

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

TWENTY-THIRD DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, May 7, 1997

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

ROLL CALL

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

PRESENT

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

ABSENT

Bagneris	Jones
Total—2	

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

Prayer

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

Morning Hour

**Privileged Report of the
Legislative Bureau**

May 7, 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. 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.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 198 by Representative Travis

AMENDMENT NO. 1

In Senate Floor Amendment No. 3 proposed by Senator Short and adopted by the Senate on May 6, 1997, on page 1, line 8, before "various" insert "to"

AMENDMENT NO. 3

On page 2, line 17, following "to" and before "broker" change "their" to "his"

AMENDMENT NO. 4

On page 3, line 19, following "questions" and before "persons" change "of" to "from"

AMENDMENT NO. 5

On page 4, line 11, following "whom" and before "working" change "they are" to "he is"

AMENDMENT NO. 6

On page 8, line 19, following "the" and before "in" change "brokers" to "broker"

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.

Reported without amendments.

Respectfully submitted,
DENNIS BAGNERIS
Chairman

Adoption of Legislative Bureau Report

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

Introduction of Senate Resolutions

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

SENATE CONCURRENT RESOLUTION NO. 30—

BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To urge and request the Committee on Senate and Governmental Affairs and the Committee on House and Governmental Affairs to function as a joint committee to study the possible implementation of various recommendations propounded by the Select Council on Revenues and Expenditures in Louisiana's Future (SECURE) relative to state civil service.

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

Messages from the House

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

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 6, 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. 202—

BY REPRESENTATIVES WIGGINS, HILL, JOHNS, SHAW, AND TRICHE
AN ACT

To enact Code of Criminal Procedure Art. 221, relative to arrest; to provide that a law enforcement officer may be tested for infectious disease if he is exposed to potential infectious disease; to provide that an offender must be tested for infectious disease after attempting to transmit the disease to a law enforcement police officer who tests positive for the disease; and to provide for related matters.

HOUSE BILL NO. 130—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 14:34.2(B)(2) and to enact R.S. 14:34.2(A)(3) and 34.5, relative to the crime of battery; to create the crime of battery of a correctional facility employee; to add contact with human waste to the offense of battery of a police officer; to provide with respect to penalties; and to provide for related matters.

HOUSE BILL NO. 258—

BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 14:102.1(C), relative to the offense of cruelty to animals; to provide for certain exceptions to the offense when an animal poses a threat; and to provide for related matters.

HOUSE BILL NO. 388—

BY REPRESENTATIVE MCCAIN
AN ACT

To enact R.S. 15:242 and 578.1, relative to criminal procedure; to provide that the record of the arrest and the placement of a person in a pretrial diversion program arrested for driving while intoxicated become public record; and to provide for related matters.

HOUSE BILL NO. 721—

BY REPRESENTATIVES DUPRE, FLAVIN, FAUCHEUX, FRITH, AND HUDSON

AN ACT

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

HOUSE BILL NO. 784—

BY REPRESENTATIVE HOLDEN

AN ACT

To amend and reenact R.S. 40:941(C), relative to handling of meat not slaughtered under license; to add field dressing of wild game intended for human consumption to the listing of exceptions to the licensure requirement; to provide that the Louisiana Department of Health and Hospitals promulgate rules and regulations addressing the field dressing of wild game; and to provide for related matters.

HOUSE BILL NO. 1276—

BY REPRESENTATIVES DUPRE, FAUCHEUX, FRITH, AND HUDSON
AN ACT

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

HOUSE BILL NO. 1413—

BY REPRESENTATIVE BARTON
AN ACT

To enact R.S. 18:1300.22, relative to gaming elections; to provide for an election in Bossier Parish to allow an additional riverboat; to provide relative to the calling and conducting of the election; to provide relative to the effectiveness of the results of the election; to provide for applicability; and to provide for related matters.

HOUSE BILL NO. 1373—

BY REPRESENTATIVE DONELON
AN ACT

To amend and reenact R.S. 22:636.1(D)(3)(a), relative to cancellation of an automobile insurance policy; to provide for cancellation upon receipt of a dishonored check or negotiable instrument; and to provide for related matters.

HOUSE BILL NO. 1387—

BY REPRESENTATIVE MCMAINS
AN ACT

To amend and reenact R.S. 18:1491.6(D)(3) and 1495.4(D)(3), relative to campaign finance disclosure; to require certain supplemental reports; to require certain reports in the case of deficits; to provide for effectiveness, including retroactivity of certain provisions; and to provide for related matters.

HOUSE BILL NO. 1747—

BY REPRESENTATIVE JETSON
AN ACT

To amend and reenact R.S. 37:2801(3), relative to the practice of chiropractic; to provide that a chiropractor may order certain diagnostic tests; and to provide for related matters.

HOUSE BILL NO. 319—

BY REPRESENTATIVE JACK SMITH
AN ACT

To provide relative to the Wedell-Williams Memorial Aviation Museum; to authorize certain leases or cooperative endeavors on behalf of said museum by the Department of Transportation and Development and the Department of Culture, Recreation and Tourism; to provide that said authority for leases or endeavors includes the use of certain property in St. Mary Parish; to provide terms and conditions; and to provide for related matters.

HOUSE BILL NO. 362—

BY REPRESENTATIVE JACK SMITH
AN ACT

To enact Chapter 17-B of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:831 through 834, and to amend and reenact R.S. 36:209(B), to provide for the creation of the Louisiana Cypress Sawmill Museum in Patterson, Louisiana; and to provide for related matters.

HOUSE BILL NO. 603—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 33:2740.26(D)(1)(g), (h), and (j), relative to the Louis Armstrong Park Authority and Historic Jazz District; to provide for the membership of the board of commissioners; and to provide for related matters.

HOUSE BILL NO. 885—

BY REPRESENTATIVES MARIONNEAUX AND THOMPSON
AN ACT

To enact R.S. 32:387.8, relative to special permits; to provide for a special permit for trucks hauling certain agricultural products; to provide for weight limits under the special permit; to provide for prohibitions; and to provide for related matters.

HOUSE BILL NO. 1064—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact Children's Code Art. 1263, relative to the annulment of a final decree of adoption; to provide that no such action may be brought after four years from the final decree; to provide exceptions for fraud or duress perpetrated by an adoptive parent; and to provide for related matters.

HOUSE BILL NO. 1091—

BY REPRESENTATIVE WILKERSON
AN ACT

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

HOUSE BILL NO. 1172 (Duplicate of Senate Bill No. 671)—

BY REPRESENTATIVE FORSTER AND SENATOR BAGNERIS AND
COAUTHORED BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 41:135(A), relative to disposition of proceeds of sale of public lands; to exempt the board of commissioners of the Orleans Levee District from the provisions requiring the sheriff to forward the net proceeds of the sale to the Department of Natural Resources for deposit into the state treasury; to authorize the sheriff to forward the balance of the net proceeds of the sale of Orleans Levee District property directly to that district; and to provide for related matters.

HOUSE BILL NO. 1173 (Duplicate of Senate Bill No. 669)—

BY REPRESENTATIVE FORSTER AND SENATOR BAGNERIS AND
COAUTHORED BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 38:336(B)(2), relative to levee districts; to provide for two exceptions to the requirement that the Board of Commissioners of the Orleans Levee District reserve and dedicate forever a continuous strip of land for public parks, parkways, boulevards, playgrounds, aviation fields, and places of amusement along the entire frontage of Lake Pontchartrain; to provide which areas will be the subject of the exceptions; and to provide for related matters.

HOUSE BILL NO. 1530—

BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 47:820.5(B)(2), relative to the uses of toll revenues from the Greater New Orleans Mississippi River Bridges; to provide for additional projects that may be funded by excess revenues; and to provide for related matters.

HOUSE BILL NO. 1533—

BY REPRESENTATIVE CHAISSON
AN ACT

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

HOUSE BILL NO. 1658—

BY REPRESENTATIVE ROUSSELLE
AN ACT

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

HOUSE BILL NO. 1661—

BY REPRESENTATIVE HAMMETT
AN ACT

To enact Part III of Chapter 12-A of Title 33 of the Revised Statutes of 1950, to be comprised of R.S. 33:4709.11, to create and provide for a special municipal district consisting of property owned by the town of Vidalia to be known as the Tacony Restoration District which district shall govern the restoration and preservation of the Tacony House and other property and facilities within the district; to provide for the governing authority of such district and its authority with respect to such property; to provide relative to the transfer of property; to provide for a plan for the restoration, preservation, and development of property in the district; to provide with respect to the funds of the district; and to provide for related matters.

HOUSE BILL NO. 1665—

BY REPRESENTATIVE DUPRE
AN ACT

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

HOUSE BILL NO. 1874—

BY REPRESENTATIVES PERKINS, A. ALEXANDER, BAUDOIN, CARTER, CRANE, DANIEL, DURAND, FLAVIN, FONTENOT, GUILLORY, HOLDEN, JENKINS, JETSON, KENNARD, KENNEY, MCMAINS, MORRISH, RIDDLE, ROMERO, TRAVIS, WELCH, AND WESTON AND SENATORS BRANCH, DARDENNE, FIELDS, AND GUIDRY
AN ACT

To enact R.S. 30:2282, relative to waste sites; to provide for certain lakes; to provide for remediation; to provide for legal proceedings; and to provide for related matters.

HOUSE BILL NO. 2262—

BY REPRESENTATIVES WILLARD-LEWIS, FRITH, HILL, MORRISH, MURRAY, TRAVIS, AND WESTON
AN ACT

To enact R.S. 45:1166(F), relative to telephone services; to prohibit the transferring of long distance services without the authorization of

the customer; and to provide for related matters.

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

House Bills and Joint Resolutions

Senator Hainkel 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. 130—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 14:34.2(B)(2) and to enact R.S. 14:34.2(A)(3) and 34.5, relative to the crime of battery; to create the crime of battery of a correctional facility employee; to add contact with human waste to the offense of battery of a police officer; to provide with respect to penalties; and to provide for related matters.

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

HOUSE BILL NO. 202—

BY REPRESENTATIVES WIGGINS, HILL, JOHNS, SHAW, AND TRICHE
AN ACT

To enact Code of Criminal Procedure Art. 221, relative to arrest; to provide that a law enforcement officer may be tested for infectious disease if he is exposed to potential infectious disease; to provide that an offender must be tested for infectious disease after attempting to transmit the disease to a law enforcement police officer who tests positive for the disease; and to provide for related matters.

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

HOUSE BILL NO. 258—

BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 14:102.1(C), relative to the offense of cruelty to animals; to provide for certain exceptions to the offense when an animal poses a threat; and to provide for related matters.

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

HOUSE BILL NO. 319—

BY REPRESENTATIVE JACK SMITH
AN ACT

To provide relative to the Wedell-Williams Memorial Aviation Museum; to authorize certain leases or cooperative endeavors on behalf of said museum by the Department of Transportation and Development and the Department of Culture, Recreation and Tourism; to provide that said authority for leases or endeavors includes the use of certain property in St. Mary Parish; to provide terms and conditions; and to provide for related matters.

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

HOUSE BILL NO. 362—

BY REPRESENTATIVE JACK SMITH
AN ACT

To enact Chapter 17-B of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:831 through 834, and to amend and reenact R.S. 36:209(B), to provide for the creation of the Louisiana Cypress Sawmill Museum in Patterson, Louisiana; and to provide for related matters.

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

HOUSE BILL NO. 388—

BY REPRESENTATIVE MCCAIN
AN ACT

To enact R.S. 15:242 and 578.1, relative to criminal procedure; to provide that the record of the arrest and the placement of a person in a pretrial diversion program arrested for driving while intoxicated become public record; and to provide for related matters.

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

HOUSE BILL NO. 603—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 33:2740.26(D)(1)(g), (h), and (j), relative to the Louis Armstrong Park Authority and Historic Jazz District; to provide for the membership of the board of commissioners; and to provide for related matters.

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

HOUSE BILL NO. 721—

BY REPRESENTATIVES DUPRE, FLAVIN, FAUCHEUX, FRITH, AND HUDSON
AN ACT

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

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

HOUSE BILL NO. 784—

BY REPRESENTATIVE HOLDEN
AN ACT

To amend and reenact R.S. 40:941(C), relative to handling of meat not slaughtered under license; to add field dressing of wild game intended for human consumption to the listing of exceptions to the licensure requirement; to provide that the Louisiana Department of Health and Hospitals promulgate rules and regulations addressing the field dressing of wild game; and to provide for related matters.

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

HOUSE BILL NO. 885—

BY REPRESENTATIVES MARIONNEAUX AND THOMPSON
AN ACT

To enact R.S. 32:387.8, relative to special permits; to provide for a special permit for trucks hauling certain agricultural products; to provide for weight limits under the special permit; to provide for prohibitions; and to provide for related matters.

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

HOUSE BILL NO. 1064—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact Children's Code Art. 1263, relative to the annulment of a final decree of adoption; to provide that no such action may be brought after four years from the final decree; to provide exceptions for fraud or duress perpetrated by an adoptive parent; and to provide for related matters.

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

referred to the Committee on Judiciary A.

HOUSE BILL NO. 1091—
BY REPRESENTATIVE WILKERSON
AN ACT

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

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

HOUSE BILL NO. 1172 (Duplicate of Senate Bill No. 671)—
BY REPRESENTATIVE FORSTER AND SENATOR BAGNERIS AND
COAUTHORED BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 41:135(A), relative to disposition of proceeds of sale of public lands; to exempt the board of commissioners of the Orleans Levee District from the provisions requiring the sheriff to forward the net proceeds of the sale to the Department of Natural Resources for deposit into the state treasury; to authorize the sheriff to forward the balance of the net proceeds of the sale of Orleans Levee District property directly to that district; and to provide for related matters.

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

HOUSE BILL NO. 1173 (Duplicate of Senate Bill No. 669)—
BY REPRESENTATIVE FORSTER AND SENATOR BAGNERIS AND
COAUTHORED BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 38:336(B)(2), relative to levee districts; to provide for two exceptions to the requirement that the Board of Commissioners of the Orleans Levee District reserve and dedicate forever a continuous strip of land for public parks, parkways, boulevards, playgrounds, aviation fields, and places of amusement along the entire frontage of Lake Pontchartrain; to provide which areas will be the subject of the exceptions; and to provide for related matters.

On motion of Senator Hainkel, the bill which is a duplicate of Senate Bill No. 669 was read by title and lies over under the rules.

HOUSE BILL NO. 1276—
BY REPRESENTATIVES DUPRE, FAUCHEUX, FRITH, AND HUDSON
AN ACT

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

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

HOUSE BILL NO. 1373—
BY REPRESENTATIVE DONELON
AN ACT

To amend and reenact R.S. 22:636.1(D)(3)(a), relative to cancellation of an automobile insurance policy; to provide for cancellation upon receipt of a dishonored check or negotiable instrument; and to provide for related matters.

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

HOUSE BILL NO. 1387—
BY REPRESENTATIVE MCMAINS
AN ACT

To amend and reenact R.S. 18:1491.6(D)(3) and 1495.4(D)(3), relative to campaign finance disclosure; to require certain supplemental reports; to require certain reports in the case of deficits; to provide for effectiveness, including retroactivity of certain provisions; and to provide for related matters.

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

HOUSE BILL NO. 1413—
BY REPRESENTATIVE BARTON
AN ACT

To enact R.S. 18:1300.22, relative to gaming elections; to provide for an election in Bossier Parish to allow an additional riverboat; to provide relative to the calling and conducting of the election; to provide relative to the effectiveness of the results of the election; to provide for applicability; and to provide for related matters.

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

HOUSE BILL NO. 1530—
BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 47:820.5(B)(2), relative to the uses of toll revenues from the Greater New Orleans Mississippi River Bridges; to provide for additional projects that may be funded by excess revenues; and to provide for related matters.

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

HOUSE BILL NO. 1533—
BY REPRESENTATIVE CHAISSON
AN ACT

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

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

HOUSE BILL NO. 1658—
BY REPRESENTATIVE ROUSSELLE
AN ACT

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

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

HOUSE BILL NO. 1661—
BY REPRESENTATIVE HAMMETT
AN ACT

To enact Part III of Chapter 12-A of Title 33 of the Revised Statutes of 1950, to be comprised of R.S. 33:4709.11, to create and provide for a special municipal district consisting of property owned by the

town of Vidalia to be known as the Tacony Restoration District which district shall govern the restoration and preservation of the Tacony House and other property and facilities within the district; to provide for the governing authority of such district and its authority with respect to such property; to provide relative to the transfer of property; to provide for a plan for the restoration, preservation, and development of property in the district; to provide with respect to the funds of the district; and to provide for related matters.

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

HOUSE BILL NO. 1665—
BY REPRESENTATIVE DUPRE
AN ACT

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

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

HOUSE BILL NO. 1747—
BY REPRESENTATIVE JETSON
AN ACT

To amend and reenact R.S. 37:2801(3), relative to the practice of chiropractic; to provide that a chiropractor may order certain diagnostic tests; and to provide for related matters.

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

HOUSE BILL NO. 1874—
BY REPRESENTATIVES PERKINS, A. ALEXANDER, BAUDOIN, CARTER, CRANE, DANIEL, DURAND, FLAVIN, FONTENOT, GUILLORY, HOLDEN, JENKINS, JETSON, KENNARD, KENNEY, MCMAINS, MORRISH, RIDDLE, ROMERO, TRAVIS, WELCH, AND WESTON AND SENATORS BRANCH, DARDENNE, FIELDS, AND GUIDRY
AN ACT

To enact R.S. 30:2282, relative to waste sites; to provide for certain lakes; to provide for remediation; to provide for legal proceedings; and to provide for related matters.

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

HOUSE BILL NO. 2262—
BY REPRESENTATIVES WILLARD-LEWIS, FRITH, HILL, MORRISH, MURRAY, TRAVIS, AND WESTON
AN ACT

To enact R.S. 45:1166(F), relative to telephone services; to prohibit the transferring of long distance services without the authorization of the customer; and to provide for related matters.

On motion of Senator Hainkel, 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 6, 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. 124—
BY REPRESENTATIVES WINDHORST AND CLARKSON
A CONCURRENT RESOLUTION

To amend the initial paragraph of LAC 70:I.503 of the rules of the Department of Transportation and Development to redesignate the transit lanes of the Crescent City Connection Bridge in New Orleans.

HOUSE CONCURRENT RESOLUTION NO. 127—
BY REPRESENTATIVE WINDHORST
A CONCURRENT RESOLUTION

To memorialize the Louisiana delegation to the United States Congress to seek and provide exemptions and waivers from federal requirements for lead paint removal in order to minimize the cost of repainting the Crescent City Connection Bridge in New Orleans and the Sunshine Bridge which connects Sorrento and Donaldsonville.

HOUSE CONCURRENT RESOLUTION NO. 102—
BY REPRESENTATIVE MONTGOMERY
A CONCURRENT RESOLUTION

To direct the state registrar of vital records to establish a uniform marriage license and marriage certificate for use on and after January 1, 1998.

HOUSE CONCURRENT RESOLUTION NO. 108—
BY REPRESENTATIVE RIDDLE
A CONCURRENT RESOLUTION

To repeal rules eliminating the Medically Needy Program within the Medicaid program; to repeal rules creating a state-funded Medically Needy Program; to provide for effective dates; and to provide for related matters.

HOUSE CONCURRENT RESOLUTION NO. 118—
BY REPRESENTATIVE WILKERSON
A CONCURRENT RESOLUTION

To urge and request the Governor's Office of Elderly Affairs to make available to elderly residents of the state a toll-free twenty-four-hour-a-day telephone number through which elderly persons can report any case of abuse of which they are aware and to publicize such number in a manner that will ensure that elderly residents of the state are aware of it and will be inclined to use it, including but not limited to postings relative to the telephone number in locations frequented by the elderly such as senior citizens centers, nursing homes, adult day care centers, grocery stores, and drug stores throughout the state.

HOUSE CONCURRENT RESOLUTION NO. 159—
BY REPRESENTATIVE ALARIO
A CONCURRENT RESOLUTION

To direct the legislative auditor to take no disciplinary action against an employee who recently responded to an inquiry from the press concerning her opinion of the proposed legislative pay raise.

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

House Concurrent Resolutions

Senator Hainkel 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. 102—

BY REPRESENTATIVE MONTGOMERY
A CONCURRENT RESOLUTION

To direct the state registrar of vital records to establish a uniform marriage license and marriage certificate for use on and after January 1, 1998.

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

HOUSE CONCURRENT RESOLUTION NO. 108—

BY REPRESENTATIVE RIDDLE
A CONCURRENT RESOLUTION

To repeal rules eliminating the Medically Needy Program within the Medicaid program; to repeal rules creating a state-funded Medically Needy Program; to provide for effective dates; and to provide for related matters.

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

HOUSE CONCURRENT RESOLUTION NO. 118—

BY REPRESENTATIVE WILKERSON
A CONCURRENT RESOLUTION

To urge and request the Governor's Office of Elderly Affairs to make available to elderly residents of the state a toll-free twenty-four-hour-a-day telephone number through which elderly persons can report any case of abuse of which they are aware and to publicize such number in a manner that will ensure that elderly residents of the state are aware of it and will be inclined to use it, including but not limited to postings relative to the telephone number in locations frequented by the elderly such as senior citizens centers, nursing homes, adult day care centers, grocery stores, and drug stores throughout the state.

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

HOUSE CONCURRENT RESOLUTION NO. 124—

BY REPRESENTATIVES WINDHORST AND CLARKSON
A CONCURRENT RESOLUTION

To amend the initial paragraph of LAC 70:I.503 of the rules of the Department of Transportation and Development to redesignate the transit lanes of the Crescent City Connection Bridge in New Orleans.

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

HOUSE CONCURRENT RESOLUTION NO. 127—

BY REPRESENTATIVE WINDHORST
A CONCURRENT RESOLUTION

To memorialize the Louisiana delegation to the United States Congress to seek and provide exemptions and waivers from federal requirements for lead paint removal in order to minimize the cost of repainting the Crescent City Connection Bridge in New Orleans and the Sunshine Bridge which connects Sorrento and Donaldsonville.

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

HOUSE CONCURRENT RESOLUTION NO. 159—

BY REPRESENTATIVE ALARIO
A CONCURRENT RESOLUTION

To direct the legislative auditor to take no disciplinary action against an employee who recently responded to an inquiry from the press concerning her opinion of the proposed legislative pay raise.

On motion of Senator Hainkel, the resolution was read by title and

referred to the Committee on Senate and Governmental Affairs.

**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. 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 by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 64 by Senator Lentini

AMENDMENT NO. 1

On page 2, lines 2 and 22, change "shall" to "may"

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

SENATE BILL NO. 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 by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 111 by Senator Landry

AMENDMENT NO. 1

On page 1, line 2, after "reenact" change "Title 13 of the Louisiana Revised Statutes of 1950" to "R.S. 13:72.1 and to enact R.S. 13:4521(A)(3) and (4)"

AMENDMENT NO. 2

On page 1, line 3, after the semicolon ";" add "to provide relative to court costs; to provide relative to certain exceptions;"

AMENDMENT NO. 3

On page 1, line 6, after "reenacted" add "and R.S. 13:4521(A)(3) and (4) is hereby enacted"

AMENDMENT NO. 4

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

"* * *

§4521. State and its subdivisions, boards, and commissions not required to pay court costs; exceptions

A. * * *

R.S. 13:4521(A)(3) is all proposed new law.

(3) This Section shall not apply to the Department of Social Service for any proceedings brought by the Department of Social Services or any district attorney, on behalf of the Department of

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Social Services, to establish filiation or enforce support, when such proceedings are subject to a cooperative agreement between the agency and the clerk of court of the appropriate jurisdiction. Any corporative agreement entered into between the clerk of court and the agency shall include reimbursement for sheriff's costs.

R.S. 13:4521(A)(4) is all proposed new law.

(4) The provisions of Paragraph (3) of this Subsection shall not apply if federal funds are not available to cover the cost of the agreement."

* * *

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

SENATE BILL NO. 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 by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 184 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 33:" insert "4861.4(D)(3) and" and at the end of the line after "relative" insert "to gaming; to provide relative"

AMENDMENT NO. 2

On page 1, line 7, after "entities;" insert "to provide relative to the requirements for the conduct of certain charitable raffles;"

AMENDMENT NO. 3

On page 3, line 3, after "R.S. 33:" insert "4861.4(D)(3) and" and change "is" to "are"

AMENDMENT NO. 4

On page 3, between lines 3 and 4, insert the following:

"§4861.4. Authorization to license certain organizations; exemption; requirement for state license
* * *

R.S. 33:4861.4(D)(3) is all proposed new law.

D. * * *

(3) A charitable organization, upon application to the municipality or parish, shall be exempt from the licensing and reporting requirements provided in R.S. 33:4861.5 through 4861.14 of this Part for the purpose of conducting a raffle as defined in R.S. 33:4861.4(A)(1) in any municipality or parish the governing authority of which has decided to permit raffles, bingo, and keno within its limits as provided in R.S. 33:4861.3, provided the municipality or parish finds, upon such application, that the charitable organization is conducting such raffle for the purpose of providing support to any elementary or secondary school in the municipality or parish or for other purposes of community support.
* * *

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

passed to a third reading.

SENATE BILL NO. 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 by the Committee on Judiciary C. On motion of Senator Jordan, the bill was read by title and passed to a third reading.

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 by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 282 by Senator Lentini

AMENDMENT NO. 1

On page 1, at the end of line 11, change "trial" to "Trial"

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

SENATE BILL NO. 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 by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 308 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 16, delete the word "immediately"

AMENDMENT NO. 2

On page 2, line 3, after the word "treatment" and before the period "." insert the following: "immediately after complying with all applicable state and federal laws, rules, and regulations related to the treatment of emergencies"

AMENDMENT NO. 3

On page 2, line 7, delete the following "and subsequent written"

AMENDMENT NO. 4

On page 2, line 8, after "known" and before the colon ":" insert "or available"

AMENDMENT NO. 5

On page 2, delete lines 22 through 25

On motion of Senator Jordan, the committee amendment was

adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 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 by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 309 by Senator Hainkel

AMENDMENT NO. 1

On page 2, line 9, after "which" and before "arrestees" delete "all"

AMENDMENT NO. 2

On page 2, line 23, after "of" and before "any" delete "the"

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

SENATE BILL NO. 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 by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 311 by Senator Hainkel

AMENDMENT NO. 1

On page 2, line 1, after "substances" and before the period "." insert "conducted in accordance with regulations established by the Department of Public Safety and Corrections, Office of State Police, Applied Technology Unit,"

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

SENATE BILL NO. 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 by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 317 by Senator Hainkel

AMENDMENT NO. 1

On page 2, line 2, change "shall" to "may"

AMENDMENT NO. 2

On page 2, line 5, after "surety" and before "include" insert "may"

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

SENATE BILL NO. 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 by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 404 by Senator Dardenne.

AMENDMENT NO. 1

On page 1, line 2, change "15:1177(A)" to "15:1177"

AMENDMENT NO. 2

On page 1, line 10, change "15:1177(A)" to "15:1177"

AMENDMENT NO. 3

On page 2, line 10, delete the comma "," after "agency" and before "or"

AMENDMENT NO. 4

On page 2, line 12, change "thereon, copies" to "thereon. Copies"

AMENDMENT NO. 5

On page 4, line 4, change "provision" to "provisions"

AMENDMENT NO. 6

On page 4, line 11, change "record, in" to "record. In"

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

SENATE BILL NO. 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 by the Committee on Judiciary C. On motion of Senator Jordan, the bill was read by title and passed to a third reading.

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 by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 767 by Senator Lentini

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AMENDMENT NO. 1

On page 1, line 15, after "**indictment**" and before the comma ", " insert the following "and a capital indictment is returned"

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

SENATE BILL NO. 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 by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 768 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 11, immediately after "(2)" insert "(a)"

AMENDMENT NO. 2

On page 1, line 14, after "robbery," and before "simple" insert "or"

AMENDMENT NO. 3

On page 1, line 15, delete "or cruelty to juveniles,"

AMENDMENT NO. 4

On page 1, after line 16, add the following:

"(b) When the offender is engaged in the perpetration of cruelty to juveniles, even though he has no intent to kill or to inflict great bodily harm."

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

SENATE BILL NO. 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 by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 783 by Senator Bagneris

AMENDMENT NO. 1

On page 1, line 7, after "reenacted" delete "," and delete line 8 in its entirety and insert "to read as follows:"

AMENDMENT NO. 2

On page 1, line 16, after "due is" delete the remainder of the line and insert "who is an unmarried child who would be a forced heir pursuant to Article XII, Section 5 of the Constitution of Louisiana"

AMENDMENT NO. 3

On page 2, line 1, delete "twenty-three"

AMENDMENT NO. 4

On page 2, between lines 4 and 5 insert:

"Section 2. R.S. 9:315.6(3) and 315.22(D) are hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 2, between lines 15 and 16 insert the following:

"* * *

AMENDMENT NO. 6

On page 2, delete lines 22 and 23 and insert "would be a forced heir pursuant to Article XII, Section 5 of the Constitution of Louisiana, is principally dependent"

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

SENATE BILL NO. 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 by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 1013 by Senator Dardenne

AMENDMENT NO. 1

On page 2, line 21, delete "in the same community or locality"

AMENDMENT NO. 2

On page 3, line 14, change "solidary" to "joint"

AMENDMENT NO. 3

On page 3, delete lines 17 through 19 and insert in lieu thereof "subject of the request for review. **Prescription as to any health care provider covered by this Part shall be suspended or interrupted only if the claim is timely filed with the commissioner of administration in the division of administration.**"

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

SENATE BILL NO. 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 by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1092 by Senator Hainkel

AMENDMENT NO. 1

On page 1, delete lines 14 and 15, and insert the following:

"forty-two fifty-two thousand dollars, the vice chairman of the board shall receive an annual salary of forty-nine thousand dollars and

each of the other members of the board shall receive an annual salary of ~~thirty-six~~ **forty-six thousand** dollars payable on"

AMENDMENT NO. 2

On page 2, after line 4, insert the following:

"Section 2. Any monies necessary to implement the provisions of this Act shall be provided solely from self generated funds."

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

SENATE BILL NO. 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 by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1155 by Senator Bagneris

AMENDMENT NO. 1

On page 1, line 2, after "Civil Code" delete "Art." and insert "Arts. 394 and"

AMENDMENT NO. 2

On page 1, line 3, delete "394" and insert "400"

AMENDMENT NO. 3

On page 1, line 9, delete "Art. 405 is" and insert "Arts. 394 and 405 are"

AMENDMENT NO. 4

On page 1, line 10, after "follows:" insert

"Art. 394. Provisional ~~administrator~~ **curator** pending interdiction

Pending interdiction pending the issue of the petition for interdiction, the judge may, if he deems it proper, appoint for the preservation of the movables and for the administration of the immovable estate of the defendant, ~~an administrator pro tempore~~ **a provisional curator.**

* * *

AMENDMENT NO. 5

On page 2, line 10, after "if", insert the following: **"the court determines by clear and convincing evidence that all of the following exists"**

AMENDMENT NO. 6

On page 2, line 12, after "deficiency," insert "or" and after "illness" delete ", chronic use of drugs, or chronic intoxication"

AMENDMENT NO. 7

On page 2, line 23, change "14" to "thirty"

AMENDMENT NO. 8

On page 3, line 7, after "appoint" delete "a" and insert "an emergency"

AMENDMENT NO. 9

On page 3, line 9, delete "five days" and insert "ten days of the

appointment"

AMENDMENT NO. 10

On page 3, delete lines 13 through 26

AMENDMENT NO. 11

On page 3, line 27, change "E" to "D"

AMENDMENT NO. 12

On page 4, line 5, change "F" to "E"

AMENDMENT NO. 13

On page 5, line 3, change "G" to "F"

AMENDMENT NO. 14

On page 5, line 15, change "394" to "400"

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

SENATE BILL NO. 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 by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1178 by Senator Bagneris

AMENDMENT NO. 1

On page 1, line 2, delete "1270"

AMENDMENT NO. 2

On page 1, line 3, delete "1271(A), 1272,"

AMENDMENT NO. 3

On page 1, line 14, delete "1270, 1271(A)," and on line 15, delete "1272"

AMENDMENT NO. 4

On page 2, delete lines 22 through 27 in their entirety and delete pages 3 and 4 in their entirety, and on page 5, delete lines 1 through 16 in their entirety

AMENDMENT NO. 5

On page 6, line 21, change "adoptee" to "adoptees"

AMENDMENT NO. 6

On page 6, line 22, after "Article" insert:

"; provided that any such fees shall be subject to review and approval by the Joint Legislative Committee on Health and Welfare."

AMENDMENT NO. 7

On page 7, line 10, change "a" to "by"

AMENDMENT NO. 8

On page 7, line 17, delete "and that any contact will be made through the registry"

AMENDMENT NO. 9

On page 7, at the end of line 18, change ":" to ";

AMENDMENT NO. 10

On page 9, line 9, change "1277" to "1279"

AMENDMENT NO. 11

On page 9, between lines 10 and 11, insert"

"Nothing contained in this Chapter shall limit a person's right to proceed under Chapter 5 of this Title to obtain confidential adoption information.

Art. 1280. Rules and Regulations

Art. 1280 is being redesignated from Article 1278"

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

SENATE BILL NO. 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 by the Committee on Judiciary A. On motion of Senator Ullo, the bill was read by title and passed to a third reading.

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 by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 1293 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete "R.S. 9:5628(A), R.S. 13:5101(B),"

AMENDMENT NO. 2

On page 1, line 5, after "malpractice;" delete the remainder of the line and at the beginning of line 6, delete "political subdivisions;"

AMENDMENT NO. 3

On page 1, delete lines 13 through 16, delete page 2, and on page 3, delete lines 1 through 6

AMENDMENT NO. 4

On page 3, line 7, change "Section 3." to "Section 1."

AMENDMENT NO. 5

On page 6, line 19, change "Section 4." to "Section 2."

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

SENATE BILL NO. 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 by the Committee on Agriculture. On motion of Senator Cain, the bill was read by title and passed to a third reading.

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

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

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

HOUSE BILL NO. 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 by the Committee on Agriculture. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 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 by the Committee on Agriculture.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture to Engrossed House Bill No. 1306 by Representative Thompson

AMENDMENT NO. 1

On page 2, line 15, after "confirmation" insert a period "." and delete the remainder of the line and delete lines 16 through 18.

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

HOUSE BILL NO. 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 by the Committee on Agriculture. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 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 by the Committee on Agriculture. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 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 by the Committee on Agriculture.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture to Reengrossed House Bill No. 1446 by Representative DeWitt, et al

AMENDMENT NO. 1
On page 3, line 14 after "confirmation" insert a period "." and delete the remainder of the line and delete lines 15 through 17.

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

HOUSE BILL NO. 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 by the Committee on Agriculture. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 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 by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 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 by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 2283 by Representative Stelly

AMENDMENT NO. 1
On page 1, line 3, between "courts" and "and" insert:

"to provide relative to the disposition of court costs in certain city courts; to authorize the collection of a fee for appearance bonds;"

AMENDMENT NO. 2
On page 1, at the beginning of line 8, before "Any" insert "A."

AMENDMENT NO. 3
On page 1, line 9, after "recent" change "U.S." to "United States"

AMENDMENT NO. 4
On page 1, line 11, change "Section" to "Subsection"

AMENDMENT NO. 5
On page 1, after line 13, insert the following:

"B. The marshal of a city court located in a municipality having a population of not more than twenty-five thousand and not less than nineteen thousand, according to the most recent United States census data, may collect a fee of ten dollars for the taking of an appearance bond when required to do so. The city court in such municipality may also impose an additional five dollar fee as court costs in civil and criminal matters. The sums collected for the taking of an appearance bond, and any additional court costs as provided in this Subsection, shall be deposited in such marshal's general fund to supplement the operational expenses of the marshal's office and the expenditure of such funds shall be subject to and included in the marshal's annual audit. A copy of the audit shall be filed with the legislative auditor who shall make it available for public inspection."

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

May 7, 1997

**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. 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 by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Concurrent Resolution No. 85 by Senator Malone

AMENDMENT NO. 1
On page 1, line 3, after "sells" insert "to,"

AMENDMENT NO. 2
On page 1, line 7, change "exist" to "exists"

On motion of Senator Ullo, the committee amendment was adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris	Cravins
Bajoie	Jones
Total—4	

The Chair declared the Senate had adopted the amended Senate Concurrent Resolution and ordered it engrossed and 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. 185—
BY SENATORS DARDENNE, CRAVINS, DYESS AND ELLINGTON
AN ACT

To amend and reenact R.S. 15:574.4(H)(4)(o), relative to parole; to provide for the collection of the costs of the supervision of parole; 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	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Greene	Robichaux
Bean	Guidry	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Campbell	Hines	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Dyess	Landry	
Total—37		

NAYS

Total—0

ABSENT

Bagneris	Jones
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. 191—
BY SENATOR ROMERO
AN ACT

To enact R.S. 46:2135(G), to provide for hearing officers in certain courts to handle the first rule to show cause in the enforcement of protective orders; to provide for the manner in which the recommendations by the hearing officers are made; to provide for the duration of such orders; 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 Guidry to Engrossed Senate Bill No. 191 by Senator Romero

AMENDMENT NO. 1

On page 2, line 5, after "protection." delete the remainder of the line and delete lines 6 through 8 in their entirety

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

NAYS

Total—0

ABSENT

Bagneris	Jones	Tarver
Total—3		

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. 373—
BY SENATORS SCHEDLER AND FIELDS
AN ACT

To enact R.S. 14:91.9, relative to the sales of tobacco products from vending machines; to provide for definitions; to provide for penalties; 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. 562—
BY SENATORS HAINKEL, DARDENNE AND EWING
AN ACT

To enact R.S. 9:2798.1(E), relative to offenses and quasi offenses; to provide for limitation of liability for failure of public entities for failure to effectively or properly regulate persons or entities under their authority; to provide for proof of liability; to extend liability to certain persons or entities; 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	Malone
Bajoie	Ellington	Robichaux
Barham	Greene	Romero
Branch	Hainkel	Schedler

Cain	Heitmeier	Short
Campbell	Hines	Smith
Casanova	Hollis	Tarver
Cox	Irons	Theunissen
Cravins	Johnson	Ullo
Dardenne	Jordan	
Dean	Lentini	
Total—31		

NAYS

Fields	Landry
Guidry	Siracusa
Total—4	

ABSENT

Bagneris	Jones
Bean	Lambert
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. 658—
BY SENATOR DARDENNE
AN ACT

To amend and reenact Code of Criminal Procedure Art. 408.1, relative to qualifications and selection of grand and petit jurors; to provide with respect to initial selection of general venire; to provide for source; 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	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Greene	Robichaux
Bean	Guidry	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Campbell	Hines	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Dyess	Landry	
Total—37		

NAYS

Total—0

ABSENT

Bagneris	Jones
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.

May 7, 1997

SENATE BILL NO. 857—
BY SENATOR BRANCH

AN ACT

To repeal R.S. 15:574.12, relative to confidentiality of certain information obtained by the boards of pardon and parole.

Floor Amendments Sent Up

Senator Branch sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Branch to Engrossed Senate Bill No. 857 by Senator Branch

AMENDMENT NO. 1

On page 1, line 2, change "repeal" to "amend and reenact"

AMENDMENT NO. 2

On page 1, line 2, after "15:574.12" insert "(G)"

AMENDMENT NO. 3

On page 1, line 3, after "parole" insert "; and to provide for related matters"

AMENDMENT NO. 4

On page 1, line 5, after "15:574.12" insert "(G)" and at the end of the line, delete "repealed." and insert in lieu thereof "amended and reenacted to read as follows:

§574.12. Information as to offenders and ex-offenders; confidentiality

* * *

G. Notwithstanding the provisions of R.S. 15:574.12(A), following an application for pardon or parole, all information pertaining to an individual's misconduct while incarcerated, statistical information, information pertaining to disposition of criminal charges and incarcerations, and information of a general nature including an individual's age, ~~physical characteristics~~, offense, date of conviction, length of sentence, any correspondence which requests, or may be determined to be in support of, the pardon or parole of an individual, and discharge date shall be released to the general public at any time upon request.

* * *

On motion of Senator Branch, the amendments were adopted.

Floor Amendments Sent Up

Senator Cox sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cox to Engrossed Senate Bill No. 857 by Senator Branch

AMENDMENT NO. 1

Delete Senate Floor Amendment No. 4 proposed by Senator Branch and adopted by the Senate on May 7, 1997.

AMENDMENT NO. 2

On page 1, line 5, after "15:574.12" insert "(G)" and at the end of the line, delete "repealed." and insert in lieu thereof "amended and reenacted to read as follows:

§574.12. Information as to offenders and ex-offenders; confidentiality

* * *

G.(1) Notwithstanding the provisions of R.S. 15:574.12(A), following an application for pardon or parole, all information pertaining to an individual's misconduct while incarcerated, statistical information, information pertaining to disposition of criminal charges and incarcerations, and information of a general nature including an individual's age, ~~physical characteristics~~, offense, date of conviction, length of sentence, any correspondence which requests, or may be determined to be in support of, the pardon or parole of an individual, and discharge date shall be released to the general public at any time upon request.

(2) The provisions of Paragraph (1) shall not apply to any correspondence submitted which requests, or may be determined to be in support of, the pardon or parole of an individual received before August 15, 1997.

* * *

Senator Cox moved adoption of the amendments.

Senator Branch objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Lentini
Bajoie	Dean	Robichaux
Bean	Dyess	Romero
Cain	Fields	Schedler
Campbell	Heitmeier	Siracusa
Casanova	Hines	Tarver
Cox	Hollis	Theunissen
Cravins	Landry	
Total—23		

NAYS

Barham	Hainkel	Short
Branch	Irons	Smith
Ellington	Jordan	Ullo
Greene	Lambert	
Guidry	Malone	
Total—13		

ABSENT

Bagneris	Johnson	Jones
Total—3		

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lambert
Bajoie	Ellington	Landry
Barham	Fields	Lentini
Bean	Greene	Malone
Branch	Guidry	Robichaux
Cain	Hainkel	Romero
Campbell	Heitmeier	Schedler

Casanova	Hines	Siracusa
Cox	Hollis	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jordan	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bagneris	Jones	Short
Total—3		

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

SENATE BILL NO. 902—
BY SENATOR JORDAN

AN ACT

To amend and reenact Code of Civil Procedure Arts. 254(D), and 2130, and R.S. 49:955(C) and (E)(2), and to enact Code of Civil Procedure Art. 251.1, relative to adjudicatory proceedings; to require certain courts and administrative agencies in adjudications to record all proceedings; to require the record to be maintained for not less than three 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. 902 by Senator Jordan

AMENDMENT NO. 1

On page 1, at the end of line 14 delete "clerk of " and insert "court reporter"

AMENDMENT NO. 2

On page 1, line 15, at the beginning of the line delete "court"

AMENDMENT NO. 3

On page 2, line 2, delete "clerk" and insert "court reporter"

AMENDMENT NO. 4

On page 2, line 3, delete "for not less than three years"

AMENDMENT NO. 5

On page 2, line 8, after "made" delete "**shall**" and insert "may"

AMENDMENT NO. 6

On page 2, line 9, after "in" delete "**addition to**" and insert "lieu of"

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. 902 by Senator Jordan

AMENDMENT NO. 1

On page 1, line 14, after "all" insert "criminal and traffic" and after "cases," delete "tried"

AMENDMENT NO. 2

On page 2, line 2, after "counsel" insert "and any colloquy between the judge and any party or counsel"

On motion of Senator Jordan, the amendments were adopted.

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

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

NAYS

Total—0

ABSENT

Bagneris	Jones
Dyess	Lambert
Total—4	

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

SENATE BILL NO. 1119—
BY SENATOR JOHNSON

AN ACT

To enact R.S. 15:574.2(C)(11), relative to the board of parole; to provide relative to parole hearings; to provide for written notification; and to provide for related matters.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1119 by Senator Johnson

AMENDMENT NO. 1

On page 2, line 1, following "(11)" and before "to" change "A written notification shall be sent" to "To mail written notification"

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris	Dean	Jones
Bajoie	Dyess	
Total—5		

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

SENATE BILL NO. 1199—
BY SENATORS GUIDRY AND DARDENNE
AN ACT

To amend and reenact R.S. 9:2801(1)(a) and (2) and Civil Code Art. 2375(A) and (C), and to enact R.S. 13:1415, relative to 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 bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 1314—
BY SENATOR DARDENNE
AN ACT

To enact R.S. 46:236.10, relative to the payment of a child support obligation; to authorize the imposition of a plan for payment of support on the obligor in cases wherein the child is receiving Title IV-A assistance; to authorize the inclusion of certain work activities in the plan; to provide definitions; and to provide for related matters.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1314 by Senator Dardenne

AMENDMENT NO. 1

On page 2, line 17, following "U.S.C." and before ", as" change "§607(d)" to "607(d)"

On motion of Senator Hainkel, the amendments were adopted.

Floor Amendments Sent Up

Senator Guidry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guidry to Engrossed Senate Bill No. 1314 by Senator Dardenne

AMENDMENT NO. 1

On page 2, line 9, between "support" and "for" delete the comma ", " and delete "either"

AMENDMENT NO. 2

On page 2, at the end of line 9, delete "or of a child"

AMENDMENT NO. 3

On page 2, at the beginning of line 10, delete "and the parent with whom the child is living,"

On motion of Senator Guidry, 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	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Greene	Robichaux
Bean	Guidry	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Campbell	Hines	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Dyess	Landry	
Total—37		

NAYS

Total—0

ABSENT

Bagneris	Jones
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. 1334—
BY SENATOR SCHEDLER
AN ACT

To enact R.S. 30:2531(D)(5), relative to penalties to be imposed for littering; to authorize increased penalties for littering on a Louisiana state highway; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris Jones
Total—2

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

SENATE BILL NO. 1368— BY SENATORS COX AND SCHEDLER AN ACT

To amend and reenact the heading of Chapter 3-B of Title 15 of the Louisiana Revised Statutes of 1950 and R.S. 15:540, 546, 547, and 548(H), and to enact R.S. 15:541 (9) through (16) and R.S. 15:542.1, relative to the registration of sex offenders; to provide for the registration of sexually violent predators and child predators; to provide definitions; to provide for an advisory panel; to provide for evaluation procedures; 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 Ellington Lentini
Bajoie Fields Malone
Barham Greene Robichaux
Bean Guidry Romero
Branch Hainkel Schedler
Cain Heitmeier Short
Campbell Hines Siracusa
Casanova Hollis Smith
Cox Irons Tarver
Cravins Johnson Theunissen
Dardenne Jordan Ullo
Dean Lambert
Dyess Landry
Total—37

NAYS

Total—0

ABSENT

Bagneris Jones
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. 1405— BY SENATOR HAINKEL AN ACT

To enact R.S. 14:68.5, relative to offenses against property; to provide with respect to misappropriation without violence; to provide for the crime of unauthorized removal of property from the governor's mansion; 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. 1405 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 10, delete "personal" and on line 15 delete "personal"

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 Ellington Malone
Bajoie Fields Robichaux
Barham Greene Romero
Bean Guidry Schedler
Branch Hainkel Short
Cain Heitmeier Siracusa
Campbell Hines Smith
Casanova Hollis Tarver
Cox Johnson Theunissen
Dardenne Jordan Ullo
Dean Lambert
Dyess Lentini
Total—34

NAYS

Landry
Total—1

ABSENT

Bagneris Irons
Cravins Jones
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. 145— BY SENATORS BARHAM AND JONES AN ACT

To enact R.S. 38:330, relative to levee districts; to authorize such districts to act jointly in certain circumstances; to provide certain limitations to such joint endeavors; and to provide for related

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

NAYS

Landry
Total—1

ABSENT

Bagneris Jones
Total—2

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. 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.

Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Engrossed Senate Bill No. 172 by Senator Hines

AMENDMENT NO. 1

On page 4, line 1, after "supervising physicians" insert "in no more than five medical specialties or subspecialties,"

On motion of Senator Hines, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Robichaux
Bajoie Fields Romero
Bean Guidry Schedler
Branch Heitmeier Short
Cain Hines Smith
Cox Hollis Tarver
Cravins Irons Theunissen
Dardenne Lambert Ullo
Dean Landry
Total—26

NAYS

Barham Greene Malone
Campbell Hainkel Siracusa
Casanova Johnson
Dyess Lentini
Total—10

ABSENT

Bagneris Jones Jordan
Total—3

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

SENATE BILL NO. 272—

BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 34:2471(A) and 2472, 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; to provide for qualifications; to provide for the domicile of such commission; and to provide for related matters.

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. 272 by Senator Landry

AMENDMENT NO. 1

On page 2, line 1, after "resident" delete the remainder of the line and delete line 2 and on line 3, delete "each" and insert "of"

AMENDMENT NO. 2

On page 3, line 4, after "parish" delete the remainder of the line and add in lieu thereof ", one of whom may, instead of holding residency, be the chief executive officer of a business which is"

AMENDMENT NO. 3

On page 3, line 15, after "parish" delete "or who is" and add in lieu thereof ", one of whom may, instead of residency, be"

AMENDMENT NO. 4

On page 5, line 1, after "upon a" delete "majority" and after "of" add "two-thirds of the members of"

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

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

NAYS

Total—0

ABSENT

Table with 2 columns: Mr. President, Bagneris, Total—4; Hines, Jones.

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.

Motion

Senator Ullo moved to suspend the rules to take up Senate Bill No. 1547 out of its regular order.

Without objection, so ordered.

SENATE BILL NO. 1547 (Substitute for SB 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.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1547 by Senator Ullo

AMENDMENT NO. 1

On page 3, line 27, following "who" and before "to" change "sell" to "sells"

AMENDMENT NO. 2

On page 4, line 18, following "rubbed" and before "and" insert a comma ", "

AMENDMENT NO. 3

On page 5, line 9, change "dealers" to "dealer(s)"

AMENDMENT NO. 4

On page 5, line 10, following "wholesaler," and before "who" delete "and" and on line 11, following "resale," and before "who" delete "and" and on line 12, following "wholesaler" and before "and" insert a comma ", "

AMENDMENT NO. 5

On page 5, line 21, before "The" delete "A."

AMENDMENT NO. 6

On page 5, line 23, before the colon ":" change "certificate" to "certificates"

AMENDMENT NO. 7

On page 6, line 5, following "cigarettes" and before "or" insert a comma ", "

AMENDMENT NO. 8

On page 6, line 22, before "The" delete "A."

AMENDMENT NO. 9

On page 7, lines 9 and 18, following "B" and before the comma ", " insert "of this Section"

AMENDMENT NO. 10

On page 8, line 12, following "may" and before "issue" delete the comma ", "

AMENDMENT NO. 11

On page 8, line 14, following "Chapter" and before "shall" delete the comma ", "

AMENDMENT NO. 12

On page 9, line 6, following "products" and before "or" insert a comma ", "

AMENDMENT NO. 13

On page 9, line 19, following "processing" and before "and" insert a comma ", "

AMENDMENT NO. 14

On page 12, line 1, following "thereof" and before "or" insert a comma ", "

AMENDMENT NO. 15

On page 12, line 2, following "in" and before "901" change "Section" to "R.S. 26:"

AMENDMENT NO. 16

On page 12, line 8, following "therewith" change ", or" to a period "."

AMENDMENT NO. 17

On page 12, line 19, following "present" and before "or" delete the comma ", "

AMENDMENT NO. 18

On page 15, line 15, following "succession" and before "may" insert a comma ", "

AMENDMENT NO. 19

On page 21, line 16, following "A" and before "shall" insert "of this Section"

AMENDMENT NO. 20

On page 24, line 5, following "permittee" and before "or" insert a

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comma ","

AMENDMENT NO. 21

On page 24, line 11, following "holder" insert a comma "," and following "or" and before "applicant" delete the comma ","

AMENDMENT NO. 22

On page 25, line 11, following "dismissal" and before "or" insert a comma "," and following "contendre" and before "in" delete the comma ","

AMENDMENT NO. 23

On page 26, line 13, following "but" and before "shall" insert "the commissioner"

AMENDMENT NO. 24

On page 26, line 22, before "The" delete "A."

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris Schedler
Jones Siracusa
Total—4

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

Motion

Senator Hainkel asked for a suspension of the rules for the purpose of advancing to the order of Senate Bills on Third Reading and Final Passage, Subject to Call.

Senator Guidry objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Greene Malone

Barham Hainkel Romero
Bean Hines Schedler
Campbell Hollis Short
Cox Johnson Siracusa
Dardenne Jordan Smith
Dean Lambert Tarver
Dyess Landry Theunissen
Ellington Lentini Ullo
Total—27

NAYS

Bajoie Casanova Guidry
Branch Cravins Irons
Cain Fields
Total—8

ABSENT

Bagneris Jones
Heitmeier Robichaux
Total—4

The Chair declared the rules were suspended.

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

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

Called from the Calendar

Senator Jordan asked that Senate Bill No. 381 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 381— BY SENATOR JORDAN

AN ACT

To enact Title V-A of the Louisiana Code of Criminal Procedure, to be comprised of Article 251, relative to seizure of a person; to provide a definition of seizure of a person for purposes of the right to be free from unreasonable searches and seizures; 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. 381 by Senator Jordan

AMENDMENT NO. 1

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

"Notwithstanding the decision in State v. Tucker, 626 So.2d 707, nothing herein shall have the affect of overruling the aforementioned decision inasmuch as it applies to the factual circumstances of that case. However, this Act shall overrule the decision in State v. Tucker, 626 So.2d 707, inasmuch as it defines the seizure of a person pursuant to La. Const. Art. 1, Sec. 5."

On motion of Senator Jordan, the amendments were adopted.

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

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

NAYS

Hainkel	Lentini
Total—2	

ABSENT

Mr. President	Dean	Robichaux
Bagneris	Jones	
Total—5		

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

Called from the Calendar

Senator Ullo asked that Senate Bill No. 1251 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 1251—
BY SENATOR ULLO (BY REQUEST)
AN ACT**

To enact R.S. 33:1236(21)(g) relative to municipalities and parishes; to authorize the governing authority of the city of Westwego to suspend the driver licenses of persons who allow their weeds, grass or other noxious growths to accumulate on their property in disregard of the health and safety of others; to provide for penalties; and to provide for related matters.

Floor Amendments Sent Up

Senator Ullo sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ullo to Engrossed Senate Bill No. 1251 by Senator Ullo

AMENDMENT NO. 1

On page 1, line 3, after "to" delete "suspend the driver licenses of" and insert "require that community services be performed by"

AMENDMENT NO. 2

On page 2, line 2, after "ordinances" delete "to suspend the driver licenses of" and insert "which require that community services be performed by"

AMENDMENT NO. 3

On page 2, line 15, after "conviction" delete the remainder of the line and on line 16 delete "suspended for thirty days or"

AMENDMENT NO. 4

On page 2, line 18, after "conviction" delete the remainder of the line and on line 19 delete "license suspended for sixty days or"

AMENDMENT NO. 5

On page 2, line 21, after "conviction" delete the remainder of the line and on line 22 delete "driver's license suspended for one year or"

On motion of Senator Ullo, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris	Hines	Jones
Total—3		

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

Called from the Calendar

Senator Bean asked that Senate Bill No. 1168 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 1168—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT**

To amend and reenact R.S. 30:2154(B)(2)(b), (c), (d), and (e), to enact R.S. 30:2154(B)(2)(f), and to repeal R.S. 30:2041, relative to the notification of waste disposal; to delete the notice requirement for the disposal of nonhazardous waste from certain abandoned and inactive sites; 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	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Greene	Romero
Bean	Guidry	Schedler

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Branch	Hainkel	Short
Cain	Heitmeier	Siracusa
Casanova	Hines	Smith
Cox	Hollis	Tarver
Cravins	Irons	Theunissen
Dardenne	Johnson	Ullo
Dean	Landry	
Total—32		

NAYS

Campbell	Jordan
Fields	Robichaux
Total—4	

ABSENT

Bagneris	Jones	Lambert
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.

Called from the Calendar

Senator Guidry asked that Senate Bill No. 527 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 527—
BY SENATOR GUIDRY

AN ACT

To amend and reenact R.S. 33:4720.17, relative to the sale of abandoned property; to reduce the number of days that notice must be given prior to a post-adjudication sale of abandoned property; to provide for redemption of the property prior to sale; to provide for payment of all fees and charges assessed upon abandoned property prior to sale; and to provide for related matters.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 527 by Senator Guidry

AMENDMENT NO. 1

On page 2, line 3, following "records," change "and" to "or"

On motion of Senator Hainkel, the amendments were adopted.

Floor Amendments Sent Up

Senator Guidry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Guidry to Engrossed Senate Bill No. 527 by Senator Guidry

AMENDMENT NO. 1

On page 1, line 13, change "thirty" to "sixty"

On motion of Senator Guidry, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bagneris	Cain
Bajoie	Jones
Total—4	

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

Called from the Calendar

Senator Cox asked that Senate Bill No. 1449 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 1449 (Substitute for SB 134 by Senator Cox)—

BY SENATOR COX

AN ACT

To amend and reenact R.S. 13:621.14, relative to district courts; to provide for an additional judgeship in the fourteenth judicial district; to provide for the election and term of office; to provide for qualifications; to provide relative to compensation; and to provide for related matters.

Floor Amendments Sent Up

Senator Cox sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cox to Engrossed Senate Bill No. 1449 by Senator Cox

AMENDMENT NO. 1

On page 1, line 2 after "R.S. 13:" insert "477(14) and"

AMENDMENT NO. 2

On page 1, line 7 after "13:" delete "621.14 is" and insert "477(14) and 621.14 are"

AMENDMENT NO. 3

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

§477. Judicial district

There shall be forty judicial districts in the state, the parish of Orleans excepted, and each district shall be composed as follows:

* * *

(14) The parish of Calcasieu shall compose the Fourteenth District. The Fourteenth District shall consist of three election sections.

Election section one shall consist of Precincts 30, 31, 31A, 100, 101, 102, 103S, 104E, 104W, 105, 106, 107, 108, 109, 112E, 112W, 113, 117E, 117W, 123N, 123S-A & 123S-B, 124A & 124B, and 125.

Election section two shall consist of Precincts 10E, 10W, 11, 12A & 12B, 13, 20, 21, 22, 32N, 32S-A & 32S-B, 33A, 34, 40, 41E, 41W, 42E, 42W, 50, 52, 53, 60, 61, 62, 63E, 63W, 80, 81, 81A*, 111, 114A & 114B, 115, 116, 118E, 118W, 119NE, 119NW, 119SE, 119SW, 120, 121, 122, 126A, 126C-A & 126C-B, 126E, 126W, 170, 171, 172, 173, 190, 191, 200A & 200B, and 201.

Election section three shall consist of Precincts 33B, 33E, 33W-A & 33W-B, 35N-A & 35N-B, 35S, 43, 44N, 44S-A & 44S-B, 45, 46, 70, 71, 72, 110, 150, 151, 152, 153, 155A & 155B, 156, 157, 158, 180, 181, 182, and 183.

* * *

AMENDMENT NO. 4

On page 1, line 11 after "judges." insert the following:

"Two judges, Divisions F and H, shall be elected from election section one; four judges, Division B, C, D, and G, shall be elected from election section two; two judges, Division A and E, shall be elected from election section three, and one judge, Division I, shall be elected from election sections one and three combined."

On motion of Senator Cox, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Fields, Malone. Lists names of members who voted 'YEAS'.

NAYS

Table with 2 columns: Name, Greene, Hainkel. Lists names of members who voted 'NAYS'.

ABSENT

Table with 3 columns: Name, Cravins, Jones. Lists names of members who were absent.

The Chair declared the amended 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.

Called from the Calendar

Senator Schedler asked that Senate Bill No. 665 be called from the

Calendar at this time for its final passage.

SENATE BILL NO. 665— BY SENATORS SCHEDLER AND HINES AN ACT

To amend and reenact R.S. 37:2401(1)(b) and (d) and 2410(A), relative to the practice of physical therapy; to authorize the practice of physical therapy without prescription or referral; to provide for limitations on such authorization; to provide for physical therapy diagnosis; and to provide for related matters.

Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Schedler to Engrossed Senate Bill No. 665 by Senator Schedler and Hines

AMENDMENT NO. 1

On page 4, line 1, after "services to" delete the remainder of the line and delete lines 2 and 3 and insert "an athlete at an officially sanctioned athletic event for secondary or higher educational institutions or professional sporting events without a referral from"

AMENDMENT NO. 2

On page 4, at the end of line 4, delete "or podiatry" and insert "podiatry, or an authorized team medical physician"

On motion of Senator Schedler, 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. 665 by Senator Schedler and Hines

AMENDMENT NO. 1

On page 3, line 12 change "(a)" to "(c)" and insert the following;

"(a) Unless the education and training requirements described in Subsection b of this Section and of Section 3 of this Act have been met, no person licensed under this Chapter shall provide physical therapy services without a prescription or referral from a person licensed to practice medicine, surgery, dentistry or podiatry."

"(b) A person licensed under this Chapter to practice physical therapy without a prescription or referral from a person licensed to practice medicine, surgery, dentistry or podiatry shall have satisfactorily completed a minimum three hour masters level course in differential physical therapy diagnosis at an accredited university or college and shall have practiced for not less than two consecutive years."

AMENDMENT NO. 2

On page 3, line 19 change "(b)" to "(d)"

AMENDMENT NO. 3

On page 3, line 27 change "(c)" to "(e)"

AMENDMENT NO. 4

On page 4, line 1, delete the word "a" and insert the word "the"

AMENDMENT NO. 5

On page 4, line 1, change "(b)" to "(d)"

AMENDMENT NO. 6

On page 4, line 5, change "(d)" to "(f)"

AMENDMENT NO. 7

On page 4, line 10 insert the following:

"(3) The board shall establish by rule additional continuing educational requirements that a person licensed under this Chapter shall meet in order to continue rendering physical therapy services without a prescription or referral from a person licensed to practice medicine, surgery, dentistry or podiatry. all combined mandatory continuing educational requirements shall not exceed sixteen hours for any one calendar year.

(a) The additional continuing education requirements shall be developed by a Patient Access Task Force established under the board. The task force shall consist of two physical therapists, appointed by the board, licensed under this Chapter and two physicians, appointed by the Board of Medical Examiners, licensed under R.S. 37:1262, one of whom shall be a person licensed to practice orthopaedic surgery.

(b) All appointments to the Patient Access Task Force shall be made by the respective licensing boards within sixty days of the effective date of this Act.

(c) Recommendations of the task force shall be forwarded to the board not later than February 15, 1998. All recommendations shall require three affirmative votes by its members prior to being forwarded to the board for promulgation of such rules in accordance with the Administrative Procedures Act.

(d) Upon completion of the requirements by the Patient Access Task Force, Sections 3(a), (b), (c), and (d) are hereby repealed and fall terms of the task force members shall expire.

4(a) Physical therapy services performed without a prescription or referral from a person licensed to practice medicine, surgery, dentistry or podiatry shall not be construed to mandate coverage for physical therapy services under any health care plan or insurance policy or circumvent any requirement for pre-authorization of services in accordance with any health care plan or insurance policy.

(b) Notwithstanding any laws to the contrary nothing herein shall preclude any health care plan or insurance policy from choosing to reimburse for covered physical therapy services performed without a prescription or referral from a person licensed to practice medicine, surgery, dentistry or podiatry.

Senator Robichaux moved adoption of the amendments.

Senator Jordan objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Bajoie	Greene	Robichaux
Bean	Guidry	Romero
Branch	Heitmeier	Schedler
Campbell	Hines	Short
Cox	Hollis	Siracusa
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dyess	Lambert	Theunissen
Ellington	Landry	Ullo
Total—30		

NAYS

Barham	Hainkel	Lentini
Casanova	Jordan	
Total—5		

ABSENT

Bagneris	Cravins
Cain	Jones
Total—4	

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Bean	Greene	Schedler
Campbell	Heitmeier	Short
Dean	Hines	Smith
Dyess	Hollis	Tarver
Ellington	Robichaux	Theunissen
Total—15		

NAYS

Mr. President	Dardenne	Lambert
Bajoie	Fields	Landry
Barham	Guidry	Lentini
Branch	Hainkel	Malone
Casanova	Irons	Romero
Cox	Johnson	Siracusa
Cravins	Jordan	Ullo
Total—21		

ABSENT

Bagneris	Cain	Jones
Total—3		

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

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

Called from the Calendar

Senator Short asked that Senate Bill No. 37 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 37—
BY SENATOR SHORT

A JOINT RESOLUTION

Proposing to amend Article I, Section 3 and to add Article XII, Section 15 of the Constitution of Louisiana; to prohibit marriage between persons of the same sex; to provide for the effect of a same sex marriage performed in another state, territory, or possession of the United States or by an Indian tribe; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Motion

Senator Landry moved to return the bill to the Calendar, Subject to Call.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Greene	Romero
Barham	Hainkel	Schedler
Bean	Hines	Short
Branch	Jordan	Smith
Campbell	Lambert	Theunissen
Casanova	Landry	Ullo
Dardenne	Lentini	
Ellington	Malone	
Total—22		

NAYS

Bajoie	Dyess	Robichaux
Cox	Hollis	Siracusa
Dean	Johnson	
Total—8		

ABSENT

Bagneris	Fields	Irons
Cain	Guidry	Jones
Cravins	Heitmeier	Tarver
Total—9		

The Chair declared the bill was returned to the Calendar.

Called from the Calendar

Senator Greene asked that Senate Bill No. 344 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 344—

BY SENATOR GREENE

AN ACT

To enact R.S. 17:7(22), relative to the duties of the State Board of Elementary and Secondary Education; to require the board to adopt the provisions of the interstate contract of a teacher education and certification association; and to provide for related matters.

Floor Amendments Sent Up

Senator Greene sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Greene to Engrossed Senate Bill No. 344 by Senator Greene

AMENDMENT NO. 1

On page 2, line 2 delete "inclusive of provisions relative to enhanced reciprocity"

On motion of Senator Greene, the amendments were adopted.

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 344 by Senator Greene

AMENDMENT NO. 1

On page 2, line 2, after "reciprocity." insert the following:

"However, the certification agreement shall not be signed with any state that does not require, prior to certification in such state, the passage of the standardized examination required pursuant to R.S. 17:7(6)(b) for certification of teachers in this state."

On motion of Senator Fields, 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	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Greene	Robichaux
Bean	Guidry	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Campbell	Hines	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Dyess	Landry	
Total—37		

NAYS

Total—0

ABSENT

Bagneris	Jones
Total—2	

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.

Called from the Calendar

Senator Greene asked that Senate Bill No. 350 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 350—

BY SENATOR GREENE

AN ACT

To amend and reenact R.S. 32:432, R.S. 37:2952, and R.S. 56:647(A), and to enact Part VI of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:299.50 through 299.55, relative to tax collection; to provide for the suspension of certain driver's licenses, and professional, occupational, and hunting, and fishing licenses for failure to pay state personal income tax; to provide for reissuance of such licenses; and to provide for related matters.

Floor Amendments Sent Up

Senator Greene sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Greene to Engrossed Senate Bill No. 350 by Senator Greene

AMENDMENT NO. 1

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On page 1, line 2, after "R.S. 32:432" delete ", R.S. 37:2952,"

AMENDMENT NO. 2

On page 1, line 6, delete "professional, occupational, and" and insert "licenses to engage in sporting activities, including" and at the end of the line delete the comma ","

AMENDMENT NO. 3

On page 1, line 7, after "licenses" insert a comma ","

AMENDMENT NO. 4

On page 3, delete line 6

AMENDMENT NO. 5

On page 3, on line 7, change "(b)" to "(a)"

AMENDMENT NO. 6

On page 3, line 8, change "(c)" to "(b)"

AMENDMENT NO. 7

On page 4, line 24, after "each board" insert "issuing the licenses provided for in R.S. 47:299.51(4)"

AMENDMENT NO. 8

On page 8, delete lines 13 through 26 and on page 9, delete lines 1 through 9

AMENDMENT NO. 9

On page 9, line 10, change "Section 4." to "Section 3."

AMENDMENT NO. 10

On page 10, line 1, change "Section 5." to "Section 4."

On motion of Senator Greene, 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	Ellington	Malone
Bajoie	Fields	Robichaux
Barham	Greene	Romero
Bean	Guidry	Schedler
Branch	Hainkel	Short
Cain	Hines	Siracusa
Campbell	Hollis	Smith
Casanova	Irons	Tarver
Cox	Johnson	Theunissen
Cravins	Jordan	Ullo
Dardenne	Landry	
Dyess	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Bagneris	Heitmeier	Lambert
Dean	Jones	
Total—5		

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.

Called from the Calendar

Senator Dean asked that Senate Bill No. 409 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 409—

BY SENATOR DEAN

AN ACT

To amend and reenact Civil Code Articles 2025 and 2028, R.S. 9:2712 and 2721(A), R.S. 12:25(E)(1), 205(E)(1), and 304(11)(a), R.S. 13:3720 and 3888(A), and R.S. 42:1124(B)(5), all relative to counter letters; to prohibit the use of a counter letter; and to provide for related matters.

Floor Amendments Sent Up

Senator Dean sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dean to Engrossed Senate Bill No. 409 by Senator Dean

AMENDMENT NO. 1

On page 6, line 25, after "contract, letter" delete the remainder of the line and insert "note," and on line 26 after "agreement or" insert the following:

"counter letter executed before August 15, 1997 or"

On motion of Senator Dean, the amendments were adopted.

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. 409 by Senator Dean

AMENDMENT NO. 1

On page 1, line 5, after "letter" insert "under certain circumstances"

AMENDMENT NO. 2

On page 2, line 2, insert the following:

"Counterletters shall not be applicable if any one of the parties to the agreement is a public entity."

AMENDMENT NO. 3

On page 2, line 10, after "prohibited" insert "only if one of the parties to the agreement is a public entity"

AMENDMENT NO. 4

On page 2, line 12, after "1997" insert "and shall apply only where one of the parties to the agreement is a public entity"

AMENDMENT NO. 5

On page 2, line 26, after "situated" insert "and shall only apply if one of the parties to the document is a public entity"

Senator Hollis moved adoption of the amendments.

Senator Dean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Cox Hollis Smith
Dardenne Johnson Tarver
Hainkel Jordan Ullo
Total—9

NAYS

Mr. President Dyess Malone
Bajoie Ellington Robichaux
Barham Fields Romero
Bean Greene Schedler
Branch Guidry Short
Cain Hines Siracusa
Campbell Irons Theunissen
Casanova Landry
Dean Lentini
Total—25

ABSENT

Bagneris Heitmeier Lambert
Cravins Jones
Total—5

The Chair declared the amendments were rejected.

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. 409 by Senator Dean

AMENDMENT NO. 1

On page 6, line 25, after "contract, letter," delete the remainder of the line and insert "note,"

AMENDMENT NO. 2

On page 6, line 26, after "or" insert the following:

"a counter letter executed before August 15, 1997 or"

On motion of Senator Landry, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Romero
Bajoie Fields Schedler
Barham Guidry Siracusa
Bean Hollis Smith
Branch Irons Tarver
Cain Landry Theunissen
Campbell Lentini Ullo
Dardenne Malone
Dean Robichaux
Total—25

NAYS

Cravins Hainkel Short
Dyess Johnson
Greene Jordan
Total—7

ABSENT

Bagneris Heitmeier Lambert
Casanova Hines
Cox Jones
Total—7

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

Called from the Calendar

Senator Dean asked that Senate Bill No. 411 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 411—

BY SENATOR DEAN

AN ACT

To amend and reenact Code of Civil Procedure Art. 1457(A), relative to interrogatories; to require witnesses or persons other than parties to a suit to answer interrogatories; and to provide for related matters.

Floor Amendments Sent Up

Senator Dean sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dean to Engrossed Senate Bill No. 411 by Senator Dean

AMENDMENT NO. 1

On page 1, line 2, between "Art." and "1457(A)" insert:

"and 1425(3) and"

AMENDMENT NO. 2

On page 1, line 4, between "interrogatories;" and "and" insert:

"to provide relative to the rate chargeable by experts for giving a deposition;"

AMENDMENT NO. 3

On page 1, line 6, change "1457(A) is" to "1425(3) and 1457(A) are"

AMENDMENT NO. 4

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

"§Art. 1425. Scope of discovery; trial preparation; experts

Discovery of facts known by experts, otherwise discoverable under the provisions of Article 1422 and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(3) Unless manifest injustice would result, and there is no agreement to the contrary, the court shall require that the party seeking discovery pay the expert a reasonable fee, not to exceed one hundred fifty dollars per hour, for time spent in responding to discovery under Paragraphs (1)(a) and (2) of this Article, payable at the time of the response; and with respect to discovery obtained under Paragraph (1)(a) of this Article the court may require, and with respect to discovery obtained under Paragraph (2) of this Article the court shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in

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obtaining facts from the expert.

* * *

Senator Dean moved adoption of the amendments.

Senator Hollis objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Guidry	Romero
Barham	Hainkel	Schedler
Cain	Hollis	Siracusa
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jordan	Theunissen
Ellington	Robichaux	Ullo
Total—21		

NAYS

Bean	Dyess	Landry
Branch	Greene	Lentini
Casanova	Hines	Malone
Total—9		

ABSENT

Bagneris	Cox	Jones
Bajoie	Fields	Lambert
Campbell	Heitmeier	Short
Total—9		

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Bajoie	Fields	Robichaux
Barham	Guidry	Romero
Bean	Hainkel	Schedler
Cain	Hollis	Siracusa
Campbell	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jordan	Theunissen
Dean	Lentini	Ullo
Total—27		

NAYS

Branch	Greene	Short
Casanova	Hines	
Dyess	Landry	
Total—7		

ABSENT

Bagneris	Heitmeier	Lambert
Cox	Jones	
Total—5		

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

Called from the Calendar

Senator Malone asked that Senate Bill No. 420 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 420—
BY SENATOR MALONE

AN ACT

To enact R.S. 9:2800.11, relative to limitations on damages; to limit the recovery for certain damages arising from the operation of a motor vehicle; and to provide for related matters.

Motion

On motion of Senator Malone, Senate Bill No. 420 was made Special Order of the Day 1 on Monday, May 12, 1997 immediately following the Morning Hour.

Called from the Calendar

Senator Jordan asked that Senate Bill No. 485 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 485—
BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 24:51(5), relative to the term "lobbyist"; to provide for the definition of "lobbyist"; 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. 485 by Senator Jordan

AMENDMENT NO. 1

On page 2, line 4, delete "appears" and insert "testifies for or against any bill or measure"

AMENDMENT NO. 2

On page 2, line 5, after "legislature" insert the following "or seeks to influence the passage or failure"

AMENDMENT NO. 3

On page 2, line 6, change "appearance" to "activities"

On motion of Senator Jordan, the amendments were adopted.

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

Mr. President	Dyess	Robichaux
Bajoie	Ellington	Romero
Barham	Greene	Schedler
Bean	Hines	Short
Branch	Johnson	Tarver
Casanova	Jordan	Theunissen
Cravins	Landry	Ullo
Dardenne	Lentini	
Dean	Malone	

Total—25

NAYS

Cain	Guidry	Irons
Campbell	Hainkel	Siracusa
Fields	Hollis	Smith
Total—9		

ABSENT

Bagneris	Heitmeier	Lambert
Cox	Jones	
Total—5		

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

Called from the Calendar

Senator Landry asked that Senate Bill No. 1097 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 1097—
BY SENATOR LANDRY

AN ACT

To amend and reenact Children's Code Art. 603(3), relative to children in need of care; to redefine the term "caretaker"; and to provide for related matters.

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. 1097 by Senator Landry

AMENDMENT NO. 1

On page 1, line 15, delete "a dating or" and insert in lieu thereof "an"

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	Dean	Landry
Bajoie	Dyess	Lentini
Barham	Ellington	Robichaux
Bean	Fields	Romero
Branch	Greene	Short
Campbell	Guidry	Smith
Casanova	Hines	Tarver
Cox	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Johnson	
Total—29		

NAYS

Cain	Malone
Hainkel	Schedler
Total—4	

ABSENT

Bagneris	Jones	Lambert
Heitmeier	Jordan	Siracusa
Total—6		

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.

Called from the Calendar

Senator Robichaux asked that Senate Bill No. 1107 be called from the Calendar at this time for its final passage.

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 2, delete lines 7 through 17 in their entirety and insert:

"(1) Reduce the combined number of blue crab gear licenses issued in class codes forty-six, forty-seven, forty-nine and fifty to a maximum of two thousand.

(2) Require that only current license holders for class codes forty-six, forty-seven, forty-nine and fifty shall be eligible to purchase a blue crab gear license for use in 1998.

(3) In order to purchase a blue crab gear license for use in 1998, an applicant must:

(a) show proof that he held a similar license in 1997, and

(b) show proof by means of computer transcripts from the Internal Revenue Service that his gross income from commercial fishing (harvest and first sale of fish) must be more than twenty-five percent of his net earned income from the most recent filing tax year. Net earned income consists of wages, tips, salaries and net income from business, including the fishing business."

AMENDMENT NO. 2

On page 2, line 18, change "(b)" to "(c)" and on line 19, after "filing" and before "year", insert "tax".

AMENDMENT NO. 3

On page 2, between lines 19 and 20, insert the following:

"(4) In order to purchase a blue crab gear license for use in 1999 and beyond, the applicant need only show proof of his having purchased a blue crab gear license in a previous year."

AMENDMENT NO. 4

On page 2, line 20, change "(3)" to "(5)".

AMENDMENT NO. 5

On page 3, line 5, change "(4)" to "(6)".

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AMENDMENT NO. 6

On page 3, line 20, change "(5)" to "(7)".

On motion of Senator Robichaux, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Total—33; Dyess, Ellington, Fields, Greene, Guidry, Hainkel, Hines, Hollis, Irons, Johnson, Landry; Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Smith, Tarver, Theunissen, Ullo.

NAYS

Total—0

ABSENT

Table with 3 columns of names: Bagneris, Dean, Total—6; Heitmeier, Jones; Jordan, Lambert.

The Chair declared the amended 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.

Called from the Calendar

Senator Dardenne asked that Senate Bill No. 1219 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 1219— BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 37:3103(A)(11), 3105(A), 3111(B)(2), 3112(D), 3115(A)(2), 3121(B), 3125(B) and 3143 and to repeal R.S. 37:3112(A)(6), 3126, and 3127, relative to the Auctioneers Licensing Board; to provide for a chairman and vice-chairman; to provide for payments and accounts; to provide for discipline; and to provide for related matters.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1219 by Senator Jordan

AMENDMENT NO. 1

On page 4, line 6, following "twelve" and before "continuous" delete "(12)"

On motion of Senator Hainkel, the amendments were adopted.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jordan to Engrossed Senate Bill No. 1219 by Senator Jordan

AMENDMENT NO. 1

On page 2, line 20, delete "(1) ***", on line 21, delete "(2)" and insert:

"The board shall be composed of seven persons, five of whom shall be auctioneers one selected from each public service commission district, and two of whom shall be consumers from the public at-large, all appointed by the governor."

On motion of Senator Dardenne, 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. 1219 by Senator Jordan

AMENDMENT NO. 1

On page 2, line 4, change "which" to "who"

On motion of Senator Landry, 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

Table with 3 columns of names: Mr. President, Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Total—33; Dean, Dyess, Ellington, Fields, Greene, Guidry, Hainkel, Hines, Hollis, Irons, Johnson; Landry, Lentini, Malone, Robichaux, Romero, Short, Siracusa, Smith, Tarver, Theunissen, Ullo.

NAYS

Total—0

ABSENT

Table with 3 columns of names: Bagneris, Heitmeier, Total—6; Jones, Jordan; Lambert, Schedler.

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.

Called from the Calendar

Senator Campbell asked that Senate Bill No. 1404 be called from

the Calendar at this time for its final passage.

SENATE BILL NO. 1404—
 BY SENATOR LAMBERT (BY REQUEST)
 AN ACT

To amend and reenact R.S. 37:3391, 3392(8), (9) and (10), 3393(B), 3394(A), 3395, 3396, 3397, the introductory paragraph of 3398(A), 3398(A)(1) and (6), (B) and (C), 3399, 3400, 3401(A), (B), (C)(3) and (C)(3)(d), 3402, 3403, 3404, 3405, 3406, 3407(A)(1), (2), (3) and (5) and (B), 3408 (A), (B), (D), (E) and (F), the introductory paragraph of 3409(A), 3409(A)(6), (B), (B)(1), (C), (D) and the introductory paragraph of 3409(E), 3410, 3411, and 3413, and to enact R.S. 37:3392(11) through (19), 3393(C), (D), (E) and (F), 3398(D) and (E) and 3409(A)(8) through (12), relative to the "Louisiana Real Estate Appraisers Certification Law"; to provide for licensing and registration; to provide for trainees; to provide for the Louisiana Real Estate Appraisers Board; to provide for education and experience requirements; and to provide for related matters.

Floor Amendments Sent Up

Senator Campbell sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Campbell to Engrossed Senate Bill No. 1404 by Senator Lambert

AMENDMENT NO. 1

On page 1, line 13, after "requirements;" insert "to provide for provisional licenses;"

AMENDMENT NO. 2

On page 6, at the end of line 19, insert: "The board shall promulgate rules and regulations in accordance with the Administrative Procedure Act which establish procedures by which a trainee may obtain review and approval of his appraisal report by a state-certified appraiser in cases in which the trainee is otherwise unable to obtain such services. The board shall maintain a list of state-certified appraisers who are willing to perform such services."

AMENDMENT NO. 3

On page 11, at the end of line 2, insert "; provisional license"

AMENDMENT NO. 4

On page 12, between lines 4 and 5, insert the following:

"E.(1) A person may apply to the board for a provisional license on a form provided by the board. Upon payment of an application fee as provided for in this Section, the board shall issue a provisional license to the applicant.

(2) A provisional licensee shall comply with each of the following requirements:

(a) Completion of all educational requirements to be a licensed appraiser within two years after the issuance of the provisional license. As part of the ninety hour requirement as provided in this Chapter, the applicant shall successfully complete a minimum of fifteen classroom hours of instruction covering the Uniform Standards of Professional Appraisal Practice within six months after the issuance of the provisional license.

(b) Obtain the experience required of a licensed appraiser and pass the licensing examination within ten years after the issuance of the provisional license.

(c) State in writing in all appraisals performed that he is provisionally licensed.

(d) Shall not accept an assignment or contract to perform any appraisal related to a federally related transaction which under guidelines established by the Appraiser Qualifications Board of the Appraisal Foundation requires a licensed or certified appraiser or any real estate related transaction regulated by a federal financial institutions regulatory agency that requires a licensed or certified appraiser without the direct supervision of a state-certified appraiser.

(e) All other requirements of this Chapter."

On motion of Senator Campbell, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dyess	Malone
Bajoie	Ellington	Robichaux
Barham	Fields	Romero
Branch	Greene	Schedler
Cain	Guidry	Short
Campbell	Hainkel	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Landry	Ullio
Dean	Lentini	
Total—32		

NAYS

Total—0

ABSENT

Bagneris	Hines	Lambert
Bean	Jones	
Heitmeier	Jordan	
Total—7		

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

Rules Suspended

Senator Barham asked for and obtained a suspension of the rules for the purpose of recalling Senate Resolution No. 30 from the Committee on Senate and Governmental Affairs.

SENATE RESOLUTION NO. 30—

BY SENATOR BARHAM

A RESOLUTION

To amend and readopt Senate Rule Nos. 13.4(15)(j) and 13.5.2 of the Rules of Order of the Senate of the Legislature of Louisiana; to provide for dual referral of legislative matters with a net decrease in taxes or fees or an increase in taxes or fees of five hundred thousand dollars or more.

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

May 7, 1997

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dyess	Malone
Bajoie	Ellington	Robichaux
Barham	Fields	Romero
Branch	Greene	Schedler
Cain	Guidry	Short
Campbell	Hainkel	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Landry	Ullo
Dean	Lentini	
Total—32		

NAYS

Total—0

ABSENT

Bagneris	Hines	Lambert
Bean	Jones	
Heitmeier	Jordan	
Total—7		

The Chair declared the Senate had adopted the Senate Resolution.

Rules Suspended

Senator Hainkel 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 Hainkel 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. 31— BY SENATOR JORDAN

A RESOLUTION

To urge and request the Louisiana Supreme Court to study and adopt rules for regulating lawyer advertising that will respond to the needs of the public for information about the legal system, their rights and their ability to engage the services of an attorney that will improve the system for regulating lawyer advertising in a manner that will instill public confidence in the legal system.

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

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

SENATE CONCURRENT RESOLUTION NO. 103— BY SENATOR ROMERO

A CONCURRENT RESOLUTION

To memorialize congress to support the Teaming With Wildlife Funding Initiative and to urge the passage of legislation required to provide funding through the user-pays concept of a surcharge on outdoor products.

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

Reports of Committees

The following reports of committees were received and read:

SUPPLEMENTAL REPORT OF COMMITTEE ON

COMMERCE AND CONSUMER PROTECTION

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

May 7, 1997

To the President and Members of the Senate:

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

HOUSE BILL NO. 1838— BY REPRESENTATIVE WINDHORST AN ACT

To repeal R.S. 51:911.45, relative to manufactured housing; to repeal provisions relative to the board of review.

Reported favorably.

Respectfully submitted, KEN HOLLIS Chairman

REPORT OF COMMITTEE ON

INSURANCE

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

May 7, 1997

To the President and Members of the Senate:

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

SENATE BILL NO. 796— BY SENATOR BAGNERIS AN ACT

To amend and reenact R.S. 22:215.1(B), relative to health care services; to provide coverage for ambulatory transportation for a temporarily medically handicapped mother and her newly born infant; to prohibit certain insurance policies from imposing certain limitations on coverage; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1350— BY SENATOR BAJOE AN ACT

To amend and reenact R.S. 22:657(D)(2), relative to emergency care; to provide for coverage in certain circumstances; to prohibit certain health care organizations from denying or reducing payments; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1473—
BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 22:228.6(B)(2)(b), relative to health insurance premiums; to provide criteria for community rating of premiums for small groups; to delete the twenty percent limit on small group health insurance; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1520—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 22:202(4) relative to health insurance; to provide for definitions of viatical settlement broker; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1671—

BY REPRESENTATIVES DONELON, ANSARDI, CHAISSON, JOHNS, MARTINY, MCMAINS, MICHOT, MONTGOMERY, PIERRE, JACK SMITH, AND BAYLOR AND SENATORS LENTINI, BEAN, CRAVINS, HEITMEIER, HINES, AND TARVER

AN ACT

To amend and reenact R.S. 22:844(A)(7) and (8), (B), and (D)(3), and 846(C) and to enact R.S. 22:844(A)(17) and (18), relative to domestic insurers; to provide for investment in securities; to provide for investments in equipment trust obligations; to provide for investments in asset-backed securities; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1810—

BY REPRESENTATIVES DONELON, ANSARDI, CHAISSON, JOHNS, MARTINY, MCMAINS, MICHOT, MONTGOMERY, PIERRE, JACK SMITH, STELLY, WINDHORST, AND BAYLOR AND SENATORS LENTINI, BEAN, CRAVINS, HEITMEIER, HINES, AND TARVER

AN ACT

To enact Part XVII-A of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:820 and 821 and R.S. 22:1004.1 through 1004.8, relative to domestic mutual insurance companies; to permit the conversion of the corporate status of domestic insurers; to provide certain criteria, including the prior approval of the commissioner of insurance and certain policyholders; to permit the domestic mutual company to convert to an intermediate holding company and mutual insurance holding company; to provide delineated authority of the commissioner for the intermediate and mutual holding companies; to provide that the mutual insurance holding company and the intermediate holding company not to be considered engaging in the business of insurance; to provide certain definitions; to provide certain participation by the holding company in certain insurer's delinquency proceedings; to provide that a majority of the voting shares of the capital stock of the reorganized companies will be held by the mutual insurance holding company; to exempt membership interests in the domestic mutual insurance holding company from the requirements of securities law; to provide majority ownership of the mutual insurance holding company to the intermediate holding company; to provide that a good faith lack of compliance with the notice requirements would not impair the conversion; and to provide for related matters.

Reported favorably.

Respectfully submitted,
GREGORY TARVER
Chairman

REPORT OF COMMITTEE ON
HEALTH AND WELFARE

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

May 7, 1997

To the President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 61—
BY SENATOR BAGNERIS

A CONCURRENT RESOLUTION

To urge and request the Department of Social Services to study its current definition of corporal punishment, the consistency of its use, the possibility of overbreadth, and its appropriateness in light of the state's diverse cultural environment.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 82—
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study the feasibility of including hospice care services as an optional service covered under the Medical Assistance Program for a recipient of Medicaid.

Reported with amendments.

SENATE BILL NO. 500—
BY SENATOR HINES

AN ACT

To enact Part L of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.111 through 1300.116, relative to health care; to enact the Rural Hospital Preservation Act; to provide for legislative findings and purpose; to provide definitions; to provide for certain reimbursements in the state Medicaid plan; to provide for promulgation of such reimbursement provisions; to prohibit exclusion of rural hospitals from certain health care organizations; to provide for certain additional protection for rural hospitals; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 530—
BY SENATOR GUIDRY

AN ACT

To amend and reenact R.S. 46:460(4) and to enact R.S. 46:460(7) and R.S. 46:460.4, relative to public assistance; to define Temporary Assistance to Needy Families (TANF); to establish individual development accounts; to provide for administration of such accounts; to require earned income disregard for certain transactions; to require Department of Social Services to promulgate rules and regulations; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 739—
BY SENATORS HEITMEIER, DARDENNE AND EWING

AN ACT

To amend and reenact R.S. 46:1605, 1606(A), (D) and (E), 1607(G), and 1608 and to enact R.S. 46:932(13) and (14), relative to the office of elderly affairs; to require a report on delivery of services to the elderly; to provide for a pilot program; to delete Louisiana Executive Board on Aging's authority to review certain matters; to delete certain funding for Louisiana Association of Councils on Aging; to authorize the office of elderly affairs to require certain reports; to provide relative to funding of the silver-haired legislature; to delete references to the Rapides Parish area agency;

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to provide relative to funding the parish councils on aging; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 740—
BY SENATORS HEITMEIER, DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 40:2010.2, relative to the office of the state long term care ombudsman; to provide for funding of such office; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 741—
BY SENATORS HEITMEIER, DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 14:403.2(D)(1) and (E)(1),(2), and (7), relative to adult protective services; to provide for reporting of abuse or neglect; to provide for power to compel production of certain documents; to provide relative to limited interdictions; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 879—
BY SENATOR LANDRY
AN ACT

To amend and reenact R.S. 46:56(F)(1) and Ch.C. Art. 616(B), relative to the accessing of child abuse and neglect records; to allow a court-appointed special advocate official to request a central registry record check from the Department of Social Services; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 934—
BY SENATORS ELLINGTON AND SCHEDLER
AN ACT

To amend and reenact R.S. 46:1074, relative to hospital service districts; to authorize the hospital service district commission to sell and convey certain immovable property; to provide for certain requirements prior to the sale and conveyance; to provide for exemption; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 978—
BY SENATOR IRONS AND REPRESENTATIVE WILLARD-LEWIS
AN ACT

To enact Part L of Chapter 5 of Title 40, to be comprised of R.S. 40:1300.111 through 1300.115, relative to health care for Alzheimer's patients; to require facilities that provide care for persons with alzheimer's disease to disclose certain information; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1325—
BY SENATOR HINES
AN ACT

To enact Subpart A-2 of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:160.21 through 160.25, relative to the Medical Assistance Program; to provide for definitions; to require a health care provider agreement as a term and condition for payment of services rendered for the state Medical Assistance Program; to provide for terms, requirements, and conditions of such provider agreements; to provide for powers and duties of the Department of Health and Hospitals; to provide for application, enrollment, or denial of application of medical assistance provider; to provide for grounds for the denial of application, revocation, or suspension of any

Medicaid provider agreement; to authorize payment of services and goods furnished by an entity prior to signing a provider agreement; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1340—
BY SENATOR LANDRY
AN ACT

To enact R.S. 40:2109.4, relative to providing interpreters for the hearing impaired in hospitals; to require hospitals to provide such interpreters for hearing impaired patients; authorizes the Department of Health and Hospitals to adopt the rules and regulations necessary for compliance; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DONALD E. HINES
Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

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

May 7, 1997

To the President and Members of the Senate:

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

SENATE BILL NO. 109—
BY SENATOR LANDRY
AN ACT

To amend and reenact Title 49 of the Louisiana Revised Statutes of 1950, relative to state administration; and to provide for related matters.

Reported with amendments.

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 with amendments.

SENATE BILL NO. 594—
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To amend and reenact R.S. 40:600.4(A)(2), relative to the Louisiana Housing Finance Agency; to provide for membership of the board of commissioners; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 742—
BY SENATORS HEITMEIER, DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 36:4(B)(6)(a), R.S. 46:931, 933(A) and the introductory paragraph of (B), 934, 936, 1602(C), and 1605 and to repeal R.S. 46:938, relative to elderly affairs; to change the name of the Louisiana Executive Board on Aging to the Louisiana Aging Advisory Board; to provide for powers of the board; to

provide for consolidation of services within the office of elderly affairs; to provide for administration of funds for services to the elderly; to eliminate mandatory provision of a computer based volunteer service credit program; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 797—
BY SENATOR BAGNERIS

AN ACT

To enact R.S. 44:36(E), relative to public records; to provide for retention of certain records by prosecuting agencies; to provide for effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1110—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 42:1123(10)(b), relative to the Code of Governmental Ethics; to provide relative to certain exceptions; to expand the types of contracts permissible between higher education institutions and faculty members or legal entities in which such employees have a substantial economic interest; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1177—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 49:956(5)(a) and (b), 992(B)(3), 994(D)(2) and (3), and to enact R.S. 49:994(D)(4) and (5), 1001 and 1002, relative to administrative procedures; to provide for subpoena powers; to provide for service of process; to provide for rights of appeal; to provide for contempt and imposition of fines; to provide for services on a contracted basis to other governmental agencies; to authorize payment for services rendered; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1214—
BY SENATOR EWING

AN ACT

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

Reported favorably.

SENATE BILL NO. 1279—
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS

AN ACT

To amend and reenact 46:56(F)(1) and 46:56(F)(4)(a) and to enact R.S. 46:56(F)(8) and (9), relative to the confidentiality of client case records; to provide for access to certain records by court-appointed children's attorneys and Court-Appointed Special Advocates; to authorize a local child protection unit to advise a judge under certain circumstances on the existence of certain records; to provide for public disclosure of information in certain circumstances; to define "near fatality"; to provide for confidentiality of an individual initiating a report or complaint; to provide for disclosure of certain information to a child abuse citizen review panel and child fatality review panel; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JAY DARDENNE

Chairman

**REPORT OF COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION**

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

May 7, 1997

To the President and Members of the Senate:

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

SENATE BILL NO. 117—
BY SENATOR LANDRY

AN ACT

To amend and reenact Title 54 of the Louisiana Revised Statutes of 1950, relative to warehouses; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 403—
BY SENATOR DYESS

AN ACT

To enact Chapter 24-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2181 through 2198, relative to the regulation and practice of glass contracting; to create the State Licensing Board for Glass Contractors, and provide for its powers, duties, and functions; to provide for the appointment of board members; to provide for issuance of licenses to glass contractors and the revocation thereof; to provide for the application and examination requirements; to provide for certain exemptions; to prohibit certain acts and provide penalties for violations; and to provide for related matters.

Reported by substitute.

SENATE BILL NO. 1249—
BY SENATORS HOLLIS AND SCHEDLER

AN ACT

To repeal R.S. 37:2167(D)(2),(3), and (4), relative to the waiver of examinations to residential building contractors; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1528—
BY SENATOR HOLLIS

AN ACT

To enact Subpart J of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:463 through 467, relative to advertisements; to prohibit certain practices; to provide for civil and criminal penalties and other actions and procedures for violations; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 1529—
BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 33:9024 and to enact R.S. 33:9021(7), (8), (9) and (10), relative to cooperative economic development; to provide additional declarations of necessity for the cooperative economic development law; to provide for economic development corporations to operate as public-private partnerships jointly working toward economic development; to prohibit private non-profit corporations from assuming the powers of government or performing functions which are purely and solely of a public or governmental nature; to provide that certain public-private

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partnerships adhere to public records and open meeting laws; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 413—
BY REPRESENTATIVES TRAVIS AND WELCH
AN ACT

To enact Part XIX of Chapter 2 of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3577.1 through 3577.8, relative to small loans; to provide for fees for making loans for five hundred dollars or less; to provide for penalties; to prohibit certain acts; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 506—
BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact R.S. 12:1301(A)(2), (10), and (16), 1303, and 1304(A), to enact R.S. 12:1301(B) and 1335.1 and to repeal R.S. 12:1334(3), relative to limited liability companies; to provide that professionals may operate through limited liability companies; to provide with respect to single-member limited liability companies; to provide for the rights and privileges of limited liability companies; to provide for the dissolution of limited liability companies; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 693—
BY REPRESENTATIVES TRAVIS, DOWNER, AND DEWITT
AN ACT

To amend and reenact R.S. 51:2312(A)(introductory paragraph) and to enact Part V of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2341 and 2342 and to repeal R.S. 51:2312.1, relative to the Economic Development Awards Program; to transfer administration of the program; to create the Economic Development Awards Fund and provide for disposition of the funds; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 694—
BY REPRESENTATIVES TRAVIS, DOWNER, DEWITT, DURAND, FLAVIN, FRITH, GAUTREAU, HILL, MICHOT, MURRAY, PINAC, POWELL, SCHNEIDER, AND WESTON
AN ACT

To amend and reenact R.S. 25:315(A) and 316 and R.S. 36:201(C)(1) and 913, to enact R.S. 25:318 and R.S. 36:208(I) and 209(W), and to repeal R.S. 25:317 and R.S. 36:109(H), relative to the Louisiana Music Commission; to provide for its transfer from the Department of Economic Development to the Department of Culture, Recreation and Tourism; to provide for the creation of the office of music development and to provide for its functions and duties; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1239—
BY REPRESENTATIVES TRAVIS, DOWNER, AND DEWITT
AN ACT

To amend and reenact R.S. 51:2380(D), relative to the initial submission date of the State Master Plan for Economic Development; to provide that the date for initial submission shall be January 1, 1999; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1240—
BY REPRESENTATIVES TRAVIS, DOWNER, AND DEWITT
AN ACT

To amend and reenact R.S. 51:2461(A) and (B), relative to the Louisiana Quality Jobs Program Act; to extend the date by which the Department of Economic Development shall submit a report regarding fiscal impact and new jobs created under the Louisiana Quality Jobs Program Act; to extend the date beyond which no new applications to receive tax credits shall be approved; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1241—
BY REPRESENTATIVES TRAVIS, DOWNER, AND DEWITT
AN ACT

To amend and reenact R.S. 51:923(C), relative to the membership of the Board of Commerce and Industry; to permit the secretary of the Department of Economic Development to appoint a designee to serve on the board; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1835—
BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 51:2317, relative to the Louisiana Economic Development Corporation; to provide for fees to be charged with regard to certain programs; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 2203—
BY REPRESENTATIVE FLAVIN
AN ACT

To amend and reenact R.S. 37:1431(4), (5), (7)(introductory paragraph), and (20), 1436(A), (B) and (D), 1437(A)(introductory paragraph) and (1), (B)(1), (C)(1) and (2) and (6)(a), 1437.2(A) through (E), 1437.3(C) and (E), 1439(B) and (C), 1443(1)(a) and (b), 1449(C) and (D), 1456(A)(1), (2), and (4), 1457, 1462(A), 1463(A)(1) and (E), and 1466(H) and to enact R.S. 37:1431(7)(h) and (32), 1439(F), 1441(C), 1446(F) and (G), 1449(E), and 1456(A)(5) and (6), relative to licensure of real estate sales persons; to provide definitions; to provide relative to application for a license; to provide relative to the licensing of corporations and partnerships; to provide for fees; to provide for commissions; and to provide for related matters.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 104—
BY REPRESENTATIVE FARVE
A CONCURRENT RESOLUTION

To request Christian pastors of Louisiana to petition Pope John Paul II to convene a worldwide prayer meeting in the spirit of Jubilee 2000.

Reported with amendments.

Respectfully submitted,
KEN HOLLIS
Chairman

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

May 7, 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. 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.

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 7, 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. 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.

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 require that when an electronic digitizing process is utilized that the original source document or microfilm thereof must be maintained until such process is approved for records preservation; to deem the use of copies of such electronic digitized produced records as an original record; 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.

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 7, 1997

To the President and Members of the Senate:

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

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 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.

SENATE RESOLUTION NO. 28— BY SENATOR DARDENNE A RESOLUTION To recognize Wednesday, May 7, 1997, as Dental Hygiene Day in the state of Louisiana and to commend dental hygienists around the state for their outstanding contributions to the oral health of citizens of the state of Louisiana.

SENATE RESOLUTION NO. 29— BY SENATOR GUIDRY A RESOLUTION To commend Kappa Alpha Psi Fraternity, Inc. for their achievements and in recognition of their Legislative Day at the Louisiana Legislature.

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.

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.

Respectfully submitted, JAY DARDENNE Chairman

The foregoing Senate Resolutions were signed by the President of the Senate and presented to the Secretary of State by the Secretary.

May 7, 1997

**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 7, 1997

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 81—
BY SENATOR ROMERO AND REPRESENTATIVES HEBERT AND ROMERO
A CONCURRENT RESOLUTION

To commend the staff and students of Iberia Middle School on their efforts in proposing, promoting and celebrating Peace Week.

SENATE CONCURRENT RESOLUTION NO. 90—
BY SENATOR ELLINGTON AND REPRESENTATIVES ILES AND JOHN SMITH
A CONCURRENT RESOLUTION

To commend Reverend W.A. White on celebrating his fiftieth anniversary as pastor of the Rose of Sharon Missionary Baptist Church.

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.

SENATE CONCURRENT RESOLUTION NO. 92—
BY SENATOR HINES AND REPRESENTATIVES JOHNS AND RIDDLE
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.

SENATE CONCURRENT RESOLUTION NO. 93—
BY SENATOR HAINKEL
A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of John S. "Jack" McIlhenny, philanthropist, chemist, conservationist, researcher, collector, and one of Louisiana's greatest benefactors.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate and the Speaker of the House of Representatives and presented to the Secretary of State by the Secretary.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bagneris 1 Day Jones 1 Day

Adjournment

Senator Hollis moved that the Senate adjourn until Thursday, May 8, 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 Thursday, May 8, 1997.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk