

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

**THIRTY-THIRD 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

Tuesday, May 25, 1999

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

**ROLL CALL**

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

**PRESENT**

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

**ABSENT**

Fields C	Jordan
Total—2	

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

**Prayer**

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

**Morning Hour**

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON  
ENVIRONMENTAL QUALITY**

Senator Lambert, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 25, 1999

To the President and Members of the Senate:

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

**HOUSE BILL NO. 1048—**  
BY REPRESENTATIVE DUPRE  
AN ACT

To enact Part IV-B of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1152 through 1156, relative to sewage and sewerage; to authorize a homeowner to install an individual mechanical sewerage system in his own home under certain circumstances; to provide for the waiver of certain fees; to direct the Louisiana State Law Institute to redesignate certain provisions of current law; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1524—**  
BY REPRESENTATIVES DAMICO, DEWITT, DOWNER, MCMAINS, AND DIEZ AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER  
AN ACT

To amend and reenact R.S. 30:2054(B)(8)(a) and R.S. 32:1306(C) and to repeal R.S. 30:2054(B)(8)(b), (c), and (d) and R.S. 32:1304(D)(2) and (3), relative to motor vehicle emissions and inspection and maintenance; to provide for the establishment and implementation of a program for the control and abatement of motor vehicle emissions; to provide for applicability of such program and of certain procedures, requirements, and conditions; to provide for emissions inspections; to provide for the imposition and disposition of certain fees; to repeal certain requirements and procedures regarding vehicle emission inspections and reports; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1582—**  
BY REPRESENTATIVES DAMICO, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER  
AN ACT

To amend and reenact R.S. 30:2011(C), (D)(3) and (6), 2014(A), 2015(E), 2019(D), 2022(C)(1), 2025(A), (B)(1)(d), (C)(2) and (3), (E)(1)(a) and (2), and (G)(1) and (2)(b), 2033(B) and (C), 2035(B)(1) and (2), 2050.1(C), 2050.2(A), 2050.3(A) and (C)(1), 2050.4(I), 2050.10(A)(5), 2054(A)(introductory paragraph) and (B)(2)(a) and (3)(a) and (e), 2059, 2060(E), (F), (G), (H), and (I), 2064(A)(2)(b), (C), (D), (E)(introductory paragraph) and (2), (F), and (G)(1), 2074(A)(introductory paragraph), (3) and (4) and (B)(4), 2075.2(B), 2076(C) and (D), 2089, 2103(4)(b), (5), and (11), 2104(A)(introductory paragraph) and (B)(2), 2107(A), (B), and (D), 2108, 2109(A) and (B), 2110, 2112, 2113(G), 2114, 2115(A), (C), (D), and (F), 2154(A)(introductory paragraph) and (4) and (B)(1)(a), (2)(a), and (4), 2158(A)(1), 2160, 2180(A)(2) and (B), 2181, 2183(I), 2195(E), 2195.2(A)(introductory paragraph) and (B)(1)(c), 2195.4(B)(4) and (C)(2), 2203(A), 2204(A)(1) and (2), 2222(C), 2223(3), 2224(A)(introductory paragraph) and (2)(introductory paragraph) and (c), (B), and (C), 2225(D)(2), 2226(A), 2280, 2305(G), 2423(B), 2521, 2522(5), 2547(A)(introductory paragraph) and (3) and (B) and R.S. 36:231(C)(1), 234(A)(11), 236(B), 237(A) and (B), and 238(B), (C), (D), and (E) and to repeal R.S. 30:2037 and 2182, relative to the Department of Environmental Quality; to provide relative to the organization, composition, duties, powers, and functions of the department; to establish the offices of environmental assessment, environmental compliance, and environmental services, and provide for purpose, powers, functions, and duties; to establish the legal division within the office of the secretary and provide for powers and duties; to abolish the offices of air quality and radiation protection, water resources, waste services, and legal affairs and

enforcement, and provide for the transfer of certain powers, functions, and duties; to provide for the powers, functions, and duties of the secretary and under secretaries and assistant secretaries; to provide relative to promulgation of rules and certain scientific determinations; to provide relative to powers and duties for the issuance and denial of permits, licenses, variances, certificates, and other matters; to provide for penalties and violations; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1583—**

BY REPRESENTATIVES DAMICO, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To amend and reenact R.S. 30:2015(E), 2054(B)(2)(a), 2055, 2075, 2075.3(A)(2)(a), 2109(A), 2187(A)(introductory paragraph), (1), (2), and (3), 2195(B), 2195.3(A)(11), and 2225(F)(1) and to repeal R.S. 30:2053(2) and 2201, relative to the Department of Environmental Quality; to provide relative to certain provisions containing departmental references, terms, and requirements; to revise and repeal certain provisions, procedures, terms, references, and requirements; to provide relative to Tank Trust Fund fees retained by a bulk facility operator; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1591—**

BY REPRESENTATIVES DAMICO, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To amend and reenact R.S. 30:2285.1(A), relative to the Department of Environmental Quality; to provide relative to voluntary remedial actions; to provide relative to public notice and public hearings; to provide certain procedures and requirements; to provide for notice to adjoining landowners; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1592—**

BY REPRESENTATIVES DAMICO, DEWITT, DOWNER, MCMAINS, AND DIEZ AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To enact R.S. 30:2289.1(D), relative to the Department of Environmental Quality; to provide relative to hazardous waste or substances and remedial actions; to provide relative to promulgation of rules for fees for review, investigation, and oversight; to authorize the department to impose and collect certain fees; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 2017—**

BY REPRESENTATIVES TRICHE, LEBLANC, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To amend and reenact R.S. 30:2050.5, relative to enforcement of compliance orders concerning a community sewer system; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 2026—**

BY REPRESENTATIVES TRICHE, LEBLANC, DEWITT, DOWNER, MCMAINS, DIEZ, CRANE, ALEXANDER, ANSARDI, BAUDOIN, BAYLOR, BRUCE, CHAISSON, CLARKSON, DAMICO, DANIEL, DUPRE, DURAND, FARVE, FAUCHEUX, FLAVIN, FONTENOT, HILL, HOLDEN, HUDSON, JOHNS, KENNARD, LANCASTER, MARIONNEAUX, MCCAIN, MICHOT, PIERRE, QUEZAIRE, ROMERO, SALTER, SHAW, JACK SMITH, THORNHILL, WESTON, WIGGINS, AND WOOTON AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To amend and reenact R.S. 30:2075.2(A), to enact R.S. 30:2075.3(A)(2)(e), and to repeal R.S. 30:2075.2(D); relative to the Louisiana Water Control Law; to require a bond or other financial security as a condition for receiving a discharge permit for a sewage treatment facility; to provide for forfeiture of bonds or security, expenditure of forfeiture proceeds and appeals; to provide grounds for placing into receivership; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 2049—**

BY REPRESENTATIVES KENNEY, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To amend and reenact R.S. 30:2412(19) and 2418(I) and to enact R.S. 30:2412(5.1) and 2418(L), relative to waste tires and off-road vehicles; to provide definitions for off-road vehicles and tires; to provide for fees levied for tires based on the weight of the tire; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 2258— (Substitute for House Bill 1589 by Representative Damico)**

BY REPRESENTATIVES DAMICO, DEWITT, DOWNER, MCMAINS, DIEZ, CRANE, AND THOMPSON AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To enact R.S. 30:2283, relative to the Department of Environmental Quality; to provide relative to hazardous waste sites and cleanup; to provide for notification to the department; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

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

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

**SENATE BILL NO. 1116— (Substitute for Senate Bill No. 981 by Senator Ellington)**

BY SENATOR ELLINGTON

AN ACT

To enact R.S. 49:330, relative to mineral revenue contracts by the state treasurer; to require that the treasurer enter into various contracts in order to establish a firm price for anticipated mineral production subject to severance tax and royalty contract under certain conditions; to provide requirement, limitations, and procedure regarding such authority; and to provide for related matters.

On motion of Senator Hainkel, the 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**

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

**HOUSE BILL NO. 130—**

BY REPRESENTATIVE ANSARDI  
AN ACT

To enact R.S. 11:1781.1, relative to the Municipal Employees' Retirement System; to provide with respect to eligibility for retirement; to create early retirement criteria for members of Plan A; to provide for actuarial reduction of benefits; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 213—**

BY REPRESENTATIVES HOLDEN AND DANIEL  
AN ACT

To repeal Section 2 of Act No. 1027 of the 1991 Regular Session of the Legislature, relative to the dedication of a portion of the state sales and use tax in East Baton Rouge Parish for deposit in the East Baton Rouge Parish Centroplex Fund for capital improvements at the Riverside Centroplex, Louisiana Arts and Science Center, Riverfront Promenade, and related projects in the Riverfront Development Plan; to extend the dedication; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the bill was read by title and passed to a third reading.

**HOUSE BILL NO. 322—**

BY REPRESENTATIVES PINAC, DANIEL, JOHNS, STELLY, TRICHE, AND WALSWORTH  
AN ACT

To amend and reenact R.S. 11:1781, relative to Plan A of the Municipal Employees' Retirement System; to provide with respect to eligibility requirements for normal retirement; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 519—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 47:299.2(1)(d) and 299.11(8), relative to individual income tax; to provide for offset of income tax refunds of persons indebted to municipalities and parishes, excluding the city of New Orleans and the parish of Orleans; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 519 by Representative Fauchaux

AMENDMENT NO. 1  
On page 1, line 4, after "parishes" delete the rest of the line and at the beginning of line 5 delete "parish of Orleans"

AMENDMENT NO. 2  
On page 2, delete lines 1 and 2 in their entirety

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. 836—**

BY REPRESENTATIVES DANIEL, CURTIS, JOHNS, SHAW, STELLY, TRICHE, WALSWORTH, ALEXANDER, BAUDOIN, BAYLOR, BRUCE, CARTER, COPELIN, DAMICO, DONELON, FAUCHEUX, FLAVIN, FRITH, HEATON, HEBERT, HILL, ILES, KENNEY, LANCASTER, LEBLANC, LONG, MARIONNEAUX, MCDONALD, MORRELL, MURRAY, NEVERS, ODINET, PIERRE, POWELL, SALTER, SCALISE, SCHWEGMANN, SNEED, THOMPSON, TRAVIS, WADDELL, WARNER, WIGGINS, AND WRIGHT  
AN ACT

To amend and reenact R.S. 11:1144(B) and 1145(A), relative to the Louisiana School Employees' Retirement System; to provide with respect to service credit and the benefit accrual rate used for the calculation of benefits; to provide with respect to cost-of-living adjustments and the formula used for determining the amount and payment thereof; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 864—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 11:2220(B)(1)(a), relative to the Municipal Police Employees' Retirement System; to provide with respect to survivor benefits, the limitations and payment thereof; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 870—**

BY REPRESENTATIVE STELLY  
AN ACT

To amend and reenact R.S. 11:411(7), relative to the Louisiana State Employees' Retirement System; to provide with respect to eligibility for membership; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 917—**

BY REPRESENTATIVE WINSTON  
AN ACT

To amend and reenact R.S. 47:8011(A)(2)(b) and (c) and to repeal R.S. 47:8011(A)(2)(d), relative to the Tax Increment Development Act; to delete the requirement of an election in each affected parish, municipality, and taxing district; 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. 1025—**

BY REPRESENTATIVE MORRISH  
AN ACT

To amend and reenact R.S. 11:2072, relative to the Registrars of Voters Employees' Retirement System; to provide with respect to benefits and the accrual rate used for the calculation thereof; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Retirement to Engrossed House Bill No. 1025 by Representative Morrish

AMENDMENT NO. 1

On page 1, line 2, after "11:2072" insert "and to enact R.S. 11:2078"

AMENDMENT NO. 2

On page 1, line 4, after "thereof;" insert "to provide for employment of retirees;"

AMENDMENT NO. 3

On page 1, line 10, after "reenacted" insert "and R.S. 11:2078 is hereby enacted"

AMENDMENT NO. 4

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

\* \* \*

§2078. Reemployment of retirees

R.S. 11:2078 is all proposed new law.

A. In the event any retiree of the system is employed by an employer covered by this system, the retiree and the employer shall immediately notify the system of the retiree's date of employment, the amount of salary paid, any changes in salary while reemployed, number of hours employed per week, estimated duration of employment, and date of termination of reemployment.

B.(1) Any retiree may be employed by an employer covered by this system without suspension of benefits provided the retiree has terminated employment for at least six consecutive months. Such retiree may be employed for no more than sixty days, or four hundred eighty hours, in a calendar year. Should the portion of the calendar year available for employment be less than twelve months, the period of employment without reduction in benefits shall be reduced on a pro-rata basis.

(2) Should any retiree be employed in excess of the amount of time provided for in Paragraph (1) of this Subsection, his retirement benefit shall be reduced by an amount equal to the amount earned in excess of the limitation. The reduction in benefits shall begin with the next payroll after the system receives notification of such employment.

C. Should any retiree be employed by an employer covered by this system within six months of termination of employment, his retirement benefit shall be reduced by an amount equal to that earned during such employment. Such reduction shall begin with the next payroll after the system receives notification of such employment.

D. Should any retiree return to full time permanent employment by an employer covered by this system at any time after termination of employment, his retirement benefit shall be suspended and he shall become an active contributing member of the system. Upon his subsequent retirement, he shall receive his original benefit plus a supplemental benefit based on his salary and service earned since his reemployment. No change shall be permitted in the member's original option; however, at the end of the period of reemployment, the member shall select any option authorized as to any supplemental benefit earned."

On motion of Senator Heitmeier, 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. 1176—

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 33:2737.71, relative to the Vermilion Parish School Board; to authorize the Vermilion Parish School Board to levy and collect an additional sales and use tax with voter approval; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the bill was read by title and passed to a third reading.

HOUSE BILL NO. 1233—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 39:1442(A), relative to defeasance of securities of a public entity; to authorize deposits with a trust company; 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. 1292—

BY REPRESENTATIVE ALARIO

AN ACT

To amend and reenact R.S. 39:1365(7), relative to the issuance and sale of general obligation bonds; to change requirements for bids; 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. 1344—

BY REPRESENTATIVES FONTENOT, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To amend and reenact R.S. 47:806(B)(1), relative to the taxation of special fuels; to specify the length of time records of bulk sales and deliveries of special fuels shall be kept by the supplier or dealer; 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. 1463—

BY REPRESENTATIVE WILKERSON

AN ACT

To amend and reenact R.S. 11:3442(8), relative to the Firemen's Pension and Relief Fund for the City of Shreveport; to provide with respect to benefits; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 1712—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 11:2221(E)(1), relative to the Municipal Police Employees' Retirement System; to provide with respect to the Deferred Retirement Option Plan; to provide with respect to membership, contributions, and survivor benefits; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Retirement to the Engrossed House Bill No. 1712 by Representative Montgomery

AMENDMENT NO. 1

On page 2, line 4, after "Paragraph" change "and" to a comma

AMENDMENT NO. 2

On page 2, on line 5, after "(B)" insert ", and eligibility to serve in an active member position on the Board of Trustees"

On motion of Senator Heitmeier, 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. 1920— (Duplicate of Senate Bill No. 644)**

BY REPRESENTATIVE ALARIO AND SENATOR HAINKEL  
AN ACT

To authorize the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to increase tuition, within specified limits, at the university laboratory school; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. On motion of Senator Barham, the bill was read by title and passed to a third reading.

**HOUSE BILL NO. 2038—**

BY REPRESENTATIVES FONTENOT, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER  
AN ACT

To enact R.S. 39:97.3(E)(6), relative to the Louisiana Asbestos Detection and Abatement Fund; to provide for additional uses of monies in the fund; and to provide for related matters.

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

**HOUSE BILL NO. 2086—**

BY REPRESENTATIVE DEVILLE  
AN ACT

To enact R.S. 47:302.48, 322.39, and 332.45, all relative to the proceeds derived from sales and use taxes on hotel occupancy in Evangeline Parish; to create the Evangeline Visitor Enterprise Fund; to provide for deposit of monies into the fund and for the use of such monies; 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. 2087—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To enact R.S. 11:2180.4, relative to the Sheriffs' Pension and Relief Fund; to provide with respect to benefits and the payment thereof through electronic funds transfer; to provide for certain exceptions thereto; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 2094—**

BY REPRESENTATIVE STELLY  
AN ACT

To enact R.S. 11:1671.1, relative to the District Attorneys' Retirement System; to provide with respect to investment of fund assets; to further provide regarding retirement eligibility criteria, benefits, service, and service credit; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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. 2110—**

BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 47:1605(C), relative to tax penalties, to provide that certain underpayments of tax shall not subject a taxpayer to certain penalty provisions; and to provide for related matters.

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

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 2110 by Representative Daniel

AMENDMENT NO. 1

On page 1, line 13, after "portion" change "or" to "and"

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. 2174—**

BY REPRESENTATIVES STELLY, CURTIS, DANIEL, FLAVIN, JOHNS, SHAW, AND TRICHE  
AN ACT

To amend and reenact R.S. 11:102(B)(2)(b), and to enact R.S. 11:102(B)(2)(c), relative to the Louisiana State Employees' Retirement System, Teachers' Retirement System, Louisiana School Employees' Retirement System, and State Police Pension and Retirement System; to provide with respect to employer contributions and the annual determination thereof; to provide for the Employer Credit Account and for funding of employer contributions therefrom; to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Retirement.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Retirement to Engrossed House Bill No. 2174 by Representative Stelly

AMENDMENT NO. 1

On page 2, after line 26, insert:

"Section 2. Notwithstanding the provisions of R.S. 17:421.6(A), as set forth in Section 1 of the bill which originated as House Bill No. 2111 of the 1999 Regular Session of the legislature, for purposes of implementing the provisions of R.S. 17:421.6, excess funds shall not include those funds not contributed by a school board to the applicable state public retirement system as a result of the application of the employer credit authorized by R.S. 11:102(B)(2)(b).

Section 3. In the event of any conflict between the provisions of this Act and those of any other Act adopted by the legislature at this 1999 Regular Session, regardless of which Act is adopted later or signed later by the governor, the provisions of this Act shall prevail."

AMENDMENT NO. 2

On page 3, at the beginning of line 1, change "Section 2." to "Section 4."

On motion of Senator Heitmeier, 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. 2182—**

BY REPRESENTATIVE WRIGHT  
AN ACT

To amend and reenact R.S. 47:322.35(B) and to enact R.S. 47:302.48 and 332.45, all relative to the distribution of the proceeds of the state sales tax on hotel occupancy in LaSalle Parish; to dedicate a portion of the tax in LaSalle Parish; to provide for the allocation of monies in the LaSalle Economic Development District Fund; and to provide for related matters.

May 25, 1999

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. 2253— (Duplicate of Senate Bill No. 1055)**  
 BY REPRESENTATIVE FLAVIN AND SENATOR SIRACUSA AND  
 COAUTHORED BY REPRESENTATIVES, STELLY, JOHNS, AND  
 THOMPSON

**AN ACT**

To amend and reenact R.S. 11:242(B) and (E)(introductory paragraph), 542(C), and 883.1(C), to enact R.S. 11:542(D) and (E) and R.S. 11:883.1(D) and (E), and to repeal R.S. 11:243 through 245, 247, 491, and 769 through 777, relative to all state and statewide public retirement systems; to provide with respect to cost-of-living adjustments; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Retirement. 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.

**Motion to Recommit**

Senator Schedler asked for and obtained a suspension of the rules and recommitted Senate Concurrent Resolution No. 125 from the Committee on Judiciary B to the Committee on Transportation, Highways, and Public Works.

**Rules Suspended**

Senator Siracusa asked for and obtained a suspension of the rules for the purpose of advancing to the order of

**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. 617—**  
 BY SENATOR SIRACUSA

**AN ACT**

To amend and reenact R.S. 33:4861.26(E) and (F), relative to the Charitable Raffles, Bingo and Keno Licensing Law; to provide relative to the number of progressive bingo games which may be played; 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**

Bajoie	Hines	Malone
Bean	Hollis	Siracusa
Cox	Irons	Theunissen
Ellington	Jones	Thomas
Greene	Lambert	Ullo
Total—15		

**NAYS**

Mr. President	Dardenne	Landry
Barham	Dean	Schedler
Campbell	Dyess	
Total—8		

**ABSENT**

Boissiere	Fields W	Robichaux
Branch	Hainkel	Romero
Cain	Heitmeier	Smith
Casanova	Johnson	Tarver
Cravins	Jordan	
Fields C	Lentini	
Total—16		

The Chair declared the bill failed to pass.

**Notice of Reconsideration**

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

**SENATE BILL NO. 760—**  
 BY SENATOR IRONS

**AN ACT**

To amend and reenact R.S. 13:3881(A)(1)(a) and R.S. 20:1(A), and to enact R.S. 13:3881(A)(1)(c), relative to seizures; to increase the amount of disposable income exempt from seizures; to increase the amount of the homestead exemption and to extend the homestead exemption to mobile homes; and to provide for related matters.

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

**SENATE BILL NO. 844—**  
 BY SENATOR JOHNSON

**AN ACT**

To amend and reenact R.S. 30:2025(E)(1)(a), relative to penalties for dumping harmful substances; to increase the penalties for discharging, emitting, or disposing of harmful substances in violation of environmental law, regulation, permit, or license; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Landry
Bajoie	Ellington	Lentini
Barham	Fields W	Malone
Branch	Greene	Robichaux
Cain	Hainkel	Schedler
Campbell	Heitmeier	Siracusa
Casanova	Hines	Smith
Cox	Hollis	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones	Thomas
Dean	Lambert	Ullo
Total—33		

**NAYS**

Total—0

**ABSENT**

Bean	Fields C	Jordan
Boissiere	Irons	Romero
Total—6		

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

SENATE BILL NO. 1003—  
BY SENATOR JONES

AN ACT

To enact R.S. 32:398.6, relative to the uniform issuance of traffic citations under the Highway Regulatory Act; to require the collection of statistical evidence by traffic enforcement officers; to provide for annual reporting of findings; 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. 1003 by Senator Jones

AMENDMENT NO. 1

On page 2, after line 10, insert the following:

"Section 2. The provisions of this Act shall not become effective until the funds for the collection and recordation of data are available."

On motion of Senator Jones, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Jones
Bajoie	Dean	Lambert
Barham	Dyess	Landry
Bean	Ellington	Malone
Branch	Greene	Robichaux
Cain	Hines	Schedler
Campbell	Hollis	Siracusa
Casanova	Irons	Theunissen
Cox	Johnson	Thomas
Total—27		

NAYS

Lentini  
Total—1

ABSENT

Boissiere	Hainkel	Smith
Cravins	Heitmeier	Tarver
Fields C	Jordan	Ullo
Fields W	Romero	
Total—11		

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 Schedler 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. 1003. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

SENATE BILL NO. 114—  
BY SENATOR DYESS

AN ACT

To amend R.S. 46:2635(D), relative to the Traumatic Head and Spinal Cord Injury Trust Fund; to increase the maximum expenditures for a traumatic head or spinal cord injury survivor; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Fields W	Robichaux
Bean	Greene	Schedler
Branch	Hines	Siracusa
Cain	Hollis	Tarver
Campbell	Irons	Theunissen
Casanova	Johnson	Thomas
Cox	Jones	Ullo
Dardenne	Lambert	
Dean	Landry	
Total—31		

NAYS

Total—0

ABSENT

Boissiere	Hainkel	Romero
Cravins	Heitmeier	Smith
Fields C	Jordan	
Total—8		

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

SENATE BILL NO. 677—  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 37:1171(5), 1701, 2366, and 2367 and to enact Part II of Chapter 28 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2371 through 2379, relative to psychologists; to provide for definitions; to provide for the duties of a psychologist certified to prescribe; to allow a psychologist certified to prescribe to give directions to certain other health care providers; to authorize the State Board of Examiners of Psychologists to certify qualified psychologists to prescribe drugs and to provide for other related powers and duties; to establish the qualifications for psychologists certified to prescribe and the requirements for such certification; to provide for renewal of the certificate; to provide for grounds for discipline, suspension, and revocation of a certificate; to prohibit issuance of a prescription by a psychologist who is not certified to prescribe; to provide a penalty for violation; to provide for prescribing practices; to provide for controlled substance prescriptive authority; to provide for coordination with the Louisiana Board of Pharmacy; to direct the Louisiana Law Institute to designate certain provisions of Title 37 of the Louisiana Revised Statutes of 1950 as Part I of Chapter 28; and to provide for related matters.

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

**SENATE BILL NO. 1031—**

BY SENATORS GREENE, CASANOVA, DYESS, HINES AND SCHEDLER  
AN ACT

To amend and reenact R.S. 40:1299.35.1, 1299.35.2, 1299.35.4, and 1299.35.10(A)(18) and to repeal R.S. 40:1299.35.3, relative to abortion; to provide for definitions; to provide with respect to abortion after viability of the unborn child; to provide for legislative findings and purpose; to prohibit the performance or inducement of an abortion unless performed or induced by a physician licensed by the state; to require the performance of an ultra-sound test prior to performing or inducing an abortion or termination of pregnancy after viability; to prohibit the performance or inducement of an abortion after viability; to provide for termination of pregnancy after viability under certain circumstances and for certification of reason thereof; to provide for certain information contained in an abortion report; to provide for severability provisions; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Greene sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Greene to Engrossed Senate Bill No. 1031 by Senator Greene

AMENDMENT NO. 1

On page 2, line 19, after "**which**" delete the remainder of the line and on line 20, delete "**of the most current and accurate medical data, that**"

AMENDMENT NO. 2

On page 2, line 23, change "**is established**" to "**shall be presumed**"

AMENDMENT NO. 3

On page 4, line 21, change "**emergency**" to "**necessity**"

AMENDMENT NO. 4

On page 6, lines 16, 25, and 26, change "**emergency**" to "**necessity**"

AMENDMENT NO. 5

On page 7, line 1, after "**pregnancy**" delete the remainder of the line and delete line 2 in its entirety and insert the following: "**in order to preserve the life or health of the mother, or to induce the premature delivery of an unborn child with a gestational age of greater than or equal to twenty-two weeks when the physician has made a good faith medical judgment that the unborn child's medical condition is such that there is no realistic possibility of maintaining and nourishing the life of the unborn child outside the womb.**"

AMENDMENT NO. 6

On page 7, line 3, change "**The termination**" to "**Such terminations**"

AMENDMENT NO. 7

On page 7, line 6, after "**survive**" insert "**the delivery**"

AMENDMENT NO. 8

On page 7, line 10, after "**care**" insert "**and evaluation**"

AMENDMENT NO. 9

On page 7, line 17, after "**consequences**" insert "**to the pregnant woman**"

AMENDMENT NO. 10

On page 7, line 18, after "**terminated.**" insert the following: "**If applicable, the physician shall also certify the medical reasons supporting the conclusion that the medical condition of an unborn child with a gestational age of greater than or equal to twenty-two**

**weeks is such that there is no realistic possibility of maintaining and nourishing life outside the womb.**"

On motion of Senator Greene, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Barham	Greene	Robichaux
Branch	Hainkel	Schedler
Cain	Heitmeier	Siracusa
Campbell	Hines	Smith
Casanova	Hollis	Tarver
Cox	Johnson	Theunissen
Cravins	Jones	Thomas
Dardenne	Lambert	Ullo
Dean	Landry	
Dyess	Lentini	
Total—31		

NAYS

Bajoie	Fields W	Irons
Total—3		

ABSENT

Bean	Fields C	Romero
Boissiere	Jordan	
Total—5		

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

**SENATE BILL NO. 25—**

BY SENATORS COX AND JORDAN

A JOINT RESOLUTION

Proposing to amend Article III, Section 2(B) of the Constitution of Louisiana, relative to extraordinary sessions of the legislature; to provide that the proclamation for extraordinary sessions of the legislature state in general terms the objects of the session; to provide for the power of the legislature to legislate with regard to such objects; to provide for submission of the proposed amendment to the electors; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

**SENATE BILL NO. 54—**

BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 51:1, 293, and 471, relative to trade and commerce related to the Louisiana Stadium and Exposition District; to prohibit the sale of the name of the Superdome building without legislative approval; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Landry sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Landry to Reengrossed Senate Bill No. 54 by Senator Landry

**AMENDMENT NO. 1**

On page 3, after line 10, insert the following:

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Landry, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Bajoie	Fields W	Robichaux
Barham	Greene	Schedler
Branch	Heitmeier	Siracusa
Cain	Hines	Smith
Campbell	Hollis	Tarver
Casanova	Johnson	Theunissen
Cox	Jones	Thomas
Cravins	Lambert	Ullo
Dardenne	Landry	
Dyess	Lentini	
Total—31		

**NAYS**

Dean	Hainkel
Total—2	

**ABSENT**

Bean	Fields C	Jordan
Boissiere	Irons	Romero
Total—6		

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

**Personal Privilege**

Senator Romero 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. 54. He had intended to vote yea on the bill. He asked that the Official Journal so state.

**SENATE BILL NO. 224—**

BY SENATORS CAMPBELL, CRAVINS, COX, DYESS, IRONS, JORDAN, LANDRY, MALONE AND W. FIELDS

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 10.8 of the Constitution of Louisiana, relative to the establishment of a permanent trust fund for each of the public school systems in the state and for certain state and state approved private schools from a portion of monies received by the state in settlement of certain litigations; to provide for the establishment of the funds and the proportions of money to be credited to each fund; to provide for the investment of the fund monies; to provide for the establishment of a fund from which investment income may be disbursed to the public school systems and certain state and state approved private schools; to provide for

the disbursement and expenditure of the money from such fund; to provide for the duties of the state treasurer; to provide for the disposition of the permanent trust funds; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

**SENATE BILL NO. 267—**

BY SENATOR CASANOVA

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 10.3(A)(5) of the Constitution of Louisiana, relative to the disposition of certain monies received by the state; to provide for the deposit of amounts of revenue accruing to the state attributable to the conduct of gaming aboard a riverboat; to provide for exceptions; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

**SENATE BILL NO. 274—**

BY SENATOR SCHEDLER

**AN ACT**

To amend and reenact R.S. 17:221(E), relative to compulsory school attendance; to provide relative to the mandatory school attendance age; to provide relative to parental consent to withdraw from school; and to provide for related matters.

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

**SENATE BILL NO. 293—**

BY SENATORS EWING AND HAINKEL AND REPRESENTATIVES DOWNER, LEBLANC AND LONG

**A JOINT RESOLUTION**

Proposing to add Article VII, Section 10.8 of the Constitution of Louisiana, relative to state funds; to create the Louisiana Educational Excellence Direct Support Fund, the Higher Education Support Fund and the Health and Science Support Fund; to provide for deposit of monies into the funds; to provide for investment and uses of monies in the funds; to provide for related matters; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

**SENATE BILL NO. 441—**

BY SENATOR COX

**AN ACT**

To amend and reenact R.S. 40:5.6, relative to safe drinking water; to require the office of public health to perform annual contaminant testing of public water supplies in certain municipalities; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Johnson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Johnson to Reengrossed Senate Bill No. 441 by Senator Cox

**AMENDMENT NO. 1**

On page 1, line 2, between "reenact" and "relative to" delete "R.S. 40:5.6," and insert the following: "R.S. 33:4065.1(A) and 4065.2(A), (B) and (F), 4065.3(C) and (G), 4065.4(B) and (C), and 4065.5 and R.S. 40:5.6, to repeal R.S. 33:4065.2(D) and (H), and to rename the

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title of Subpart F-1 of Part II of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950,"

AMENDMENT NO. 2

On page 1, line 2, delete "to require" and delete line 3 in its entirety and insert in lieu thereof the following: "to provide for the development, management, and maintenance of safe water supplies for residential, commercial, and governmental users; to provide for monitoring of public water supplies; to provide for certain sewage and water districts and for the composition and functions of such districts to develop, monitor, and maintain safe public water supplies and the disposal or treatment of contaminated"

AMENDMENT NO. 3

On page 1, between lines 6 and 7, insert the following:

"Section 1. R.S. 33:4065.1(A) and 4065.2(A), (B) and (F), 4065.3(C) and (G), 4065.4(B) and (C), and 4065.5 are hereby amended and reenacted to read as follows:

§4065.1. Creation; purpose; boundaries

A. The Lake Pontchartrain-Catherine Sewage and Water Management District, hereinafter in this Subpart referred to as "the district", is hereby created as a political subdivision of the state with power to sue and to be sued in its corporate name. The district shall be responsible for the protection of public health through the control, monitoring, and inspection of sewerage and water systems in the Lake Pontchartrain-Catherine area of the parish of Orleans and through enforcement of all ordinances and state and local regulations relative to such systems, all as further provided in this Subpart. The district may also construct, purchase, own, maintain, operate, and improve sewerage and water systems as further provided in this Subpart.

\* \* \*

§4065.2. Composition; terms; compensation; quorum

A. The district shall be governed by a board of commissioners which shall be known as the Board of Commissioners of the Lake Pontchartrain-Catherine Sewage and Water Management District, hereinafter referred to as the "commission". The commission shall be comprised of eleven nine members, as follows:

(1)(a) Three Two appointed by the Lake Pontchartrain-Catherine Camp and Landowners Civic Organization, Inc.

(b) One appointed by the Lake Catherine Land Company, Inc.

(2) Two appointed by the state senator in whose senatorial district the district is located.

(3) Two One appointed by the councilman of the councilmanic district in which the district is located District E.

(4) Two by the mayor of the city of New Orleans members representing the major landowners in the district shall be appointed by the other seven members of the district.

(5) One by each of the two state representatives in whose representative district the district is located representative representing District No. 103.

B. The terms of the commission members shall be three years; however, commissioners may be removed by the appointing authority; subject to Subsection D hereof; and may be reappointed.

\* \* \*

F. Six Five members of the commission shall constitute a quorum. The commission shall adopt rules fixing its meetings and procedures; such rules may be amended only by a two-thirds vote of the membership of the commission at a regular meeting. All meetings shall be held in accordance with the rules adopted by the commission and shall be open and public provisions of Chapter 1 of Title 42 of the Louisiana Revised Statutes of 1950. All transactions of the commission shall be recorded in writing, and records of the commission shall be public subject to the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950.

\* \* \*

§4065.3. Powers of commission

\* \* \*

C. The commission shall be authorized to adopt rules and regulations relative to the operation, maintenance, and connection of sewerage and water systems within the district, including rules to prevent obstruction of, interference with, or damage to such systems. Such rules and regulations shall be adopted in accordance with procedural rules of the commission, including publication published in the official journal of Orleans Parish.

\* \* \*

G. The commission shall, upon authorization by the governing authority of Orleans Parish, may establish a plumbing code for the district and monitor licensed plumbing contractors operating within said district provided such code does not conflict with any similar code established by the governing authority of Orleans Parish. The commission may amend the plumbing code as necessary.

\* \* \*

§4065.4. Funding

\* \* \*

B. The commission district is hereby authorized to levy and collect an additional sales and use tax not in excess of one percent within the district. Such sales and use tax shall be imposed by resolution of the commission district only after the question of the imposition of the tax has been submitted to the qualified electors of the district at an election conducted in accordance with the election laws of the state, and the majority of those voting in the election have voted in favor of the proposition. Such tax shall be levied upon the sale at retail, the use, lease, and rental, the consumption and the storage for consumption of tangible personal property, and on sales of services in the district, all as defined in R.S. 47:301 through 47:317. This tax shall be in addition to all other taxes and shall be collected at the same time and in the same manner as set forth in R.S. 47:301 through 47:317. The proceeds of such tax shall be used for any of the purposes specified in R.S. 33:4065.1.

C. Subject to the approval of the State Bond Commission, the commission district shall have the authority to incur debt and issue revenue bonds for the purpose of constructing, acquiring, extending, or improving sewerage and water systems. Such bonds shall be authorized and issued in accordance with the provisions of Part XIII of Chapter 4, Chapter 13, and Chapter 13-A, all of Title 39 of the Louisiana Revised Statutes of 1950. Such bonds shall be issued in the name of the district and shall not be general obligations of the district, or the state but shall be limited obligations of the district. The bonds and the income thereof shall be exempt from all taxation in the state.

§4065.5. Conformity to development plans; franchising

A. The commission district shall have the authority, upon authorization of the governing authority of Orleans Parish, to plan, adjust, and relocate sewerage and water systems within the district to conform with development plans approved by the parish governing authority.

B. The commission district shall have sole authority to franchise, on an exclusive or nonexclusive basis, construction or operation of sewerage and water systems in the district. Existing franchise agreements shall remain in force and shall comply with provisions of existing franchise agreements. The commission district shall be responsible for the monitoring, enforcement, and supervision of all existing and future franchise agreements relative to sewerage and water systems. Nothing in this Section shall be construed to conflict with the powers of the Louisiana Public Service Commission. Existing public, nonprofit, and not-for-profit sewerage and water districts shall comply with all parish ordinances and regulations and with rules and regulations adopted by the commission relative to sewerage and water systems."

AMENDMENT NO. 4

On page 1, line 7, change "Section 1." to "Section 2."

AMENDMENT NO. 5

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

"Section 3. The title of Subpart F-1 of Part II of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950 is hereby renamed from "Lake Pontchartrain-Catherine Sewage and Water Management District" to "Lake Catherine Sewage and Water District".

Section 4. R.S. 33:4065.2(D) and (H) are hereby repealed."

On motion of Senator Johnson, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dardenne, Lambert. Includes Mr. President, Bajoie, Barham, Bean, Boissiere, Cain, Campbell, Cox, Cravins, Total—26.

NAYS

Table with 3 columns: Name, Greene, Schedler. Includes Branch, Casanova, Dean, Total—9.

ABSENT

Table with 2 columns: Name, Jordan, Lentini. Includes Fields C, Irons, Total—4.

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.

SENATE BILL NO. 517— BY SENATOR BAJOIE

AN ACT

To amend and reenact Paragraph (P)(1) of Article 14, Section 47 of the 1921 Constitution of Louisiana, as amended, continued as a statute pursuant to Article XIV, Section 16 of the 1974 Constitution of Louisiana, relative to the Louisiana Stadium and Exposition District; to provide for the allocation and distribution of certain revenues of the district; and to provide for related matters.

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

SENATE BILL NO. 570— BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 15:574.7(B)(1)(c) and 574.8(B), and to enact R.S. 15:574.7(B)(2)(c) relative to parole; to provide for the custody and supervision of parolees; to provide for modification or suspension of supervision; to provide for violation of conditions of parole; to provide for the summary arrest and confinement of parolees; and to provide for related matters.

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

SENATE BILL NO. 575— BY SENATOR JORDAN

AN ACT

To amend and reenact R.S. 18:1398, relative to the Louisiana Election Code; to require the commissioner of elections to utilize mechanical or electronic voting machines which are capable of

producing printed election results; to require the utilization of such voting machines throughout the state in any parish or parishes thereof for any election; and to provide for related matters.

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

SENATE BILL NO. 994— BY SENATORS C. FIELDS, DARDENNE AND MALONE AN ACT

To amend and reenact R.S. 18:44(A) and (B)(5)(b), 110(B)(1), 197, 402(B), and (F)(2), 431(A)(1)(b), 433(G)(1) and (H)(1)(introductory paragraph), 434(A), (C)(introductory paragraph), and (D), 435(A) and (B), 436, 453, 467(2), 468(A), 552(A)(introductory paragraph), 1272, 1278(B), 1279, 1300(C)(1)(a), 1300.7(A), 1306(A)(4) and (C)(2), 1307(A)(5) and (D), 1308(A)(2)(a), 1311(D)(5)(a), 1314(C)(1) and (2) and (D), 1333(D)(1)(e) and (E)(1), 1355(6), 1401(B), 1402(B)(1)(c), 1405(A), 1406(B), 1407, 1409(B)(1) and (2), 1432(A), 1461(A)(17); to enact R.S. 18:1275.1 through R.S. 1275.24, relative to elections; to provide for a party primary system of elections for congressional offices, including provisions to provide for nomination of candidates for general elections for congressional offices by party primary elections, including a first primary election and a second primary election if no candidate receives a majority vote in the first primary election; for qualification of candidates for congressional office having no party affiliation in the general election; for election in the general election by plurality vote; for voting for congressional offices by a voter registered as affiliated with the party in the party primary elections; to provide for voting of unaffiliated voters in party primaries; to provide for election dates; and to provide for related matters.

On motion of Senator Bean, the bill, which is a duplicate of House Bill No. 1661 was read by title and returned to the Calendar, subject to call.

Senator Hainkel in the Chair

SENATE BILL NO. 1007— BY SENATOR BEAN

AN ACT

To enact R.S. 11:1921(A)(6), relative to the Parochial Employees' Retirement System; to provide for membership of unclassified employees of Caddo Parish; and to provide for related matters.

The bill, which was designated a duplicate of House Bill No. 1312, was read by title. Senator Bean moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Ellington, Landry. Includes Bajoie, Barham, Bean, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dyess, Total—31.

NAYS

Table with 3 columns: Name, Malone, Theunissen. Includes Dean, Total—3.

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**ABSENT**

Mr. President	Fields C	Lentini
Boissiere	Jordan	
Total—5		

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

**SENATE BILL NO. 1068—**  
BY SENATOR EWING

**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.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Malone
Bajoie	Ellington	Robichaux
Barham	Fields W	Romero
Bean	Greene	Schedler
Branch	Hainkel	Siracusa
Cain	Heitmeier	Smith
Campbell	Hines	Tarver
Casanova	Hollis	Theunissen
Cox	Irons	Thomas
Cravins	Johnson	Ullo
Dardenne	Jones	
Dean	Lambert	
Total—34		

**NAYS**

Landry  
Total—1

**ABSENT**

Boissiere	Jordan
Fields C	Lentini
Total—4	

The Chair declared the 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.

**Mr. President in the Chair**

**Rules Suspended**

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

**Called from the Calendar**

Senator Lentini asked that Senate Bill No. 955 be called from the Calendar at this time.

**SENATE BILL NO. 955—**  
BY SENATOR LENTINI

**AN ACT**

To enact R.S. 22:622.2, Part XXVI-C of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1247.1 through 1247.4, and Part VI of Chapter 5 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:1045 through 1045.4, relative to insurance claims; to require certain information relative to fraud on insurance claim forms; to create the Louisiana Fraud Prevention Act; to provide for prohibited acts and omissions; to provide for penalties for violation; to create the Louisiana Insurance Fraud Prevention Bureau within the Department of Public Safety and Corrections, office of state police; to provide for reporting and investigations of violations of the Louisiana Fraud Prevention Act; to provide for funding of investigations and administration; and to provide for related matters.

Senator Lentini moved that Senate Bill No. 955 be recommitted to the Committee on Revenue and Fiscal Affairs.

**Called from the Calendar**

Senator Thomas asked that Senate Bill No. 1065 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 1065—**  
BY SENATOR THOMAS

**AN ACT**

To enact R.S. 33:2737.71, relative to sales and use taxes; to authorize certain parishes to levy and collect an additional sales and use tax subject to voter approval; to provide for the use of proceeds from such tax; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

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

**NAYS**

Total—0

**ABSENT**

Bajoie	Irons
Fields C	Jordan
Total—4	

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

**Senator Ellington in the Chair**

**Called from the Calendar**

Senator Ewing asked that Senate Bill No. 819 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 819—**  
BY SENATOR EWING

AN ACT

To amend and reenact R.S. 39:128(B), relative to certain higher education capital outlay projects; to index the threshold for the exemption of such projects for the capital outlay process; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Ewing sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Ewing to Engrossed Senate Bill No. 819 by Senator Ewing

AMENDMENT NO. 1

On page 2, between lines 10 and 11, insert the following:

"(3) Notwithstanding any other provision of law to the contrary, including but not limited to the provisions of R.S. 38:2316, the provisions of Part VII of Chapter 10 of Title 38 shall not apply to professional service contracts related to minor repairs or construction of buildings or other facilities to be undertaken by or on the campus of a state college or university if the estimated construction cost is three hundred thousand dollars or less."

AMENDMENT NO. 2

On page 2, line 11, change "(3)" to "(4)"

On motion of Senator Ewing, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Malone
Bajoie	Ellington	Robichaux
Barham	Fields W	Romero
Bean	Greene	Schedler
Boissiere	Heitmeier	Siracusa
Branch	Hines	Smith
Cain	Hollis	Tarver
Campbell	Johnson	Theunissen
Casanova	Jones	Thomas
Cox	Lambert	Ullo
Dardenne	Landry	
Dean	Lentini	
Total—34		

**NAYS**

Total—0

**ABSENT**

Cravins	Hainkel	Jordan
Fields C	Irons	
Total—5		

The Chair declared the amended 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.

**Called from the Calendar**

Senator Ewing asked that Senate Bill No. 892 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 892—**  
BY SENATOR EWING

AN ACT

To enact R.S. 24:7, relative to records of the legislature; to provide that certain legislative information shall be confidential; to provide for penalties; 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 Senate Bill No. 892 by Senator Ewing

AMENDMENT NO. 1

On page 2, line 10, change "shall" to "may"

On motion of Senator W. Fields, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Malone
Bajoie	Hainkel	Robichaux
Barham	Heitmeier	Romero
Bean	Hines	Schedler
Boissiere	Hollis	Siracusa
Branch	Irons	Smith
Campbell	Johnson	Tarver
Casanova	Jones	Theunissen
Dardenne	Lambert	Thomas
Dean	Landry	Ullo
Dyess	Lentini	
Total—32		

**NAYS**

Cain	Cravins
Cox	Fields W
Total—4	

**ABSENT**

Fields C	Greene	Jordan
Total—3		

The Chair declared the amended 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.

**Rules Suspended**

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

May 25, 1999

Introduction of Resolutions, Senate and Concurrent

Senator Bean 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. 42— BY SENATORS JOHNSON, BAJOIE, IRONS, HAINKEL, BOISSIERE AND HEITMEIER

A RESOLUTION

To proclaim Tuesday, May 25, 1999, as "New Orleans Day" at the Louisiana Legislature and to provide for suitable observance of such day.

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

SENATE RESOLUTION NO. 43— BY SENATOR BAJOIE

A RESOLUTION

To commend LaJoyce Brookshire for her contributions and efforts toward improving literacy in our nation, especially among our youth.

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

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

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 Cravins asked that Senate Bill No. 500 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 500— BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 9:345(A)(1) and the introductory paragraph of Civil Code Art. 134, relative to child custody; to provide additional considerations for the court in appointing an attorney to represent the child; to provide for additional considerations in determining the child's best interest; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of senators and their votes (Yeas). Includes Mr. President, Bajoie, Barham, Bean, Boissiere, Branch, Cain, Campbell, Casanova, Dyess, Ellington, Fields W, Greene, Hainkel, Heitmeier, Hines, Hollis, Irons, Lentini, Malone, Robichaux, Romero, Schedler, Siracusa, Smith, Tarver, Theunissen.

Table listing names of senators and their votes (NAYS, ABSENT). Includes Cox, Cravins, Dardenne, Dean, Johnson, Jones, Lambert, Landry, Thomas, Ullo.

Total—37 NAYS

Total—0 ABSENT

Fields C Jordan Total—2

The Chair declared the 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.

Called from the Calendar

Senator Hainkel asked that Senate Bill No. 876 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 876— BY SENATORS HAINKEL, DARDENNE, EWING AND BARHAM AND REPRESENTATIVES DEWITT, DOWNER, MCMAINS AND CRANE AN ACT

To amend and reenact R.S. 40:1299.39, the introductory paragraph of (F), and (L)(1) and 1299.39.1(B)(1)(b) and the introductory paragraph of (G), and to enact R.S. 40:1299.39(L)(4), relative to medical malpractice liability for state services; to provide for a definition of "malpractice"; to provide that the commissioner of administration promulgate reimbursement schedules for the payment of future medical care and related benefits and that such payments are to be paid directly to the health care provider; to reduce the amount of future medical care and related benefits due a patient in a sum equal to the amount received by such patient from a collateral source; to provide relative to the medical review panel's expert opinions; to provide for an extension of a medical review upon written stipulation of the parties; and to provide for related matters.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 876 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 2, after "40:1299.39" and before the comma "," insert "(A)(4)"

AMENDMENT NO. 2

On page 1, line 16, after "40:1299.39" and before the comma "," insert "(A)(4)"

AMENDMENT NO. 3

On page 2, between lines 3 and 4, insert the following:

"(4) "Malpractice" means the failure to exercise the reasonable standard of care specified and required by Subsection B of this Section, in the provision of health care, when such failure proximately causes injury or death to a patient or injury or death to another individual or nonpatient, as provided in Subsection B of this Section. "Malpractice" more specifically means any unintentional tort or any breach of contract based on health care or professional services rendered, or which should have been rendered, by a state health care provider to a patient, including but not limited to failure to render services timely; the handling of a patient,

including loading and unloading of a patient; failure to obtain the consent or the informed consent of a patient; disclosure of confidential information obtained from or concerning a patient; failure to warn of a threat or take appropriate precautions or to exercise the reasonable standard of care in the treatment of a patient which results in injury to or death of a nonpatient; any liability of a state health care provider arising from obtaining, screening, testing, supplying, prescribing, implanting, or any failure of or other complication associated with blood, tissue, transplants, drugs and medicines, and prosthetic and therapeutic devices; and all claims arising therefrom by a patient or any other individual or person, including but not limited to a survival action, wrongful death action, an action for loss of consortium, companionship, and society and an action for a mental anguish or emotional distress pursuant to Civil Code Article 2315.6.

AMENDMENT NO. 4

On page 2, delete lines 13 through 17 in their entirety and insert the following: "or death of a nonpatient as a result of failure of a state health care provider to warn of a threat or to take appropriate precautions or to exercise the reasonable standard of care in the treatment of a patient by a state health care"

AMENDMENT NO. 5

On page 5, line 12, after "complaint." and before "After" insert the following: "If at any time any member of the panel identifies an act or omission by any defendant health care provider which may not have complied with the appropriate standard of care and which had not been previously identified in the claim filed by the plaintiff as an issue in the deliberations of the panel, the attorney chairman shall, upon request of any defendant, continue the panel proceedings for such time as may be reasonably necessary for the defendant to evaluate and prepare a defense to the allegation."

AMENDMENT NO. 6

On page 5, delete lines 14 through 16 in their entirety and insert the following: "representing either party, the panel shall render one or more of the following expert opinions"

Senator Hainkel moved adoption of the amendments.

Senator Landry objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Bajoie	Ellington	Romero
Barham	Hainkel	Siracusa
Bean	Hines	Smith
Boissiere	Hollis	Theunissen
Branch	Johnson	Thomas
Dardenne	Lambert	Ullo
Dyess	Robichaux	
Total—20		

NAYS

Mr. President	Fields C	Landry
Cain	Fields W	Lentini
Casanova	Greene	Malone
Cox	Heitmeier	Schedler
Cravins	Irons	Tarver
Dean	Jones	
Total—17		

ABSENT

Campbell	Jordan
Total—2	

The Chair declared the amendments were adopted.

**Floor Amendments Sent Up**

Senator Hainkel sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 876 by Senator Hainkel

AMENDMENT NO. 1

On page 5, between lines 20 and 21, insert the following:

"Section 3. This Act shall only apply to those causes of action for medical malpractice files with the commissioner of administration on or after July 1, 1999."

AMENDMENT NO. 2

On page 5, line 21, after the word "Section" and before the period ".", delete the number "3" and insert the number "4"

On motion of Senator Hainkel, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Bajoie	Ellington	Malone
Bean	Greene	Robichaux
Boissiere	Hainkel	Romero
Branch	Heitmeier	Schedler
Cain	Hines	Siracusa
Casanova	Hollis	Smith
Dardenne	Irons	Theunissen
Dean	Johnson	Thomas
Dyess	Lambert	Ullo
Total—27		

NAYS

Mr. President	Fields C	Lentini
Barham	Fields W	Tarver
Cox	Jones	
Cravins	Landry	
Total—10		

ABSENT

Campbell	Jordan
Total—2	

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

**Called from the Calendar**

Senator Hainkel asked that Senate Bill No. 877 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 877— (Duplicate of House Bill No. 1913) BY SENATOR HAINKEL AND REPRESENTATIVE DEWITT AND COAUTHORED BY SENATORS DARDENNE, EWING AND BARHAM AND REPRESENTATIVES DOWNER, MCMAINS, DIEZ AND CRANE

AN ACT

To amend and reenact R.S. 40:1299.41(A)(8), 1299.42(B)(1) and (2), 1299.44(C)(5), and 1299.47(B)(1)(b) and (3), (G) and (J), and to enact R.S. 40:1299.41(A)(21) and (K), 1299.43(B)(3), and 1299.44(C)(9), relative to medical malpractice; to provide for definitions; to provide for limitations on recovery; to provide for notice and participation by the Patient's Compensation Fund Oversight Board in arbitration proceedings; to provide for payment of medical care and related benefits; to provide an extension of a medical review panel upon written stipulation of the parties; to provide relative to the medical review panel; to provide relative to the Patient's Compensation Fund; to provide for recovery of future medical care and related benefits; 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 Landon on behalf of the Legislative Bureau to Engrossed Senate Bill No. 877 by Senator Hainkel

AMENDMENT NO. 1

On page 6, lines 19 and 21, change "where" to "when"

AMENDMENT NO. 2

On page 9, line 21, change "That there" to "There"

On motion of Senator Lentini, the amendments were adopted.

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

Called from the Calendar

Senator Jones asked that Senate Bill No. 1018 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 1018—

BY SENATOR JONES

AN ACT

To enact Part X of Chapter 7 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:2488.91 through R.S. 13:2488.99, relative to city courts; to create a city court of Tallulah; to provide for the jurisdiction of said court, its personnel, and the collection and disbursement of funds; 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 on behalf of the Legislative Bureau to Engrossed Senate Bill No. 1018 by Senator Jones

AMENDMENT NO. 1

On page 2, line 12, before "Revised" insert "Louisiana"

AMENDMENT NO. 2

On page 2, line 12, following "Statutes" and before "of 1950" delete "of Louisiana"

On motion of Senator Lentini, the amendments were adopted.

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

Called from the Calendar

Senator Bajoie asked that Senate Bill No. 1039 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 1039—

BY SENATORS BAJOIE, BOISSIERE, JOHNSON, JONES, IRONS, AND W. FIELDS, AND REPRESENTATIVES BAYLOR, COPELIN, CURTIS, FARVE, GREEN, HUDSON, HUNTER, MITCHELL, MORRELL, MURRAY, PIERRE, QUEZAIRE, WELCH AND WILLARD

AN ACT

To enact R.S. 49:149.25, to provide with respect to public buildings; to provide for the name of the future New Orleans Arena located on Girod Street in New Orleans.

Mr. President in the Chair

Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bajoie to Engrossed Senate Bill No. 1039 by Senator Bajoie

AMENDMENT NO. 1

On page 1, line 2, after "enact" delete the remainder of the line and insert the following: "Part VII-A of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:149.61, relative to public grounds; to establish the Rev. Avery C. Alexander Plaza; to provide for the boundaries of the district; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 3 and 4 in their entirety

AMENDMENT NO. 3

On page 1, line 7, after "R.S." delete the remainder of the line and insert the following:

"Part VII-A of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:149.61, is hereby enacted to read as follows:

PART VII-A. NAMES OF PUBLIC GROUNDS

Part VII-A is all proposed new law.

§149.61. Rev. Avery C. Alexander Plaza

R.S. 49:149.61 is all proposed new law.

A. The Rev. Avery C. Alexander Plaza is hereby established and shall encompass the public lands and public buildings, now or hereafter erected, on property bounded by Gravier Street, Lake Ponchartrain Expressway, Claiborne Avenue, and Simon Boliver/Loyola Street.

B. A bust or likeness of Rev. Avery C. Alexander shall be erected within the boundaries of the plaza.

C. There is hereby created the Rev. Avery C. Alexander Memorial Commission, hereinafter called "the commission." The commission shall consist of the following members:

(1) The chairman of the Senate Committee on Local and Municipal Affairs, or his designee.

(2) The chairman of the House Committee on Municipal, Parochial, and Cultural Affairs, or his designee.

(3) The Louisiana senator who represents the district where the plaza is located, may serve or appoint one member.

(4) The Louisiana representative who represents the district where the plaza is located, may serve or appoint one member.

(5) The Southern Christian Leadership Conference (SCLC) shall recommend and appointed from among its' membership one member.

- (6) The mayor of New Orleans may appoint two members.
- (7) The city councilman who represents the district where the plaza is located, or his designee.
- (8) The governor may appoint two members.
- (9) The Grassroots Organizations for Women (GROW) shall recommended and appointed from among its' membership one member.
- D.(1) The commission shall determine the amount needed to fund the creation of the bust or likeness to be erected, the exact location where the bust or likeness shall be erected, the dedication of the bust, and all other decisions relative to the provisions of this Act.
- (2) The chairman of the Senate Committee on Local and Municipal Affairs shall serve as chair and shall call the first meeting of the commission during the month of August 1999. The Senate Committee on Local and Municipal Affairs shall aid and assist the commission in all staffing duties, i.e. notifying all members of meeting information, recording minutes, etc. At the first meeting of the commission, the members shall a vice chairman, secretary, and any other officers needed.
- (3) No member of the commission, with the exception of legislative members, shall receive compensation for services rendered in his capacity as a member of the commission.
- (4) Legislative members of the commission shall receive the same per diem and travel allowance for attending meetings of the commission or any meeting thereof as is normally provided for members of the legislature.
- (5) The commission may directly, or indirectly receive donations and grants from individuals, corporations, private foundations, and local, state, and federal governmental agencies, entities, or subdivisions in order to further the provisions of this Act.
- (6) The commission shall choose a financial institution in which to establish a trust fund for the receiving of all monies and the disbursement of funds.
- (7) The commission shall expire 45 days after the bust or likeness has been established and dedicated."

AMENDMENT NO. 4  
On page 1, delete lines 8, 9, 10, 11, and 12 in their entirety

On motion of Senator Bajoie, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

YEAS		
Mr. President	Dyess	Landry
Bajoie	Ellington	Malone
Barham	Fields C	Robichaux
Bean	Fields W	Romero
Boissiere	Greene	Schedler
Branch	Hainkel	Siracusa
Cain	Heitmeier	Smith
Campbell	Hines	Tarver
Casanova	Hollis	Theuissen
Cox	Irons	Thomas
Cravins	Johnson	Ullo
Dardenne	Jones	
Dean	Lambert	
Total—37		
NAYS		
Total—0		
ABSENT		
Jordan	Lentini	
Total—2		

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

**Called from the Calendar**

Senator Hainkel asked that Senate Bill No. 877 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 877 (DUPLICATE OF HOUSE BILL NO. 1913)—**

BY SENATOR HAINKEL AND REPRESENTATIVE DEWITT AND COAUTHORED BY SENATORS DARDENNE, EWING AND BARHAM AND REPRESENTATIVES DOWNER, MCMAINS, DIEZ AND CRANE  
AN ACT

To amend and reenact R.S. 40:1299.41(A)(8), 1299.42(B)(1) and (2), 1299.44(C)(5), and 1299.47(B)(1)(b) and (3), (G) and (J), and to enact R.S. 40:1299.41(A)(21) and (K), 1299.43(B)(3), and 1299.44(C)(9), relative to medical malpractice; to provide for definitions; to provide for limitations on recovery; to provide for notice and participation by the Patient's Compensation Fund Oversight Board in arbitration proceedings; to provide for payment of medical care and related benefits; to provide an extension of a medical review panel upon written stipulation of the parties; to provide relative to the medical review panel; to provide relative to the Patient's Compensation Fund; to provide for recovery of future medical care and related benefits; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Hainkel sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 877 by Senator Hainkel

AMENDMENT NO. 1  
On page 1, line 4, after "1299.43(B)(3)" and before ", and " insert "and (4)

AMENDMENT NO. 2  
On page 1, delete lines 8 and 9 in their entirety and insert the following: "proceedings; to provide that the commissioner of administration promulgate reimbursement schedules for the payment of future medical care and related benefits and that such payments are to be paid directly to the health care provider; to reduce the amount of future medical care and related benefits due a patient in a sum equal to the amount received by such patient from a collateral source; to provide an extension of a medical review panel upon"

AMENDMENT NO. 3  
On page 2, delete line 6 in its entirety and insert the following:

"(8) "Malpractice" means the failure to exercise the reasonable standard of care required in the provision of health care, when such failure proximately causes injury or death to a patient or injury or death to another individual or nonpatient. "Malpractice" more specifically means any unintentional tort or any breach of"

AMENDMENT NO. 4  
On page 2, delete lines 13 through 17 in their entirety and insert the following: "patient; failure to warn of a threat or take appropriate precautions or to exercise the reasonable standard of care in the treatment of a patient which results in injury to or death of a nonpatient; any liability of a"

AMENDMENT NO. 5  
On page 3, delete line 17 in its entirety and insert the following:

"B. (1) Notwithstanding any other provision of the law to the contrary, the total amount recoverable for all malpractice claims"

AMENDMENT NO. 6

On page 3, line 21, after "for", delete "injuries" and insert "injury"

AMENDMENT NO. 7

On page 3, delete lines 22 through 27 in their entirety and insert the following: "to or death of any one patient or for injury or death of a nonpatient as a result of failure on the part of a health care provider to warn of a threat or to take appropriate precautions or to exercise the reasonable standard of care in the treatment of a"

AMENDMENT NO. 8

On page 4, delete lines 11 through 16 in their entirety and insert the following: "injury to or death of any one patient or for injury or death of a nonpatient as a result of failure on the part of a health care provider to warn of a threat or to take appropriate precautions or to exercise the reasonable standard of care in the treatment of a"

AMENDMENT NO. 9

On page 4, line 19, after "40:1299.43(B)(3)" and before "hereby", delete "is" and insert "and (4) are"

AMENDMENT NO. 10

On page 5, between lines 23 and 24, insert the following:

"R.S. 40:1299.43(B)(4) is all proposed new law.

(4) Payment by any person or entity, other than a direct payment by the patient or his representative, of medical expenses that are owed under this Part shall extinguish the claim against the fund for those medical expenses. If the patient or the patient's spouse actually paid by the patient or the patient's spouse from the date of injury until the date of settlement shall be reimbursed to the patient or the patient's spouse.

\* \* \*

AMENDMENT NO. 11

On page 9, delete lines 2 and 3 in their entirety and insert " the panel shall render one or"

AMENDMENT NO. 12

On page 9, delete lines 12 through 20 in their entirety and insert "in the claim."

On motion of Senator Hainkel, the amendments were adopted.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Engrossed Senate Bill No. 877 by Senator Hainkel

AMENDMENT NO. 1

In Senate Amendments proposed by Senator Hainkel to Senate Bill 877 and adopted by the Senate May 25, 1999, on page 2, line 20, after "patient" insert ", the patient's parents,"

AMENDMENT NO. 2

In Senate Amendments proposed by Senator Hainkel to Senate Bill 877 and adopted by the Senate May 25, 1999, on page 2, line 21, after "patient" insert ", the patient's parents,"

AMENDMENT NO. 3

In Senate Amendments proposed by Senator Hainkel to Senate Bill 877 and adopted by the Senate May 25, 1999, on page 2, line 22, after "patient" insert ", the patient's parents,"

On motion of Senator Hainkel, the amendments were adopted.

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

Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 1079 from the Committee on Finance.

SENATE BILL NO. 1079—

BY SENATORS DYESS AND ELLINGTON AND REPRESENTATIVE WIGGINS

AN ACT

To repeal R.S. 17:62 and 73, as enacted by Act No. 973 of the 1995 Regular Session and by Act No. 74 of the 1998 First Extraordinary Session, and to repeal R.S. 17:62.1, as enacted by Act No. 74 of the 1998 First Extraordinary Session, relative to the provisions for a school system comprised of portions of Rapides Parish; to repeal such provisions; to provide for effectiveness and for implementation; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and passed to a third reading.

Called from the Calendar

Senator Dyess asked that Senate Bill No. 257 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 257—

BY SENATORS DYESS AND ELLINGTON AND REPRESENTATIVE WIGGINS

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 13(D) of the Constitution of Louisiana, to remove the grant to the school system operated in Wards 9, 10, and 11 of Rapides Parish that it shall be regarded and treated as a parish and shall have the authority granted parishes, including the purposes of funding and the raising of certain local revenues for the support of elementary and secondary schools; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

ROLL CALL

The roll was called with the following result:

YEAS

Table with 3 columns: Name, Dyess, Landry. Lists names of senators and their counts for YEAS.

NAYS

Total—0

ABSENT

Jordan

Total—1

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

Rules Suspended

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

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions just advanced to a third reading and final passage were taken up and acted upon as follows:

SENATE BILL NO. 1079—

BY SENATORS DYESS AND ELLINGTON AND REPRESENTATIVE WIGGINS

AN ACT

To repeal R.S. 17:62 and 73, as enacted by Act No. 973 of the 1995 Regular Session and by Act No. 74 of the 1998 First Extraordinary Session, and to repeal R.S. 17:62.1, as enacted by Act No. 74 of the 1998 First Extraordinary Session, relative to the provisions for a school system comprised of portions of Rapides Parish; to repeal such provisions; to provide for effectiveness and for implementation; and to provide for related matters.

Floor Amendments Sent Up

Senator Dyess sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dyess to Engrossed Senate Bill No. 1079 by Senator Dyess

AMENDMENT NO. 1

On page 1, lines 3 and 11, between ""and" and "by" insert "amended"

On motion of Senator Dyess, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

- Mr. President, Bajoie, Barham, Bean, Boissiere, Branch, Cain, Campbell, Casanova, Cox, Cravins, Dardenne, Dean, Dyess, Ellington, Fields C, Fields W, Greene, Hainkel, Heitmeier, Hines, Hollis, Irons, Johnson, Jones, Lambert, Landry, Lentini, Malone, Robichaux, Romero, Schedler, Siracusa, Smith, Tarver, Theunissen, Thomas, Ullo

NAYS

Total—38

Total—0

ABSENT

Jordan

Total—1

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

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

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. 246 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 246—

BY SENATOR JONES

AN ACT

To amend and reenact R.S. 1:55(A)(6), relative to days of public rest and legal holidays; to make Dr. Martin Luther King, Jr.'s birthday a legal holiday for public schools; 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, Dean, Lambert, Bajoie, Dyess, Landry, Barham, Ellington, Lentini, Bean, Fields C, Malone, Boissiere, Fields W, Robichaux, Branch, Greene, Romero, Cain, Heitmeier, Siracusa, Campbell, Hines, Smith, Casanova, Hollis, Tarver, Cox, Irons, Theunissen, Cravins, Johnson, Thomas, Dardenne, Jones, Ullo, Total—36

NAYS

Total—0

ABSENT

Hainkel

Jordan

Schedler

Total—3

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.

Personal Privilege

Senator Malone asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on Senate

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Bill No. 246. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

Personal Privilege

Senator Romero 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. 246. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

Called from the Calendar

Senator Jones asked that Senate Bill No. 361 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 361— BY SENATOR JONES

AN ACT

To enact R.S. 15:574.4(A)(4), relative to parole eligibility; to provide with respect to parole eligibility for certain prisoners; to provide for conditions of parole; 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

Table with 3 columns: Name, YEAS, Name. Lists names like Mr. President, Bajois, Barham, etc.

NAYS

Table with 3 columns: Name, NAYS, Name. Lists names like Branch, Casanova, Greene, etc.

ABSENT

Table with 3 columns: Name, ABSENT, Name. Lists names like Dyess, Fields W, etc.

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.

Called from the Calendar

Senator Cox asked that Senate Bill No. 129 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 129— BY SENATOR COX

AN ACT

To amend and reenact R.S. 22:2016, and to enact R.S. 22:214, relative to health plans; to prohibit denial of coverage on health and accident insurance policies that would otherwise be covered except for the potential liability of an employer's workers' compensation

plan; to provide for subrogation rights of the health insurer for reimbursement of claims paid; and to provide for related matters.

Floor Amendments Sent Up

Senator Cox sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cox to Engrossed Senate Bill No. 129 by Senator Cox

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and insert "amend and reenact R.S. 23:1034.2(D) and 1212 and to enact R.S. 22:214 and 2016(F), (G), (H), (I), and (J), relative to"

AMENDMENT NO. 2

On page 1, line 7, after "paid;" insert "to provide for assessment of penalties;"

AMENDMENT NO. 3

On page 1, line 9, after "214" delete "is" and insert "and 2016(F), (G), (H), (I), and (J) are"

AMENDMENT NO. 4

On page 1, at the beginning of line 12, insert "A."

AMENDMENT NO. 5

On page 1, line 12, after "claim for" insert "medical"

AMENDMENT NO. 6

On page 1, line 15, change "medial" to "medical"

AMENDMENT NO. 7

On page 1, line 16, delete "pay benefits" and insert "provide medical coverage"

AMENDMENT NO. 8

On page 2, line 1, after "provisions" insert "and subject to all terms and conditions of the contract"

AMENDMENT NO. 9

On page 2, line 2, after "disease is" delete the remainder of the line and insert "ultimately determined by an appellate court or the workers' compensation tribunal, after all appeal delays have expired to be compensable"

AMENDMENT NO. 10

On page 2, line 7, after the period "." insert the following:

"These provisions are to be construed as exceptions to Louisiana R.S. 23:1034.2(D) and specifically allow payment of fees in excess of the reimbursement schedule. Any evidence classifying an injury as a "nonworking injury" as defined in this Section shall not be admissible as evidence that a compensable work-related accident did not occur.

B. Nothing in this provision shall excuse the workers' compensation insurer or employer from any penalties and fees provided in the Workers' Compensation Act, if the medical treatment for which any other insurer pays is determined to be work related.

C. If a medical claim brought under this Section for which an insurer, other than the employer or its workers' compensation insurer, pay is ultimately determined, by an appellate court or a workers' compensation tribunal after all appeal delays have expired, to be compensable under the workers' compensation act, that insurer shall be entitled to have a penalty assessed in an amount equal to twelve percent of any medical bills that insurer paid, together with reasonable attorneys' fees. This penalty shall not exceed a maximum of five thousand dollars in the aggregate for any claim. Penalties shall be assessed the following manner:

(1) Such penalty and attorney fees shall be assessed against either the employer or the insurer, depending upon fault. No workers' compensation insurance policy shall provide that the insurer shall pay these sums if the workers' compensation judge determines that the penalty and attorney fees are to be paid by the employer rather than the insurer.

(2) This Subsection shall not apply if the claim is reasonably controverted or if such nonpayment results from conditions over which the employer or insurer had no control.

D. All penalties and fees awarded pursuant to Subsection C shall be independent and exclusive of any and all penalties and fees to which the injured worker is entitled to receive pursuant to the Workers' Compensation Act, and shall not be used to offset or reduce any injured worker's award of penalties or fees.

E. Any health insurance carrier who pays any medical bills or benefits in accordance with this Section shall have a lien against any proceeds of any workers' compensation settlement or judgment to the full extent of such payments, provided however that notice of such payment has been given, in writing, to the employer or workers' compensation carrier responsible for providing such medical payments, prior to the settlement or judgment.

AMENDMENT NO. 11

On page 2, delete lines 8 and 9

AMENDMENT NO. 12

On page 2, line 18, delete "pay benefits" and insert "provide medical coverage"

AMENDMENT NO. 13

On page 2, line 19, after "provisions" insert "and subject to all terms and conditions of the contract"

AMENDMENT NO. 14

On page 2, line 19, after "disease is" delete the remainder of the line and insert "ultimately determined by an appellate court or the workers' compensation tribunal, after all appeal delays have expired"

AMENDMENT NO. 15

On page 2, line 24, after "related." insert the following:

"Any evidence classifying an injury as a "nonwork injury" as defined in this Section shall not be admissible as evidence that a compensable work-related accident did not occur.

G. Nothing in this provision shall excuse the workers' compensation insurer or employer from any penalties and fees provided in the Workers' Compensation Act, if the medical treatment for which any other insurer pays is determined to be work related.

H. If a medical claim brought under this Section for which an insurer, other than the employer or its workers' compensation insurer, pay is ultimately determined, by an appellate court or a workers' compensation tribunal after all appeal delays have expired, to be compensable under the workers' compensation act, that insurer shall be entitled to have a penalty assessed in an amount equal to twelve percent of any medical bills that insurer paid, together with reasonable attorneys' fees. This penalty shall not exceed a maximum of five thousand dollars in the aggregate for any claim. Penalties shall be assessed the following manner:

(1) Such penalty and attorney fees shall be assessed against either the employer or the insurer, depending upon fault. No workers' compensation insurance policy shall provide that the insurer shall pay these sums if the workers' compensation judge determines that the penalty and attorney fees are to be paid by the employer rather than the insurer.

(2) This Subsection shall not apply if the claim is reasonably controverted or if such nonpayment results from conditions over which the employer or insurer had no control.

I. All penalties and fees awarded pursuant to Subsection C shall be independent and exclusive of any and all penalties and fees to which the injured worker is entitled to receive pursuant to the Workers'

Compensation Act, and shall not be used to offset or reduce any injured worker's award of penalties or fees.

J. Any health insurance carrier who pays any medical bills or benefits in accordance with this Section shall have a lien against any proceeds of any workers' compensation settlement or judgment to the full extent of such payments, provided however that notice of such payment has been given, in writing, to the employer or workers' compensation carrier responsible for providing such medical payments, prior to the settlement or judgment.

Section 2. R.S. 23:1034.2(D) and 1212 are hereby amended and reenacted to read as follows:

§1034.2. Reimbursement schedule

D. Fees in excess of the reimbursement schedule shall not be recoverable against the employee, employer, or workers' compensation insurer, except as provided in R.S. 22:214(A) and R.S. 22:2016(F).

§1212. Medical expense offset

Payment by any person or entity, other than a direct payment by the employee, pursuant to R.S. 22:214 or R.S. 22:2016(F), a relative or friend of the employee, of medical expenses that are owed under this Chapter shall extinguish the claim against the employer or insurer for those medical expenses. This Section shall not be regarded as a violation of R.S. 23:1163. If the employee or the employee's spouse actually pay premiums for health insurance, either as direct payments or as itemized deductions from their salaries, then this offset will only apply in the same percentage, if any, that the employer of the employee or the employer of his spouse paid the health insurance premiums."

On motion of Senator Cox, the amendments were adopted.

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

ROLL CALL

The roll was called with the following result:

YEAS

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

NAYS

Total—0

ABSENT

Jordan  
Total—1

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

Called from the Calendar

Senator Hainkel asked that Senate Bill No. 863 be called from the Calendar at this time for its final passage.

May 25, 1999

SENATE BILL NO. 863—

BY SENATORS HAINKEL, DARDENNE, BARHAM, SCHEDLER AND LANDRY AND REPRESENTATIVES DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE

AN ACT

To enact Chapter 48 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3471 through 3486, relative to the Millennium Port Authority; to create the authority and provide for a board of commissioners to govern the authority; to provide for the authority's powers, duties, and responsibilities; and to provide for related matters.

Floor Amendments Sent Up

Senator Dean sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dean to Engrossed Senate Bill No. 863 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 3, after "R.S. 34:3471" delete the remainder of the line and delete lines 5 and 6 and insert ", relative to the Millennium Port Authority; to provide for a legislative study; and to provide for related matters."

AMENDMENT NO. 2

On page 1, line 9, after "R.S. 34:3471" delete "through 3486"

AMENDMENT NO. 3

On page 1, line 11, change "AUTHORITY" to "STUDY"

AMENDMENT NO. 4

On page 1, delete lines 13 through 16 and on page 2, delete lines 1 through 5 and insert the following:

"§3471. Millennium Port Study

A. The Joint Committee on Transportation, Highways and Public Works shall study and make recommendations by March 1, 2000 concerning the feasibility, the location of, the financing, development, construction, control, licensing, regulation, supervision, operation, management, maintenance of deep draft container vessel and intermodal terminal facilities not in existence on July 1,"

AMENDMENT NO. 5

On page 3, delete lines 6 through 27 and delete pages 7 through 35 and on page 36, delete lines 1 through 13

Motion

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

Senator Cain objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham Hines Romero
Bean Hollis Schedler
Boissiere Irons Siracusa
Campbell Johnson Smith
Dardenne Lambert Tarver
Ellington Lentini Theunissen
Hainkel Robichaux Ullo
Total—21

NAYS

Cain Dean Jones
Casanova Dyess Landry
Cox Fields C Malone
Cravins Fields W

Total—11

ABSENT

Mr. President Greene Thomas
Bajoie Heitmeier
Branch Jordan
Total—7

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

Senator Dean moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Cain Dean Siracusa
Casanova Fields C Theunissen
Cox Fields W
Total—8

NAYS

Mr. President Hainkel Lentini
Bajoie Heitmeier Malone
Barham Hines Robichaux
Bean Hollis Romero
Boissiere Irons Schedler
Campbell Johnson Smith
Cravins Jones Tarver
Dardenne Lambert Thomas
Dyess Landry Ullo
Total—27

ABSENT

Branch Greene
Ellington Jordan
Total—4

The Chair declared the amendments were rejected.

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 Hainkel Robichaux
Barham Heitmeier Romero
Bean Hines Schedler
Boissiere Irons Siracusa
Campbell Johnson Smith
Cravins Jones Tarver
Dardenne Lambert Theunissen
Dyess Landry Thomas
Ellington Lentini Ullo
Fields C Malone
Total—29

NAYS

Cain	Cox	Fields W
Casanova	Dean	
Total—5		

ABSENT

Bajoie	Greene	Jordan
Branch	Hollis	
Total—5		

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.

**Rules Suspended**

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

**Messages from the Governor**

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

State of Louisiana  
OFFICE OF THE GOVERNOR  
Baton Rouge

May 24, 1999

The Honorable President and Members of the Senate

Ladies and Gentlemen:

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

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

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

**Bar Pilots for the Port of New Orleans**

Hayes T. Booksh	Jeffrey W. Mott
Daniel W. Mott	

**Introduction of Senate Concurrent Resolutions**

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

**SENATE CONCURRENT RESOLUTION NO. 135—**  
BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of William O'Regan, father, brother, grandfather, businessman, civic/community leader, veteran, deacon, Christian, and friend.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Landry
Bajoie	Ellington	Lentini
Barham	Fields C	Malone
Bean	Fields W	Robichaux
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Campbell	Hines	Siracusa
Cox	Hollis	Smith
Cravins	Irons	Tarver
Dardenne	Jones	Thomas
Dean	Lambert	Ullo
Total—33		

NAYS

Total—0

ABSENT

Branch	Greene	Jordan
Casanova	Johnson	Theunissen
Total—6		

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

**SENATE CONCURRENT RESOLUTION NO. 136—**

BY SENATOR CAIN

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to pass the Flag Protection Amendment, an amendment to the Constitution of the United States giving Congress the authority to pass laws protecting the United States flag from desecration.

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

**SENATE CONCURRENT RESOLUTION NO. 137—**

BY SENATOR COX AND REPRESENTATIVE GUILLORY

A CONCURRENT RESOLUTION

To commend Delta School of Business and Technology on thirty years of service to southwest Louisiana.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Fields C	Robichaux
Bean	Fields W	Romero
Boissiere	Hainkel	Schedler
Cain	Heitmeier	Siracusa
Campbell	Hines	Smith
Casanova	Hollis	Tarver
Cox	Irons	Theunissen
Cravins	Johnson	Thomas
Dardenne	Jones	Ullo
Dean	Landry	
Total—35		

NAYS

May 25, 1999

Total—0	ABSENT
Branch	Jordan
Greene	Lambert
Total—4	

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

**SENATE CONCURRENT RESOLUTION NO. 138—**  
BY SENATOR SCHEDLER  
A CONCURRENT RESOLUTION

To create the Louisiana Public Mental Health Review Commission to study the feasibility of restructuring the public mental health system to reflect the challenges facing the system in the twenty-first century.

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

**Messages from the House**

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

**Message from the House**

**PASSED SENATE BILLS AND JOINT RESOLUTIONS**

May 25, 1999

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. 988—**  
BY SENATORS DYESS AND CAIN  
AN ACT

To enact R.S. 49:191(12) and to repeal R.S. 49:191(10)(c), relative to the Department of Agriculture and Forestry including provisions to provide for the re-creation of the Department of Agriculture and Forestry and the statutory entities made a part of the department by law; to provide for the effective termination date of all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 319—**  
BY SENATORS SMITH AND CAIN AND REPRESENTATIVES BRUCE AND SALTER  
AN ACT

To enact R. S. 13:996.58, relative to district courts; to establish a judicial expense fund for the Eleventh Judicial District Court; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 587—**  
BY SENATOR SCHEDLER  
AN ACT

To amend and reenact R.S. 13:4611(1)(d) and (3), relative to contempt of court; to extend the probationary period allowed for contempt of court in certain support and custody or visitation cases; to clarify the applicability of contempt orders to spousal support orders and custody orders; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 523—**  
BY SENATOR DARDENNE  
AN ACT

To amend and reenact R.S. 23:1291.1(A)(2), relative to workers' compensation; to provide for the method of calculation of assessment of workers' compensation benefits for the office of workers' compensation administration; and to provide for related matters.

Reported without amendments.

**SENATE BILL NO. 113—**  
BY SENATOR EWING  
AN ACT

To enact R.S. 14:67.16, relative to criminal law; to provide for the crime of identity theft; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 768—**  
BY SENATORS HOLLIS AND HEITMEIER  
AN ACT

To amend and reenact R.S. 37:3171, 3172, 3173(A)(2), 3176(A)(1), (3), and (B), 3177(A)(1) introductory paragraph, 3179, 3179.2, 3180, 3181(A) introductory paragraph, (A) (6), (7), (10), (11), (12)(a)(i), and (14), (B), (E), (F), (G), (H), (I), and (J), 3183, and 3184, to enact 3173(A)(3), 3178, and 3185, and to repeal R.S. 37:3176(C), relative to the Interior Designer Licensing Law; to provide for the practice of interior design; to change the terms of the Board of Examiners of Interior Designers; to provide for enforcement; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 552—**  
BY SENATOR LAMBERT  
AN ACT

To enact R.S. 40:1234.1, relative to emergency medical services; to authorize payment to emergency medical service providers for certain authorized services provided incident to hazardous materials emergencies; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 406—**  
BY SENATOR HEITMEIER  
AN ACT

To amend and reenact R.S. 11:1162(A)(7), relative to the Louisiana School Employees' Retirement System; to provide for the election of a retired member to the board of trustees; to provide for an effective date; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 586—**  
BY SENATOR SCHEDLER  
AN ACT

To amend and reenact the introductory paragraph of Code of Civil Procedure Arts. 2786(B) and 2786(B)(2), (C)(3), and (D), 2787, 2789(B), 2790(A), 2791(B)(2) and (C)(3), and 2792, and to enact Code of Civil Procedure Arts. 2785(5), 2786(C)(4), and 2795, relative to modification and enforcement of support orders; to authorize the use of certain federally approved forms for registering support orders; to provide for service of registered support orders; to provide for the requirements of clerks of court relative to such orders; to provide for the jurisdiction of certain courts regarding registered support orders; to provide relative to the time to object to such orders; to provide for the joinder of certain support proceedings; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 766—  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 47:843(D), 864(A), and 865, relative to tobacco products; to provide for tax regulations; to provide for certain cigarettes to which tax stamps shall not be affixed; to provide for certain violations of the Unfair Trade and Consumer Protection Law; to provide for penalties; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 673—  
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:1521(C), relative to the Clerks' of Court Retirement and Relief Fund; to increase the benefit accrual rate; to provide for prospective application only; to provide for an effective date; and to provide for related matters.

Reported with amendments.

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

Message from the House

ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS

May 25, 1999

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. 2213—  
BY REPRESENTATIVE MCDONALD

AN ACT

To amend and reenact R.S. 15:587.1(B) and (D) and R.S. 17:15, relative to the provision of information to protect children; to authorize the State Board of Elementary and Secondary Education to establish certain requirements and procedures for the state Department of Education to request and obtain specified criminal history background information on applicants for or recipients of any certificate or license issued by the department or by the board in accordance with state law or board policy; to provide for the duties and responsibilities of the Louisiana Bureau of Criminal Identification and Information relative to requests required by law from educational entities for individual criminal history information; to provide for the payment of processing fees; to provide for the submission of certain records by school principals to the state superintendent of education regarding the placement of certain persons in any position of supervisory or disciplinary authority over school children; to provide for the submission of certain records by public school superintendents to the state superintendent of education regarding the dismissal of teachers and other school employees as required by law for specified reasons and any reemployment of such persons; to provide definitions; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 2263— (Substitute for House Bill No. 892 by Representative Clarkson)

BY REPRESENTATIVE CLARKSON  
AN ACT

To enact R.S. 22:250.20, relative to health insurance; to prohibit the disclosure or transfer of information related to abuse status or abuse-related medical treatment by health insurance issuers and nonfederal governmental plans; to provide for conversion of

individual insurance coverage for victims of domestic violence; and to provide for related matters.

HOUSE BILL NO. 794—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 26:792 and 793(A), relative to the Alcoholic Beverage Control Law; to provide for the duties of the commissioner; to require written notice upon issuance of a citation; to provide for methods of service of notice; to provide for additional powers of the commissioner pertaining to Class A-Caterers Permit; and to provide for related matters.

HOUSE BILL NO. 1410—

BY REPRESENTATIVES PIERRE, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER

AN ACT

To repeal R.S. 40:1395.1, relative to the Department of Public Safety and Corrections; to repeal provisions requiring the department to provide and administer a policy of insurance against liability for false arrest and other acts.

HOUSE BILL NO. 1511—

BY REPRESENTATIVE BARTON

AN ACT

To amend and reenact R.S. 14:326(C), relative to parades, marches, or demonstrations; to exempt professional firefighter and police associations from permit requirements; and to provide for related matters.

HOUSE BILL NO. 1879—

BY REPRESENTATIVE QUEZAIRE

AN ACT

To enact R.S. 33:7628, relative to the Louisiana Housing and Community Development Corporation; to prohibit such corporation from entering into contracts with certain persons and businesses; to provide relative to the letting of contracts and the procurement of goods and services by such corporation; and to provide for related matters.

HOUSE BILL NO. 1930—

BY REPRESENTATIVE LANDRIEU

AN ACT

To amend and reenact R.S. 13:121 and 122, relative to the supreme court; to remove the limitation on the number of deputy clerks that the court may appoint; to delete the restriction on the number of deputy clerks in the salary provisions; and to provide for related matters.

HOUSE BILL NO. 1660—

BY REPRESENTATIVE CARTER

AN ACT

To amend and reenact R.S. 41:1081(A) and 1089, to enact R.S. 36:409(K) and Chapter 23 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2501 through 2505, and to repeal R.S. 36:259(N), relative to the creation of the Interagency Recreation Board; to create the board in the Department of Public Safety and Corrections; to provide for the powers, duties, functions, authority, and responsibilities of the board and the power and authority of the department; to authorize the board to construct, maintain, and operate certain recreational facilities on state land to provide recreation for state employees, patients at state institutions in rural areas, and citizens of Louisiana; to provide training and rehabilitation for inmates under the jurisdiction of the Department of Public Safety and Corrections; to provide for planning for and monitoring of the effectiveness of the facilities by the board; to authorize the transfer of the supervision, management, and use of certain state-owned lands, including timber, to the board; to authorize the board to sell timber on lands under its jurisdiction and to provide procedures therefor, including provisions for the use of the proceeds thereof for board purposes; to create and provide for the Interagency Recreation Board fund;

to authorize the board to contract for maintenance and management of facilities as necessary or appropriate to implement its purposes and functions; and to provide for related matters.

**HOUSE BILL NO. 2020—**  
BY REPRESENTATIVE HUNTER  
AN ACT

To enact R.S. 40:1797, relative to law enforcement officers; to prohibit any law enforcement officer from possessing a firearm in a courtroom if he is a party to the proceeding; and to provide for related matters.

**HOUSE BILL NO. 2075—**  
BY REPRESENTATIVES BARTON, FAUCHEUX, AND WELCH  
AN ACT

To amend and reenact R.S. 33:1981(B) and (C)(1) and 2201(C)(1), relative to benefits for survivors of certain firemen and law enforcement officers; to include volunteer firemen in the definition of firemen; to increase amounts to be paid as benefits; to provide relative to which firemen's families are entitled to such benefits; and to provide for related matters.

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

To enact R.S. 33:1421(D), relative to sheriffs; to provide for an increase in compensation for sheriffs; and to provide for related matters.

**HOUSE BILL NO. 760—**  
BY REPRESENTATIVES MCMAINS AND MCCAIN  
AN ACT

To amend and reenact R.S. 13:1401(A)(2) and to repeal R.S. 13:1415, relative to family courts; to provide the family court for the parish of East Baton Rouge with exclusive jurisdiction over actions for partition of community property or property acquired pursuant to a matrimonial regime, actions seeking a termination or modification of a matrimonial regime, and actions for the enforcement of judicial or contractual settlements related to matrimonial regimes; and to provide for related matters.

**HOUSE BILL NO. 2235—**  
BY REPRESENTATIVE HOLDEN  
AN ACT

To enact R.S. 33:4574(G), relative to tourist commissions; to authorize tourist commissions to enter into contracts for the employment of an executive director; to provide the terms of the contract; and to provide for related matters.

**HOUSE BILL NO. 2251—**  
BY REPRESENTATIVES FLAVIN AND COPELIN  
AN ACT

To enact R.S. 11:416(A)(1)(c), relative to the Louisiana State Employees' Retirement System; to provide with respect to reemployment of retirees and benefits and limited exemptions from the suspension or reduction thereof; and to provide for related matters.

**HOUSE BILL NO. 2265— (Substitute for House Bill No. 180 by Representative Wiggins)**  
BY REPRESENTATIVE WIGGINS  
AN ACT

To enact Chapter 8 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:401, to provide for the development and implementation of a program for educating students in public and nonpublic elementary and secondary schools about the potential problems associated with gaming and gambling; and to provide for related matters.

**HOUSE BILL NO. 301—**  
BY REPRESENTATIVE LEBLANC  
AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary funds, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

**HOUSE BILL NO. 431—**  
BY REPRESENTATIVE SALTER  
AN ACT

To enact R.S. 13:1896(A)(3), relative to mayor's courts and justice of the peace courts; to provide for appeals from those courts; and to provide for related matters.

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

**House Bills and Joint Resolutions**

Senator Bean 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. 301—**  
BY REPRESENTATIVE LEBLANC  
AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary funds, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

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

**HOUSE BILL NO. 431—**  
BY REPRESENTATIVE SALTER  
AN ACT

To enact R.S. 13:1896(A)(3), relative to mayor's courts and justice of the peace courts; to provide for appeals from those courts; and to provide for related matters.

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

**HOUSE BILL NO. 760—**  
BY REPRESENTATIVES MCMAINS AND MCCAIN  
AN ACT

To amend and reenact R.S. 13:1401(A)(2) and to repeal R.S. 13:1415, relative to family courts; to provide the family court for the parish of East Baton Rouge with exclusive jurisdiction over actions for partition of community property or property acquired pursuant to a matrimonial regime, actions seeking a termination or modification of a matrimonial regime, and actions for the enforcement of judicial or contractual settlements related to matrimonial regimes; and to provide for related matters.

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

**HOUSE BILL NO. 794—**  
BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 26:792 and 793(A), relative to the Alcoholic Beverage Control Law; to provide for the duties of the commissioner; to require written notice upon issuance of a citation; to provide for methods of service of notice; to provide for

additional powers of the commissioner pertaining to Class A-Caterers Permit; and to provide for related matters.

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

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

To enact R.S. 33:1421(D), relative to sheriffs; to provide for an increase in compensation for sheriffs; and to provide for related matters.

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

**HOUSE BILL NO. 1410—**  
BY REPRESENTATIVES PIERRE, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER  
AN ACT

To repeal R.S. 40:1395.1, relative to the Department of Public Safety and Corrections; to repeal provisions requiring the department to provide and administer a policy of insurance against liability for false arrest and other acts.

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

**HOUSE BILL NO. 1511—**  
BY REPRESENTATIVE BARTON  
AN ACT

To amend and reenact R.S. 14:326(C), relative to parades, marches, or demonstrations; to exempt professional firefighter and police associations from permit requirements; and to provide for related matters.

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

**HOUSE BILL NO. 1660—**  
BY REPRESENTATIVE CARTER  
AN ACT

To amend and reenact R.S. 41:1081(A) and 1089, to enact R.S. 36:409(K) and Chapter 23 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2501 through 2505, and to repeal R.S. 36:259(N), relative to the creation of the Interagency Recreation Board; to create the board in the Department of Public Safety and Corrections; to provide for the powers, duties, functions, authority, and responsibilities of the board and the power and authority of the department; to authorize the board to construct, maintain, and operate certain recreational facilities on state land to provide recreation for state employees, patients at state institutions in rural areas, and citizens of Louisiana; to provide training and rehabilitation for inmates under the jurisdiction of the Department of Public Safety and Corrections; to provide for planning for and monitoring of the effectiveness of the facilities by the board; to authorize the transfer of the supervision, management, and use of certain state-owned lands, including timber, to the board; to authorize the board to sell timber on lands under its jurisdiction and to provide procedures therefor, including provisions for the use of the proceeds thereof for board purposes; to create and provide for the Interagency Recreation Board fund; to authorize the board to contract for maintenance and management of facilities as necessary or appropriate to implement its purposes and functions; and to provide for related matters.

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

**HOUSE BILL NO. 1879—**  
BY REPRESENTATIVE QUEZAIRE  
AN ACT

To enact R.S. 33:7628, relative to the Louisiana Housing and Community Development Corporation; to prohibit such corporation from entering into contracts with certain persons and businesses; to provide relative to the letting of contracts and the procurement of goods and services by such corporation; and to provide for related matters.

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

**HOUSE BILL NO. 1930—**  
BY REPRESENTATIVE LANDRIEU  
AN ACT

To amend and reenact R.S. 13:121 and 122, relative to the supreme court; to remove the limitation on the number of deputy clerks that the court may appoint; to delete the restriction on the number of deputy clerks in the salary provisions; and to provide for related matters.

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

**HOUSE BILL NO. 2020—**  
BY REPRESENTATIVE HUNTER  
AN ACT

To enact R.S. 40:1797, relative to law enforcement officers; to prohibit any law enforcement officer from possessing a firearm in a courtroom if he is a party to the proceeding; and to provide for related matters.

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

**HOUSE BILL NO. 2075—**  
BY REPRESENTATIVES BARTON, FAUCHEUX, AND WELCH  
AN ACT

To amend and reenact R.S. 33:1981(B) and (C)(1) and 2201(C)(1), relative to benefits for survivors of certain firemen and law enforcement officers; to include volunteer firemen in the definition of firemen; to increase amounts to be paid as benefits; to provide relative to which firemen's families are entitled to such benefits; and to provide for related matters.

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

**HOUSE BILL NO. 2213—**  
BY REPRESENTATIVE MCDONALD  
AN ACT

To amend and reenact R.S. 15:587.1(B) and (D) and R.S. 17:15, relative to the provision of information to protect children; to authorize the State Board of Elementary and Secondary Education to establish certain requirements and procedures for the state Department of Education to request and obtain specified criminal history background information on applicants for or recipients of any certificate or license issued by the department or by the board in accordance with state law or board policy; to provide for the duties and responsibilities of the Louisiana Bureau of Criminal Identification and Information relative to requests required by law from educational entities for individual criminal history information; to provide for the payment of processing fees; to provide for the submission of certain records by school principals to the state superintendent of education regarding the placement of certain persons in any position of supervisory or disciplinary authority over school children; to provide for the submission of certain records by public school superintendents to the state superintendent of education regarding the dismissal of teachers and other school employees as required by law for specified reasons

May 25, 1999

and any reemployment of such persons; to provide definitions; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 2235—**  
BY REPRESENTATIVE HOLDEN  
AN ACT

To enact R.S. 33:4574(G), relative to tourist commissions; to authorize tourist commissions to enter into contracts for the employment of an executive director; to provide the terms of the contract; and to provide for related matters.

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

**HOUSE BILL NO. 2251—**  
BY REPRESENTATIVES FLAVIN AND COPELIN  
AN ACT

To enact R.S. 11:416(A)(1)(c), relative to the Louisiana State Employees' Retirement System; to provide with respect to reemployment of retirees and benefits and limited exemptions from the suspension or reduction thereof; and to provide for related matters.

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

**HOUSE BILL NO. 2263— (Substitute for House Bill No. 892 by Representative Clarkson)**  
BY REPRESENTATIVE CLARKSON  
AN ACT

To enact R.S. 22:250.20, relative to health insurance; to prohibit the disclosure or transfer of information related to abuse status or abuse-related medical treatment by health insurance issuers and nonfederal governmental plans; to provide for conversion of individual insurance coverage for victims of domestic violence; and to provide for related matters.

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

**HOUSE BILL NO. 2265— (Substitute for House Bill No. 180 by Representative Wiggins)**  
BY REPRESENTATIVE WIGGINS  
AN ACT

To enact Chapter 8 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:401, to provide for the development and implementation of a program for educating students in public and nonpublic elementary and secondary schools about the potential problems associated with gaming and gambling; and to provide for related matters.

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

**Messages from the House**

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

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

May 25, 1999

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. 229—**  
BY REPRESENTATIVE HOLDEN  
A CONCURRENT RESOLUTION

To commend the Southern University baseball team for winning the 1999 Southwestern Athletic Conference championship and to congratulate the Jaguar baseball team for their outstanding performance during the season.

**HOUSE CONCURRENT RESOLUTION NO. 230—**  
BY REPRESENTATIVE HOLDEN  
A CONCURRENT RESOLUTION

To commend the Southern University women's track team for winning the 1999 Southwestern Athletic Conference outdoor track and field championship and to congratulate the Lady Jaguars track team for their outstanding performance during the season.

**HOUSE CONCURRENT RESOLUTION NO. 232—**  
BY REPRESENTATIVE MORRELL  
A CONCURRENT RESOLUTION

To commend and congratulate the Tulane Memorial Baptist Church on its 135th anniversary.

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

**House Concurrent Resolutions**

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

**HOUSE CONCURRENT RESOLUTION NO. 229—**  
BY REPRESENTATIVE HOLDEN  
A CONCURRENT RESOLUTION

To commend the Southern University baseball team for winning the 1999 Southwestern Athletic Conference championship and to congratulate the Jaguar baseball team for their outstanding performance during the season.

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	Robichaux
Bajoie	Fields C	Romero
Barham	Fields W	Schedler
Bean	Heitmeier	Siracusa
Boissiere	Hines	Smith
Cain	Hollis	Theunissen
Casanova	Johnson	Thomas
Dardenne	Landry	Ullo
Dean	Lentini	
Dyess	Malone	
Total—28		
NAYS		
Total—0		
ABSENT		
Branch	Greene	Jordan

Campbell	Hainkel	Lambert
Cox	Irons	Tarver
Cravins	Jones	
Total—11		

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

**HOUSE CONCURRENT RESOLUTION NO. 230—**  
BY REPRESENTATIVE HOLDEN

**A CONCURRENT RESOLUTION**

To commend the Southern University women's track team for winning the 1999 Southwestern Athletic Conference outdoor track and field championship and to congratulate the Lady Jaguars track team for their outstanding performance during the season.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Fields C	Robichaux
Bean	Fields W	Romero
Boissiere	Heitmeier	Schedler
Cain	Hines	Siracusa
Campbell	Hollis	Smith
Casanova	Johnson	Theunissen
Dardenne	Jones	Thomas
Dean	Landry	Ullo

**NAYS**

Total—0

**ABSENT**

Branch	Greene	Jordan
Cox	Hainkel	Lambert
Cravins	Irons	Tarver
Total—9		

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

**HOUSE CONCURRENT RESOLUTION NO. 232—**  
BY REPRESENTATIVE MORRELL

**A CONCURRENT RESOLUTION**

To commend and congratulate the Tulane Memorial Baptist Church on its 135th anniversary.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dyess	Lentini
Bajoie	Ellington	Malone
Barham	Fields C	Robichaux
Bean	Fields W	Romero
Boissiere	Heitmeier	Schedler
Cain	Hines	Siracusa
Campbell	Hollis	Smith

Casanova	Johnson	Theunissen
Dardenne	Jones	Thomas
Dean	Landry	Ullo
Total—30		

**NAYS**

Total—0

**ABSENT**

Branch	Greene	Jordan
Cox	Hainkel	Lambert
Cravins	Irons	Tarver
Total—9		

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

**Rules Suspended**

Senator Heitmeier asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 1703 from the Committee on Finance.

**HOUSE BILL NO. 1703—**  
BY REPRESENTATIVE STELLY

**AN ACT**

To enact R.S. 11:701(29), (30), and (31) and 784.1 and Part IX of Chapter 2 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:945 through 947, and to repeal R.S. 11:785, relative to the Teachers' Retirement System; to provide with respect to definitions; to provide regarding benefits, the computation thereof, and certain limitations related thereto; to further provide regarding compensation and contributions; to provide an effective date; and to provide for related matters.

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.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**JUDICIARY A**

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

May 25, 1999

To the President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 132—**  
BY SENATORS ULLO AND DARDENNE

**A CONCURRENT RESOLUTION**

To urge and request manufacturers and sellers of firearms and ammunition who sell or distribute within the state of Louisiana to provide suggestions or advice on how to provide for additional forms of safety or security relative to the sale, distribution, handling, use or storage of firearms or ammunition.

Reported favorably.

**HOUSE BILL NO. 55—**

BY REPRESENTATIVE FRUGE  
AN ACT

To enact Code of Civil Procedure Art. 76.2, relative to venue; to provide for venue in suits on open accounts; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 172—**

BY REPRESENTATIVES FLAVIN, HEBERT, JOHNS, BARTON, BOWLER, FRUGE, CLARKSON, MCMAINS, MICHOT, PINAC, POWELL, SCALISE, SHAW, STELLY, WALSWORTH, AND WIGGINS AND SENATORS DARDENNE AND HAINKEL  
AN ACT

To enact R.S. 17:439, relative to civil liability of school employees; to provide for limitation of liability for school employees for certain statements made or actions taken; to provide exceptions; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 592—**

BY REPRESENTATIVE COPELIN  
AN ACT

To amend and reenact R.S. 9:1841(1), relative to the Louisiana Trust Code; to provide for the distribution of the forced heir's legitime; to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 779—**

BY REPRESENTATIVES MCMAINS, ANSARDI, AND MCCAIN  
AN ACT

To amend and reenact Children's Code Article 423 and to repeal R.S. 13:1596(F), to provide for the continuous revision of the Children's Code; to provide for hearing officers in juvenile court proceedings; to provide for additional clerk of court personnel and payment; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 781—**

BY REPRESENTATIVES MCMAINS, ANSARDI, AND MCCAIN  
AN ACT

To amend and reenact Children's Code Article 424 and to enact Children's Code Articles 116(2.1) and (2.2), 424.1, 424.2, 424.3, 424.4, 424.5, 424.6, 424.7, 424.8, 424.9, and 424.10, all with respect to court appointed special advocates (CASA); to provide for the continuous revision of the Children's Code; to provide for definitions, purpose, appointment of a CASA program, assignment of a CASA volunteer, order of assignment, duties, notice, appearance as a witness and attendance at court, access to records, reports, requests for hearings, confidentiality, and immunity of CASA volunteers and others; to provide an effective date; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 799—**

BY REPRESENTATIVES TRICHE, DUPRE, AND DOWNER  
AN ACT

To amend and reenact R.S. 9:306(B)(1) and (C), relative to seminars for divorcing parents; to provide for an expanded definition of "instructor"; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 828—**

BY REPRESENTATIVE BRUNEAU AND SENATOR HAINKEL  
AN ACT

To amend and reenact R.S. 9:2796(A), relative to limitation of liability for loss connected with Mardi Gras parades and festivities; to provide individual members of any krewe or organization with limitation of liability; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1490—**

BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact R.S. 9:397.2 and 397.3(A) and (B)(2)(a), relative to paternity; to provide relative to the chain of custody and admissibility of blood or tissue sampling; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1740—**

BY REPRESENTATIVE JOHN SMITH  
AN ACT

To amend and reenact R.S. 30:503(2) and to enact R.S. 19:2(11), relative to limited liability companies; to provide relative to expropriation of property; to provide for expropriation of property by limited liability companies; to provide definitions; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 2060— (Substitute for House Bill No. 1907 by Representative Copelin)**

BY REPRESENTATIVE COPELIN  
AN ACT

To temporarily suspend the prescriptive period in which a minor may establish filiation for the sole purpose of receiving survivor benefits; to provide for retrospective application; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
CHRIS ULLO  
Chairman

**REPORT OF COMMITTEE ON**

**JUDICIARY B**

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

May 25, 1999

To the President and Members of the Senate:

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

**HOUSE CONCURRENT RESOLUTION NO. 6—**

BY REPRESENTATIVE WINDHORST  
A CONCURRENT RESOLUTION

To amend the Department of Public Safety and Corrections, office of state police, division of charitable gaming control rules (LAC 42:I.1731(C), LAC 42:I.1742(B)(1), LAC 42:I.1757(A), LAC 42:I.1787(A)(2), and LAC 42:I.2215), to provide that certain pull-tabs may be defaced two hours following the session, to provide for the timely payment for charitable gaming supplies, and to provide for prohibited combination of interests for commercial lessors and their immediate family members; to provide with respect to the model accounting system; and to repeal the

Department of Public Safety and Corrections, office of state police, division of charitable gaming control rule (LAC 42:I.1725(D)(1)(d)), which provides that a bingo caller is a position of managerial capacity, and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

Reported favorably.

**HOUSE CONCURRENT RESOLUTION NO. 24—**  
BY REPRESENTATIVE WILLARD  
A CONCURRENT RESOLUTION

To direct the Louisiana Gaming Control Board to study the feasibility, practicality, and effectiveness of offering compulsive gambling services in more than one language.

Reported favorably.

**HOUSE BILL NO. 64—**  
BY REPRESENTATIVES THOMPSON AND JENKINS  
AN ACT

To enact R.S. 15:574.4(R) and 824(E), relative to testing of inmates for infectious diseases; to require testing of all persons who are committed to the Department of Public Safety and Corrections; to require testing for certain infectious diseases prior to releasing persons on parole; to provide for the testing procedure; to provide for payment of associated costs by the inmate; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 103—**  
BY REPRESENTATIVES DUPRE AND DOWNER  
AN ACT

To amend and reenact R.S. 33:1704.1(C), relative to fees and costs charged by marshals; to provide for a minimum fee of office that the marshal of the city of Houma is entitled to for each service rendered in civil matters; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 266—**  
BY REPRESENTATIVE WIGGINS  
AN ACT

To amend and reenact R.S. 13:996.28(A) and (B), relative to the Judicial Expense Fund for the Ninth Judicial District Court; to provide for the allocation of additional costs in criminal cases to the fund; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 278—**  
BY REPRESENTATIVES SALTER AND ALEXANDER  
AN ACT

To enact R.S. 13:2616, relative to justice of the peace courts; to provide for the territorial jurisdiction of justice of the peace courts in Bienville Parish; to provide for elections to the office of justice of the peace and constable; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 291—**  
BY REPRESENTATIVE THORNHILL  
AN ACT

To amend and reenact Code of Civil Procedure Art. 4843(E)(2), relative to trial courts of limited jurisdiction; to increase the amount in dispute or the value of the property involved for jurisdiction of the City Court of Slidell; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 309—**  
BY REPRESENTATIVE LONG  
AN ACT

To amend and reenact R.S. 33:1704.1(C) and to enact R.S. 33:1704.1(D), relative to city marshals; to provide for a maximum fee the marshal of the city of Natchitoches shall receive for service in civil matters; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 332—**  
BY REPRESENTATIVE MURRAY  
AN ACT

To amend and reenact R.S. 13:1031 and 1032, relative to clerks of court; to permit the sureties on the clerk's bond in the parish of Orleans to be residents of the state of Louisiana; to lower the bond requirement for the clerk of the civil district court in the parish of Orleans; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 378—**  
BY REPRESENTATIVES WINDHORST, MARIONNEAUX, AND JENKINS  
AN ACT

To amend and reenact R.S. 15:573, relative to certain actions by the Board of Pardons; to provide that actions may only be taken at open meetings of the board; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 409—**  
BY REPRESENTATIVES WELCH, MCMAINS, AND WESTON  
AN ACT

To enact R.S. 13:1000.2, relative to the Nineteenth Judicial District Court; to provide for the assessment and collection of additional costs in criminal matters for the support of the court-appointed special advocate (CASA) program; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 412—**  
BY REPRESENTATIVE CARTER  
AN ACT

To amend and reenact Code of Criminal Procedure Article 887(A), relative to court costs; to authorize the magistrates of mayor's courts to suspend court costs in criminal cases; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 424—**  
BY REPRESENTATIVES WINDHORST AND JENKINS  
A JOINT RESOLUTION

Proposing to amend Article IV, Section 5(E)(1) of the Constitution of Louisiana, to require a favorable recommendation by the Board of Pardons before certain gubernatorial actions may be taken; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 446—**  
BY REPRESENTATIVE LONG  
AN ACT

To enact Code of Criminal Procedure Article 887(F)(3), relative to court costs in criminal proceedings; to increase court costs in the City Court of Natchitoches; to increase court costs in the Tenth Judicial District Court; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 479—**

BY REPRESENTATIVE TRICHE  
AN ACT

To amend and reenact R.S. 40:981.3(A)(3)(a) and (b) and (D) and to enact R.S. 40:981.3(C)(5), relative to drug-free zones; to include public housing authority property within drug-free zones; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 496—**

BY REPRESENTATIVE WRIGHT  
AN ACT

To amend and reenact R.S. 40:2405(E), relative to training requirements for peace officers; to provide for requirements for officers employed in certain villages; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 504—**

BY REPRESENTATIVE WINDHORST  
AN ACT

To enact R.S. 49:191(11)(g) and to repeal R.S. 36:408(B)(2), R.S. 40:1485.3(A) and (B), and R.S. 49:191(10)(m), relative to the termination of legislative authority of existing statutory agencies, including provisions to provide for the re-creation of the Department of Public Safety and Corrections and the statutory entities made a part of the department by law, except the division of charitable gaming control, office of state police; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 566—**

BY REPRESENTATIVE JOHN SMITH  
AN ACT

To amend and reenact R.S. 13:2485.1 and to enact R.S. 33:448, relative to mayors' courts; to create a mayor's court in New Llano, Vernon Parish; to provide for its jurisdiction; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 641—**

BY REPRESENTATIVES LEBLANC, HEATON, DOWNER, FAUCHEUX, TOOMY, WARNER, AND WELCH  
A JOINT RESOLUTION

Proposing to amend Article V, Section 33(B) of the Constitution of Louisiana, to provide that persons who are seventy years of age or older are exempt from jury service and may decline to serve as jurors, but may elect to serve as jurors if they meet the other qualifications for service as jurors; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 676—**

BY REPRESENTATIVE FLAVIN  
AN ACT

To enact R.S. 13:1000.2 and 1909, relative to criminal court costs; to provide for additional costs in the City Court of Lake Charles; to provide for additional costs in the Fourteenth Judicial District Court; to provide for the assessment and collection of such costs in criminal matters for the support of the court-appointed special advocate (CASA) and children's advocacy center (CAC) programs; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 703—**

BY REPRESENTATIVE MARTINY  
AN ACT

To amend and reenact R.S. 15:81, relative to bail; to increase the amount of bail which may be set in the mayor's court in the city of Kenner; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 736—**

BY REPRESENTATIVE TRAVIS  
AN ACT

To enact R.S. 14:329.6(F) and R.S. 29:724(G), relative to declarations of a state of emergency; to provide for access to emergency areas by certain persons; to limit the access in certain circumstances; to provide for notice and procedures; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 767—**

BY REPRESENTATIVE PINAC  
AN ACT

To enact R.S. 33:1704.1(D), relative to fees and costs of particular city marshals; to increase the mileage allowance of the city marshal of Rayne; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 856—**

BY REPRESENTATIVE HILL  
AN ACT

To amend and reenact R.S. 1:55(E)(1)(a)(iii), relative to legal holidays; to provide that Mardi Gras is a legal holiday for the clerk of court of the Thirty-third Judicial District Court; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 903—**

BY REPRESENTATIVES MCCAIN, DEVILLE, HEBERT, HOPKINS, LEBLANC, SALTER, AND TRICHE  
AN ACT

To amend and reenact R.S. 27:19(C), 92(C)(1), and 312(C)(2), relative to the use of certain gaming proceeds derived by the state from riverboat gaming and video draw poker device operations; to provide for use of a portion of such monies to support functions of the Department of Justice related to gaming enforcement and administration; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 947—**

BY REPRESENTATIVES DOWNER, BRUNEAU, ANSARDI, DONELON, AND LANCASTER AND SENATOR BRANCH  
AN ACT

To amend and reenact R.S. 29:102 and 234 and to enact R.S. 29:212a, relative to the Code of Military Justice; to create the offense of wrongful use, possession, manufacture, or distribution of controlled dangerous substances; to define the offense; to provide for its applicability; to provide for the jurisdiction of court-martials; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1032—**

BY REPRESENTATIVE SALTER  
AN ACT

To enact R.S. 40:1379(D), relative to the office of state police, public safety services, of the Department of Public Safety and Corrections; to provide for personnel who are commissioned police employees of the office; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1042—**  
BY REPRESENTATIVES WARNER AND THOMPSON  
AN ACT

To enact R.S. 33:2201(B)(19), relative to survivor benefits; to include additional personnel as law enforcement officers for the purpose of survivor benefits; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1313—**  
BY REPRESENTATIVE TRAVIS  
AN ACT

To amend and reenact R.S. 13:966.1(B), relative to the court reporters for the Twentieth Judicial District; to provide for an increase in salary; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1323—**  
BY REPRESENTATIVE TRAVIS  
AN ACT

To enact Subpart K of Part XI of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1107 through 1107.5, relative to regional juvenile justice facilities; to establish and provide for the purposes and functions of a juvenile justice district for the parishes of East Feliciana and West Feliciana; to provide for a board of commissioners of the district and for the composition, administration, powers, and duties of the board, including the power to incur debt, issue bonds, and levy taxes; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1361—**  
BY REPRESENTATIVES WINDHORST, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER  
AN ACT

To enact R.S. 33:4861.13(D), relative to statement of receipts for charitable gaming organizations; to provide that any disbursements of charitable gaming net proceeds by the charitable organization be approved by the board of directors or financial members in charge; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1363—**  
BY REPRESENTATIVES WINDHORST, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER  
AN ACT

To amend and reenact R.S. 40:1485.5(A)(1), 1485.8(A), (B), and (C), 1485.9(B) and (C), and to enact R.S. 33:4861.2(8) and (9), relative to the regulation of charitable gaming; to include and define noncommercial lessor and casino night contractor within licensing provisions; to make changes to incorporate the definitions; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1365—**  
BY REPRESENTATIVES WINDHORST, DEWITT, DOWNER, MCMAINS, DIEZ, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER  
AN ACT

To amend and reenact R.S. 36:401(B)(1) and 451(B) and (C) and R.S. 49:968(B)(10), to enact R.S. 36:454(C), 458(G), 459(G), and 921(D), R.S. 49:653 and 654 and Chapter 11 of Title 4 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 4:701 through 739, and to repeal R.S. 33:4861.1 through 4861.28 and R.S. 40:1485.1 through 1485.11, all relative to the conducting and regulation of charitable gaming; to provide for duration and form

of a license; to provide relative to hearings; to abolish the division of charitable gaming control, office of state police, Department of Public Safety and Corrections, and transfer its powers, duties, functions, and responsibilities, programs and operations to the office of charitable gaming, Department of Revenue; to provide for reference to the office of charitable gaming; to provide for the powers and duties of the office of charitable gaming; to provide with respect to the rulemaking authority and procedure of the office of charitable gaming; to provide with respect to legislative oversight of administrative rules; to provide for procedures relative to transfer of certain agencies; to provide for certain definitions; to provide with respect to the conducting and regulation of charitable gaming; to provide technical changes to statutes affected by this transfer; to provide with respect to electronic dabber devices; to provide for restrictions on prizes; to increase maximum compensation of employees conducting charitable gaming sessions; to provide that only members of the charitable organization may act in a managerial capacity; to provide relative to violations; to provide for restrictions on combination of interests; to provide that no person under the age of eighteen shall assist in the conducting of electronic or video bingo; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1427—**  
BY REPRESENTATIVES DIEZ, DEWITT, DOWNER, MCMAINS, AND CRANE AND SENATORS DARDENNE, EWING, HAINKEL, BARHAM, AND SCHEDLER  
AN ACT

To amend and reenact R.S. 32:398(F) and (G), relative to accident reports; to require law enforcement agencies to provide copies of video tapes, audio tapes, extraordinary-sized documents, or documents stored on electronic media; to authorize a reasonable fee for copies; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1445—**  
BY REPRESENTATIVES WINDHORST AND SCHNEIDER  
AN ACT

To amend and reenact R.S. 15:572.2 and 574.2(A)(3) and to enact R.S. 15:829.1, relative to donations and sales by prisoners and prison enterprises to certain persons; to provide that the chairmen and the other members of the boards of pardon and parole and administrative employees of corrections services within the Department of Public Safety and Corrections shall not receive or purchase anything of value from any inmate or from prison enterprises; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 1451—**  
BY REPRESENTATIVES MARTINY AND ANSARDI  
AN ACT

To amend and reenact R.S. 33:441.1, relative to the mayor's court in Kenner; to authorize the institution of criminal prosecutions by affidavit or information; to authorize the prosecuting attorney to file an information; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 1718—**  
BY REPRESENTATIVE THOMPSON  
AN ACT

To enact R.S. 33:447, relative to mayor's courts; to create the Mayor's Court for the Village of Forest in West Carroll Parish; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 2260— (Substitute for House Bill No. 690 by Representative Toomy)**

BY REPRESENTATIVE TOOMY  
AN ACT

To amend and reenact R.S. 42:261(A), relative to legal representation of public entities; to exempt the attorney general from representation of certain entities in the parish of Orleans; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
NOBLE E. ELLINGTON  
Chairman

**Motion to Make Special Order**

Senator C. Fields asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 994, which is on Third Reading and Final Passage Subject to Call, Special Order of the Day No. 1 on Thursday, May 27, 1999 immediately following the Morning Hour.

**Privilege Report of the Committee on Senate and Governmental Affairs**

**ENROLLMENTS**

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

May 25, 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 Resolution has been properly enrolled:

**SENATE RESOLUTION NO. 40—**  
BY SENATORS COX, CAIN AND THEUNISSEN  
A RESOLUTION

To recognize and commend the members, coaches, and staff of the Lake Charles-Boston Lady Cougars Outdoor Track and Field Team on winning the Class 3A state meet.

Respectfully submitted,  
JAY DARDENNE  
Chairman

The foregoing Senate Resolution was 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:

May 25, 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. 3—**  
BY SENATORS LANDRY, BAJOE AND SCHEDLER AND REPRESENTATIVE MURRAY

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.

**SENATE CONCURRENT RESOLUTION NO. 12—**  
BY SENATORS DEAN, CAIN, HINES, MALONE, ROBICHAUX, ROMERO, SIRACUSA AND ULLO

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to pursue viable alternatives to the current Turtle Excluder Device regulations.

**SENATE CONCURRENT RESOLUTION NO. 26—**  
BY SENATOR JONES

A CONCURRENT RESOLUTION

To direct and require the Louisiana Department of Labor to conduct courses on judicial training for workers' compensation judges within the office of workers' compensation administration.

**SENATE CONCURRENT RESOLUTION NO. 30—**  
BY SENATORS LANDRY, DYESS, LAMBERT, SCHEDLER AND SMITH

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to authorize and to urge the governor of the state of Louisiana to support the development of the "Comprehensive Hurricane Protection Plan for Coastal Louisiana" by the U. S. Army Corps of Engineers to provide continuous hurricane protection from Morgan City to the Mississippi border.

**SENATE CONCURRENT RESOLUTION NO. 33—**  
BY SENATOR ULLO

A CONCURRENT RESOLUTION

To create the Seafood Standards of Identity Task Force to review current legal, and commonly used, but not legally mandated standards of identity for Louisiana commercial fisheries and seafood products and to make recommendations for more universal and efficient standards.

**SENATE CONCURRENT RESOLUTION NO. 35—**  
BY SENATOR IRONS

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to require, as a prerequisite for graduating from a Louisiana public high school, that all students successfully complete instruction in life management skills and that such requirement become effective for the 2003-2004 school year and thereafter.

**SENATE CONCURRENT RESOLUTION NO. 38—**  
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to institute a public awareness campaign highlighting Louisiana's "Personal Watercraft Safety Act."

**SENATE CONCURRENT RESOLUTION NO. 48—**  
BY SENATOR THOMAS

A CONCURRENT RESOLUTION

To direct the Department of Health and Hospitals to allow Washington Parish Hospital Service District No. 1 and St. Charles Parish Hospital Service District to certify, as contributing public agencies, public funds as representing expenditures eligible for federal financial participation in the Medicaid program to the extent authorized by federal law.

**SENATE CONCURRENT RESOLUTION NO. 71—**

BY SENATOR ROBICHAUX

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Department of Wildlife and Fisheries to conduct workshops for the "Coast Watchers" program.

**SENATE CONCURRENT RESOLUTION NO. 73—**

BY SENATOR ROBICHAUX

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Department of Wildlife and Fisheries not to release any confidential information contained in commercial "trip tickets".

**SENATE CONCURRENT RESOLUTION NO. 80—**

BY SENATORS HINES AND DEAN

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Department of Wildlife and Fisheries to develop a repellent to protect oyster beds from black drum predation.

**SENATE CONCURRENT RESOLUTION NO. 105—**

BY SENATOR C. FIELDS

**A CONCURRENT RESOLUTION**

To urge and request the Department of Transportation and Development to study, in conjunction with the United States Department of Transportation, the feasibility of four-laning Harding Lane (L.A. 408), from Southern University to the existing overpass; and to further urge and request Department of Transportation and Development to work with local officials to facilitate the four-laning of Swan Street, from Southern University to Scenic Drive (U.S. 61) and the construction of an overpass at the rail-crossing on Swan Street.

**SENATE CONCURRENT RESOLUTION NO. 129—**

BY SENATORS COX, CAIN AND THEUNISSEN AND REPRESENTATIVES GUILLORY, FLAVIN, JOHNS, MORRISH AND STELLY

**A CONCURRENT RESOLUTION**

To recognize and commend the members, coaches, and staff of the Lake Charles-Boston Lady Cougars Outdoor Track and Field Team on winning the Class 3A state meet.

**SENATE CONCURRENT RESOLUTION NO. 130—**

BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To designate June 1999 as "Scleroderma Awareness Month".

Respectfully submitted,  
JAY DARDENNE  
Chairman

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

**Message to the Secretary of State**

**SIGNED**

**SENATE CONCURRENT RESOLUTIONS**

May 25, 1999

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 127—**

BY SENATOR HINES

**A CONCURRENT RESOLUTION**

To designate and proclaim the week of May 16 through 22, 1999, as Emergency Medical Services Week.

**SENATE CONCURRENT RESOLUTION NO. 128—**

BY SENATOR ROBICHAUX

**A CONCURRENT RESOLUTION**

To offer the condolences of the Louisiana Legislature on behalf of its members, present and past, and on behalf of the citizens of the state to the family of John Minor Wisdom, a native New Orleanian and a stalwart, courageous, and dedicated federal court of appeals judge.

Respectfully submitted,  
MICHAEL S. BAER, III  
Secretary of the Senate

**Leaves of Absence**

The following leaves of absence were asked for and granted:

C. Fields            ½ Day                    Jordan                    1 Day

**Adjournment**

Senator Bean moved that the Senate adjourn until Wednesday, May 26, 1999 at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Wednesday, May 26, 1999.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk