

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

**ELEVENTH 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

Wednesday, April 8, 1998

The Senate was called to order at 3:00 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	Theunissen
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 Rev. Elder Brown, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

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

**Morning Hour**

**Introduction of Resolutions,  
Senate and Concurrent**

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

**SENATE RESOLUTION NO. 9—**  
BY SENATORS LAMBERT, DARDENNE, AND GREENE (BY REQUEST)  
**A RESOLUTION**

To create the Bayou Manchac-Alligator Bayou-Spanish Lake Study Commission to study and make recommendations relative to the establishment of portions of Bayou Manchac from its intersection with Bayou Fountain in East Baton Rouge Parish to its intersection with Alligator Bayou, portions of Alligator Bayou from its intersection with Bayou Manchac where East Baton Rouge, Ascension, and Iberville parishes meet to Spanish Lake in Iberville Parish, and portions of Spanish Lake located in the easternmost portion of Iberville Parish and bordering Ascension Parish as a state park, a historic site or region, a wildlife management area, or any other designation appropriate to ensure protection, preservation, and conservation of the bayous, the lake, and the surrounding area.

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

**SENATE CONCURRENT RESOLUTION NO. 43—**  
BY SENATORS C. FIELDS AND SMITH  
**A CONCURRENT RESOLUTION**

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

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Bajoie	Hainkel
Bean	Robichaux
Total—4	

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

**Motion to Recommit**

Senator Cravins asked for and obtained a suspension of the rules and recommitted Senate Bill No. 161, which was on Third Reading and Final Passage, to the Committee on Finance.

**Reports of Committees**

The following reports of committees were received and read:

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

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

April 8, 1998

To the President and Members of the Senate:

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

**HOUSE BILL NO. 9—**

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 40:1643(C), relative to required fire protection sprinkler systems; to provide for an extension of time to meet the requirement for high-rise buildings in certain cases; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 14—**

BY REPRESENTATIVES DURAND AND DOWNER

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.

Reported favorably.

**HOUSE BILL NO. 58—**

BY REPRESENTATIVE JOHN SMITH AND SENATOR DARDENNE

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.

Reported favorably.

**HOUSE BILL NO. 62—**

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 12:1335.1(A), relative to limited liability companies; to provide for dissolution by affidavit of certain limited liability companies; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**REPORT OF COMMITTEE ON**

**SENATE AND GOVERNMENTAL AFFAIRS**

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

April 8, 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:

**SENATE CONCURRENT RESOLUTION NO. 28—**

BY SENATOR SHORT

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to adopt Senate Joint Resolution 40 relative to the American flag.

Reported favorably.

**SENATE BILL NO. 146—**

BY SENATOR DARDENNE

AN ACT

To enact R.S. 15:587(A)(1)(c) and R.S. 37:3505(F) and 3507.1, relative to the Louisiana State Board of Private Investigator Examiners; to provide for its powers and duties; to provide relative to criminal history checks; to provide for fees; and to provide for related matters.

Reported with amendments.

**HOUSE CONCURRENT RESOLUTION NO. 13—**

BY REPRESENTATIVES MCMAINS, DANIEL, HOLDEN, AND DIMOS

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. 20—**

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 42:66(M), relative to dual officeholding; to provide that a chief of police of certain villages may also hold the office of deputy sheriff; and to provide for related matters.

Reported favorably.

**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.

Reported with amendments.

**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.

Reported favorably.

Respectfully submitted,  
JAY DARDENNE  
Chairman

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

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

**SENATE BILL NO. 146—**  
BY SENATOR DARDENNE

AN ACT

To enact R.S. 15:587(A)(1)(c) and R.S. 37:3505(F) and 3507.1, relative to the Louisiana State Board of Private Investigator Examiners; to provide for its powers and duties; to provide relative to criminal history checks; to provide for fees; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 146 by Senator Dardenne

AMENDMENT NO. 1

On page 5, between lines 7 and 8 insert the following:

“G. Any person who violates the provisions of this Section shall be subject to the provisions of R.S. 37:3521(B).”

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

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

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

**HOUSE BILL NO. 9—**  
BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 40:1643(C), relative to required fire protection sprinkler systems; to provide for an extension of time to meet the requirement for high-rise buildings in certain cases; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Commerce and Consumer Protection to Engrossed House Bill No. 9 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 15, after "However," insert "if"

AMENDMENT NO. 2

On page 1, line 15, after "marshal" insert "determines that an extension can be granted without creating an undue risk to human safety, the fire marshal"

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

**HOUSE BILL NO. 14—**

BY REPRESENTATIVES DURAND AND DOWNER  
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.

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

**HOUSE BILL NO. 20—**

BY REPRESENTATIVE HAMMETT  
AN ACT

To enact R.S. 42:66(M), relative to dual officeholding; to provide that a chief of police of certain villages may also hold the office of deputy sheriff; 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.

**HOUSE BILL NO. 58—**

BY REPRESENTATIVE JOHN SMITH AND SENATOR DARDENNE  
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.

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

**HOUSE BILL NO. 62—**

BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 12:1335.1(A), relative to limited liability companies; to provide for dissolution by affidavit of certain limited liability companies; and to provide for related matters.

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

**HOUSE BILL NO. 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.

April 8, 1998

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

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 137 by Representative DeWitt

AMENDMENT NO. 1

On page 7, line 21, after "provided in" delete the remainder of the line and insert "Paragraph A(4) and elected as provided for in Paragraph"

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

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.

Reported favorably by the Committee on Senate and Governmental Affairs. The bill was read by title and recommitted to the Committee on Finance.

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. 11—

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

AN ACT

To amend and reenact R.S. 11:2178(D)(III)(1) and (1)(b)(i) and (E)(1) and (2) and to enact R.S. 11:2178(E)(6), relative to the Sheriffs' Pension and Relief Fund; to provide for eligibility for certain survivor benefits; to increase the amount payable to dependents in certain cases; to provide relative to the type of act warranting death benefits; to provide for an effective date; and to provide for related matters.

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

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Stelly to Reengrossed Senate Bill No. 11 by Senator Cox (Duplicate of H.B. No. 36)

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 11:2178(D)(III)(1) and (1)(b)(i)" to "R.S. 11:2178(D)(III)(1)(introductory paragraph) and (b)(i)"

AMENDMENT NO. 2

On page 1, line 3, delete "and to enact R.S. 11:2178(E)(6)"

AMENDMENT NO. 3

On page 1, at the end of line 6 delete "to provide for an" and at the beginning of line 7 delete "effective date;"

AMENDMENT NO. 4

On page 1, line 9, change "R.S. 11:2178(D)(III)(1) and (1)(b)(i)" to "R.S. 11:2178(D)(III)(1)(introductory paragraph) and (b)(i)"

AMENDMENT NO. 5

On page 1, line 10, delete "and R.S. 11:2178(E)(6) is hereby enacted"

AMENDMENT NO. 6

On page 2, line 7, delete "while in the service solely as a result of injuries received" and on line 8 delete "in the line of duty"

AMENDMENT NO. 7

On page 3, line 6, delete "(1)" and on line 7 delete "(2) at the time of his death and"

AMENDMENT NO. 8

On page 3, line 11, delete "(2)" and on line 12 delete "(2) at the time of her death and"

AMENDMENT NO. 9

On page 3, delete lines 16 through 17 in their entirety

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Stelly to Reengrossed Senate Bill No. 11 by Senator Cox

AMENDMENT NO. 1

Delete Amendment Nos. 2, 3, 5, and 9 of the House Floor Amendments proposed by Representative Stelly and adopted by the House on April 1, 1998.

AMENDMENT NO. 2

On page 1, line 3, change "R.S. 11:2178(E)(6)" to "R.S. 11:2178(F)"

AMENDMENT NO. 3

On page 1, line 10, change "R.S. 11:2178(E)(6)" to "R.S. 11:2178(F)"

AMENDMENT NO. 4

On page 3, line 16, change "(6)" to "(F)" and delete "this Subsection" and insert in lieu thereof "Paragraph (1) and (2) of Subsection E of this Section."

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Fields C, Landry; Bagneris, Fields W, Lentini; Barham, Greene, Malone; Branch, Hainkel, Robichaux; Cain, Heitmeier, Romero; Campbell, Hines, Schedler; Casanova, Hollis, Short; Cox, Irons, Siracusa; Cravins, Johnson, Smith; Dardenne, Jones, Tarver; Dean, Jordan, Ullo; Ellington, Lambert; Total—35

NAYS

Total—0

ABSENT

Bajoie Dyess  
 Bean Theunissen  
 Total—4

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

SENATE BILL NO. 72—

BY SENATORS EWING, DARDENNE, HAINKEL, BARHAM, ROMERO, BAJOIE, CASANOVA, DYESS, HINES, IRONS, LANDRY AND SCHEDLER AND REPRESENTATIVES DOWNER, DEWITT AND MCMAINS  
 AN ACT

To amend and reenact R.S. 36:4(B)(8), to enact Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2601 through 2606, and to repeal Chapter 45 of Title 46 of the Louisiana Revised Statutes of 1950, as enacted by Acts 1992, No. 971, as amended by Acts 1993, No. 424, Acts 1995, No. 945 and No. 1232, Acts 1997, No. 883 and No. 1172, relative to the Children's Cabinet; to provide for the establishment of the cabinet and the Children's Cabinet Advisory Board; to provide for the powers, duties, and functions of the cabinet and the advisory board; to provide for actions taken by the cabinet and board; to provide for termination of the cabinet; to provide for an effective date; 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 Health and Welfare to Engrossed Senate Bill No. 72 by Senator Ewing

AMENDMENT NO. 1

On page 1, line 4, after "through" and before "and to" delete "2606," and insert "2607,"

AMENDMENT NO. 2

On page 2, line 7, after "through" and before "shall" delete "2606," and insert "2607."

AMENDMENT NO. 3

On page 2, line 10, after "through" and before "is hereby" delete "2606" and insert "2607"

AMENDMENT NO. 4

On page 10, between lines 23 and 24, insert the following:

"(26) A member of the Catholic Health Association of Louisiana.  
(27) The chancellor of the Louisiana State University Medical Center.

(28) A member of the National Association of Social Workers.

(29) A representative of the Louisiana Association of Nonprofit Organizations."

AMENDMENT NO. 5

On page 11, between lines 10 and 11, insert the following:

"§2606. Construction; local governing authorities  
Nothing in this Chapter shall be construed to limit the authority of a local governing authority to create a children's cabinet or an advisory board to coordinate programs and services for children and families within the authority's jurisdiction and to provide for the powers duties and functions of such cabinet or advisory board."

AMENDMENT NO. 6

On page 11, at the beginning of line 11, delete "§2606." and insert "§2607."

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downer to Engrossed Senate Bill No. 72 by Senator Ewing

AMENDMENT NO. 1

On page 4, line 13, after "Louisiana" and before "Juvenile" insert "Council of"

AMENDMENT NO. 2

On page 4, line 14, after "Judges" and before "appointed" delete "Association"

Senator Ewing 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
Barham	Fields W	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Lambert	Ullo
Dyess	Landry	
Total—35		

NAYS

Total—0

ABSENT

Bajoie	Greene
Bean	Jordan
Total—4	

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

SENATE BILL NO. 107—

BY SENATOR HEITMEIER  
 AN ACT

To amend and reenact R.S. 11:791(A)(2) and (3), to enact R.S. 17:16, and to repeal R.S. 11:739 and 791(A)(4) and (5), relative to the Teachers' Retirement System of Louisiana; to provide for the reemployment of members who participated in the Deferred Retirement Option Plan and who have been retired for twenty-four consecutive months; to provide relative to rules; to provide for an effective date; and to provide for related matters.

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

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Downer to Reengrossed Senate Bill No. 107 by Senator Heitmeier (Duplicate of H.B. No. 171)

AMENDMENT NO. 1

On page 1, line 2, delete "and (3)"

April 8, 1998

## AMENDMENT NO. 2

On page 1, line 3, delete "791(A)(4) and (5)" and insert in lieu thereof "791(A)(3), (4), and (5)"

## AMENDMENT NO. 3

On page 1, line 6, delete "have been retired for twenty-four consecutive months" and insert in lieu thereof "retired thereafter"

## AMENDMENT NO. 4

On page 1, line 10, delete "and (3) are" and insert in lieu thereof "is"

## AMENDMENT NO. 5

On page 1, line 14, after "(2)" add "(a)" and delete "Any" and insert in lieu thereof "Notwithstanding the provisions of Paragraph (1) of this Subsection, any"

## AMENDMENT NO. 6

On page 1, line 14, delete "teacher" and insert in lieu thereof "person"

## AMENDMENT NO. 7

On page 1, line 14, delete "who is reemployed as a substitute"

## AMENDMENT NO. 8

On page 1, delete lines 15 and 16 in their entirety and delete pages 2 and 3 in their entirety and on page 4, delete lines 1 through 8 in their entirety and insert in lieu thereof the following:

"may be employed or reemployed in employment covered by the provisions of this Chapter or employment by or with the Department of Education as defined in Title 36 of the Louisiana Revised Statutes of 1950, during the periods of July first through June thirtieth of any year, provided all of the following conditions of eligibility exist:

(i) The person has participated in the Deferred Retirement Option Plan.

(ii) The person has retired from the Teachers' Retirement System of Louisiana.

(iii) The person has terminated employment covered by the provisions of this Chapter or employment by or within the Department of Education as defined in Title 36 of the Louisiana Revised Statutes of 1950, even when such employment is by contract or corporate contract, for a period of at least twenty-four consecutive months.

(b) When the eligible retiree returns to covered employment, he shall, at his option, elect either:

(i) To continue receiving his retirement benefits; however, should he earn more than fifty percent of his retirement benefits during a fiscal year, his retirement benefits for the following twelve months shall be reduced by an amount equal to the amount earned in that fiscal year which was in excess of fifty percent of his retirement benefits for that fiscal year.

(ii) To suspend his retirement benefits for the duration of such covered employment.

(c)(i) When an eligible retiree who elects option (b)(i) of this Paragraph returns to covered employment, the employing agency shall report to the board of trustees within forty-five days after June thirtieth the name of the retiree, his social security number, and the amount of his earnings during the previous fiscal year. Should any employer covered by the retirement system fail to submit the report required by this Item, all such retirees not reported shall be considered to have elected option (b)(ii) of this Paragraph.

(ii) Within ten days after an eligible retiree who elects option (b)(ii) of this Paragraph returns to covered employment, the employing agency shall notify the board of trustees in writing of such employment and the date on which it commenced. Upon termination of the employment, the employing agency shall notify the board of trustees thereof. If failure to give notice of return to employment results in any payment of retirement benefits during the period of suspension, the employing agency shall be liable to the system for the repayment of such amounts. Upon termination of such employment, payment of retirement benefits shall resume."

## AMENDMENT NO. 9

On page 5, line 3, delete "791(A)(4) and (5)" and insert in lieu thereof "791(A)(3), (4), and (5)"

## AMENDMENT NO. 10

On page 5, line 6, after "employment" delete the remainder of the line and delete lines 7 through 10 in their entirety and insert in lieu thereof "anytime prior to July 1, 1998, shall be an eligible retiree regardless of the length of time such employment was terminated."

## AMENDMENT NO. 11

On page 5, at the end of line 11, change the period "." to a semi-colon ";" and add "if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 1998, or on the day following such approval by the legislature, whichever is later."

## HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Downer to Reengrossed Senate Bill No. 107 by Senator Heitmeier

## AMENDMENT NO. 1

Delete Amendment No. 6 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998.

## AMENDMENT NO. 2

In Amendment No. 8 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998, on page 2, lines 3, 5, and 7, change "person" to "teacher"

## AMENDMENT NO. 3

In Amendment No. 8 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998, on page 2, at the end of line 11, delete the period "." and add the following:

": however, if the teacher retired with a minimum of thirty years of service credit, that teacher need only have terminated such employment for at least twelve consecutive months. Neither the twenty-four month nor the twelve-month provision of this Item shall apply to an otherwise eligible teacher who terminated covered employment prior to July 1, 1998."

## AMENDMENT NO. 4

Delete Amendment No. 10 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998.

## AMENDMENT NO. 5

On page 5, delete lines 4 through 10 in their entirety.

## AMENDMENT NO. 6

On page 5, at the beginning of line 11 change "Section 5." to "Section 4."

## HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Daniel to Reengrossed Senate Bill No. 107 by Senator Heitmeier

## AMENDMENT NO. 1

On page 1, line 2, change "R.S. 11:791(A)(2)" to "R.S. 11:737(A) and 791(A)(2)"

## AMENDMENT NO. 2

On page 1, at the end of line 4, add "those members who did not participate in the Deferred Retirement Option Plan and those"

## AMENDMENT NO. 3

On page 1, line 10, change "R.S. 11:791(A)(2)" to "R.S. 11:737(A) and 791(A)(2) are"

## AMENDMENT NO. 4

In Amendment No. 4 of the House Floor Amendments proposed by Representative Downer and adopted by the House on April 1, 1998, delete "and insert in lieu thereof "is""

AMENDMENT NO. 5

On page 1, between lines 11 and 12, insert the following:

"§737. Return to active service; suspension of benefits; termination and resumption of benefits

A.(1) Whenever a retiree from this system returns to active service covered by the provisions of this Chapter, his retirement benefits from this system shall be suspended for the duration of such active service, but no further contributions by the individual or by the state on his behalf shall be made to the system. Upon termination of such active service, payment of the retirement benefits shall resume in the same amount as was payable at the time of return to active service, without recomputation but with the inclusion of any cost-of-living or any increase which may have been granted to retirees of the system during the time the benefits were suspended, but these increases shall not be retroactive.

(2)(a) The provisions of Paragraph (1) of this Subsection shall not apply to any retiree who returns to active service as an employee of the Department of Public Safety and Corrections in the capacity of an unclassified teacher, provided such employment is funded primarily by federal funds applied to the literacy program known as "Project Metamorphosis.

(b) During the period of the retiree's return to active service, the retiree and his employer shall make contributions to the retirement system but the retiree shall receive no additional service credit nor accrue any additional retirement benefits in the retirement system. Upon termination of such active service, the member shall, upon application, be refunded the employee contributions paid since reemployment. The refund shall be without interest. The retirement system shall retain the employer contributions.

\* \* \*

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bajoie	Fields W	Jordan
Bean	Greene	
Cravins	Irons	

Total—7

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

**SENATE BILL NO. 116—**

BY SENATOR HAINKEL AND REPRESENTATIVES SCALISE AND DEWITT  
AN ACT

To amend and reenact R.S. 39:1536 and to enact R.S. 39:1543(C), relative to the office of risk management; to authorize the office of risk management to perform loss prevention audits of its insured agencies of state government; to provide for credits to premiums; to provide for penalties; and to provide for related matters.

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

**HOUSE FLOOR AMENDMENTS**

Conforming Amendments proposed by Representative Scalise to Reengrossed Senate Bill No. 116 by Senator Hainkel (Duplicate of H.B. No. 181)

AMENDMENT NO. 1

On page 2, line 5, after "coverage" insert a comma "," and "excluding the coverages for road hazards and medical malpractice."

AMENDMENT NO. 2

On page 2, line 11, delete "on a non-certified line." and insert a comma "," and "excluding the coverages for road hazards and medical malpractice."

AMENDMENT NO. 3

On page 2, line 23, change "re-certification review preformed" to "recertification review performed"

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Thornhill to Reengrossed Senate Bill No. 116 by Senator Hainkel, et al. (Duplicate of H.B. No. 181)

AMENDMENT NO. 1

On page 1, line 2, between "enact R.S." and "39:1543(C)" insert "24:653(I) and"

AMENDMENT NO. 2

On page 1, line 6, between "penalties;" and "and to" insert "to provide for nullification of penalties;"

AMENDMENT NO. 3

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

"Section 1. R.S. 24:653(I) is hereby enacted to read as follows:

§653. Duties and functions

\* \* \*

(I) The committee shall have the authority to nullify a penalty applied by the office of risk management relative to a state agency which has failed to receive certification after undergoing a loss prevention audit, as provided in R.S. 39:1536(B)."

AMENDMENT NO. 4

On page 1, at the beginning of line 8, change "Section 1." to "Section 2."

AMENDMENT NO. 5

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

"The office of risk management shall notify such agency of the penalty at least sixty days prior to assessing the penalty. The agency may, within ten days of its receipt of such notification, request that the Joint Legislative Committee on the Budget review the potential impact of the penalty on the agency. If the committee conducts a hearing on the request within forty-five days from receipt of the request, the committee may nullify the penalty for such agency.

April 8, 1998

AMENDMENT NO. 6

On page 2, line 25, between "management" and the period "." insert "and shall receive a notice of such certification by the office of risk management."

AMENDMENT NO. 7

On page 2, line 26, after "certification" delete "may, after six months," and insert the following: "shall receive notification of their noncompliant status by the office of risk management, which notice shall be received by the agency at least sixty days prior to the execution of any penalty under the provisions of R.S. 39:1536(B). Such agency may, after a period of six months from the agency's receipt of the notice of noncompliance,"

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

ROLL CALL

The roll was called with the following result:

Table with columns for YEAS, NAYS, and ABSENT, listing names of senators and their counts for various amendments.

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 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. 21— BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 32:172, relative to railroad crossings; to require the determination of dangerous railroad crossings; to require the erection of stop signs at such crossings; to require promulgation of rules and regulations; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini to Engrossed Senate Bill No. 21 by Senator Lentini

AMENDMENT NO. 1

On page 1, at the beginning of line 10, insert "A."

AMENDMENT NO. 2

On page 1, line 11, after "railroads" insert " on state maintained highways or roads"

AMENDMENT NO. 3

On page 1, between lines 12 and 13 insert:

"B. The department shall also make a preliminary determination of highway grade crossings of railroads on non-state maintained public highways or roads which are of particular danger to public safety which shall be made available to parishes and municipalities. The governing authorities of such parishes and municipalities may erect stop signs at such crossings."

AMENDMENT NO. 4

On page 1, at the beginning of line 13, insert "C."

AMENDMENT NO. 5

On page 2, at the bottom of the page, insert:

"D. Nothing in this Section shall relieve the railroad of its responsibility to maintain safe crossings and operate their trains in a safe manner."

On motion of Senator Lentini, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

Table with columns for YEAS, NAYS, and ABSENT, listing names of senators and their counts for various amendments.

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

Rules Suspended

Senator Hines asked for a suspension of the rules for the purpose of invoking 10 minute cloture.

Without objection, so ordered.

**SENATE BILL NO. 44—**

BY SENATORS LANDRY, EWING, DARDENNE, HAINKEL, BARHAM AND ROMERO AND REPRESENTATIVES DIEZ, DOWNER, DEWITT AND MCMAINS

**AN ACT**

To amend and reenact R.S. 48:252(D) and (E), 252.1, and 256.5(C)(1), relative to public contracts within the Department of Transportation and Development; to remove the requirement of providing a bidder with a receipt of bid delivery; to increase the fee for each set of bid proposal documents and exceptions thereto; to provide relative to authority of the secretary of the Department of Transportation and Development; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Bean  
Total—2  
Irons

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

**SENATE BILL NO. 92—**

BY SENATORS JONES AND DARDENNE  
**AN ACT**

To enact Part V of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1987, relative to the education of children confined to certain correctional centers for youth; to establish and provide for a school district for such correctional centers; to provide for the state funding of the district and the uses to which state funds for the district may be put; to provide for the administration of the district; to provide for the provision of educational services; and to provide for related matters.

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

**SENATE BILL NO. 155—**  
BY SENATOR DARDENNE

**AN ACT**

To enact Subpart D of Part II-A of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:97.1 through 97.5, relative to the Louisiana Asbestos Detection and Abatement Fund; to provide for the creation, use, and administration of the fund; to provide for sources of monies for the fund; to provide for legal representation; and to provide for related matters.

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

**SENATE BILL NO. 166—**  
BY SENATOR SIRACUSA

**AN ACT**

To amend and reenact R.S. 13:477(15), 621.15 and 621.32, relative to judgeships; to add two additional judgeships to the Fifteenth Judicial District Court; to add one additional judgeship to the Thirty-Second Judicial District Court; to provide for election sections for the Fifteenth 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.

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

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

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

**Called from the Calendar**

Senator Landry asked that Senate Bill No. 48 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 48—**

BY SENATORS LANDRY, EWING, DARDENNE, HAINKEL, BARHAM AND ROMERO AND REPRESENTATIVES DIEZ, DOWNER, DEWITT AND MCMAINS

**AN ACT**

To amend and reenact R.S. 47:820.4, 820.5(A), the introductory paragraph of 820.5(B) and 820.5(B)(1) and (2) and to repeal R.S. 47:820.5(B)(4), relative to bridges; to extend the duration of collection of tolls on certain bridges; to remove limitations on amount of toll proceeds appropriated to the bridge authority; to provide for use of toll proceeds; to provide for an effective date; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Heitmeier sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Heitmeier to Engrossed Senate Bill No. 48 by Senator Landry

AMENDMENT NO. 1

On page 1, line 2, after "reenact" add "R.S. 36:509(M),"

AMENDMENT NO. 2

On page 1, line 3, after "(2)" add ", and R.S. 48:1092(A), 1092.1, and 1101.1(A) and (B)(2) and (4),"

AMENDMENT NO. 3

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

"Section 1. R.S. 36:509(M) is hereby amended and reenacted to read as follows:

§509. Transfer of agencies to Department of Transportation and Development

\* \* \*

M. The Mississippi River Bridge Authority (R.S. 48:1092) is placed within the Department of Transportation and Development as provided in R.S. 36:901. and shall perform its powers, duties, functions, and responsibilities in a manner as provided for agencies transferred within the provisions of R.S. 36:801.1."

AMENDMENT NO. 4

On page 1, line 9, after "Section" change "." to "2."

AMENDMENT NO. 5

On page 5, between lines 13 and 14, add the following:

"Section 3. R.S. 48:1092(A), 1092.1 and 1101.1(A) and (B)(2) and (4) are hereby amended and reenacted to read as follows: §1092. Method of creation

A. Whenever the governing body of one or more parishes desires to create an authority under this Part, a resolution shall be adopted by the parish or parishes to constitute the authority, signifying the intention to do so, and a certified copy of such resolution shall be delivered forthwith to the governor. Each such resolution shall set forth the exact purpose for which the authority is to be created and the name of the parish or parishes which will participate in and be represented on the authority. If Except as provided for in R.S. 48:1092.1 as it relates to the Mississippi River Bridge Authority, the authority is composed of two or more parishes it shall be composed of one member from each parish which will participate in the authority, each such member to be appointed by the governor from a panel of three names to be submitted by the governing body of each such parish, and of an additional number of members to be appointed directly by the governor, such additional members to equal in number the aggregate of the members appointed from the aforesaid panels submitted by the parish governing bodies. If the authority is to be composed of only one parish it shall be composed of seven members who shall be appointed by the governor from a panel of not less than fourteen names submitted by the parish governing authority; provided, however, that, notwithstanding any other provision of law to the contrary, the Iberville Parish Bridge and Ferry Authority shall be composed of nine members. In addition, the State Department of Highways shall make and furnish to the Iberville Parish Bridge and Ferry Authority the results of a study to determine a feasible location within the vicinity of the city of Plaquemine for the constructing of a bridge across the Mississippi River.

If the authority is composed of two or more parishes, the members initially appointed from the panels submitted by the governing bodies of the parishes, as aforesaid, shall be appointed for terms of four years each, and if the members to be appointed directly by the governor are not more than two in number they shall be appointed for terms of five years each, while all additional members to be appointed directly by the governor shall be appointed for terms of six years each. If the authority is to be composed of only one parish, three of the initial members shall be appointed for terms of three years each, two of the members shall be initially appointed for terms of four years each and the remaining two for initial terms of five years each. At the expiration of the initial terms for all authorities, their successors shall be appointed for terms of six years each.

In the event any person so appointed ceases to be a member of the authority for any reason, his successor shall be appointed by the governor in the same manner and for the unexpired term of office. Each member shall be a citizen of the United States and a qualified voter and taxpayer of the State of Louisiana, and if the authority is composed of only one parish the members shall also be qualified voters and taxpayers in the parish where the authority is created.

In the event the governing body of any parish participating in the authority shall fail to submit a panel of names to the governor at the time of delivery to him of its resolution signifying its intention to create the

authority, and also in the event any such governing body shall fail to submit a panel of names to the governor prior to the expiration of any term of its member from which the governor can appoint such member's successor, then, in either event, the governor shall appoint directly a member to represent such governing body on the authority.

\* \* \*

§1092.1. Mississippi River Bridge Authority; board of commissioners; terms of members appointed by the governor

A. The governing authority of the Mississippi River Bridge Authority shall be vested in a board of commissioners thereof which is hereby provided for. The board shall be composed of one member from each of the Parishes of Orleans, Jefferson, St. Bernard, and Plaquemines, each such member to be appointed by the governor from a panel of three names to be submitted by the governing body of each such parish, and of an additional five members appointed directly by the governor."

B. Notwithstanding any provision of R.S. 48:1092 or any other law or ordinance to the contrary, the term of office of each of the members of the Mississippi River Bridge Authority who are appointed by the governor, whether directly or from a panel of names submitted to him, shall be for four years and shall be concurrent with the term of the governor making the appointment. Each appointment by the governor shall be submitted to the Senate for confirmation, and beginning in 1984 every appointment confirmed by the Senate shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation.

\* \* \*

§1101.1. Crescent City Connection police

A. The ~~secretary of the Department of Transportation and Development~~ board of commissioners of the Mississippi River Bridge Authority may, at his ~~its~~ discretion, appoint, fix salaries of, and pay bridge police in accordance with Department of State Civil Service regulations. The ~~secretary board~~ board may make and amend rules and regulations for the conduct, management, and control of such police.

B.(1)

\* \* \*

(2) Crescent City Connection police shall have, under the direction and control of the secretary board of commissioners of the Mississippi River Bridge Authority, the same powers to make arrests and the power to execute and return all warrants and processes as sheriffs of the parishes of Jefferson and St. Bernard and police officers of the city of New Orleans and the city of Gretna, in and upon the Mississippi River Bridge Authority's property occupied by the Crescent City Connection, the Huey P. Long Bridge, and the ferries and the public ways contiguous thereto. Such police officers, under the same direction and control of the secretary, shall have all other powers of sheriffs of the parishes of Jefferson and St. Bernard and police officers of the city of New Orleans and the city of Gretna, as peace officers, in all places and on all premises under the jurisdiction and control of the Crescent City Connection, the Huey P. Long Bridge, and the ferries and the public ways contiguous thereto. Notwithstanding the other provisions of this Subsection, the jurisdiction of the Crescent City Connection police on the Pontchartrain Expressway shall not extend beyond the South Broad Street Overpass in the city of New Orleans.

\* \* \*

(4) The Crescent City Connection division, ~~within the Department of Transportation and Development~~ under the authority of the board of commissioners of the Mississippi River Bridge Authority, shall be liable, in accordance with law, for all actions of its police officers performing duties pursuant to this Section.

\* \* \*

AMENDMENT NO. 6

On page 5, line 14, after Section" change "2" to "4"

AMENDMENT NO. 7

On page 5, line 15, after "Section" change "3" to "5"

Motion

Senator Ullo moved to return the bill to the Involuntary Calendar.

Senator Landry objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Barham	Fields W	Lambert
Branch	Greene	Landry
Cain	Hainkel	Lentini
Campbell	Heitmeier	Robichaux
Casanova	Hines	Romero
Cox	Hollis	Short
Dardenne	Irons	Theunissen
Dean	Johnson	Ullo
Fields C	Jones	
Total—26		

**NAYS**

Bagneris	Jordan	Tarver
Dyess	Siracusa	
Ellington	Smith	
Total—7		

**ABSENT**

Mr. President	Bean	Malone
Bajoie	Cravins	Schedler
Total—6		

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

**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. 1—  
BY REPRESENTATIVE RIDDLE**

**A CONCURRENT RESOLUTION**

To direct the Louisiana State Law Institute to instruct West Publishing Company to reprint the Revision Comments of 1996 to Civil Code Article 1493 (comment (c)) by deleting all references describing such incapable children in terms other than those used in the article, to wit: children who are "permanently incapable of caring for their persons or administering their estates".

Reported favorably by the Committee on Judiciary A.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Landry
Bagneris	Fields C	Lentini
Bajoie	Fields W	Robichaux
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	Malone
Total—2	

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

**HOUSE CONCURRENT RESOLUTION NO. 16—  
BY REPRESENTATIVE LONG**

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana State Law Institute to study and make recommendations to the legislature concerning foreign adoptions, procedures for recognizing foreign adoption orders, and other related matters.

Reported favorably by the Committee on Judiciary A.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bagneris	Dyess	Lentini
Bajoie	Ellington	Robichaux
Barham	Hainkel	Romero
Branch	Heitmeier	Schedler
Cain	Hines	Short
Campbell	Hollis	Siracusa
Casanova	Johnson	Tarver
Cox	Jones	Theunissen
Cravins	Jordan	Ullo
Dardenne	Lambert	
Dean	Landry	
Total—31		

**NAYS**

Total—0

**ABSENT**

Mr. President	Fields W	Malone
Bean	Greene	Smith
Fields C	Irons	
Total—8		

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

**HOUSE CONCURRENT RESOLUTION NO. 17—  
BY REPRESENTATIVES LONG, BARTON, BAUDOIN, CURTIS, DOERGE,  
KENNEY, McDONALD, POWELL, PRATT, SALTER, WINSTON, AND  
WRIGHT**

**A CONCURRENT RESOLUTION**

To urge and request the State Board of Elementary and Secondary Education to develop a comprehensive plan for the statewide implementation of alternative education programs and to present such plan, including any recommendations for full implementation by the beginning of the 1999-2000 school year and any

April 8, 1998

recommended funding methods for the development and implementation of such plan, to the House and Senate Committees on Education prior to the beginning of the 1999 Regular Session of the Legislature.

Reported favorably by the Committee on Education.

The resolution was read by title. Senator Smith 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	Robichaux
Bajoie	Greene	Romero
Barham	Hainkel	Schedler
Branch	Heitmeier	Short
Cain	Hines	Siracusa
Campbell	Hollis	Smith
Casanova	Johnson	Tarver
Cox	Jones	Theunissen
Cravins	Jordan	Ullo
Dardenne	Lambert	
Dean	Landry	
Total—34		

**NAYS**

Total—0

**ABSENT**

Bean	Fields W	Malone
Fields C	Irons	
Total—5		

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

**HOUSE CONCURRENT RESOLUTION NO. 29—**  
BY REPRESENTATIVE ROUSSELLE

**A CONCURRENT RESOLUTION**

To urge and request the Department of Natural Resources and Governor's Office of Coastal Activities to prevent salinity fluctuations harmful to oyster production by including in coastal restoration projects the rebuilding and restoration of barrier islands within that coastal restoration zone.

Reported favorably by the Committee on Natural Resources.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Lambert
Bagneris	Fields C	Landry
Bajoie	Fields W	Lentini
Barham	Greene	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver

Dardenne	Jones	Theunissen
Dyess	Jordan	Ullo
Total—36		

**NAYS**

Total—0

**ABSENT**

Bean	Dean	Malone
Total—3		

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

**HOUSE CONCURRENT RESOLUTION NO. 31—**

BY REPRESENTATIVES WESTON, BAYLOR, CLARKSON, DUPRE, FONTENOT, GLOVER, PIERRE, PINAC, PRATT, QUEZAIRE, ROUSSELLE, WINSTON, AND WRIGHT

**A CONCURRENT RESOLUTION**

To create an advisory committee to study and make recommendations to certain standing legislative committees for the reform of the municipal fire and police civil service systems.

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 Reengrossed House Concurrent Resolution No. 31 by Representative Weston

AMENDMENT NO. 1

On page 2, delete lines 27 and 28 and insert the following:

"(7) The state examiner of municipal fire and police civil service."

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

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

**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	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Short
Campbell	Hines	Siracusa
Casanova	Hollis	Smith
Cox	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones	Ullo
Dyess	Jordan	
Total—35		

**NAYS**

Total—0

**ABSENT**

Bean	Malone
Cravins	Schedler
Total—4	

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

**HOUSE CONCURRENT RESOLUTION NO. 53—**

BY REPRESENTATIVE HOLDEN

A CONCURRENT RESOLUTION

To memorialize members of the Louisiana congressional delegation to seek revision of the federal Clean Air Act Amendments of 1990 (Public Law 101-549) and additionally implore the United States Environmental Protection Agency not to impose sanctions for the state's failure to adopt a vehicle emissions inspection and maintenance program applicable to certain parishes and municipalities, particularly East Baton Rouge Parish.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean	Malone
Ellington	Schedler
Total—4	

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

**HOUSE CONCURRENT RESOLUTION NO. 56—**

BY REPRESENTATIVE HOLDEN, CRANE, DANIEL, DIEZ, FONTENOT, JENKINS, JETSON, KENNARD, MCMAINS, PERKINS, WELCH, AND WESTON

A CONCURRENT RESOLUTION

To memorialize the United States Environmental Protection Agency not to impose sanctions for the state's failure to adopt a vehicle emissions inspection and maintenance program in accordance with the federal Clean Air Act Amendments of 1990 (Public Law 101-549) and to consider the development and adoption of more equitable standards for vehicle emissions inspection and maintenance programs as applied to certain parishes and municipalities, particularly East Baton Rouge Parish, which have been designated as being in violation of federal ozone standards.

Reported favorably by the Committee on Transportation, Highways, and Public Works.

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	Ellington	Landry
Bagneris	Fields C	Lentini
Bajoie	Fields W	Robichaux
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	Malone
Total—2	

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

**Rules Suspended**

Senator Greene asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**EDUCATION**

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

April 8, 1998

To the President and Members of the Senate:

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

**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 favorably.

**HOUSE BILL NO. 151—**

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

To amend and reenact R.S. 17:1941, 1942, 1942.1, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1958, 1971(B)(1), 1972(1), (2)(introductory paragraph), (2)(b) and (c)(iii) and (vii), (f)(introductory paragraph), (f)(ii), 1973, 1974, 1975, 1976, 1977, 1978(A), 1979(A)(introductory paragraph) and (1), (7), (8), (C), (D)(1), (2), and (3), and (E), to enact R.S. 17:1971(B)(4), 1979 (A)(9) and (10), and (D)(5), to repeal R.S. 17:1947.1, 1955, 1956, 1957, and 1959, and to rename Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, relative to special education; to provide for the education of children with exceptionalities; to provide for state compliance with the federal requirements under the Individuals with Disabilities Education Act; to provide relative to the responsibilities of the state Department of Education and the local educational agencies; to provide relative to the cost of instruction of students with exceptionalities; to delete the special education pilot program in Lafourche Parish; to delete the Northeast Louisiana Special Education Center; to provide relative to ChildNet; to change the composition of the State Interagency Coordinating Council for ChildNet; to provide for definitions; 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.

**HOUSE BILL NO. 204—**

BY REPRESENTATIVES WIGGINS AND WRIGHT  
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.

Reported favorably.

Respectfully submitted,  
THOMAS A. GREENE  
Chairman

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

Senator Greene 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. 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 favorably by the Committee on Education. The bill was read by title and recommitted to the Committee on Finance.

**HOUSE BILL NO. 151—**

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

To amend and reenact R.S. 17:1941, 1942, 1942.1, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1958, 1971(B)(1), 1972(1), (2)(introductory paragraph), (2)(b) and (c)(iii) and (vii), (f)(introductory paragraph), (f)(ii), 1973, 1974, 1975, 1976, 1977, 1978(A), 1979(A)(introductory paragraph) and (1), (7), (8), (C), (D)(1), (2), and (3), and (E), to enact R.S. 17:1971(B)(4), 1979 (A)(9) and (10), and (D)(5), to repeal R.S. 17:1947.1, 1955, 1956, 1957, and 1959, and to rename Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, relative to special education; to provide for the education of children with exceptionalities; to provide for state compliance with the federal requirements under the Individuals with Disabilities Education Act; to provide relative to the responsibilities of the state Department of Education and the local educational agencies; to provide relative to the cost of instruction of students with exceptionalities; to delete the special education pilot program in Lafourche Parish; to delete the Northeast Louisiana Special Education Center; to provide relative to ChildNet; to change the composition of the State Interagency Coordinating Council for ChildNet; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Education.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 151 by Representative McDonald and others

AMENDMENT NO. 1

On page 1, line 3, after "1947," insert "1947.1(A)(1),"

AMENDMENT NO. 2

On page 1, line 7, after "enact R.S. 17:" insert "1947.1(A)(3),"

AMENDMENT NO. 3

On page 1, line 8, after "R.S. 17:" delete "1947.1,"

AMENDMENT NO. 4

On page 2, at the end of line 5, after "1947," insert "1947(A)(1),"

AMENDMENT NO. 5

On page 2, line 10, after "R.S. 17:" insert "1947.1(A)(3),"

AMENDMENT NO. 6

On page 3, at the beginning of line 22, after "limit" insert "or expand"

AMENDMENT NO. 7

On page 4, line 24, change "assistance" to "assistive"

AMENDMENT NO. 8

On page 8, line 10, change "nonexceptional" to "nonexceptional"

AMENDMENT NO. 9

On page 14, delete lines 1 through 20 and insert in lieu thereof the following:

"(2)(a) The governor or his designee shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in Subparagraph (b) of this Paragraph and the state educational agency, in order to ensure that all services described in Subparagraph (b) of this Paragraph that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under Subsubparagraph (iii) of this Subparagraph. Such agreement or mechanism shall include the following:

(i) An identification of, or a method for defining, the financial responsibility of each agency for providing services described in Subparagraph (b) of this Paragraph to ensure a free appropriate public education to children with disabilities, provided that the financial responsibility of each public agency described in Subparagraph (b) of this Paragraph, including the state Medicaid agency and other public insurers of children with disabilities, shall precede the financial responsibility of the local educational agency or the state agency responsible for developing the child's IEP.

(ii) The conditions, terms, and procedures under which a local educational agency shall be reimbursed by other agencies.

(iii) Procedures for resolving interagency disputes, including procedures under which local educational agencies may initiate proceedings, under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

(iv) Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in Subparagraph (b) of this Paragraph.

(b) If any public agency other than an educational agency is otherwise obligated under federal or state law, or assigned responsibility under state policy or pursuant to Subparagraph (a) of this Paragraph, to provide or pay for any services that are also considered special education or related services, including but not limited to the services described in R.S. 17:1943(2), (3), (8), (10) and (11), that are necessary for ensuring a free appropriate public education to children with disabilities within the state, such public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement.

(c) If a public agency other than an educational agency fails to provide or pay for the special education and related services described in Subparagraph (b) of this Paragraph, the local educational agency or state agency responsible for developing the child's IEP, shall provide or pay for such services to the child. Such local educational agency or state agency may then claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or state agency pursuant to the terms of the interagency agreement or other mechanism described in Subparagraph (a)(i) of this Paragraph according to the procedures established in such agreement pursuant to Subparagraph (a)(ii) of this Paragraph.

(d) The requirements of Subparagraph (a) of this Paragraph may be met through state law or regulation; signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or other appropriate written methods as determined by the governor or his designee."

AMENDMENT NO. 10

On page 15, line 20, insert the following:

"B.(1) For the purpose of evaluation of children with exceptionalities, multidisciplinary teams shall be located at the local educational agency, or in other private or public agencies or settings designated by the Department of Education with the approval of its governing authority. Members of said teams shall be certified as

qualified examiners by the Department of Education, with the approval of its governing authority. The multidisciplinary approach means that an evaluation team shall consist of two or more disciplines and that other specialists may be added to the team as necessary according to procedures established by the Department of Education with the approval of its governing authority."

AMENDMENT NO. 11

On page 17, line 13, change "B.(1)" to "C.(1)"

AMENDMENT NO. 12

On page 33, between lines 4 and 5, insert the following:

"§1947.1. Exceptional children; strategic plans; regular class placement; teacher training and assistance; individualized education plans; limitations

A. To provide for the orderly implementation of the least restrictive environment for the placement of an exceptional child the following shall occur:

(1) The faculty at each public elementary and secondary school shall develop a strategic plan to manage the integration of exceptional children into the regular education classroom at their respective school and shall submit the plan to the superintendent of their school system by not later than October 1, ~~1995~~ 1999. Each school shall implement its approved plan by not later than December 1, ~~1995~~ 1999. The faculty of each school shall encourage the participation of the parents of each exceptional child in the development of the strategic plan for its school.

\* \* \*

(3) The provisions of this Subsection shall not require an additional plan if the strategic plan that meets the requirements of this Subsection has been submitted, approved and implemented prior to the effective date of this Paragraph.

\* \* \*

AMENDMENT NO. 13

On page 38, line 18, at the end of the line after "and" delete "all" and insert "to provide appropriate educational services to eligible"

AMENDMENT NO. 14

On page 67, line 23, after "directly to" insert "the council and"

AMENDMENT NO. 15

On page 69, line 4, after "R.S. 17:" delete "1947.1,"

On motion of Senator Greene, 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. 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 Education.

**SENATE COMMITTEE AMENDMENTS**

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

AMENDMENT NO. 1

On page 4, line 3, change "year" to "two years"

AMENDMENT NO. 2

On page 4, line 21, after "scale" insert "through the class graduating in 1998 and, beginning with the class graduating in 1999, a minimum cumulative grade point average of 2.70 calculated on a 4.00 scale"

AMENDMENT NO. 3

On page 4, line 26, after "Test" insert "through the class graduating in 1998 and, beginning with the class graduating in 1999, a composite score on such test of not less than a twenty-one or an equivalent concordant value on any enhanced or revised version of such test or on the Scholastic Aptitude Test"

AMENDMENT NO. 4

On page 6, line 9, after "Test" insert "through the class graduating in 1998 and, beginning with the class graduating in 1999, a composite score on such test of not less than a twenty-four or an equivalent concordant value on any enhanced or revised version of such test or on the Scholastic Aptitude Test"

AMENDMENT NO. 5

On page 7, line 12, after "university" insert ", except that the core curriculum shall be waived for those graduates of 1998 who qualify for an award under Subparagraph A(1)(c) by virtue of being certified as having graduated among the top five percent of the graduating class in each public high school or nonpublic high school which has been approved by the State Board of Elementary and Secondary Education"

AMENDMENT NO. 6

On page 7, line 13, change "A(1)(e)" to "A(1)(c)"

AMENDMENT NO. 7

On page 8, line 25, after "violations" insert "and, if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions"

AMENDMENT NO. 8

On page 12, line 18, after "violations" insert "and, if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions"

AMENDMENT NO. 9

On page 13, lines 6 and 7, change "seventeen and three tenths" to "nineteen"

AMENDMENT NO. 10

On page 14, line 26, after "violations" insert "and, if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions"

AMENDMENT NO. 11

On page 16, line 2, after "violations" insert "and, if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions"

AMENDMENT NO. 12

On page 24, line 7, after "based on" insert "the scores on the American College Test and then on"

AMENDMENT NO. 13

On page 24, line 11, after "need," insert "The procedure shall provide that reductions of awards made necessary by insufficient appropriations shall first eliminate the cohort of students who score nineteen on the American College Test through the class graduating in 1998 and thereafter those who score twenty-one on the American College Test. The procedure shall provide that within that cohort of students, those whose families are most able to pay the student's tuition shall be eliminated first. After insufficient appropriations require the elimination"

of all students in such cohort, the procedure shall require repeating the process with those students in the next highest score cohort."

AMENDMENT NO. 14

On page 27, between lines 19 and 20, insert the following:

"T. In addition to all other provisions of this Section, any student who upon completion of his secondary education would have been eligible for an Opportunity Award under this Section except for failure to meet the core curriculum requirement, the standardized test score requirements, or the grade point average requirement who enters any eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student graduated from high school or, if the student joins the United States Armed Forces within one year after graduating from high school has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student graduated from high school, who successfully completes forty-eight semester hours, or its equivalent in a college or university that calculates course credit on other than a semester hour basis, with a grade point average of a 3.00 calculated on a 4.00 scale shall qualify for an Opportunity Award for two years provided such student maintains the requirements for continued eligibility for the Opportunity Award as otherwise required in this Section."

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

**HOUSE BILL NO. 204—**

BY REPRESENTATIVES WIGGINS AND WRIGHT  
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.

Reported favorably by the Committee on Education. 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.

**Rules Suspended**

Senator Jones asked for and obtained a suspension of the rules for the purpose of reverting to the order of

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

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

**Called from the Calendar**

Senator Jones asked that Senate Bill No. 92 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 92—**  
BY SENATORS JONES AND DARDENNE  
AN ACT

To enact Part V of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1987, relative to the education of children confined to certain correctional centers for youth; to establish and provide for a school district for such correctional centers; to provide for the state funding of the district and the uses to which state funds for the district may be put; to provide for the administration of the district; to provide for the provision of educational services; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Jones sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Jones to Engrossed Senate Bill No. 92 by Senator Jones

AMENDMENT NO. 1

On page 2, at the end of line 10, insert the following:

"If the local school board within the district's jurisdiction which has preference and priority agrees to provide the educational component, it shall continue to be under the auspices of the Board of Elementary and Secondary Education with the appropriate minimum foundation formula funding flowing to the local school board.

If the local school board refuses to provide the educational component services, then a special school district under the Department of Public Safety and Corrections is created and established to provide the educational services by contract with private or public providers."

On motion of Senator Jones, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

<b>YEAS</b>		
Mr. President	Fields C	Landry
Bagneris	Fields W	Lentini
Bajoie	Greene	Malone
Barham	Hainkel	Robichaux
Cain	Heitmeier	Romero
Campbell	Hines	Schedler
Casanova	Hollis	Short
Cox	Irons	Siracusa
Cravins	Johnson	Smith
Dardenne	Jones	Tarver
Dyess	Jordan	Theunissen
Ellington	Lambert	Ullo
Total—36		
<b>NAYS</b>		
Branch	Dean	
Total—2		
<b>ABSENT</b>		
Bean		
Total—1		

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

**Personal Privilege**

Senator Branch asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate Bill No. 92. He voted nay on the bill and had intended to vote yea. He asked that the Official Journal so state.

**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. 4—**

BY REPRESENTATIVES BRUNEAU, ALARIO, MORRELL, MURRAY, SCHNEIDER, TOOMY, CLARKSON, AND PRATT AND SENATORS IRONS, BAGNERIS, AND HAINKEL

AN ACT

To amend and reenact Section 1(A) of Act No. 569 of the 1989 Regular Session of the Legislature of Louisiana and Sections 4(B) and 8 of Act No. 865 of the 1982 Regular Session of the Legislature of Louisiana, relative to the management and administration of City Park; to provide relative to the power and authority of the New Orleans City Park Improvement Association to contract for the operation, care, control, and management of the park and its facilities; to provide relative to the applicability of certain laws and the association's insurance plan to certain park contracts and contractors; to provide for the expenditure of funds received by, allocated to, or otherwise available to City Park or the New Orleans City Park Improvement Association or its board of directors without the necessity of a legislative appropriation or deposit thereof in the state treasury; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

<b>YEAS</b>		
Mr. President	Dyess	Jordan
Bagneris	Ellington	Lambert
Bajoie	Fields C	Lentini
Barham	Fields W	Malone
Branch	Greene	Robichaux
Cain	Hainkel	Romero
Campbell	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones	Ullo
Total—36		
<b>NAYS</b>		
Landry		
Total—1		
<b>ABSENT</b>		
Bean	Smith	
Total—2		

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

April 8, 1998

HOUSE BILL NO. 5—

BY REPRESENTATIVE DAMICO

AN ACT

To enact R.S. 33:9124(E), relative to the Jefferson Parish Communication District; to authorize the district to enter into contracts to fund certain fire dispatching services in Jefferson Parish; to provide that pursuant to such a contract the functions and duties of the district shall include providing for and paying for such services; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President 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 Ullo
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 Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 6—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:2214(A)(2)(b) and (c), 2225(A)(11)(a), 2252(9) and (10), and 2253(A)(1)(b), relative to the Baton Rouge City Parish Employees' Retirement System; to provide for the merger of the police officers and firefighters who are members thereof into the Municipal Police Employees' Retirement System and the Firefighters' Retirement System respectively; and to provide with respect to membership; to further provide with respect to approval of the merger by the respective systems, local governing authority, and Joint Legislative Committee on Retirement; to provide an effective date; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Landry
Bagneris Fields C Lentini

Bajoie
Barham
Branch
Cain
Campbell
Casanova
Cox
Cravins
Dardenne
Dean
Dyess
Total—38

Fields W
Greene
Hainkel
Heitmeier
Hines
Hollis
Irons
Johnson
Jones
Jordan
Lambert

Malone
Robichaux
Romero
Schedler
Short
Siracusa
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 Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 17—

BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact Section 7(B) of Act No. 333 of the 1972 Regular Session of the Louisiana Legislature as amended by Act No. 56 of the 1987 Regular Session of the Louisiana Legislature, relative to the municipal civil service system for the employees of the city of Kaplan; to provide that the unclassified service shall include certain part-time positions in the police department; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Fields 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 Ullo
Dyess Lambert
Ellington Landry
Total—37

NAYS

Total—0

ABSENT

Bagneris Bean
Total—2

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

**HOUSE BILL NO. 19—**

BY REPRESENTATIVE GAUTREAUX  
AN ACT

To enact R.S. 11:3569, relative to the Policemen's Pension and Relief Funds; to increase survivor benefits for widows of former Morgan City police officers; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Landry
Bagneris	Fields C	Lentini
Bajoie	Fields W	Malone
Barham	Greene	Robichaux
Branch	Hainkel	Romero
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	Schedler
Total—2	

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

**HOUSE BILL NO. 24—**

BY REPRESENTATIVE LONG  
AN ACT

To amend and reenact R.S. 47:302.10, 322.13, and 332.5, and to enact Part IV of Chapter 16 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:791, relative to the development of historic areas within the city of Natchitoches; to create the Natchitoches Historic District Development Commission; to provide for the powers, duties, and membership of the commission; to provide for the dedication of the avails of the state sales tax on hotel occupancy in Natchitoches Parish for support of the commission's historic district development activities; to create the Natchitoches Historic District Development Fund in the state treasury; to provide for deposit of monies into such fund; to provide for allowable uses of monies in the fund; to abolish the Natchitoches Parish Visitor Enterprise Fund within the state treasury and provide for disposition of the fund balance; to abolish the Natchitoches Convention Facilities Fund within the state treasury and provide for disposition of the fund balance; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Smith sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Smith to Engrossed House Bill No. 24 by Representative Long

AMENDMENT NO. 1

Delete Committee Amendment Nos. 3, 4, 5, and 6 of the set of amendments proposed by the Senate Committee on Local and Municipal Affairs and adopted by the Senate on April 7, 1998

AMENDMENT NO. 2

On page 1, line 8, between "dedications of" and "the avails" insert "a portion of"

AMENDMENT NO. 3

On page 1, line 13, after "fund; to" delete the remainder of the line, and delete line 14

AMENDMENT NO. 4

On page 6, line 4, after "shall" delete the remainder of the line, and insert:

"deposit the remainder of such funds as provided in Subsections B and C of this Section.

B. Fifty percent of the avails of the tax as provided in Subsection A shall be deposited into a"

AMENDMENT NO. 5

On page 6, line 6, after "Natchitoches" delete the remainder of the line and delete line 7 in its entirety and insert: "Parish Visitor Enterprise Fund."

AMENDMENT NO. 6

On page 6, delete lines 8 and 9 in their entirety and insert the following: "The monies in the Natchitoches Parish Visitor Enterprise Fund shall be subject to annual"

AMENDMENT NO. 7

On page 6, at the beginning of line 19, insert:

"Monies in the fund shall be available for use by the Natchitoches Parish Tourism Commission to be used for tourism development purposes.

C. Fifty percent of the avails of the tax as provided for in Subsection A of this Section shall be deposited into a special fund which is hereby created in the state treasury and designated as the "Natchitoches Historic District Development Fund". The monies in the Natchitoches Historic District Development Fund shall be subject to annual appropriation by the legislature. All unexpended and unencumbered monies in the fund shall remain in the fund. The monies in the fund shall be invested by the treasurer in the same manner as the monies in the state general fund, and all interest earned shall be deposited into the state general fund."

AMENDMENT NO. 8

On page 7, at the end of line 11, change "47:302.10" to "47:302.10(C)"

AMENDMENT NO. 9

On page 9, at the end of line 25, change "47:302.10" to "47:302.10(C)"

AMENDMENT NO. 10

On page 8, delete lines 1 through 4 in their entirety

AMENDMENT NO. 11

On page 8, at the beginning of line 5, change "Section 4" to "Section 3"

AMENDMENT NO. 12

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

"Section 4. The provisions of this Act are severable as provided for by R.S. 24:175."

AMENDMENT NO. 13

On page 8, line 9, change "Sections 1 and 5" to "Sections 1, 4, and 5"

AMENDMENT NO. 14

On page 8, line 13, change "Sections 1 and 5" to "Sections 1, 4, and 5"

April 8, 1998

AMENDMENT NO. 15

On page 8, line 14, after "approval." delete the remainder of the line and insert "Sections 2 and 3"

On motion of Senator Smith, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Mr. President, Fields C, Landry; Bagneris, Fields W, Lentini; Bajoie, Greene, Malone; Barham, Hainkel, Robichaux; Branch, Heitmeier, Romero; Cain, Hines, Schedler; Campbell, Hollis, Short; Casanova, Irons, Siracusa; Cox, Johnson, Smith; Cravins, Jones, Tarver; Dyess, Jordan, Theunissen; Ellington, Lambert, Ullo; Total—36

NAYS

Dean Total—1

ABSENT

Bean Total—2

Dardenne

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

HOUSE BILL NO. 26 (Duplicate of Senate Bill No. 63)— BY REPRESENTATIVE MCDONALD AND SENATOR DARDENNE AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, CRANE, AND WALSWORTH AND SENATORS EWING, HAINKEL, BARHAM, AND ROMERO

AN ACT

To enact R.S. 39:1514(A)(1)(c), relative to multiyear contracts for professional, personal, consulting, and social services; to provide that certain contracts for educational testing services may be entered into for a period of up to twelve years; to provide that modifications may be made to such contracts; 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

Table with 3 columns: Mr. President, Dyess, Malone; Bagneris, Ellington, Robichaux; Barham, Greene, Romero; Branch, Hainkel, Short; Cain, Heitmeier, Siracusa; Campbell, Hollis, Smith; Casanova, Jones, Tarver; Cox, Jordan, Theunissen

Cravins Lambert Ullio
Dardenne Lentini
Total—29

NAYS

Bajoie Fields W Johnson
Dean Hines Landry
Fields C Irons
Total—8

ABSENT

Bean Schedler
Total—2

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

HOUSE BILL NO. 36— BY REPRESENTATIVES STELLY AND THOMPSON AN ACT

To amend and reenact R.S. 11:2178(D)(III)(1) and (b)(i) and (E)(1) and (2), relative to the Sheriffs' Pension and Relief Fund; to further define the type of act warranting death benefits; to increase the amount payable to dependents in certain cases; to remove the one-year marriage requirement; and to provide for related matters.

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

HOUSE BILL NO. 37— BY REPRESENTATIVE STELLY AN ACT

To amend and reenact R.S. 11:3682 and 3685(D) and to enact R.S. 11:154(A)(15), 3685.1, 3685.2, 3685.3, 3688(D)(5), 3688.1, 3690.1, 3690.2, and 3695, relative to the Harbor Police Retirement System (Port of New Orleans); to provide with respect to attaining qualified plan status under the Internal Revenue Code; to further provide regarding sheltering of contributions, definitions, benefits and the limitations on payment and computation thereof, cost-of-living adjustments, annual compensation limitations, administration of the system, plan amendments, reversion of funds, retention of certain unclaimed funds and property, and rollovers; to provide an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Bagneris sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bagneris to Reengrossed House Bill No. 37 by Representative Stelly

AMENDMENT NO. 1

On page 3, line 25, following "R.S. 11:" and before "to" change "3686" to "3688"

AMENDMENT NO. 2

On page 5, line 23, following "R.S. 11" and before the period "." change "3686" to "3688"

On motion of Senator Bagneris, the amendments were adopted.

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Reengrossed House Bill No. 37 by Representative Stelly

**AMENDMENT NO. 1**

On page 7, line 13, change "R.S. 11:3685(B)" to "this Subpart"

On motion of Senator Heitmeier, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	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	Ullo
Dyess	Lambert	
Total—38		

**NAYS**

Total—0

**ABSENT**

Bean  
Total—1

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

**HOUSE BILL NO. 38—**

BY REPRESENTATIVE THOMPSON  
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.

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

**HOUSE BILL NO. 39—**

BY REPRESENTATIVE THOMPSON  
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.

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

**HOUSE BILL NO. 40—**

BY REPRESENTATIVE THOMPSON  
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.

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

**HOUSE BILL NO. 41—**

BY REPRESENTATIVE TRAVIS  
AN ACT

To authorize and empower the Department of Health and Hospitals to transfer title to certain property located in East Feliciana Parish to the East Feliciana Parish Fire Protection District; to provide certain limitations on such transfer; to repeal Act No. 1066 of the 1997 Regular Session of the Legislature; and to provide for related matters.

The bill was read by title. Senator W. Fields moved the final passage of the 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
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Dyess	Lambert	
Ellington	Landry	
Total—37		

**NAYS**

Total—0

**ABSENT**

Bean  
Total—2  
Campbell

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

**HOUSE BILL NO. 44—**

BY REPRESENTATIVES WILKERSON, BARTON, BAUDOIN, CRANE, CURTIS, DOERGE, JETSON, KENNEY, MCDONALD, POWELL, PRATT, SALTER, AND WRIGHT  
AN ACT

To rename "Robinson Stadium" located on the campus of Grambling State University in Grambling, Louisiana, as the "Eddie G. Robinson Stadium"; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Landry  
Total—1

ABSENT

Bean  
Total—2  
Siracusa

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

HOUSE BILL NO. 54—  
BY REPRESENTATIVES FRUGE, BRUCE, AND FRITH  
AN ACT

To enact R.S. 32:298.1, relative to off-road vehicles; to permit certain off-road vehicles to operate on public roads and highways for specific purposes; to provide for restrictions; to provide for rules and regulations; to provide for fees; and to provide for related matters.

Floor Amendments Sent Up

Senator Irons sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Irons to Reengrossed House Bill No. 54 by Representatives Fruge, Bruce, and Frith

AMENDMENT NO. 1  
On page 2, at the bottom of the page, insert:

"D. The provisions of this Section shall not apply to roads and highways in Orleans Parish."

On motion of Senator Irons, the amendments were adopted.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Reengrossed House Bill No. 54 by Representative Fruge

AMENDMENT NO. 1  
In Senate Committee Amendment No. 5 proposed by the Senate Committee on Transportation, Highways, and Public Works and

adopted by the Senate on April 7, 1998, on page 1, line 19, delete the following: "with improved asphalt or concrete shoulders"

AMENDMENT NO. 2  
In Senate Committee Amendment No. 5 proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on April 7, 1998, on page 1, at the end of line 21, insert the following: "Incidental crossing of such roads or highways shall also be authorized."

On motion of Senator Barham, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean  
Total—3  
Jordan  
Siracusa

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

HOUSE BILL NO. 55—  
BY REPRESENTATIVE LEBLANC  
AN ACT

To amend and reenact R.S. 13:477(15) and 621.15, relative to the Fifteenth Judicial District; to add two additional judgeships to the Fifteenth Judicial District Court; to provide for election sections for the Fifteenth 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.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields 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	Ullo
Dyess	Lambert	
Ellington	Landry	
Total—37		

NAYS

Dean  
Total—1

ABSENT

Bean  
Total—1

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

**HOUSE BILL NO. 56—**  
BY REPRESENTATIVES MCDONALD AND DIMOS  
AN ACT

To enact R.S. 41:898, relative to public lands; to provide relative to school board lands; to authorize the Morehouse Parish School Board to exchange certain unused school land; to provide procedures and conditions; 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	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	Ullo
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 Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 61—**  
BY REPRESENTATIVE DEVILLE  
AN ACT

To amend and reenact R.S. 13:963(H) and (I), relative to each court reporter for the Thirteenth Judicial District; to increase certain fees and the salary; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Hines sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hines to Reengrossed House Bill No. 61 by Representative DeVille

AMENDMENT NO. 1  
On page 1, delete line 14

On motion of Senator Hines, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	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	Siracusa
Cravins	Johnson	Smith
Dardenne	Jones	Theunissen
Dyess	Jordan	Ullo
Total—36		

NAYS

Dean  
Total—1

ABSENT

Bean  
Total—2

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

**HOUSE BILL NO. 66—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 33:4709.1(A), relative to the Vidalia Riverfront Development District; to provide for inclusion of additional property in the district; and to provide for related matters.

The bill was read by title. Senator Jones 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

April 8, 1998

Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
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 Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 67 (Duplicate of Senate Bill No. 143)—**  
BY REPRESENTATIVE JOHNS AND SENATOR COX  
AN ACT

To amend and reenact R.S. 47:322.11(A) and 332.30, relative to the proceeds of the state sales tax on hotel occupancy in Calcasieu Parish; to provide for the dedication of such proceeds; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	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
Dardenne	Jones	Theunissen
Dean	Jordan	Ullo
Dyess	Lambert	
Ellington	Landry	
Total—37		

NAYS

Total—0

ABSENT

Bean  
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.

**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.

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

**HOUSE BILL NO. 79—**  
BY REPRESENTATIVES WRIGHT, BARTON, BAUDOIN, DOERGE, LONG, POWELL, AND THOMPSON  
AN ACT

To amend and reenact R.S. 17:100.1(A)(1), relative to educational services for certain students who are in the custody of the Department of Public Safety and Corrections, office of juvenile services; to provide for the duties and responsibilities of city and parish school boards; to limit required expenditures by such school boards to provide educational services for certain students; to provide for effectiveness; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Ellington sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ellington to Engrossed House Bill No. 79 by Representative Wright

**AMENDMENT NO. 1**

On page 2, line 1, between "delinquent" and "or in" insert: "and housed in a correctional facility"

On motion of Senator Ellington, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean  
Casanova  
Total—4

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

**HOUSE BILL NO. 81—**  
 BY REPRESENTATIVES DIEZ, DOWNER, DEWITT, AND MCMAINS AND  
 SENATORS LANDRY, EWING, DARDENNE, HAINKEL, AND BAGNERIS  
 AN ACT

To enact R.S. 48:250.2, relative to contracts; to provide for a pilot program for certain design-build contracts which are not subject to competitive bidding; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Cain	Irons	Theunissen
Total—3		

**ABSENT**

Bean  
 Total—1

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

**HOUSE BILL NO. 102—**  
 BY REPRESENTATIVES DEWITT, MCDONALD, DOWNER, MCMAINS,  
 CRANE, KENNEY, WALSWORTH, AND WINSTON AND SENATORS  
 EWING, DARDENNE, HAINKEL, AND BARHAM  
 AN ACT

To enact R.S. 17:282.2, relative to character education programs; to require the State Board of Elementary and Secondary Education to provide a clearinghouse for information on character education programs; to permit city and parish school boards to offer character education curriculum; to provide relative to the dissemination of certain information to city and parish school systems; to provide relative to annual progress reports and rules and regulations; to provide for legislative findings; 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. 102 by Representative DeWitt

AMENDMENT NO. 1

On page 2, line 13, between "a" and "character" insert "non-sectarian"

AMENDMENT NO. 2

On page 2, line 14, after "curriculum" delete "pursuant to the provisions of this Section" and insert "developed and promulgated by the state superintendent of education"

AMENDMENT NO. 3

On page 2, line 17, after "determined by" delete the remainder of the line and delete line 18 and insert "the state superintendent of education."

**Motion**

Senator Bagneris moved for a division of the question on the above floor amendments.

Without objection, the division of the question was ordered.

Senator Bagneris moved the adoption of Amendment No. 1.

Senator Short objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields C	Landry
Bagneris	Fields W	Lentini
Bajoie	Heitmeier	Robichaux
Barham	Hines	Romero
Campbell	Hollis	Smith
Cox	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jordan	Ullo
Dean	Lambert	
Total—26		

**NAYS**

Cain	Ellington	Malone
Casanova	Greene	Short
Dyess	Hainkel	
Total—8		

**ABSENT**

Bean	Jones	Siracusa
Branch	Schedler	
Total—5		

The Chair declared Amendment No. 1 was adopted.

Senator Bagneris moved the adoption of Amendments No. 2 and 3.

Senator Dardenne objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields C	Irons
Bagneris	Fields W	Johnson
Bajoie	Heitmeier	Lambert
Campbell	Hines	Tarver
Cravins	Hollis	
Total—14		

**NAYS**

Barham	Ellington	Schedler
Branch	Greene	Short

April 8, 1998

Cain	Hainkel	Siracusa
Casanova	Landry	Smith
Dardenne	Lentini	Theunissen
Dean	Malone	Ullo
Dyess	Robichaux	
Total—20		

ABSENT

Bean	Jones	Romero
Cox	Jordan	
Total—5		

The Chair declared Amendments No. 2 and 3 were rejected.

**Floor Amendments Sent Up**

Senator Short sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Short to Engrossed House Bill No. 102 by Representative DeWitt

AMENDMENT NO. 1

On page 2, at the end of line 18, insert "Such curriculum shall include no less than eight hours annually of instruction concerning the United States Constitution and its Amendments and the Declaration of Independence."

Senator Short moved adoption of the amendments.

Senator Dardenne objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Hainkel	Robichaux
Branch	Irons	Short
Cain	Jordan	Ullo
Fields W	Lambert	
Total—11		

NAYS

Bagneris	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Fields C	Schedler
Campbell	Greene	Siracusa
Casanova	Heitmeier	Smith
Cox	Hines	Tarver
Cravins	Hollis	Theunissen
Dardenne	Johnson	
Dean	Landry	
Total—25		

ABSENT

Bean	Jones	Romero
Total—3		

The Chair declared the amendments were rejected.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Siracusa
Total—1

ABSENT

Bean	Jones
Total—2	

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

**HOUSE BILL NO. 109—**

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 32:874(B)(1), relative to motor vehicle safety laws; to provide for reinstatement fees for suspended, revoked, or withdrawn drivers' licenses; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Greene	Robichaux
Bagneris	Hainkel	Romero
Bajoie	Heitmeier	Schedler
Barham	Hines	Short
Branch	Hollis	Siracusa
Campbell	Irons	Smith
Casanova	Johnson	Tarver
Cravins	Lambert	Theunissen
Dardenne	Landry	Ullo
Dyess	Lentini	
Ellington	Malone	
Total—31		

NAYS

Cain	Dean	Fields W
Cox	Fields C	Jordan
Total—6		

ABSENT

Bean	Jones
Total—2	

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

**HOUSE BILL NO. 116—**  
BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS, CRANE, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM

AN ACT

To amend and reenact R.S. 17:24.4(F)(2), relative to the Louisiana Educational Assessment Program; to provide relative to the grades in which students are administered norm-referenced tests pursuant to the program; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean	Jones
Total—2	

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

**HOUSE BILL NO. 118—**  
BY REPRESENTATIVES MCDONALD, DOWNER, DEWITT, MCMAINS, CRANE, KENNEY, AND WALSWORTH AND SENATORS EWING, DARDENNE, HAINKEL, AND BARHAM

AN ACT

To amend and reenact R.S. 17:81(A), relative to the general powers of city and parish school boards; to provide relative to the selection of teachers and other certified personnel; to provide for policies and procedures relative to the selection process; 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
Bajoie	Fields C	Lentini
Barham	Fields W	Malone

Branch	Greene	Robichaux
Cain	Hainkel	Romero
Campbell	Heitmeier	Schedler
Casanova	Hines	Short
Cox	Hollis	Siracusa
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jordan	Theunissen
Dyess	Lambert	Ullo
Total—36		

NAYS

Bagneris
Total—1

ABSENT

Bean	Jones
Total—2	

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

**HOUSE BILL NO. 125—**  
BY REPRESENTATIVE ROUSSELLE  
AN ACT

To amend and reenact R.S. 17:54(B), 444(B)(3) and (4)(a), and 463(B)(3) and (4)(a), relative to the power and authority of a city or parish school board to elect a superintendent of schools; to provide for the term of a school superintendent elected by a city or parish school board; to provide limitations; to provide for application; to provide for effectiveness; and to provide for related matters.

**Floor Amendments Sent Up**

Senator W. Fields sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator WFields to Engrossed House Bill No. 125 by Representative Rousselle

AMENDMENT NO. 1

In Senate Committee Amendment No. 2 proposed by the Senate Committee on Education and adopted by the Senate on April 7, 1998, on page 1, line 5, after "to" change "two years" to "one year"

Senator W. Fields moved adoption of the amendments.

Senator Dardenne objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bagneris	Cravins	Irons
Bajoie	Dean	Johnson
Cain	Fields C	Robichaux
Casanova	Fields W	
Cox	Heitmeier	
Total—13		

NAYS

Mr. President	Greene	Schedler
Barham	Hainkel	Short
Branch	Hines	Siracusa
Campbell	Hollis	Smith
Dardenne	Landry	Tarver

April 8, 1998

Dyess	Lentini	Theunissen
Ellington	Malone	Ullo
Total—21		

ABSENT

Bean	Jordan	Romero
Jones	Lambert	
Total—5		

The Chair declared the amendments were rejected.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dean	Landry
Bagneris	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Fields C	Robichaux
Branch	Fields W	Romero
Cain	Greene	Short
Campbell	Heitmeier	Smith
Casanova	Hollis	Tarver
Cox	Irons	Theunissen
Cravins	Johnson	Ullo
Dardenne	Jones	
Total—32		

NAYS

Hainkel	Schedler
Hines	Siracusa
Total—4	

ABSENT

Bean	Jordan	Lambert
Total—3		

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

**HOUSE BILL NO. 126 (Duplicate of Senate Bill No. 125)—**  
 BY REPRESENTATIVE LEBLANC AND SENATOR LANDRY AND  
 COAUTHORED BY REPRESENTATIVES DIEZ, DOWNER, DEWITT, AND  
 MCMAINS AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM,  
 AND ROMERO

AN ACT

To amend and reenact R.S. 39:122(A) and R.S. 48:251(D), relative to the construction programs of the Department of Transportation and Development; to provide for the adoption of rules and for certain reporting requirements for the cash management program; to provide relative to the requirements which must be met before certain contracts shall be entered into; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Smith sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Smith to Reengrossed House Bill No. 126 by Representative LeBlanc

AMENDMENT NO. 1

In Senate Committee Amendment No. 5 proposed by the Senate Committee on Transportation, Highways and Public Works and adopted by the Senate on April 7, 1998, in Amendment No. 5 on page 2, delete lines 38 through 40 and insert the following:

"48:251(D)."

**Motion**

Senator Landry moved to return the bill to the Calendar, subject to call.

Senator Malone objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bajoie	Ellington	Lambert
Barham	Fields C	Landry
Branch	Fields W	Romero
Cain	Greene	Schedler
Campbell	Hainkel	Short
Casanova	Heitmeier	Smith
Cox	Hines	Tarver
Dardenne	Hollis	Theunissen
Dyess	Johnson	Ullo
Total—27		

NAYS

Bagneris	Dean	Malone
Cravins	Lentini	Robichaux
Total—6		

ABSENT

Mr. President	Irons	Jordan
Bean	Jones	Siracusa
Total—6		

The Chair declared the bill was returned to the Calendar.

**HOUSE BILL NO. 127—**  
 BY REPRESENTATIVE LEBLANC  
 AN ACT

To amend and reenact R.S. 40:2404(5) and (8) and 2405(A) and to enact R.S. 40:2405.2, relative to the Peace Officer Standards and Training Law; to provide for performance reviews of accredited training centers; to provide for consequences for an unsatisfactory performance review; to prohibit persons who are not timely certified from exercising the authority of a peace officer; to provide for monitoring by the Council on Peace Officer Standards and Training; to provide a time period in which basic firearms qualification training must be completed; to prohibit off-duty, reserve, and part-time peace officers from carrying concealed weapons unless otherwise authorized; to create a committee to study and make recommendations regarding training requirements for peace officers; to provide for the membership of the committee and for its termination; to remove exceptions for certain villages; and to amend and reenact R.S. 14:95(A)(5)(b)(i), relative to peace officers; to exempt peace officers who are in the performance of their duties from the provisions of law which prohibit the carrying of concealed weapons; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Cravins sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cravins to Reengrossed House Bill No. 127 by Representative LeBlanc

**AMENDMENT NO. 1**

On page 5, between lines 14 and 15, insert:

- "(8) The Attorney General or his designee.
- (9) One member of the Louisiana Union of Police Association."

On motion of Senator Cravins, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Branch sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Branch to Reengrossed House Bill No. 127 by Representative LeBlanc

**AMENDMENT NO. 1**

Delete Senate Committee Amendment No. 7 proposed by the Senate Committee on Judiciary B and adopted by the Senate on April 7, 1998.

**AMENDMENT NO. 2**

On page 4, delete lines 10 and 11 and insert in lieu thereof "provisions of R.S. 40:1379.3, or he has been certified by the Council on Peace Officers Standards and Training under the same standards as full-time officers."

On motion of Senator Branch, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Jordan
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	Irons	Theunissen
Dardenne	Johnson	Ullo
Dean	Jones	
Total—35		

**NAYS**

Tarver  
Total—1

**ABSENT**

Bean	Lambert	Robichaux
Total—3		

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

**HOUSE BILL NO. 128 (Duplicate of Senate Bill No. 51)—**  
BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, GAUTREAUX, AND QUEZAIRE AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO

**AN ACT**

To amend and reenact R.S. 48:275, relative to nomination for inclusion or placement of bridges, highways, or certain roadway structures in the National Register of Historic Places; to require prior approval of the secretary of the Department of Transportation and Development for such nominations; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Landry
Bagneris	Fields 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
Dyess	Jordan	Ullo
Total—36		

**NAYS**

Dean  
Total—1

**ABSENT**

Bean	Lambert
Total—2	

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

**HOUSE BILL NO. 152—**  
BY REPRESENTATIVES WALSWORTH, DIMOS, MCDONALD, AND THOMPSON

**AN ACT**

To enact Chapter 9 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:1401 through 1406, relative to port commissions; to create and provide with respect to the Greater Ouachita Port Commission; to provide for the membership, officers, rights, and powers of the commission, including the power to incur debt, issue bonds, levy special taxes, and expropriate property; 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	Dyess	Jordan
Bagneris	Ellington	Landry
Bajoie	Fields C	Lentini

April 8, 1998

Barham	Fields W	Robichaux
Branch	Greene	Romero
Cain	Hainkel	Schedler
Campbell	Heitmeier	Short
Casanova	Hines	Siracusa
Cox	Hollis	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bean	Lambert	Malone
Total—3		

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. 160—**  
BY REPRESENTATIVES ROUSSELLE AND CLARKSON  
AN ACT

To enact R.S. 33:4715.2, relative to Plaquemines Parish; to create a special district to acquire or construct a new courthouse or renovate the existing courthouse and to operate and maintain the courthouse; to provide for governance of the district; to provide relative to the authority of the district in relationship to the parish governing authority; to provide for the district's powers and duties, including provisions relative to financing the activities of the district through the levy of taxes or the incurring of debt; and to provide for related matters.

The bill was read by title. Senator Dean 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
Cox	Hollis	Siracusa
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones	Theunissen
Dyess	Jordan	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bean	Casanova	Lambert
Total—3		

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

**HOUSE BILL NO. 168—**  
BY REPRESENTATIVES DOWNER, CRANE, DEVILLE, LEBLANC,  
MCCALLUM, STELLY, THOMPSON, THORNHILL, TRICHE, AND WELCH  
AN ACT

To amend and reenact R.S. 39:330.1(A) and to enact R.S. 39:330(G), all relative to property control; to prohibit the disposal by sale, donation, transfer, or other form of alienation of historically significant property; 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	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Short
Casanova	Hollis	Siracusa
Cox	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones	Theunissen
Dyess	Jordan	Ullo
Total—36		

NAYS

Dean  
Total—1

ABSENT

Bean	Lambert
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. 171—**  
BY REPRESENTATIVES DOWNER, CRANE, DEWITT, MCDONALD,  
MCMAINS, STELLY, WALSWORTH, CURTIS, DANIEL, DURAND, FLAVIN,  
JOHNS, SHAW, WILKERSON, ALARIO, R. ALEXANDER, ANSARDI,  
BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER,  
CLARKSON, COPELIN, DAMICO, DEVILLE, DIEZ, DOERGE, DONELON,  
DUPRE, FAUCHEUX, FONTENOT, FRITH, FRUGE, GAUTREAUX, GLOVER,  
GUILLORY, HEATON, HILL, HOLDEN, HOPKINS, HUDSON, HUNTER, ILES,  
KENNARD, KENNEY, LANCASTER, LANDRIEU, LEBLANC, LONG,  
MARTINY, MCCAIN, MCCALLUM, MICHOT, MONTGOMERY, MORRELL,  
MORRISH, MURRAY, PIERRE, PINAC, POWELL, RIDDLE, ROMERO,  
ROUSSELLE, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, JACK  
SMITH, JOHN SMITH, STRAIN, THOMAS, THOMPSON, THORNHILL,  
TOOMY, TRAVIS, TRICHE, VITTER, WADDELL, WARNER, WELCH,  
WESTON, WIGGINS, WILLARD, WINDHORST, AND WRIGHT  
AN ACT

To amend and reenact R.S. 11:791(A)(2), to enact R.S. 17:16, and to repeal R.S. 11:739 and 791(A)(3), (4), and (5), relative to the reemployment of teachers who have retired from the Teachers' Retirement System of Louisiana; to provide for the adoption of rules by the State Board of Elementary and Secondary Education to establish guidelines and procedures for the hiring of retired teachers; to encourage the use of certain funds provided by the state in furtherance of hiring retired teachers; to provide an effective date; 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. 190—**

BY REPRESENTATIVE HEBERT

AN ACT

To enact R.S. 34:1603.1, relative to the Twin Parish Port Commission; to provide for the adoption of ordinances; to provide for an effective date; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Jordan
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	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones	Ullo

Total—36

NAYS

Total—0

ABSENT

Bean	Lambert	Robichaux
Total—3		

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

**HOUSE BILL NO. 193—**

BY REPRESENTATIVE LEBLANC

AN ACT

To amend and reenact R.S. 39:31(A), 32(I), and 33(A)(1) and to enact R.S. 39:28(C), 32(K), and 32.1, relative to the state budget; to provide for budgeting and planning requirements for certain higher education agencies; to authorize the Board of Regents to prescribe the content and format of certain budget documents; to require the preparation and submission of certain budget documents by certain higher education agencies; to provide relative to the contents of certain budget documents; 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	Lentini
Bagneris	Fields C	Malone
Bajoie	Fields W	Robichaux
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	Landry	
Total—37		

Total—0

Bean	Lambert
Total—2	

Johnson	Theunissen
Jones	Ullo
Jordan	
Landry	

NAYS

ABSENT

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. 197 (Substitute for House Bill No. 30 by Representative Pinac)—**

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 33:4754(A)(1), relative to Acadia Parish; to authorize the parish governing authority to take certain actions to maintain safe and healthful conditions on private property including provision for grass and weed cutting, garbage removal, and securing and demolition of dangerous structures; to provide relative to fines, costs, and charges and the enforcement of collection of same including enforcement by sale of property; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Bagneris	Fields C	Malone
Bajoie	Fields W	Robichaux
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	Landry	

Total—37

Total—0

Bean	Lambert
Total—2	

NAYS

ABSENT

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

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

April 8, 1998

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

Called from the Calendar

Senator Greene asked that House Bill No. 25 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 25— BY REPRESENTATIVES MCCAIN AND MICHOT AN ACT

To amend and reenact R.S. 56:8(30) and to enact R.S. 56:302.3(B)(7) and 325(A)(7), relative to fishing; to provide relative to crawfish; to provide that the taking of crawfish for recreational purposes shall require a recreational gear license; to provide relative to license requirements and fees; to provide amount limits; 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 Reengrossed House Bill No. 25 by Representative McCain

AMENDMENT NO. 1 On page 1, at the end of line 5, after "requirements" delete "and"

AMENDMENT NO. 2 On page 1, at the beginning of line 6, delete "fees"

AMENDMENT NO. 3 On page 1, line 18, before "The minimum" insert "commercially."

On motion of Senator Hainkel, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Jordan, Landry; Lentini, Malone, Robichaux, Romero, Schedler, Short, Siracusa, Smith, Tarver, Theunissen, Ullo

NAYS

Total—0

ABSENT

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

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

Called from the Calendar

Senator Cox asked that House Bill No. 36 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 36— BY REPRESENTATIVES STELLY AND THOMPSON AN ACT

To amend and reenact R.S. 11:2178(D)(III)(1) and (b)(i) and (E)(1) and (2), relative to the Sheriffs' Pension and Relief Fund; to further define the type of act warranting death benefits; to increase the amount payable to dependents in certain cases; to remove the one-year marriage requirement; and to provide for related matters.

Floor Amendments Sent Up

Senator Cox sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cox to Reengrossed House Bill No. 36 by Representative Stelly

AMENDMENT NO. 1 On page 1, line 2, after "R.S. 11:2178(D)(III)(1)" insert "(introductory paragraph)" and after "and (2)" insert "and to enact R.S. 11:2178(F)"

AMENDMENT NO. 2 On page 1, line 6, after "requirement;" insert "to provide an effective date;"

AMENDMENT NO. 3 On page 1, line 9, after "reenacted" insert "and R.S. 11:2178(F) is hereby enacted"

AMENDMENT NO. 4 On page 3, after line 11, insert the following:

"E. The provisions of Paragraph (1) and (2) of Subsection E of this Section shall be applied retroactively to July 1, 1997."

On motion of Senator Cox, the amendments were adopted.

Floor Amendments Sent Up

Senator Landry sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Landry to Reengrossed House Bill No. 36 by Representative Stelly

AMENDMENT NO. 1 On page 3, line 4, before "at" insert "(1)"

AMENDMENT NO. 2 On page 3, line 5, after "or" insert "(2) at the time of his death and"

AMENDMENT NO. 3 On page 3, line 8, before "at" insert "(1)"

AMENDMENT NO. 4 On page 3, line 9, after "or" insert "(2) at the time of her death and"

On motion of Senator Landry, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Branch  
Total—1

**ABSENT**

Bean  
Total—2

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

**Rules Suspended**

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of reverting to the order of

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

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

**Called from the Calendar**

Senator Dardenne asked that Senate Bill No. 155 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 155—**  
BY SENATOR DARDENNE

**AN ACT**

To enact Subpart D of Part II-A of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:97.1 through 97.5, relative to the Louisiana Asbestos Detection and Abatement Fund; to provide for the creation, use, and administration of the fund; to provide for sources of monies for the fund; to provide for legal representation; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Dardenne sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 155 by Senator Dardenne

AMENDMENT NO. 1

On page 5, between lines 19 and 20, insert the following:

"(5) Reimbursement to the state general fund of any fees, costs and expenses incurred in recovering monies deposited in this fund."

AMENDMENT NO. 2

On page 6, delete lines 23 through 27 in their entirety and insert the following:

"The attorney general, the commissioner of administration and the attorneys providing legal services under contract in connection with the action shall endeavor to reach an agreement regarding the amount of attorneys' fees and costs to be paid to the attorneys who provided such legal services. Such negotiated attorneys' fees, excluding costs, shall be determined on an hourly basis. Legal services provided and costs incurred under previous contracts related to asbestos litigation are hereby acknowledged, except that attorneys' fees related to such contracts shall be paid on an hourly basis. The amount of such negotiated attorney fees, costs, and expenses associated with services performed prior to May 1, 1998, shall be paid only through a specific appropriation."

AMENDMENT NO. 3

On page 7, delete lines 1 through 27 in their entirety

AMENDMENT NO. 4

On page 8, delete lines 1 through 21 in their entirety and on line 22, change "E." to C."

AMENDMENT NO. 5

On page 9, line 7, after "validity." delete the remainder of the line and delete lines 8 through 11 in their entirety

On motion of Senator Dardenne, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Landry sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Landry to Engrossed Senate Bill No. 155 by Senator Dardenne

AMENDMENT NO. 1

On page 5, between lines 26 and 27, insert the following:

"G. The commissioner of administration shall report to the Joint Legislative Committee on the Budget by the first of March of each year the amount in the asbestos fund."

On motion of Senator Landry, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Landry
Bagneris	Ellington	Lentini
Bajoie	Fields C	Malone
Barham	Fields W	Robichaux

April 8, 1998

Branch	Greene	Romero
Cain	Hainkel	Schedler
Campbell	Heitmeier	Short
Casanova	Hines	Siracusa
Cox	Hollis	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Total—33		

NAYS

Dean	Ullo
Total—2	

ABSENT

Bean	Jordan
Jones	Lambert
Total—4	

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

**Personal Privilege**

Senator Jordan 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 Senate Bill No. 155. He had intended to vote yea on the bill. He asked that the Official Journal so state.

**Called from the Calendar**

Senator Siracusa asked that Senate Bill No. 166 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 166—**  
BY SENATOR SIRACUSA

AN ACT

To amend and reenact R.S. 13:477(15), 621.15 and 621.32, relative to judgeships; to add two additional judgeships to the Fifteenth Judicial District Court; to add one additional judgeship to the Thirty-Second Judicial District Court; to provide for election sections for the Fifteenth 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.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Dean

Total—1		ABSENT
Bean	Jones	Lambert
Total—3		

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

**Rules Suspended**

Senator Ewing asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments, Subject to Call**

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

**Called from the Calendar**

Senator Ewing asked that Senate Bill No. 73 be called from the Calendar at this time.

**SENATE BILL NO. 73—**

BY SENATORS EWING, HINES, DARDENNE, HAINKEL, BARHAM, ROMERO, SCHEDLER, ULLO AND BAGNERIS AND REPRESENTATIVES DOWNER, DEWITT AND MCMAINS  
AN ACT

To amend and reenact R.S. 9:392 and 396(A) and R.S. 40:46.1(B)(1)(c), (B)(2), and (F)(3), relative to paternity; to require notice of consequences of signing acknowledgment of paternity prior to signing of notarial act; to require genetic testing of parties upon request of a party in a contested paternity case in a court-based proceeding; to require that such request be accompanied by sworn affidavit either alleging or denying paternity; 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 Civil Law and Procedure to Reengrossed Senate Bill No. 73 by Senator Ewing

AMENDMENT NO. 1

On page 2, line 17, after "cause," delete the remainder of the line and insert "before the earlier of the following:"

AMENDMENT NO. 2

On page 2, delete lines 18 through 20 and insert the following:

"(i) Sixty days after the signing of the act, in a judicial hearing for the limited purpose of rescinding the acknowledgment.

"(ii) A judicial hearing relating to the child, including a child support proceeding, wherein the affiant to the notarial act of acknowledgment is a party to the proceeding."

AMENDMENT NO. 3

On page 2, line 21, after "(b)" and before "the" delete "After the sixty day period," and insert "Thereafter."

AMENDMENT NO. 4

On page 3, line 14, after "desaveu, the" delete the remainder of the line and insert in lieu thereof "court may, on its own initiative, or shall, under"

AMENDMENT NO. 5

On page 3, line 15, after "following" and before "order" change "circumstances shall," to "circumstances,"

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Murray to Reengrossed Senate Bill No. 73 by Senators Ewing, et al.

AMENDMENT NO. 1

On page 1, line 15, after "shall" delete the remainder of the line and at the beginning of line 16, delete "and in writing," and insert "provide in writing, and orally or by directing them to video or audio presentations,"

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

**ROLL CALL**

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Bean	Jones	Lambert
Total—3		

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

**Rules Suspended**

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

**Message from the House**

**PASSED SENATE BILLS AND JOINT RESOLUTIONS**

April 8, 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. 162—**

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

Reported with amendments.

**SENATE BILL NO. 84—**

BY SENATORS BAJOEIE AND HAINKEL  
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.

Reported with amendments.

**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.

Reported with amendments.

**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.

Reported with amendments.

**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.

Reported with amendments.

**SENATE BILL NO. 105—**  
BY SENATOR ELLINGTON

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.

Reported with amendments.

**SENATE BILL NO. 81—**  
BY SENATOR BARHAM

AN ACT

To enact R.S. 33:381(C)(12), relative to municipal officers; to provide that the chief of police of the village of Oak Ridge be appointed; to provide for the qualifications for the chief of police of Oak Ridge; and to provide for related matters.

Reported without amendments.

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

**Message from the House**

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

April 8, 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 Bills and Joint Resolutions:

**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.

**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.

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

**House Bills and Joint Resolutions**

Senator Bagneris asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions

just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE BILL NO. 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.

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

**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.

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

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

April 8, 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. 43—**  
BY REPRESENTATIVE THOMPSON  
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.

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 of Representatives with a view of acting on same:

**HOUSE CONCURRENT RESOLUTION NO. 43—**  
BY REPRESENTATIVE THOMPSON  
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.

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**TRANSPORTATION, HIGHWAYS, AND PUBLIC WORKS**

Senator Landry, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

April 8, 1998

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

**HOUSE BILL NO. 131 (Duplicate of Senate Bill No. 17)—**  
 BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, DUPRE, SHAW, QUEZAIRE, AND THOMAS AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO  
**AN ACT**

To amend and reenact R.S. 36:501(C)(1), 502(A) and (B), 503, 504(A)(8), 505, 506(A), (B), and (C), 508(A), (B), (C), and (G), and 510 and to enact R.S. 36:508.1 and 508.2, relative to the Department of Transportation and Development; to reorganize the Department of Transportation and Development; to provide for the officers of the department and the appointment, salary, powers, duties, and functions thereof; to provide for the offices of the department and the functions thereof; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
 RON LANDRY  
 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 8, 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. 23—**  
 BY REPRESENTATIVE LEBLANC  
**AN ACT**

To amend and reenact R.S. 17:3223(B)(5), to authorize the Board of Trustees for State Colleges and Universities to establish tuition amounts and other fees and charges applicable to students attending South Louisiana Community College; to provide limitations; and to provide for related matters.

Reported favorably.

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

Reported favorably.

**HOUSE BILL NO. 110—**  
 BY REPRESENTATIVES TRICHE, DEWITT, DOWNER, AND MCMAINS AND SENATORS BARHAM, DARDENNE, EWING, HAINKEL, AND ROMERO  
**AN ACT**

To enact R.S. 36:406.1, relative to the issuance of revenue bonds by the Louisiana Public Facilities Authority on behalf of the Department of Public Safety and Corrections; to provide for the issuance of revenue bonds for the acquisition, construction, and equipping of a public safety complex; to provide for the requirements of issuance including the revenues to be pledged for payment of such bonds; to provide for an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 111—**  
 BY REPRESENTATIVES TRICHE AND WIGGINS  
**AN ACT**

To amend and reenact R.S. 32:863(A)(3), relative to compulsory motor vehicle liability security requirements; to provide for reinstatement fees and sanctions for first and subsequent violations; to provide for dedication of fees; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
 ROBERT J. BARHAM  
 Chairman

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

Senator Barham 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. 23—**  
 BY REPRESENTATIVE LEBLANC  
**AN ACT**

To amend and reenact R.S. 17:3223(B)(5), to authorize the Board of Trustees for State Colleges and Universities to establish tuition amounts and other fees and charges applicable to students attending South Louisiana Community College; to provide limitations; 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. 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 Chitimacha Loop Roads planning and construction in St. Mary Parish; 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. 110—**  
 BY REPRESENTATIVES TRICHE, DEWITT, DOWNER, AND MCMAINS AND SENATORS BARHAM, DARDENNE, EWING, HAINKEL, AND ROMERO  
**AN ACT**

To enact R.S. 36:406.1, relative to the issuance of revenue bonds by the Louisiana Public Facilities Authority on behalf of the Department of Public Safety and Corrections; to provide for the issuance of

revenue bonds for the acquisition, construction, and equipping of a public safety complex; to provide for the requirements of issuance including the revenues to be pledged for payment of such bonds; to provide for an effective date; 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. 111—**  
BY REPRESENTATIVES TRICHE AND WIGGINS  
AN ACT

To amend and reenact R.S. 32:863(A)(3), relative to compulsory motor vehicle liability security requirements; to provide for reinstatement fees and sanctions for first and subsequent violations; to provide for dedication of fees; 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 Reengrossed House Bill No. 111 by Representative Triche

AMENDMENT NO. 1  
Delete Senate Amendment No. 1 proposed by the Senate Committee on Judiciary B and adopted by the Senate on April 7, 1998.

AMENDMENT NO. 2  
On page 1, line 17, delete "or subsequent"

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

"sanctions shall be imposed for a period of **three days**. **In the case of a second or subsequent violations of Paragraph (1), sanctions shall be imposed for a period of** not less than thirty days nor more than twelve months, **and**; In the case of a **first or subsequent** violation of Paragraph (2) above, **sanctions shall be imposed** for a period of not less than six months no more than"

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. 131 (Duplicate of Senate Bill No. 17)—**  
BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, DUPRE, SHAW, QUEZAIRE, AND THOMAS AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO  
AN ACT

To amend and reenact R.S. 36:501(C)(1), 502(A) and (B), 503, 504(A)(8), 505, 506(A), (B), and (C), 508(A), (B), (C), and (G), and 510 and to enact R.S. 36:508.1 and 508.2, relative to the Department of Transportation and Development; to reorganize the Department of Transportation and Development; to provide for the officers of the department and the appointment, salary, powers, duties, and functions thereof; to provide for the offices of the department and the functions thereof; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways, and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways, and Public Works to Reengrossed House Bill No. 131 by Representative Diez, et al.

AMENDMENT NO. 1  
On page 1, line 3, change "and 510" to "510, and 801.1" and on line 4, change "and 508.2" to "508.2, and 511"

AMENDMENT NO. 2  
On page 1, line 9, between "thereof;" and "and" insert "to require that contract and procurement laws applicable to the department shall apply to agencies within the department;"

AMENDMENT NO. 3  
On page 1, line 12, change "and 510" to "510, and 801.1" and on line 13, change "and 508.2" to "508.2, and 511"

AMENDMENT NO. 4  
On page 5, line 11, at the beginning of the line change "governor" to "secretary"

AMENDMENT NO. 5  
On page 6, line 6, change "governor" to "secretary"

AMENDMENT NO. 6  
On page 6, line 19, after "procurement" delete "and contract management"

AMENDMENT NO. 7  
On page 7, line 14, after "functions;" add "chief engineer"

AMENDMENT NO. 8  
On page 9, line 5, change "governor" to "secretary"

AMENDMENT NO. 9  
On page 9, line 6, change "governor" to "secretary"

AMENDMENT NO. 10  
On page 9, line 16, at the end of the line, delete "in" and on line 17, delete "accordance with civil service rules," and insert in lieu thereof "by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session,"

AMENDMENT NO. 11  
On page 10, line 19, change "governor" to "secretary" in both places

AMENDMENT NO. 12  
On page 11, line 3, at the end of the line, delete "in" and on line 4, delete "accordance with civil service rules" and insert in lieu thereof "by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session,"

AMENDMENT NO. 13  
On page 12, line 17, change "governor" to "secretary"

AMENDMENT NO. 14  
On page 12, line 19, change "governor" to "secretary"

AMENDMENT NO. 15  
On page 13, line 5, at the end of the line, change "secretary" to "governor"

AMENDMENT NO. 16  
On page 14, line 8, after "office of" change "engineering" to "public works and intermodal transportation"

AMENDMENT NO. 17  
On page 14, after line 9, add the following:

"§511. Contract and purchasing laws applicable to agencies within the department  
Notwithstanding any law to the contrary, including any provision of the 1921 Constitution of Louisiana made statutory by the Constitution of Louisiana of 1974, each agency of the

department, including any agency provided for in Article XIV, Section 45 of 1921 Louisiana Constitution which provisions are made statutory by Article XIV, Section 16(A)(10) of Constitution of Louisiana of 1974, shall be subject to contract and procurement laws applicable to the department.

\* \* \*  
§801.1. Transfer; retention of all functions  
\* \* \*

D. Each Except as provided in R.S. 36:511, each such agency shall continue to perform and administer its functions which are in the nature of accounting and budget control, procurement and contract management, management and program analysis, data processing, personnel management, and grants management.  
\* \* \*

Section 2. Any provision of Article XIV, Section 45 the 1921 Louisiana Constitution made statutory by Article XIV, Section 16(A)(10) of the Louisiana Constitution of 1974, R.S. 38:2325, and R.S. 38:2337 in conflict with this Act is hereby repealed.

Section 3. The provisions of Section 1 of this Act amending and reenacting R.S. 36:801.1 and enacting R.S. 36:511 and Section 2 of this Act shall become effective on July 1, 1998."

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

**Privilege Report of the  
Legislative Bureau**

April 8, 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. 9—**  
BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 40:1643(C), relative to required fire protection sprinkler systems; to provide for an extension of time to meet the requirement for high-rise buildings in certain cases; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 14—**  
BY REPRESENTATIVES DURAND AND DOWNER  
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.

Reported without amendments.

**HOUSE BILL NO. 20—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To enact R.S. 42:66(M), relative to dual officeholding; to provide that a chief of police of certain villages may also hold the office of deputy sheriff; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 23—**  
BY REPRESENTATIVE LEBLANC  
AN ACT

To amend and reenact R.S. 17:3223(B)(5), to authorize the Board of Trustees for State Colleges and Universities to establish tuition amounts and other fees and charges applicable to students attending South Louisiana Community College; to provide limitations; and to provide for related matters.

Reported without amendments.

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

Reported without amendments.

**HOUSE BILL NO. 58—**  
BY REPRESENTATIVE JOHN SMITH AND SENATOR DARDENNE  
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.

Reported without amendments.

**HOUSE BILL NO. 62—**  
BY REPRESENTATIVE DEWITT  
AN ACT

To amend and reenact R.S. 12:1335.1(A), relative to limited liability companies; to provide for dissolution by affidavit of certain limited liability companies; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 110—**  
BY REPRESENTATIVES TRICHE, DEWITT, DOWNER, AND MCMAINS  
AND SENATORS BARHAM, DARDENNE, EWING, HAINKEL, AND ROMERO  
AN ACT

To enact R.S. 36:406.1, relative to the issuance of revenue bonds by the Louisiana Public Facilities Authority on behalf of the Department of Public Safety and Corrections; to provide for the issuance of revenue bonds for the acquisition, construction, and equipping of a public safety complex; to provide for the requirements of issuance including the revenues to be pledged for payment of such bonds; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 111—**  
BY REPRESENTATIVES TRICHE AND WIGGINS  
AN ACT

To amend and reenact R.S. 32:863(A)(3), relative to compulsory motor vehicle liability security requirements; to provide for reinstatement fees and sanctions for first and subsequent violations; to provide for dedication of fees; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 131 (Duplicate of Senate Bill No. 17)—**  
BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED  
BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, DUPRE, SHAW,  
QUEZAIRE, AND THOMAS AND SENATORS EWING, DARDENNE,  
HAINKEL, BARHAM, AND ROMERO  
AN ACT

To amend and reenact R.S. 36:501(C)(1), 502(A) and (B), 503, 504(A)(8), 505, 506(A), (B), and (C), 508(A), (B), (C), and (G),

and 510 and to enact R.S. 36:508.1 and 508.2, relative to the Department of Transportation and Development; to reorganize the Department of Transportation and Development; to provide for the officers of the department and the appointment, salary, powers, duties, and functions thereof; to provide for the offices of the department and the functions thereof; and to provide for related matters.

Reported without amendments.

**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.

Reported without amendments.

**HOUSE BILL NO. 151—**

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

To amend and reenact R.S. 17:1941, 1942, 1942.1, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1958, 1971(B)(1), 1972(1), (2)(introductory paragraph), (2)(b) and (c)(iii) and (vii), (f)(introductory paragraph), (f)(ii), 1973, 1974, 1975, 1976, 1977, 1978(A), 1979(A)(introductory paragraph) and (1), (7), (8), (C), (D)(1), (2), and (3), and (E), to enact R.S. 17:1971(B)(4), 1979 (A)(9) and (10), and (D)(5), to repeal R.S. 17:1947.1, 1955, 1956, 1957, and 1959, and to rename Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, relative to special education; to provide for the education of children with exceptionalities; to provide for state compliance with the federal requirements under the Individuals with Disabilities Education Act; to provide relative to the responsibilities of the state Department of Education and the local educational agencies; to provide relative to the cost of instruction of students with exceptionalities; to delete the special education pilot program in Lafourche Parish; to delete the Northeast Louisiana Special Education Center; to provide relative to ChildNet; to change the composition of the State Interagency Coordinating Council for ChildNet; to provide for definitions; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 204—**

BY REPRESENTATIVES WIGGINS AND WRIGHT  
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.

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 Ullo asked for and obtained a suspension of the rules for the purpose of hearing House Bills No. 1 and No. 179 in the Committee on Judiciary A without the required 24 hour notice.

**Message from the House**

**SIGNED HOUSE BILLS AND JOINT RESOLUTIONS**

April 8, 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. 15—**

BY REPRESENTATIVES FAUCHEUX, DUPRE, AND GAUTREUX  
AN ACT

To amend and reenact R.S. 48:2042(B) and 2044(A), (C), and (F), relative to the South Central Regional Transportation Authority; to provide for its composition; to provide for its board of commissioners; and to provide for related matters.

**HOUSE BILL NO. 18—**

BY REPRESENTATIVE GAUTREUX  
AN ACT

To redesignate the Greenwood Overpass located on U.S. Highway 90 near Morgan City in St. Mary Parish as the Sam Siracusa Overpass.

**HOUSE BILL NO. 32—**

BY REPRESENTATIVE ROUSSELLE  
AN ACT

To enact R.S. 56:305.7 and to repeal R.S. 56:303.10, relative to commercial rod and reel gear licenses; to provide relative to eligibility to hold a rod and reel gear license; and to provide for related matters.

**HOUSE BILL NO. 46 (Duplicate of Senate Bill No. 14)—**

BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, QUEZAIRE, AND HUDSON AND SENATORS EWING, DARDENNE, HAINKEL, BAGNERIS, AND BARHAM  
AN ACT

To amend and reenact R.S. 48:252(C), relative to projects of the Department of Transportation and Development; to provide relative to bidding of department contracts; and to provide for related matters.

**HOUSE BILL NO. 48 (Duplicate of Senate Bill No. 32)—**

BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, AND QUEZAIRE AND SENATORS EWING, DARDENNE, HAINKEL, BAGNERIS, AND BARHAM  
AN ACT

To amend and reenact R.S. 48:252(I)(2)(b), relative to projects of the Department of Transportation and Development; to provide relative to the issuance of addenda modifying such projects; and to provide for related matters.

**HOUSE BILL NO. 50 (Duplicate of Senate Bill No. 46)—**

BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, AND QUEZAIRE AND SENATORS EWING, DARDENNE, HAINKEL, BAGNERIS, BARHAM, AND ROMERO  
AN ACT

To amend and reenact R.S. 48:256.1(A), relative to contracts for the construction, improvement, maintenance, or repair of highways, roads, or bridges; to provide relative to the final payment of retained amounts; and to provide for related matters.

**HOUSE BILL NO. 57—**  
BY REPRESENTATIVE MCMAINS AND SENATOR DARDENNE  
AN ACT

To amend and reenact R.S. 31:149.1, relative to prescription of mineral rights; to provide for mineral rights imprescriptibility on land transferred to nonprofit land conservation organizations; and to provide for related matters.

**HOUSE BILL NO. 60 (Duplicate of Senate Bill No. 141)—**  
BY REPRESENTATIVE DANIEL AND SENATOR REMERO  
AN ACT

To amend and reenact R.S. 36:605(B)(6) and to enact R.S. 36:605(B)(7) and R.S. 56:6(29), relative to powers, duties, functions, and responsibilities of the Department of Wildlife and Fisheries; to authorize the dissemination of wildlife and fisheries information and education by the department; and to provide for related matters.

**HOUSE BILL NO. 77 (Duplicate of Senate Bill No. 98)—**  
BY REPRESENTATIVE THORNHILL AND SENATOR SHORT AND  
COAUTHORED BY REPRESENTATIVE BRUCE  
AN ACT

To authorize and direct that all assets held by others or remaining in the account of the former St. Tammany Levee District be transferred to the St. Tammany Parish Police Jury for the specific purpose of providing levee and levee drainage and flood control protection within certain designated areas located within St. Tammany Parish; and to require public hearings prior to the expenditure of any funds.

**HOUSE BILL NO. 83 (Duplicate of Senate Bill No. 45)—**  
BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED  
BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, AND  
QUEZAIRE AND SENATORS EWING, DARDENNE, HAINKEL, BAGNERIS,  
BARHAM, AND ROMERO  
AN ACT

To amend and reenact R.S. 48:253(C), relative to contracts let by the Department of Transportation and Development; to require the department to destroy the bid bonds of unsuccessful bidders; and to provide for related matters.

**HOUSE BILL NO. 86 (Duplicate of Senate Bill No. 99)—**  
BY REPRESENTATIVE DIEZ AND SENATOR BEAN AND COAUTHORED  
BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, BRUCE, AND  
QUEZAIRE AND SENATORS LANDRY, EWING, DARDENNE, HAINKEL,  
BARHAM, AND ROMERO  
AN ACT

To enact R.S. 32:7, relative to the enforcement of size and weight laws; to authorize the Department of Transportation and Development or the Department of Public Safety and Corrections to enter into agreements with contiguous states establishing joint weight enforcement facilities; to authorize the location, construction, staffing, and operation of such facilities; to authorize the enforcement of state laws, rules, and regulations and the laws of contiguous states, agencies, and departments; to provide for appointment of employees as enforcement officers; to provide for the status of such employees; to require oversight by the Joint Committee on Transportation, Highways and Public Works; and to provide for related matters.

**HOUSE BILL NO. 87 (Duplicate of Senate Bill No. 15)—**  
BY REPRESENTATIVE DIEZ AND SENATOR LANDRY AND COAUTHORED  
BY REPRESENTATIVES DOWNER, DEWITT, MCMAINS, HUDSON,  
QUEZAIRE, ROUSSELLE, AND BRUCE AND SENATORS EWING,  
DARDENNE, HAINKEL, BARHAM, AND SHORT  
AN ACT

To amend and reenact R.S. 51:781(4) and 784.1 and to enact R.S. 51:792.1, relative to the regulation and inspection of petroleum and petroleum products; to transfer the duties and responsibilities for such regulation and inspection from the secretary of the Department of Transportation and Development to the commissioner of the Department of Agriculture and Forestry; to provide for the disposition of certain fees; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 92—**  
BY REPRESENTATIVE MARIONNEAUX  
AN ACT

To rename and designate a portion of Louisiana Highway 413 in Pointe Coupee Parish as "Zach Road"; and to provide for related matters.

**HOUSE BILL NO. 97—**  
BY REPRESENTATIVE ALARIO AND SENATOR ULLO  
AN ACT

To amend Act No. 28 of the 1997 Regular Session of the Legislature, relative to the comprehensive capital budget, by adding thereto a new Section, relative to the Bayou Segnette Golf Course in the Department of Economic Development; and to provide for related matters.

**HOUSE BILL NO. 133 (Duplicate of Senate Bill No. 147)—**  
BY REPRESENTATIVE MCCAIN AND SENATOR DARDENNE AND  
COAUTHORED BY REPRESENTATIVE WELCH  
AN ACT

To enact R.S. 40:1322 and 1322.1, relative to the authorization of credit, charge, and debit card transactions with the Department of Public Safety and Corrections; to provide for the procedures for such transactions; to provide for suspension of any license, permit, or registration or revocation of any certificate of title by the department if payment by a credit, charge, or debit card is refused, denied, dishonored, or reversed by the issuing company or bank; to provide for the department to conduct administrative hearings following a suspension or revocation; to provide for rules; to provide criminal penalties for transferring or assigning a certificate of title for a motor vehicle that has been recalled or revoked; and to provide for related matters.

**HOUSE BILL NO. 176—**  
BY REPRESENTATIVE DANIEL  
AN ACT

To amend and reenact R.S. 30:21(B)(1)(a), relative to the office of conservation within the Department of Natural Resources; to provide relative to certain fees and charges imposed by the office of conservation; and to provide for related matters.

**HOUSE BILL NO. 194—**  
BY REPRESENTATIVES ALARIO, DOWNER, DEWITT, MCMAINS,  
CHAISSON, COPELIN, DANIEL, DOERGE, DURAND, GLOVER, AND PIERRE  
AND SENATORS EWING, DARDENNE, HAINKEL, BARHAM, AND ROMERO  
AN ACT

To amend and reenact R.S. 47:306(A)(3)(a)(i) and (B)(4)(a) and 318, relative to compensation for collection of state sales and use tax; to provide that the rate remain at the present rate of such compensation; to provide for the use of monies derived by retaining such rate; 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 8, 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. 9—**  
BY REPRESENTATIVES WILKERSON AND BRUCE  
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to post signs on both sides of the city of Grambling on Interstate 20 and Highways 167 and 80 stating that Grambling, Louisiana, is the home of Eddie Robinson.

**HOUSE CONCURRENT RESOLUTION NO. 19—**  
BY REPRESENTATIVE ODINET  
A CONCURRENT RESOLUTION

To continue and provide for the Louisiana Oyster Task Force and provide for membership and duties thereof.

**HOUSE CONCURRENT RESOLUTION NO. 34—**  
BY REPRESENTATIVE ROUSSELLE  
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to develop a program to control and prevent the problem of black drum predation.

**HOUSE CONCURRENT RESOLUTION NO. 59—**  
BY REPRESENTATIVE HOLDEN AND SENATOR C. FIELDS  
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Mrs. Geneva Dunn Douglas of Baton Rouge.

**HOUSE CONCURRENT RESOLUTION NO. 60—**  
BY REPRESENTATIVE MCCALLUM  
A CONCURRENT RESOLUTION

To commend and to congratulate the Marion High School Lady Panthers basketball team for reaching the Sweet 16 semifinals.

**HOUSE CONCURRENT RESOLUTION NO. 61—**  
BY REPRESENTATIVES FLAVIN, JOHNS, STELLY, GUILLORY, HILL, ILES, AND MORRISH AND SENATORS HINES, COX, CASANOVA, CAIN, AND THEUNISSEN  
A CONCURRENT RESOLUTION

To commend and honor Monsignor Irving A. DeBlanc for his commitment to his faith and community which is so clearly evident in his sixty-year career as a priest.

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 8, 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. 25—**  
BY SENATOR JONES AND REPRESENTATIVE HUNTER  
A CONCURRENT RESOLUTION

To urge and request the Louisiana Housing Finance Authority and other housing agencies or authorities to target the economically depressed area of Northeast Louisiana for assistance.

**SENATE CONCURRENT RESOLUTION NO. 35—**  
BY SENATOR JONES  
A CONCURRENT RESOLUTION

To commemorate April 4, 1998 as the 30th anniversary of the assassination of Dr. Martin Luther King, Jr.

**SENATE CONCURRENT RESOLUTION NO. 36—**  
BY SENATOR THEUNISSEN  
A CONCURRENT RESOLUTION

To recognize and commend Mayor Bennet L. Broussard for over twenty years of distinguished public service and for his dedication to serving the best interests of the citizens of Kaplan, Louisiana, and to congratulate him on the occasion of his retirement.

**SENATE CONCURRENT RESOLUTION NO. 37—**  
BY SENATORS BARHAM, EWING, BAGNERIS, BAJOIE, BEAN, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, DARDENNE, DYESS, ELLINGTON, C. FIELDS, W. FIELDS, GREENE, HAINKEL, HINES, HOLLIS, IRONS, JOHNSON, JORDAN, LAMBERT, LANDRY, LENTINI, MALONE, ROBICHAUX, ROMERO, SCHEDLER, SHORT, SIRACUSA, SMITH, TARVER, THEUNISSEN AND ULLO AND REPRESENTATIVES MCCALLUM AND WALSWORTH  
A CONCURRENT RESOLUTION

To commend and congratulate each member of the Louisiana Tech University women's basketball team on their remarkable and successful 1997-1998 basketball season that culminated in an outstanding performance in the championship game of the National Collegiate Athletic Association.

**SENATE CONCURRENT RESOLUTION NO. 38—**  
BY SENATORS DARDENNE, BAGNERIS, BAJOIE, BARHAM, BEAN, BRANCH, CAIN, CAMPBELL, CASANOVA, COX, CRAVINS, 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 AND REPRESENTATIVES ALARIO, A. ALEXANDER, R. ALEXANDER, ANSARDI, BARTON, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, CARTER, CHAISSON, CLARKSON, COPELIN, CRANE, CURTIS, DAMICO, DANIEL, DEVILLE, DeWITT, DIEZ, DIMOS, DOERGE, DONELON, DOWNER, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, FRITH, FRUGE, GAUTREAUX, 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  
A CONCURRENT RESOLUTION

To express the condolences of the Louisiana Legislature to the family of Hugh H. Hyman, Jr.

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 8, 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. 52 (DUPLICATE OF HOUSE BILL NO. 13)—**

BY SENATOR DARDENNE AND REPRESENTATIVE DUPRE AND COAUTHORED BY REPRESENTATIVE FRITH  
AN ACT

To amend and reenact R.S. 14:98(C)(introductory paragraph), relative to the crime of operating a vehicle while intoxicated; to clarify that the total sentence of imprisonment for a conviction of a second such offense shall not exceed six months; to provide that sentence of home incarceration may be ordered if otherwise allowed by law; and to provide for related matters.

**SENATE BILL NO. 53 (DUPLICATE OF HOUSE BILL NO. 108)—**

BY SENATOR DARDENNE AND REPRESENTATIVE DUPRE  
AN ACT

To amend and reenact R.S. 24:802(B)(4), (5), (6), and (7), relative to the Advisory Commission on Intergovernmental Relations; to allow for the appointment of certain designees to the commission; and to provide for related matters.

**SENATE BILL NO. 74—**

BY SENATORS EWING, HINES, DARDENNE, HAINKEL, BARHAM, ROMERO, SCHEDLER, ULLO AND LANDRY AND REPRESENTATIVES DOWNER, DEWITT, MCMAINS, ANSARDI, JOHNS, MURRAY AND WIGGINS  
AN ACT

To amend and reenact R.S. 46:236.3(E)(4) and (I) and to enact R.S. 46:236.3(O), relative to enforcement of support by income assignment; to provide for the effect of income assignments; to provide that notice to withhold shall operate as an assignment; to provide for the amount of processing fees; to provide for an employer's immunity from civil liability; and to provide for related matters.

**SENATE BILL NO. 75—**

BY SENATORS EWING, HINES, DARDENNE, HAINKEL, BARHAM, ROMERO AND ULLO AND REPRESENTATIVES DOWNER, DEWITT, MCMAINS, ANSARDI, CLARKSON, JOHNS, MURRAY AND WIGGINS  
AN ACT

To amend and reenact R.S. 32:409.1(A)(2)(d)(viii), 410(A)(3)(a)(viii), and R.S. 40:34(B)(2)(a) and (C) and to enact R.S. 9:224(A)(6) and (D), 313, and 395, R.S. 32:409.1(A)(2)(d)(vi), and R.S. 37:23, relative to provision of information; to require inclusion of social security numbers in certain vital statistics records, certain license applications, and divorce proceedings; to require a party in paternity or child support proceedings to file and update certain identifying information including employment; to provide for notice requirements in subsequent proceedings; to provide for confidentiality; 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 Monday, April 13, 1998 at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Monday, April 13, 1998.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk