

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

**TWENTY-SECOND DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, May 6, 1997

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

**ROLL CALL**

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

**PRESENT**

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

**ABSENT**

Total—0

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

**Prayer**

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

**Morning Hour**

**Messages from the Governor**

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

State of Louisiana  
OFFICE OF THE GOVERNOR  
Baton Rouge  
70804-9004

May 5, 1997

To the Honorable President and Members of the Senate:

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

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

**Acadia**

Cathy Tweedel  
P.O. Box 2038  
Lafayette, La 70502-2038

**Caddo**

Gwen F. Bruhnke  
P.O. Box 21119  
Shreveport, La 71152

Garry A. Duplantis  
8221 Green Leaf Ln.  
Shreveport, La 71118

Daniel J. Dauman  
8945 Sebastian P/d  
Keithville, La 71107

Kimberly D. Heckendorn  
720 Travis St.  
Shreveport, La 71101

Sharon A. Giles  
5836 Mansfield Rd.  
Shreveport, La 71108

Patricia J. Hill  
800 West 70th St.  
Shreveport, La 71106-2550

David A. Hennigan  
210 Ockley Dr.  
Shreveport, La 71105-3025

Reggie D. Lewis  
1324 N. Hearne Ave.  
Shreveport, La 71107

Bobbie W. Jeter  
P.O. Box 3000  
Shreveport, La 71130

John G. Ratcliff  
9435 Mansfield Rd. Ste. 4b  
Shreveport, La 71118

Kimberly A. Maranto  
501 Texas St. Rm. 300 H  
Shreveport, La 71101

Cena Rustvold  
8059 Dixie-blanchard #18  
Shreveport, La 71107

Misty R. Robinson  
2443 Texas Ave.  
Shreveport, La 71103

Henry Taylor, Jr.  
3212 Blanchard Rd.  
Shreveport, La 71103-2011

Kim A. Sanders  
8750 Business Park Dr.  
Shreveport, La 71105

Cheryl H. Whitfield  
8750 Business Park Dr.  
Shreveport, La 71105

**Calcasieu**

Micheal P. Ned  
508 Blackman St.  
Lake Charles, La 70605

Bonnie S. Talbot  
2945 Cardinal Dr.  
Vinton, La 70668

**Caldwell**

Cathy Washington  
P. O. Box 215  
Columbia, La 71418

**Claiborne**  
Robee T. Siler  
245 Goodwill Rd.  
Baton Rouge, La 71055

**East Baton Rouge**

Lloyd H. Hall  
P.O. Box 14556  
Baton Rouge, La 70898

Jeffrey D. Jeter  
P.O. Box 94095  
Baton Rouge, La 70804-9095

Fred D. Jones  
10481 Old Hammond  
Hwy. Ste. F  
Baton Rouge, La 70816

Kyle R. Kitt  
11145 Moultrie Ave.  
Baton Rouge, La. 70817

James L. Maughan  
1755 Wooddale Blvd.  
Baton Rouge, La 70806

James K. Mccay II  
6384 Esplanade Ave.  
Baton Rouge, La 70806

May 6, 1997

Mark S. Scimemi  
320 Somerulos St.  
Baton Rouge, La 70802

Amy R. Veazey  
534 North Donmoor  
Baton Rouge, La 70806

**East Carroll**  
James Trey Phillips  
Rr 2 Box 94  
Lake Providence, La 71254

**Jefferson**  
David Bordelon  
4037 Chicory Pl.  
Harvey, La 70058

Elizabeth M. Truett  
2121 Airline Hwy., Ste. 601  
Metairie, La 70001

**Lafayette**  
Gregory G. Duplantis  
221 Ducharme Ln.  
Lafayette, La 70503

Stephanie H. Flores  
111 Rue Jean Lafiette  
Ste. 101  
Lafayette, La 70505

Rodd C. Richoux  
741 St. Thomas St.  
Lafayette, La 70506

**Orleans**  
Michelle D. Barner  
7904 St. Charles Ave  
Apt. L-2  
New Orleans, La 70811

Diana Carroll  
3500 N. Causeway  
Ste. 1410  
Metairie, La 70002

Pauline G. Feist  
4942 Virgilian St.  
New Orleans, La 70126

**Ouachita**  
Rebecca Griggs  
2001 North 7th  
West Monroe, La 71291

Beth E. Perkins  
305 Barr Ln.  
West Monroe, La 71291

**Rapides**  
Betty B. Pharis  
831 Desoto St.  
Alexandria, La 71301

**St. Martin**  
Charles M. Durand  
1100 Isle Labbe Rd.  
St. Martinville, La 70582

Tracy S. Sudduth  
P.O. Box 80064  
Baton Rouge, La 70898

John C. Walsh  
4359 Ridgeway St.  
Zachary, La 70791

**Iberville**  
Lorraine P. Langlois  
P.O. Box 56  
Grosse Tete, La 70740

Kathryn P. Garitty  
One Galleria Blvd., Ste. 912  
Metairie, La 70001

John V. Flores  
111 Rue Jean Lafiette  
Ste. 101/p  
Lafayette, La 70505

Brenda K. Hill  
P.O. Box 2038  
Lafayette, La 70502

Cynthia Sonnier  
403 Mt. Vernon Dr.  
Lafayette, La 70503

James L. Bradford III  
650 Poydras St.  
Ste. 2600  
New Orleans, La 70130

Robert Diliberto  
909 Poydras St.  
Ste. 2550  
New Orleans, La 70112

Derek F. Ridge  
1924 Holiday Dr.  
New Orleans, La 70131

William W. Maclean  
200 Thomas Rd.  
West Monroe, La 71291

**St. Landry**  
Caroline M. Sharp  
551 South 6th St  
Eunice, La 70535

**Tangipahoa**  
Laura A. Hotard-Reid  
P.O. Box 1120  
Ponchatoula, La 70454

**Terrebonne**  
Carl Tracy Schwab  
300 Lafayette St.  
Houma, La 70360

**Vermilion**  
Diane M. Broussard  
12514 Grosse Isle Rd.  
Abbeville, La 70510

Harris P. Lemaire  
906 Chartiy St.  
Abbeville, La 70510

**Vernon**  
S. Christie Smith IV  
300 Courthouse St.  
Leesville, La 71446

Linda Richard  
35011 Oliver Rd.  
Gueydan, La 70542

**Washington**  
Lillian R. Singh  
914 Ruby Rd.  
Bogulusa, La 70427

State of Louisiana  
OFFICE OF THE GOVERNOR  
Baton Rouge  
70804-9004

May 6, 1997

The Honorable President and Members of the Senate

Ladies and Gentlemen:

In compliance with Article IV, Section 5(H)(3) of the Louisiana Constitution of 1974, the individuals on the attached page have been appointed and previously submitted for your consideration.

However, I wish for the confirmation to be stopped and the names withdrawn from submission.

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

**Louisiana Economic Development Council**

Edward Bee

**Office of the Governor**

Richard Collins (Resigned)

**Oilfield Site Restoration Commission**

Richard Michael Lyons (Resigned)

**St. Tammany Levee District, Board of Commissioners**

Peter Giuffria  
Curtis Hudson  
John Hunter  
Robert Manetta

**Louisiana Student Financial Assistance Commission**

F. Travis Lavigne, Jr. (Ex-Officio)

State of Louisiana  
OFFICE OF THE GOVERNOR  
Baton Rouge  
70804-9004

May 6, 1997

The Honorable President and Members of the Senate

Ladies and Gentlemen:

I have appointed the persons on the attached list to the offices indicated.

In compliance with Article IV, Section 5(H)(3) of the Louisiana Constitution of 1974, I do hereby present these names for your review.

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

**Clinical Laboratory Personnel Committee**

Margaret B. Boone  
George Hamilton Roberts

**Louisiana Economic Development Council**

Michael R. Conwell  
Jimmy Lyles  
James L. Meyer

**Emergency Medical Services for Children Advisory Committee**

Sharyn Duda Scheyd

**Governor's Advisory Committee on Equal Opportunity**

Wesley Bishop  
Albert Clark

**Governor's Advisory Committee on Hospice Care**

Paul James Boudreaux, Jr.  
Barbara Donovan  
Susan Drongowski  
Kathleen McGinley  
William B. Phillips  
Derrick L. Stevenson  
Nelson A. Waguespack, Jr.  
Clifford Lee Williams

**Task Force on Individual Wastewater Treatment Systems**

Barbara Dodds  
Carlton Dufrechou  
Dr. A.J. Englande  
Brenda Guy  
Dr. A.T. Knecht  
Randy Lanctot  
Marvin Lyons  
William J. Oberhelman, Jr.

**Department of Labor**

Chris Weaver

**Louisiana Advisory Committee on Midwifery**

Keith Capone  
Dee Anne Domnick  
Loren Dupont  
Michael H. Montgomery  
Cindy A. O'Donnell  
Emmy Trammell

**St. Tammany Environmental Services Commission**

Timothy G. Burns

**Louisiana State Board of Wholesale Drug Distributors**

William Lane

**Privileged Report of the  
Legislative Bureau**

May 5, 1997

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

**HOUSE BILL NO. 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.

Reported without amendments.

**HOUSE BILL NO. 1075—**  
BY REPRESENTATIVE PIERRE  
AN ACT

To amend and reenact R.S. 11:2225(A)(11)(a) and 3501(D)(1), relative to the Municipal Police Employees' Retirement System; to provide with respect to mergers of municipal systems into the Municipal Police Employees' Retirement System and the funding thereof; to reduce the percentage of payment to be made by the municipality in such mergers; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1432—**  
BY REPRESENTATIVE STELLY  
AN ACT

To amend and reenact R.S. 11:761 and 768, relative to the Teachers' Retirement System of Louisiana; to provide with respect to retirement eligibility requirements; to provide for certain actuarial reduction of benefits; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1437—**  
BY REPRESENTATIVES ALARIO AND DEWITT  
AN ACT

To enact R.S. 47:296.1, relative to the individual income tax; to authorize the secretary of the Department of Revenue and Taxation to simplify the income tax filing requirements for certain resident individual taxpayers by providing a no-return option; to require employers to withhold income taxes at special rates from employees that properly elect a no-return option; to authorize the promulgation of rules and regulations, subject to legislative oversight; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**LEGISLATIVE BUREAU AMENDMENTS**

May 6, 1997

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 1437 by Representative Alario

AMENDMENT NO. 1

On page 2, line 2, following "their" and before "withholding" change "employer" to "employer's"

HOUSE BILL NO. 1714—

BY REPRESENTATIVE STELLY

AN ACT

To amend and reenact R.S. 11:511(4) and (5), relative to the Louisiana State Employees' Retirement System; to provide with respect to the board of trustees and the composition thereof; to further provide with respect to limitation on service as a trustee; to provide an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,

DENNIS BAGNERIS
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Concurrent Resolutions

The following Senate Concurrent Resolutions, were introduced and acted upon as follows:

Motion

Senator Guidry moved to suspend the rules to take up Senate Concurrent Resolution No. 100 at this time.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing yeas: Bagneris, Barham, Bean, Branch, Cain, Casanova, Cox, Dardenne, Dyess, Fields, Guidry, Hines, Hollis, Irons, Jordan, Lambert, Landry, Lentini, Malone, Robichaux, Romero, Schedler, Short, Smith, Tarver, Theunissen, Total—26

NAYS

Dean
Total—1

ABSENT

Table listing absent: Mr. President, Ellington, Johnson, Bajoie, Greene, Jones, Campbell, Hainkel, Siracusa, Cravins, Heitmeier, Ullo, Total—12

The Chair declared the rules were suspended.

SENATE CONCURRENT RESOLUTION NO. 100—

BY SENATOR GUIDRY

A CONCURRENT RESOLUTION

To urge and request the immediate reinstatement of Melissa Williamson by the legislative auditor.

The resolution was read by title.

Motion

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

Without objection, so ordered.

Senator Guidry moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing yeas: Bagneris, Bajoie, Barham, Bean, Branch, Cain, Campbell, Cox, Cravins, Dardenne, Dyess, Fields, Guidry, Heitmeier, Hines, Irons, Johnson, Jones, Jordan, Lambert, Landry, Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Tarver, Theunissen, Ullo, Total—31

NAYS

Table listing nays: Casanova, Dean, Greene, Hainkel, Hollis, Smith, Total—6

ABSENT

Mr. President, Ellington, Total—2

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

Motion

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

SENATE CONCURRENT RESOLUTION NO. 101—

BY SENATOR CAIN

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Agriculture and House Committee on Agriculture to function as a joint committee to study the various aspects surrounding fire ant eradication.

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

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 5, 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. 1602—**  
BY REPRESENTATIVES DONELON, FRITH, AND MICHOT  
AN ACT

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

**HOUSE BILL NO. 1607—**  
BY REPRESENTATIVE GREEN  
AN ACT

To enact R.S. 12:204.1 and R.S. 51:281.2 and 1905.1, relative to deceptive practices in charitable solicitations; to provide for injunctive relief; to prohibit the unauthorized use of the name of any public park, play-ground, or other public facility; and to provide for related matters.

**HOUSE BILL NO. 1619—**  
BY REPRESENTATIVE WINDHORST  
AN ACT

To amend and reenact R.S. 47:820.5(B)(4), relative to the use of toll revenues derived from the Greater New Orleans Mississippi River Bridges; to provide for the use and limitations on the use of excess toll revenues; and to provide for related matters.

**HOUSE BILL NO. 1685—**  
BY REPRESENTATIVE ALARIO  
AN ACT

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

**HOUSE BILL NO. 1746—**  
BY REPRESENTATIVE HUDSON  
AN ACT

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

**HOUSE BILL NO. 1881—**  
BY REPRESENTATIVE GREEN  
AN ACT

To amend and reenact Code of Civil Procedure Article 3945(F) and to enact Code of Civil Procedure Article 3945(G), relative to orders of temporary child custody; to clarify the exceptions thereto; to provide for allocation of custody upon denial of an order for temporary custody; and to provide for related matters.

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

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

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

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

**HOUSE BILL NO. 2298—**  
BY REPRESENTATIVE PINAC  
AN ACT

To enact Subpart B of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:361 through 363, and to repeal Subpart B of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:361 through 371, relative to unfair trade; to provide for the regulation of pyramid schemes; to provide for definitions; to provide for violations and penalties; and to provide for related matters.

**HOUSE BILL NO. 11—**  
BY REPRESENTATIVES BRUNEAU, CLARKSON, POWELL, SCHNEIDER, WINDHORST, BRUCE, BRUN, CRANE, DONELON, FONTENOT, FORSTER, FRUGE, JENKINS, KENNARD, LANCASTER, MARTINY, PERKINS, ROMERO, SCALISE, SHAW, STELLY, TOOMY, VITTER, WALSWORTH, AND WIGGINS AND SENATORS BEAN, BRANCH, CASANOVA, DEAN, GREENE, HAINKEL, HOLLIS, JORDAN, AND ROMERO  
AN ACT

To amend and reenact R.S. 14:20(3) and (4), relative to justifiable homicide; to provide that a homicide is justifiable when committed against a person who is attempting to make an unlawful entry into a motor vehicle or who is believed to be using unlawful force against a person present in a motor vehicle; and to provide for related matters.

**HOUSE BILL NO. 383—**  
BY REPRESENTATIVES HOLDEN AND BAUDOIN  
AN ACT

To enact R.S. 30:2183.2, relative to hazardous waste incinerator permits; to provide for prohibitions; to provide for ozone nonattainment; and to provide for related matters.

**HOUSE BILL NO. 399—**  
BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 47:631 and to repeal R.S. 47:633(17), to repeal the severance tax on gravel; and to provide for related matters.

**HOUSE BILL NO. 430—**  
BY REPRESENTATIVE WESTON  
AN ACT

To amend and reenact R.S. 32:863.1(C)(1)(b), relative to penalties and fees for noncompliance with compulsory automobile security requirements; to permit reinstatement of registration without penalties for compliance within ten days of receipt of notice of noncompliance; and to provide for related matters.

**HOUSE BILL NO. 469—**  
BY REPRESENTATIVE GREEN  
AN ACT

To enact R.S. 10:4A-209(e), relative to banks; to prohibit banks from charging a beneficiary a fee for cashing a check; and to provide for related matters.

May 6, 1997

**HOUSE BILL NO. 481—**

BY REPRESENTATIVE DOERGE  
AN ACT

To amend and reenact R.S. 45:822(A)(8)(introductory paragraph), relative to telephonic sales; to include solicitations for telephonic sales within Louisiana in the definition of "telephonic seller"; and to provide for related matters.

**HOUSE BILL NO. 502—**

BY REPRESENTATIVE WESTON  
AN ACT

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

**HOUSE BILL NO. 631—**

BY REPRESENTATIVE WINDHORST  
AN ACT

To amend and reenact R.S. 28:63(D), relative to the examination, admission, commitment, and treatment of persons suffering from mental illness and substance abuse; to limit liability of certain acts of law enforcement officers; to provide with respect to the responsibilities of law enforcement; and to provide for related matters.

**HOUSE BILL NO. 819—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 47:1703.1(A), relative to registration of the homestead exemption; to require the assessor in St. James Parish to provide a form for the permanent registration of the homestead exemption; and to provide for related matters.

**HOUSE BILL NO. 589—**

BY REPRESENTATIVE FRUGE  
AN ACT

To enact R.S. 32:64.1, relative to speed limits; to provide for a minimum speed limit; to provide exceptions; to provide certain penalties; and to provide for related matters.

**HOUSE BILL NO. 839—**

BY REPRESENTATIVE MARTINY  
AN ACT

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

**HOUSE BILL NO. 1028—**

BY REPRESENTATIVES ALARIO AND DEWITT  
AN ACT

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

**HOUSE BILL NO. 1072—**

BY REPRESENTATIVES MCCALLUM AND JOHNS  
AN ACT

To amend and reenact Children's Code Arts. 1103(5), 1137, 1138, and 1143 and to enact Children's Code Art. 1103(6), all relative to the surrender of parental rights; to provide a definition of "parental fitness"; to provide for the opposition to an adoption by the alleged or adjudicated father and notice; to delete provisions on proof of establishment of parental relationship; to provide for representation of the child, a contradictory hearing and notice thereof, testing to determine paternity, the hearing on an alleged or adjudicated father's opposition to an adoption, the father's establishment of parental rights, acknowledgment, proof of substantial commitment,

the termination of rights of the unsuccessfully opposing father, the award of custody to the successfully opposing father, and the costs of medical treatment; to provide an expedited time within which to request a rehearing or file an application for certiorari to the supreme court and to provide with respect to the time that a judgment becomes final and definitive for purposes of appeal; and to provide for related matters.

**HOUSE BILL NO. 1129—**

BY REPRESENTATIVE ALARIO  
AN ACT

To amend and reenact R.S. 36:451, 453, 454(B)(1)(b), 456(A) and (B), 457(A), 458(A), (C), and (D), and 459(B) through (F), to change the name of the Department of Revenue and Taxation to the Department of Revenue; and to provide for related matters.

**HOUSE BILL NO. 1392—**

BY REPRESENTATIVE RIDDLE  
AN ACT

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

**HOUSE BILL NO. 1532—**

BY REPRESENTATIVE BRUCE  
AN ACT

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

**HOUSE BILL NO. 1538—**

BY REPRESENTATIVE FRUGE  
AN ACT

To enact R.S. 32:387.8, relative to steering axle permits; to provide for travel on interstate highways by vehicles which require steering axle permits; 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.

**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. 11—**

BY REPRESENTATIVES BRUNEAU, CLARKSON, POWELL, SCHNEIDER, WINDHORST, BRUCE, BRUN, CRANE, DONELON, FONTENOT, FORSTER, FRUGE, JENKINS, KENNARD, LANCASTER, MARTINY, PERKINS, ROMERO, SCALISE, SHAW, STELLY, TOOMY, VITTER, WALSWORTH, AND WIGGINS AND SENATORS BEAN, BRANCH, CASANOVA, DEAN, GREENE, HAINKEL, HOLLIS, JORDAN, AND ROMERO  
AN ACT

To amend and reenact R.S. 14:20(3) and (4), relative to justifiable homicide; to provide that a homicide is justifiable when committed against a person who is attempting to make an unlawful entry into a motor vehicle or who is believed to be using unlawful force against a person present in a motor vehicle; 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. 383—**  
BY REPRESENTATIVES HOLDEN AND BAUDOIN  
AN ACT

To enact R.S. 30:2183.2, relative to hazardous waste incinerator permits; to provide for prohibitions; to provide for ozone nonattainment; and to provide for related matters.

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

**HOUSE BILL NO. 399—**  
BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 47:631 and to repeal R.S. 47:633(17), to repeal the severance tax on gravel; and to provide for related matters.

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

**HOUSE BILL NO. 430—**  
BY REPRESENTATIVE WESTON  
AN ACT

To amend and reenact R.S. 32:863.1(C)(1)(b), relative to penalties and fees for noncompliance with compulsory automobile security requirements; to permit reinstatement of registration without penalties for compliance within ten days of receipt of notice of noncompliance; and to provide for related matters.

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

**HOUSE BILL NO. 469—**  
BY REPRESENTATIVE GREEN  
AN ACT

To enact R.S. 10:4A-209(e), relative to banks; to prohibit banks from charging a beneficiary a fee for cashing a check; 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. 481—**  
BY REPRESENTATIVE DOERGE  
AN ACT

To amend and reenact R.S. 45:822(A)(8)(introductory paragraph), relative to telephonic sales; to include solicitations for telephonic sales within Louisiana in the definition of "telephonic seller"; 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. 502—**  
BY REPRESENTATIVE WESTON  
AN ACT

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

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

**HOUSE BILL NO. 589—**  
BY REPRESENTATIVE FRUGE  
AN ACT

To enact R.S. 32:64.1, relative to speed limits; to provide for a minimum speed limit; to provide exceptions; to provide certain penalties; 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. 631—**  
BY REPRESENTATIVE WINDHORST  
AN ACT

To amend and reenact R.S. 28:63(D), relative to the examination, admission, commitment, and treatment of persons suffering from mental illness and substance abuse; to limit liability of certain acts of law enforcement officers; to provide with respect to the responsibilities of law enforcement; 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. 819—**  
BY REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 47:1703.1(A), relative to registration of the homestead exemption; to require the assessor in St. James Parish to provide a form for the permanent registration of the homestead exemption; and to provide for related matters.

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

**HOUSE BILL NO. 839—**  
BY REPRESENTATIVE MARTINY  
AN ACT

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

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

**HOUSE BILL NO. 1028—**  
BY REPRESENTATIVES ALARIO AND DEWITT  
AN ACT

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

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

**HOUSE BILL NO. 1072—**  
BY REPRESENTATIVES MCCALLUM AND JOHNS  
AN ACT

To amend and reenact Children's Code Arts. 1103(5), 1137, 1138, and 1143 and to enact Children's Code Art. 1103(6), all relative to the surrender of parental rights; to provide a definition of "parental fitness"; to provide for the opposition to an adoption by the alleged or adjudicated father and notice; to delete provisions on proof of establishment of parental relationship; to provide for representation of the child, a contradictory hearing and notice thereof, testing to determine paternity, the hearing on an alleged or adjudicated father's opposition to an adoption, the father's establishment of parental rights, acknowledgment, proof of substantial commitment, the termination of rights of the unsuccessfully opposing father, the award of custody to the successfully opposing father, and the costs of medical treatment; to provide an expedited time within which to request a rehearing or file an application for certiorari to the supreme court and to provide with respect to the time that a judgment becomes final and definitive for purposes of appeal; 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. 1129—**

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 36:451, 453, 454(B)(1)(b), 456(A) and (B), 457(A), 458(A), (C), and (D), and 459(B) through (F), to change the name of the Department of Revenue and Taxation to the Department of Revenue; and to provide for related matters.

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

**HOUSE BILL NO. 1392—**

BY REPRESENTATIVE RIDDLE

AN ACT

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

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

**HOUSE BILL NO. 1532—**

BY REPRESENTATIVE BRUCE

AN ACT

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

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

**HOUSE BILL NO. 1538—**

BY REPRESENTATIVE FRUGE

AN ACT

To enact R.S. 32:387.8, relative to steering axle permits; to provide for travel on interstate highways by vehicles which require steering axle permits; 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. 1602—**

BY REPRESENTATIVES DONELON, FRITH, AND MICHOT

AN ACT

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

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

**HOUSE BILL NO. 1607—**

BY REPRESENTATIVE GREEN

AN ACT

To enact R.S. 12:204.1 and R.S. 51:281.2 and 1905.1, relative to deceptive practices in charitable solicitations; to provide for injunctive relief; to prohibit the unauthorized use of the name of any public park, play-ground, or other public facility; 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. 1619—**

BY REPRESENTATIVE WINDHORST

AN ACT

To amend and reenact R.S. 47:820.5(B)(4), relative to the use of toll revenues derived from the Greater New Orleans Mississippi River Bridges; to provide for the use and limitations on the use of excess toll revenues; 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. 1685—**

BY REPRESENTATIVE ALARIO

AN ACT

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

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. 1746—**

BY REPRESENTATIVE HUDSON

AN ACT

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

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. 1881—**

BY REPRESENTATIVE GREEN

AN ACT

To amend and reenact Code of Civil Procedure Article 3945(F) and to enact Code of Civil Procedure Article 3945(G), relative to orders of temporary child custody; to clarify the exceptions thereto; to provide for allocation of custody upon denial of an order for temporary custody; 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. 1949—**

BY REPRESENTATIVE FORSTER

AN ACT

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

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. 1961—**  
BY REPRESENTATIVES CLARKSON AND WINDHORST  
AN ACT

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

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. 2298—**  
BY REPRESENTATIVE PINAC  
AN ACT

To enact Subpart B of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:361 through 363, and to repeal Subpart B of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:361 through 371, relative to unfair trade; to provide for the regulation of pyramid schemes; to provide for definitions; to provide for violations 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 Commerce and Consumer Protection.

**Messages from the House**

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

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

May 5, 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. 155—**  
BY REPRESENTATIVE CLARKSON  
A CONCURRENT RESOLUTION

To commend Andy Foreman upon his retirement from Algiers First United Methodist Church and to recognize his contribution to the integration of the New Orleans public education system.

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. 155—**  
BY REPRESENTATIVE CLARKSON  
A CONCURRENT RESOLUTION

To commend Andy Foreman upon his retirement from Algiers First United Methodist Church and to recognize his contribution to the integration of the New Orleans public education system.

The resolution was read by title. Senator Heitmeier moved to

concur in the House 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	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Total—39		

**NAYS**

Total—0

**ABSENT**

Total—0

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**AGRICULTURE**

Senator Cain, Chairman on behalf of the Committee on Agriculture, submitted the following report:

May 6, 1997

To the President and Members of the Senate:

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

**SENATE BILL NO. 1470—**  
BY SENATOR MALONE  
AN ACT

To amend and reenact R.S. 3:4278.2(B), relative to the sale of timber; to require approval of at least sixty-six and two-thirds percent of the co-owners of timber property prior to the sale of timber; and to provide for related matters.

Reported favorably.

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

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

Reported favorably.

May 6, 1997

**HOUSE BILL NO. 1306—**

BY REPRESENTATIVE THOMPSON  
AN ACT

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

Reported with amendments.

**HOUSE BILL NO. 1349—**

BY REPRESENTATIVE MCCALLUM  
AN ACT

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

Reported favorably.

**HOUSE BILL NO. 1352—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

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

Reported favorably.

**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.

Reported with amendments.

**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.

Reported favorably.

Respectfully submitted,  
JAMES DAVID CAIN  
Chairman

REPORT OF COMMITTEE ON

**JUDICIARY B**

Senator Cravins, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

May 6, 1997

To the President and Members of the Senate:

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

**SENATE BILL NO. 184—**

BY SENATOR DARDENNE  
AN ACT

To enact R.S. 4:145(D), R.S. 27:15(B)(3)(c), and R.S. 33:4861.6(D), relative to a central registry of licensed gaming operators; to provide for the establishment of a central registry of licensed gaming operators; to specify information listed in such central registry; to require submission of certain information pertaining to licensees by certain regulatory entities; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 404—**

BY SENATOR DARDENNE  
AN ACT

To amend and reenact R.S. 15:1177(A) and R.S. 49:964(A), relative to administrative remedy procedures; to provide that offenders aggrieved by a decision rendered either by the Department of Public Safety and Corrections or a private prison facility may seek judicial review of said decision only in the Nineteenth Judicial District Court; to provide for a procedure for review of said decision; to provide for remand of case; to provide for additional evidence; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1013—**

BY SENATOR DARDENNE  
AN ACT

To amend and reenact R.S. 40:1299.39(A)(4), (B)(1), 1299.39.1(A)(2)(a), (b), and (c), (B)(1)(b), and (3), (D)(3) and (4), (G), and (J), relative to medical liability for state services; to provide additional criteria for claims heard by a state medical review panel; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1293—**

BY SENATOR DARDENNE  
AN ACT

To amend and reenact R.S. 9:5628(A), R.S. 13:5101(B), R.S. 40:1299.39(E)(1), 1299.39.1(A)(1), (2)(c), (B)(3), and (G), 1299.47(A)(2)(c), (B)(3), and (G), relative to actions for medical malpractice; relative to suits against the state, state agencies, or political subdivisions; relative to claims of prisoners; to provide for application of certain provisions of the governmental claim act; to provide for claims of prisoners; to provide for dismissal of claims; to provide for duties of panel members; to provide relative to the suspension of the running of prescription; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 2125—**

BY REPRESENTATIVE WINDHORST  
AN ACT

To enact R.S. 27:306(H), relative to video draw poker devices; to provide for the use of affidavits in certain license renewals; to make it unlawful to submit false information; to provide penalties;

to provide exceptions; and to provide for related matters.

Reported favorably.

**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.

Reported with amendments.

Respectfully submitted,  
DONALD R. CRAVINS  
Chairman

**REPORT OF COMMITTEE ON**

**JUDICIARY C**

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

May 6, 1997

To the President and Members of the Senate:

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

**SENATE BILL NO. 64—**

BY SENATOR LENTINI

AN ACT

To enact R. S. 15:572.3(4) and 15:574.2(C)(11), relative to pardon and parole; to provide for the powers of the Board of Pardons and the Board of Parole; to impose sanctions for contempt; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 257—**

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 15:574 (D) and R.S. 46:1844(O), and to enact R.S. 15:573.1, relative to proceedings on punishment for crimes committed; to allow certain persons to appear before the Board of Pardons or the Board of Parole by means of telephone communication from the office of the local district attorney; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 282—**

BY SENATOR LENTINI

A JOINT RESOLUTION

Proposing to amend Article I, Section 17 of the Constitution of Louisiana, relative to jury trials in criminal cases; to provide relative to joinder of felonies; and to specify an election date for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

**SENATE BILL NO. 308—**

BY SENATOR HAINKEL

AN ACT

To enact R.S. 14:403.5, relative to offenses affecting law enforcement; to provide for mandatory reporting of gunshot wounds; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 309—**

BY SENATOR HAINKEL

AN ACT

To amend and reenact Code of Criminal Procedure Art. 336(A), (B), (D), (E), (F), and (G), relative to bail; to provide with respect to release conditioned on participation in drug testing program; to provide for drug testing of arrestees during booking process; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 311—**

BY SENATOR HAINKEL

AN ACT

To amend and reenact the Code of Criminal Procedure Art. 334(7), relative to bail; to provide with respect to factors in determining the amount of bail; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 317—**

BY SENATOR HAINKEL

AN ACT

To amend and reenact the Code of Criminal Procedure Art. 321, relative to bail; to provide with respect to the affidavit of a personal surety; to provide for documents of support; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 733—**

BY SENATOR LENTINI

AN ACT

To enact Code of Criminal Procedure Art. 493.2; relative to joinder rules; to provide for joinder of felonies in criminal trials; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 767—**

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 14:42(C), relative to offenses against the person; to provide with respect to aggravated rape; to provide for non-capital indictment by district attorney; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 768—**

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 14:30.1(A)(2), relative to offenses against the person; to provide with respect to homicide involving juveniles; to provide for second degree murder; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
J. LOMAX JORDAN, JR.  
Chairman

**House Bills and Joint Resolutions  
on Second Reading**

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

May 6, 1997

**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.

**Floor Amendments Sent Up**

Senator Short sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Conforming Amendments proposed by Senator Short to Engrossed House Bill No. 198 by Representative Travis. (Duplicate of Senate Bill No. 224)

AMENDMENT NO. 1

On page 1, line 2, change "IV" to "4"

AMENDMENT NO. 2

On page 1, line 3, change "9:3889 through 3897" to "9:3891 through 3899"

AMENDMENT NO. 3

On page 1, line 4, after "relative" delete the remainder of the line in its entirety, on line 5, delete "definitions;" and insert in lieu thereof the following:

"various agency relationships in real estate transactions; to provide for duties and liabilities between agents, clients, and other people;"

AMENDMENT NO. 4

On page 1, line 7, change "IV" to "4"

AMENDMENT NO. 5

On page 1, line 8, change "9:3889 through 3897," to "9:3891 through 3899,"

AMENDMENT NO. 6

On page 1, delete line 10 in its entirety and insert in lieu thereof the following:

"CHAPTER 4. AGENCY RELATIONS  
IN REAL ESTATE TRANSACTIONS"

AMENDMENT NO. 7

On page 1, line 11, change "§3889." to "§3891."

AMENDMENT NO. 8

On page 2, line 9, after "client" change the semicolon ";" to a comma "," and between "time" and the colon ":" insert "any of the following occurs"

AMENDMENT NO. 9

On page 2, line 10, after "conduct" change the semicolon ";" to a period "."

AMENDMENT NO. 10

On page 2, line 11, after "law" change the semicolon ";" to a period "." and delete the remainder of the line.

AMENDMENT NO. 11

On page 3, line 3, after "transaction." delete the remainder of the line and delete lines 4 and 5 in their entirety.

AMENDMENT NO. 12

On page 4, line 1, change "client" to "person"

AMENDMENT NO. 13

On page 4, line 7, change "§3890." to "§3892."

AMENDMENT NO. 14

On page 4, line 15, change "§3891." to "§3893."

AMENDMENT NO. 15

On page 5, line 18, change "§3892." to "§3894."

AMENDMENT NO. 16

On page 6, line 5, change "§3893." to "§3895."

AMENDMENT NO. 17

On page 6, line 13, change "§3894." to "§3896."

AMENDMENT NO. 18

On page 6, line 17, change "§3895." to "§3897."

AMENDMENT NO. 19

On page 7, line 21, change "must" to "shall"

AMENDMENT NO. 20

On page 8, line 16, change "§3896." to "§3898."

AMENDMENT NO. 21

On page 8, line 21, change "§3897." to "§3899."

On motion of Senator Short, the amendments were adopted.

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

**HOUSE BILL NO. 1821 (Duplicate of Senate Bill No. 1199)—**

BY REPRESENTATIVE MCCAIN AND SENATOR GUIDRY AND COAUTHORED BY SENATOR DARDENNE

**AN ACT**

To amend and reenact Civil Code Art. 2375(A) and (C) and R.S. 9:2801(1)(a) and (2) and to enact R.S. 13:1415, relative to community property; to provide retroactive effect of termination of the community property regime to the date of filing of the original petition in certain cases; to clarify the time within which a party must file or traverse a sworn detailed descriptive list; to provide family courts with exclusive jurisdiction over actions for partition of property acquired pursuant to a matrimonial regime, actions seeking a termination or modification of a matrimonial regime, and actions for the settlement and enforcement of claims and for enforcement of judicial or contractual settlements related to matrimonial regimes; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Guidry sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Conforming Amendments proposed by Senator Guidry to Reengrossed House Bill No. 1821 by Representative McCain (Duplicate of Senate Bill No. 1199)

AMENDMENT NO. 1

On page 1, line 3, after "relative to" delete the remainder of the line, delete lines 4 through 12, and insert the following:

"civil jurisdiction and procedure, to provide for jurisdiction over certain property of a community; to provide for the time in which to file motions relative to settlement of co-ownership of community property; and to provide for related matters."

On motion of Senator Guidry, the amendments were adopted.

Under the provisions of Joint Rule No. 5, the amended duplicate

bill was read by title and referred to the Legislative Bureau.

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. 1121— BY SENATOR DYESS

AN ACT

To amend and reenact R.S. 45:162(5)(f) and 172(A)(4)(c) and to enact R.S. 45:162(5)(h), relative to motor carriers; to provide for removal of exemptions for certain carriers of household goods; to provide for the granting of certain Public Service Commission Certificates; to provide for effective dates; and to provide for related matters.

Floor Amendments Sent Up

Senator Dyess sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dyess to Engrossed Senate Bill No. 1121 by Senator Dyess

AMENDMENT NO. 1

On page 1, line 2, after "162(5)(f)" insert "and (10)" and after "(c)" delete the remainder of the line and on line 3, delete "45:162(10)"

AMENDMENT NO. 2

On page 1, line 8, after "162(5)(f)" insert "and (10)"

AMENDMENT NO. 3

On page 1, delete line 9, and insert "reenacted to read as follows:"

AMENDMENT NO. 4

On page 2, delete line 19, and insert:

"(10)(a) "Motor carriers" include both a common carrier by motor vehicle and contract carrier by motor vehicle, which transports household goods, passengers, waste, or any other classification of carriers created by law which transports household goods, passengers, or waste for compensation or hire.

R.S. 45:162(10)(b) is all proposed new law

(b) "Motor carriers" shall include motor carriers which"

On motion of Senator Dyess, 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. 1121 by Senator Dyess

AMENDMENT NO. 1

On page 2, at the end of line 22, delete the period "." and insert:

", unless such motor carrier transports over an irregular route, and not between fixed termini, and, in addition, is subject to a municipal ordinance governing the transportation of such household goods."

AMENDMENT NO. 2

On page 3, at the end of line 5, insert "of"

AMENDMENT NO. 3

On page 3, at the end of line 6, delete the semicolon ";" and insert:

", unless such vehicles transport household goods over an irregular route, and not between fixed termini, and, in addition, such transport is subject to a municipal ordinance governing the transportation of such household goods;"

Senator Landry moved adoption of the amendments.

Senator Dyess objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bagneris, Bajoie, Bean, Branch, Campbell, Cox, Total—18; Cravins, Dardenne, Dean, Fields, Greene, Guidry; Heitmeier, Hines, Landry, Lentini, Robichaux, Tarver

NAYS

Table with 3 columns of names: Mr. President, Barham, Cain, Casanova, Dyess, Ellington, Hollis, Total—19; Irons, Johnson, Jordan, Lambert, Malone, Romero, Schedler; Short, Siracusa, Smith, Theunissen, Ullo

ABSENT

Table with 2 columns of names: Hainkel, Total—2; Jones

The Chair declared the amendments were rejected.

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. 1121 by Senator Dyess

AMENDMENT NO. 1

On page 2, line 3, after "employment" delete "or" and delete lines 4 and 5 and insert "whether or not the business is"

Senator Guidry moved adoption of the amendments.

Senator Dyess objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Bagneris, Bajoie, Bean, Campbell, Cox; Cravins, Dean, Fields, Greene, Guidry; Irons, Johnson, Tarver

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Total—13	NAYS	
Mr. President	Hainkel	Romero
Barham	Heitmeier	Schedler
Branch	Hines	Short
Cain	Hollis	Siracusa
Casanova	Lambert	Smith
Dardenne	Landry	Theunissen
Dyess	Lentini	Ullo
Ellington	Malone	
Total—23		

ABSENT

Jones	Jordan	Robichaux
Total—3		

The Chair declared the amendments were rejected.

**Motion**

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

Without objection, so ordered.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Hainkel	Robichaux
Bean	Heitmeier	Romero
Branch	Hines	Schedler
Cain	Hollis	Siracusa
Campbell	Irons	Smith
Casanova	Johnson	Tarver
Cox	Jones	Theunissen
Dardenne	Lambert	Ullo
Total—30		

NAYS

Bagneris	Fields	Jordan
Cravins	Greene	Landry
Dean	Guidry	Short
Total—9		

ABSENT

Total—0

The Chair declared the amended 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 Concurrent Resolutions  
to be Adopted, Subject to Call**

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

**SENATE CONCURRENT RESOLUTION NO. 40—**  
BY SENATOR SMITH

A CONCURRENT RESOLUTION

To create a special committee, to be designated as the Employees of Political Subdivisions Compensation Study Committee, to study the compensation and pay increases relative to all employees of political subdivisions who must obtain legislative approval for changes in their compensation; and to provide with respect to such committee; its membership, powers and duties, and its termination.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Jordan	Landry
Total—2	

ABSENT

Casanova
Total—1

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

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

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

**SENATE BILL NO. 1384—**  
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS  
AN ACT

To amend and reenact R.S. 23:1101(A) and to enact R.S. 23:1032(A)(1)(c) relative to workers' compensation; to provide that the Department of Social Services shall not be liable for any injury allegedly arising from the reasonable placement of any person in a work experience or community service activity; to provide that persons placed in a work experience or community service activity by the Department of Social Services shall be included within the definition of employee; 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. 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.

The bill was read by title. Senator Johnson 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	Short
Cain	Hines	Siracusa
Campbell	Hollis	Smith
Casanova	Irons	Tarver
Cox	Johnson	Theunissen
Cravins	Jones	Ullo
Dardenne	Jordan	
Dyess	Lambert	
Total—37		

NAYS

Dean  
Total—1

ABSENT

Schedler  
Total—1

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

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.

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. 1447 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 5, after "Rouge;" delete "to"

AMENDMENT NO. 2

On page 1, delete line 6

AMENDMENT NO. 3

On page 1, line 7, delete "election section;"

AMENDMENT NO. 4

On page 2, line 10, after "section" delete the remainder of the line and delete line 11 and insert in lieu thereof a period "."

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	Dyess	Malone
Barham	Ellington	Robichaux
Bean	Greene	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Campbell	Hines	Siracusa
Casanova	Hollis	Smith
Dardenne	Jordan	Theunissen
Dean	Lentini	
Total—26		

NAYS

Bagneris	Fields	Jones
Bajoie	Guidry	Landry
Cox	Irons	Tarver
Cravins	Johnson	Ullo
Total—12		

ABSENT

Lambert  
Total—1

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. 348—  
BY SENATOR GREENE

AN ACT

To amend and reenact R.S. 15:587(C), R.S. 18:1505.2(L)(5)(d)(ii), R.S. 27:15(B)(1), 31(A)(1), and 241(H)(1), and R.S. 42:1134(N) and 1170(A) and repeal R.S. 18:1505.2(L)(3)(a)(i), R.S. 26:91(A)(9) and 287(A)(11), and R.S. 27:20(A)(1)(d)(ii) and 301 through 324, relative to the licensing and regulation of video draw poker devices operations; to repeal all authority for the operation of video draw poker devices and all laws which provide relative to such authority or the operation of such devices; and to provide for related matters.

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hollis to Engrossed Senate Bill No. 348 by Senator Greene

AMENDMENT NO. 1

On page 1, line 2, after "15:587(C)" delete the remainder of the line and

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delete lines 3 through 5 and insert "and to enact R.S. 27:325, relative"

AMENDMENT NO. 2

On page 1, line 7, after "repeal" delete "all" and after "devices" delete the remainder of the line, all of line 8 and on line 9, delete "such devices;" and insert "except in certain parishes;"

AMENDMENT NO. 3

On page 2, line 9, after "of" insert "the Louisiana Video Draw Poker Devices Control Law (R.S. 27:301 et seq.),"

AMENDMENT NO. 4

On page 2, delete lines 19 through 27 and delete pages 3 through 6 and insert the following:

"Section 2. R.S. 27:325 is hereby enacted to read as follows: §325. Termination

R.S. 27:325 is all proposed new law.

A. Notwithstanding any other provision of this Chapter or any other law to the contrary, on or after July 1, 1997, no license or permit which is not a renewal shall be issued pursuant to this Chapter, except in the following parishes:

- 1) Acadia
2) Assumption
3) Avoyelles
4) Bossier
5) Caddo
6) Calcasieu
7) Cameron
8) Desoto
9) East Carroll
10) Iberville
11) Jefferson
12) Jefferson Davis
13) Lafourche
14) Madison
15) Orleans
16) Plaquemines
17) Pointe Coupee
18) Red River
19) St. Bernard
20) St. Charles
21) St. Helena
22) St. James
23) St. John the Baptist
24) St. Landry
25) St. Martin
26) St. Mary
27) Tensas
28) Terrebonne
29) Webster
30) West Baton Rouge
31) West Feliciana

B. On or after July 1, 1999, no license or permit of any kind shall be issued or renewed pursuant to this Chapter nor shall any video draw poker device operation be permitted to occur pursuant to this Chapter, except in the following parishes:

- 1) Acadia
2) Assumption
3) Avoyelles
4) Bossier
5) Caddo
6) Calcasieu
7) Cameron
8) Desoto
9) East Carroll
10) Iberville
11) Jefferson
12) Jefferson Davis
13) Lafourche
14) Madison
15) Orleans

- 16) Plaquemines
17) Pointe Coupee
18) Red River
19) St. Bernard
20) St. Charles
21) St. Helena
22) St. James
23) St. John the Baptist
24) St. Landry
25) St. Martin
26) St. Mary
27) Tensas
28) Terrebonne
29) Webster
30) West Baton Rouge
31) West Feliciana"

AMENDMENT NO. 5

On page 7, delete lines 1 through 3

AMENDMENT NO. 6

On page 7, line 4, change "6" to "3" and change "1999" to "1997"

Motion

Senator Jordan moved to table the amendment.

Senator Landry objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Dean, Lambert; Bagneris, Dyess, Lentini; Bajoie, Ellington, Malone; Barham, Greene, Romero; Branch, Guidry, Schedler; Cain, Hainkel, Short; Campbell, Heitmeier, Siracusa; Casanova, Hines, Smith; Cox, Hollis, Tarver; Cravins, Irons, Theunissen; Dardenne, Jordan; Total—32

NAYS

Table with 2 columns: Fields, Landry; Johnson, Ullo; Total—4

ABSENT

Table with 3 columns: Bean, Jones, Robichaux; Total—3

The Chair declared the amendment was tabled.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Dyess, Lambert; Barham, Ellington, Robichaux

Branch	Greene	Schedler
Cain	Guidry	Short
Casanova	Hainkel	Smith
Dardenne	Irons	Tarver
Dean	Jordan	
Total—20		

NAYS

Bagneris	Heitmeier	Malone
Bajoie	Hines	Romero
Bean	Hollis	Siracusa
Campbell	Johnson	Theunissen
Cox	Jones	Ullo
Cravins	Landry	
Fields	Lentini	
Total—19		

ABSENT

Total—0

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

**SENATE BILL NO. 618—**  
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT  
AN ACT

To enact R.S. 30:2065, relative to fees; to provide for air quality control programs; 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
Campbell	Hollis	Siracusa
Casanova	Irons	Smith
Cox	Johnson	Tarver
Cravins	Jones	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Total—38		

NAYS

Total—0

ABSENT

Dyess  
Total—1

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. 712—**  
BY SENATOR GUIDRY  
AN ACT

To amend and reenact R.S. 32:295.1(D), relative to motor vehicles; to provide for special tags indicating exemption from seat belt usage; to provide for issuance of such tags; to authorize temporary use of

such tags; to provide for renewal of temporary tags; to prohibit certain activities by tag holders; to provide for penalties; to provide for fees; to require promulgation of rules and regulations; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lambert
Bagneris	Ellington	Landry
Bajoie	Fields	Lentini
Barham	Greene	Malone
Bean	Guidry	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

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

**SENATE BILL NO. 1175—**  
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT  
AN ACT

To amend and reenact R. S. 30:2014(D)(1), and to repeal R. S. 30:2014(C), relative to the collection of fees by the Department of Environmental Quality; to eliminate the collection by the department of certain additional fees for hazardous waste permits, licenses, registrations, or variances; to permit the department to use existing revenues to provide for operating expenses of the department; 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	Lentini
Bagneris	Greene	Malone
Bajoie	Guidry	Robichaux
Barham	Hainkel	Romero
Bean	Heitmeier	Schedler
Cain	Hines	Short
Campbell	Hollis	Siracusa
Casanova	Irons	Smith
Cox	Johnson	Tarver
Cravins	Jones	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	

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Dyess  
Total—37

Landry  
NAYS

Fields  
Total—1

ABSENT

Branch  
Total—1

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. 1458—**

BY SENATORS THEUNISSEN, BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, COX, CRAVINS, DYESS, ELLINGTON, EWING, GUIDRY, HINES, JONES, LAMBERT, ROMERO, SIRACUSA, SMITH, JOHNSON AND TARVER AND REPRESENTATIVES R. ALEXANDER, BARTON, BAUDOIN, BRUCE, CARTER, COPELIN, CURTIS, DAMICO, DANIEL, DIEZ, DOERGE, DUPRE, DURAND, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREAUX, HAMMETT, HEATON, HEBERT, HILL, HOPKINS, HUDSON, HUNTER, JETSON, KENNARD, KENNEY, LEBLANC, LONG, MARIONNEAUX, McCALLUM, McDONALD, MICHOT, MONTGOMERY, MURRAY, ODINET, PIERRE, PINAC, POWELL, PRATT, RIDDLE, ROUSSELLE, SALTER, JACK SMITH, JOHN SMITH, STRAIN, THOMAS, THOMPSON, WALSWORTH, WARNER, WELCH, WRIGHT, DEWITT AND HOLDEN

AN ACT

To amend and reenact R.S. 3:3221(A), relative to registration of pesticides; to provide for annual registration fee; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	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	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones	Ullo
Dean	Jordan	
Total—38		

**NAYS**

Total—0

ABSENT

Siracusa  
Total—1

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

**SENATE BILL NO. 160—**  
BY SENATOR JORDAN

AN ACT

To amend and reenact Civil Code Arts. 102 and 103, and to enact Civil Code Art. 103.1, relative to divorce; to provide for a divorce under certain conditions; to require clear and convincing evidence for a divorce where there are children under the age of eighteen years; 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. 160 by Senator Jordan

AMENDMENT NO. 1

On page 1, line 4, after "require" delete "clear and convincing" and insert in lieu thereof "a preponderance of the"

AMENDMENT NO. 2

On page 2, line 19, after "by" delete "clear and convincing" and insert in lieu thereof "a preponderance of the"

AMENDMENT NO. 3

On page 2, line 27, after "years" delete the remainder of the line and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof " or"

On motion of Senator Jordan, the amendments were adopted.

**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. 160 by Senator Jordan

AMENDMENT NO. 1

On page 2, line 25, after "physically" insert ", emotionally"

On motion of Senator Jordan, the amendments were adopted.

**Motion**

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

Senator Short objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bagneris	Ellington	Malone
Barham	Greene	Romero
Bean	Guidry	Siracusa
Cain	Hines	Smith
Campbell	Hollis	Tarver
Cox	Irons	Theunissen
Cravins	Johnson	
Dyess	Jones	
Total—22		

**NAYS**

Bajoie	Hainkel	Robichaux
Branch	Heitmeier	Short
Casanova	Jordan	Ullo
Dardenne	Landry	
Dean	Lentini	
Total—13		

ABSENT

Mr. President	Lambert
Fields	Schedler
Total—4	

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

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Branch	Hainkel	Schedler
Cain	Johnson	Short
Dyess	Jordan	Smith
Greene	Malone	Ullo
Total—12		

NAYS

Mr. President	Dardenne	Landry
Bagneris	Dean	Lentini
Bajoie	Ellington	Robichaux
Barham	Guidry	Romero
Bean	Heitmeier	Siracusa
Campbell	Hines	Tarver
Casanova	Hollis	Theunissen
Cox	Irons	
Cravins	Jones	
Total—25		

ABSENT

Fields	Lambert
Total—2	

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

**Rules Suspended**

Senator Jones asked for and obtained a suspension of the rules for the purpose of taking Senate Bill No. 1389 out of its regular order for final passage.

**SENATE BILL NO. 1389—**  
BY SENATORS JONES AND FIELDS  
AN ACT

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

**Floor Amendments Sent Up**

Senator Jones sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Jones to Engrossed Senate Bill No.

1389 by Senator Jones

**AMENDMENT NO. 1**

On page 2, line 5, delete "constitution" and insert in lieu thereof "Constitution of the United States of America and the Constitution of Louisiana"

On motion of Senator Jones, the amendments were adopted.

The bill was read by title. Senator Jones 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	Romero
Bean	Greene	Schedler
Branch	Guidry	Short
Cain	Hainkel	Siracusa
Campbell	Heitmeier	Smith
Casanova	Hines	Tarver
Cox	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Johnson	
Total—35		

NAYS

Total—0

ABSENT

Jones	Lambert
Jordan	Robichaux
Total—4	

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

**Rules Suspended**

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

**Introduction of Senate Concurrent Resolutions**

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

**SENATE CONCURRENT RESOLUTION NO. 102—**  
BY SENATORS SCHEDLER, HAINKEL, AND SHORT AND REPRESENTATIVES SCHNEIDER, STRAIN, THORNHILL, AND WINSTON  
A CONCURRENT RESOLUTION

To commend Alta Palmer Brown on her forty years of service in the field of education and to congratulate her on the occasion of her retirement.

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

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ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Fields	Lambert	Siracusa
Total—3		

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Ullo, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 6, 1997

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 85— BY SENATOR MALONE

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study a procedure which will require that a person who sells or purchases real property from a person over sixty-five years of age provide notice to decedents or other designated parties thirty days prior to the sale or purchase.

Reported with amendments.

SENATE BILL NO. 111— BY SENATOR LANDRY

AN ACT

To amend and reenact Title 13 of the Louisiana Revised Statutes of 1950, relative to courts and judicial procedure; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 783— BY SENATOR BAGNERIS

AN ACT

To amend and reenact Civil Code Art. 230(B) and to enact R.S. 9:315.6(3) and 315.22(D), relative to child support; to authorize continued support for a major child in certain higher education programs; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1092— BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 15:574.2(A)(3), relative to the Board of Parole; to provide for expenses; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1155— BY SENATOR BAGNERIS

AN ACT

To amend and reenact Civil Code Art. 405, Code of Civil Procedure Art. 4549, and to repeal Civil Code Arts. 394 and 401, relative to interdiction and curatorship; to provide for notice and hearing in a suit for the appointment of a provisional curator; to provide criteria for appointment of a provisional curator; to provide for the powers and duration of a provisional curator; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1178— BY SENATOR BAGNERIS

AN ACT

To amend and reenact Children's Code Articles 1186(A), 1187, 1270, 1271(A), 1272, and 1273, and to enact Articles 1276 and 1277, all relative to adoption; to authorize inspection of adoption records of adoption agencies, the Department of Social Services, and the courts by certain entities in conjunction with post-adoption work; to expand use of the voluntary registry to biological siblings who have attained the age of eighteen; to authorize the department or a licensed adoption agency to search for biological parent or sibling after the adopted person who has registered with the voluntary registry requests such a search; to provide for establishment of fees; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1179— BY SENATOR BAGNERIS

AN ACT

To amend and reenact Louisiana Code of Civil Procedure Art. 5183, relative to the determination of poverty and lack of means for court costs; to provide a uniform standard; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1475— BY SENATOR SCHEDLER

AN ACT

To repeal Civil Code Art. 1501, relative to inter vivos donations or those placed in trust and the right to reduce excessive donations.

Reported favorably.

Respectfully submitted, CHRIS ULLO Chairman

May 6, 1997

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

May 6, 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. 145—**  
BY REPRESENTATIVES TRAVIS, FONTENOT, KENNARD, MCMAINS,  
PERKINS, AND POWELL AND SENATOR BRANCH  
**A CONCURRENT RESOLUTION**

To commend and congratulate the Holden High School Lady Rockets basketball team for winning the 1997 Class B Louisiana State Championship, and to recognize the sportsmanship, outstanding performance, and dedication shown by the players, coaches, and staff during the 1997 season.

**HOUSE CONCURRENT RESOLUTION NO. 146—**  
BY REPRESENTATIVES PINAC, JOHN SMITH AND SENATORS CASANOVA  
AND THEUNISSEN  
**A CONCURRENT RESOLUTION**

To commend and congratulate Bill Williams and Shel Kanter upon the fortieth anniversary of The Bill & Shel Show and for their cultural contributions to Acadiana and the state of Louisiana, and to wish them continued success in this and all other future endeavors.

**HOUSE CONCURRENT RESOLUTION NO. 149—**  
BY REPRESENTATIVE MORRELL  
**A CONCURRENT RESOLUTION**

To express the condolences of the Legislature of Louisiana upon the death of Mr. Louis Emile Morrell, Jr.

**HOUSE CONCURRENT RESOLUTION NO. 151—**  
BY REPRESENTATIVES FLAVIN, GUILLORY, HILL, ILES, JOHNS,  
MORRISH, AND STELLY AND SENATORS CAIN, CASANOVA, COX, HINES,  
AND THEUNESSIN  
**A CONCURRENT RESOLUTION**

To commend and congratulate PPG Industries for fifty years of service to the Lake Charles area, to express gratitude for their innumerable social and economic contributions to the state of Louisiana, and to wish them continued success in all of their future commercial endeavors.

**HOUSE CONCURRENT RESOLUTION NO. 152—**  
BY REPRESENTATIVES WILKERSON, R. ALEXANDER, AND SALTER AND  
SENATOR CAMPBELL  
**A CONCURRENT RESOLUTION**

To recognize and commend the Arcadia High School Lady Hornets basketball team for their outstanding season and for winning the Class A Sweet Sixteen State Championship.

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

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

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

**Adjournment**

Senator Bagneris moved that the Senate adjourn until Wednesday, May 7, 1997 at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Wednesday, May 7, 1997.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk