

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

TWENTY-THIRD DAY'S PROCEEDINGS

Twenty-third Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974

House of Representatives
 State Capitol
 Baton Rouge, Louisiana

Thursday, May 1, 1997

The House of Representatives was called to order at 1:30 P.M., by the Honorable H. B. "Hunt" Downer, Jr., Speaker of the House of Representatives.

Morning Hour

ROLL CALL

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

PRESENT

Mr. Speaker	Gautreaux	Perkins
Alario	Glover	Pierre
Alexander, A.—93rd	Green	Pinac
Alexander, R.—13th	Guillory	Powell
Ansardi	Hammett	Pratt
Barton	Heaton	Quezaire
Baudoin	Hebert	Riddle
Baylor	Hill	Romero
Bowler	Holden	Rousselle
Bruce	Hopkins	Salter
Brun	Hudson	Scalise
Bruneau	Hunter	Schneider
Carter	Iles	Shaw
Chaisson	Jenkins	Smith, J.D.—50th
Clarkson	Jetson	Smith, J.R.—30th
Copelin	Johns	Stelly
Crane	Kennard	Strain
Curtis	Kenney	Theriot
Damico	Lancaster	Thomas
Daniel	Landrieu	Thompson
Deville	LeBlanc	Thornhill
DeWitt	Long	Toomy
Diez	Marionneaux	Travis
Dimos	Martiny	Triche
Doerge	McCain	Vitter
Donelon	McCallum	Walsworth
Dupre	McDonald	Warner
Durand	McMains	Welch
Farve	Michot	Weston

Faucheux	Mitchell	Wiggins
Flavin	Montgomery	Wilkerson
Fontenot	Morrell	Willard-Lewis
Forster	Morrish	Windhorst
Frith	Murray	Winston
Fruge	Odinet	Wright
Total—105		

ABSENT

Total—0

The Speaker announced that there were 105 members present and a quorum.

Prayer

Prayer was offered by Rev. Art Moore.

Pledge of Allegiance

Rep. Perkins led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. Quezaire, the reading of the Journal was dispensed with.

On motion of Rep. Quezaire, the Journal of April 30, 1997, was adopted.

Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill Nos. 180, 195, 230, 330, 438, 466, 1145, and 1392

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
 Secretary of the Senate

The Senate Bills contained herein were signed by the Speaker of the House.

Message from the Senate

**ASKING CONCURRENCE IN
 SENATE CONCURRENT RESOLUTIONS**

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution Nos. 32 and 93.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Donelon, the rules were suspended in order to take up Senate Concurrent Resolutions contained in the message at this time.

SENATE CONCURRENT RESOLUTION NO. 93—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of John S. "Jack" McIlhenny, philanthropist, chemist, conservationist, researcher, collector, and one of Louisiana's greatest benefactors.

Read by title.

On motion of Rep. Donelon, and under a suspension of the rules, the resolution was concurred in.

Message from the Senate

SENATE BILLS

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 223, 694, 1104, 1153, and 1166

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Morrish, the rules were suspended in order to take up the bills contained in the message at this time.

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

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 223—

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 15:705(A), relative to prisons and prisoners; to provide relative to the reimbursement by prisoners for certain costs incurred by reason of the incarceration of an inmate; and to provide for related matters.

Read by title.

SENATE BILL NO. 694—

BY SENATOR CAIN

AN ACT

To enact R.S. 30:2053(6), (7), (8) and (9) and 2055.1, relative to noise pollution and nuisance actions; to exempt sport shooting ranges from noise and nuisance actions; to provide for definitions; to provide for limits and exemptions; and to provide for related matters.

Read by title.

SENATE BILL NO. 1104—

BY SENATORS ROBICHAUX AND CAMPBELL

AN ACT

To amend and reenact R.S. 37:1731(A), relative to the Good Samaritan Law; to provide immunity from liability for certain professional medical or limited liability corporations; to provide for qualified immunity from liability for emergency care rendered at a licensed public or private hospital or other health care facility; and to provide for related matters.

Read by title.

SENATE BILL NO. 1153—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 50:172(A) and to repeal R.S. 3:415; Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:2466; Chapter 23 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:3703 through 3707; Part II of Chapter 7 of Title 6 of the Louisiana Revised Statutes of 1950, comprised of R.S. 6:551 through 568; R.S. 17: 2014 through 2015; Chapter 20-B-2 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042.21 through 3042.27; Chapter 28 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3453; Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:10 and 14; Part XXX-B of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1450.21 through 1450.25; Chapter 4-B of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:321 through 322; Chapter 23 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1011 through 1016; Chapter 12 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:801 through 809; Part V-A of Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:650 through 657; Chapter 14-A of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:2331 through 2331.17; R.S. 32:703.1; Chapter 18 of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:1801 through 1805; Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4548.1 through 4548.16; R.S. 33:4576; Chapter 37 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9451 through 9459; R.S. 34:851.27(B)(6); Chapter 16 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1851 through 1857; Chapter 19 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2001 through 2007; Chapter 22 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2151 through 2157; Chapter 25 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:2281 through 2287; Chapter 33 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3001 through 3006; Chapter 34 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3051 through 3056; Chapter 41 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3241 through 3246; Chapter 44 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3301 through 3338; Chapter 45 of

Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3351 through 3356; R.S. 36:4(B)(1)(r); R.S. 36:4(B)(1)(s); R.S. 36:4(B)(9); R.S. 36:109(I)(3); R.S. 36:209(Q); R.S. 36:209(U); R.S. 36:259(J); R.S. 36:259(B) and (BB)(1); R.S. 36:359(G); R.S. 36:409(K); R.S. 36:509(I); R.S. 36:629(M); R.S. 36:651(G)(2); R.S. 38:291(O); Chapter 18 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3341 through 3347; Part XIV of Chapter 1 of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:366.1 through 366.6; R.S. 40:2195.1; Chapter 29 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2741 through 2743; Chapter 4 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:594; Chapter 41 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2541 through 2545; Chapter 46 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2611 through 2615; R.S. 50:172(B), (C) and (D); R.S. 51:911.45; R.S. 51:911.46(B); R.S. 51:936(B); R.S. 51:2187; Chapter 45 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2751 through 2758; Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:580.1 through 580.6 relative to the boards and commissions in state government; to abolish certain inactive boards and commissions; and to provide for related matters.

Read by title.

SENATE BILL NO. 1166—

BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To amend and reenact R.S. 30:2011(D)(21)(b), 2073(1), 2074(B)(4), the introductory paragraph of 2154(A) and (B)(1)(a), (5), and (7), and to enact R.S. 30:2074(B)(1)(c) and (3)(e), and 2154(A)(4) and (5), relative to regulation of the use and disposal of sewage sludge; to clarify certain powers of the secretary of the Department of Environmental Quality to regulate use and disposal of sewage sludge; and to provide for related matters.

Read by title.

**Introduction of Resolutions,
House and House Concurrent**

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 145—

BY REPRESENTATIVES TRAVIS, FONTENOT, KENNARD, MCMAINS,
PERKINS, AND POWELL

A CONCURRENT RESOLUTION

To commend and congratulate the Holden High School Lady Rockets basketball team for winning the 1997 Class B Louisiana State Championship, and to recognize the sportsmanship, outstanding performance, and dedication shown by the players, coaches, and staff during the 1997 season.

Read by title.

On motion of Rep. Travis, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 146—

BY REPRESENTATIVE PINAC AND SENATORS CASANOVA AND
THEUNISSEN

A CONCURRENT RESOLUTION

To commend and congratulate Bill Williams and Shel Kanter upon the fortieth anniversary of The Bill & Shel Show and for their cultural contributions to Acadiana and the state of Louisiana, and to wish them continued success in this and all other future endeavors.

Read by title.

On motion of Rep. Pinac, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 147—

BY REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To create and provide with respect to the Ancient Mounds Heritage Area and Trails Advisory Commission to study, make recommendations, and advise with regard to the development of the ancient mounds heritage area and trails as a cultural, recreational, and educational attraction, to help preserve Louisiana's prehistoric patrimony, and to better understand the state's heritage in order to enhance the development of tourism in the state.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 148—

BY REPRESENTATIVE MCDONALD

A CONCURRENT RESOLUTION

To memorialize the United States Congress to amend federal bankruptcy laws to make it less attractive and more difficult to seek protection under the bankruptcy laws and to make debtors more accountable.

Read by title.

Lies over under the rules.

**Senate Bills and Joint Resolutions on
Second Reading to be Referred**

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 251—

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 46:56(D) and to enact R.S. 46:56(N), relative to records and reports regarding children; to provide access to records and reports on child abuse or neglect, foster care, and child welfare services to the legislature; to provide for the confidentiality of such records; to provide for the manner in which such records and reports may be used; to provide for the authority of the legislature and certain committees and subcommittees; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on House and Governmental Affairs.

SENATE BILL NO. 480—
BY SENATORS JORDAN AND SCHEDLER
AN ACT

To amend and reenact R.S. 18:562 and R.S. 40:1321(C), relative to elections; to require an applicant to vote to present a picture identification card; to provide that a person not having a picture identification card may sign an affidavit; to provide for the procedure commissioners are to follow for identifying applicants to vote; to provide for criminal penalties; to provide special identification cards free of charge to certain registered voters; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Bruneau, the bill was returned to the calendar subject to call.

SENATE BILL NO. 537—
BY SENATORS DARDENNE, HAINKEL AND EWING
AN ACT

To amend and reenact R.S. 27:25(A)(1) and (B)(1) and to enact R.S. 27:25(A)(3), relative to the Louisiana Gaming Control Board; to provide that the hearing officer does not have to be a full-time board employee; to provide that the board may contract with attorneys to provide hearing officer services; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

SENATE BILL NO. 538—
BY SENATORS DARDENNE, HAINKEL AND EWING
AN ACT

To enact R.S. 18:1300.22, relative to gaming elections; to specify that certain referendum elections required by the constitution may be called only by law; to provide that certain such elections may be called by the parish governing authority; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Administration of Criminal Justice.

SENATE BILL NO. 626—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To amend and reenact R.S. 30:2050.29, relative to legal remedies for environmental enforcement; to provide for writ of mandamus upon the department's failure to act; to eliminate de novo review of denial of an adjudicatory hearing; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Environment.

SENATE BILL NO. 803—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To enact R.S. 33:1243(C), relative to penalties for the violation of parish ordinances; to provide for the maximum penalty to be imposed for violation of parish ordinances regulating the use of or discharge to publicly owned waste treatment works by non-domestic users; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

SENATE BILL NO. 1064—
BY SENATORS DARDENNE, BARHAM, BEAN, SHORT, HOLLIS, MALONE, SCHEDLER, ULLO, BRANCH, CAIN, CASANOVA, DYESS, ELLINGTON, EWING, HINES, JOHNSON, LENTINI, ROBICHAUX, ROMERO, SIRACUSA, TARVER AND THEUNISSEN
AN ACT

To amend and reenact R.S. 32:863.1(C) and (D), relative to motor vehicles; to provide relative to compulsory motor vehicle security; to provide relative to revocation of registration for lack of proof of insurance; to require impoundment of motor vehicles under such circumstances; to provide for the issuance and usage of stickers as an additional form of proof of insurance; to provide for administrative hearings in determining compliance with motor vehicle security requirements under certain circumstances; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Kennard, the bill was returned to the calendar subject to call.

SENATE BILL NO. 1336—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To amend and reenact R.S. 30:2050.21, relative to judicial review of matters before the Department of Environmental Quality; to provide for appeals, preparation of the record, hearings, modification of decisions, procedures, and a standard of review; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Environment.

SENATE BILL NO. 1429—
BY SENATOR LANDRY
AN ACT

To amend and reenact R.S. 11:1549(A), relative to the Clerks' of Court Retirement and Relief Fund; to provide with respect to cost-of-living adjustments; to provide for an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Retirement.

SENATE BILL NO. 1432—
BY SENATOR HINES
AN ACT

To enact R.S. 40:1496.18, relative to fire protection districts; to create the Ward One Fire Protection District No. 2 of Ville Platte; to authorize the Evangeline Parish Police Jury to appoint a five member board of commissioners for the fire district; to provide that all board members be resident property taxpayers of the district; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Municipal, Parochial and Cultural Affairs.

Motion

On motion of Rep. Wiggins, the Committee on Transportation, Highways and Public Works was discharged from further consideration of Senate Bill No. 687.

SENATE BILL NO. 687—
BY SENATORS LANDRY, CAIN AND SMITH
AN ACT

To amend and reenact R.S. 32:387(C)(3)(f)(ii), relative to motor vehicles; to provide relative to vehicles transporting recyclable waste paper products; to require width limits; to provide for effective date; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Wiggins, the bill was returned to the calendar subject to call.

SENATE BILL NO. 14—
BY SENATORS BEAN AND SCHEDLER
AN ACT

To amend and reenact R.S. 32:301, relative to motor vehicles; to require lighted headlamps under certain atmospheric conditions; and to provide for related matters.

Called from the calendar.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 50—
BY SENATORS BEAN AND JONES AND REPRESENTATIVE BRUN
AN ACT

To amend and reenact 32:410(A)(3)(a)(i) and to enact 32:410(A)(3)(d), relative to drivers' licenses; to require the elimination of the appearance of social security numbers on such licenses; to authorize the office of motor vehicles to retain access to social security numbers; and to provide for related matters.

Called from the calendar.

Read by title.

Motion

Rep. Brun moved that Senate Bill No. 50 be designated as a duplicate of House Bill No. 713.

Which motion was agreed to.

Rep. Brun sent up conforming amendments, which were read as follows:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Brun to Engrossed Senate Bill No. 50 by Senator Bean, et al.

AMENDMENT NO. 1

On page 1, line 2 after "amend and reenact" delete the remainder of the line and insert "R.S. 32:409.1(A)(2)(d)(viii) and 410(A)(3)(a)(i) and (viii) and to repeal R.S. 32:409.1(A)(2)(d)(vi),"

AMENDMENT NO. 2

On page 1, line 3, after "licenses;" delete the remainder of the line and delete lines 4 and 5 in their entirety and insert "to delete the requirements that an applicant for a license shall furnish his social security number and that the number shall appear on the face of the license; and to"

AMENDMENT NO. 3

On page 1, line 8, delete "32:410(A)(3)(a)(i) is" and insert "32:409.1(A)(2)(d)(viii) and 410(A)(3)(a)(i) and (viii) are" and on line 9, delete "and R.S. 32:410(3)(d) is hereby enacted"

AMENDMENT NO. 4

On page 1, between lines 9 and 10, insert the following:

"§409.1. Application or special certificate applications; penalties for false information

A.

* * *

(2) An applicant for a driver's license shall provide the following information:

* * *

(d) Identifying information including:

* * *

(viii) Any other information required by the department. An applicant may supply his social security number at his option. The department shall not require an applicant to furnish his social security number. The provisions of this Section shall not apply to an applicant for a commercial driver's license.

* * **

AMENDMENT NO. 5

On page 1, line 13, after "A." delete the remainder of the line

AMENDMENT NO. 6

On page 2, delete lines 3 through 7 in their entirety and insert the following:

"(viii) Other information to identify the applicant including date of birth (month, day, and year), sex, height, weight, and eye and hair color. An applicant may supply his social security number at his option. The department shall not require an applicant to furnish his social security number. The provisions of this Section shall not apply to a an applicant for a commercial driver's license.

* * *

Section 2. R.S. 32:409.1(A)(2)(d)(vi) is hereby repealed in its entirety."

On motion of Rep. Brun, the amendments were adopted.

On motion of Rep. Brun, the bill, as amended, was referred to the Legislative Bureau.

SENATE BILL NO. 254—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 32:1301 and to enact R.S. 32:1305(G), relative to motor carriers; to provide for certain motor carriers to establish official inspection stations; to authorize that such stations be located either in-state or out-of-state; to require such motor carriers to have Louisiana registration; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Kennard moved that Senate Bill No. 254 be designated a duplicate of House Bill No. 1608.

Which motion was agreed to.

On motion of Rep. Kennard, the above bill was referred to the Legislative Bureau.

SENATE BILL NO. 263—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:548(A), (B), (C), and (G); to provide for the importing and exporting of interest rates and other charges; to allow for the assessment of interest, finance charges and credit services charges which equal or are less than the amounts charged by financial institutions domiciled in other states; to allow a Louisiana creditor to file an affidavit to assess rates and fees in other states; provides for fees and charges adopted from another state; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Travis moved that Senate Bill No. 263 be designated a duplicate of House Bill No. 1119.

Which motion was agreed to.

Rep. Travis sent up conforming amendments, which were read as follows:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Travis to Engrossed Senate Bill No. 263 by Senator Hollis (Duplicate of House Bill No. 1119)

AMENDMENT NO. 1

On page 1, line 2, after "(G)" change the semicolon ";" to a comma "," and delete the remainder of the line and delete lines 3 through 7 in their entirety, and on line 8, delete "and charges adopted from another state;" and insert in lieu thereof the following:

"relative to interest rate parity; to provide that Louisiana creditors may charge the same interest rates and fees as nonresident creditors charge; to provide for the filing of an affidavit to assess rates and fees;"

AMENDMENT NO. 2

On page 2, line 9, delete "interest,"

AMENDMENT NO. 3

On page 2, line 11, after "rate," insert "in connection with open-end credit accounts, at such rates and in such amounts as"

On motion of Rep. Travis, the amendments were adopted.

On motion of Rep. Travis, the bill, as amended, was referred to the Legislative Bureau.

SENATE BILL NO. 489—
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 11:2175(E)(1), relative to the Sheriffs' Pension and Relief Fund; to provide for reemployment after retirement; to provide income limits during reemployment on a part-time basis; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Montgomery moved that Senate Bill No. 489 be designated a duplicate of House Bill No. 1975.

Which motion was agreed to.

On motion of Rep. Montgomery, the above bill was referred to the Legislative Bureau.

SENATE BILL NO. 609—
BY SENATORS HAINKEL, DARDENNE, EWING AND HINES

AN ACT

To amend and reenact R.S. 40:32(10) and to enact R.S. 40:32(18), relative to vital statistics; to redefine "vital records"; to define "signature", "sign(ed)" to include written or electronic signatures; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Dupre moved that Senate Bill No. 609 be designated a duplicate of House Bill No. 1929.

Which motion was agreed to.

On motion of Rep. Dupre, the above bill was referred to the Legislative Bureau.

SENATE BILL NO. 963—
BY SENATOR HINES

AN ACT

To enact R.S. 36:259(BB)(3), and R.S. 40:5.11, relative to fluoridation of certain public water systems; to create the Fluoridation Advisory Board in the Department of Health and Hospitals and provide for the composition, powers, duties, functions, and compensation thereof; to establish a water fluoridation program in the office of public health and provide for the functions thereof; to authorize rulemaking related to the fluoridation of public water systems; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Rodney Alexander moved that Senate Bill No. 963 be designated a duplicate of House Bill No. 1440.

Which motion was agreed to.

Rep. Rodney Alexander sent up conforming amendments, which were read as follows:

HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Rodney Alexander to Engrossed Senate Bill No. 963 by Senator Hines (Duplicate of House Bill No. 1440)

AMENDMENT NO. 1

On page 1, line 6, after "in the" insert "Department of Health and Hospitals,"

AMENDMENT NO. 2

On page 2, line 5, after "R.S. 40:5.11" insert "(C) through (F)"

AMENDMENT NO. 3

On page 2, line 11, after "establish" insert "in the office of public health" and after "program" delete "to protect" and insert "for the purpose of protecting"

AMENDMENT NO. 4

On page 2, line 13, after "tooth decay" delete the remainder of the line and insert a period "."

AMENDMENT NO. 5

On page 2, delete lines 17 through 21 and insert the following:

"C. There is hereby created within the Department of Health and Hospitals, office of public health, the Fluoridation Advisory Board, which shall consist of the following members appointed by the governor, to serve at his pleasure, upon recommendation of the Louisiana Dental Association, and confirmation by the Senate:"

AMENDMENT NO. 6

On page 2, line 22, change "(a)" to "(1)"

AMENDMENT NO. 7

On page 2, line 24, change "(b)" to "(2)"

AMENDMENT NO. 8

On page 2, line 25, change "(c)" to "(3)"

AMENDMENT NO. 9

On page 2, line 26, change "(d)" to "(4)"

AMENDMENT NO. 10

On page 3, line 1, change "(e)" to "(5)"

AMENDMENT NO. 11

On page 3, delete lines 2 through 11 in their entirety.

AMENDMENT NO. 12

On page 3, line 12, delete "board" and insert "Fluoridation Advisory Board"

AMENDMENT NO. 13

On page 3, line 23, after "program and" delete "may" and insert "is authorized to"

AMENDMENT NO. 14

On page 3, line 25, delete "(4)" and insert "E.(1)"

AMENDMENT NO. 15

On page 3, between lines 25 and 26, insert the following:

"(2) The members of the board shall not receive compensation for their services but shall be entitled to reimbursement for expenses, including travel expenses, to attend official in-state board meetings at the rate for state employees established by the commissioner of administration."

AMENDMENT NO. 16

On page 3, line 26, change "E." to "F."

AMENDMENT NO. 17

On page 4, line 2, change "F." to "G."

On motion of Rep. Rodney Alexander, the amendments were adopted.

On motion of Rep. Rodney Alexander, the bill, as amended, was referred to the Legislative Bureau.

House and House Concurrent Resolutions Reported by Committees

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

HOUSE RESOLUTION NO. 4—

BY REPRESENTATIVE BOWLER

A RESOLUTION

To direct the House Committee on Insurance of the Louisiana Legislature to study the methods utilized and the schools or entities chosen to give the licensing examinations for potential agents.

Read by title.

Reported favorably by the Committee on Insurance.

On motion of Rep. Donelon, the resolution was ordered engrossed and passed to its third reading.

HOUSE RESOLUTION NO. 12—

BY REPRESENTATIVE HEBERT

A RESOLUTION

To urge and request the Department of Public Safety and Corrections to consider contracting with other countries to house prisoners.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the resolution was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 102—

BY REPRESENTATIVE MONTGOMERY

A CONCURRENT RESOLUTION

To direct the state registrar of vital records to establish a uniform marriage license and marriage certificate for use on and after January 1, 1998.

Read by title.

Reported favorably by the Committee on Health and Welfare.

On motion of Rep. Rodney Alexander, the resolution was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 108—

BY REPRESENTATIVE RIDDLE

A CONCURRENT RESOLUTION

To repeal rules eliminating the Medically Needy Program within the Medicaid program; to repeal rules creating a state-funded Medically Needy Program; to provide for effective dates; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 108 by Representative Riddle

AMENDMENT NO. 1

On page 2, line 22, after "effective" delete the remainder of the line, at the beginning of line 23, delete "Louisiana" and insert in lieu thereof "on July 1, 1997,"

On motion of Rep. Rodney Alexander, the amendments were adopted.

On motion of Rep. Rodney Alexander, the resolution, as amended, was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 118—

BY REPRESENTATIVE WILKERSON

A CONCURRENT RESOLUTION

To urge and request the Governor's Office of Elderly Affairs to make available to elderly residents of the state a toll-free twenty-four-hour-a-day telephone number through which elderly persons can report any case of abuse of which they are aware and to publicize such number in a manner that will ensure that elderly residents of the state are aware of it and will be inclined to use it, including but not limited to postings relative to the telephone number in locations frequented by the elderly such as senior citizens centers, nursing homes, adult day care centers, grocery stores, and drug stores throughout the state.

Read by title.

Reported favorably by the Committee on Health and Welfare.

On motion of Rep. Rodney Alexander, the resolution was ordered engrossed and passed to its third reading.

House Bills and Joint Resolutions on Second Reading Reported by Committees

The following House Bills and Joint Resolutions on second reading reported by committees were taken up and acted upon as follows:

HOUSE BILL NO. 7—

BY REPRESENTATIVE BRUNEAU

AN ACT

To enact Code of Criminal Procedure Art. 890.2, relative to criminal sentencing; to provide that costs of incarceration may be assessed to be paid by a defendant as an element of a sentence; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 421—

BY REPRESENTATIVE VITTER

AN ACT

To repeal R.S. 39:1233.1, relative to ethics; to repeal an exception to the Code of Governmental Ethics which allows any member of a local depositing authority to serve as an officer, director, or employee of any bank.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 422—

BY REPRESENTATIVE VITTER

AN ACT

To repeal R.S. 17:428(C), relative to conflicts of interest, to remove provisions allowing school bus drivers in parishes with a population of sixteen thousand or less to serve on the school board.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 423—

BY REPRESENTATIVE VITTER

AN ACT

To amend and reenact R.S. 4:254(E), relative to the Code of Governmental Ethics; to remove an exception to the Code of Governmental Ethics relative to the incorporator and members of the board of the Louisiana Horsemen Injury Compensation Fund and its nominating bodies; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 424—

BY REPRESENTATIVE VITTER

AN ACT

To repeal R.S. 42:1121(G) and 1123(11)(b), relative to the ethics code; to repeal the provision allowing a licensed psychiatrist formerly employed by the Department of Health and Hospitals to enter into transactions with that department within two years after August 15, 1993; to repeal the provision allowing certain retired registered nurses to contract with the Department of Health and Hospitals when a registered nurse is not available to perform those services; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 426—

BY REPRESENTATIVE VITTER

AN ACT

To amend and reenact R.S. 42:1119(B)(2), relative to ethics; to provide relative to the employment of certain persons by school boards; to require disclosure of the employment of certain persons by school boards; to require disclosure of the employment of certain persons by certain hospital service districts and hospital public trust authorities; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 426 by Representative Vitter

AMENDMENT NO. 1

On page 2, line 11, after "employment" delete the remainder of the line and delete lines 12 through 14 and insert a period "."

AMENDMENT NO. 2

On page 3, line 3, after "employment" delete the remainder of the line and delete lines 4 through 7 and insert a period "."

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 427—

BY REPRESENTATIVE VITTER

AN ACT

To amend and reenact R.S. 42:1113(A), relative to the ethics code; to provide with respect to prohibited contractual arrangements; to make applicable to all parishes the prohibition on parish governing authority members, members of their immediate families, and legal entities in which they have a controlling interest from bidding on or entering into any contract, subcontract, or other transaction under the supervision or jurisdiction of the parish governing authority; to provide for applicability; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 497—

BY REPRESENTATIVE MCCAIN

AN ACT

To amend and reenact R.S. 15:1174(2) and to enact R.S. 15:1171(D) and 1177(B), all relative to the administrative remedy procedure for prisoners; to provide with respect to status as an "offender"; to provide with respect to delivery of decisions on applications for judicial review; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 498—

BY REPRESENTATIVE MCCAIN

AN ACT

To enact R.S. 15:1178 and 1179, relative to the administrative remedy procedure for complaints and grievances filed by prisoners; to provide for pretrial screening of applications for judicial review arising out of that procedure; to provide for service of process in those applications; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 564—

BY REPRESENTATIVE TRAVIS

AN ACT

To enact R.S. 42:1123(24), relative to Code of Governmental Ethics; to provide for recusal from participation in actions of the State Licensing Board for Contractors in certain circumstances; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 564 by Representative Travis

AMENDMENT NO. 1

On page 1, line 12, after "servicing on" and before "board" delete "the" and insert "such"

AMENDMENT NO. 2

On page 1, line 14, after "before" and before "board" delete "the" and insert "such"

AMENDMENT NO. 3

On page 2, delete line 1 in its entirety and insert "State Licensing Board for Contractors without the direct involvement of such board shall not constitute"

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 595—

BY REPRESENTATIVES WINDHORST AND MARIONNEAUX
AN ACT

To amend and reenact R.S. 15:574.7(B)(2)(a) and 824(B)(1)(a) and to enact Code of Criminal Procedure Art. 900(D), relative to confinement of persons arrested for violating conditions of probation or parole; to provide for the amount of payment to parishes for confining such persons; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 642—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 15:1156 and to enact R.S. 15:708(A)(4), relative to labor performed by state prisoners confined in parish prisons; to allow such prisoners to perform work for Prison Enterprise projects in that parish; to provide for compensation and for deposit of monies earned; to provide for promulgation of rules for enforcement; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 655—

BY REPRESENTATIVE MCCAIN
AN ACT

To amend and reenact R.S. 42:1121(A), relative to the Code of Governmental Ethics; to prohibit a former board or commission member from engaging in certain activities with the board or commission following termination of public service; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 655 by Representative McCain

AMENDMENT NO. 1

On page 1, line 15, after "commission" and before "shall" insert "other than an elected official"

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 662—

BY REPRESENTATIVE SALTER
AN ACT

To authorize and provide for the conveyance, transfer, or disposition of certain property in the town of Zwolle, Sabine Parish, by the Sabine Parish School Board; to provide terms and conditions; to provide for waiver of reversionary right or interest by the state; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

On motion of Rep. John Smith, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 676—

BY REPRESENTATIVES LANCASTER, BARTON, BOWLER, BRUN, BRUNEAU, CRANE, DONELON, FONTENOT, FRUGE, MARTINY, MCMAINS, PERKINS, POWELL, SCALISE, SHAW, STELLY, TOOMY, VITTER, WALSWORTH, WIGGINS, WINDHORST, AND WINSTON AND SENATORS BEAN, BRANCH, DARDENNE, DEAN, HAINKEL, HOLLIS, LENTINI, ROMERO AND SHORT
AN ACT

To amend and reenact R.S. 42:1116, relative to the ethics code; to prohibit a public servant from using the authority of his office or position to compel or coerce any person or other public servant to engage in political activity; to provide for definitions; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 676 by Representative Lancaster

AMENDMENT NO. 1

On page 1, line 4, after "servant" delete the remainder of the line, and at the beginning of line 5, delete "contribution for political purposes or"

AMENDMENT NO. 2

On page 2, line 3, after "servant" delete the remainder of the line and at the beginning of line 4, delete "political purposes or"

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 820—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 42:1119(B)(2)(b), relative to nepotism in certain hospital service districts and hospital public trust authorities; to permit employment of licensed physicians or registered nurses who are members of the immediate family of a member of the governing authority or of the chief executive of the district or authority by certain hospital service districts and hospital public trust authorities; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 941—

BY REPRESENTATIVE MCCAIN

AN ACT

To enact R.S. 15:825.4, relative to adult correctional institutions operated by the Department of Public Safety and Corrections; to provide that the warden of each such institution must maintain his primary residence at the institution; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 954—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 40:1563.2(A) and (B)(2) and (4) and R.S. 46:1441.4(C) and to enact R.S. 40:1563.2(C)(2) and (3), relative to the state fire marshal; to provide for the inspection of family child day care homes; to provide for inspection fees; to provide for creation of the Family Child Day Care Home Inspection Fund; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Health and Welfare.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 954 by Representative Triche

AMENDMENT NO. 1

On page 1, line 2 after "(4)" and before "and to" insert "and R.S. 46:1441.4(C)"

AMENDMENT NO. 2

On page 1, line 15, after "homes" delete the remainder of the line and delete lines 16 and 17 in their entirety and insert the following:

"in accordance with R.S. 46:1441.4. Inspections shall be limited to those family child day care homes that receive state or federal funds in accordance with R.S. 46:1441.2. For the purposes of this Section, "family child day care home" means any place, facility, or home operated by an institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, guidance, or any combination thereof of six or fewer children."

AMENDMENT NO. 3

On page 2, line 8, after "fee of" and before "dollars" delete "thirty-five" and insert "thirty"

AMENDMENT NO. 4

On page 2, at the end of line 8, change the comma "," to a period "."

AMENDMENT NO. 5

On page 2, delete lines 10 and 11 in their entirety

AMENDMENT NO. 6

On page 2, at the end of line 16, delete "R.S. 40:1578.6." and insert "R.S. 46:1441.4(C)."

AMENDMENT NO. 7

On page 3, after line 5, add the following:

"Section 2. R.S. 46:1441.4(C) is hereby amended and reenacted to read as follows:

§1441.4. Rules and regulations; inspection requirements

* * *

C. A family child day care home shall be inspected and approved by the office of state fire marshal in accordance with the rules and regulations as established under Subsections A and B of this Section, developed in consultation with the office of state fire marshal; adopted by the fire marshal for the inspection of family child day care homes which receive state or federal funds, subject to the approval of the secretary of the Department of Social Services, the state health officer, the director of the bureau of health standards of the Department of Health and Hospitals, and the director of the bureau of food and nutrition services of the Department of Education, and in accordance with the provisions of the Administrative Procedure Act. Such rulemaking shall include conducting the public hearing authorized in the Administrative Procedure Act."

On motion of Rep. Rodney Alexander, the amendments were adopted.

On motion of Rep. Rodney Alexander, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 999—
BY REPRESENTATIVE PRATT
AN ACT

To enact R.S. 17:422.7, relative to school employees; to provide for a minimum salary schedule for paraprofessionals employed in public elementary and secondary schools; to provide for definitions and for eligibility; to provide for the continuation of supplemental salary amounts; to provide for an effective date; to provide limitations; to provide for implementation; and to provide for related matters.

Read by title.

Reported without action by the Committee on Education with recommendation that the bill be recommitted to the Committee on Appropriations.

On motion of Rep. Brun, the bill was recommitted to the Committee on Appropriations, under the rules.

HOUSE BILL NO. 1002—
BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 15:834.1, relative to the housing of persons employed and living at state correctional institutions; to provide that the secretary of the Department of Public Safety and Corrections shall promulgate rules and regulations regarding the allowance of free housing for such persons; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1061—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 15:1155(C) and (G), relative to the Prison Enterprises Program in the Department of Public Safety and Corrections; to provide with respect to the membership of the board; to provide with respect to the number of members

required for a quorum; to provide with respect to the number of votes necessary for the board to take action; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1081—
BY REPRESENTATIVE TRAVIS
AN ACT

To enact R.S. 15:867.1, relative to search teams appointed by the wardens of state correctional facilities; to allow for the appointment of such teams by the warden; to provide for composition and duties of search teams; to provide for training; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 1081 by Representative Travis

AMENDMENT NO. 1

On page 2, line 3, after "include" and before "proper" delete "but not be limited to"

AMENDMENT NO. 2

On page 2, line 4, after "safety" and the comma "," and before "reasonable" delete "and"

AMENDMENT NO. 3

On page 2, line 5, after "inspections" and before the period "." insert a comma "," and "and other appropriate training"

On motion of Rep. Windhorst, the amendments were adopted.

On motion of Rep. Windhorst, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1187—
BY REPRESENTATIVE PRATT
AN ACT

To enact R.S. 17:436(D), relative to performing noncomplex health procedures; to require city and parish school boards to provide safety equipment, materials, and supplies to employees performing noncomplex health procedures; to specify such safety equipment, materials, and supplies to be provided; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Education.

On motion of Rep. Brun, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the consent calendar.

HOUSE BILL NO. 1252—
BY REPRESENTATIVES WINDHORST AND DEWITT
AN ACT

To amend and reenact R.S. 15:874(4)(d), relative to inmates' compensation accounts; to provide for the use of funds as authorized by the secretary of the department; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 1252 by Representatives Windhorst and DeWitt

AMENDMENT NO. 1

On page 1, line 3, after "funds" delete the remainder of the line and on line 4 delete "financial obligations to the state;" and insert "as authorized by the secretary of the department;"

AMENDMENT NO. 2

On page 2, line 1, after "department" insert a period "." and delete the remainder of the line and delete line 2 in its entirety

On motion of Rep. Windhorst, the amendments were adopted.

On motion of Rep. Windhorst, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1304—
BY REPRESENTATIVE PRATT
AN ACT

To enact R.S. 17:29 and R.S. 36:651(G)(3), relative to the School Health Care Commission; to create such commission; to provide for commission powers and duties, selection and appointment of members, and compensation; to provide relative to commission meetings, vacancies, and staffing; to require a report by the commission; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Education.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Original House Bill No. 1304 by Representative Pratt

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 17:29" and before "relative" delete the comma "," and add "and R.S. 36:651(G)(3),"

AMENDMENT NO. 2

On page 1, at the end of line 13, change "thirteen" to "twenty"

AMENDMENT NO. 3

On page 2, between lines 13 and 14, insert the following:

"(i) A representative of the Louisiana School Nurse Organization.

(j) A representative of the Louisiana State Board of Nursing.

(k) A representative of the Louisiana State Medical Society.

(l) A representative of the Louisiana Dental Association.

(m) A representative of the Associated Professional Educators of Louisiana.

(n) A representative of the Louisiana Parent-Teacher Association.

(o) A representative of the Louisiana chapter of the National Association of Social Workers."

AMENDMENT NO. 4

On page 2, at the beginning of line 24, change "(B)" to "B."

AMENDMENT NO. 5

On page 3, at the end of line 14, delete the period "." and insert "or any reimbursement for expenses incurred due to serving on the commission."

AMENDMENT NO. 6

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

"Section 2. R.S. 36:651(G)(3) is hereby enacted to read as follows:

§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

* * *

G. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Education as provided in Part III of Chapter 22 of this Title:

* * *

(3) The School Health Care Commission (R.S. 17:29).

* * *"

AMENDMENT NO. 7

On page 3, line 19, after "Section" and before "This" change "2." to "3."

On motion of Rep. Brun, the amendments were adopted.

On motion of Rep. Brun, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1356—

BY REPRESENTATIVES ROUSSELLE AND DUPRE
AN ACT

To amend and reenact R.S. 30:214, R.S. 34:3109(C)(4) and 3309(B)(4), R.S. 36:609(C)(1) and 610(E), R.S. 40:5.3(B), (E), (F), and (I) and 5.10(C), R.S. 41:1225 and 1705(8), R.S. 49:214.31(C) and 967(D), and R.S. 56:3, 5(A)(2), 6(15), 302.1(B)(2), 303(B), and 304(B) and to enact Part XVII of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:560.1 through 560.13 and Chapter 20-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:3390.1 through 3393.11, and R.S. 56:302.3(F) and 305(G) and R.S. 36:628(H) and 629(Q) and to repeal R.S. 56:10(B)(1)(a), 56:303.6, Subpart D of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:422 through 452, Subpart D-1 of said Part VII, of said Chapter 1 of said Title 56, comprised of R.S. 56:471 through 482, Subpart G-1 of Part VII of Chapter 1 of said Title 56, comprised of R.S. 56:578.1 through 578.12, and Part XV of Chapter 1 of said Title 56, comprised of R.S. 56:700.10 through 700.14, and to repeal House Concurrent Resolution No. 6 of the 1996 Regular Session, all relative to the cultivation, propagation, and management of oysters in the state; to transfer responsibility for the state's oyster program from the Department of Wildlife and Fisheries to the Department of Agriculture and Forestry; to provide relative to permits for surveying public water bottoms; to provide relative to expropriation of property by the Louisiana Offshore Terminal Authority and the Bulk Cargo Offshore Terminal Commission; to provide relative to administration, operation, and enforcement of programs related to saltwater fisheries in the state; to provide relative to the responsibility for molluscan shellfish sanitation requirements; to provide relative to release of funds from the Oyster Sanitation Fund; to provide relative to the issuance and enforcement of oyster leases; to provide relative to oyster leases in relationship to the State Waterbottom Management and the Coastal Zone Management programs; to provide relative to exemptions from the Administrative Procedure Act for rules and regulations pertaining to oyster seasons; to provide for ownership of and power and authority over oysters and water bottoms on which oysters are cultivated; to provide relative to funding for enforcement of oyster laws; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Original House Bill No. 1356 by Representatives Rousselle and Dupre

AMENDMENT NO. 1

On page 1, line 3, change "628(C)(1)" to "610(E)"

AMENDMENT NO. 2

On page 1, line 5, change "R.S. 56:3(A)" to "R.S. 56:3" and delete "303.6(B), and 700.11(3)" and insert in lieu thereof "302.1(B)(2), 303(B), and 304(B)" and after "to enact" delete "R.S."

AMENDMENT NO. 3

On page 1, line 6, delete "56:421" and insert in lieu thereof the following:

"Part XVII of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:560.1 through 560.13 and Chapter 20-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:3390.1 through 3393.11, and R.S. 56:302.3(F) and 305(G) and R.S. 36:628(H) and 629(Q) and to repeal R.S. 56:10(B)(1)(a), 56:303.6, Subpart D of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:422 through 452, Subpart D-1 of said Part VII, of said Chapter 1 of said Title 56, comprised of R.S. 56:471 through 482, Subpart G-1 of Part VII of Chapter 1 of said Title 56, comprised of R.S. 56:578.1 through 578.12, and Part XV of Chapter 1 of said Title 56, comprised of R.S. 56:700.10 through 700.14, and to repeal House Concurrent Resolution No. 6 of the 1996 Regular Session,"

AMENDMENT NO. 4

On page 1, line 7, after "state;" insert the following:

"to transfer responsibility for the state's oyster program from the Department of Wildlife and Fisheries to the Department of Agriculture and Forestry;"

AMENDMENT NO. 5

On page 2, between lines 6 and 7, insert the following:

"Section 1. Part XVII of Chapter 5 of Title 3 Louisiana Revised Statutes of 1950, comprised of R.S. 3:560.1 through 560.13 and Chapter 20-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:3390.1 through 3393.11, are hereby enacted to read as follows:

~~SUBPART G-1.~~ PART XVII. LOUISIANA SEAFOOD PROMOTION AND MARKETING BOARD

~~§56:578.1.~~ §560.1. Purposes

Recognizing that the commercial fishing industry in Louisiana has reached an ebb economically, creating an environment which has or could place, not only commercial fishermen, but also wholesale and retail dealers in dire economic straits, which situation could have an extreme economic impact on the state economy as a whole if nothing is done to alleviate the situation, and recognizing that there exist barriers and impediments to the economic well-being of the commercial fishery industry in Louisiana and recognizing that among these barriers and impediments, the virtual void in this state of any cohesive, coordinated, and comprehensive seafood promotion and marketing effort and stratagem has a significant negative impact on the seafood industry, the Legislature of Louisiana does hereby establish the Louisiana Seafood Promotion and Marketing Board in an effort to aid the industry in two vital aspects--product promotion and marketing development.

The purpose of this ~~Subpart Part~~ Part, then, is to enhance the public image of commercial fishery products, thereby promoting the consumption of these products and, further, to assist the seafood industry, including commercial fishermen and wholesale and retail dealers, in market development so as to better utilize existing markets and to aid in the establishment of new marketing channels. Attention to the promotion and marketing of nontraditional and underutilized species of seafood would be inherent in the purpose of the council established herein.

~~§56:578.2.~~ §560.2. Louisiana Seafood Promotion and Marketing Board; creation and organization

A.(1) There is hereby created in the office of ~~the secretary of the Department of Wildlife and Fisheries~~ alternative agriculture the Louisiana Seafood Promotion and Marketing Board. The agency

shall have its domicile in Baton Rouge and shall be governed by a board of trustees composed of fifteen members, fourteen members to be appointed by the ~~governor~~ commissioner of agriculture from persons engaged in the commercial seafood industry in Louisiana to serve terms concurrent with the ~~governor~~ commissioner, and the fifteenth member to be the ~~secretary of the Department of Wildlife and Fisheries~~ commissioner of agriculture or his designated representative, who shall serve as an ex officio member.

(2) The appointed members shall be chosen as follows:

(a) One shall be appointed from a list of three names submitted by the Louisiana Shrimp Association.

(b) One shall be appointed from a list of three names submitted by the Concerned Shrimpers of Louisiana.

(c) One shall be appointed from a list of three names submitted by the Louisiana Oyster Dealers and Growers Association.

(d) One shall be appointed from a list of three names submitted by the American Shrimp Cannery and Processors Association.

(e) One shall be appointed from a list of three names submitted by the Louisiana Restaurant Association.

(f) One shall be appointed from a list of three names submitted by the Louisiana Crawfish Farmers Association.

(3) Of the remaining eight members to be appointed:

(a) One member shall be a seafood retailer.

(b) One member shall be a seafood wholesaler.

(c) One member shall be a seafood processor.

(d) One member shall represent the commercial saltwater finfish industry.

(e) One member shall represent the commercial freshwater finfish industry.

(f) One member shall be a home economist.

(g) One member shall represent the wild catfish industry.

(h) One member shall be a marketing specialist.

(4) The names of each of the fourteen members appointed by the ~~governor~~ commissioner shall be submitted to the Senate for confirmation, and beginning in 1984 every appointment confirmed by the Senate shall again be submitted by the ~~governor~~ commissioner to the Senate for confirmation every two years after the initial confirmation.

B. The members of the board shall meet and elect a chairman, vice chairman, and a secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by such officers or specifically designated by the board. The board may establish rules and regulations for its own government and the administration of the affairs of the board. The board may disqualify any appointed member for cause, including excessive absences from board meetings. If any board member is so disqualified, the vacancy created thereby shall be filled by appointment by the governor for the remainder of the unexpired term.

C. The presence of eight members of the board shall constitute a quorum for the transaction of all business and the carrying out of

duties of the board. Each member shall take and subscribe to the oath of office prescribed for state officers. No member shall receive any salary, but each member shall receive the sum of twenty dollars per day for each day spent in actual attendance at meetings of the board or at meetings of duly appointed committees or subcommittees thereof and such allowance for traveling expenses in attending the meetings as is allowed for other state employees for traveling expenses.

D. The board shall maintain a record of its proceedings, and all matters requiring a vote of the board shall be recorded in the minutes in sufficient detail to determine whether subsequent action thereon is in compliance with the board's directives.

E. The board may employ a director and assistant director who shall be appointed by the board, subject to the approval of the ~~secretary of the Department of Wildlife and Fisheries~~ commissioner of agriculture. The director and assistant director shall be in the unclassified service. The ~~secretary~~ commissioner may employ such other personnel for the board as he deems necessary and appropriate.

~~§56:578.3.~~ §560.3. Powers, duties, and functions

The board shall have the following powers, duties, and functions:

(1) To adopt a seal and alter the same at its pleasure.

(2) To sue and be sued in its own name.

(3) To identify marketing problems, obstacles, and significant issues.

(4) To establish a marketing policy and goals and objectives therefor.

(5) To develop markets and marketing strategies for the development of new and expanded markets for Louisiana seafood.

(6) To give special emphasis to market promotion and development for underutilized species of Louisiana seafood.

(7) To educate the Louisiana fishing industry and Louisiana government officials regarding potential markets for Louisiana seafood and regarding investment and tax incentives available to industries under other existing Louisiana law and fisheries development programs available under federal law.

(8) To perform any acts deemed necessary and proper to carry out the duties and responsibilities imposed upon the board by the provisions of this ~~Subpart Part~~.

(9) To consider and to recommend to the legislature a mechanism whereby the Louisiana Seafood Promotion and Marketing Council shall be funded, including rules and regulations pertinent thereto.

(10) To adopt rules and regulations necessary to carry out the purposes of the board.

~~§56:578.4.~~ §560.4. Advertising, contracts and sales offices

A. The board, working with the Department of ~~Wildlife and Fisheries~~ Agriculture and Forestry, shall plan and conduct a campaign for advertising, publicizing, and promoting the increased consumption of Louisiana seafood, and may contract for any advertising, publicity, and sales promotion services. The board is further empowered to take any other action which it deems necessary to promote and to improve the well-being of the commercial seafood

industry. The secretary commissioner is hereby authorized and empowered to carry out any and all contracts entered into by the board.

§56:578.5: §560.5. Loan guarantees

A. Pursuant to the rules and regulations adopted by the board and in furtherance of the purposes of the board, the board may:

(1) Loan to any qualified person, firm, corporation, partnership, or association of this state a sum not in excess of seventy-five percent of the value of the property offered as security pursuant to a first mortgage, or a sum not in excess of fifty percent of the value of the property offered as security pursuant to a second mortgage, solely for the purchase, construction, or necessary improvement of any equipment, machinery, or structure used in the catching, harvesting, processing, or packaging of seafood in Louisiana. Any such loan shall be made pursuant to duly promulgated regulations of the board, which at a minimum shall require the borrower to execute a note secured by a first or second mortgage payable to the board within such time and on such terms, together with such endorsements and additional security as the board may require.

(2) Participate in any loan made by any bank, financial institution, or federal agency to any qualified person, firm, corporation, partnership, or association of this state for the purchase, construction, or necessary improvement of any equipment, machinery, or structure used in the catching, harvesting, processing, or packaging of seafood in Louisiana, which in the judgment of the board will provide additional or improved facilities for the catching, harvesting, processing, or packaging of seafood in Louisiana. Participation on the part of the board shall not exceed seventy-five percent of the total amount required by the borrower for any purpose herein authorized, and participation shall be in accordance with duly promulgated regulations, which at a minimum shall require the following:

(a) When the board's participation is paid directly to the borrower, the debt shall be evidenced by a note properly executed by the borrower, payable to the board within such time and on such terms, together with such security as the board may require, consistent with the requirements set forth in Paragraph (1) of this Subsection.

(b) When the board's participation is paid directly to the bank, financial institution, or federal agency through which the loan was negotiated, the debt shall be evidenced by a participation certificate, properly executed by the bank, financial institution, or federal agency, payable to the board, setting forth the terms and conditions under which the board agrees to participate, the amount of the participation, the security pledged for repayment, and the time within which such loan shall be liquidated.

(3) Underwrite and guarantee payment not in excess of seventy-five percent of any loan made by any bank, financial institution, or federal agency to any qualified person, firm, corporation, partnership, or association for the purchase, construction, or necessary improvement of any equipment, machinery, or structure used in the catching, harvesting, processing, or packaging of seafood in Louisiana which, in the judgment of the board will provide additional or improved facilities for the catching, harvesting, processing, or packaging of seafood in Louisiana. The board shall promulgate regulations thereon which shall require, as a minimum, that when any portion of any loan is underwritten and guaranteed by the board, an agreement shall be executed in the form of a commitment setting forth the terms and conditions under which the board is obligated and the extent to which repayment of the loan is guaranteed and secured.

B. The total amount outstanding on all loans made, guaranteed, or participated in by the board shall not exceed three million dollars, and on any such loans or guarantees the board shall impose and collect a charge equal to one percent of the amount of the board's participation. After compliance with Article VII, Section 9 of the Constitution of Louisiana, an amount equivalent to such charges collected shall be credited to the board and placed in a special fund designated as the Seafood Marketing Loss Fund, to be used to cover losses the board may incur.

C. The board may take such steps as it deems necessary or as required by this Subpart Part and the regulations applicable thereto, to protect the interest of the state in any property mortgaged to secure loans or guarantees made under the provisions of this Subpart, Part, including payment of the mortgage or the interest of a lending agency and with subrogation to the lending agency's interest in the property mortgaged.

D. The board shall make no loans, nor shall it participate in, nor shall it guarantee the repayment of any portion of any loan made for any purpose authorized in this Subpart Part which will result in the property offered as security thereunder being burdened with an outstanding indebtedness in excess of seventy-five percent of the value of the property.

E. The board shall make no loan, nor shall it participate in, nor shall it guarantee the repayment of any portion of any loan for any authorized purpose for a period of more than five years. However, the board may, from time to time, renew, extend, or agree to the renewal or extension of any loan made or guaranteed for such additional time as may be deemed advisable, but not to exceed a total of fifteen years. All balloon notes shall be renewed at the prevailing interest rate at the time of renewal.

F. The board shall fix the rate of interest to be charged on all loans made by the board, including that portion of loans in which the board participates. After compliance with Article VII, Section 9 of the Constitution of Louisiana, an amount equivalent to such interest rate charged shall be credited to the board for use in the loan program and to offset the costs of implementation of this Act.

§56:578.6: §560.6. Loans; limitations

A. The board shall not enter into any loan or guarantee or participate in any loan as authorized by the provisions of this Subpart Part unless the board first determines that:

(1) The applicant has been refused a loan by two banks or other financial institutions normally making loans of this nature in the general course of its business in the community in which the applicant is doing business, which refusal shall be evidenced in writing, setting forth the reasons for refusal.

(2) The applicant has exhausted all other resources from private or other governmental agencies which, at the discretion of the board, would be applicable.

(3) The applicant has the necessary licenses and permits to engage in the business for which the loans or guarantees are being obtained and there is not pending any proceeding to deny or revoke such license or permit; and

(4) There are no outstanding circumstances of which the board is aware that would indicate an inability on the part of the applicant to fulfill the financial obligations incurred as a result of the loan or guarantee.

§56:578.7: §560.7. Appropriations; warrants; records

Funds made available by the legislature from the Seafood Promotion and Marketing Fund as provided in R.S. 56:10 or from

any other source shall be used solely for the programs and purposes provided for in this ~~Subpart Part~~. The Department of ~~Wildlife and Fisheries~~ Agriculture and Forestry shall maintain records of the sources of money received and the purpose therefor, as well as the person or persons to whom money is paid and the purpose therefor. Vouchers or receipts shall be kept for all money paid out. Money appropriated or otherwise made available to the department for authorized purposes shall be withdrawn from the treasury on warrant of the secretary of the department.

~~§56:578.8.~~ §560.8. Annual reports

The board shall make a written operating report to the legislature at the end of each fiscal year, setting forth the applications for loans and guarantees considered during the preceding year, consisting of a brief description of each such application, the amount thereof, the name and address of the applicant and the type of business in which he is engaged, the purpose of the loan or guarantee application, a brief statement of the reasons for approving or denying the applications, and the current status of all of the outstanding loans and guarantees. This report shall be submitted to the House and Senate committees on natural resources not later than thirty days after the end of the fiscal year.

~~§56:578.9.~~ §560.9. Approval of regulations

Any regulations promulgated as provided herein shall be submitted to and approved by the respective legislative standing committees on natural resources.

~~§56:578.10.~~ §560.10. Approval of regulations

A. The ~~secretary of the Department of Wildlife and Fisheries~~ commissioner of agriculture with the advice of the Louisiana Seafood Promotion and Marketing Board is authorized to adopt rules and regulations in accordance with the Administrative Procedure Act establishing standards for the packaging of seafood in Louisiana for wholesale or retail sale. Those standards shall govern the quality and weight of all seafood packaged in this state.

B. The ~~secretary~~ commissioner is authorized to inspect any facility which packages seafood. In the event of a violation of any rule, regulation, or state law, the ~~secretary~~ commissioner with the advice of the Louisiana Seafood Promotion and Marketing Board is authorized to:

- (1) Order the packager to halt the distribution or sale of seafood which is packaged in violation of the packaging standards.
- (2) Seek injunctive relief to stop the packaging practices which cause any violation of packaging standards.
- (3) Order the seafood packager to comply with the rules and regulations.
- (4) Impose civil fines of not more than one thousand dollars for each violation. Each day a seafood packager is not in compliance with any rule, regulation, or order of the ~~secretary~~ commissioner is considered a separate violation.

C. Any person aggrieved by any order or civil fine imposed by the ~~secretary~~ commissioner shall be entitled to an adjudicatory hearing in accordance with the Administrative Procedure Act.

~~§56:578.11.~~ §560.11. Labeling of catfish packaging; penalties

A. Any catfish product sold in the state, whether wholesale or retail, shall be labeled as farm-raised or naturally produced. Such labels shall be easily identifiable and affixed to every package sold.

B. Violation of the labeling requirements shall subject the distributor or packager to the penalties provided in R.S. ~~56:578.10(B)~~ 3:560.10.

~~§56:578.12.~~ §560.12. Louisiana Seafood Promotion and Marketing Board; ~~Louisiana Oyster Task Force~~; duties, responsibilities, and functions

~~Under the supervision of the Louisiana Oyster Task Force~~, The Louisiana Seafood Promotion and Marketing Board shall be empowered with the following duties, responsibilities, and functions:

- (1) To employ such personnel as necessary.
- (2) To develop markets and marketing strategies for the development of new and expanded markets for Louisiana oysters.
- (3) To represent the interests of the Louisiana oyster industry before federal and state administrative and legislative bodies on issues of importance to the Louisiana oyster industry.
- (4) To contract for legal services to represent the interests of the Louisiana oyster industry in judicial, administrative, and legislative proceedings.
- (5) To administer the funds in the Oyster Development Account of the Seafood Promotion and Marketing Fund.
- (6) To perform any acts deemed necessary and proper to carry out its duties and responsibilities.

~~§56:10(B)(1)(a).~~ §560.13. Seafood promotion and marketing fund; warrants; vouchers; surplus funds

~~B.~~ A. There shall be paid annually into a special fund created in the state treasury and designated as the Seafood Promotion and Marketing Fund an amount equal to the total of five dollars per license fee and gear fee per annum paid into the treasury by the ~~Wildlife and Fisheries~~ Commission derived from the increase in each of the commercial fisheries license fees imposed by Acts 1984, No. 230 or derived from the fee or fees imposed on any commercial fisheries license established on or after January 1, 1984. This includes five dollars per commercial fisherman's license fee, gear fee, wholesale/retail dealer's license fee, vessel license fee, and transport license fee pursuant to Part VI of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950.

~~B.~~ In addition, there shall pay annually be paid into the Seafood Promotion and Marketing Fund, into a special account entitled the "Oyster Development Account", the additional fee of five cents for each oyster tag sold pursuant to R.S. ~~56:449 3:3390.26~~ and paid into the treasury. ~~by the commission.~~ All expenditures and allocation of funds from this account shall be ~~administered jointly by the Louisiana Seafood Promotion and Marketing Board and the Louisiana Oyster Task Force.~~ upon recommendation by the Louisiana Advisory Commission on Oysters to the commissioner of agriculture.

~~D.~~ C. All unexpended and unencumbered monies in the Louisiana Seafood Promotion and Marketing Fund, at the end of the fiscal year shall remain in the respective funds. The monies in the funds shall be invested by the treasurer in the same manner as monies in the state general fund. All interest earned on monies invested by the treasurer shall be deposited in the ~~respective~~ fund. The state treasurer shall prepare and submit to the department on a quarterly basis a printed report showing the amount of money contained in the funds from all sources.

* * *

CHAPTER 20-A. OYSTERS

PART I. CULTIVATION, PRODUCTION, AND HARVESTING

~~§56:422.~~ §3390.1. Regulation of industry; residence of persons engaging in; employment of labor and vessels

A. Any bona fide resident of this state, any firm or association composed of citizens or residents of this state, or any corporation domiciled in or organized under the laws of this state, having a factory or shucking plant or places of business located within this state, may catch and take, can, pack, shuck, or deal in or transport oysters from the waters of this state, and may lease bedding grounds for the cultivation and propagation of oysters for any of those purposes within any waters within the territorial jurisdiction of the state, upon the terms and conditions and subject to the restrictions and regulations herein set forth, or under the authority which may be imposed by the ~~commission~~ commissioner of agriculture.

B. Except as otherwise provided in this ~~Subpart Chapter~~ person not a resident of or domiciled in this state shall catch, take, can, pack, shuck, or deal in, within this state, any oysters taken from the waters of this state, or lease any bedding grounds for the cultivation and propagation of oysters for any of the above purposes.

C. Any person properly licensed to operate in the oyster industry in this state may employ such labor, resident or nonresident, as required, and may employ such vessels and their crews, resident or nonresident, as required, upon the vessels being properly licensed. This right to employ nonresident labor or nonresident vessels is confined to the operation of any licensees as carried on within the state.

D. Whoever violates any of the provisions of this Section ~~has committed a Class Two violation and~~ shall be punished as ~~provided for in Part H:~~ follows:

(1) For the first offense, the fine shall be not less than one hundred dollars nor more than three hundred fifty dollars, or imprisonment for not more than sixty days, or both;

(2) For the second offense, the fine shall be not less than three hundred dollars, nor more than five hundred fifty dollars, and imprisonment for not less than thirty days nor more than sixty days;

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars nor more than seven hundred fifty dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~§56:423.~~ §3390.2. Property rights, larceny or other public offense concerning; leases heritable and transferable; adjudication of claims

A. A lessee shall enjoy the exclusive use of the water bottoms leased and of all oysters and cultch grown or placed thereon, subject to the restrictions and regulations of this ~~Subpart Chapter~~.

B.(1) A lessee of oyster beds or grounds who has obtained, recorded, and marked his lease in compliance with the law shall have the right to maintain an action for damages against any person, partnership, corporation or other entity causing wrongful or negligent injury or damage to the beds or grounds under lease to such lessee.

(2) No person shall trawl or seine or use skimmer nets over any area of privately leased bedding grounds or oyster propagating place in the year immediately following the seeding of such area which is staked off, marked, or posted as required by law or regulation. Any

person who knowingly trawls or uses skimmer nets upon such marked areas shall be liable for damages caused to the lessee. A violation of this Paragraph shall be ~~a class three violation;~~ punishable as follows:

(a) For the first offense, the fine shall be not less than two hundred fifty dollars nor more than five hundred dollars, or imprisonment for not more than ninety days, or both;

(b) For the second offense, the fine shall be not less than five hundred dollars, nor more than eight hundred dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation;

(c) For the third offense and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars, nor more than one thousand dollars, and imprisonment for not less than ninety days nor more than one hundred twenty days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

(3) Any action for damages under this ~~Paragraph~~ Subsection shall be brought within one year of the occurrence of the wrongful or negligent act, or within one year of the date of discovery of such act, whichever last occurs.

C. In case of infringement of the interest in the taker or possessor, the taker or possessor may, in his own name, maintain his proper action against the wrongdoer. In case of larceny or other public offense concerning such oysters while in the hands of a lawful taker or possessor, or upon bedding grounds held by a lawful lessee, the ownership thereof shall be averred in the lessee, taker, possessor, when by law it is necessary to aver ownership.

D. No claim to any water bottoms suitable for oyster culture by any person shall be valid until adjudicated upon by a court of competent jurisdiction in a suit between the state and the claimant. The claimant by virtue hereof may institute suit against the state in any court of competent jurisdiction for the legal determination of the validity of his claims, without the necessity of a special legislative act authorizing suit. The effect of the judgment is limited to an adjudication of the question of title.

E. All leases, all applications of deceased persons for leases, and all property rights or interests acquired pursuant to such leases, made in conformity with the provisions of this ~~Subpart Chapter~~ are heritable and transferable. They are subject to mortgage, pledge or hypothecation, and to seizure and sale for debt, as any other property rights and credits in this state. This provision also applies to all buildings, betterments, and improvements thereon. No such inheritance or transfer is valid or of any force or effect whatsoever unless evidenced by an authentic act, judgment, or proper judicial deed registered in the office of the department in a book provided for that purpose. The department shall keep proper indexes, so that all original leases and all subsequent changes and transfers can be easily and accurately ascertained.

~~§56:424.~~ §3390.3. Taking of oysters

A.(1) No person shall take oysters from any of the waters of the state or have such oysters in possession except in accordance with rules and regulations promulgated by the commissioner. For the purpose of this ~~Subpart Chapter~~, all oysters in possession of any person in the state shall be deemed to be oysters taken from the waters of the state. Except as otherwise provided herein, the taking of oysters is prohibited in the water bottoms of the state of Louisiana.

(2) No person, except a Louisiana resident sixteen years of age or under, and except the spouse of a vessel's owner while on that

vessel, shall harvest oysters unless he possesses a valid oyster harvesting license.

B. An oyster lessee may work on his private oyster lease, or he may designate an agent to harvest oysters on his lease with written permission, which shall be carried on the boat and subject to inspection. Such written permission shall specify a starting date and a termination date during which period the written permission will be valid.

C. Recreational oyster fishermen may harvest oysters in leased areas with the written permission from the leaseholder, in personal leased areas, and in areas open to the public for the harvesting of oysters, but shall be limited to two sacks per person per day.

D.(1) Except as otherwise provided herein, violation of any of the provisions of this Section ~~constitutes a class four violation~~; shall be punishable as follows:

(a) For the first offense, the fine shall be not less than four hundred dollars nor more than four hundred fifty dollars, or imprisonment for not more than one hundred twenty days, or both.

(b) For the second offense, the fine shall be not less than seven hundred fifty dollars, nor more than three thousand dollars, and imprisonment for not less than ninety days nor more than one hundred eighty days.

(c) For the third offense and all subsequent offenses, the fine shall be not less than one thousand dollars, nor more than five thousand dollars, and imprisonment for not less than one hundred eighty days nor more than two years.

(d) The above penalties in all cases shall include forfeiture ~~to the commission~~ of anything seized in connection with the violation.

(2) Any person, common carrier, or any agent or officer thereof, who violates any of the provisions of this Section shall at the time of arrest surrender all permits or licenses held by the vessel. The captain, person, agent, officer, crew, or members thereof by whom or under whose direction the vessel was used in the illegal taking of oysters may be charged with a violation and may be ordered to pay all costs of prosecution.

E.(1) No oysters shall be harvested or sold in the state of Louisiana or in interstate commerce unless taken from areas approved by the state health officer in accordance with R.S. 40:5.3. No oysters taken from sources outside of Louisiana shall be sold in Louisiana, unless taken from areas approved by the state authorities having jurisdiction, and unless secured from oyster dealers whose state certifications have been endorsed by the United States Food and Drug Administration Public Health Services for interstate shipment.

(2) ~~Violation of the provisions of this Subsection constitutes a class four violation, unless otherwise provided.~~ In addition to all other penalties provided hereunder, whoever violates this Subsection shall have oyster harvester's license or licenses under which the violation occurred revoked for the period for which it or they were issued. For the first offense, the license or licenses shall not be reinstated for one year thereafter. For the second and subsequent offenses, the license or licenses shall not be reinstated for three years thereafter.

F.(1) The act of culling oysters, which is the act of discarding undersized oysters or dead shell, shall be performed only on the open state designated public grounds or leases on which the fisherman is authorized to take oysters. At no time will the act of culling oysters be permitted in areas closed to harvesting oysters.

(2) Provisions of Paragraph (1) herein notwithstanding, the ~~secretary commissioner~~ may grant permits for culling and oyster harvesting to those individuals involved in molluscan depuration operations and container relaying operations on a case-by-case basis, provided that the individuals conducting such operations have fully complied with the rules and regulations of the office of public health and have been issued a permit by that office to conduct such operations.

~~___(3) Violation of any of the provisions of this Subsection constitutes a class three violation; shall be punishable as follows:~~

(a) For the first offense, the fine shall be not less than two hundred fifty dollars nor more than five hundred dollars, or imprisonment for not more than ninety days, or both;

(b) For the second offense, the fine shall be not less than five hundred dollars, nor more than eight hundred dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation;

(c) For the third offense and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars, nor more than one thousand dollars, and imprisonment for not less than ninety days nor more than one hundred twenty days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

G. Except as otherwise provided in this ~~Subpart Chapter~~, all oysters taken from the reefs of this state either for sale or consumption shall be landed in Louisiana, properly sacked or containerized and tagged in accordance with the provisions of R.S. ~~56:449 3:3390.26~~, and the severance tax levied in R.S. ~~56:446 3:3390.25~~ paid thereon; provided, however, a lessee legally harvesting oysters which have been properly tagged from his own lease may land those oysters outside the state pursuant to rules and regulations promulgated by the department. Any fees proposed in said rules shall not exceed one hundred dollars.

~~§56:425. §3390.4.~~ Lease of water bottoms; stipulations; boundary disputes

A. The ~~secretary commissioner~~ may lease to any resident, any firm composed of residents, or any corporation domiciled in or organized under the laws of this state any state-owned water bottoms and natural reefs in the water bottoms of this state under the limitations herein stipulated. No lease shall be granted until a reasonable investigation into the question of ownership is complete and, based on the findings, a determination is made that the state owns the water bottoms to be leased. Any lease for the taking of oysters granted by the ~~secretary commissioner~~ prior to the effective date of this Section which affects privately owned water bottoms shall be subordinate to the rights of the private landowner or recorded land title owner effective on that date.

B. All leases and renewals of leases made under the provisions of this ~~Subpart Chapter~~ shall stipulate as a matter of contract that the lessee will operate both under the laws of this state and the rules and regulations of the department.

C. The ~~secretary commissioner~~ may make such stipulations in the leases made by him as he deems necessary and proper to develop the industry; however, these stipulations must be consistent with the provisions of this ~~Subpart Chapter~~.

D. The department may fully settle all disputes as to boundaries between lessees of bedding grounds, subject to appeal to any court of competent jurisdiction.

~~§56:426.~~ §3390.5. Filing and recordation of water bottoms leases

A. Leases shall be executed in duplicate and a copy of the plan of survey annexed thereto. One duplicate shall be delivered to the lessee and the other retained by the department and registered in a lease book for that purpose.

B. All persons to whom water bottoms leases are granted shall, within thirty days following the granting thereof, record an executed copy of such lease or leases, together with a plat or map of survey indicating the area affected, in the conveyance records of the parish or parishes of the state of Louisiana in which the area is located. Within twenty days from such recordation, certified copies of the plat or map of survey shall be filed with the department. Transfers of leases from one person to another shall be likewise recorded and filed.

C. If a lease is not recorded and filed within the time periods provided above, no third party shall be bound or affected by the provisions of that lease, until such time as it is properly recorded and filed. There shall be no claim against the state of Louisiana for the disregard of the provisions of any lease not properly recorded and filed in accordance with the foregoing, nor shall there be any claim against the department, the register of the state land office, or the state mineral board, for the disregard of the provisions of any lease which has not been properly filed with the respective agency involved.

D. All leases of water bottoms for oyster culture previously granted and not filed and recorded as provided for in this Subpart Chapter, and all such leases hereafter granted, and not recorded as provided herein, shall be subordinate to the rights of the state of Louisiana, its agencies and lessees, with respect to the granting of mineral and shell leases and the exercise of rights thereunder. The renewal or extension of the term of existing oyster leases shall not be deemed new leases, but the renewals or extensions shall be recorded as provided herein.

~~§56:427.~~ §3390.6. Initial application for lease

A. Any person who qualifies under this Subpart Chapter and who desires to lease a part of the bottom or bed of any of the waters of this state as provided in this Subpart Chapter, shall present to the secretary commissioner a written application, with a cash deposit of such amount as is determined by the department. This application shall contain the name and address of the applicant and a reasonably definite description of the location and amount of land covered by water desired by the applicant. The applicant shall ask that the application be registered, that the water bottom be surveyed, that a plan or map of survey thereof be made, and that the water bottom described be leased to the applicant under the provisions of this Subpart Chapter. The department shall then register the application, shall order an examination to determine whether the bottoms applied for are leasable, and shall determine the basis upon which the rental of the lease shall be fixed. If the area is found to be leasable, a survey and plan shall be made at the expense of the applicant, at a fee to be fixed by the commissioner. The expense shall be paid by the applicant to the department in compensation for the services of making the survey, at the time the survey is made. If the application is favorably acted upon, the secretary commissioner may, at his option, execute a lease for the water bottoms to the applicant as soon as the survey has been made, the plan or map thereof has been filed with the department, and the costs have been paid by the applicant.

B. When applications are made by two or more persons for the same water bottoms, the applicant or the heirs or transferors of a deceased applicant who files the first application has prior claim. The department shall not accept any survey plan for any lease that

exceeds by ten percent the acreage described in the initial application for the particular lease from the date of adoption of this Subsection, except that the department may accept any lease application, even where the survey plan exceeds by ten percent the acreage described in the initial application, if the lease would not overlap or impact surrounding leases or pending lease applications.

C. The department shall require that the bottoms of water areas to be leased be as compact as possible, taking into consideration such factors as the shape of the body of water, and the condition of the bottom as to hardness or softness which would render it desirable or undesirable for the purpose of oyster cultivation.

D. The provisions of this Section shall apply only to the initial application for an oyster lease, and not to the renewal of a lease.

~~§56:428.~~ §3390.7. Commencement and duration of lease; renewal; fixing of rental rates

A. All leases made under the provisions of this Subpart Chapter shall begin on the day the lease is signed and continue for a period of fifteen years. The owners of expiring leases have first right of renewal of their leases. However, this right to renewal shall be subject to the provisions of this Subpart Chapter. Leases carry the first right of renewal for successive periods of fifteen years each, provided the lease is capable of supporting oyster populations. Renewals shall be executed by the secretary commissioner and shall be made subject to both the provisions of this Subpart Chapter and to the rules and regulations established by the department.

B. The secretary commissioner has sixty days from the date of expiration of a lease to execute a renewal lease. If a renewal lease is not executed within this sixty-day period, the lease is automatically renewed. In either situation, the fifteen-year period of the renewal lease shall begin on the first day following the expiration date of the prior lease. A resurvey and plan of the water bottom included in a renewal lease shall be made by the department at the expense of the leaseholder and at the fee set by the commissioner. This resurvey and plan may be made subsequent to the beginning date of a renewal lease. The expense of the resurvey and plan shall be paid by the leaseholder in compensation for the services of making the resurvey, at the time the resurvey is made. The leaseholder shall be given ten days written notice of the scheduled resurvey by the department and shall be present at the resurvey.

C. The commission advisory commission shall recommend to the commissioner shall fix the rate of rental for oyster leases at an amount not to exceed five ~~at two~~ dollars per acre per year. The rate of rental fixed by the commissioner shall apply to all leases executed by the secretary commissioner. For the purpose of calculating the rental due for a lease, the amount of acreage covered by the lease shall be rounded off to the nearest full acre. The rent must be paid no later than the thirty-first of December following the signing of the lease, and annually thereafter, in advance on or before the first day of January, whether the lease be held by the original lessees or by an heir, assignee, or transferee.

~~§56:429.~~ §3390.8. Default in payment of rent; cancellation and forfeitures

The failure of the tenant to pay the rent punctually on or before the first of each January, or within thirty days thereafter, ipso facto and without demand or putting in default, terminates and cancels the lease and forfeits to the department all the works, improvements, betterments, and oysters on the leased water bottoms. The department may at once enter on the water bottoms and take possession thereof. Such water bottoms shall then be open for lease to the highest bidder. Ten days thereafter the department shall enter the termination, cancellation, and forfeiture on its books and give

public notice thereof by publication in one local paper in the parish where the leased water bottoms are located. The department may waive the termination, cancellation, and forfeiture, provided the rent due with ten percent additional is paid at any time before the water bottoms are leased to another person.

~~§56:430~~ §3390.9. Cultivation of barren water bottoms; additional lease stipulations

A. Each tenant leasing water bottoms under the provisions of this ~~Subpart Chapter~~ shall, each year after the commencement of the lease, place under cultivation at least one-tenth of the leased barren water bottoms, except in the case of closure of the water bottoms for health reasons.

B.(1) Lessees, under the supervision of the department, shall stake off and mark the leased water bottoms by ranges, monuments, stakes, buoys, and the like, in order to locate accurately and fix the limits of each lease by prominently marking such leased water bottoms with signs which state the lease number or name or initials of the leaseholder. Oysters shall not be harvested from any unmarked lease.

(2) For purposes of preventing trawling in seeded areas under R.S. ~~56:423(B)~~ 3:3390.2, lessees shall clearly mark and delineate as required by law or regulation the area which has been seeded. A lease shall be posted with prominent, durable signs stating "NO TRAWLING OR SEINING-OYSTER LEASE".

(3) A violation of this Section shall be ~~a class two violation~~; punishable as follows:

(a) For the first offense, the fine shall be not less than one hundred dollars nor more than three hundred fifty dollars, and imprisonment for not more than sixty days, or both;

(b) For the second offense, the fine shall be not less than three hundred dollars, nor more than five hundred fifty dollars, and imprisonment for not less than thirty days nor more than sixty days;

(c) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars nor more than seven hundred fifty dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~§56:431~~ §3390.10. Unlawful removal of oysters or signs from leased propagating grounds; instructions to captain and crew of vessels; penalty

A. No person shall knowingly or willfully take, carry away, or attempt to take or carry away, without permission of the lessee, any oysters, shell, or cultch from the water bottoms of the Gulf of Mexico or the lakes, bays, inlets, lagoons, rivers, bayous, or other waters tributary thereto or connecting therewith, within the jurisdiction of the state where the bottoms are, at the time of such taking, let or leased to any person under the laws of Louisiana, for the purpose of bedding, planting, propagating, or cultivating oysters.

B. No person shall knowingly or willfully remove, break off, destroy, or otherwise injure or alter any stake, monument, bounds, buoy, sign, or other designation of bedding or propagating ground placed thereon by the lessee, or knowingly or willfully move from any bedding ground any stake, monument, bounds, buoy, sign, mark, or other designation placed thereon by the department or in accordance with its regulations or any Sections in this ~~Subpart Chapter~~.

C. All owners or employers of vessels engaged in the oyster industry in this state shall issue typewritten instructions to the captains and crews in charge of the vessels, calling attention to the provisions of this Section. These instructions shall be duly executed before a competent notary by the parties interested, the original to be kept by the department and duplicate to be had in possession at all times by the captain of the vessel. This duplicate shall be shown on demand of any officer or agent of the department. Lack of possession of such document on a vessel, or a refusal to show the same, is prima facie evidence that the paper does not exist.

~~D. Violation of any of the provisions of this Section constitutes a class three violation~~; shall be punishable as follows and the imposition of these penalties does not bar the prosecution and conviction of the wrongdoer under the criminal statutes of this state:

(1) For the first offense, the fine shall be not less than two hundred fifty dollars nor more than five hundred dollars, and imprisonment for not more than ninety days, or both;

(2) For the second offense, the fine shall be not less than five hundred dollars, nor more than eight hundred dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation;

(3) For the third offense and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars, nor more than one thousand dollars, and imprisonment for not less than ninety days nor more than one hundred twenty days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~§56:303-6~~ §3390.11. Oyster harvester license

A.(1) All persons, except the spouse of a vessel's owner while on that vessel, and helpers under R.S. 56:303.3, harvesting or possessing oysters in state waters must purchase an oyster harvester license at a cost of one hundred dollars for residents and four hundred dollars for nonresidents.

(2) This license shall be required in addition to any and all licenses otherwise required ~~in this Part~~ for fishing. The provisions of this Section shall apply to both commercial and recreational fishermen.

B. The revenues generated from this license shall be used by the Department of ~~Wildlife and Fisheries~~ Agriculture and Forestry for oyster enforcement purposes and the ~~Department of Health and Hospitals~~ for oyster water monitoring.

C. The provisions of this Section shall apply to commercial fishermen and shall not apply to recreational oyster fishermen taking no more than two sacks a day in accordance with R.S. ~~56:424(C)~~ 3:3390.3(C).

~~§56:432~~ §3390.12. Territorial limitations

No person, partnership, or corporation shall lease more than one thousand acres of water bottoms except as provided in this Section. Any lessee who owns or operates more than one canning plant in this state may lease an additional five hundred acres of water bottoms for the second plant located within this state, an additional three hundred acres for the third plant located within this state, and an additional two hundred acres for the fourth plant located within this state. However, should the lessee cease to operate any plant, by virtue of the erection of which he was permitted to increase his leaseholding acreage, such cessation will cause a forfeiture of the additional acreage. Whoever leases more than the allotted amount of water

bottoms, forfeits, after due trial by competent court, all leases held by him on any water bottoms of the state.

~~§56-433~~. §3390.13. Culling oysters taken from natural reefs; size limits

A. All oysters taken from the natural reefs of this state which measure less than three inches from hinge to mouth and all dead shell shall be immediately replaced and scattered broadcast upon the natural reefs from which taken. No captain, person in charge of any vessel, canner, packer, commission man, or other person shall have in his possession off the natural reefs any natural reef oysters which were not taken in accordance with the provisions of this ~~Subpart Chapter~~. Any excess of over fifteen percent of dead shells and oysters under the size prescribed herein, in any cargo lot of oysters, except any cargo lot of oysters to be used as seed oysters for bedding purposes only, shall be considered a violation of this ~~Subpart Chapter~~, and any officer of the department may cause to be counted the whole or part of the cargo or lot of oysters at the expense of the person or vessel, to determine the percentage. No oysters under one inch in length from hinge to mouth shall be counted, and each half shell of over one inch shall be counted as one.

B.(1) Under its supervision and direction, the department may permit lessees of oyster bedding grounds to fish oysters of any size, without charge, from the natural reefs of the waters of this state. Such oysters are to be used as seed oysters for bedding purposes only. The department may designate from which natural reefs oysters may be fished, and the quantity to be taken therefrom by any lessee. The natural reefs may be fished each year starting the first Wednesday after Labor Day through April first of the next year. However, the commissioner may extend the taking of oysters on natural reefs by setting the last day of the season to be no later than May fifteenth if it is determined that sufficient quantities of oysters are available to accommodate such additional taking. When setting the last day of the season the commissioner shall consider the recommendations of the Oyster Task Force. The commissioner in its discretion may designate what parts or portions of the natural reefs may be fished for oysters, and it may suspend the fishing of oysters altogether from natural reefs not leased by it, when such reefs are threatened with depletion as determined by the department.

(2) The commissioner shall annually set aside one or more areas east of the Mississippi River for the exclusive use of sackers. The designation of the said areas is to be based on the best available data by the department for insuring the economic development of the fisheries. The total areas designated shall not exceed one-fourth of the total areas of public seed grounds east of the Mississippi River. The commissioner may, by rule, provide for oyster size restrictions in these sacking areas.

C. No person shall take oysters from the natural reef of the waters of the state during the period beginning April second or such date set by the commission pursuant to Paragraph B(1) of this Section and ending the Tuesday following Labor Day. No person shall can, shuck, or pack any oysters from the natural reefs during the closure period. This provision does not prevent any lessee of oyster bedding grounds from harvesting his own oysters and using them for personal home consumption or for sale during the time of closure.

D. No person shall remove oysters from any state-owned natural reef for the purpose of steam processing from the first Wednesday after Labor Day through December ~~31~~, thirty-first, both dates inclusive.

E. ~~The department, at one of its regular meetings, With the advice of the advisory commission, the commissioner, in the exercise of its~~ his duties to improve, enlarge, and protect the state-owned natural reefs of this state, and after affording industry, department personnel, and interested parties an opportunity to be heard, shall

have the option, between January first and the last day of the season of each year, of closing any portion or all of the natural oyster reefs of this state to the harvest of oysters, and/or of setting harvesting size limits on any portion or all of the natural oyster reefs of this state, as expected conditions warrant. The department shall notify the oyster industry of its determination by filing the information in the office of the secretary, and by notice once weekly for two weeks prior to implementation, in the newspapers of general circulation in the coastal zone.

F. The limitations as to size contained in Subsection A shall not apply to seed oysters lawfully fished from the natural reefs and shall not apply between January first through the last day of the season of each year, both dates inclusive.

G. No provisions of this Section shall prevent the department from exercising its option to close the natural grounds to all oyster fishing as provided in Subsection B.

H. The provisions of this Section do not apply to a lessee of private bedding grounds when harvesting his own oysters.

I. The commissioner shall designate the natural reefs by regulation.

J. A violation of the provisions of this Section shall ~~constitute a class two violation~~. be punishable as follows:

(1) For the first offense, the fine shall be not less than one hundred dollars nor more than three hundred fifty dollars, or imprisonment for not more than sixty days, or both;

(2) For the second offense, the fine shall be not less than three hundred dollars, nor more than five hundred fifty dollars, and imprisonment for not less than thirty days nor more than sixty days;

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars nor more than seven hundred fifty dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~§56-434~~. §3390.14. Oyster seed grounds; designation and setting aside; rules and regulations concerning taking of seed oysters; areas recognized as oyster seed reservations; protection of oyster seed reservations

A. The commissioner shall at ~~its~~ his discretion from time to time designate and set aside such area from the water bottoms of the state as ~~it~~ he judges best adapted to the planting, propagation, growth, and policing of seed oysters. The area constitutes oyster seed grounds. Each unit thereof shall, as nearly as practicable, be so located as to facilitate its efficient policing, and be readily identifiable by reference to geographical features or local landmarks or department surveys, and shall embrace at least a recognizable portion of any body or arm of water, or definite part thereof, in which it is established.

B. Upon or following the designation or location of any oyster seed ground, the department may negotiate for and acquire existing oyster leases required to be abandoned or surrendered which are found within the limits of the designated area. The department shall compensate the leaseholder for oysters, seed oysters, shells, and other improvements found on the private leases required to be abandoned or surrendered, out of funds appropriated by the legislature. Such compensation shall be determined by an independent marine surveyor appointed by the department with the concurrence of the leaseholder, at the current-day value of the improvements on the grounds affected.

C. All seed oysters produced on oyster seed grounds or reservations established under this ~~Subpart~~ Chapter shall be had and held for the use and benefit of the oyster industry. The commissioner shall establish rules and regulations concerning the time, quantity, and method of taking by which these seed oysters shall be made available to the public. These rules and regulations shall be formulated as necessary and shall be adequate to the proper maintenance and preservation of the areas as a perpetual source of seed supply for the oyster industry. Unless otherwise opened by the commissioner all oyster seed grounds and reservations are closed.

D. The ~~secretary~~ commissioner may require persons taking, or attempting to take oysters, oyster seed, or cultch from any state-owned public oyster seed ground or public oyster seed reservation to obtain a permit from the department and possess said permit when on the public oyster seed grounds or public oyster seed reservations.

E. The water bottoms located in Sister (Caillou) Lake and Bay Junop in Terrebonne Parish, Hackberry Bay (Bay Duchene) in Lafourche and Jefferson Parishes, and Bay Gardene in Plaquemines Parish are designated as oyster seed reservations, and shall be managed by the department for the best interests of the oyster industry.

F. The department shall establish and maintain an adequate and vigilant watch and control over the areas designated as oyster seed grounds and oyster seed reservations, and shall see that all oysters, seed oysters, oyster cultch, or other material improvements found or placed thereon are efficiently protected from trespass, theft, or injury.

G. A violation of the provisions of this Section shall ~~constitute a class two violation~~ be punishable as follows:

(1) For the first offense, the fine shall be not less than one hundred dollars nor more than three hundred fifty dollars, or imprisonment for not more than sixty days, or both;

(2) For the second offense, the fine shall be not less than three hundred dollars, nor more than five hundred fifty dollars, and imprisonment for not less than thirty days nor more than sixty days;

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars nor more than seven hundred fifty dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~§56:435.~~ §3390.15. Dredges and scrapers; use in removing oysters

A. All dredges and scrapers shall be no longer than six feet in width measured along the tooth bar.

B. The dredge teeth shall be no longer than five inches in length, and there shall be no more than seven dredges in use on any one vessel.

C. The lessees of propagating or bedding grounds may use on such propagating or bedding grounds any implements or appliances they may desire. However, no implements or appliances shall be used in any manner which will impair or destroy any water bottoms. The department may require lessees to procure from it permits to use such implements and appliances, such permits to be issued without charge, and to be conditioned that such implements or appliances shall not be used on natural oyster reefs in the state, and on those grounds not leased.

D. A violation of the provisions of this Section shall ~~constitute a class two violation~~ be punishable as follows:

(1) For the first offense, the fine shall be not less than one hundred dollars nor more than three hundred fifty dollars, or imprisonment for not more than sixty days, or both;

(2) For the second offense, the fine shall be not less than three hundred dollars, nor more than five hundred fifty dollars, and imprisonment for not less than thirty days nor more than sixty days;

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred dollars nor more than seven hundred fifty dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~§56:435.~~ §3390.16. Calcasieu Lake and Sabine Lake; prohibition on use of dredges and scrapers; penalty; season; self-propelled vessels; harvested oysters

A.(1) The legislature recognizes that historically Calcasieu Lake was a major producer of oysters and that, as a result of channel alterations in the Calcasieu system, oyster stocks were almost completely destroyed. Through the combined efforts of the legislature, the Department of Wildlife and Fisheries, the United States Corps of Engineers, area sportsmen's leagues, and oyster fishermen to reestablish these populations in the early 1970's, the oyster stocks have recovered to levels comparable to those in the 1960's. Presently, Calcasieu Lake produces about one hundred thousand sacks of oysters annually. This entire production was harvested by tonging only. Due to the unique makeup of the water bottoms of Calcasieu Lake, the common practice of dredging would be detrimental to the oyster populations of this area. Consequently, the legislature recognizes that biologically the oyster populations can be maintained best by limiting the harvesting of oysters in Calcasieu Lake to tonging exclusively, unless other such use has been authorized by rule of the Department of ~~Wildlife and Fisheries~~ Agriculture and Forestry identifying the reef or reefs where such use is permitted. The legislature further finds many of the same problems exist for Sabine Lake as exist for Calcasieu Lake and that many of the same solutions should be implemented in Sabine Lake.

(2) No one shall use dredges or scrapers to take oysters from the natural oyster reefs in Calcasieu Lake and Sabine Lake, which the legislature finds are in danger of being destroyed because of dredging and scraping.

(3) Whoever violates the provisions of Subsection A of this Section and rules and regulations of the department shall, upon conviction thereof in any court of competent jurisdiction:

(a) For the first offense, be fined not less than five hundred dollars or imprisoned for not more than one hundred ~~and~~ twenty days, or both;

(b) For a second offense, be fined not less than seven hundred fifty dollars and not more than three thousand dollars and be imprisoned not less than ninety nor more than one hundred eighty days;

(c) For the third and all subsequent offenses, be fined not less than one thousand dollars nor more than five thousand dollars and be imprisoned not less than one hundred eighty days nor more than two years.

(4) In addition to the above fines and jail sentences, the license under which said violation occurred may be revoked and may not be reinstated at any time during the period for which it was issued and for one year thereafter, and shall include forfeiture to the department of anything seized in connection with the violation.

B. All vessels used for the commercial harvest of oysters on Calcasieu Lake and Sabine Lake must be self-propelled. "Self-propelled" means, when used in this Section, that the vessel shall travel under its own power to its harvest area and when loaded with oysters, shall travel under its own power to the place where the oysters are unloaded.

C. Oysters, once harvested and placed upon any vessel, cannot be transferred except to a shore side facility.

D. With the proper licenses, no more than ten one and one-half bushel sacks of oysters per boat per day may be harvested. However, a person may harvest up to two sacks of oysters per boat per day without obtaining any license provided the oysters are used for his own consumption and are not permitted to enter into commerce.

E. The commissioner shall fix the open season for oyster tonging in Calcasieu Lake and Sabine Lake, which for Sabine Lake shall begin on November fifteenth and shall end on April thirtieth and for Calcasieu Lake shall begin on any date between October fifteenth and November first and shall end on April thirtieth. However, the commissioner may open or close the season as biological data indicate a need.

F. In the event that the open season or any extension thereof for oyster tonging in Calcasieu Lake is closed by the commissioner or the office of public health, Department of Health and Hospitals, for more than seven days, a licensed oyster fisherman may harvest no more than fifteen one and one-half bushel sacks of oysters per boat per day for a period of three consecutive calendar days immediately following the reopening of the season. After the season has been open for three consecutive calendar days, the harvest limit shall revert to ten one and one-half bushel sacks of oysters per boat per day. ~~as provided in Subsection F of this Section.~~

~~§56:435.2.~~ §3390.17. Calcasieu Lake; depuration fishery; limits; methods of harvesting; licenses and permits; self-propelled vessels; penalties

A. The commissioner shall establish a special depuration fishery, and allow the harvest of molluscan shellfish every month of the year in areas of Calcasieu Lake and Sabine Lake that meet state health standards for depuration.

B. Any person harvesting molluscan shellfish under the provisions of this Section shall, in addition to any other license required by this ~~Subpart Chapter~~, obtain a special permit from the commissioner allowing them to fish closed areas for depuration.

C. All vessels used for the harvest of molluscan shellfish for depuration on Calcasieu Lake and Sabine Lake must be self-propelled. "Self-propelled" means, when used in this Section, that the vessel shall travel under its own power to its harvest area and when loaded with molluscan shellfish, shall travel under its own power to the place where the molluscan shellfish are unloaded.

D. Molluscan shellfish, once harvested and placed upon any vessel, cannot be transferred except to a shore side facility.

E. With the proper licenses and permits, no more than ten one and one-half bushel sacks of oysters per boat per day may be harvested.

F. Any person harvesting molluscan shellfish for depuration may use oyster tongs or no more than one dredge measuring up to three feet along the tooth bar. The teeth on the dredge shall not exceed five inches in length.

~~_____~~ G.(1) Violation of the provisions of this Section shall constitute ~~a class IV violation~~, shall be punishable as follows:

(a) For the first offense, the fine shall be not less than four hundred dollars nor more than four hundred fifty dollars, or imprisonment for not more than one hundred twenty days, or both.

(b) For the second offense, the fine shall be not less than seven hundred fifty dollars, nor more than three thousand dollars, and imprisonment for not less than ninety days nor more than one hundred eighty days.

(c) For the third offense and all subsequent offenses, the fine shall be not less than one thousand dollars, nor more than five thousand dollars, and imprisonment for not less than one hundred eighty days nor more than two years.

~~B: (d)~~ The above penalties in all cases shall include forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~(2) and~~ Upon conviction ~~thereof~~ in any court of competent jurisdiction a person shall be subject to the following penalties:

(a) For the first offense, the fine shall be not less than four hundred dollars nor more than four hundred fifty dollars, or imprisonment for not more than one hundred twenty days, or both.

(b) For the second offense, the fine shall be not less than seven hundred fifty dollars, nor more than three thousand dollars, and imprisonment for not less than ninety days nor more than one hundred eighty days.

(c) For the third offense, the fine shall be not less than one thousand dollars, nor more than five thousand dollars, and imprisonment for not less than one hundred eighty days nor more than two years.

(d) The above penalties in all cases shall include forfeiture ~~to the commission~~ of anything seized in connection with the violation.

H. The commissioner shall adopt regulations to govern the taking of oysters pursuant to this Section and the operation of any depuration facilities. Such rules shall, at a minimum require:

(1) The presence of a security officer, paid by the depuration facility, to accompany vessels to and from the harvesting areas for the purpose of preventing the commingling of oysters harvested pursuant to this Section with those from approved areas that are available for sale in accordance with the state health standards; and

(2) That each sack used in harvesting oysters pursuant to the depuration season shall have a colored tag that may not be removed until received at the depuration facility; and

(3) The establishment of an area, "buffer zone", in which no harvesting shall be allowed, between approved areas in which tonging is being conducted and closed areas where depuration fishing is being conducted.

I. The commissioner may close the depuration season at any time in accordance with ~~R.S. 56:22~~ or R.S. 49:953(B), the emergency rule provisions of the Administrative Procedure Act.

~~§56:436.~~ §3390.18. Restricted time of taking oysters

A. The taking of oysters from the natural reefs of this state and from privately owned bedding grounds between the hours of one-half

hour after sunset and until one-half hour before sunrise is prohibited. During these hours all dredges shall be unshackled, disconnected, or in such condition as to be easily determined by an agent of the department not to have been in recent use.

~~_____~~ B. Violation of any provision of this Section ~~constitutes a class four violation~~; shall be punishable as follows:

(1) For the first offense, the fine shall be not less than four hundred dollars nor more than four hundred fifty dollars, or imprisonment for not more than one hundred twenty days, or both.

(2) For the second offense, the fine shall be not less than seven hundred fifty dollars, nor more than three thousand dollars, and imprisonment for not less than ninety days nor more than one hundred eighty days.

(3) For the third offense and all subsequent offenses, the fine shall be not less than one thousand dollars, nor more than five thousand dollars, and imprisonment for not less than one hundred eighty days nor more than two years.

(4) The above penalties in all cases shall include forfeiture to ~~the commission~~ of anything seized in connection with the violation.

~~§56:438~~; §3390.19. Surveyor, definition

Surveyor as used in this ~~Subpart Chapter~~ shall mean the surveyor of the department or any other professional land surveyor qualified and currently registered by the State Board of Registration for Professional Engineers and Land Surveyors in accordance with R.S. 37:681 et seq. who is authorized by the ~~secretary commissioner~~ to survey oyster leases under the laws of the state and rules, regulations, and policies of the department.

~~§56:439~~; §3390.20. Staking off or bedding oysters on unleased water bottoms

No person shall stake off the water bottoms enumerated in this ~~Subpart Chapter~~, or bed oysters on the water bottom without previously leasing the same from the department, and then only after payment of the rental and fees provided in this ~~Subpart Chapter~~. However, for emergency purposes in the matter of the preservation of a cargo, the oyster fisherman may temporarily bed his cargo on unleased bottoms and stake it off.

~~§56:440~~; §3390.21. Standard measurements; barrel

In all of the operations of the department, the standard measurement of the barrel referred to herein shall be 6451.26 cubic inches, which approximately represents the cubic contents of three bushels, or one barrel; one sack represents 3225.63 cubic inches or one and one-half bushels or one-half barrel.

~~§56:441~~; §3390.22. Grant of right to take oyster shell deposits from shell reefs; duration of grant; renewal; charges; damages; forfeiture of right; bond

A. The commissioner may sell and grant to any person the right and privilege of taking shell deposits from any of the shell reefs within the boundaries of this state and located in or on the borders of the Gulf of Mexico, or any of the bays, lakes, inlets, or waterways connected with or emptying into the Gulf, or into any of such bays, lakes, or inlets.

B. These rights and privileges described in Subsection A may be sold and granted by the commissioner for a primary term not in excess of fifteen years, and at the discretion of the commissioner, with the privilege of renewing the contract for a period not exceeding

an additional ten years, at a fixed price for each cubic yard of shell which may be taken from the reef. The price shall not be less than seven and one-half cents per cubic yard. Payment for the shells taken each month shall be made during the succeeding month. The person to whom the right and privilege is sold and granted shall supply and provide all of the boats, barges, machinery, tools, and implements necessary to take and remove shells from the reefs without cost, expense, or liability of any kind to the commission. The person to whom the right or privilege is sold and granted is responsible for all damage of any kind by him, his agents, directors, or employees, whether the damage is to the property of the state or to the property of any person. The contract shall provide for the forfeiture of the right and privilege upon the failure of the person to whom it is sold and granted to make payment under the terms and within the time provided in the contract for the shells or shell deposits which may be taken from the reef. The commissioner shall make such other stipulations in the contract as deemed necessary or proper to protect the interest and property of the state, to enforce the rights of the state, and to compel compliance with the obligations assumed or to be assumed. The commissioner shall require a bond of not less than one thousand dollars, executed by a surety company authorized to do business in this state, to secure the faithful performance by the persons of the obligations assumed.

~~§56:442~~; §3390.23. Collection and disposition of funds; dedication of funds

A. No license fee or tax other than those imposed by ~~Part VI of this Title and by R.S. 56:446 3:3390.25~~ shall be levied or imposed by the state or any of its subordinate political corporations or municipalities.

B. Except for funds collected from the privilege to take shells or shell deposits from the water bottoms, the funds provided for and arising from the collection of severance taxes, bedding ground rentals, and other sources of income, shall be collected by the department and record made thereof. These funds shall be deposited in the state treasury to the credit of the department.

C. One-half of all funds collected by the department from the leasing or granting of permits of the right or privilege to take shells or shell deposits or mussel shells from the water bottoms of the state under authority of this ~~Subpart Chapter~~ are dedicated to the establishment, administration, maintenance, and upkeep of oyster seed grounds and reservations and to the planting, propagation, cultivation, policing, preservation, and distribution of oysters on and from the grounds. The department may purchase and use shells or other cultch which it may in judgment and discretion take from overcrowded oyster reefs belonging to the state. The remaining one-half of all funds collected by the department under authority of this ~~Subpart Chapter~~ shall be deposited in a special account by the department and shall be dedicated to the administration, enforcement, management, and research for marine resources and to the construction, purchase, maintenance and upkeep of property and equipment used in connection therewith.

D. In case of acquisition and expenditures incurred under authority of this ~~Subpart Chapter~~, the department may care for, cultivate, and dispose of acquired oysters and seed. It shall return such recovered funds into the funds placed at its disposal under this ~~Subpart Chapter~~.

~~§56:444~~; §3390.24. License number display

The name, license number, state boat registration number, or federal documentation number of each vessel, boat, or dredging apparatus engaged in the harvesting of oysters shall be displayed on the roof of the cabin or on any other place which is easily visible

from the air, at all times. The letters shall be at least eight inches in height and of an appropriate width.

~~§56:446.~~ §3390.25. Oyster severance tax; collection

A. A severance tax of two and one-half cents per barrel on each barrel of oysters fished from leased water bottoms is levied and shall be paid to and collected by the department. A severance tax of three cents per barrel on each and every barrel of oysters fished from the natural reefs either for sale or consumption is levied and shall be paid to and collected by the department. These taxes are levied upon and shall be paid by every person removing oysters or on whose behalf oysters are removed, whether from his own leased bedding ground or natural reefs, as stipulated above, except in such cases where oysters removed are sold by the person to any resident wholesale/retail dealer, in which event the severance tax shall be paid by the latter.

B. The ~~secretary~~ secretary commissioner may examine, inspect, and audit the books, papers, and memoranda of all persons engaged in the oyster industry under licenses issued by the department.

C.(1) Oyster severance taxes shall be payable to the department on or before the tenth day of the month following the date of sale. A statement of the quantity of oysters fished, purchased, and/or received shall be made by certification on monthly report forms furnished by the department and shall accompany each payment. Upon failure to pay severance taxes when due, a penalty of ten percent per month, not exceeding thirty percent in the aggregate, calculated upon the severance tax due, shall be levied and collected by the department in addition to the tax due. If there is a delinquency in the filing of reports and in the payment of taxes due as required above, demand for payment shall be made by the ~~secretary~~ secretary commissioner as soon thereafter as possible, coupled with the warning that the license of the delinquent shall be revoked unless report is made and taxes paid.

(2) After demand for payment and warning, the ~~secretary~~ secretary commissioner may seize any oysters or parts or products thereof in the possession of a person liable for taxes and penalties due and sell them for payment of the tax and penalties. Any surplus from the proceeds of sale, after deducting all costs and charges, taxes, and penalties due, shall be paid to the owner of the oysters or parts or products thereof seized. At any time after demand for payment and warning, the license of any person who fails to make monthly reports and to pay severance taxes due shall be revoked by the secretary, and shall so remain until all reports are made and all taxes due are paid with accrued penalties.

(3) Any person who refuses or fails to pay the severance taxes due or to make monthly reports as aforesaid, and whose license has been revoked, is hereby prohibited from buying and selling or otherwise engaging in the disposition of oysters or parts or products thereof and other seafoods under the jurisdiction of this commission.

D. The provisions of this Section shall apply to the nonresident wholesale/retail dealer whenever he buys oysters directly from any fisherman in this state for out-of-state shipment and no severance taxes have been paid on these shipments.

~~E. Violation of any of the provisions of this Section constitutes a class three violation.~~ shall be punishable as follows:

(1) For the first offense, the fine shall be not less than two hundred fifty dollars nor more than five hundred dollars, or imprisonment for not more than ninety days, or both;

(2) For the second offense, the fine shall be not less than five hundred dollars, nor more than eight hundred dollars, and imprisonment for not less than sixty days nor more than ninety days,

and forfeiture ~~to the commission~~ of anything seized in connection with the violation;

(3) For the third offense and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars, nor more than one thousand dollars, and imprisonment for not less than ninety days nor more than one hundred twenty days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~§56:449.~~ §3390.26. Tags; distribution; use; containers; penalties

A. Sacks and any other types of containers used to hold oysters and other mollusks while in their shells shall be identified by official tags. The department shall have exclusive authority over the distribution of these tags. The use of these tags is required of all persons taking oysters or other mollusks from the waters of the state for sale. Tags issued by the department shall be identified with and traceable to the license of the oyster lessee or oyster fisherman. The lessee or oyster fisherman shall write in the appropriate places on the tag, all information required by the tagging requirements of the National Shellfish Sanitation Plan Manual of Operations.

B. The department shall establish uniform fees for such tags. The fees shall be sufficient in amount to cover the cost of the tags as well as the administrative costs of distribution. In addition to the established uniform fee, there shall be an additional fee of five cents per tag which shall be deposited into the Oyster Development Account within the Seafood Promotion and Marketing Fund.

C. All oysters and other molluscan species taken from Louisiana waters for sale which are sacked or otherwise containerized while in the shell and on board a fisherman's vessel shall be tagged prior to removal from the vessel. All oysters and other molluscan species which are to be sacked or otherwise containerized while in the shell at dockside shall be containerized and tagged immediately upon arrival at the dock prior to shipment.

D. It shall be unlawful for any person to sell for resale or to purchase for resale untagged sacks or containers of oysters or other molluscan species.

E. A reasonable tolerance of ten percent shall be allowed for loss of tags due to transit and handling. Possession of untagged sacks or containers other than on board the fisherman's vessel or on the dock prior to shipment in excess of the tolerance shall be deemed a violation of this Section.

F. All persons fishing within the boundaries of the state, but not desiring to land said catch within the jurisdiction of the state, shall tag with prescribed Louisiana tags all sacks or containers prior to leaving the state. All persons fishing shellfish outside the jurisdictional boundaries of the state of Louisiana, but desiring to land within the boundaries of the state, shall have all sacks or containers tagged according to the rules of the state from which fished.

G. Untagged sacks or containers of oysters or other molluscan species found in commerce within the state, other than on board the fisherman's vessel or on the dock prior to shipment, shall be deemed to have been taken in polluted waters and constitute a hazard to the safety, health, and welfare of the citizens of the state.

H. Authorized agents of the department, state and local health officials, and state and local law enforcement officials shall be authorized to enforce the provisions of this Section, and shall have the authority, additionally, to seize all untagged sacks or containers found in connection with any arrests hereunder and to dispose thereof in accordance with law.

I. It shall be a violation of this Section for any manufacturer, distributor, dealer, supplier, or wholesaler to sell or distribute shucked oyster containers to any person or persons, corporation, business, or firm that has not been certified by the Seafood Sanitation Unit of the office of public health, Department of Health and Hospitals. The packer, distributor, or purchaser shall not resell the shucked oyster container. It shall be a violation of this Section if any nonresident purchaser of new and unused shucked oyster containers does not have in his possession a valid certificate from an appropriate state agency that regulates the seafood industry.

J. The department shall require that all persons who containerize shucked oysters or other molluscan species keep accurate records of the source of the oysters in order that said oysters can be traced back to the identifying tag and shall require, further, that such containers be labeled as a source of identification in a manner to be prescribed by the secretary commissioner.

~~_____~~ K. A violation of this Section shall ~~constitute a class III violation and any oyster seized in connection with this violation shall be disposed of pursuant to the policies and procedures established by the department~~ be punishable as follows:

(1) For the first offense, the fine shall be not less than two hundred fifty dollars nor more than five hundred dollars, or imprisonment for not more than ninety days, or both;

(2) For the second offense, the fine shall be not less than five hundred dollars, nor more than eight hundred dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation;

(3) For the third offense and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars, nor more than one thousand dollars, and imprisonment for not less than ninety days nor more than one hundred twenty days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

~~§56:450.~~ §3390.27. Freshwater mussels; rules; penalties

A.(1) The ~~secretary of the Department of Wildlife and Fisheries~~ commissioner of agriculture shall adopt rules, developed and proposed by the department, to regulate the harvest of freshwater mussels. Such rules shall provide for open areas, species eligible for harvest, harvest methods, permits, fees, and other provisions necessary to implement this Section. In no case shall the annual permit fee for nonresidents be less than one thousand dollars per person harvesting freshwater mussels.

(2) ~~One-half of~~ The total of all revenues derived from the annual permit fees required for commercial mussel fishermen and severance tax are hereby dedicated to the operation of the enforcement division of the Department of ~~Wildlife and Fisheries~~ Agriculture and Forestry, ~~and the remaining one-half of the total of all revenues is hereby dedicated to the operation of the inland fisheries division of the department.~~

B. The secretary commissioner shall have the authority to revoke, deny, or limit the number of permits issued as deemed necessary for proper management, control, and protection of the freshwater mussel resource.

C. (1) Any violation of rules pertaining to the harvest and sale of freshwater mussels shall ~~constitute a class four violation, R.S. 56:34.~~ be punishable as follows:

(a) For the first offense, the fine shall be not less than four hundred dollars nor more than four hundred fifty dollars, or imprisonment for not more than one hundred twenty days, or both.

(b) For the second offense, the fine shall be not less than seven hundred fifty dollars, nor more than three thousand dollars, and imprisonment for not less than ninety days nor more than one hundred eighty days.

(c) For the third offense and all subsequent offenses, the fine shall be not less than one thousand dollars, nor more than five thousand dollars, and imprisonment for not less than one hundred eighty days nor more than two years.

~~B:~~ (d) The above penalties in all cases shall include forfeiture ~~to the commission~~ of anything seized in connection with the violation.

(2) Any violation of harvest reporting requirements shall ~~constitute a class three violation, R.S. 56:33.~~ be punishable as follows:

(a) For the first offense, the fine shall be not less than two hundred fifty dollars nor more than five hundred dollars, or imprisonment for not more than ninety days, or both;

(b) For the second offense, the fine shall be not less than five hundred dollars, nor more than eight hundred dollars, and imprisonment for not less than sixty days nor more than ninety days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation;

(c) For the third offense and all subsequent offenses, the fine shall be not less than seven hundred fifty dollars, nor more than one thousand dollars, and imprisonment for not less than ninety days nor more than one hundred twenty days, and forfeiture ~~to the commission~~ of anything seized in connection with the violation.

D. It shall be unlawful for any person to sell, barter, or exchange any freshwater mussel meats. Any violation of this Subsection shall ~~constitute a class four violation, R.S. 56:34.~~ be punishable as follows:

(1) For the first offense, the fine shall be not less than four hundred dollars nor more than four hundred fifty dollars, or imprisonment for not more than one hundred twenty days, or both.

(2) For the second offense, the fine shall be not less than seven hundred fifty dollars, nor more than three thousand dollars, and imprisonment for not less than ninety days nor more than one hundred eighty days.

(3) For the third offense and all subsequent offenses, the fine shall be not less than one thousand dollars, nor more than five thousand dollars, and imprisonment for not less than one hundred eighty days nor more than two years.

(4) The above penalties in all cases shall include forfeiture ~~to the commission~~ of anything seized in connection with the violation.

E. Notwithstanding any other law to the contrary, there shall not be any shell dredging in Lake Pontchartrain or Lake Maurepas.

~~§56:451.~~ §3390.28. Severance tax; default in payment; penalties

A. There is hereby levied a severance tax of five percent of the revenues derived from the sale of all whole freshwater mussels taken from the waters of this state. For purposes of this Section, "whole" shall mean a freshwater mussel unopened with meat.

B. The severance tax on freshwater mussels shall be computed at the point of first sale to a properly licensed and permitted buyer. Payment of this tax shall be to the department and shall be calculated from receipts issued by the department and completed by the buyer for each sales transaction. A copy of each receipt shall be given to the harvester and a copy shall be retained by the buyer. The buyer and seller shall retain such receipts for inspection by the department for a period of not less than two years.

C.(1) Payment of the tax shall be made by the buyer and shall be made to the department on a monthly basis. Such payment must be received by the department no later than the fifteenth day of the month following the month of severance. In addition, the buyer shall furnish the department with receipts issued for each sales transaction during the month, which must also be received by the fifteenth day of the month following the month of severance.

(2) If such severance taxes are not paid when due, a penalty of ten percent per month of the overdue tax, not exceeding an aggregate of thirty percent, shall be levied and collected by the department in addition to the tax owed.

(3) If there is a delinquency in filing of reports and in payment of taxes due, demand for payment shall be made by the department as soon as possible, and the department shall provide a warning to the offender that its permit will be revoked unless such payment is made and report is filed. Such permit shall be revoked by the secretary and shall remain revoked until all requisite reports have been filed and all taxes and accrued penalties have been paid. In addition, after making such demand for payment, the department may seize any mussels or parts of products thereof in the possession of any person liable for such taxes and penalties due and the department may sell the mussels or parts of products thereof for payment of the tax and penalties. After deducting all costs, charges, taxes, and penalties due, the surplus from the proceeds of the sale shall be paid to the owner of the mussels or parts of products thereof seized.

~~§56.452.~~ §3390.29. Penalties

A. Any person who violates a Section of this SubPart for which no penalty is given ~~has committed a class one violation and shall be punished as provided for in Part H.~~

A. ~~Class one violations~~ shall be subject to adjudication and civil penalties assessed after a decision rendered by the ~~secretary of the Department of Wildlife and Fisheries~~ commissioner of agriculture or his designated hearing officer based upon a hearing held in accordance with the provisions of the Administrative Procedure Act.

B. The following civil penalties shall be imposed for ~~a class one~~ such violation:

(1) For the first offense, a civil penalty of fifty dollars shall be imposed.

(2) For the second offense, a civil penalty of one hundred dollars shall be imposed.

(3) For the third offense and all subsequent offenses, a civil penalty of two hundred dollars shall be imposed.

§3390.30. Appointment of oyster enforcement officers; duties and powers

A. The commissioner may appoint and commission enforcement officers who shall enforce the laws relative to the production cultivation and harvesting of oysters, may carry weapons concealed or exposed while in the performance of their duties, and shall be vested with the same authority and powers conferred by law

upon regular law enforcement officers of this state with respect to the following criminal offenses: arson; littering; theft; burglary; disorderly conduct; disturbing the peace, observed during the performance of their normal duties; and conduct constituting resisting arrest; assault or battery of a commissioned forestry officer.

B. In addition, the commissioner is hereby authorized to enter into cooperative agreements with other state departments, including the Department of Wildlife and Fisheries, and other law enforcement agencies for the cross-utilization of law enforcement personnel in the furtherance of increased coverage for enforcement of all the state laws.

C. In addition to the criminal penalties outlined in this Chapter, the advisory commission may recommend to the commissioner the levy of civil fines for each violation in an amount not to exceed five thousand dollars per day for each violation. Each day a person is found in violation of the same provision of law shall be considered a separate violation and shall be subject to separate fines. Such civil fines may be levied in addition to criminal penalties or in lieu of criminal penalties at the discretion of the advisory commission and the commissioner.

PART II. LOUISIANA ADVISORY COMMISSION ON OYSTERS

§3391.1. Louisiana Advisory Commission on Oysters

A. The Louisiana Advisory Commission on Oysters is hereby created within the Department of Agriculture and Forestry. The commission shall be domiciled in Baton Rouge.

B. The commission shall consist of the following sixteen members appointed by the commissioner in accordance with the following provisions:

(1) Three members of the House of Representatives appointed by the speaker of the House.

(2) Three members of the Senate appointed by the president of the Senate.

(3) One member appointed by the commissioner from a list of three recommendations submitted by Louisiana Oyster Dealers and Growers Association.

(4) One member appointed by the commissioner from a list of three recommendations submitted by Plaquemines Oyster Association.

(5) One member appointed by the secretary of the Department of Wildlife and Fisheries.

(6) One member appointed by the secretary of the Department of Environmental Quality.

(7) One member appointed by the commissioner from a list of three recommendations submitted by Terrebonne Oyster Association.

(8) One member appointed by the governor from the governor's Office of Coastal Activities.

(9) One member appointed by the secretary of the Department of Health and Hospitals.

(10) One member appointed by the commissioner from a list of three recommendations submitted by Calcasieu Lake Oyster Task Force.

(11) One member appointed by the commissioner from a list of three recommendations submitted by Southwest Pass Oyster Leaseholders Association.

(12) One member appointed by the commissioner from a list of three recommendations submitted by United Commercial Fisherman's Association.

C. Each appointment by the commissioner shall be submitted to the Senate for confirmation.

D. Members shall be appointed for terms which shall end at the same time as the term of the appointing authority. Members shall serve until their successors in office are appointed and sworn into office.

E. Vacancies in the offices of the members shall be filled in the same manner as the original appointments for the unexpired portion of the term of the office vacated.

F. A majority of the members of the commission shall constitute a quorum for the transaction of business. All official actions of the commission shall require the affirmative vote of a majority of the members of the commission.

G. The commissioner may appoint an alternate member for each member. If the member is appointed from a list of nominees, the alternate member shall be appointed from the same list. If the member cannot attend a meeting, the alternate member may serve as the member's representative if the member notifies the commission that he is unable to attend and that he wishes the alternate member to serve as his representative. Alternate members who serve as the representative of a member shall have voting rights.

H. The commission, by a vote of two-thirds of the members, may expel a member who has accumulated three consecutive unexcused absences from commission meetings.

I. Members of the commission shall not receive any salary for their duties as members. Members or representatives may receive a per diem for each day spent in actual attendance of meetings of the commission or of duly appointed committees or subcommittees of the commission. The amount of the per diem shall be fixed by the commission in an amount not to exceed forty dollars. Members or representatives may receive a mileage allowance for mileage traveled in attending meetings. The mileage allowance shall be fixed by the commission in an amount not to exceed the mileage rate for state employees.

J. The commission shall meet twice in each calendar year and may meet on the call of the chairman or upon the request of any three members. The commission shall not meet more than twelve times in any calendar year.

§3391.2. Officers and employees

A. The members of the commission shall elect a chairman, a vice chairman, and such other officers as they deem necessary. All officers shall be members of the commission.

B. The commission shall employ a director and an assistant director, who shall be appointed by the commission subject to the approval of the commissioner of agriculture. The director and assistant director shall be in the unclassified service. The commissioner may employ such other personnel of the commission as he deems appropriate. All employees of the commission shall be under the direction and supervision of the commissioner.

§3391.3. Powers

The commission shall have the following powers:

(1) To advise the commissioner on the adoption of such rules and regulations as are necessary to enforce the provisions of this Chapter.

(2) To hold hearings and conduct investigations.

(3) To advise the commissioner on the matters related to the cultivation, propagation, and harvesting of oysters.

(4) To hold hearings on alleged violations of the provisions of this Chapter or of the rules and regulations adopted under the provisions of this Chapter.

(5) To advise the commissioner on the civil penalties to be imposed or the injunctive relief to be sought to punish and restrain violations of the provisions of this Chapter or of the rules and regulations adopted under the provisions of this Chapter.

(6) To recommend that the commissioner suspend or revoke licenses, certificates, and permits or impose probation on holders of licenses, certificates, or permits.

(7) To work jointly with the Department of Health and Human Resources to establish, develop, and administer a water monitoring program to ensure the quality of molluscan shellfish in this state.

(8) To adopt bylaws for the orderly management of the affairs of the commission.

(9) To employ a director and assistant director, subject to the approval of the commissioner.

§3391.4. Adjudicatory hearings

Adjudicatory hearings held by the commission may be held by a subcommittee of the commission and shall be conducted in accordance with the following provisions:

(1) The commissioner shall convene the commission for the purpose of hearing the matter.

(2) The commissioner shall appoint a hearing officer who shall preside over the hearing.

(3) The commissioner may issue subpoenas to compel the attendance of witnesses or the production of documents and records anywhere in the state in any hearing before the commission.

(4) The hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act.

(5) The commission shall make an initial determination on the matter. This determination shall be submitted to the commissioner in writing.

(6) The commissioner shall make the final determination on the matter. If the determination of the commissioner differs from the determination of the commission, the commissioner shall issue a written opinion based on the record of the hearing.

(7) Except as otherwise provided in this Paragraph, appeals from rulings of the commissioner shall be taken in accordance with the provisions of the Administrative Procedure Act. Notwithstanding the provisions of R.S. 49:964(B), any appeal from a determination of the commissioner, when filed in forma pauperis, shall be by civil

proceedings in the district court for the parish in which the violation occurred.

PART ~~XX~~ III. OYSTER LEASE DAMAGE EVALUATION BOARD

~~§56:700.10.~~ §3392.1. Purpose

With declining reserves, and oil and gas becoming harder to discover, it is incumbent upon the state to remove as many obstacles as it can which might impede the future exploration and development of minerals in the public waterbottoms. Oyster leases and oil and gas exploration and production have historically utilized much of the same areas in the waterways and waterbottoms on public lands in the state. The oil and gas industry has been faced with the problem of having to negotiate damages to oyster beds to conduct geophysical surveys, drilling activities, and movement of equipment to and from well sites in an uncertain and unpredictable manner which is creating an undue burden on the industry. The purpose of this Part is to effect an equitable solution to the problem which will result in fair and predictable treatment to the oil and gas industry while assuring the oyster fishermen actual compensation for damages to their oyster beds due to mineral activities. The state has a tremendous interest in preserving the viability of both industries. Since both activities are granted on public waterbottoms by the state it is the obligation of the state to resolve the problems created by this impasse; therefore, the legislature does hereby establish the Oyster Lease Damage Evaluation Board to promulgate rules and regulations to determine the method of establishing a uniform system of compensation for actual damages caused to the beds of leaseholders based on biological test data.

~~§56:700.11.~~ §3392.2. Definitions

As used in this Part, unless the context requires otherwise, the terms set forth below shall have the following meanings:

- (1) "Board" means the Oyster Lease Damage Evaluation Board.
- (2) "Biological test data" means surveys of oyster beds and grounds by a certified biologist to determine the quality, condition, and value of oyster beds and grounds.
- (3) "Leaseholder" means an owner of an oyster lease granted by the Department of ~~Wildlife and Fisheries~~ Agriculture and Forestry.
- (4) "Department" means the Department of Natural Resources.
- (5) "Mineral activity" means exploration (including all seismic operations), production, transportation (of equipment or product), and any other activity associated with the production of oil and gas.
- (6) "Owner" means an owner or operator of a mineral activity.
- (7) "Secretary" means the secretary of the Department of Natural Resources, or his designee.

~~§56:700.12.~~ §3392.3. Damages to oyster leases; oil and gas activities; settlements and claims

Notwithstanding any other law to the contrary, including but not limited to R.S. ~~56:423~~ 3:3390.2 et seq., any lessee of oyster beds or grounds who is requested to enter into a settlement for damages which may occur due to an oil and gas activity which proposes to intrude upon the leasehold shall have the right to settle his claim with the owner in the following manner:

A.(1) If the leaseholder and the owner of the oil and gas activity agree to settle for a fixed amount the settlement shall be in writing,

signed by both parties, granting the activity for the agreed upon sum which shall be paid immediately.

(2) In the event that a settlement is reached there shall be no further claims or demand for damages thereafter for the activity upon which the agreement was made.

(3) If an agreement cannot be reached between the parties it shall be brought before the board for arbitration and final determination of the actual damages which occur to the leasehold due to the oil and gas activities thereon.

(4) If the claim is brought before the board the owner of the oil and gas activity shall have a biological survey made at his own expense of the leased premises to determine the quality and value of the beds and grounds which will be involved in the proposed operation. A biological survey shall be performed before the operations begin and upon completion of the activity.

(5) If the claim is brought before the board, the owner of the oil and gas activity shall file the initial biological survey with the board and pay a deposit to the board based on estimated damages as determined by the board. After payment of the deposit the owner may proceed with his proposed activity. Upon completion of the activity the owner shall have another biological survey performed and filed with the board so that actual damages to the leasehold may be determined by the board.

(6) All claims shall be evaluated expeditiously based on biological test data done before and after the activity over or on the beds occurs, and upon determining actual damages the claim shall be immediately paid to the board by the owner for the benefit of the leaseholder. Upon payment of the damages by the owner there shall be a presumption created in favor of the owner that actual damages are paid in full.

(7) If the leaseholder or owner is not satisfied with the decision of the board he may obtain judicial review by a suit in district court of the parish where the leasehold improvements are situated. The burden of proof for liability and damages and all costs shall be borne by the party seeking judicial review. If the district court upholds the findings of damages by the board the party seeking judicial review shall pay all costs and attorney fees of the other party.

~~§56:700.13.~~ §3392.4. Establishment of the board

A. There is hereby established within the office of the secretary of the Department of Natural Resources the Oyster Lease Damage Evaluation Board, hereinafter known as the board.

~~A.~~ B. The board shall include four members consisting of the secretary, a biologist from the ~~office of fisheries in the~~ Department of ~~Wildlife and Fisheries~~ Agriculture and Forestry, appointed by the assistant secretary in the office of ~~fisheries~~ alternative agriculture a member of the Louisiana Oyster Task Force appointed by the task force, and the assistant secretary from the office of conservation in the Department of Natural Resources.

~~B.~~ C. The secretary shall be the sole arbiter of damages resulting from oil and gas activities affecting oyster beds owned by leaseholders making claims before the board.

~~C.~~ D. The three additional board members shall evaluate the information regarding damage to the beds and consult with the secretary to assist in the final determination made by the secretary in awarding damages to claimants.

~~§~~ E. The determinations of damages by the secretary shall be based on the values shown in the biological survey and shall reflect true and actual damages.

~~§56:700.14.~~ §3392.5. Rules and regulations

A. In carrying out this Part, the secretary shall prescribe, and from time to time amend, regulations for the filing, processing, and the fair and expeditious settlement of claims pursuant to this Part, including a time limitation on the filing of such claims. These regulations shall insure that the whole claim procedure is as simple as possible. Any designee of the secretary authorized to prescribe and amend such rules and regulations shall do so under the overall supervision and control of the secretary.

B. In the formulation of regulations pursuant to this Part, the secretary shall establish a procedure whereby an oyster fisherman may recover for actual damages to his oyster beds or grounds caused by oil and gas activities.

C. Any rule, regulation, and fees for the administration of this Part shall be proposed or adopted pursuant to the rulemaking procedures set forth in the Administrative Procedure Act and shall be subject to approval by the Senate Committee on Natural Resources and the House Committee on Natural Resources.

D. The department shall promulgate rules for developing a uniform evaluation method to be used in the biological surveys to determine the estimated value of the leasehold before the activity takes place and the estimated damages or loss to the leasehold after the activity is completed.

E. The department shall promulgate regulations implementing the Oyster Lease Damage Evaluation Board's procedures and methods of operation on or before October 1, 1995.

~~SUBPART D-1.~~ PART IV. CLAMS

~~§45:471.~~ §3393.1. Ownership of water bottoms

A. All water bottoms suitable for clamming within the state shall remain public with respect to clams and shall be subject to any and all restrictions contained herein.

B. Nothing in this SubPart shall in any way affect the dredging of Rangia clam shells as presently authorized.

~~§56:472.~~ §3393.2. Severance tax

Any person or firm licensed as a land-based operator shall pay to the state a tax of three cents per barrel of clams processed or handled. Any licensee shall pay to the state a tax of twenty cents per bushel for any bushels of shellstock shipped out of the state of Louisiana.

~~§56:473.~~ §3393.3. Recreational possession limit; recreational gear regulations

A. A recreational fisherman can take no more than two bushels of clams per day.

B. The department shall designate by regulation the types of rakes or tongs that can be used by a recreational fisherman.

~~§56:474.~~ §3393.4. Time and method of taking clams

A. Dredging for clams between one-half hour after sunset and one-half hour before sunrise is prohibited.

B. Clams may not be taken by any method other than by hand in any established bed of aquatic vegetation.

~~§56:475.~~ §3393.5. Approved ports

Clams shall be off-loaded only at approved ports.

~~§56:476.~~ §3393.6. License display

The vessel license number shall be painted on the cabin roof or any other place which is easily visible from the air. The letters shall be at least eight inches high and of appropriate width and prefaced with the letter "C".

~~§56:477.~~ §3393.7. Division of water bottoms

The Department of ~~Wildlife and Fisheries~~ Agriculture and Forestry after adequate technical review may divide the water bottoms of the state into zones for the purpose of clamming. The department in determining the number of zones may designate which and how often zones may be fished and how many clams may be taken from any zone.

~~§56:478.~~ §3393.8. Demarcation line

A. A line of demarcation shall be established between what is considered productive oyster areas and areas which have become nonproductive seaward of known productive oyster areas, but which can be considered productive clam areas. This line should not be of a permanent nature but flexible according to changing environmental conditions, giving the oyster preference.

B. During periods when it is unlawful to take oysters from the public seed grounds, it shall be unlawful to take clams from within the public seed grounds. During these periods clams can only be taken seaward of the line of demarcation.

C. The taking of clams by vessels properly licensed and permitted while engaging in normal clamming operations shall not be permitted in areas where active oyster production occurs. It shall not be unlawful to take clams incidental to the harvesting of oysters.

~~§56:480.~~ §3393.9. Catch limitations

In the event the commissioner should determine that any or all areas are being overharvested, the commissioner is hereby authorized to impose catch rate limitations. The commissioner should consider catch rate information obtained from monthly reports, meat yield data, coincidence of low production in relation to clams as compared to other fisheries production for a given time frame, and any other information it deems pertinent in determining limitations. Any such limitations shall be made public no later than October ~~1~~ first preceding the year affected.

~~§56:481.~~ §3393.10. Size limits

It shall be illegal to possess clams of less than one inch measured from hinge to edge of shell. Clams shall be culled where taken and all clams of less than legal size shall be immediately returned to the waters. A tolerance of ten percent by count of any catch shall be allowed.

~~§56:482.~~ §3393.11. Penalty provision

Violation of any provision of this SubPart or of any ~~commission~~ regulation or rule adopted pursuant to this SubPart shall ~~constitute a class four violation.~~ be punishable as follows:

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(1) For the first offense, the fine shall be not less than four hundred dollars nor more than four hundred fifty dollars, or imprisonment for not more than one hundred twenty days, or both.

(2) For the second offense, the fine shall be not less than seven hundred fifty dollars, nor more than three thousand dollars, and imprisonment for not less than ninety days nor more than one hundred eighty days.

(3) For the third offense and all subsequent offenses, the fine shall be not less than one thousand dollars, nor more than five thousand dollars, and imprisonment for not less than one hundred eighty days nor more than two years.

(4) The above penalties in all cases shall include forfeiture to the commission of anything seized in connection with the violation."

AMENDMENT NO. 6

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

AMENDMENT NO. 7

On page 2, line 15, after "the" delete the remainder of the line in its entirety

AMENDMENT NO. 8

On page 2, line 18, change "Section 2." to "Section 3."

AMENDMENT NO. 9

On page 4, line 1, change "Section 3." to "Section 4." and change "628(C)(1)" to "610(E)"

AMENDMENT NO. 10

On page 4, line 2, after "reenacted" insert a comma "," and "and R.S. 36:628(H) and 629(Q) are hereby enacted, both"

AMENDMENT NO. 11

On page 4, between lines 19 and 20, insert the following:

"§610. Transfer of agencies to Department of Wildlife and Fisheries

* * *

E. The Louisiana Seafood Promotion and Marketing Board, R.S. 56:578.1 through 578.10, and the Louisiana Marine Recreational Fishing Development Board, R.S. 56:580.1 through 580.6, are is placed within the Department of Wildlife and Fisheries and shall perform and exercise their duties, powers, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:802.5.

* * *

AMENDMENT NO. 12

On page 4, delete lines 22 through 27 and on page 5, delete lines 1 through 7, and insert in lieu thereof the following:

"H. The office of alternative agriculture shall perform the functions of the state relating to programs for and the administration of the provisions of law relating to the regulation of alternative agriculture, including but not limited to those programs and provisions regulating farm-raised exotic livestock and the cultivation,

propagation, and management of oysters and other bivalves in the state, all in accordance with applicable law.

§629. Transfer of boards, commissions, departments, and agencies to Department of Agriculture and Forestry

* * *

Q. The Louisiana Seafood Promotion and Marketing Board, R.S. 3:558.1 through 558.13, is placed within the Department of Agriculture and Forestry and shall perform and exercise its duties, powers, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:802.5."

AMENDMENT NO. 13

On page 5, line 9, change "Section 4." to "Section 5."

AMENDMENT NO. 14

On page 6, at the end of line 2, add the following:

"Water quality testing for determination of whether or not molluscan shellfish growing areas should be closed may be conducted by the Department of Agriculture and Forestry in their water testing laboratories."

AMENDMENT NO. 15

On page 6, line 15, change "Health and Hospitals" to "Agriculture and Forestry"

AMENDMENT NO. 16

On page 7, line 15, after "of" delete "Health and" and delete line 16 in its entirety and insert "Agriculture"

AMENDMENT NO. 17

On page 7, line 20, change "Section 5." to "Section 6."

AMENDMENT NO. 18

On page 8, line 19, change "Section 6." to "Section 7."

AMENDMENT NO. 19

On page 10, line 5, change "Section 7." to "Section 8."

AMENDMENT NO. 20

On page 10, line 5, change "R.S. 56:3(A)" to "R.S. 56:3" and delete "303.6(B), and 700.11(3)" and insert in lieu thereof "302.1(B)(2), 303 (B) and 304(B)"

AMENDMENT NO. 21

On page 10, line 6, delete "56:421 is" and insert in lieu thereof "56:302.3(F) and 305(G) are"

AMENDMENT NO. 22

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

AMENDMENT NO. 23

On page 10, line 19, after "R.S. 56:4." insert "(2)"

AMENDMENT NO. 24

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

"B. Wild birds, quadrupeds, fish, other aquatic life, and the beds and bottoms of rivers, streams, bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting with the Gulf of Mexico, within the territorial jurisdiction of the state, including all ~~oysters and other shellfish and parts thereof grown thereon, either naturally or cultivated, and all oysters in the shells after they are caught or taken therefrom,~~ shall not be taken, sold, or had in possession except as otherwise permitted in this Title; and the title of the state to all such wild birds, quadrupeds, fish, and other aquatic life, even though taken in accordance with the provisions of this Title, and the beds and bottoms of rivers, streams, bayous, lagoons, lakes, bays, sounds, and inlets always remains in the state for the purpose of regulating and controlling the use and disposition thereof. Taking, possessing, or selling of oysters in any form shall be controlled by provisions contained in Title 3 of the Louisiana Revised Statutes of 1950 and title of the state to all such oysters shall remain with the Department of Agriculture and Forestry on behalf of the state."

AMENDMENT NO. 25

On page 11, delete lines 20 through 26 in their entirety and insert in lieu thereof the following:

"§302.1. Annual license; temporary license; fees; saltwater fee; exemptions

* * *

B.

* * *

(2) The revenues generated from the license fee imposed under this Subsection shall be deposited in the Wildlife and Fisheries Conservation Fund and shall be dedicated exclusively to the operation of the enforcement division. However, any revenues received from the issuance of recreational licenses which will be used for the harvest of oysters shall be transferred to the Department of Agriculture and Forestry for enforcement of their oyster program.

* * *

§302.3. Recreational gear license

* * *

F. Any revenues received by the Department of Wildlife and Fisheries for the licensure of gear delineated by R.S. 56:302.3(B)(3) herein shall be immediately transferred to the Department of Agriculture and Forestry to be used to fund the oyster program contained therein.

* * *

§303. Commercial fisherman's license; fees; place of purchase; information

* * *

B. The cost of the commercial fisherman's license is fifty-five dollars for residents and four hundred dollars for nonresidents. Any revenues received from the issuance of commercial fisherman's licenses for the purpose of harvesting oysters shall be transferred to

the Department of Agriculture and Forestry for use in their oyster program.

* * *

§304. Vessel license; fees; place of purchase

* * *

B. The cost of the vessel license is fifteen dollars for residents and sixty dollars for nonresidents. Any revenues received for the issuance of licenses for vessels to be used in the harvest of oysters shall be transferred to the Department of Agriculture and Forestry for use in their oyster program.

* * *

§305. Commercial gear license; issuance to certain nonresidents prohibited; moratorium on certain new gear licenses; renewals

* * *

G. However, any revenues received from the licensure of equipment under the provisions of Subsection B(3) and (8) shall be transferred to the Department of Agriculture and Forestry for use in their oyster program.

AMENDMENT NO. 26

On page 12, delete lines 1 through 26 in their entirety and insert in lieu thereof the following:

"Section 8. R.S. 56:10(B)(1)(a), 303.6, Subpart D of Part VII of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:422 through 452, Subpart D-1 of said Part VII, of said Chapter 1 of said Title 56, comprised of R.S. 56:471 through 482, Subpart G-1 of Part VII of Chapter 1 of said Title 56, comprised of R.S. 56:578.1 through 578.12, and Part XV of Chapter 1 of said Title 56, comprised of R.S. 56:700.10 through 700.14 are hereby repealed in their entirety.

Section 9. House Concurrent Resolution No. 6 of the 1996 Regular Session of the Legislature is hereby repealed in its entirety."

AMENDMENT NO. 27

On page 13, line 1, change "Section 8." to "Section 10."

AMENDMENT NO. 28

On page 13, line 10, change "Section 9." to "Section 11."

AMENDMENT NO. 29

On page 13, line 22, change "Section 10." to "Section 12."

AMENDMENT NO. 30

On page 14, line 1, change "Section 11." to "Section 13."

AMENDMENT NO. 31

On page 14, line 4, change "Section 12." to "Section 14."

On motion of Rep. John Smith, the amendments were adopted.

On motion of Rep. John Smith, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1424—
BY REPRESENTATIVE PRATT
AN ACT

To enact R.S. 17:436(D), relative to the performing of noncomplex health procedures by public school employees; to provide that certain school employees performing such procedures shall receive additional compensation annually from the employing school board; to specify the amount of such additional compensation; to provide for effectiveness; and to provide for related matters.

Read by title.

Reported without action by the Committee on Education with recommendation that the bill be recommitted to the Committee on Appropriations.

On motion of Rep. Brun, the bill was recommitted to the Committee on Appropriations, under the rules.

HOUSE BILL NO. 1499—
BY REPRESENTATIVES WINDHORST AND DEWITT
AN ACT

To amend and reenact R.S. 15:871, relative to compensation paid to inmates; to authorize the secretary of the Department of Public Safety and Corrections to establish rules regarding inmate compensation; to delete conditions for receiving such compensation; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Administration of Criminal Justice.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 1499 by Representatives Windhorst and DeWitt

AMENDMENT NO. 1

On page 1, line 2, after "15:871" and before the comma "," delete "and 873(A)"

AMENDMENT NO. 2

On page 1, line 4, after "Corrections to" delete "set the rates of" and insert "establish rules regarding inmate"

AMENDMENT NO. 3

On page 1, line 5, after "conditions for" and before "such" delete "and minimum amounts of" and insert "receiving"

AMENDMENT NO. 4

On page 1, line 8, after "R.S. 15:871" delete "and 873(A) are" and insert "is"

AMENDMENT NO. 5

On page 1, delete line 16 in its entirety

AMENDMENT NO. 6

On page 2, delete lines 1 through 8 in their entirety

On motion of Rep. Windhorst, the amendments were adopted.

On motion of Rep. Windhorst, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1568—
BY REPRESENTATIVES DOWNER, R. ALEXANDER, ANSARDI, BARTON, DEVILLE, DIEZ, DIMOS, FLAVIN, FORSTER, JOHNS, LEBLANC, MCCAIN, MCDONALD, MCMAINS, MICHOT, PIERRE, SCALISE, JOHN SMITH, STELLY, TRICHE, WIGGINS, AND WINDHORST
AN ACT

To amend and reenact R.S. 15:705(C)(1) and (3), 831(B), and 874(4)(d) and to enact R.S. 15:874(4)(e), relative to medical treatment of inmates; to require copayments by inmates upon receiving medical or dental treatment; to authorize collection of copayments from an inmate's drawing or savings account; to authorize the secretary of the Department of Public Safety and Corrections to promulgate rules and regulations governing copayments and their collection; to authorize the parish governing authorities to establish written rules governing copayments and their collection; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1939—
BY REPRESENTATIVE THERIOT
AN ACT

To amend and reenact R.S. 46:1060, relative to hospital service districts; to prohibit any hospital service district or political subdivision other than Hospital Service District Number 2 of Lafourche Parish and Hospital Service District Number 1 of Lafourche Parish from providing health care services or owning or operating health care facilities within the boundaries of the respective districts without the consent of the board of commissioners of such districts; to allow such other districts or political subdivisions to provide health care services to residents of the respective hospital service districts outside the boundaries of such districts; to provide that the Act shall not apply to or make legal or illegal any service or facility in operation on the effective date of the Act; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Health and Welfare.

On motion of Rep. Rodney Alexander, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1940—
BY REPRESENTATIVE DONELON
AN ACT

To enact R.S. 24:523, relative to mandated health insurance benefits impact reports; to require that such reports be prepared by the legislative auditor and be attached to proposed legislation which provides for certain mandated health insurance coverage prior to any committee hearing on the legislation; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Insurance.

On motion of Rep. Donelon, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1992—
BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 56:326(F)(1), (3), and (4), relative to fishing; to provide relative to violations by wholesale or retail dealers and commercial fishermen for the possession of undersized crabs; to provide penalties; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Original House Bill No. 1992 by Representative DeWitt

AMENDMENT NO. 1

Change author from Representative DeWitt to Representative Triche

AMENDMENT NO. 2

On page 1, line 14, after the word and period "crabs." delete the remainder of the line and delete lines 15 and 16 in their entirety and insert in lieu thereof:

"If the wholesale or retail dealer can provide to wildlife and fisheries agents at the time of discovery the identity of the commercial fisherman who harvested the undersized crabs and subsequently sold such crabs to the wholesale or retail dealer, the dealer shall ~~not~~ be subject to the following penalties:

(a) When a dealer is found to be in possession of an identifiable fisherman's undersized crabs, the dealer shall be placed on notice for possession of undersized crabs taken from that fisherman.

(b) When a dealer who had previously been placed on notice is found to be in possession of undersized crabs from the fisherman for which such notice was given, the dealer may be cited for a class one violation.

(c) "Previously been placed on notice" shall refer to a notice given within a three-year period prior to the date of the violation.

The department may check boiled or unboiled crabs for violations of the undersized crab provisions of this Subsection."

AMENDMENT NO. 3

On page 2, delete lines 1 and 2 in their entirety

AMENDMENT NO. 4

On page 2, at the end of line 8, after "violation" insert a period and delete the remainder of the line and line 9 in its entirety

On motion of Rep. John Smith, the amendments were adopted.

On motion of Rep. John Smith, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2011—
BY REPRESENTATIVE GAUTREAU
AN ACT

To amend and reenact R.S. 56:428(A) and to enact R.S. 56:428.1, relative to oyster leases; to provide relative to renewal of leases located in the impact areas of coastal restoration projects; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Natural Resources.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to Original House Bill No. 2011 by Representative DeWitt

AMENDMENT NO. 1

Change author from Representative DeWitt to Representative Gautreaux

AMENDMENT NO. 2

On page 2, line 10, change "authorized or funded" to "authorized and funded"

AMENDMENT NO. 3

On page 2, line 12, change "five" to "fourteen"

AMENDMENT NO. 4

On page 2, line 13, after the word and period "thereafter." and before "Any" insert:

"Should the coastal restoration project be canceled, the provisions of R.S. 56:428(A) shall apply. Should the coastal restoration project be delayed, the secretary shall extend the lease with the current leaseholder, without cost of application or survey fee, and the leaseholder shall thereafter have the first right of renewal for successive periods."

AMENDMENT NO. 5

On page 2, line 16, after "operational" delete the remainder of the line and delete line 17 in its entirety and insert:

"may be leased and carry the first right of renewal for successive periods if the lease is capable of supporting oyster populations."

AMENDMENT NO. 6

On page 2, at the end of the page, add:

"Section 2. Should House Bill No. 1356 of the 1997 Regular Session be enacted and become law, the Louisiana State Law Institute is hereby directed to redesignate the statutory provisions of this Act as necessary to be compatible with the provisions of House Bill No. 1356."

On motion of Rep. John Smith, the amendments were adopted.

On motion of Rep. John Smith, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2085—
BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 15:832(C), relative to work by inmates in the custody of the Department of Public Safety and Corrections; to delete the prohibition against assigning inmates convicted of certain controlled dangerous substances offenses to maintenance work at public facilities; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Administration of Criminal Justice.

On motion of Rep. Windhorst, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2319—
BY REPRESENTATIVES LEBLANC AND DOWNER
AN ACT

To amend and reenact R.S. 27:13(C)(5) and R.S. 47:9072(A), relative to certain boards and corporations; to prohibit a member or former member of such entities from qualifying as a candidate for elective office for a certain period of time; to provide that such prohibition shall not apply to ex officio members of such entities; to prohibit an officer or former officer of such entities from qualifying as a candidate for elective office for a certain period of time; and to provide for related matters.

Read by title.

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

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on House and Governmental Affairs to Original House Bill No. 2319 by Representatives LeBlanc and Downer

AMENDMENT NO. 1

On page 1, line 5, after "time;" and before "to" insert "to provide that such prohibition shall not apply to ex officio members of such entities;"

AMENDMENT NO. 2

On page 2, at the end of line 10 after "board." insert "The provisions of this Subparagraph shall not apply to ex officio members of the board."

On motion of Rep. Lancaster, the amendments were adopted.

On motion of Rep. Lancaster, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2320—
BY REPRESENTATIVE VITTER
AN ACT

To amend and reenact R.S. 42:1102(18), relative to the Code of Governmental Ethics; to provide for the definition of public employee; to provide for the application of such definition to certain persons; and to provide for related matters.

Read by title.

Reported favorably by the Committee on House and Governmental Affairs.

On motion of Rep. Lancaster, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2323—
BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 22:252(A)(1) and to repeal R.S. 22:252(B), relative to life insurance; to increase the death benefits in certain life insurance policies; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Insurance.

On motion of Rep. Donelon, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2328—
BY REPRESENTATIVE CHAISSON
AN ACT

To amend and reenact R.S. 22:3012(A), relative to self-insurers; to provide for examinations of self-insurers; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Insurance.

On motion of Rep. Donelon, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2338—
BY REPRESENTATIVES GAUTREAU AND DUPRE
AN ACT

To amend and reenact R.S. 56:427(A), relative to lease of water bottoms for oyster production; to provide that applications for lease shall remain valid until a survey is made; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Natural Resources.

On motion of Rep. John Smith, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2505 (Substitute for House Bill No. 977 by Representative Durand)—

BY REPRESENTATIVES DURAND, BRUCE, AND ILES
AN ACT

To amend and reenact R.S. 40:1400(A) and 1742(B)(1) and R.S. 46:2583(A) and (E), relative to parking spaces for persons with disabilities; to authorize the office of state police to request and utilize the advice and assistance of organizations serving persons with disabilities in the development of a program for enforcing provisions relating to parking spaces for persons with disabilities; to provide for increased penalties for violations of laws concerning parking spaces for persons with disabilities; to clarify the offenses to which those penalties apply; to provide for the use of funds received from those penalties; and to provide for related matters.

Read by title.

On motion of Rep. Diez, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 2506 (Substitute for House Bill No. 1509 by Representative Dimos) —

BY REPRESENTATIVE DIMOS
AN ACT

To enact R.S. 9:5217, relative to mortgages; to provide for uniform fees for filing multiple indebtedness mortgages; to provide for requirements as to form; and to provide for related matters.

Read by title.

On motion of Rep. McMains, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

House Bills and Joint Resolutions on Third Reading and Final Passage

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

Regular Calendar

HOUSE BILL NO. 830—

BY REPRESENTATIVE WELCH
AN ACT

To enact R.S. 14:43.6, relative to sexual offenses; to define the crime of sexual misconduct by a physician or therapist; to provide definitions; to provide penalties; to provide exceptions; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Welch sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Welch to Engrossed House Bill No. 830 by Representative Welch

AMENDMENT NO. 1

On page 1, line 3, delete "physician" and insert "psychiatrist"

AMENDMENT NO. 2

On page 1, line 8, delete "physician" and insert "psychiatrist"

AMENDMENT NO. 3

On page 1, line 9, delete "physician" and insert "psychiatrist"

AMENDMENT NO. 4

On page 1, line 10, delete "physician" and insert "psychiatrist"

AMENDMENT NO. 5

On page 2, line 1, delete "physician or therapist" and insert "psychiatrist"

AMENDMENT NO. 6

On page 2, delete line 2 in its entirety and on line 3, delete "37" and the comma "," and insert in lieu thereof "a psychiatrist as defined in Chapter 1 of Title 28 when such person is acting in the course and scope of his duties as a psychiatrist. For purposes of this Section "therapist" means"

AMENDMENT NO. 7

On page 2, after "1950" delete the comma "," and insert a period "." and delete the remainder of line 6 and lines 7, 8, and 9 in their entirety.

AMENDMENT NO. 8

On page 2, line 11, delete "physician" and insert "psychiatrist"

On motion of Rep. Welch, the amendments were adopted.

Rep. Welch moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Pierre
Alario	Fruge	Pinac
Alexander, A.—93rd	Gautreaux	Powell
Alexander, R.—13th	Glover	Pratt
Ansardi	Green	Quezaire
Barton	Guillory	Riddle
Baudoin	Hammett	Romero
Baylor	Heaton	Rousselle
Bowler	Hebert	Salter
Bruce	Hill	Scalise
Brun	Holden	Schneider
Bruneau	Hudson	Shaw
Carter	Hunter	Smith, J.D.—50th
Chaisson	Iles	Smith, J.R.—30th
Clarkson	Jenkins	Stelly
Copelin	Jetson	Strain
Crane	Johns	Theriot
Curtis	Kenney	Thomas
Damico	Landrieu	Thompson
Daniel	LeBlanc	Thornhill
Deville	Long	Travis
DeWitt	Martiny	Triche
Diez	McCain	Vitter
Dimos	McCallum	Walsworth

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Doerge	McDonald	Warner
Donelon	McMains	Welch
Dupre	Michot	Weston
Durand	Montgomery	Wiggins
Farve	Morrell	Wilkerson
Faucheux	Morrish	Willard-Lewis
Flavin	Murray	Windhorst
Fontenot	Odinot	Winston
Forster	Perkins	Wright
Total—99		

NAYS

Toomy
Total—1

ABSENT

Hopkins	Lancaster	Mitchell
Kennard	Marionneaux	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Welch moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 560—
BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 37:2158(A)(introductory paragraph) and to enact R.S. 37:2158(A)(8) and (9), relative to contractors; to provide relative to revocation, suspension, and renewal of license; to provide for issuance of cease and desist orders; and to provide for related matters.

Read by title.

Rep. Travis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Powell
Alario	Glover	Pratt
Alexander, A.—93rd	Green	Quezaire
Alexander, R.—13th	Guillory	Romero
Ansardi	Hammett	Rousselle
Barton	Heaton	Salter
Baudoin	Hebert	Scalise
Baylor	Holden	Schneider
Bowler	Hopkins	Shaw
Bruce	Hudson	Smith, J.D.—50th
Brun	Iles	Smith, J.R.—30th
Bruneau	Jenkins	Stelly
Carter	Jetson	Strain
Chaisson	Johns	Theriot
Clarkson	Kenney	Thomas
Copelin	Lancaster	Thompson
Crane	Landrieu	Thornhill
Curtis	LeBlanc	Toomy
Damico	Long	Travis
Daniel	Marionneaux	Triche
Deville	Martiny	Vitter
DeWitt	McCain	Walsworth

Diez	McCallum	Warner
Dimos	McDonald	Welch
Donelon	McMains	Weston
Dupre	Michot	Wiggins
Durand	Montgomery	Wilkerson
Faucheux	Morrell	Willard-Lewis
Flavin	Morrish	Windhorst
Fontenot	Odinot	Winston
Forster	Perkins	Wright
Frith	Pierre	
Fruge	Pinac	
Total—97		

NAYS

Farve	Murray
Hunter	Riddle
Total—4	

ABSENT

Doerge	Kennard
Hill	Mitchell
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Travis moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 561—
BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 37:2163(E), relative to contractors; to provide for hearings and imposition of fines by the board for violations of bid procedures; and to provide for related matters.

Read by title.

Rep. Murray sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed House Bill No. 561 by Representative Travis

AMENDMENT NO. 1

On page 2, line 3, after "Section." insert "The board may not impose any fine as authorized by this Paragraph on the state, its agencies, boards or commissions or any political subdivision thereof."

On motion of Rep. Murray, the amendments were adopted.

Rep. Travis moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Pierre
Alario	Gautreaux	Pinac
Alexander, A.—93rd	Glover	Powell
Alexander, R.—13th	Green	Quezaire
Ansardi	Guillory	Riddle

Barton	Hammett	Romero
Baudoin	Heaton	Rousselle
Baylor	Hebert	Salter
Bowler	Holden	Scalise
Bruce	Hopkins	Schneider
Brun	Hudson	Shaw
Bruneau	Hunter	Smith, J.R.—30th
Carter	Iles	Stelly
Chaisson	Jenkins	Strain
Clarkson	Jetson	Theriot
Copelin	Johns	Thomas
Crane	Kenney	Thompson
Curtis	Lancaster	Thornhill
Damico	Landrieu	Toomy
Daniel	LeBlanc	Travis
Deville	Long	Triche
DeWitt	Marionneaux	Vitter
Diez	Martiny	Walsworth
Dimos	McCain	Warner
Doerge	McCallum	Weston
Donelon	McDonald	Wiggins
Dupre	McMains	Wilkerson
Durand	Michot	Willard-Lewis
Farve	Montgomery	Windhorst
Faucheux	Morrell	Winston
Flavin	Morrish	Wright
Fontenot	Murray	
Forster	Odinet	
Total—97		

NAYS

Total—0

ABSENT

Fruge	Mitchell	Smith, J.D.—50th
Hill	Perkins	Welch
Kennard	Pratt	
Total—8		

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. Travis moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 562—
BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 37:2167(D), relative to licensure as a residential building contractor; to eliminate provisions for the waiver of examination requirements in certain circumstances; and to provide for related matters.

Read by title.

Rep. Travis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Ansardi	Johns	Salter
Baudoin	Lancaster	Scalise
Baylor	Long	Schneider

Bruce	Martiny	Shaw
Bruneau	McCain	Smith, J.R.—30th
Clarkson	McCallum	Stelly
Diez	McDonald	Strain
Dimos	McMains	Theriot
Doerge	Michot	Thomas
Faucheux	Montgomery	Thompson
Flavin	Morrish	Thornhill
Frith	Odinet	Travis
Guillory	Pierre	Warner
Hammett	Pinac	Welch
Heaton	Powell	Winston
Hebert	Pratt	
Hill	Romero	
Total—49		

NAYS

Mr. Speaker	Farve	Morrell
Alario	Fontenot	Murray
Alexander, A.—93rd	Forster	Perkins
Alexander, R.—13th	Fruge	Quezaire
Bowler	Gautreaux	Riddle
Brun	Glover	Rousselle
Carter	Green	Smith, J.D.—50th
Chaisson	Holden	Toomy
Copelin	Hopkins	Triche
Crane	Hudson	Vitter
Curtis	Hunter	Walsworth
Daniel	Iles	Weston
Deville	Jenkins	Wiggins
DeWitt	Kenney	Wilkerson
Donelon	Landrieu	Willard-Lewis
Dupre	LeBlanc	Windhorst
Durand	Marionneaux	Wright
Total—51		

ABSENT

Barton	Jetson	Mitchell
Damico	Kennard	
Total—5		

The Chair declared the above bill failed to pass.

Rep. Riddle moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 563—
BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 37:2150 and 2150.1(7), relative to contractors; to provide for inclusion of certain public construction projects; to provide for definition of "person"; and to provide for related matters.

Read by title.

Rep. Travis sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Travis to Engrossed House Bill No. 563 by Representative Travis

AMENDMENT NO. 1

On page 2, delete line 1 in its entirety and insert in lieu thereof "those entities created within a state department with expressed statutory authority for statewide construction, to"

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AMENDMENT NO. 2

On page 2, line 14, after "those" delete the remainder of the line and delete line 15 in its entirety and insert in lieu thereof "entities created within a state department with expressed statutory authority for statewide construction, performing a new"

On motion of Rep. Travis, the amendments were adopted.

Motion

Rep. Copelin moved to table the entire subject matter.

Rep. Travis objected.

By a vote of 58 yeas and 46 nays, the House agreed to table the entire subject matter.

HOUSE BILL NO. 825—

BY REPRESENTATIVES QUEZAIRE AND BAUDOIN AN ACT

To enact R.S. 30:2014.2, relative to environmental impact statements; to provide for permits; to provide for requirements; to provide for exemptions; to provide for risk assessment; to provide for rules; to provide for public comment; to provide for review; and to provide for related matters.

Read by title.

Rep. Quezaire sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Quezaire to Engrossed House Bill No. 825 by Representatives Quezaire and Baudoin

AMENDMENT NO. 1

On page 3, lines 1 and 2 delete "The statement shall include all references to peer-reviewed scientific literature used to characterize the risks."

AMENDMENT NO. 2

On page 3, lines 5, 6, and 7 delete "The statement shall include all references to peer-reviewed scientific literature used to characterize the risks."

On motion of Rep. Quezaire, the amendments were adopted.

Rep. Quezaire moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Table listing names of representatives who voted 'YEAS' for the amendments, including Alexander, A.—93rd, Glover, Pierre, Ansardi, Green, Pratt, Baudoin, Guillory, Quezaire, Baylor, Hebert, Romero, Bruce, Holden, Theriot, Carter, Hunter, Walsworth, Copelin, Landrieu, Weston, Curtis, Morrell, Wilkerson, Farve, Murray, Willard-Lewis, Total—27

NAYS

Table listing names of representatives who voted 'NAYS' for the amendments, including Alario, Frith, Perkins, Alexander, R.—13th, Fruge, Pinac, Barton, Gautreaux, Riddle, Bowler, Hammett, Rousselle, Brun, Heaton, Salter, Bruneau, Hill, Scalise, Chaisson, Iles, Schneider, Clarkon, Jenkins, Shaw, Crane, Johns, Smith, J.D.—50th, Damico, Kennard, Stelly, Daniel, Kenney, Strain, Deville, Lancaster, Thomas, DeWitt, LeBlanc, Thompson, Diez, Long, Thornhill, Dimos, Marionneaux, Toomy, Doerge, Martiny, Travis, Donelon, McCallum, Triche, Dupre, McDonald, Vitter, Durand, McMains, Warner, Fauchaux, Michot, Wiggins, Flavin, Montgomery, Windhorst, Fontenot, Morrish, Winston, Forster, Odinet, Wright, Total—69

ABSENT

Table listing names of representatives who were absent, including Mr. Speaker, Jetson, Powell, Hopkins, McCain, Smith, J.R.—30th, Hudson, Mitchell, Welch, Total—9

The Chair declared the above bill failed to pass.

Rep. Martiny moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 871—

BY REPRESENTATIVE DIMOS AN ACT

To enact Chapter 1-A of Subtitle XXII of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:5252 through 5259, relative to certain real estate transactions; to create the Good Funds Settlement Act; to provide relative to the duty of the settlement agent and the duty of the lender, purchaser, or seller in certain real estate transactions; and to provide for related matters.

Read by title.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 871 by Representative Dimos

AMENDMENT NO. 1

On page 1, line 2, and on page 1, line 9, following "1-A of" and before "of Title 9" change "Subtitle XXII" to "Code Title XXII of Code Book III"

AMENDMENT NO. 2

On page 6, line 1, following "in" change "R.S. 9:5255(1)" to "R.S. 9:5255(B)(1)"

AMENDMENT NO. 3

On page 6, line 15, following "after" change "the effective date of this law." to "August 15, 1997."

On motion of Rep. Dimos, the amendments were adopted.

Rep. Dimos sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos to Engrossed House Bill No. 871 by Representative Dimos

AMENDMENT NO. 1

On page 1, line 19, delete "use." and insert in lieu thereof "use, except in transactions in which a title insurance policy is to be issued in connection with the transaction."

On motion of Rep. Dimos, the amendments were adopted.

Rep. Dimos moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander, A.—93rd	Hill	Pinac
Alexander, R.—13th	Hopkins	Shaw
Ansardi	Hunter	Stelly
Barton	Iles	Strain
Brun	Jenkins	Theriot
Chaisson	Johns	Thomas
Clarkson	Kenney	Thompson
Curtis	Martiny	Travis
Dewille	McDonald	Triche
DeWitt	McMains	Walsworth
Dimos	Michot	Warner
Farve	Montgomery	Wiggins
Flavin	Morrish	Wilkerson
Früge	Murray	
Glover	Odinot	
Total—43		

NAYS

Mr. Speaker	Forster	Morrell
Alario	Gautreaux	Pierre
Baudoin	Green	Pratt
Baylor	Guillory	Quezaire
Bowler	Hammett	Riddle
Bruce	Heaton	Romero
Bruneau	Hebert	Rousselle
Carter	Holden	Salter
Copelin	Hudson	Scalise
Crane	Jetson	Schneider
Damico	Kennard	Smith, J.D.—50th
Daniel	Lancaster	Smith, J.R.—30th
Diez	Landrieu	Toomy
Doerge	LeBlanc	Vitter
Donelon	Long	Welch
Dupre	Marionneaux	Weston
Durand	McCain	Willard-Lewis
Faucheux	McCallum	Windhorst
Fontenot	Mitchell	Wright
Total—57		

ABSENT

Frith	Powell	Winston
Perkins	Thornhill	
Total—5		

The Chair declared the above bill failed to pass.

Rep. Riddle moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 896—

BY REPRESENTATIVE FARVE (BY REQUEST)
A JOINT RESOLUTION

Proposing to amend Article IV, Section 5(E)(1) of the Constitution of Louisiana, to provide for the granting of reprieves, pardons, and remissions of fines by the Board of Pardons; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Farve, the bill was returned to the calendar subject to call.

HOUSE BILL NO. 901—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 35:191(H), relative to notaries public; to authorize a notary appointed and qualified in Caddo, Bossier, Bienville, Claiborne, DeSoto, or Webster Parish to exercise notarial functions in all such parishes, without additional bonding or further application or examination; and to provide for related matters.

Read by title.

Rep. Montgomery moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Früge	Perkins
Alario	Gautreaux	Pierre
Alexander, A.—93rd	Glover	Pinac
Alexander, R.—13th	Green	Powell
Ansardi	Guillory	Pratt
Barton	Hammett	Quezaire
Baudoin	Heaton	Riddle
Baylor	Hebert	Romero
Bowler	Hill	Rousselle
Bruce	Holden	Salter
Brun	Hopkins	Scalise
Bruneau	Hudson	Schneider
Carter	Hunter	Shaw
Chaisson	Iles	Smith, J.D.—50th
Clarkson	Jenkins	Smith, J.R.—30th
Copelin	Jetson	Stelly
Crane	Johns	Strain
Curtis	Kenney	Thomas
Damico	Lancaster	Thompson
Daniel	Landrieu	Thornhill
Dewille	LeBlanc	Toomy

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DeWitt	Long	Travis
Diez	Marionneaux	Triche
Dimos	Martiny	Vitter
Doerge	McCain	Walsworth
Donelon	McCallum	Warner
Dupre	McDonald	Welch
Durand	McMains	Weston
Farve	Michot	Wilkerson
Faucheux	Montgomery	Willard-Lewis
Flavin	Morrell	Windhorst
Fontenot	Morrish	Winston
Forster	Murray	Wright
Frith	Odinet	

Total—101

NAYS

Total—0

ABSENT

Kennard	Theriot
Mitchell	Wiggins
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Montgomery moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 974—

BY REPRESENTATIVES CLARKSON, DEVILLE, FLAVIN, FRUGE, HEBERT, JOHNS, MICHOT, SCALISE, AND WALSWORTH
AN ACT

To amend and reenact Civil Code Article 2534, relative to the contract of sale and the action for redhibition; to provide for the prescriptive period within which to institute a claim in redhibition against "good faith" sellers of commercial immovable property; and to provide for related matters.

Read by title.

Rep. Clarkson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pinac
Alario	Green	Powell
Alexander, A.—93rd	Guillory	Pratt
Ansardi	Hammett	Quezaire
Barton	Heaton	Romero
Baudoin	Hebert	Rousselle
Baylor	Holden	Salter
Bowler	Hopkins	Scalise
Bruce	Hudson	Schneider
Brun	Hunter	Shaw
Chaisson	Iles	Smith, J.D.—50th
Clarkson	Johns	Smith, J.R.—30th
Copelin	Kennard	Stelly
Curtis	Kenney	Strain
Damico	Lancaster	Theriot
Daniel	Landrieu	Thomas
Deville	LeBlanc	Thompson
DeWitt	Long	Thornhill

Diez	Martiny	Toomy
Dimos	McCain	Travis
Doerge	McCallum	Triche
Donelon	McDonald	Vitter
Dupre	McMains	Walsworth
Durand	Michot	Warner
Faucheux	Montgomery	Welch
Flavin	Morrell	Weston
Fontenot	Morrish	Wilkerson
Frith	Murray	Willard-Lewis
Frige	Odinet	Winston
Gautreaux	Pierre	Wright

Total—90

NAYS

Bruneau	Hill	Riddle
Carter	Jenkins	Windhorst
Crane	Marionneaux	
Farve	Perkins	
Total—10		

ABSENT

Alexander, R.—13th	Jetson	Wiggins
Forster	Mitchell	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Clarkson moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1020—

BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To enact R.S. 47:1580(B)(4), relative to assessment and collection procedures; to suspend the running of prescription for taxes in bankruptcy cases; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1020 be designated as a duplicate of Senate Bill No. 955.

Which motion was agreed to.

Rep. Alario moved the final passage of the blil.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pierre
Alario	Green	Pinac
Alexander, A.—93rd	Guillory	Powell
Alexander, R.—13th	Hammett	Pratt
Barton	Heaton	Quezaire
Baudoin	Hebert	Riddle
Baylor	Hill	Romero
Bowler	Holden	Rousselle
Bruce	Hopkins	Salter
Brun	Hudson	Scalise

Bruneau	Hunter	Schneider
Carter	Iles	Shaw
Chaisson	Jenkins	Smith, J.D.—50th
Clarkson	Jetson	Smith, J.R.—30th
Copelin	Johns	Stelly
Crane	Kennard	Strain
Curtis	Kenney	Theriot
Daniel	Lancaster	Thomas
Deville	Landrieu	Thompson
DeWitt	LeBlanc	Thornhill
Diez	Long	Toomy
Dimos	Marionneaux	Travis
Doerge	Martiny	Triche
Donelon	McCain	Vitter
Dupre	McCallum	Walsworth
Durand	McDonald	Warner
Farve	McMains	Welch
Faucheux	Michot	Weston
Flavin	Montgomery	Wiggins
Fontenot	Morrell	Wilkerson
Forster	Morrish	Willard-Lewis
Frith	Murray	Windhorst
Fruge	Odinet	Winston
Gautreaux	Perkins	Wright

Total—102

NAYS

Total—0

ABSENT

Ansardi	Damico	Mitchell
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1022—
BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To amend and reenact R.S. 47:1565(A), 1566(B), and 1568, relative to assessment and collection procedures; to allow notices to be mailed to an address other than that on the last report filed; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1022 be designated as a duplicate of Senate Bill No. 971.

Which motion was agreed to.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Pierre
Alario	Glover	Pinac
Alexander, A.—93rd	Green	Powell

Alexander, R.—13th	Guillory	Pratt
Ansardi	Hammett	Quezaire
Barton	Heaton	Riddle
Baudoin	Hebert	Romero
Baylor	Hill	Rousselle
Bowler	Holden	Salter
Bruce	Hopkins	Scalise
Brun	Hudson	Schneider
Bruneau	Hunter	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Jenkins	Smith, J.R.—30th
Clarkson	Jetson	Stelly
Copelin	Johns	Strain
Crane	Kennard	Theriot
Curtis	Kenney	Thomas
Damico	Lancaster	Thompson
Daniel	Landrieu	Thornhill
Deville	LeBlanc	Toomy
DeWitt	Long	Travis
Diez	Marionneaux	Triche
Dimos	Martiny	Vitter
Doerge	McCain	Walsworth
Donelon	McCallum	Warner
Dupre	McDonald	Welch
Durand	McMains	Weston
Farve	Michot	Wiggins
Faucheux	Montgomery	Wilkerson
Flavin	Morrell	Willard-Lewis
Fontenot	Morrish	Windhorst
Forster	Murray	Winston
Frith	Odinet	Wright
Fruge	Perkins	

Total—104

NAYS

Total—0

ABSENT

Mitchell
Total—1

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1023—
BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To amend and reenact R.S. 47:1578, relative to the collection of taxes owed to the state; to provide for the authority of the secretary of the Department of Revenue and Taxation to compromise a judgment for taxes; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1023 be designated as a duplicate of Senate Bill No. 970.

Which motion was agreed to.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Green	Powell
Alario	Guillory	Pratt
Alexander, A.—93rd	Hammett	Quezairé
Alexander, R.—13th	Heaton	Riddle
Ansardi	Hebert	Romero
Barton	Hill	Rousselle
Baudoin	Holden	Salter
Baylor	Hopkins	Scalise
Bowler	Hunter	Schneider
Bruce	Iles	Shaw
Brun	Jenkins	Smith, J.D.—50th
Bruneau	Jetson	Smith, J.R.—30th
Carter	Johns	Stelly
Chaisson	Kennard	Strain
Clarkson	Kenney	Theriot
Copelin	Lancaster	Thomas
Crane	Landrieu	Thompson
Curtis	LeBlanc	Thornhill
Daniel	Long	Toomy
Deville	Marionneaux	Travis
DeWitt	Martiny	Triche
Diez	McCain	Vitter
Dimos	McCallum	Walsworth
Doerge	McDonald	Warner
Donelon	McMains	Welch
Dupre	Michot	Weston
Durand	Montgomery	Wiggins
Faucheux	Morrell	Wilkerson
Flavin	Morrish	Willard-Lewis
Fontenot	Murray	Windhorst
Forster	Odinot	Winston
Frith	Perkins	Wright
Gautreaux	Pierre	
Glover	Pinac	
Total—100		

NAYS

Total—0

ABSENT

Damico	Früge	Mitchell
Farve	Hudson	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Clarkson, and under a suspension of the rules, the above roll call was corrected to reflect her as voting yea.

HOUSE BILL NO. 1026—

BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To amend and reenact R.S. 47:287.85(B), to correct an incorrect statutory reference as to the alternative minimum tax; to provide for the applicability and effective date; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1026 be designated as a duplicate of Senate Bill No. 802.

Which motion was agreed to.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Perkins
Alario	Glover	Pierre
Alexander, A.—93rd	Green	Pinac
Alexander, R.—13th	Guillory	Powell
Ansardi	Hammett	Pratt
Barton	Heaton	Quezairé
Baudoin	Hebert	Riddle
Baylor	Hill	Romero
Bowler	Holden	Rousselle
Bruce	Hopkins	Salter
Brun	Hudson	Scalise
Bruneau	Hunter	Schneider
Carter	Iles	Shaw
Chaisson	Jenkins	Stelly
Copelin	Jetson	Strain
Crane	Johns	Theriot
Curtis	Kennard	Thomas
Damico	Kenney	Thompson
Daniel	Lancaster	Thornhill
Deville	Landrieu	Toomy
DeWitt	LeBlanc	Travis
Diez	Long	Triche
Dimos	Marionneaux	Vitter
Doerge	Martiny	Walsworth
Donelon	McCain	Warner
Dupre	McCallum	Welch
Durand	McDonald	Weston
Farve	McMains	Wiggins
Faucheux	Michot	Wilkerson
Flavin	Montgomery	Willard-Lewis
Fontenot	Morrell	Windhorst
Forster	Morrish	Winston
Frith	Murray	
Früge	Odinot	
Total—100		

NAYS

Total—0

ABSENT

Clarkson	Smith, J.D.—50th	Wright
Mitchell	Smith, J.R.—30th	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1035—
BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To amend and reenact R.S. 47:2420(A), relative to interest estate transfer taxes; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1035 be designated as a duplicate of Senate Bill No. 601.

Which motion was agreed to.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Powell
Alario	Green	Pratt
Alexander, A.—93rd	Guillory	Quezaire
Alexander, R.—13th	Hammett	Riddle
Ansardi	Heaton	Romero
Barton	Hebert	Rousselle
Baudoin	Hill	Salter
Bowler	Holden	Scalise
Bruce	Hudson	Schneider
Bruneau	Hunter	Shaw
Chaisson	Iles	Smith, J.D.—50th
Clarkson	Jetson	Smith, J.R.—30th
Copelin	Kennard	Stelly
Crane	Kenney	Strain
Curtis	Landrieu	Theriot
Damico	LeBlanc	Thomas
Daniel	Long	Thompson
Deville	Marionneaux	Thornhill
DeWitt	Martiny	Toomy
Diez	McCain	Travis
Dimos	McCallum	Triche
Doerge	McDonald	Vitter
Donelon	McMains	Walsworth
Dupre	Michot	Warner
Durand	Montgomery	Welch
Farve	Morrrell	Weston
Faucheux	Morrish	Wiggins
Fontenot	Murray	Wilkerson
Forster	Odinet	Willard-Lewis
Frith	Pierre	Winston
Gautreaux	Pinac	Wright
Total—93		

NAYS

Brun	Jenkins	Windhorst
Fruge	Lancaster	
Hopkins	Perkins	
Total—7		

ABSENT

Baylor	Flavin	Mitchell
Carter	Johns	
Total—5		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1037—
BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To enact R.S. 47:1580(C) and to repeal R.S. 47:1580(A)(5), to provide that the failure to file any return reporting any state income tax shall interrupt the running of prescription until the subsequent filing of that return; to provide for applicability of these provisions; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1037 be designated as a duplicate of Senate Bill No. 956.

Which motion was agreed to.

On motion of Rep. Alario, the bill was returned to the calendar subject to call.

HOUSE BILL NO. 1039—
BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To amend and reenact R.S. 47:1519, relative to payment of taxes; to provide for the use of credit or debit cards; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1039 be designated as a duplicate of Senate Bill No. 605.

Which motion was agreed to.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Odinet
Alario	Gautreaux	Perkins
Alexander, A.—93rd	Glover	Pierre
Alexander, R.—13th	Green	Pinac
Ansardi	Guillory	Powell
Barton	Hammett	Pratt
Baudoin	Heaton	Quezaire
Baylor	Hebert	Riddle
Bowler	Hill	Romero
Bruce	Holden	Rousselle

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Brun	Hopkins	Salter
Bruneau	Hudson	Scalise
Carter	Hunter	Schneider
Chaisson	Iles	Shaw
Clarkson	Jenkins	Smith, J.D.—50th
Copelin	Jetson	Smith, J.R.—30th
Crane	Johns	Stelly
Curtis	Kennard	Strain
Damico	Kenney	Theriot
Daniel	Lancaster	Thomas
Deville	Landrieu	Thompson
DeWitt	LeBlanc	Thornhill
Diez	Long	Toomy
Dimos	Marionneaux	Travis
Doerge	Martiny	Triche
Donelon	McCain	Vitter
Dupre	McCallum	Warner
Durand	McDonald	Welch
Farve	McMains	Weston
Faucheux	Michot	Wiggins
Flavin	Montgomery	Wilkerson
Fontenot	Morrell	Willard-Lewis
Forster	Morrish	Winston
Frith	Murray	Wright

Total—102

NAYS

Total—0

ABSENT

Mitchell	Walsworth	Windhorst
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Total—3

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1040—
BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To amend and reenact R.S. 47:1562, 1563, and 1564, to change the procedure for determining tax liability and the time period allowed for taxpayer response to proposed assessments for certain taxpayers; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1040 be designated as a duplicate of Senate Bill No. 925.

Which motion was agreed to.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 1040 by Representatives Alario and DeWitt

AMENDMENT NO. 1

On page 2, line 20, following "R.S." and before "may" change "1562(B)" to "47:1562(B)"

On motion of Rep. Dimos, the amendments were adopted.

Rep. Alario moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pinac
Alario	Green	Powell
Alexander, A.—93rd	Guillory	Quezairé
Barton	Hammett	Riddle
Baudoin	Heaton	Romero
Baylor	Hebert	Rousselle
Bowler	Hill	Salter
Bruce	Holden	Scalise
Brun	Hopkins	Schneider
Bruneau	Hudson	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Jenkins	Smith, J.R.—30th
Clarkson	Jetson	Stelly
Copelin	Johns	Strain
Crane	Kennard	Theriot
Curtis	Kenney	Thomas
Damico	Lancaster	Thompson
Daniel	Landrieu	Thornhill
Deville	LeBlanc	Toomy
DeWitt	Long	Travis
Diez	Marionneaux	Triche
Dimos	McCain	Vitter
Doerge	McCallum	Walsworth
Donelon	McDonald	Warner
Dupre	McMains	Welch
Durand	Michot	Weston
Faucheux	Montgomery	Wiggins
Flavin	Morrell	Wilkerson
Fontenot	Morrish	Willard-Lewis
Forster	Murray	Windhorst
Frith	Odinet	Winston
Frige	Perkins	Wright
Gautreaux	Pierre	
Total—98		

NAYS

Total—0

ABSENT

Alexander, R.—13th	Hunter	Pratt
Ansardi	Martiny	
Farve	Mitchell	
Total—7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1041—
BY REPRESENTATIVES ALARIO AND DEWITT
AN ACT

To amend and reenact R.S. 47:1516(B) and (G) and to enact R.S. 47:1516(H), (I), and (J), to authorize the secretary of the Department of Revenue and Taxation to enter into contracts with outside debt collection agencies for the collection of tax liabilities for which the department's statutory collection efforts have been exhausted and that have been deemed to be uncollectible; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

Rep. Alario moved that House Bill No. 1041 be designated as a duplicate of Senate Bill No. 1060.

Which motion was agreed to.

Rep. Alario moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Perkins
Alario	Glover	Pierre
Alexander, A.—93rd	Green	Pinac
Alexander, R.—13th	Guillory	Powell
Ansardi	Hammett	Pratt
Barton	Heaton	Quezaire
Baudoin	Hebert	Riddle
Baylor	Hill	Romero
Bowler	Holden	Rousselle
Bruce	Hopkins	Salter
Brun	Hudson	Scalise
Bruneau	Hunter	Schneider
Carter	Iles	Shaw
Chaisson	Jenkins	Smith, J.D.—50th
Clarkson	Jetson	Smith, J.R.—30th
Copelin	Johns	Strain
Crane	Kennard	Theriot
Curtis	Kenney	Thomas
Damico	Lancaster	Thompson
Daniel	Landrieu	Thornhill
Deville	LeBlanc	Toomy
DeWitt	Long	Travis
Diez	Marionneaux	Triche
Doerge	Martiny	Vitter
Donelon	McCain	Walsworth
Dupre	McCallum	Warner
Durand	McDonald	Welch
Farve	McMains	Weston
Fauchoux	Michot	Wiggins
Flavin	Montgomery	Wilkerson
Fontenot	Morrell	Willard-Lewis
Forster	Morrish	Windhorst
Frith	Murray	Winston
Fruge	Odinot	Wright
Total—102		

NAYS

Total—0

ABSENT

Dimos	Mitchell	Stelly
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Alario moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1166—
BY REPRESENTATIVE CARTER
AN ACT

To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1); to create an assessment district in East Feliciana Parish to fund the office of the assessor; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Carter, the bill was returned to the calendar subject to call.

HOUSE BILL NO. 1167—
BY REPRESENTATIVE CARTER
AN ACT

To amend and reenact R.S. 47:1908(A)(19) and (C)(1), relative to the assessor's expense account in East Feliciana Parish; to provide for an increase in such account; and to provide for related matters.

Read by title.

Rep. Carter moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Perkins
Alario	Glover	Pierre
Alexander, A.—93rd	Green	Pinac
Alexander, R.—13th	Guillory	Powell
Ansardi	Hammett	Quezaire
Barton	Heaton	Riddle
Baudoin	Hebert	Romero
Baylor	Hill	Rousselle
Bowler	Holden	Salter
Bruce	Hopkins	Scalise
Bruneau	Hudson	Schneider
Carter	Hunter	Shaw
Chaisson	Iles	Smith, J.D.—50th
Clarkson	Jenkins	Smith, J.R.—30th
Copelin	Johns	Stelly
Crane	Kennard	Strain
Damico	Kenney	Theriot
Daniel	Lancaster	Thomas
Deville	Landrieu	Thompson
DeWitt	LeBlanc	Thornhill
Diez	Long	Toomy
Dimos	Marionneaux	Travis
Doerge	Martiny	Triche
Donelon	McCain	Vitter

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Dupre	McCallum	Walsworth
Durand	McDonald	Warner
Farve	McMains	Weston
Faucheux	Michot	Wiggins
Flavin	Montgomery	Wilkerson
Fontenot	Morrell	Willard-Lewis
Forster	Morrish	Windhorst
Frith	Murray	Winston
Fruge	Odinet	Wright
Total—99		

NAYS

Total—0

ABSENT

Brun	Jetson	Pratt
Curtis	Mitchell	Welch
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Carter moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Speaker Pro Tempore Bruneau in the Chair

HOUSE BILL NO. 1166—

BY REPRESENTATIVE CARTER
AN ACT

To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1); to create an assessment district in East Feliciana Parish to fund the office of the assessor; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Carter moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Murray
Alario	Fruge	Perkins
Alexander, A.—93rd	Gautreaux	Pierre
Alexander, R.—13th	Glover	Pinac
Ansardi	Green	Powell
Barton	Guillory	Quezaire
Baudoin	Hammett	Riddle
Baylor	Heaton	Romero
Bowler	Hebert	Rousselle
Bruce	Hill	Salter
Brun	Holden	Scalise
Bruneau	Hopkins	Schneider
Carter	Hudson	Smith, J.D.—50th
Chaisson	Hunter	Smith, J.R.—30th
Clarkson	Iles	Stelly
Copelin	Jetson	Strain
Crane	Johns	Theriot
Curtis	Kennard	Thomas
Damico	Kenney	Thompson
Daniel	Lancaster	Thornhill
Deville	Landrieu	Toomy

DeWitt	LeBlanc	Travis
Diez	Long	Triche
Dimos	Marionneaux	Vitter
Doerge	Martiny	Walsworth
Donelon	McCain	Warner
Dupre	McCallum	Weston
Durand	McDonald	Wiggins
Farve	McMains	Wilkerson
Faucheux	Michot	Willard-Lewis
Flavin	Montgomery	Windhorst
Fontenot	Morrell	Winston
Forster	Morrish	Wright
Total—99		

NAYS

Total—0

ABSENT

Jenkins	Odinet	Shaw
Mitchell	Pratt	Welch
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Carter moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1181—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To enact R.S. 2:605.1, relative to airport operators; to provide airport operators the option of collecting rentals, fees, and other charges from customers of tenant auto rental companies; and to provide for related matters.

Read by title.

Rep. Montgomery moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Alario	Faucheux	Pratt
Alexander, A.—93rd	Frith	Quezaire
Ansardi	Gautreaux	Romero
Barton	Glover	Rousselle
Baudoin	Green	Salter
Baylor	Heaton	Shaw
Bruce	Hebert	Smith, J.D.—50th
Brun	Hill	Strain
Carter	Hunter	Theriot
Chaisson	Iles	Thomas
Clarkson	Kennard	Thompson
Copelin	Kenney	Thornhill
Curtis	LeBlanc	Toomy
Damico	Long	Triche
Daniel	Martiny	Warner
Deville	McCallum	Welch
DeWitt	McDonald	Weston
Diez	Montgomery	Wiggins
Dimos	Morrell	Wilkerson
Doerge	Murray	Willard-Lewis

Dupre	Odinot	Windhorst
Farve	Powell	
Total—65		

NAYS

Bowler	Lancaster	Riddle
Bruneau	Landrieu	Scalise
Donelon	Marionneaux	Schneider
Durand	McCain	Stelly
Flavin	McMains	Travis
Fruge	Michot	Vitter
Hammett	Morrish	Walsworth
Hopkins	Perkins	Wright
Jenkins	Pierre	
Johns	Pinac	
Total—28		

ABSENT

Mr. Speaker	Forster	Jetson
Alexander, R.—13th	Guillory	Mitchell
Crane	Holden	Smith, J.R.—30th
Fontenot	Hudson	Winston
Total—12		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Montgomery moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Salter, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

HOUSE BILL NO. 1184—
BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 23:1201.3(A), relative to the payment of workers' compensation benefits; to provide that judicial interest on a hearing officer's award shall run from the date the workers' compensation payment was due; and to provide for related matters.

Read by title.

Motion

Rep. Murray moved that House Bill No. 1184 be designated as a duplicate of Senate Bill No. 131.

Which motion was agreed to.

Rep. Murray sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed House Bill No. 1184 by Representative Murray

AMENDMENT NO. 1

On page 2, at the end of line 3, after "satisfaction." insert "The interest rate shall be fixed at the rate in effect on the date the claim for benefits was filed with the office of workers' compensation."

On motion of Rep. Murray, the amendments were adopted.

Rep. Murray moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Pierre
Alario	Gautreaux	Pinac
Alexander, A.—93rd	Glover	Powell
Alexander, R.—13th	Green	Pratt
Ansardi	Hammett	Quezaire
Barton	Heaton	Riddle
Baudoin	Hebert	Romero
Baylor	Hill	Rousselle
Bowler	Holden	Salter
Bruce	Hopkins	Scalise
Brun	Hudson	Schneider
Bruneau	Hunter	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Jenkins	Smith, J.R.—30th
Clarkson	Johns	Stelly
Copelin	Kennard	Strain
Crane	Kenney	Theriot
Curtis	Lancaster	Thomas
Damico	Landrieu	Thompson
Daniel	LeBlanc	Thornhill
Deville	Long	Toomy
DeWitt	Marionneaux	Travis
Diez	Martiny	Triche
Dimos	McCain	Vitter
Doerge	McCallum	Walsworth
Donelon	McDonald	Warner
Dupre	McMains	Welch
Durand	Michot	Weston
Farve	Montgomery	Wiggins
Faucheux	Morrell	Wilkerson
Flavin	Morrish	Willard-Lewis
Fontenot	Murray	Windhorst
Forster	Odinot	Winston
Frith	Perkins	Wright
Total—102		

NAYS

Total—0

ABSENT

Guillory	Jetson	Mitchell
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Murray moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1270—
BY REPRESENTATIVES TRICHE AND FRITH
AN ACT

To amend and reenact R.S. 32:863.1(C)(1)(b), relative to motor vehicles; to provide for the seizure and sequestration of vehicles which are operated without proof of insurance; to provide for the redemption of those vehicles; to provide for the disposition

of vehicles which are not redeemed; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Triche, the bill was returned to the calendar subject to call.

HOUSE BILL NO. 1307—

BY REPRESENTATIVE TRAVIS
AN ACT

To amend and reenact R.S. 9:1783, relative to trusts and trustees; to provide for what persons and entities may serve as trustees of a trust; and to provide for related matters.

Read by title.

Rep. Travis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Pinac
Alario	Fruge	Powell
Alexander, A.—93rd	Gautreaux	Pratt
Alexander, R.—13th	Glover	Quezairé
Ansardi	Guillory	Riddle
Barton	Hammett	Romero
Baudoin	Heaton	Rousselle
Baylor	Hebert	Salter
Bowler	Hill	Scalise
Bruce	Holden	Schneider
Brun	Hopkins	Shaw
Bruneau	Hudson	Smith, J.D.—50th
Carter	Hunter	Smith, J.R.—30th
Chaisson	Iles	Stelly
Clarkson	Jenkins	Strain
Copelin	Johns	Theriot
Crane	Kennard	Thomas
Curtis	Kenney	Thompson
Damico	Lancaster	Thornhill
Daniel	Landrieu	Toomy
Deville	Long	Travis
DeWitt	Marionneaux	Triche
Diez	Martiny	Vitter
Dimos	McCain	Walsworth
Doerge	McCallum	Warner
Donelon	McDonald	Welch
Dupre	McMains	Weston
Durand	Michot	Wiggins
Farve	Morrell	Wilkerson
Faucheux	Morrish	Willard-Lewis
Flavin	Murray	Windhorst
Fontenot	Odinet	Winston
Forster	Pierre	Wright
Total—99		

NAYS

Total—0

ABSENT

Green	LeBlanc	Montgomery
Jetson	Mitchell	Perkins
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Travis moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1351—

BY REPRESENTATIVE MCMAINS
AN ACT

To amend and reenact Chapter 1 of Code Title III of Code Book I of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:151 through 181, relative to the uniform disposition of unclaimed property; to define certain terms; to provide for various presumptions of abandonment of property; to provide for proceeds derived in class actions; to provide for limitations on dormancy charges; to provide for the burden of proof when the unclaimed obligation is evidenced by negotiable instruments; to provide various penalties for noncompliance; to provide for attorney fees in litigated enforcement actions; to provide for rules of confidentiality; to provide for limitations on agreements to locate property; to provide for the periods of time after which abandonment will be presumed for corporate stock, gift certificates, and for certain life insurance obligations; to provide for issuance of duplicate certificates and provide for liability respecting the property delivered; to authorize the Department of Revenue and Taxation to retain a certain percentage of the total unclaimed property collections for each year for administrative expenses; to provide for the statute of limitations; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

Rep. McMains moved that House Bill No. 1351 be designated as a duplicate of Senate Bill No. 608.

Which motion was agreed to.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 1351 by Representative McMains

AMENDMENT NO. 1

On page 2, line 23, following "or" and before "by" change "owing" to "owed" and on page 3, line 11, after "owner" insert "of"

AMENDMENT NO. 2

On page 15, line 13, following "to" and before the comma "," change "R.S. 10:8-408" to "R.S. 10:8-405"

AMENDMENT NO. 3

On page 27, line 2, following "be" and before the colon ":" delete "used for the following" and on line 3, following "(1)" change "By" to "Used by" and on line 5 following "(2)" change "In" to "Used in"

On motion of Rep. Dimos, the amendments were adopted.

Motion

On motion of Rep. McMains, the bill, as amended, was returned to the calendar subject to call.

HOUSE BILL NO. 1375—
BY REPRESENTATIVE DONELON
AN ACT

To amend and reenact R.S. 12:804 and to enact R.S. 22:1113(B)(4), relative to professional law corporations; to provide that a professional law corporation or any limited liability company, limited liability partnership, or partnership may be licensed as a title insurance agency; and to provide for related matters.

Read by title.

Rep. Donelon moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pinac
Alario	Green	Powell
Alexander, A.—93rd	Guillory	Pratt
Alexander, R.—13th	Hammett	Quezaire
Ansardi	Heaton	Riddle
Baudoin	Hebert	Romero
Baylor	Hill	Rousselle
Bowler	Holden	Salter
Bruce	Hopkins	Scalise
Brun	Hudson	Schneider
Bruneau	Hunter	Shaw
Carter	Iles	Smith, J.D.—50th
Chaisson	Jenkins	Smith, J.R.—30th
Clarkson	Jetson	Stelly
Copelin	Johns	Strain
Crane	Kennard	Theriot
Curtis	Kenney	Thomas
Damico	Lancaster	Thompson
Daniel	Landrieu	Thornhill
Deville	LeBlanc	Toomy
DeWitt	Long	Travis
Diez	Marionneaux	Triche
Dimos	Martiny	Vitter
Doerge	McCain	Walsworth
Donelon	McCallum	Warner
Dupre	McDonald	Welch
Durand	McMains	Weston
Farve	Michot	Wiggins
Faucheux	Montgomery	Wilkerson
Flavin	Morrell	Willard-Lewis
Fontenot	Morrish	Windhorst
Forster	Murray	Winston
Frith	Odinet	Wright
Fruge	Perkins	
Gautreaux	Pierre	
Total—103		

NAYS

Total—0

ABSENT

Barton	Mitchell
Total—2	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Donelon moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1453—
BY REPRESENTATIVES FORSTER AND DONELON
AN ACT

To amend and reenact R.S. 46:2252, 2253(2) and (4) and 2254(A) and R.S. 51:2231, 2232(3), 2235(16)(a), 2236(A), 2237(2), 2246, and 2257(H)(2)(b), to enact Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:301 through 354, and R.S. 51:2232(12) and (13), to repeal R.S. 23:892 and 893 and Parts IV, VII and VIII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:971 through 975, 1001 through 1004, and 1006 through 1008, R.S. 46:2253(7), (8), (9), and (19), and 2254(B), (C), (D), and (E), and R.S. 51:2232(4), (5), and (7), and 2242, 2243, 2244, and 2245, relative to employment discrimination; to consolidate employment discrimination provisions of law into one Chapter of law; to provide relative to age discrimination; to provide relative to disability discrimination; to provide relative to race, color, religion, sex, and national origin discrimination; to provide relative to pregnancy, childbirth, and related medical conditions discrimination; to provide relative to sickle cell trait discrimination; to remove references to employment discrimination in other Sections of law; and to provide for related matters.

Read by title.

Motion

Rep. Donelon moved that House Bill No. 1453 be designated as a duplicate of Senate Bill No. 1245.

Which motion was agreed to.

Rep. Dimos, on behalf of the Legislative Bureau, sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Dimos on behalf of the Legislative Bureau to Engrossed House Bill No. 1453 by Representatives Forster and Donelon

AMENDMENT NO. 1

On page 6, line 11, following "information" and before "the" delete "as"

AMENDMENT NO. 2

On page 9, line 4, following "disability" and before "when" insert a comma ","

AMENDMENT NO. 3

On page 9, line 5, following "ability" and before "with" insert a comma ","

AMENDMENT NO. 4

On page 11, line 25, following "to" and before "charge" change "a" to "an alleged"

AMENDMENT NO. 5

On page 11, line 26, following "an" and before "application" delete "alleged"

AMENDMENT NO. 6

On page 21, line 3, following "his" delete "or her"

AMENDMENT NO. 7

On page 25, line 25, following "but" and before "not" insert "does"

On motion of Rep. Dimos, the amendments were adopted.

Rep. Donelon moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Powell
Alario	Gautreaux	Pratt
Alexander, A.—93rd	Glover	Quezairé
Alexander, R.—13th	Green	Riddle
Ansardi	Guillory	Romero
Barton	Hammett	Rousselle
Baudoin	Heaton	Scalise
Bowler	Hebert	Schneider
Bruce	Hill	Shaw
Brun	Iles	Smith, J.D.—50th
Bruneau	Jenkins	Smith, J.R.—30th
Carter	Johns	Stelly
Chaisson	Kennard	Strain
Clarkson	Kenney	Theriot
Copelin	Lancaster	Thomas
Crane	Landrieu	Thompson
Damico	LeBlanc	Thornhill
Daniel	Long	Toomy
Deville	Marionneaux	Travis
DeWitt	Martiny	Triche
Diez	McCain	Vitter
Dimos	McCallum	Walsworth
Doerge	McDonald	Warner
Donelon	McMains	Welch
Dupre	Michot	Weston
Durand	Montgomery	Wiggins
Faucheux	Morrish	Willard-Lewis
Flavin	Odinot	Winston
Fontenot	Perkins	Wright
Forster	Pierre	
Frith	Pinac	
Total—91		

NAYS

Baylor	Hudson	Wilkerson
Curtis	Hunter	Windhorst
Farve	Morrell	
Holden	Murray	
Total—10		

ABSENT

Hopkins	Mitchell
Jetson	Salter
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Donelon moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1351—
BY REPRESENTATIVE MCMAINS
AN ACT

To amend and reenact Chapter 1 of Code Title III of Code Book I of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:151 through 181, relative to the uniform disposition of unclaimed property; to define certain terms; to provide for various presumptions of abandonment of property; to provide for proceeds derived in class actions; to provide for limitations on dormancy charges; to provide for the burden of proof when the unclaimed obligation is evidenced by negotiable instruments; to provide various penalties for noncompliance; to provide for attorney fees in litigated enforcement actions; to provide for rules of confidentiality; to provide for limitations on agreements to locate property; to provide for the periods of time after which abandonment will be presumed for corporate stock, gift certificates, and for certain life insurance obligations; to provide for issuance of duplicate certificates and provide for liability respecting the property delivered; to authorize the Department of Revenue and Taxation to retain a certain percentage of the total unclaimed property collections for each year for administrative expenses; to provide for the statute of limitations; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. McMains sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative McMains to Engrossed House Bill No. 1351 by Representative McMains

AMENDMENT NO. 1

On page 5, after line 24, insert the following:

"(h) Any certificate, rebate, coupon, or other instrument issued in connection with a class action judgment or court-approved settlement of a class action proceeding which represents a refund on, or reduction of, the purchase price of an item or services purchased or to be purchased shall not constitute property within the meaning of this statute."

AMENDMENT NO. 2

On page 8, line 6, at the end of the line delete the period "." and insert ", except as provided in R.S. 15:86.1"

AMENDMENT NO. 3

On page 20, line 25, after "any" delete "appreciation" and insert "dividends, interest, or other increments thereon"

AMENDMENT NO. 4

On page 21, line 1, delete "in the value of the property"

On motion of Rep. McMains, the amendments were adopted.

Rep. Bowler sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Bowler to Engrossed House Bill No. 1351 by Representative McMains

AMENDMENT NO. 1

On page 16, delete lines 23 through 25 in their entirety

AMENDMENT NO. 2

On page 17, delete lines 1 and 2 in their entirety

Rep. Bowler moved the adoption of the amendments.

Rep. Farve objected.

By a vote of 84 yeas and 9 nays, the amendments were adopted.

Rep. McMains moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gautreaux	Pratt
Alario	Glover	Quezaire
Alexander, A.—93rd	Green	Riddle
Alexander, R.—13th	Hammett	Romero
Ansardi	Heaton	Rousselle
Barton	Hebert	Salter
Baylor	Holden	Scalise
Bowler	Hopkins	Schneider
Brun	Hudson	Shaw
Bruneau	Iles	Smith, J.D.—50th
Carter	Johns	Smith, J.R.—30th
Chaisson	Kennard	Stelly
Clarkson	Kenney	Strain
Copelin	Lancaster	Theriot
Crane	Landrieu	Thomas
Curtis	LeBlanc	Thompson
Damico	Long	Thornhill
Deville	Marionneaux	Toomy
DeWitt	Martiny	Travis
Diez	McCallum	Triche
Dimos	McDonald	Vitter
Donelon	McMains	Walsworth
Dupre	Michot	Warner
Faucheux	Montgomery	Welch
Flavin	Morrish	Willard-Lewis
Fontenot	Perkins	Windhorst
Forster	Pierre	Winston
Frith	Pinac	Wright
Fruge	Powell	
Total—86		

NAYS

Baudoin	Guillory	McCain
Doerge	Hill	Murray
Durand	Hunter	Weston
Farve	Jenkins	Wilkerson
Total—12		

ABSENT

Bruce	Mitchell	Wiggins
Daniel	Morrell	
Jetson	Odinot	
Total—7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. McMains moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Speaker Downer in the Chair

HOUSE BILL NO. 1270—

BY REPRESENTATIVES TRICHE AND FRITH
AN ACT

To amend and reenact R.S. 32:863.1(C)(1)(b), relative to motor vehicles; to provide for the seizure and sequestration of vehicles which are operated without proof of insurance; to provide for the redemption of those vehicles; to provide for the disposition of vehicles which are not redeemed; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Triche sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Triche to Engrossed House Bill No. 1270 by Representatives Triche and Frith

AMENDMENT NO. 1

On page 2, line 23, after "sticker" delete "may" and insert in lieu thereof "shall"

AMENDMENT NO. 2

On page 3, line 3, after "owner" and before "show" insert "or lessee"

AMENDMENT NO. 3

On page 3, line 5, after "owner" and before "has" insert "or lessee"

AMENDMENT NO. 4

On page 3, line 8, after "owner" and before "shall" insert "or lessee"

AMENDMENT NO. 5

On page 3, line 9, after "owner" and before "show" insert "or lessee"

AMENDMENT NO. 6

On page 3, line 12, after "vehicle." delete the remainder of the line and delete lines 13, 14, and 15 in their entirety.

AMENDMENT NO. 7

On page 3, between lines 21 and 22, insert the following:

"Nothing herein shall be deemed to impair any rights, interests, privileges, or remedies of any secured party or lessor of any vehicle affected by the provisions of this Paragraph. When any vehicle is seized and sequestered or impounded under the provisions of this Paragraph, the law enforcement agency taking such action shall notify the holder of any lien or security interest in the vehicle or the lessor of the vehicle, within ten days of such action. Said notice shall inform the secured party or lessor of the action taken with regard to the vehicle and of the owner's deadline for redemption of the vehicle. The secured party or the lessor shall be entitled to seek any available remedies in order to protect its interests, and shall not be required to fulfill the obligations of the owner or lessee under this Paragraph in order to enforce those remedies."

On motion of Rep. Triche, the amendments were withdrawn.

Rep. Triche sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Triche to Engrossed House Bill No. 1270 by Representatives Triche and Frith

AMENDMENT NO. 1

On page 2, line 21, after "sticker" and before "shall" insert "operating on any public roadway"

AMENDMENT NO. 2

On page 2, line 23, after "sticker" delete "may" and insert in lieu thereof "shall"

AMENDMENT NO. 3

On page 3, line 3, after "owner" and before "show" insert "or lessee"

AMENDMENT NO. 4

On page 3, line 5, after "owner" and before "has" insert "or lessee"

AMENDMENT NO. 5

On page 3, line 8, after "owner" and before "shall" insert "or lessee"

AMENDMENT NO. 6

On page 3, line 9, after "owner" and before "show" insert "or lessee"

AMENDMENT NO. 7

On page 3, line 12, after "vehicle." delete the remainder of the line and delete lines 13, 14, and 15 in their entirety.

AMENDMENT NO. 8

On page 3, between lines 21 and 22, insert the following:

"Nothing herein shall be deemed to impair any rights, interests, privileges, or remedies of any secured party or lessor of any vehicle affected by the provisions of this Paragraph. When any vehicle is seized and sequestered or impounded under the provisions of this Paragraph, the law enforcement agency taking such action shall notify the holder of any lien or security interest in the vehicle or the lessor of the vehicle, within ten days of such action. Said notice shall inform the secured party or lessor of the action taken with regard to the vehicle. The secured party or the lessor shall be entitled to seek any available remedies in order to protect its interests, and shall not

be required to fulfill the obligations of the owner or lessee under this Paragraph in order to enforce those remedies."

Rep. Morrell asked for and obtained a division of the question.

Rep. Triche moved adoption of Amendment No. 1.

Rep. Perkins objected.

By a vote of 92 yeas and 4 nays, the amendments were adopted.

On motion of Rep. Triche, Amendment No. 2 was adopted.

On motion of Rep. Triche, Amendment Nos. 3, 4, 5, and 6 were adopted.

Rep. Triche moved adoption of Amendment No. 7.

Rep. Morrell objected.

By a vote of 86 yeas and 13 nays, the amendments were adopted.

On motion of Rep. Triche, Amendment No. 8 was adopted.

Rep. Wilkerson sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Wilkerson and Perkins to Engrossed House Bill No. 1270 by Representatives Triche and Frith

AMENDMENT NO. 1

On page 1, line 2, after "(b)" insert "and 1728(A) and (B)"

AMENDMENT NO. 2

On page 1, line 8, after "(b)" delete "is" and insert in lieu thereof "and 1728(A) and (B) are"

AMENDMENT NO. 3

On page 3, line 20, after "for the" delete "towing and"

AMENDMENT NO. 4

On page 3, after line 22, insert the following:

"§1728. Disposal of a stored motor vehicle

A. Whenever any such vehicle has been left in storage with any person engaged in the business of public storage of motor vehicles and the same has not been claimed for a period of forty-five days or more, and no payment for the costs of storage has been made for that period, the person with whom the vehicle has been left for storage may dispose of it and collect the charges and costs of storage in the manner set forth hereinafter. In the event the vehicle has been stored pursuant to R.S. 32:863.1(C)(1)(b), the time period shall be one hundred eighty days or more.

B. After the forty-five day or one hundred eighty-day period has lapsed, he shall forward a certified letter, return receipt requested, to the owner at the owner's last known address and to the mortgage holder, should there be any, advising in the letter the exact location of the vehicle, the date it was placed in storage, and by whom so placed, the outstanding charges against the vehicle, and the general condition of the vehicle. The letter shall also include a statement

placing the registered owner and mortgage holder, if any, on notice that, unless action is taken on their part to claim the vehicle from the possession of the place of storage or unless an agreement is made by either or both of them to pay outstanding storage charges and to pay storage charges for continued storage of the vehicle and all costs incurred for the notification required by this Chapter, not to exceed the cost authorized by R.S. 32:1714(5), within fifteen days from the receipt of the letter, the vehicle will be advertised for sale at public auction and the proceeds disposed of as hereinafter provided.

* * *

On motion of Rep. Wilkerson, the amendments were adopted.

Rep. Marionneaux sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Marionneaux to Engrossed House Bill No. 1270 by Representatives Triche and Frith

AMENDMENT NO. 1

On page 2, line 14, change "five" to "ten"

Rep. Marionneaux moved the adoption of the amendments.

Rep. Travis objected.

By a vote of 63 yeas and 38 nays, the amendments were adopted.

Rep. Murray sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed House Bill No. 1270 by Representatives Triche and Frith

AMENDMENT NO. 1

On page 3, after line 22, insert the following:

"Section 2. The provisions of this Act shall become null and void if the premium for uninsured motorists insurance does not decrease by thirty percent by August 1, 1998."

Motion

Rep. Crane moved the previous question be ordered on the entire subject matter.

As a substitute motion, Rep. Daniel moved that the previous question be ordered on the amendments.

Rep. Crane objected.

The vote recurred on the substitute motion.

By a vote of 43 yeas and 48 nays, the House refused to order the previous question on the amendments.

Rep. Crane insisted on his motion that the previous question be ordered on the entire subject matter.

By a vote of 60 yeas and 35 nays, the motion was agreed to.

Rep. Murray moved the adoption of the amendments.

Rep. Triche objected.

By a vote of 55 yeas and 49 nays, the amendments were adopted.

Rep. Triche moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pratt
Alario	Green	Quezaire
Alexander, A.—93rd	Guillory	Riddle
Ansardi	Hammett	Romero
Barton	Heaton	Rousselle
Baudoin	Hebert	Salter
Baylor	Hill	Scalise
Bowler	Holden	Schneider
Bruce	Iles	Shaw
Brun	Jenkins	Smith, J.D.—50th
Bruneau	Johns	Smith, J.R.—30th
Carter	Kennard	Stelly
Chaisson	Kenney	Strain
Clarkson	Lancaster	Theriot
Copelin	Landrieu	Thomas
Crane	Long	Thompson
Damico	Marionneaux	Thornhill
Daniel	Martiny	Toomy
Deville	McCain	Travis
DeWitt	McCallum	Triche
Diez	McDonald	Vitter
Dimos	McMains	Walsworth
Doerge	Michot	Warner
Donelon	Montgomery	Welch
Dupre	Morrell	Weston
Durand	Morrish	Wiggins
Farve	Murray	Wilkerson
Faucheux	Odinet	Willard-Lewis
Flavin	Perkins	Windhorst
Frith	Pierre	Winston
Fruge	Pinac	Wright
Gautreaux	Powell	
Total—95		

NAYS

Total—0

ABSENT

Alexander, R.—13th	Hopkins	LeBlanc
Curtis	Hudson	Mitchell
Fontenot	Hunter	
Forster	Jetson	
Total—10		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Triche moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Green, the rules were suspended in order to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE BILLS

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 549
Returned without amendments.

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

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

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

House Concurrent Resolution No. 46
Returned without amendments.

House Concurrent Resolution No. 96
Returned without amendments.

House Concurrent Resolution No. 137
Returned with amendments.

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

Message from the Senate

ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 80

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

Message from the Senate

SIGNED SENATE CONCURRENT RESOLUTIONS

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 86

and ask the Speaker of the House of Representatives to affix his signature to the same.

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

The Senate Concurrent Resolutions contained herein were signed by the Speaker of the House.

Message from the Senate

SENATE BILLS

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill Nos. 131, 190, 235, 255, 270, 391, 400, 498, 535, 563, 575, 581, 590, 591, 595, 619, 675, 703, 708, 749, 828, 938, 1044, 1050, 1058, 1108, 1118, 1127, 1158, 1290, 1296, 1360, 1435, 1465, and 1467

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

Suspension of the Rules

On motion of Rep. Bruneau, the rules were suspended in order to take up the bills contained in the message at this time.

Senate Bills and Joint Resolutions on First Reading

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 131—
BY SENATOR COX

AN ACT

To amend and reenact R.S. 23:1201.3(A), relative to the payment of workers' compensation benefits; to provide that judicial interest on a hearing officer's award shall run from the date the workers' compensation payment was due; and to provide for related matters.

Read by title.

SENATE BILL NO. 190—
BY SENATORS BEAN AND MALONE

AN ACT

To enact R.S. 22:1464.1, relative to policies of homeowner's insurance; to provide for premium discounts to owners of mobile homes, manufactured homes, or manufactured housing based on installation or existence of a security system; and to provide for related matters.

Read by title.

SENATE BILL NO. 235—
BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 45:162(18) and 1177(A)(1), relative to motor carriers; to provide relative to definitions; to provide relative to the inspection and supervision fee levied on motor carriers and public utilities; to provide relative to the gross receipts of motor carriers for purposes of measuring the fee; to provide for an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 255—
BY SENATORS LANDRY AND HOLLIS

AN ACT

To amend and reenact R.S. 47:532.1(A)(4) and (7), relative to motor carriers and commercial fleets; to provide relative to registration of such vehicles; to authorize such registration through public license tag agents; to delete the prohibition on advertising by such agents; and to provide for related matters.

Read by title.

SENATE BILL NO. 270—
BY SENATORS ULLO AND ROBICHAUX

AN ACT

To amend and reenact R.S. 56:497(A)(2), relative to the saltwater shrimp season; to provide for an experimental two year brown shrimp season in Zone 2; and to provide for related matters.

Read by title.

SENATE BILL NO. 391—
BY SENATOR LANDRY

AN ACT

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

Read by title.

SENATE BILL NO. 400—
BY SENATOR COX

AN ACT

To amend and reenact R.S. 23:1225(C)(1)(c), relative to workers' compensation; to provide with respect to disability benefits; to remove the offset for Social Security disability benefits; and to provide for related matters.

Read by title.

SENATE BILL NO. 498—
BY SENATOR HEITMEIER

AN ACT

To enact R.S. 11:791(A)(4) and (5), relative to Teachers' Retirement System of Louisiana; to provide for reemployment of retirees who participated in the Deferred Retirement Option Plan; to authorize part-time reemployment as teachers in certain adult education programs and in certain programs for students failing to meet certain proficiency levels; to provide for such reemployment without suspension of retirement benefits; to provide for an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 535—
BY SENATORS HAINKEL, DARDENNE, EWING AND ROMERO

AN ACT

To amend and reenact R.S. 56:103(E) and 301.1(B) and to enact R.S. 56:8(60.1), relative to definitions; to provide for a definition of license number and effective license number; and to provide for related matters.

Read by title.

SENATE BILL NO. 563—
BY SENATORS HAINKEL, DARDENNE AND EWING

AN ACT

To amend and reenact R.S. 46:2602(A), (B), and (D) and 2605(B) and (E), to enact R.S. 46:2606, and to repeal Section 2 of Act No. 1232 of the 1995 Regular Session of the Legislature, relative to the Children's Cabinet; to change the composition of the Children's Cabinet and the Children's Cabinet Advisory Board; to provide relative to the termination date of the Children's Cabinet; and to provide for related matters.

Read by title.

SENATE BILL NO. 575—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 46:236.1(O), relative to consumer reports to be used in child support enforcement actions; to require consumer reporting agencies to provide consumer reports; to provide limitations; to require prior notification to consumers; to provide for confidentiality; and to provide for related matters.

Read by title.

SENATE BILL NO. 581—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER

AN ACT

To enact R.S. 9:392, relative to paternity; to provide for evidence of hospital bills and tests in paternity actions; and to provide for related matters.

Read by title.

SENATE BILL NO. 590—
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To amend and reenact R.S. 46:460.21, relative to state payment of legal fees and expenses in child protection cases; to provide for the cases in which the state shall make such payments; to provide for approved expenses and documentation; and to provide for related matters.

Read by title.

SENATE BILL NO. 591—
BY SENATORS HAINKEL, DARDENNE, EWING AND BAGNERIS
AN ACT

To amend and reenact R.S. 36:477(C)(1), relative to the office of community services of the Department of Social Services; to provide for the purposes and functions of the office; to provide an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 595—
BY SENATORS HAINKEL, DARDENNE, EWING, BAGNERIS AND SCHEDLER
AN ACT

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

Read by title.

SENATE BILL NO. 619—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To enact R.S. 30:2063(J), relative to fees; to provide for fees for the prevention of accidental releases of air pollutants; to provide for registration; to provide for modification of fees; and to provide for related matters.

Read by title.

SENATE BILL NO. 675—
BY SENATOR LANDRY
AN ACT

To amend and reenact R.S. 38:2212(A)(1)(a), relative to public contracts; to increase bid limit for purchases of materials or supplies; to increase limit at which quotations for purchases must be requested; to require advertisement for such quotations; and to provide for related matters.

Read by title.

SENATE BILL NO. 703—
BY SENATOR MALONE
AN ACT

To require the commissioner of conservation to hold monthly public hearings in Shreveport; to provide relative to funding; and to provide for related matters.

Read by title.

SENATE BILL NO. 708—
BY SENATOR LANDRY
AN ACT

To enact R.S. 40:1580.1, relative to hotels or motels; to require hotels or motels to install approved fire detection and alarm

systems for the hearing impaired in all rooms; and to provide for related matters.

Read by title.

SENATE BILL NO. 749—
BY SENATOR COX
AN ACT

To amend and reenact R.S. 38:3098(B), relative to licensing of water well and other drillers; to provide for continuing education; to provide relative to qualifying examinations; and to provide for related matters.

Read by title.

SENATE BILL NO. 828—
BY SENATORS HAINKEL, DARDENNE AND EWING
AN ACT

To amend and reenact R.S. 39:291, relative to the Louisiana Data Base Commission; to provide for membership; to provide for qualification of members; to provide for term of membership; and to provide for related matters.

Read by title.

SENATE BILL NO. 938—
BY SENATORS HAINKEL, DARDENNE, EWING AND LAMBERT
AN ACT

To amend and reenact R.S. 30:2011(D)(22), relative to fees charged by the Department of Environmental Quality; to authorize the department to charge certain fees for the certification of commercial laboratories; and to provide for related matters.

Read by title.

SENATE BILL NO. 1044—
BY SENATOR HOLLIS
AN ACT

To enact R.S. 42:851(G), relative to the state group benefits; to provide for health and accident insurance; to prohibit payment of certain employer contributions to agencies that withdraw from the state group health and accident insurance plan; and to provide for related matters.

Read by title.

SENATE BILL NO. 1050—
BY SENATOR BARHAM
AN ACT

To enact R.S. 47:1952.1 relative to the assessment of ad valorem taxes on standing timber; to limit the extent and manner of assessments on standing timber; and to provide for related matters.

Read by title.

SENATE BILL NO. 1058—
BY SENATOR CRAVINS
AN ACT

To amend and reenact Section 4 of Act No. 289 of the 1980 Regular Session of the Legislature, as amended by Act No. 642 of the 1984 Regular Session of the Legislature, relative to the St. Landry Parish Solid Waste Disposal Commission; to provide for allocation of surplus funds accumulated by the commission to a fund dedicated to the repair of St. Landry Parish's infrastructure; and to provide for related matters.

Read by title.

SENATE BILL NO. 1108—

BY SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 56:499(B)(2), relative to shrimping; to provide for net mesh size for the taking of certain saltwater shrimp; and to provide for related matters.

Read by title.

SENATE BILL NO. 1118—

BY SENATOR HEITMEIER

AN ACT

To amend and reenact Subpart C of Part IV of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:471 through 478; relative to survivor benefits of members of Louisiana State Employees' Retirement Systems; to provide for benefits for the surviving spouse of a member who dies while performing his official duties; to provide for benefits payable for certain employees killed in the line of duty; to provide for the right of the surviving spouse to the member's deferred retirement option plan account; and to provide for related matters.

Read by title.

SENATE BILL NO. 1127—

BY SENATOR ELLINGTON AND REPRESENTATIVE FORSTER

AN ACT

To amend and reenact R.S. 23:1310.3(C) and (E), relative to workers' compensation; to provide with respect to claim resolution; to provide for the initiation of claims; and to provide for related matters.

Read by title.

SENATE BILL NO. 1158—

BY SENATORS IRONS, BAGNERIS, BAJOIE, DYESS, HINES, LANDRY AND SCHEDLER

AN ACT

To amend and reenact the introductory paragraph of R.S. 46:460.1(C) and to enact R.S. 46:460(7), (8), and (9), 460.1(C)(5), and 460.4, relative to domestic violence; to require the secretary of the Department of Social Services to waive certain public assistance program requirements for domestic violence victims; to define terms; to provide for an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 1290—

BY SENATORS DARDENNE, HAINKEL, EWING AND ELLINGTON

AN ACT

To amend and reenact R.S. 23:1127 and Code of Civil Procedure Art. 1465.1(A), relative to workers' compensation; to provide with respect to the release of medical records and information on the injured worker; to provide for the verbal release of medical information; to provide immunity for disclosure of such medical information; to provide relative to the cost of copying such information; and to provide for related matters.

Read by title.

SENATE BILL NO. 1296—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 11:721.1, relative to the Teachers' Retirement System of Louisiana; to provide for membership eligibility; to provide membership is optional in the system for certain persons employed by certain associations of persons

involved in education; to provide for an effective date; and to provide for related matters.

Read by title.

SENATE BILL NO. 1360—

BY SENATOR LANDRY

AN ACT

To amend and reenact R.S. 46:2352(7)(c)(i), relative to the Louisiana Commission for the Deaf; to change the composition of the Interpreter Certification Board; and to provide for related matters.

Read by title.

SENATE BILL NO. 1435—

BY SENATORS DYESS AND HEITMEIER

AN ACT

To amend and reenact R.S. 47:1907 and to repeal R.S. 47:1911; relative to assessors; to restructure the compensation schedule for assessors from a combined factor formula to a population based formula; and to provide for related matters.

Read by title.

SENATE BILL NO. 1465—

BY SENATOR CAIN AND REPRESENTATIVES ILES AND JOHN SMITH

AN ACT

To designate that portion of Louisiana Highway 171 within the town of Rosepine in Vernon Parish as the Johnny B. Hall Memorial Highway.

Read by title.

SENATE BILL NO. 1467(Substitute for Senate Bill No. 711 by**Senator Robichaux)—**

BY SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 56:491 and to enact R.S. 56:492, relative to trawling; to exclude the incidental by-catch of flounder in the commercial taking of shrimp from the imposition of limitations as to daily take and possession limits; and to provide for related matters.

Read by title.

Introduction of Resolutions, House and House Concurrent

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 35—

BY REPRESENTATIVE WILLARD-LEWIS

A RESOLUTION

To commend the New Orleans Chapter of the Top Ladies of Distinction for their recognition of and willingness to convey honor on all "Advocates for Children", and for being counted in the number of those who stand up for children.

Read by title.

On motion of Rep. Willard-Lewis, and under a suspension of the rules, the resolution was adopted.

HOUSE RESOLUTION NO. 36—
BY REPRESENTATIVE WILLARD-LEWIS
A RESOLUTION

To commend and congratulate the Greater New Orleans Chapter of the National Pan-Hellenic Council for their outstanding efforts in promoting fellowship and high ethical standards among its members.

Read by title.

On motion of Rep. Willard-Lewis, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 149—
BY REPRESENTATIVE MORRELL
A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Mr. Louis Emile Morrell, Jr.

Read by title.

On motion of Rep. Morrell, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 150—
BY REPRESENTATIVE TRAVIS
A CONCURRENT RESOLUTION

To establish a special committee to study and review federal, state, and local laws, rules, regulations, and policies to assess and report as to the impact of electric retail competition and the economic impact of electric deregulation on the revenues of the state.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 151—
BY REPRESENTATIVES FLAVIN, GUILLORY, HILL, ILES, JOHNS, MORRISH, AND STELLY AND SENATORS CAIN, CASANOVA, COX, HINES, AND THEUNESSIN
A CONCURRENT RESOLUTION

To commend and congratulate PPG Industries for fifty years of service to the Lake Charles area, to express gratitude for their innumerable social and economic contributions to the state of Louisiana, and to wish them continued success in all of their future commercial endeavors.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 152—
BY REPRESENTATIVES WILKERSON, R. ALEXANDER, AND SALTER AND SENATOR CAMPBELL
A CONCURRENT RESOLUTION

To recognize and commend the Arcadia High School Lady Hornets basketball team for their outstanding season and for winning the Class A Sweet Sixteen State Championship.

Read by title.

On motion of Rep. Wilkerson, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Administration of Criminal Justice

May 1, 1997

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Administration of Criminal Justice to submit the following report:

House Bill No. 303, by Downer
Reported favorably. (6-0-1) (Regular)

House Bill No. 763, by Thompson
Reported favorably. (4-3-1) (Regular)

House Bill No. 1271, by Walsworth
Reported with amendments. (6-0-1) (Regular)

House Bill No. 1377, by Downer
Reported with amendments. (9-0-1) (Regular)

House Bill No. 1383, by Johns
Reported with amendments. (4-3-1) (Regular)

House Bill No. 1413, by Barton
Reported with amendments. (6-0-1) (Regular)

House Bill No. 2312, by Shaw
Reported favorably. (6-0-1) (Regular)

House Bill No. 2467, by Marionneau
Reported with amendments. (8-1-1) (Regular)

Senate Bill No. 1442, by Siracusa
Reported favorably. (6-0-1) (Regular)

STEPHEN J. WINDHORST
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Education

May 1, 1997

To the Speaker and Members of the House of Representatives:

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

House Bill No. 1896, by Pratt
Reported with amendments. (13-0-1) (Regular)

House Bill No. 1937, by Farve
Reported with amendments. (10-0-1) (Regular)

House Bill No. 2122, by Perkins
Reported favorably. (10-0-1) (Regular)

Senate Concurrent Resolution No. 20, by Lambert
Reported favorably. (8-0)

ROY BRUN
Chairman

Report of the Committee on Health and Welfare

May 1, 1997

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Health and Welfare to submit the following report:

House Bill No. 577, by Wilkerson
Reported with amendments. (9-0) (Regular)

House Bill No. 757, by Riddle
Reported favorably. (10-2) (Regular)

House Bill No. 774, by Wilkerson
Reported favorably. (9-0) (Regular)

House Bill No. 1159, by Welch
Reported favorably. (9-0) (Regular)

House Bill No. 1862, by Rodney Alexander
Reported favorably. (9-0) (Regular)

RODNEY ALEXANDER
Chairman

**Report of the Committee on
House and Governmental Affairs**

May 1, 1997

To the Speaker and Members of the House of Representatives:

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

House Resolution No. 34, by Downer
Reported with amendments. (9-0)

House Bill No. 98, by Doerge (Joint Resolution)
Reported favorably. (7-2)

House Bill No. 274, by Holden (Joint Resolution)
Reported favorably. (7-3)

House Bill No. 470, by Green (Joint Resolution)
Reported favorably. (7-4)

House Bill No. 681, by McCain (Joint Resolution)
Reported with amendments. (11-0)

House Bill No. 781, by Downer (Joint Resolution)
Reported with amendments. (12-0)

House Bill No. 1581, by Holden
Reported with amendments. (9-0) (Regular)

House Bill No. 1859, by Windhorst
Reported favorably. (11-0) (Regular)

House Bill No. 1951, by Downer
Reported with amendments. (12-0) (Regular)

House Bill No. 2455, by Windhorst
Reported with amendments. (11-0) (Regular)

House Bill No. 2456, by Windhorst
Reported favorably. (11-0) (Regular)

CHARLES D. LANCASTER, JR.
Chairman

Report of the Committee on Insurance

May 1, 1997

To the Speaker and Members of the House of Representatives:

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

House Bill No. 616, by Ansardi
Reported with amendments. (7-0) (Regular)

House Bill No. 2115, by Dimos
Reported with amendments. (10-0) (Regular)

House Bill No. 2202, by Thornhill
Reported with amendments. (10-0) (Regular)

House Bill No. 2206, by Clarkson
Reported with amendments. (10-0) (Regular)

House Bill No. 2220, by Wright
Reported with amendments. (11-0) (Regular)

House Bill No. 2258, by Dimos
Reported with amendments. (11-0) (Regular)

House Bill No. 2277, by Ansardi
Reported favorably. (9-0) (Regular)

House Bill No. 2307, by Thornhill
Reported with amendments. (11-0) (Regular)

JAMES DONELON
Chairman

**House Bills and Joint Resolutions on
Second Reading to be Referred**

The following House Bills and Joint Resolutions on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

HOUSE BILL NO. 1596—
BY REPRESENTATIVE BRUN
AN ACT

To enact R.S. 47:305.14(D), relative to the exemption from sales and use taxes for nonprofit organizations; to provide for the venue in a proceeding for determination of tax exempt status; and to provide for related matters.

Called from the calendar.

Read by title.

Under the rules, the above bill was referred to the Committee on Ways and Means.

Privileged Report of the Committee on Enrollment

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

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

The following House Bills have been properly enrolled:

HOUSE BILL NO. 233—
BY REPRESENTATIVES DUPRE, DOWNER, GAUTREUX, AND TRICHE
AND SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 47:1908(A)(54) and (C)(1), relative to the assessor's expense account in Terrebonne Parish; to provide for an increase in such account; and to provide for related matters.

HOUSE BILL NO. 268—
BY REPRESENTATIVES DUPRE, DOWNER, AND GAUTREUX AND
SENATOR ROBICHAUX

AN ACT

To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1); to create an assessment district in Terrebonne Parish to fund the office of the assessor; and to provide for related matters.

HOUSE BILL NO. 970—
BY REPRESENTATIVE R. ALEXANDER

AN ACT

To amend and reenact R.S. 47:1925.1 and 1925.2(A)(1); to create an assessment district in Bienville Parish to fund the office of the assessor; and to provide for related matters.

HOUSE BILL NO. 1765 —
BY REPRESENTATIVES DAMICO AND DEWITT

AN ACT

To amend and reenact R.S. 30:2050.5, relative to the enforcement of final actions; to provide for the powers of the secretary of the Department of Environmental Quality; to delete certain powers and duties; and to provide for related matters.

HOUSE BILL NO. 1767—
BY REPRESENTATIVES DAMICO AND DEWITT

AN ACT

To amend and reenact R.S. 30:2050.20, relative to the record of decision; to provide for preparation of the record; and to provide for related matters.

HOUSE BILL NO. 1901—
BY REPRESENTATIVE BRUN

AN ACT

To amend and reenact R.S. 36:642(C)(1), 647(B), and 649(C) and (D), to enact R.S. 36:649(B), and to repeal R.S. 36:648(C) and 649(E), (F), and (G), all relative to the Department of Education; to provide relative to the offices within the department; to provide relative to the duties of the deputy superintendent for management and finance; to remove provisions requiring assistant superintendents to employ, appoint, remove, assign, and promote certain personnel; to provide for the purposes and functions of the offices of student and school performance, quality educators, and school and community support; to remove provisions relative to the purposes and functions of certain offices; and to provide for related matters.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Privileged Report of the Committee on Enrollment

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

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

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 22—
BY REPRESENTATIVE WINDHORST
A RESOLUTION

To adopt House Rule 6.6(A)(10) and (11) and (J)(5) of the Rules of Order of the House of Representatives to specify that matters relating to gambling, gaming, and wagering, with the exception of pari-mutuel wagering, and charitable gaming are within the subject matter jurisdiction of the Committee on Administration of Criminal Justice and shall be referred to the Committee on Administration of Criminal Justice and to specify matters relating to motor vehicle liability security law, motor vehicle insurance, and automobile insurance are within the subject matter jurisdiction of the Committee on Insurance and shall be referred to the Committee on Insurance.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

May 1, 1997

To the honorable Speaker and Members of the House of Representatives:

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

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 70—
BY REPRESENTATIVE DOWNER AND SENATOR EWING AND
COAUTHORED BY REPRESENTATIVES R. ALEXANDER, ANSARDI,
BARTON, BRUNEAU, DEVILLE, DIEZ, DIMOS, DUPRE, FLAVIN,
FORSTER, JOHNS, LEBLANC, MCCAIN, MCDONALD, MCMAINS,
MICHOT, PIERRE, SCALISE, JOHN SMITH, STELLY, TRICHE, AND
WIGGINS, AND SENATOR BAGNERIS
A CONCURRENT RESOLUTION

To amend and readopt Joint Rule No. 5 of the Joint Rules of the Senate and House of Representatives to provide for the procedure for passage of duplicate bills and to remove superseded provisions regarding introduction of bills after the fifteenth calendar day of a regular session.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Adjournment

On motion of Rep. Frith, at 7:00 P.M., the House agreed to adjourn until Friday, May 2, 1997, at 10:00 A.M.

The Speaker of the House declared the House adjourned until 10:00 A.M., Friday, May 2, 1997.

ALFRED W. SPEER
Clerk of the House

C. Wayne Hays
Journal Clerk, *Emeritus*

