This resolution may be adopted at the meeting at which it is introduced. It shall take effect immediately and need not be laid over, published, or posted.

Redesignated from R.S. 40:539.

The powers conferred by this Part are in addition and supplemental to the powers conferred by any other law.

PART III. SLUM CLEARANCE LAW

§580. Title

Redesignated from R.S. 40:561.

This Part shall be referred to as the "Slum Clearance Law".

§580.1. Definitions

Redesignated from R.S. 40:562.

The following terms, whenever used or referred to in this Part, have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Council" means the legislative body, commission council, board of aldermen, or other body charged with governing a municipality.

(2) "Dwelling" means any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

(3) "Owner" means the holder of the title or a mortgagee, whose interest is shown of record or who is in possession of a dwelling, or any person in control of a dwelling, or the agent of any such person.

(4) "Parties in interest" means persons who have an interest of record in or who are in possession of a dwelling.

(5) "Public authority" means any housing ~~authority~~ **agency** of a municipality or any officer who is in charge of any department or branch of the government of the municipality, parish, or state relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(6) "Public officer" means the officer or officers who are authorized by ordinance adopted under this Part to exercise the powers prescribed in the ordinance and by this Part.

§580.2. Slum conditions; action by municipality

Redesignated from R.S. 40:563.

Whenever any municipality finds that there exists within it dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fires, accidents, or other calamities; lack of ventilation, light, or sanitary facilities, or other conditions rendering the dwellings unsafe and unsanitary and dangerous or detrimental to health, safety, or morals, or that there are dwellings therein which are otherwise inimical to the welfare of its residents, it may exercise its police powers to remedy or eliminate those conditions in the manner provided in this Part.

§580.3. Standards for determination of unfitness for human habitation

Redesignated from R.S. 40:566.

An ordinance adopted by a municipality under this Part shall provide that the public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist therein which are dangerous or injurious to the health, safety, or morals of the persons using it for human habitation or of the public. These conditions may include the following: defects increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness. The ordinance may provide additional standards to guide the public officer or his agents in determining the fitness of a dwelling for human habitation.

§580.4. Complaints or orders; service; posting

Redesignated from R.S. 40:567.

A. Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Part shall be served upon persons either personally or by registered mail. If the whereabouts of the persons are unknown and cannot be ascertained by the public officer by the use of reasonable diligence and the public officer makes an affidavit to that effect, the compliant or order may be served by publication once each week for two successive weeks in a newspaper printed and published in the municipality, or, in the absence of such a newspaper, in one printed and published in the parish and circulating in the municipality in which the dwellings are located.

B. A copy of the complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy shall also be filed in the mortgage office of the parish in which the dwelling is located. This filing of the complaint has the same force and effect as the filing of lis pendens notices.

§580.5. Injunction against public officer

Redesignated from R.S. 40:568.

A. Any persons affected by an order issued by the public officer may apply to the district court for an injunction restraining the public officer from carrying out the provisions of the order. The court may, upon such application, issue an order restraining the public officer pending final disposition of the cause. Hearings shall be had by the court on the application within twenty days of its filing, or as soon thereafter as possible, and shall be given

preference over other matters on the court's calendar.

B. In all such proceedings the findings of the public officer as to facts, if supported by evidence, are conclusive. Costs shall be in the discretion of the court.

§580.6. Damages recoverable

Redesignated from R.S. 40:569.

The persons affected by a wrongful order of the public officer may recover any damages due them from action taken under the order or because of noncompliance therewith.

§580.7. Powers of public officers

Redesignated from R.S. 40:570.

An ordinance adopted by the council of the municipality may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purposes and provisions of this Part, including the following:

(1) To investigate the dwelling conditions in the municipality to determine which dwellings therein are unfit for human habitation.

(2) To administer oaths and affirmations and examine witnesses and receive evidence.

(3) To enter upon premises for the purpose of making examinations provided the entries are made in such manner as to cause the least possible inconvenience to the persons in possession.

(4) To appoint and fix the duties of such officers, agents, and employees as he thinks necessary to carry out the purposes of the ordinance.

§580.8. Estimates of annual expenses; appropriations and donations

Redesignated from R.S. 40:571.

A. The council of any municipality adopting an ordinance under this Part, shall, as soon as possible thereafter, prepare an estimate of the annual expenses or costs of providing equipment, personnel, and supplies necessary for periodic examinations and investigations of the dwellings of the municipality for the purpose of determining the fitness of the dwellings for human habitation and for the enforcement and administration of its ordinances adopted under this Part.

B. Municipalities may make any appropriations from their revenues which they think necessary for this purpose and may accept and apply grants or donations to assist them in carrying out the provisions of such ordinances.

§580.9. Powers conferred in Part supplemental

Redesignated from R.S. 40:572.

A. Nothing in this Part abrogates or impairs the power of the courts or of any department of a municipality to enforce any provisions of its charter or its ordinances or regulations or to prevent or punish violations thereof.

B. The powers conferred by this Part are in addition and supplemental to the powers conferred by any other law.

On motion of Senator Hollis, the committee substitute bill was adopted and becomes Senate Bill No. 1548 by Senator Guidry, substitute for Senate Bill No. 1427 by Senator Guidry.

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

BY SENATOR GUIDRY

AN ACT

To amend and reenact Parts I, II, and III of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:381 through R.S. 40:580.9, relative to housing; to provide for the public policy of the state with regard to residential housing; to provide that all citizens of the state have access to safe and sanitary housing facilities for rent or purchase; and to provide for related matters.

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

SENATE BILL NO. 1448—

BY SENATOR HOLLIS

AN ACT

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

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. 1448 BY SENATOR HOLLIS)

BY SENATORS HOLLIS AND SCHEDLER

HOSPITALS. Requires review and approval by the attorney general before acquisition of a hospital. (1/1/98)

AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B of Part II of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2115.11 through 2115.22 are hereby enacted to read as follows:

SUBPART B. REVIEW AND APPROVAL OF HOSPITAL ACQUISITIONS

Subpart B is all proposed new law.

§2115.11. Requirement for approval of hospital acquisitions

R.S. 40:2115.11 is all proposed new law.

The health of the people of our state is a most important public concern. The state has an interest in assuring the continued existence of accessible, affordable health care facilities that are responsive to the needs of the communities in which they exist. The state also has a responsibility to protect the public interest in nonprofit hospitals by making certain that the charitable assets of those hospitals are managed prudently. Therefore, no hospital shall be acquired by any person unless and until the acquisition is reviewed and approved by the attorney general.

§2115.12. Definitions

R.S. 40:2115.12 is all proposed new law.

The terms in this Subpart shall have the meaning provided for in R.S. 40:2102, as follows:

(1) "Acquisition" means any acquisition by a person of an ownership or controlling interest in a hospital, whether by purchase, merger, lease, gift, or otherwise, that results in a change of ownership or control of thirty percent or greater of either the voting rights or the assets of a hospital, or that results in the acquiring person holding a fifty percent or greater interest in the ownership or control of a hospital.

(2) "Attorney general" means the attorney general or his designee.

(3) "Charitable assets" means those tangible and intangible assets in the form of movable and immovable property and equipment, personnel, and services acquired by a hospital through the expenditure of direct and indirect state, federal and local funds, or funds retained by virtue of their non-taxable status, and through money paid through the patronage of members of the community the hospital serves.

(4) "Department" means the Department of Health and

Hospitals.

§2115.13. Application to acquire a hospital

R.S. 40:2115.13 is all proposed new law.

A.(1) Every person shall give the attorney general at least thirty days notice of an impending acquisition, during which time the attorney general may take any necessary and appropriate action consistent with the provisions of this Subpart.

(2) The notice shall briefly describe the impending acquisition, including any change in ownership of tangible or intangible assets.

B.(1) No person shall acquire a hospital without first having applied for and received the approval of the attorney general pursuant to this Subpart.

(2)(a) An application shall be submitted to the attorney general on forms provided by the attorney general and shall include the following:

(i) The name of the seller.

(ii) The name of the purchaser or other parties to the acquisition.

(iii) The terms of the proposed agreement.

(iv) The sale price.

(v) A summary of the acquisition agreement.

(vi) A financial and economic analysis and report from an independent expert or consultant of the effect of the acquisition under the criteria set forth in R.S. 40:2115.17.

(b) A copy of the application shall be submitted to the attorney general. The application shall be considered a public record.

§2115.14. Review of application; notice

R.S. 40:2115.14 is all proposed new law.

A.(1) Within five working days after receipt of an application under R.S. 40:2115.13, the attorney general shall publish notice of the application in a newspaper of general circulation in the parish where the hospital is located and shall notify by first class United States mail any person who has requested notice of the filing of such application.

(2) The notice shall state the following:

(a) That an application has been received.

(b) The names of the parties to the agreement.

(c) A description of the contents of the application.

(d) The date by which a person may submit written comments about the application to the attorney general.

B.(1) The attorney general shall, within fifteen days after the date an application is received, determine if the application is complete for the purposes of review. The attorney general may find that an application is incomplete if a question on the application form has not been answered in whole or in part, or has been answered in a manner that does not fairly meet the question addressed, or if the application does not include attachments of supporting documents as required by R.S. 40:2115.13.

(2) If the attorney general determines that an application is incomplete, he shall notify the applicant within fifteen days after the date the application was received stating the reasons for his determination of incompleteness with reference to the particular questions for which a deficiency is noted. In the absence of timely notice, the application shall be deemed complete.

C. Within sixty days after receiving a completed application, the attorney general shall review the application in accordance with the standards set forth in this Subpart and approve or disapprove the acquisition pursuant to this Subpart.

§2115.15. Public hearing

R.S. 40:2115.15 is all proposed new law.

A. The attorney general shall, during the course of review under R.S. 40:2115.14, hold a public hearing in which any person may file written comments and exhibits, or may appear and make a statement. The attorney general may subpoena additional information or witnesses, require and administer oaths, require sworn statements, take depositions, and use related discovery procedures for purposes of the hearing and at any time prior to making a decision on the application.

B. The hearing shall be held not later than thirty days after receipt of a completed application. The hearing shall be held upon ten working days notice, not including days the application is deemed to be incomplete.

§2115.16. Decision; appeal

R.S. 40:2115.16 is all proposed new law.

A.(1) The attorney general shall review the completed application in accordance with the standards enumerated in R.S. 40:2115.17. Within sixty days after receipt of a completed application, the attorney general shall either:

(a) Approve the acquisition, with or without specific modifications.

(b) Disapprove the acquisition.

(2) If the attorney general does not act within sixty days after receipt of an application, the application is deemed approved.

(3) If the attorney general disapproves the acquisition, he shall seek, from a court of competent jurisdiction, within the time allowed, an order enjoining the acquisition. The court shall grant the injunction, following a hearing, if it finds that the acquisition does not substantially comply with the criteria in R.S. 40:2115.17 and R.S. 40:2115.18. In the event that the seller, purchaser, or attorney general disagrees with the court's decision, they may appeal as otherwise provided by law.

B. Any applicant aggrieved by a final decision of the attorney general may, within thirty days after notification of such action, appeal suspensively to the district court for the parish of East Baton Rouge. A record of all proceedings before the attorney general shall be made and kept on file with the attorney general. The attorney general shall transmit to the district court a certified copy of the record. The district court shall try the appeal de novo.

§2115.17. Criteria for decision; attorney general

R.S. 40:2115.17 is all proposed new law.

A. The attorney general shall approve the application unless he finds that the acquisition is not in the public interest. An acquisition is not in the public interest unless appropriate steps have been taken to safeguard the value of assets and ensure that any proceeds of the transaction are used for appropriate health care purposes as provided for in R.S. 40:2115.18 of this Section.

B. In determining whether the acquisition meets such criteria under this Subpart, the attorney general shall consider:

(1) Whether the hospital exercised due diligence in deciding to sell, selecting the purchaser, and negotiating the terms and conditions of the sale.

(2) The procedures used by the seller in making its decision, including whether appropriate expert assistance was used.

(3) Whether conflict of interest was disclosed, including, but not limited to, conflicts of interest related to board members of, executives of, and experts retained by the seller, purchaser, or parties to the acquisition.

(4) Whether the seller will receive fair value for its assets; provided that the attorney general may employ, at the seller's expense, reasonably necessary expert assistance in making this determination.

(5) Whether funds are placed at unreasonable risk, if the acquisition is financed in part by the seller.

(6) Whether any management contract under the acquisition is for fair value.

(7) Whether the sale proceeds will be used for appropriate health care purposes consistent with the seller's original purpose or for the support and promotion of health care in the affected community and whether the proceeds will be controlled as funds independently of the purchaser or parties to the acquisition.

(8) Whether any corporation established to hold the proceeds of the sale will be broadly based in the community and be representative of the affected community, taking into consideration the structure and governance of such corporation.

(9) Whether a right of first refusal to repurchase the assets by a successor corporation or foundation has been retained if the hospital is subsequently sold to, acquired by, or merged with another entity.

§2115.18. Additional criteria for decision; attorney general

R.S. 40:2115.18 is all proposed new law.

In making a decision whether to approve or disapprove an application, the attorney general shall also determine whether the acquisition affects the continued existence of accessible, affordable health care facilities that are responsive to the needs of the community. In making this determination, the attorney general shall consider:

(1) Whether sufficient safeguards are included to assure the affected community continued access to affordable care.

(2) Whether the purchaser and parties to the acquisition have made a commitment, at least comparable to the seller, to provide health care to the disadvantaged, the uninsured, and the underinsured and to provide benefits to the affected community to promote improved health care. Activities and funding provided by the seller or its successor nonprofit corporation or foundation to provide such health care may be considered in evaluating compliance with this commitment.

(3) If health care providers will be offered the opportunity to invest or own an interest in the purchaser or a related entity to the purchaser, whether procedures or safeguards are in place to avoid conflict of interest in patient referral and the nature of such procedures or safeguards.

§2115.19. Reports to the attorney general

R.S. 40:2115.19 is all proposed new law.

A.(1) The attorney general may require annual reports from the seller or its successor corporation or foundation and from the purchaser or other parties to the acquisition for up to five years after the date of acquisition to ensure compliance with commitments made to the attorney general. The attorney general may subpoena information and documents reasonably necessary to assure compliance.

(2) If the attorney general receives information indicating that the acquiring person is not fulfilling the commitment to the affected community as provided for in R.S. 40:2115.18, the attorney general shall hold a hearing upon ten days notice to the affected parties. If after the hearing the attorney general determines that the information is true, it may petition the department to revoke the license issued to the purchaser.

§2115.20. Violations; license suspension or revocation

R.S. 40:2115.20 is all proposed new law.

No license to operate a hospital may be issued or renewed by the attorney general pursuant to this Subpart or any other state statute, and a license that has been issued may be revoked or suspended if any of the following occurs:

(1) There is an acquisition of a hospital without first having received the approval of the attorney general.

(2) There is an acquisition of a hospital and the attorney general disapproves the acquisition.

(3) The hospital is not fulfilling its commitment under R.S. 40:2115.18(2) or is not following procedures or safeguards committed pursuant to R.S. 40:2115.18(3).

§2115.21. Excluded acquisitions

R.S. 40:2115.21 is all proposed new law.

Any acquisition of a hospital before September 1, 1997, and any acquisition of a hospital which has been finally approved before January 1, 1998, according to any procedure in effect prior to the procedures set forth in this Subpart, shall not be subject to the provisions of this Subpart.

§2115.22. Authority for regulation

R.S. 40:2115.22 is all proposed new law.

The attorney general may adopt rules and regulations pursuant to the Administrative Procedure Act to implement this Subpart and to contract with and provide reasonable reimbursement to qualified persons to assist in determining criteria provided for in R.S. 40:2115.17 and 2115.18.

Section 2. This Act shall become effective on January 1, 1998.

Section 3. The Louisiana Law Institute is hereby authorized and directed to redesignate R.S. 40:2100 through 2115 as Subpart A of Part II of Chapter 11 of the Louisiana Revised Statutes of 1950, to be titled: SUBPART A. THE HOSPITAL LICENSING LAW.

On motion of Senator Hines, the committee substitute bill was adopted and becomes Senate Bill No. 1549 by Senator Hollis, substitute for Senate Bill No. 1448 by Senator Hollis.

SENATE BILL NO. 1549 (Substitute for Senate Bill No. 1448 by Senator Hollis)—

BY SENATORS HOLLIS AND SCHEDLER

AN ACT

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

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

SENATE BILL NO. 1466—

BY SENATOR ROMERO

AN ACT

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

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Original Senate Bill No. 1466 by Senator Romero

AMENDMENT NO. 1

On page 2, line 1, after "8-" change "C" to "E"

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

SENATE BILL NO. 1486—

BY SENATOR HOLLIS

AN ACT

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

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Original Senate Bill No. 1486 by Senator Hollis

AMENDMENT NO. 1

On page 2, line 20, after "one hundred" insert "fifty"

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

Senate Bills and Joint Resolutions on Second Reading

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

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

AN ACT

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

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

Reconsideration

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

SENATE BILL NO. 458—
BY SENATOR HINES

AN ACT

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

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

Special Order of the Day

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

SENATE BILL NO. 549—
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO

AN ACT

To enact R.S. 56:303.8, relative to the granting of licenses; to presume the possession of fish for commercial purposes only; 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	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Theunissen
Cravins	Johnson	Ullo
Dardenne	Jones	
Dean	Jordan	

Total—37

NAYS

Total—0

ABSENT

Smith Tarver

Total—2

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

Senate Concurrent Resolutions on Second Reading Reported by Committees

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

SENATE CONCURRENT RESOLUTION NO. 50—
BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

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

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Concurrent Resolution No. 50 by Senator Hainkel

AMENDMENT NO. 1
On page 1, delete lines 11 through 13 in their entirety.

AMENDMENT NO. 2
On page 2, line 7, delete the period at the end of the line and insert the following:

"; and"

AMENDMENT NO. 3
On page 2, between lines 7 and 8, insert the following:

"WHEREAS, the State of Louisiana has no formal policy for returning injured employees to work as expeditiously as possible."

AMENDMENT NO. 4
On page 2, delete lines 14 through 16 in their entirety and insert the following:

"Service, the Division of Administration, and the Office of Risk Management are urged and requested to jointly develop a formal return to work policy for the State of Louisiana."

AMENDMENT NO. 5
On page 2, line 17, after "Service" insert the following:

", the Division of Administration, and the Office of Risk Management"

AMENDMENT NO. 6
On page 2, line 18, after "a" and before the word "report" insert "joint"

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

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—37

NAYS

Total—0

ABSENT

Smith Tarver
Total—2

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

SENATE CONCURRENT RESOLUTION NO. 73—
BY SENATOR IRONS
A CONCURRENT RESOLUTION
To urge and request the Department of Health and Hospitals, office of public health, to conduct a public campaign to educate women about the need to have a Pap test in accordance with current guidelines and on the values and limitations of such test.

Reported favorably by the Committee on Health and Welfare.

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

Floor Amendments Sent Up

Senator Landry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Original Senate Concurrent Resolution No. 73 by Senator Irons

AMENDMENT NO. 1
On page 1, line 15, after "today," insert "the progression of"

On motion of Senator Landry, the amendments were adopted.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—37

NAYS

Total—0

ABSENT

Smith Tarver
Total—2

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

SENATE CONCURRENT RESOLUTION NO. 80—
BY SENATOR JONES
A CONCURRENT RESOLUTION
To authorize the governor, on behalf of the state, to enter into one or more cooperative endeavor agreements with the states of Arkansas and Mississippi for the purpose of enhancing or maintaining the economic well-being of the tri-state delta region.

Reported favorably by the Committee on Commerce and Consumer Protection.

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

Bagneris Rule

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

Without objection, so ordered

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. 8—
BY SENATOR BARHAM
AN ACT
To amend and reenact R.S. 22:1118(F)(1) and(2), relative to insurance agents of record; to provide that an insured shall have the right to remove an agent of record; to require written notice to the agent of record thirty days prior to removal; to provide relative to the payment of commissions and servicing of policies; to require certain contract clauses; and to provide for related matters.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 8 by Senator Barham

AMENDMENT NO. 1
On page 2, line 8, change "In such case," to "If a change or removal of an agent is requested by an insured,"

On motion of Senator Barham, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—34

NAYS

Total—0

ABSENT

Campbell	Jones	Tarver
Hines	Smith	

Total—5

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

SENATE BILL NO. 33—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 48:945 and to enact R.S. 47:820.5(D), relative to tolls on bridges; to provide relative to assessing tolls on bridges; to classify certain motorcycles as two axle vehicles; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 33 by Senator Landry

AMENDMENT NO. 1
On page 1, line 11, and on page 2, line 3, following "motorcycle" and before "a one" change "carrying" to "towing"

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Dean

Total—1

ABSENT

Jones	Smith	Tarver

Total—3

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. 49—
BY SENATOR DARDENNE

A JOINT RESOLUTION

Proposing to amend Article III, Section 2(A) and Article XIII, Section 1(A) of the Constitution of Louisiana, relative to legislative sessions; to provide for general sessions of the legislature in even-numbered years; to provide for limited sessions of the legislature in odd-numbered years; to provide for the convening of legislative sessions; to provide for deadlines for the prefiling, introduction, and consideration of legislation during sessions of the legislature; to provide for effectiveness; to provide for submission of the proposed amendment to the electors; 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.

SENATE BILL NO. 131—
BY SENATOR COX

AN ACT

To amend and reenact R.S. 23:1201.3(A), relative to the payment of workers' compensation benefits; to provide that judicial interest on a hearing officer's award shall run from the date the workers' compensation payment was due; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jordan
Bagneris	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	Theunissen
Dardenne	Johnson	Ullo

Total—36

NAYS

Total—0

ABSENT

Jones	Smith	Tarver

Total—3

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

SENATE BILL NO. 190—
BY SENATORS BEAN AND MALONE

AN ACT

To enact R.S. 22:1464.1, relative to policies of homeowner's insurance; to provide for premium discounts to owners of mobile homes, manufactured homes, or manufactured housing based on installation or existence of a security system; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jordan
Bagneris	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	Theunissen
Dardenne	Johnson	Ullo

Total—36

NAYS

Total—0

ABSENT

Jones	Smith	Tarver

Total—3

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

SENATE BILL NO. 220—
BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 42:1113(B), relative to the code of governmental ethics; to provide for the donation of office space to newly created boards or commissions; to provide for three year transition period; and to provide for related matters.

Floor Amendments Sent Up

Senator Guidry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guidry to Engrossed Senate Bill No. 220 by Senator Cain

AMENDMENT NO. 1

On page 1, line 12, after "commission," delete the remainder of the line and at the beginning of line 13, delete everything before "shall"

Senator Guidry moved adoption of the amendments.

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jordan
Bagneris	Ellington	Lambert
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Siracusa
Cox	Hollis	Theunissen
Cravins	Irons	Ullo

Total—30

NAYS

Landry

Total—1

ABSENT

Campbell	Johnson	Smith
Dardenne	Jones	Tarver
Dyess	Short	

Total—8

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

SENATE BILL NO. 224—
BY SENATOR SHORT

AN ACT

To enact Chapter 4 of Code Title XV of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3891 through 3899, relative to real estate transactions; to provide relative to various agency relationships in real estate transactions; to provide for duties and liabilities between agents, clients, and other people; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 224 by Senator Short

AMENDMENT NO. 1
On page 2, line 25, following "information" and before "be" change "can" to "may"

AMENDMENT NO. 2
On page 2, line 26, following "to" and before "broker" change "their" to "his"

AMENDMENT NO. 3

On page 3, line 25, following "questions" and before "persons" change "of" to "from"

AMENDMENT NO. 4
On page 8, line 25, following "the" and before "in" change "brokers" to "broker"

On motion of Senator Bagneris, the amendments were adopted.

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

SENATE BILL NO. 270—
BY SENATORS ULLO AND ROBICHAUX
AN ACT
To amend and reenact R.S. 56:497(A)(2), relative to the saltwater shrimp season; to provide for an experimental two year brown shrimp season in Zone 2; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jordan
Bagneris	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	Theunissen
Dardenne	Johnson	Ullo

Total—36

NAYS

Total—0

ABSENT

Jones	Smith	Tarver

Total—3

The Chair declared the 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. 353—
BY SENATOR GREENE
AN ACT
To amend and reenact R.S. 34:1221(A) and 1222, relative to the Greater Baton Rouge Port Commission; to provide for decrease in membership of board of commissioners; to provide relative to terms of office; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 353 by Senator Greene

AMENDMENT NO. 1
On page 1, line 8, following "1221" and before "hereby" change "is" to "(A) and 1222 are"

On motion of Senator Bagneris, the amendments were adopted.

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

SENATE BILL NO. 354—
BY SENATOR GREENE
AN ACT
To amend and reenact R.S. 16:409 and to enact R.S. 38:305.1, relative to levee districts; to provide relative to the Atchafalaya Basin Levee District; to authorize the board of such district to employ an attorney; to remove limitations on such employment; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 354 by Senator Greene

AMENDMENT NO. 1
On page 1, line 14, following "of" and before "of" change "Article VII, Section 60" to "Article V, Section 26"

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jordan
Bagneris	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	Theunissen
Dardenne	Johnson	Ullo

Total—36

NAYS

Total—0

ABSENT

Jones Smith Tarver
Total—3

The Chair declared the amended 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. 391—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 47:820.4, 820.5(A), the introductory paragraph of 820.5(B) and 820.5(B)(1) and (2) and to repeal R.S. 47:820.5(B)(4), relative to bridges; to extend the tolls on certain bridges; to remove limitations on amount of toll proceeds appropriated to the bridge authority; to provide for use of toll proceeds; 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
Bagneris
Bajoie
Barham
Bean
Cain
Campbell
Casanova
Cox
Cravins
Dardenne
Dyess
Ellington
Fields
Greene
Hainkel
Hines
Hollis
Johnson
Jones
Jordan
Lambert
Landry
Malone
Robichaux
Romero
Siracusa
Theunissen
Ullo
Total—29

NAYS

Branch
Dean
Guidry
Heitmeier
Irons
Lentini
Schedler
Short
Total—8

ABSENT

Smith Tarver
Total—2

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. 400—
BY SENATOR COX

AN ACT

To amend and reenact R.S. 23:1225(C)(1)(c), relative to workers' compensation; to provide with respect to disability benefits; to remove the offset for Social Security disability benefits; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Dean
Total—1

ABSENT

Smith Tarver
Total—2

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

SENATE BILL NO. 405—
BY SENATORS DARDENNE, BARHAM, BEAN, GUIDRY, LENTINI AND SHORT

AN ACT

To enact R.S. 22:215.18, relative to health insurance coverage; to provide for coverage for diabetes outpatient self-management training and education, including medical nutrition therapy, and diabetes equipment and supplies; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 405 by Senator Dardenne

AMENDMENT NO. 1
On page 2, line 3, following "U.S.C." change "§1396" to "1376"

On motion of Senator Bagneris, the amendments were adopted.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 405 by Senator Dardenne

AMENDMENT NO. 1
On page 1, line 5, after "supplies;" insert "to provide for exceptions;"

AMENDMENT NO. 2
On page 3, after line 10, insert:

"D. The provisions of the 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 Dardenne, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—36

NAYS

Hainkel

Total—1

ABSENT

Smith Tarver

Total—2

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

SENATE BILL NO. 535—
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO

AN ACT

To amend and reenact R.S. 56:103(E) and 301.1(B) and to enact R.S. 56:8(60.1), relative to definitions; to provide for a definition of license number and effective license number; 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

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

Total—35

NAYS

Total—0

ABSENT

Mr. President	Smith
Hainkel	Tarver

Total—4

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. 563—
BY SENATORS HAINKEL, DARDENNE AND EWING

AN ACT

To amend and reenact R.S. 46:2602(A), (B), and (D) and 2605(B) and (E), to enact R.S. 46:2606, and to repeal Section 2 of Act No. 1232 of the 1995 Regular Session of the Legislature, relative to the Children's Cabinet; to change the composition of the Children's Cabinet and the Children's Cabinet Advisory Board; to provide relative to the termination date of the Children's Cabinet; 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	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Theunissen
Cravins	Johnson	Ullo
Dardenne	Jones	
Dean	Jordan	

Total—37

NAYS

Total—0

ABSENT

Smith 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. 575—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 46:236.1(O), relative to consumer reports to be used in child support enforcement actions; to require consumer reporting agencies to provide consumer reports; to provide limitations; to require prior notification to consumers; to provide for confidentiality; and to provide for related matters.

The bill was read by title. Senator Bagneris moved the final

passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—34

NAYS

Total—0

ABSENT

Mr. President	Hines	Tarver
Hainkel	Smith	

Total—5

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

SENATE BILL NO. 580—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 40:46.2, relative to vital records; to provide for paternity establishment services; to provide duties for the state registrar of vital records; to provide relative to ex officio notaries public; to provide an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 580 by Senator Hainkel, et al.

AMENDMENT NO. 1
On page 1, line 4, after "public;" insert "to provide for fees;"

AMENDMENT NO. 2
On page 1, at the beginning of line 10, insert "A."

AMENDMENT NO. 3
On page 1, after line 16, insert the following:

"B. The registrar may impose a fee of ten dollars which shall be applicable for each notarial act of acknowledgment of paternity or legitimation executed before a vital records registry notary unless otherwise barred by federal law or regulation."

On motion of Senator Bagneris, the amendments were adopted.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris to Engrossed Senate Bill No. 580 by Senator Bagneris

AMENDMENT NO. 1
Delete senate floor amendments proposed by Senator Hainkel and adopted by the Senate 5/1/97

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—37

NAYS

Total—0

ABSENT

Smith	Tarver

Total—2

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

SENATE BILL NO. 581—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 9:392, relative to paternity; to provide for evidence of hospital bills and tests in paternity actions; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jordan
Bagneris	Dyess	Lambert
Bajoie	Ellington	Landry
Barham	Fields	Lentini

Bean	Greene	Malone
Branch	Guidry	Robichaux
Cain	Hainkel	Romero
Campbell	Heitmeier	Schedler
Casanova	Hollis	Short
Cox	Irons	Siracusa
Cravins	Johnson	Theunissen
Dardenne	Jones	Ullo

Total—36

NAYS

Total—0

ABSENT

Hines	Smith	Tarver

Total—3

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

SENATE BILL NO. 590—
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS

AN ACT

To amend and reenact R.S. 46:460.21, relative to state payment of legal fees and expenses in child protection cases; to provide for the cases in which the state shall make such payments; to provide for approved expenses and documentation; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Greene	Smith
Hines	Tarver

Total—4

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

SENATE BILL NO. 591—
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS

AN ACT

To amend and reenact R.S. 36:477(C)(1), relative to the office of community services of the Department of Social Services; to provide for the purposes and functions of the office; to provide an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—36

NAYS

Total—0

ABSENT

Short	Smith	Tarver

Total—3

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

SENATE BILL NO. 595—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 49:191(11) and to repeal R.S. 49:191(8)(l), relative to the Department of Social Services, including provisions to provide for the re-creation of the Department of Social Services and the statutory entities made a part of the Department of Social Services 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.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—36

NAYS

Total—0

ABSENT

Short Smith Tarver
Total—3

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

SENATE BILL NO. 596—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 46:236.10, relative to the child support enforcement program within the Department of Social Services; to create an automated state case registry of child support orders; to provide relative to linking of local registries; to define elements of the registry; to authorize exchange of information; to provide with respect to the federal case registry of child support orders; to provide with respect to the federal parent locator service; and to provide for related matters.

Floor Amendments Sent Up

Senator Jordan sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jordan to Engrossed Senate Bill No. 596 by Senator Hainkel

AMENDMENT NO. 1
On page 2, after line 25 insert the following:

"F. Information contained in the state case registry shall be made available as public records in accordance with law."

On motion of Senator Jordan, 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	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	Tarver

Total—4

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. 675—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 38:2212(A)(1)(a), relative to public contracts; to increase bid limit for purchases of materials or supplies; to increase limit at which quotations for purchases must be requested; to require advertisement for such quotations; 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
Bagneris	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Greene	Robichaux
Bean	Guidry	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Casanova	Hines	Siracusa
Cox	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jordan	
Dean	Lambert	

Total—34

NAYS

Total—0

ABSENT

Campbell	Jones	Tarver
Johnson	Smith	

Total—5

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

SENATE BILL NO. 688—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 44:7(F), relative to hospital records; to provide for confidentiality of persons participating in medical research; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 688 by Senator Landry

AMENDMENT NO. 1
On page 1, line 2, following "To" and before "R.S." change "amend and reenact" to "enact"

AMENDMENT NO. 2
On page 1, line 6, following "hereby" and before "to" change "amended and reenacted" to "enacted"

AMENDMENT NO. 3
On page 2, line 4, change "(a)" to "(1)"

AMENDMENT NO. 4
On page 2, line 10, change "(b)" to "(2)"

AMENDMENT NO. 5
On page 2, line 13, change "(c)" to "(3)"

AMENDMENT NO. 6
On page 2, line 17, change "(d)" to "(4)"

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Greene	Smith
Jones	Tarver

Total—4

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. 703—
BY SENATOR MALONE

AN ACT

To require the commissioner of conservation to hold monthly public hearings in Shreveport; to provide relative to funding; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jordan
Bagneris	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	Johnson	Theunissen
Dardenne	Jones	Ullo

Total—36

NAYS

Total—0

ABSENT

Irons	Smith	Tarver

Total—3

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

SENATE BILL NO. 708—
BY SENATOR LANDRY

AN ACT

To enact R.S. 40:1580.1, relative to hotels or motels; to require hotels or motels to install approved fire detection and alarm systems for the hearing impaired in all rooms; 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	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Johnson	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Irons	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. 749—
BY SENATOR COX

AN ACT

To amend and reenact R.S. 38:3098(B), relative to licensing of water well and other drillers; to provide for continuing education; to provide relative to qualifying examinations; and to provide for related matters.

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

the bill.

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—36

NAYS

Barham

Total—1

ABSENT

Smith Tarver

Total—2

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

SENATE BILL NO. 828—
BY SENATORS HAINKEL, DARDENNE AND EWING

AN ACT

To amend and reenact R.S. 39:291, relative to the Louisiana Data Base Commission; to provide for membership; to provide for qualification of members; to provide for term of membership; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—37

NAYS

Total—0

ABSENT

Smith Tarver

Total—2

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

SENATE BILL NO. 846—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 47:463.8(A)(1) and (B), relative to motor vehicles; to provide relative to antique license plates; to provide relative to plates for antique vehicles; to authorize the issuance of such plates to trucks; and to provide for related matters.

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

SENATE BILL NO. 849—
BY SENATOR SHORT

AN ACT

To amend and reenact R.S. 37:1455(A)(21) and 1467, relative to real estate agency disclosure; to delete the requirement that a licensed real estate agent is the agent or subagent of the seller unless there is a disclosure agreement to the contrary; to provide for agency disclosure informational pamphlets and other disclosure forms; and to provide for related matters.

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

SENATE BILL NO. 918—
BY SENATOR LANDRY

AN ACT

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

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 918 by Senator Landry

AMENDMENT NO. 1
On page 1, between lines 14 and 15, insert three asterisks "***"

AMENDMENT NO. 2
On page 2, line 4, before "That" change "(1)" to "(i)"

AMENDMENT NO. 3
On page 2, line 7, before "That" change "(2)" to "(ii)"

AMENDMENT NO. 4
On page 2, line 12, before "That" change "(3)" to "(iii)"

AMENDMENT NO. 5
On page 2, line 15, before "That" change "(4)" to "(iv)"

On motion of Senator Bagneris, the amendments were adopted.

Floor Amendments Sent Up

Senator Landry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Engrossed Senate Bill No.

918 by Senator Landry

AMENDMENT NO. 1
On page 2, between lines 18 and 19 insert the following:

"(5) That the prospective purchaser shall return the vehicle to the dealership within forth-eight hours of notification by the dealer that the conditional sale will not be completed."

On motion of Senator Landry, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—36

NAYS

Total—0

ABSENT

Campbell	Smith	Tarver

Total—3

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. 962—
BY SENATOR CAIN

AN ACT

To enact R.S. 51:911.24.1, relative to manufactured homes; to provide for relationships; to provide for repurchase of manufactured homes under certain circumstances; to provide relative to warranty work; to provide for indemnification under certain circumstances; to require certain notice; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 962 by Senator Cain

AMENDMENT NO. 1
On page 1, line 5, following "for" and before "indemnification" insert "penalty and "

AMENDMENT NO. 2
On page 2, lines 7 and 23, and on page 3, line 7, following "franchise," and before "or" change "selling," to "sales,"

AMENDMENT NO. 3
On page 2, line 27, following "claims" and before "or" insert a comma ","

AMENDMENT NO. 4
On page 3, line 2, following "warranty" and before "or" insert a comma ","

AMENDMENT NO. 5
On page 3, line 3, following "assembly" and before "or" insert a comma ","

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Cravins	Tarver

Total—4

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

SENATE BILL NO. 1044—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 42:851(G), relative to the state group benefits; to provide for health and accident insurance; to prohibit payment of certain employer contributions to agencies that withdraw from the state group health and accident insurance plan; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Jones
Bagneris	Dyess	Lambert
Bajoie	Ellington	Lentini
Barham	Fields	Malone

Bean	Greene	Robichaux
Branch	Guidry	Romero
Cain	Hainkel	Schedler
Casanova	Heitmeier	Short
Cox	Hines	Siracusa
Cravins	Hollis	Theunissen
Dardenne	Johnson	Ullo

Total—33

NAYS

Irons	Landry

Total—2

ABSENT

Campbell	Smith
Jordan	Tarver

Total—4

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

SENATE BILL NO. 1058—
BY SENATOR CRAVINS

AN ACT

To amend and reenact Section 4 of Act No. 289 of the 1980 Regular Session of the Legislature, as amended by Act No. 642 of the 1984 Regular Session of the Legislature, relative to the St. Landry Parish Solid Waste Disposal Commission; to provide for allocation of surplus funds accumulated by the commission to a fund dedicated to the repair of St. Landry Parish's infrastructure; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—36

NAYS

Total—0

ABSENT

Campbell	Smith	Tarver

Total—3

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

SENATE BILL NO. 1107—
BY SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 56:305.6 and to enact R.S. 56:305.7, relative to blue crab trap licenses; to provide for a limitation on the issuance of blue crab trap licenses; to provide a lottery system for the application of new blue crab trap licenses; to provide for a Blue Crab Gear License Limitation Review Panel; 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. 1107 by Senator Robichaux.

AMENDMENT NO. 1
On page 5, lines 3 and 4, change "within ninety days after passage of this Act" to "on or before March 31, 1998"

On motion of Senator Robichaux, the amendments were adopted.

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. 1107 by Senator Robichaux

AMENDMENT NO. 1
On page 3, delete line 4 in its entirety.

On motion of Senator Robichaux, the amendments were adopted.

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

SENATE BILL NO. 1108—
BY SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 56:499(B)(2), relative to shrimping; to provide for net mesh size for the taking of certain saltwater shrimp; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Campbell Smith
Siracusa Tarver
Total—4

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

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

AN ACT

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

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

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris Ellington Landry
Bajoie Fields Lentini
Barham Greene Malone
Bean Guidry Robichaux
Branch Heitmeier Romero
Cain Hines Schedler
Casanova Hollis Short
Cox Irons Siracusa
Cravins Johnson Theunissen
Dardenne Jones Ullo
Dean Jordan
Dyess Lambert
Total—34

NAYS

Total—0

ABSENT

Mr. President Hainkel Tarver
Campbell Smith
Total—5

The Chair declared the 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. 1152—
BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 56:700.12 (Introductory Paragraph) and (A)(3), relative to oyster leases; to provide for settlement of certain claims; to provide for arbitration; and to provide for related matters.

Floor Amendments Sent Up

Senator Romero sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Romero to Engrossed Senate Bill No. 1152 by Senator Romero

AMENDMENT NO. 1
On page 1, line 2, between "(A)(3)" and the comma "," insert ", 700.13 and 700.14(A),(B),(D) and (E)"

AMENDMENT NO. 2
On page 1, line 6, after "(A)(3)" delete "is" and insert in lieu thereof ", 700.13 and 700.14(A),(B),(D) and (E) are"

AMENDMENT NO. 3
On page 2 after line 9, insert the following:

"§700.13. Establishment of the board

There is hereby established within the office of the secretary of the Department of Natural Resources the Oyster Lease Damage Evaluation Board, hereinafter known as the board.

A. The board shall include ~~four~~ **five** members consisting of ~~the secretary, a biologist from the office of fisheries in the Department of Wildlife and Fisheries, appointed by the assistant secretary in the office of fisheries, a member of the Louisiana Oyster Task Force appointed by the task force, and the assistant secretary from the office of conservation in the Department of Natural Resources~~ **one member nominated by the Louisiana Oyster Dealers and Growers Association, one member nominated by the Louisiana Oyster Task Force, two members nominated jointly by the Louisiana Independent Oil and Gas Association, Louisiana Mid-Continent Oil and Gas Association and the Louisiana Landowners Association, and one member, selected by the other four members of the board, who is a practicing administrative law judge**.

B. ~~The secretary shall be the sole arbiter of damages resulting from oil and gas activities affecting oyster beds owned by leaseholders making claims before the board.~~ **The board shall develop a list of qualified biologists to provide biological test data in determining the quality, condition and value of oyster beds and grounds. The secretary, in conjunction with the board, shall develop a list of qualifications for these biologists. When an owner of an oil and gas activity is required by the provisions of R.S. 56:700.12(A)(3) to perform a biological survey under this Part, he shall be required to choose a biologist from the list of qualified biologists provided by the board. The board shall provide the owner of the oil and gas activity a list of three names from this list, and the owner of the oil and gas activity may choose any of the names so provided to conduct the survey the survey. The secretary, in conjunction with the board, shall adopt rules providing for a regular rotation of this list so that each of the listed qualified biologists is available for selection on a regular basis.**

C. The ~~three additional~~ board members shall evaluate the information regarding damage to the beds and ~~consult with the secretary to assist in~~ **make** the final determination ~~made by the secretary~~ in awarding damages to claimants. **The secretary, upon receiving this determination of damages, may reject the damage award and send the matter back to the board. The board may then either revise the damage award or, by a two-thirds vote, affirm the original damage determination.**

D. The determinations of damages by the ~~secretary~~ **board** shall be based on the values shown in the biological survey and shall reflect true and actual damages.

§700.14. Rules and regulations

A. In carrying out this Part, the secretary**,in conjunction with the board,** shall prescribe, and from time to time amend, regulations for the filing, processing, and the fair and expeditious settlement of claims pursuant to this Part, including a time limitation on the filing of such claims. These regulations shall insure that the whole claim procedure is as simple **and as expeditious** as possible. **In no case shall the claim procedure exceed ninety days from the date the request for**

arbitration is filed with the board. Any designee of the secretary authorized to prescribe and amend such rules and regulations shall do so under the overall supervision and control of the secretary.

B. In the formulation of regulations pursuant to this Part, the secretary**, in conjunction with the board,** shall establish a procedure whereby an oyster fisherman may recover for actual damages to his oyster beds or grounds caused by oil and gas activities.

* * *

D. The ~~department~~ **secretary, in conjunction with the board,** shall promulgate rules for developing a uniform evaluation method to be used in the biological surveys to determine the estimated value of the leasehold before the activity takes place and the estimated damages or loss to the leasehold after the activity is completed.

E. The ~~department~~ **secretary, in conjunction with the board,** shall promulgate regulations implementing the Oyster Lease Damage Evaluation Board's procedures and methods of operation on or before October 1, ~~1995~~ **1997**."

On motion of Senator Romero, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	Tarver

Total—4

The Chair declared the amended 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. 1158—
BY SENATORS IRONS, BAGNERIS, BAJOIE, DYESS, HINES, LANDRY AND SCHEDLER

AN ACT

To amend and reenact the introductory paragraph of R.S. 46:460.1(C) and to enact R.S. 46:460(7), (8), and (9), 460.1(C)(5), and 460.4, relative to domestic violence; to require the secretary of the Department of Social Services to waive certain public assistance program requirements for domestic violence victims; to define terms; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	Tarver

Total—4

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

SENATE BILL NO. 1196—
BY SENATOR BAGNERIS

AN ACT

To amend and reenact R.S. 13:2576(H)(2)(g), relative to the sale of property by a municipality pursuant to an order of seizure and possession; to require a municipality with a population in excess of four hundred fifty thousand that sells property pursuant to an order of seizure and possession to follow the procedures governing judicial sales of immovable property; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1196 by Senator Bagneris

AMENDMENT NO. 1
On page 2, line 8, following "law" and before "governing" delete "as"

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Lambert

Bagneris	Dyess	Landry
Bajoie	Ellington	Lentini
Barham	Fields	Malone
Bean	Greene	Robichaux
Branch	Heitmeier	Romero
Cain	Hines	Schedler
Casanova	Hollis	Short
Cox	Irons	Siracusa
Cravins	Jones	Theunissen
Dardenne	Jordan	Ullo

Total—33

NAYS

Guidry

Total—1

ABSENT

Campbell	Johnson	Tarver
Hainkel	Smith	

Total—5

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

SENATE BILL NO. 1202—
BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 22:2029(1), relative to dental referral plans; to delete dental care providers from the definition of "dental referral plan"; and to provide for related matters.

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

SENATE BILL NO. 1284—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 36:254(F) and 258(G) and R.S. 46:2664(A)(4) and 2665(A), relative to the Capital Area Human Services District; to provide for the functions, powers, and duties of the district; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1284 by Senator Dardenne

AMENDMENT NO. 1
On page 1, line 14, and on page 2, line 27, following "disabilities," and before "substance" delete "and" and following "services" and before "and" insert a comma"."

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—34

NAYS

Total—0

ABSENT

Campbell	Short	Tarver
Johnson	Smith	

Total—5

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

SENATE BILL NO. 1290—
BY SENATORS DARDENNE, HAINKEL, EWING AND ELLINGTON

AN ACT

To amend and reenact R.S. 23:1127 and Code of Civil Procedure Art. 1465.1(A), relative to workers' compensation; to provide with respect to the release of medical records and information on the injured worker; to provide for the verbal release of medical information; to provide immunity for disclosure of such medical information; to provide relative to the cost of copying such information; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	Tarver

Total—4

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

SENATE BILL NO. 1344—
BY SENATORS HAINKEL, DARDENNE AND EWING
AN ACT
To amend and reenact R.S. 40:600.3 and 600.4(A)(2) and (C), 600.5(G), and 600.14, to enact R.S. 36:109(J), and to repeal R.S. 36:769(J), relative to the Louisiana Housing Finance Agency; to provide for transfers between departments; to provide for membership of the board of commissioners; to provide for powers, duties, and regulation of such agency; and to provide for related matters.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 1344 by Senator Hainkel, et al.

AMENDMENT NO. 1
On page 3, after line 25, insert:

"Section 4. This Act shall become effective on July 1, 1997."

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	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	Tarver

Total—4

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. 1360—
BY SENATOR LANDRY
AN ACT
To amend and reenact R.S. 46:2352(7)(c)(i), relative to the Louisiana Commission for the Deaf; to change the composition of the Interpreter Certification Board; 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	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	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. 1393—
BY SENATOR JOHNSON
AN ACT
To amend and reenact R.S. 33:4548.1, 4548.2, 4548.3(A), (B), (C), (F), (G) and (H), 4548.4(A), 4548.5(A)(5), (8), and (14), 4548.6(A) and (J), 4548.13, and 4548.14, and to enact R.S. 33:4548.4(F), 4548.5(A)(16), (17), (18), and (19), and 4548.6(K), (L), and (M), relative to the Louisiana Local Government Environmental Facilities and Community Development Authority, to authorize the financing of infrastructure and economic development projects by political subdivisions; and to provide for related matters.

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

SENATE BILL NO. 1419—
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT
To amend and reenact R.S. 46:231 and 46:443, to enact R.S. 46:231.1 through 231.13 and 233.1 and to repeal R.S. 46:237 through 240, R.S. 46:290, R.S. 46:447.3, R.S. 46:451 through 459, and 46:460 through 460.3, relative to public assistance; to provide for definitions; to provide for a program of cash assistance; to provide for a program of education, employment, training, and related services; to provide for eligibility conditions; to provide for school attendance requirements; to provide for immunization requirements; to provide for a twenty-four month limit; to provide for a program of parenting skills education; to provide for a program of support services; to provide for a program of transitional services; to provide for the provision of worker's compensation and liability insurance for recipients placed in community work experience or community service activities; to provide for the establishment of a Louisiana Welfare Reform Coordinating Committee; to provide for the correction of overpayments or underpayments in certain programs of the department; to provide for the establishment of income and resource guides; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1419 by Senator Hainkel

AMENDMENT NO. 1
On page 1, line 3, and on page 2, line 6, change "231.13" to "231.12"

AMENDMENT NO. 2
On page 2, delete line 11 in its entirety

AMENDMENT NO. 3
On page 2, line 17, change "46:231.13" to "46:231.12"

AMENDMENT NO. 4
On page 4, line 8, change "231.3" to "231.2"; on page 5, line 15, change "231.4" to "231.3"; on page 7, line 13, change "231.5" to "231.4"; on page 9, line 4, change "231.6" to "231.5"; on page 9, line 14, change "231.7" to "231.6"; on page 10, line 14, change "231.8" to "231.7"; on page 12, line 8, change "231.9" to "231.8"; on page 13, line 6, change "231.10" to "231.9"; on page 13, line 26, change "231.11" to "231.10"; on page 14, line 4, change "231.12" to "231.11"; and on page 14, line 9, change "231.13" to "231.12"

AMENDMENT NO. 5
On page 17, line 15, at the end of the line insert "a"

Senator Bagneris moved adoption of the amendments.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	Tarver

Total—4

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

SENATE BILL NO. 1447—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 13:1952(4)(d), relative to courts created by special legislative act; to authorize the metropolitan council for the city of Baton Rouge, parish of East Baton Rouge to assign future annexations to the appropriate election sections for the City Court of Baton Rouge; to provide for the combination or deletion of existing precincts within an election section; and to provide for related matters.

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

SENATE BILL NO. 1464—
BY SENATOR LAMBERT

AN ACT

To enact Part IV of Chapter 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:1949 and 1950, relative to historic roads; to designate Old Perkins Road as a historic road; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert to Engrossed Senate Bill No. 1464 by Senator Lambert

AMENDMENT NO. 1
On page 2, line 7, between “connect” and “Ascension” delete “with”

On motion of Senator Lambert, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—34

NAYS

Total—0

ABSENT

Campbell	Johnson	Tarver
Hainkel	Smith	

Total—5

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

SENATE BILL NO. 1465—
BY SENATOR CAIN AND REPRESENTATIVES ILES AND JOHN SMITH

AN ACT

To designate that portion of Louisiana Highway 171 within the town of Rosepine in Vernon Parish as the Johnny B. Hall Memorial Highway.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—33

NAYS

Total—0

ABSENT

Campbell	Jones	Smith
Johnson	Short	Tarver

Total—6

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

SENATE BILL NO. 235—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 45:162(18) and 1177(A)(1), relative to motor carriers; to provide relative to definitions; to provide relative to the inspection and supervision fee levied on motor carriers and public utilities; to provide relative to the gross receipts of motor carriers for purposes of measuring the fee; 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	Ellington	Landry
Bagneris	Fields	Lentini
Bajoie	Greene	Malone
Barham	Guidry	Robichaux
Bean	Hainkel	Romero
Branch	Heitmeier	Schedler
Cain	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	
Dyess	Lambert	

Total—34

NAYS

Total—0

ABSENT

Campbell	Johnson	Tarver
Cravins	Smith	

Total—5

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

SENATE BILL NO. 255—
BY SENATORS LANDRY AND HOLLIS

AN ACT

To amend and reenact R.S. 47:532.1(A)(4) and (7), relative to motor carriers and commercial fleets; to provide relative to registration of such vehicles; to authorize such registration through public license tag agents; to delete the prohibition on advertising by such agents; 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	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	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. 397—
BY SENATOR HEITMEIER

AN ACT

To enact R.S. 11:483, relative to the Louisiana State Employees' Retirement System; to provide for a death benefit for members age sixty-five or older; to provide for an effective date; and to provide for related matters.

Senator Bagneris moved that Senate Bill No. 397 be recommitted to the Committee on Finance.

Without objection, so ordered.

SENATE BILL NO. 498—
BY SENATOR HEITMEIER

AN ACT

To enact R.S. 11:791(A)(4) and (5), relative to Teachers' Retirement System of Louisiana; to provide for reemployment of retirees who participated in the Deferred Retirement Option Plan; to authorize part-time reemployment as teachers in certain adult education programs and in certain programs for students failing to meet certain proficiency levels; to provide for such reemployment without suspension of retirement benefits; 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	Jordan
Bagneris	Ellington	Lambert
Bajoie	Fields	Landry
Barham	Greene	Lentini
Bean	Guidry	Malone
Branch	Hainkel	Robichaux
Cain	Heitmeier	Romero
Casanova	Hines	Schedler
Cox	Hollis	Short
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo

Total—33

NAYS

Total—0

ABSENT

Campbell	Johnson	Smith
Dean	Siracusa	Tarver

Total—6

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. 619—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT

AN ACT

To enact R.S. 30:2063(J), relative to fees; to provide for fees for the prevention of accidental releases of air pollutants; to provide for registration; to provide for modification of fees; 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	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Theunissen
Dardenne	Jordan	Ullo

Total—33

NAYS

Dean

Total—1

ABSENT

Campbell	Jones	Tarver
Johnson	Smith	

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. 870—
BY SENATOR HEITMEIER

AN ACT

To enact R.S. 11:441(F), relative to Louisiana State Employees' Retirement System; to provide for retirement eligibility at any age after twenty-five years of service for employees of the bridge police section of the Crescent City Connection Division of the Department of Transportation and Development; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 870 by Senator Heitmeier

AMENDMENT NO. 1
On page 1, line 14, following "F." and before "Notwithstanding" delete "(1)"

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Landry
Bagneris	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Fields	Robichaux
Bean	Greene	Romero
Branch	Guidry	Short
Cain	Heitmeier	Siracusa
Casanova	Hollis	Theunissen
Cox	Jones	Ullo
Cravins	Jordan	
Dardenne	Lambert	

Total—31

NAYS

Total—0

ABSENT

Campbell	Irons	Smith
Hainkel	Johnson	Tarver

Hines Schedler
Total—8

The Chair declared the amended 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. 871—
BY SENATOR HEITMEIER
AN ACT
To enact R.S. 11:430, relative to the Louisiana State Employees' Retirement System; to provide for the purchase of military service credit; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 871 by Senator Heitmeier

AMENDMENT NO. 1
On page 2, line 20, following "shall" and before "for" change "only be used" to "be used only"

On motion of Senator Bagneris, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—35

NAYS

Total—0

ABSENT

Campbell	Smith
Johnson	Tarver

Total—4

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

SENATE BILL NO. 938—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT
To amend and reenact R.S. 30:2011(D)(22), relative to fees charged by the Department of Environmental Quality; to authorize the department to charge certain fees for the certification of commercial laboratories; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—34

NAYS

Dean
Total—1

ABSENT

Campbell	Smith
Johnson	Tarver

Total—4

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

SENATE BILL NO. 1050—
BY SENATOR BARHAM
AN ACT
To enact R.S. 47:1952.1 relative to the assessment of ad valorem taxes on standing timber; to limit the extent and manner of assessments on standing timber; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—32

NAYS

Irons
Total—1

ABSENT

Campbell	Johnson	Smith
Greene	Malone	Tarver

Total—6

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

SENATE BILL NO. 1118—
BY SENATOR HEITMEIER

AN ACT

To amend and reenact Subpart C of Part IV of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:471 through 478; relative to survivor benefits of members of Louisiana State Employees' Retirement Systems; to provide for benefits for the surviving spouse of a member who dies while performing his official duties; to provide for benefits payable for certain employees killed in the line of duty; to provide for the right of the surviving spouse to the member's deferred retirement option plan account; 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	Dean	Lambert
Bagneris	Dyess	Landry
Bajoie	Ellington	Lentini
Barham	Fields	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Jones	Theunissen
Dardenne	Jordan	Ullo

Total—33

NAYS

Total—0

ABSENT

Campbell	Irons	Smith
Greene	Johnson	Tarver

Total—6

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. 1296—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 11:721.1, relative to the Teachers' Retirement System of Louisiana; to provide for membership eligibility; to provide membership is optional in the system for certain persons employed by certain associations of persons involved in education; to provide for an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—33

NAYS

Dean

Total—1

ABSENT

Campbell	Johnson	Tarver
Greene	Smith	

Total—5

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

SENATE BILL NO. 1435—
BY SENATORS DYESS AND HEITMEIER

AN ACT

To amend and reenact R.S. 47:1907 and to repeal R.S. 47:1911; relative to assessors; to restructure the compensation schedule for assessors from a combined factor formula to a population based formula; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Bagneris	Fields	Robichaux
Bajoie	Guidry	Romero
Barham	Hainkel	Schedler
Bean	Heitmeier	Short
Cain	Hines	Siracusa
Casanova	Jones	Theunissen
Cox	Lambert	Ullo
Cravins	Landry	
Dyess	Lentini	

Total—28

NAYS

Branch	Dean
Dardenne	Jordan

Total—4

ABSENT

Campbell	Irons	Tarver
Greene	Johnson	
Hollis	Smith	

Total—7

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

SENATE BILL NO. 1467 (Substitute for Senate Bill 711 by Senator Robichaux)—
BY SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 56:491 and to enact R.S. 56:492, relative to trawling; to exclude the incidental by-catch of flounder in the commercial taking of shrimp from the imposition of limitations as to daily take and possession limits; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—33

NAYS

Total—0

ABSENT

Campbell	Hainkel	Smith
Greene	Johnson	Tarver

Total—6

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

Rules Suspended

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

Introduction of Resolutions, Senate and Concurrent

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

SENATE RESOLUTION NO. 26—
BY SENATOR FIELDS

A RESOLUTION

To commend and congratulate the congregation and pastor of Gloryland Baptist Church on the occasion of its forty-sixth anniversary.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dean	Lambert
Bagneris	Dyess	Landry
Barham	Ellington	Lentini
Bean	Fields	Malone
Branch	Heitmeier	Robichaux
Cain	Hines	Romero
Casanova	Hollis	Schedler
Cox	Irons	Siracusa
Cravins	Jones	Ullo
Dardenne	Jordan	

Total—29

NAYS

Total—0

ABSENT

Bajoie	Hainkel	Tarver
Campbell	Johnson	Theunissen
Greene	Short	
Guidry	Smith	

Total—10

The Chair declared the Senate had adopted the Senate Resolution.

SENATE RESOLUTION NO. 27—
BY SENATOR FIELDS

A RESOLUTION

To commend and congratulate the congregation and pastor of Gloryland Baptist Church on the adoption and implementation of its church covenant.

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

SENATE CONCURRENT RESOLUTION NO. 96—
BY SENATOR LENTINI

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development, in cooperation with Operation Lifesaver and the railroad industry, to develop and initiate the use of public service announcements and programs to educate the public as to railroad crossing safety.

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

SENATE CONCURRENT RESOLUTION NO. 97—
BY SENATOR LENTINI

A CONCURRENT RESOLUTION

To create the Task Force on Railroad Crossing Safety; to study the causes of railroad and motor vehicle collisions and to make recommendations relative to the improved safety at railroad crossings.

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

SENATE CONCURRENT RESOLUTION NO. 98—
BY SENATOR LENTINI

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to examine formulas and to consider using risk factors in determining how to distribute section 130 highway dollars to the states for rail safety purposes.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

TRANSPORTATION, HIGHWAYS, AND PUBLIC WORKS

Senator Landry, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

May 1, 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 RESOLUTION NO. 17—
BY SENATOR CRAVINS
A RESOLUTION
To urge and request the office of motor vehicles within the Department of Transportation and Development to place portable weigh scales on the portion of Louisiana Highway 94 between the cities of Breaux Bridge and Lafayette.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 77—
BY SENATOR ROMERO
A CONCURRENT RESOLUTION
To memorialize the Congress of the United States to revise the federal highway funding formulas to ensure that Louisiana gets its fair share of federal highway funds.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 83—
BY SENATOR BARHAM
A CONCURRENT RESOLUTION
To direct the Department of Transportation and Development to study the feasibility of providing an additional five million dollars from the Transportation Trust Fund to the funding of rural bridge repairs through the office of rural development.

Reported with amendments.

SENATE CONCURRENT RESOLUTION NO. 87—
BY SENATOR ROMERO
A CONCURRENT RESOLUTION
To urge and request the office of motor vehicles within the Department of Transportation and Development to place portable weigh scales on the portion of Louisiana Highway 94 between the cities of Breaux Bridge and Lafayette.

Reported with amendments.

SENATE BILL NO. 59—
BY SENATOR GUIDRY
AN ACT
To amend and reenact R.S. 32:295(B) and to enact R.S. 32:295.3, relative to school buses; to require safety belts or child restrain systems on school buses; to require the wearing of safety belts or child restraint systems by school bus passengers; to provide for the promulgation of rules and regulations; to provide that the owner or operator of a school bus shall not be liable for injuries sustained by an individual not wearing a safety belt or child restraint system; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 145—
BY SENATOR BARHAM
AN ACT
To enact R.S. 38:330, relative to levee districts; to authorize such districts to act jointly; to provide certain limitations to such joint endeavors; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 272—
BY SENATOR LANDRY
AN ACT
To amend and reenact R.S. 34:2471(A), relative to ports; to provide relative to members of the South Louisiana Port Commission; to require appointment by the governor under certain conditions; to require Senate confirmation; to provide for retroactive application; and to provide for related matters.

Reported with amendments.

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 motor vehicles of 26,000 pounds or less; and to provide for related matters.

Reported with amendments

SENATE BILL NO. 389—
BY SENATOR GUIDRY
AN ACT
To enact R.S. 32:354(G), relative to motor vehicles; to require rear vision mirrors on state delivery vans; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 506—
BY SENATOR DYESS
AN ACT
To enact R.S. 48:277, relative to state highways; to require the Department of Transportation and Development to erect directional signs to churches; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 668—
BY SENATOR BAGNERIS (BY REQUEST)
AN ACT
To amend and reenact R.S. 38:326(A), relative to levee districts; to provide for state supplemental pay for certain levee district and levee and drainage district police officers; to provide for effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 669—
BY SENATOR BAGNERIS (BY REQUEST)
AN ACT
To amend and reenact R.S. 38:336(B)(2), relative to levee districts; to provide for exceptions to land use dedications for certain lands owned by the Orleans Levee District; to provide for use of certain lands owned by the Orleans Levee District; to provide for effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 672—
BY SENATOR BAGNERIS (BY REQUEST)
AN ACT
To amend and reenact R.S. 38:307(H), relative to levees; to provide for the imposition of a surcharge on certain traffic citations; to provide for effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 704—
BY SENATOR LANDRY
AN ACT
To enact R.S. 32:1728.2, relative to motor vehicles; to provide with respect to the procedure for disposal of junk vehicles; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1007—
BY SENATOR DYESS
AN ACT
To enact R.S. 47:463.46, relative to veterans prestige license plates; to authorize retention of plates by spouse under certain circumstances; to authorize retention of plates by direct descendants under certain circumstances; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1071—
BY SENATOR LANDRY
AN ACT
To amend and reenact R.S. 32:1253(B)(2), (D), and (I), and 1254(C) and (K)(2), and to enact R.S. 32:1254(A)(3) and 1256(I), relative to the Louisiana Motor Vehicle Commission; to provide for the location and domicile of the commission; to provide for certain powers of the commission; to provide for the application for motor vehicle dealer licenses and certain duties of the applicants; to provide for cease and desist orders; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1123 —
BY SENATOR LANDRY AND REPRESENTATIVE FAUCHEUX
AN ACT
To amend and reenact R.S. 40:1749.12(3), (4), (6), (9), and (10), 1749.13(A) and (B)(1) and (2), 1749.14(C)(1)(a) and (b)(i), and (D), 1749.15, 1749.16(4) 1749.17, 1749.19, 1749.20 and 1749.21 and to enact R.S. 40:1749.12(11), 1749.13(B)(5) and (D), 1749.14(c)(1)(b)(iii) and (iv), and (E), 1749.23, 1749.24 and 1749.25, all relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide definitions; to provide relative to excavation and demolition notification procedures and requirements; to provide for immunity from civil liability under certain circumstances; to provide relative to marking of facilities; to require certain actions by excavators and demolishers when there has been damage to an underground facility or utility; to provide relative to participation by municipalities or parish governments under certain circumstances; to provide for violations and penalties, including civil penalties and costs; to provide for enforcement by the Department of Public Safety and Corrections; to provide for proceedings and adjudications for the levying of civil penalties; to provide for the distribution of civil penalties; to create the Underground Damages Prevention Fund within the state treasury and provide for disbursements from such fund; to provide for the uses of monies in such fund; to provide for compliance by the Department of Transportation and Development; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1330—
BY SENATOR GUIDRY
AN ACT
To amend and reenact R.S. 48:719, relative to applicability of laws pertaining to the sale or exchange of roads and streets; to exempt cities having a population in excess of two hundred fifteen thousand persons located within a municipality having a population in excess of three hundred seventy-five thousand persons from laws relative to the sale or exchange of roads and streets; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1373—
BY SENATOR SCHEDLER
AN ACT
To amend and reenact R.S. 48:271, relative to signs; to require the Department of Transportation and Development to erect signs to certain tourist attractions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1454—
BY SENATOR ELLINGTON
AN ACT
To designate State Highway 15 from its intersection with State Highway 137 southward to its intersection with State Highway 131 as the Veterans Memorial Highway; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
RON LANDRY
Chairman

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 1, 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. 462—
BY SENATOR COX
AN ACT
To amend and reenact R.S. 23:1103(C), relative to worker's compensation; to provide for the amount of legal fees and costs a compensation carrier is responsible for when recovery is made from a third party without filing suit; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1098—
BY SENATOR ROBICHAUX
AN ACT
To enact R.S. 23:967, relative to interference with individual rights; to provide with respect to employment; to prohibit acts by an employer against an employee for intended or actual disclosure of an activity, policy or practice in violation of law; to provide penalties for employers who engage in reprisal; to provide for damages; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1112—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 23:1124, relative to worker's compensation; to provide with respect to refusal to submit to medical examinations; to provide for expedited hearing; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1114—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 23:1208(C)(4), relative to worker's compensation; to provide with respect to misrepresentations concerning benefits; to provide for definition; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1115—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 23:1208(D), relative to worker's compensation; to provide with respect to misrepresentations concerning benefit payment; to provide for restitution; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1117—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 23:1121(A), relative to worker's compensation; to provide with respect to examination of injured employee; to provide for reasonable diagnostic testing; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1506—
BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER

AN ACT

To amend and reenact the introductory paragraphs of R.S. 12:312(C) and 1351(C) and R.S. 23:111(C)(10) and R.S. 12:148(B), 256(B), 312.1 and 1352; R.S. 13:5112(D); R.S. 15:587(A)(1)(a); R.S. 23:101(7), 103(A)(1), 104, 106(B), 107(C) and (D), 183, 184.1, 392(B), (C), and (D), 897(E), 964(D), (E), (F), and (G), 1021(5), 1202(B), 1221(3)(f), 1532.1(F), 1576, 1592(A), 1600(3)(b)(i), 1624.1, 1651, 1657(A), 1668(A), 1670, 1671, 1693(B), 1802(1) and (5), 1803(A), (B), (C), and (D), 1804, and 1853(B); R.S. 36:301(C)(1), 304(6), 308(B), and (C) and 313;R.S. 40:521(5) and (9); R.S. 42:4(B), 722, 723(5) and (6); R.S. 46:56(L), 236.1(D)(1)(a) and (N), and 2602(B)(18); R.S. 47:299.2(1)(a)(vi), 299.11(5), 299.15(B), 299.16(C), 617(C), 1622(B), and 6004(A)(1); R.S. 49:967(A) and 992(D)(4); R.S. 51:1787(C)(2)(a); to enact R.S. 36:308(E) and R.S. 49:191(11); and to repeal R.S. 49:191(8)(i); relative to the Department of Labor; to provide for the recreation of the Department of Labor and certain 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; to specifically create and provide for the functions of the office of workplace and workforce development, office of regulatory services, and the office of occupational information services; to specifically abolish and transfer the functions of the office of employment security and the office of labor; to provide for an effective date; 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 1, 1997

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 76—
BY SENATOR CASANOVA

A CONCURRENT RESOLUTION

To create and provide for the Atchafalaya and Tech-Vermilion Flood Control Advisory Commission to study and make recommendations relative to solutions to the flood problems in the parishes of Rapides, Avoyelles, St. Landry, Evangeline, Lafayette, St. Martin, Vermilion, Iberia, and St. Mary.

Reported favorably.

SENATE BILL NO. 557—
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO

AN ACT

To amend and reenact R.S. 56:632.8, relative to the Reptile and Amphibian Task Force; to change the membership of the task force; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 972—
BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 56:325.1(A)(2), the introductory paragraph of R.S. 56:325.1(B), 325.1(B)(2), (C)(1) and (C)(2)(a) and (c), and to enact R.S. 56:325.1(A)(3), relative to recreational saltwater finfish; to allow recreational fishermen to have a two-day bag limit of red drum and spotted sea trout in possession under certain conditions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1046—
BY SENATOR ELLINGTON AND REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 56:8(54), relative to hoop nets; to provide relative to the definition of hoop nets; and to provide for related matters.

Reported by substitute.

Respectfully submitted,
CRAIG F. ROMERO
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Bajoie, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

May 1, 1997

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 306—
BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 13:783(F), relative to the expenses of the clerk's office; to increase the amount payable from the clerk of court's salary and expense fund for the cost of group insurance for employees of the clerk of court; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 763—
BY SENATOR SHORT

AN ACT

To enact Chapter 27-A of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.1 through 9039.4, relative to the East Florida Parishes Retirement District; to create the district; to provide for a board of directors to implement the powers, duties, functions, and responsibilities of the district; to authorize the district, with voter approval, to grant certain sales and use tax refunds; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1138—
BY SENATOR DEAN

AN ACT

To enact Chapter 9-C of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1358, relative to local finance; to prohibit municipal corporations from engaging in unreasonable competition; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1451—
BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 51:1151(4), relative to municipal and parish industrial development boards; to provide relative to the types of development projects which such boards are authorized to undertake; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1511—
BY SENATOR BAJOIE

AN ACT

To amend and reenact Sections 2(A) and (b) and 3 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 572 of the 1984 Regular Session of the Legislature, and Act No. 1013 of the 1993 Regular Session of the Legislature, relative to the board of commissioners for the Ernest N. Morial-New Orleans Exhibition Authority; to add one additional member to the board; to provide for confirmation of members; to provide with respect to quorum requirements; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1514—
BY SENATORS BAJOIE AND HAINKEL

AN ACT

To amend and reenact Sections 4(C) and 20 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, and Acts 13 and 42 of the 1994 Regular Session of the Legislature, and to amend and reenact Section 1 of Act 45 of the 1995 Regular Session of the Legislature and Section 1 of Act 1096 of the 1996 Regular Session of the Legislature concerning a provision for a certain capital outlay project, and to enact Section 4(P) of Act No. 305 of the 1978 Regular Session of the Legislature, all relative to the Ernest N. Morial Convention Center-New Orleans; to provide to the New Orleans Exhibition Hall Authority authorizations for the acquisition of property; to provide for values for property acquired or disposed of; to provide for expansion projects and the sites thereof; and to provide for related matters.

Reported favorably.

Respectfully submitted,
DIANA E. BAJOIE
Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Greene, Chairman on behalf of the Committee on Education, submitted the following report:

May 1, 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. 5—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To urge and request the governor to provide in the 1998 Fiscal Year executive budget a six hundred dollar per employee salary increase for all school support personnel employed by the sixty-six public school systems and for nonpublic lunchroom employees eligible for state salary supplements.

Reported favorably.

SENATE BILL NO. 460—
BY SENATOR HINES

AN ACT

To amend and reenact the introductory paragraph of R.S. 39:1482(F)(1), relative to professional, personal, consulting, and social services procurement; to provide for an exception from the procurement code for certain special education services; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1156—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 17:1979(C)(2), to enact R.S. 36:4(R), and to repeal R.S. 36:651(Z), all relative to the Louisiana Interagency Coordinating Council for Child Net; to transfer the Council from the Department of Education to the office of the governor; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1310—
BY SENATOR HAINKEL

AN ACT

To authorize the board of directors of the Louisiana School for Math, Science, and the Arts to designate a facility located on said campus in honor of Dave Treen, former governor.

Reported favorably.

HOUSE BILL NO. 162—
BY REPRESENTATIVES MCDONALD, DANIEL, BARTON, BAUDOIN, CRANE, DOERGE, KENNEY, POWELL, SHAW, WILKERSON, AND WRIGHT

AN ACT

To repeal R.S. 17:3042.34(A)(4), relative to certain requirements for redeeming a Louisiana honors scholarship award; to repeal the requirement that a Louisiana honors scholarship award recipient shall not be eligible for any other gratuitous financial assistance or support from the college or university attended or from any alumni organization or foundation.

Reported with amendments.

HOUSE BILL NO. 598—
BY REPRESENTATIVE BARTON

AN ACT

To amend and reenact R.S. 17:2007(A) and (D), 2050, and 3217 and to enact Part III-B of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1825, relative to public higher education; to recognize Bossier Parish Community College as a two-year institution of higher education; to transfer Bossier Parish Community College from the Bossier Parish School Board to the Board of Trustees for State Colleges and Universities; to provide for the supervision and management of the community college by the Board of Trustees for State Colleges and Universities; to provide with regard to the students, faculty, employees, funds, obligations, programs, and functions of Bossier Parish Community College; to provide with regard to the lands, buildings and improvements, facilities, and other property of Bossier Parish Community College; to provide relative to the composition of the University of Louisiana system; to provide for effectiveness; and to provide for related matters.

Reported favorably.

Respectfully submitted,
THOMAS A. GREENE
Chairman

Senate and Concurrent 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 Senate and Concurrent Resolutions just reported by Committees.

SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To urge and request the governor to provide in the 1998 Fiscal Year executive budget a six hundred dollar per employee salary increase for all school support personnel employed by the sixty-six public school systems and for nonpublic lunchroom employees eligible for state salary supplements.

Reported favorably by the Committee on Education. The resolution was read by title, and recommitted to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 83—
BY SENATOR BARHAM

A CONCURRENT RESOLUTION

To direct the Department of Transportation and Development to study the feasibility of providing an additional five million dollars from the Transportation Trust Fund to the funding of rural bridge repairs through the office of rural development.

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 Concurrent Resolution No. 83 by Senator Barham

AMENDMENT NO. 1
On page 1, line 2, change "direct" to "urge and request"

AMENDMENT NO. 2
On page 2, line 8, change "hereby directs" to "urges and requests"

AMENDMENT NO. 3

On page 2, line 10, after "bridge repairs" delete the remainder of the line and delete line 11 and insert a period "."

AMENDMENT NO. 4
On page 2, between lines 11 and 12, add the following:

"BE IT FURTHER RESOLVED that the department shall make a report of its findings to the Joint Legislative Committee on the Budget and the Joint Committee on Transportation, Highways, and Public Works not later than January 1, 1998."

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

Senate 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 Senate Bills and Joint Resolutions just reported by Committees.

SENATE BILL NO. 59—
BY SENATOR GUIDRY

AN ACT

To amend and reenact R.S. 32:295(B) and to enact R.S. 32:295.3, relative to school buses; to require safety belts or child restrain systems on school buses; to require the wearing of safety belts or child restraint systems by school bus passengers; to provide for the promulgation of rules and regulations; to provide that the owner or operator of a school bus shall not be liable for injuries sustained by an individual not wearing a safety belt or child restraint system; 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. 59 by Senator Guidry

AMENDMENT NO. 1
On page 1, line 2, delete "amend and reenact R.S. 32:295(B) and to"

AMENDMENT NO. 2
On page 1, line 3, after "to" delete the remainder of the line and insert "implement a school bus safety belt pilot program in East Baton Rouge Parish;"

AMENDMENT NO. 3
On page 1, delete line 4 in its entirety

AMENDMENT NO. 4
On page 1, at the beginning of line 5, delete "by school bus passengers;"

AMENDMENT NO. 5
On page 1, line 8, after the semicolon ";" add "to require a report on the pilot program; to require funding of program by the Board of Elementary and Secondary Education to the extent that funds are appropriated;"

AMENDMENT NO. 6
On page 1, delete line 10 and insert "Section 1."

AMENDMENT NO. 7
On page 1, delete lines 12 through 16, and on page 2, delete lines 1 through 8, and insert:

"§295.3. School Bus Safety Belt Pilot Program

A. The "School Bus Safety Belt Pilot Program" is hereby created.

B. Twelve school buses registered in East Baton Rouge Parish for which a bid is"

AMENDMENT NO. 8
On page 2, line 11, after "standards." delete the remainder of the line

AMENDMENT NO. 9
On page 2, delete lines 12 and 13 in their entirety

AMENDMENT NO. 10
On page 2, at the beginning of line 14, delete "such date."

AMENDMENT NO. 11
On page 2, line 18, after "systems" insert "to be used in such program"

AMENDMENT NO. 12
On page 2, at the beginning of line 19, change "B" to "C"

AMENDMENT NO. 13
On page 2, at the beginning of line 23, change "C" to "D"

AMENDMENT NO. 14
On page 2, line 25, after "death" add a comma ","

AMENDMENT NO. 15
On page 3, after line 3, add the following:

"E. The East Baton Rouge Parish School Board shall present a comprehensive report on the overall effect of the program, including, but not limited to, safety factors, discipline, implementation, and ongoing procedures to the Joint Committee on Transportation, Highways, and Public Works within twenty-four months following implementation of the program. The report shall include a recommendation that the program be continued, expanded, or terminated.

F. Funding for the pilot program shall be made available by the Board of Elementary and Secondary Education. The provisions of this Section shall be implemented only to the extent that funds are appropriated for this purpose."

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

SENATE BILL NO. 145—
BY SENATOR BARHAM

AN ACT

To enact R.S. 38:330, relative to levee districts; to authorize such districts to act jointly; to provide certain limitations to such joint endeavors; 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. 145 by Senator Barham

AMENDMENT NO. 1
On page 1, line 3, after "jointly" insert "in certain circumstances"

AMENDMENT NO. 2
On page 1, line 9, after "two or more" insert "contiguous"

AMENDMENT NO. 3
On page 1, line 11, after "public" insert "flood control or drainage"

AMENDMENT NO. 4
On page 1, line 12, after "undertaking" insert "related to flood control or drainage projects"

AMENDMENT NO. 5
On page 1, line 13, after "power" insert "related to such projects"

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. 272—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 34:2471(A), relative to ports; to provide relative to members of the South Louisiana Port Commission; to require appointment by the governor under certain conditions; to require Senate confirmation; to provide for retroactive application; 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. 272 by Senator Landry

AMENDMENT NO. 1
On page 1, line 2, after "R.S. 34:2471(A)" insert "and 2472"

AMENDMENT NO. 2
On page 1, line 5, after "application;" insert "to provide for qualifications; to provide for the domicile of such commission;"

AMENDMENT NO. 3
On page 1, line 9, change "is" to "and 2472 are"

AMENDMENT NO. 4
On page 1, line 15, delete "resident"

AMENDMENT NO. 5
On page 1, line 16, after "commission" insert "who is a resident, or who

is the chief executive officer of a business which is principally operated within each such parish,"

AMENDMENT NO. 6
On page 2, line 25, delete "resident"

AMENDMENT NO. 7
On page 2, line 27, after "commission" insert "who are residents of such parish or who are chief executive officers of businesses which are principally operated within each such parish"

AMENDMENT NO. 8
On page 3, line 7, delete "resident"

AMENDMENT NO. 9
On page 3, line 9, after "commission" insert "who is a resident of such parish or who is the chief executive officer of a business which is principally operated within each such parish"

MENDMENT NO. 10
On page 4, between lines 5 and 6, insert:

"§2472. Officers of the board; meetings

A. The commission shall elect from among its own members a president, a vice president, a secretary, and a treasurer, whose respective duties shall be prescribed by the commission. At the option of the commission the office of the secretary and treasurer may be held by one person. The commission shall meet in regular session once each month and also shall meet in special session at the call of the president of the commission or on the written request of three members of the commission. A majority of the members of the commission shall constitute a quorum and all action or resolutions of the commission must be approved by the affirmative vote of not less than a majority of all members of the commission.

B.(1) The domicile and regular meeting place of the commission shall be LaPlace, Louisiana.

(2) However, such domicile and regular meeting place may be changed to Reserve, Louisiana upon a majority vote of the commission in favor of a resolution authorizing the change and if the by-laws are amended to provide for such change. Such vote shall occur no sooner than twenty-four hours after a public meeting specifically held to debate such matters and to receive public comment thereon.

C. The commission shall otherwise prescribe rules to govern its meetings and may fix the place at which its special meetings shall be held."

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. 306—
BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 13:783(F), relative to the expenses of the clerk's office; to increase the amount payable from the clerk of court's salary and expense fund for the cost of group insurance for employees of the clerk of court; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 306 by Senator Bean

AMENDMENT NO. 1
On page 1, line 5, after "court;" insert "to provide for certain exceptions;"

AMENDMENT NO. 2
On page 2, at the end of line 19 insert " Provided that the provisions of this Paragraph shall not be construed to reduce the insurance coverage or alter the payment of insurance costs of any clerk or clerk's employee who is retired on the effective date of this Subsection."

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

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 motor vehicles of 26,000 pounds or less; 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. 319 by Senator Theunissen

AMENDMENT NO. 1
On page 1, at the end of line 3, add "certain"

AMENDMENT NO. 2
On page 1, line 4, after "of" change "26,000" to "2,000"

AMENDMENT NO. 3
On page 2, at the end of line 4, after "weight of" delete "twenty-"

AMENDMENT NO. 4
On page 2, at the beginning of line 5, change "six" to "two", and at the end of the line delete "non-"

AMENDMENT NO. 5
On page 2, line 6, after "use" delete "and" and insert "within a fifty-mile radius of the commercial establishment from which the vehicle is operated, which does not require the operator to hold a commercial driver's license"

AMENDMENT NO. 6
On page 2, line 8, after "natural gas" insert a comma ","

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

SENATE BILL NO. 389—
BY SENATOR GUIDRY

AN ACT

To enact R.S. 32:354(G), relative to motor vehicles; to require rear vision mirrors on state delivery vans; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. On motion of Senator Landry, the bill was read by title and passed to a third reading.

SENATE BILL NO. 460—
BY SENATOR HINES

AN ACT

To amend and reenact the introductory paragraph of R.S. 39:1482(F)(1), relative to professional, personal, consulting, and social services procurement; to provide for an exception from the procurement code for certain special education services; and to provide for related matters.

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

SENATE BILL NO. 462—
BY SENATOR COX

AN ACT

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

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. 462 by Senator Cox

AMENDMENT NO. 1
On page 2, line 9, between "for" and "one" insert: "an amount not to exceed"

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. 506—
BY SENATOR DYESS

AN ACT

To enact R.S. 48:277, relative to state highways; to require the Department of Transportation and Development to erect directional signs to churches; 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. 506 by Senator Dyess

AMENDMENT NO. 1
On page 1, line 10, change "shall" to "may" and after "indicating" change "driveways" to "the location"

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. 557—
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO

AN ACT

To amend and reenact R.S. 56:632.8, relative to the Reptile and Amphibian Task Force; to change the membership of the task force; 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. 557 by Senator Hainkel

AMENDMENT NO. 1
On page 3, line 2, after "secretary" insert "from an institution of higher education in the state"

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. 668—
BY SENATOR BAGNERIS (BY REQUEST)

AN ACT

To amend and reenact R.S. 38:326(A), relative to levee districts; to provide for state supplemental pay for certain levee district and levee and drainage district police officers; to provide for effective date; 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. 668 by Senator Bagneris

AMENDMENT NO. 1
On page 2, line 17, after "shall", add "not"

AMENDMENT NO. 2
On page 2, line 18, after "pay" add "except for such police officers employed by any levee district with a population of not less than four hundred and fifty thousand"

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

SENATE BILL NO. 669—
BY SENATOR BAGNERIS (BY REQUEST)

AN ACT

To amend and reenact R.S. 38:336(B)(2), relative to levee districts; to provide for exceptions to land use dedications for certain lands owned by the Orleans Levee District; to provide for use of certain lands owned by the Orleans Levee District; to provide for effective date; 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. 669 by Senator Bagneris

AMENDMENT NO. 1
On page 1, line 3, change "exceptions" to "an exception"

AMENDMENT NO. 2
On page 1, line 15, after "(2)" insert "(a)"

AMENDMENT NO. 3
On page 2, line 18, after "board." insert "(b)" and change "two exceptions" to "an exception"

AMENDMENT NO. 4

On page 2, line 19, after "Pontchartrain" change "frontage. The first exception" to "frontage, which"

AMENDMENT NO. 5
On page 2, line 23, after "university." delete the remainder of the line and delete lines 24 through 27 and on page 3, delete line 1

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. 672—
BY SENATOR BAGNERIS (BY REQUEST)
AN ACT
To amend and reenact R.S. 38:307(H), relative to levees; to provide for the imposition of a surcharge on certain traffic citations; to provide for effective date; 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. 672 by Senator Bagneris

AMENDMENT NO. 1
On page 1, at the end of line 2, change "the" to "citations issued by Orleans Levee District police; to require ten dollars of fines resulting from such citations to be credited to the Orleans Levee District;"

AMENDMENT NO. 2
On page 1, at the beginning of line 3, delete "imposition of a surcharge on certain traffic citations;"

AMENDMENT NO. 3
On page 1, line 11, after "H.", delete the remainder of the line, and add in lieu thereof:

"Notwithstanding any provisions of law to the contrary, when a municipal or traffic citation is issued by the Orleans Levee District's police force within the boundaries of the city of New Orleans which results in a conviction, either by plea of guilty, by a determination of the court, or by some other administrative process, ten dollars of the fines on such citation shall be deposited immediately to the credit of the Orleans Levee District."

AMENDMENT NO. 4
On page 1, delete lines 12 through 15 in their entirety

AMENDMENT NO. 5
On page 2, delete lines 1 through 8 in their entirety

AMENDMENT NO. 6
On page 2, at the beginning of line 9, delete "immediately to the credit of the Orleans Levee District."

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

SENATE BILL NO. 704—
BY SENATOR LANDRY
AN ACT
To enact R.S. 32:1728.2, relative to motor vehicles; to provide with respect to the procedure for disposal of junk vehicles; 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. 704 by Senator Landry

AMENDMENT NO. 1
On page 2, line 11, after "C", add "of this Section"

AMENDMENT NO. 2
On page 2, line 12, after "of the" add "final"

AMENDMENT NO. 3
On page 2, line 20, after "over" change "seven" to "ten"

AMENDMENT NO. 4
On page 2, line 24, after "each" add "and every side of the"

AMENDMENT NO. 5
On page 2, line 25, after "dismantling" add "which is a clear, color photograph"

AMENDMENT NO. 6
On page 3, line 11, after "of" add "each and every side of" and after "dismantling" add "which is a clear, color photograph"

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. 763—
BY SENATOR SHORT
AN ACT
To enact Chapter 27-A of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.1 through 9039.4, relative to the East Florida Parishes Retirement District; to create the district; to provide for a board of directors to implement the powers, duties, functions, and responsibilities of the district; to authorize the district, with voter approval, to grant certain sales and use tax refunds; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Bajoie, the bill was read by title and passed to a third reading.

SENATE BILL NO. 972—
BY SENATOR HAINKEL
AN ACT
To amend and reenact R.S. 56:325.1(A)(2), the introductory paragraph of R.S. 56:325.1(B), 325.1(B)(2), (C)(1) and (C)(2)(a) and (c), and to enact R.S. 56:325.1(A)(3), relative to recreational saltwater finfish; to allow recreational fishermen to have a two-day bag limit of red drum and spotted sea trout in possession under certain conditions; and to provide for related matters.

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

SENATE BILL NO.1007—
BY SENATOR DYESS
AN ACT
To enact R.S. 47:463.46, relative to veterans prestige license plates; to authorize retention of plates by spouse under certain circumstances; to authorize retention of plates by direct descendants under certain circumstances; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways, and Public Works. On motion of Senator Landry, the bill was read by title and passed to a third reading.

SENATE BILL NO. 1046—
BY SENATOR ELLINGTON AND REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 56:8(54), relative to hoop nets; to provide relative to the definition of hoop nets; and to provide for related matters.

Reported by substitute by the Committee on Natural Resources. The bill was read by title; the committee substitute bill was read.

Regular Session, 1997
SENATE BILL NO. (Substitute for SB No. 1046 by Senator Ellington)
BY SENATOR ELLINGTON

FISH/FISHING. Defines and authorizes the use of "wire nets".

AN ACT

To amend and reenact R.S. 56:320(A)(1) and to enact R.S. 56:8(131), 302.3(B)(6), 305(B)(15), 320(A)(5) and 322(E)(5) relative to fishing gear, to provide definitions; to authorize the use of certain types of gear; to provide for fees; to provide for limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:320(A)(1) is hereby amended and reenacted and R.S. 56:8(131), 302.3(B)(6), 305(B)(15), 320(A)(5) and 322(E)(5) are hereby enacted to read as follows:

§8. Definitions

For purposes of this Chapter, the following words and phrases have the meaning ascribed to them in this Section, unless the context clearly shows a different meaning:

* * *

R.S. 56:8(131) is all proposed new law.

(131) "Wire net" means a cone-shaped net of vegetable or synthetic materials, with a mesh no less than one inch square or two inches stretched, having throats or flues and which is stretched over wire of five inch mesh or greater to support the webbing.

* * *

§302.3. Recreational gear license

* * *

B. Residents shall pay a gear fee as follows:

* * *

R.S. 56:302.3(B)(6) is all proposed new law.

(6) Wire nets: twenty dollars for use of no more than five wire nets.

* * *

§305. Commercial gear license; issuance to certain nonresidents prohibited; moratorium on certain new gear licenses; renewals

* * *

B. Residents shall pay a commercial gear fee as follows:

* * *

R.S. 305(B)(15) is all proposed new law.

(15) Wire nets: twenty-five dollars to use any legal number of wire nets.

~~(15)~~**(16)** Any other type of legal gear not listed in this Subsection: twenty-five dollars. This type of gear includes pipes, buckets, drums, tires, and cans that are placed into the water for the purpose of capturing and taking fish for commercial purposes.

* * *

§320. Methods of taking freshwater or saltwater fish

A.(1) Except as provided in Paragraph (4) of this Subsection, freshwater and saltwater game fish may be taken by means of rod, fishing pole, hook and line, trolling line, handline, bait casting, fly casting apparatus, crawfish nets, by use of devices known as yo-yos or trigger devices, bow and arrow, recreational hoop nets, **recreational wire nets,** recreational slat traps, standard spearing equipment used by a skin diver sport fishing in salt water or fresh water when submerged in the water, recreational pipes, recreational buckets, recreational drums, recreational tires, and recreational cans, and by no other means except a barbless spear used in salt water for taking flounder.

* * *

R.S. 56:320(A)(5) is all proposed new law.

(5) Notwithstanding any other provision of the law to the contrary, a wire net shall only be used for the taking of legal size catfish.

* * *

§322. Seines or nets; size of mesh; classification as to salt or freshwater; crawfish traps

* * *

E. The following provisions shall apply in freshwater areas:

* * *

R.S. 56:322(E)(5) is all proposed new law.

(5) Wire nets. For the taking of legal size catfish only, a person may have in his possession or in use wire nets with a mesh no less than one inch square or two inches stretched.

* * *

On motion of Senator Romero, the committee substitute bill was adopted and becomes Senate Bill No. 1550 by Senator Ellington, substitute for Senate Bill No. 1046 by Senator Ellington.

SENATE BILL NO. 1550— (Substitute for SB No. 1046 by Senator Ellington)
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 56:320(A)(1) and to enact R.S. 56:8(131), 302.3(B)(6), 305(B)(15), 320(A)(5) and 322(E)(5) relative to fishing gear, to provide definitions; to authorize the use of certain types of gear; to provide for fees; to provide for limitations; and to provide for related matters.

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

SENATE BILL NO. 1071—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 32:1253(B)(2), (D), and (I), and 1254(C) and (K)(2), and to enact R.S. 32:1254(A)(3) and 1256(I), relative to the Louisiana Motor Vehicle Commission; to provide for the location and domicile of the commission; to provide for certain powers of the commission; to provide for the application for motor vehicle dealer licenses and certain duties of the applicants; to provide for cease and desist orders; 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. 1071 by Senator Landry

AMENDMENT NO. 1
On page 3, at the end of line 12, insert: "The information in such records shall be kept confidential by the commission."

AMENDMENT NO. 2
On page 4, line 24, change "may" to "shall"

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. 1098—
BY SENATOR ROBICHAUX

AN ACT

To enact R.S. 23:967, relative to interference with individual rights; to provide with respect to employment; to prohibit acts by an employer against an employee for intended or actual disclosure of

an activity, policy or practice in violation of law; to provide penalties for employers who engage in reprisal; to provide for damages; 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. 1098 by Senator Ellington

AMENDMENT NO. 1
On page 1, line 16, delete "the employee reasonably believes"

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. 1112—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 23:1124, relative to worker's compensation; to provide with respect to refusal to submit to medical examinations; to provide for expedited hearing; 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. 1112 by Senator Dardenne

AMENDMENT NO. 1
On page 1, line 2, between "23:" and "1124" insert: "1121(B) and"

AMENDMENT NO. 2
On page 1, at the end of line 2, between "compensation;" and "to" insert: "to provide for expedited hearing relative to examination of injured employee;"

AMENDMENT NO. 3
On page 1, line 6, change "1124 is" to "1121(B) and 1124 are"

AMENDMENT NO. 4
On page 1, between lines 7 and 8, insert:

"§1121. Examination of injured employee

* * *

B. The employee shall have the right to select one treating physician in any field or specialty. **The employee shall have a right to the type** of **summary proceeding, provided for in R.S. 23:1124(B), when denied his right to an initial physician of choice.** After his initial choice the employee shall obtain prior consent from the employer or his worker's compensation carrier for a change of treating physician within that same field or specialty. The employee, however, is not required to obtain approval for change to a treating physician in another field or specialty.

* * *"

AMENDMENT NO. 5
On page 1, line 11, after "examination" delete the remainder of the line and on line 12 delete "an examination"

AMENDMENT NO. 6
On page 2, at the end of line 1, change "**seven**" to "**fourteen**"

AMENDMENT NO. 7
On page 2, at the beginning of line 2, between "days" and "notice" insert: "**written**"

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. 1114—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 23:1208(C)(4), relative to worker's compensation; to provide with respect to misrepresentations concerning benefits; to provide for definition; to provide for penalties; 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. 1114 by Senator Dardenne

AMENDMENT NO. 1
On page 1, at the beginning of line 16, insert "reasonable"

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. 1115—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 23:1208(D), relative to worker's compensation; to provide with respect to misrepresentations concerning benefit payment; to provide for restitution; 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. 1115 by Senator Dardenne

AMENDMENT NO. 1
On page 1, line 4, change "provide for" to "authorize"

AMENDMENT NO. 2
On page 1, at the end of line 13, change "**shall**" to "**may**"

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. 1117—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 23:1121(A), relative to worker's compensation; to provide with respect to examination of injured employee; to provide for reasonable diagnostic testing; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. On motion of Senator Ellington, the bill was read by title and passed to a third reading.

SENATE BILL NO. 1123 —
BY SENATOR LANDRY AND REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 40:1749.12(3), (4), (6), (9), and (10), 1749.13(A) and (B)(1) and (2), 1749.14(C)(1)(a) and (b)(i), and (D), 1749.15, 1749.16(4) 1749.17, 1749.19, 1749.20 and 1749.21 and to enact R.S. 40:1749.12(11), 1749.13(B)(5) and (D), 1749.14(c)(1)(b)(iii) and (iv), and (E), 1749.23, 1749.24 and 1749.25, all relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to provide definitions; to provide relative to excavation and demolition notification procedures and requirements; to provide for immunity from civil liability under certain circumstances; to provide relative to marking of facilities; to require certain actions by excavators and demolishers when there has been damage to an underground facility or utility; to provide relative to participation by municipalities or parish governments under certain circumstances; to provide for violations and penalties, including civil penalties and costs; to provide for enforcement by the Department of Public Safety and Corrections; to provide for proceedings and adjudications for the levying of civil penalties; to provide for the distribution of civil penalties; to create the Underground Damages Prevention Fund within the state treasury and provide for disbursements from such fund; to provide for the uses of monies in such fund; to provide for compliance by the Department of Transportation and Development; 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. 1123 by Senator Landry

AMENDMENT NO. 1
On page 1, line 5, after "12(11)," add "(12), and (13)," and after "1749.14" change "(c)" to "(C)"

AMENDMENT NO. 2
On page 1, line 6, after "(iv)," add "(C)(3),"

AMENDMENT NO. 3
On page 2, line 11, after "40:1749.12(11)," add "(12), and (13),"

AMENDMENT NO. 4
On page 2, line 12, after "(iv)", add "(C)(3),"

AMENDMENT NO. 5
On page 2, delete lines 20 and 21 in their entirety and add in lieu thereof:

"crisis situation which poses an imminent threat or danger to life, health, or property and requires immediate action."

AMENDMENT NO. 6
On page 3, line 11, after "drainage" change "sewage" to "sewer"

AMENDMENT NO. 7
On page 3, at the end of line 26, change "sewage" to "sewer"

AMENDMENT NO. 8
On page 4, line 6, after "the", change "approximate" to "specific"

AMENDMENT NO. 9
On page 4, line 7, after "facility", add "as provided for in R.S. 40:1749.14(D)"

AMENDMENT NO. 10
On page 4, between lines 7 and 8, add the following:

"(12) "Demolisher" means any person engaged in the act of demolishing as defined in R.S. 40:1749.12(2).

(13) "Inclement weather" means weather that prohibits or impedes a worker's use of his locating equipment or causes undue risk to himself or his equipment such as lightning, heavy rain, tornadoes, hurricanes, floods, sleet, snow, or flooding conditions."

AMENDMENT NO. 11
On page 4, line 25, after "the" add "commencement of any"

AMENDMENT NO. 12
On page 5, at the end of line 11, change "for which" to a period "." and delete line 12 in its entirety

AMENDMENT NO. 13
On page 5, line 16, after "commencing" change "work" to "any excavation or demolition activity"

AMENDMENT NO. 14
On page 6, between lines 23 and 24, add the following:

"(3) In the event of inclement weather as defined in this Part, the mark by time shall be extended by a duration equal to the duration of the inclement weather. The owner or operator shall notify the excavator or demolisher before the expiration of the mark by time of the need for such extension."

AMENDMENT NO. 15
On page 7, line 10, after "to" change "take action" to "mark"

AMENDMENT NO. 16
On page 7, between lines 14 and 15, add the following:

"F. Should an owner or operator file suit against an excavator or demolisher for damages to underground facilities or utilities and the court finds in favor of the owner or operator, in addition to damages provided for by this Part, the owner or operator shall be entitled to recover reasonable attorney fees and costs. If the court finds in favor of the excavator or demolisher, the excavator or demolisher shall be entitled to recover reasonable attorney fees and costs."

AMENDMENT NO. 17
On page 8, delete line 18 in its entirety and add in lieu thereof: "permitting the escape of any flammable, toxic, or corrosive fluids/gases"

AMENDMENT NO. 18
On page 8, line 19, after "damage" change the comma "," to a colon ":"

AMENDMENT NO. 19
On page 8, line 25, after "A", add the following:

", the local police, the local fire department, and emergency response personnel and allow the owner or operator reasonable time to accomplish necessary repairs before continuing the excavation, demolition, or back filling in the immediate area of damage"

AMENDMENT NO. 20
On page 9, line 3, after "regulation" change the comma "," to a period "." and delete the remainder of the line and delete line 4 in its entirety

AMENDMENT NO. 21
On page 10, line 1, after "1998" delete the remainder of the line and add a period "." and delete line 2 in its entirety

AMENDMENT NO. 22
On page 10, line 13, after "districts" add "created pursuant to law"

AMENDMENT NO. 23
On page 10, line 14, after "water system," add "telephone or telegraph, fiber optic, electronics equipment system,"

AMENDMENT NO. 24
On page 10, at the end of line 17, change "was" to "is"

AMENDMENT NO. 25
On page 10, line 18, change "January 1, 1998" to "July 1, 1997" and delete the remainder of the line

AMENDMENT NO. 26
On page 10, line 19 at the beginning of the line, delete "incorporated or created subsequent to June 1, 1997,"

AMENDMENT NO. 27
On page 10, line 22, after "or" add "within" and after "creation" delete "in case" and after "of" add "a"

AMENDMENT NO. 28
On page 10, at the end of line 23, change "districts" to "district"

AMENDMENT NO. 29
On page 11, at the end of line 2, change "five" to "two hundred and fifty dollars"

AMENDMENT NO. 30
On page 11, at the beginning of line 3, delete "hundred dollars"

AMENDMENT NO. 31
On page 11, line 18, after "For", add "a fourth and"

AMENDMENT NO. 32
On page 12, line 5, after "For", add "a fourth and"

AMENDMENT NO. 33
On page 12, line 6, after "violation," delete the remainder of the line

AMENDMENT NO. 34
On page 12, at the beginning of line 7, delete "involving hazardous materials,"

AMENDMENT NO. 35
On page 12, between lines 8 and 9, add the following:

"(5) Any violation involving hazardous materials as defined in Title 30 of the Louisiana Revised Statutes of 1950, a civil penalty of not less than two thousand dollars nor more than twenty-five thousand dollars."

AMENDMENT NO. 36
On page 12, delete lines 10 through 14 in their entirety

AMENDMENT NO. 37
On page 13, line 19, after "of the " change "locator" to "locate request"

AMENDMENT NO. 38
On page 14, line 11, after "agency" add "within one year of the civil penalty deposited into the Underground Damages Prevention Fund"

AMENDMENT NO. 39
On page 14, line 14, after "disbursement" add "by the local governing authority within one year of the civil penalty deposited into the Underground Damages Prevention Fund"

AMENDMENT NO. 40
On page 14, at the end of line 16, change "public safety" to "compliance with provisions of this Part"

AMENDMENT NO. 41
On page 15, line 25, after "Part" and before "insofar" add "only"

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

SENATE BILL NO. 1138—
BY SENATOR DEAN

AN ACT

To enact Chapter 9-C of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1358, relative to local finance; to prohibit municipal corporations from engaging in unreasonable competition; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 1138 by Senator Dean

AMENDMENT NO. 1
On page 1, line 5, between “competition;” and “and” insert “to exclude municipal owned utility services and garbage collection services;”

AMENDMENT NO. 2
On page 1, at the end of line 16, insert “Provided that this Section shall not apply to any municipal owned utility company, including but not limited to water, gas, electricity, or garbage collection companies.”

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

SENATE BILL NO. 1156—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 17:1979(C)(2), to enact R.S. 36:4(R), and to repeal R.S. 36:651(Z), all relative to the Louisiana Interagency Coordinating Council for Child Net; to transfer the Council from the Department of Education to the office of the governor; 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. 1156 by Senator Hines

AMENDMENT NO. 1
On page 1, line 8, delete "; R.S." and delete line 9, and insert "to read as follows:"

AMENDMENT NO. 2
On page 1, between lines 12 and 13, insert:

"* * *"

AMENDMENT NO. 3
On page 1, line 16, after "to the" insert "council"

AMENDMENT NO. 4
On page 2, line 3, after "**governor.**" insert the following:

"The cost of maintaining the functions of the executive director and council shall be specified by an interagency agreement between the lead agency and the office of the governor."

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

SENATE BILL NO. 1310—
BY SENATOR HAINKEL

AN ACT

To authorize the board of directors of the Louisiana School for Math, Science, and the Arts to designate a facility located on said campus in honor of Dave Treen, former governor.

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

SENATE BILL NO. 1330—
BY SENATOR GUIDRY

AN ACT

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

Reported 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. 1330 by Senator Guidry

AMENDMENT NO. 1
On page 1, line 5, change "municipality" to "parish"

AMENDMENT NO. 2
On page 2, line 9, change "municipality" to "parish"

AMENDMENT NO. 3
On page 2, line 15, change "municipality" to "parish"

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. 1373—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 48:271, relative to signs; to require the Department of Transportation and Development to erect signs to certain tourist attractions; 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. 1373 by Senator Schedler

AMENDMENT NO. 1
On page 1, line 2, change "require" to "authorize"

AMENDMENT NO. 2
On page 1, line 4, after "attractions" insert ", tourist information centers, and state parks"

AMENDMENT NO. 3
On page 2, line 8, change "shall" to "may"

AMENDMENT NO. 4
On page 2, line 9, after "denoting" delete "all" and after "attractions" insert "and tourist information centers"

AMENDMENT NO. 5
On page 2, after line 12, add the following:

"C. The department may erect directional signs to state park areas in cooperation with the office of state parks and in accordance with the statewide highway sign program for state park areas, as developed and periodically reviewed and updated by the office of state parks. The signs shall be standard department directional signs and shall be erected on state highways, official system roads that connect state parks to existing state highways, and interstate highways. The signs shall be maintained by the department."

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

SENATE BILL NO. 1451—
BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 51:1151(4), relative to municipal and parish industrial development boards; to provide relative to the types of development projects which such boards are authorized to undertake; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 1451 by Senator Johnson

AMENDMENT NO. 1
On page 2, line 7, change “semimanufactured” to “semi-manufactured”

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

SENATE BILL NO. 1454—
BY SENATOR ELLINGTON

AN ACT

To designate State Highway 15 from its intersection with State Highway 137 southward to its intersection with State Highway 131 as the Veterans Memorial Highway; 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. 1454 by Senator Ellington

AMENDMENT NO. 1
On page 1, line 2, after "designate" change "State" to "portions of Louisiana" and after "with", change "State" to "Louisiana"

AMENDMENT NO. 2
On page 1, at the beginning of line 3, change "southward to its intersection with State Highway 131" to "and portions of Louisiana Highways 65 and 84 to their intersection with Louisiana Highway 131"

AMENDMENT NO. 3
On page 1, line 6, after "of", change "State" to "Louisiana"

AMENDMENT NO. 4
On page 1, line 7, after "with" change "State" to "Louisiana"

AMENDMENT NO. 5
On page 1, line 8, after "southward", change "to the intersection with State Highway 131" to "to the town of Clayton where it becomes coterminous with Louisiana Highway 65 to the town of Ferriday and the coterminous route of Louisiana Highways 65 and 84 from Ferriday to its intersection with Louisiana Highway 131"

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. 1506—
BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER
AN ACT
To amend and reenact the introductory paragraphs of R.S. 12:312(C) and 1351(C) and R.S. 23:111(C)(10) and R.S. 12:148(B), 256(B), 312.1 and 1352; R.S. 13:5112(D); R.S. 15:587(A)(1)(a); R.S. 23:101(7), 103(A)(1), 104, 106(B), 107(C) and (D), 183, 184.1, 392(B), (C), and (D), 897(E), 964(D), (E), (F), and (G), 1021(5), 1202(B), 1221(3)(f), 1532.1(F), 1576, 1592(A), 1600(3)(b)(i), 1624.1, 1651, 1657(A), 1668(A), 1670, 1671, 1693(B), 1802(1) and (5), 1803(A), (B), (C), and (D), 1804, and 1853(B); R.S. 36:301(C)(1), 304(6), 308(B), and (C) and 313;R.S. 40:521(5) and (9); R.S. 42:4(B), 722, 723(5) and (6); R.S. 46:56(L), 236.1(D)(1)(a) and (N), and 2602(B)(18); R.S. 47:299.2(1)(a)(vi), 299.11(5), 299.15(B), 299.16(C), 617(C), 1622(B), and 6004(A)(1); R.S. 49:967(A) and 992(D)(4); R.S. 51:1787(C)(2)(a); to enact R.S. 36:308(E) and R.S. 49:191(11); and to repeal R.S. 49:191(8)(i); relative to the Department of Labor; to provide for the recreation of the Department of Labor and certain 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; to specifically create and provide for the functions of the office of workplace and workforce development, office of regulatory services, and the office of occupational information services; to specifically abolish and transfer the functions of the office of employment security and the office of labor; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. On motion of Senator Ellington, the bill was read by title and passed to a third reading.

SENATE BILL NO. 1511—
BY SENATOR BAJOIE
AN ACT
To amend and reenact Sections 2(A) and (b) and 3 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 572 of the 1984 Regular Session of the Legislature, and Act No. 1013 of the 1993 Regular Session of the Legislature, relative to the board of commissioners for the Ernest N. Morial-New Orleans Exhibition Authority; to add one additional member to the board; to provide for confirmation of members; to provide with respect to quorum requirements; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Bajoie, the bill was read by title and passed to a third reading.

SENATE BILL NO. 1514—
BY SENATORS BAJOIE AND HAINKEL
AN ACT
To amend and reenact Sections 4(C) and 20 of Act No. 305 of the 1978 Regular Session of the Legislature, as amended by Act No. 657 of the 1979 Regular Session of the Legislature, Act No. 99 of the 1980 Regular Session of the Legislature, Act No. 9 of the 1980 Second Extraordinary Session of the Legislature, Act No. 287 of the 1982 Regular Session of the Legislature, Act No. 572 of the 1984 Regular Session of the Legislature, Act No. 390 of the 1987 Regular Session of the Legislature, Act No. 43 of the 1992 Regular Session of the Legislature, Act No. 1013 of the 1993 Regular Session of the Legislature, and Acts 13 and 42 of the 1994 Regular Session of the Legislature, and to amend and reenact Section 1 of Act 45 of the 1995 Regular Session of the Legislature and Section 1 of Act 1096 of the 1996 Regular Session of the Legislature concerning a provision for a certain capital outlay project, and to enact Section 4(P) of Act No. 305 of the 1978 Regular Session of the Legislature, all relative to the Ernest N. Morial Convention Center-New Orleans; to provide to the New Orleans Exhibition Hall Authority authorizations for the acquisition of property; to provide for values for property acquired or disposed of; to provide for expansion projects and the sites thereof; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. The bill was read by title, ordered engrossed, and recommitted to the Committee on Revenue and Fiscal Affairs.

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. 162—
BY REPRESENTATIVES MCDONALD, DANIEL, BARTON, BAUDOIN, CRANE, DOERGE, KENNEY, POWELL, SHAW, WILKERSON, AND WRIGHT
AN ACT
To repeal R.S. 17:3042.34(A)(4), relative to certain requirements for redeeming a Louisiana honors scholarship award; to repeal the requirement that a Louisiana honors scholarship award recipient shall not be eligible for any other gratuitous financial assistance or support from the college or university attended or from any alumni organization or foundation.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original House Bill No. 162 by Representative McDonald

AMENDMENT NO. 1
On page 1, line 2, after "To" insert "amend and reenact R.S. 17:3042.32(B)(1), 3042.33(A)(1), and to enact R.S. 17:3042.34(A)(5), (6), and (7) and to"

AMENDMENT NO. 2
On page 1, line 7, after "foundation" insert "; to provide with regard to academic requirements for such scholarships; and to provide for related matters"

AMENDMENT NO. 3
On page 1, between lines 8 and 9, insert the following:

"Section 1. R.S. 17:3042.32(B)(1), and 3042.33(A)(1) are hereby amended and reenacted and R.S. 17:3042.34(A)(5), (6), and (7) are hereby enacted to read as follows:

"§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 **meeting the minimum academic requirements specified in Section 3042.34(A), and** 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.

* * *

§3042.33. Criteria; award ceremony

A.(1) Each city and parish school board for the high schools under its jurisdiction and the principal or headmaster of each nonpublic high school approved by the State Board of Elementary and Secondary Education shall identify and certify **to the administering agency** the achievement of those students graduating in the top five percent of their class. The criteria for class ranking ~~and identifying the scholarship recipients~~ shall be determined by each school board or principal or headmaster of each approved nonpublic high school.

* * *

§3042.34. Redeeming a scholarship award; requirements

A. To redeem a scholarship as provided by this Chapter, a recipient:

* * *

(5) Shall have achieved at least the state's American College Test average composite score (or the equivalent score on the Scholastic Aptitude Test) reported for the prior year.

(6) Shall have achieved at least a minimum cumulative high school grade point average of 3.00 on a maximum 4.00 scale.

(7) Shall have completed the college preparatory curriculum adopted by the administering agency and promulgated by rule, following consultation with the State Board of Elementary and Secondary Education and the Board of Regents, provided that this curriculum is first applied to high school entering freshmen beginning with the freshman class of 1997-1998.

* * *"

AMENDMENT NO. 4
On page 1, line 9, change "Section 1." to "Section 2."

AMENDMENT NO. 5
On page 1, line 10, change "Section 2." to "Section 3."

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. 598—
BY REPRESENTATIVE BARTON
AN ACT
To amend and reenact R.S. 17:2007(A) and (D), 2050, and 3217 and to enact Part III-B of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1825, relative to public higher education; to recognize Bossier Parish Community College as a two-year institution of higher education; to transfer Bossier Parish Community College from the Bossier Parish School Board to the Board of Trustees for State Colleges and Universities; to provide for the supervision and management of the community college by the Board of Trustees for State Colleges and Universities; to provide with regard to the students, faculty, employees, funds, obligations, programs, and functions of Bossier Parish Community College; to provide with regard to the lands, buildings and improvements, facilities, and other property of Bossier Parish Community College; to provide relative to the composition of the University of Louisiana system; to provide for effectiveness; and to provide for related matters.

Reported favorably by the Committee on Education. The bill was read by title and recommitted to the Committee on Finance.

Motion to Recommit

Senator Cox asked for and obtained a suspension of the rules and asked that Senate Bill No. 133, which was just passed to a Third Reading and Final Passage, be recommitted to the Committee on Senate and Governmental Affairs.

Without objection, so ordered.

Rules Suspended

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

Senate Bills and Joint Resolutions on Second Reading

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

SENATE BILL NO. 1547— (Substitute for SB No. 729 by Senator Ullo)
BY SENATOR ULLO
AN ACT
To amend and reenact R.S. 26:793(C)(1) and to enact Chapter 7 of Title 26 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 26:901 through 922, relative to tobacco products; to provide for the office of alcohol and tobacco control to issue licenses to dealers who sell or offer for sale tobacco products at wholesale, retail and through vending machines; to provide for definitions, fees, fines, rules and regulations; to change the name of the office of alcoholic beverage control to the office of alcohol and tobacco control; and to provide for related matters.

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

Rules Suspended

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

Senate Concurrent Resolutions to be Adopted, Subject to Call

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

Called from the Calendar

Senator Jones asked that Senate Concurrent Resolution No. 80 be called from the Calendar at this time.

SENATE CONCURRENT RESOLUTION NO. 80—
BY SENATOR JONES
A CONCURRENT RESOLUTION
To authorize the governor, on behalf of the state, to enter into one or more cooperative endeavor agreements with the states of Arkansas and Mississippi for the purpose of enhancing or maintaining the economic well-being of the tri-state delta region.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

Total—31

NAYS

Total—0

ABSENT

Bagneris	Greene	Smith
Bajoie	Johnson	Tarver
Campbell	Lambert	

Total—8

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

Messages from the House

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

Message from the House

SIGNED HOUSE BILLS AND JOINT RESOLUTIONS

May 1, 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. 233—
BY REPRESENTATIVES DUPRE, DOWNER, GAUTREAUX, AND TRICHE AND SENATOR ROBICHAUX
AN ACT
To amend and reenact R.S. 47:1908(A)(54) and (C)(1), relative to the assessor's expense account in Terrebonne Parish; to provide for an increase in such account; and to provide for related matters.

HOUSE BILL NO. 268—
BY REPRESENTATIVES DUPRE, DOWNER, AND GAUTREAUX AND SENATOR ROBICHAUX
AN ACT
To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1); to create an assessment district in Terrebonne Parish to fund the office of the assessor; and to provide for related matters.

HOUSE BILL NO. 970—
BY REPRESENTATIVE R. ALEXANDER
AN ACT
To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1); to create an assessment district in Bienville Parish to fund the office of the assessor; and to provide for related matters.

HOUSE BILL NO. 1765 —
BY REPRESENTATIVES DAMICO AND DEWITT
AN ACT
To amend and reenact R.S. 30:2050.5, relative to the enforcement of final actions; to provide for the powers of the secretary of the Department of Environmental Quality; to delete certain powers and duties; and to provide for related matters.

HOUSE BILL NO. 1767—
BY REPRESENTATIVES DAMICO AND DEWITT
AN ACT
To amend and reenact R.S. 30:2050.20, relative to the record of decision; to provide for preparation of the record; and to provide for related matters.

HOUSE BILL NO. 1901—
BY REPRESENTATIVE BRUN
AN ACT
To amend and reenact R.S. 36:642(C)(1), 647(B), and 649(C) and (D), to enact R.S. 36:649(B), and to repeal R.S. 36:648(C) and 649(E), (F), and (G), all relative to the Department of Education; to provide relative to the offices within the department; to provide relative to the duties of the deputy superintendent for management and finance; to remove provisions requiring assistant superintendents to employ, appoint, remove, assign, and promote certain personnel; to provide for the purposes and functions of the offices of student and school performance, quality educators, and school and community support; to remove provisions relative to the purposes and functions of certain offices; and to provide for related matters.

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

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

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

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 1, 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. 70—
BY REPRESENTATIVE DOWNER AND SENATOR EWING AND COAUTHORED BY REPRESENTATIVES R. ALEXANDER, ANSARDI, BARTON, BRUNEAU, DEVILLE, DIEZ, DIMOS, DUPRE, FLAVIN, FORSTER, JOHNS, LEBLANC, MCCAIN, MCDONALD, MCMAINS, MICHOT, PIERRE, SCALISE, JOHN SMITH, STELLY, TRICHE, AND WIGGINS, AND SENATOR BAGNERIS
A CONCURRENT RESOLUTION
To amend and readopt Joint Rule No. 5 of the Joint Rules of the Senate and House of Representatives to provide for the procedure for passage of duplicate bills and to remove superseded provisions regarding introduction of bills after the fifteenth calendar day of a regular session.

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.

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 1, 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 Bills have been properly enrolled:

SENATE BILL NO. 180—
BY SENATORS CAIN AND CAMPBELL
AN ACT
To amend and reenact the introductory paragraph of R.S. 3:2091(B) and R.S. 3:2091(E) and to enact R.S. 3:2091(B)(15); relative to the Livestock Sanitary Board; to increase number of board members from fourteen to fifteen; to provide for appointment; and to provide for related matters.

SENATE BILL NO. 195—
BY SENATOR HEITMEIER
AN ACT
To amend and reenact R.S. 11:181(A)(1) and (2), 511(2), 1162(A)(3), and 1302(A)(6), relative to state retirement systems; to provide for the composition of the boards of trustees of state systems; to provide that the chairman of the Senate Committee on Retirement serve as ex officio member of such boards of trustees; and to provide for related matters.

SENATE BILL NO. 230—
BY SENATOR ELLINGTON
AN ACT
To amend and reenact R.S. 3:1613(E), relative to agricultural commodities; to provide relative to method of voting in favor of assessment to offset the cost of boll weevil eradication; and to provide for related matters.

SENATE BILL NO. 330 (DUPLICATE OF HOUSE BILL NO. 810)—
BY SENATORS DARDENNE AND REPRESENTATIVE WINDHORST, AND COAUTHORED BY SENATORS EWING, HAINKEL, BARHAM, BRANCH, COX, CRAVINS, DYESS, ELLINGTON, GUIDRY, HEITMEIER, HINES, HOLLIS, LAMBERT, LANDRY, SHORT, SMITH, THEUNISSEN, BAGNERIS, BAJOIE, BEAN, CAIN, CASANOVA, DEAN, FIELDS, GREENE, IRONS, JOHNSON, JONES, JORDAN, LENTINI, MALONE, ROMERO, SCHEDLER, SIRACUSA AND ULLO
A JOINT RESOLUTION
Proposing to add Article I, Section 25 of the Constitution of Louisiana, to provide for rights of victims of crimes; to provide for submission of the proposed amendment to the electors; to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

SENATE BILL NO. 438 (DUPLICATE OF HOUSE BILL NO. 1436)—
BY SENATOR HEITMEIER AND REPRESENTATIVE WILKERSON
AN ACT
To enact R.S. 11:165, relative to all state and statewide retirement systems; to provide for payment of funds or benefits to a succession; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 466 (DUPLICATE OF HOUSE BILL NO. 771)—
BY SENATOR BAGNERIS AND REPRESENTATIVE WESTON
AN ACT
To amend and reenact R.S. 43:31(B) and to enact R.S. 43:31(A)(5), relative to printing of state government entities; to authorize the Department of Culture, Recreation and Tourism to print new promotional materials that enhance the development and implementation of its programs when funds have been appropriated for that purpose; to exempt those new promotional materials from the required cost to produce statement; and to provide for related matters.

SENATE BILL NO. 1145—
BY SENATOR HEITMEIER
AN ACT
To amend and reenact R.S. 11:3688(A)(2)(a)(ii), relative to the Harbor Police Retirement System; to provide for the term of certain members of the board of trustees; and to provide for related matters.

SENATE BILL NO. 1392 (DUPLICATE OF HOUSE BILL NO. 1591)—
BY SENATOR SHORT AND REPRESENTATIVE STRAIN AND COAUTHORED BY SENATORS BEAN, CAIN, HINES, SIRACUSA, SMITH, THEUNISSEN, BARHAM, BRANCH, CASANOVA, COX, CRAVINS, ELLINGTON, FIELDS, GREENE, HOLLIS, JONES, LAMBERT, LENTINI, ROMERO AND SCHEDLER AND REPRESENTATIVES BRUCE, CARTER, THOMAS, BAUDOIN, BAYLOR, CHAISSON, CLARKSON, CURTIS, DIMOS, DOERGE, DURAND, FONTENOT, FRITH, FRUGE, GAUTREAUX, GLOVER, HEBERT, HILL, HUDSON, ILES, KENNEY, LEBLANC, McCAIN, McDONALD, MONTGOMERY, MORRELL, MURRAY, ODINET, PIERRE, PINAC, POWELL, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SCHNEIDER, THOMPSON, THORNHILL, TRAVIS, WALSWORTH, WIGGINS, WILLARD-LEWIS, AND WINSTON
AN ACT
To enact Chapter 25-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4021 through 4025, relative to the dairy industry; to provide for the Dairy Compact Law and the state's participation in the Southern Dairy Compact; to provide for purposes, findings, and declaration of policy; to provide for definitions; to provide for rules of construction; to provide for establishment of the Southern Dairy Compact Commission; to provide for voting requirements; to provide for administration and management of the compact; to provide for powers to promote regulatory uniformity, simplicity, and interstate cooperation; to provide for equitable farm prices; to provide for optional provisions for pricing order; to provide for rulemaking procedures; to provide for findings and referendum; to provide for producer referendum; to provide for termination of over-order price or marketing order; to provide for records, reports, access to premises and penalties; to provide for subpoena power, hearings, and judicial review; to provide for enforcement with respect to handlers and penalties; to provide for financing of start-up and regular costs; to provide for audit and accounts; to provide for effective date of entrance into compact and additional members; to provide for withdrawal from compact; to provide for severability; to provide relative to Louisiana delegates; to provide for the adoption of rules and regulations by the commissioner of agriculture and forestry; to provide for access to information; to provide for penalties; and to provide for related matters.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Bills were signed by the President of the Senate and the Speaker of the House of Representatives and presented to the Governor by the Secretary.

Leaves of Absence

The following leaves of absence were asked for and granted:

Tarver	1 Day	Smith	1 Day

Adjournment

Senator Bagneris moved that the Senate adjourn until Monday, May 5, 1997 at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Monday, May 5, 1997.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk