

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

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**FIFTH DAY'S PROCEEDINGS**

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

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, April 3, 2001

The Senate was called to order at 9:00 o'clock A.M., by Hon. John Hainkel, President of the Senate.

**ROLL CALL**

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

**PRESENT**

Barham	Fields, W	Malone
Bean	Fontenot	McPherson
Boissiere	Heitmeier	Michot
Cain	Hollis	Mount
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Tarver
Dupre	Jones, C	Theunissen
Ellington	Lambert	Ullo
Fields, C	Lentini	
Total—32		

**ABSENT**

Mr. President	Gautreaux	Thomas
Bajoie	Hines	
Cravins	Marionneaux	
Total—7		

The President of the Senate announced there were 32 Senators present and a quorum.

**Prayer**

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

**Morning Hour**

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

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

**SENATE BILL NO. 496—**  
BY SENATOR SCHEDLER

**AN ACT**

To amend and reenact R.S. 17:3801(C)(1) and 3802(C)(4), relative to the Louisiana Education Quality Trust Fund; to provide for use of monies in the fund for payment of investment management and administrative costs; and to provide for related matters.

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

**SENATE BILL NO. 578—**  
BY SENATOR ULLO

**AN ACT**

To enact R.S. 39:1651.1, relative to state procurement; to require that bid specifications for the purchase or use of shrimp be by count size; and to provide for related matters.

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

**SENATE BILL NO. 657—**

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND  
REPRESENTATIVES LANCASTER AND MONTGOMERY

**AN ACT**

To enact R.S. 47:296.2, relative to taxes; to provide for a rule to cease business activity and suspend certain state-granted authority to do certain businesses for willful failure to pay certain assessments and judgments; 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 Original Senate Bill No. 657 by Senator B. Jones

**AMENDMENT NO. 1**

On page 5, delete line 9, and on line 10, delete "money" and insert "(i) The taxpayer"

**AMENDMENT NO. 2**

On page 5, line 10, after "addressed to the" delete the remainder of the line, and delete lines 11 and 12, and on line 13, delete "instrument is drawn" and insert: "taxpayer at the address given in the last report filed by the taxpayer, or to any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from United States Postal Service certified software"

**AMENDMENT NO. 3**

On page 5, line 14, after "depository" delete the comma ","

**AMENDMENT NO. 4**

On page 5, line 21, change "issuer at either of the addresses" to "taxpayer at an address as"

**AMENDMENT NO. 5**

On page 5, line 23, change "issuer" to "taxpayer"

**AMENDMENT NO. 6**

On page 5, line 24, change "issuer's" to "taxpayer's"

**AMENDMENT NO. 7**

On page 5, line 27, change "issuer's" to "taxpayer's"

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

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## 5th DAY'S PROCEEDINGS

### SENATE BILL NO. 658—

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND  
REPRESENTATIVES LANCASTER AND MONTGOMERY  
AN ACT

To amend R.S. 47:1580(A)(4), relative to taxes; to provide for the suspension or interruption of prescription upon the filing of certain returns; 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 Original Senate Bill No. 658 by Senator B. Jones

#### AMENDMENT NO. 1

On page 1, line 6, change "47:531" to "47:1580(A)(4)"

#### AMENDMENT NO. 2

On page 2, delete lines 4 and 5 and insert the following:

"return intentionally adds or omits facts, circumstances, or conditions which additions or omissions result in a material"

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

### SENATE BILL NO. 659—

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND  
REPRESENTATIVES HAMMETT, LANCASTER AND MONTGOMERY  
AN ACT

To amend R.S. 47:1580(C), relative to taxes; to provide for the interruption of prescription for failure to file a return; 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 Original Senate Bill No. 659 by Senator B. Jones

#### AMENDMENT NO. 1

On page 1, line 10, after "C." insert "(1)"

#### AMENDMENT NO. 2

On page 2, between lines 7 and 8, insert:

#### "R.S. 47:1580(C)(2) is all proposed new law.

(2) The interruption of the running of prescription due to the failure to file a return reporting a state tax shall not apply to any state tax periods for which the secretary and the taxpayer have entered into a valid and enforceable voluntary disclosure agreement.

#### R.S. 47:1580(C)(3) is all proposed new law.

(3) The provisions of this Subsection shall only apply to use tax returns when the amount due exceeds five hundred dollars for the tax levied."

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

### SENATE BILL NO. 660—

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND  
REPRESENTATIVES LANCASTER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 47:1604, relative to taxes; to define further false, fraudulent, or grossly incorrect returns; to provide for a civil penalty for paying certain tax due on a return with certain

instruments which are worthless; to provide for a presumption of an intention to defraud; 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 Original Senate Bill No. 660 by Senator B. Jones

#### AMENDMENT NO. 1

On page 1, line 2, between "1604" the comma "," insert "and 1604.2"

#### AMENDMENT NO. 2

On page 1, line 8, change "is" to "and 1604.2 are"

#### AMENDMENT NO. 3

On page 1, line 11, change "A.(1)" to "A."

#### AMENDMENT NO. 4

On page 1, line 15, change "per cent (50%)" to "percent"

#### AMENDMENT NO. 5

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

#### AMENDMENT NO. 6

On page 2, delete lines 6 and 7 and insert in lieu thereof the following: "grossly incorrect if the return intentionally adds or omits facts, circumstances, or conditions which additions or omissions"

#### AMENDMENT NO. 7

On page 2, delete lines 10 through 27 and on page 2, delete lines 1 through 11, and insert the following:

"\* \* \*

§ 1604.2. Insufficient funds check in payment of taxes; penalty

A. In the event a check used to make payment of a tax, interest, penalty, or fee due under this Subtitle is returned unpaid by the bank on which it is drawn for any reason related to the account on which the check is written, such shall constitute a failure to pay the tax, interest, penalty, or fee due and a specific penalty shall be imposed on the taxpayer in addition to all other penalties provided by law; provided ~~however that~~, upon sufficient proof being furnished to the secretary by the bank that the bank was at fault for the nonpayment of the check, the secretary shall waive the penalty provided for in this ~~Section~~ Subsection. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were part of the tax, interest, penalty, or fee that is due in payment of which the check was given and may be enforced in a separate action or in any action instituted for the collection of the tax, interest, penalty, or fee. The specific penalty imposed under this ~~Section~~ Subsection shall be an amount equal to the greater of one percent of the check or twenty dollars. After receipt of three insufficient fund checks during any two-year period, the secretary of the Department of Revenue may require payment of the taxes, interest, penalties, or fees due by the taxpayer to be paid by certified check, money order, or cash.

#### R.S. 47:1604.2(B) is all proposed new law.

B. In addition to the penalty set forth in Subsection (A) of this Section, it shall be presumptive evidence of the taxpayer's intent to defraud the state and a penalty of fifty percent shall be imposed if a check, draft, or order for the payment of money upon any bank or other depository issued as payment of any tax due is returned unpaid by the bank or other depository and the taxpayer knows at the time of the issuance of the check, draft, or order that there is not sufficient credit with the bank or other depository for the payment in full of the instrument upon its presentation, provided that:

(1) A notice that the instrument was returned unpaid shall be mailed to the taxpayer at the address given in the last report filed by said taxpayer, or to any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local

government entity, including but not limited to the United States Postal Service or from United States Postal Service certified software and the taxpayer does not make payment within fifteen days of the mailing of the notice.

(2) If payment is not made within fifteen days of the notice mailed under Paragraph (B)(1) of this Subsection, the notice shall be mailed by certified mail in the United States mail system to the taxpayer at the address given in the last report filed by the taxpayer, or to any address obtainable from any private entity which will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from United States Postal Service certified software or shall be delivered or personally tendered on the taxpayer. If payment is not made within fifteen days of the certified mail notice or fifteen days after the delivery or personal tender of the notice the presumption shall apply and the penalty shall be imposed."

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

#### SENATE BILL NO. 665—

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND REPRESENTATIVES HAMMETT, LANCASTER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 14:71(A)(2) and (B) and to enact R.S. 14:71(A)(1)(e), relative to issuing worthless checks; to make the issuance and non-payment of certain checks, drafts, or orders a crime; 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 Original Senate Bill No. 665 by Senator B. Jones

##### AMENDMENT NO. 1

On page 1, line 2, after "14:71" delete "(A)(2) and".

##### AMENDMENT NO. 2

On page 1, line 7, after "14:71" delete "(A)(2) and".

##### AMENDMENT NO. 3

On page 1, line 7, after (B), change "are" to "is".

##### AMENDMENT NO. 4

On page 1, line 7, after "amended" insert "and reenacted".

##### AMENDMENT NO. 5

On page 1, 8, change "are" to "is".

##### AMENDMENT NO. 6

On page 2, line 2, after "(2)", delete "(a)"

##### AMENDMENT NO. 7

On page 2, delete lines 11 through 27.

##### AMENDMENT NO. 8

On page 3, delete line 1 through 6.

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

#### SENATE BILL NO. 669—

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND REPRESENTATIVES HAMMETT, LANCASTER AND MONTGOMERY  
AN ACT

To enact R.S. 47:1574.1, relative to taxes; to provide for a cease and desist of business action for the secretary of the Department of

Revenue for failure to pay certain taxes and related amounts; 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, ordered engrossed, and passed to a third reading.

#### SENATE BILL NO. 674—

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND REPRESENTATIVES LANCASTER AND MONTGOMERY  
AN ACT

To enact R.S. 47:1542.2, relative to authorizing the secretary of the Department of Revenue to request records in machine-sensible format; 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 Original Senate Bill No. 674 by Senator B. Jones

##### AMENDMENT NO. 1

On page 1, line 12, after "designee in" insert "**the**" and after "format" insert "**used by the taxpayer**"

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

#### SENATE BILL NO. 675—

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND REPRESENTATIVES LANCASTER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 47:116(A) and 118(A) and (D), relative to individual income tax; to change the requirement that a declaration of estimated income tax be filed and paid; 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 Original Senate Bill No. 675 by Senator B. Jones

##### AMENDMENT NO. 1

On page 1, line 2, between "(D)" and the comma "," insert the following: "and R.S. 47:120.1(A), the introductory paragraph of R.S. 47:120.1 (D), and R.S. 47:120.1(G)(1)"

##### AMENDMENT NO. 2

On page 1, line 3, delete "individual"

##### AMENDMENT NO. 3

On page 1, line 4, between "estimated" and "income" insert "individual"

##### AMENDMENT NO. 4

On page 1, line 4, between "paid;" and "and to provide" insert the following: "to provide for failure of corporations to pay estimated income taxes;"

##### AMENDMENT NO. 5

On page 1, line 7, between "(D)" and "are" insert the following:

"and R.S. 47:120.1(A), the introductory paragraph of R.S. 47:120.1 (D), and R.S. 47:120.1(G)(1)"

##### AMENDMENT NO. 6

On page 1, line 13, after "**January 1**," change "**2003**" to "**2001**"

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### AMENDMENT NO. 7

On page 1, line 15, after "January 1," change "2003" to "2001"

### AMENDMENT NO. 8

On page 1, line 15, after "deducting" insert "all allowable credits" and delete "credit for taxes paid by"

### AMENDMENT NO. 9

On page 2, delete line 1

### AMENDMENT NO. 10

On page 2, at the beginning of the line 2, delete "state"

### AMENDMENT NO. 11

On page 2, line 8, after "penalty" delete "determined at the rate"

### AMENDMENT NO. 12

On page 2, between lines 20 and 21, insert the following:

"§120.1. Failure by corporation to pay estimated income tax

A. Addition to the tax. In case of any underpayment of estimated tax by a corporation, except as provided in Subsection D, there shall be added to the tax under this Chapter for the taxable year ~~an amount determined at the rate a penalty~~ of twelve percent per annum upon the amount of the underpayment (determined under Subsection B of this Section) for the period of the underpayment as determined under Subsection C of this Section.

\* \* \*

D. Exception. Notwithstanding the provisions of the preceding subsections, the ~~addition to the tax penalty imposed~~ with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser:

\* \* \*

G. Excessive adjustment under R.S. 47:120.2.

(1) Addition to tax. If the amount of an adjustment under R.S. 47:120.2 made before the ~~15th~~ fifteenth day of the fourth month following the close of the taxable year is excessive there shall be added to the tax under this Chapter for the taxable year ~~an amount determined at the rate a penalty~~ of twelve percent per annum upon the excessive amount from the date on which the credit is allowed or the refund is paid to such ~~15th~~ fifteenth day.

\* \* \*

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

### **SENATE BILL NO. 678—**

BY SENATORS B. JONES, DARDENNE AND GAUTREAUX AND REPRESENTATIVES HAMMETT, LANCASTER AND MONTGOMERY  
AN ACT

To amend and reenact R.S. 26:78(A), 80(A)(10) and (E), 86, 278(A), 280(A)(9) and (E), and 283, R.S. 27:306(F) and (H)1, and 310(B)(1)(e), R.S. 39:1594(G), R.S. 47:9(B)(1), 9050(B)(2), and 9060(D), and to enact R.S. 38:2216(N), R.S. 39:1498(A)(10) and 1616(5), R.S. 47:9(C), and R.S. 48:255(G), relative to tax clearances; to expand the need for tax clearances to certain businesses and certain taxes; to require a tax clearance upon the renewal of certain licenses; and to provide for related matters.

### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 678 by Senator B. Jones

### AMENDMENT NO. 1

On page 1, line 4, after "R.S. 47:" delete "9(B)(1),"

### AMENDMENT NO. 2

On page 10, line 12, after "R.S. 47:" delete "9(B)(1),"

### AMENDMENT NO. 3

On page 10, delete lines 17 through 27, and on page 11, delete lines 1 through 18

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

### **Recess**

On motion of Senator Theunissen, the Senate took a recess until 3:00 o'clock P.M.

### **After Recess**

The Senate was called to order at 3:00 o'clock P.M. by the President of the Senate.

### **ROLL CALL**

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

#### **PRESENT**

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—39		

#### **ABSENT**

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

### **Senate Business Resumed**

### **Rules Suspended**

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

### **Introduction of Senate Bills and Joint Resolutions**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

### **SENATE BILL NO. 988—**

BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 40:4(A)(8)(a) and to enact R.S. 40:4(A)(8)(c), relative to powers and duties of the state health officer; to prohibit the state health officer or the health officer's

designee from requiring that new or existing community water systems meet certain capacity requirements as a condition of review and approval of plans and specifications for public water works facilities; and to provide for related matters.

On motion of Senator Lambert, the bill 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**

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

April 3, 2001

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. 430—  
BY REPRESENTATIVE LANCASTER  
AN ACT**

To amend and reenact R.S. 18:1483(14)(b) and to repeal R.S. 18:1491.9, relative to campaign finance disclosure; to remove certain provisions requiring that an out-of-state political committee file certain portions of reports to the Federal Elections Commission with the supervisory committee if the committee makes any contribution or expenditure in support of or in opposition to a candidate or proposition in a Louisiana election.

**HOUSE BILL NO. 794—  
BY REPRESENTATIVE THOMPSON AND SENATOR C. JONES  
AN ACT**

To amend and reenact R.S. 17:3991(B)(1)(b)(ii), relative to charter school enrollment requirements; to provide relative to requirements for enrolling at-risk pupils in Types 2, 3, and 4 charter schools in certain parishes; and to provide for related matters.

**HOUSE BILL NO. 1255—  
BY REPRESENTATIVES LEBLANC AND DEWITT  
AN ACT**

To amend and reenact R.S. 17:3995(A)(2), relative to charter school funding; to authorize the State Board of Elementary and Secondary Education to provide for a second pupil membership count for purposes of adjusting allocations made to Type 2 charter schools resulting from changes in enrollment; and to provide for related matters.

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

**House Bills and Joint Resolutions**

Senator Lambert 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. 430—  
BY REPRESENTATIVE LANCASTER  
AN ACT**

To amend and reenact R.S. 18:1483(14)(b) and to repeal R.S. 18:1491.9, relative to campaign finance disclosure; to remove certain provisions requiring that an out-of-state political committee file certain portions of reports to the Federal Elections Commission with the supervisory committee if the committee makes any contribution or expenditure in support of or in opposition to a candidate or proposition in a Louisiana election.

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

**HOUSE BILL NO. 794—  
BY REPRESENTATIVE THOMPSON AND SENATOR C. JONES  
AN ACT**

To amend and reenact R.S. 17:3991(B)(1)(b)(ii), relative to charter school enrollment requirements; to provide relative to requirements for enrolling at-risk pupils in Types 2, 3, and 4 charter schools in certain parishes; and to provide for related matters.

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

**HOUSE BILL NO. 1255—  
BY REPRESENTATIVES LEBLANC AND DEWITT  
AN ACT**

To amend and reenact R.S. 17:3995(A)(2), relative to charter school funding; to authorize the State Board of Elementary and Secondary Education to provide for a second pupil membership count for purposes of adjusting allocations made to Type 2 charter schools resulting from changes in enrollment; and to provide for related matters.

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

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**JUDICIARY B**

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

April 3, 2001

To the President and Members of the Senate:

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

**SENATE BILL NO. 82—  
BY SENATOR C. FIELDS  
A JOINT RESOLUTION**

Proposing to amend Article IV, Section 5(E)(1) of the Constitution of Louisiana, relative to the Board of Pardons; to provide for the effect of favorable recommendations of the board; to provide a time period for such recommendations to take effect without gubernatorial action; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported favorably.

**SENATE BILL NO. 100—**  
BY SENATOR C. JONES

AN ACT

To amend and reenact R.S. 33:2334(A), (B)(1) and (2), relative to fire and police departments; to provide with respect to appearance bond fees payable to municipal chiefs of police; to increase the fee; to provide for the disposition thereof; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 282—**  
BY SENATOR FONTENOT

AN ACT

To enact R.S. 13:756.9, relative to clerks of court; to provide for branch offices of the clerk of court in the parish of Livingston; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 348—**  
BY SENATOR C. FIELDS

AN ACT

To amend and reenact R.S. 15:874(5) and to enact R.S. 15:712, relative to inmates compensation accounts; to require that all interest earned on an inmate's money be credited to such inmate's compensation account; to prohibit any interest so earned to be credited to the state; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 408—**  
BY SENATOR C. FIELDS

AN ACT

To enact R.S. 15:571.9, relative to pardons and parole; to provide for the effect of laws increasing a term of imprisonment, fine, or forfeiture, or imposing additional punishment; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 615—**  
BY SENATOR FONTENOT

AN ACT

To enact R.S. 15:255(D)(3), relative to special funds for witness fees for off-duty law enforcement officers; to provide relative to a surplus in such funds; to provide that such surplus funds in the Twenty-First Judicial District shall be transferred annually to the criminal court funds in such district; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 830—**  
BY SENATORS ROMERO AND CRAVINS

AN ACT

To amend and reenact R.S. 13:996.35, relative to the authority to collect additional sheriff fees in certain parishes; to continue the applicability of such authority in certain parishes; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 892—**  
BY SENATORS CRAVINS AND ROMERO

AN ACT

To amend and reenact R.S. 13:996.35, relative to the authority to collect additional sheriffs' fees in certain parishes; to continue the applicability of such authority in certain parishes; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 949—**  
BY SENATOR C. JONES

AN ACT

To amend and reenact R.S. 33:1563(J) and to enact R.S. 33:1563(K)(4), relative to coroners, to provide with respect to the releasing of the autopsy report; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
DONALD R. CRAVINS  
Chairman

**REPORT OF COMMITTEE ON  
ENVIRONMENTAL QUALITY**

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

April 3, 2001

To the President and Members of the Senate:

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

**SENATE BILL NO. 379—**  
BY SENATORS ELLINGTON AND SMITH

AN ACT

To enact Part XXIII of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.141 through 3087.155, relative to water conservation; to provide for the creation of the Castor Creek Reservoir District and a board of commissioners for the district; to provide for jurisdiction, powers, and functions of the district and the board, including authority for taxation and expropriation; to provide for enforcement of rules and regulations of the board; to provide for violations and penalties; to provide for the powers and duties of certain state departments and agencies; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 412—**  
BY SENATOR ELLINGTON

AN ACT

To enact Part XXIII of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.141 through 3087.155, relative to water conservation; to provide for the creation of the Turkey Creek Reservoir District and a board of commissioners for the district; to provide for jurisdiction, powers, and functions of the district and the board, including authority for taxation and expropriation; to provide for enforcement of rules and regulations of the board; to provide for violations and penalties; to provide for the powers and duties of certain state departments and agencies; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
JAMES DAVID CAIN  
Chairman

**REPORT OF COMMITTEE ON  
JUDICIARY C**

Senator Lentini, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

April 3, 2001

To the President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 29—**  
BY SENATOR IRONS

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to address the problem of sexual trafficking.

Reported favorably.

**SENATE BILL NO. 12—**  
BY SENATOR LENTINI

**AN ACT**

To amend and reenact Code of Criminal Procedure Art. 793, relative to trial by jury; to allow jurors in criminal cases to take notes under certain conditions; to authorize jurors to use such notes during deliberations; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 29—**  
BY SENATOR LENTINI

**AN ACT**

To amend and reenact Code of Criminal Procedure Arts. 801 and 808, relative to jury trials; to permit written instructions and charges to the jury to go to the jury room under certain conditions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 217—**  
BY SENATOR MCPHERSON

**AN ACT**

To enact R.S. 14:67.17, relative to misappropriation without evidence; to create the crime of theft of the assets of an aged person or disabled person; to define such crime; to provide for penalties; to classify persons being effected by such crime; to require certain reporting; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 424—**  
BY SENATOR JOHNSON

**AN ACT**

To enact R.S. 14:94.1, relative to offenses affecting the public safety; to create the crime of illegal possession of a firearm; to permit possession of only those firearms which are equipped with a device making it useable only by the owner; to provide for exceptions for certain law enforcement officers; to provide for penalties; to provide for effective date; and to provide for related matters.

Reported without action.

**SENATE BILL NO. 425—**  
BY SENATOR JOHNSON

**AN ACT**

To enact R.S. 14:95.9, relative to offenses affecting public safety; to provide for the crime of criminal storage of a firearm; to require the securing of a firearm to prevent access by a minor under the age of sixteen years from obtaining such a weapon and causing or attempting to cause injury or death to himself or others; to provide for penalties; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 770—**  
BY SENATOR GAUTREAUX

**AN ACT**

To amend and reenact R.S. 26:493.1, relative to alcoholic beverages; to continue municipal authority to regulate the closing time at bars in certain parishes; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 893—**  
BY SENATOR MARIONNEAUX

**AN ACT**

To enact R.S. 13:1000.6 and 1912, relative to the court-appointed special advocate program (CASA); to provide for the assessment and collection of additional costs in criminal matters for the support of CASA programs in the City Court of Port Allen and the Eighteenth Judicial District Court; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Motion to Recommit**

Senator C. Fields asked for and obtained a suspension of the rules and recommitted Senate Bill No. 306 from the Committee on Judiciary C to the Committee on Judiciary B.

**Motion to Recommit**

Senator C. Jones asked for and obtained a suspension of the rules and recommitted Senate Bill No. 520 from the Committee on Local and Municipal Affairs to the Committee on Judiciary B.

**Motion to Recommit**

Senator Ellington asked for and obtained a suspension of the rules and recommitted Senate Bill No. 712 from the Committee on Health and Welfare to the Committee on Senate and Governmental Affairs.

**Special Order of the Day**

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

**SENATE BILL NO. 80—**  
BY SENATOR C. FIELDS

**AN ACT**

To enact Part III of Chapter 4 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:571.1, and R.S. 36:409(P), relative to execution of a sentence of death in capital cases; to establish and provide for the Louisiana Death Sentence Study Commission to study the death penalty in the state; to require the commission to make recommendations based on its findings; to provide for composition of the commission; to require Senate confirmation of commission members; to provide for the expenses of commissioners; to require meetings of the commission; and to provide for related matters.

**Floor Amendments Sent Up**

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

**SENATE FLOOR AMENDMENTS**

# Page 8 SENATE

April 3, 2001

## 5th DAY'S PROCEEDINGS

Amendments proposed by Senator C. Fields to Engrossed Senate Bill No. 80 by Senator C. Fields

### AMENDMENT NO. 1

On page 1, line 3, after "15:571.1" add "and 571.2"

### AMENDMENT NO. 2

On page 1, line 10, after the semicolon ";," add "to provide for a moratorium on the death sentence; to require that the proceedings in capital offense continue during the moratorium but no execution dates be scheduled during that time;"

### AMENDMENT NO. 3

On page 1, line 13, after "15:571.1" add "and "571.2"

### AMENDMENT NO. 4

On page 4, between lines 24 and 25, add the following:

"§571.2. Death penalty imposition; moratorium

### R.S. 15:571.2 is all proposed new law.

A. There shall be a moratorium on the death penalty throughout the state. Notwithstanding any court order to the contrary, no execution of an inmate shall take place on or after the effective date of this Section and before February 1, 2005. All executions scheduled to occur during this period shall be rescheduled.

B. During the moratorium period provided for in this Section, the special procedures in capital cases provided for in the Code of Criminal Procedure Articles 905 and 905.9 and any other proceedings related to capital cases, including motions for post-conviction relief, shall continue to be operative and shall proceed as if no such moratorium were in place, except that no day certain for execution shall be appointed that falls during the period of moratorium. "

Senator C. Fields moved adoption of the amendments.

Senator Lentini objected.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Bajoie	Fields, C	Johnson
Cravins	Fields, W	Jones, C
Total—6		

#### NAYS

Mr. President	Gautreaux	Michot
Barham	Heitmeier	Mount
Bean	Hines	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Dardenne	Jones, B	Tarver
Dean	Lambert	Theunissen
Dupre	Lentini	Thomas
Ellington	Malone	Ullo
Fontenot	McPherson	
Total—29		

#### ABSENT

Boissiere	Irons
Campbell	Marionneaux
Total—4	

The Chair declared the amendments were rejected.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Bajoie	Dupre	Jones, C
Barham	Fields, C	Lambert
Boissiere	Fields, W	Lentini
Campbell	Gautreaux	McPherson
Chaisson	Heitmeier	Mount
Cravins	Hines	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Theunissen
Total—24		

#### NAYS

Bean	Hoyt	Tarver
Cain	Malone	Thomas
Ellington	Michot	Ullo
Hollis	Romero	
Total—11		

#### ABSENT

Mr. President	Jones, B
Fontenot	Marionneaux
Total—4	

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

### Rules Suspended

Senator Theunissen 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. 19—

BY SENATOR THEUNISSEN AND REPRESENTATIVE FAUCHEUX  
AN ACT

To amend and reenact R.S. 2:902(C), relative to funds; to provide for grants from the General Aviation and Reliever Airport Maintenance Grant Program; to increase the maximum annual grant amount an airport can receive under certain conditions; and to provide for related matters.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount



Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—36

Hines  
Hollis  
Irons  
Johnson  
Jones, B  
Jones, C  
Lambert

Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Campbell  
Total—3

Hoyt

Marionneaux

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

#### SENATE BILL NO. 53—

BY SENATOR LAMBERT (BY REQUEST)

AN ACT

To enact R.S. 47:463.83, relative to prestige plates; to authorize the issuance of a special prestige license plate for Beta Sigma Phi; to provide for the design of the plate and a contract regarding the payment of a royalty fee to Beta Sigma Phi for use of its logo; and to provide for related matters.

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

#### ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  
Bajoie  
Barham  
Boissiere  
Cain  
Campbell  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—36

Fields, C  
Fields, W  
Fontenot  
Gautreaux  
Heitmeier  
Hines  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, C

Lambert  
Lentini  
Malone  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Ullo

NAYS

Bean  
Total—1

ABSENT

Marionneaux  
Total—2

Thomas

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

#### SENATE BILL NO. 110—

BY SENATOR THOMAS

AN ACT

To amend and reenact R.S. 47:463.18(A) and (C)(1), relative to motor vehicle license plates; to authorize motorcycles to have a veteran's license plate; 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  
Bajoie  
Barham  
Boissiere  
Cain  
Campbell  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Fields, C  
Total—37

Fields, W  
Fontenot  
Gautreaux  
Heitmeier  
Hines  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, C  
Lambert  
Lentini

Malone  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Bean  
Total—1

ABSENT

Marionneaux  
Total—1

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.

#### SENATE BILL NO. 113—

BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 17:183.1, 183.2(A) and (B)(1), 183.3 (A), (B)(1), the introductory paragraph of (B)(2), (B)(2)(f), and (C), the introductory paragraph of 183.4 (A)(1), (A)(1)(e), (B)(2)(f) and (4), the introductory paragraph of 183.5(A), (B)(2) and (5), (C), and (E), 183.6 (A), (B), and (C)(7), 183.7(A), (B), (C)(1) and (2)(b), (c) and (d), and (D), 183.8 (A)(1) and (2)(b)(vii), (B)(1), (2)(a), (e), (f), (g) and (h), and 183.9, and to repeal R.S. 17:183.3(B)(2)(g), relative to the high school career option program; to provide for references to the career major field of study; to provide course requirements; to provide relative to options that may be incorporated into school planning to aid in curriculum design; to provide for reporting requirements; 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  
Bajoie  
Barham  
Bean  
Boissiere  
Cain  
Campbell  
Chaisson  
Cravins

Fields, C  
Fields, W  
Fontenot  
Gautreaux  
Heitmeier  
Hines  
Hollis  
Hoyt  
Irons

Lentini  
Malone  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver

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Dardenne  
Dean  
Dupre  
Ellington  
Total—38

Johnson  
Jones, B  
Jones, C  
Lambert  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Marionneaux  
Total—1

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.

## SENATE BILL NO. 114— BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:421.6 (A), (B) and (C), relative to salaries of certain school employees; to provide a salary adjustment for certain public school administrators having certificates issued by the National Board for Professional Teaching Standards; to extend the period of eligibility; and to provide for related matters.

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

## ROLL CALL

The roll was called with the following result:

YEAS

Mr. President  
Bajoie  
Barham  
Bean  
Boissiere  
Cain  
Campbell  
Chaisson  
Dardenne  
Dupre  
Ellington  
Fields, C  
Total—36

Fields, W  
Fontenot  
Gautreaux  
Heitmeier  
Hines  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, C  
Lambert  
Lentini  
Malone  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Dean  
Total—1

ABSENT

Cravins  
Total—2

Marionneaux

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

## SENATE BILL NO. 152— BY SENATORS SCHEDLER AND HINES AN ACT

To enact R.S. 47:463.83, relative to motor vehicle license plates; to provide for a special prestige license plate for the Louisiana Nursing Foundation; to provide for its charge; to provide for the distribution and use of the monies; and to provide for related matters.

## Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

## SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 152 by Senator Schedler

### AMENDMENT NO. 1

On page 1, line 9, change "R.S. 47:463.82" to "R.S. 47:463.83"

On motion of Senator Lambert, the amendments were adopted.

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

## ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields, C	Lentini	
Fields, W	Malone	
Total—37		

NAYS

Total—0

ABSENT

Mr. President  
Total—2

Cravins

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

## SENATE BILL NO. 163— BY SENATOR FONTENOT

A JOINT RESOLUTION

Proposing to amend Article V, Section 29 of the Constitution of Louisiana, relative to coroners; to authorize the qualifications for office of coroner in Livingston Parish to be established by law; 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.

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

## ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	Michot

Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Campbell	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Tarver
Ellington	Jones, C	Theunissen
Fields, C	Lambert	Ullo
Fields, W	Lentini	
Fontenot	Malone	
Total—31		

NAYS

Bean	Hines	Thomas
Total—3		

ABSENT

Mr. President	Cravins	McPherson
Chaisson	Dupre	
Total—5		

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

**SENATE BILL NO. 165—**

BY SENATOR MARIONNEAUX

**A JOINT RESOLUTION**

Proposing to amend Article III, Section 13 of the Constitution of Louisiana, relative to legislative process; to provide that a local or special bill shall be defined as established by law; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

**SENATE BILL NO. 166—**

BY SENATOR MARIONNEAUX

**A JOINT RESOLUTION**

Proposing to amend Article III, Section 2(A) and Article XIII, Section 1(A) of the Constitution of Louisiana, relative to sessions of the legislature; to provide for annual general sessions of the legislature; to provide limitations; to provide deadlines for the prefiling and introduction of legislation and for certain legislative action; 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.

**Motion to Recommit**

Senator Marionneaux asked for and obtained a suspension of the rules and recommitted Senate Bill No. 166, which was on Third Reading and Final Passage, to the Committee on Finance.

**SENATE BILL NO. 182—**

BY SENATOR MICHOT

**AN ACT**

To enact R.S. 47:463.83, relative to motor vehicle license plates; to provide for a special prestige license plate for the Camp Woodmen; to provide for its charge; to provide for the distribution and use of the monies; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

YEAS

Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Dardenne	Irons	Schedler
Dean	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Jones, C	Theunissen
Fields, C	Lambert	Thomas
Fields, W	Lentini	Ullo
Fontenot	Malone	
Total—35		

NAYS

Bean
Total—1

ABSENT

Mr. President	Campbell	Cravins
Total—3		

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

**SENATE BILL NO. 197—**

BY SENATOR ULLO

**AN ACT**

To amend and reenact R.S. 8:1(6), 62, 75, 451, 454, 457(A), 459.1(B) and (D) 465(C)(2) and 662, and to enact R.S. 8:454.1, relative to operation of perpetual or endowed care cemeteries; to provide for the make up of the cemetery board; to increase fines for violations of board rules and regulations; to provide relative to trust funds and the administration thereof; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lambert sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 197 by Senator Ullo

**AMENDMENT NO. 1**

On page 1, line 2, following "457(A)" and before the comma ",", insert "(introductory paragraph)"

**AMENDMENT NO. 2**

On page 1, line 2, following "459.1(B) and (D)" insert a comma ",",

**AMENDMENT NO. 3**

On page 1, line 3, following "465(C)(2)" and before "and" insert a comma ",",

**AMENDMENT NO. 4**

On page 1, line 9, following "457(A)" and before the comma ",", insert "(introductory paragraph)"

**AMENDMENT NO. 5**

On page 6, line 13, following "trustee" and before the colon ":" change "as follows" to "which shall be one of the following"

**AMENDMENT NO. 6**

On page 8, line 14, following "well" and before "kept" insert a hyphen "-",

On motion of Senator Lambert, the amendments were adopted.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—39		

#### NAYS

Total—0

#### ABSENT

Total—0

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

### SENATE BILL NO. 204— BY SENATOR W. FIELDS

#### AN ACT

To enact R.S. 47:463.83, relative to motor vehicle license plates; to provide for the creation of a special prestige license plate for the New Orleans Saints; and to provide for related matters.

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

### SENATE BILL NO. 218— BY SENATOR MARIONNEAUX

#### AN ACT

To enact Part IV of Chapter 4 of Title 43 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 43:190, relative to the legislative process; to provide for the advertisement of a local or special bill; and to provide for related matters.

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

### SENATE BILL NO. 228— BY SENATORS MOUNT AND THEUNISSEN AND REPRESENTATIVES FLAVIN, GUILLORY, JOHNS AND STELLY

#### AN ACT

To name Interstate 210 located in the city of Lake Charles as the Doug Fournet Memorial Parkway; and to provide for related matters.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Ellington	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Cain	Hines	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, C	Thomas
Dupre	Lambert	Ullo
Total—36		

#### NAYS

Total—0

#### ABSENT

Fields, C	Jones, B	Marionneaux
Total—3		

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

### SENATE BILL NO. 229— BY SENATOR SCHEDLER

#### AN ACT

To enact Part VIII of Chapter 1 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40: 31.41 through 31.48, and to repeal R.S. 40:31.2, relative to health care; to provide for legislative intent; to provide for definitions; to create the Louisiana Birth Defects Surveillance System; to provide for confidentiality of data in the surveillance system; to provide for annual reporting; to create an advisory board and provide for its duties, membership, terms, vacancies, and officers; to provide for cooperation by other state entities; to provide for promulgation of rules and regulations; to repeal certain provisions of law relative to reporting of congenital anomalies; and to provide for related matters.

### Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 229 by Senator Schedler

#### AMENDMENT NO. 1

On page 1, line 2, following "Part" and before "of" change "VIII" to "VII"

On motion of Senator Lambert, the amendments were adopted.

### Floor Amendments Sent Up

Senator Schedler sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Schedler to Engrossed Senate Bill No. 229 by Senator Schedler

#### AMENDMENT NO. 1

On page 3, at the end of line 11, insert the following:

"However, reporting sources shall not collect or report information on birth defects of a child to the office whenever there is a written objection by the parent or legal guardian that collecting and reporting such information would conflict with their religious tenets or practices."

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On motion of Senator Schedler, the amendments were adopted.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, W	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ulló
Fields, C	Lentini	
Total—38		

**NAYS**

Dean  
Total—1

**ABSENT**

Total—0

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

**SENATE BILL NO. 234—**  
BY SENATOR FONTENOT**AN ACT**

To enact R.S. 32:1306(C)(3)(d), relative to motor vehicle inspections; to provide for the applicability of certain additional fees; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ulló
Total—39		

**NAYS**

Total—0

**ABSENT**

Total—0

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

**SENATE BILL NO. 236—**  
BY SENATOR ULLO**AN ACT**

To amend and reenact R.S. 46:333(A), relative to preference to the blind in the operation of concessions in state buildings; to provide for such preferences in technical colleges; and to provide for related matters.

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

**SENATE BILL NO. 247—**  
BY SENATOR SCHEDLER**AN ACT**

To enact R.S. 17:421.7, relative to public school counselors; to provide a salary supplement for certain public school counselors that have acquired certain certification by the National Board for Certified Counselors; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide limitations; to provide definitions; and to provide for related matters.

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

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ulló
Fields, C	Lentini	
Fields, W	Malone	
Total—37		

**NAYS**

Campbell  
Total—2

Dean

**ABSENT**

Total—0

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

**SENATE BILL NO. 252—**  
BY SENATOR CRAVINS**AN ACT**

To enact R.S. 33:2536.4, relative to civil service; to provide with respect to fire and police civil service boards; to provide relative to compensation of members of the fire and police civil service board in the municipality of Opelousas; to authorize compensation of

members of the board for attendance at meetings; to provide limitations; and to provide for related matters.

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

### SENATE BILL NO. 283— BY SENATOR THEUNISSEN

#### AN ACT

To enact R.S. 39:817, relative to the Cameron Parish School Board; to authorize the levy of a parcel fee within School District No. 4 of the parish boundaries; to provide for voter approval; to provide for imposition and collection; to provide a limitation on the amount of any such parcel fee; to provide relative to the use of proceeds; and to provide for related matters.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—39		

#### NAYS

Total—0

#### ABSENT

Total—0

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

### SENATE BILL NO. 284— BY SENATOR ROMERO

#### AN ACT

To amend and reenact R.S. 46:1053(B)(4), relative to Iberia Parish Hospital Service District No. 1; to provide relative to the terms of office of members of the board of commissioners of the district; and to provide for related matters.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson

Boissiere  
Cain  
Campbell  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—39

Heitmeier  
Hines  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, C  
Lambert

Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

#### NAYS

Total—0

#### ABSENT

Total—0

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

### SENATE BILL NO. 297— BY SENATOR SCHEDLER

#### AN ACT

To enact R.S. 37:2504(G), relative to office space for the Board of Examiners of Nursing Facility Administrators; to authorize the board to lease, lease purchase, or purchase office space; to require approval from the division of administration; and to provide for related matters.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—39		

#### NAYS

Total—0

#### ABSENT

Total—0

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

### SENATE BILL NO. 325— BY SENATOR HAINKEL

#### AN ACT

To enact R.S. 33:2481(B)(6), relative to the fire and police civil service; to provide that the chief of police for the city of Hammond is placed in the unclassified service; and to provide for related matters.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ulló
Total—39		

#### NAYS

Total—0

#### ABSENT

Total—0

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

### SENATE BILL NO. 335—

BY SENATORS B. JONES AND SCHEDLER  
AN ACT

To amend and reenact R.S. 40:34(A) and the introductory paragraph of (B), relative to vital records forms; to provide for electronic registration of vital records; to provide for promulgation of rules and regulations thereto; and to provide for related matters.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Ulló
Ellington	Lambert	
Total—38		

#### NAYS

Total—0

#### ABSENT

Thomas

Total—1

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

### Rules Suspended

Senator Schedler asked for and obtained a suspension of the rules for the purpose of taking out of order the commemorative license plate bills.

Without objection, so ordered.

### SENATE BILL NO. 390—

BY SENATOR SCHEDLER

#### AN ACT

To enact R.S. 47:463.83, relative to license plates; to provide for the creation of a special prestige license plate for the Louisiana Elks; to provide for a charge for the license plate; 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 Engrossed Senate Bill No. 390 by Senator Schedler

#### AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:463.83" insert "and 463.84"

#### AMENDMENT NO. 2

On page 1, line 3, after "Elks;" insert "to provide for the creation of a special prestige plate for the Upper Room Bible Church;"

#### AMENDMENT NO. 3

On page 1, line 6, after "463.83" delete "is" and insert "and 463.84 are"

#### AMENDMENT NO. 4

On page 2, after line 11, insert the following:

#### "R.S. 47:463.84 is all proposed new law.

§463.84. Special prestige license plates; Upper Room Bible Church

A. The secretary of the Department of Public Safety and Corrections shall establish special prestige license plates which may be issued, upon application, to any member of the Upper Room Bible Church. The license plates shall be restricted to passenger cars, pickup trucks, recreational vehicles, and vans. The license plate shall be colored and design selected by the Upper Room Bible Church, provided that it is in compliance with R.S. 47:463(A)(3).

B. The charge for this special license plate shall be a one-time fee of three dollars for each plate, which shall be in addition to the regular motor vehicle registration license tax.

C. The secretary shall promulgate rules and regulations necessary to implement the provisions of this Section in accordance with the Administrative Procedure Act."

On motion of Senator Johnson, the amendments were adopted.

### Floor Amendments Sent Up

Senator Bajoie sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

# Page 16 SENATE

April 3, 2001

## 5th DAY'S PROCEEDINGS

Amendments proposed by Senator Bajoie to Engrossed Senate Bill No. 390 by Senator Schedler

### AMENDMENT NO. 1

On page 1, line 3, after "the" delete "Louisiana Elks" and insert "Benevolent Protective Order of Elks and the Improved Benevolent Protective Order of Elks of the World"

### AMENDMENT NO. 2

On page 1, line 7, after "plates;" delete "Louisiana"

### AMENDMENT NO. 3

On page 1, line 12, after "the" delete "Louisiana Elks Association" and insert "Benevolent Protective Order of Elks or the Improved Benevolent Protective Order of Elks of the World"

### AMENDMENT NO. 4

On page 1, line 16, after "the" delete "Louisiana Elks Association" and insert "Benevolent Protective Order of Elks or the Improved Benevolent Protective Order of Elks of the World"

On motion of Senator Bajoie, the amendments were adopted.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Jones, C	Theunissen
Fields, C	Lambert	Thomas
Fields, W	Malone	Ullo
Total—33		

#### NAYS

Bean	Campbell	Dean
Total—3		

#### ABSENT

Mr. President	Irons	Lentini
Total—3		

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

### SENATE BILL NO. 500—

BY SENATOR W. FIELDS

#### AN ACT

To enact R.S. 47:463.72(E), relative to special prestige license plates; to provide for the distribution of certain fees for the prestige license plate for Alpha Phi Alpha; 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 W. Fields to Engrossed Senate Bill No. 500 by Senator W. Fields

### AMENDMENT NO. 1

On page 1, line 13, after "forward" delete "one-half"

### AMENDMENT NO. 2

On page 1, delete line 14 in its entirety

### AMENDMENT NO. 3

On page 1, line 15, delete "Inc. and one-half of the" and insert in lieu thereof "such"

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

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Bajoie	Gautreaux	Marionneaux
Barham	Hines	McPherson
Boissiere	Hollis	Michot
Campbell	Hoyt	Romero
Chaisson	Irons	Schedler
Cravins	Johnson	Smith
Dupre	Jones, B	Tarver
Ellington	Jones, C	Theunissen
Fields, C	Lambert	Thomas
Fields, W	Lentini	Ullo
Fontenot	Malone	
Total—32		

#### NAYS

Mr. President	Bean	Dean
Total—3		

#### ABSENT

Cain	Heitmeier
Dardenne	Mount
Total—4	

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

### SENATE BILL NO. 779—

BY SENATOR FONTENOT

#### AN ACT

To enact R.S. 47:463.83, relative to license plates; to establish a special prestige license plate for "Unlocking Autism"; and to provide for related matters.

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

### ROLL CALL

The roll was called with the following result:

#### YEAS

Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero



Cravins  
Dardenne  
Dupre  
Ellington  
Fields, C  
Fields, W  
Fontenot  
Total—35

Irons  
Johnson  
Jones, B  
Jones, C  
Lambert  
Lentini  
Malone

Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

**NAYS**

Bean  
Total—2

Dean

**ABSENT**

Mr. President  
Total—2

Campbell

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

**Rules Suspended**

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

**Messages from the House**

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

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

April 3, 2001

To the Honorable President and Members of the Senate:

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

**SENATE CONCURRENT RESOLUTION NO. 44—  
BY SENATOR CAIN**

**A CONCURRENT RESOLUTION**

To commend the players, coaches, and managerial personnel of the 2000-2001 Leesville Wampus Cats Boys Class 4A Basketball Team on being the state champions.

Reported without amendments.

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

**Introduction of  
Senate Concurrent Resolutions**

Senator Lambert 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. 54—  
BY SENATOR C. FIELDS**

**A CONCURRENT RESOLUTION**

To urge and request a comprehensive study of the African American population in the state of Louisiana by Southern University's Nelson Mandela School of Public Policy and Urban Affairs.

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

**Messages from the House**

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

**Message from the House**

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

April 3, 2001

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. 19—  
BY REPRESENTATIVE THOMPSON**

**AN ACT**

To amend and reenact R.S. 17:221(A)(1) and (E) and to enact R.S. 17:221(F), relative to school attendance; to require certain persons having control or charge of a child to send such child to school from the child's seventh birthday until his eighteenth birthday; to provide for individualized plans of education for certain students over age seventeen; to provide exceptions; to provide for an effective date; and to provide for related matters.

**HOUSE BILL NO. 724—  
BY REPRESENTATIVE SHAW**

**AN ACT**

To enact R.S. 1:58.1, relative to the remembrance of special days; to designate August 16 as "National Airborne Day" in Louisiana; and to provide for related matters.

**HOUSE BILL NO. 597—  
BY REPRESENTATIVE BOWLER**

**AN ACT**

To amend and reenact R.S. 23:1201.2, relative to workers' compensation; to provide penalties for the wrongful discontinuance of workers' compensation payments; and to provide for related matters.

**HOUSE BILL NO. 22—  
BY REPRESENTATIVES JOHN SMITH AND ILES AND SENATOR CAIN**

**AN ACT**

To amend and reenact R.S. 13:621.30, relative to district judges; to provide for an additional judgeship for the Thirtieth Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office; and to provide for related matters.

**HOUSE BILL NO. 131—  
BY REPRESENTATIVE FAUCHEUX**

**AN ACT**

To enact R.S. 33:447.5, relative to the mayor's court of the town of Gramercy; to authorize an increase in court costs for violations of municipal ordinances; and to provide for related matters.

**HOUSE BILL NO. 121—**

BY REPRESENTATIVE MORRISH

AN ACT

To enact R.S. 33:447.5, relative to mayor's courts; to authorize the imposition of additional court costs for the mayor's court in the town of Elton; to provide for limitations on the amount of the costs; and to provide for related matters.

**HOUSE BILL NO. 130—**

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 33:447.5, relative to the mayor's court of the town of Lutchter; to authorize an increase in court costs for violations of municipal ordinances; and to provide for related matters.

**HOUSE BILL NO. 138—**

BY REPRESENTATIVE FARRAR

AN ACT

To enact R.S. 13:2095.4, relative to the city court of Pineville; to provide for additional fees in certain criminal and traffic matters; to provide for the allocation of certain amounts of the fees for attendance at a substance abuse program or for evaluation for additional treatment; to provide for assessment of a fee for attendance at a driver improvement program; and to provide for related matters.

**HOUSE BILL NO. 150—**

BY REPRESENTATIVE R. ALEXANDER

AN ACT

To enact R.S. 13:756.9, relative to the clerk of court of Bienville Parish; to provide a branch office in Ringgold, Bienville Parish; to provide for the functions of the office; and to provide for related matters.

**HOUSE BILL NO. 178—**

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 13:1889.2, relative to the City Court of Bossier City; to authorize the transfer of surplus funds generated from court fees to the general operational fund of the court; and to provide for related matters.

**HOUSE BILL NO. 200—**

BY REPRESENTATIVE R. ALEXANDER

AN ACT

To enact R.S. 13:847.2, relative to the clerks of court of the Second Judicial District; to authorize the assessment of additional fees in traffic cases; and to provide for related matters.

**HOUSE BILL NO. 215—**

BY REPRESENTATIVES PITRE, DOWNER, TRICHE, AND WOOTON AND SENATORS CHAISSON AND DUPRE

AN ACT

To amend and reenact R.S. 13:621.17, relative to district judges; to provide for an additional judgeship for the Seventeenth Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office and those of the successors in office; and to provide for related matters.

**HOUSE BILL NO. 228—**

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 13:756.9, relative to the clerk of court of St. John the Baptist Parish; to provide for a branch office on the east bank of the Mississippi River; to provide for the functions of the office; and to provide for related matters.

**HOUSE BILL NO. 390—**

BY REPRESENTATIVES TOOMY AND DEVILLIER AND SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 16:51(A)(12), (22), (31), and (34), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; and to provide for related matters.

**HOUSE BILL NO. 663—**

BY REPRESENTATIVE HILL AND SENATOR HINES

AN ACT

To amend and reenact R.S. 13:621.33, relative to district judges; to provide for an additional judgeship for the Thirty-Third Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office and those of the successors in office; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions**

Senator Lambert 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. 19—**

BY REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 17:221(A)(1) and (E) and to enact R.S. 17:221(F), relative to school attendance; to require certain persons having control or charge of a child to send such child to school from the child's seventh birthday until his eighteenth birthday; to provide for individualized plans of education for certain students over age seventeen; to provide exceptions; to provide for an effective date; and to provide for related matters.

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

**HOUSE BILL NO. 22—**

BY REPRESENTATIVES JOHN SMITH AND ILES AND SENATOR CAIN

AN ACT

To amend and reenact R.S. 13:621.30, relative to district judges; to provide for an additional judgeship for the Thirtieth Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office; and to provide for related matters.

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

**HOUSE BILL NO. 121—**

BY REPRESENTATIVE MORRISH

AN ACT

To enact R.S. 33:447.5, relative to mayor's courts; to authorize the imposition of additional court costs for the mayor's court in the town of Elton; to provide for limitations on the amount of the costs; and to provide for related matters.

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

**HOUSE BILL NO. 130—**

BY REPRESENTATIVE FAUCHEUX

AN ACT

To enact R.S. 33:447.5, relative to the mayor's court of the town of Lutchter; to authorize an increase in court costs for violations of municipal ordinances; and to provide for related matters.

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

**HOUSE BILL NO. 131—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 33:447.5, relative to the mayor's court of the town of Gramercy; to authorize an increase in court costs for violations of municipal ordinances; and to provide for related matters.

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

**HOUSE BILL NO. 138—**

BY REPRESENTATIVE FARRAR  
AN ACT

To enact R.S. 13:2095.4, relative to the city court of Pineville; to provide for additional fees in certain criminal and traffic matters; to provide for the allocation of certain amounts of the fees for attendance at a substance abuse program or for evaluation for additional treatment; to provide for assessment of a fee for attendance at a driver improvement program; and to provide for related matters.

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

**HOUSE BILL NO. 150—**

BY REPRESENTATIVE R. ALEXANDER  
AN ACT

To enact R.S. 13:756.9, relative to the clerk of court of Bienville Parish; to provide a branch office in Ringgold, Bienville Parish; to provide for the functions of the office; and to provide for related matters.

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

**HOUSE BILL NO. 178—**

BY REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 13:1889.2, relative to the City Court of Bossier City; to authorize the transfer of surplus funds generated from court fees to the general operational fund of the court; and to provide for related matters.

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

**HOUSE BILL NO. 200—**

BY REPRESENTATIVE R. ALEXANDER  
AN ACT

To enact R.S. 13:847.2, relative to the clerks of court of the Second Judicial District; to authorize the assessment of additional fees in traffic cases; and to provide for related matters.

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

**HOUSE BILL NO. 215—**

BY REPRESENTATIVES PITRE, DOWNER, TRICHE, AND WOOTON AND  
SENATORS CHAISSON AND DUPRE  
AN ACT

To amend and reenact R.S. 13:621.17, relative to district judges; to provide for an additional judgeship for the Seventeenth Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office and those of the successors in office; and to provide for related matters.

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

**HOUSE BILL NO. 228—**

BY REPRESENTATIVE FAUCHEUX  
AN ACT

To enact R.S. 13:756.9, relative to the clerk of court of St. John the Baptist Parish; to provide for a branch office on the east bank of the Mississippi River; to provide for the functions of the office; and to provide for related matters.

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

**HOUSE BILL NO. 390—**

BY REPRESENTATIVES TOOMY AND DEVILLIER AND SENATOR  
CRAVINS  
AN ACT

To amend and reenact R.S. 16:51(A)(12), (22), (31), and (34), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; and to provide for related matters.

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

**HOUSE BILL NO. 597—**

BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact R.S. 23:1201.2, relative to workers' compensation; to provide penalties for the wrongful discontinuance of workers' compensation payments; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 663—**

BY REPRESENTATIVE HILL AND SENATOR HINES  
AN ACT

To amend and reenact R.S. 13:621.33, relative to district judges; to provide for an additional judgeship for the Thirty-Third Judicial District Court; to provide for compensation of the additional judge; to provide for the election and term of office and those of the successors in office; and to provide for related matters.

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

**HOUSE BILL NO. 724—**

BY REPRESENTATIVE SHAW  
AN ACT

To enact R.S. 1:58.1, relative to the remembrance of special days; to designate August 16 as "National Airborne Day" in Louisiana; and to provide for related matters.

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

**Messages from the House**

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

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

April 3, 2001

To the Honorable President and Members of the Senate:

April 3, 2001

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. 49—

BY REPRESENTATIVE LUCAS

### A CONCURRENT RESOLUTION

To recognize the last week in April of every year as Minister Appreciation Week, to commend and honor the ministers of Louisiana, and to urge and request the governor to proclaim the last week in April of every year as Minister Appreciation Week.

## HOUSE CONCURRENT RESOLUTION NO. 50—

BY REPRESENTATIVE LUCAS

### A CONCURRENT RESOLUTION

To memorialize the United States Congress to recognize the last week in April of every year as Minister Appreciation Week and to commend and honor the ministers of the United States of America.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

## House Concurrent Resolutions

Senator Lambert 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. 49—

BY REPRESENTATIVE LUCAS

### A CONCURRENT RESOLUTION

To recognize the last week in April of every year as Minister Appreciation Week, to commend and honor the ministers of Louisiana, and to urge and request the governor to proclaim the last week in April of every year as Minister Appreciation Week.

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	Fields, C	Lentini
Bajoie	Fields, W	Malone
Barham	Fontenot	Marionneaux
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Cain	Hines	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—36		

### NAYS

Total—0

### ABSENT

Campbell	Jones, B	McPherson
Total—3		

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

## HOUSE CONCURRENT RESOLUTION NO. 50—

BY REPRESENTATIVE LUCAS

### A CONCURRENT RESOLUTION

To memorialize the United States Congress to recognize the last week in April of every year as Minister Appreciation Week and to commend and honor the ministers of the United States of America.

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

## Reports of Committees

The following reports of committees were received and read:

### REPORT OF COMMITTEE ON

### JUDICIARY A

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

April 3, 2001

To the President and Members of the Senate:

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

## SENATE BILL NO. 279—

BY SENATOR DARDENNE

### AN ACT

To enact R.S. 49:994(D)(4), relative to the powers of administrative law judges; to authorize adjudications, conferences and administering of oaths by electronic means; and to provide for related matters.

Reported with amendments.

## SENATE BILL NO. 321—

BY SENATOR ELLINGTON

### AN ACT

To amend and reenact R.S. 19:2(7), relative to expropriation; to authorize domestic or foreign corporations that transmit or distribute electricity and steam for power to expropriate needed property; and to provide for related matters.

Reported favorably.

## SENATE BILL NO. 391—

BY SENATOR LENTINI

### AN ACT

To enact R.S. 40:46.1(G), relative to vital statistics laws; to provide immunity for hospitals and their agents and employees involved in hospital based paternity programs; and to provide for related matters.

Reported favorably.

## SENATE BILL NO. 393—

BY SENATOR LENTINI

### AN ACT

To amend and reenact R.S. 13:3715.1(B)(1), relative to subpoenas for medical records; deletes the requirement that the affidavit be delivered at the time of service of subpoena; requires an affidavit to be received before a subpoena for patient records can be issued; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 489—**  
BY SENATOR LENTINI

AN ACT

To enact R.S. 40:1299.39(E)(3) and 1299.41(E)(4), relative to medical malpractice; to provide that medical malpractice claims shall have priority on a court's trial docket; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 497—**  
BY SENATORS ELLINGTON AND HAINKEL  
AN ACT

To amend and reenact R.S. 9:5628, relative to actions for medical malpractice; to provide for application of a one-year prescriptive period to claims against nursing homes; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 534—**  
BY SENATOR LENTINI

AN ACT

To enact R.S. 40:1299.39(E)(3) and 1299.41(E)(4), relative to medical malpractice; to provide for claims to be resolved in a fair and expeditious manner; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 561—**  
BY SENATOR C. FIELDS

AN ACT

To amend and reenact R.S. 13:621.19, relative to district courts; to provide for an additional judgeship for the Nineteenth Judicial District; to provide election sections; to provide for the election and term of office; to provide for qualifications; to provide for compensation; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 564—**  
BY SENATOR ROMERO

AN ACT

To enact 9:203(D), relative to marriage; to authorize federal court judges to perform marriage ceremonies within the state; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 571—**  
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 33:441(A), relative to mayor's courts in Lawrason Act municipalities; to authorize the use of probation in such courts; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 713—**  
BY SENATORS ELLINGTON AND HAINKEL  
AN ACT

To amend and reenact R.S. 40:1299.41(A)(1) and (8), relative to medical malpractice claims; to include "nursing home" as part of the definition of "health care provider"; to include claims for negligent hiring, negligent retention of insufficient staffing within the definition of "malpractice"; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 763—**  
BY SENATORS ELLINGTON AND HAINKEL  
AN ACT

To amend and reenact the introductory paragraph of R.S. 13:3715.3(A), to amend and reenact R.S. 13:3715.3(A)(2), and to enact R.S. 13:3715.1(G)(4)(e), relative to peer review committees; to make government surveys inadmissible as evidence in civil trials against nursing facilities; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 898—**  
BY SENATOR C. FIELDS  
AN ACT

To amend and reenact Code of Civil Procedure Art. 5001, and Code of Criminal Procedure Art. 912.1(B), relative to appeals; to provide for certain appeals from city courts to be taken to the parish district court of original jurisdiction; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 917—**  
BY SENATOR HAINKEL  
AN ACT

To amend and reenact R.S. 9:4103(A), relative to alternative dispute resolution; to provide for the referral of a case to mediation by the court; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 955—**  
BY SENATOR DARDENNE  
AN ACT

To amend and reenact R.S. 9:2799(A)(1) and (B), relative to limitation of liability for damages from donations; to provide with respect to the donation of vitamins without incurring liability for damages; to provide for definitions; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 963—**  
BY SENATOR LENTINI  
AN ACT

To amend and reenact Code of Civil Procedure Art. 4231, relative to tutorship; to provide a limited disqualification for certain parents convicted of a felony; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
NOBLE E. ELLINGTON  
Chairman

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Bajoie	½ Day	Cravins	½ Day
Gautreaux	½ Day	Hainkel	½ Day
Hines	½ Day	Marionneaux	½ Day
Thomas	½ Day		

**Adjournment**

Senator Lambert moved that the Senate adjourn until Wednesday, April 4, 2001, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Wednesday, April 4, 2001.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk