

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

FOURTH DAY'S PROCEEDINGS

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

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 1, 1999

The Senate was called to order at 9:00 o'clock A.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	Dean	Landry
Bajoie	Ellington	Malone
Barham	Fields C	Schedler
Bean	Fields W	Siracusa
Boissiere	Greene	Smith
Campbell	Hainkel	Theunissen
Cox	Hines	Thomas
Cravins	Johnson	Ullo
Dardenne	Lambert	
Total—26		

ABSENT

Branch	Hollis	Robichaux
Cain	Irons	Romero
Casanova	Jones	Tarver
Dyess	Jordan	
Heitmeier	Lentini	
Total—13		

The President of the Senate announced there were 26 Senators present and a quorum.

Prayer

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

Morning Hour

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

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

SENATE BILL NO. 98—
BY SENATOR HINES

AN ACT

To enact R.S. 46:2605(B)(30), (31), and (32), relative to the Children's Cabinet Advisory Board; to revise the composition of the membership of the advisory board; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 98 by Senator Hines

AMENDMENT NO. 1

On page 1, line 2, between the comma "," and "relative" insert "(31), and (32),"

AMENDMENT NO. 2

On page 1, line 6, after "(30)" delete "is" and insert ", (31), and (32) are"

AMENDMENT NO. 3

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

"(31) The assistant secretary of the office of alcohol and drug abuse of the Department of Health and Hospitals.

(32) The president of the Louisiana Council of Child and Adolescent Psychiatry, or his designee."

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

SENATE BILL NO. 165—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 46:2663(B), and (D), 2664(A)(4), (C), and (E), and 2666 and to repeal R.S. 46:2662(C) and (D), relative to the Capital Area Human Services District; to remove the termination date; to make technical changes to remove certain provisions that have expired; to provide for the district's functions, powers, and duties relative to providing community-based services and care relating to public health; to provide for the employees; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 165 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 2, after "(C)" insert a comma ","

AMENDMENT NO. 2

On page 1, line 11, after "(C)" insert a comma ","

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

SENATE BILL NO. 359—
BY SENATOR HINES

AN ACT

To amend and reenact the introductory paragraph of R.S. 40:5.5(C) and (C)(3), and to enact R.S. 40:5.5(F), relative to food safety; to provide for the issuance of a food safety certificate and for the collection of a fee thereof; to provide for an effective date; and to provide for related matters.

April 1, 1999

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 359 by Senator Hines

AMENDMENT NO. 1

On page 1, line 3, after "(C)(3)," and before "relative to" insert "and to enact R.S. 40:5.5(F),"

AMENDMENT NO. 2

On page 1, line 8, after "reenacted" and before "to read" insert "and R.S. 40:5.5(F) is enacted"

AMENDMENT NO. 3

On page 2, between lines 8 and 9, insert the following: "F. "Food service establishment" as used in this Section shall not be construed to apply to nursing facilities.

* * *

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

SENATE BILL NO. 390— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 49:992(B)(3), relative to administrative procedure; to provide for rights of appeal by certain agencies; 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. 390 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 14, delete "same" and delete line 15 in its entirety and insert "from a decision or order of the Division of Administrative Law notwithstanding any contrary provisions of law."

AMENDMENT NO. 2

On page 2, delete line 1

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

SENATE BILL NO. 391— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 49:956(5)(b), and to enact R.S. 49:999.1; all relative to administrative procedures; to provide for service of process; to authorize the division of administrative law to provide services on a contractual basis to other governmental agencies; and to provide for related matters.

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

SENATE BILL NO. 399—

BY SENATORS LAMBERT, DARDENNE, EWING, HAINKEL AND BARHAM AND REPRESENTATIVES DEWITT, DOWNER AND MCMAINS

AN ACT

To amend and reenact R.S. 30:2205(E), relative to suits to recover state money; to authorize Department of Environmental Quality attorneys, under certain circumstances, to act in lieu of the attorney general to recover state money expended for cleaning up hazardous waste sites; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. On motion of Senator Lambert, the bill was read by title, ordered engrossed and passed to a third reading.

SENATE BILL NO. 418—

BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 22:250.9(B), relative to health insurance; to provide for time limitations for implementation of the federal and state portability requirements; to provide for implementation waivers; and to provide for related matters.

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

SENATE BILL NO. 419—

BY SENATOR BEAN

AN ACT

To amend and reenact R.S. 22:215(A)(4), 250.1(5)(r)(ii); 250.5(A)(1)(b)(ii), to enact R.S. 22:250.17 and to repeal R.S. 22:215.22, relative to health insurance; to provide for portability, availability, and renewability of health insurance; to restrict the classification of franchise health and accident insurance, to provide for mental health parity limitations and coverage for reconstructive surgery following mastectomies; and to provide for related matters.

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

SENATE BILL NO. 447—

BY SENATOR DARDENNE

AN ACT

To amend and reenact the introductory paragraph of R.S. 24:53(A), and 53(E), 54(A) and 55(C), relative to certain lobbyist reports, registrations, notices and statements required to be filed with the Board of Ethics; to delete the requirement that such reports be made under oath before an officer authorized by law to administer oaths; to require that such reports include a certification of accuracy by the filer; and to provide for related matters.

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

SENATE BILL NO. 448—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 42:1157(B), relative to ethics; to require the Board of Ethics staff to send a notice of delinquency of required filings where staff knows or has reason to know a filing is due; 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. 448 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 7, delete "La."

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

SENATE BILL NO. 449—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 42:1157.3, relative to enforcement of violations and penalties by the Board of Ethics; to authorize the board to contract with outside counsel for the enforcement of certain judgments; 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. 449 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 11, after "judgments" delete the comma ", "

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

SENATE BILL NO. 451—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 42:1121(A)(3), relative to post-employment restrictions; to authorize certain local officials to assist in certain transactions after termination of public office; and to provide for related matters.

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

SENATE BILL NO. 452—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 42:1116(C), relative to ethics; to prohibit public servants having regulatory or enforcement responsibilities from participating in certain transactions; 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. 452 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 14, after "servant" insert "or any business enterprise in which such public servant or member of his immediate family owns at least ten percent"

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

SENATE BILL NO. 501—
BY SENATOR CRAVINS

AN ACT

To enact R.S. 22:1214(24), relative to unfair trade practices; to prohibit insurers from restricting communications to consumers about limited benefit plans; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 501 by Senator Cravins

AMENDMENT NO. 1

On page 2, line 1, delete "Section" and insert "Subsection"

AMENDMENT NO. 2

On page 2, delete line 2, and insert the following:

"a penalty, of not less than two thousand five hundred dollars nor more than five thousand dollars, payable to the agent or broker plus attorney's fees to be"

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

SENATE BILL NO. 708—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 24:53(E), relative to lobbying; to provide for the effective date of termination of lobbyist registrations; and to provide for related matters.

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

SENATE BILL NO. 905—
BY SENATORS EWING AND DARDENNE AND REPRESENTATIVES DOWNER, BRUNEAU AND LANCASTER

AN ACT

To amend and reenact R.S. 42:1124(C)(2)(b) and 1157(A)(4), to enact R.S. 42:1114.1, and to repeal R.S. 42:1114(D), relative to financial disclosure by legislators; to require disclosure by legislators of certain financial information; 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. 905 by Senator Ewing

AMENDMENT NO. 1

On page 2, line 13, delete "(other" and on line 14 delete "than a publicly traded corporation)" and at the end of the line change "such" to "his"

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

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

April 1, 1999

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

SENATE CONCURRENT RESOLUTION NO. 3—
BY SENATORS LANDRY, BAJOE AND SCHEDLER
A CONCURRENT RESOLUTION

To urge and request television stations in Louisiana to provide closed captions for the benefit of hearing-impaired persons during all live emergency and disaster broadcasts.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Concurrent Resolution No. 3 by Senator Landry

AMENDMENT NO. 1

On page 2, line 5, change the comma "," to "to"

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

SENATE CONCURRENT RESOLUTION NO. 6—
BY SENATOR LANDRY
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office of public health, to conduct a public campaign to improve awareness of the benefits of folic acid and to increase consumption of folic acid among women of child-bearing age.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title and passed to a third reading.

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATOR SCHEDLER
A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to study the feasibility of establishing the Florida Parish Human Services District to direct the operation and management of community-based programs and services related to public health, mental health, developmental disabilities, and substance abuse for eligible consumers in the parishes of St. Helena, Livingston, Tangipahoa, St. Tammany, and Washington.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Concurrent Resolution No. 7 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 13, after "1989" insert a comma ","

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

SENATE CONCURRENT RESOLUTION NO. 22—
BY SENATORS HINES, DARDENNE, EWING, HAINKEL AND BARHAM
AND REPRESENTATIVES DEWITT, DOWNER AND MCMAINS
A CONCURRENT RESOLUTION

To authorize the Department of Health and Hospitals to implement a Medicaid Region III modified CommunityCARE program, a Medicaid voucher program, a Medicaid center of excellence program, and a Medicaid regional managed care pilot program.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title and passed to a third reading.

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 1, 1999

To the President and Members of the Senate:

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

The following Senate Resolutions have been properly enrolled:

SENATE RESOLUTION NO. 15—
BY SENATORS GREENE, BARHAM, DARDENNE, EWING, HAINKEL AND SCHEDLER

A RESOLUTION

To express the support of the Senate of the Legislature of Louisiana for including secondary and postsecondary vocational education programs in the Unified State Plan to be submitted in compliance with the federal Workforce Investment Act.

SENATE RESOLUTION NO. 16—

BY SENATORS C. FIELDS, BAJOE, BOISSIERE, COX, CRAVINS, W. FIELDS, HEITMEIER, JOHNSON, JONES, JORDAN, LAMBERT, LANDRY, LENTINI, ROMERO AND SMITH

A RESOLUTION

To direct the Louisiana Department of Environmental Quality to prohibit Rhodia Incorporated from importing, offloading, and burning napalm at its facility in North Baton Rouge because of its proximity to Southern University and heavily populated communities in North Baton Rouge unless a risk management plan is implemented, certain chemical-specific air monitoring systems and a Community Alert System are installed and an evacuation program for Southern University is established.

SENATE RESOLUTION NO. 17—

BY SENATOR COX

A RESOLUTION

To commend former state representative Horace Lynn Jones Sr. on his 77th birthday.

Respectfully submitted,
JAY DARDENNE
Chairman

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

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 1, 1999

To the President and Members of the Senate:

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

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 4—
BY SENATORS THEUNISSEN AND CASANOVA AND REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

To designate May 11, 1999, as "FFA Day" at the Louisiana Legislature.

SENATE CONCURRENT RESOLUTION NO. 10—
BY SENATOR HAINKEL AND REPRESENTATIVES FONTENOT AND POWELL

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Leonell Wilkes Clausen, mother, grandmother, sister, manager, civic leader, bus driver, justice of the peace, and friend.

SENATE CONCURRENT RESOLUTION NO. 15—
BY SENATOR CAIN

A CONCURRENT RESOLUTION

To designate and proclaim the first week in August of each year as "Week of Prayer for Schools".

SENATE CONCURRENT RESOLUTION NO. 16—
BY SENATOR CAIN

A CONCURRENT RESOLUTION

To declare the last weekend of September of each year in Ragley, Louisiana, to be the "Ragley Annual Heritage and Timber Festival".

SENATE CONCURRENT RESOLUTION NO. 17—
BY SENATOR ELLINGTON

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of David Patten, husband, father, grandfather, great-grandfather, businessman, civic and community leader, and former member of the House of Representatives.

SENATE CONCURRENT RESOLUTION NO. 18—
BY SENATOR ELLINGTON

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Lantz Womack, husband, father, brother, uncle, businessman, farmer, civic and community leader, and retired state representative.

SENATE CONCURRENT RESOLUTION NO. 19—
BY SENATOR ELLINGTON

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Sturgis Sprague "S.S." DeWitt, husband, father, grandfather, uncle, brother, veteran, farmer, civic and community leader, and former member of the House of Representatives.

SENATE CONCURRENT RESOLUTION NO. 21—
BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To commend James V. Soileau, Sr. on many years of outstanding service and dedication to the Louisiana educational system and congratulate him on his much deserved retirement.

SENATE CONCURRENT RESOLUTION NO. 27—
BY SENATORS JORDAN, BEAN, BRANCH, BOISSIERE, CRAVINS, DARDENNE, C. FIELDS, W. FIELDS, HAINKEL, HEITMEIER, HINES, LANDRY, ROMERO, TARVER, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To urge and request the Adjutant General of the Louisiana National Guard to establish the Cold War Victory Medal to commemorate those members of the Louisiana National Guard who served during the Cold War era from 1945 until 1991.

SENATE CONCURRENT RESOLUTION NO. 28—
BY SENATORS JORDAN, BEAN, BRANCH, BOISSIERE, CRAVINS, DARDENNE, C. FIELDS, W. FIELDS, HAINKEL, HEITMEIER, HINES, LANDRY, ROMERO, TARVER, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To memorialize Congress to establish the Cold War Victory Medal to commemorate those members of America's armed services who served during the Cold War era from 1945 until 1991.

SENATE CONCURRENT RESOLUTION NO. 32—
BY SENATORS GREENE, BARHAM, DARDENNE, EWING, HAINKEL AND SCHEDLER AND REPRESENTATIVES MCDONALD, DEWITT, DOWNER AND MCMAINS

A CONCURRENT RESOLUTION

To express the support of the Legislature of Louisiana for including secondary and postsecondary vocational education programs in the Unified State Plan to be submitted in compliance with the federal Workforce Investment Act.

SENATE CONCURRENT RESOLUTION NO. 37—
BY SENATOR GREENE

A CONCURRENT RESOLUTION

To designate April 22, as "Earth Day", and the month of April as "Earth Month".

Respectfully submitted,
JAY DARDENNE
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Branch	1 Day	Cain	1 Day
Casanova	1 Day	Dyess	1 Day
Heitmeier	1 Day	Hollis	1 Day
Irons	1 Day	Jones	1 Day
Jordan	1 Day	Lentini	1 Day
Robichaux	1 Day	Romero	1 Day
Tarver	1 Day		

Adjournment

Senator Bean moved that the Senate adjourn until Monday, April 5, 1999 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 5, 1999.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk