

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

THIRTEENTH DAY'S PROCEEDINGS

**Twenty-Sixth Extraordinary Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, April 14, 1998

The Senate was called to order at 4:00 o'clock P.M., by Hon. Randy Ewing, President of the Senate.

ROLL CALL

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

PRESENT

Mr. President	Ellington	Landry
Bagneris	Fields C	Lentini
Bajoie	Fields W	Malone
Barham	Greene	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theuissen
Dean	Jordan	Ullo
Dyess	Lambert	
Total—38		

ABSENT

Bean
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

Prayer

The prayer was offered by Senator Short, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Short, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

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

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

April 14, 1998

To the Honorable President and Members of the Senate:

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

SENATE BILL NO. 70—
BY SENATORS EWING, BEAN AND LANDRY
AN ACT

To enact R.S. 47:463.56, relative to motor vehicles; to provide relative to license plates; to create the Girl Scouts of U.S.A. prestige license plate; to provide for the color and design of such plates; to provide relative to fees for such plates, including a royalty fee for use of the organizational logo on such plates; to designate the use of such royalty fees; to require a contract relative to royalty fees; to require the promulgation of rules and regulations; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 100—
BY SENATOR LENTINI
AN ACT

To enact R.S. 32:176, relative to railroads; to require notification to investigating officers of presence of certain recorders on trains after a railroad crossing accident; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 104—
BY SENATOR IRONS
AN ACT

To amend and reenact R.S. 47:463.47(B) relative to motor vehicles; provides for prestige plates; changes wording on prestige plate honoring police officers killed in the line of duty; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 137—
BY SENATORS BARHAM, DARDENNE, EWING, AND HAINKEL
AN ACT

To amend and reenact R.S. 47:1516(B), (E), and (G), relative to tax debt collection; to authorize the secretary of the Department of Revenue to enter into contracts with debt collection agencies for the collection of certain in-state tax liabilities; to provide for an effective date; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 123—
BY SENATORS BARHAM, DARDENNE, EWING, HAINKEL AND BEAN
AN ACT

To amend and reenact R.S. 47:1565(C)(2) and 2419, relative to the Department of Revenue; to conform certain provisions regarding the office of legal affairs created within the department; to provide for an effective date; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 122—
BY SENATORS BARHAM, DARDENNE, EWING, HAINKEL, BEAN AND SHORT
AN ACT

To enact Chapter 2 of Subtitle 1 of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:15, relative to the rights of taxpayers for taxes collected and administered by the Department of Revenue; to provide that the rights, privacy, and property of Louisiana taxpayers are safeguarded and protected during tax assessment, collection, and enforcement processes

administered by the Department of Revenue under the tax laws of this state; to provide for a Taxpayer's Bill of Rights; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 58—
BY SENATORS DARDENNE, EWING, BARHAM AND ROMERO AND REPRESENTATIVES DOWNER, DEWITT AND MCMAINS
AN ACT

To enact R.S. 42:1123(27), relative to governmental ethics; to provide for an exception to the Code of Governmental Ethics for members of higher education boards to be an officer, director or employee of any state or national bank; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 78—
BY SENATORS HINES, EWING, DARDENNE, BARHAM, ROMERO, BAJOIE, IRONS, BAGNERIS, HOLLIS AND LANDRY AND REPRESENTATIVES DOWNER, DEWITT, MCMAINS AND R. ALEXANDER
AN ACT

To amend and reenact R.S. 36:254(A)(6) and (D)(1)(a)(i) and to enact R.S. 46:976, relative to the functions, powers, and duties of the secretary of the Department of Health and Hospitals regarding child health services; to provide that the secretary, or his departmental designee, shall act as the sole agent of the state in administering federal funds granted to the state for the State Children's Health Insurance Program; to provide relative to the promulgation of rules for a private health insurance model; to establish criteria for the program; to provide an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 117—
BY SENATOR HAINKEL
AN ACT

To enact R.S. 33:2740.38, relative to crime prevention in the old Metairie area of Jefferson Parish; to authorize the governing authority of the parish to create a special district for the purposes of enhancing the security of residents of the Old Metairie Neighborhood; to provide for the creation and governance of the district; to authorize the governing authority of the district, subject to the approval of district voters, to levy and collect an ad valorem tax within the district and to provide further relative to such tax; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 121—
BY SENATORS BARHAM, EWING, HAINKEL AND BEAN
AN ACT

To enact the "Louisiana Tax Delinquency Amnesty Act"; to provide for definitions; to require the Department of Revenue to establish a tax amnesty program as provided for in the Act; to provide for terms and conditions of the program; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 101—
BY SENATORS LENTINI AND BAJOIE
AN ACT

To amend and reenact R.S. 40:1484.2, 1484.3, 1484.4, 1484.5, 1484.6, 1484.7, 1484.9(A)(1) and (B) and to enact R.S. 40:1484.9(C) and (D) and 1484.10(E), relative to amusement rides and attractions; to provide for inspections of amusement rides and attractions; and to provide for related matters.

Reported with amendments.

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

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 14, 1998

To the Honorable President and Members of the Senate:

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

SENATE CONCURRENT RESOLUTION NO. 44—
BY SENATOR THEUNISSEN
A CONCURRENT RESOLUTION

To commend Cadet Colonel Richard P. Muffoletto on receiving the Civil Air Patrol's highest cadet honor, the General Carl A. Spaatz Award.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 45—
BY SENATOR THEUNISSEN
A CONCURRENT RESOLUTION

To commend and congratulate Matthew Wroten on receiving Civil Air Patrol Wing Cadet of the Year.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 46—
BY SENATOR HAINKEL
A CONCURRENT RESOLUTION

To acknowledge and recognize the progress of the District and School Accountability Advisory Commission; to support its commitment to improving the quality of education in this state, and to urge educators and local school systems to review the initial recommendations of the commission establishing an accountability system and provide comment to the State Board of Elementary and Secondary Education by May 28, 1998.

Reported without amendments.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 14, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Concurrent Resolution No. 24 by Representative Ansardi, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Ansardi, Martiny, and Diez.

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

Message from the House

ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS

April 14, 1998

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. 67—
BY REPRESENTATIVE WELCH
A CONCURRENT RESOLUTION

To express the sorrow of the Legislature of Louisiana upon the death of Mr. Jeff Roberson, Jr. and to remember his life.

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

House Concurrent Resolutions

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

HOUSE CONCURRENT RESOLUTION NO. 67—
BY REPRESENTATIVE WELCH
A CONCURRENT RESOLUTION

To express the sorrow of the Legislature of Louisiana upon the death of Mr. Jeff Roberson, Jr. and to remember his life.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lentini
Bagneris	Ellington	Malone
Bajoie	Fields C	Robichaux
Barham	Fields W	Romero
Branch	Greene	Schedler
Cain	Hines	Short
Campbell	Hollis	Siracusa
Casanova	Johnson	Smith
Cox	Jones	Tarver
Dardenne	Jordan	Theunissen
Dean	Landry	Ullo
Total—33		

NAYS

Total—0

ABSENT

Bean	Hainkel	Irons
Cravins	Heitmeier	Lambert
Total—6		

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Bajoie, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

April 14, 1998

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

HOUSE BILL NO. 33—
BY REPRESENTATIVE ROUSSELLE
AN ACT

To amend and reenact Section 3 of Act No. 113 of the 1950 Regular Session of the Legislature as amended by Act No. 186 of the 1970 Regular Session of the Legislature, Act No. 196 of the 1992 Regular Session of the Legislature, and Act No. 953 of the 1995 Regular Session of the Legislature, relative to the Bayou Lafourche Freshwater District; to provide relative to the appointment and removal of certain members of the district board of commissioners; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 59—
BY REPRESENTATIVE WIGGINS
AN ACT

To authorize and provide for the transfer or lease of certain state property to Water Works District No. 3 of Rapides Parish, to provide certain terms and conditions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 202—
BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 47:302.23(B), relative to the proceeds of the state sales tax on hotel occupancy in Vermilion Parish; to provide for the dedication and allocation of certain monies in the Vermilion Parish Visitor Enterprise Fund; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
DIANA E. BAJOIE
Chairman

REPORT OF COMMITTEE ON

JUDICIARY A

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

April 14, 1998

To the President and Members of the Senate:

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

HOUSE BILL NO. 80—
BY REPRESENTATIVES DEWITT, ALARIO, BARTON, BAUDOIN, BRUCE, CARTER, CRANE, DAMICO, DANIEL, DEVILLE, DIEZ, DOERGE, DONELON, DUPRE, DURAND, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GLOVER, HILL, KENNEY, LANCASTER, LANDRIEU, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MONTGOMERY, PINAC, POWELL, RIDDLE, ROMERO, SCALISE, SHAW, JACK SMITH, STRAIN, THOMPSON, TRAVIS, TRICHE, WADDELL, WALSWORTH, AND WIGGINS
AN ACT

To amend and reenact R.S. 46:236.5(B)(1), relative to income assignments; to provide for the collection of child support by the Department of Social Services; to specify that the existing fee of not more than five percent is payable by the obligor; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 115—
BY REPRESENTATIVES WILKERSON AND HUNTER
AN ACT

To amend and reenact R.S. 13:477(3) and 621.3, relative to the Third Judicial District; to add an additional judgeship to the Third Judicial District Court; to provide for election sections for the Third Judicial District; to provide relative to the terms of office of the judges; to provide for the effectiveness of such provisions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 154—
BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 15:1181, 1183(A), 1184(A), (B), (C), and (E), 1185(A), 1186(C), 1187, 1188, and 1189, all relative to civil proceedings brought by persons confined in state or local correctional facilities; to provide for the time for determining "prisoner" status; to define "failure to state a claim upon which relief can be granted" in certain proceedings; to provide the method for determining whether a petition states a claim upon which relief can be granted; to provide that a defendant's waiver of the right to reply does not waive affirmative defenses; to provide with regard to the payment of damages in such an action; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 188—
BY REPRESENTATIVE FONTENOT
AN ACT

To enact R.S. 13:961(F)(1)(i), relative to court reporters for the Twenty-first Judicial District Court; to authorize a majority of the judges of the judicial district to determine certain fees to be paid to court reporters; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHRIS ULLO
Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Greene, Chairman on behalf of the Committee on Education, submitted the following report:

April 13, 1998

To the President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 62—
BY REPRESENTATIVES MCDONALD AND DOWNER
A CONCURRENT RESOLUTION

To urge and request each governing authority of a public elementary or secondary school to provide time-out rooms in the schools under its jurisdiction.

Reported favorably.

HOUSE BILL NO. 63—
BY REPRESENTATIVE DOERGE
AN ACT

To amend and reenact R.S. 17:1994, 1994.1, and 1994.2, relative to postsecondary vocational-technical education; to name and designate the vocational-technical schools under the jurisdiction of the State Board of Elementary and Secondary Education, or its successor; to provide for certain prison vocational programs; and to provide for related matters.

Reported favorably.

Respectfully submitted,
THOMAS A. GREENE
Chairman

REPORT OF COMMITTEE ON

FINANCE

Senator Hainkel, Chairman on behalf of the Committee on Finance, submitted the following report:

April 14, 1998

To the President and Members of the Senate:

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

HOUSE BILL NO. 27—
BY REPRESENTATIVES MCDONALD, DEWITT, MCMAINS, CRANE, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM
AN ACT

To enact R.S. 17:7.6, relative to state funds; to provide for the creation of the Alternative Schools Fund within the state treasury; to provide for deposit of monies into the fund; to provide for uses and investment of monies in the fund; to provide for the development of a grant program for distribution of monies from the fund; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 117—
BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS, CRANE, KENNEY, WALSWORTH, FRITH, AND THOMPSON AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM
AN ACT

To enact R.S. 17:24.10 and to repeal R.S. 17:24.7, relative to prekindergarten programs and early childhood development projects; to provide for the development of prekindergarten programs for at-risk children; to provide for program procedures, guidelines, and participation; to provide relative to funding for the program and review and evaluation; to provide for rules and regulations; to remove provisions relative to early childhood development projects; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 119—

BY REPRESENTATIVES MCDONALD, DOWNER, MCMAINS, CRANE, DEWITT, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM

AN ACT

To amend and reenact R.S. 17:154(B), 154.1, and 154.3(A), (B), and (D)(2) and to repeal R.S. 17:225, all relative to requirements concerning school time, including the length of the school day and school year, instructional time, and staff development days for teachers; to provide relative to the minimum number of instructional minutes per day and the minimum number of instructional days per year; to provide relative to modifications made to such instructional time by public school governing authorities with certain limitations; to provide relative to the use of instructional time which exceeds the minimum as required by law; to remove certain provisions relative to the minimum session of attendance required; to provide additional staff development days for teachers under certain circumstances; to provide relative to effectiveness; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 177—

BY REPRESENTATIVES DANIEL, JOHN SMITH, FLAVIN, BRUNEAU, AND JETSON AND SENATORS ROMERO AND MALONE

AN ACT

To amend and reenact R.S. 33:1423(B)(1) and R.S. 56:6(21), 8(12)(a)(ii) and (60.1), 103(B) and (D), 104(A)(introductory paragraph) and (1)(a), 251(A)(1), 302.4(A), 302.5, 302.6, and 642(A), to enact R.S. 56:30.1, 302.4(D), and 641.1, and to repeal R.S. 56:302.4(B), all relative to the issuance of hunting and recreational fishing licenses by the Department of Wildlife and Fisheries; to authorize the issuance of such licenses through electronic means; to authorize the contracting with and payment of special issuing agents for services related to the issuance of such licenses; to repeal the requirements for license booklets, issuance of licenses by tax collectors, the deduction of commissions by said collectors, and the collection and submission of fees by said tax collectors; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 201—

BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS, CRANE, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND SHORT

AN ACT

To amend and reenact R.S. 17:3042.1(A), 3048.1, and 3048.2 and R.S. 47:1508(B)(17), relative to the Tuition Opportunity Program for Students; to provide for program awards and payments; to provide for student eligibility; to provide conditions and limitations; to provide for program administration; to provide for certain rules; to provide for implementation; to provide for confidentiality and release of certain tax records; to provide for effectiveness; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
JOHN HAINKEL
Chairman

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

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 reported by Committees.

HOUSE BILL NO. 27—

BY REPRESENTATIVES MCDONALD, DEWITT, MCMAINS, CRANE, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM

AN ACT

To enact R.S. 17:7.6, relative to state funds; to provide for the creation of the Alternative Schools Fund within the state treasury; to provide for deposit of monies into the fund; to provide for uses and investment of monies in the fund; to provide for the development of a grant program for distribution of monies from the fund; and to provide for related matters.

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

HOUSE BILL NO. 33—

BY REPRESENTATIVE ROUSSELLE

AN ACT

To amend and reenact Section 3 of Act No. 113 of the 1950 Regular Session of the Legislature as amended by Act No. 186 of the 1970 Regular Session of the Legislature, Act No. 196 of the 1992 Regular Session of the Legislature, and Act No. 953 of the 1995 Regular Session of the Legislature, relative to the Bayou Lafourche Freshwater District; to provide relative to the appointment and removal of certain members of the district board of commissioners; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Re-engrossed House Bill No. 33 by Representative Rousselle

AMENDMENT NO. 1

Change authorship from "Representative Rousselle" to "Representative Triche"

On motion of Senator Bajoie, 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. 59—

BY REPRESENTATIVE WIGGINS

AN ACT

To authorize and provide for the transfer or lease of certain state property to Water Works District No. 3 of Rapides Parish, to provide certain terms and conditions; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. 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. 63—

BY REPRESENTATIVE DOERGE

AN ACT

To amend and reenact R.S. 17:1994, 1994.1, and 1994.2, relative to postsecondary vocational-technical education; to name and designate the vocational-technical schools under the jurisdiction of the State Board of Elementary and Secondary Education, or its successor; to provide for certain prison vocational programs; and to provide for related matters.

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

April 14, 1998

HOUSE BILL NO. 80—

BY REPRESENTATIVES DEWITT, ALARIO, BARTON, BAUDOIN, BRUCE, CARTER, CRANE, DAMICO, DANIEL, DEVILLE, DIEZ, DOERGE, DONELON, DUPRE, DURAND, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GLOVER, HILL, KENNEY, LANCASTER, LANDRIEU, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MONTGOMERY, PINAC, POWELL, RIDDLE, ROMERO, SCALISE, SHAW, JACK SMITH, STRAIN, THOMPSON, TRAVIS, TRICHE, WADDELL, WALSWORTH, AND WIGGINS

AN ACT

To amend and reenact R.S. 46:236.5(B)(1), relative to income assignments; to provide for the collection of child support by the Department of Social Services; to specify that the existing fee of not more than five percent is payable by the obligor; and to provide for related matters.

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

HOUSE BILL NO. 115—

BY REPRESENTATIVES WILKERSON AND HUNTER

AN ACT

To amend and reenact R.S. 13:477(3) and 621.3, relative to the Third Judicial District; to add an additional judgeship to the Third Judicial District Court; to provide for election sections for the Third Judicial District; to provide relative to the terms of office of the judges; to provide for the effectiveness of such provisions; and to provide for related matters.

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

HOUSE BILL NO. 117—

BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS, CRANE, KENNEY, WALSWORTH, FRITH, AND THOMPSON AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM

AN ACT

To enact R.S. 17:24.10 and to repeal R.S. 17:24.7, relative to prekindergarten programs and early childhood development projects; to provide for the development of prekindergarten programs for at-risk children; to provide for program procedures, guidelines, and participation; to provide relative to funding for the program and review and evaluation; to provide for rules and regulations; to remove provisions relative to early childhood development projects; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 117 by Representative McDonald

AMENDMENT NO. 1

On page 2, line 23, after "Education" insert a "1" and delete "or"

AMENDMENT NO. 2

On page 2, line 25, after "Education" insert ", or any Head Start grantee"

AMENDMENT NO. 3

On page 3, line 4, after "Education" insert a "1" and delete "or"

AMENDMENT NO. 4

On page 3 line 6, after "Education" insert ", or any Head Start grantee"

AMENDMENT NO. 5

On page 3, line 16 after "Education" insert a "1" and delete "or"

AMENDMENT NO. 6

On page 3, line 18, after "Education" insert ", or any Head Start grantee"

On motion of Senator Hainkel, 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. 119—

BY REPRESENTATIVES MCDONALD, DOWNER, MCMAINS, CRANE, DEWITT, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM

AN ACT

To amend and reenact R.S. 17:154(B), 154.1, and 154.3(A), (B), and (D)(2) and to repeal R.S. 17:225, all relative to requirements concerning school time, including the length of the school day and school year, instructional time, and staff development days for teachers; to provide relative to the minimum number of instructional minutes per day and the minimum number of instructional days per year; to provide relative to modifications made to such instructional time by public school governing authorities with certain limitations; to provide relative to the use of instructional time which exceeds the minimum as required by law; to remove certain provisions relative to the minimum session of attendance required; to provide additional staff development days for teachers under certain circumstances; to provide relative to effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 119 by Representative McDonald and others

AMENDMENT NO. 1

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Education and adopted by the Senate on April 7, 1998, on page 1, line 28, delete "the General Appropriation Bill for Fiscal Year 1997-1998" and insert "Act 18 of the 1997 Regular Session of the Legislature"

On motion of Senator Hainkel, 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. 154—

BY REPRESENTATIVE WINDHORST

AN ACT

To amend and reenact R.S. 15:1181, 1183(A), 1184(A), (B), (C), and (E), 1185(A), 1186(C), 1187, 1188, and 1189, all relative to civil proceedings brought by persons confined in state or local correctional facilities; to provide for the time for determining "prisoner" status; to define "failure to state a claim upon which relief can be granted" in certain proceedings; to provide the method for determining whether a petition states a claim upon which relief can be granted; to provide that a defendant's waiver of the right to reply does not waive affirmative defenses; to provide with regard to the payment of damages in such an action; and to provide for related matters.

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

HOUSE BILL NO. 177—

BY REPRESENTATIVES DANIEL, JOHN SMITH, FLAVIN, BRUNEAU, AND JETSON AND SENATORS ROMERO AND MALONE

AN ACT

To amend and reenact R.S. 33:1423(B)(1) and R.S. 56:6(21), 8(12)(a)(ii) and (60.1), 103(B) and (D), 104(A)(introductory paragraph) and (1)(a), 251(A)(1), 302.4(A), 302.5, 302.6, and 642(A), to enact R.S. 56:30.1, 302.4(D), and 641.1, and to repeal

R.S. 56:302.4(B), all relative to the issuance of hunting and recreational fishing licenses by the Department of Wildlife and Fisheries; to authorize the issuance of such licenses through electronic means; to authorize the contracting with and payment of special issuing agents for services related to the issuance of such licenses; to repeal the requirements for license booklets, issuance of licenses by tax collectors, the deduction of commissions by said collectors, and the collection and submission of fees by said tax collectors; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 177 by Representative Daniel

AMENDMENT NO. 1

On page 12, delete lines 2 through 6

On motion of Senator Hainkel, 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. 188—

BY REPRESENTATIVE FONTENOT
AN ACT

To enact R.S. 13:961(F)(1)(i), relative to court reporters for the Twenty-first Judicial District Court; to authorize a majority of the judges of the judicial district to determine certain fees to be paid to court reporters; and to provide for related matters.

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

HOUSE BILL NO. 201—

BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS, CRANE, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND SHORT
AN ACT

To amend and reenact R.S. 17:3042.1(A), 3048.1, and 3048.2 and R.S. 47:1508(B)(17), relative to the Tuition Opportunity Program for Students; to provide for program awards and payments; to provide for student eligibility; to provide conditions and limitations; to provide for program administration; to provide for certain rules; to provide for implementation; to provide for confidentiality and release of certain tax records; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 201 by Representative McDonald

AMENDMENT NO. 1

Delete Senate Committee Amendments Nos 1 and 14 proposed by the Senate Committee on Education and adopted by the Senate on April 8, 1998

AMENDMENT NO. 2

On page 3, line 21, delete "Has" and insert "For applicants in the class of 1997 or 1998, Has has"

AMENDMENT NO. 3

On page 3, line 24, after "school," delete the remainder of the line and delete lines 25 and 26 and on page 4, delete lines 1 through 3 and on line 4, delete "regulations" and insert "and for applicants in the class of 1999 or thereafter, actually resides in Louisiana and has a parent or

legal guardian who has actually resided in Louisiana during the one hundred and twenty months preceding the date of the student's graduation from high school"

AMENDMENT NO. 4

On page 17, delete lines 9 through 25

AMENDMENT NO. 5

On page 18, line 3, delete "or disability"

AMENDMENT NO. 6

On page 18, delete lines 24 through 26 and on page 19, delete lines 1 through 15

AMENDMENT NO. 7

On page 24, delete lines 20 through 26

AMENDMENT NO. 8

Delete page 25 and page 26 and on page 27, delete lines 1 through 19

AMENDMENT NO. 9

On page 28, delete lines 16 through 21 and include the following:

"E. (1) Notwithstanding the provisions of R.S. 17:3048.1(N), any student made eligible for an award under this Chapter pursuant to an Act of the 1998 First Extraordinary Session of the Legislature who would not have been eligible under this Chapter prior to such enactment shall receive an award only after all awards to all students who are eligible pursuant to the requirements of this Chapter as they existed prior to any Act of the 1998 First Extraordinary Session of the Legislature are fully funded.

(2) Should there be insufficient appropriations to fund an award for all students who were made eligible for an award under this Chapter by an Act of the 1998 First Extraordinary Session of the Legislature, then a reduction shall be made in the awards for such students by application of the procedures provided in R.S. 17:3048.1(N).

(3) The provisions of this Subsection shall apply only for the 1998-1999 school year."

On motion of Senator Hainkel, 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. 202—

BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 47:302.23(B), relative to the proceeds of the state sales tax on hotel occupancy in Vermilion Parish; to provide for the dedication and allocation of certain monies in the Vermilion Parish Visitor Enterprise Fund; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Engrossed House Bill No. 202 by Representative Frith

AMENDMENT NO. 1

On page 1, line 17, between "Inc.," and "and" insert "Acadian Centre of Genealogy,"

AMENDMENT NO. 2

On page 2, line 5, between "Parish." and "The" insert "All unexpended and unencumbered monies in the fund shall remain in the fund."

On motion of Senator Bajoie, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the

April 14, 1998

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

Senate Concurrent Resolutions Returned from the House of Representatives with Amendments

The following Senate Concurrent Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 18— BY SENATOR HAINKEL A CONCURRENT RESOLUTION

To create a task force to study and make recommendations to the legislature on the current and future availability and affordability of homeowners' insurance and property insurance in Louisiana.

The resolution was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Insurance to Engrossed Senate Concurrent Resolution No. 18 by Senator Hainkel

AMENDMENT NO. 1

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

"(9) Two members appointed by the governor to represent consumers."

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Table with 2 columns: Bean, Total—2; Heitmeier

The Chair declared the amendments proposed by the House were concurred in. Senator Hainkel moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE BILL NO. 9— BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 32:301(3), relative to traffic; to provide relative to the penalty for not using lighted headlamps when wipers are in use; to set such penalty to twenty-five dollars; and to provide for related matters.

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

SENATE BILL NO. 19— BY SENATOR LENTINI

AN ACT

To enact R.S. 48:390 and 753(A)(7), relative to railroads; to authorize the Department of Transportation and Development to require closure of certain railroad grade crossings; to require a prioritization of proposed crossing closures; to require notification of affected parties prior to crossing closures; to require public hearings prior to crossing closures; to provide for alternative actions to closing by a local governing authority; to require that funding of such alternative actions be provided by the local government affected by closure; to authorize use of "Parish Transportation Funds" for funding of such alternatives; to require promulgation of rules and regulations; to require certain factors for consideration in development of criteria for crossing closures; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Reengrossed Senate Bill No. 19 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 2, after "48:390" and before ", relative" delete "and 753(A)(7)"

AMENDMENT NO. 2

On page 1, line 9, after "closure;" delete the remainder of the line

AMENDMENT NO. 3

On page 1, delete line 10 in its entirety and insert in lieu thereof "to"

AMENDMENT NO. 4

On page 1, line 15, after "48:390" and before "hereby" delete "and 753(A)(7) are" and insert in lieu thereof "is"

AMENDMENT NO. 5

On page 3, line 16, immediately after "authority" insert a period "." and delete the remainder of the line and delete lines 17 and 18 in their entirety

AMENDMENT NO. 6

On page 4, delete lines 26 and 27

AMENDMENT NO. 7

On page 5, delete lines 1 through 11 in their entirety

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 19 by Senator Lentini

AMENDMENT NO. 1

On page 4, line 11, at the beginning of the line, change "(7)" to "(6)"

AMENDMENT NO. 2

On page 4, line 12, at the beginning of the line, change "(8)" to "(7)"

AMENDMENT NO. 3

On page 4, line 14, at the beginning of the line, change "(9)" to "(8)"

AMENDMENT NO. 4

On page 4, line 16, at the beginning of the line, change "(10)" to "(9)"

AMENDMENT NO. 5

On page 4, line 17, at the beginning of the line, change "(11)" to "(10)"

AMENDMENT NO. 6

On page 4, line 18, at the beginning of the line, change "(12)" to "(11)"

AMENDMENT NO. 7

On page 4, line 20, at the beginning of the line, change "(13)" to "(12)"

AMENDMENT NO. 8

On page 4, line 21, at the beginning of the line, change "(14)" to "(13)"

AMENDMENT NO. 9

On page 4, line 23, at the beginning of the line, change "(15)" to "(14)"

AMENDMENT NO. 10

On page 4, line 24, at the beginning of the line, change "(16)" to "(15)"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Willard to Reengrossed Senate Bill No. 19 by Senator Lentini

AMENDMENT NO. 1

On page 2, line 23, before "closure" insert "possible"

AMENDMENT NO. 2

On page 2, line 24, change "local" to "parish or municipality" and on line 25, delete "area"

Senator Lentini moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Bagneris	Fields C	Malone
Bajoie	Fields W	Robichaux
Barham	Greene	Romero
Branch	Hainkel	Schedler
Cain	Heitmeier	Short
Campbell	Hines	Smith
Casanova	Irons	Tarver
Cox	Johnson	Theunissen
Cravins	Jones	Ullo
Dardenne	Jordan	
Dyess	Landry	
Total—34		

NAYS

Dean
Total—1

ABSENT

Bean Lambert

Hollis Siracusa
Total—4

The Chair declared the amendments proposed by the House were concurred in. Senator Lentini moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 24—
BY SENATORS LENTINI AND LANDRY
AN ACT

To amend and reenact R.S. 48:386, relative to railroads; to authorize the Department of Transportation and Development to determine when railroad crossing warning devices require maintenance or repair; to provide for notification of such requirement to railroad companies; to require compliance of railroad companies within thirty days after notice; to authorize local governmental entities to perform such required maintenance or repairs and seek reimbursement from the railroad company; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Engrossed Senate Bill No. 24 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 7, after "authorize" and before "to perform" change "local governmental entities" to "the department"

Senator Lentini moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Dean
Total—1

ABSENT

Bean Siracusa
Total—2

The Chair declared the amendments proposed by the House were concurred in. Senator Lentini moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

April 14, 1998

SENATE BILL NO. 25—

BY SENATORS LENTINI, LANDRY, BEAN, IRONS, DYESS AND SMITH
AN ACT

To amend and reenact R.S. 17:270(A) and 271(A) and the introductory paragraph of R.S. 32:402.1(A)(2), 407(A)(2), and 408(A)(1) and (3) and (H)(1)(h), relative to driver's licenses; to require inclusion of railroad safety crossing information on certain driver education courses; to require questions relative to railroad crossing safety on driver license applicant examinations; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Engrossed Senate Bill No. 25 by Senator Lentini

AMENDMENT NO. 1

On page 5, line 3, after "Group" delete the remainders of the line and insert "D" or "E"

Senator Lentini moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean	Hainkel	Siracusa
Total—3		

The Chair declared the amendments proposed by the House were concurred in. Senator Lentini moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 29—

BY SENATORS LENTINI, JORDAN, LANDRY AND SHORT
AN ACT

To amend and reenact R.S. 14:32.1(B) and R.S. 32:402.2, relative to traffic violations; to require that all driver improvement programs include railroad grade crossing safety education; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Engrossed Senate Bill No. 29 by Senator Lentini

AMENDMENT NO. 1

On page 2, at the beginning of line 3, delete "improved" and insert in lieu thereof, "improvement"

Senator Lentini moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Dean
Total—1

ABSENT

Bean	Hainkel	Siracusa
Total—3		

The Chair declared the amendments proposed by the House were concurred in. Senator Lentini moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

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. 167—

BY SENATOR BAJOIE
AN ACT

To amend and reenact R.S. 22:669(A), (C), and (D) and to enact R.S. 22:669 (E) and (F), relative to payment for certain severe mental health treatment; to provide for payment of certain costs involving severe mental health treatment; to provide for applicability of certain policies of health insurance; and to provide for related matters.

Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bajoie to Reengrossed Senate Bill No. 167 by Senator Bajoie

AMENDMENT NO. 1

On page 1, line 2, after "22:669" delete the remainder of the line

AMENDMENT NO. 2

On page 1, line 3, delete "(E) and (F)"

AMENDMENT NO. 3

On page 1, line 8, after "22:669" delete the remainder of the line and insert "is hereby amended and reenacted to read as follows:"

AMENDMENT NO. 4

On page 1, delete lines 9 through 16 and insert the following:

"§669. Mental and nervous disorders illness; policy provisions; minimum requirements; group, blanket, and franchise policies

A. ~~(1) Every person authorized to issue a~~ Any hospital, health or medical expense insurance policy, ~~a~~ hospital or medical service contract, ~~an~~ employee welfare benefit plan, ~~a~~ health and accident insurance policy, health maintenance organization contract, preferred provider contract, or any other insurance contract or contract for the provision of basic health care services of this type in this state, including a group insurance plan, a self-insurance plan, and the Louisiana State Employees' Uniform Group Benefits Program, shall offer to the policyholder in all group, blanket, and franchise policies an optional provision in the policy, contract, benefit plan, agreement, or program which states that include benefits shall be payable for services rendered for the treatment of severe mental or nervous disorders, or both, illness under the same circumstances and conditions, including copayments and deductibles, as benefits are paid under those policies, contracts, benefit plans, agreements, or programs for all other diagnoses, illnesses, or accidents, except as follows:

(2) ~~If the policyholder elects not to purchase this optional coverage, the insurer shall not be required to notify the policyholder in any renewal, reinstatement, or modified policy as to the availability of the optional coverage. However, the policyholder may request the optional coverage in writing on any anniversary date of the policy.~~

(3) This coverage shall apply only to group, blanket, and franchise policies:

(1) The benefits payable for the treatment of severe mental illness shall, at a minimum, include:

(a) Forty-five inpatient days per person, per calendar year, provided that enrollees are allowed to trade two days of partial hospitalization or two days of residential treatment center hospitalization for each inpatient day of treatment.

(b) Fifty-two outpatient visits per person, per calendar year.

(2) The provision of severe mental illness benefits may be managed through common methods or other mechanisms designed to limit coverage to services for severe mental illness only to those that are deemed medically necessary by a licensed mental health professional and may include but are not limited to the following:

(a) Preadmission screening prior to the authorization of services.

(b) The negotiation of reimbursement rates and a service delivery system for the provision of a severe mental illness component of the benefit package, sometimes referred to as a "carve-out" plan.

(3) Separate co-payments and deductibles for the provision of a severe mental illness component of the benefit package may be imposed, provided that such co-payments and deductibles are no greater than those applicable to the remainder of the benefit package.

~~(4) These~~ (B)(1) Severe mental illness benefits shall be payable when the treatment or services are is rendered by a physician licensed under the provisions of R.S. 37:1261 et seq., a psychologist licensed under the provisions of R.S. 37:2351 et seq., or ~~when the treatment or services in connection with diagnostic consultation provided by a physician are rendered by a board certified social worker licensed under the provisions of R.S. 37:2701 et seq., who is a member of a national clinical social work registry.~~

B: (2) Whenever any such policies, contracts, programs, or plans provide for the reimbursement of health related services that can be

lawfully performed by a board certified social worker, licensed under the provisions of R.S. 37:2701 et seq., the insured or other person entitled to reimbursement for such services performed by a board certified social worker notwithstanding any provisions of the policy, contract, program, or plan to the contrary, provided the social worker is in collaboration and continuing consultation with a physician licensed by the Louisiana State Board of Medical Examiners who assumes the responsibility for the total health of the patient.

C. No policy, contract, program, or plan issued pursuant to this Section shall contain any provision for a waiting period in excess of twelve months from the effective date of the policy before the benefits are payable ~~for the treatment of mental or nervous disorders.~~

D. (1) All provisions of this Section shall apply to all new policies, contracts, programs, or plans issued after January 1, 1982 1999. Any policies, contracts or plans in effect on January 1, ~~1982 1999~~ shall, on the anniversary date of such coverage, be covered in conformance with this Section; however, all existing coverage shall be converted to conform to the provisions of this Section no later than January 1, ~~1983 2000.~~

(2) Notwithstanding any other provision of this Section to the contrary, if, after a minimum of six months from the effective date of a policy, contract, program, or plan issued pursuant to the provisions of this Section, a purchaser demonstrates to the commissioner of insurance that the inclusion of the severe mental illness benefit has caused a cost increase in excess of four percent of the previous year's policy, contract, program, or plan costs and further demonstrates that this increase is directly and solely caused by the inclusion of the severe mental illness benefit, the commissioner shall authorize the issuance of a policy, contract, program, or plan to that purchaser exclusive of the severe mental illness benefit.

E. For the purposes of this Section, the following terms shall have the following meanings:

(1) "Partial hospitalization" means a level of care whereby the patient remains in the hospital for a period of not less than twenty-four hours.

(2) "Residential treatment center" means a twenty-four hour mental health or substance abuse, non-acute care treatment setting for active treatment interventions directed at the amelioration of the specific impairment that led to the admission.

(3) "Severe mental illness" means:

(a) For children, birth up to age eighteen, a serious emotional disturbance for which the child currently has, or at any time during the past year had, a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within DSM IV or most recent edition, that resulted in functional impairment which substantially interferes with or limits the child's role or functioning in family, school, or community.

(b) For adults, age eighteen or over, a serious mental illness for which the adult currently has, or at any time during the past year had, a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within DSM IV or most recent edition, that has resulted in functional impairment which substantially interferes with or limits one or more major life activities."

AMENDMENT NO. 5

Delete pages 2 through 5

On motion of Senator Bajoie, the amendments were adopted.

Floor Amendments Sent Up

Senator Casanova sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Casanova to Reengrossed Senate Bill No. 167 by Senator Bajoie

April 14, 1998

AMENDMENT NO. 1

In the set of Senate Floor Amendment proposed by Senator Bajoie and adopted by the Senate on April 14, 1997, on page 3, delete lines 18 through 32 and insert the following:

"(3) "Severe mental illness" means biologically based mental illnesses specifically limited to: bipolar mood disorder, major depressive disorder, obsessive-compulsive disorder, panic or anxiety disorder, paranoia or psychotic disorder, pervasive developmental disorder, schizo-affective disorder, and schizophrenia."

Senator Casanova moved adoption of the amendments.

Senator Bajoie objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Dean Malone
Barham Dyess Schedler
Branch Ellington Short
Cain Greene Smith
Casanova Hainkel Theunissen
Dardenne Hollis Ullo
Total—18

NAYS

Bagneris Heitmeier Landry
Bajoie Hines Lentini
Campbell Irons Robichaux
Cox Johnson Romero
Cravins Jones Tarver
Fields C Jordan
Fields W Lambert
Total—19

ABSENT

Bean Siracusa
Total—2

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Reengrossed Senate Bill No. 167 by Senator Bajoie

AMENDMENT NO. 1

In the set of Senate Floor Amendments, proposed by Senator Bajoie and adopted by the Senate on April 14, 1998, on page 2, line 24, after the word "or" insert "when the treatment or services in connection with diagnostic consultation provided by a physician are rendered by"

On motion of Senator Hines, 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 Reengrossed Senate Bill No. 167 by Senator Bajoie

AMENDMENT NO. 1

In the set of Senate Floor Amendments proposed by Senator Bajoie and adopted by the Senate on April 14, 1998, on page 2, between lines 15 and 16, insert the following:

"(3) Conducting utilization review, case management, or quality assurance programs."

AMENDMENT NO. 2

In the set of Senate Floor Amendments proposed by Senator Bajoie and adopted by the Senate on April 14, 1998, on page 2, line 42, after "policy" insert "or eighteen months in accordance with the provisions of R.S. 22:250.2(A)(2)"

On motion of Senator Hollis, the amendments were adopted.

Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bajoie to Reengrossed Senate Bill No. 167 by Senator Bajoie

AMENDMENT NO. 1

On page 5, delete lines 1 through 7, insert the following:

"F. The provisions of this Section shall not apply to individually underwritten limited benefit and supplemental health insurance policies."

AMENDMENT NO. 2

In the set of Senate Floor Amendments, proposed by Senator Bajoie and adopted by the Senate on April 14, 1998, on page 3, line 34, delete "5" and insert "4"

On motion of Senator Bajoie, the amendments were adopted.

Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Reengrossed Senate Bill No. 167 by Senator Bajoie

AMENDMENT NO. 1

In the set of Senate Floor Amendment proposed by Senator Bajoie and adopted by the Senate on April 14, 1997, on page 3, delete lines 18 through 32 and insert the following:

"(3) "Severe mental illness" means mental illnesses included in rules and regulations to be jointly promulgated in accordance with the Administrative Procedure Act by the Department of Insurance and the Department of Health and Hospitals no later than six months after the effective date of this Act."

Senator Hines moved adoption of the amendments.

Senator Casanova objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fields C Lambert

Bagneris	Fields W	Landry
Bajoie	Heitmeier	Lentini
Barham	Hines	Robichaux
Campbell	Hollis	Schedler
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Ellington	Jordan	Ullo
Total—27		

NAYS

Casanova	Hainkel	Short
Dean	Malone	
Greene	Romero	
Total—7		

ABSENT

Bean	Cain	Siracusa
Branch	Dyess	
Total—5		

The Chair declared the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields W	Lambert
Bajoie	Heitmeier	Landry
Barham	Hines	Lentini
Campbell	Hollis	Robichaux
Cox	Irons	Schedler
Cravins	Johnson	Tarver
Ellington	Jones	Ullo
Fields C	Jordan	
Total—23		

NAYS

Branch	Greene	Short
Casanova	Hainkel	Siracusa
Dardenne	Malone	Smith
Dean	Romero	Theunissen
Total—12		

ABSENT

Bagneris	Cain
Bean	Dyess
Total—4	

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

**House Concurrent Resolutions
on Second Reading
Reported by Committees**

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

HOUSE CONCURRENT RESOLUTION NO. 39—
BY REPRESENTATIVES BOWLER, ANSARDI, BAYLOR, DIMOS, MARTINY,
AND THORNHILL

A CONCURRENT RESOLUTION

To memorialize congress to defeat S-625 and HR-2021 which would impose a federal auto choice insurance program on the states.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean	Irons	Robichaux
Total—3		

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

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

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

HOUSE BILL NO. 1—
BY REPRESENTATIVES ALARIO, BRUNEAU, CLARKSON, AND MURRAY
AN ACT

To provide relative to certain courts of appeal judgeships established by Act No. 3 of the 1981 Regular Session of the Legislature; to specify the date of the end of the term of and the date of the election of the successors to certain judges; 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 House Bill No. 1 by Representative Alario

AMENDMENT NO. 1

On page 2, after line 15, add the following:

"(F) No service or other benefit shall be credited or applicable to the retirement for a judge for any service during the period which the

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judge's original term is extended by this Act, nor shall the judge contribute to his retirement during this period."

Senator Hainkel moved adoption of the amendments.

Senator Cox objected.

ROLL CALL

The roll was called with the following result:

YEAS

Casanova	Hainkel	Siracusa
Dean	Hollis	Theunissen
Greene	Romero	
Total—8		

NAYS

Bagneris	Ellington	Landry
Bajoie	Fields C	Lentini
Branch	Fields W	Malone
Cain	Heitmeier	Robichaux
Campbell	Hines	Schedler
Cox	Irons	Short
Cravins	Johnson	Smith
Dardenne	Jones	Tarver
Dyess	Jordan	Ullo
Total—27		

ABSENT

Mr. President	Bean
Barham	Lambert
Total—4	

The Chair declared the amendments were rejected.

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	Landry
Bagneris	Fields C	Lentini
Bajoie	Fields W	Robichaux
Barham	Heitmeier	Schedler
Cain	Hines	Short
Campbell	Johnson	Smith
Cox	Jones	Tarver
Cravins	Jordan	Theunissen
Dardenne	Lambert	Ullo
Total—27		

NAYS

Branch	Greene	Romero
Casanova	Hainkel	Siracusa
Dean	Hollis	
Dyess	Irons	
Total—10		

ABSENT

Bean	Malone
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.

Personal Privilege

Senator Malone asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on House Bill No. 1. He had intended to vote yea on the bill. He asked that the Official Journal so state.

HOUSE BILL NO. 11—
BY REPRESENTATIVE DONELON
AN ACT

To enact R.S. 49:191(11)(g) and to repeal R.S. 49:191(8)(c), relative to the Department of Insurance, including provisions to provide for the re-creation of the Department of Insurance, and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean	Robichaux
Total—2	

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

HOUSE BILL NO. 28—
BY REPRESENTATIVES DEWITT, DOWNER, MCMAINS, MCDONALD, CRANE, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM
AN ACT

To amend and reenact R.S. 17:354, relative to state funds; to provide for allocation and distribution of monies appropriated from the Teacher Supplies Fund; to provide for expansion of uses and eligibility for receipt of such monies; 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	Landry
Bagneris	Fields C	Lentini
Bajoie	Fields W	Malone
Barham	Greene	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ulló
Dyess	Lambert	
Total—38		

NAYS

Total—0

ABSENT

Bean
Total—1

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.

HOUSE BILL NO. 114—

BY REPRESENTATIVES GAUTREAUX, DANIEL, FRITH, ODINET, PIERRE, TRICHE, AND MARIONNEAUX

AN ACT

To enact Chapter 17 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, consisting of R.S. 30:2000.1 through 2000.8, inclusive; to provide relative to natural resources; to create the Atchafalaya Basin Program in the Department of Natural Resources and provide for duties and powers thereof; to create the Atchafalaya Basin Promotion and Research Board within the Atchafalaya Basin Program and provide for membership and powers thereof; to create the Atchafalaya Basin Advisory Committee within the Atchafalaya Basin Program and provide for membership and powers thereof; and to provide for related matters.

Floor Amendments Sent Up

Senator Romero sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Romero to Reengrossed House Bill No. 114 by Representative Gautreaux

AMENDMENT NO. 1

On page 1, lines 19 and 23, of Senate Committee Amendment No. 6 to House Bill No. 114 proposed by the Senate Committee on Natural Resources and adopted by the Senate on April 7, after "ex-officio" and before "members" insert "and non-voting"

AMENDMENT NO. 2

On page 7, line 3, after "majority of the" and before "members" insert "voting"

AMENDMENT NO. 3

On page 7, line 5, after "majority of the" and before "members" insert "voting"

On motion of Senator Romero, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Dean
Total—1

ABSENT

Bean
Total—1

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

HOUSE BILL NO. 137 (Duplicate of Senate Bill No. 66) —

BY REPRESENTATIVE DEWITT AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES MCMAINS AND DOWNER AND SENATORS EWING, HAINKEL, BARHAM, AND ROMERO

AN ACT

To amend and reenact R.S. 42:851(A)(1)(c), 871(A) and (C), 872, 873(A), (D), and (E), 874, and 875, to enact R.S. 36:4(B)(15), and to repeal R.S. 36:769(G), all relative to the Board of Trustees of the State Employees Group Benefits Program; to provide for the transfer of the board from the Department of the Treasury to the division of administration; to provide with respect to certain contributions for the program; to reconstitute the board; to provide for the composition, powers, duties, and functions of the board; to provide for officers and their powers, duties, and functions; to provide for the initial election of certain board members; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed House Bill No. 137 by Representative DeWitt

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 1 which was proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on April 8, 1996

AMENDMENT NO. 2

On page 7, line 21, change "Paragraphs A(4) and" to "Paragraph A(4)"

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AMENDMENT NO. 3

On page 7, at the beginning of line 22, delete "(5)"

AMENDMENT NO. 4

On page 7, line 24, change "Paragraphs A(4) and (5)" to "Paragraph A(4)"

AMENDMENT NO. 5

On page 8, line 12, after "six years." and before "The board" insert the following:

"No such person shall be elected to serve more than two terms."

AMENDMENT NO. 6

On page 10, lines 4 and 8, change "Paragraph A(6)" to "Paragraphs A(5) and (6)"

On motion of Senator Dardenne, 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 House Bill No. 137 by Representative DeWitt

AMENDMENT NO. 1

On page 5, delete line 15 in its entirety and insert in lieu thereof the following:

"composed of fifteen members, fourteen of whom shall be voting"

AMENDMENT NO. 2

On page 5, lines 18 and 20, change "non-voting" to "voting"

AMENDMENT NO. 3

On page 6, line 19, change "Four" to "Five"

AMENDMENT NO. 4

On page 7, between lines 3 and 4 insert the following:

"(iv) One member who shall be elected from among the personnel of the Department of Transportation and Development."

AMENDMENT NO. 5

On page 7, at the beginning of line 4, change "(iv)" to "(v)"

AMENDMENT NO. 6

On page 8, line 10, change "six" to "seven"

AMENDMENT NO. 7

On page 12, line 7, change "Six" to "Eight"

AMENDMENT NO. 8

On page 18, line 12, change "six" to "seven"

AMENDMENT NO. 9

On page 20, between lines 3 and 4 insert the following:

"(d) An initial term of two years for the member elected from among the personnel of the Department of Transportation and Development."

AMENDMENT NO. 10

On page 20, at the beginning of line 4, change "(d)" to "(e)"

Senator Hollis moved adoption of the amendments.

Senator Cravins objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Bagneris, Bajoie, Campbell, Dardenne, Dean, Ellington, Total—21; Heitmeier, Hines, Hollis, Johnson, Jones, Jordan, Landry; Lentini, Malone, Schedler, Siracusa, Tarver, Theunissen, Ullo

NAYS

Table with 3 columns: Cain, Casanova, Cox, Cravins, Dyess, Total—15; Fields C, Fields W, Greene, Hainkel, Irons; Lambert, Robichaux, Romero, Short, Smith

ABSENT

Table with 3 columns: Barham, Total—3; Bean; Branch

The Chair declared the amendments were adopted.

Personal Privilege

Senator Barham asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on the amendment by Senator Hollis to House Bill No. 137. He had intended to vote yea on the amendment. He asked that the Official Journal so state.

Floor Amendments Sent Up

Senator Hines sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hines to Engrossed House Bill No. 137 by Representative Dewitt et al.

AMENDMENT NO. 1

On page 16, delete lines 9 through 13, in their entirety, and insert in lieu thereof the following:

"executive officer. The"

Senator Hines moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Bajoie, Barham, Cain, Campbell, Casanova, Cox, Cravins; Ellington, Fields C, Fields W, Hines, Hollis, Irons, Jones; Landry, Malone, Robichaux, Schedler, Siracusa, Theunissen, Ullo

Dyess Total—23	Jordan NAYS	
Mr. President Bagneris Branch Dardenne Dean Total—14	Greene Hainkel Heitmeier Lambert Lentini ABSENT	Romero Short Smith Tarver
Bean Total—2	Johnson	

The Chair declared 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 Bagneris Bajoie Barham Branch Cain Campbell Casanova Cox Cravins Dardenne Dean Total—36	Dyess Ellington Fields C Fields W Greene Hainkel Heitmeier Hines Hollis Irons Johnson Jones	Lambert Landry Lentini Malone Robichaux Romero Schedler Short Syracusa Smith Tarver Ullo
	NAYS	
Jordan Total—2	Theunissen	
	ABSENT	
Bean Total—1		

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

HOUSE BILL NO. 170—
BY REPRESENTATIVES BRUNEAU, HUNTER, AND LANCASTER
AN ACT

To enact R.S. 24:38.1, relative to the Legislative Budgetary Control Council; to provide for the powers, duties, and authority of the Legislative Budgetary Control Council; to authorize recommendations for the reorganization of legislative branch agencies by the Legislative Budgetary Control Council; to provide for the approval of such recommendations by the legislature; to provide relative to powers, duties, functions, and responsibilities of employees and officers of the legislature; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President Bagneris Bajoie Barham Branch Cain Campbell Casanova Cox Cravins Dardenne Dean Dyess Total—38	Ellington Fields C Fields W Greene Hainkel Heitmeier Hines Hollis Irons Johnson Jones Jordan Lambert	Landry Lentini Malone Robichaux Romero Schedler Short Syracusa Smith Tarver Theunissen Ullo
	NAYS	
Total—0		ABSENT
Bean Total—1		

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.

HOUSE BILL NO. 179—
BY REPRESENTATIVE THORNHILL
AN ACT

To enact R.S. 13:719 and 720, relative to the office of commissioner for the Twenty-second Judicial District Court; to create and to provide for qualifications, salary and benefits, restrictions on employment, quarters, supplies, equipment, and employees for such office; to provide for duties and powers of such office; to provide for funding; and to provide for related matters.

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

HOUSE BILL NO. 191—
BY REPRESENTATIVE TOOMY AND SENATOR HEITMEIER
AN ACT

To amend and reenact R.S. 26:326 and 359 and to repeal R.S. 14:93.20, relative to the sale and shipment of beverage alcohol in Louisiana; to provide for the lawful sale and shipment of certain wines to Louisiana consumers; to provide for registration and payment of fees and taxes on authorized shipments; to provide for certain penalties and exceptions; to allow for the sale of wine by native wineries; to repeal certain provisions of law relating to the unlawful sale and shipment of beverage alcohol in Louisiana; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris to Engrossed House Bill No. 191 by Representative Toomy

AMENDMENT NO. 1

In Senate Committee Amendment No. 4, proposed by the Senate Committee on Judiciary C to Engrossed House Bill No. 191, and

adopted by the Senate on April 13, 1998, on page 2, line 4, before "The" insert "B."

On motion of Senator Bagneris, the amendments were adopted.

Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Cain, Dean, Short, and Robichaux to Engrossed House Bill No. 191 by Representative Toomy

AMENDMENT NO. 1

On page 1, line 2 after "R.S." delete the remainder of the line and insert the following: " 14:32.8(A)(2)(b), 39.1(A)(2), 93.20 and 98(A)(1)(b), R.S. 26:71.1(1)(d), 271.2(1)(d), 326, and 359, R.S. 29:211(2), and R.S. 32:378.2(A)(2)(a)(iv), 661(C)(1)(c), 661.1(C)(1)(c), 662(A)(1)(b) and (c), 667(A)(introductory paragraph) and (3) and (B)(1), 668(A)(4) and (B)(1)(b), and 853(A)(1)(c)(i) and to enact division 5 of Subpart B of Part V of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 14:93.21, and to enact R.S. 26:91.1 and 287.1,"

AMENDMENT NO. 2

Delete Senate Committee Amendments nos. 1 through 3 proposed by Senate Committee on Judiciary C and adopted by the Senate on April 13, 1998

AMENDMENT NO. 3

On page 1, delete line 3, and insert "relative to alcohol in Louisiana; to provide for the crime of unlawful sale and shipment of beverage alcohol to Louisiana consumers; to provide relative to levels of blood alcohol for purposes of certain driving offenses, driver's license sanctions, implied consent law provisions, and certain driving records; to provide that a blood alcohol concentration of 0.08 or more is the applicable measure for purposes of the offenses of DWI, third degree feticide, and vehicular negligent injuring and for purposes of related driver's license sanctions, implied consent law provisions, ignition interlock device provisions, and certain driving records; to make corresponding changes to the blood alcohol level used to determine intoxication with regard to military court martial; "

AMENDMENT NO. 4

On page 1, line 9, after "Louisiana;" insert the following:"to prohibit the presence of persons under twenty-one years of age at drinking establishments; to provide for the crime of unlawful presence at a drinking establishment; to provide for definitions; to provide for penalties; to provide for exceptions; to condition the effective date of certain measures upon congressional action;"

AMENDMENT NO. 5

On page 1, between lines 10 and 11, insert the following: " Section 1. R.S. 14:32.8(A)(2)(b), 39.1(A)(2), and 98(A)(1)(b) are hereby amended and reenacted to read as follows:

- §32.8. Third degree feticide
A. Third degree feticide is:
(2)

(b) The offender's blood alcohol concentration is 0.10 0.08 percent or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood.

- §39.1. Vehicular negligent injuring
A. Vehicular negligent injuring is the inflicting of any injury upon the person of a human being when caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft,

or other means of conveyance whenever any of the following conditions exist:

(2) The offender's blood alcohol concentration is 0.10 0.08 percent or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood.

§98. Operating a vehicle while intoxicated
A.(1) The crime of operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when:

(b) The operator's blood alcohol concentration is 0.10 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood; or

Section 2. Division 5 of Subpart B of Part V of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, comprised of R.S. 14:93.21, is hereby enacted to read as follows:

5. UNLAWFUL PRESENCE IN CERTAIN ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE SOLD

Division 5 is all new law.
§93.21. Unlawful presence of a person under twenty-one; establishments serving alcoholic beverages

R.S. 14:93.21 is all new law.
A. It is unlawful for any person under twenty-one years of age to be present at a drinking establishment. It is also unlawful for any drinking establishment to allow the presence in the establishment of any person under twenty-one years of age.

B. For purposes of this Section, "drinking establishment" means any business licensed as Class A-General pursuant to R.S. 26:71.1(1) or 271(A)(2)(a) or licensed as a microbrewer pursuant to R.S. 26:271(A)(4).

C. No person lawfully present in a drinking establishment shall be in violation of this Section. For purposes of this Section, a person under twenty-one years of age is lawfully present in a drinking establishment if he meets any of the exceptions established in R.S. 26:90(A)(3) or (8), 91.1(B), 286(A)(3) or (8), or 287.1(B) and can provide adequate proof that he qualifies for one of these exceptions.

D. Whoever violates the provisions of this Section shall be shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months, or both.

Section 3. R.S. 26:71.1(1)(d) and 271.2(1)(d) are hereby amended and reenacted and R.S. 26:91.1 and 287.1 are hereby enacted to read as follows:

§71.1. Class A Permit; definitions
The commissioner shall issue the following four types of Class A retail liquor permits:

- (1) Class A-General:
(d) A Class A-General retail permit shall be issued only to an establishment where the state law provides that no person under the age of eighteen twenty-one years is allowed on the premises except as provided in R.S. 26:90(A)(8)(a) R.S. 26:90(A)(3) and (8)(a) and 91.1(B).

§91.1. Acts prohibited on premises with a Class A-General license; persons age eighteen and under twenty-one; exceptions; suspension or revocation of permits

R.S. 26:91.1 is all new law.
A. The provisions of this Section shall be in addition to R.S. 26:90 and 91.

B.(1) No person holding a retail dealer's Class A-General permit and no agent, associate, employee, representative, or servant of any such person shall intentionally entice, aid, or permit any

person eighteen years of age or older but under twenty-one years of age to visit or loiter on or about licensed premises.

(2) The provisions of this Section shall in no way prohibit the presence of any person age eighteen or older but under twenty-one on or about a licensed premises for any function sponsored by a religious or charitable organization with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of the United States, or by a fraternal beneficiary society with tax-exempt status under Section 501(c)(8) of that code, and no alcoholic beverages are sold, handled, given away, or accessible during the presence of any such person.

(3) The provisions of this Section shall in no way prohibit the presence of any person age eighteen or older but under age twenty-one on or about a licensed premises under any of the following circumstances:

(a) When the person is accompanied by a parent, spouse, or legal guardian twenty-one years of age or older.

(b) When the person is involved in the sale, handling, transport, delivery, or service in dispensing of any alcoholic beverage as the owner or lawful employee of a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

(c) When the person is the lawful owner of the establishment.

(d) When the person is lawfully employed by the establishment and is present in the establishment in performance of his duties.

(e) When the person is a law enforcement officer or security guard who is on or about the premises in the performance of his official duties.

(f) When the person's lawful employment involves the transporting or providing of any goods or services to the establishment and the person is present in the performance of his employment duties.

(g) When the main business of the establishment is not the selling or giving away of alcoholic beverages.

B. Violation of this Section by a retail dealer's agent, associate, employee, representative, or servant shall be considered the retail dealer's act for purposes of suspension or revocation of a permit.

C. Violation of this Section is punishable as provided in R.S. 14:93.21 and is also sufficient cause for the suspension or revocation of a permit.

D. Notwithstanding the issuance of a permit by way of renewal, the commissioner may revoke or suspend such permit, as prescribed by this Chapter, for violation of this Section occurring during the permit period immediately preceding the issuance of such permit.

* * *

§271.2. Class A Permit; definitions

The commissioner shall issue the following four types of Class A retail permits for beverages of low alcoholic content:

(1) Class A-General:

* * *

(d) A Class A-General retail permit shall be issued only to an establishment where the state law provides that no person under the age of ~~eighteen~~ **twenty-one** years is allowed on the premises except as provided in ~~R.S. 26:90(A)(8)(a)~~ **R.S. 26:286(A)(3) and (8)(a) and 287.1(B)**.

* * *

§287.1. Acts prohibited on premises with a Class A-General license; persons eighteen and under twenty-one; exceptions; suspension or revocation of permits

R.S. 26:287.1 is all new law.

A. The provisions of this Section shall be in addition to R.S. 26:286 and 287.

B.(1) No person holding a retail dealer's Class A-General permit and no agent, associate, employee, representative, or servant of any such person shall intentionally entice, aid, or permit any person eighteen years of age or older but under twenty-one years of age to visit or loiter on or about a licensed premises.

(2) The provisions of this Section shall in no way prohibit the presence of any person age eighteen or older but under age twenty-one on or about a licensed premises for any function sponsored by a religious or charitable organization with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of the United States, or by a fraternal beneficiary society with tax-exempt status under Section 501(c)(8) of that code, and no alcoholic beverages are sold, handled, given away, or accessible during the presence of any such person.

(3) The provisions of this Section shall in no way prohibit the presence of any person age eighteen or older but under age twenty-one on or about a licensed premises under any of the following circumstances:

(a) When the person is accompanied by a parent, spouse, or legal guardian twenty-one years of age or older.

(b) When the person is involved in the sale, handling, transport, delivery, or service in dispensing of any alcoholic beverage as the owner or lawful employee of a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

(c) When the person is the lawful owner of the establishment.

(d) When the person is lawfully employed by the establishment and is present in the establishment in performance of his duties.

(e) When the person is a law enforcement officer or security guard who is on or about the premises in the performance of his official duties.

(f) When the person's lawful employment involves the transporting or providing of any goods or services to the establishment and the person is present in performance of his employment duties.

(g) When the main business of the establishment is not the selling or giving away of alcoholic beverages.

C. Violation of this Section by a retail dealer's agent, associate, employee, representative, or servant shall be considered the retail dealer's act for purposes of suspension or revocation of a permit.

D. Violation of this Section is punishable as provided in R.S. 14:93.21 and is also sufficient cause for the suspension or revocation of a permit.

E. Notwithstanding the issuance of a permit by way of renewal, the commissioner may revoke or suspend such permit, as prescribed by this Chapter, for violation of this Section occurring during the permit period immediately preceding the issuance of such permit."

AMENDMENT NO. 6

In Senate Committee Amendment no. 4 proposed by Senate Committee on Judiciary C and adopted by the Senate on April 13, 1998 on page 1, line 13 change "Section 1" to "Section 5"

AMENDMENT NO. 7

In Senate Committee Amendment no. 5 proposed by Senate Committee on Judiciary C and adopted by the Senate on April 13, 1998 on page 3, line 11 change "Section 2" to "Section 5"

AMENDMENT NO. 8

On page 6, between lines 12 and 13 insert the following:
" Section 6. R.S. 32:378.2(A)(2)(a)(iv), 661(C)(1)(c), 661.1(C)(1)(c), 662(A)(1)(b) and (c), 667(A)(introductory paragraph) and (3) and (B)(1), 668(A)(4) and (B)(1)(b), and 853(A)(1)(c)(i) are hereby amended and reenacted to read as follows:

§378.2. Ignition interlock devices; condition of probation for certain DWI offenders; restricted license

A.

* * *

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

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

* * *

(iv) For submitting to a chemical test to determine the alcohol content of blood where the test results showed over ~~10~~ 0.08 grams percent by weight of alcohol in the blood, or where the results showed under ~~10~~ 0.08 grams percent by weight of alcohol in the blood but the person was nevertheless convicted of a law or ordinance which prohibits operating a vehicle while intoxicated.

* * *

§661. Operating a vehicle under the influence of alcoholic beverages or illegal substance or controlled dangerous substances; implied consent to chemical tests; administering of test and presumptions; effect of refusal to submit to tests; informing person of consequences of submission or refusal and his rights; furnishing information to person tested

* * *

C.(1) When a law enforcement officer requests that a person submit to a chemical test as provided for above, he shall first read to the person a standardized form approved by the Department of Public Safety and Corrections. The department is authorized to use such language in the form as it, in its sole discretion, deems proper, provided that the form does inform the person of the following:

* * *

(c) That his driving privileges can be suspended if he submits to the chemical test and such test results show a blood alcohol level of ~~0.10~~ 0.08 percent or above or, if he is under the age of twenty-one years, a blood alcohol level of 0.02 percent or above.

* * *

§661.1. Operating a watercraft under the influence of alcoholic beverages or controlled dangerous substances; implied consent to chemical tests; administering of test and presumptions

* * *

C.(1) When a law enforcement officer requests that a person submit to a chemical test as provided for in this Section, he shall first read to the person a standardized form approved by the Department of Public Safety and Corrections. The department is authorized to use such language in the form as it, in its sole discretion, deems proper, provided that the form does inform the person of the following:

* * *

(c) That his driving privileges can be suspended if he submits to the chemical test and such test results show a blood alcohol level of ~~0.10~~ 0.08 percent or above or, if he is under the age of twenty-one years, a blood alcohol level of 0.02 percent or above.

* * *

§662. Administering chemical tests; use of results as evidence

A. The chemical test or tests as provided for by this Part shall be subject to the following rules and shall be administered as provided for hereafter:

(1) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcoholic beverages, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

* * *

(b) Except as provided in Subparagraph (d), if the person had a blood alcohol concentration at that time in excess of 0.05 percent but less than ~~0.10~~ 0.08 percent by weight, such fact shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcoholic beverages.

(c) If the person had a blood alcohol concentration at that time of ~~0.10~~ 0.08 percent or more by weight, it shall be presumed that the person was under the influence of alcoholic beverages.

* * *

§667. Seizure of license; circumstances; temporary license

A. When a law enforcement officer places a person under arrest for a violation of R.S. 14:98, ~~R.S. 14:98.1~~, or a violation of a parish or municipal ordinance that prohibits operating a vehicle while intoxicated, and the person either refuses to submit to an approved chemical test for intoxication, or submits to such test and such test results show a blood alcohol level of ~~0.10~~ 0.08 percent or above by weight or, if the person is under the age of twenty-one years, a blood alcohol level of 0.02 percent or above by weight, the following procedures shall apply:

* * *

(3) In a case where a person submits to an approved chemical test for intoxication, but the results of the test are not immediately available, the law enforcement officer shall comply with Paragraphs (1) and (2) of this Subsection, and the person shall have ten days from the date of arrest to make written request for an administrative hearing. If after thirty days from the date of arrest the test results have not been received or if the person was twenty-one years of age or older on the date of arrest and the test results show a blood alcohol level of less than ~~0.10~~ 0.08 percent by weight, then no hearing shall be held and the license shall be returned without the payment of a reinstatement fee. If the person was under the age of twenty-one years on the date of arrest and the test results show a blood alcohol level of less than 0.02 percent by weight, then no hearing shall be held and the license shall be returned without the payment of a reinstatement fee.

* * *

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

(1) If the person submitted to the test and the test results show a blood alcohol level of ~~0.10~~ 0.08 percent or above by weight, his driving privileges shall be suspended for ninety days from the date of suspension on first offense violation, without eligibility for a hardship license for the first thirty days, and for three hundred sixty-five days from the date of suspension, without eligibility for a hardship license, on second and subsequent violations occurring within five years of the first offense. If the person was under the age of twenty-one years on the date of the test and the test results show a blood alcohol level of 0.02 percent or above by weight, his driving privileges shall be suspended for one hundred eighty days from the date of suspension.

* * *

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

A. Upon suspending the license or permit to drive or nonresident operating privilege of any person or upon determining that the issuance of a license or permit shall be denied to the person, the Department of Public Safety and Corrections shall immediately notify the person in writing and upon his request shall afford him an opportunity for a hearing in the same manner and under the same conditions as is provided in R.S. 32:414 for notification and hearings in the case of suspension of licenses, except that the scope of such a hearing for the purposes of this Part shall cover the following issues:

* * *

(4) Whether he voluntarily submitted to an approved chemical test and whether the test resulted in a blood alcohol reading of ~~0.10~~ 0.08 percent or above by weight, or of 0.02 percent or above if he was under the age of twenty-one years on the date of the test.

* * *

B.(1)

* * *

(b) No person who has refused a chemical test for intoxication is eligible for a restricted license for the first ninety days of the suspension. When a person submits to a chemical test and the results show a blood alcohol level of ~~0.10~~ 0.08 percent or above by weight, or of 0.02 percent or above if the person was under the age of twenty-one years on the date of the test, he is not

eligible for a restricted license for the first thirty days of the suspension.

§853. Commissioner to furnish operating records; other information; fees; withdrawal of forms or information A.(1)

(c) The operating record of a person shall not include those arrests for a first or second violation of any ordinance or statute making criminal the driving of a motor vehicle while under the influence of alcoholic beverages nor shall it include any record of any civil sanction imposed, including the suspension of a license, as a result of such an arrest when any of the following occurs:

(i) The person submitted to an approved chemical test and the test resulted in a blood alcohol reading of less than 0.10 0.08 percent by weight, or of less than 0.02 percent by weight, if the person was under the age of twenty-one years on the date of the test, and the person is found not guilty.

Section 7. R.S. 29:211(2) is hereby amended and reenacted to read as follows:

§211. Article 111. Drunken or reckless driving Any person subject to this code who operates any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when:

(2) The operator's blood alcohol concentration is 0.10 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood; or

AMENDMENT NO. 9

In Senate Committee Amendment no. 15 proposed by Senate Committee on Judiciary C and adopted by the Senate on April 13, 1998 on page 4, line 3 change "Section 3." to "Section 8."

AMENDMENT NO. 10

In Senate Committee Amendment no. 16 proposed by Senate Committee on Judiciary C and adopted by the Senate on April 13, 1998 on page 4, line 8 change "Section 4" to "Section 9"

AMENDMENT NO. 11

On page 6, line 14, change "This" to "Sections 4, 5, and 8 of this"

AMENDMENT NO. 12

On page 6, at the end of line 19 insert the following: "Section 10. Sections 2 and 3 shall become effective on July 1, 1998. Section 11. Sections 1,6, and 7 of this Act shall be effective only if the United States Congress enacts legislation pursuant to which states must adopt a blood alcohol concentration of 0.08% for the presumption of intoxication or suffer the loss or withholding of federal funds for highway or other purposes. If the congress enacts such a law and provides therein a specific date by which the states may comply without penalty, this Act shall become effective on that date; if the law provides no such specific date for compliance, this Act shall become effective thirty days after the date on which the Congressional Act becomes effective."

Motion

Senator Heitmeier moved to return the amended bill to the Calendar.

Senator Cain objected.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of members voting YEAS: Bagneris, Bajoie, Campbell, Cox, Cravins, Dyess, Fields C, Fields W, Greene, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Malone, Schedler, Siracusa, Tarver, Theunissen.

NAYS

Table listing names of members voting NAYS: Barham, Branch, Cain, Casanova, Dardenne, Dean, Ellington, Hainkel, Jordan, Lambert, Landry, Lentini, Robichaux, Romero, Short, Smith, Ullo.

ABSENT

Mr. President Bean

The Chair declared the amended bill was returned to the Calendar.

HOUSE BILL NO. 192—

BY REPRESENTATIVES BRUNEAU, COPELIN, AND RIDDLE AN ACT

To amend and reenact R.S. 18:465(A), 481, 511(A) and (B), 512(B), and 551(C)(1) and to enact R.S. 18:1275.1, relative to elections; to provide the manner in which candidates for congress qualify for the general election; to allow a candidate to qualify for the general election by nominating petition under certain circumstances; to provide for the form, time, and manner of filing and certifying such petitions; to provide with respect to challenging such candidates nominated by petition; to provide for the printing of a candidate's name on the ballot; to provide for the election of candidates to office; and to provide for related matters.

Motion to Recommit

Senator Hainkel asked for and obtained a suspension of the rules and recommitted House Bill No. 192, which was on Third Reading and Final Passage, to the Committee on Finance.

Rules Suspended

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

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

April 14, 1998

To the Honorable President and Members of the Senate:

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

SENATE BILL NO. 5—
BY SENATORS HINES AND THEUNISSEN
AN ACT

To amend Section 3 of Act No. 29 of the 1955 Regular Session of the Legislature, relative to the establishment and use of an Educational and Recreational Center for students; to expand the authority for the use of such center; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 18—
BY SENATOR BAGNERIS
AN ACT

To amend and reenact R.S. 42:1113(D)(1), relative to the code of governmental ethics; to require that legislators or their spouses comply with the provisions of the Louisiana Procurement Code when contracting with certain governmental entities; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 20—
BY SENATOR LENTINI
AN ACT

To enact R.S. 48:390, relative to trains; to prohibit the obstruction of a roadway at certain railroad grade crossings for more than twenty minutes; to provide for exceptions; to authorize application for variance to such time limitations; to require promulgation of rules and regulations by Department of Transportation and Development; to provide for penalties; to require trains to clear public crossings under certain emergency circumstances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 1—
BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM, ROMERO, BRANCH, CASANOVA, GREENE, SHORT, THEUNISSEN, BAGNERIS, BEAN, DEAN, DYESS, ELLINGTON, HINES, JORDAN, LAMBERT, SCHEDLER, SMITH AND ULLO AND REPRESENTATIVES DOWNER, DEWITT, LEBLANC, MCMAINS, AND MACDONALD
A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.1(C)(2) and (3), the introductory paragraph of (D)(1), (D)(1)(c), the introductory paragraph of (D)(2), and (D)(2)(a) and (c), and Article VIII, Section 3(A), and 5(A), the introductory paragraph of (D), (D)(3), (4), and (5), and (E) and to add Article VIII, Section 7.1, all of the Constitution of Louisiana, relative to providing for the governance and management of education; to create and provide for the Louisiana Technical and Community College System; to create and provide for the Board of Supervisors of Technical and Community Colleges as a fifteen member management board for the system subject to the planning, coordinating, and budgeting responsibility of the Board of Regents; to provide for fifteen members to be appointed by the governor; to provide relative to the consent of the Senate and the terms of members; to provide for student membership on the board; to empower the board with supervision and management of all public postsecondary vocational-technical education programs and institutions of higher education awarding certain types of degrees as assigned by law; to require divisions within the Louisiana Technical and Community College System; to revise the powers and duties of the Board of Regents to extend its authority over postsecondary education; to revise certain references; to provide with regard to the requirements to create a new institution of postsecondary education, transfer an institution of higher education from one management board to another, merge any postsecondary institution into any other postsecondary institution, or establish a new management board; to temporarily require certain minimum funding for postsecondary institutions; to provide relative to the authorization to allocate money appropriated out of the Louisiana Quality Education Support Fund for postsecondary educational purposes; to provide for the effectiveness of the proposal if

approved by the electorate; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments.

SENATE BILL NO. 2—
BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM, ROMERO, SHORT, GREENE, BRANCH, CASANOVA, THEUNISSEN, BAGNERIS, BEAN, DEAN, DYESS, ELLINGTON, HEITMEIER, HINES, HOLLIS, JONES, JORDAN, LAMBERT, SCHEDLER, SIRACUSA, SMITH, TARVER, AND ULLO AND REPRESENTATIVES DOWNER, DEWITT, LEBLANC, MCMAINS, AND MACDONALD
AN ACT

To amend and reenact R.S. 17:4, 6(A)(4), (5), (6) and (7), 7(7) and (9), 540(1) and (3), 541(B)(2), 1806(A), 1808(B)(1), 1821(B), 1822(B), 1825(A) and (B)(1), 1835, 1991, 1994, 1994.1, 1996(A) and (B), 2004(A) and (B)(2), the introductory paragraph of 2005(A), 2009(B) and (D)(2), 2033, 2034, 2035, 2036, 2046(A) and (B), 2048(A), 2049.1, the introductory paragraph of 2049.2, 2049.4, 2050(C) and (D), 2054(A), 3022(A)(1), 3129.2(A)(1)(e) and (i) and (B), 3130, 3141.2(8), (9) and (11), 3141.3(A), (B), the introductory paragraph of (D)(2), (D)(2)(b), and (F), 3141.4(A) and (D)(2)(a), the introductory paragraph of 3141.5(A), (C), (D), (F)(1) and (2), and (G), 3141.6(A) and (B), 3141.7, the introductory paragraph of 3141.8(A), (A)(11), (B), and (C), 3141.9(A) and (B), 3141.11, 3141.14(D), 3141.15(A)(1), (B)(1)(a), and (C)(1), 3141.16(A), (B)(7) and (8), (C)(1), (D)(3)(e), (4), (5), (6), and (10), (E), and (F), 3141.17, 3141.18(A), (B), (C), (D), and (E), 3201, 3202, 3217, 3217.1, 3218, 3219, 3220, 3222(B), 3223(A), the introductory paragraph of (B), (B)(2), (C), and (D), 3224(C), 3225, 3226, 3301(A), 3302(A)(1) and (B), the introductory paragraph of 3351(A), 3351.1(A)(1), 3381(A), 3387(A) and (C), and R.S. 49:1101(B)(2)(a), and to enact R.S. 17:1806(E), Chapter 5-B of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1871 through 1873, R.S. 17:2049.3(C), 3126(C), 3129.1, 3141.19, and 3217.2, and to repeal R.S. 17:7(10), (13), and (17), 1992, 2005.2, 2006, 2007, 2010, 2011, 2012, 2013, 3141.2(7), and 3301(D), to establish the Louisiana Technical and Community College System; to create and provide for the Board of Supervisors of Technical and Community Colleges to manage the system subject to the powers of the Board of Regents; to provide terms for the initial members of the board; to provide for the selection of a student member to serve on the board; to transfer all powers, duties, and responsibilities regarding postsecondary vocational-technical schools from the State Board of Elementary and Secondary Education to the Board of Supervisors of Technical and Community Colleges; to provide for the transfer of the obligations, records, property, liabilities, and employees of postsecondary vocational-technical schools to the Board of Supervisors of Technical and Community Colleges; to reorganize the assignment of certain institutions of higher education among the higher education management boards, including the Board of Supervisors of Technical and Community Colleges; to provide relative to the exercise of the power of program approval by the Board of Regents; to require the Board of Regents to adopt and implement a system of articulation; to transfer all powers, duties, and responsibilities of the state Department of Education, the State Board of Elementary and Secondary Education, and the state superintendent of education for the licensing of proprietary schools to the Board of Regents and the commissioner of higher education; to provide the same powers, duties, and responsibilities for the Board of Supervisors of Technical and Community Colleges as is provided for the other higher education management boards; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 26—
BY SENATOR LENTINI

AN ACT

To enact R.S. 32:661.2, relative to railroads; to provide relative to operating a locomotive engine while intoxicated; to establish implied consent provisions for such operation; to provide for administration of testing; to require that suspect be informed of rights and certain other information prior to such testing; to require reporting to the United States Department of Transportation upon refusal of compliance; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 33—

BY SENATORS DARDENNE, BARHAM, BRANCH, CAIN, CASANOVA, DEAN, DYESS, ELLINGTON, EWING, GREENE, HAINKEL, HOLLIS, JOHNSON, JORDAN, LAMBERT, LENTINI, MALONE, ROMERO, SCHEDLER, SHORT, SMITH, THEUNISSEN AND ULLO

AN ACT

To amend and reenact R.S. 27:319, and R.S. 47:9025(B)(2) and 9070, relative to video poker and lottery; to provide that twenty-one shall be the minimum age to play video poker or lottery; to provide relative to penalties; and to provide for related matters.

Reported with amendments.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 14, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 131 by Representative Diez, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Diez, Dupre, and Theriot.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 14, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 25 by Representative McCain, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives McCain, J.R. Smith, and J.D. Smith.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 14, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 24 by Representative Long, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Long, Weston, and Pratt.

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

Message from the House

DISAGREEMENT TO HOUSE BILL

April 14, 1998

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 20 by Representative Hammett, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Hammett, Lancaster, and Travis.

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

**Appointment of Conference Committee
on House Bill No. 131**

The President of the Senate appointed on the Conference Committee on House Bill No. 131 the following members of the Senate: Senators Landry, Smith, and Bagneris.

**Appointment of Conference Committee
on House Bill No. 20**

The President of the Senate appointed on the Conference Committee on House Bill No. 20 the following members of the Senate: Senators Dardenne, Ellington, and Greene.

**Appointment of Conference Committee
on House Concurrent Resolution No. 24**

The President of the Senate appointed on the Conference Committee on House Concurrent Resolution the following members of the Senate: Senators Landry, Lentini, and Smith.

April 14, 1998

Appointment of Conference Committee on House Bill No. 24

The President of the Senate appointed on the Conference Committee on House Bill No. 24 the following members of the Senate: Senators Smith, Bajoie, and Lentini.

Appointment of Conference Committee on House Bill No. 25

The President of the Senate appointed on the Conference Committee on House Bill No. 25 the following members of the Senate: Senators Romero, Greene, and Hainkel.

Introduction of Senate Resolutions

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

SENATE RESOLUTION NO. 10—
BY SENATOR SHORT

A RESOLUTION

To direct the Senate Committee on Judiciary C to meet on Wednesday, April 15, 1998 at 9:00 o'clock a.m. and report House Bill 134 to the Senate.

Rules Suspended

Senator Short asked for and obtained a suspension of the rules for the purpose of taking up Senate Resolution No. 10 at this time.

Senator Bagneris objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Ellington	Robichaux
Branch	Greene	Romero
Cain	Johnson	Schedler
Casanova	Lambert	Short
Dardenne	Lentini	Smith
Dean	Malone	Ullo
Total—18		

NAYS

Bagneris	Hainkel	Landry
Bajoie	Heitmeier	Siracusa
Cox	Hollis	Theunissen
Fields C	Irons	
Fields W	Jones	
Total—13		

ABSENT

Mr. President	Cravins	Jordan
Bean	Dyess	Tarver
Campbell	Hines	
Total—8		

The Chair declared the Senate refused to suspend the rules.

SENATE RESOLUTION NO. 11—
BY SENATOR JONES

A RESOLUTION

To urge and request the Louisiana Department of Environmental Quality to work in conjunction with the United States

Environmental Protection Agency to assist the United States Virgin Islands with environmental matters.

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

Motion

Senator Short moved to order the Committee on Judiciary C to meet to hear House Bill No. 134.

Senator Landry objected.

Motion

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

Senator Greene objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bagneris	Fields W	Malone
Bajoie	Hines	Robichaux
Casanova	Hollis	Siracusa
Cox	Irons	Theunissen
Ellington	Johnson	
Fields C	Jones	
Total—16		

NAYS

Barham	Hainkel	Romero
Branch	Heitmeier	Schedler
Cain	Jordan	Short
Dardenne	Lambert	Smith
Dean	Landry	Ullo
Greene	Lentini	
Total—17		

ABSENT

Mr. President	Campbell	Dyess
Bean	Cravins	Tarver
Total—6		

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

Motion

Senator Johnson moved as a substitute motion that the bill be tabled.

Senator Greene objected.

ROLL CALL

The roll was called on the substitute motion with the following result:

YEAS

Bagneris	Fields W	Irons
Bajoie	Heitmeier	Jones
Casanova	Hines	Siracusa
Fields C	Hollis	Theunissen
Total—12		

NAYS

Barham	Hainkel	Robichaux
Branch	Johnson	Romero
Cain	Jordan	Schedler
Dardenne	Lambert	Short
Dean	Landry	Smith
Ellington	Lentini	Ullo
Greene	Malone	
Total—20		

ABSENT

Mr. President	Cox	Tarver
Bean	Cravins	
Campbell	Dyess	
Total—7		

The Chair declared the Senate refused to table the bill.

Motion

Senator Short moved to withdraw his prior motion to hear House Bill No. 134.

Senator Heitmeier objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Greene	Malone
Branch	Hainkel	Robichaux
Cain	Jones	Romero
Casanova	Jordan	Schedler
Dardenne	Lambert	Short
Dean	Landry	Smith
Ellington	Lentini	Ullo
Total—21		

NAYS

Bagneris	Fields W	Irons
Bajoie	Heitmeier	Siracusa
Cox	Hines	Theunissen
Fields C	Hollis	
Total—11		

ABSENT

Mr. President	Cravins	Tarver
Bean	Dyess	
Campbell	Johnson	
Total—7		

The Chair declared the the motion to withdraw Senator Short's prior motion was passed.

Motion

Senator Short moved to order the Committee on Judiciary C to hear and report House Bill No. 134 to the Senate on April 15, 1998.

Senator Bagneris objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Greene	Romero
Branch	Hainkel	Schedler

Cain	Johnson	Short
Casanova	Lambert	Smith
Dardenne	Lentini	Ullo
Dean	Malone	
Ellington	Robichaux	
Total—19		

NAYS

Bagneris	Heitmeier	Jones
Cox	Hines	Landry
Fields C	Hollis	Siracusa
Fields W	Irons	Theunissen
Total—12		

ABSENT

Mr. President	Campbell	Jordan
Bajoie	Cravins	Tarver
Bean	Dyess	
Total—8		

The Chair declared the the motion failed to pass.

Messages from the House

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

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

April 14, 1998

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. 68—
BY REPRESENTATIVE SCALISE AND SENATOR HAINKEL
A CONCURRENT RESOLUTION

To express the support of the Legislature of Louisiana for the retention of the Star Spangled Banner as our National Anthem and for efforts in that regard by Metairie Post 175 of the American Legion.

HOUSE CONCURRENT RESOLUTION NO. 69—
BY REPRESENTATIVE HOLDEN
A CONCURRENT RESOLUTION

To commend Baton Rouge native Warrick Dunn for his outstanding first season in professional football as a member of the Tampa Bay Buccaneers which earned him the title of Offensive Rookie of the Year bestowed by the Associated Press and for his many charitable and civic endeavors.

HOUSE CONCURRENT RESOLUTION NO. 70—
BY REPRESENTATIVE WILKERSON
A CONCURRENT RESOLUTION

To commend Thomas L. Hoyt, Jr., forty-eighth bishop of the Christian Methodist Episcopal Church, for his many accomplishments and to thank him for his faithful service to the church and its members.

HOUSE CONCURRENT RESOLUTION NO. 71—
BY REPRESENTATIVE WILKERSON
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to repair the hazardous road conditions on LA Hwy. 150 and LA Hwy. 818 and Tarbutton Road in Lincoln Parish.

April 14, 1998

HOUSE CONCURRENT RESOLUTION NO. 72—

BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend Mr. Antawn Jamison, a Shreveport native, for his performance in the NCAA Final Four as a member of the University of North Carolina Tar Heels basketball team and to recognize his heroics on the basketball court which earned him the title of college basketball player of the year bestowed by the Associated Press.

HOUSE CONCURRENT RESOLUTION NO. 73—

BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend and congratulate Billy Thomas on his outstanding sports achievements throughout his high school basketball career at Shreveport Loyola Prep and his college basketball career at the University of Kansas, as well as recognizes him for his many community service activities and academic achievements.

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

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

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

April 14, 1998

To the President and Members of the Senate:

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

HOUSE CONCURRENT RESOLUTION NO. 7—

BY REPRESENTATIVE HILL

A CONCURRENT RESOLUTION

To recognize December 26, 1991, as the date upon which the Union of Soviet Socialist Republics was dismantled and the cold war ended, creating a world safer from the threat of nuclear war and freer from personal, political, and religious oppression and to urge that December twenty-sixth be observed annually in Louisiana as a special day to commemorate this significant day in history.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 33—

BY REPRESENTATIVE HOLDEN

A CONCURRENT RESOLUTION

To memorialize the United States Senate to support the inclusion of Poland, Hungary, and the Czech Republic in the North Atlantic Treaty Organization.

Reported favorably.

HOUSE BILL NO. 209 (Substitute for House Bill No. 200 by Representative Hopkins)—

BY REPRESENTATIVES HOPKINS AND THOMPSON

AN ACT

To amend and reenact R.S. 42:851.5(A)(2), relative to the State Employees' Group Benefits Program fee schedules; to require informing program participants regarding the cost of certain laboratory, radiology, diagnostic, and therapeutic services provided by certain providers; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAY DARDENNE
Chairman

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Barham, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

April 14, 1998

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

HOUSE BILL NO. 156—

BY REPRESENTATIVES WESTON, DEWITT, DOWNER, AND MCMAINS

AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO

AN ACT

To amend Act No. 28 of the 1997 Regular Session of the Legislature, relative to the comprehensive capital construction budget, by adding thereto a new Section, to add a project for the Earl K. Long Medical Center; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 162—

BY REPRESENTATIVES ALARIO, WALSWORTH, AND PIERRE

AN ACT

To enact R.S. 47:287.738(B)(5), relative to the inclusion of target company gains in gross income for purposes of the corporation income tax; to provide for the treatment of certain profits or losses by corporations which made an Internal Revenue Code election under Section 338; to provide for the applicability of such treatment; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 206—

BY REPRESENTATIVES DEWITT, DOWNER, AND MCMAINS AND

SENATORS DARDENNE, EWING, BARHAM, AND ROMERO

AN ACT

To amend and reenact R.S. 39:128(B) and to repeal R.S. 17:3383, relative to certain higher education capital outlay projects; to exempt certain professional service contracts from provisions of law regulating such contracts; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT J. BARHAM
Chairman

REPORT OF COMMITTEE ON

JUDICIARY B

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

April 14, 1998

To the President and Members of the Senate:

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

HOUSE BILL NO. 112—

BY REPRESENTATIVES WIGGINS AND FLAVIN
AN ACT

To amend and reenact R.S. 27:319, relative to gaming; to provide that twenty-one years shall be the minimum age for playing video poker; to provide for definitions; to provide penalties; to provide exceptions; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 164—

BY REPRESENTATIVES WINDHORST AND HEATON
AN ACT

To enact R.S. 14:90.4, relative to offenses affecting general morality; to create the crime of unlawful play of certain gaming devices by persons under the age of twenty-one; to provide definitions; to provide penalties; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 174—

BY REPRESENTATIVES DEWITT, DOWNER, AND MCMAINS AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 27:25(E) and to enact R.S. 27:15(D) and (E), relative to the Louisiana Gaming Control Board; to provide for assessment of fines for riverboat gaming violations; to provide that the board may adopt a schedule of fines by rule; and to provide for related matters.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 44—

BY REPRESENTATIVE SALTER
A CONCURRENT RESOLUTION

To authorize and encourage the Louisiana State Law Institute to make appropriate statutory name changes solely to reflect the renaming of the Northwest Louisiana Juvenile Detention Center Authority to the Ware Youth Center Authority.

Reported favorably.

Respectfully submitted,
DONALD R. CRAVINS
Chairman

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

Senator Cravins asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 112—

BY REPRESENTATIVES WIGGINS AND FLAVIN
AN ACT

To amend and reenact R.S. 27:319, relative to gaming; to provide that twenty-one years shall be the minimum age for playing video poker; to provide for definitions; to provide penalties; to provide exceptions; 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 Reengrossed House Bill No. 112 by Representative Wiggins

AMENDMENT NO. 1

On page 2, line 21, change "knew" to "is shown to have known"

AMENDMENT NO. 2

On page 3, line 17, after the word "period" insert "at the same licensed location"

AMENDMENT NO. 3

On page 3, between lines 18 and 19 insert the following:

"(d) For persons having more than one license issued pursuant to the provisions of this Chapter, license revocation as provided in this Subsection shall only apply to the license of the licensed establishment where the violations occurred."

AMENDMENT NO. 4

On page 3, line 22, after "dollars" insert "for the first offense, two hundred fifty dollars for the second offense, and five hundred dollars for the third offense"

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

HOUSE BILL NO. 156—

BY REPRESENTATIVES WESTON, DEWITT, DOWNER, AND MCMAINS AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend Act No. 28 of the 1997 Regular Session of the Legislature, relative to the comprehensive capital construction budget, by adding thereto a new Section, to add a project for the Earl K. Long Medical Center; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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. 162—

BY REPRESENTATIVES ALARIO, WALSWORTH, AND PIERRE
AN ACT

To enact R.S. 47:287.738(B)(5), relative to the inclusion of target company gains in gross income for purposes of the corporation income tax; to provide for the treatment of certain profits or losses by corporations which made an Internal Revenue Code election under Section 338; to provide for the applicability of such treatment; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 162 by Representative Alario

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and delete lines 3 through 6 in their entirety and insert in lieu thereof the following:

"limit the ability of the secretary of the Department of Revenue to negotiate and execute certain agreements with taxpayers for payment of taxes, interest and penalties due the state as a result of a recent supreme court decision regarding the constitutionality of Act No. 690 of the 1993 Regular Session; to provide for approval of such agreements by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means; to provide for an"

AMENDMENT NO. 2

On page 1, line 9, after "Section 1." delete the remainder of the line, delete lines 10 through 16 in their entirety and insert in lieu thereof the following:

"As to the amounts due or payments of any tax, interest, and penalty to the Department of Revenue by the taxpayer as a result of the decision of the Louisiana Supreme Court in *Dow Hydrocarbons and Resources v. Kennedy*, Docket No. 96-CA-2471, 694 So. 2d 215 (May 20, 1997) in which Act No. 690 of the 1993 Regular Session of the Legislature was declared unconstitutional, the ability of the secretary of the Department of Revenue to negotiate with and execute agreements from the effective date of this Act to July 1, 1999 with any taxpayer, except those taxpayers as provided in Section 2 of this Act, shall be subject to the approval of the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means, meeting as a joint committee. No agreement proposed pursuant to this Section shall become effective unless and until approved by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means, meeting as a joint committee.

Section 2. Section 1 of this Act shall not apply to those taxpayers who have remitted taxes under protest and filed suit challenging the constitutionality of Act No. 690 of the 1993 Regular Session under the provisions of R.S. 47:1576 prior to the effective date of this Act.

Section 3. Unless waived in an agreement executed pursuant to Section 1 of this Act, nothing in this Act shall impair or otherwise prohibit a taxpayer or the department from pursuing, judicially or administratively, whatever rights, actions, procedures or remedies provided by law related to the assessment, collection, or payment of the taxes due because of the decision of the supreme court in *Dow Hydrocarbons and Resources v. Kennedy*, Docket No. 96-CA-2471, 694 So. 2d 215 (May 20, 1997)."

AMENDMENT NO. 3

On page 2, delete lines 1 through 9 in their entirety.

AMENDMENT NO. 4

On page 2, line 10, change "Section 3." to "Section 4."

AMENDMENT NO. 5

On page 2, line 13, change "Section 4." to "Section 5."

On motion of Senator Barham, 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. 164—

BY REPRESENTATIVES WINDHORST AND HEATON
AN ACT

To enact R.S. 14:90.4, relative to offenses affecting general morality; to create the crime of unlawful play of certain gaming devices by persons under the age of twenty-one; to provide definitions; to provide penalties; 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 Reengrossed House Bill No. 164 by Representative Windhorst

AMENDMENT NO. 1

On page 2, line 2, after "dollars" insert "for the first offense, two hundred fifty dollars for the second offense, and five hundred dollars for the third offense"

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

HOUSE BILL NO. 174—

BY REPRESENTATIVES DEWITT, DOWNER, AND MCMAINS AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 27:25(E) and to enact R.S. 27:15(D) and (E), relative to the Louisiana Gaming Control Board; to provide for assessment of fines for riverboat gaming violations; to provide that the board may adopt a schedule of fines by rule; 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. 206—

BY REPRESENTATIVES DEWITT, DOWNER, AND MCMAINS AND SENATORS DARDENNE, EWING, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 39:128(B) and to repeal R.S. 17:3383, relative to certain higher education capital outlay projects; to exempt certain professional service contracts from provisions of law regulating such contracts; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. 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. 209 (Substitute for House Bill No. 200 by Representative Hopkins)—

BY REPRESENTATIVES HOPKINS AND THOMPSON
AN ACT

To amend and reenact R.S. 42:851.5(A)(2), relative to the State Employees' Group Benefits Program fee schedules; to require informing program participants regarding the cost of certain laboratory, radiology, diagnostic, and therapeutic services provided by certain providers; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. 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.

Privilege Report of the Legislative Bureau

April 14, 1998

To the President and Members of the Senate:

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

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 27—

BY REPRESENTATIVES MCDONALD, DEWITT, MCMAINS, CRANE, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM
AN ACT

To enact R.S. 17:7.6, relative to state funds; to provide for the creation of the Alternative Schools Fund within the state treasury; to provide for deposit of monies into the fund; to provide for uses and investment of monies in the fund; to provide for the development of a grant program for distribution of monies from the fund; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 33—

BY REPRESENTATIVE ROUSSELLE
AN ACT

To amend and reenact Section 3 of Act No. 113 of the 1950 Regular Session of the Legislature as amended by Act No. 186 of the 1970 Regular Session of the Legislature, Act No. 196 of the 1992

Regular Session of the Legislature, and Act No. 953 of the 1995 Regular Session of the Legislature, relative to the Bayou Lafourche Freshwater District; to provide relative to the appointment and removal of certain members of the district board of commissioners; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 59—
BY REPRESENTATIVE WIGGINS
AN ACT

To authorize and provide for the transfer or lease of certain state property to Water Works District No. 3 of Rapides Parish, to provide certain terms and conditions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 63—
BY REPRESENTATIVE DOERGE
AN ACT

To amend and reenact R.S. 17:1994, 1994.1, and 1994.2, relative to postsecondary vocational-technical education; to name and designate the vocational-technical schools under the jurisdiction of the State Board of Elementary and Secondary Education, or its successor; to provide for certain prison vocational programs; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 80—
BY REPRESENTATIVES DEWITT, ALARIO, BARTON, BAUDOIN, BRUCE, CARTER, CRANE, DAMICO, DANIEL, DEVILLE, DIEZ, DOERGE, DONELON, DUPRE, DURAND, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GLOVER, HILL, KENNEY, LANCASTER, LANDRIEU, MARTINY, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MONTGOMERY, PINAC, POWELL, RIDDLE, ROMERO, SCALISE, SHAW, JACK SMITH, STRAIN, THOMPSON, TRAVIS, TRICHE, WADDELL, WALSWORTH, AND WIGGINS
AN ACT

To amend and reenact R.S. 46:236.5(B)(1), relative to income assignments; to provide for the collection of child support by the Department of Social Services; to specify that the existing fee of not more than five percent is payable by the obligor; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 115—
BY REPRESENTATIVES WILKERSON AND HUNTER
AN ACT

To amend and reenact R.S. 13:477(3) and 621.3, relative to the Third Judicial District; to add an additional judgeship to the Third Judicial District Court; to provide for election sections for the Third Judicial District; to provide relative to the terms of office of the judges; to provide for the effectiveness of such provisions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 117—
BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS, CRANE, KENNEY, WALSWORTH, FRITH, AND THOMPSON AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM
AN ACT

To enact R.S. 17:24.10 and to repeal R.S. 17:24.7, relative to prekindergarten programs and early childhood development projects; to provide for the development of prekindergarten programs for at-risk children; to provide for program procedures, guidelines, and participation; to provide relative to funding for the program and review and evaluation; to provide for rules and regulations; to remove provisions relative to early childhood development projects; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 119—
BY REPRESENTATIVES MCDONALD, DOWNER, MCMAINS, CRANE, DEWITT, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM
AN ACT

To amend and reenact R.S. 17:154(B), 154.1, and 154.3(A), (B), and (D)(2) and to repeal R.S. 17:225, all relative to requirements concerning school time, including the length of the school day and school year, instructional time, and staff development days for teachers; to provide relative to the minimum number of instructional minutes per day and the minimum number of instructional days per year; to provide relative to modifications made to such instructional time by public school governing authorities with certain limitations; to provide relative to the use of instructional time which exceeds the minimum as required by law; to remove certain provisions relative to the minimum session of attendance required; to provide additional staff development days for teachers under certain circumstances; to provide relative to effectiveness; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 154—
BY REPRESENTATIVE WINDHORST
AN ACT

To amend and reenact R.S. 15:1181, 1183(A), 1184(A), (B), (C), and (E), 1185(A), 1186(C), 1187, 1188, and 1189, all relative to civil proceedings brought by persons confined in state or local correctional facilities; to provide for the time for determining "prisoner" status; to define "failure to state a claim upon which relief can be granted" in certain proceedings; to provide the method for determining whether a petition states a claim upon which relief can be granted; to provide that a defendant's waiver of the right to reply does not waive affirmative defenses; to provide with regard to the payment of damages in such an action; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 156—
BY REPRESENTATIVES WESTON, DEWITT, DOWNER, AND MCMAINS AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend Act No. 28 of the 1997 Regular Session of the Legislature, relative to the comprehensive capital construction budget, by adding thereto a new Section, to add a project for the Earl K. Long Medical Center; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 162—
BY REPRESENTATIVES ALARIO, WALSWORTH, AND PIERRE
AN ACT

To enact R.S. 47:287.738(B)(5), relative to the inclusion of target company gains in gross income for purposes of the corporation income tax; to provide for the treatment of certain profits or losses by corporations which made an Internal Revenue Code election under Section 338; to provide for the applicability of such treatment; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 174—
BY REPRESENTATIVES DEWITT, DOWNER, AND MCMAINS AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 27:25(E) and to enact R.S. 27:15(D) and (E), relative to the Louisiana Gaming Control Board; to provide for assessment of fines for riverboat gaming violations; to provide that the board may adopt a schedule of fines by rule; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 177—
BY REPRESENTATIVES DANIEL, JOHN SMITH, FLAVIN, BRUNEAU, AND
JETSON AND SENATORS ROMERO AND MALONE
AN ACT

To amend and reenact R.S. 33:1423(B)(1) and R.S. 56:6(21), 8(12)(a)(ii) and (60.1), 103(B) and (D), 104(A)(introductory paragraph) and (1)(a), 251(A)(1), 302.4(A), 302.5, 302.6, and 642(A), to enact R.S. 56:30.1, 302.4(D), and 641.1, and to repeal R.S. 56:302.4(B), all relative to the issuance of hunting and recreational fishing licenses by the Department of Wildlife and Fisheries; to authorize the issuance of such licenses through electronic means; to authorize the contracting with and payment of special issuing agents for services related to the issuance of such licenses; to repeal the requirements for license booklets, issuance of licenses by tax collectors, the deduction of commissions by said collectors, and the collection and submission of fees by said tax collectors; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 188—
BY REPRESENTATIVE FONTENOT
AN ACT

To enact R.S. 13:961(F)(1)(i), relative to court reporters for the Twenty-first Judicial District Court; to authorize a majority of the judges of the judicial district to determine certain fees to be paid to court reporters; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 201—
BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS,
CRANE, KENNEY, AND WALSWORTH AND SENATORS EWING,
DARDENNE, HAINKEL, BARHAM, AND SHORT
AN ACT

To amend and reenact R.S. 17:3042.1(A), 3048.1, and 3048.2 and R.S. 47:1508(B)(17), relative to the Tuition Opportunity Program for Students; to provide for program awards and payments; to provide for student eligibility; to provide conditions and limitations; to provide for program administration; to provide for certain rules; to provide for implementation; to provide for confidentiality and release of certain tax records; to provide for effectiveness; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 202—
BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 47:302.23(B), relative to the proceeds of the state sales tax on hotel occupancy in Vermilion Parish; to provide for the dedication and allocation of certain monies in the Vermilion Parish Visitor Enterprise Fund; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 206—
BY REPRESENTATIVES DEWITT, DOWNER, AND MCMAINS AND
SENATORS DARDENNE, EWING, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 39:128(B) and to repeal R.S. 17:3383, relative to certain higher education capital outlay projects; to exempt certain professional service contracts from provisions of law regulating such contracts; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 209 (Substitute for House Bill No. 200 by Representative Hopkins)—
BY REPRESENTATIVES HOPKINS AND THOMPSON
AN ACT

To amend and reenact R.S. 42:851.5(A)(2), relative to the State Employees' Group Benefits Program fee schedules; to require informing program participants regarding the cost of certain laboratory, radiology, diagnostic, and therapeutic services provided by certain providers; and to provide for related matters.

Reported without amendments.

Respectfully submitted,

DENNIS BAGNERIS
Chairman

Adoption of Legislative Bureau Report

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

Rules Suspended

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of holding a meeting of the Committee on Senate and Governmental Affairs at 8:30 am on April 15, 1998 without the required 24 hour notice.

Rules Suspended

Senator Barham asked for and obtained a suspension of the rules for the purpose of holding a meeting of the Committee on Revenue & Fiscal Affairs at 9:00 am on April 15, 1998 without the required 24 hour notice.

Rules Suspended

Senator Hainkel asked for and obtained a suspension of the rules for the purpose of holding a meeting of the Committee on Finance at 9:00 am on April 15, 1998 without the required 24 hour notice.

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

April 14, 1998

To the Honorable President and Members of the Senate:

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

HOUSE BILL NO. 14—
BY REPRESENTATIVES DURAND, DOWNER, FONTENOT, AND
MARIONNEAUX AND SENATORS HOLLIS AND JORDAN
AN ACT

To amend and reenact R.S. 37:1395(E)(1) and (F) and to enact R.S. 37:1400(H), relative to the licensure and regulation of locksmiths; to provide an exemption from licensing for certain persons; to provide for the legal ownership and possession of locksmithing tools, manuals, or codebooks by certain persons; and to provide for related matters.

HOUSE BILL NO. 35—
BY REPRESENTATIVE JACK SMITH
AN ACT

To amend Act No. 28 of the 1997 Regular Session of the Legislature, relative to the capital outlay budget, by adding thereto a new Section, to change the matching funds requirement for the

April 14, 1998

Chitimacha Loop Roads planning and construction in St. Mary Parish; and to provide for related matters.

HOUSE BILL NO. 38—
BY REPRESENTATIVE THOMPSON AND SENATOR JONES
AN ACT

To amend and reenact R.S. 47:302.4 and 322.18, relative to the state sales tax on hotel occupancy; to create the Madison Parish Visitor Enterprise Fund and the Richland Parish Visitor Enterprise Fund in the state treasury; to provide for deposit of monies into such funds; to provide for the allowable uses of the monies in the funds; and to provide for related matters.

HOUSE BILL NO. 39—
BY REPRESENTATIVE THOMPSON AND SENATOR JONES
AN ACT

To enact R.S. 47:332.44, relative to the state sales tax on hotel occupancy; to create the Madison Parish Visitor Enterprise Fund and the Richland Parish Visitor Enterprise Fund in the state treasury; to provide for deposit of monies into such funds; to provide for the allowable uses of the monies in the funds; and to provide for related matters.

HOUSE BILL NO. 40—
BY REPRESENTATIVE THOMPSON AND SENATOR JONES
AN ACT

To appropriate funds out of the General Fund of the state of Louisiana from certain statutory dedications for the 1997-1998 Fiscal Year to the Department of the Treasury for the purpose of providing supplemental funding.

HOUSE BILL NO. 53 (Duplicate of Senate Bill No. 50)—
BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, QUEZAIRE, AND HUDSON AND SENATORS EWING, DARDENNE, HAINKEL, BAGNERIS, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 2:805, R.S. 34:3455, and R.S. 38:90.7, relative to the Department of Transportation and Development; to provide for the authorization of and use by the secretary of certain funds for projects of the Airport Construction and Development Priority Program, Statewide Flood Control Program, and Port Commission and Development Priority Program when such projects are undertaken due to emergencies; to provide for criteria; and to provide for related matters.

HOUSE BILL NO. 58 (Duplicate of Senate Bill No. 37)—
BY REPRESENTATIVE JOHN SMITH AND SENATOR DARDENNE AND COAUTHORED BY SENATOR ULLO
AN ACT

To amend and reenact R.S. 37:2153(D), relative to the State Licensing Board for Contractors; to authorize the board to sell and lease certain property and retain revenues; to provide certain procedures; and to provide for related matters.

HOUSE BILL NO. 71—
BY REPRESENTATIVES THOMPSON, BAUDOIN, CURTIS, DOERGE, LONG, MCDONALD, AND WINSTON
AN ACT

To enact R.S. 17:53, relative to city and parish school boards; to require certain training and instruction for members of all city and parish school boards; to provide relative to completion of such training and instruction; to provide for rules and regulations; to provide for applicability; and to provide for related matters.

HOUSE BILL NO. 74—
BY REPRESENTATIVE HAMMETT AND SENATORS ELLINGTON AND JONES
AN ACT

To amend and reenact R.S. 34:1863(A), to enact R.S. 34:1865, 1866, and 1867, and to repeal R.S. 34:3141, 3142, 3143, 3144, and 3145, relative to the Vidalia Port Commission; to provide for the limits of the district; to provide for the board of commissioners; to

provide for the rights and powers of the board; to provide for the sale of bonds; and to provide for related matters.

HOUSE BILL NO. 76—
BY REPRESENTATIVES MCDONALD, DIMOS, AND THOMPSON AND SENATORS BARHAM AND ULLO
AN ACT

To authorize and provide for the transfer, sale, lease, or other cooperative endeavor involving certain state property in Ouachita Parish by and on behalf of the state through the Department of Wildlife and Fisheries and the United States Fish and Wildlife Service or other appropriate public entity; to provide relative to the Black Bayou Lake National Wildlife Refuge; and to provide for related matters.

HOUSE BILL NO. 104 (Duplicate of Senate Bill No. 77)—
BY REPRESENTATIVE DEWITT AND SENATOR ELLINGTON AND COAUTHORED BY REPRESENTATIVES DOWNER AND MCMAINS AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 23:76(C)(10), relative to the Occupational Forecasting Conference; to provide with respect to comprehensive labor market information system; to change the projection date for occupational forecasting; and to provide for related matters.

HOUSE BILL NO. 145 (Duplicate of Senate Bill No. 82)—
BY REPRESENTATIVE MCDONALD AND SENATOR BARHAM AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, AND MCMAINS AND SENATORS EWING, DARDENNE, HAINKEL, AND ROMERO
AN ACT

To authorize and provide for the transfer or lease of certain state property in Ouachita Parish by and on behalf of the state through the Department of Wildlife and Fisheries; to provide certain terms and conditions; and to provide for related matters.

HOUSE BILL NO. 146—
BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, AND MCCAIN AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND ROMERO
AN ACT

To amend and reenact R.S. 44:39(A), relative to public records; to provide for the maintenance of records by the Department of Public Safety and Corrections, public safety services; and to provide for related matters.

HOUSE BILL NO. 204—
BY REPRESENTATIVES WIGGINS AND WRIGHT AND SENATOR ELLINGTON
AN ACT

To amend and reenact R.S. 17:62 and 73 and to enact R.S. 17:62.1, relative to the school system for Wards 9, 10, and 11 in Rapides Parish; to provide for the school board and an interim board of control; to provide for board membership, qualifications, method of selection, terms of office, filling of vacancies, powers, duties, and responsibilities; to provide for the apportionment of the school board and for reapportionment of the Rapides Parish School Board; to provide for effectiveness and for implementation; and to provide for related matters.

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

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

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 14, 1998

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. 2—
BY REPRESENTATIVE RIDDLE

A CONCURRENT RESOLUTION

To amend the Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors rule (LAC 46:LXI.1701(B)), to provide for when the use of seals and signatures of engineers or land surveyors is required for sewage or water facility projects, and in-kind replacement of facilities.

HOUSE CONCURRENT RESOLUTION NO. 13—
BY REPRESENTATIVES MCMAINS, DANIEL, HOLDEN, AND DIMOS AND SENATOR DARDENNE

A CONCURRENT RESOLUTION

To memorialize the United States Senate to support the inclusion of Poland, Hungary, and the Czech Republic in the North Atlantic Treaty Organization.

HOUSE CONCURRENT RESOLUTION NO. 35—
BY REPRESENTATIVES DUPRE, GAUTREAU, ROUSSELLE, FLAVIN, FRITH, HAMMETT, ODINET, PIERRE, JACK SMITH, JOHN SMITH, TRICHE, AND THERIOT AND SENATORS ROBICHAUX, CAIN, LANDRY, MALONE, ROMERO, SIRACUSA, AND ULLO

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to support and adopt legislation designed to provide for the sharing with coastal states of revenues generated from mineral exploration on the Outer Continental Shelf.

HOUSE CONCURRENT RESOLUTION NO. 42—
BY REPRESENTATIVES DIEZ AND THERIOT AND SENATOR LANDRY

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to help fund improvements to Highway 1 in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 43—
BY REPRESENTATIVE THOMPSON AND SENATOR JONES

A CONCURRENT RESOLUTION

To urge and request the Kansas City Southern Railroad to improve its trestle location on Joe's Bayou Lake Road in Madison Parish, Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 63—
BY REPRESENTATIVES CLARKSON AND WINDHORST AND SENATOR HEITMEIER

A CONCURRENT RESOLUTION

To commend and congratulate Monsignor John A. Tomasovich on the fiftieth anniversary of his ordainment into the priesthood and to thank him for his service and dedication to the Catholic Church, to his community, to this state, and to his country.

HOUSE CONCURRENT RESOLUTION NO. 64—

BY REPRESENTATIVES DIMOS, ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DEWITT, DIEZ, DOERGE, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREAU, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES, JENKINS, JETSON, JOHNS, KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG, MARIONNEAUX, MARTINY, MCCAIN, MCCALLUM, MCDONALD, MCMAINS, MICHOT, MITCHELL, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PERKINS, PIERRE, PINAC, POWELL, PRATT, QUEZAIRE, RIDDLE, ROMERO, ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, JACK SMITH, JOHN SMITH, STELLY, STRAIN, THERIOT, THOMAS, THOMPSON, THORNHILL, TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WALSWORTH, WARNER, WELCH, WESTON, WIGGINS, WILKERSON, WILLARD, WINDHORST, WINSTON, AND WRIGHT AND SENATORS BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, C. FIELDS, W. FIELDS, GREENE, HAINKEL, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Hugh H. Hyman, Jr.

HOUSE CONCURRENT RESOLUTION NO. 65—
BY REPRESENTATIVE HOLDEN AND SENATOR C. FIELDS

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Mr. Phillip Shields, Sr.

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:

April 14, 1998

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. 4—
BY SENATOR EWING AND REPRESENTATIVE BRUNEAU

A CONCURRENT RESOLUTION

To amend and readopt Joint Rule No. 8 of the Joint Rules of the Senate and House of Representatives to provide for the selection of officers of certain joint legislative bodies; to provide that the positions of the officers of certain joint legislative bodies rotate between the Senate and the House of Representatives; to provide relative to joint committees; and to provide for related matters.

SENATE CONCURRENT RESOLUTION NO. 39—
BY SENATOR BARHAM AND REPRESENTATIVES THOMPSON AND WALSWORTH

A CONCURRENT RESOLUTION

To commend and congratulate the Ouachita Christian High School Football Team upon their nonpareil excellence during the 1997 football season that culminated in winning the Louisiana High School Athletic Association Class 2A State Championship.

SENATE CONCURRENT RESOLUTION NO. 40—
BY SENATORS IRONS, BAJOIE AND BAGNERIS AND REPRESENTATIVES BAUDOIN, BRUCE, CLARKSON, DURAND, FARVE, ILES, MCCAIN, PRATT, SCHWEGMANN, WESTON, WILKERSON, WILLARD, WINSTON AND WELCH

A CONCURRENT RESOLUTION

To designate April as Child Abuse Prevention Month and to urge all citizens of the state to join in the effort to reduce abuse and neglect of our most precious resource... our children.

SENATE CONCURRENT RESOLUTION NO. 41—
BY SENATORS IRONS AND BAGNERIS

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to support reauthorization of and funding for the Violence Against Women Act of 1998.

SENATE CONCURRENT RESOLUTION NO. 42—

BY SENATOR CAMPBELL

A CONCURRENT RESOLUTION

To urge and request the Louisiana State University Board of Supervisors, the Louisiana State University Athletic Department, and the Louisiana State University football coaches and staff to schedule and hold a football game in Shreveport, Louisiana.

SENATE CONCURRENT RESOLUTION NO. 43—

BY SENATORS C. FIELDS, SMITH, BAGNERIS, BARHAM, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DEAN, DYESS, ELLINGTON, EWING, W. FIELDS, GREENE, HEITMEIER, HINES, HOLLIS, IRONS, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, TARVER, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To commend Ben D. Johnson on donating the money needed to open the Ben D. Johnson Education Center in Natchitoches, Louisiana.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Concurrent Resolutions 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:

April 14, 1998

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. 8—

BY SENATOR CAIN AND REPRESENTATIVE J.R. SMITH
AN ACT

To enact R.S. 13:996.57, relative to courts and judicial procedure; to provide for the creation of a judicial expense fund for the Thirtieth Judicial District Court; to provide for assessment of a fee in certain civil and criminal cases; to provide for disposition and disbursements from the fund; to provide for annual audits of the fund; to authorize hiring and payment of necessary personnel; and to provide for related matters.

SENATE BILL NO. 10—

BY SENATORS SMITH, EWING, BAGNERIS, BAJOE, BARHAM, BEAN, CAIN, COX, CRAVINS, DEAN, DYESS, ELLINGTON, C. FIELDS, W. FIELDS, HEITMEIER, HINES, HOLLIS, LAMBERT, ROBICHAUX, ROMERO, SCHEDLER, SIRACUSA, TARVER, THEUNISSEN AND ULLO
AN ACT

To designate U.S. Highway 167 from its intersection with Interstate Highway 49 at the Alexandria, Louisiana, corporate limits to the Arkansas state line at Junction City, Arkansas, as the "Piney Hills Throughway."

SENATE BILL NO. 16—

BY SENATORS LANDRY, DARDENNE, EWING, HAINKEL, AND BARHAM
AN ACT

To amend and reenact R.S. 48:250.1, relative to the Department of Transportation and Development; to provide that the Department of Transportation and Development may not be prohibited from withholding merit increases in connection with the participation in certain training programs; and to provide for related matters.

SENATE BILL NO. 30—

BY SENATORS LENTINI, LANDRY AND SCHEDLER AND REPRESENTATIVES FAUCHEUX AND MARIONNEAUX
AN ACT

To amend and reenact R.S. 32:168, relative to railroads; to provide relative to required audible signaling by a train operator when approaching a railroad crossing; to increase the required distance of sounding of such signal; and to provide for related matters.

SENATE BILL NO. 55—

BY SENATORS ULLO AND SCHEDLER
AN ACT

To enact R.S. 26:911(B)(3), relative to the sale of tobacco products; to define those retail dealers who qualify as a tobacconist at a particular retail outlet; to authorize the purchase of tobacco products by a tobacconist at a particular retail outlet directly from manufacturers, wholesalers, or other suppliers; and to provide for related matters.

SENATE BILL NO. 84—

BY SENATORS BAJOE AND HAINKEL AND REPRESENTATIVE PRATT
AN ACT

To enact R.S. 33:2740.38 relative to special taxing districts; to create a special taxing district for the Garden District in Orleans Parish; to provide for the boundaries, management, powers, and the adoption of rules and regulations for the district's operation; to require an annual plan; to authorize the city of New Orleans to levy and collect an ad valorem tax; and to provide for related matters.

SENATE BILL NO. 103—

BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM AND ROMERO AND REPRESENTATIVES DOWNER, DEWITT AND MCMAINS
AN ACT

To amend and reenact R.S. 11:921, 924(2) and (5), 925, 927(B) and (C), 928, 929(D) and (E), and 931, relative to the Teachers' Retirement System of Louisiana; to authorize employees of the Board of Regents, Board of Trustees for State Colleges and Universities, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and Board of Supervisors of Southern University and Agricultural and Mechanical College, and any other constitutionally established board which manages institutions of higher education to participate in an optional retirement plan; to rename the Subpart; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 105—

BY SENATORS ELLINGTON AND JOHNSON
AN ACT

To amend and reenact R.S. 11:708(A)(1) relative to the Teachers' Retirement System of Louisiana; to provide for reemployment of retired members who participated in the Deferred Retirement Option Program; to provide for reemployment of such retired members through the qualified teacher shortage provisions; to provide for an effective date; and to provide for related matters.

SENATE BILL NO. 162 (Duplicate of House Bill No. 149)—

BY SENATOR CRAVINS AND REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 27:361(B)(introductory paragraph) and (4) and to enact R.S. 27:353(13) and Part IV of Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:391 and 392, relative to the conduct of slot machine gaming at certain live horse race tracks as provided in Act 721 of the 1997 Regular Session of the Legislature; to provide for the definition of "taxable net slot machine proceeds"; to provide for the dedication of a fixed percentage of net slot machine proceeds to supplement purses for races run at the live meetings at an eligible facility, and to the Louisiana Thoroughbred Breeders' Association and the Louisiana Quarter Horse Breeders' Association for use as awards for breeders of accredited Louisiana-bred horses, and for promotion of the Louisiana horse breeding industry; to authorize certain local governing authorities to impose certain taxes; to

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provide for the collection and disposition of fees and taxes; and to provide for related matters.

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bean 1 Day

Adjournment

Senator Bagneris moved that the Senate adjourn until Wednesday, April 15, 1998 at 10:30 o'clock A.M.

The President of the Senate declared the Senate adjourned until 10:30 o'clock A.M. on Wednesday, April 15, 1998.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk